

Introduction

In the introduction to his now classic book, *After Virtue*, Alasdair MacIntyre proposed a striking thought experiment. Suppose that the study of the natural sciences is prohibited. Then, generations later, a movement emerges with the aim of reviving them – but by this point nobody has any scientific training, and “fragments” of books and articles are all that remain. What would happen next? According to MacIntyre, many people would begin using scientific terms and ideas in conversation. They would argue over “the respective merits of relativity theory, evolutionary theory, and phlogiston theory.” But what it actually meant to do scientific research would remain ungraspable. “Almost nobody” would realize “that what they are doing is not natural science . . . at all.”¹

This book is motivated by the following conviction: we have failed to understand much of European political thought during the eighteenth and nineteenth centuries in the same way that MacIntyre’s imaginary individuals failed to understand natural science. We read authors such as Edmund Burke, Benjamin Constant, Germaine de Staël, François Guizot, Alexis de Tocqueville, and John Stuart Mill. We argue about how to properly interpret their texts and over the meaning of “liberalism.” But we have forgotten the concrete, overarching project in which these figures all were involved, the one that made their thought intelligible. That project was parliamentarism.

For each of the authors just named above, the defining feature of a free state was that it contained a space for parliamentary politics – an assembly in which political actions were discussed and deliberated and in which executive officials were held responsible. To create a secure space and a lasting culture of parliamentary politics, they defended a specific political framework, one based on the English constitution.

¹ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: 2007), 1.

Its characteristic practice was that ministers holding the highest-ranking executive offices served in the legislature and were responsible to the legislature for their positions. This has remained the *sine qua non* of parliamentarism down to the present day.² It is to parliamentarism (also known as *parliamentary government*) what universal suffrage is to democracy. However, before the twentieth century, parliamentarism was understood radically differently than it is now. In the first place, the presence of a constitutional monarch was viewed as not merely incidental to a parliamentary government but nearly indispensable. Prominent authors championed parliamentary republics, but they were careful to include a functional substitute for constitutional monarchy. Most importantly, whereas parliamentarism since the early twentieth century has accommodated a powerful executive who sets the agenda in parliament and engages in many forms of independent governance, prior to then, it was widely believed that parliamentarism's *raison d'être* was to make executive officials decisively subordinate to the legislature.³

The classical structure of parliamentarism about which Burke, De Staël, Tocqueville, and others wrote extensively (and, indeed, through which they articulated their core political beliefs and arguments) was defined by the following four elements:

² Kari Palonen writes that “the responsibility of the government to the parliament is the key political issue in the history of parliamentarism in that it distinguishes parliamentary from non-parliamentary regimes.” As we will see, this responsibility arose in tandem with the involvement of the highest-ranking government officials in parliament. See Kari Palonen, “Parliament as Conceptual Nexus,” in *Parliament and Parliamentarism*, ed. Pasi Ihaleinen, Cornelia Ilie, and Kari Palonen (New York: 2016), 8. For a classic statement on parliamentarism emphasizing both sides of this practice, see Karl Loewenstein, “The Balance between Legislative and Executive Power: A Study in Comparative Constitutional Law,” *University of Chicago Law Review*, vol. 5, no. 4 (1938), 590.

³ This shift, which I will return to in the Conclusion, has been widely discussed by historians and political scientists. For the growing power of the prime minister in twentieth-century Britain, see Richard Heffernan and Paul Webb, “The British Prime Minister: Much More than ‘First Among Equals,’” in *The Presidentialization of Politics: A Comparative Study of Modern Democracies*, ed. Thomas Poguntke and Paul Webb (Oxford: 2005), 26–52; and for the government's increasing role in setting the agenda of Parliament since the late nineteenth century, see Kari Palonen, *The Politics of Parliamentary Procedure: The Formation of the Westminster Procedure as a Parliamentary Ideal Type* (Opladen: 2014), 199–244. In France, a parallel shift (which occurred somewhat later in time) is analyzed in Nicolas Roussellier, *Le Parlement de l'éloquence: La souveraineté de la délibération au lendemain de la Grande Guerre* (Paris: 1997). For the turn to the executive more generally during the twentieth century and the decline of older presumptions about the primacy of parliament, see Marcel Gauchet, *L'avènement de la démocratie*, vol. 3: *A l'épreuve des totalitarismes, 1914–1974* (Paris: 2010), 627–634; Pierre Rosanvallon, *Le bon gouvernement* (Paris: 2015); Bernard Manin, *Principles of Representative Government* (Cambridge: 1997), 193–235.

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An *elected legislative assembly* that was the most powerful actor in the state.

Ministers who held the highest-ranking executive offices while serving in the legislature and who could not remain in office without parliamentary support (i.e., the practice of parliamentarism or parliamentary government *in the narrow sense*).

A *constitutional monarch* who rarely exercised his official prerogatives but instead shaped the political process through moral (and in some cases financial) influence.

A system of competing political parties that struggled for power in parliament.

This structure originated in eighteenth-century England. By the turn of the twentieth century, it had spread across Europe – indeed, across the globe. It was championed by an astonishing array of political thinkers, especially ones associated with the movement of *liberalism*.

For the proponents of this structure, its decisive advantage was that it enabled a nation to truly be governed by a representative assembly. Parliamentarism gave the assembly greater powers and more public legitimacy than any other constitutional actor. It made legislative deliberation *the* crucial factor in political decisions, while the highest-ranking executive officials had to prove themselves before parliament if they wished to remain in office. But parliamentarism did more than just provide representative assemblies with the capacity to rule. It made such assemblies fit for ruling. The practice of constitutional monarchy and the presence of ministers in parliament were believed to ameliorate the worst pathologies that had historically been associated with legislative bodies. These practices (i.e., ministers in parliament and constitutional monarchy) prevented the legislature from acting tyrannically or being seized by a violent faction. Once a system of political parties was properly integrated into this framework, it was thought that the worst effects of legislative corruption and gridlock could likewise be overcome.

Between the 1760s and the turn of the twentieth century, the prospect of a nation being genuinely governed by a representative assembly – through parliamentarism – was viewed as entirely realistic. I will argue that this prospect underlay the political thought of that entire age. The true project of figures such as Edmund Burke, Germaine de Staël, Alexis de Tocqueville, and John Stuart Mill was parliamentary rule. For in their eyes, to live in a state ruled by a parliament was to be *free*. Under parliamentary rule, each political decision was preceded by substantial

debate and deliberation, so the pros and cons of every action were discussed. Moreover, the executive officials who carried out those decisions were strictly responsible to the assembly. The exercise of coercive power was thus debated in advance and held accountable in retrospect. Political decisions were made *responsibly* and *deliberatively* rather than arbitrarily: the defining condition of a free state.

The aim of this book is to recover the great theories of parliamentarism that were produced in Britain and France during the eighteenth and nineteenth centuries. Many of those theories were composed by authors with whom we are still familiar – such as Constant, Tocqueville, and Mill. But by putting parliament at the center, I hope to make these canonical authors strange and unfamiliar all over again. I will situate them not only within the wider discourse about parliamentarism that flourished during that period but also within the world of parliamentary politics itself. It is often overlooked that nearly all the major French and British liberal theorists who wrote in the eighteenth and nineteenth centuries were actively involved in parliamentary affairs. Burke, Constant, Tocqueville, and Mill all ran for parliamentary office – as did Henry Brougham, Thomas Macaulay, Duvergier de Hauranne, François Guizot, Charles de Rémusat, Walter Bagehot, and James Bryce. With the notable exception of Bagehot, they all ended up as elected representatives. These figures were profoundly shaped by the rhetorical culture of parliament. But they also struggled with the real pathologies of parliamentarism including corruption and cabinet instability.

During the century and a half prior to the First World War, the theories of parliamentarism explored in this book constituted Europe's most important constitutional tradition. In addition to Britain where parliamentarism emerged over the eighteenth century, and France, where it was introduced in 1814, parliamentarism was adopted in Belgium, Spain, Holland, Italy, Sweden, Denmark, Greece, Serbia, Canada, and Australia.⁴

⁴ These nations' constitutions are documented in *Summary of the Constitutions and Procedures of Foreign Parliaments*, ed. Reginald Dickinson (London: 1890); however, for Serbia (not included in the compilation), see Alex Dragnich, *The Development of Parliamentary Government in Serbia* (New York: 1978). The parliamentary traditions of thought that developed in many of these nations are explored in the essays in *Parliament and Parliamentarism*. For the constitutional practices of Canada and Australia in the nineteenth century, a classic work is Alpheus Todd, *Parliamentary Government in the British Colonies* (Boston: 1880).

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In Germany,⁵ Japan,⁶ Russia,⁷ and Austria-Hungary,⁸ the champions of a more liberal polity argued for parliamentarism. It was the spread and durability of parliamentary regimes that undermined the widespread belief (strengthened by the experience of the French Revolution) that liberal values and a vibrant political sphere were too dangerous to contemplate in most of Europe.⁹ By the end of the nineteenth century, insofar as it seemed increasingly obvious that European nations were capable of free government, this was the achievement of parliamentarism.¹⁰

Today this extraordinary legacy has been largely forgotten by historians of political thought.¹¹ For over a generation, the dominant narratives about eighteenth- and nineteenth-century constitutionalism have not been about *the spread of parliamentarism* but rather the *rise of democracy*.¹²

⁵ A particularly rich debate over parliamentarism unfolded in Germany where a constitution close to the model examined in this book was adopted in the Frankfurt National Assembly of 1848 but never instituted. A classic history is Friedrich Meinecke, *Cosmopolitanism and the National State*, tr. Robert Kimber (Princeton: 1970), 250–374. See as well Andreas Biefang and Andreas Schulze, “From Monarchical Constitutionalism to a Parliamentary Republic: Concepts of Parliamentarism in Germany since 1818,” in *Parliament and Parliamentarism*, 62–80. For discussions of parliamentarism following German unification, see Mark Hewitson, “The *Kaiserreich* in Question: Constitutional Crisis in Germany before the First World War,” *Journal of Modern History*, vol. 73, no. 4 (2001), 725–780.

⁶ For the extraordinary movement in favor of parliamentarism in nineteenth-century Japan, see Kyu Hyun Kim, *The Age of Visions and Arguments: Parliamentarianism and the National Public Sphere in Early Meiji Japan* (Cambridge: 2007).

⁷ Paul Miliukov was the most eloquent liberal proponent of parliamentarism in Russia; however, the coalition in favor of this regime also came to include socialist radicals such as Peter Struve. See Melissa Stockdale, *Paul Miliukov and the Quest for a Liberal Russia, 1880–1918* (Ithaca: 1996); Klaus Fröhlich, *The Emergence of Russian Constitutionalism, 1900–1904* (The Hague: 1981).

⁸ See, for instance, Jonathan Kwan, *Liberalism and the Habsburg Monarchy, 1861–1895* (Basingstoke: 2013).

⁹ The skepticism about free government following the French Revolution is a central theme in James Kloppenberg, *Toward Democracy: The Struggle for Self-Rule in European and American Thought* (Oxford: 2016), 554–658.

¹⁰ Of course, uncertainty remained, which would be confirmed by the “crisis of parliamentary democracy” in the early twentieth century. However, for a broad survey this achievement, see Jürgen Osterhammel, *The Transformation of the World: A Global History of the Nineteenth Century*, tr. Patrick Camiller (Princeton: 2014), 584–605, 915–917.

¹¹ One scholar who has insisted upon the importance of parliamentarism in the history of political thought is Kari Palonen. See in particular Kari Palonen, *From Oratory to Debate: Parliamentarisation of Deliberative Rhetoric in Westminster* (Baden-Baden: 2016), 155–197. Palonen has also been integral to the research program that culminated in the collection of essays *Parliament and Parliamentarism*. Palonen’s reading of Weber as a theorist of parliamentarism is particularly astute; see *A Political Style of Thinking: Essays on Max Weber* (Colchester: 2017).

¹² It is striking, for instance, that in the impressive *Cambridge History of Nineteenth-Century Political Thought*, there is no entry on parliament or parliamentary government. See *The Cambridge History of Nineteenth-Century Political Thought*, ed. Gareth Stedman-Jones and Gregory Claeys (Cambridge: 2013). In recent decades, there has been interest among scholars of French liberalism in the rival accounts of constitutional monarchy and parliamentary government offered in nineteenth-century France. See Pierre Rosanvallon, *La monarchie impossible: Les Chartes de*

When scholars take up the major constitutional theorists of that era, say Constant, or Tocqueville, or Mill, it is to elucidate their views on democracy – not parliamentarism.¹³ The same is true of the more general intellectual movement of *liberalism*. Scholars either emphasize how liberal theorists opposed universal suffrage and popular sovereignty – the two crucial elements of a democratic regime¹⁴ – or they seek out resources in classic liberal theory for harmonizing popular sovereignty and universal suffrage with constitutionalism and the rule of law.¹⁵ But in either case, the question of democracy is at the center.

What is so striking about parliamentarism is that it simply cannot be understood within this framework. Parliamentarism was manifestly not equivalent to constitutional democracy. Britain, the exemplar of a successful parliamentary regime, did not have anything near universal suffrage during the period examined in this book: on the eve of the First World War, 40 percent of adult British men still did not possess the franchise.¹⁶

1814 et de 1830 (Paris: 1994); J. A. W. Gunn, *When the French Tried to Be British* (Montreal: 2009); and Pasquale Pasquino, “Sur la théorie constitutionnelle de la monarchie de Juillet,” in *François Guizot et la culture politique de son temps*, ed. Marina Valensise (Paris: 1991), 111–122.

¹³ The dominant emphasis in American scholarship has been on the ways in which these figures sought to harmonize liberal constitutionalism with democratic sovereignty. See, for instance, Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism* (New Haven: 1984); Bryan Garsten, “Representative Government and Popular Sovereignty,” in *Political Representation*, ed. Ian Shapiro (Cambridge: 2009), 90–110; and Nadia Urbinati, *Mill on Democracy: From the Athenian Polis to Representative Government* (Chicago: 2002). The literature making some version of this argument about Tocqueville is too vast to even begin to survey. For a discussion of the “Tocqueville revival” in both the United States and France emphasizing this point, see Cheryl Welch, *De Tocqueville* (Oxford: 2001), 217–253.

¹⁴ The scholarship making this point has tended to focus on how liberal theorists concretely responded to demands for greater popular participation – which was frequently with staunch opposition. See Pierre Rosanvallon, *Le sacre du citoyen: Histoire du suffrage universel en France* (Paris: 1992); Pierre Rosanvallon, *Le peuple introuvable: Histoire de la représentation démocratique en France* (Paris: 1998); Alan Kahan, *Liberalism in Nineteenth-Century Europe: The Political Culture of Limited Suffrage* (New York: 2003); Aurelian Craiutu, “Guizot’s Elitist Theory of Representative Government,” *Critical Review*, vol. 15, no. 3–4 (2003), 261–284; and Gregory Conti, *Parliament the Mirror of the Nation: Representation, Deliberation, and Democracy in Victorian Britain* (Cambridge: 2019).

¹⁵ This more optimistic approach to the relationship between liberalism and democracy tends to focus on the conceptual relationship between democracy and representation – and how representation can enhance or invigorate popular participation. See Pierre Rosanvallon, *La démocratie inachevée: Histoire de la souveraineté du peuple en France* (Paris: 2000); Nadia Urbinati, *Representative Democracy: Principles and Genealogy* (Chicago: 2006); as well as Urbinati, *Mill on Democracy*; Marcel Gauchet, *La condition politique* (Paris: 2005), 277–384; Kloppenberg, *Toward Democracy*; Bryan Garsten, “From Popular Sovereignty to Civil Society in Post-Revolutionary France,” in *Popular Sovereignty in Historical Perspective*, ed. Richard Bourke and Quentin Skinner (Cambridge: 2016), 236–269.

¹⁶ This percentage is taken from T. A. Jenkins, *Parliament, Party, and Politics in Victorian Britain* (Manchester: 1996), 19. For the legislation leading to universal male suffrage (and the introduction of voting rights for women), see Robert Blackburn, “Laying the Foundations of the Modern Voting

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Many of the greatest theorists of parliamentarism explicitly preferred a regime of restricted suffrage. But it would be equally misleading to think of the theory of parliamentarism as simply a vehicle for opposing democracy. There were seminal authors who accepted or even favored democracy while also championing parliamentarism. Mill, Tocqueville, Dicey, and Weber all believed that the classical structure of parliamentarism could be modified to accommodate universal suffrage.

What makes it easy to mistake the classical theories of parliamentarism for theories of democracy is that they promoted a powerful representative assembly. It was widely argued that a parliament could not effectively deliberate on behalf of the common good or hold executive officials accountable unless all the major interests and standpoints in society were represented. At its best, *parliament* was the “express image” or “mirror” of the nation it represented. But like parliamentarism itself, this conception of a representative assembly was never equivalent to democracy. It was articulated by certain proponents of universal suffrage and popular sovereignty. However, especially prior to the late nineteenth-century movement for proportional representation, this conception was expressed even more frequently by authors who had no desire for democracy and who were convinced that democracy would lead to assemblies less representative of society.¹⁷

To understand the classical theories of parliamentarism, we cannot begin with the debate over democracy. We must start from a different but no less pressing question that preoccupied eighteenth- and nineteenth-century thinkers. This was how to establish liberty in a modern European state that contained a professional military and centralized political authority. One powerful answer was to make the centralized authority clearly subordinate to a representative assembly. This meant that all laws were to be debated in parliament, and all government actions were to be evaluated in parliament. When necessary, a majority of representatives would have the power to remove executive officials from office and deprive the government of funding. It was through an assembly of this kind that,

System: The Representation of the People Act 1918,” *Parliamentary History*, vol. 30, no. 1 (2011), 33–52.

¹⁷ For the mirror theory of representation, its frequent antagonism with democracy, and the importance of proportional representation as an attempt to “square the circle” of democracy and representation, see Conti, *Parliament the Mirror of the Nation*; Robert Saunders, *Democracy and the Vote in British Politics, 1848–1867: The Making of the Second Reform Act* (Burlington: 2011). The French side of this story is explored in Rosanvallon, *Le peuple introuvable*.

in the words of Adam Smith, “a system of liberty” was established in eighteenth-century England.¹⁸

But this raised an additional question: how to prevent such an assembly from itself becoming a threat to liberty? One of the best-known eighteenth-century answers to this question was provided by Montesquieu, who, in his *Spirit of the Laws*, argued that the defining feature of a free state was that each constitutional power was equally checked by the others. Thus, in England, according to Montesquieu, the House of Commons was checked by the monarch’s veto and the House of Lords.

In recent years, scholars have argued that Montesquieu’s account of the English constitution was the foundation of liberal constitutionalism across Europe.¹⁹ This book contends that the opposite is true. The theory of parliamentarism, which would become the dominant liberal constitutional theory in the century following the French Revolution, emerged out of dissatisfaction with Montesquieu’s account. Already in the eighteenth century, a wide array of thinkers had rejected Montesquieu’s understanding of the English constitution. They contended that the system of checks and balances depicted in *The Spirit of the Laws* was wholly ineffective at containing the House of Commons. The powers that enabled the Commons to hold government officials responsible – above all, its control over revenue – could not be matched by the other branches of the constitution. This was why the Crown never once made use of its veto after 1708. Nor was this a negative development: any constitutional change that made the Crown equal to the House of Commons risked undermining the supreme achievement of parliamentary control over the executive, which was what preserved English liberty.

The authors who developed this line of reasoning included Edmund Burke and Jean Louis de Lolme. They argued that the House of Commons was moderated not by the Crown’s veto but rather by two other mechanisms, which Montesquieu failed entirely to note. The first was the regular presence of the Crown’s ministers in Parliament, where they intervened in debates, shaped Parliament’s agenda, and defended the interests of the government. The second was the institution of monarchy itself. The great

¹⁸ Adam Smith, *Lectures on Jurisprudence*, ed. R. L. Meek et al. (Indianapolis: 1982), 269.

¹⁹ Among recent texts tracing liberal constitutional theory back to Montesquieu, see Annelien de Dijn, *French Political Thought from Montesquieu to Tocqueville: Liberty in a Levelled Society?* (Cambridge: 2008); Urbinati, *Representative Democracy*; Aurelian Craiutu, *A Virtue for Courageous Minds: Moderation in French Political Thought, 1748–1830* (Princeton: 2012); Jacob Levy, *Rationalism, Pluralism, and Freedom* (Oxford: 2014); and Garsten, “From Popular Sovereignty to Civil Society in Post-Revolutionary France,” 260–262.

danger of a legislative assembly was not that it would engage collectively in tyranny but rather that it might be seized by an individual or faction seeking to usurp the state. The presence of a constitutional monarch, even one who did nothing, served as an imposing symbolic barrier to usurpation. By moderating the ambition of its leading individuals and factions, a constitutional monarch moderated the assembly as a whole.

What was so remarkable about parliamentary government and constitutional monarchy was that the restraint these practices imposed on the legislature emerged as part of the very process of legislative deliberation. These practices did not rely on an outside power's direct veto, and they did not require the Crown to exercise prerogatives equal to those of the House of Commons. But even as these practices maintained the essential condition of a modern free state, the subordination of the executive to the legislature, they created several ways through which the Crown might influence the decisions at which the legislature arrived. For nineteenth-century champions of parliamentarism, its great advantage would continue to be the manner in which it simultaneously empowered and moderated the legislature. Parliamentarism secured the most expansive possible space for parliamentary politics. It enabled a nation to truly be governed by a deliberative and representative assembly. But crucial conditions were in place that made this powerful assembly unlikely to threaten the political order.

The event that made parliamentarism the dominant paradigm of a free state across Europe was the French Revolution. At its outset, the French National Assembly rejected the parliamentary model that was emerging on the other side of the Channel and instead instituted a modified system of checks and balances. But this project, the Constitution of 1791, failed dramatically, leading a range of authors including Jacques Necker, Germaine de Staël, Simonde de Sismondi, Benjamin Constant, and François Guizot to turn to parliamentarism. They would develop the definitive accounts of this constitutional paradigm, which influenced liberal thought across Europe and the globe.

The first half of this book explores the emergence of parliamentarism in British and French constitutional theory. *Chapter 1* shows how the basic elements of parliamentarism first began to cohere in eighteenth-century Britain. *Chapter 2* homes in on Edmund Burke. While Burke defended each of the crucial components of parliamentarism – a powerful representative assembly, the presence of responsible ministers in Parliament, a constitutionally limited monarch, and a system of political parties – from his earliest years in British politics, he would also argue for them in

response to the French Revolution. Burke is thus the crucial figure connecting the theories of a parliamentary regime that emerged in eighteenth-century Britain with those that would come to predominate in France after the Revolution. *Chapter 3* examines the French Revolution more comprehensively. The most important ideological legacy of that event, I contend, was that it made parliamentarism the dominant constitutional paradigm in European liberal thought.

The second half of the book considers several of the great nineteenth-century theorists of parliamentarism. *Chapter 4* takes up Benjamin Constant, whose account of this constitutional model was the most influential of any European thinker. *Chapter 5* considers Alexis de Tocqueville. In *Chapter 6*, I turn to John Stuart Mill, situating him among a range of other Victorian intellectuals. I contend that each of these three figures viewed parliamentarism as the crucial political framework for securing liberal values. Another important theme running through *Chapters 5* and *6* is the contrast between parliamentarism and the American constitutional model. I show that not only Walter Bagehot but also John Stuart Mill and even Tocqueville preferred parliamentarism. In the *Conclusion* to the book, I examine the famous “crisis of parliamentarism” that erupted at the close of the nineteenth century when widespread doubt about this political form began to emerge. I then discuss the legacy of classical parliamentarism in the twentieth century and beyond.

As the foregoing summary should make clear, this book is not a comprehensive intellectual history of parliamentarism. While Max Weber plays an important role in the conclusion, my focus will generally be limited to Britain, where parliamentarism first emerged, and France, where (during the French Revolution and its aftermath) the greatest debate over the merits of parliamentarism unfolded. It was in these two nations that the formative theories of parliamentarism were produced: many of the parliamentary traditions that arose elsewhere in the nineteenth century were indebted to ideas first worked out in France and Britain.²⁰ But this book obviously cannot stand in for much-needed scholarship on other traditions of parliamentary thought.

²⁰ Heinz Eulau notes that in Germany, “the works of Constant and Guizot were constantly consulted in liberal circles” when it came to parliamentarism. See Heinz Eula, “Early Theories of Parliamentarism,” *Canadian Journal of Economics and Political Science*, vol. 8, no. 1 (1942), 44. The importance of their influence in Italy is emphasized in Nadia Urbinati and David Ragazzoni, “Theories of Representative Government and Parliamentarism in Italy from the 1840s to the 1920s,” in *Parliament and Parliamentarism*, 243–261.