The Slow Triumph of the Majority

Olivier CHRISTIN

How do you renounce unanimity to embrace the majority principle? How do you ward off the dissastisfaction of a minority defeated by vote? Those problems haunted the Middle Ages, the system of orders and ranks of which made room for the majority principle in many of its central institutions. For historian Olivier Christin, we need to reassess this era's contribution to the origins of the kind of political decision-making that is associated with the democratic revolution.

"One person, one vote." Pierre Rosanvallon opens his history of universal suffrage in France[1] by recalling this essential principle, which today appears to be the "primary condition for democracy." Historically, this apparently simple equation—which continues to be the clearest and most complete expression of many political claims—is not at all obvious. Centuries of struggling, reflecting, and soul-searching by European societies were required for this idea finally to win out over previous organicist and hierarchical ideas about the world, and it brought with it a radically new concept of politics and citizen's rights in the expression of the collective will, and probably also a new way of thinking about the social world.

In this article I would like to recount one of the subplots of this shift towards democratic individualism by European societies in the modern period. My starting point is the history of electoral procedures, more specifically the slow, often frustrated, and paradoxical development of majority decision-making. This starting point is modest, but also perilous, because it involves many lexical pitfalls; however, it can illuminate some of the sociological

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[1] Pierre Rosanvallon, *Le sacre du citoyen. Histoire du suffrage universel en France*, Paris, Gallimard, 1992.

and cognitive conditions necessary for putting into practice the philosophical idea of political equality. Majority decision-making also presupposes that, with some exceptions, one person has one vote, that all votes are equal, and that they can be added and subtracted and compared, to get from these aggregative operations something like the expression of the collective will. In fact, majority decision-making—whatever practical form it takes—assumes that the (most important) part is as good as the whole and that to know the general will it is sufficient to identify the preferences held by this part.

The Return of Majority Rule

In 1915, in a text that is still an essential reference for all studies of the majority principle, Otto von Gierke observed its universal triumph: "what the majority wants is everywhere acknowledged to be the expression of the collective will."[2] We now know that this triumph was short-lived and that transformations of the world and its ideas, for example by globalization and soaring demands for recognition, have made less acceptable the characteristic effects of majority decision-making, when it reduces the minority or minorities to obedience, impotence or invisibility, as suggested by the growing number of critiques that demand more proportionality and taking into account the intensity of preferences. However, the fact remains that Gierke's assertion clearly indicated a decisive change in the history of the west, or more precisely the end of a long process that started in the central middle ages, around the twelfth and thirteenth centuries, with the resurgence of the majority principle after a long eclipse begun at the end of the Roman Republic. Little by little, in canon as well as in civil law, and in institutions as different as papal conclaves, religious orders, cathedral chapters, municipalities and imperial diets, it was asserted that it is not illegitimate, under certain conditions, to entrust to only a part of a group or an electoral college—the most important part—the right to decide for the whole and to commit all of the members to its decision or choice. Thus some medieval thinkers, pontiffs like Innocent III (by the decretal of 1199 on the election of the Bishop of Capua), princes and rulers gave new life to some ancient maxims of Roman law borrowed from Ulpian or Mucius Scaevola, and reinterpreted the scope of others to make them serve new purposes, as for example in the case of the famous formula *quod omnes tangit* (QOT), which started out as part of the law of guardianship and

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[2] Otto von Gierke, "Über die Geschichte des Majoritätsprinzipes," *Schmollers Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im Deutschen Reiche*, 39, 2, 1915, pp. 7-29.

ended up as part of the theory of the necessary consent that every powerful body must obtain from those over whom its power is exercised.[3]

By 1200, a little before in the case of Canon 24 of the Fourth Lateran Council, a little later for Johannes Teutonicus' and Innocent IV's reflections on the virtues of numerical strength (*Per plurales melius veritas inquiritur*), the issue seemed settled. Majority rule was applied in new areas, and some of the most important institutions of medieval society—universities, municipalities, guilds and professionswere built on its legal foundations, and more precisely on the idea of the *persona ficta*—the collective person—whose will was not reduced to the sum of the individual wills of its members. And it was precisely this recognition of the interests and the specific will of the collective person that made it possible to do without the assent of each and every member, and thus to overcome the requirement for unanimity.

However, this revival of the majority principle after a thousand-year eclipse was not accomplished without ambiguity and obstacles. The ideal of *unanimitas* could not disappear all at once, in poorly differentiated societies obsessed with their own survival, and with fear of schisms and civil wars. So for a long time, unanimous decisions and choices remained the models that were considered more desirable and reassuring. This is particularly the case in the Church, where *unanimitas* was seen as the condition for the unity of faith, and as the image of that unity. What the canonists called voting or election by inspiration, in which every vote goes to the same candidate without any intrigue or discussion, continued to enjoy the greatest prestige among the various possible forms of decision recognized by Lateran IV, and to be seen as the epitome of a good election, in which men basically just recognize what or whom God has already chosen, the Lord's elect. This is anecdotally but strikingly confirmed by its frequency and its visual effectiveness in depictions of papal conclaves in modern times, which, with all the details about the cardinals' procession to St Peter's, and the facts about their enclosure and the arrangement of the cells prepared for the electors' lodging and repose, emphatically demonstrate the presence of the Holy Spirit among these men to whom has fallen the crushing labour of choosing the Vicar of Christ on Earth.

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[3] Yves Congar, "Quod omnes tangit ab omnibus tractai et approbari debet," *Revue historique de droit français et étranger*, XXXV, 1958, pp. 210-259.

To ward off the dangers inherent in this gradual shift away from unanimity, medieval canonists and civil lawyers tried to establish some legal safeguards that in their view should confer on decisions made by only a part of a body or a company as much dignity, as much legitimacy, and especially as much force as possible. In their work, well known to specialists, it is useful to focus on three ideas, which were influential for a long time, right up to the dawn of the American and French Revolutions.

First is the issue of the inclusion or submission of the minority. Majority rule actually contains the risk of the minority not accepting defeat and not applying the decision that the majority has made in the name of everyone. This is not merely a theoretical risk, as shown by the endless history of medieval schisms and quarrels that punctuated the elections of French bishops on the eve of the Concordat of Bologna, which abolished them. Electors in a minority or losing candidates did not hesitate to elect an anti-pope or a rival bishop, or to declare themselves the winners in spite of the apparent results. Thus, medieval jurists strove to theorize—without much precision—what Otto von Gierke called the *Folgepflicht*, the duty of rallying, and to draw up some practical procedures, for example in the access process. This allowed electors who had voted for a losing candidate to reconsider their choice and to join the winning side, without having to repeat the election, thus reaching unanimity after the majority had spoken. Ballots used in papal conclaves, copies of which are found in some seventeenth-century books, were explicitly designed to enable even the most disputed election to be declared unanimous in the end, and without the anonymity of the voting being disrupted; the cardinals could recognize their ballot by an unobtrusive mark, and therefore could change its content.

The second concern of medieval jurists and those who used their work was—in an obviously impossible exercise that was to leave a lasting impression on majority decision-making in the West—to combine and to reconcile the law of numerical superiority on the one hand with, on the other hand, consideration of the unequal quality of electors and of elected officials. It appears that the recognition of numerical strength as the only basis for legitimate decisions was acceptable in medieval society structured as it was by distinctions of orders and ranks, only if that acceptance did not abolish these; in other words, that majority decision, treating all votes equivalently, could prevail only by adopting a form and a rhetoric that were socially possible. Even while considering the famous maxim of Johannes Teutonicus in the

early thirteenth century, that truth is discovered better by the largest number than by a single wise man, in their justifications of majority rule the vast majority of writers in the middle ages thus fell back on ambiguous formulations which to us seem contradictory. For example, Canon 24 of Lateran IV provides for the election of pontiffs by the *maior et sanior pars*—by the largest number and the soundest part of the cardinals in the electoral college. There is no opposition here, because the text says *maior et sanior*, not *maior vel sanior*—the larger and the soundest, not the largest or the soundest. But at the same time this leaves a huge gap in rules for deciding what conditions make for a legitimate election. What do you do if the soundest part is not the most numerous? And how do you determine what makes soundness, the quality of the soundest? In a word, how do you count and weigh the votes, and what scale do you use in the weighing? The texts magnificently multiply the definitions of what constitutes a suitable candidate—who must have knowledge, good morals, zeal, etc.—and they never fully agree, so the question of soundness remains open, a possibility always available to those who intend to contest an election result.

The last safeguard indispensable to the revival of majority decision-making obviously lay in the stabilization and gradual closing of electoral colleges. It was only when it was known who can and must take part in the election of a pope, a bishop or an emperor, that it became possible to establish a clear procedure and above all a principle of counting votes and fixing the threshold for a majority. In this sense, the advance of majority decision-making starting in the twelfth and thirteenth centuries was not completely separable from a decline of general assemblies and an institutionalization of powers now able to fix more accurately the limits to participation in decisions.

Voting Does Not Mean Deciding, It Means Participating

In this autumn of the middle ages, when the corporate institutions characteristic of this period were taking shape, advances in majority decision-making were in no way synonymous with social democratization. Although later on they would instil great force into the principle "one person, one vote," and great power into this equalization of votes in spite of immense inequality of conditions, by giving the vote of everyone the same weight in the collective will, that was not yet the case. The equal participation of each in the decision of all, which at first sight seems only fair, should be seen for what it was: the requirement of an institutionalization of power and of a decline of ancient popular assemblies, also seen in the election of popes,

bishops and German kings. We should not see it as we would like it to have been, as the first glimmer of modern politicization in these societies.

Contrary to some traditional historiography, this revival of majority decision-making and, with it, the ebb of the requirement for unanimity, did not suddenly turn the old organicist society, conceived as a united whole and a living body, into a modern society with individuals freely contracting among themselves in associations such as universities, occupations, guilds and trading companies. There was not a sudden shift—in Ferdinand Tönnies' terms—from *Gemeinschaft* to *Gesellschaft*.[4] In the new forms of collective decision-making that were gaining momentum in the late middle ages, individuals were not free to participate or not in the decisions, to vote or not, to abstain, to be absent, or to cast a blank or invalid ballot. The rules of conclaves and of certain fraternal and trade associations provided simply that the members who did not exercise their right to vote *ipso facto* lost this right, and thereby *pleno jure* also their membership in the institution. So voting meant taking part in the formation of the collective will of a social body or a company, in a society that thought of itself as a complex pyramid of bodies, companies, corporations and universities. Voting made it possible for this body to speak with one voice, to be one united body and to act as such, going beyond the differences that might exist among its members, much more than it meant freely exercising an individual right to decide. At bottom, it was only in modern times, with the twin challenges of the Protestant Reformation and the rise of natural law theories, that the question of a relationship between majority decision-making, political individualism and social transformation arose in terms of democratic experience.

Historiography regards this long Ancien Régime period as one in which liberties were lost, power became more oligarchical, and representative systems were forgotten; but this ignores the modern era's contribution to the formation of the practices in political decision-making that were to be part of the democratic revolution. I think we have partly to break away from legal history conceived as a history of texts, to set off on the undoubtedly more tortuous path of a historical anthropology of political practices, looking at what was done by historical actors in concrete situations of collective decision-making. For all indications are that in the eighteenth century, on the eve of the American and French Revolutions and of Condorcet's

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[4] Ferdinand Tönnies, *Gemeinschaft und Gesellschaft. Grundbegriffe der reinen Soziologie*, Darmstadt, Wissenschaftliche Buchgesellschaft, 2005.

and Borda's famous reflections on the effects and quirks of different modes of decision-making, majority rule was still nowhere near to being accepted by everyone, especially not as an obvious method of effectively extracting the general will from diverse individual preferences, and as a principle of justice and adjustment between individual choices and the common good. I shall give three examples—all French—intentionally selecting them from quite separate institutions in order to show the extent to which there remained uncertainty and struggle about what a majority is.

Three Cases

The first case concerns the Cistercian Order, riven by violent disputes throughout the first part of the seventeenth century, between Observants, who advocated reforming the Order to meet the requirements of the Council of Trent, and Conventuals, who were determined to perpetuate the style of devoted life that was in force when they had made their vows. These disputes subsided only gradually, especially because the possibility of adopting an expedited procedure for electing chief abbots—assigned to a small committee called the Definitory— sustained both sides' fears and suspicions of manipulation. The Definitory brought together five representatives of each of the five Cistercian filiations; thus there were a total of 25 Definitors. So the outcome depended on whether voting took place by counting heads or by counting filiations. A lengthy treatise published in 1683 launched a violent attack on the possibility of voting by filiation, "so absurd that, in spite of all the trouble taken in its devising, if it were used the consequence would be that nine votes could beat sixteen."[5] The writer contemplates an unequal division in the two sides within the filiations, intentionally producing a different majority from what a headcount would yield. He gives a specific and very striking example (O = Observants and C = Conventuals):

CCCOO: C has a majority
CCCOO: C has a majority
CCCOO: C has a majority
OOOOO: O has a majority
OOOOO: O has a majority

Voting by filiation, the Conventuals (with only 9 individual votes) would outweigh the Observants (with 16 individual votes) by 3 to 2.

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[5] Anonymous, *La Manière de tenir le chapitre général de l'Ordre de Cisteaux,* Paris, F. Léonard, 1683, p. 203.

The second case is virtual, invented for purposes of illustration by François des Maisons, whose prolific writings about canon law were published at the very end of the seventeenth and in the early eighteenth centuries.[6] Although he lists the conditions for the regularity of elections—more precisely, for their canonicity—he points out that normally they "should be carried out on the basis of the plurality of the electors' votes." However, he immediately adds that it is not always easy to determine what is meant by that, or to say "what is truly the largest part of a chapter when an election is underway." So he invents an imaginary case of a cathedral chapter of the church "Saint-Saveur de N***." The twelve Canons of this church designate Titus to be the returning officer and to say who has received the largest number of votes. Six of the Canons vote for W, three for X, two for Y, and one for Z. At first glance, it would appear that W should be elected, but the author notes that six of the twelve votes "is not the largest part of the chapter *per comparationem ad totum capitulum* and that this would require at least seven or eight votes. [For in this kind of election,] what is required is the largest part of the votes in comparison to the total and not in relation to the other parts."[7] This very simple case study is revealing in its author's lexical choices: he talks of "plurality" rather than "majority" (which remains rare), so you have to have more votes in order to win, without knowing precisely how many more. The problem he raises is also very revealing: the difference between absolute and relative majorities; and the use of the term "plurality" adds to the difficulty, because W doesn't have more votes than all the others combined, and he didn't get the decisive vote that makes the difference.

The last case—a very real one—occurred in the University Faculty of Arts in Paris in the mid-1740s. Two rivals clashed for the honour of representing the Student Nation of France in the election of the Rector: Poirier, a former Procurator of that Nation, and Hamelin, Professor of Philosophy at the Collège Mazarin. A *factum* published in 1744 arguing the case for Poirier emphasized "his thirty-four years of membership in the University," his "having been Rector," and that he "had turned grey in the work and the duties of his profession," whereas his opponent "had only four years as a University member," and had been in his post

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[6] François des Maisons, *Les définitions du droit canon, contenant un recueil fort exact de toutes les matières bénéficiales suivant les maximes du Palais*, third edition, Paris, Charles Osmont, 1700 (first edition 1670/71).
[7] *Ibid.*, p. 164.

"for only the last six months."[8] To the author of this *factum*, the honour of representing the Student Nation of France therefore "naturally" should go to Poirier, for the sake of "propriety" and because of the privileges of the office of Procurator. Poirier's supporters thus lengthily replied to Hamelin, who was invoking "the idea of the right of election, the essence and character of which are to be ruled only by the liberty of voting and the plurality of votes." For Poirier's supporters, in this election "the liberty of voting consists only of enquiring whether a candidate has the necessary qualities and rejecting him if he does not. The same applies in nearly all companies and communities; members are called each in their turn to the top places, seniority deciding the election, unless there are reasons for excluding an aspirant."

The two principles of justice and of sharing proper to collective decision-making that are distinguished but also related to each other in Canon 24 and Lateran IV can be seen again in the eighteenth century: on one hand, the idea of soundness, clearly backed up with seniority, zeal, and services rendered to an institution, as invoked by Poirier and his supporters; on the other, the logic of numbers on its own, which is the basis of Hamelin's argument, as we see throughout their reply to their opponents. Elections as judgements of soundness, at least in the academic and religious world, were still contrasted with elections as vote counting and the arithmetic of power. And here we can only note the continuation of this ambiguous relationship between soundness—qualitative judgements of elected officials and electors, and social and institutional testing—and majority—measuring power and counting theoretically indifferent to the properties of the actors—in innumerable practical implementations of the right to opine and to vote in universities and religious orders or fraternal associations. For example, the association rules of the *Confrérie des Pénitents de la Croix*, published in Lyon in 1716, stipulated that in their deliberations it was to be the "incumbent advisors who give their opinion" first, thereby exercising a kind of *prima vox* principle, giving direction to the discussion, setting the tone, and thus preparing the construction of a majority. So decisions based on soundness still cropped up in places where collective decisions were nevertheless supposed to be based on "the plurality of the voters."

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[8] Anonymous, *Mémoire pour le Sieur Poirier, ancien recteur de l'Université, ancien procureur de la Nation de France, professeur de Philosophie au Collège de la Marche, intimé, contre le Sieur Hamelin, Licencié en Théologie, Professeur de Philosophie au Collège Mazarin, Appelant, Les Doyens et suppôts des Nations de France, de Picardie, de Normandie et d'Allemagne, de la Faculté des Arts de l'Université et le Sieur Lallemand, Professeur de Rhétorique au Collège de la Marche, Vice-Syndic de l'Université*, Paris, 1744.

Wars About Procedures

As dissimilar as they are, these three cases concern comparable questions and issues, and at bottom they bear pretty effective witness to the real electoral practices in the corporate society of the Ancien Régime. In fact they reveal the relative theoretical uncertainty in which a number of deliberations, collective decisions and elections took place, even when the actors showed considerable practical expertise. In the absence of a systematic exploration of the effects of majority voting, voting on several levels, and the difference between voting by counting heads and voting by electoral colleges before the works of Condorcet, Borda and others, the wars about procedures played a key role, because only law says what a just decision or election is. These wars were all the more bitterly fought in small electoral colleges, which involved just a few—rarely more than some dozens of persons—and where everyone and their positions were known by everyone else, and the results were highly predictable. Neither at the University of Paris, nor in the cathedral chapter of N***, nor yet in the Cistercian Order, was majority decision merely a statistical or arithmetic operation, or an aggregation of numerous or countless votes, all of them anonymous, equivalent and free. It was rather a political or sociological product, resulting from the work of actors who had particular responsibilities (for example, the right to appoint returning officers or to nominate candidates, to establish the electoral rules, or to confirm an election) and a greater command of the legal possibilities. This is not negated by the fact that a considerable part of the regulations of consulates, chapters, universities, fraternities and trades was devoted to shoring up this social effort, to struggling against every kind of corruption or interference in the electoral procedures, and to blocking nepotistic networks. The majority was primarily a political and sociological form—a manifestation of the common interests that held together the members of these particular institutions and especially those in positions of power—which was very successful in ensuring a rotation of duties among them and the establishment of a true *cursus honorum*. The oligarchization of power, long regarded as the polar opposite of ancient elective liberties, actually went along with it very well. It was precisely the elective nature of official duties that made it possible to ensure their rotation among clans or dominant groups, to time-share power, and to make every victory and every eviction provisional.

Election As Co-optation

A second and more important lesson from these apparently isolated examples is that they go against the idea of an individual and free right to vote or to opine, that the actors

could exercise or not, as they wish. The elections of officers, rectors, bishops and other dignitaries of the bodies that made up late medieval and modern society were the moments when the institutions reproduced and perpetuated themselves. Quite as Poirier's advocate in Paris put it, an election has no purpose other than to bring about this reproduction. Was Poirier not the candidate of the institution itself, the person who had taken care of all its responsibilities, climbed all the ladders, and seen his hair turn grey in this work? In this sense an Ancien Régime election was not opposed to appointment or to co-optation, as dictionaries of language and law suggest. For François des Maisons, "the word election can be defined by these words…. The selection of a person qualified and able to take on a dignity, fraternity, society and similar things, after having adhered to the forms prescribed in the sacred canons."[9] For Jean Domat in 1745, talking here only about civil law, "the election or appointment takes place in each town and place, not by all the inhabitants together, for there would be too much confusion… but by those who according to the regulations and customs are named to compose the assembly in which the appointment takes place." So appointment and election can be synonymous, referring to a process which is essentially a procedural device by which the institution reproduces itself. The question as to whether this guarantees a fair representation of the company's or body's members (for example, of a town's inhabitants) or the selection of the best candidates is not asked, or it is secondary.

Thus, in this society of various bodies, corporations, colleges and companies, the contribution of particular characteristics of majority decision-making to the emergence of political individualism and the democratic revolution was very limited, at least in appearance. However, something significant was happening between the sixteenth and eighteenth centuries, and up to now it has not been studied systematically, perhaps because of the dispersion of the fields of investigation.

Innovations: The Triumph of Numerical Superiority?

During the modern period the Protestant Reformation and the rise of natural law produced a double rupture in the social imagination of feudalism and the corporate state, which put into danger or into motion the very way in which institutions thought about themselves, as well as the prestige that became attached to majority rule by the revival of Roman law. In fact, this rupture makes us see that there are subjects on which it is not

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[9] François des Maisons, *Les définitions du droit canon, op. cit.*, 1670-1671 edition, p. 140.

possible to apply the brutality and efficacy that are characteristics of majority rule, which allow dispensing with the consent or approval of part of the community, and that there are issues—such as the foundation of political society—that it is not possible to pursue adequately while ignoring that consent. And among the subjects which seem likely to be excluded from majority rule, Protestant reformers, princes and magistrates would very quickly place religious convictions and faith, by insisting that, given rather strong differences here, constraint in matters of belief is unworkable and counterproductive. For example, in 1529 the Treaty of Steinhausen, a milestone in the history of religious diversity in Switzerland, stated in Article I: "faith is not something to which anyone should be constrained." To avoid being constrained, forced by the weight of numerical superiority to follow religious intermediaries in which they no longer believed, German Protestant princes in the Imperial Diet and Swiss Protestant cantons in the *Tagsatzungen* announced their rejection of any majority decision in these bodies in matters of *causa fidei*. In fact the princes were called Protestants because of the protest that they lodged against decisions of the Diet of Spire in 1529.

But locally, where faiths confronted and clashed with each other, and where their partisans could not bring themselves to live together in peace, they had to find an alternative to the use of force and a way to decide which faith is to be publicly celebrated in a particular place. In southern Germany and in Switzerland, in many places with strong community traditions—for example, for managing grazing rights and communal forests—the principle of decision by the majority of the votes of the inhabitants was required, as at Ulm in 1531, Neuchâtel in 1530, and in many other cases. In Ulm, nearly 1800 people were invited to comment; in Neuchâtel it was several hundred; in the villages between Neuchâtel and Lausanne, it was often little more than some dozens, sometimes less. Never mind that these electoral contests—which Swiss sources referred to as "Greaters," since in them it was the greater number who won—were sometimes tumultuous, that some voters were unfairly either excluded or included, that voting—as at Ulm—could take place in descending order of occupational prestige so that the majority was reached before poorer groups had started to vote. The key thing was rather that inhabitants as such, with no other quality than that, were given the possibility of expressing their views and seeing their votes count in the final balance as much as those of the powerful; for example, that the inhabitants of Neuchâtel could vote against the religious preferences of their sovereign, Jeanne de Hochberg, and that those of Ulm could vote against an order of Charles Quint. Something was taking shape involving the

theological foundations of the Reformation—the idea of universal priesthood and Christian liberty—and the experience of community voting on matters that up to then had not been subjected to this.[10]

The second front, better known, was the increasing number of places and institutions in which persons' qualities were no longer so essential to their weight in decision-making. Among these places one could mention the Academies—despite the sometimes very noticeable hierarchies among their members—but also the large joint-stock banking, trading and industrial companies, such as the East India Company, the Virginia Company and the Chelsea Water Works Company. Of course, here it is strictly speaking no longer a matter of elections, but of collective deliberations and decisions. Yet among the dozens or hundreds of shareholders with voting rights, each one's weight no longer depended on rank or birth or some definite status, but simply on the number of shares held; thus, for example, in 1773 the 143 Chelsea Company shareholders had a total of 321 votes. In certain cases, giving equivalence to voting rights and voters would extend farther, as in the Company of Mine Adventurers in the early eighteenth century, whose statutes granted to each shareholder only one vote in the election of the twelve directors, "each having an equal vote and power." On a different scale, the same gradual shifts can be seen in some French examples, on the model of the East India company's renovation projects that the Comte de Lauragnais wrote about in 1770; their essential ingredient was getting to the Company's meetings "all holders of 25 shares… because a shareholder with very few shares can be very bright." "I would go as far as to say that it seems impossible for the shareholders not to acquire enormous power…. There is no illusion, fear, or distrust; everything is discussed by the strongest shareholding, and everything is weighed in terms of the balance of the greatest interest." Of course, we would have to call on other examples to demonstrate the usefulness of such companies in a history of the practices of collective deliberation and decision-making. However, these quick examples are enough to show that they played an important role in disconnecting personal status from voting weight, but also in advancing the idea that all active political participation should be reserved for those with material interests, property, land or fortune at stake, since it is precisely their interest—their interestedness—that makes them wiser and more cautious. There springs to mind Sieyès' phrase about the citizen as a "real shareholder in the great social enterprise."

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[10] On these votes, see Olivier Christin, "Putting Faith to the Ballot," in Jon Elster (ed.), *Collective Wisdom,* Cambridge University Press, in press.

The best known front is the last one: the clear victory of the numerical majority in the second half of the eighteenth century, and the counting of votes on what remained of the weighing and qualitative evaluation attached to the soundness principle. This victory owed much to scholars, especially to possibilities provided by probability calculations, as is suggested by the dispute between Borda and Condorcet about the methods that best reflect voters' real preferences. But it was also rooted in the decline of the soundness principle; the most eminent canonists were no longer reluctant to be cautious about this principle. In his dictionary of canon law published in 1771, precisely at the time of the Borda-Condorcet dispute, Durand de Maillanne revisited the old question of "whether the larger number of votes ought to yield to the smaller when the latter is more sound." But he answered in no uncertain terms that "it has been recognized that judgements [about soundness] are a source of lawsuits and odious campaigns."[11] The protection of individuals and their dignity no longer justified the soundness principle; from now on—in a clear triumph for a kind of egalitarian individualism—it legitimized a victory of the majority and the law of numerical superiority, and the preference for the secret ballot. Things that would be at the heart of electoral practices and revolutions—the secret ballot and majority rule—were now in place.

Thus the modern age is not a period of immobilism in the history of majority decision-making; it is not a long span of thwarted progress, with the legal basis of majority rule having already been clearly presented by ancient and medieval thinkers. The appearance of permanence in categories of thought and vocabulary up to an eighteenth-century outbreak of novel interpretive terms and models cannot disguise the significant changes that took place. In fact, the historical actors were confronted by new challenges—such as the sectarian rift and the emergence of a social world in which recruitment and promotion principles no longer owed much to the principles in force in the corporate system—to which they could effectively respond only at the cost of making important adjustments in the practical application of majority decision-making. These adjustments need to be taken into account in order to understand what played out in the last third of the eighteenth century. At the end of this overview, three of them are worth recalling.

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[11] Pierre Toussaint Durand de Maillanne, *Dictionnaire de droit canonique et de pratique bénéficiale,* Paris, 1771, volume II, p. 767.

First, the enlargement of the range of the validity of majority decision-making; this took place in new institutions or circumstances, and it illustrates what Egon Flaig describes for the Greek world as an extension of the political sphere.[12] The most striking example is probably the "Greaters," which gave to city magistrates and to inhabitants a decision-making power previously reserved to the Church, princes and grand collators (those in charge of instituting clerics to major benefices). The absence of "Greaters" in the Kingdom of France does not affect this, since we see the same increase in the prerogatives of consulates and general assemblies in certain places with mixed consulates, shared by Catholics and Protestants, where the two faiths voted at the same time.

The second set of adjustments or partial innovations is visible in the proliferation of occasions—especially in compilations of stories, legal cases and specific examples—in which the central questions about majority decision-making began to be raised in a systematic way. What is a fair election or a representative electoral college? Little by little, real knowledge accumulated, without which the work of Condorcet and Borda would have been simply unthinkable.

Finally, the revolt by Luther and Zwingli in the 1520s, and with it the absolute condemnation of the forcing of conscience, gave unprecedented space for the issue of the subject's free determination on certain matters, and this brought into play the way in which societies had up to then thought about the relations among collective affiliation, general will and individual choices. These also in a way made thinkable some of the discussions that would be at the heart of the subjectification of the political in the eighteenth century.

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[12] Egon Flaig, "Majority rule: political risks and cultural dynamics," *EspacesTemps.net*, 29 June 2004.