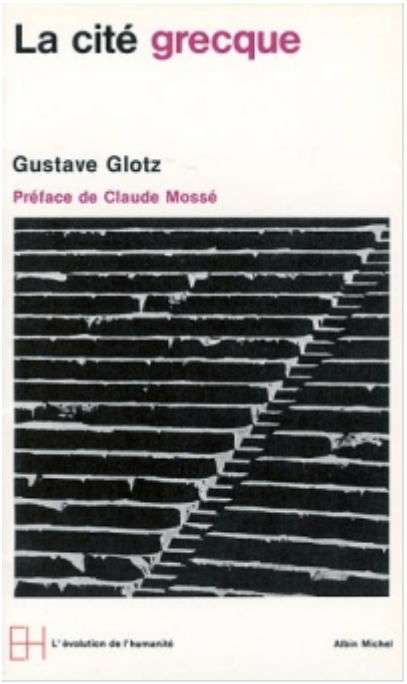
Majority rule: political risks and cultural dynamics.

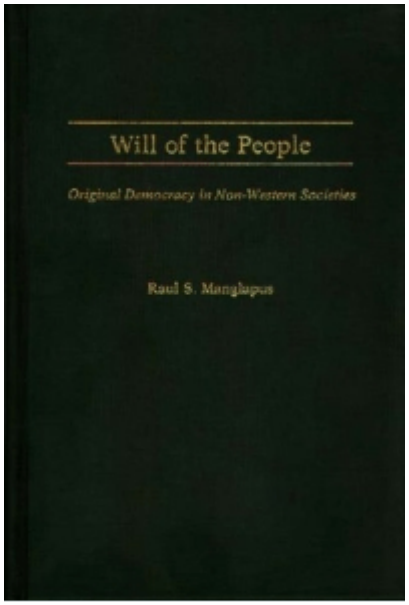
Par Egon Flaig



On television we can occasionally see the German Bundestag passing an important resolution. We see 242 hands being raised; and after a while 195 hands; and then a decision has been rendered that will affect 80 million people. Ethnologists with a non-European perspective ? were any to exist ? would be astonished by this hand-raising game. An odd ritual. For the parliamentarians never reached a consensus. And yet the hand-count issued in a resolution that was binding for everyone. How can that be to the good? And what are the cultural conditions necessary for its success?

To answer these questions a historical survey is needed; politics in ancient Greek cities will provide the main material to be studied. However, majority rule was not invented by the Greeks; although in a singular, comprehensive and systematic way they made it into a principle for determining the general will of a group or community (Larsen, 1949: 164ff.; Glotz, 1953: 69; Ruzé:1984: 247ff.).

A feature of majority rule and why it is largely avoided.



The somewhat boundless application of majority rule is astonishing ? if only due to its implications.

Majority rule perceives all voices as equal. This presupposes an abstraction of all concrete relationships in which a decision-maker is involved: a) it matters not if someone is 5’7“ or six-foot-three or fat or thin; b) irrelevant if you come from a distinguished family or a rich one or one that exercises political influence; c) immaterial your educational background or literacy; d) you can be 60 or 30 years of age; e) neither your occupation nor your employment or marital status or the fact of children or not is of any importance whatsoever; f) and it is completely beside the point what you may or may not have achieved in your life and your personal prestige or lack thereof. Majority rule is a radical principle that makes all voters equal. The extent of this equality becomes more abstruse the greater the social, economic and cultural differences among voters. This equality is no mere fiction, for there are real consequences involved ? namely resolutions. But all this applies to a definite sphere of social life, namely the political one.

Majority rule does not require democracy but merely equality within the group of decision-makers. Consequently, majority rule can also be found in aristocratic polities where the leadership is unstratified. For this reason, majority rule can be adopted in strongly hierarchical societies or groups, for example in ancient Rome. Yet equality is only a necessary and not a sufficient condition for the application of majority rule. Most cultures avoid it, even those that practice political equality to an even greater degree than did the Greeks, e.g. many East African or North American ethnic groups (Terray, 1989: 13-25; Manglapus, 1987: 69ff., 92f., 129f.). Why should this be the case?

Majority rule dispenses with unanimous approval of a decision that will be binding for all. And that's the catch, the reason why majority rule is nonexistent in almost every system known to political anthropology. It would have been as little conceivable to the Tupinambà of southern Brazil as to the Karimoyong of Uganda that the desideratum of a minority should have been simply passed over and their votes count for nothing. For these peoples, such would have been a political abomination. But not for the Greeks.

Nowhere in the pre-industrial world does one find a culture that applied majority rule in such a comprehensive and systematic way as in the Greek *polis*. The oldest human document in which majority rule is mentioned is a poetic text from the 8th century bc ? *The Odyssey*. In the 24th song of this epic, Homer describes how a people's assembly debates whether the mass-murderer Odysseus should be punished. But the assembly is incapable of reaching a joint decision. After three controversial speeches, the assembly is split:

'*And so he spoke. More than half [my italics] leapt up and raised a great cry ? the others remaining where they were assembled ? for the speech did not please their hearts and they rushed to take up arms with Eupeithes at their head.*'

Odyssey, 24, 463-466

For the first time in world history the majority is serving as criterion for formation of the general will ? as described with wonderful accuracy by Homer. He judges the people's assembly based on its ability to make the majority the basis of its dealings; yet the creation of a joint resolution fails because the community is

incapable of arriving at a consensus. There were two voting methods in ancient Greece. 1) the voting bloc's volume in terms of loudness, the Spartan method (which tended to measure the intensity of voices as opposed to their number); and 2) the voting bloc's volume in terms of bodies (dividing into pro or con groups), the method employed by all other Greek city-states.

The problem of consensus: de-ideologizing majority rule.

The issue of decision-making processes has become so critical in the last thirty years because we live in a world-historical period in which political institutions have the chance to become globalized. And it is precisely at this historical moment that majority rule seems to be disappearing. For multi-culturalism and communitarianism cannot per se accept majority rule.

When majority rule becomes problematic, it is time to reexamine it. We need to investigate the cultural conditions and ramifications of majority rule[1] The first step in any such investigation is to ask a) Why should unanimity rule (the consensus principle) be classified as 'primitive'? b) How does the denigration of unanimity rule block any comparative analysis of the genesis of majority rule?

At the end of the nineteenth century and the beginning of the twentieth, a certain current of historical research made an ideology of majority rule and dismissed the consensus principle as primitive. These certain authors presupposed that the consensus principle corresponded to a primitive temperament: individualism was alien to so-called primitives, and as a result they had only 'communities' that stifled individuality and not 'societies' composed of individuals in the sense of Ferdinand Tönnies[2] This 'mental-evolutionary' theory of the origin of majority rule still appears every so often in ancient history research, most recently in a book on decision-making in Greece (Françoise Ruzé). We have to abandon such notions. Ethnologists have had little difficulty in showing that every culture has pronounced individualistic features, even if those features occur in myriad areas. So-called 'organic communities' do not exist and never have existed; nor does the family unit come under this heading. But if this explanation of the consensus

principle is false, then its conclusion regarding majority rule must be specious. Today political anthropology disposes of a wealth of material yielding information on decision-making processes in the most widely varying cultures; and in fact the principle of consensus predominates. But there appear to be many paths to solidarity, and many of them are not so far removed from majority decisions.

New research on the consensus principle: intensity and delayed reciprocity.

For political scientists the consensus principle is no longer an inexplicable problem. Today one can name the exact conditions under which unanimity rule functions. The key to understanding the consensus principle is first of all the degree of intensity, and secondly, delayed reciprocity (I will be simplifying here so that we can fast-forward to the Greeks). In (political) reality, decision-maker preferences are never equally strong[3]. If a small group intensely advocates option a, while a larger group supports option b but only in a half-hearted way, then consensus will be achieved through the lukewarm majority yielding to the passionate minority; and this they can do because their preference is weaker (Sartori, 1984: 83ff., see 91). The consensus principle demands from all decision-makers a 'yielding disposition'[4]. This disposition does not just fall from the sky, but has at least two preconditions:

a) It must be developed through an intensive political socialization, in a specific public arena, and without losing face. It proceeds along strict lines of performance which must be inculcated through practice.

b) It must be socially successful. If the yielding party is disadvantaged, then parties will cease to be yielding. The yielding party must be able to count on the fact that his yielding is not interpreted as weakness or defeat, and that in the future when he intensely advocates an option, his opposite number will yield. Thus, the disposition to yield is socially successful when the 'principle of delayed reciprocity' ? this time you benefit, next time I do ? is respected by all decision-makers[5].

Consequently, the consensus principle always functions best in small groups where everyone knows each other[6].

What is the advantage of such a consensus principle? Simple: all participants play a positive-sum game, i.e. there are no losers in the individual decisions. In the best-case scenario, no one loses and everyone wins with delayed reciprocity [7]. The risks ? what I call *the decision risks* ? to the political cohesion of the group that emerge from this decision-making process are negligible. Majority rule is the exact opposite: under less-than-ideal circumstances it tends to become a zero-sum game, one side winning and the other side losing.

The disadvantage of the consensus principle is the high *decisions costs*. In other words, the expenditure in time, rhetoric, gestures, and appeals to good will can be enormously high; and that happens as soon as several group members advocate their respective preferences with the same intensity. For example, take the case of an African tribe when a murder must be atoned for and the murderer's relatives wish to escape with the minimum penalty. If no side in the conflict gives ground over several hours or even days, this means an enormous expenditure in time and rhetoric. Perhaps they arrive at a compromise that pleases no one; and in the worst case the community is incapable of forming a general will; it is paralyzed; perhaps it even breaks apart.

The decision costs sink if the decision-makers of a certain group are ethnically homogeneous and have real solidarity. Thus, the establishment of homogeneity in many communities is a top political priority. This has important cultural repercussions[8].

Pivotal variations of the consensus process and paths to majority decisions.

Why this detour through sociology and political anthropology? Because I require a differentiated inventory to tell how the consensus principle functions in various cultures; this inventory helps me to find those variations that lead to the majority principle[9] In principle there are three possibilities.

a) The group achieves a consensus because they choose that option which is advocated with the greatest intensity, thus relying on the principle of delayed reciprocity. All approve the resolution and intend to abide by it. In such a case the political optimum has been achieved.

b) The consensus conceals a compromise. No consensus has been achieved on the basis of the two options, but rather a compromise between the options. Neither side has adopted the option of the other; instead several groupings have yielded in some places and remained intractable in others. Three disadvantages: 1) Most of the time this is patently the worst solution ; 2) Because the group of decision-makers cannot agree to adopt the most intensely advocated preference of a certain party, they consent to the option that can somehow be reconciled with their own respective preferences; neither side advocates this alternative option, since neither side really wants it; 3) The principle of delayed reciprocity fails, for the payback is not delayed but ad hoc. Thus one can see that the consensus principle no longer functions, or only qualifiedly so. Such a community is less capable of acting than the first[10].



c) Consensus is arrived at when the smaller group joins up with the larger one. How does that work? After long discussion, one side or another emerges predominant; after the predominance has become evident there comes a

moment when the smaller group formally declares that it will side with the larger one (in Japanese village assemblies the critical mass is 70%); thus the ‘minority’ retroactively joins the ranks of the ‘majority’ (Chie Nakane, 1985: 195). If this behavior of the ‘minority’ grows to be expected, then there emerges a de facto ‘duty to follow’. This duty to follow can become an explicit norm ? at the latest when it attains written form. The duty to follow finds frequent mention in medieval European texts, but is seldom justified in any way (e.g. the thirteenth-century *Schwabenspiegel*). By contrast, the statutes of many Buddhist monasteries in India and Japan justify the duty to follow through ethical and political arguments (e.g. the greater wisdom of the majority), individual charisma thus being radically excluded from the ‘political’ sphere of the monastery[11]. In Japan the duty to follow spread geographically and socially: armies, municipal districts, and professional associations all required that the minority follow the majority at decision-making assemblies (Rüttermann, 1997). (Of all non-European cultures, the Japanese reacted with greatest alacrity to the challenge thrown up by the West. Was this perhaps owing to their ability to simply ratchet up their political organizing skills?)

The third variation (c) is the most interesting one historically. For in this variation, the principle of intensity is abandoned ? at the very moment when it starts to become counter-productive because both sides have the same intensity. In this moment there are two possible developments which are of central importance to political anthropology; and it is of world-historical significance which of these paths is chosen.

1) The group simply arrives at no decision. It remains unsatisfied because a non-decision was desired by neither side. Should the situation repeat itself, then it leads to an inability of the group to politically resolve incendiary issues. It loses its ability to act politically; it ceases to be a political community; it loses the ability to wage war, for its constituents are now operating on their own initiative.

2) At a certain moment the group changes its criterion. The intensity of one side or another no longer plays a role, for in this regard it is a standoff. Instead, there is another quantitative criterion (qualitative criteria necessarily playing no role), namely the strength of the respective sides. In this case, the will to remain

capable of acting as a group is greater than the will not to yield to the other side. In other words, collective values and norms relevant to the community are stronger here than above. Under certain conditions, such a group can enormously strengthen its ability to act.

In what relation does *variation c* stand to the possibility of a majority decision? In principle, one can say that if the weaker side yields because the stronger side is numerically greater, then one is on the threshold of a majority decision. But what happens when a part of the minority will not follow the majority? Then norms collide because political conceptions are at odds: the minority clings to the principle that something is valid only if they agree to it, while the majority insists on the duty to follow. In fact, it is for this reason that across the ages and in a wide variety of cultures ? from Central European noble assemblies to people's assemblies of the Swiss cantons ? arguments have broken out and escalated into physical violence being applied to dissenting individuals so as to force them to agree with the consensus, the duty to follow turning into a compulsion to follow.

Such confrontations have led many sociologists to judge that majority decisions *emerge from conflict*. Georg Simmel has given the classic formulation of this. For him, voting through a show of hands is a simulated confrontation ? raised hands show which opinion has the greater physical force behind it: 'The purpose of vote-counting is to avoid this direct test of strength while yet still conveying its possible result and thereby convincing the minority of the futility of any real resistance'. This theory met with approval particularly among French historians; in his *Cité grecque* (1928), Gustave Glotz explained the origin of the Greek city-state through this theory.

But that is to confuse the cause with its effect. Confrontation only came after the duty to follow was ignored, its non-fulfillment then provoking the compulsion. It is not only historically more accurate but simpler to deduce majority decision from the duty to follow. This is the essence of democratic legitimacy, i.e. of political obedience in a democracy. If this compulsion is illegitimate, then democracy itself is an illegitimate form of rule. Therefore one should not wonder that in a number of cultures the duty to follow is laid down in written form and made into a

formally instituted duty. Japan was putting the duty to follow in writing before Central Europe. Of course, in Europe sometimes entire political units would add this rule to their statutes; for example, the people's assembly of the Swiss canton Glarus resolved on 11 March 1387 that the minority should follow the majority except on certain select issues[12].

So long as there is a duty to follow, the option of the stronger side will only become a binding resolution when the minority explicitly joins the majority. Despite this, many scholars call the duty to follow a 'concealed majority decision' (Kopp, 1959: 6). And that would be largely correct.

One has pure majority rule when a community does not require the minority to formally join ranks with the majority ? perhaps because it has become so expected that it is considered a superfluous formality. In this case the option of the majority is binding even though the minority does not agree. The resolution passes when it is simply ascertained where the majority lies, and the rest of the procedure is dropped. But then again consensus is no longer the goal. And the process itself changes. When the minority has learned to follow a resolution that it does not agree with, the conditions of political obedience have changed. The speakers must no longer be careful to preserve equanimity within the assembly; they can simply go on the blind assumption that the minority will accede to the resolution even if they vote against it. The tactical behavior of the speakers can now change dramatically. For now it becomes their undisguised goal to achieve a majority for their proposal as quickly as possible.

Speed of the decision and implied risks.

It is a great time-saver when a community can pass a resolution without having to achieve a consensus. Majority rule allows the decision-making process to be greatly *accelerated*. This aspect has been relatively ignored in the historical research. This accelerated formation of a general will, however, would not have been without ramifications for politics in the Greek *polis*:

First: the citizenry's ability to act markedly increases: it is able to react more quickly to situations than political systems in which a fast vote is avoided.

organizational competence is generally increased: the assembly can decide more quickly, therefore it is able to debate and resolve far more issues in the same period of time (depending on the assembly, 6-8 times as many). In this way the sphere of political action invariably widens.

Second: the temptation grows to change the political and even social order; if that happens, then a singular dynamic emerges: the political sphere itself becomes an object of political action. Considerable risks emerge: this dynamic impairs the fundamental consensus between diverse social strata of the citizenry.

"'Defeats'" and polarization".

In assembly-democracy 'defeats' can weigh heavily. When a large group loses a vote in assembly, then sociologically considered this is a fundamentally different process from a modern electoral defeat at the ballot box. For the minority stands toe-to-toe, as it were, with the victorious majority. Each has raised his arm for all to see. The degree of personal exposure is incomparably higher, so the defeat is all that more intense. Therefore, voting in an assembly-democracy is much more risky. This risk is activated suddenly when factions arise. For this reason, assembly-democracies have no tolerance for organized parties (as opposed to ballot-box voting).

Majority-rule votes are risky because they always follow upon the heels of a confrontational debate:

a) Disputations involve a certain risk; a speaker frontally attacks the position of another; when the attack takes place *coram publico* it can be rather unpleasant; it leads quickly to a contest witnessed by all and provoking hostility between the contending speakers.

b) Disputations not only create tension between the speakers, they can also split the citizenry. It is a question whether such a split is merely occasional and momentary, or whether the split will reappear in the next debate. If the dividing lines reemerge, fronts then begin to form and this likewise splits the citizenry[13]. The disunity can grow into bipolarization, which paralyzes the *polis* or can even

lead to civil war. Thus are parties fatal for an assembly-democracy.

Dysfunction 1: speed of the decision hampers acceptance of the resolution.

Many decisions may be so rapidly attained that a disgruntled minority begins to consider such resolutions illegitimate[14]. In democratic Athens during the Peloponnesian War there were at least two occasions when an outvoted minority attempted to repeal the newly voted resolution. In the summer of 427 bc. the people's assembly decided to execute all the men of a renegade city. Yet the very next day the people's assembly took up the question anew and then formulated a fresh version ? which passed with a narrow majority. In the summer of 415 bc. the people's assembly passed the fateful resolution to send the Athenian fleet to Sicily. Four days later opponents of the expedition attempted to dissuade the people's assembly from sending it. It did in fact take another vote ? the result of course being that the original decision was confirmed and the fleet sailed forth (Thucydides, 3, 49.1).

How could such have taken place? Why did the people's assembly tolerate such attempts? Can we forward the hypothesis that quite a few citizens were simply frightened by the speed of the decision? The institutional machinery of democracy allowed for quick resolutions with highly risky consequences; yet most voters in the midst of a debate were incapable of estimating the real impact of a certain option. Can one squeeze these facts into the old schema of 'elites versus the masses'? Is it a helpful explanation to see here a group-dynamic derailment under the influence of mass psychology? Or do we require other explanatory models? This latter is my position. For the pro and con arguments in a debate before the people's assembly were hurled back and forth with the same rapidity for all concerned. If one reduces such political processes to the 'dilemma of a lack of time in processing information', then one is simply begging the question (Hans Gersbach, 1999: 159f); for with this explanation one is admitting that there existed a disproportionate relationship between the (institutionally enabled) speed of the decision and consideration of its consequences[15]. Tragedy as political art before the assembled public would appear to take this very political dilemma as its subject. For in Sophocles' *Oedipus* the choir tells

Oedipus, who acts too quickly and is always committing errors: ‘For the quick ones do not think carefully !’

Dysfunction 2: rivalry to the detriment of the common good.

In ancient Athens occasionally the situation arose in which the two most successful orators developed a rivalry that undermined the political process. The rivalry between the two would reach such an intensity that the adversaries tried to defeat each other’s motions even when their adoption would have been in the interest of the entire *polis* ? a fact well known to them. In such a case, political rivalry proved dysfunctional and counter-productive.

Among the political leadership there are always rivalries, and Rome took no backseat to Hellas. But these rivalries do not necessarily polarize the political community. That only happens if the best politician is he who ‘triumphs’ politically most often, i.e. (in the context of the Greek *polis*) the one most often winning a majority for his proposal in the assembly.

That does not mean, of course, that bi-polarization of the political community was left to self-serving others, but rather that it was at all times a latent possibility. The rivalry did not always have to polarize the *polis*; but any bi-polarization was an intrinsic danger as the result of a sharp escalation of political conflict when a majority decision was to be taken.

Dysfunction 3: embattled minorities and civil war.

When the dynamic of bi-polarization began and the battle lines solidified, then the minority ? assuming the circumstances remained constant ? had its back to the wall. Embattled minorities formed a threat to the fundamental consensus and inner peace. The many civil wars in the Greek communities were perhaps owing to the fact that majority rule placed the minority in an untenable position[16] The minority then saw no other alternative but the violent toppling of the political order.

Then how can one explain the remarkable stability of many Greek city-states, among them democracies?

Perhaps by the *Ostrakismos*. This was that peculiar institution of ostracism, in which Athenians were always banning famous politicians for ten years ? famous politicians, but always the second-best orators. In other words, it was a means for breaking up the bi-polarization. But how did Athenian democracy remain so stable after the *ostrakismos* was no longer in effect after 403 bc? There must have been mechanisms to hinder any impending bi-polarization ? so what were they?

Are comparisons with modern assembly-democracies helpful? In assemblies of the Swiss *Landesgemeinden*, parties are strictly excluded; only individuals speak, never parties. In this way assembly-democracy avoids the formation of battle lines within the voting body. That is probably why there is complete silence after a speech: any applause for one or the other option would have a group-dynamic effect and provoke an escalation. Are there mechanisms to be found in Athenian democracy (we have too few sources for the other Greek city-states) that served in a like manner to curb or mitigate such splits?

Cultural dynamics.

I take it for granted, that a society governed by majority rule will set certain cultural dynamics into motion. There has never been an investigation of this phenomenon. Nevertheless a few hypotheses can be outlined:

Politics as a genuinely separate realm.

If one practices majority rule, then the experience of citizen equality is strengthened within a specific sphere. This sphere ? the political ? makes a strict distinction between itself and the household, the family, social relations (friends and rivals) and the economy. In the political sphere, voters interact with one another in a different way because they are playing a different role; similar to how early-modern man was different in religious space as opposed to profane space.

Extreme drive to institutionalization.

Political anthropology has also found democracies among East African tribes, i.e. political equality of all adult tribal members as well as assemblies that decide serious matters. But Greek democracies were considerably more capable of action because their assemblies decided a wider spectrum of issues. As shown above, majority rule accelerated the decision-making process and tempted assemblies to address a greater range of topics, thereby expanding the political sphere enormously. Nowhere did there exist such a large number of institutional procedures and regulations as in the Greek *polis*. In the pre-industrial age, there was no other political system that had such a dense procedural institutionalization as Athenian democracy.

Adapted behavioral dispositions.

Remodeling the moral economy: When petitions are defeated and do not become resolutions, then it is always best if these defeated proposals are not scornfully dismissed ? either morally or intellectually. The majority may neither reproach the minority with having ‘erred’ in their assessment of the common good, nor accuse them of having ‘base motives’. All of this may be said in the debate but not after the vote. Furthermore, the successful group should not celebrate the resolution as a victory.

And the outvoted? a) They must not see themselves as losers. b) They must not feel dishonored and they must not seek revenge. c) They must acknowledge the new resolution as their own option, although they had rejected this option just a few minutes before; they must ‘forget’ that they had opted for a different course (they must practice ? as Nicole Loraux showed ? ‘citizen’s amnesia’).

In other words, aggressive behavior may only be displayed during the debate; after the vote, harmony should be feigned.

A new intellectual habit.

Omnipresent disputation breeds completely different intellectual habits in comparison to a process based on consensus. Consensus behavior means the speakers try to soften differences. By contrast, disputation fosters a competitive (*agonal*) type of exchange; it encourages a style of thinking that tends to be

‘polemic’ and concerned with attack and defense. Cultural consequences:

Both forms of rhetoric are divergent: a process based on consensus requires an ornate (metaphorical) language, whereas disputation demands a precise (conceptual) rhetoric. Why?

In consensual discussions differences tend not to be explicit; divergent axioms are concealed. Disputations, on the other hand, get quickly to the heart of the matter, clarify presuppositions, and make the unspoken explicit.

Persuasion techniques differ radically. Consensual discussions do not really permit one to refute an opponent, whereas in a disputatious setting it is a cardinal rule to refute your adversary. This has consequences for the rules of argumentation. Consensus does not actually require ‘arguments’, while disputation insists on an explicit technique of argumentation in which sophistry finds its cultural home.

These intellectual habits are by no means solely restricted to the elite (the orators). For Greek citizens in the people’s assembly were in constant practice when it came to refuting arguments and justifying their own.

Power over the order.

When one has the ability to resolve so many matters by political means, then the temptation grows to change and reorganize the political and even social orders. That was politically dangerous in ancient Greece because such decisions touched on the fundamental consensus among the citizenry’s diverse social strata and could trigger civil war. But it was culturally productive because in this way groupings could experience themselves as perfectly sovereign, and then had to react intellectually. In Greek culture, therefore, the paradoxes of sovereignty were keenly thought out, especially destruction of the authority of self-created law by the sovereign himself.

Theoretical reflections on the political.

And now that most pertinent bequest of innovative Greek culture: political theory. Naturally, political thought did not first begin with the Greeks. The oldest

constitutional debate on record took place in Israel at least eight centuries before the birth of Christ: the Jotam story is a scorching rejection of all forms of monarchy. However, it remained theoretically neutral, as did the political reflections in the tragedies of Aeschylus or Sophocles, which experimentally enact the most extreme consequences of certain actions. Yet in the course of the fifth century bc systematic thinking about politics arose. With a rich conceptual store, with concise argumentation, and without consideration for religion or convention, one began thinking about power as a phenomenon subject to its own laws ? thus did political philosophy emerge as an independent field of knowledge. The thinking was radical in nature, lending these fifth century Greek texts considerable power even today.

Differentiation of intellectual fields: the organization of knowledge.

This social frame tended to eliminate social authority from the sphere of organizing knowledge: social authority obstructed intellectual exchange to a far lesser degree than in Rome, for example. Ideally, not the social rank of the speaker but rather the strength of his arguments was what counted. Thus the pleasure in the logical purity of an argument, in its compelling character, even when the potential consequences could be of an astounding or even dreadful nature.

The Greeks adopted much knowledge from the Orient, but they then organized it in a new way. The relative lack of hierarchy in Greek society made the exchange of knowledge more competitive; techniques for refuting and grounding arguments were more developed in Hellas because they were in greater demand here than anywhere else. Only in such a way could rules of disciplined argument emerge. In classic Greece, independent spheres of knowledge emerged at an incredible rate. The individuation of cultural activities such as poetry and sculpture began much earlier in Greece, but the differentiation of specific areas of knowledge did not necessarily receive positive impulses; to the contrary. It was, for example, wrongheaded of Parmenides to seek a poetic form for expressing philosophical content. Philosophy needed a radically apoetic form of expression, as evidenced in Plato and Aristotle.

Organization of knowledge meant to think through facts in a systematic way a) according to their specific logic and b) within a sharply defined field (without consideration for the rules in other fields of knowledge). This organization of knowledge had its origin with the Greeks (mathematics, philosophy, grammar, rhetoric, astronomy, geography, history)[17].

Outlook.

It is necessary to remove the study of the decision-making processes from the purview of legal history and integrate it into an interdisciplinary style of political anthropology. Thereby one has to take into account a few corner-stones: It is inadvisable if not unfeasible to study decision-making rules solely at the procedural level; for the process itself is dependent on the group structure, social norms and cultural habits. So decision-making processes should be considered as cultural syndromes and indicators of cultural conditions. However, these processes are more: they can be decisive factors for setting into motion ? or blocking ? cultural dynamics.

We urgently need more reflection on the conditions pertaining to majority decisions, for cultural holisms *à la* Herder with murderous Fanonesque consequences are starting to gain currency. These holisms deny the universal applicability of moral values and political and intellectual rules. The good thing about it is that scholars are now compelled to reexamine procedures we have been taking for granted.

Résumé

L’exercice de la majorité participe de la ritualisation de la vie politique en Occident. Jusqu’à quel point et pour quelle raison la « loi de la majorité » peut-elle être considérée comme un apport positif ?

La loi de la majorité repose sur une abstraction qui a pour principe de traiter également tous les individus quelles que soient leurs autres caractéristiques.

Elle n'implique pas la démocratie et peut contribuer au fonctionnement d'un pouvoir fondamentalement aristocratique. Inversement, elle est souvent absente de sociétés où l'égalité politique prévaut. Sa spécificité consiste avant tout à s'affranchir de l'unanimité tout en rendant les décisions applicables par tous.

Même s'ils ne sont pas les inventeurs de l'idée de majorité, les anciens Grecs méritent qu'on les observe à cet égard. Ils ont abondamment utilisé cette manière de décider et il en est question dès l'*Odyssée*.

Aujourd'hui, le communautarisme menace la règle de la majorité et son principe est remis en question. Il devient plus urgent de comprendre en quoi unanimité et majorité s'opposent. Certains courants historiographiques ont opposé la communauté, à la société, qui seule reconnaîtrait les individus. Or, si une telle vision évolutionniste peut être vue comme simpliste, il reste que le principe du consensus domine dans le processus de prise de décision observable dans les sociétés étudiées par les anthropologues.

La logique du consensus n'est pas inintelligible. Elle se fonde sur deux éléments : le niveau d'intensité et la réciprocité différée. Une forte mobilisation d'un petit groupe peut lui permettre d'emporter la décision. Cela suppose, de la part des autres, une disposition à céder, qui ne peut fonctionner que parce qu'elle est insérée dans la culture locale comme une conduite socialement acceptable, ce qui devient possible si la concession des uns aujourd'hui a de bonnes chances d'être compensée demain par une concession des autres. Le consensus rend négligeables les risques de la décision pour la cohésion politique du groupe. En revanche, le coût de la décision est lui élevé en temps et en énergie dépensées, notamment si des militantismes d'intensités comparables et opposées se manifestent. Le risque de paralysie est grand et la tentation existe que l'on cherche à éviter les facteurs de division empêchant la prise de décision en homogénéisant au maximum le groupe délibératif.

On peut atteindre un consensus par un accord sur les options présentées par les plus militants, mais aussi par un compromis situé à un niveau intermédiaire insatisfaisant pour tous, ce qui mine la possibilité d'une réciprocité différée, ou encore par le choix de la minorité de rejoindre la majorité, ce qui rompt avec le

principe du niveau d'intensité. On évite alors une situation où soit la prise de décision n'aurait pas lieu, soit on serait contraint d'avoir recours à des critères qualitatifs, qui sont presque toujours inopérants.

Cela peut déboucher sur la violence, en raison de la frustration de la minorité. Ces actes de résistance d'une minorité (bien étudiés pour l'époque médiévale) ont été considérés par des historiens du Droit et même par des sociologues (par exemple Georg Simmel) comme la naissance violente de la règle de majorité ; selon cette conception, cette règle apparaît comme une confrontation simulée qui donne à voir le rapport de forces et dissuade de recourir à la violence. À l'encontre de cette thèse, on peut objecter que les confrontations étaient la conséquence d'une attente, très forte de la part de la majorité, de ce que la minorité se joigne volontairement à l'option majoritaire ; cette attente suppose acquise l'idée que tous, minorité incluse, devront appliquer la décision prise par la majorité.

La loi de la majorité permet d'accélérer la prise de décision, ce qui accroît la réactivité du système politique mais incite aussi à vouloir ainsi changer l'ordre politique et social. Cela peut conduire à rendre les confrontations au sein de l'assemblée délibérative et dans la société plus heurtées, voire franchement violentes. La rapidité augmente le risque de décisions irréfléchies, l'éloquence des orateurs peut devenir indûment déterminante, la stabilisation des camps dans des partis stables peut dégénérer en guerre civile.

On peut faire l'hypothèse que la pratique de loi de la majorité a des effets dynamiques sur l'ensemble de la culture politique : elle tend à faire de la politique une sphère distincte, institutionnalisée et en expansion. Elle conduit à terme à une autolimitation comportementale des gagnants et des perdants. Le consensus et la majorité se distinguent aussi par le type de rhétorique qu'ils favorisent. Dans le premier cas, le langage figuré et allusif dominent, dans l'autre l'argument précise et explicite. La loi de la majorité privilégie le pouvoir de la loi sur la puissance de l'ordre, ce qui suppose d'identifier le politique et de chercher à le connaître.

En conclusion, il ressort qu'on ne peut aborder les processus de prise de décision d'un strict point de vue procédural et avec des raisonnements

exclusivement juridiques. Bien au contraire, toutes les ressources interdisciplinaires de l'anthropologie politique doivent être mobilisées par qui veut problématiser, sans a priori ces questions.

Notes

[1] Reducing the alternatives on the dichotomy of 'unanimity rule' and 'majority rule', historians excluded a rich array of variations and particularites.

[2] The encompassing studies, which are still refered to as basic within this topic, were written at the end of the 19th and the beginning of the 20th century: (Starosolsky, 1916: 7-33; Joseph Stawski, 1920: 6-9 and 18-22). The underlying assumption was, that in 'primitive' societies the social pressure on the individual was so strong that all members of the group tended towards unanimity. Only when a sense of 'individuality' came into being, different opinions were likely to rise; and so the difference between individual and group began to be felt, and unanimity was no longer an automatic result of deliberation. This view implies that Europe has not only reached a higher form of social organization but a higher form of 'individuality'.

[3] Modern Political Philosophy avoided the problem how it was possible for a group to reach unanimity. The collisions of interests seemed not to allow for a voluntary consent to an option that was not the preferred one.

[4] In social reality the fact that unanimity is reached, often lacks adequate formalized confirmation. Besides, not all members support with equal intensity the option that is agreed on. Cf. Etzioni, 1968: part 4; P.H. Partridge, 1971; G. Parry, 1976; G.J. Graham, 1984; 1987: 214ff; Sartori, 1984: 83ff; 1987: 214ff.

[5] This behavioral disposition has great chances to become lasting, if the context of taking decisions is continuous: so all members can count on postponed rewards of about equal worth of the actual benefits.

[6] The members of a committee taking a decision must not be bound by strong bonds to other parts of the community; they must not act as delegates of interest

groups. The solidarity between the committee-members should outstrip other loyalties. It is evident that within larger groups this requires highly homogenized socialization. See the profound analyse by Pierre Clastres, 1974: 5. chapter.

[7] It is not useful to consider politics in general as a zero-sum game (as does for example Robert Aron, 1972: 173ff.). Not even the majority rule does transform politics into a zero-sum game necessarily.

[8] All political systems have to prevent decision costs from spiraling upwards. The danger to get stuck into paralyzis is all too imminent. Political communities tend to lower those costs by enlarging their cultural and pedagogic efforts in order to get high levels of successful socialization.

[9] It is difficult to scrutinize consensual decisions: the consent may imply a compromise, a short-cut in deliberation by a ‘chief’, a bargain or even the result of convincing. The result can only be classified if the whole process is overlooked.

[10] Aristotle sharply defines such political entities not as a ‘*polis*’ ? i. e. not as an organized political community ?, but as an alliance. Their decisions are not due to deliberation but to bargaining and therefore are classified as treaties (Aristoteles, *Politica*, 1280a25-b34). This argument affects the question, how many ‘political’ content is within the compromise-procedures of the ‘démocraties concordantes’ of the swiss type.

[11] *Vinay-scripts of the Tipitaka*, part 4, fascicle 23 (Buddha explains the 7 ways to end quarrels). See : Markus Rüttermann, 1997: 21-71, here 31f.

[12] Max Kopp, 1959: 8. In some parts of Europe the political dynamics of institutionalizing decision-making procedures was far stronger than in any part of the world. As soon as the duty to follow appeared in written documents, the majority rule followed as an explicit rule in written law-codes. The earliest Japanese document mentioning the explicit majority rule dates comparatively late, namely from 1583. This confirms the theses of Elsener (Ferdinand Elsener, 1956: 73ff and 560ff): the mere existence of the canonic law and its use within the catholic church accelerated the propensity of other political entities to

assume the majority rule.

[13] Sharp dissent which cannot be bridged does – in societies without political hierarchy – very often lead to the splitting of the community. It was one of the major questions of my brilliant late colleague Nicole Loraux to ask, how the Greek *polis* was keeping her unity while regularly applying the majority rule and thus practicing the division of the citizenry? See: Nicole Loraux, 1980, : 213ff. and 1987: 101ff.

[14] The antidemocratic tendency in political thought always has insisted on the weak acceptance of resolutions made by the assembly (see: Pseudo-Xenophon, *The Constitution of Athens*, 2, 17). Indeed this is not a problem of democracy but of the abundant use of majority rule.

[15] The speed of decision-making has been discussed in political sociology. However, sociologists are interested in the high costs of delayed decisions. See: Yannis Papadopoulos, 1994: 148-160. My problem is the opposite: the high risks generated by decisions that are taking all too fast.

[16] This aspect affects our pluralistic societies. The more the citizenries, homogenized in long processes during the 19th century, are disintegrating into diverse life-style sectors or religious communities, the more it will be difficult to take decisions aiming at a common good. The very concept of *bonum commune* is going to loose its sense, if there is no more citizenry who share common values.

[17] Is there a relationship between scientific thought and democracy? Not necessarily. As even a democratic city must conserve its basic consensus, so she must avoid that knowledge which enjoys the authority of (scientific) wisdom undermines the institutions (racism had been a scientific affair in the 19th and even 20th century). A city might be tempted to forbid intellectual activities which endanger the moral framework of politics; a crucial point is the education of the future citizens. It was not by random that Sokrates collided with his city exactly at this point.

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