

- Pinard, M. & Hamilton, R. 1978, "The Parti Québécois comes to power: An analysis of the 1976 Quebec election", *Canadian Journal of Political Science/Revue canadienne de science politique*, 11(4): 739–775.
- Qvortrup, M. 1999, "A V Dickey: The referendum as the people's veto", *History of Political Thought*, 20(3): 531–546.
- Qvortrup, M. 2022, *I Want to Break Free: A Practical Guide to Making a New Country*. Manchester: Manchester University Press.
- Radan, P. 2000, "Post-secession international borders: A critical analysis of the opinions of the Badinter Arbitration Commission", *Melbourne University Law Review*, 24(1): 50–76.
- Ragin, C. C. 2008, "Measurement versus calibration: A set-theoretic approach", in J. M. Box-Steffensmeier, H. E. Brady, & D. Collier (eds), *The Oxford Handbook of Political Methodology*, Oxford: Oxford University Press: 174–198.
- Rich, R. 1993, "Recognition of states: The collapse of Yugoslavia and the Soviet Union", *European Journal of International Law*, 4(1): 36–65.
- Rihoux, B. 2008, "Case-Oriented Configurational Research: Qualitative Comparative Analysis (Qca), Fuzzy Sets, and Related Techniques", in J. M. Box-Steffensmeier, H. E. Brady, & D. Collier (eds), *The Oxford Handbook of Political Methodology*, Oxford: Oxford University Press: 722–736.
- Riksdag Till Kungen, 28th July, 1905 (Swedish Parliament letter to the King).
- Roshwald, A. 2015, "The daily plebiscite as twenty-first-century reality?", *Ethnopolitics*, 14(5): 443–450.
- Rourke, J. T., Hiskes, R. P. & Zirakzadeh, C. E. 1992, *Direct Democracy and International Politics: Deciding International Issues through Referendums*, Boulder: Lynne Rienner.
- Scheindlin, D. 2012, "Phantom referendums in phantom states: Meaningless farce or a bridge to reality?", *Nationalism and Ethnic Politics*, 18(1): 65–87.
- Toynbee, A. 1915, *Nationality and the war*, London: JM Dent & Sons.
- Tribunal Constitucional 16th June 2010.
- Wambaugh, S. 1920, *A Monograph on Plebiscites*, New York: Oxford University Press.
- Wittgenstein, L. 2016, *Philosophische Untersuchungen*, Frankfurt aM: Suhrkamp.

18

MAJORITARIANISM AND SECESSION

An ambiguous but powerful relationship

Sean Mueller

Majoritarianism is an ideology centred on the organisation of political institutions and accompanying mechanisms of decision-making. The core ideas on which it rests are that governmental power should be as unrestrained as liberal-democratically possible, and that collectively binding decisions are taken by simple majority, which sometimes masks as a bare plurality (e.g. Sartori 1987, 134).¹ Ironically, majoritarianism of some sort is so deeply ingrained within liberal democracy that it has only rarely served as the exclusive object of theorising or – especially as of late – of advocating. More frequent are instances in which one of its many opposites is debated and indeed postulated, notably power-sharing or consensus democracy (e.g. Lijphart 2012), federalism (e.g. Burgess 2012; Gagnon 2021; Requejo 2010) and deliberative democracy (e.g. Gutmann & Thompson 2004).

The relationship of majoritarianism with secession is paradoxical. The former is for the latter both a key motivation to leave and a main obstacle to actually leaving, at the same time. As I will argue more fully in this chapter, the majoritarianism of existing nation-states such as Canada, Spain, or the United Kingdom (UK) is one of the main reasons why cultural minority groups such as the Québécois, Catalan or Scots want to secede. However, since fundamental changes to the nature of a political community need to be approved by (at least) a majority, and most often even by a super-majority (Schwartzberg 2014), majoritarianism also amounts to an almost insurmountable hurdle for such groups.

Yet the relationship of majoritarianism with secession is even more complex, for the former has served the latter both as a point of departure and of arrival: in wanting to leave behind a country that systematically ignores, oppresses, and even abuses a large minority, the new state dreamed of by secessionists should cater to the needs of the former minority (now the majority) and in turn overrule and ignore . . . the new minority! And just like already existing majoritarianism at the state level is an obstacle to leaving, so does the regionally projected majoritarianism obstruct the creating of a large enough support in society at both regional and state levels. Even civic nationalism, most prominently (and necessarily, given the virtual absence of an own language in the strict sense) encountered in Scotland (e.g. Arrighi 2019, 284), is of no help, for it, too, remains trapped in the majoritarian inclusion-exclusion dichotomy.

The purpose of this chapter, therefore, is twofold. At a theoretical level, the most important connections between majoritarianism and secession are spelled out for different dimensions in

the next section. The operation of these mechanisms is then investigated in four secessionist regions and the states of which they are (still) part: Catalonia and Spain, Flanders and Belgium, Québec and Canada, and Scotland and the UK.

Defining democratic majoritarianism

A democracy is majoritarian to the extent that it maximises overall political power in the hands of a single person. Two logics converge: that of translating the will of a simple electoral majority as directly as possible into the composition of government (input), and that of maximising the impact of said government on state action (output). Ideally, then, elections are by first-past-the-post, where a plurality of votes suffices to win the only seat on offer in a constituency. Once in power, none of the usual constraints in either the governmental (e.g. a directly elected President next to the Prime Minister), partisan (coalitions), parliamentary (second chambers), direct-democratic (referendums), judicial, or federal dimension obtains (e.g. Bernauer & Vatter 2019; Lijphart 2012).

The person coming closest to such a state of affairs is a Prime Minister who is also leader of the parliamentary party with a majority of seats in the only chamber. In turn, majoritarianism is the ideology advocating or defending such a political system and its behavioural outcome. Underlying both the institutional architecture and its political defence are supposedly democratic assumptions regarding interpersonal political equality ignoring, or even denying, the relevance of cultural group identities (Kymlicka 1995; Abizadeh 2021). However, the people are judged competent enough to elect its government, but not to express their political preferences directly using referendums; finally, the national parliament is held to be sovereign, meaning neither the judiciary nor lower-level governments can operate independently from but only through it (Russell & Serban 2021, 10; Flinders et al. 2022).

Institutions . . .

The institutional dimension of majoritarianism combines six main properties. All maximise majority rule through the absence of constraints. To begin with, *electoral* constraints are removed by relying on plurality voting such as first-past-the-post or two-round systems, where an absolute majority (50% + 1) is needed to gain a seat in parliament. While this typically transforms an electoral majority into a parliamentary majority, also an electoral plurality or even a minority (if ideally distributed over electoral districts of uneven size, as is the case in the US Senate: Ettinger 2019) might benefit from these rules. More generally, the permissiveness of an electoral system towards a multitude of parties can be assessed via the mean or median district magnitude (e.g. Neto & Cox 1997, 157): the smaller, the more majoritarian; the smallest being of course 1.

Parliamentary constraints arrive in the form of powerful second chambers or demanding investiture rules. Each of these poses a limit to either the translation of a bare plurality in the lower or only house, or of a majority in only one of two houses, into a governmental majority. Explicit demands for majority support before a new government can begin its mandate, as in Germany or Spain, are more demanding than “negative rules” according to which there has to be a majority against it lest it can assume office (Rasch et al. 2015, 17). In the latter case, even a parliamentary plurality – the party with the most seats, but short of 50% + 1 – may come to form the government if the opposing parties are unable to coordinate.

Within *government*, the electoral and/or parliamentary majority has full reign if its chief is also the head of state, as in presidential systems, or if the latter is purely ceremonial. In parliamentary

and semi-presidential systems with an only symbolic head of state, neither the monarch nor an indirectly elected president nor even one that is directly elected (Duverger 1980) will act as an intra-executive check on the power of the prime minister. In both (semi-)presidential systems, when the president is also the leader of the parliamentary majority, and parliamentary systems, a fusion of executive and legislative powers occurs in the hands of the majority party – or, rather, in the hands of the person(s) directing that party.

Direct-democratic instruments will lead to compromises, and thereby contain the majority will, provided they bestow upon political minorities a meaningful veto and/or agenda setting powers (Vatter 2000, 174). Lacking those two components, the representative arena and parliamentary elections are all that counts. In the best case from the point of view of majoritarian democracy, only the government or a parliamentary majority can call a referendum where a simple majority is needed, thereby further cementing its grip on political power to the detriment of even a very large minority (cf. Morriss 2002, 190–192). The same can be said of *judicial review*: if strong as well as open to opposition parties and (organised) individuals, it can constrain the parliamentary and/or government majority of the day (e.g. Hall & Ura 2015; Macedo 2010) – the caveat being that judges themselves will typically have been appointed by some form of representative (super-)majority in the past. In other words: whether direct democracy and judicial review constrain or amplify and legitimise majority rule is an empirical question. Clearly many Catalans thought the latter was the case regarding the Spanish Constitutional Court’s 2010 verdict (Mueller 2019, 147).

Finally, a democracy is all the more majoritarian the greater the amount of political power *centralised* at the state level, rather than being delegated to or retained at regional and local levels (Hooghe et al. 2016; Ladner et al. 2019). This alludes to what Stepan (1999) has called “demos-enabling”, which here is reinterpreted as ‘electoral, parliamentary, and/or governmental majority at state-level enabling’. For majoritarian decision-making to exploit its full potential, there can only be one majority: that calculated with the entire state and its singular national political community as reference points. Not considered here are undemocratic settings defined as, for instance, the absence of a real choice between at least two parties.

. . . And ideas

Having defined what majoritarian democracy looks like in terms of the institutional corset, we are now able to better understand its moral and political justifications. In theory, these can be divided into more or less explicit assumptions (of how society is) and goals (of how it should be). In practice, the two are often fused and barely separable – indeed, the core notion of interpersonal political equality is both an assumption and a goal, allowing one to hide behind the other when attacked on those terms: to the empirical reproach that not all citizens are in fact equally able or willing to participate in politics, majoritarianism can reply that democracy should enable but not force individuals to do so (hence the minimal, elitist understanding of democracy); while to the normative charge that there should be more to democracy than mere aggregation of votes, majoritarianists’ reply can be political actor-centred in saying that ultimately it is individuals, or at least the groups they compose, that make democracy work.

Underlying the defence of the whole set or also individual components of majoritarian institutions is a view of society as composed of individuals with equal rights – nothing more, nothing less. If there was *more* to society than interpersonal equality, for instance inter-group equality, we could not defend the purely aggregative method of counting all votes equally but had to allow for “plural voting” (Mill 2001 [1861] through the backdoor – for instance in the form of weighing votes by sub-state government and/or malapportionment (Rodden 2004). In

turn, if there was less to majoritarianism than interpersonal equality, the ideology would cease to be democratic.

Thus, as it is defended by most adherents, the core value both postulated and assumed by majoritarian democrats is that all members of society count equally *a priori* (Abizadeh 2021, 5), i.e. before decisions are taken in elections, parliaments, or referendums. Note that in this way *majority* decisions are justified, but not actually those taken by pluralities. That is, the ideology purports to defend decisions taken by a popular majority, but ends up vindicating a parliamentary majority that may rest on a popular plurality. The secret hope of majoritarianism is not only that a parliamentary majority (in terms of seats) corresponds to a popular majority (in terms of votes cast), but also that the difference between majority and plurality disappears in a stable two-party system: In the UK, claim Rosenbluth and Shapiro (2018, 12), “the parties are large – only two, more or less – which forces them both to aim for the political middle. The electoral competition between them is a regular discipline to consider the interests of an electoral majority”. By consequence, if one gains the upper hand over the other, it will automatically have secured a majority.²

At heart, then, majoritarianism is as monistic, hierarchical, and resolute as nationalism: there is only one majority (parliamentary and, ideally, also popular), and its will is superior to all other aggregations of preferences by virtue of numbers. All citizens are members of the same nation and, as such, count equally. But while this ideology may work well in culturally homogenous societies with cyclical majorities along multiple, primarily functional divisions (such as left-right), matters become more complicated in multinational societies. As is well known, here the risk is that cultural minorities also become permanent political minorities. That is all the more likely if state nationalism allies with majoritarianism, which is tempting, as it has the numbers on its side, if – but only if – we count only individuals, and not also cultural groups (Elster 1992, 24).

Members of the permanent minorities then face the choice between demanding and embracing non-majoritarian forms of democracy – such as federalism, if the group is territorially concentrated, or consociationalism, if it is not – or leaving and building their own, independent state. Ironically, as the next section shows, if the latter path is advocated, it often uses the exact same majoritarian arguments that have led to the minority being powerless in the first place: the right of “the majority” to decide and impose its will without restrictions.

Case studies

Let us next look at four specific cases to observe the interplay of practiced and planned majoritarianisms at state and regional levels with secession. The contexts selected are the four usual suspects, i.e. those that have seen a significant push for secession or even an independence referendum: Catalonia, Flanders, Québec, and Scotland. The first two sub-sections look at majoritarianism at the state level, the remaining two at the regional level.

State-level institutions

How majoritarian are Belgium, Canada, Spain, and the UK, as per the institutional and ideational definitions provided in the previous sections? Bernauer and Vatter (2019) provide one of the most encompassing and thorough summaries of majoritarian institutions at the country level – or what they call the four dimensions of “power diffusion”. A first dimension measures the extent to which power is concentrated in the hands of a strong executive and indeed a single party commanding a parliamentary majority, while a second measures whether direct democracy is used in a pro- or counter-majoritarian fashion. It thus emerges that the UK, Canada, and Spain are majoritarian in both dimensions, Belgium only in the second. Bernauer and Vatter’s

(2019) third dimension assesses the governmental system. All four countries are parliamentary democracies where only the legislative is directly elected and no other executive figure – least of all the merely symbolic monarch – rivals the triple-role of the Prime Minister as head of government, leader of the largest party, and, through that, also informal head of parliament.

Their fourth and final dimension relates to federalism. Figure 18.1 thus looks at the vertical dimension of power concentration and traces the evolution of self-rule and shared rule of the four selected regional units as provided by their state’s framework. Self-rule refers to the amount of formal power over own, i.e. regional affairs (autonomy); shared rule assesses the extent to which regional governments or their representatives are given a say in state-wide decision (co-decision; Hooghe et al. 2016). Again, Belgium – and more particularly the Flemish region – stands out: not only in terms of the distance covered since 1970, but also in being alone in having significantly more shared rule than self-rule. In fact, while all four regions had about the same amount of regional self-rule by 2018 (80% or, in the case of Québec 100% of what the index assesses), the variation in shared rule is much greater: from 54% in Québec and Scotland to 79% in Catalonia and 96% in Flanders.

All four countries also have asymmetric bicameral systems, with only indirectly elected and appointed senators or, in the case of Spain, a mixture of sub-regional direct elections and indirect elections by the parliaments of the Autonomous Communities (Lijphart 2012). However, in none of the four countries is the second chamber the expression of regional governments, as in Germany, nor is it involved in the investiture of government, as in Italy. Their legitimacy and, by implication, also their effectiveness to curb majority rule is limited, too (Mueller et al. 2021). Both the parliamentary system and the almost exclusively representative character of the Belgian, British, Canadian, and Spanish political systems, with strong parliamentary party discipline (Field 2016; Kam 2009), reinforce their *de facto* unicameral nature further.

Finally, both judicial review and constitutional rigidity are strongest in Canada and weakest in the UK, with Belgium and Spain in the intermediate categories on both these indicators (Bernauer & Vatter 2019). However, constitutional rigidity and judicial review can also serve to cement the existing (majoritarian) order by raising the obstacles to change it further (e.g. Schwartzberg 2014). For it is one thing to have a rigid constitution that already guarantees a wide range of regional authority, with a strong supreme court to police it, as in Canada; but quite another matter altogether to want to move towards a more decentralised or even confederal system, as some in the UK, Spain, and Belgium desire.

Overall, then, the UK ends up as the most majoritarian political system: single party dominance at the state level is the norm, centralisation is high. And there are only weak checks on cabinet power in the form of direct democracy, a second chamber, judicial review, or super-majority requirements for constitutional change. Only the UK parliament is sovereign, which *de facto* means the party that controls a majority of seats in the House of Commons. At the other end of the scale – but not so very far either – we find Belgium (for proportional power diffusion and regional authority) and Canada (for judicial review, constitutional rigidity, and regional authority). Spain and Catalonia have more developed regional authority than the UK and Scotland, and judicial review and constitutional rigidity are also less majority-friendly at first sight, but state-level direct democracy and proportional power-sharing are equally lacking.

Ironically, the unfettered power of UK governments has also made them the most flexible in giving in to regionalist demands. If the party in power has promised devolution before the elections, it can deliver, such as Labour in 1997. If another party in power consents to holding a referendum on independence, it too can deliver (the Conservatives in 2014). By contrast, in Spain, judicial review – a counter-majoritarian feature, in principle – has stood in the way of expanding Catalan autonomy, in 2010 (Mueller 2019). Similarly, the high obstacles for

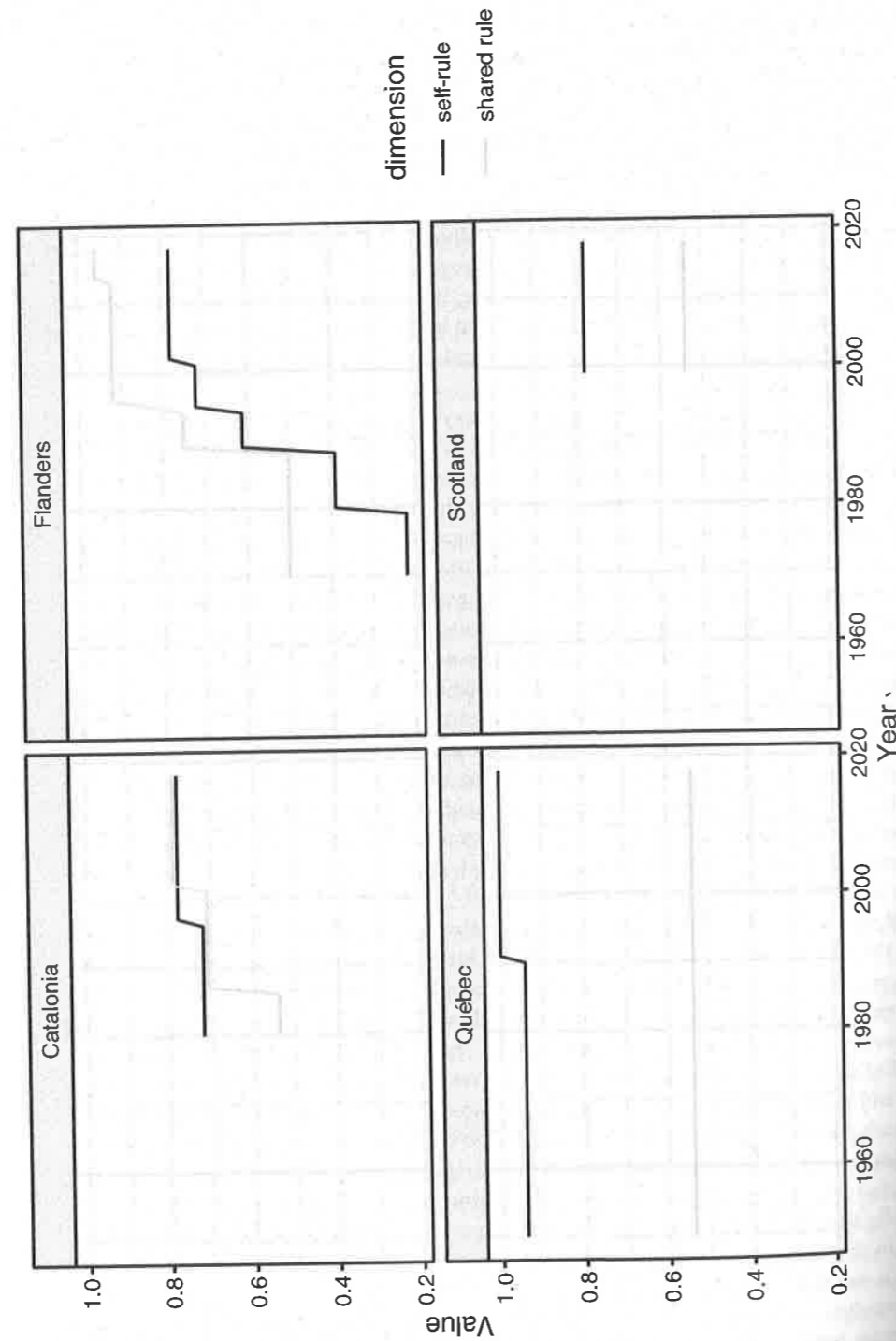


Figure 18.1 Self- and shared rule in selected regions, 1950–2018
 Note: Shown are normalised regional self- and shared rule scores, meaning that 1 corresponds to the maximum value possible.
 Source: Author's own graph, with data from Hooghe et al. (2016) and Shair-Rosenfeld et al. (2021).

constitutional reform in Canada have led to the failure of the 1987 Meech Lake Accord that had incorporated all of Québec's five demands for further self- and shared rule (Hueglin 2021, 224f). So while majoritarianism is generally oblivious to the preferences of minorities (by definition, for mere numerical ones, and depending on context, for cultural groups), it can on occasion become their ally. Moreover, institutional structures are only worth their societal acceptance and interpretation, as discussed next.

Society and political parties

Beneath every institutional superstructure lie widely shared views and norms regarding the character of society. Particularly relevant in all our cases here is the extent to which society is considered to consist of just one nation as opposed to two or more. A first indicator of this arrives in the form of constitutional self-definitions. Thus, despite – or perhaps because of – the absence of a single codified basic law in the UK, the national status of Scotland (and Wales) is largely undisputed (cf. e.g. House of Commons 2015, 15). The Belgian constitution acknowledges that “Belgium is a federal State composed of Communities and Regions” (Art. 1), but at the same time insists that “All powers emanate from the Nation.” (Art. 33). Even more ambivalent is the Spanish constitution: sovereignty belongs to “The Spanish Nation” and “Castilian is the official Spanish language” (preamble and Art. 3.1), but “nationalities” are equally recognised and “the other Spanish languages” can have co-official status at the regional level (Art.s and 3.2).

Nothing on “nation”, neither in the singular nor in the plural, is contained in the Constitution of Canada. But that does not mean the question is resolved – far from it: the issue has been the object of fierce debates over many decades (e.g. Hueglin 2021, 291–299). Only in 2006 did the Canadian parliament approve a statement (with 266 to 16 votes) that “this House recognize that the Québécois form a nation within a united Canada”. However, then Prime Minister Harper immediately qualified its significance by stating that he was “using the word nation in a cultural-sociological rather than in a legal sense” (CBC 2006).

The nationality question has also become the object of political and legal struggles in Spain (e.g. Brown & Cetrà 2020). Most significantly, the Spanish Constitutional Court ruled in 2010 that the words “nation” and “national reality” contained in the revised Catalan Autonomy Statute had no legal effect. This provided one of the sparks that ignited the secessionist fire. However, rather than being itself an independent cause for the growing political grievances of Catalan nationalists, the ruling is merely symptomatic of the fundamentally monistic understanding of the Spanish nation embraced by a large majority of Spaniards (cf. Mueller 2019).

This brings us to consider a second indicator for the mono- or plurinational character of a society: the party system. Requejo (2010, 277) has argued that for minority “nations” to qualify as such, they need to have both a distinct party system and at least one secessionist party within it. While it is perfectly feasible for a regional party system to be distinct in polarisation, fragmentation and/or any other dimension, the regular presence of at least one regional-nationalist party should suffice to indicate plurinationalism (Mazzoleni & Mueller 2016). All four countries assessed here have seen such parties emerge and persist both in national and regional elections. Thus, in 1991 was founded the *Bloc Québécois* (BQ), joining the ranks of similarly independentist parties such as *Esquerra Republicana de Catalunya* (ERC) and the Scottish National Party (SNP), both founded in the 1930s. In Flanders, the *Nieuw-Vlaamse Alliantie* (N-VA, founded in 2001) has become the biggest party not only regionally but also state-wide, although it shares the nationalist space with *Vlaams Belang* (VB, until 2004 *Vlaams Blok*).

To understand the salience of secessionism in society, Figure 18.2 plots the vote shares of these parties over the past federal or general elections in two ways: first, the votes gained by them as a

percentage of all valid votes cast *in their own region*, and second, as a percentage of all valid votes cast *state-wide*. Focusing on the regional dimension first, the two most successful parties to date have been the N-VA and VB, which together scored a staggering 62% across the five Flemish provinces in 2007. Apart from this, however, the secessionist vote never surpasses 50% or, for the ERC, 25%.³ Expressed in terms of state-wide support, all the scores are obviously much lower, given that all these parties compete only in their own region.⁴ Furthermore, the size of their region matters, from Scotland and Catalonia (with 9% and 16% of all valid votes cast respectively), through Québec (a quarter), to Flanders (some two-thirds, in 2019).

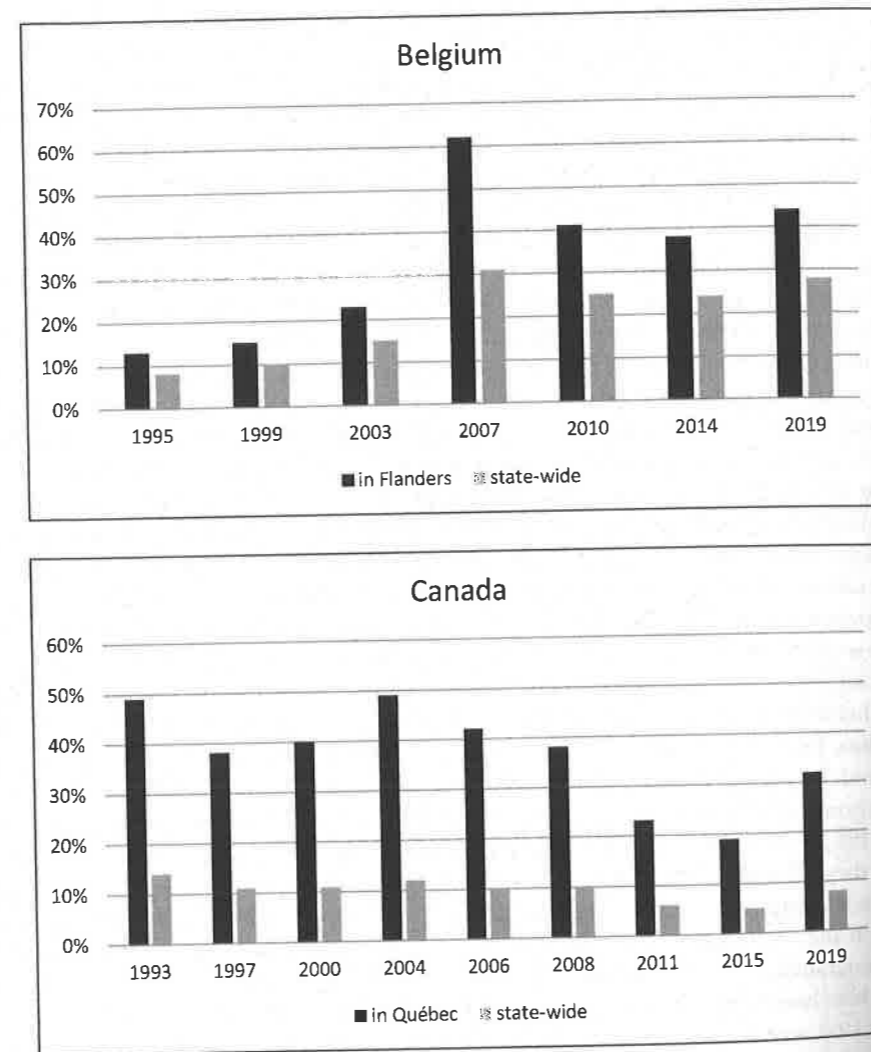


Figure 18.2 Regional and state-wide vote shares of secessionist parties in B, CAN, ESP and UK
 Note: Shown are the vote shares of the ERC, N-VA + VB, BQ, and the SNP in federal/general elections as a percentage of all valid votes cast in the region (Flanders without Brussels) and overall.
 Source: Author's own calculations and graphs with official electoral results from Belgium (Direction des Elections), Elections Canada, Spain (Ministerio del Interior) and the UK House of Commons Library.

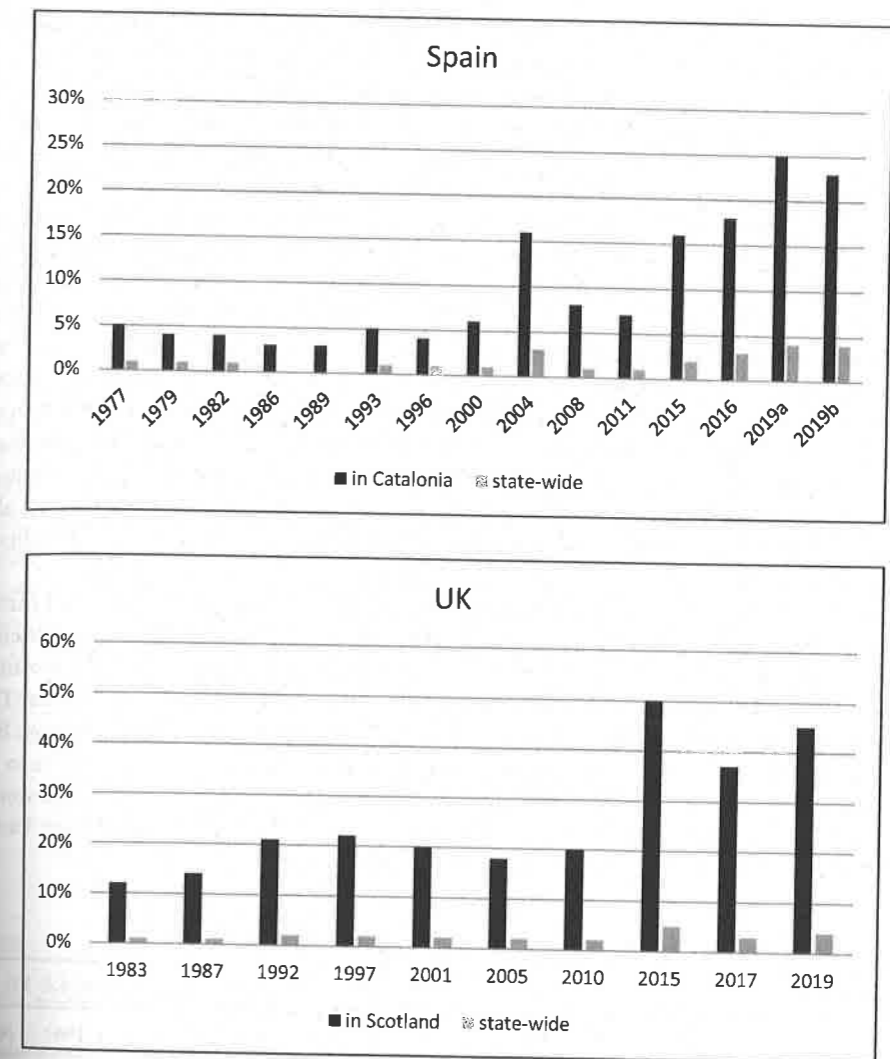


Figure 18.2 (Continued)

We can now more fully appreciate how power concentration in the horizontal, "proportional" dimension works against some parties such as those advocating the secession of a particular region. In Canada, since 1960 all the state-wide governments have been single-party cabinets, and single-party majority cabinets for 73% of the time (Armingeon et al. 2020 and own updates). In the UK, single-party majority cabinets have even been in power for 85% of the time (ibid.). In Spain, single-party majority cabinets have been in power during only 40% of the time since 1977, whereas 55% of the time the top executive was formed by single-party minorities (ibid.). January 2020 has seen the first Spanish coalition government take power, albeit one that lacks a parliamentary majority. By contrast, in Belgium, coalitions have been the dominant mode, either of the minimal-winning (52% of the time between 1960 and 2021) or surplus type (42%; the rest are caretaker governments; ibid.).

Moreover, apart from the N-VA between 2014 and 2018, none of the secessionist parties surveyed here has ever formally participated in a state-wide government. However, the UK, Canada, and until recently also Spain were dominated by just two parties divided along the state-economy, i.e. left-right spectrum: a centre-right (Conservatives in Canada and the UK, the *Partido Popular* in Spain) versus a liberal (Canada) or centre-left party (Labour in the UK and Socialists in Spain). Each pair of parties not only alternated in the central executive, but also served a territorially integrative function by winning votes and seats in our four secessionist regions. In fact, for some state-wide parties the votes gained in the secessionist regions are quite important: the Spanish Socialists, for instance, gained an average of 12% of its seats in Catalonia between 1977 and November 2019 (Conservatives: 5%). Scotland was similarly once a Labour stronghold: between 1918 and 2010, some 14% of its Westminster seats came from there; since the general elections of 2015, however, Scottish Labour MPs have all but disappeared (Conservative equivalent, whole period: 6%). In Canada, too, Liberals are much more dependent on Québec than the Conservatives: between 1993 and 2019, some 18% of its seats were won there (and 22% in 2016 and 2019), compared to only 6% for the Conservative Party since its formation in 2003. So the majoritarian logic not only works to keep (numerical) minorities out, but also to keep cultural minority regions in the state-wide fold – especially from the side of political parties popular there.

Moreover, the fact that Canada and the UK rely on first-past-the-post for national parliamentary elections has, paradoxically, also served to artificially bolster the parliamentary presence of our secessionist parties, as shown in Table 18.1 (shaded cells). But the reverse is also true: despite scoring 6% of the state-wide vote, in 2015, the BQ obtained just 1% of the seats. The use of proportional rules in Spain and Flanders avoids both over- and under-representation. But although 1%, 2%, or 4% of seats might seem unimportant, in certain cases that suffices to be queen-maker (Mueller 2019). In January 2020, the investiture of the Spanish government would have failed anew had the 13 ERC MPs (and the 5 MPs from the Basque nationalist party *Euskal Herria Bildu*, together just 5% of seats) abstained (Cameron 2020).

Table 18.1 State-wide vote and seats shares of secessionist parties, 1987–2019

UK: SNP			CAN: BQ			ESP: ERC			Flanders: NV-A & VB		
Year	Votes	Seats	Year	Votes	Seats	Year	Votes	Seats	Year	Votes	Seats
1987	1%	0.5%	1993	14%	18%	1996	1%	0.3%			
1992	2%	0.5%	1997	11%	15%	2000	1%	0.3%		n.a.	
1997	2%	1%	2000	11%	13%	2004	3%	2%	1995	8%	7%
2001	2%	1%	2004	12%	18%	2008	1%	1%	1999	10%	10%
2005*	2%	1%	2006	10%	17%	2011	1%	1%	2003	15%	13%
2010	2%	1%	2008	10%	16%	2015	2%	3%	2007	31%	31%
2015	5%	9%	2011	6%	1%	2016	3%	3%	2010	25%	26%
2017	3%	5%	2015	5%	3%	2019a	4%	4%	2014	24%	24%
2019	4%	7%	2019	8%	9%	2019b	4%	4%	2019	28%	29%

Notes: The first column always indicates year of general or national election, the second the state-wide vote share, and the third the seat share in the Lower House on election day. Shaded cells = significant (2%+) overrepresentation compared to electoral score, bold = significant underrepresentation.

* Number of Scottish seats in the House of Commons reduced from 72 to 59.

Source: Author's own calculations; for data sources, see notes to Figures 18.2–18.4.

The regional level: current . . .

How majoritarian are Catalonia, Flanders, Québec, and Scotland? Figure 18.3 shows the electoral fortunes of the largest parties in the parliaments of Québec and Scotland, taking into account vote and seat shares. Figure 18.4 does the same for the parliaments of Catalonia and Flanders. The horizontal line indicates the 50% mark above which a party can conveniently

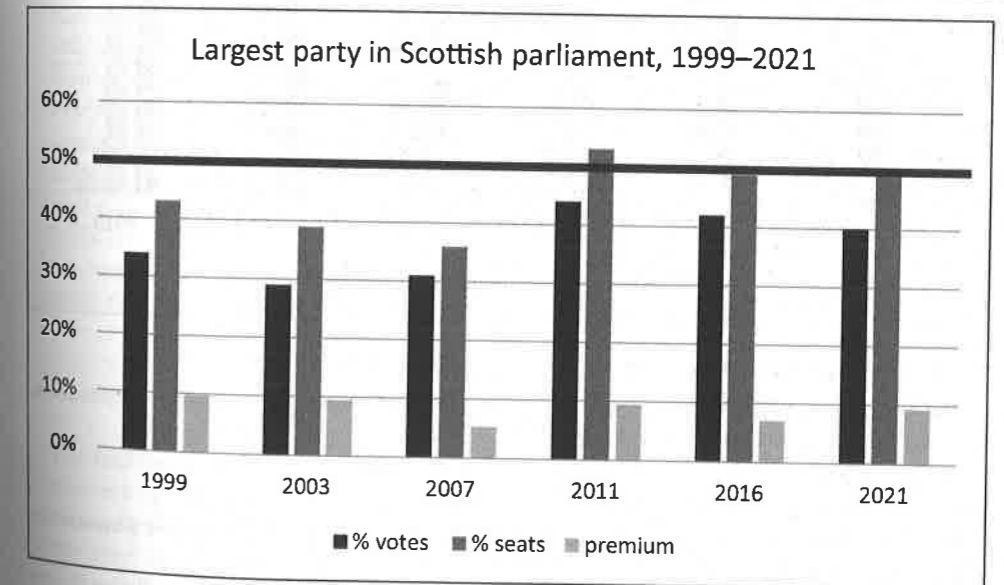
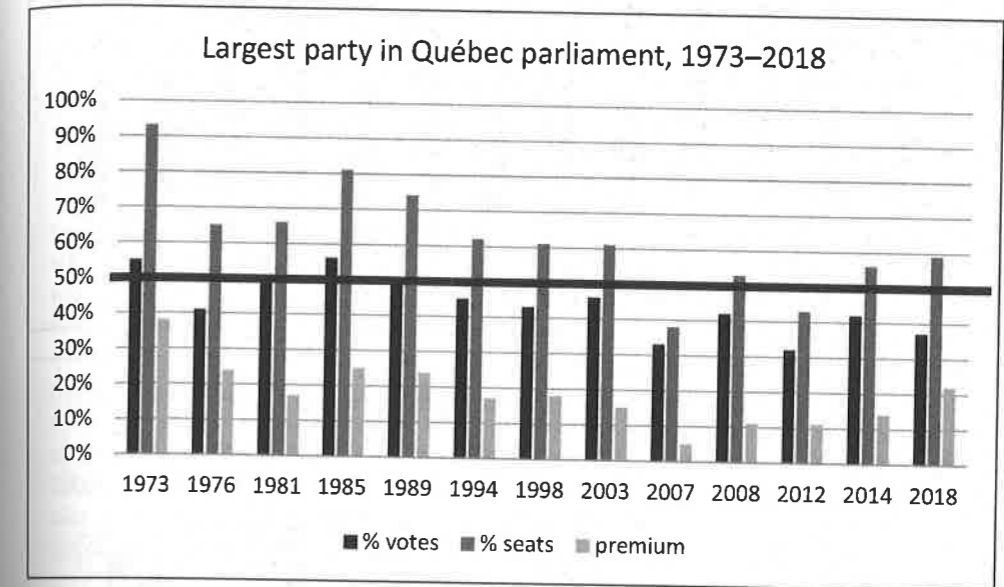


Figure 18.3 Largest parliamentary party in Québec and Scotland, 1973–2021

Source: Author's own calculations and graphs with official electoral results from Élections Québec and the UK House of Commons Library.

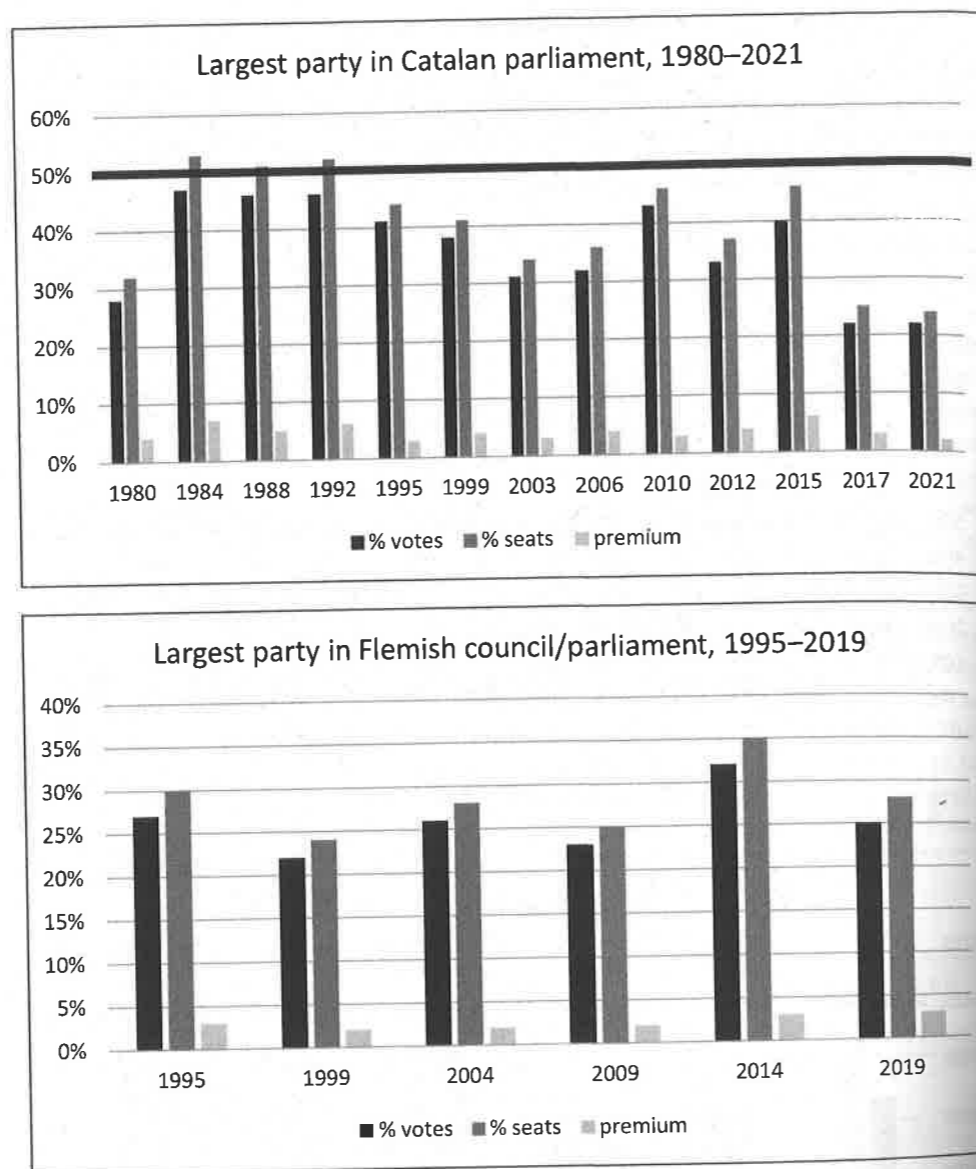


Figure 18.4 Largest parliamentary party in Catalonia and Flanders, 1980–2021

Source: Author's own calculations and graphs with official electoral results from the Institut d'Estadística de Catalunya and Belgium (Direction des Élections).

form the regional government. All four regional political systems are parliamentary democracies with a single chamber.

From the comparison among these four, the following insights emerge. First, all four largely replicate the political systems of their encompassing states. Second, and as a consequence, Flanders is the least majoritarian: the proportional system has provided no single party with an absolute majority of seats, although here, too, the largest party is systematically favoured in the

allocation of seats. Third, the Catalan party system seems to have left behind its period of almost hegemonic dominance (aided, between 1984 and 1992, by the electoral system) to resemble the fragmentation of Flanders.

Fourth, in majoritarian Québec, single-party governments are the rule, enabled not least by electoral "premiums" of up to 25% in 1985, and 38% in 1973 (18% on average; Scotland: 8%, Catalonia: 4%, Flanders: 3%). In 1998, the *Parti libéral du Québec* even won the most votes (43.6%), but obtained only 48 seats out of 125 (38%). In turn, the *Parti Québécois* (PQ), with 42.9%, won 76 seats (61%). So not only did the party with an electoral minority end up with a very comfortable parliamentary majority, but a secessionist party profited from the electoral system copied from the state-wide level. Fifth and finally, the majoritarian logic has also come to dominate in Scotland, despite the mixed-member proportionality system adopted in 1997 (Cairney & Widfeldt 2015; Matthews 2018).

Not by accident, then, have the only official independence referendums been held in Québec (1980: 40% yes; 1995: 49% yes) and Scotland (2014: 45% yes). They perfectly illustrate the paradoxical relationship of majoritarianism with secession. Majoritarianism is what enabled the single-party governments of Jacques Parizeau (PQ, 1994) and Alex Salmond (SNP, 2011) to take office alone despite securing mere pluralities of the vote (see Figure 18.3). In Scotland (and Wales), it also allowed the establishment of devolution itself, through the Labour government of 1997 (43% of the votes) and subsequent devolution referendums. By contrast, it was a deviation from simple majoritarianism that impeded Scottish devolution to begin already in 1979, since 40% of registered voters had to have voted favourably (Scottish Government 2013, 546). Next, in true majoritarian fashion, direct democracy was used to support governmental policy (Vatter 2000). Yet majoritarianism – more specifically the idea that a simple majority decides – was also responsible for defeating all three independence referendums. However slim the margin, the majority is always completely right and the minority totally wrong.

The same ambivalence, albeit in a different form, can be observed in Catalonia. The three nationalist-independence parties combined scored just above 50% of seats in in the 2015, 2017, and 2021 regional elections, yet they won a popular majority (51%) only in 2021. Moreover, their success is territorially uneven: they comfortably won in the two smallest provinces, Lleida and Tarragona, but not in what is by far the largest area around the capital, Barcelona: here, they gained "only" between 45% and 46%, between 2015 and 2021. In other words, secessionist forces are weakest precisely in the province containing three quarters of the population – a clear majority. In fact, the largest single party coming out of the 2021 elections were the Catalan Socialists, who obtained 50,000 votes more than ERC but the same number of seats (33). So it was both in defiance of majoritarianism and by applying it at camp level that secessionists could retain executive power, through the investiture of Pere Aragonès (ERC) on 21 May 2021 by a vote of 74–61.⁵

... And projected

The final question to be asked concerns secessionist visions for the future. What projects are proposed by secessionists in our four cases? While it is obviously difficult to tell what would eventually be realised if any of these regions were to become independent, it is safe to assume that none would change its current political institutions. To the best of my knowledge, serious political reforms – of the parliamentary regime, electoral system, or the number and type of constituencies – are not on the agenda. These would also be difficult to justify, since in the event that secessionists were to succeed, it will have been possible only thanks to the existing institutions at the regional level (see the previous section).

Currently, neither do Québec secessionists advocate a move away from first-past-the-post, nor do their Flemish counterparties propose leaving proportionality behind. The *Parti Québécois* (2021) thus states the following: “*L’Assemblée nationale sera de même maintenue dans sa forme actuelle puisque les nouveaux pouvoirs qu’elle acquerra ne l’obligeront pas à modifier son mode de fonctionnement.*” (“The National Assembly [= Québec Parliament] will likewise be maintained in its current form since the new powers it will acquire do not require it to change its mode of operation.”)⁶ Nor do the European secessionists want to leave the EU – on the contrary, the N-VA envisions “a stronger Flanders in a stronger Europe”.⁷ However, all parties except the SNP (Scottish Government 2013, 45) advocate a republican form of government – most clearly here the ERC, which carries this aspect in its name and program: “*La República que farem*”.⁸ Finally, while the SNP promises to push for proportional elections to Westminster,⁹ it seems quite happy with its own mixed-member proportional system, despite it not actually fostering “a more collegial approach to the sharing of executive power” (Matthews 2018, 349) and the high “premiums” it still pays to the largest party (up to 10%, see Figure 18.3).

In terms of the society and political community that are promised once independent, all four regions studied here are home to a mix of cultural and civic nationalists, with Québec’s emphasis on French exclusivity forming one end of the continuum and Scotland the other. But make no mistake: the new countries will be home to the Catalan, Flemish, Scottish, and Québécois, respectively. It will be the majorities formed and confirmed within these new coordinates alone that shall determine who rules: “Independence means that the decisions about Scotland that are currently taken by governments at Westminster – often by governments that have been rejected by the majority of people in Scotland – will be taken here instead” (Scottish Government 2013, 374).

Conclusion

This chapter has assessed the relationship between majoritarianism and secession. The former was defined as an ideology centred on the organisation of political institutions and accompanying mechanisms of decision-making, as follows: governmental power should be as unrestrained as liberal-democratically possible, and collectively binding decisions ought to be taken by a simple majority. A democracy is majoritarian to the extent that it maximises overall political power in the hands of a single person. Two logics thus converge: that of translating the will of a simple electoral majority as directly as possible into the composition of government (input), and that of maximising the impact of said government on state action (output). In the ideal-type majoritarian democracy, elections are by first-past-the-post, and once in power, none of the usual constraints in the governmental, partisan, parliamentary, direct-democratic, judicial, or federal dimensions exist: no directly elected president next to the Prime Minister, no need for coalitions, no second chamber, no referendums unless called by the government itself, a weak Supreme Court, and strong centralisation.

Several ambiguities and tensions were then revealed in the relationship of majoritarianism with secession. First, where majoritarianism is practiced and upheld at nation-state level, it justifies demands for secession. The majoritarian logic works on the basis of interpersonal equality, negating the political relevance of groups, and awards full power to whichever majority is formed. Without federal- or consociational-type deviations from strict majoritarian rule, structural minorities such as linguistic groups risk becoming permanently overruled to an extent that they stop identifying with that state. However, majoritarianism is also a main obstacle: the majority needs to either approve said deviations or let the minority and its territory go. The case of Scotland perfectly exemplifies this: devolution was granted by the Labour government

of 1997, which came to power through a plurality of votes (43.2%). However, as of mid-2021, the Conservative government (elected, again, with a bare plurality of votes in 2019: 43.6%) has yet to agree to a second independence referendum. Such obstinacy further fuels the flames of regional grievances – especially since the current government owes only 2% of its 56% parliamentary majority to seats won in Scotland and is far from the most popular party there.

Second, the political parties most interested in keeping a secessionist region in the national fold are often those that depend on the support there to win power overall. The Liberals in Canada, the Socialists in Spain, and Labour in the UK have owed between 12% and 22% of their seats in the national parliament to electoral successes in Québec, Catalonia, and Scotland, respectively. The majoritarian need for these parties to win regionally to govern nationally pushes them to reconcile centrifugal and centripetal demands. However, at the end of the day they remain state-wide parties that need to cater to the whole country, not just one region. That centre-left parties have increasingly been marginalised in the Catalan and Scottish party systems thus does not bode well for their ability to manage centre-periphery tensions, nor for their governmental prospects. The Sanchez government approved in 2020, thanks only to the abstention of 13 ERC and 5 Basque nationalist MPs, would thus seem rather the end of an era and not the beginning of a new one.

Third, turning to the regional level, we often find practised the exact same logic that secessionists criticise as unjust and oppressive at the state level. The Catalan secessionists may have managed to secure a regional parliamentary majority over three successive elections (2015, 2017, and 2021), but only in the last one did they also win a popular majority. Moreover, the largest area by far, the province of Barcelona, remains in the hands of non-nationalist parties. So applying the same majoritarian logic at the province or constituency level would deplete the “Catalan Republic” of three quarters of its current population. What is more, in having exercised and/or demanding the “right to decide” on the future status of their region, secessionists in Québec, Scotland, and Catalonia all venerate the “will of the people” operationalised, again, as a simple majority at the regional level, with no deviations permitted. Either all go, or nobody goes. Recourse to referendums as plebiscites to bolster the governmental agenda of the day is typical for majoritarianism (Vatter 2000).

In all of this, the case of Flanders is exceptional in several regards. First, the region is populated and dominated by the cultural majority. So the majoritarian grievance of being permanently ignored on the basis of numbers does not function. Second, the entire party system is split linguistically, so no party needs to reconcile winning regionally and state-wide. That removes key centripetal actors present in the other three cases studied here. And in a final twist of irony, Flemish secessionists are the victims of not enough majoritarianism. For if the Belgian electoral system was based on first-past-the-post as in Canada or the UK, scoring as much as 25% of the state-wide vote (despite competing only in two-thirds of the country) would probably have been enough for the N-VA and the VB to impose their visions much earlier and forcefully. However, since the De Croo government formed in October 2020 is composed of no fewer than seven parties that together hold a parliamentary majority, those two largest parties are sidelined. Such coalitions are anything but majoritarian, confirming Belgium’s place as a consensus democracy on the executive-parties dimension (Lijphart 2012; Bernauer & Vatter 2019). Lack of majoritarianism at the regional level also means that parties need to share power in coalitions there, which in Flanders they have done since the first ever direct elections of 1995. By contrast, recall that in the Québec of 1998 the *Parti Québécois* remained in power despite winning only a minority of votes, and that all the SNP governments since 2007 have had a mere plurality of votes (of between 31% and 44%; see Figure 18.3). As is known, both parties were able to subsequently call “all or nothing” independence referendums, whilst the Flemish secessionists have had to work through one state reform after the other to gradually increase their region’s powers.

That they have done so rather successfully (see e.g. Figure 18.1) leads to a final thought: majoritarianism may turn out to be a curse in disguise. Although it serves as a main justification for secession if practised at the state level, it raises the obstacles to actually leaving to almost unreachable heights: a nation-state government favourably inclined enough to allow or at least tolerate an independence referendum, followed by a majority in a regional popular vote. In the latter, given that secessionists argue for a radical overhaul of current structures and a leap into the unknown, the odds will be decidedly stacked against them. Furthermore, although majoritarianism at the regional level enables effective governments also in the absence of popular majorities, it strengthens adversarial politics and contributes to polarisation and alienation (e.g. Mueller 2019). But so that the entire region is on board when departing, it would be in the interest of secessionists themselves to seek the support of more than just 50% + 1 of those voting.

Notes

- 1 "Plurality" means more votes than anybody else (e.g. 45% vs. 30%, 20%, and 5%). "Majority" means 50% + 1 (if the total number of votes is uneven, else 50% rounded to the next integer) and is "simple" if only valid votes cast are counted and no quorum is specified.
- 2 With only two competitors, plurality and majority coincide. However, it is still possible that the winner of a popular plurality/majority ends up with a parliamentary minority, notably if constituencies are uneven in population size and voter preferences are unevenly distributed.
- 3 Especially after 2010, the ERC has been joined by other parties, notably *Junts per Catalunya*, in pursuing secession (Mueller 2019).
- 4 The ERC is an exception: it also stands in Valencia and the Balearic Islands. However, in 2019 it received less than 1% of its state-wide support outside of Catalonia. Similarly so the N-VA and VB: in 2019 they received just 2% of their state-wide vote in Brussels.
- 5 www.catalannews.com/politics/item/pere-aragones-becomes-132nd-catalan-president
- 6 <https://pq.org/independance/#vie-politique>
- 7 <https://english.n-va.be/frequently-asked-questions#europe>
- 8 www.esquerra.cat/ca/republica-que-farem
- 9 "We will continue to call for the first past the post voting system to be replaced at Westminster with proportional representation, so that every vote and every part of the country counts." www.snp.org/our-vision/constitution/

References

- Abizadeh, A. 2021, 'Counter-Majoritarian Democracy: Persistent Minorities, Federalism, and the Power of Numbers', *American Political Science Review*, 115:3, 742–756.
- Armingeon, K., Engler, S., Leemann, L., et al. 2020, *Supplement to the Comparative Political Data Set: Government Composition 1960–2018*. Zurich: Institute of Political Science, University of Zurich.
- Arrighi, J.-T. 2019, "'The People, Year Zero': Secessionism and Citizenship in Scotland and Catalonia?", *Ethnopolitics* 18:3, 278–297.
- Bernauer, J. & Vatter, A. 2019, *Power Diffusion and Democracy: Institutions, Deliberation and Outcomes*. Cambridge: Cambridge University Press.
- Brown, S. & Cetrà, D. 2020, 'Why Stay Together? State Nationalism and Justifications for State Unity in Spain and the UK', *Nationalism and Ethnic Politics* 26:1, 46–65.
- Burgess, M. 2012, *In Search of the Federal Spirit: New Comparative Empirical and Theoretical Perspectives*. Oxford: Oxford University Press.
- Cairney, P. & Widfeldt A. 2015, 'Is Scotland a Westminster-Style Majoritarian Democracy or a Scandinavian-Style Consensus Democracy? A Comparison of Scotland, the UK and Sweden', *Regional & Federal Studies* 25:1, 1–18.
- Cameron, D. R. 2020, 'With the Help of the Catalan Left, Sanchez Wins Investiture Vote in Spanish Congress', *Yale Macmillan Center*, at <https://macmillan.yale.edu/news/help-catalan-left-sanchez-wins-investiture-vote-spanish-congress> [27.6.2021].

- CBC. 2006, 'House Passes Motion Recognizing Quebecois as Nation', at www.cbc.ca/news/canada/house-passes-motion-recognizing-quebecois-as-nation-1.574359 [27.6.2021].
- Duverger, M. 1980, 'A New Political System Model: Semi-Presidential Government', *European Journal of Political Research* 8:2, 165–187.
- Elster, J. 1992, 'On Majoritarianism and Rights', *East European Constitutional Review* 1:3, 19–24.
- Ettinger, M. 2019, 'The Vastly Varying Importance of American Voters', at <https://mettlinger.medium.com/the-vastly-varying-importance-of-american-voters-updated-and-revised-september-2019-cb-f15169b26b> [1.3.2021].
- Field, B. N. 2016, *Why Minority Governments Work: Multilevel Territorial Politics in Spain*, London: Palgrave Macmillan.
- Flinders, M., Judge, D., Rhodes, R. A. W., & Vatter, A. 2022, 'Stretched But Not Snapped: A Response to Russell & Serban on Retiring the "Westminster Model"', *Government & Opposition* 57:2, 353–369.
- Gagnon, A.-G. 2021, 'Multinational Federalism: Challenges, Shortcomings and Promises', *Regional & Federal Studies* 31:1, 99–114.
- Gutmann, A. & Thompson, D. 2004, *Why Deliberative Democracy?*, Princeton, NJ: Princeton University Press.
- Hall, M. E. K. & Ura, J. D. 2015, 'Judicial Majoritarianism', *The Journal of Politics* 77:3, 818–832.
- Hooghe, L., Gary Marks, G., Schakel, A. H. et al. 2016, *Measuring Regional Authority: A Postfunctional Theory of Governance*, Volume 1, Oxford: Oxford University Press.
- House of Commons. 2015, *The UK Constitution: A Summary, with Options for Reform*, London: Political and Constitutional Reform Committee.
- Hueglin, T. O. 2021, *Federalism in Canada: Contested Concepts and Uneasy Balances*, Toronto: University of Toronto Press.
- Kam, Ch. J. 2009, *Party Discipline and Parliamentary Politics*, Cambridge: Cambridge University Press.
- Kymlicka, W. 1995, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Oxford University Press.
- Ladner, A., Keuffer, N., Baldersheim, H., Hlepas, N., Swianiewicz, P., Steyvers, K. & Navarro, C. 2019, *Patterns of Local Autonomy in Europe*, London: Palgrave Macmillan.
- Lijphart, A. 2012, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, 2nd ed., New Haven and London: Yale University Press.
- Macedo, S. 2010, 'Against Majoritarianism: Democratic Values and Institutional Design', *Boston University Law Review* 90:2, 1029–1042.
- Matthews, F. 2018, 'Does Decentralisation Make a Difference? Comparing the Democratic Performance of Central and Regional Governing Systems in the United Kingdom', *British Journal of Politics and International Relations* 20:2, 341–359.
- Mazzoleni, O. & Mueller S. (eds.). 2016, *Regionalist Parties in Western Europe: Dimensions of Success*, London/New York: Routledge.
- Mill, J. S. 2001 [1861], *Considerations on Representative Government*, Kitchener: Batoche Books.
- Morris, P. 2002, *Power: A Philosophical Analysis*, Manchester: Manchester University Press (reprint).
- Mueller, S. 2019, 'Catalonia: The Perils of Majoritarianism', *Journal of Democracy* 30:2, 142–156.
- Mueller, S., Vatter, A. & Dick, S. 2021, 'A New Index of Bicameralism: Taking Legitimacy Seriously', *Journal of Legislative Studies*, early view, doi:10.1080/13572334.2021.1996753
- Neto, O. A. & Cox, G. 1997, 'Electoral Institutions, Cleavage Structures, and the Number of Parties', *American Journal of Political Science* 41:1, 149–174.
- Rasch, B. E., Martin, S. & Cheibub, J. A. 2015, 'Investiture Rules and Government Formation', in Rasch, B. E., Martin, S. & Cheibub, J. A. (eds), *Parliaments and Government Formation: Unpacking Investiture Rules*, Oxford: Oxford University Press, 3–26.
- Requejo, F. 2010, 'Federalism and Democracy: The Case of Minority Nations: A Federalist Deficit', in Burgess, M. & Gagnon, A.-G. (eds), *Federal Democracies*, London: Palgrave, 275–298.
- Rodden, J. 2004, 'Comparative Federalism and Decentralization: On Meaning and Measurement', *Comparative Politics* 36:4, 481–500.
- Rosenbluth, F. M. & Shapiro, I. 2018, *Responsible Parties: Saving Democracy from Itself*, New Haven: Yale University Press.
- Russell, M. & Serban, R. 2021, 'The Muddle of the "Westminster Model": A Concept Stretched Beyond Repair', *Government & Opposition* 56:4, 744–764.
- Sartori, G. 1987, *The Theory of Democracy Revisited*, Chatham, NJ: Chatham House Publishers.

- Schwartzberg, M. 2014, *Counting the Many: The Origins and Limits of Supermajority Rule*, Cambridge: Cambridge University Press.
- Scottish Government. 2013, *Scotland's Future: Your Guide to an Independent Scotland*. Edinburgh: APS Group Scotland.
- Shair-Rosenfield, S., Schakel, A. H., Niedzwiecki, S., Marks, G., Hooghe, L., & Chapman-Osterkat, S. 2021, 'Language Difference and Regional Authority', *Regional & Federal Studies* 31:1, 73–97.
- Stepan, A. 1999, 'Federalism and Democracy: Beyond the U.S. Model', *Journal of Democracy* 10: 19–34.
- Vatter, A. 2000, 'Consensus and Direct Democracy: Conceptual and Empirical Linkages', *European Journal of Political Research* 38:2, 171–192.

19

BEYOND 'CONSENSUAL' SECESSION? IMPLICIT DISTINCTIONS AND THE OBJECT(IVE)S OF CONSENT

Zoran Oklopčic

Introduction

'Holy Roman Empire', as Voltaire allegedly observed, was a political entity of a special kind: neither holy, nor Roman, nor an empire. As it will hopefully become fully apparent by the end of this chapter, Voltaire's famous witticism deserves to be extended to 'consensual secession': a mode of state formation which, on closer inspection, appears to be neither really 'consensual' nor, for that matter, much of a 'secession' either. What distinguishes it from other forms of state formation which scholars treat as the instances of secession is not *consensus* about the fate of secessionists' demands among everyone concerned (cf. Williams 2015) but the acts which seem to be more accurately described either as *freely given permissions*, *externally extorted concessions*, or simply as the decisions to act in conformity with the applicable norms of the extant constitutional order. As indicated by the letters that populate the fourth column in Table 19.1, the outcomes which such acts bring about coincide not simply with the ascension of a previously separated territory to the rank of a fully sovereign state, but also with the *extinction* of the states to which such territories used to belong as one of their constituent parts.

We shall return to the examples from Table 19.1 in the final section of this chapter. In the meantime, we should begin by asking: Why should the incidents in which the extinction of the units which provide the referential frame for a particular mode of state formation be committed to memory as the instances of secession, and not territorial reconfiguration or state dissolution? What mental operations must the students of state formation perform in order to be able to decode the term 'consensual secession' as referring to an instance of state formation, in a way that appears minimally palatable? What is gained, and what is lost – in practical as well as analytical terms – by using the term 'consensual secession', and not those which can just as easily be used to capture its distinctive features?