

Comment on “Bicameralism as Semi-Parliamentarianism: Australia in Comparative Perspective”

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In their original and thought-provoking paper Ganghof, Eppner and Pörschke (2017) – hereafter GEP - propose two main arguments. The first is an analytic one in comparative politics that distinguishes semi-parliamentary systems from other types of democracy. Semi-parliamentary systems have three principal characteristics: the absence of popular elections for the executive, so distinguishing them from presidential systems; a two-chamber legislature with both houses directly elected, so distinguishing them from unicameral or asymmetric bicameral legislatures; and the dependence of the executive on the support of a majority in only *one* of the legislative chambers. GEP offer an innovative six cell typology in which semi-parliamentarianism provides a ‘missing link’ in those democracies where the executive depends in no way on popular election. It lies between pure parliamentarianism, on the one side, and assembly-independent government of the sort found in Switzerland, on the other (compare Ganghof, 2017). Its best real world exemplars are the Australian Commonwealth and the state governments of New South Wales, South Australia and Tasmania.

The second argument is normative. Semi-parliamentarianism offers the best balance between two competing visions of democracy, which GEP term ‘simple majoritarianism’ and ‘complex majoritarianism’, terms they prefer to Lijphart’s (1999) well-known distinction between majoritarian and consensual democracies. Simple majoritarianism, like the UK’s Westminster system or New Zealand before the introduction of proportional representation, has institutional features designed to enhance the accountability of parties in government for their conduct. These features include the ability to identify the two parties that the main contenders for government office, the clear responsibility of parties when in government and cabinet stability. By contrast, complex majoritarianism institutionalises the values of proportionality, the representation of multiple dimensions of political disagreement and legislative flexibility, the latter in effect being the ability of a government to pass its measures by issue-specific legislative coalitions rather than coalitions committed to a full government programme. These characteristics are found proto-typically in Denmark’s parliamentary system. Indeed, applying their operational measures of these two visions of democracy to a range of systems, GEP (2017, Figures 2 and 3) show, predictably, that the UK is at one end of the spectrum and Denmark at the other.

For GEP both visions encapsulate values central to democratic principles and practice. However, realizing these values involves trade-offs. In the face of such trade-offs, the most desirable form of institutional design will be one that *simultaneously* maximizes the achievement of all these goals to the greatest extent possible. GEP (2017, Figure 1) use radar charts to map the extent to which different systems achieve these goals. In such charts the greater the area covered, the more successful the system is in meeting potentially competing objectives. On the GEP data, the semi-parliamentary systems of the Commonwealth of Australia, New South Wales, South Australia, Western Australia and Victoria post-2006 cover a larger area than the other political systems analysed and so best capture the joint values associated with each vision.

Despite their strengths, existing semi-parliamentary systems may still reform, according to GEP, in order to enhance their ability to reconcile the conflicting visions. In particular, the size of the upper house would have to increase in order to enhance the proportionality and dimensionality of representation, while the electoral system for lower houses should be based on a single system-wide district, using absolute majority rule and with seats awarded to the two parties with the largest support. With these reforms Australia's contribution to democratic design might 'achieve a balance between different visions of democracy otherwise unavailable' (GEP, 2017, 31).

These are ambitious and boldly articulated arguments. The present comment focuses on the normative argument, largely taking for granted the analytic reformulation of the institutional forms of democracy. Whilst, as GEP (2017, 7) acknowledge, their six-cell typology may over-simplify alternatives, its parsimony is an advantage when focusing on normative issues.

The Logic of Majority Rule

What is normative special about the principle of majority rule? The short answer is that it captures a form of political equality given that it is anonymous, paying no attention to who votes, and issue neutral, and so does not favour one type of alternative over another. With more than two alternatives, Black (1958) showed that, provided certain mild conditions relating to the shape of voter preferences were satisfied and provided also that alternatives could be represented along a single line, the preferences of the median voter would be decisive under majority rule against any other alternative. The median alternative will be a so called Condorcet-winner, an attractive property if we are majoritarians. It will also be an equilibrium. There is no alternative that other voters could adopt that would beat it.

This abstract logic has its counterparts both in parliamentary voting and in mass elections. In any parliament that uses simple majority rule, and where amendments are allowed, the measures that will pass will generally be at the median point unless there is some form of procedural manipulation. In mass election two parties competing with one another will typically converge on the median voter. Where political competition is predominantly one-dimensional, say on left/right spectrum of economic management, and where two parties are competing, public policy typically tracks something like the preferences of the median voter. Nagel (1998, 263) characterizes New Zealand politics for much of the twentieth century as having these characteristics, rightly noting: ‘In this tranquil system, boring politics is the price that contented voters pay for reasonably satisfying results.’

What happens when voting takes place over more than one dimension, however? For example, what happens when voters who align themselves from left to right on a spectrum of economic competition align themselves differently in relation to liberal or authoritarian values on social issues, so that not all left voters are liberals and not all right voters are authoritarian? In general, in such situations, we cannot assume that there is a stable majority rule equilibrium (Riker, 1982, still provides a brilliant summary of why). A majority may prefer a left-authoritarian alternative to a left-liberal alternative, and a left-liberal alternative to a right-liberal alternative. But they may still prefer a right-liberal alternative to a left-authoritarian one. Parties offering combinations of issue positions may find themselves regularly outflanked by other parties offering a different combination.

If political instability is the empirical consequence of there being more than one dimension of politics, what are the normative consequences? In particular, if the median voter should be decisive in the one-dimensional world, what would be the equivalent in the multi-dimensional world? One proposal is to say that the collective choice across all issues should coincide with the intersection of the collective choices given by the median in each dimension. This is the so called issue-by-issue median. For example, in a legislature the issue-by-issue median endorses the democratic value of parties voting in each dimension separately, without it being assumed that there is a stable coalition of parties who vote together across all votes.

The issue-by-issue median has the attractive property that, if there is a Condorcet-winner among the full package of policies, then the issue-by-issue median will find it (Ordeshook 1986, 250). Majority rule is guaranteed in that sense. More generally, the issue-by-issue median also captures a particular way of thinking about democracy in which responsiveness to popular preferences on the basis of political equality and free association is important. With issue-by-issue voting, the median preference in any one dimension embodies an equal weighting of voter preferences in respect of the alternatives within that dimension of conflict. However, voters and their representatives are not compelled to act together across all issue dimensions. Instead, they are free to associate with whomever shares their

opinion in any particular dimension. On issues on which they share views, economically left-wing moral conservatives can join with economically right-wing moral conservatives; conversely, on issues where they are of one mind, libertarian left-wing voters can associate with libertarian right-wing voters. Such free association is facilitated by a multiplicity of parties who represent the diversity of issue positions.

This justification of the issue-by-issue median principle is less rigorous than that offered in Ward and Weale (2010), to which GEP (2017, 24) refer, but it is consistent with that theorem. Ward and Weale prove a uniqueness theorem: the issue-by-issue median is the only voting rule to satisfy conditions of responsiveness and anonymity when such rules are immune to manipulation and rationally chosen behind a thick veil of ignorance. The argument from political equality and free association is less rigorous, because it does not show that it is the *only* decision rule compatible with the principles of majoritarianism in more than one dimension. However, it is in the same spirit as that proof: it belongs to a conception of democracy in which individuals count as having the same status, and the collective choice is responsive to the aggregated preferences of those individuals.

The Institutional Implications

Return now to the empirical analysis of GEP. By their measures the UK and Denmark are at opposite ends of the spectrum linking the two visions of democracy. Denmark embodies the principles of complex majoritarianism. Its highly proportional system of voting allows for many parties in the *Folketing*, so facilitating the representation of different dimensions of political contestation. Its tradition of minority governments means that legislation is not decided by a cohesive majority coalition supporting all the elements of an agreed programme but by shifting coalitions that can agree on particular measures. In effect, the content of law and policy is determined according to the principle of the issue-by-issue median, of which the proto-typical example took place in the 1980s when a conservative government secured its measures on financial and economic affairs, but conceded to the alternative ‘green majority’ made up of governing and non-governing parties on environmental policies (Andersen, 1997, 265).

By contrast the UK embodies the values of simple majoritarianism. In particular, its electoral system reduces the dimensionality of political competition. Through the operation of Duverger’s (1964) twin mechanical and psychological effects the electoral system normally produces a large legislative majority for the party that secures a simple plurality of the vote. (Indeed, so important is this feature than Nagel [1998] suggests that we call Westminster systems ‘pluritarian’ rather than majoritarian.) Since it is reasonable to assume that a simple plurality of voters, particularly one containing around

40% of voters, does not contain the political diversity of more than 50% of voters, a government with a majority of seats in the Commons will legislate according to relatively narrow sectional and ideological interests. There one countervailing situation is one in which no party has an overall majority in the Commons but where, for whatever reason, the governing party does not wish to call an election. In these conditions, a minority party in the Commons may support the government on confidence votes and public finance (confidence and supply), without agreeing to support the government on its broader programme. Situations like this occurred under the Labour government of the 1970s, which secured support from the Liberals, and the UK Conservative government after the 2017 general election, when it secured support from the Democratic Unionists.

Both the UK and Denmark are pure parliamentary systems on the GEP typology, yet they embody contrasting visions of democracy. Why might semi-parliamentarianism be preferable to either in normative terms? The UK encapsulates the values of simple majoritarianism, but it fails on the values of complex majoritarianism, most notably dimensional representation and flexible issue-by-issue parliamentary decision making, except in the unusual circumstances of minority governments. Denmark encapsulates the values of complex majoritarianism, but it fails on the test of simple majoritarianism, most notably identifiability and responsibility. Semi-parliamentarianism offers to remedy the defects of each by combining the virtues of both. An illustration is the state of Victoria between 2006 and 2010 (GEP, 2017, 27). On the measures of simple majoritarianism it does well, but it also exhibits flexible majoritarianism. Thus, in the Legislative Council the Australian Labor party could choose between a centre-left coalition with the Green on such matters as environmental and anti-discrimination policy, and a centre-right coalition with the Liberals on such matters as law and order. More generally, GEP (2017, 26-27) claim the virtues of semi-parliamentarianism to be the following:

‘It potentially allows voters to choose stable and relatively centrist one-party majority cabinets (in the lower house) which govern with issue-specific majorities (in the upper houses). It thereby partly avoids the tradeoff between flexibility and cabinet stability that we find under pure parliamentarianism as well as the tradeoff that we find between flexibility and identifiability that we find in Switzerland.’

Semi-parliamentarianism not only combine the values of simple and complex majoritarianism, it also provides the most secure version of the combination. Institutional design reconciles the competing visions.

Intrinsic and Instrumental Values

The crux of the case for semi-parliamentarianism turns on the claim that we need to reconcile complex egalitarianism with simple egalitarianism. The significance of this claim depends upon the values of simple and complex majoritarianism to be of roughly equal weight by the test of normative democratic theory. Yet, might there not be a difference between the two sets of values? The values associated with complex majoritarianism follow from principles central to the very definition of democracy. If a system of collective choice does not reflect in a way accepted as fair the preferences of citizens, then, beyond a certain point, that system ceases to be democratic. It may of course be efficient, just, in accordance with manifest destiny or possess some other virtue. But it does not embody a fundamental principle of democracy. By contrast, the values of identifiability, clarity of responsibility and stability in office are largely instrumental values. To the extent to which a system of decision needs such values, it needs them to ensure that the decisions that are made accord in an appropriate way with a course of action that could be justified in democratic terms.

Consider the following case. Suppose that it was hard to identify whoever was responsible for making a series of decisions. Suppose, however, that the results were by and large in line with the preferences of the median voter in each of the relevant dimensions of policy. Why would it matter that we could not retrace in a reliable way the steps of all the decisions that had been made? Perhaps, for example, those decisions had been made through numerous bargains and compromises among many actors, each operating under the constraints of bounded rationality. In addition, the complex organizational processes of bureaucracy when drawing up policy and legislation can make it hard to identify who is responsible for particular details. Many hands make for complex work. To be sure, if there is a conspicuous failure of policy, for example in financial or environmental regulation, it may be necessary to identify individuals and organizations responsible for those failures for the purposes of sanctioning. However, if policy is functionally satisfactory in technical terms, the relevant democratic criterion of evaluation is its correspondence with the preferences of voters and their representatives.

By contrast, we can imagine a clear and transparent process that substantially diverges from the preferences of the median voter. Indeed, on a long-standing critique of the UK's political system that is just what government elected by simple plurality leads to. Governments elected on a minority of the popular vote, sometimes less than 40%, can initiate policies that are both unpopular, diverging substantially from the preferences of the median voter, and also turn out to be policy blunders. No one can blame anyone other than Thatcher's Conservative government for enacting the Poll Tax, and Labour was clearly to blame for the expense of upgrading the London underground through its insistence on using a public-private partnership (King and Crewe 2013, Chaps. 4 and 14). Indeed, a long-standing critique of UK policy making is that, the absence of the need to confront opposition and

forge compromise, blunders are more likely. This may or may not be true, but it does underline the extent to which identifiability and clarity of responsibility are instrumental virtues.

A further reason for scepticism about the merits of semi-parliamentarianism relates to the right to initiate policy (a point to which Hugh Ward has drawn my attention). Under the constitutional arrangements that GEP (2017, 23) favour, responsible government is located in the lower house and representative government in the upper house. Suppose that the lower house is given the right of initiative, as in the example of Victoria between 2006 and 2010. Then, if the upper house is co-equal in power with the lower house, only those measures that will command a majority in the upper house will pass. This makes it likely that government proposals will be close to the issue by issue median. However, it does not follow that all policy points in the zone of the issue by issue median will be selected, since the lower house may fail to initiate the requisite proposal. A potentially popular policy, as judged by the median voter, will be lost. I do not know of any data that bear upon the question, but I would venture the hypothesis that many measures for environmental protection or advancement of human rights are put forward by relatively small political parties who are able to use their position in a multi-chamber parliament to extract concessions in return for political support. Such initiatives might never get going at all in a chamber dominated by two parties.

This problem will be compounded when the electoral system fails to return parties that are close to the median voter. A single system-wide district, using absolute majority rule with seats awarded to the two parties with the largest support may preclude parties from entering the lower house who are favoured by the median voter. A party of moderate capitalism may be squeezed into a minority position behind the party of hard-line capitalism and the party of unreconstructed socialism, even when moderate capitalism would be favoured by the median voter over the alternatives. How serious this problem is in any particular case will obviously depend upon the particular circumstances and conditions. Yet, the potential for such a problem to exist is serious from the point of view of any theory of democracy that puts emphasis upon the special normative status of the median voter.

Conclusions

The concept of semi-parliamentarianism that GEP have identified marks a genuine conceptual breakthrough in political science, a considerable achievement in itself. However, it is a large step from identifying a type to recommending that type as the basis for constitutional reform. If the asymmetry that I have identified in the status of the values associated with simple and complex majoritarianism is correct, then this would suggest differential priority for reform. In particular, it suggests that it is more plausible to advocate the adoption of semi-parliamentary practices in

Westminster style democracies, like that of the UK, than into representational style democracies, like that of Denmark. I leave to others what such reforms might mean in Australia.

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