
Der Band macht einmal mehr schmerzlich bewußt, daß die Texte der römischen Agrimenso ren noch nicht genügend kritisch erschlossen sind. Daß Peyras als Textgrundlage die Lachmann-Edition gewählt hat, kann man ihm nicht vorwerfen; sie nicht ausreichend überprüft zu haben, jedoch schon. Und auch durch die formalen Mängel in der Gestaltung des Buchs wird dem Leser die Benutzung erheblich erschwert.

Berlin

Jens-Olaf Lindermann

---


Egon Flaig is already a distinguished scholar of both Greek and Roman history, with book-length studies devoted to parricide in Athenian culture and to the ritual aspect of Roman politics, as well as to the world history of slavery.¹ His new book on majority decision-making, which was fifteen years in the making, draws on all these fields of expertise, combining a deep knowledge of both classical European cultures with the broader perspective of comparative world history.

A genuinely global history of democracy would have been a significant achievement in itself,² but F.’s book goes further. It also offers a novel way of conceptualizing democracy, in which its central practice – majority-decision

---


making – is sharply distinguished from more consensus-based methods of collective action. Inevitably, many of the ideological and theoretical stances that F. takes up in his work – his Hellenocentrism, his dismissal of approaches to institutions based on strategic interaction, his insistence that MD-M is the crucial ingredient in democracy and must be separated from consensus – will provoke controversy. However, this should not cloud the fact that F.’s enormous and complex work is an outstanding contribution not only to the history of democracy, but to the fields of democratic theory, historical sociology, and world history as well.

Before offering a critical appreciation, I will attempt to provide a synopsis of F.’s vast project. The book is divided into five main parts, with introductory and concluding reflections flanking three sections devoted to historical analysis. The introductory part of the book (Chapters 1–2) is mainly dedicated to setting up F.’s distinction between systems based on consensus and systems based on disagreement, a distinction which structures the historical analysis that follows. Thorough analysis of the evidence for MD-M is then provided, in three parts: first, in non-classical cultures (Ch. 3–4), then in ancient Greece (5–8), and finally in Rome (9–10). The concluding section (Ch. 11–13) reaffirms the centrality of the Greek democratic experience, and offers a series of forthright recommendations for future democratic practice.

In his ample introductory remarks, F. quickly sets out his assumptions and methodology.

For F., MD-M is a necessary, but not a sufficient condition for democracy. As he says on several occasions (e.g. 479) «ohne Mehrheitsentscheidung keine Demokratie». It is, in addition, to be classed as a particular type of decision-making based not on consensus but on disagreement, «eine spezifische Variante von dissenitchem Beschließen» (21). What F. offers in this work is a taxonomy and genealogy of collective decision-making, showing how and why in a small number of cultures, MD-M emerged as a well-defined and choice-worthy method of reaching decisions. For F., that it did so is not simply a matter of considerations of utility, but also of the conceptual world or «Sinnsystem» underlying each historical society. F.’s analysis, in other words, aspires to be a cultural history as well as an institutional one.

Why should MD-M be separated so cleanly from methods of decision-making based on consensus (e.g. unanimity rules)? F. offers two reasons. The first is that the search for consensus promotes the mercantile exchange of preferences and interests rather than a search for the common good. The second is that dispassionate study of the evidence reveals that human societies rarely make decisions based on actual consensus, but are mostly governed by what F. calls «apparent consensus» («scheinbarer Konsens»). The danger of apparent consensus is that it is often massaged into being by an elite charged with interpreting the popular will.

Examples include the tribal assembly of the Thembu, at which the popular view, as formulated by a chieftain, is taken as confirmed on the condition that nobody speaks against it; the dulata of the Gamo, at which magistrates called halaka bring proceedings to an end by declaring what they believe the popular will to be; and the assemblies of the Celts, at which the proposals of the chieftains were subject either to confirmation by the banging together of weapons, or rejection by disapproving murmuring. (As F. points out, a minority banging weapons together might well make a louder noise than a majority murmuring disapproval.) A particularly vivid example of elite-manufactured consensus is provided by the assemblies of the West Slavs. After a certain point in the discussion, those who disagreed with the prevailing view were beaten with sticks; if they continued to offer
opposition, they were either fined, or had their homesteads burned to the ground, depending on status.

Apparent (and elite-imposed) consensus, then, represents one unwelcome destination that might be arrived at by societies groping their way towards a genuinely collective method of decision-making. Another is presented by the example of the naach'id of the Navajo, which met in the summer of 1858 to make a simple choice: peace or war. When the majority voted for war, the minority simply rode off, destroying the Navajo people's chances of successfully carrying out military operations. F. uses this example to illustrate the importance of decisions that are *binding*, not only in securing a community's capacity for action (its «Handlungsfähigkeit»), but also in ensuring its very existence as a community.

F.'s introductory section leaves human societies interested in operating as a cohesive whole with a number of options. If they insist on consensus, they risk either being manipulated by elites (in systems of apparent consensus), or failing to take any sort of joint action (e.g. in cases where dissenters simply leave the community). If they instead find their way towards a genuinely collective mode of decision-making, in which decisions are both communal and binding, the options are again limited. They can, for instance, base their decisions on the intensity of opposing preferences; but this is difficult to measure and in any case is often roughly equal. Or they can dedicate themselves to voting based on the numerical weighing of preferences and decision-making based on the will of the majority.

The core of F.'s book consists of an in-depth examination of how precisely a few societies came to develop and institutionalize this purely numerical and binding type of 'dissensual' decision-making.

According to F., a continuous and systematic use of MD-M emerged indigenously in only five cultures: ancient Greece, republican Rome, medieval Iceland, pre-exilic Judaism, and Buddhist India. F. first tackles the evidence for MD-M in non-classical cultures, before moving on to lengthier discussions of the Greek and Roman evidence. 10th century Iceland developed a system involving assemblies called Things, a central council of delegates called the Althing and a high court, all of which employed MD-M. But there were also powerful chieftains called Goden, and by the 12th and 13th centuries their influence in the assemblies was such that democracy must be considered to have vanished. For F., since the Things were mustered even in the 10th century not on a geographical basis, but as collections of the followers of Goden, even in that period it is difficult to speak of Iceland as a thoroughgoing assembly-democracy on the Greek model. Indeed, because of the dominance of the Goden, «es gab in Island keine Volksversammlungen per se» (100).

As for Judaism, though there was a long tradition of MD-M in Jewish communities, this was often «prekär im Angesicht einer erdrückenden religiösen Autorität» (120) – that of the rabbis. Rabbis could even, under certain circumstances, overturn decisions made by MD-M, so that in the final analysis «von Demokratie kann keine Rede sein» (122).

If F.'s conclusions concerning the Icelandic and Jewish cases are rather deflationary, his treatment of the Indian evidence is more generous. Democratic practices and concepts in Buddhist monasteries (e.g. the Japanese *tabun* = majority) can be traced back to the roots of the religion in the ancient Indian republics (c. 600–300 BC). The evidence here is scanty, but some Greek sources (e.g. Diodorus) refer to Indian city-states in the time of Alexander as dēmokratiai, and a few anecdotes in Buddhist scriptures seem to indicate the use of MD-M in the period (e.g. the report in a Tibetan source of a majority vote at Kapilavastu to decide whether to open the gates of the city to King Vidudabha of Kosala).

F. returns to his skeptical mode in a lengthy examination of the claims of the medieval church in providing a link between classical and modern uses of MD-M in the civic sphere. MD-M was certainly employed by the early and medieval churches, for example in the election of bishops (a practice laid down at the Council of Nicaea in 325) and within various monastic orders (several included it in their statutes, e.g. the Benedictines in 1258). At the same time, the church was far from fully democratic, not least in its embrace of the
doctrines of the maior et sanior pars, in which it was affirmed that a sub-set of a group might well be ‘greater and sounder’ not only in number, but also in zeal or rank. Gregory the Great’s influential pronouncement around 600 that in scissura mentium Deus non est should alert our suspicions that whenever unanimity is found in the election of bishops, the consensus on show is more apparent than real. Most important for F., however, is that MD-M has an equally long tradition in secular Europe, so that its survival since antiquity need not be attributed to religious communities.

In spite of that fact, F.’s skepticism is again on show when he examines the claims of several societies usually counted among the ranks of proto-democracies. Italian city-states, he argues, were never democracies, since although many organized themselves into a well-defined popolo (e.g. Parma in 1244), this was not a dēmos proper but a «Vereinigung von Korporationen» (158). Because of this, the Italian parlamento or arengo was a place to trade corporate preferences, not a site for the construction of the popular will. In any case, popular institutions were already in decline by the end of the 13th century, muscle aside by powerful magistracies such as the podestà.

F.’s three chapters on Greek democracy begin with an account of its origins.

Factors that help explain democracy’s emergence in Greece include the relative weakness of religious authority; the opportunity to found new state-forms in overseas colonies; and competition among the elite, which led to increasingly well-defined forms of legal regulation. The flourishing of Greek democracy at Athens and elsewhere was aided by a focus on the public good, which led minorities to change their minds when presented with the majority will («die Überstimmtien wechselten ihr Urteil», 223). It was firmly grounded on purely numerical voting, except at Sparta, where voting by shouting opened the door to the influence of preference-intensity (and to manipulation by elites). Finally, Greek democracy depended to a large degree on the homogeneity of the dēmos, a situation encouraged at Athens by the reforms of Cleisthenes.

But the success of Greek assembly-democracy was also its downfall. At Athens, especially, the capacity of the sovereign dēmos to make decisions was such as soon to outstrip the ability of the state to implement them all. The choice of which decisions to act on was effectively left to the Council, an institution which gained increasing power at the expense of the Assembly throughout the Hellenistic period. By the late Hellenistic period, councils were increasingly appointed by magistrates (timetai = Roman censors) rather than elected or selected by lot.

Republican Rome, unlike Greek poleis, was pluralistic, especially in its system’s many veto-points, which F. refers to as «Möglichkeiten zu legitimer Obstruktion» It also differed from Greek poleis in its avoidance of purely numerical mass voting, its greater openness to religious authority, and its separation of deliberation and decision-making procedures. Most importantly, though, the order of voting in the comitia was rigged in favour of the elite to such an extent that they hardly constituted a decision-making institution at all, but rather a factory of consensus. Less an «Entscheidungorgan» than a «Konsensorgan», their procedures constituted a mere «Konsensritual» (366-7).

The Roman empire preserved many of the forms of republican institutions, with regular elections of magistrates (archairesia) in cities surviving until at least 325/6 AD. But gradually genuinely free voting was replaced by acclamation, a practice that not only (by reflecting preference-intensity) worsened polarization («Gegnerschaften wurden zu Feindschäften», 436), but also was soon coopted by elites. By the 3rd C AD, Diocletian had forbidden acclamation that went against the law on the principle that uaeae voces populi non sunt audiendae. By this point it is again clear that what we have is not MD-M, but a ritual of consensus.

F.’s concluding reflections begin with an engagement with the theory of MD-M which, despite a few interesting passages in the Pali canon and in the writings of medieval rabbis, is found to be overwhelmingly Greek.
In a magisterial little chapter, F. shows that all of the familiar justifications for MD-M come ultimately from Greek sources. Scaevola’s idea that the majority should be taken as deciding for all is traced back to Herodotus’ *en gar tòi pollói eni ta panta* (3.80.8). The pronouncement of Fliscus (later Pope Innocent IV) that per plures melius veritas inquiritur is, of course, a version of Aristotle’s famous summation argument (*Pol.* 1317b2–8). Hugo Grotius’ argument that the original social contract was also an approval of MD-M? The same argument can be found in Plato’s *Crito* (50c–54a). And Locke’s proposal that MD-M is founded on the necessity that a community «should move that way whither the greater force carries it» finds its roots in a dialogue between Alcibiades and Pericles in Xenophon’s *Memorabilia* (1.2.40–46).

But the Greeks were not only the inventors of democracy. They were also, for F., the inventors of science, and he suggests that the two facts might be linked. Abstract thought of its own does not guarantee the emergence of science, since plenty of cultures have developed abstract thought. The distinctiveness of the Greeks lies in their culture of disagreement and ‘dissensus’, which drove the emergence of gold standards for argumentation, such as logical proof. As with democracy, the emergence of science was aided by favourable conditions such as a religion lacking powerful priests and a systematized theology, a relative absence of hierarchy, and a high degree of formal regulation of public life.

F. closes his work by considering the prospects of MD-M, which is under threat, in his view, from those who believe that it should be suspended in cases where consequences of a wrong decision would be irreversible (e.g. with respect to nuclear war, or climate change).

But there is no clear line between reversible and irreversible decisions; in reality, all decisions are irreversible, and if we wanted to make sure we avoided them we would have not only to jettison MD-M, but to stop making decisions at all. Except that not making decisions would also have consequences; and so we are forced to choose one decision-making rule over the others.

What about issues of inter-generational justice, which some have claimed should trump MD-M? Burke argued that we should take into account the will of our ancestors before messing around with the institutions they constructed; Spaemann has suggested that we take into account the preferences of our descendants, who will inherit the world we leave them. But how could we possibly know the preferences of those who no longer, or do not yet, exist? And why should our decision-making procedures in the present be held hostage by phantoms?

But these critics of democracy make an even graver error in believing that they are entitled to define the exceptional case, a right which belongs only to the sovereign (according to Schmitt). Habermas, Rawls, and the Catholic Church (represented here by Böckenförde) are all guilty of arrogating to themselves the right of saying when the majority’s will should be discounted – whether for the sake of liberal rights, a concept of justice, or natural rights. For F., this is a sort of «Fundamentalismus» (491) indulged in by a «salvatorische Elite» (487) who believe that the importance of their own values places them above or beyond the democratic process. F.’s prescription for the future is clear: we must never compromise in our public life on the central principle of MD-M, because, as his history has reaffirmed, «ohne Mehrheitsentscheidung keine Demokratie» (479).

Any assessment of F’s book should begin with an attempt to give a sense of the enormous scope of the project, both in terms of the range of human societies he examines, and in terms of the variety of conceptual approaches to democracy with which he engages. Among the decision-making institutions that he surveys (in addition to those already mentioned above) are the *kgotla* of the Sotho, the Samoan *fano*, and the ancient Indian *samiti*, as well as the more familiar parliaments of Poland and of Westminster. Alongside insightful and independent readings of canonical thinkers such as Aristotle and Rousseau there are discussions of...
more obscure (yet apparently influential) figures such as the 14th century churchman Panormitanus, the 13th century rabbi Meir von Rothenburg, and the Sanskrit grammarian Panini. As well as drawing on much-discussed passages of Thucydides and Herodotus, F. also appeals to treatises of canon law, rabbinical debates, and Buddhist scriptures. He engages with perspectives on democracy stemming from rational and social choice theory, Frankfurt school critical theory, and various religious traditions. In all his explorations, his grasp of the relevant secondary literature is firm, and there are forthright critiques of contemporary ancient historians (e.g. Ober, Yunis) as well as refreshingly irreverent assaults on some sacred cows of contemporary political theory (Rawls, Habermas).

This is, in short, a hugely impressive work. But its merits are not confined to the compilation of historical facts and theoretical opinions relating to MD-M. F. has also developed a stimulating and coherent approach to the study of decision-making institutions which turns his history into one grand argument for the centrality of MD-M to democracy. F.’s method is unashamedly comparative: he does not shy away from comparing the Spartan Assembly with the 16th century House of Commons, for example. It is also focused on the various historical factors which led to the development of different systems in different places. If we are convinced by F.’s argument, MD-M (and hence democracy) is a method of collective action that emerges and is sustained only in the presence of a cluster of favourable conditions, chief among them community cohesion (allowing binding decisions), an insistence of number alone (as opposed to e.g. rank) as the relevant criterion for decision-making, and procedures guaranteeing an unambiguous indication of where the majority lies, without recourse to the open-ended interpretations of members of the elite.

Since it seems churlish to criticize F.’s huge project for its few shortcomings, it might not be inappropriate to end the review here. But since F. himself modestly invites criticism of his work in the spirit of dialectic and of the progress of knowledge (26), I will now sketch out a few possible lines on which his work might come under attack.

A first feature of F.’s work that might prove controversial is its thoroughgoing Hellenocentrism.

The main conclusion that F. draws from both his historical and theoretical surveys is that the Western tradition of democracy, at least, is overwhelmingly a legacy of the ancient Greeks. This might seem rather too convenient for a career classicist, and goes against recent attempts to find non-Western sources for democratic practice. But F. takes up his Hellenocentric position only after a thorough and wide-ranging study of non-Western evidence: if his Hellenocentrism is unabashed, it can hardly be accused of being blinkered. Nor is his study of that evidence unduly dismissive; indeed, in the Indian case, he can fairly be accused of being over-generous. And as F. himself suggests, serious historical
scholarship cannot be too distracted by considerations of political correctness: if the evidence shows that the Greek case was exceptional, that is what the evidence shows.\textsuperscript{1} Any suspicions of cultural chauvinism should be offset by F.’s close attention to the historical conditions for the emergence of MD-M, which steer well clear of racial determinism.

A second point at which F. might receive criticism is his repeated and aggressive rejection of approaches to political institutions based on the study of strategic interaction (especially the more mathematical strands of rational and social choice theory).

There seem to be a number of reasons for his distaste, but few of them will convince those who see RC theory as a tool for historians rather than a scourge. For instance, F. affirms that people’s preferences are defined not by inherent self-interest but by the «Weltbilder» instilled in them by ‘the social’ (227); situations are not meaningful in themselves but are endowed with meaning (92). But surely the extreme form of this view, in which there are no parameters set by human nature, is implausible: the human societies that embrace their own annihilation, for example, are thin on the ground.\textsuperscript{2} There are of course good reasons for historians to be wary of some of the claims of rational choice theory, especially in the writing of historical narrative (e.g. the notion of equilibrium is ill-suited to explaining institutional change), but those offered by F. do not seem to me to be among them.\textsuperscript{3}

This animosity towards rational choice theory and its offshoots is all the more perplexing and unfortunate, in that F.’s own approach in this book is eminently strategic. F. analyses institutions from the point of view of actors seeking a path to effective collective action in a harshly competitive environment (though admittedly while honouring other commitments, such as political equality); and he seems to assume (though he does not say as much) that their choices will be governed to a large extent by instrumental rationality. In F.’s methodological pronouncements, he is at pains to define himself as a cultural historian inspired by Bourdieu; but in his actual historical analysis there is very little mention of the systems of meaning that he has insisted underlie historical phenomena.

When F. does get the chance to discuss arguably ‘cultural’ features of institutions, his tendency is to find explanations for them which appeal solely to the strategic interaction of rational agents. So, for example, he explains the Greek and Swiss practice of swearing oaths before assembly-meetings as a way for minorities to make a credible commitment to not defecting from the community after a decision has been taken. The interpretation is itself

\textsuperscript{1} Though it may be that F. is too sanguine in assuming a direct link between ancient Greek democracy and modern representative democracy. In fact, as he surely knows, the radical legacy of the Greeks was for a long time insistently repressed. But this is not always clear in F.’s more Hellenocentric moments.

\textsuperscript{2} As an example of irrational human action, F. cites the case of the Athenians before the Persian invasion of 490. They could, he says, simply have sailed away westwards and founded a colony. Instead, because they held fast to the idea of the common good, they stayed at home to face the Persian onslaught (228). But the option of setting up a new city-state in southern Italy would hardly have been costless; nor was defeat by the Persians completely inevitable (indeed, it never happened). In any case, how the idea of the common good justifies one option over the other is not explained.

\textsuperscript{3} There may be a few simple misunderstandings of terms behind some of F.’s criticisms. E.g. F. claims that proponents of RC model deliberation as a cost, as if all the time spent in deliberation was empty and unused (288). But this is probably not what they mean by ‘cost’ – the idea that deliberation may be costly does not entail that nothing is ever gained from it.
quite plausible, but it underlines the fact that in this account of MD-M’s «kulturelle Dynamik», the emphasis is squarely on the second word, and not the first.¹

A third criticism which might be aimed at F.’s work is that it accords MD-M too great a role within democracy.

Crucial here is F.’s sharp criticism of Ober’s suggestion that MD-M be de-emphasized as an element in democracy. Ober made his suggestion partly in order to protect democracy from voting paradoxes such as Arrow’s impossibility theorem: if Arrow’s theorem shows that coherent majority voting in certain circumstances is impossible, and democracy is equated with majority voting, then democracy is (theoretically) in trouble. Accordingly, Ober recommends that we view democracy as (he claims) the ancient Greeks viewed it, as the ‘capacity to do things, not majority rule’.²

F. thinks that Ober is guilty of «eine konzeptuelle Verwechslung und eine intellektuelle Flucht» (266). The intellectual flight is Ober’s disinclination to meet Arrow’s theorem head-on, which F. promptly shows himself unafraid to do. But the result is arguably indecisive. F. argues that Arrow’s paradoxes need not disturb us, since they rarely manifest themselves in actual voting groups; but the conceptual problem still exists, so that the «intellektuelle Flucht» would be F.’s if he stopped here. But he then goes on to say that Arrow is wrong to assume that preferences are formed before voting, because in reality people change their preferences during deliberation. The problem for F. is that voting and deliberation are not the same, and Arrow is still entitled to complain that (under certain conditions) an ordering of preferences expressed in voting at one time will be incompatible with the same people’s ordering of preferences as expressed in voting at a different time. In that sense, voting fails to preserve an ordering of preferences in a way which presents a genuine obstacle to the idea that democratic assemblies can make coherent decisions.³

Ober’s «konzeptuelle Verwechslung» is more important. For F., democracy is very obviously about ‘the capacity to do things’; so is every political system. The real question is how that power is constructed: who decides what to do, and how? F.’s criticism is strong and worth making, but only goes so far. What it misses is that Ober has (though perhaps with insufficient clarity) indicated how that power should be constructed: through a mixture of institutions, including rotation and sortition. His point is that MD-M, though a very important democratic institution, is not the only institution through which political equality can be expressed and secured. And this argument is unaffected by F.’s critique.

Indeed, if we accept this point, it opens a series of related questions about F.’s way of looking at democratic history. For example, when F. traces the decline of Greek democracy through the increasing power of councils as against popular assemblies, it raises the question of why this constitutes decline for him, given that both councils and assemblies employed MD-M. In his introductory comments F. is careful to stipulate that he does not believe that MD-M is a sufficient condition for democracy, but his impatience with alternative conceptions of democracy means that it is very difficult to tell what else democracy might require. He does occasionally comment on the extent of the franchise for various voting groups (e.g. in the Indian republics, or in the medieval church). But he might also have commented on the political sociology of the groups employing MD-M – how representative are a particular group of voters of society as a whole? Even leaving aside particu-

¹ An even more revealing instance is when F. says that the emergence of binding decision-making «verdankt sich keiner spezifischen kulturellen Tradition, sondern spezifischen Umständen» (166). Very possibly. But if so, why all the methodological assertions about the centrality of the cultural?


³ If, that is, we accept all of Arrow’s assumptions in the form in which he gives them. For a possible way through Arrow’s paradox by relaxing some of his assumptions, see now C. List and P. Pettit, Group Agency: The Possibility, Design, and Status of Corporate Agents, Oxford 2011, Chapter 2.
lar institutions, living up to our ideal of democracy seems to require satisfying a number of intuitions, and this must take democrats far beyond simply insisting on MD-M.

But for many convinced democrats, the most controversial aspect of F.’s book will be his insistence that systems based on consensus have nothing to do with democracy.

Both of F.’s reasons for this belief (which is foundational to his entire narrative) are questionable. To recap, the first is that consensus systems encourage an ‘economic’ rather than truly ‘political’ form of interaction: they promote the barter of interests rather than deliberation about the public good. But it is difficult to see why systems requiring unanimity should foster an individually-motivated exchange of preferences more than systems requiring only a simple majority. If anything, we might expect that systems in which everyone has to agree will be more conducive to ensuring attention is paid to the common good. F.’s second argument is that consensus systems are rarely grounded in genuine consensus, rather than apparent consensus. But this is not an objection to consensus as a decision-rule; in fact, in disapprovingly pointing out divergences from consensus, F. seems to accept that the idea has some appeal. Proponents of unanimity rules would be perfectly justified in taking F.’s empirical evidence simply as a warning that unanimity systems are often in danger of being corrupted, not that they are impracticable or undesirable.

Another problem is that there seems no very good reason to keep decision-making by simple majority strictly separate from forms of decision-making that require unanimity, subunanimity, or super-majorities. Philosophically, there are sound democratic reasons to dislike super-majority rules (e.g. they are biased towards the status quo). On the other hand there is a way in which they reflect an even stronger commitment to political equality than simple-majority rules (no action can be taken unless everybody agrees with it). F. himself treats super-majorities up to a certain point as more or less equivalent to MD-M: in his discussion of super-majority rules in medieval Europe, religious and secular, he admits that «der Unterschied zwischen der Schwelle von 2/3 und der reinen Mehrheit ist soziologisch nicht maßgeblich» (141). But if the difference between simple majority and 2/3 majority is not significant, what about the difference between a 2/3 majority and 3/4 majority? Or 4/5 – or even, for that matter, 5/5? It seems impossible to point to any particular stage at which a super-majority stops being an enhanced majority (which for F. is democratic) and starts being unanimous (which is not).

This is perhaps why the line which F. does draw leads him to make decisions about which cultures count as democratic that might strike us as idiosyncratic. New England town meetings, for example, are not democratic, because of their large super-majorities and culture of consensus. That F. comes down so heavily against the contemporary environmental and protest movements (he calls them ‘soterio-faschistoid’, 498) might be explained partly by such groups’ occasional flirtation with unanimity and sub-unanimity rules. But surely there are more dangerous enemies of democracy in the world today than Greens and Occupiers, as well as more hostile ones.

These, then, are four possible directions in which the discussion that F.’s work will certainly generate might lead. As a Hellenist, I might take detailed issue with some of F.’s interpretations of individual passages, as well as his more general

---

1 As a separate point about F.’s concluding remarks, note that in dismissing the discourse of rights (whether liberal or natural) as an attempt to bypass the democratic process, F. fails to confront the strongest form of the objection. This is that some rights may be necessary for democracy (or even simply for MD-M). For example, even radical democrats might agree to secure a right to life against MD-M on the grounds that granting an equal vote to all means little in its absence.

2 E.g. with respect the Mytilenean Debate in Thucydides (3.36–50) F. says that the reversal of the first vote can be explained largely with reference to an intransigent minority. But surely it is clear in Thucydides’ account that a good number of people changed their minds.
characterizations of Greek democracy. But this would give the wrong impression (the section on the Greeks is overwhelmingly sound as well as thought-provoking) and would hardly be in the spirit of his trans-disciplinary endeavour. Instead, I will close by reiterating that the publication of F.’s ‘Mehrheitsentscheidung’ should be considered a watershed moment in the study of the world history of democratic institutions. Readers in the German-speaking world are fortunate to have immediate access to it; and I hope and expect that it will be speedily translated into the other major scholarly languages, so that theorists and historians of democracy elsewhere can have the full benefit of F.’s prodigious learning and insight.

Wellington

James Kierstead


Le livre de Marina Ioannatou est malheureusement un ouvrage posthume, puisque son auteur a été victime, alors qu’elle avait à peine quarante ans, de l’accident de chemin de fer qui a eu lieu le 6 novembre 2002 près de la gare de Nancy (France). Il est issu d’une importante Thèse de doctorat, préparée sous la direction de M. Michel Humbert (Professeur de Droit Romain à l’Université de Paris 2), et c’est son directeur de thèse qui, après son décès, avec l’aide de Madame Blanche Magdelain, a préparé le texte pour la publication. Malgré son titre, qui est relativement modeste, le sujet de l’ouvrage est très ambitieux. En effet, il ne s’agit pas seulement d’une étude précise des dettes et des endettés dans la correspondance de Cicéron, mais de l’ensemble des dettes et des crises d’endettement du 1er siècle av. J.-C., et, de proche en proche, de toute la vie financière et patrimoniale de l’élite sénatoriale et équestre à cette époque, – l’époque de l’Histoire de Rome que nous connaissons le mieux à cause des œuvres de Cicéron.

(metegnōsan, 1.44.1). Also, F. claims that the Athenians’ failure to vote to destroy Mytilene shows that they were not governed by self-interest but by a conception of the common good. But the speeches of Cleon and Diodotus (at least, as Thucydides gives them to us) focus almost exclusively on prudential considerations. If we follow Thucydides, the Athenian voted not to destroy Mytilene not because of an idea of the common good (how would that have helped the Mytileneans in any case?) but because they thought it would be in their long-term interests.

1 E.g. his belief that Greek democracy was based on a rejection of pluralism and a centralization of the political. This is linked to F.’s view that democracy cannot tolerate subsidiary groups that pursue their own interests (hence the exclusion of Italian city-states from the set of democracies). But this runs counter to recent studies suggesting that a rich network of associations aids the development and flourishing of democracy (the seminal investigation is R. Putnam, Making Democracy Work: Civic Traditions in Modern Italy, Princeton 1993). For an attempt to make this case with reference to a Greek polis, see now Kierstead, A Community of Communities: Associations and Democracy in Classical Athens, Stanford diss. 2013.