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# Arguing for Majority Rule*

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## I. INTRODUCTION

ALTHOUGH majority rule finds ready acceptance whenever groups make decisions, there are surprisingly few philosophically interesting arguments in support of it.[1] Jeremy Waldron's *The Dignity of Legislation* contains the most interesting recent defense of majority rule. Waldron combines his own argument from respect with May's influential characterization of majority rule, tying both to a reinterpretation of a well-known passage from Locke's *Second Treatise* ("the body moves into the direction determined by the majority of forces"). Despite its impressive resourcefulness, Waldron's defense is deficient, and one goal of this essay is to show how. Yet our main concern is not to criticize Waldron, but to demonstrate general deficiencies of arguments for majority rule and to suggest a strategy for a more adequate and more complete defense. Such arguments tend to have one of two weaknesses: Either they assume that collective decision-making is done in terms of *ranking* options and thus neglect both aggregation methods using more information than the relative standing of options in rankings (such as so-called positional methods) and rules that are not aggregation methods at all (such as fair-division procedures); or they also constitute arguments for other decision rules. In the first case, the argument is too narrow, in the second it is too broad. The narrowness problem is bigger than stated so far because arguments for majority rule tend to assume not only that decisions are made by ranking options, but also that only *two* options are to be ranked. Both problems arise for Waldron's defense and leave it incomplete. Yet such incompleteness also characterizes the state of the art in arguing for majority rule. So in addition to

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[1]Unless otherwise noted, references to Waldron are to Waldron (1999); Waldron (1996) contains the argument from respect. May's theorem appears in May (1952). I talk about "options" to refer to anything the group may decide on. I refer to Waldron's defense of majority rule as "Waldron's defense" and to the arguments in Section II straightforwardly as arguments for majority rule. Majority rule is the decision rule choosing between two options the one preferred by at least half of the voters, where nothing is said about ties. While integrating it when appropriate, I minimize discussion of the relevant public choice literature on majority rule; for that literature, see the contributions by Enelow, Rae and Schickler, Young, and Pattanaik in Mueller (1997) and references therein; see also Mueller (1989) for a more dated, but extensive discussion.

its intrinsic interest, Waldron's defense warrants consideration because it displays problems for the overall case for majority rule. This essay uncovers these deficiencies and provides the beginnings of the work needed to complete this case. Unless majoritarians present a more complete defense, it is irrational to grant majority rule the default status that it occupies.

Section II introduces prominent arguments for majority rule and discusses Waldron's defense in relation to them. His defense consists of three stages: a discussion of the Locke passage, the actual arguments, and an illustration of how majority rule is allegedly fair and respectful. I criticize these three stages in reverse order. Section III presents objections to the fairness of majority rule. Section IV shows that the arguments presented at the second stage are deficient, leaving Waldron's defense incomplete. In particular, these arguments cannot respond to the objections in Section III. Section IV shows that these deficiencies also arise for the other arguments introduced in Section II. The challenge for majoritarians is to complete the case for majority rule. Section V addresses the first stage of Waldron's defense by arguing that his interpretation of the Locke passage fails to provide any insights about majority rule. Locke erred by enlisting the image of the moving body in support of majority rule. Instead, the image illustrates *fair-division methods*. Section VI, finally, does some work towards a more complete case for majority rule. Section VI is inconclusive. However, at that stage I hope to have demonstrated both the difficulties in and the necessity of doing the required kind of work to such an extent that more thought on these matters is triggered.

One important agreement with Waldron deserves emphasis. Waldron argues for majority rule in response to challenges. One challenge arises from the camp of *deliberative democracy*. "Deliberative Democracy" is a conception of democracy that recently has come in for much discussion. Its core idea is that democracy gains its status as a social ideal through the role of suitably conducted deliberation in the justification of political decisions. Deliberative democracy sometimes emphasizes the importance of deliberation at the expense of decision-making by aggregation or fair division.[2] Spitz provides a radical formulation of this position, arguing that aggregative problems are beside the point of politics, and that those who disagree "treat group members as if they were hermits. A radical misinterpretation of human nature lies beneath their criticism." Contrary to such views, I agree with Waldron that the circumstances of politics are circumstances of radical and persistent disagreement in light of what Nagel calls

[2]By "theories of fair division" I mean a set of theories discussed by Elster (1992), Young (1994), and Brams and Taylor (1996), which consider the following type of situation: There are goods to which several parties make claims, or "bads" with regard to which they have obligations. These goods or bads may be divisible (land, costs) or indivisible (houses, children for custody, seats in congress); they may be concrete (land) or abstract (honors, services). Fair division theories arbitrate competing claims, which may not always amount to "dividing" anything. A dispute about a corner office (e.g.) may be resolved by a seniority principle.

the "fragmentation of value."[3] Conflicts of values that cannot be realized in single lives, in single decisions of deliberating bodies, or in single constitutions require decisions in spite of unresolvable disagreement. Thus political philosophers should focus more on investigating group decision rules than they tend to do. So although I object to Waldron's defense of majority rule, I agree with the focus of his inquiry.[4]

## II. ARGUING FOR MAJORITY RULE

### A.

Grotius captures a widely shared view by claiming that "the majority would naturally have the right and authority of the whole."[5] Political philosophers from Locke to Arendt have followed him in this assessment. If a decision problem does not lend itself naturally to majoritarian voting, it is broken down into pairwise votes. Since this observation is important for my argument, I illustrate it with two examples. To begin with, suppose an assembly discusses a proposal to which an amendment is suggested. The delegates must then have views on the ranking of three options—the status quo, the proposal, and the amended proposal. Assemblies normally do not solicit such rankings, but first put up the proposal for a vote against the amended proposal and then take a vote on the winner versus the status quo. Yet other methods seem reasonable as well: individuals may assign two points to their first-ranked option, one to the second-ranked, and zero to the lowest, while the group decides by summing over these numbers and by ranking the options beginning with the one with the highest number (the *Borda count*).[6] Yet alternative methods are usually ignored. Another example is run-off elections, practiced (for example) in France. In the first round, all candidates run. If none of them obtains a majority, the two leading candidates compete in a run-off election. Once more we have a scenario involving rankings of possibly more than two candidates, while the process allows for a pairwise vote to be decisive. Other examples are easy to come by: majority rule does indeed have a default status among decision rules.[7]

What justifies majority rule? In response to this question, I introduce six standard arguments on which defenses of majority rule draw, and then introduce

[3]For the Spitz quote, see Spitz (1984), p. 191; see Nagel (1979) for the thesis of the fragmentation of value.

[4]On deliberation vs. aggregation, cf. Knight and Johnson (1994).

[5]Cf. *De Jure Belli ac Pacis*, Bk 2, ch. 5, sec. 17 (any edition).

[6]For m options, m-1 is assigned to the first-ranked options, m-2 to the second, etc. The following are two equivalent descriptions of the Borda count: (1) All votes between any two options are taken. Then for each option, the number of elections is counted in which any agent prefers this option to the respective alternative. (2) The Borda count ranks the options starting with the one with the highest *average position* across all rankings.

[7]Moreover, informal deliberation frequently eliminates all but two options in order for the group to decide by majority rule.

Waldron's defense. Waldron only uses two of those arguments, but the objections we later raise to Waldron's defense also apply to the arguments he omits. So those objections do not only rebut the philosophically most interesting recent defense of majority rule, but affect the whole repertoire of standard arguments. The following arguments, then, are the building blocks of defenses of majority rule.[8]

**Minority vs. Majority**: This argument is well expressed in the following quotation: "It seems scarcely necessary to prove that, if the decision is not to be unanimous—if the concurrence of all the members of the body is not required—it must be made by a majority, and not by a minority, however determined. If a minority could prevail over the majority, those who were in favor of a proposition would vote against it, or would abstain from voting in order to insure a majority to their side of the question. Besides, there would be no inducement to discuss a question, if, by converting a person to our opinion, you did not strengthen our side . . . when the votes came to be counted."[9]

**Maximization**: Majority rule maximizes the number of people who exercise self-determination. This argument generalizes to whichever property one thinks is expressed in the act of voting or realized by winning an election.[10]

**Respect**: Majority rule is a good way of expressing respect for people in the circumstances of politics, that is, in circumstances in which in spite of remaining differences (even after deliberation) a common view needs to be found. Majority rule allows each person to remain faithful to his conviction, but still to accept that a group decision needs to be made.

**Condorcet's Jury Theorem**: Suppose it makes sense to speak of being right or wrong about political decisions. Suppose n agents choose between two options; that each has a probability of $p > \frac{1}{2}$ of being right; and that their probabilities are independent of each other (that is, they make up their minds for themselves). Then, as n grows, the probability of a majority's being right approaches 1.[11]

**May's Theorem**: May shows that majority rule for two options and an odd number of voters is the only rule satisfying four elementary conditions: *decisiveness*: for any two options, exactly one must be chosen; *anonymity*: the outcome does not depend on which specific people are for or against an alternative; *neutrality*: no alternative has a built-in advantage according to the procedure; *positive responsiveness*: if the group is initially indifferent between

[8]For the history of majority rule, cf. Heinberg (1926) and (1932), Gierke (1913).

[9]Cf. Lewis (1849), p. 207. Barry (1991), p. 27 says that "by something akin to the principle of insufficient reason" it should be majorities rather than minorities ruling.

[10]Cf. Dahl (1989), p. 138. For the argument from respect, see Waldron (1996).

[11]For discussion of Condorcet's theorem, cf. Grofman et al. (1983), Estlund and Waldron (1989); see also Copp (1993). Two significant philosophical questions about the theorem are (a) its relevance for epistemic conceptions of democracy (where some theorists appeal to it, see e.g., Cohen (1986), while others reject its applicability, see e.g., Estlund (1993); the main alternative for an epistemic approach appeals to the epistemic value of rational public discussion); and (b) to explore what is entailed by the independence assumption; see Estlund (1994).

options A and B, and some persons change their minds in favor of (say) A, whereas nobody changes his or her mind in favor of B, then the decision procedure opts in favor of A.[12]

**Compromise:** The result of majoritarian voting represents an "average" and thus a compromise among individual rankings. Speaking about "averages" presupposes a notion of distance. Suppose we are ranking options A and B. Set the distance between two identical rankings at 0 and the distance between two different rankings at 1. A suitable conceptualization of an average of n rankings is their median relative to this metric, that is, the ranking minimizing the overall distance from the n rankings. This median coincides with the result of majority rule. Compromise can also be understood as a consequentialist justification of majority rule. For the distance between an individual's ranking and the group ranking is a measure of her satisfaction with the group outcome. Minimizing the distance of individual rankings from the group ranking, majority rule maximizes overall satisfaction with the group choice.[13]

## B.

Defenses of majority rule tend to list some of these arguments without integrating them into one overall defense of majority rule. However, Waldron's defense is

[12]Cf. Ackerman (1980), ch. 9, and Rae and Schickler (1997) for a discussion of majority rule in light of May's theorem. Decisiveness requires an odd number of voters to be a reasonable condition. Assuming Decisiveness is no restriction on the usefulness of the theorem; see Taylor (1995), ch. 10.3. I should also mention a theorem proved by Rae (1969) and generalized by Taylor (1969) (cf. Rae and Schickler (1997) for discussion). This theorem shows that, if each individual is as likely to endorse as to oppose a proposal and is equally concerned with bringing about changes she favors and with blocking ones she dislikes, this group must use majority rule to optimize the correspondence between individual preferences and social policies.

[13]See Kemeny (1959). This distance is indeed a metric in the technical sense. This procedure generalizes to n rankings of m option. The distance between rankings is the number of pairs with respect to whose rankings they differ. The distance between (A, B, C) and (B, A, C) is 1: the three pairs to look at are (A, B), (A, C), and (B, C), and the two rankings differ only with respect to (A, B). This generalized average coincides with the result of the generalized maximum-likelihood method drawing on Condorcet's theorem proposed by Young (1988) and (1997) (cf. Risse (2001)). The existence of these generalizations prompts a remark about the applicability of majority rule when a group decides on more than two options. In such cases, one either must explain what majority rule applied to m options amounts to (*as opposed to* dissecting the situation into pairwise votes) and explore how arguments for majority rule developed for the case of two options apply there; or one must argue that, indeed, it is justified to dissect the scenario into pairwise votes. Risse (2001) develops the first possibility, and later in this study we explore the second. In both cases, the case for majority rule is weak: Risse (2001) argues that arguments for the generalized account of majority rule fail to be decisive against Borda and beg the question against accounts that use more than ordinal information (that is, information about which options are ranked ahead of which others); and as we shall see in Section VI, the case for dissecting decision scenarios into pairwise votes is weak too. It is question-begging (in particular against Borda) to take the very existence of generalizations of Compromise and the Condorcet Theorem as a reason for dissecting decision situations into consecutive votes (see Risse (2001)). Such a dissection requires arguments different from the remark that *once it has been justified* certain arguments apply. On a different point, note that public choice theorists provide probabilistic models within which majority rule turns out to maximize a suitable social welfare function; see Coughlin (1992), ch. 4, and, for summary and references, Mueller (1989), ch. 11. (In such models, a voter's decision to vote in a certain way is known only probabilistically, which is plausible (e.g.) if one makes predications about voters' behavior.)

an ingenious combination of the argument from respect with May's theorem while tying them both to a discussion of a passage from Locke's *Second Treatise* that is a *locus classicus* for the discussion of majority rule. This elegant defense provides the ideal framework for an assessment of the case for majority rule. Waldron's defense falls into three stages. The first is an interpretation of the Locke passage. The second enlists May's theorem and Waldron's argument from respect to turn his reading of Locke into a full-fledged argument for majority rule. The third uses a passage from Hobbes's *Leviathan* to illustrate how majority rule supposedly guarantees a fair and respectful decision process. I begin with Waldron's discussion of Locke. The relevant passage is from Section 96:[14]

> For when any number of Men have, by the consent of every individual, made a *Community*, they have thereby made that *Community* one Body, with a Power to Act as one Body, which is only by the will and determination of the *majority*. For that which acts any Community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the Body should move that way whither the greater force carries it, which is the *consent of the majority*: or else it is impossible it should act or continue one Body, *one Community*, which the consent of every individual that united into it, agreed that it should; and so every one is bound by that consent to be concluded by the *majority*.

As an argument for majority rule, this passage seems misguided on two levels: First, Locke's account of forces acting inside a body is wanting in several ways. To begin with, depending on how strong those forces are and how they are interacting, the body might break apart, rather than keep moving. Moreover, those forces might be of different strengths, so that the direction of the body fails to be a function of the *number* of forces (provided that those could even be individuated) that push one way rather than another. Finally, even if the body does move into one direction and is carried by equally strong forces, the direction is determined by a *vector sum* over forces, not by the *majority* of forces. At any rate, there seems little to be learnt from an analogy between majority rule and the interaction of forces (and this is the second problem): After all, we want to know why we *ought to* use majority rule. Building an argument to that effect on such an analogy seems to commit a version of the naturalistic fallacy.

So prospects seem bleak to find an argument for majority rule in that passage. However, Waldron suggests an interpretation that does provide the starting point for such an argument. Waldron takes terms like "force" and "motion" as something like logical primitives within a formal model that need to be interpreted for every context to which they are applied. Since the Locke passage discusses consent, Waldron understands "forces" as acts of giving or withholding consent to a decision. "Force" is moral force, and "pushing" is "the logical

[14]For an exegetical discussion of Locke that pays considerable attention to majority rule, see Grant (1987), ch. 3. (The classical discussion is Kendall (1940).)

tendency of a proposition about consent."[15] Waldron refers to this reinterpretation as the "physics of consent." On this reading, the first problem with Locke's passage disappears since the inaccuracies do not arise. Concerns about the body "breaking apart" disappear because majority rule occurs only after a *unanimous* commitment to the continued existence of this body politic occurred. Concerns about the strengths of the forces disappear because consent is a yes/no affair. Finally, concerns that the "body" moves into a direction determined by a vector sum rather than a majority disappear because the body politic does not decide to adopt any proposition that has not been made by some individual (and thus cannot move into any direction that corresponds to a "vector-sum" over "directions").

## C.

If Waldron's defense of majority rule consisted merely of this reinterpretation of the Locke passage, not much would be gained. For before the background of this account of "consenting," we would still have to ask why groups should decide by majority rule. At this stage, then, Waldron integrates two of the standard arguments for majority rule introduced above by arguing that, within this reinterpretation of the Locke, both *fairness* and *respect* recommend majority rule.[16] As far as fairness is concerned he appeals to May's theorem. Its assumptions guarantee "for each individual's view the greatest weight possible in this process compatible with an equal weight for the views of each of the others."[17] Waldron holds that *radical and persistent disagreement* constrains modern politics, so that deliberations tend to end without consensus. It seems, then, that we cannot reasonably ask for more in a decision procedure than that it allocates "the greatest weight possible" to each person "compatible with an equal weight for the views of each of the others." But we *can* ask for that much. According to Waldron, May's theorem provides the answer: on grounds of fairness, majority rule should be adopted. As far as respect is concerned, Waldron presents his own argument from respect.

The third stage of Waldron's defense draws on a passage from chapter 16 of Hobbes's *Leviathan* and is best understood as an illustration of how majority rule is respectful and fair:

> And if the Representative consist of many men, the voyce of the greater number, must be considered as the voyce of them all. For if the lesser number pronounce (for example) in the Affirmative, and the greater in the Negative, there

[15]Waldron (1999), p. 137.

[16]Waldron thinks that fairness *requires* use of majority rule (p. 148); it is less clear whether he thinks that respect *requires* use of majority rule. On p. 151, he refers to majority rule as "a respectful . . . procedure." I argue later that respect does not distinguish majority rule from competitors. If Waldron agrees, his emphasis on the argument from respect becomes dubious.

[17]Cf. Waldron (1999), p. 148.

> will be Negatives more than enough to destroy the affirmatives; and thereby the excesse of Negatives, standing uncontradicted, are the only voyce the Representative hath.

According to Waldron, the views of any two disagreeing individuals *cancel each other out*. Thus the view of the majority remains unopposed because all dissenters have been "used up":[18] the first member of party $P_1$ presents an argument for that party's view; then the first member of $P_2$ presents an argument for that party's view, etc. Unless there is a tie, one party runs out of speakers before the other, and thus that latter party's views go unopposed from there on. Waldron holds, then, that "more" has been said on behalf of the view of the majority.[19]

## III. INITIAL OBJECTIONS TO MAJORITY RULE

### A.

In this and the following two Sections, we assess the stages of Waldron's defense in reverse order. We begin with Waldron's Hobbesian illustration, creating some doubts about the claim that majority rule is fair and respectful. This discussion prepares the ground for objections to the second, argumentatively central stage of Waldron's defense. To fix ideas, consider a departmental hiring scenario. "We" and "they" are two adversarial schools of thought in a philosophy department. They have the majority. The department has to decide whether to hire a philosopher from their camp or from ours. Suppose the department adopts Waldron's suggestion: the factions taking turns, everybody states her view. There is a set of arguments we hold, and there is a set of arguments they hold. At the appropriate time, each of us presents some of our arguments, while each of them presents some of theirs. Since they are more, their view remains unopposed. But we may object to this result by denying that it was obtained fairly and respectfully.[20]

[18]Hobbes may actually mean literally that the majority can destroy the minority if need be. For Hobbes believes in "equality" in the sense that each person is equally in a position to kill anybody else. The weak may kill the strong if they unite, and because the strong sometimes let their guard down (cf. ch. 13 of *Leviathan*).

[19]See p. 138, where Waldron discusses a fictitious dispute between monarchists and democrats, in which the monarchists have a two-thirds majority: "Any account, then, of what is to be said in favor of monarchy or assembly, respectively, would note that there is twice as much to be said of the former as there is to be said in favor of the latter."

[20]The following arguments do not represent a unified point of view and would not all be reasonable complaints under the same circumstances. I choose this departmental scenario, rather than a distinctly political one, because the latter would involve lots of issues about how that specific setting is integrated into a larger constitutional context, which may distract from the point of our inquiry.

**B.**

To begin with, it seems wrong that "more" has been said on their behalf because they outnumber us. The expression "more has been said" must refer to the content of arguments and their logical relations, rather than the number of individuals endorsing a view. Arguments may cancel each other out, but individuals do not "cancel each other out" in deliberation *merely* because they have spoken for different views.[21] Let us call this objection the *Objection from Argumentative Content*. Yet not only may more have been said on our behalf, but we also may care more about the outcome. It might be that each of them only slightly prefers hiring another person from their camp, while each of us cares very much about getting our candidate hired. So if the department decided to use a voting scheme sensitive to the intensity of preferences, we would win. This is how it should be, we say, whereas majority rule fails to consider relevant information, namely, the intensity of preferences. Call this move the *Objection from Preference Intensity*. Yet one may say that how much anybody "cares" about the decision is irrelevant to what the group ought to do. After all, we may just be easily excited. But consider then the third objection, the *Objection from the Omission of Relevant Information*, which makes a similar point without being open to this rebuttal. Suppose we rank all applicants from our camp by asking each individual to assign points between 1 and 20 to the candidates and by then forming averages. Our top candidate receives a high average. Suppose their best candidate obtains a lower average. We claim that we are treated unfairly if majority rule is adopted because it does not consider relevant information, namely these judgements of the candidates' qualification. We might have an even stronger reason to complain. Suppose our candidate still does better if every faculty member evaluated both candidates on the same scale such that the final evaluation is done by averaging over all points. Each of us assigns 0 to their candidate, whereas each of them assigns 0 to our candidate. Still, if we

[21]Waldron seems to draw his intuitions about how "more" has been said by the majority from an analogy between *inter*personal and *intra*personal deliberation. On p. 187, footnote 21, he draws attention to the similarity between Hobbes's account of deliberation in ch. 6 of *Leviathan* and the passage on group deliberation quoted above. Curiously, Waldron's Hobbesian scenario for group deliberation resembles an account of individual deliberation in a letter from Benjamin Franklin to Joseph Priestley, written in 1772. "My way is to divide half a sheet of paper by a line into two columns: writing over the one *Pro*, and over the other *Con*. Then, during three or four days consideration, I put down under the different heads short hints of the different motives, that at different times occur to me, *for* or *against* the measure. When I have thus got them all together in one view, I endeavor to estimate their respective weights; and where I find two, one on each side, that seem equal, I strike them both out. If I find a reason *pro* equal to some two reasons *con*, I strike out the three. If I judge some two reasons *con* equal to some three reasons *pro*, I strike out the five; and thus proceeding I find at length where the balance lies . . . I have found great advantage from this kind of equation, in what may be called *moral* or *prudential* algebra" (Franklin (1945), p. 786). Regarding the analogy between group and individual deliberation, Waldron goes astray thinking that *reasons* in individual deliberation are analogous to *individuals* in group deliberation. When the justification of majority rule is at stake, this move is question-begging.

form averages, our candidate wins. Then we have reason to complain on the grounds of fairness. Or consider a related scenario. Suppose we find their candidate unacceptable, whereas they consider our candidate appointable. Then once more important information is lost by using majority rule. To prevent this, we may suggest a form of *approval voting*: each faculty member should give a vote to each candidate she regards as appointable. According to this procedure, our candidate would win.

Finally, there is the *Objection from Proportionate Consideration*. Suppose we make up 40 per cent of the department, and they 60 per cent. Majority rule sets our chance at getting our candidate hired at 0 per cent, and theirs at 100 per cent. Admittedly, we can try to convince them in deliberation. Yet although our deliberations are amicable (we would go bowling with them on weekends if they did not prefer fishing and insisted on deciding by majority rule), the lines are clear and the usual arguments have been exchanged. We regard this situation as unfair since it does not give us *proportionate* consideration. We may suggest various remedies to the disproportionate neglect of our position. If our job is renewable annually, we claim the job for some of those years: we do not think it is fair that, each year, they get to fill the position. But suppose this sort of arrangement is closed to us because we will not make more hires in the near future. Then it seems reasonable of us to ask for a 40 per cent chance at having our candidate hired. The department should take a vote only to assesses the relative size of the relevant factions and thus the probabilities with which a random device should deliver the results. Fairness, we insist, is about satisfying claims in proportion. Since we are 40 per cent, we deserve a 40 per cent chance at succeeding.[22]

## C.

In a nutshell, "we" may have plenty of objections to majority rule. The Objection from Argumentative Content by itself undermines any success of Waldron's illustration: it is false that "more" has been said on their behalf because they are the majority. Nevertheless, adding the other three objections is useful because they also raise doubts about majority rule beyond doubts about Waldron's specific choice of an illustration. I do not claim full argumentative success for these objections: I have not subjected them to scrutiny, and the alternative decision methods that motivate the objections have problems of their own.[23] Still,

[22]"We" could make reference to Broome (1999). Broome understands fairness in terms of two potentially conflicting conditions: on the one hand, "satisfy claims," and on the other hand, "satisfy claims in proportion." In this case, not all claims can be satisfied, but they can be satisfied in proportion as outlined above. There are affinities between the complaints presented in this Section and Taurek (1977).

[23]Consider (e.g.) a decision procedure acknowledging differences in preference intensity. Such a procedure entails problems of interpersonal comparability: how can we compare my claims about the intensity of my preferences with your claims about yours? Such a procedure also leads to concerns

those objections rule out the suggestion that Waldron could escape concerns by discarding the Hobbesian illustration. For all of them appeal to considerations of fairness and respectful treatment of participants in group decision situations and thus raise doubts about majority rule regardless of any specific illustration. Appropriately, then, these objections will reappear in Section IV when we address arguments for majority rule directly. I will submit there that Waldron's arguments are incapable of rebutting the objections raised in response to what he regards as an illustration of their success.

## IV. ARGUMENTS FOR MAJORITY RULE RECONSIDERED

### A.

At the second stage of his defense, Waldron introduces May's theorem and his own argument from respect to recommend majority rule as fair and respectful. We focus on May's theorem in Sections IV.A through IV.C, taking up the argument from respect in IV.D. May's theorem is "too narrow" as an argument for majority rule, whereas the argument from respect is "too broad." In IV.E, I argue that these deficiencies also hold for the other arguments introduced in Section II. Although May's theorem enjoys considerable standing in reflection on majority rule, it supports majority rule only under restrictive conditions. For it assumes that a choice between *two* options has to be made and that the group decides by *ranking* options. As a testimony to its limitations, May's theorem is useless for a response to any of the complaints in Section III.[24] The challenge for majoritarians is to justify these restrictions under which May's theorem (and other arguments for majority rule) become applicable. In Section VI, I try to do part of the work that I argue in this Section is required.

### B.

May's theorem only applies when groups decide on two options.[25] There are two strategies for denying that this restriction constrains the usefulness of May's

of "strategic voting" or "manipulability": if preference intensity matters, each individual can manipulate the group decision by misstating her preference intensity. A procedure that uses merely ordinal information is open to the same manipulability, but each individual's impact on the decision is more constrained if individuals provide rankings, rather than data about preference intensity. See also Section VI.

[24]Since majority rule was *defined* as applying only to a pairwise choice, one may wonder why it would be problematic for a justification of majority rule to be restricted to scenarios in this way. As I have argued in Section II, most decision situations involve more than two options. Thus it is crucial for the defense of majority rule to justify the dissections of such scenarios into pairwise votes. May's theorem presupposes that this can be argued independently. The assumption that a decision should be made by consecutive pairwise votes begs the question (e.g.) against Borda, as I argue in this Section.

[25]There surely could be some mathematical generalization of May's theorem, but no such generalization is likely to preserve the elementary character of the assumptions of May's theorem.

theorem as a an argument for majority rule. An initial response is to insist that a great many decision situations are of that sort so that this restriction is harmless. However, as pointed out in Section II, decision situations in which groups *in fact* face merely two options are rare. So this strategy fails. Let us consider the second. One may argue that although it is rare that only two options are available, it is *justified* to dissect decision situations into pairwise choices to which then May's theorem applies. A defense of this claim needs to show that, at least in a wide range of cases, competing decision methods are misguided, or alternatively, to identify conditions under which they are. Such a defense involves us in a philosophical project of great importance that has not yet been undertaken. That project is to provide a classification of conditions under which particular group decision rules are more reasonable than others. Even if we restrict attention to situations in which we have reasons to assume that the decision must be made by *ranking* options in some way, ordinal or otherwise, the task of providing such a theory is formidable. Such a theory would have to assess, first, the conditions under which particular kinds of rankings are appropriate (for example, ordinal rankings; rankings using, say, scales from 1 to 100; rankings by utility/welfare); second, under what additional conditions what specific voting method(s) is (are) appropriate for the specific kinds of rankings; and third, what the criteria for "appropriateness" are in both cases. I refer to such a theory as a *classification theory*.

To illustrate what such a theory has to achieve, let us explore what needs to be done in one fragment of it. To this end, we briefly consider *positional accounts* of voting. Like majority rule, such accounts merely use ordinal information to generate a ranking. Unlike majority rule, they do *not* dissect decision situations into consecutive pairwise votes. Rather, they take into account some or all of the information about rankings. As it is sometimes put, they try to introduce some measure of "aheadness" of options within the rankings, (for example) by assigning points to the candidates depending on where they are located in the ranking. Examples are the *Borda count*, *plurality voting* (the option with most votes is chosen), and *approval voting* (each individual has more than one vote).[26]

More importantly, such a generalization is useful to the majoritarian only if we have an independent account of what majority rule is for m options and thus try to justify the application of majority rule to decisions involving more than two options by providing such an account rather than by justifying the dissection of such a situation into pairwise votes.

[26]Cf. (e.g.) Riker (1982), ch. 4. Riker shows how different rules lead to different results from consecutive majoritarian votes (and from each other). Here is an example in which consecutive pairwise votes and the Borda count lead to different outcomes. Suppose an assembly of 20 ponders proposal P, an amended proposal A and the status quo S. Suppose nine individuals have the ranking (P, S, A), eight (A, P, S), and three (S, A, P). Then the common procedure of taking pairwise votes first takes a vote on P vs. A (the amendment against the proposal), which A wins, and then a vote on A vs. S, which S wins (the status quo only appears in the votes at the end). So the option that only three individuals rank highest is chosen. Borda recommends (P, A, S), ranking the winner of the earlier procedure last. This is a variant of the Condorcet paradox (see Section IV.E). This scenario shows what is meant by saying that the standard procedure of taking consecutive pairwise votes uses

One task of a classification theory is to identify conditions under which the dissection of group decision situations into pairwise votes *rather than* any of these other methods using merely ordinal information is appropriate, given that we already have some sense of when the restriction to merely ordinal information is appropriate for group decision-making. (That is, the relevant bit of a classification theory that this task belongs to is what is listed under "second" in the above account of what a classification theory needs to accomplish.) While this task is considerable already, the task of delineating conditions under which the restriction to purely ordinal information itself is reasonable is even more formidable. (The relevant bit of a classification theory that that task belongs to is what is listed under "first" in the above account.) Yet without at least an outline or a part of such a theory, in particular the claim that the dissection of group decision situations into pairwise votes is justified, is question-begging. So this second strategy for denying that the restriction of May's theorem to two options constrains its usefulness as an argument for majority rule reveals a considerable gap in the second stage of Waldron's defense.[27]

## C.

May's theorem not only presupposes that the group has a choice between merely two options, but also that the group decides by *ranking* options: that is, the only information relevant for the decision is *ordinal* information regarding who prefers which option to which other option. That assumption excludes a range of reasonable decision methods. It rules out all non-aggregative decision rules, like fair-division methods. It also excludes aggregative decision methods using more than ordinal information. Utilitarian summation is one example: utilitarians consider the intensity of preferences. Consider another: our department in Section III may have professors rank each candidate on a scale from 1 to 10 and then form averages over these values. Such a decision rule could capture information about the extent to which individuals think a candidate satisfies the hiring criteria. Or it may enable them to say that the difference between a candidate who got 8 points and a candidate who got 4 points is twice as big as the difference between a candidate who got 10 points and one who got 8, information that majoritarian voting fails to convey. Thus they would use a reasonable method whose inapplicability is nevertheless assumed by any appeal to May's theorem. To the extent that May's theorem cannot engage with such proposals, it is once more seriously restricted. One may resist this conclusion by pursuing strategies parallel to the two introduced

less information about the rankings than Borda. The standard procedure only looks at two pairwise votes (the one between A and P and the one between A and S), whereas Borda looks at all pairwise votes and thus uses more information about the rankings.

[27]Riker (1982), ch. 3, agrees: although majority rule is fair for two options, in general the reduction to two options will be unfair.

in Section IV.B. However, these strategies would fail for precisely the same reasons.

To sum up, then, May's theorem has two serious limitations: It only addresses situations in which groups have to make decisions between two options, and it presupposes that the group decides by ranking them. Thus majority rule may be what fairness demands under rather special circumstances, but May's theorem does not demonstrate anything beyond that. As a testimony to the limitations of May's theorem, note that it does not give the majoritarian a response to any of the objections raised in Section III. The Objection from Preference Intensity, the Objection from the Omission of Relevant Information, and the Objection from Proportionate Consideration all object to a *presupposition* of the theorem, namely the assumption that decisions are to be made by using merely ordinal information. (Recall that the scenario discussed there involved the simplifying assumption that we were indeed considering only two candidates at that stage, so that no objections based on the restriction to two options could arise here.) May's theorem also could not provide a response to the Objection from Argumentative Content. Yet this objection is a basic concern about "counting heads" that also applies to competing voting methods. Nevertheless, all this demonstrates the substantial incompleteness of Waldron's defense for majority rule to the extent that it appeals to May's theorem.[28]

## D.

Let us now consider the other argument Waldron enlists at the second stage of his defense: the argument from respect. That argument is open to an objection different from the objection to the usefulness of May's theorem: far from being "too narrow," it is "too broad." Fair-division procedures or aggregative decision procedures using more than ordinal information allow for an equally strong case on behalf of respect. For instance, a utilitarian can argue that the best way of taking people seriously is by giving full weight to the intensity of their preferences. A defender of the Borda count can insist that the best way of respecting individuals is by considering all the information provided by their rankings, and not merely part of it, as majority rule suggests. "Respect" is too amorphous a notion to allow for the fine-grained discernment needed once it is acknowledged that we pose a false alternative by asking whether "majorities" or "minorities" should make decisions. The argument from respect, then, cannot help against any opponent except those proposing rather odd decision rules, such

[28]The point can be pushed further. Positional accounts, for two options, *coincide* with majority rule. So May's theorem shows that positional accounts, restricted to two options, have some especially appealing features. From this point of view then, May's theorem is a defense of positional accounts applied to the case of two options and does not help decide between the above proposal for voting on m options and the Borda count.

as selecting the candidate born on a warmer day than any other. In particular, the argument from respect does not respond to any of our objections from Section III either. Any of those arguments can be made on behalf of respect by insisting that it is the defender of majority rules who suggests the disrespectful decision rule.[29]

### E.

This discussion reveals difficulties for majoritarians beyond problems for Waldron's defense. For at least one of these problems ("too narrow" and "too broad") applies to *each* of those arguments. Obviously, Majorities vs. Minorities is "too narrow" in the same sense in which May's theorem is. Maximization is both "too broad" and "too narrow": On the one hand, it is easy to find a feature that alternative voting methods maximize. For instance, the Borda count maximizes agreement among rankings.[30] On the other hand, if acts of self-determination are captured by counting heads, the argument fails to convince opponents who insist that voting methods should use more than ordinal information. Finally, both the Condorcet Jury Theorem and Compromise are "too narrow" because they assume that we are ranking options. Thus we cannot improve on Waldron's defense by resorting to other arguments from the majoritarian's repertoire at the second stage. This bleak view on the majoritarian's repertoire is a surprising result given the canonical character of majority rule. Once again, the challenge for majoritarians is to provide a part of a classification theory to justify the conditions under which the arguments for majority rule can do their work.

## V. LOCKE'S MOVING BODY REVISITED

### A.

Section IV raises a challenge for majoritarians, and Section VI will offer the beginnings of a response. But before proceeding, we must complete our discussion of Waldron's defense and turn to its first stage, that is, to his discussion of Locke. I argue that majoritarians had better drop the image of the moving body from their repertoire. Instead, and ironically, given its long history as part

[29]A similarly unhelpful argument for majority rule is given by Benhabib (1996): "In many instances majority rule is a fair and rational decision procedure, not because legitimacy resides in numbers but because if a majority of people are convinced at one point on the basis of reason formulated as closely as possible as a result of a process of discursive deliberation that conclusion A is the right thing to do, then this conclusion can remain valid until challenged by good reasons by some other group" (p. 72). Such reasoning applies to any decision rule that is not obviously unreasonable.

[30]For Borda ranks options by their average standing in the ranking.

of that repertoire, that image is useful as an illustration for a competing class of decision rules, namely *fair-division methods*.[31]

We saw in Section II that the literal reading of the Locke passage fails to produce an argument for majority rule. For that passage to be of interest to majoritarians, we need a different reading. Yet for the following two reasons, Waldron's interpretation fails to contribute to the majoritarian cause. To begin with, Waldron's account of the "physics of consent" does not contain any connection to majority rule, nor, for that matter, to any other decision rule. It requires an additional argument to show how groups should decide even if one accepts the account of consenting in groups provided by the "physics of consent." On Waldron's reading, it is puzzling why majoritarians should be interested in Locke's image. Moreover, Waldron's interpretation is flawed as an account of consenting. The "physics of consent" fail to make room for the group to decide by finding a *compromise*. For since on this account the group cannot choose any option that is not explicitly championed (consented to) by somebody, they cannot, for instance, adopt a proposal that comes second on everybody's ranking if they disagree about what to rank first. On Waldron's proposal, such a group is paralyzed. Yet since any normatively plausible account of consenting must allow for the possibility of groups deciding by compromising in such ways, Waldron's account is disqualified as an account of how consenting operates in groups.[32]

[31]Curiously, the Locke literature does not seriously question Locke's discussion of majority rule. A representative statement comes from Dunn (1969): "The rule is that since it is a defining condition of a political society that it should possess *some* binding decision-procedure and since no man intrinsically possesses authority over any other man . . . the procedure must take equal account of the choice of each. Hence the notion of a political society in the absence of any historically accredited decision-procedure prescribes majority voting on all legislative issues" (p. 128). The transition from the first to the second sentence is more controversial than Locke and Dunn allow. (Dunn, however, is aware that Section 96 of Locke's treatise is "ill considered and carelessly expressed" (p. 129, note).)

[32]One may object that Waldron does not suggest that the group can only accept as a compromise an option that is at least some individual's highest-ranked option. Rather, he suggests that the group can only accept a compromise that, at some stage, is actually endorsed by somebody, as opposed to being imposed externally. Yet notice where this leads: The more one thinks of a compromise as obtained through deliberation rather than as derived from rankings, the more it becomes plausible that a compromise must be consented to *by everybody*, not just by somebody. If so, the "physics of consent" contain necessary, but not sufficient conditions of how consenting operates in groups: that is, the "physics of consent" contain the claim that no compromise can be accepted that is not explicitly endorsed by somebody (the necessary condition), whereas what is needed on this reading as a sufficient condition is everybody's consent. This implication by itself is not problematic, but on this understanding of the "physics of consent," Waldron's account loses the connection to the Lockean image. For in order to capture the idea that a compromise must be endorsed by everybody, the relevant phrase in Locke would have to read: "The body can move only into a direction into which all forces push," which is not what it says. Locke's image is one of forces whose divergence determines the direction into which a body moves, and this idea is at odds with this picture of consenting through deliberation that we obtained by following the objection at the beginning of this note. Waldron faces a dilemma: Either he understands how consenting works in groups merely in terms of the originally given rankings and endorses a picture of consenting that implausibly excludes compromises; or he understands consenting in terms of a process, in which case unanimity becomes important in a way that severs the connection not just to the Locke passage, but to the image of the moving body itself. Either way, the "physics of consent" fail to secure a place for the image of the moving body in the majoritarian's repertoire.

**B.**

I submit that Locke erred by enlisting the image of the moving body on behalf of majority rule. Instead, the image serves as an illustration for *fair-division methods*. It makes sense to say that the body politic should be governed by a *fair division* of power that satisfies all reasonable claims in proportion, and not merely the claim of the majority, "just as a moving body moves in a direction determined by a balance ('vector sum') over the different forces inside it, and not into a direction determined by a subset of those forces." This use of the image does not share the problems of the two interpretations of the original Locke passage. Needless to say, we do not obtain an *argument* for fair-division methods by enlisting Locke's image. We merely obtain an analogy that may be useful as a device to persuade of the plausibility of fair-division methods. A defense of fair-division methods could use this image as its starting point, much in the same way in which Waldron's defense of majority rule erroneously took this image as *its* starting point.

## VI. DEFENDING MAJORITY RULE

**A.**

Sections III through V show that all stages of Waldron's defense are wanting. Yet while the first and the third stage are fatally flawed, the second invites further reflection. The challenge for majoritarians is to provide at least some relevant fragments of a classification theory. I hope to contribute to that effort in this Section. There are strong arguments for majority rule whenever it is reasonable (a) to use merely ordinal information about rankings, (b) to restrict voting to pairs of options, and (c) to use aggregation methods at the exclusion of other procedures (for example, fair-division methods). Let us explore, then, what we can say on behalf of these restrictions. While the case for (a) will turn out to be stronger than the cases for (b) and (c), more argument is needed in each case. It is unclear whether, in the end, anything like a "theory" will emerge; at any rate, justifications of those restrictions are unlikely to be as elegant as arguments for majority rule that become available once those restrictions are justified. My goal is to offer the beginnings of such work.

**B.**

When is it appropriate to use merely ordinal information? As I suggested earlier, there often are reasons to use more than ordinal information. To focus ideas, consider two settings. Suppose a group judges candidates. Judging is frequently of the form that one value (say, 100) captures maximal satisfaction of the criteria and lower values allow for appropriate distinctions. So judging candidates easily involves more information than that one candidate is better

than another. Or suppose a group assesses how much certain options would affect its well-being. A common idea about assessing well-being is this: each individual's well-being is measured on an unrestricted scale in such a way that certain interpersonal comparisons of well-being are feasible. The group well-being is assessed by summing over these measures. Once again, we use more than ordinal information. Such scenarios demonstrate that how much information is required (useful) depends on the purpose of the aggregation. It seems hard to find group decision processes for which all the relevant information is merely ordinal.

Yet what information is relevant is not all that matters for the choice of an aggregation rule; we also need to know what information can *reliably* be solicited. There are two concerns. On the one hand, the more fine-grained information we admit, the more *interpersonal comparability* becomes problematic. The problem is notorious for welfare, but it also arises for judgements: I may find it hard to assess a recommendation by a colleague I do not know. The other problem is *manipulability* of decision rules. Suppose we are considering several candidates at the last stage of our hiring process. Several of my colleagues think highly of my second-ranked candidate, to such an extent that the prospects of my first-ranked candidate are bleak. That candidate's chances improve if I vote as if my second-ranked candidate were lower in my ranking. I vote "strategically," falsifying one segment of my ranking to boost another. If we admit more fine-grained information, I can achieve even more by falsifying my views: if I convince you that watching your movie would not only please me less than watching mine, but leave me dysfunctional for weeks (though I really like it only slightly less than mine), chances of us watching my movie are probably increasing. In this case, what matters is not merely which one of us prefers which movie, but also *by how much*—and this allows me to influence the decision by overstating the extent of my preference. The more fine-grained information the aggregation admits, the more it is prone to problems of interpersonal comparability and to manipulation.[33]

[33]My discussion of strategic voting and of more or less fine-grained information proceeds at an intuitive level, which, however, is sufficient for our purposes. Statements such as "the more fine-grained information we use, the more the voting-methods are prone to manipulation" are qualitative assessment whose plausibility is demonstrated by examples such as those given in the text. ("Manipulation" is a contested term, for it is unclear whether individuals are acting immorally by reporting untruthfully on their preferences; see Christiano (1993) for the view that they are not. Therefore the term "strategic voting" tends to be used.) In addition, there is also a formal literature on "strategy-proofness." As is intuitive, majority voting for a binary choice is strategy-proof, that is, there is no chance of promoting the candidate one prefers more by voting for the candidate one prefers less. But according to the Gibbard-Satterthwaite theorem, for more than two options the only strategy-proof voting methods are dictatorial (cf. Moulin (1988), ch. 10, for an overview). Yet here we cannot appeal to such results. For that theorem also applies to the aggregation of ordinal rankings involving more than two options; thus in a context such as the present one in which the restriction to merely ordinal information itself is at stake, the argument must be guided by the pre-theoretical discussion of strategic voting, rather than by this formal literature. Proceeding otherwise is question-begging.

Both problems frustrate group decision-making. The credibility of group judgements decreases to the extent that we have difficulties comparing individual judgements, and to the extent that we are uncertain whether individuals express their true views. Similarly, claims that a decision reflects the group's welfare become the less plausible the more we encounter problems of interpersonal comparability and manipulability.[34] In particular, under circumstances of radical and persistent disagreement the two facets of the reliability problem are vexing. The concern may not be that people are "cheating": the problem of interpersonal comparability arises even if nobody tries to "cheat," and it is unclear that strategic voting is morally suspect. The problem may not even be that people are actually misrepresenting their views, but that others will not be sure that they are not, and thus their own best response to this uncertainty is to falsify *their* information. Mutual uncertainty, in turn, increases the chances that information really *is* unreliable. To the extent that reliability is a problem, there is a *pro tanto* argument for using merely ordinal information under circumstances of radical and persistent disagreement. Even if the purpose of the group decision process requires or benefits from more than ordinal information, that purpose is undermined if such information is unreliable.

## C.

So there is a good case for the restriction to merely ordinal information. Are there any similarly convincing considerations in favor of the dissection of decision situations into pairwise votes? One may justify this condition by appeal to the advantages of *reducing complexity*. Group decisions lose credibility to the extent that individuals fail to make up their minds carefully. For then other decisions might easily have been made. Since such concerns arise the more easily the more complex the decision scenario is, there is pressure to make decisions by pairwise voting. To illustrate the point, recall voting on proposals. Amendments easily create difficult decision situations. Each additional amendment doubles the number of available options: each proposal-cum-amendments can either be supplemented with the new amendment, or not. Some of those options will be inconsistent. If an amendment is a specification of an earlier one, a proposal-cum-amendments that includes the earlier and the denial of the later amendment is inconsistent. Different options may also be hard to compare if the amendments make different points. Since committees operate under constraints, the advantage of complexity reduction is obvious. Similar considerations apply to elections in which more than two candidates run.

[34]I refrain from distinguishing clearly between aggregation of "judgements" and aggregation of "interests" or "preferences" (see Sen (1982) for the distinction) because relevantly similar issues arise for these different types of aggregation; so there is no need for drawing such a distinction here.

Yet this argument is significantly weaker than the argument for the restriction to ordinal information. Considerations of interpersonal comparability and manipulability inherently constrain group decision-making, whereas worries about complexity are pragmatic and have limited normative relevance. Complexity considerations seem to *explain* rather than *justify* the restriction to pairwise votes. Unless other considerations emerge, the case for the dissection of decision situations into pairwise votes simply is considerably weaker than the case for the restriction to ordinal information.[35]

## C.

What about the restriction to aggregative decision methods? For the sake of simplicity, I discuss the less comprehensive and more concrete question of how one could justify championing majority rule (rather than aggregation methods in general) over one class of non-aggregative methods, *fair-division methods*.[36] To see that fair-division methods often are competitors to majority rule, recall the hiring scenario in Section III. The Objection from Proportionate Consideration and similar objections are motivated by concerns to make decisions guided by *proportionality*. Various ideas about proportionality motivate objections to majority rule. Suppose the job is a renewable one-year job. One may suggest then that proportionality is guaranteed by implementing a *rotation* scheme: If "they" are 60 per cent and "we" are 40 per cent, they may fill the job for three years and we for two. If the job is permanent, proportionality might be preserved by a *compensation* scheme: maybe "we" get a part-time hire next year, or funding for a conference. Or we may suggest a *randomization procedure* to obtain proportionate access to a successful outcome, which was the original Objection from Proportionate Consideration. It is easy to think of other scenarios in which fair-division methods compete with majority rule.[37]

[35]It is worth emphasizing again that no reference to arguments that become only applicable once we can justify this dissection of decision situations into pairwise choices can do any work whatsoever at this stage, no matter how strong one thinks those arguments are. The challenge for the majoritarian is precisely to develop arguments that can justify the constraints under which the arguments presented in Section II (to the extent that they are not too broad anyway) become applicable.

[36]A referee wonders whether "aggregation methods" and "fair-division methods" are separable fields of inquiry. Are not certain aggregative methods said to be "fair?" In response: on the one hand, it seems clear enough that there is a distinction between decision methods aggregating individual rankings into group rankings (paradigm cases: majoritarian voting and utilitarian aggregation) and methods concerned with the arbitration of competing claims (paradigm cases: dividing an inheritance, dividing departmental resources). On the other hand, the discussion in Section II and the subsequent discussion in this Section should demonstrate that there are scenarios in which both aggregation methods and those fair-division methods apply. Of course, a comprehensive answer to this question is part of a classification theory, and here we contribute only as much to such a theory as needed to make clear what sort of argument we need to complete the case for majority rule.

[37]A reader reluctant to thinking of departmental hiring in terms of fair division should consider whether hiring under the circumstances outlined in Section II is really so different from splitting an inheritance or dividing a cake.

So how can we justify majority rule when fair-division methods also apply? One justification draws attention to a problem about the applicability of fair-division methods. The problem is that, frequently, no such method is sufficiently *salient* to resolve a dispute. Recall once more the hiring scenario. To begin with, in general we will not have clearly divided factions operating as co-claimants in a fair-division scheme. The minority in an election may not have the kind of identity that makes it meaningful to compensate "them." But even if there were factions with sufficiently developed identities, the division problem may not render one solution salient. If we have a position for a few years, one suggestion is to fill it by lottery, the weights reflecting the strength of the conflicting views. Another suggestion is to adopt some rotation or compensation scheme. If no solution is salient, no solution has been found. Since lack of salience is likely under circumstances of radical and persistent disagreement, the very circumstances that recommend fair-division methods also tend to render it contentious which method should be used.

Like the argument for the dissection of decision situations into pairwise votes, this argument is weaker than the argument for the restriction to ordinal information: it offers no support for majority rule but draws on a problem about the fair-division methods.[38] A stronger argument may be available, but further investigation may also demonstrate that alternative decision rules deserve more attention than the default status of majority rule suggests. Recall the outline of a classification theory introduced in Section IV. Such a theory has to assess, first, the conditions under which particular kinds of rankings are appropriate; second, under what additional conditions what specific voting methods are appropriate for the specific kinds of rankings; and third, what these criteria for "appropriateness" are. The considerations in this Section constitute merely preliminary attempts at constructing such a theory. But it is indeed such considerations that we need to complete the argument for majority rule.

## VII. CONCLUSION

Lincoln was wrong when he said that "[u]nanimity is impossible; the rule of a minority, as permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy or despotism in some form is all that is left."[39] Defenders of positional methods are not anarchists, any more than defenders of fair-division methods are despots. We need a more sophisticated argument for majority rule. In this study, we have discussed Waldron's defense of majority rule

[38]Keep in mind the logical relationship among those three conditions: Exploring arguments in favor of using merely ordinal information presupposes that we already have some sense of under what conditions the restriction to aggregation, as opposed to, say, fair-division methods, is appropriate.

[39]Quoted in Mayo (1960), p. 179.

and found all three of its stages deficient. The illustration for the fair and respectful functioning of majority rule at the third stage is misguided: it is false that more is said for any view only because more people speak up for it. The arguments Waldron presents at the second stage cannot respond to this and other objections. These (and related) arguments make only an incomplete case for majority rule. I have argued that the challenge for majoritarians is to justify the constraints that make several of the standard arguments "too narrow": the restriction to merely ordinal information, the dissection of group decision situations into pairwise votes, and the restriction to decision-making by aggregating rankings. Before taking up this challenge, I have argued that Waldron's interpretation of Locke's image of the moving body (namely, the first stage of his defense) fails to contribute to the majoritarian cause. The Lockean image is an illustration for fair-division methods. Locke erred by recruiting it for the majoritarian cause. Finally, I have done some work exploring when the conditions are justified under which arguments for majority rule succeed. Much of what I say in Section VI requires additional work. However, I hope to have convinced the reader that, unless we can complete the case for majority rule along such lines, it is irrational to think of it as the default group decision rule.

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