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Roger D. Congleton

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ONE

On the Origins of Western Democracy

INTRODUCTION: ON THE EVOLUTIONARY CHARACTER OF WESTERN DEMOCRACY

Most of us in the West take our contemporary form of governance and political theories for granted. The practices of selecting representatives through elections based on broad suffrage, the concentration of legislative authority in elected parliaments (legislatures), and the holding of annual meetings of parliaments have become the normal routines of political life in the West. That governance should be grounded in the consent of the governed, that various civil liberties should be essentially absolute, and that all citizens should be equal before the law are nearly universally supported and largely unquestioned. That representative governments should adopt laws in a manner consistent with constitutional procedures and constraints is so broadly accepted that it is hard for most of us to imagine any other legitimate form of government.

Most of us also acknowledge that much of the general architecture and many of the principles of contemporary governance are far older than our governments. The idea of the rule of law, if not equality before the law, can be traced back at least as far as the code of Hammurabi, which was chiseled into stone tablets in about 1775 BCE. The foundation of many of our political theories about representative government can be found in classical Greek philosophy, as in Aristotle's *Politics* written in about 330 BCE. Parliaments themselves date back at least to the late Middle Ages, as do elections for seats in parliament. Yet we also understand that constitutional governance based on equality before the law and broad suffrage is a relatively new phenomenon.

Although parliaments, diets, and assemblies have long played a role in Western governance, membership in medieval parliaments was grounded

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not in broad suffrage, but rather in heredity and occupation. Medieval parliaments were, for the most part, populated from relatively wealthy families and were subordinate to their kings or queens. Medieval parliaments were not self-calling. Kings and queens called “their” parliaments into session whenever convenient and dismissed them on a whim. Their relatively short meetings were largely a method for kings to communicate their ideas and policies to regional elites and to request new taxes from them. Apart from veto power over new taxes, medieval parliaments had very limited authority. As a consequence of the success and defense of those institutions, analysis of alternative institutions for governance largely disappeared from European philosophical and political discourse during the thousand years prior to the sixteenth century.

To simultaneously accept the “newness” and “oldness” of contemporary political theory and institutions is not evidence of poor training or confusion, but rather acknowledgment of elements of continuity in both the theories and institutions of governance. The ideas of popular suffrage and representative governance are quite old, but broad support for popular sovereignty, equality before the law, and universal suffrage is much newer. Many European parliaments are centuries old, but much about the institutions of contemporary parliamentary democracy is quite new.

The emergence of contemporary Western democracy from the medieval template required two major reforms of the routines of governance, and these reforms were widely adopted in northern Europe, North America, Australia, and Japan during the nineteenth and early twentieth centuries. First, policy-making authority had to shift from kings to parliaments. Second, representation in parliament had to become more broadly grounded in popular suffrage. Perhaps surprising, these reforms were not products of war or sudden breaks with the past. Indeed, even in the United States and France where “revolutionary” wars were fought, the wars themselves did not produce democratic parliamentary governance. Nor was there an obvious trend in medieval governance that somehow culminated in the nineteenth century. Something extraordinary happened during the eighteenth and nineteenth centuries that gradually produced parliamentary democracy through a long series of reforms.

This book explains (a) why contemporary liberal democracies are based on historical templates rather than revolutionary reforms; (b) why the transition in Europe occurred during a relatively short period in the nineteenth century; (c) why politically and economically powerful men and women voluntarily supported such reforms; (d) how interests, ideas, and preexisting institutions affected the reforms adopted; and (e) why the countries that

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liberalized their political systems also produced the Industrial Revolution. The analysis is organized in three parts. The first part of the book develops a bargaining-and-exchange theory of constitutional governance and reform. The second part uses historical case studies to determine the relevance of the theory. These historical narratives provide evidence that Western democracy emerged from a long series of liberal constitutional reforms, rather than from a single great leap from authoritarian to democratic governance. The last part provides additional quantitative evidence in support of the theory, summarizes the results, contrasts the approach taken in this book with that used by other scholars, and discusses methodological issues.

WEAKNESSES OF REVOLUTIONARY EXPLANATIONS OF THE EMERGENCE OF PARLIAMENTARY DEMOCRACY

The leading alternatives to the explanation provided in this volume are based on theories of revolutionary constitutional development. The militant version of the revolutionary hypothesis argues that major economic and political reforms occur in great leaps associated with broad public uprisings that threaten political elites. The fear that their regimes will be overthrown through civil war induces the elite to flee or to accept the demands made by their revolutionary opponents. In this manner, it is argued, credible threats of violence can produce radical democratic reforms, sometimes without much actual warfare (Acemoglu and Robinson 2000, Palmer 1959).

There are several major problems with such “popular revolt” theories of the emergence of liberal democracy. Neither major revolutionary threats nor wholesale reform of institutions are evident in the histories of countries that adopted liberal reforms in the nineteenth century, except occasionally in France. Moreover, serious revolutionary threats require well-organized, hierarchical organizations with guns, which tend to promote post-revolution dictatorships, rather than democracies. Here, one can recall that civil wars in England, France, Russia, and China produced Cromwell, Napoleon, Lenin, and Mao, rather than durable liberal reforms and democratic rule by the people through elected representatives. Outside of France, there are no cases in which armed conflicts produced even temporary democratic reforms during the nineteenth or early twentieth centuries. And, neither of the two French revolutions created durable democratic systems of government. The first Republic quickly succumbed to the Committee of Public Safety, followed closely by the rule of Napoleon I. About a half century later, King Louis-Philippe abdicated in the face of a popular uprising. The latter was a rare instance of regime change generated by widespread revolt, which

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seems to be largely responsible for the militant explanation of the emergence of democracy. The second Republic, however, lasted just four years before yielding to the rule of Napoleon III. The subsequent emergence of liberal democracy after Napoleon III was largely evolutionary in nature. The French Parliament had already acquired considerable authority over public policy, and suffrage had been expanding before the second revolution.

In cases in which the force of arms played a role in assembling new, more centralized nation-states, as in Germany and Italy, the new national governments were only slightly more liberal than the typical regional governments they included. In cases in which wars of secession were successful, as in Belgium and the United States, relatively democratic representative systems of government were already in place prior to secession. These systems were often liberalized after the war was won, but over many years. Military organizations are rarely themselves liberal forms of government.

The other revolutionary explanation for liberal reforms in the nineteenth century focuses on intellectual and ideological changes, rather than military threats or peasant uprisings. Such theories argue that radically new ideas swept through Europe that persuaded everyone of the merits of new forms of government. There is more historical and constitutional support for the intellectual-innovation thesis than for the military-threat models and for intermediate models that combine ideological shifts with revolutionary threats.

It is certainly true that the intellectual base for governance changed in the nineteenth century. It is also clear that enlightenment theories of the state, society, and economy affected nineteenth-century constitutional developments. For example, by the early twentieth century, many European constitutions explicitly mentioned popular sovereignty and equality before the law. These foundations for governance clearly contrasted with claims made in older documents that stressed noble family trees, divine providence, and history. However, the timing was wrong for the enlightenment theory of liberal constitutional reform.

Theories supporting popular sovereignty, contract-based governance, and civic equality were penned many decades, indeed centuries, before the political reforms of the nineteenth century began in Europe. Locke, Montesquieu, Rousseau, Paine, Smith, and Madison wrote in the seventeenth and eighteenth centuries, rather than the nineteenth century. Moreover, the writings of these influential political and economic theorists were preceded by earlier arguments and documents associated with the Dutch revolt of the late sixteenth century and by the English Levelers and North American colonists of the early seventeenth century. Although

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enlightenment scholarship – as well as nineteenth-century restatements and extensions of them – affected debates on institutional reform within literate society and relatively open parliaments in the eighteenth century, it seems clear that simply writing down and circulating such “revolutionary” ideas was not sufficient to cause significant democratic reform.¹

Given this timing problem, those stressing the role of revolutionary ideas might argue that it was nineteenth-century – rather than seventeenth- and eighteenth-century – ideas that motivated constitutional demonstrations and reforms. Perhaps the ideas of Mill, Marx, and other late-nineteenth-century social reformers generated the democratic impulse for democratic reforms, rather than enlightenment scholars. Again, some evidence supports this idea. Large-scale demonstrations were organized by radical liberals, labor unions, and social democratic political movements in the late nineteenth century, and these often supported suffrage expansion even in cases in which the main goals were economic, rather than political, reforms. However, again the timing is wrong. Shifts of authority from kings to parliaments and a gradual increase in suffrage often began in the first half of the nineteenth century, well before blue-collar labor movements emerged. Moreover, such shifts were often completed before radical liberals or labor and social-democratic parties became significant participants in government.

Another significant weakness in these theories is their “quantum leap” hypothesis. Shifts to democratic governance in the nineteenth century were rarely sudden and did not require radical breaks with older institutions. Rather, new systems of governance emerged gradually, as long-standing political institutions were revised a little at a time. In some countries, the steps were larger than others, but in no case did parliamentary democracy emerge in a single great constitutional leap. The gradual emergence of modern parliamentary democracy is evident in the core architecture of contemporary constitutional democracies. The most obvious cases are those in which a monarch still occupies the national throne, as in the United Kingdom, Koninkrijk der Nederlanden (the kingdom of the Netherlands),

¹ It can be argued that the intellectual basis for governance began to shift much earlier. Some scholars argue that this shift began with the renewal of interest in Greek political philosophy, with its emphasis on reason, observation, deduction, dialogue, and education in the mid to late Middle Ages. This renaissance accelerated in southern Europe in the fifteenth and sixteenth centuries after the fall of Byzantium in 1453 (Wilson 1992). In the seventeenth and eighteenth centuries, however, scholars and practitioners went beyond the Greek theories of the state and developed new theories of legitimate governance, including new contractarian arguments for states grounded on popular sovereignty.

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Konungariket Sverige (the kingdom of Sweden), and Royaume de Belgique (the kingdom of Belgium). It also bears noting that modern democratic republics have an executive branch headed by a single person and a parliament or legislature organized more or less as a large committee that makes decisions by casting votes.

There was nothing particularly unusual about the adoption of modest constitutional reforms in the nineteenth and early twentieth centuries. Individual constitutional and regulatory reforms of similar magnitude had occurred in previous centuries in most of the West. What was unusual about the nineteenth century was a strong trend in the policy, legal, and constitutional reforms in a handful of countries, which was a departure from the usual random series of reforms and counter-reforms commonplace in history. At the end of a century or two of more or less peaceful and lawful reform, there was a completely new method of choosing parliament and completely new division of policy-making authority between the king and parliament. Parliamentary democracy had emerged.

THE “KING-AND-COUNCIL” TEMPLATE FOR GOVERNANCE

In practice, most governments include a “king” and a “council,” that is, a branch of government headed by a single chief executive and another composed of a committee of more or less equals who make important decisions by counting votes.² Such divided forms of government extend back to the dawn of recorded history (Bailkey 1967). This template for governance might have been called a “chief and council of wise men” in early societies, a “king and royal council” in early medieval times, a “king and parliament” in the late medieval and early modern periods, and a parliament and prime minister (or congress and president) in contemporary governance. By sharing this essential architecture, modern parliamentary governments reveal their deep historical roots, and also suggest that contemporary divided forms of governance reflect a good deal of past institutional experience.

A wide variety of governments can be formed from the king-and-council template, because policy-making authority can be distributed in a number of ways between the king and council and because both the king and the council can be chosen in a number of ways. Such divisions of authority and selection procedures allow the king-and-council template to be used

² This general architecture also tends to be commonplace among most contemporary dictatorships.

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to make policy decisions in dictatorships, mixed governments, and parliamentary democracies. In authoritarian states, the executive has most of the policy-making and appointment authority, and the council serves a largely advisory role. In such cases, the council makes suggestions to the ruler – rather than rules – and kings and authoritarian presidents accept or reject this advice insofar as it advances their interests. In mixed or intermediate forms of the king-and-council architecture, authority to direct governmental resources to particular courses of action is divided between the king and council. For example, the king may decide on international relations and the parliament may decide on domestic budgets. The authority to select new policies may also be shared. In contemporary presidential systems, the parliament and the president jointly determine public policy, insofar as veto and agenda control are distributed between the legislature and president. In contemporary parliamentary democracies, the council (parliament) is dominant. The parliament makes the rules and appoints the chief executive (prime minister), who serves at the pleasure of parliament.

Procedures for selecting officeholders may also be varied. For example, officeholders may inherit their positions, be appointed by one or more preexisting bodies, or be elected. When elected by committees or larger groups, the voting rules may be adjusted in numerous ways. The qualifications for suffrage may be varied to include more or fewer voters. Votes may be weighted in various ways; supermajorities may be required or not, and constructed in various ways. Together, the variations in the division of authority and in the rules for selecting officeholders create a continuum of governmental institutions, as is necessary for democratic governance to emerge gradually, without radical changes in the core procedures of governance.

Together, the “political property rights” established by a given implementation of the king-and-council template and the many possible divisions of policy-making authority within that template allow the possibility of constitutional exchange. Authority to revise public policy within divided governments may peacefully (and lawfully) shift from one branch of government to another through formal and informal amendments, without changing the essential architecture of government. Both reform and continuity are evident in the nineteenth-century constitutional bargains that gradually produced Western democracy.

Aristotle called these intermediate cases mixed governments, but devoted most of his analytical work to the extremes (pure forms), an emphasis that continues to the present day in most theoretical work on political decision making. Nonetheless, the classical Greek scholars who produced the discrete

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classification schemes of political institutions so widely used today (autocracy, aristocracy, and democracy) acknowledged that “mixed” governments were more common than the pure forms they named and analyzed. The medieval governments from which Western democracies emerged were all based on the king-and-council template, and all modern democratic governments continue to be based on that template.

In national governments, there are normally a variety of councils (committees) with somewhat different responsibilities. For example, most medieval kings had executive councils (a council of state or a cabinet) in addition to “their” parliaments. Today’s parliamentary democracies also include an executive cabinet or ministry. It is, however, the relationship between parliament and executive (king, prime minister, or president) that is most relevant for this book, although shifts in the authority to appoint executive cabinets play an important role in transitions to parliamentary rule.

The shifts of policy-making authority that occurred in the nineteenth century were not inevitable. They had not happened before, and they did not happen in many places. They did not happen suddenly, but through the cumulative effects of a long series of reforms to a single, relatively stable architecture of governance. In most cases, these reforms were adopted without obvious threats of civil war, although there were often large peaceful demonstrations favoring relatively narrow economic and political reforms. The theory developed in this book provides an explanation for both the timing and direction of these constitutional reforms.

A THEORY OF PEACEFUL AND LAWFUL CONSTITUTIONAL REFORM

The analysis and historical narratives focus on two neglected features of constitutional (rule-based) governance. First, they focus on the divided nature of essentially all medieval national and duchy governments. Second, they note that the written (and unwritten) constitutions of these governments defined political property rights, which could be and were traded, just as property rights for ordinary commodities can. The multidimensional nature of authority over policy making within divided governments, perhaps surprisingly, implies that reassignments of political power are not always zero-sum games.

The term “compromise” is often used to describe bargaining within parliaments and between parliaments and their sovereigns, but compromise is in most cases simply another word for negotiation and exchange. The parties to a compromise gain advantages from the terms negotiated at

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the same time they sacrifice other aims to bring negotiations to a successful conclusion. It is clear that the same terms could also be used to describe haggling over prices in markets without posted prices. Mutual gains from constitutional exchange occasionally emerge, which can be realized by amending the preexisting constitution. Such shifts of political power within divided governments may advance some aims more than others, but they are rarely forced, any more than sales in commercial markets are.

In the nineteenth century, trends in constitutional and economic reforms emerged from technological and ideological innovations that jointly produced new economic and ideological interests. The consequent trends in political and economic reforms were termed “liberal” in the nineteenth century, as they are throughout this book. Liberal reformers pressed for policy and constitutional changes that increased civil equality, which opened both commerce and politics to value-increasing forms of competition, and increased rates of technological innovation throughout the West. Both parliamentary democracy and industrialization were consequences of the political successes of liberal reformers.

The exchange-based theory of constitutional reform proposed in this volume can account for the historical roots of parliamentary governance, for the timing of the liberal transitions, and for the path of reform through which parliamentary democracy emerged. It bears noting, however, that the constitutional-exchange path to democracy is not a one-way street. In opposite circumstances, policy-making authority of parliament can be shifted to a king, and suffrage may be restricted, rather than expanded. The former is a relatively common event in history, and the latter also occurs from time to time, as noted in the case studies.

ORGANIZATION OF THE BOOK

Part I develops a theory of governance grounded on a theory of organizations. The theory is for the most part developed using nontechnical prose, although some mathematics is used to illustrate problems that can be solved through organization and also to demonstrate that opportunities for constitutional reform can emerge as a consequence of changes in the distribution of wealth and ideology among those with the power to adopt such reforms. For the most part, the mathematics can be neglected by readers who are more interested in the essential logic of the analysis than in demonstrations of logical consistency.

The models imply that constitutional bargaining is likely to be nearly constant, although constitutional bargains will be less commonplace. The

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models also suggest that the reforms adopted will be relatively small and reflect both the preexisting amendment procedures and the ideological and economic interests of those sitting at the table at the time that reforms are adopted. This is not to say that every constitutional exchange leaves those at the table with smiles on their faces any more than every market transaction equally pleases buyers and sellers. It is to say, however, that the bargains reflect the interests of those at the table, given the circumstances at the time the terms of trade were negotiated. Civil war or threats of such wars can create opportunities for constitutional exchange, as argued by Acemoglu and Robinson (2000), but they are not prerequisites for constitutional reform, nor are they likely to induce liberalization.

Part II of the book develops a series of case studies in order to determine the extent to which the models of governance and reform developed in Part I can account for the emergence of Western democracy in the late nineteenth and early twentieth centuries. The case studies suggest Western constitutional history is largely consistent with the models. Western democracy emerged from a long series of fine-grained formal and informal bargains over constitutional details, rather than bold, ingenious, revolutionary innovations adopted under the threat of violence.

A variety of exogenous shocks can produce new alignments of constitutional interests. For example, many European constitutional reforms were indirectly triggered by innovations in political theory and in technologies of production. Liberal ideas penetrated into elite circles, and the liberal direction for reform was supported by various coalitions of liberals and pragmatists that stood to profit from political and economic liberalization. Late-nineteenth-century liberalization in Japan was triggered by military concerns and increased access to European ideas and technologies. Early liberal reforms in the United States were triggered by labor scarcity during its colonial period and reinforced by subsequent technological and ideological shifts. In all cases, a large number of new, relatively liberal economic and political interest groups pressed for a broad range of reforms.

Part III concludes the analysis by providing some additional statistical support for the models of Part I, summarizing the main argument, and discussing its relevance for contemporary democratic transitions. A methodological appendix provides a rationale for the approach taken and addresses anticipated criticisms of the book's grand ambition and scope.

Readers are likely to find some parts of the book to be of greater interest than others. This is a natural result of an interdisciplinary and multi-methodological enterprise such as this one. Indeed, some readers have suggested that the history should come before, rather than after, the models.