# 1 Introduction

In today's democracies, the nation's elected representatives normally make important decisions by enumerated majority vote. The vote is a procedure, of course, but it is also the defining feature of these systems. It is how democracies decide. They decide in this way largely because we live in a world of ideological conflict and vested interests in which the consistent production of consensus through debate and deliberation is presumed to be impossible. While mundane decisions made by legislatures are still commonly reached by means of consensus or unanimity, decisions of political import are usually meaningfully majoritarian. This institutionalized practice is in symbiosis with another institution – the party system – whose rich history has been exhaustively documented. In short, parties exist to secure majorities. Yet despite the importance of this relationship, scholars and citizens alike have tended to assume that, unlike partisan organization, majority voting has no history. It is taken to be either natural or automatic in politics, at least when people are making collective choices under conditions of ideological diversity. As a result, when we think about the turn to modern political life, we think above all about parties and very little about the majoritarian politics they presuppose.

This is short-sighted. Prior to the modern era, humans mostly made important political decisions by entrusting them to superiors or by forging consensus. Whatever conflict existed was suppressed at the moment of decision. Majority voting, by contrast, acknowledges conflict at the core of the political process. And whatever its merits or demerits, allowing one group to decide for another simply because of strength in numbers is hardly a natural way of securing the common good. The dominance of majority decision-making as a global standard for political decision-making is therefore something to be explained, not assumed. This task is of central importance. After all, majority rule is as much *a rule* for deciding as it is *the rule* of the greater part. Indeed, one might even argue that the turn to majority voting is more essential to the history of majority rule than the gradual attainment of universal suffrage.

The former certainly preceded (and had to precede) the latter. In this sense, at least, the rise of majority voting was the most important aspect of the rise of majority rule. And this makes the transformation of pre-democratic decision-making foundational to the history of democracy.

None of this, of course, ought to be taken to suggest that the history of the rise of majority rule is a history of triumph. Indeed, part of what makes the sudden emergence of majority voting in the English Revolution so interesting is that it immediately exposed what would become some of the central dilemmas of democratic life. Majority rule is no anodyne synonym for democracy. As an idea and a practice, it lies at the heart of a series of scholarly and public debates about the viability of democratic polities and the meaning of democratic citizenship.[1] While today these debates tend to center on a particular set of salient topics – campaign finance, partisan rancor, civic education, and, above all, populism – it is important to recognize that a profound unease about majority voting has always been embedded within representative democracies. Among the variety of institutional responses to this unease, the most direct are worth special mention: some decisions faced by representative democracies are simply considered too important to be left to a simple majority. Some actions are deemed so momentous that they can be taken only either with the consent of a supermajority or after an expression of outright unanimity. In the legislative realm, this can be seen everywhere from the supermajority requirement for constitutional amendments to the expectation of unanimity in declarations of war.

Both the character of majority voting and our deep discomfort with it have roots in the world of political decision-making from which majority rule initially emerged. This was a world in which consensus was prized, in part for good reason. This book is therefore premised on the basic historical and social-scientific insight that institutions are path-dependent. They carry with them, as it were, the moment of their creation. It is impossible, therefore, properly to address the promise and pitfalls of majority rule today without a history of its rise at the ready. This book is the first such history. It describes and explains the crucial moment in the majority's global rise to power: its embrace by the elected assemblies of Britain, Ireland, North America, and the Caribbean in the

[1] A representative sampling of this voluminous and diverse literature from recent years might include Urbinati, *Democracy Disfigured*; Urbinati, *Me the People*; Achen and Bartels, *Democracy for Realists*; Mounk, *The People vs. Democracy*; Runciman, *How Democracy Ends*; Van Reybrouck, *Against Elections*; Rosenfeld, *Democracy and Truth*; Kloppenberg, *Toward Democracy*; Maloy, *Colonial American Origins of Modern Democratic Thought*; Schwartzberg, *Counting the Many*; Novak and Elster (eds.), *Majority Decisions*; Bourke and Skinner (eds.), *Popular Sovereignty in Historical Perspective*.

age of the English, Glorious, and American Revolutions. The crucial turning point occurred in the fall and winter of 1642–3. As the people of England faced each other in battle, their representatives in Parliament were waging civil war by other means. The House of Commons had found itself deadlocked over the excruciating question of how to deal with an anointed monarch who had taken up arms against his subjects. To get on with governing, the members of Parliament accepted their differences. They abandoned their cherished tradition of consensual decision-making and turned to the dark arts of majoritarian maneuver. Within months the proportion of decisions they made with recourse to enumerated majority votes had approached that of a modern legislature. Enumerated majority votes – "divisions" in the English lexicon – had been permitted in the early modern House of Commons since at least the early sixteenth century, but this procedural option was hardly ever used to make important decisions. In the 1640s, however, party and preference had apparently replaced wisdom and deliberation as the engines of government. Majority votes had been held prior to 1642, of course, in England and elsewhere. But not since antiquity had they been held with any frequency by a popular assembly tasked with the fate of a nation.

To make important decisions in this way was to hazard radical innovation in a society that abhorred it. Yet the House of Commons never turned back. England's body politic continued to act by ritually splitting itself in two even after the English Revolution had been crushed and the monarchy restored. A majoritarian pattern of political decision-making became institutionalized years before the emergence of what many consider the world's first party system. Even if one dates the advent of Whig and Tory politics to the late seventeenth century, it is hard to argue that party politics was thoroughly institutionalized by the time majority voting was. In fact, because of the lack of regularity and structure in the Whig and Tory politics of the late seventeenth and eighteenth centuries, historians usually date the emergence of the British party system to the nineteenth century, not the seventeenth. Assuming that this convention for dating the advent of party politics in Britain is a reasonable one, majority decision-making may be the only institutionalized transition to modern political practice before the nineteenth century, or at least the most important. Almost as significantly, by 1776 – and usually long before – every elected assembly in Britain's Atlantic empire had followed suit. This provided, among other things, the institutional basis for the party politics of the early United States.

As both an institutional reality and a profound conundrum, the rise of majority voting in early modern Britain and its empire turned out to be a pivotal event in world history. It ensured that the two greatest powers of

the modern world – the United Kingdom and the United States – would be majoritarian powers. And this ensured that when the former colonies, dependencies, and vanquished enemies of Britain and America took their own democratic turns in the half-century after World War II, they were overwhelmingly likely to take majoritarian turns as well. The globalization of the majority and the globalization of democracy went hand in hand. The benefits and dangers of one were transferred to the other. Yet we know almost nothing about the former, more fundamental development.[2] We may therefore have much to learn about the underpinnings of modern politics from describing and explaining the initial emergence of this institution. We certainly have much to learn about a fundamental shift in the history of political practice in Britain and its empire that rivals the importance of any other such change in the early modern period.

Over 120 years ago the famed legal historian F. W. Maitland remarked that "one of the great books that remain to be written is The History of the Majority." He observed that because "our habit of treating the voice of the majority as equivalent to the voice of an all is so deeply engrained," we "hardly think that it has a history. But a history it has."[3] It is particularly ironic that Maitland's advice has gone unheeded for so long in the British context. The most important source for studying the rise of the majority in British politics is perhaps the most commonly cited document in the field of early modern history: the official journal of the English House of Commons. Availability, however, does not imply legibility. Manually examining each of the 30,000 formal decisions made by the Commons in the seventeenth century alone, without any idea that there would be a story worth telling, is a gamble with time that scholars have understandably avoided. In recent years, however, the methods of digital history have made it possible to get a bird's-eye, *longue durée* view of the story before examining particular moments and decisions. This makes it possible to confirm the story's fundamental interest, reveal its broad contours, and pinpoint focal points for archival and interpretive analysis. The present study is based on a unique database of over 150,000 formal decisions recorded in the Commons journal between the reigns of Elizabeth I and Elizabeth II, and tens of thousands of formal decisions made in the colonial lower assemblies in the century and a half prior to the American Revolution.

[2] The pioneering studies that highlight the central importance of early modern England in the history of majority rule are Baty, "History of Majority Rule"; Heinberg, "History of the Majority Principle"; Edwards, "The Emergence of Majority Rule"; Kishlansky, "Emergence of Adversary Politics"; Kishlansky, *Rise of the New Model Army*; Mansbridge, *Beyond Adversary Politics*, 3–16.

[3] Maitland, *Township and Borough*, 34.

There are also basic historiographical reasons why scholars have neglected this subject. Persistent national, regional, and chronological hyper-specialization is perhaps the most obvious. More interesting, perhaps, are the thematic commonalities in all of the research subfields this study brings together. Students of both British and American politics in both the seventeenth and eighteenth centuries have long been preoccupied by searching for the causes of the period's great constitutional and ideological watersheds – the English Revolution, the Glorious Revolution, and the American Revolution – to the exclusion of equally important transformations in institutions and mundane patterns of political practice.[4] As a result, they have paid far more attention to the struggles between monarchs and representative assemblies than to changes internal to those assemblies. In this sense, both Parliament and the colonial legislatures have somehow sat neglected at the center of British and American historiography. Historians have long recognized the pivotal role of their increasing power in the political history of the seventeenth- and eighteenth-century British Atlantic world.[5] But they have not seriously considered the long-term importance of fundamental changes in the way the House of Commons and the lower assemblies managed to get on with political life over the course of this period.

Recently, there has, in fact, been something of a turn to political practice and temporal breadth in early modern British and colonial American historiography, as these fields escape the once-productive dialectics of Whig narratives, revisionisms, and post-revisionisms, and a limiting focus on the analysis of semiotic or communicative action.[6] Newer histories of politics, many of them centered on the so-called public sphere, which in fact emerged from semiotically focused approaches to political history, have shown how the focused study of political practices and institutions can expose the way in which the very nature of the political process changed over the course of the early modern period. This, in turn, has provided the basis for novel accounts of the same constitutional and ideological upheavals that have always

[4] Accordingly, this book does not directly address the general, ambiguous, and contested question of whether or when early modern England became, in general, a divided or conflictual society or polity in advance of the outbreak of the Civil War. For a discussion of how the following account of the pre-revolutionary House of Commons should be read in light of revisionist and post-revisionist scholarship on early modern English politics, see Bulman, "Consensual Conflict in the Early Stuart House of Commons."

[5] The important works on colonial America most relevant to the present study are Greene, *Quest for Power*; Bailyn, *Origins of American Politics*; Morgan, *Inventing the People*.

[6] The most prominent and controversial call for a return to long-term perspectives that appeared during the research and writing of this book is Armitage and Guldi, *The History Manifesto*.

engaged the attention of scholars across the disciplines. The idea is that changes in the structure of politics altered the probability and the character of conflict and creativity. This book provides the same sorts of insights and adds to this emerging body of scholarship, while at the same time trying to shift its focus. To date these pioneering histories of practice have understandably remained centered on both the discursive dimension of political action and a series of topics central to earlier phases of historiography: the advent of opposition, resistance, parties, popular participation, public spheres, and competitive elections.[7] But the independently significant narrative of political practice and institutions emerging from this work suggests the possibility of moving beyond these familiar themes to study less well-known but equally important and closely related transformations in the nature of politics.

This book clarifies the remarkable extent to which majority voting in elected assemblies often made possible and amplified many of the important developments in political practice already studied in detail by other scholars. It also clarifies the fundamental reason why historians have neglected the rise of majority voting: they have yet to develop a thoroughly historical approach to early modern politics because they retain ahistorical assumptions about the decision-making at its core. Drawing on a small body of existing scholarship that has attempted to historicize the individual and collective decision-making of political actors in the seventeenth century, this book provides a crucial through line for what promises to become a unified historiography of political practice in the early modern British Atlantic world.[8]

It is also worth specifying what this book is not meant to accomplish and why. Doing so will also provide a sense of the broader context in which the following pages ought to be read and appreciated. First of all, this book is a history of practices and institutions. It is not a history of ideology, ideas, discourses, or norms. Accordingly, the terms

[7] For an extended discussion of the relationship between the "post-revisionist" approach to British political and religious history and recent scholarship on religious and political practice, see Bulman with Dominguez, "Introduction." For recent work on British political practice that treats both familiar and less familiar topics, see, for example, Lake and Pincus (eds.), *Politics of the Public Sphere*; Bulman, "Practice of Politics"; Peacey, *Print and Public Politics in the English Revolution*; Millstone, *Circulation of Manuscripts*; Popper, "An Information State for Elizabethan England"; Weil, *Plague of Informers*. For recent work on North America and the wider Atlantic world, see, for example, Beeman, *Varieties of Political Experience*; Smolenski, *Friends and Strangers*; Roney, *Governed by a Spirit of Opposition*; Sharples, "Discovering Slave Conspiracies"; Perl-Rosenthal, "Atlantic Cultures in the Age of Revolution."

[8] Different takes on the need more deeply to historicize the political in the early modern period include Bulman, "Practice of Politics"; Kishlansky, *Parliamentary Selection*, ix; Millstone, "Seeing like a Statesman."

"majoritarian" and (occasionally) "majoritarianism" are employed here to describe the character of institutionalized practices. These terms are not meant to refer to the ideologies, ideas, or norms surrounding those practices. Decision-making in the House of Commons and the colonial lower assemblies became practically majoritarian long before the members of these bodies were in general ideologically, intellectually, or normatively majoritarian.[9]

There are other limits to the scope of this study as well. It is not concerned with the place of early modern Britain and its empire in the vast history of collective decision-making in all social contexts. Nor is it concerned with Britain's place in a comprehensive history of either majority decision-making or majority rule in particular. Indeed, it does not even approach the gargantuan task of identifying the many realms in which political decisions were made by majority vote throughout the complex institutional landscape of the early modern British world, from the Privy Council to parish vestries in North America. Instead, it concentrates on decision-making within England's only elected, representative, national body, the House of Commons, and its colonial counterparts, the lower assemblies, which later served, along with the British House of Commons, as the basic models for the US House of Representatives. Any historian of majority rule must begin with these institutions because of their uniquely pivotal role in the globalization of majoritarian and democratic government.

There is nothing definitive to be said, in any case, about the first political institutions to feature consistent group decision-making by majority rule. This is due to the paucity of evidence concerning the political history of antiquity. There are, for instance, scattered and ambiguous indications of majoritarian voting in Mesopotamian assemblies from the third millennium BCE onward, but nothing to support remotely firm conclusions about first instances.[10] Ancient Athens is of course the traditionally referenced site for the emergence of majority

[9] For brief remarks about the relationship between the history recounted here and the history of political thought, see the Conclusion (Chapter 8). The broader intellectual-historical, political-historical, social-scientific, and political-theoretical ramifications of the revolution in practice described here will be examined in a series of future publications. For arguments about the importance of the seventeenth century to the history of democracy that focus on political thought, see Maloy, *Colonial American Origins of Modern Democratic Thought*; Cuttica and Peltonen (eds.), *Democracy and Anti-Democracy in Early Modern England*.

[10] Jacobsen, *Toward the Image of Tammuz*, 132–70, 372; Evans, "Ancient Mesopotamian Assemblies"; Evans, "Ancient Mesopotamian Assemblies: An Addendum"; Larsen, *Old Assyrian City-State and Its Colonies*, 161–91, 304, 319–26; Martin and Snell, "Democracy and Freedom."

rule, but we know too little about other societies before and during the fifth century BCE to make ironclad claims about Athenian exceptionality. Even the evidence we do have on other societies threatens to undermine such conclusions. Buddhist sources from India, for instance, indicate the use of majoritarian procedures in monasteries by at least the fifth century BCE, if not earlier, although there is no clear evidence that such procedures were followed in the so-called Indian republics of the same period.[11] The archival difficulties at play imply that there is no story to be told whatsoever about "the invention of the majority" in politics (or in democracies, for that matter). They also imply that the spirited inquiry and debate surrounding the Western or non-Western origins of democracy is largely a nonstarter.[12] Neither majoritarianism nor any other democratic value or institutional element can be definitively attributed to a particular society or region of the world.

The only stories we can tell about majority rule and democracy are stories about their incidence in recorded history. The larger story behind this book – the story of a turning point beyond which majoritarian political institutions followed the global exportation of Western democratic governance to become the overwhelming worldwide norm for collective decision-making in politics – is arguably the most important of those stories. Remarkably, this story is an early modern one, not an ancient one. Despite all the attention lavished upon them by generations of historians and political theorists, ancient precedents for majority rule simply did not have the same lasting, continuous, or direct significance for modern practices of governance as the developments of the early modern era.

Early modern elites were nevertheless well aware of ancient Greek and Roman majoritarianism. It is important to register this if only to emphasize the ambiguity and limited afterlife of these precedents, and to contextualize the early modern world's initial, utter distaste for them. The Spartan *gerousia* (council of elders) and *apella* (popular assembly), as well as the Athenian Areopagus (aristocratic council) and *ekklesia* (popular assembly), may have employed enumerated majority voting upon their founding. But there is no unambiguous evidence relating to any of these institutions that survives from prior to the fifth century

[11] *Vinaya Texts Translated from the Pali: The Kullavagga*, esp. 24–7; Muhlberger, "Republics and Quasi-Democratic Institutions in Ancient India"; Sharma, *Republics in Ancient India*, esp. 200–2.

[12] For this debate, see Goody, *Theft of History*, esp. 49–60; Isakhan and Stockwell (eds.), *Secret History of Democracy*; Isakhan and Stockwell (eds.), *Edinburgh Companion to the History of Democracy*.

BCE.[13] By then, at least on some occasions, the Spartan *apella* appears to have made decisions consensually with recourse to various forms of acclamation. On at least on one occasion in 432 described by Thucydides, when the result of an acclamation was unclear, the assembly apparently made use of a division procedure similar to the one used by English House of Commons two millennia later.[14] The Spartan *gerousia*, alternatively, may have proceeded much like the House of Lords. In judicial cases, at least, it appears to have held enumerated votes via roll call or consecutive voting by individuals when called upon. The similarity between the Spartan and English procedures is remarkable, but no account of the origin of the English variant has ever been given. In Athens, by contrast, the massive citizens' assembly voted by a show of hands. It is unclear whether and with what frequency hands were counted one by one instead of being estimated. The Athenian Council of Five Hundred followed suit. Ostracisms in the Athenian assembly were conducted with tile or potsherd ballots. Votes on the status of individuals were also conducted by ballot (pebbles or olive leaves were used) in the Council.[15] The Athenian precedents clearly have little connection to early modern British practices.

Much more is known about voting in ancient Rome, where a two-level form of majoritarian voting was institutionalized in the Republic's three popular assemblies. In each assembly social groupings, not individuals, were the voting units in final decisions. Each social grouping itself voted in accordance with an enumerated majority of the votes of the grouping's individual members. This procedure would later appear, for instance, in the Continental Congresses of revolutionary British North America. In one of these assemblies, the *comitia centuriata*, voting units were of variable sizes. This weighted the vote in such a way that the wealthiest citizens could secure a majority of unit votes without attracting wider support. According to Cicero, who defended this practice, such arrangements were anti-majoritarian in principle: those who had the most to gain from a healthy state (and the most to lose from a failed state) were

[13] Staveley, *Greek and Roman Voting and Elections*, 18–27.
[14] Thucydides, *War of the Peloponnesians and the Athenians*, 52–3 (I.87). Spartan practices were also attested in Pausanias' *Description of Greece* (second century CE), another text known to early moderns.
[15] Staveley, *Greek and Roman Voting and Elections*, 73–8, 83, 86, 88–9, 93–4, 96–8. The Athenians made extensive use of sortition in place of election. Mansbridge, *Beyond Adversary Democracy*, 14, 336–7, emphasizes the fact that the Athenians may have mostly voted consensually, despite the availability of majoritarian procedures, as was the case in England before the Civil War.

properly given disproportionate voting power.[16] Deliberation in advance of votes appears to have been limited and, in many cases, nonexistent. Originally, votes were probably conducted by acclamation, but this practice appears to have been abandoned in the first half of the fifth century BCE. Until the third quarter of the second century BCE, individual members of each social unit filed past a *rogator* (questioner) to vote by voice, and the vote was recorded on a wax tablet. This method was then replaced by written ballots (wax-covered wooden tablets) placed in a large urn. The majority decision in each unit was calculated as that unit's vote, and then the majority of all units' votes determined the final decision.[17]

For all their striking characteristics and their legibility in later periods, the most salient point about practices of majority rule in the ancient world is their apparent abandonment in the political realm for about one thousand years following the fall of the Roman Empire. Because of limited evidence, we know very little about the specifics of decision-making within any political (not to mention "national") assemblies in the medieval period before 1300. What can be said is that while majority votes did occur in urban communities, in all contexts unanimity and consensus were highly valued and apparently widely practiced. Up to the thirteenth century, at least, political assemblies in Europe were primarily ritual in nature, shunning and avoiding open expressions of conflict or disagreement. They were part of cultures in which people were generally unable to express conflict or opposition in a controllable, nonviolent form. Opposing or contradicting someone in public was to insult that person. What little conflict or disorder transpired was to be resolved in ritual. This of course did not mean there were no private political calculations or conflict-laden arguments. It meant that those arguments were not to be conducted in public.[18]

The central assembly that emerged in medieval England exemplified the consensual politics that prevailed elsewhere in Europe. Two developments in particular provided the underpinnings for the political practice of the early modern House of Commons: first, the emergence of Parliament as a powerful, national, representative institution; and second, the formation of a distinct "house" of commoners. Like its early modern counterpart in the Tudor and early Stuart periods, this socially

[16] Staveley, *Greek and Roman Voting and Elections*, 121–8; Cicero, *On the Republic*, 75–6 (2.39–41).
[17] Staveley, *Greek and Roman Voting and Elections*, 143, 153, 157–60, 177–8.
[18] Reuter, *Medieval Polities and Modern Mentalities*, 196–7, 199, 203–4; Reynolds, *Kingdoms and Communities in Western Europe*, 30–3, 45–56, 99–100, 144–6, 187–92, 196, 212–14, 302–19, 336. On late medieval assemblies, see Hébert, *Parlementer*, esp. 416–30.