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**TYRANNIES OF MAJORITIES: A CONCEPTUAL
REASSESSMENT**

A Democratization Theory Research Cluster Paper

ANDREAS SCHEDLER

433

December
2019

paper



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TYRANNIES OF MAJORITIES: A CONCEPTUAL REASSESSMENT

Andreas Schedler

**Kellogg Institute for International Studies
Working Paper # 433 – December 2019**

A Democratization Theory Research Cluster Paper

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Key words: majoritarian tyranny, democracy, minority rights, vital interests, democratic injustice, unfairness, horizontal accountability, demos accountability.

ABSTRACT

Since the invention of modern democracy, political theorists as well as practitioners have alerted us against the dangers of “majoritarian tyrannies,” whose substantive meaning, however, remains unclear and controversial. Many have also alerted us against the dangers of such alerts serving as rhetorical cover for antidemocratic elites. In this twin exercise of conceptual explication and reappraisal, I intend to both clarify the meaning and reevaluate the political role of the idea of majoritarian tyrannies. In the main part of the paper, I elucidate their internal structure and variance by discussing three logical presuppositions: (1) the performance of tyrannical acts, (2) the exclusive targeting of minorities, and (3) collective action by the majority. In the final part, I propose to revalue the concept as an instrument of horizontal accountability among citizens. Antipopulist rather than antidemocratic in nature, it allows the losers of majoritarian decisions to call their fellow citizens to account for the injustices they engender.

RESUMEN

Desde la invención de la democracia moderna, tanto filósofos como políticos nos han alertado sobre los peligros de “la tiranía de la mayoría.” El significado concreto del concepto, sin embargo, ha quedado borroso y controvertido y muchos lo rechazan como refugio retórico de élites antidemocráticas. El presente ejercicio de explicación y revaluación conceptual pretende clarificar el significado de “tiránías mayoritarias” y al mismo tiempo, revalorizar su papel político. Para comprender su estructura interna y su gran variedad, la parte principal del ensayo analiza sus tres presuposiciones lógicas: la realización de actos tiránicos, la victimización exclusiva de minorías y la acción colectiva de la mayoría. La parte final propone repensar el concepto como instrumento de rendición de cuentas “horizontal” entre ciudadanos. Lo concibe como una noción, no antidemocrática, sino antipopulista, que permite a los perdedores de decisiones mayoritarias que pidan cuentas a sus conciudadanos por las injusticias que generan.

INTRODUCTION

The “preoccupation with the rights and wrongs of majority rule has run like a red thread through American political thought since 1789” (Dahl 1956: 4). “Like a nagging tooth” (124), it has haunted democratic theory and practice alike, inside as well as outside the US. Again and again, political theorists have reflected on normative limits to majoritarian rule and political actors have denounced their practical transgression. “In a democracy,” we hear over and over again, “there is nothing more dangerous than the tyranny of the majority.”¹ The danger of “majoritarian oppression” is “the very thing that most threatens the existence of democracy” (Beahm 2002: 1).

Various recent trends and events have converged to produce a broad contemporary revival of concerns about the tyranny of the majority (TM), often with dramatic undertones. We may cite, for instance, the use of simple-majority referenda to decide vital political issues, such as political membership (the UK “Brexit” referendum),² war and peace (the Colombian 2016 peace referendum),³ and minority rights (referenda on same-sex marriage in various US states),⁴ the resurgence of fears during the ill-named Arab Spring that democratization in deeply religious societies might produce tyrannies of intolerant, pious majorities,⁵ and the stepwise subversion of democracy by illiberal heads of governments, such as Turkey’s Recep Tayyip Erdoğan and Hungary’s Viktor Orbán, who claim to enjoy majoritarian support by voters.⁶ In more general

¹ Fred Argy, “Beware Tyranny of the Majority,” *Australian Financial Review*, 3 April 1996.

² In the pointed words of a member of the business elite: “This is a tyranny of the majority. This is a train crash in slow motion” (cited in Patrick Hosking, “The Sound of Silence in Business over Brexit Has Become Deafening,” *The Times* [London], 13 November 2018). Among many others, see Oliver Wright, “Major: Tyranny of the Majority Must Not Set Brexit Terms,” *The Times*, 25 November 2016 (<https://www.thetimes.co.uk/article/major-tyranny-of-the-majority-must-not-set-brexit-terms-m3nl2svk5>), accessed 24 January 2019; and Max Fisher and Amanda Taub, “When More Democratic Isn’t More Democratic,” *New York Times*, 21 January 2019.

³ See, e.g., Felipe Botero Quintana, “Inquietudes que surgen después de un año funesto para la democracia,” *Sinestesia*, 10 December 2016 (<http://sinestesiaong.org/inquietudes-que-surgen-despues-de-un-ano-funesto-para-la-democracia/>), accessed 12 May 2017.

⁴ See, e.g., Paul Thornton, “Readers React: Gay marriage, Courts, and the ‘Tyranny of the Majority,’” *Los Angeles Times*, 10 October 2014 (<http://www.latimes.com/opinion/readersreact/la-le-1011-gay-marriage-lettersonletters-20141011-story.html>), accessed 13 May 2017.

⁵ In Egypt, claims of majoritarian tyranny served to justify the 2013 military coup against elected president Mohamed Morsi. See, e.g., Douglas Cohn and Eleanor Clift, “Egypt’s Tyranny of the Majority,” *Washington-Merry-Go-Round*, 3 July 2013 (<http://washingtonmerrygoround.com/egypts-tyranny-of-the-majority/>), accessed 24 January 2019.

⁶ See, e.g., Mathew Markman, “Tyranny of the Majority in Turkey,” *Huffington Post*, 9 August 2013 (http://www.huffingtonpost.com/mathew-markman/tyranny-of-the-majority-i_b_3411794.html), accessed 13 May 2017; Anne Applebaum, “Hungary Faces Tyranny of the Majority,” *National Post*, 3 January 2011 (<http://news.nationalpost.com/full-comment/anne-applebaum-hungary-faces-tyranny-of-the-majority>), accessed 13 May 2017; and Pap (2018: 56).

terms, numerous observers understand the recent resurgence of populism in old as well as new democracies as a reaffirmation of unbound majority rule.⁷

Majoritarian decisions are inseparable from democracy. Simple-majority rules embody the foundational democratic principle of equality. No other decision rule is superior in giving equal weight to citizens.⁸ Democratic majorities, however, do not wield absolute power. They must rule within bounds. Undisputedly, they must rule within procedural bounds that oblige them to preserve the institutions of democracy, including universal respect of basic rights and liberties. Plausibly, they must also rule within substantive bounds that oblige them to respect citizens' vital interests. Yet where exactly do those bounds lie? What exactly do they protect? Even when they seem consensual in principle, they are often contentious in practice. As I contend, public claims about "majoritarian tyranny" serve to discern, defend, and shift those boundaries. They are rhetorical instruments in democratic border disputes.

The notion of tyrannical majorities invites democratic suspicions. Historically, "minorities of wealth, status, and power" who distrust the wisdom of ordinary citizens and fear for their extraordinary privileges have used the concept as a "protective ideology" or a "convenient rationalization" (Dahl 1956: 30) for demanding anti-democratic veto powers.⁹ While admitting its potential for abuse, I propose to recognize the concept's potential for democratic self-protection, its value as an instrument of horizontal accountability among citizens ("demos accountability"). The language of majoritarian tyranny allows minorities who are affected by a democratic decision to ask their majoritarian co-citizens to revalue and reconsider it in the light of the burdens it imposes. Instead of conceiving such requests as anti-democratic, I propose to conceive them as anti-populist: they do not hold "the people" to be a virtuous entity of quasi-divine infallibility, but a potential agent of injustice.¹⁰

My democratic revaluation of public debates on majoritarian tyranny is grounded in an analysis of its conceptual architecture. Concepts are carriers of claims. When we use concepts,

⁷ Populism's "golden dream is to establish the tyranny of the majority" (Isabel Turrent, "Thinking about the New Regime," *CE Noticias Financieras* [English], 9 December 2018). See also, among many others, Galston (2018), Mounk (2018), and Slater (2013).

⁸ For a dissenting view, see López-Guerra (2014: Ch. 6.2).

⁹ Such suspicions, often well founded, continue to pervade contemporary debates on "the tyranny of the majority." One example from the US: "Deep thinkers at [a conservative foundation] are quoting one Erik Ritter von Kuehnelt-Leddihn, an Austrian political scientist who feared 'the tyranny of the majority' and viewed monarchy as the ideal form of government. King Donald the First. How does that grab you?" ("That Angry Left-Wing Mob? They're on the Ballot," *Vallejo Times-Herald* [California], 24 October 2018.)

¹⁰ On democracy and injustice, see, e.g., Dowding, Goodin, and Pateman (2004).

we commit ourselves to these claims; in these commitments lies their meaning.¹¹ It sounds preposterous, but it seems we have plucked the concept of majoritarian tyrannies from Alexis de Tocqueville (1835) and been using it for almost two centuries without “making it explicit” (Brandom 2000)—that is, without explicating the claims we commit ourselves to when we use it. In political practice as well as in political theory, we have been largely using the concept as if it were commonsensical, with little systematic reflection on its semantic structure and empirical preconditions. Yet, if the meaning of a concept remains opaque, how can we expect the ensuing debates to be transparent? If we care about both democracy and its limits, we need to know—to paraphrase Raymond Carver—what we talk about when we talk about the tyranny of the majority. In this essay, I attempt an answer. I wish to shift debates about majoritarian tyrannies by clarifying their conceptual coordinates and reevaluating their democratic significance. My ambition, of course, is not to close the debate, but to reopen it.

The grammatical structure or “story grammar” (Franzosi 2004) of “majoritarian tyranny” contains two categories of actors, perpetrators (the majority *M*) and victims (the minority *m*), and one category of actions: the performance of “tyrannical” acts. In short: *M* tyrannizes *m*. This simple semantic triplet of subject, action, and object involves three logical presuppositions which are built into the very idea of majoritarian tyrannies: (1) the performance of tyrannical acts, (2) the exclusive targeting of minorities, and (3) collective action by the majority.

In this paper, I discuss these three “logical presuppositions” which describe the essential empirical claims we accept whenever we use the concept of tyrannical majorities. As I argue, all three vary in strength. They are continuous, rather than dichotomous, which allows us to discern gradations of majoritarian tyranny. Tyrannical majorities may be more or less tyrannical, more or less insulated from the harmful consequences of their own acts, and more or less directly responsible for subjecting minorities to tyrannical policies. In combination, these three dimensions, which vary independently of each other, yield a nuanced variety of majoritarian tyrannies. They also structure public controversies in which claims of majoritarian tyranny serve as rhetorical instruments of “demos accountability.”

¹¹ See, e.g., Wittgenstein ([1952] 1968), Austin (1962), Searle (1969), Brandom (2000), (Schedler 2011).

TYRANNICAL ACTS

Though “[f]ew existing democracies [if any] are based on simple-majority rule” (Przeworski 2010: L 1918), democracy is closely associated, and even equated, with majoritarian decision-making. No superior decision rule exists for putting the democratic idea of self-government among equals into practice. All others end up empowering the few over the many (Ch. 2.4). Still, “no one has ever advocated, and no one except its enemies has ever defined democracy to mean, that a majority would or should do anything it felt an impulse to do ... every friendly definition of it [] includes the idea of restraints on majorities” (Dahl 1956: 36). Yet what are such restraints on majoritarian government?

Of course, all governments face *factual* restraints, such as the demographic structure of their society or the fluctuation of commodity prices on the world market. They are also likely to accept *prudential* restraints vis-à-vis powerful political and social actors who are capable of derailing their policies. The debate about majoritarian tyranny, however, concerns *normative* constraints on democratic governance. Rather than asking what democratic majorities cannot do or would not want to do, it asks what they should not do. Which are legitimate restraints on the power of democratic majorities?

The notion of “majoritarian tyranny” is meant to flag severe transgressions of such restraints. Scholarly debates on majoritarian tyrannies have typically tried to identify majoritarian transgressions that can plausibly be described as “tyrannical” (see, e.g., Dahl 1956, Beahm 2002). Here, by contrast, I do not wish to engage in “conceptual legislation” (Sartori 1984: 54 and 62–63) or “linguistic therapy” (Eco 1989) by separating legitimate from illegitimate applications of “majoritarian tyranny.” Instead, aiming more modestly at “conceptual elucidation” (Schaffer 2015), I wish to draw a conceptual map that allows us to locate the multifaceted meanings which the notion of “tyranny” carries in both academic and political debates of TM. Following the classic pragmatic insight that the “meaning of a word is its use in the language” (Wittgenstein [1952] 1968, § 43), I have striven to discern patterns of academic usage from a mixture of classic and contemporary theoretical literature. And, to identify varieties of common usage, I searched the LexisNexis Academic database of newspaper stories.¹²

¹² Scope of search: US and world news. Sources: newspapers. Search term: tyranny of the majority. Date of last search: 10 January 2019. Number of selected articles: 1568 (<https://academic.lexisnexis.eu/>). My reading of this material was explorative and selective. By the criterion of exhaustion, I quit reading after new examples stopped

As it turns out, the notion of majoritarian “tyrannies” spans a wide conceptual terrain. In both specialized and ordinary language, we can observe broad variation in the severity of anti-minoritarian acts which speakers designate as “tyrannical.” As I wish to propose, we can make sense of documented varieties of “majoritarian tyranny” by grouping them into four overlapping categories along a rough ordinal scale that runs from clear-cut and serious anti-democratic acts to more ambiguous and less severe offenses: (a) violations of basic rights, (b) violations of basic interests, (c) substantive unfairness (asymmetric violations of interests), and (d) procedural unfairness (unconsidered violations of interests). The first category of “majoritarian tyranny” derives from fundamental norms of liberal democracy, the three others from varying conceptions of justice.

Violations of Basic Rights

The clearest, paradigmatic instances of TM are those in which the majority deprives a minority of political rights and civil liberties that form an integral part of established notions of liberal democracy, such as active and passive suffrage rights; freedom of assembly, association, and speech; and religious freedom. Early on, during the founding decades of modern representative institutions, those political thinkers who warned against “the despotism of the majority” (Tocqueville 1835),¹³ were primarily worried about such majoritarian infringements of minority rights. When Alexander Hamilton highlighted the “importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part,” he warned of majoritarian threats against “the rights of the minority,” and in particular, its “civil rights” and “religious rights” (Madison, Hamilton, and Jay [1788] 1987: 312).¹⁴

Later conceptions of TM often retain the language of rights violations. Robert Dahl, for instance, defined tyranny as “every severe deprivation of natural rights” (1956: 7). Others refer more loosely to “any violation” of “the natural rights of minorities” (el-Gaili 2004: 509). Authors commonly translate the vague notion of “natural rights” into basic liberal-democratic rights, that is, rights which are either “integral to democracy” or “fundamental to equal protection” under

yielding fresh insights into concept usage. None of the quotes from the LexisNexis dataset includes weblinks. All are imbedded in footnotes.

¹³ “Chapter XV: Unlimited Power of Majority, and Its Consequences—Part II” (Tocqueville 1835).

¹⁴ Federalist No. 51.

democracy (Dahl 1956; see also Beahm 2002). Majorities may violate them in manifold ways: formal or informal, open or covert, direct or indirect, blunt or subtle.¹⁵

Violations of Basic Interests

Any consistent conception of democracy must include the obligation of current majorities to honor everyone's political rights and civil liberties—their own as well as those of current minorities. Yet do democratic majorities need to accept any restraints beyond such basic guarantees of liberal-democratic rights and liberties? Must they subject themselves to minimum procedural constraints only? Or must they accept substantive limits on policy making? Do they have a duty, not only to guarantee the classic liberal bundle of political rights and civil liberties, but to safeguard further “basic,” “vital,” or “essential” interests of minority groups?¹⁶

Majorities often have *prudential* reasons for respecting minority interests. If powerful minorities, such as land owners, entrepreneurs, media firms, labor unions, or the military, are likely to retaliate with all their might whenever a government considers hurting their material interests, democratic majorities have clear incentives to declare the subjective interests of these minorities to be sacrosanct. They have solid utilitarian reasons for accepting them as de facto veto players and putting their substantive “vital interests” beyond the reach of democratic majority decisions. But do they have *normative* reasons for doing so?

Many critics of “majoritarian tyrannies” offer affirmative answers, even when they differ in their conceptions of basic interests.¹⁷ Common notions of such essential interests tend to concern the spheres of (a) personal liberty, (b) material subsistence, or (c) cultural rights. Majorities can be said to transgress the boundaries of legitimate democratic decision-making

¹⁵ A contemporary example is the restrictions on freedom of expression that Pakistan's Islamic majority places on religious minorities. (See Syed Kamran Hashmi, “Tyranny of Majority,” *Daily Times*, 15 November 2018). In “competitive” or “electoral” autocracies, ruling minorities may deploy a wide “repertoire of institutional manipulation” to keep majorities at bay (see Levitsky and Way 2010, Schedler 2013, and Birch 2011). Democratic majorities may select items from the same repertoire to keep minorities at bay.

¹⁶ The dividing line between “basic rights” and “basic interests” is blurred, as the latter often serve define the former. Here, I understand “basic rights” as essential to liberal democracy and “basic interests” as derivative from its principles.

¹⁷ In comparative research on democratization, for instance, it is common sense to affirm that negotiated “transitions from authoritarian rule” can only take place when the powerful actors of the *ancien régime* come to believe that the prospective democratic regime will respect their fundamental interests. The *locus classicus* is O'Donnell and Schmitter (1986).

(and thus to act “tyrannically”) whenever they impose (by a common formula) “severe deprivations” on minorities in any of these three areas.

Infringing Personal Liberty

While civil liberties protect citizens against “vertical” oppression by the state, classic liberal thinkers were highly sensitive to the complementary need of protecting citizens against “horizontal” oppression by their fellow citizens. When John Stuart Mill, in his incisive essay *On Liberty* ([1859] 1974), discussed “the tyranny of the majority” as one of “the evils against which society requires to be on its guard” (62), he did not warn primarily about abusive governments, but about illiberal societies. He cautioned against the social pressures of conformity that “the despotism of custom” (136) and “the tyranny of opinion” (132) exert against irritating worldviews, eccentric life styles, or presumptive vices, like dissipation or alcoholism. Even within a framework of legally guaranteed civil liberties, the “social tyranny” (63) of intolerant, punitive majorities was liable to produce “gross usurpations upon the liberty of private life” (156).

The defense of specific realms of private liberty against majoritarian regulation often insists on their recognition as “individual rights,” as in contemporary debates on same-sex marriage,¹⁸ pious clothing,¹⁹ the construction of minarets,²⁰ or bans on the sale of sugary drinks.²¹ Almost invariably (albeit oftentimes implicitly), it invokes John Stuart Mill’s “simple principle” of liberty: “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant” (Mill ([1859] 1974: 68).

¹⁸ In US political and academic debate, referenda on same-sex marriage have turned into a paradigm of (potential) majoritarian tyranny. See, for example, Cox (2013), Lewis (2013), and Stone (2016). I add an illustrative quote from the LexisNexis news search: Democratic “majorities are often driven by irrational hatred of minorities who are simply different. ... When bigoted majorities amend state constitutions to prevent disliked minorities from entering into the same civil contracts the majority of citizens may, that’s tyranny of the majority” (Richard L. Franklin, “Constitution Should Protect Gays,” *Wisconsin State Journal* [Madison, Wisconsin], 6 July 2008).

¹⁹ In the words of one commentator, the French debate about the banning of head scarfs “is a debate about freedom of religious expression versus the tyranny of the majority. Even if 70% of French citizens want a secular state, the minority should have rights too. I am an atheist but I believe that enforced secularism is as bad as enforced religion. The essential principle of law in a non-authoritarian society is that nothing should be banned unless we can see that it causes harm. What harm is done by someone wearing a Hijab headscarf?” (Ivi Szaboova-Baxendale, “Minorities Must Be Protected,” *The Gloucester Citizen* [UK], 25 February 2004).

²⁰ Thomas W. Bechtler, “The Dangers of Majority Tyranny,” *open Democracy*, 2 March 2010 (<https://www.opendemocracy.net/thomas-w-bechtler/danger-of-majority-tyranny>), accessed 13 May 2017.

²¹ Beatriz Gietner, “With Students Like This, Who Needs the Nanny State?,” *The Times* (London), 30 October 2018

In his general treatise on political tyranny, James Fishkin (1979) conceives “tyranny” in a manner that is compatible with Mill’s principle of harm avoidance yet focuses more narrowly on the protection of citizens’ “essential interests” from “severe deprivation” by destructive public policies. Tyrannical policies disrupt and derail these interests, which he equates with citizens’ personal “life plans”; that is, the bundle of commitments and projects a person has freely “adopted over the course of a life” and which “may be taken as defining his interests—for they define his life” (29).

Fishkin’s reflections on tyranny extend from individuals to collectives. Not just individual citizens, but social groups, too, may suffer “decisive defeats” of their life plans in the hands of overpowering majorities. The conception of tyranny as the derailment of personal life plans is conservative, though, as it grants a normative privilege to the status quo. It justifies, for example, describing the UK Brexit referendum as an instance of majoritarian tyranny (since it derailed the life plans of many citizens and residents who had taken their rights as EU citizens for granted), while the inverse result—preserving the status quo of UK membership in the EU—would have not, by this standard, qualified as a plausible instance of TM.

Endangering Material Subsistence

Basic human needs of material subsistence (food, clothing, shelter, protection against illness and violence) should form part of any minimal conception of “vital interests.” When governments, by commission or omission, systematically deny their citizens the fulfilment of such primary necessities, even though they could do otherwise, they can be said to act in tyrannical ways.

Thus, when democratic majorities enact or authorize policies that keep minority groups in a permanent state of grave material deprivation, life-threatening illness, or endemic violence, or that push them into such states, they can be said to act in tyrannical ways. In accordance with this normative intuition, scholars have been employing the language of TM, for example, to describe local majorities of middle-class citizens in US states who vote against welfare entitlements for poor ethnic minorities (Cashin 1999), or Brazilian police forces who translate majoritarian fears of the “dangerous classes” into unrestrained use of deadly force against the poor (Ahnen 2003). More complicated cases involve majoritarian policies that carry more indirect, long-term, and possibly irreversible effects on the physical integrity of minorities, such as the failure to reduce environmental pollution that increases disease and mortality rates only in certain territories and populations.

Withdrawing Cultural Rights

Social rights, as conceived by Thomas H. Marshall in his seminal essay on *Citizenship and Social Class* ([1950] 1992), contain more than minimal guarantees of material wellbeing and risk reduction. They also involve access to the “components of a civilised and cultured life” (L 610), such as a decent education and the enjoyment of culture and the arts. In contemporary debates on cultural pluralism, the bundles of collective cultural rights which indigenous or immigrant minority groups should be entitled to claim from national majorities is open to passionate dispute.²² Yet, once democracies recognize certain bundles of cultural rights, be they minimal or expansive, individual or collective, severe deprivations are liable to be perceived (and denounced) as tyrannical acts.

Substantive Unfairness

By some conceptions of TM, a democratic majority can act in tyrannical ways, not only by violating certain types of minority rights and interests, but also by violating them in an asymmetrical manner: they injure the minority while sparing the majority. At their core, such substantive asymmetries in the distribution of rights and benefits are a matter of *unfairness*. Whether a given distribution of costs and benefits between majorities and minorities qualifies as tyrannical or not is a matter of justice. Again, we can cite Alexis de Tocqueville: “I hold it to be an impious and an execrable maxim that, politically speaking, a people has a right to do whatsoever it pleases ... The rights of every people are [] confined within the limits of what is just” (1835: 145).

Claims of TM as substantive unfairness differ widely in *the magnitude of perceived utility differentials between majorities and minorities*. The least demanding versions of such claims cover any redistributive measure that affects affluent minorities; the more demanding point to situations of severe, structural injustice in the relations between permanent majorities and minorities.

Redistribution

The softest forms of asymmetrical affectation are zero-sum redistributive policies that imply direct monetary transfers from a minority (m) to the majority (M). The costs c of the former equals the benefits b of the latter ($c_m = b_M$). More realistic conceptions of redistribution account

²² For a recent, nuanced contribution in the spirit of liberal multiculturalism, see Patten (2014).

for the administrative costs of taxation. If these enter the equation as a loss to the majority, the majority gains less from the inter-group transfer of income than the minority loses from it ($c_m > b_m$). Robert Fleck and Andrew Hanssen's definition of "tyrannizing policies" as "policy decisions that generate positive net benefits for the majority but negative net benefits for society as a whole" (2013: 305) seems to point to such situations of wasteful redistribution. From this perspective, the poor are not entitled to tax the rich, since any form of redistributive policy appears tyrannical.²³ Only Pareto-optimal policies that make no group worse off qualify as non-tyrannical.

Asymmetric Preferences

As long as we can measure and compare the relative costs and benefits of public policies in the impersonal currency of money, we can assess the magnitude of intergroup conflicts with relative ease. Yet, when symbols, emotions, and even divergent attitudes towards money and material goods enter the picture, the calculus of group interests turns subjective and thus more complicated. The problem of differing intensities of subjective preferences among groups has haunted the debate on TM. "What if the minority prefers its alternative much more passionately than the majority prefers the contrary alternative? Does the majority principle still make sense?" (Dahl 1956: 90).²⁴

In his careful discussion of varying distributions of preferences and preference intensities, Robert Dahl concluded that situations in which slight majorities with light policy preferences override passionate minorities may indeed constitute plausible instances of "Madison's implicit concept of tyranny" (1956: 99). However, Dahl also highlighted the fact that preference intensities are essentially elusive (see 99–100). They are unobservable and, moreover, amenable to strategic manipulation. Minority groups may engage in "intensity falsification" to extract policy concessions from majorities.²⁵

At times, the substantive concerns that motivate passionate accusations of TM look pretty petty to the decisive cultural majority. For example, denouncing majoritarian decisions that

²³ See also Jack M. Mintz, "Crazy Rich Taxation," *National Post* (Canada), 10 January 2019.

²⁴ Of course, the same question can be raised in situations of polarization, when opposing camps of roughly equal size are passionate about policy alternatives, as in the UK Brexit referendum.

²⁵ I am paraphrasing Timur Kuran's "preference falsification" (1995).

require the registration of sporting guns,²⁶ ban firearms from university campuses,²⁷ or outlaw fox hunting,²⁸ as acts of “majoritarian tyranny” strikes the unarmed observer as linguistic abuse. The defending majority may be forgiven for suspecting that the public stridency of such idiosyncratic grievances reflects a strategic magnification of preference intensities by calculating minorities.

Permanent Domination

Claims of “majoritarian tyranny” often do not rest upon assessments of costs, but assessments of power. Rather than highlighting the costs majoritarian policies impose on minorities, they stress the temporal dimension of majoritarian power: its permanence. When unchangeable and impenetrable majorities defeat structural minorities again and again, when they pursue self-interested, winner-take-all policies without exception or compromise, when they always play their favorite games among themselves and refuse “taking turns” (Guinier 1994), then minorities can be excused for reaching the conclusion that they face a paradigmatic instance of majoritarian tyranny.

The certain prospect of permanent defeat, Tocqueville (1835) feared, would lead minorities to abandon even the spirit of struggle. “[W]here the authority of the majority is so absolute and so irresistible [] a man must give up his rights as a citizen, and almost abjure his quality as a human being (150). Under conditions of majoritarian dominance, he warned,

you are henceforth an alien among your people. You may retain your civil rights, but they will be useless to you, for you will never be chosen by your fellow-citizens if you solicit their suffrages, and they will affect to scorn you if you solicit their esteem. You will remain among men, but you will be deprived of the rights of mankind. Your fellow-creatures will shun you like an impure being. (148)

²⁶ National “legislation based on a poll showing 60 percent of Canadians support gun control may be described as tyranny of the majority and certainly not democracy” (H. Rae Grinnell, “Tyranny of the Majority,” *The Ottawa Citizen*, 11 April 1995).

²⁷ On permissions to carry guns on US college campuses, “[a fellow letter-writer] states: regardless of what the majority of students, faculty, staff, regents or voters think ‘the right for concealed carry permit holders to bring guns onto university campuses should be protected from the tyranny of the majority’.” (Alan Cipriani, “More Guns on Campus Not the Answer,” *Daily Camera* [Boulder, Colorado], 24 June 2014).

²⁸ “The fox hunting debate has led to society in England and Wales becoming deeply divided, and the prediction that there will be civil disobedience on a massive scale is supported by political theorists, one of whom sums up ‘tyranny of the majority’ succinctly and eloquently in the following terms: ‘In deeply divided societies [], majority rule spells majority dictatorship and civil strife rather than democracy’” (Arfon Jones, “Your Letters: Ask the People,” *Daily Post* [North Wales], 21 December 2004).

Procedural Unfairness

All acts of “majoritarian tyranny” which I have discussed so far demand that democratic majorities commit or permit “serious” or “severe” (and at times recurrent and irreversible) violations of minority liberties, rights, or interests. Of course, all such majoritarian transgressions are matters of degree and create legitimate debates about where to draw the line between acts that merit being classified as “tyrannical” and those that do not. Only one category of TM does not require weighing the substantive severity of anti-minority policies, namely, majoritarian decisions that involve procedural, rather than substantive injustices against minorities.

Majorities signal that they do not care about an affected minority when they take their decisions “by sheer force of numbers,”²⁹ without listening to the minority, without taking its viewpoints into account, or without providing public reasons that justify their decisions (see also Beahm 2002: 243). Such inconsiderate majorities breach their procedural obligations of democratic “responsiveness” (Dahl 1971: 1–2; Pitkin 1967: 233). In the eyes of minorities who feel disregarded and disrespected, they reveal their tyrannical indifference with singular clarity when they fail to show consideration, not just towards grand historical demands of minority groups, but “even towards their petty demands.”³⁰

Conceptual Stretching

In its literal sense, the notion of “majoritarian tyranny” suggests that democratic majorities can act in a manner that turns democracy upside down. In modern political thought, after all, tyranny is understood to be the opposite of liberal democracy. Liberal democracy stands for equality, individual liberties, and popular control.³¹ Tyranny stands for hierarchy, oppression, and the monopolization of power. By common usage, a tyranny is a personal dictatorship, a “cruel and oppressive government [...] by one who has absolute power without legal right.”³² It evokes adjectives like “oppressive,” “violent,” and “cruel.”³³ Tyrannical power is unbound and

²⁹ Mike Large, “PTP Doesn't Result in a True Democracy,” *Times Colonist* (Victoria, British Columbia), 28 November 2018.

³⁰ “Tyranny of the Majority in J&K [Jammu and Kashmir], Jammu Victimized,” *Early Times* (India), 23 May 2011.

³¹ One synthetic *locus classicus* is Dahl (1971: 1–4).

³² “Tyranny,” *Oxford Dictionary of English*, ed. Angus Stevenson (Oxford, UK: Oxford University Press, 2010, 3rd ed.).

³³ “Tyranny,” Oxford English Dictionary (www.oed.com).

unaccountable. Defined as “the abuse of the state's coercive force in the absence of the rule of law,” it implies “the arbitrary treatment of citizens, if not the systematic use of terror.”³⁴

The concept of democratic majoritarian tyrannies thus engages in a game of contradictions. Lying on opposite poles of the continuum of political regimes, democracy and tyranny are mutually incompatible. One excludes the other. If tyranny in its literal sense involves oppression without legal restraints, it seems clear that liberal democracies can constitute true tyrannies against *non-citizens* either through exclusionary membership rules that ban groups of long-term residents from citizenry or through the authoritarian control of foreign territories and populations. Furthermore, it is hardly controversial (unless we conceive democracy as a system of justice by definition) that democratic majorities can enact unjust laws against minorities. They can commit tyrannical *acts* against them. But they cannot erect tyrannical *systems* in the full sense of the word without ceasing to be democratic.³⁵

Overall, empirical uses of “majoritarian tyranny” in either academic or ordinary political language cover a wide range of situations whose lowest common denominator is the commission of injustice by majorities against minorities. The underlying notions of injustice range from severe deprivations of fundamental rights to a simple disregard for idiosyncratic preferences. Commonly, they do not refer to systems of injustice, but to individual acts of injustice; and they do not describe tyrannical acts of despotism in a literal sense (arbitrary physical repression), but milder forms of injustice. In this sense, they usually involve some measure of polemical exaggeration or, more technically, some measure of “conceptual stretching” (Sartori 1970: 1034). They do not literally refer to the presence of a despotic regime but point to abuses of majority power that amount to less than full-fledged tyranny. With polemical overtones, they denounce oppressive structures and practices within a democratic regime.

Quite transparently, the hyperbole of denunciations of TM carries a purpose: minorities who suffer from the coercive power of a democratic state strive to get the attention of their majoritarian fellow citizens. We should understand their charges of “majoritarian tyranny” as productive provocations. They are pleas for attention which are not just *bound* to provoke defensive reactions by those they criticize; they are *meant* to do so. The public controversies they

³⁴ Andrew Reeve, “Tyranny,” *The Concise Oxford Dictionary of Politics*, ed. Ian McLean and Alistair McMillan (Oxford, UK: Oxford University Press, 2009).

³⁵ With its practices of rather spontaneous, majoritarian voting by non-deliberative crowds, the “democracy” of the ancients was more easily compatible with the orator-induced tyranny of irreflexive, volatile majorities.

spark serve the vital democratic purpose of tracing and policing the bounds of legitimate democratic politics. Democracy's constraints are neither self-evident nor self-enforcing. They demand vigorous public debate. Since the invention of modern democracy, the idea of majoritarian tyrannies has been serving as a conceptual vehicle to engage democratic majorities in such debate.

TYRANNICAL BOUNDRIES

The idea of tyrannical relationships presupposes a clear, binary distinction of roles between tyrants and subjects, that is, agents and targets of tyrannical treatment. In systems of personalized power, such as patriarchal families or personal dictatorships, these classic polar roles—of masters and slaves, commanders and servants, oppressors and oppressed—are easy to identify. In transparent hierarchies of power with unipersonal centers of command, there is little doubt about who is who and who does what to whom.

Yet, when tyrannical relations do not unfold between individuals, but social groups, as in majoritarian tyrannies, the neat separation of roles between tyrants and their subjects may turn uncertain, as it presupposes (a) that the boundaries between the tyrannical group and the victim group are clear and stable and (b) that the harmful consequences of tyrannical acts exclusively affect the latter, but not the former. When either their boundaries or the consequences of their acts are diffuse, collective tyrants easily turn into self-damaging tyrants who tyrannize themselves as they tyrannize others.

Clear and Stable Boundaries

Theorists of TM have primarily been concerned about *plural* democracies in which unchanging minorities suffer permanent defeat by unchanging majorities. In *homogeneous* societies, minorities may experience painful losses through majoritarian decisions. Yet they know that relations of power are contingent and fluid and that the losers of today can turn into the victors of tomorrow. In homogeneous societies, majoritarian tyrannies are more likely to be transitory and reversible. In heterogeneous societies, by contrast, they easily congeal into durable systems of domination. It is the latter which are commonly conceived as paradigmatic instances of TM (see, e.g., Dahl 1956: 30; Guinier 1994; Sunstein 2018: 67).

Prototypical cases of permanent “majoritarian tyrannies,” as in “ranked” systems of ethnic stratification (Horowitz 2000), involve a clear separation of roles between perpetrators (the majority) and victims (the minority). Above all, they involve “easily identifiable minorities” (Fleck and Hanssen 2013: 317) that possess dichotomous criteria of membership (you either belong or you don’t) and carry visible markers of membership (such as distinctive skin color, language, clothing, ornamentation, and hair design). Forming “discrete and insular minorities” (Cox 2013: 248), they are easily discerned and thus easily discriminated against.

For majoritarian tyranny to become institutionalized, it is not sufficient for group boundaries to be clear; in addition, they must be stable. Few social boundaries are entirely fixed and impenetrable, though. For instance, ethnic boundaries and regional identities may shift or dissolve through cultural change, migration, and intermarriage; religious boundaries through conversion or secularization; language boundaries through learning; class cleavages through economic development, redistribution, or social mobility; and ideological divisions through tidal changes in social mores and worldviews.

Therefore, to create, reinforce, and stabilize the boundaries between friends and foes, both majority and minority groups often engage in multiple forms of boundary politics. They regulate and police inter-group boundaries, for instance, by imposing strict rules of membership, demanding outward displays of group loyalty, banning conversion, and punishing contact across groups.³⁶ To the extent that hostile majorities or reclusive minorities “succeed” in erecting firm and solid walls between each other, they put into place the primary practical condition for establishing and entrenching majoritarian tyranny: the constitution of its protagonists.

Selective Oppression

Even when the distinction between majority and minority groups is clear-cut, aspiring tyrannical majorities still need to figure out how to hurt minorities without hurting themselves. Of course, they may hurt themselves in indirect ways. National minorities often make significant contributions to a nation’s economic prosperity, political pluralism, and cultural wealth. Punishing and discouraging them, pushing them to the margins or even out of society, is likely to impoverish everybody, not just the affected minority.

³⁶ On basic strategies of ethnic boundary management, for instance, see Wimmer (2008).

Yet tyrannical majorities may hurt themselves in more direct ways, too. Oppression tends to be expansive. It is hard to confine. Once a majority consents to depriving its co-citizens of their rights and liberties, it may be forfeiting its own rights and liberties. Once a government has begun to violate the political rights or civil liberties of a minority, it may face few obstacles to widen the circles of oppression beyond its initial target. For instance, when decent, law-abiding citizens authorize governments to disregard human rights in the fight against drug crime, how can they be sure not to bring down on themselves the brutal, lawless treatment the state is supposed to reserve for criminals? Revolutions have the habit of devouring their children. Majoritarian tyrannies can display similar autophagic tendencies.

Bounded vs. Diffuse Tyrannies

Variance in the sharpness of group boundaries and tyrannical tools produces variance in majoritarian tyrannies. Some only hurt the minorities they select for tyrannical treatment, while others hurt themselves in the process, too. In a simple, binary manner, we can speak of “bounded” tyrannies in which majorities tyrannize an insulated minority in surgical ways, so that they can reap all the fruits of tyranny and avoid all its burdens. By contrast, we can speak of “diffuse,” self-damaging tyrannies in which majorities tyrannize minority groups whose boundaries are open and fluid, or when the policy tools majorities employ fail to reliably discriminate between minority and majority victims.

Debates on majoritarian tyrannies commonly assume them to be bounded. In the real world, pure examples are hard to come by. In most cases, majoritarian tyrannies carry significant risks of harming their authors, at least in a partial, indirect, or long-term manner. Rather than empirical categories, “bounded” majoritarian tyrannies appear to be Weberian ideal types that possess only imperfect empirical referents. Diffuse majoritarian tyrannies seem to be the empirical norm, bounded tyrannies the exception.

TYRANNICAL AGENCY

Quite obviously, for a majoritarian group to tyrannize a minority, it must be able to act as a tyrant. That is to say, it must be able to act. It is not sufficient just to *be* a majority and to

recognize itself as such. Its members must develop joint preferences, and they must coordinate and constitute themselves as a collective actor.

Minimal Agency

Social groups, even if they possess strong collective identities and widely recognized demarcation lines towards others, are no actors. For majorities to build themselves into tyrants looming over their minoritarian co-citizens, they need to overcome the problems of coordination that are endemic to all social groups that wish to enter the political arena. First of all, though, their members need to develop and discover the ideas and interests that bind them together. They cannot be said to act as tyrants if others dictate their preferences. They can only do so under conditions of “free will,” that is, under conditions of liberty that allow them to form and express their preferences autonomously. Otherwise, they are subjects of power who want what their masters want, rather than tyrannical agents. They are puppets, rather than puppeteers.

As Robert Dahl stipulated in the opening pages of his seminal *Polyarchy*, for democracy to exist, citizens must enjoy “unimpaired opportunities” to “formulate their preferences” and to “signify their preferences to their fellow citizens and the government” (1971: 2). In analogous fashion, for majoritarian tyranny to arise, citizens must enjoy at least *minimal* opportunities to formulate and communicate their preferences. Arguably, these minimal conditions are only met in minimally democratic regimes. Authoritarian regimes inhibit both individual and collective agency. They distort and suppress the formation of individual as well as collective preferences; and they distort and suppress individual as well as collective action.³⁷ Accordingly, majorities cannot act in genuine tyrannies—neither as tyrants nor as non-tyrants. It is only *the conceptual reification of majorities as pre-political, pre-established unitary actors* that creates the illusion of them being able to act as sovereign rulers even under conditions of dictatorship (through authoritarian elites who present themselves as their faithful representatives, their perfect agents).

Surely, majorities may actively or passively support the oppression of minorities in authoritarian regimes. We may condemn such majoritarian backing of tyranny on moral grounds, but we should not confuse it with majoritarian tyranny. Under authoritarian conditions, the pro-regime preferences of the popular majority are likely to be heteronomous, induced by the regime itself; the same applies to people’s actions, which are often driven by fear. Besides, under the

³⁷ Two classic texts on “preference falsification” under authoritarianism are Havel (1985) and Kuran (1995).

conditions of opacity that reign in authoritarian regimes, we do not possess reliable information on either majoritarian preferences or majoritarian actions. What do majorities want and what do they do under dictatorship? To what extent do they support the regime, and to what extent do they collaborate in its repression of minorities? We usually do not know, except in episodic, unsystematic ways (see, e.g., Ahram and Goode 2016).

Tyrannies of majorities therefore can only emerge in democracies. In a tyrannical regime, there is no such thing as majority rule and thus no such thing as a “tyranny of the majority.” Autocracies are systems of minority rule. Autocrats may rule in a majority’s name, but majorities never rule themselves under authoritarianism, nor do they even act. Out of fear or conviction, a majority of subjects under dictatorship may be complicit in the active, everyday reproduction of their own oppression (see, e.g., Havel 1985 and Wedeen 1998). Yet, conceiving them as collective agents of domination misreads factual relations of power.

Debates about “majoritarian tyranny” in authoritarian regimes thus rest on false attributions of collective agency. For instance, “when you have elections without liberty,” you do not “end up with a tyranny of the majority,” as Thomas Friedman warns (citing Michael Mandelbaum),³⁸ but with a tyranny of the minority who self-empowered itself through unfree elections. Similarly, if a dictatorship fails to be egalitarian in its oppression and singles out a religious minority for discriminatory treatment, it does not exercise “religious majoritarianism” (el-Gaili 2004: 531) but uses religious appeals for authoritarian elite rule. The former situation may be classified as an instance of “electoral authoritarianism” (Schedler 2013), the latter as one of “ideological dictatorship” (Fritze 2008). Both deny majorities the requisite agency for subjecting minorities to tyrannical governance.

Graded Agency

Although it seems clear that majorities cannot act under dictatorship, it is not at all clear whether they can do so under democracy. In his careful and lucid incursion into the debate on majoritarian tyranny, Robert Dahl (1956) concluded that the relative powerlessness of majorities in day-to-day governance of modern representative democracies renders the idea essentially phantasmagorical: “If majorities in a democracy nearly always govern in the broad meaning of

³⁸ Thomas L. Friedman, “What’s Missing in Bagdad,” *New York Times*, 7 September 2007 (<http://www.nytimes.com/2007/09/09/opinion/09friedmancolumn.html>) (accessed 20 January 2019).

the term, they rarely rule ... majority rule is mostly a myth [and therefore] majority tyranny is mostly a myth too. For if the majority cannot rule, surely it cannot be tyrannical” (133).

No doubt, citizens do not govern in representative democracies, nor do permanent or transient majorities. Modern democracies are systems of domination whose subjects enjoy (as citizens) a broad set of powers that allows them, in theory if not always in practice, to hold rulers accountable. It does not allow them to rule. However, the fact that majorities do not hold cabinet positions or pass bills in legislative assemblies, does not deprive them of all agency and responsibility.

Political agency spans a wide continuum. The space between omnipotence and impotence is far from empty. The fact that majorities are not the most powerful agent in the everyday operation of a system does not mean they have no power at all. They do not run the government, but they can still perform a broad range of roles that allow them to tyrannize minorities. Along the continuum of political agency, in descending order of active participation and collective power, majorities can tyrannize minority groups in at least three broad ways: by (a) decision, (b) authorization, and (c) complicity.³⁹

Majoritarian Decision

Majorities usually do not decide upon specific issues, but in referenda, they do. In certain referenda, citizens are called upon to decide—by simple majority votes— issues that affect the vital interests or even the civil rights of distinct minority groups. Subjecting minority rights to direct majoritarian decision-making invariably raises the specter of majoritarian tyranny. In the US, state-level referenda on the acceptance of same-sex marriage, bans on affirmative action, and the codification of English as official language have accordingly been analyzed as potential instances of majoritarian tyranny (see Lewis 2013).

Majoritarian Authorization

In representative democracies, the central role of citizens is as voters. In that capacity, they cannot enact tyrannical policies, but they can authorize them. They can grant their authorization *ex ante*, when they support candidates who campaign on anti-minoritarian platforms. Or they can sanction them *ex post*, when they vote for elected officials who carried out tyrannical anti-minoritarian policies during their term in office. Voters who supported Jair Bolsonaro in the

³⁹ In a similar fashion, Beerbohm locates the political agency of individual citizens under representative democracy on a continuum of the roles that they play, from “coprincipals” to mere “accessories” of collective decisions (2012: Ch. 9).

2018 Brazilian presidential elections exemplify the former possibility; those who remained loyal to prime minister Viktor Orbán in the 2014 Hungarian parliamentary elections, after he had used his 2010 victory to steer the country towards exclusionary, illiberal governance, exemplify the latter.

Majoritarian Complicity

Majoritarian complicity comprises a broad range of loosely coordinated actions and inactions. It may demand active engagement or mere passivity and unfold in covert or public fashion, with or without formal backing. While weak actors often resort to hidden “everyday forms of resistance” (Scott 1985), members of dominant groups often engage, so to speak, in open “everyday forms of oppression,” including verbal or physical aggression. Their disciplining, exclusionary impetus need not be codified in law. A “social tyranny” (Mill [1859] 1974: 63) may be entirely informal, even illegal. Oftentimes, though, tyrannical mores and discriminatory laws are neatly aligned, nourishing and sustaining each other. The historical interplay between repressive laws against homosexuality and its social condemnation in the name of God and nature, as in postwar Britain, exemplifies the mutual reinforcement of legal and social tyranny (see, e.g., Smith, Bartlett, and King 2004). A contemporary example of passive majoritarian complicity embedded in law is the silent acquiescence which most US citizens have given to the institutionalized injustice of their country’s ethnically distorted system of mass incarceration (see, e.g., Alexander 2012).

Oppression of minorities by complicit majorities inevitably raises questions about the extent and the motives of participation by *individual members* of the majority group. How widespread is participation by majority members? How deep or shallow is it? How voluntary or coerced? To what extent do aggressions against outside groups meet with resistance from within the majority? We may suspect that majoritarian tyrannies often work like tyrannical matryoshka dolls. In the first layer, majorities tyrannize minorities inside nations; in the second layer, majorities tyrannize minorities inside majority groups.⁴⁰

⁴⁰ Such dynamics may also take place within subnational majorities. Acting in the name of regional majorities (who constitute minorities at the national level), armed secessionist groups may subject internal dissident minorities to violent control. On such practices of constituency control by the ETA in the Basque country and the IRA in Northern Ireland, see De la Calle and Sánchez-Cuenca (2006).

Abdication

In democracies, majorities of citizens have the power to tyrannize their fellow citizens. They also have the power to renounce that power. In extreme cases of diffuse or self-damaging TM, majorities consent to the destruction of democracy in their own name. Their tyranny over the losers of democratic elections leads to the end of democratic elections. We have seen such processes of majoritarian abdication unfold in contemporary cases of gradual democratic subversion by elected governments.

Since the 2008 global financial crisis, concerns about worldwide “democratic backsliding” have been spreading and deepening in academic, political, and diplomatic circles (see, e.g., Bermeo 2016, Diamond 2015, Waldner and Lust 2018). Though military and executive coups continue to slay democratic regimes (see Tansey 2017), the most frequent form of transition from democratic rule today unfolds as a “slow and at times opaque” (O’Donnell 1992: 19) “process of successive authoritarian advances” (33) in the hands of illiberal governments who command significant popular support. Prime examples of contemporary leaders who have orchestrated gradual transitions from electoral democracy to electoral authoritarianism are Russia’s Vladimir Putin, Venezuela’s Hugo Chávez, and Turkey’s Recep Tayyip Erdoğan.

Unlike military coups or executive takeovers, incremental processes of democratic subversion do not offer clear points of rupture. Rolled out in stepwise and opaque ways, they do not involve a single dramatic event that marks the breakdown of democracy and the inauguration of authoritarianism. As illiberal governments maintain the outward appearance of democratic institutional continuity, they provoke endemic controversy about how far they have traveled on the road from electoral democracy to electoral authoritarianism, whether they have already crossed the threshold between them, and if so, exactly when?

Controversy about the exact moment of regime change implies controversy over the exact role of citizens. Once and again, we have seen majorities (or at least pluralities) of voters supporting governments who have been, step by step, dismantling their democratic rights and liberties. But what were the precise points of majoritarian abdication? Which elections were the last minimally democratic ones in which voters still had a significant say and could have “thrown out the rascals”? At what point did the tyrannical majority cede its powers to the tyrannical minority that now rules in its name? Inevitably, conceiving processes of democratic subversion

as processes of “majoritarian abdication” turns debates about regime change into debates about citizen agency and responsibility for regime change. It also raises intriguing explanatory puzzles.

How is it that citizens consent to self-damaging policies? How can we explain the apparent irrationality of majorities that support the governmental destruction of democracy? What leads the people to empower a government to disempower the people? The set of logical explanations is limited. Either it is a problem of *values*, and citizens care more about things other than democracy, such as social justice, religious piety, or the national soul. Or it is a problem of *perceptions*, and citizens fail to see that democracy is being taken apart before their eyes. Or it is a matter of competing *conceptions* of democracy, and voters on both sides of the political divide picture themselves as saviors of democracy.⁴¹

Varieties of Tyranny

Given the concept’s inherent potential for polemical exaggeration, debates about TM have commonly revolved around the normative task of delimiting the variety of policies that can legitimately be described as tyrannical acts. By comparison, its other two constitutive dimensions—the degree of agency of tyrannical majorities and the degree of boundedness of majoritarian tyrannies—have received far less attention, if any at all. If we combine these two, we obtain six configurations of majoritarian tyranny. Table 1 maps these configurations and lists some rather self-explanatory empirical examples.

The table includes three instances of “bounded” majoritarian tyranny: the decisive majorities that defeat same-sex marriage in popular referenda (cell A), the consenting plurality of Hungarian voters who validated Viktor Orbán’s exclusionary nationalism in the 2014 and 2018 parliamentary elections (cell B),⁴² and the complicit majority of US citizens who acquiesce to the legal tyranny of ethnic mass incarceration in the US (cell C). It also lists three examples of “diffuse” majoritarian tyranny: the slim majority of UK citizens who in 2016 decided to leave the European Union (cell D), the plurality of voters who authorized Rodrigo Duterte’s campaign of extrajudicial executions against suspected drug criminals in the 2016 Philippine presidential

⁴¹ For valuable explorations of various explanations, see Foa and Mounk (2017), Svobik (2017), and Yildiz (2017).

⁴² Externally, Viktor Orbán’s ethnic nationalism targets potential immigrants. Domestically, it targets the Roma minority, though in a more subtle and indirect manner (see, e.g., Tremlett and Messing 2015).

election (cell E),⁴³ and the majority of Mexican citizens who acquiesce to organized criminal violence by private and state actors within the so-called drug war (cell F).⁴⁴

TABLE 1

VARIETIES OF MAJORITARIAN TYRANNY (WITH EXAMPLES)			
	<i>Decision</i>	<i>Authorization</i>	<i>Complicity</i>
<i>Bounded tyrannies</i>	A. Tyranny of decisive majorities	B. Tyranny of consenting majorities	C. Tyranny of silent majorities
	Referenda on same-sex marriage in US states	2014 and 2018 Hungarian parliamentary elections (reelection of Viktor Orbán)	US system of mass incarceration of ethnic minorities
<i>Diffuse tyrannies</i>	D. Self-damaging tyranny of decisive majorities	E. Self-damaging tyranny of consenting majorities	F. Self-damaging tyranny of silent majorities
	2016 UK referendum on EU membership (“Brexit”)	2016 Philippine presidential election (Rodrigo Duterte)	Citizen acquiescence to private and public criminal violence in Mexican drug war

DEMO ACCOUNTABILITY

Exercises in conceptual reconstruction commonly aim at circumscribing the meaning of a term, that is, its range of legitimate usage. Our review of the three continuous, constitutive dimensions of “majoritarian tyranny” has led to the opposite result: rather than narrowing its meaning, we have broadened it. Instead of carving out a precise set of acts and structures that deserve being described (and denounced) as “tyrannies of majorities,” our conceptual analysis yielded a complex configuration of majoritarian tyrannies which involve more or less tyrannical acts by more or less decisive majorities who are more or less able to insulate themselves from the injustices they commit.

⁴³ See, e.g., Thompson (2016).

⁴⁴ See, e.g., Olson (2012).

What is the use of such a broad, multifaceted concept? Historically, the notion of tyrannical majorities has been mobilized to demand restrictions on the power of democratic majorities, such as minority vetoes, divisions of power, and constitutional constraints (see, e.g., Przeworski 2010: Ch. 6). Often, alleged countermajoritarian remedies have been “democracy-eroding” in nature rather than “democracy-enhancing” (Alberts, Warshaw, and Weingast 2014). In post-conflict societies, fears of majoritarian domination have even been instrumental to creating “ethnocratic” systems of power sharing (see, e.g., Howard 2012). While recognizing that the notion of TM has frequently served to propel anti-democratic projects, I propose to reevaluate it as an instrument of democratic accountability.

Rather than conceiving of it as an *anti-democratic* instrument for disempowering democratic majorities, I propose to conceive of it as an *anti-populist* instrument for holding democratic majorities accountable. While populism portrays “the people” as a virtuous and undivided community subject to elite abuse (see, e.g., Mudde 2007: 23; Müller 2017), the vocabulary of majoritarian tyranny accepts the internal pluralism of the demos as well as the possibility that citizens themselves may act as agents of injustice. When they articulate charges of TM, the victims of democratic injustice demand to be heard.

Democracy, we often posit, involves accountability.⁴⁵ In democracies, citizens hold governments accountable. But who holds citizens accountable? We may understand the notion of “majoritarian tyranny” as a rhetorical resource for doing exactly that: for calling citizens to account for their actions and omissions that shape the fate of their fellow citizens. It is an instrument of “demos accountability” or citizen accountability in which the losers of democratic politics may challenge its winners—under the benign assumption of a common framework of democratic norms that allows a joint conversation about the legitimate exercise of democratic power.

In a democracy, the demos holds the “the ultimate controlling power” (Mill [1861] 1991: 97) over political decisions. Democratic citizens accept its power, but they need not accept it unquestioningly. Once a majority has taken its decision, the minority is obligated to comply with it, but under no obligation to accept its wisdom. Power comes with responsibility, and so does the power of the demos. Democracy is not just a system of vertical domination, but a system of horizontal relations among free and equal citizens “sharing the job of making political decisions”

⁴⁵ See, e.g., Diamond and Morlino (2004), Rosanvallon (2008), Schmitter and Karl (1991).

(Beerbohm 2012: 28). It involves mutual responsibility among citizens and thus demands mutual accountability among them.⁴⁶ Arguably, public debates about TM constitute such exercises of “horizontal accountability” among citizens.⁴⁷

At times, democrats treat majoritarian decisions as points of authoritative closure of public debate. Shut up, they say, in manners more or less elegant, the majority has spoken; we need to bow in silence to the popular will. As G. E. M. Anscombe noted once, in the United Kingdom, the heartland of majoritarian democracy, “it is not astonishing to hear of an apparently reasonable and well-disposed man who says: someone who is not prepared to accept a majority decision, or a law enacted by democratic processes [regardless of its content], ought to leave the society” (1976: 162, emphasis removed). We have been hearing echoes of such majoritarian impatience today after the 2016 Brexit referendum. Against the insistence on the final nature of majority decisions, complaints about “majoritarian tyranny” strive to prevent the closure of public debate.

Accountability involves answerability. It involves the obligation to respond to tough questions. When minorities raise public alerts about their “tyrannical” mistreatment, they ask their majoritarian fellow citizens to answer uncomfortable questions about the harmful consequences their decisions impose on others, their ensuing collective responsibilities in harming others, and the costs they unwillingly impose on themselves.

CONCLUSION

The notion of majoritarian tyranny is often suspected to be a rhetorical recourse by antidemocratic elites. In addition to explicating its conceptual architecture, this paper strives to revalue it as a democratic instrument of horizontal accountability among citizens. Rather than antidemocratic, majoritarian tyranny is antipopulist in its recognition of conflict and injustice within the citizenry. In modern democracies, we often ironize, the people have come to occupy the place of God. Popular sovereignty has replaced almighty divinity. Well, it hasn't. While God's infallibility leaves us with intricate problems of theodicy (how it is that a just God permits an unjust world), the people's fallibility leaves us with the possibility of calling it to account in

⁴⁶ Beerbohm describes democracy in very similar terms as “a system of shared liability” (2012).

⁴⁷ The notion of “horizontal accountability” was introduced by Guillermo O'Donnell (1994) as a rough synonym for constitutional checks and balances between branches of the state. Here, I am extending it from the realm of the state to the realm of civil society.

the public space. God may answer our prayers, but not our critical questions. The demos, by contrast, can be subject to tough questioning about the injustices it inflicts on its members. Public controversies on TM serve that vital purpose. What are legitimate restraints on the power of democratic majorities? The notion of “majoritarian tyrannies” does not provide an answer. Its role is to raise the question.

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