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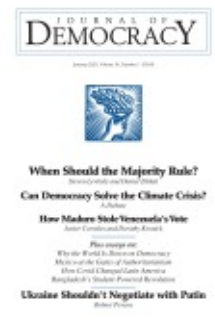
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Steven Levitsky, Daniel Ziblatt

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# WHEN SHOULD THE MAJORITY RULE?

*Steven Levitsky and Daniel Ziblatt*

**Steven Levitsky** is David Rockefeller Professor of Latin American Studies and professor of government and director of the David Rockefeller Center for Latin American Studies at Harvard University. **Daniel Ziblatt** is director of the Minda de Gunzburg Center for European Studies at Harvard University, where he is also Eaton Professor of Government. Together they are the authors of *Tyranny of the Minority* (2023) and *How Democracies Die* (2018).

When do limits on majorities enhance democratic rule, and when do they undermine it? Constraints on majorities are, of course, essential to modern democracy. Liberal democracy is not simply a system of majority rule: It combines majority rule and protection of minority rights. To prevent temporary majorities from depriving individuals of fundamental rights or legislating political minorities out of existence, democracies must ensure that some domains remain, in the words of U.S. Supreme Court justice Robert H. Jackson, “beyond the reach of majorities.”<sup>1</sup>

But constraints on electoral majorities also subvert democracy. In Thailand, an unelected Senate prevented the Move Forward Party from forming a government despite its landslide victory in the 2023 parliamentary elections; in Chile, appointed senators allowed conservatives to control the Senate in the 1990s even though Chileans elected center-left majorities; and in the United States, the Electoral College has allowed candidates who won fewer votes than their opponent to claim the presidency twice this century.

This essay offers a new framework for understanding the ambiguous relationship between countermajoritarianism and contemporary democracy. It draws a more precise distinction between countermajoritarian institutions that are essential to liberal democracy and those that are unnecessary for—and even subvert—it. Lumping all countermajoritarian institutions into the same category can lead us to preserve and prescribe outdated and undemocratic institutions that distort political competition

and may undermine democratic legitimacy. In short, we make the case for a robust but minimalist countermajoritarianism.

## Conceptualizing Countermajoritarian Institutions

Countermajoritarian institutions are those that limit the power of electoral majorities, usually to protect the rights or interests of minorities.<sup>2</sup> This definition encompasses a wide array of contemporary institutions. They include:

- Constitutional protection of civil liberties and property rights
- Unelected judiciaries
- Constitutional or supreme courts with constitutional review power
- Indirect election of public officials
- Fully or partially unelected legislative bodies
- Bicameralism with staggered elections
- Unelected bodies with independent policymaking authority (such as independent central banks)
- Unelected authorities with veto power over government policy (for example, militaries and monarchies)
- Territorial (as opposed to population-based) representation in legislatures
- Federalism
- Supermajority rules for regular legislation
- Supermajority rules for constitutional amendment
- Constitutionally protected status for certain (ethnic or religious) minority groups
- Legislative or cabinet quotas for ethnic or religious minorities.

Most countermajoritarian institutions protect “the rights and interests of minorities.”<sup>3</sup> But *which* minorities? There is much variation. Some countermajoritarian institutions, such as the U.S. Bill of Rights, protect the rights of *individuals*. Others, often found in consociational systems, protect the rights of minority ethnic, linguistic, or religious *groups*. Supermajority rules for legislation (for example, the U.S. Senate filibuster) protect the interests—though arguably not the rights—of *legislative minorities*. Federalism shields the interests of *local majorities* from the will of national majorities. Legislative representation based on territory rather than population protects the interests of *individuals in rural areas*. Finally, some countermajoritarian institutions protect the interests of minority actors with considerable de facto power, such as militaries, monarchies, or religious authorities.<sup>4</sup>

These distinctions matter, because some minority protections are more essential—or antithetical—to liberal democracy than others. There is a broad consensus, for example, that individual rights such as civil liberties must always be protected. By contrast, the value of protecting, say, agricultural interests or legislative minorities is subject to diverging views, while institutions that grant veto authority to unelected actors such as monarchies or the armed forces are now widely viewed as inappropriate and even democratically illegitimate.

It is important, therefore, to attend to *which* minority rights or interests are protected by a given institution. Although countermajoritarian rules are often said to protect the rights of vulnerable minorities, many of them do not. Indeed, as Melissa Schwartzberg observes, the beneficiaries of countermajoritarianism have often been powerful actors, such as slaveholders—and later the defenders of Jim Crow—in the U.S. South.<sup>5</sup>

The fact that countermajoritarian institutions often protect the interests of powerful actors should not surprise us. Many of them emerge out of transitions from oligarchic or authoritarian regimes in which outgoing regimes elites and other powerful actors seek “political insurance” against the uncertainties of electoral rule.<sup>6</sup> As Michael Albertus and Victor Menaldo have shown, most of the world’s democratic constitutions are designed, at least in part, by “powerful outgoing authoritarian regimes whose interests are often diametrically opposed to those of future voters.”<sup>7</sup> This is most obviously the case in what Terry Karl has called “imposed transition,” in which still-powerful authoritarian elites are able to design enduring institutional protections.<sup>8</sup> For example, the Pinochet government in Chile imposed a vast array of protections against majorities (many of which were enshrined in the 1980 Constitution), including a highly malapportioned Senate that included nine senators appointed by the outgoing regime, an autonomous central bank, military control over its own budget and internal affairs, a military amnesty, and a guaranteed floor for military spending. More recently in Thailand, the military regime imposed a constitution that included far-reaching protections for the monarchy and the military, including a military-appointed Senate.

In other cases, countermajoritarian institutions emerge out of negotiated pacts, either between outgoing authoritarian elites and opposition forces (Poland, South Africa) or among various actors involved in a regime’s founding (the United States, India).<sup>9</sup> In these cases, powerful elites who can credibly threaten to derail a transition negotiate countermajoritarian protections in exchange for accepting democratic rule. Some of these protections are designed to be temporary, as in the case of minority-party cabinet representation in postapartheid South Africa; some are eliminated as power distributions shift and *ancien régime* elites pass from the scene, as happened with appointed senators and military autonomy in Chile; but some are entrenched in constitutions and become permanent features of a regime, including the U.S. Senate

and Electoral College, even though the interests they were initially designed to protect have largely disappeared.

### Indispensable or Indefensible?

Given that many countermajoritarian institutions are either legacies of a predemocratic era or transitional concessions to outgoing authoritarian elites, it is worth asking how vital they are for democracies in the contemporary era. Some countermajoritarian institutions are indeed indispensable. Democracies must protect certain individual rights (freedom of speech, press, association, conscience; the right to vote; equality before the law) from the whims of temporary majorities. If liberal rights are not roped off from electoral or legislative majorities, democracy cannot survive. As Justice Jackson aptly put it in his *West Virginia Board of Education v. Barnette* (1943) opinion, “The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them *beyond the reach of majorities*” (italics added).

However, not all institutions designed to limit the reach of majorities are equally necessary for (or supportive of) democracy. It is important to distinguish between *democracy-enhancing* countermajoritarian institutions, or those that are clearly necessary to sustain liberal democracy, and *democracy-subverting* countermajoritarian institutions, or those that undermine competition by granting political minorities unfair advantages.<sup>10</sup> To understand this distinction, consider a simple sports analogy: In a professional soccer match, rules that ensure fair competition or protect players by banning dangerous play are essential. But rules that allow one team to field more players, begin the game with a goal advantage, or claim victory despite scoring fewer goals would be patently unfair.

Upon what bases can we distinguish democracy-enhancing institutions from democracy-subverting ones? We contend that two domains *must always* remain beyond the reach of majorities in a democracy. The first is individual liberties. This domain includes basic civil and political rights such as the right to vote, freedom of speech, press, association, assembly, and conscience, and equality before the law. In liberal societies, it has also come to include a range of other areas where societies increasingly agree that individual life choices should be free from the interference of elected governments or legislative majorities. For example, there is a consensus in most Western democracies that elected governments should not have the authority to regulate our religious practices, determine what may be taught in universities, what books we may read, or movies we may watch, decide the gender of our marriage partners, or interfere with our bodily autonomy.

The scope of individual rights requiring protection will always be a matter of some dispute, and it will inevitably evolve over time. Never-

theless, there clearly exists a broad range of individual liberties that, in the words of Justice Jackson, “may not be submitted to vote; they depend on the outcome of no elections.”<sup>11</sup> It is essential, therefore, that basic civil liberties be enshrined in constitutions and protected by independent judiciaries, usually with some constitutional review authority. Because liberal democracy cannot exist if individual civil liberties are not broadly protected, such countermajoritarian institutions should be considered democracy-enhancing.

A second domain that must be roped off from temporary majorities is the democratic process itself. Elected governments must not be able to use temporary electoral or legislative majorities to entrench themselves in power by changing the rules of the game in ways that weaken their opponents or undermine fair competition. This is the specter of majority tyranny: the possibility that a popularly elected government will use its majorities, in parliament or at the ballot box, to vote the opposition—and democracy—out of existence.

This is what happened in postcolonial Tanzania, where the Tanganyika African National Union, which led the struggle for independence, used its overwhelming parliamentary majority to rewrite the constitution and establish single-party rule. In Argentina, populist leader Juan Perón legitimately won the 1946 presidential election, and his Labor Party captured 109 of 158 seats in Congress. But that majority was quickly turned to antidemocratic ends. The Peronist-dominated Congress impeached three of five Supreme Court justices, allowing Perón to pack the Court. Two years later, Congress passed the Law of Disrespect, making it illegal to “disrespect” the government and thereby effectively criminalizing opposition (opposition leader Ricardo Balbín was soon jailed under the new law). By the time Perón was reelected on an uneven playing field in 1951, democracy was dead.

More recently, Hugo Chávez used overwhelming majorities in a plebiscite and an elected constituent assembly to rewrite Venezuela’s constitution, which enabled him to concentrate power and tilt the playing field against the opposition; likewise, Hungary’s Fidesz took advantage of the parliamentary supermajority it won in 2010 to impose a new constitution, pack the Constitutional Court, gerrymander elections, and rewrite campaign and media laws to disadvantage opponents; and in Israel, which has no written constitution, the Netanyahu government attempted to use a simple parliamentary majority to impose reforms curtailing judicial independence in 2023.<sup>12</sup>

It is essential, then, to protect the democratic process from majorities that would subvert it. Here countermajoritarian institutions are again democracy-enhancing. Basic democratic rights and procedures should be enshrined in constitutions with relatively high barriers to reform—for example, a two-thirds supermajority in a bicameral legislature or two successive parliaments. They should also be protected by courts with the

authority to block unconstitutional initiatives adopted by elected governments, legislative majorities, or via referendum.

Not all constraints on majorities are essential to democracy, however. Indeed, just as some domains must be placed beyond the reach of majorities, other domains must remain *within the reach* of majorities. In a democracy, two domains should always remain within the reach of majorities: elections and legislative decisionmaking. First, electoral majorities should govern. Candidates (in presidential systems) and parties and coalitions (in parliamentary systems) that win the most votes should win elections, and those who win elections should govern. There is no theory of liberal democracy that justifies any other outcome. If candidates or parties can win power against the will of electoral majorities, democracy loses its meaning.

Unelected legislative bodies such as the Thai Senate are unambiguously democracy-subverting. Opposition parties won an overwhelming majority in Thailand's 2023 parliamentary elections. The most staunchly prodemocratic opposition party, the Move Forward Party (MFP), finished first, with 38 percent of the vote and 151 of 500 seats in the elected House of Representatives. The MFP forged an eight-party coalition representing 312 of 500 seats in Parliament, which should have been sufficient to elect MFP leader Pita Limjaroenrat prime minister. But because 250 military-appointed senators also voted, Pita and the MFP were defeated and a coalition government that included promilitary parties took office. Chile's post-Pinochet constitution, which stipulated that nine out of 48 senators be appointed by the outgoing authoritarian regime, was also democracy-subverting. In the first election held after Chile's 1989 democratic transition, the center-left Concertación coalition won 55 percent of the vote and 22 of 39 elected seats in the Senate, but the nine appointed senators gave Pinochet's conservative allies a majority.

Indirect systems of election that distort the popular vote, allowing those with fewer votes to win power, such as the U.S. Electoral College, should also be considered democracy-subverting. So, too, should legislatures that overrepresent sparsely populated territories—for example, the Republican Party has often won control of the U.S. Senate (each state has two senators) in the twenty-first century, despite losing the popular vote.<sup>13</sup>

A second domain that must remain within the reach of majorities is legislation. Legislative majorities should be able to pass regular laws, provided, of course, that such laws do not violate civil liberties or undermine the democratic process. Thus, supermajority rules that allow partisan minorities to permanently block regular legislation backed by majorities—such as the U.S. Senate filibuster—should be considered democracy-subverting.<sup>14</sup> Supermajority rules provide legislative minorities with a powerful weapon: a minority veto. Such a veto could be justified if it protected fundamental rights or the democratic process itself,<sup>15</sup> but in the case of the U.S. Senate filibuster, it is routinely used to defend

the interests of legislative minorities. Although supermajority rules may, under some conditions, encourage compromise and consensus-building, they come with a steep price: They empower partisan minorities at the expense of majorities, which limits, rather than protects, democracy.

Another mechanism that can subvert legislative majorities is excessive judicial review. When courts strike down (often on debatable constitutional grounds) regular legislation that does not threaten basic rights or the democratic process, they place a core democratic function—lawmaking—beyond the reach of majorities. This was arguably the case, for example, when the U.S. Supreme Court struck down state and federal laws regulating child labor, working hours, and wages in the early twentieth century. Today, Brazil's Supreme Court frequently strikes down or modifies laws that in most democracies would be considered the domain of the elected Congress.

In sum, countermajoritarian institutions are democracy-enhancing when they protect fundamental rights and liberties or the democratic process itself. They are democracy-subverting when they prevent electoral majorities from winning power and block legislative majorities from regular lawmaking. Whereas the former institutions are indispensable to liberal democracy, the latter ones are, from a democratic standpoint, far more difficult to defend.

## Countermajoritarianism and Democratic Stability

Defenders of democracy-subverting countermajoritarian institutions argue that although they may seem undesirable from a normative standpoint, they are nevertheless essential to democratic *survival*.<sup>16</sup> Measures to protect the interests of powerful minorities are often critical to the success of democratic transitions. By preserving the vital interests of authoritarian incumbents and their allies, undemocratic arrangements can lower the stakes for authoritarian elites by reducing the risks and costs of leaving power.<sup>17</sup> These arrangements include guaranteed quotas of power for outgoing regime elites (Poland, South Africa) and military autonomy (Chile), as well as commitments to avoid the expropriation of wealth redistribution, and the adoption of electoral rules designed to “help” allies of the outgoing regime succeed in democratic politics.

Some scholars, however, contend that the centrality of countermajoritarian protections—even democracy-subverting ones—extends beyond transitions. According to Barry Weingast, there is an inevitable trade-off between majoritarianism and long-run democratic stability. “Unfettered democracy,” he argues, raises the stakes of politics by enabling the adoption of policies that threaten the vital interests of powerful minorities. Higher stakes increase the risk or cost of losing elections, which can lead powerful minorities to revolt against democracy, often killing it. As an example, Weingast points to the case of Chile, where landown-



ers' "feared for their property and wealth" under the elected socialist government of Salvador Allende led them to support the 1973 military coup. For Weingast then, stable democracy requires countermajoritarian

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***As Seymour Martin Lipset, Carles Boix, and others argue, lower levels of inequality tend to dampen elite fear of the poor and limit the growth of radical or antisystem movements that threaten economic elites.***

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"restrictions" that lower the stakes of politics and protect the interests of those with the power to destroy it. "All successful long-term democracies," he writes, "place significant constraints on democracy."<sup>18</sup>

But this claim begs some important questions. Where, exactly, is the threshold beyond which majoritarianism imperils democracy? Which countermajoritarian institutions, specifically, are necessary to preserve it? And crucially, how essential are *democracy-subverting*

countermajoritarian institutions to democratic stability? Weingast treats them as essential, citing the United States and post-Pinochet Chile—two of the world's most countermajoritarian democracies—as successful cases. He rejects claims by democratic theorists such as Robert Dahl that some of the U.S. constitution's most undemocratic elements could be eliminated without risk to democratic stability.<sup>19</sup> In effect, then, he argues that *any* change to the countermajoritarian status quo in the United States would threaten democratic stability.

Looking at the evidence, however, the trade-off between countermajoritarianism and democratic stability appears less stark than Weingast suggests. Throughout the history of modern democracy, conservative forces have warned of the perils of reforms that would create more inclusionary or majoritarian political systems. In Great Britain, for example, partial steps toward universal suffrage in 1832 and 1867 met dire warnings of political, economic, and even civilizational collapse. During the debate over the Second Reform Act (1867), which extended suffrage to the middle classes, Liberal parliamentarian Robert Lowe declared that if suffrage were expanded, "institutions which have secured for England an amount of happiness and prosperity which no country has ever reached, or is ever likely to attain" would be "sacrificed at the shrine of revolutionary passion." Another opponent of suffrage expansion, Thomas Macaulay, wrote that "purely democratic" institutions such as universal suffrage "must, sooner or later, destroy liberty, or civilization, or both."<sup>20</sup> In early twentieth-century Germany, conservatives who opposed eliminating Prussia's tiered voting system (which effectively gave wealthy people more votes) claimed that equal suffrage would bring "rule by the undifferentiated masses" and "terror without end. . . . It would be worse than a lost war."<sup>21</sup>

Efforts to reform unelected upper chambers of Parliament triggered similar reactions. During the debate over the 1911 Parliament Act, which stripped the unelected House of Lords of its veto power over legislation, Lord Lansdowne predicted that the reform would inflict “irreparable injury upon our most cherished institutions. The Crown is not safe, the Constitution is not safe, the Union is not safe, the Church is not safe, our political liberties are not safe—literally no institution . . . [will be] beyond the reach of [the] majority.”<sup>22</sup> Such statements exemplify what Albert Hirschman called the “jeopardy thesis”: claims that any “proposed change, though perhaps desirable in itself, involves unacceptable costs or consequences of one sort or another.”<sup>23</sup>

But in democracies across Europe, major inclusionary reforms did not undermine regime stability. Universal suffrage, once considered a serious threat to liberty and prosperity, became a defining feature of modern democracy. The democratization of upper chambers also became the norm. British democracy survived the weakening of the House of Lords. New Zealand eliminated its House of Lords-like body, the Legislative Council, in 1950; Denmark, its upper chamber in 1953; Sweden, its indirectly elected Senate in 1970; and Norway, its upper house (Lagting) in 2009. Austria and Germany retained their upper chambers but made them more proportional to state populations.

Most twentieth-century democracies also eliminated filibuster-like mechanisms and other supermajority rules for passing legislation. Australia, Canada, France, and Great Britain adopted cloture rules allowing simple majorities to end parliamentary debate, thereby eliminating the possibility of minority vetoes. Finland’s Parliament abolished its filibuster-like mechanism in 1992. Finally, nearly all presidential democracies replaced electoral colleges and other forms of indirect election with direct presidential elections during the twentieth century. In 1994, Argentina became the last presidential democracy outside the United States to abolish its electoral college.

Norway is an illustrative case of incremental democratization over time. When it gained full independence from Sweden in 1905, Norway’s political system contained a wide array of democracy-subverting counter-majoritarian institutions, including limited suffrage, indirect parliamentary elections (via regional electoral colleges), an upper chamber of Parliament that was indirectly elected by the lower house, and the so-called Peasant Clause, which overrepresented rural areas in Parliament.<sup>24</sup> These institutions were gradually dismantled over the course of the next century. Norwegians began directly electing Parliament in 1906, established universal suffrage in 1913, eliminated the Peasant Clause in 1952, and abolished their upper chamber in 2009. Today, Norway is among the world’s most majoritarian democracies. And yet it remains stable.

Norway is not alone. Denmark, Finland, New Zealand, and Sweden are, together with Norway, among the most majoritarian democracies

in the world. All five countries possess unitary states and directly elect unicameral parliaments, and all five are stable and highly democratic. On Freedom House's Global Freedom Index, which scores all countries

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from a low of 0 (least democratic) to a high of 100 (most democratic), Denmark (97 of 100), Norway (98 of 100), New Zealand (99), Sweden (99), and Finland (100) received the highest scores in the world in 2024.<sup>25</sup>

In these and other European democracies, strong constitutional protections for civil liberties, independent judiciaries, and relatively high barriers to constitutional reform, together with parliamentary systems and proportional-representation (PR) or mixed PR-plurality electoral systems, appear to be sufficient constraints on majority rule.

This suggests that the threshold beyond which majoritarian democracies grow prone to tyranny or breakdown is higher than Weingast implies, and that democracy-subverting countermajoritarian constraints may be less essential than many scholars believe.

One reason why excessive countermajoritarianism may be less necessary for democratic stability than scholars once thought is that there exist other ways to reduce the stakes of politics. One is strong conservative parties. As Daniel Ziblatt has shown,<sup>26</sup> well-organized, electorally viable conservative parties lower the stakes of politics for wealthy elites by enabling them to defend their interests within the democratic system. Where conservative parties routinely win elections, as in Great Britain, wealthy elites have less to fear under democracy. They can therefore protect their vital interests without the aid of democracy-subverting countermajoritarian institutions.

A second factor that lowers the stakes of politics is low levels of socioeconomic inequality. As Seymour Martin Lipset, Charles Boix, and others argue, lower levels of inequality tend to dampen elite fear of the poor and limit the growth of radical or antisystem movements that threaten economic elites.<sup>27</sup> Thus the development of generous welfare states in postwar Europe reduced inequality, eased class conflict, and transformed once-radical socialist movements into social-democratic parties that worked within the democratic capitalist order.<sup>28</sup> This may help to explain why postwar European democracies—some of them quite majoritarian—have not experienced the kind of destabilizing high-stakes politics described by Weingast.

A third factor that lowers the stakes of politics is capital mobil-

ity.<sup>29</sup> When economic elites can easily move their capital out of the country in response to redistributive policies, they have a safety valve that makes democracy less threatening. A scenario like that of Chile—in which landowners and industrialists, fearing expropriation, back a military coup—becomes less likely when economic elites have easier exit options. Globalization, of course, imposes its own constraints on governments, with real consequences for democracy. Yet it clearly lowered the stakes of politics in wealthy mid-to-late-twentieth-century democracies, reducing the need for excessively countermajoritarian constraints.

The complexities of advanced political economies also lower the stakes of politics. Advanced democratic capitalism gave rise to far greater interdependence and coordination among economic and social actors.<sup>30</sup> The costs of disruption favored incremental and consensus-based policymaking, reducing the likelihood of radical policy shifts that might threaten economic elites. Moreover, according to Torben Iversen and David Soskice, advanced capitalist democracies with robust welfare states are sustained by majorities—skilled workers and aspirational voters—who view themselves as beneficiaries of the system, which should limit the space for radical antisystem forces.<sup>31</sup> Indeed, far-right populist forces have never represented more than about 30 percent of the electorate in twenty-first-century Western Europe.

Finally, advanced capitalism has created a vast array of cross-cutting identities and interests that dampens the kind of polarizing class-based cleavages that undermined democracies in the early and mid-twentieth century. Polarization has not disappeared; indeed, it may have been accentuated by new media and communications technologies in the twenty-first century. To date, however, advanced capitalist democracies have not experienced the kind of threatening, high-stakes polarization that destroyed regimes in interwar Europe or Cold War Latin America.

It appears, then, that societal changes generated by economic development—such as robust welfare states, capital mobility, and cross-cutting societal cleavages—lower the stakes of democratic politics, and thus raise the threshold at which majoritarianism imperils democracy. These changes may explain why many democracies could weaken or dismantle democracy-subverting countermajoritarian institutions without experiencing the trade-offs suggested by Weingast.

## The Problem of False Majorities

If the trade-off between countermajoritarianism and democracy is less steep than we believed, then scholars and practitioners should think hard about the costs of democracy-subverting institutions. One such institution, we argue, is plurality electoral systems, which frequently distort—and sometimes thwart—voting majorities.

The two most commonly used methods for translating votes into legislative seats are the plurality (or first-past-the-post) system, in which voters in each district elect a single candidate, and the winner is simply the candidate who wins the most votes; and the PR system, in which voters cast ballots in multimember districts and candidates are elected in proportion to their parties' share of the vote. Although plurality systems are often described as "majoritarian," scholars such as Arend Lijphart (and before him, John Stuart Mill) have cogently argued that PR systems are, in fact, far more likely to generate governments that reflect the majority of voters.<sup>32</sup> This is especially true in parliamentary democracies.

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*Although special protections for powerful minorities may have helped to secure the historical passage to democracy, today the healthiest democracies empower majorities.*

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In plurality systems, by contrast, there is frequently a yawning gap between votes and seats. The result is often false or "manufactured majorities," in which parties that win only a narrow plurality of the vote nevertheless capture large parliamentary majorities.<sup>33</sup> In India, for example, Narendra Modi's Bharatiya Janata Party won only 31 percent of the vote in 2014 and yet swept to power with a dominant parliamentary majority. In fact, under plurality rules, it is possible for parties that win fewer overall votes to capture the government. In Canada in 2021, for example, the Liberal Party won fewer votes but many more seats than the Conservatives, which allowed the Liberals to reelect Justin Trudeau as prime minister.

Beyond violating basic principles of electoral fairness, plurality systems face an emerging vulnerability in the contemporary era: the potential for magnifying the power of authoritarian ethnonationalist parties. Far-right or ethnonationalist parties have made dramatic electoral gains in most established Western democracies in the twenty-first century. Parties such as Alternative for Germany (AfD), the National Rally in France, the Sweden Democrats, the Austrian Freedom Party, Brothers of Italy, Vox in Spain, and the Trump-led Republican Party in the United States, espouse nativist, and often illiberal, ideas.<sup>34</sup> Some of the European parties have historical ties to fascist or neo-Nazi movements; many of their leaders have expressed admiration for authoritarian figures such as Viktor Orbán and Vladimir Putin; and recent research suggests that their supporters are more open to authoritarianism than other voters.<sup>35</sup> Thus the rise of the ethnonationalist right poses a potential threat to liberal democracies.

In no established democracy does the ethnonationalist right represent a majority of voters. Indeed, supporters of the far right appear to constitute no more than a third of West European and North American elector-

ates. The principal electoral cleavage in Western democracies is increasingly ethnonationalist versus cosmopolitan, rather than traditional left versus right.<sup>36</sup> The broadly system-supporting cosmopolitan coalition (which leans urban, secular, and liberal) is larger; in fact, it generally constitutes electoral majorities in Western democracies.<sup>37</sup> But because far-right parties tend to be ideological, motivated, and cohesive, they represent an *unusually robust* minority. By contrast, the broadly cosmopolitan coalitions that oppose them are highly heterogeneous (ranging from leftists and greens to social democrats, liberals, and some conservatives) and often fragmented or prone to division. Moreover, they lack a unifying and motivating ideology—what do European liberal, Christian-democratic, and social-democratic parties stand for today, beyond a broad defense of the status quo against the advances of the extreme right? The heterogeneity and fragmentation of cosmopolitan forces means that even though ethnonationalists have never been a majority in established Western democracies, they can potentially constitute a robust plurality.

A key question facing contemporary Western democracies, then, is how the ethnonationalist third of the electorate translates into political power. Here, institutions weigh heavily. If ethnonationalist forces constitute no more than a third of the electorate but pose a potential threat to liberal democracy, then electoral institutions that manufacture pluralities into majorities should be avoided, for they will potentially *augment* the power of ethnonationalist forces. By contrast, parliamentary systems with PR, which produce coalition governments that consistently reflect electoral majorities, should be more likely to avoid ethnonationalist governments.

Indeed, in parliamentary democracies with PR (or mixed) electoral systems, far-right forces have been reasonably well contained in the twenty-first century. In some cases, such as Germany, Spain, and France (a semipresidential democracy with a heterodox runoff system for election to parliament), the far right has thus far been confined to the opposition. In Austria, Denmark, Finland, Norway, and, more recently, the Netherlands and Sweden, the far right has occasionally joined governing coalitions, usually as a junior partner. And in Italy since 2022, the far right has been a senior partner in the governing coalition, with Brothers of Italy leader Giorgia Meloni serving as prime minister. In all these cases, however, far-right parties have been compelled to share power, which has had a moderating effect. To date, in no Western European democracy has the far right attempted to subvert democratic institutions.<sup>38</sup>

Democracies with plurality electoral rules and two or two-and-a-half party systems are more vulnerable to the manufacture of illiberal electoral pluralities into governing majorities. In Canada and the United Kingdom, for example, if ethnonationalist factions were to gain control of established conservative parties, the far right would be well-positioned to win a parliamentary majority.

To date, however, the only established Western democracy in which a nativist faction has won national power and governed alone is the United States. Given the United States' plurality-based two-party presidential system, if nativist forces gain control of one of the two major parties, they are likely, sooner or later, to win power. This is precisely what occurred when the Trump-led Republican Party won the presidency (and both houses of Congress) in 2016 and 2024. Indeed, given its other countermajoritarian features, the U.S. political system is unique among established Western democracies in its vulnerability to capture by a nativist plurality.<sup>39</sup>

This vulnerability has been consequential: The United States also stands out among the world's rich established democracies in its degree of democratic backsliding in the twenty-first century. In 2010, the United States received a score of 94 out of 100 on Freedom House's Global Freedom Index, which put it on par with European democracies such as Germany, France, and the United Kingdom.<sup>40</sup> Today, the U.S. score has fallen to 83, the lowest of any established democracy. All West European democracies except Greece (85) and France (89) maintain scores above 90, and most of them—including Denmark, Finland, Germany, the Netherlands, Norway, Portugal, and Sweden—remain above 95.<sup>41</sup> Among rich democracies, then, only the United States has experienced significant backsliding.

With illiberal forces ascendant across the West, countermajoritarian protections of individual liberties and the democratic process remain as vital as ever. But outside of these critical realms, a good case can be made for unfettering majorities. Although special protections for powerful minorities may have helped to secure the historical passage to democracy, today the healthiest democracies empower majorities.

## NOTES

1. West Virginia State Board of Education et al. v. Barnette et al., 319 U.S. 624 (1943), <https://www.law.cornell.edu/supremecourt/text/319/624>.

2. See Susan Alberts, Chris Warshaw, and Barry R. Weingast, "Democratization and Countermajoritarian Institutions: Power and Constitutional Design in Self-Enforcing Democracy," in Tom Ginsburg, ed., *Constitutional Design: Comparative Constitutional Design* (New York: Cambridge University Press, 2012), 69–71.

3. Alberts, Warshaw, and Weingast, "Democratization and Countermajoritarian Institutions," 71.

4. Still other countermajoritarian institutions are justified not as protectors of minority rights at all but rather as essential for the preservation of public goods. Examples include central banks, regulatory agencies, and bureaucracies; see Michael Zürn, "How Non-Majoritarian Institutions Make Silent Majorities Vocal: A Political Explanation of Authoritarian Populism," *Perspectives on Politics* 20 (September 2022): 788–807.

5. Melissa Schwartzberg, *Counting the Many: The Origins and Limits of Supermajority Rule* (New York: Cambridge University Press, 2014).



6. Paul Starr, *Entrenchment: Wealth, Power, and the Constitution of Democratic Societies* (New Haven: Yale University Press, 2019), 121–22; Michael Albertus and Victor Menaldo, *Authoritarianism and the Elite Origins of Democracy* (New York: Cambridge University Press, 2017), 63–98; also Alberts, Warshaw, and Weingast, “Democratization and Countermajoritarian Institutions.”

7. Albertus and Menaldo, *Authoritarianism and the Elite Origins of Democracy*, 14, 63.

8. Terry Lynn Karl, “Dilemmas of Democratization in Latin America,” *Comparative Politics* 23 (October 1990): 1–21; also Albertus and Menaldo, *Authoritarianism and the Elite Origins of Democracy*.

9. Guillermo O’Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1986); also Alberts, Warshaw, and Weingast, “Democratization and Countermajoritarian Institutions.”

10. Alberts, Warshaw, and Weingast distinguish between “democracy-enhancing” and “democracy-eroding” countermajoritarian institutions. See “Democratization and Countermajoritarian Institutions,” 73.

11. *West Virginia State Board of Education et al. v. Barnette et al.*

12. Javier Corrales, *Autocracy Rising: How Venezuela Transitioned to Authoritarianism* (Washington, D.C.: Brookings Institution, 2023); Miklós Bánkúti, Gábor Halmi, and Kim Lane Scheppele, “Hungary’s Illiberal Turn: Disabling the Constitution,” *Journal of Democracy* 23 (July 2012): 138–46; Kim Lane Scheppele, “How Viktor Orbán Wins,” *Journal of Democracy* 33 (July 2022): 45–61; Noam Gidron, “Why Israeli Democracy Is in Crisis,” *Journal of Democracy* 34 (July 2023): 33–45.

13. Richard Snyder and David Samuels, “Devaluing the Vote in Latin America,” *Journal of Democracy* 12 (January 2001): 146–59; Steven Levitsky and Daniel Ziblatt, *Tyranny of the Minority: Why American Democracy Reached the Breaking Point* (New York: Crown, 2023), 175–76.

14. See Schwartzberg, *Counting the Many*.

15. Schwartzberg, *Counting the Many*, 136.

16. Alberts, Warshaw, and Weingast, “Democratization and Countermajoritarian Institutions”; Barry R. Weingast, “Capitalism, Democracy, and Countermajoritarian Institutions,” *Supreme Court Economic Review* 23 (2015): 255–78.

17. O’Donnell and Schmitter, *Transitions from Authoritarian Rule*; Alberts, Winshaw, and Weingast, “Democratization and Countermajoritarian Institutions.”

18. Weingast, “Capitalism, Democracy, and Countermajoritarian Institutions,” quotes on 261, 277, and 262.

19. See Weingast, “Capitalism, Democracy, and Countermajoritarian Institutions”; Robert A. Dahl, *How Democratic is the American Constitution?* (New Haven: Yale University Press, 2001).

20. Albert O. Hirschman, *The Rhetoric of Reaction: Perversity, Futility, Jeopardy* (Cambridge: Harvard University Press, 1991), quotes on 93 and 95.

21. Quoted in Levitsky and Ziblatt, *Tyranny of the Minority*, 25.

22. Quoted in Levitsky and Ziblatt, *Tyranny of the Minority*, 207–208.



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24. Levitsky and Ziblatt, *Tyranny of the Minority*, 200–201.
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