

# Supermajority Requirements and Democratic Values

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**Abstract.** Supermajority requirements are formal rules that require more than a majority of representatives or voters to vote for a bill to ensure its passage into law. This paper explores the democratic case against such requirements. The best developed democratic case against such rules is in Schwartzberg (2013). She argues that supermajority requirements violate the presumptive epistemic equality of citizens. I argue against this view. More generally, I argue that democratic equality is compatible with such requirements. However, so I argue, there is still a democratic case against them: supermajority requirements undermine democratic autonomy. They mean fewer people get their will manifest in government policy than would under majority rule. Democratic autonomy is an important democratic value. So the best democratic case against supermajority requirements is rooted in autonomy rather than equality.

**Keywords:** majority rule; supermajority rules; self-rule; democratic autonomy; equality

## Introduction

In many places, supermajorities are required to pass certain bills into law. The most impactful example of this is perhaps the filibuster in the U.S. Senate. According to Senate rules, any senator can speak for any length on a bill under discussion. Three-fifths of senators are needed to cut short debate and move to a vote on the bill. This means that very little legislation passes the U.S. Senate without being supported by a supermajority of senators. The Senate can only circumvent this process three times a year: for bills that cover each of federal spending, revenue or debt. For almost all ordinary legislation, the U.S. Senate has a de facto supermajority requirement. The European Union's (EU) Qualified Majority Voting (QMV) system is a more formal example of a supermajority requirement. QMV covers about 80% of EU legislation. To guarantee the passage of a bill through the EU Council of Ministers, 55% of the member states (15 out of 27) representing 65% of the EU population must support it. A measure might still pass without meeting these criteria but only if fewer than four member states

oppose it. In other words, a typical bill needs the support of a supermajority of the members of the Council of Ministers to pass into law.

The U.S. Senate filibuster and QMV cover ordinary legislation. Supermajority requirements are much more common when it comes to constitutional amendments. Amending the German constitution requires two-thirds majorities in both Bundestag and Bundesrat. Amending the Spanish constitution requires either a three-fifths or two-thirds majority in both chambers of the Cortes Generales, depending on the issue of amendment. Constitutional amendment also, often, requires success in a referendum. Here double majority requirements are widespread. Constitutional amendments in Switzerland, for example, are passed only if both a majority of voters nationwide and a majority of cantons vote for them. Australia, Canada and the United States all have similar rules for constitutional amendment: amendment requires majorities in a majority of subnational units. Usually, double majority requirements are de facto supermajority requirements. They mean that a bill's passage requires support from more than a majority of voters.

In this paper, I explore the democratic credentials of such supermajority requirements. More specifically, I aim to identify the best distinctively democratic case against them. I think there are two distinctively democratic values: equality and autonomy. Democracy is distinctively valuable because it is necessary for citizens to be equals, and because it enables citizens to rule themselves. This conception of democracy stems originally from Aristotle's *The Politics*: he says both that "a basic principle of democracy is liberty" and that "the democratic idea of justice is numerical equality" (*Aristotle 1981, 1317a40*). Various contemporary theorists have also advanced a similar view, and I take it to be within the mainstream of the modern western tradition of democratic theory.<sup>1</sup> My focus will be on how supermajority requirements affect the realization of these values.

The current philosophical literature on supermajority requirements is not voluminous. Melissa Schwartzberg's (2013) *Counting the Many* is by far the most developed attempt to evaluate them on the basis of democratic values.<sup>2</sup>

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<sup>1</sup> For some contemporary advocates of this view, see Chapman (2022), Lovett (2024), Lovett and Zuehl (2022), Wilson (2019, 2021), and Wodak (2024).

<sup>2</sup> McGann (2004) argues that supermajority rule is less democratic because it "uses less of the information we have about the preferences of society" (p. 63). This might express the same idea as I defend in my discussion of autonomy and supermajority requirements, but in truth McGann says nothing about how information about preferences connects to democratic values. Jones (1983, 160) asserts a similar view to Schwartzberg. His view is addressed by Kolodny (2023, 367–370), who argues that supermajority requirements are compatible with democratic values. Qvortrup and Trueblood (2023) defend supermajority requirements on the grounds that they protect minority rights and prevent dissension, while Kogelmann (2025) defends a narrow version

Schwartzberg argues that supermajority requirements are objectionable because they presuppose that some people's judgment—those who support the status quo—is better than that of others. My contribution to this literature will be twofold. First, I will argue that Schwartzberg's argument against supermajority requirements is unsound. More generally, I will argue that supermajority requirements are compatible with democratic equality. Second, I will argue that there is nonetheless a good democratic objection to supermajority requirements. We should expect them to systematically detract from democratic autonomy. We have reason, therefore, to reduce the extent of supermajority requirements. In other words, the best democratic argument against supermajority requirements is rooted in autonomy rather than equality.

Let me make clear the limits of my ambitions in this paper. I will not provide a systematic account of the argument for and against supermajority requirements. That means I won't refute arguments in favor of them—partly because I believe Schwartzberg (2013) does this very compellingly in her book. Equally, I won't try to evaluate supermajority requirements on welfarist grounds. I won't evaluate whether they lead to policy that promotes or detracts from general welfare. Some people of course think that supermajority requirements are objectionable because they lead to legislative gridlock. The concern is that the U.S. Congress, for example, is not able to appropriately respond to changing social and economic conditions, because it is too difficult for bills to pass through the Senate.<sup>3</sup> I am sympathetic to this argument, but it is not clearly correct when applied to constitutional amendments, or even to ordinary EU legislation. So it is useful to investigate arguments against supermajority requirements rooted in distinctively democratic values. If these arguments work, then we should be skeptical of such requirements even when it is unclear whether they make people less well-off. Hence my focus on the distinctively democratic credentials of supermajority rules.

## Supermajority Requirements and Equality

### The Epistemic Argument

As I've said, there's only really one well-developed extant attempt to argue against supermajority requirements on the basis of democratic values. Melissa Schwartzberg (2013) argues that supermajority requirements disrespect the judgment of those who oppose the status quo. Here is the main idea. The first premise in her argument is that our institutions should comply with a principle of

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of filibustering. I take all these arguments to be substantially less developed than Schwartzberg's (2013) book-length treatment.

<sup>3</sup> This is how I interpret the concern in Binder and Smith (1997) and Binder (2003).

“presumptive epistemic equality” between voters. That means “participants should be presumed equally competent to judge whatever matters are put before them” (Schwartzberg 2013, 112). Schwartzberg then observes that supermajority requirements favor the status quo. Her second key premise is that a bias toward the status quo violates presumptive epistemic equality. She suggests that “supermajority rules will tend to systematically privilege the judgments of one group of citizens” (Schwartzberg 2013, 123)—those that favor the status quo. So supermajority requirements do not presume all participants are equally competent and so violate the requirement of presumptive epistemic equality. We can rule such requirements out, Schwartzberg thinks, on egalitarian grounds.

Let us consider each premise in this argument. Schwartzberg motivates the first premise by saying that “treating some members as if their judgment was of less value than others’ would constitute an infringement upon citizens’ social bases of self-respect” (Schwartzberg 2013, 116). The idea, I think, is that if the presence of certain institutions expressed that some people had worse judgment than others, that would undermine their self-respect. This does not seem to me like the best way to motivate this premise. The problem is that it is unclear whether treating some people as if their judgment is less accurate on political matters actually does undermine their self-respect. In practice, we do this all the time in all actual democracies. We convene expert committees to advise on policy. We hire qualified people to run bureaucracies. We elect representatives to think about policy in detail. These practices all presuppose that some people’s judgment is better than that of others. But I don’t think they do much to undermine people’s self-respect. So this motivation seems to consist of an empirical, and I think rather implausible, claim about self-respect.

I think a better motivation for the idea that we should treat citizens as epistemic equals is more straightforwardly relational. Relationships of social hierarchy are morally objectionable. Think of the relationship between aristocrat and commoner or Brahmin and Untouchable. These are relationships of superiority and inferiority, and those in the latter position have a claim against being subjected to such relationships. Plausibly, though, these relationships are partly constituted by attitudinal disparities.<sup>4</sup> People’s actual patterns of esteem, admiration, contempt, and disgust are part of what makes an aristocrat the superior of a commoner or a Brahmin the superior of an Untouchable. Aristocrats enjoy much more esteem than do commoners. So we have reason to avoid disparities of esteem. Now an important kind of esteem is the esteem the state shows people in

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<sup>4</sup> For the relational egalitarian background of this view see Anderson (1999) and Scheffler (2003). For it clearly expressed see Kolodny (2023, 103–117). Note that in Kolodny’s hands the idea is that *unmerited* disparities of esteem are objectionable. This makes it more difficult to sustain the position I am ultimately arguing against, and so I put this complexity aside.

virtue of their epistemic capacities. This may be especially important, because of the power of the state. And so the state has reason to avoid esteeming some people's epistemic capacities more than others. That, I think, identifies the real motivation for Schwartzberg's "presumptive epistemic equality" premise. The state should treat people's capacity to judge political matters as presumptively equal in order to avoid establishing relationships of superiority and inferiority between people.

Let's look then at Schwartzberg's second premise. Is it true that supermajority requirements involve expressing more esteem (or respect or admiration) to those who support the status quo than to others? To begin answering this question, it is helpful to reiterate what supermajority requirements do. They violate a condition called *neutrality* in social choice theory: they favor the status quo.<sup>5</sup> On the face of it, though, a decision rule that favors some outcomes over others needn't express more esteem for the epistemic faculties of those who support those outcomes. Consider a decision rule that makes it especially difficult to change laws protecting rights. This needn't express that those who support the current regime of rights-protection have better overall judgment than those who don't. It may simply express the idea that we should be wary about eroding people's rights. Or consider a rule that favors bills introduced at the start of a legislative session over those introduced at the end (the pocket veto, for example). This rule surely needn't express the idea that those who support bills introduced early have better judgment than those who support those introduced late. The mere fact that supermajority requirements violate neutrality does not entail they violate presumptive epistemic equality.

For a more thorough evaluation of the premise, we need a more general account of what it is to express esteem for someone's epistemic capacities, or indeed to treat them as if their capacities were dismissible. I think the most plausible account here looks at the social meaning of institutions.<sup>6</sup> When an institution is understood as communicating something by people in its context, it does communicate that thing. Consider enfranchisement. When women were not allowed to vote, that was often understood as communicating that women were less capable of judging political matters. People actually took the restriction on the franchise to express this view. This is why said distribution expressed disesteem for women. The same goes for restricting the franchise to property owners or not allowing felons or children to vote. People, I suspect, actually understand these to express disesteem for the moral or intellectual capabilities of some people. On this account, what

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<sup>5</sup> For the source of this condition, see May (1952).

<sup>6</sup> For this kind of notion, see Christiano (1996) and Hellman (2018).

our institutions express is a contingent and empirical matter; it is rooted in what people actually take them to express.

I doubt any supermajoritarian institutions express more esteem for supporters of the status quo than others on this account of expression. Do ordinary Americans really think that the Senate filibuster communicates that their fellow citizens are wiser if they defend the status quo? Do Europeans think that QMV expresses that those who defend the status quo have better political judgment? I'll admit I don't have survey evidence on these issues.<sup>7</sup> But it still seems to me pretty clear that the answer is "no." I know of almost nobody with these views. So I doubt supermajoritarian institutions in these contexts express that supporters of the status quo have better judgment on political issues. My conjecture is that the point generalizes pretty broadly about supermajority requirements.

So, to sustain Schwartzberg's second premise, we need a different account of what it is for an institution to express something. One alternative view is that institutions express a claim if their best justification rests on that claim. But that does not make plausible Schwartzberg's second premise. There are many extant justifications for supermajority requirements—as Schwartzberg (2013) explores at length in her book. Some say supermajority requirements promote consensual decision-making. Some say they promote institutional stability. Others think they defend the rights of vulnerable minorities. I myself don't find any of these claims terribly convincing (Schwartzberg persuasively addresses them). But they are more plausible than the idea that supermajority requirements are good because the judgment of those who defend the status quo is better. So I doubt the best justification of such requirements rests on this latter claim.

One especially relevant justification for supermajority requirements is rooted in a kind of Burkean conservatism. Supermajority requirements, as mentioned above, violate neutrality. They make the status quo options more likely, *a priori*, to remain in place. A Burkean justification for this is that the status quo represents the accumulated wisdom of past generations. It would likely have been changed if it didn't produce reasonably good effects, and it is difficult to tell when change will be good: so any proposed change is more likely to be bad than good. So, the Burkean idea goes, we should entrench the status quo.<sup>8</sup> But even this idea doesn't really claim that those who support the status quo in any one case have better judgment than those who oppose it. It says they're more likely to be right in this one case. But people make judgments about a wide variety of political issues, and

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<sup>7</sup> One study suggests that *support* for supermajority requirements in the U.S. Senate is associated with support for minority rights (Smith and Park 2013). This is defeasible evidence that Americans think the requirements express such support.

<sup>8</sup> For the idea, see Burke (2003, 51–52).

so this doesn't entail they have better epistemic capacities than others overall. Even a Burkean justification for supermajority requirements doesn't presuppose that some have better judgment than others.

In sum, then, it is very difficult to identify a good sense in which supermajority requirements violate the idea that we should presume citizens are epistemic equals. Merely privileging the status quo doesn't treat some people's judgment as more or less worthwhile in any objectionable way. So the most developed egalitarian argument against such requirements seems to fail. In the next subsection, we'll explore how supermajority requirements look on other egalitarian theories of democracy.

## Power and Equality

In the previous subsection, I looked at a way of evaluating democratic institutions that focused on disparities of attitudes. But, in truth, evaluating democratic institutions in these attitudinal terms is relatively rare. Relational egalitarians much more commonly focus on power. Autocratic institutions grant much more power to some than to others. Democratic institutions, and especially those that give all equal voting weight, grant people more equal political power. The key normative idea is then that asymmetries of power are objectionable. Think about the relationship of master to slave or lord to peasant. These relationships are objectionable, and they are shot through with power asymmetries. The idea is that such asymmetries ground subordinating relationships. So we should endorse democracy because it helps reduce power asymmetries. More generally, we should support those democratic institutions that most reduce power asymmetries.<sup>9</sup>

Do supermajority requirements give some people more power than other people? This depends on how one thinks of power. One might think that one has power when one gets what one wants. Supermajority requirements mean that those who support the status quo get what they want more often, and so on this view have more power. But this, pretty famously, is not what power is.<sup>10</sup> Suppose I live in a dictatorship but happen to share the preferences of the dictator. I might be a free marketer in Pinochet's Chile or an agrarian communist in Pol Pot's Cambodia. But I do not have any influence over Pinochet or Pol Pot; I just happen to agree with them. This doesn't give me any power in the sense relevant to relationships of subordination. I am still subordinated to the dictator. In such cases I get what

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<sup>9</sup> For this kind of idea, see Christiano (1996), Kolodny (2023), Lovett and Zuehl (2022), and Viehoff (2014).

<sup>10</sup> For some classic discussion, see Barry (1980a, 1980b) and Dowding (1991, ch. 4). Schwartzberg (2013, e.g., 122–123, 174–175) sometimes says things that suggest the account of power I am here disputing.

I want by accident, but I do not bring it about. My preferences are not causally connected to what the government does. Power is not only about getting what one wants. It is about being able to bring about, causally speaking, what one wants.

There are several ways we could understand this notion of power. We might take each person's preferences as given and then try to evaluate how capable they are at bringing about the satisfaction of those preferences. So if I am, say, a free marketeer, we would evaluate how much I can causally influence the enactment of free market policies. We wouldn't need to evaluate how capable I would be at bringing about, say, socialist policies. On such a view, call it an *actual-preference* view, there is an egalitarian problem with supermajority requirements. They seem to make it so that those who support the status quo are more capable of bringing about what they want. Conservatives can satisfy their actual preferences as long as they get a minority of other people to agree with them. Reformers face the more challenging task of enlisting a supermajority of people in their support. So actual-preference views suggest that status quo supporters have more power.

However, as several writers have recognized, such views are implausible.<sup>11</sup> The big problem is that they imply that those with unpopular views are thereby subordinated. Consider, for example, right-libertarians. These people want to massively pare back the state: they want the state to just do policing and defense. This position is supported by a tiny minority of people. So, in any remotely democratic country, right-libertarians do not have much capacity at all to enact their policy views. The deep unpopularity of those views reduces their capacity. Compare right-libertarians with people with much more common views: say, those who broadly support the modern welfare state and want slight expansions of state provision of healthcare. These are quite popular views in, for instance, the U.S. or the U.K., and so those with these views have more capacity to enact them. They are not going to face enormous opposition. The actual-preference view implies that right-libertarians are thus subordinated to those who support the welfare state. Indeed, it seems to imply anyone with unpopular views is subordinated to those with more popular views. This seems deeply implausible. So, we should reject actual-preference views.

The alternative is to *counterfactualize* over people's preferences. That is, we evaluate how powerful someone is by evaluating how much influence they could exert in getting their preferences satisfied, across a range of possible preferences. I'm not a right-libertarian, but I could be. So to evaluate my power, one looks in part at how likely I would be to bring about the night-watchman state if that is what I

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<sup>11</sup> See, for example, Abizadeh (2021a, 2021b), Ingham and Kolodny (2023), and Kolodny (2023). Pettit's (1997, 22–23) judgment that a kindly, non-interfering master would still be dominating also seems to require what I'll call the counterfactualizing view.

preferred. And we also look at all the other possible policy views I might have and work out how capable I would be at bringing them about if I had them. On the counterfactualizing view, that right-libertarians have unpopular preferences doesn't detract from their power. We evaluate their power by looking at their capacity to enact policy across a range of possible issues. So this view avoids the unpalatable conclusion that those with unpopular views are subordinated. We should evaluate people's power while counterfactualizing over their preferences.

The issue is that, on the counterfactualizing view, we lose the indictment of supermajority requirements. That such requirements give people who support the status quo more capacity to bring about their actual (pro-status quo) preferences is irrelevant to their relative power when we counterfactualize over preferences. If these people were reformers, they would have less capacity to satisfy their preferences. If reformers were conservatives, they would have more capacity to satisfy their preferences. So on the counterfactualizing view of power, there is no egalitarian objection to supermajority requirements.<sup>12</sup>

Let's turn, then, to an autonomy-based evaluation of supermajority requirements.

## Supermajority Requirements and Autonomy

### Democratic Autonomy

Some people deny that egalitarian considerations wholly explain why we should support democracy. To motivate this denial intuitively, consider the following case. Imagine we could replace representative government with rule by an algorithm. The algorithm, let's imagine, would be wholly autonomous. It would output new policies with no input from external actors. And let's imagine that we are highly confident that the algorithm will produce better legislation than current representative assemblies. In fact, it seems that rule by such an algorithm would be an instrumental improvement all-things-considered. Still, should we replace our government with the algorithm? I think not. There would be a democratic objection to being ruled by the algorithm. But there is no egalitarian objection to such a system. Under the algorithm, nobody has any power and nobody's faculties are especially esteemed. So rule by the algorithm creates no inequalities of power or esteem. Thus, if there is a democratic objection to such rule, something besides equality makes democracy valuable.<sup>13</sup>

What is wrong with rule by an algorithm? It seems to me that the problem is that there is something valuable about ruling ourselves—about autonomy. Rule by the

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<sup>12</sup> For a similar line of thought, see Kolodny (2023, 367–370).

<sup>13</sup> For more on these points, see Lovett and Zuehl (2022).

algorithm forfeits this value. Specifically, under the algorithm none of us make any causal contribution to what the government does. This lack of a causal contribution undermines our self-rule. Several authors have advanced this kind of idea, but it needs further articulation.<sup>14</sup> I propose to understand the value here as an extension of that of personal autonomy. It is valuable to be the author of your personal affairs. It is valuable for you to make a causal contribution to where you live or what career you pursue.<sup>15</sup> Likewise, I believe it is valuable for citizens to author their social and political affairs. It is valuable for you to make a causal contribution to what the government does: to how your society treats criminals, the nature of the economic system, the character of its interactions with other states. The problem with the legislative algorithm is that it denies you any such influence. Democratic institutions facilitate this influence, and with it a democratic form of autonomy.

Let me make clear some features of democratic autonomy. First, what matters to this value is a causal connection between what citizens want and what happens. Authorship is not the same as preference satisfaction. We don't enjoy authorship over everything that we happen to like. Our preferences must have played a causal role in bringing about the thing. Second, the relevant causal connection is a scalar notion of causal contribution.<sup>16</sup> One can causally contribute to something happening without making a difference to whether it happens. Suppose I pour one unit of pollutant in a lake. All the fish in the lake will die if there are ten units in the lake. Ten other people also pour one unit in the lake. Here, I contribute to the death of all the fish but I don't make a difference to whether they die. Likewise, voters can contribute to someone being elected, and indeed to government policy, even when their votes don't make a difference to ultimate outcomes. This is the most common form of authorship in large, modern democracies, where outcomes are often overdetermined.

Third, what matters here is in part actual authorship. The goal is not, solely, that all enjoy the opportunity to author government policy. It is valuable for people to actually make a causal contribution to government policy. The example of selective compulsory voting brings this out well. In Australia mid-century, voting was compulsory for all non-Indigenous adults. So Indigenous people voted at lower rates (Wodak 2024). This was bad, in part, because it reduced their actual authorship of government policy. Actual causal contribution matters to democracy. Fourth, and relatedly, this means that those on the losing side of a

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<sup>14</sup> See, for example, Chapman (2022), Lovett and Zuehl (2022), Stilz (2019), Wilson (2021), and Wodak (2024).

<sup>15</sup> The underlying thought is laid out in Raz (1986).

<sup>16</sup> For one recent analysis of this notion, see Gunnemyr (2025).

vote don't enjoy authorship of its outcomes.<sup>17</sup> Suppose we have two candidates with very different policies in an election. One of them wins with 60% of the vote. If the winning candidate sets policy, those who voted for the losing candidate won't make a causal contribution to policy. Only those who voted for the winner will. Hence, if democratic autonomy requires making an actual causal contribution to policy, then when one votes for a loser, one does not author who wins. Democracy doesn't give everyone authorship over every policy. It just gives people more authorship of policies than does autocracy.

Fifth, what matters fundamentally is that citizens are *autonomous* authors of public policy. So the value of causally contributing to public policy is amplified by factors that make that influence more autonomous (or, conversely, undercut by the lack of such factors). One factor that matters here is knowledge: the more voters know about public policies, the more autonomous is their influence on them. Complete ignorance can make a choice wholly non-autonomous. Another factor is the diversity of voters' options. The more varied are voters' different options, among candidates and packages of public policies, the more autonomous is their influence. If a voter can choose only between candidates offering almost-identical policies, they cannot make a very autonomous choice between public policies.<sup>18</sup> So ultimately how much each voter causally contributes is not the only thing that matters to their enjoyment of democratic autonomy. We must adjust that causal contribution by the factors that affect the autonomy of their choices.

These points should make the notion of democratic autonomy tolerably clear. To evaluate supermajority requirements, we need to extract one final point about this notion. The idea behind the autonomy-based justification of democracy is that we want to facilitate people's authorship of government policy. We want to promote each person's authorship of government policy to the greatest extent that we can. Concretely, this suggests that, holding all else equal, we should maximize the number of people who author government policy. The more people who causally contribute to getting a policy enacted, the better we promote democratic autonomy. Thus democracy is preferable to oligarchy because people are more self-ruling when a large majority contributes to policy rather than a small minority. This is the core premise in my argument against supermajority requirements. In the next subsection, we will see that this is enough to show that supermajority requirements detract from democratic values.

Before that, I will address one alternative to this way of thinking of democratic autonomy. We might understand the value in terms of the bad of coercion rather

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<sup>17</sup> For a detailed defense of this, see Lovett and Zuehl (2022, 487–490).

<sup>18</sup> In Lovett (2026a) I discuss this issue at length and apply it to our choice of electoral systems. I discuss the import of knowledge in Lovett (2021).

than the good of authorship. Rousseau's *The Social Contract* (1762) is the most important modern source of this thought.<sup>19</sup> The idea is that a major problem with the formation of a government is that governments tend to coerce us, and more generally to force us to do things. Coercion impairs our autonomy, so governments tend to impair our autonomy. The Rousseauvian idea is that if government coercion flows from my own will—if I instruct the government to coerce me in a certain way and this is partly why it does so—then that coercion is less deleterious to my autonomy than it would otherwise be. Democracy allows government coercion to flow from citizens' will. So democratic autonomy ameliorates the threat government coercion poses to autonomy.

I suspect that one can run the argument against supermajority requirements on this picture. Still, this is not my preferred account of why authorship over government policy is valuable. The problem is that it does not seem to really capture what's wrong with rule by the legislative algorithm. On this view, what's wrong is that the algorithm coerces individuals. But coercion is a distinctively interpersonal wrongdoing. Coercion is not wrongful just because it involves the coerced's options being reduced. It is wrongful because it involves one agent affecting another in a distinctive way. The legislative algorithm, by hypothesis, does not involve one agent affecting another in this way. The algorithm is not an agent: when it affects citizens' options this is more like natural phenomena affecting what they can do than a dictator bending them to his will. So the Rousseauvian view doesn't seem to me the most plausible account of the value of self-rule. Thus, let's turn to evaluating supermajority requirements from the authorship-based perspective.

## Supermajority Requirements

We can start by considering supermajority requirements in referendums. There are several cases to consider. In some referendums, supermajority requirements make no difference to an outcome. Suppose that a supermajority of, say, 60%, vote for some ballot measure. Then under both majority and supermajority rule, the ballot measure passes and the members of this supermajority author its passage. Now suppose that a majority oppose a ballot measure. Then under both majority and supermajority rule, the ballot measure fails. This majority authors the failure. In these cases, supermajority requirements make no difference to the number of people who enjoy authorship of an ensuing policy.

Supermajority requirements make a difference precisely when a majority, but less than a supermajority, vote for some proposal. In these cases the proposal would

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<sup>19</sup> For some contemporary defenders of this kind of thought, see Pettit (2012) and Stilz (2019).

pass under majority rule but fails in the presence of supermajority requirements. Suppose, for example, that we need a majority of 60% to change the constitution. If 41% of people vote against constitutional change, then we stick with the status quo. In exactly these cases, supermajority requirements mean fewer people enjoy authorship of government policy. Under majority rule the proposal would pass and a majority (in this case, 59%) of people would enjoy authorship of the constitutional amendment. In the presence of a three-fifths supermajority requirement, the proposal fails and only 41% enjoy authorship of the resultant outcome: the maintenance of the status quo. So in cases where supermajority requirements make a difference to self-rule, they lead to fewer people authoring policy than would have under majority rule. More generally, supermajority requirements never increase the number of people who author government policy and sometimes decrease it. So, *ceteris paribus*, supermajority requirements in referendums diminish the achievement of democratic autonomy.

The same is true, under a key assumption, for supermajority requirements in the legislature. The assumption is that, much of the time, when more representatives support a policy in an assembly, this is because more voters support the policy. That's not to say representatives perfectly conform to voter preferences. But it is to say that voters' policy preferences affect how representatives behave. With this assumption in hand, consider any piece of ordinary legislation that, say, 59% of representatives support. This will typically mean that most ordinary citizens also support that legislation. Now imagine the legislative chamber is such that one needs three-fifths of representatives to support a bill for it to pass. When the bill in question thus fails, that suggests voters who support the representatives who oppose the bill get more authorship of policy. They author the status quo. But since fewer voters support such representatives than representatives who back the bill, that diminishes the realization of democratic autonomy overall. If so, supermajority requirements within legislatures diminish democratic autonomy.

Real-world legislatures complicate this conclusion. Specifically, the U.S. Senate is subject to severe malapportionment; each voter in Wyoming has more influence over Senate votes than each voter in California. Such malapportionment means that, sometimes, the filibuster facilitates self-rule. When senators in larger states use it to block a policy supported by those in smaller states, it allows more people to author the status quo than would author the reform. Equally, however, such malapportionment sometimes exacerbates the autonomy-undermining effects of supermajority requirements. Senators in the smallest twenty states—representing about 10% of the U.S. population—can use it to block policy supported by those in all the other states. I see no reason to expect the former to be more common than the latter. If larger states are no more supportive of the status quo than smaller states, then on average supermajority requirements will detract from self-

rule. So it seems to me that the malapportionment of the U.S. Senate doesn't really rescue the filibuster. Supermajority requirements even in malapportioned legislatures diminish democratic autonomy.

We thus have a straightforward autonomy-based argument against supermajority requirements. The more people's preferences are enacted into policy, the more we achieve the value of democratic autonomy (*ceteris paribus*). Majority rule means we get more people with their preferences enacted into policy. Thus majority decision rules increase the achievement of democratic autonomy. This argument provides a stronger case against supermajority requirements than do egalitarian considerations. In the next section, we will look at ways to resist it.

## Objections and Replies

### Causal Contribution

The notion of democratic autonomy outlined in the previous section hinges on a notion of causal contribution. Plausibly, the more one contributes to a policy the more one is author of that policy. If so, we cannot evaluate institutions solely by how many citizens they enable to contribute to policy. We must weight each contributor by the degree of their contribution. This opens a potential defense of supermajority requirements. Although supermajority requirements reduce the number of people who contribute to policy, they increase the degree to which each one of them contributes to the policies they contribute to. When one is able to sustain a policy as part of the 41% of voters, one makes more of a contribution to that policy being in place than when one sustains it with 51% of voters. So although fewer people in this case (41% versus 51%) are contributors, they each make more of a contribution. Thus the extent to which the society achieves democratic autonomy—one might think—is not diminished by supermajority requirements. Authorship of government policy is simply more concentrated among those who support the status quo.

This kind of argument, if sound, would undermine the entire autonomy-based case for democracy. The problem is that it also applies to dictatorships. When a dictator makes all the policies, he makes more of a contribution to those policies than each citizen does in a democracy. So one might suggest that dictatorship doesn't actually detract from democratic autonomy. It concentrates it in the hands of the dictator. Thus anyone sympathetic toward the idea that democracy is valuable because it helps us rule ourselves needs a way to resist this defense of supermajority requirements. They need a way to say that this concentration of authorship is somehow objectionable.

How to do this depends on how we should aggregate different people's authorship for the purposes of institution design. One might think that our goal here should be to maximize the sum total of democratic autonomy. On this view, we look at how much democratic autonomy institutions enable each person to achieve, and we sum them up. We should opt for the institutions that maximize the resultant sum. This is akin to the classical utilitarian conceptualization of promoting pleasure. The natural way to respond to the above argument on this view is that how much each person enjoys democratic autonomy increases as they make more of a causal contribution to policy, but it increases at a diminishing rate. There are diminishing marginal returns to one's overall autonomy from causal contributions. Democracies spread out causal contributions and so realize more democratic autonomy than autocracies. If so, then majority rule will also realize more of this value than supermajority rule.

This is not, however, my preferred way of understanding the goal of promoting democratic autonomy. I think we should construe this goal in prioritarian terms. It's not only that there are diminishing marginal returns to causal contributions, but also that we should give priority to the worse off.<sup>20</sup> It is better to promote the autonomy of those with relatively little autonomy than it is to make a large—in absolute terms—contribution to the autonomy of those who enjoy a lot of it. This seems true when it comes to personal autonomy: we should give priority to improving the autonomy of those who are least autonomous. Supermajority rules tend to concentrate the achievement of democratic autonomy among supporters of the status quo. From a prioritarian point of view, it would be better to spread out the achievement of said autonomy. So supermajority requirements detract from this democratic value.

### Actualist or Potentialist?

Let's turn to another worry. Previously, I suggested that what matters to authorship of government policy is actual influence on it, rather than merely potential influence. Yet there is some pressure to think that in the real world the opportunity to autonomously author policy matters more than one's actual contribution. The issue is that citizens who are entirely ignorant of political matters don't count as autonomously authoring such policy. Yet citizens in most democracies are largely ignorant of political matters. So one might think that they never autonomously author policy.<sup>21</sup> Thus, the only conception of democratic

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<sup>20</sup> For this idea in the realm of welfare, see Parfit (1997). Rawls of course defends a particularly stringent version of this idea vis-à-vis "primary goods" in *A Theory of Justice* (1971).

<sup>21</sup> For some contemporary versions of this thought, see Achen and Bartels (2016) and Lovett (2021).

autonomy that distinguishes between different institutions is one that foregrounds not actual authorship of government policy, but citizens having the opportunity to author policy. Yet one might doubt the argument against supermajority requirements goes through on this potentialist conception of democratic autonomy.

This line of thought overstates the case for focusing on the opportunity for autonomous influence. For a start, it overlooks the scalar aspect of autonomy. It may be true that most citizens don't achieve very much autonomy via the democratic process. Still, some citizens achieve a little, and others a lot. Even ill-informed citizens usually know something about their choices. And some citizens are well-informed about policy and vote on the basis of their policy preferences. These citizens would all have their autonomy diminished by autocratic institutions. Equally, they have their autonomy diminished by supermajority requirements. So the existence of widespread citizen ignorance does not mean all institutions affect actual authorship of government policy the same. We can still distinguish between how much authorship different institutions facilitate. And supermajority requirements detract from actual authorship.

Additionally, there is pressure to resist the idea that only the opportunity for authorship matters. We saw this initially in the special case of selective compulsory voting. More broadly, I think it is valuable to inform people about politics. Public broadcasters and civic education, for instance, are worthwhile because they increase people's knowledge of fairly quotidian political facts. But one might think this increases people's actual autonomous authorship of policy much more than their opportunity to author such policy. More cleanly, policies that boost turnout are desirable. If certain electoral systems predictably lead to higher turnout, that would be an argument in favor of those electoral systems.<sup>22</sup> Reminders to vote on social media are worthwhile, since they boost turnout (Bond et al. 2012). Yet turnout-boosting institutions increase actual authorship, not the opportunity for authorship. So if such institutions are valuable, actual authorship of government policy must be valuable. Thus, the best position here seems to me that we have a right to the opportunity to author government policy, and the actual exercise of that right is good for us.

In any case, one can recover the argument against supermajority requirements on the purely potentialist view—albeit with some arguable premises. Plausibly, one's opportunity for autonomously authoring something depends on the diversity of one's options. Arguably, concentrating one's capacity to contribute to outcomes on a single outcome tends to reduce that diversity relative to spreading it out

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<sup>22</sup> Eggers (2015), for instance, provides some evidence that proportional representation boosts turnout.

across different outcomes.<sup>23</sup> Suppose I can make a big causal contribution to my becoming a plumber and only a small contribution to my achieving any of many different other careers. I have less opportunity to autonomously author my career choices than if I can make a mid-sized contribution to my achieving many different careers (holding fixed my total level of contribution). Supermajority requirements concentrate people’s opportunities for contributing to government policy in the option of sustaining the status quo. They reduce their ability to contribute to each of many different reforms to the status quo. So, on this picture, they tend to reduce their opportunities for autonomous authorship.

### Intensity of Preferences

Let us address a final concern. People care about different things to different degrees. Plausibly, this affects what choices most impact their autonomy. It is especially important to be author of who I marry, where I live, what career I pursue. It is more valuable for me to be author of what happens in these domains than it is to be author of, say, what career you pursue, because I care more about my own career than about your career. The same seems to be true for democratic autonomy. It is more important to be author of the policies of our own governments than those of some distant foreign government. That is because we care more about the former than the latter. We care more about the level of taxation, say, in our own state than that in some distant one. More generally, how valuable it is to be author of something is a function of how much one cares about it. The more one cares about something, the more valuable is authorship of it.

One might think that this opens up a defense of supermajority requirements. It has long been suggested that supermajority requirements protect the rights of minorities.<sup>24</sup> One way to construe this suggestion is in terms of intensity of preferences. The thought is that supermajority requirements allow a minority group that cares intensely about a domain to get their way in that domain—or at least to prevent a policy change that they oppose. And that might overall augment

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<sup>23</sup> Mathematically, one way to capture this is to think of the diversity of an option set as the spread of one’s causal capacity across the space of outcomes. Thus, consider the sum total of your ability to contribute to all outcomes. Let  $c_i$  be the fraction of this total one can direct toward bringing about outcome  $i$ . Let  $d_{ij}$  be the difference between any outcomes  $i$  and  $j$ . Then we might say the diversity,  $Q$ , of any option set is

$$Q = \sum_i \sum_j c_i c_j d_{ij}$$

This measure (a form of Rao’s (1982) quadratic diversity) implies that, typically, concentrating your causal capacity in a small region of outcome space will reduce the diversity of your option set.

<sup>24</sup> For a recent defense, see Qvortrup and Trueblood (2023).

the achievement of democratic autonomy. This is because if the value of one's authorship of a thing is determined by how much one cares about it, to promote democratic autonomy we want to give people more power over issues they care more about. If supermajority requirements do this, then this would be an argument in defense of supermajority requirements.

Unfortunately, the supermajority requirements we have been discussing don't give minorities more influence over things they care a lot about. Such requirements are insensitive to the intensity of a minority group's preferences in a domain. Suppose a blocking minority of 41% care only very mildly about the policy they are blocking. If more than a three-fifths majority is required for policy change, the minority can still block change. They are able to block change even if the 59% majority care intensely about the issue. The same goes for the more specific context of minority rights—as the history of the U.S. Senate filibuster illustrates very well. Often, policy changes are needed to protect rights. If any minority can prevent change, then in these cases we'll often end up with worse protections of minority rights than we would otherwise have. So there seems to me no argument for these kinds of general supermajority requirements from intensity of preferences.

Having said that, we can defend some departures from majority rule on the basis of this point about intensity of preferences. Suppose we know that the members of some minority care much more intensely about an issue than members of the majority. Then giving a veto on the issue to this minority might well facilitate democratic autonomy, by giving more influence to those who care more about the issue.<sup>25</sup> More generally, plausibly, people usually care more than others about decisions local to them. So some decentralization will give people more influence over decisions they care (relatively) more about.<sup>26</sup> This could be entrenched by requiring a nationwide supermajority to overturn local decisions. These are all, in a sense, supermajority requirements. But they are targeted, in that they give more power to members of a certain group over a certain subset of policies. They are very different from supermajority requirements that cover all ordinary legislation or constitutional amendments. So the supermajority requirements we've focused on, untargeted requirements, still seem to detract from democratic autonomy.

## Conclusion

Let me sum up. I have been exploring the democratic case against supermajority requirements. I've argued that equality doesn't ground a persuasive case against

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<sup>25</sup> Schwartzberg (2013, 200–202) also makes this point.

<sup>26</sup> For a more detailed exposition of this point, see Lovett (2026b).

such requirements. But autonomy does. Supermajority requirements tend to reduce the number of people who make a causal contribution to government policy, and that reduces the achievement of democratic autonomy. To reiterate, this is not an overall assessment of supermajority requirements. I haven't assessed the positive argument for such requirements, although I believe Schwartzberg (2013) makes a convincing case that it is weak. And I have not assessed more instrumental arguments against such requirements. Still, I believe democratic autonomy is a weighty aspect of democracy's value. If so, this identifies a weighty consideration against supermajority requirements.

What are the practical consequences of this argument? Well, assuming that this consideration isn't outweighed by countervailing considerations, it means we should abolish such requirements. The U.S. Senate should get rid of the filibuster. The EU should move away from QMV in the Council of Ministers; future EU treaties should make decision-making more majoritarian. And countries should abolish supermajority requirements when it comes to constitutional amendment. Obviously, this is difficult to do because supermajorities are often required to change a constitution protected by a supermajority requirement. But it is not impossible, and occasionally countries do rewrite their constitutions extra-constitutionally. We are, for example, on our fifth French republic. Insofar as we care about democratic autonomy, we have reason to oppose supermajority requirements at these critical junctures.

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