Kings as Judges

How did representative institutions become the central organs of governance in Western Europe? What enabled this distinctive form of political organization and collective action that has proved so durable and influential? The answer has typically been sought either in the realm of ideas, in the Western tradition of individual rights, or in material change, especially the complex interaction of war, taxes, and economic growth. Common to these strands is the belief that representation resulted from weak ruling powers needing to concede rights to powerful social groups. Boucoyannis argues instead that representative institutions were a product of state strength, specifically the capacity to deliver justice across social groups. Enduring and inclusive representative parliaments formed when rulers could exercise power over the most powerful actors in the land and compel them to serve and, especially, to tax them. The language of rights deemed distinctive to the West emerged in response to more effectively imposed collective obligations, especially on those with most power.

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Kings as Judges

*Power, Justice, and the Origins of Parliaments*

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Preface and Acknowledgments

This book grew out of a long-standing preoccupation with the problem of reconciling Western liberalism with cultures, such as that of (even) Greece where I grew up, that had markedly different historical traditions, political behaviors, and social organization. Most available answers invoked traits that the West developed but seemed absent elsewhere – especially the vaunted tradition of individual rights but also, within social science, more materialist theories involving primarily taxation. There were many puzzling elements to these answers, not least that demands for rights were hardly absent elsewhere and neither were the bargaining games so preoccupying social science; to the contrary. Even more puzzling, however, was why such traditions had emerged in the West and, especially, England in the first place. They were commonly taken as a natural given, part of its native intellectual flora so to speak, but this begged the question. Solving this puzzle led to a journey in history and political theory to understand the origins of liberalism and of constitutional practices, the products of which are encapsulated in this book.

Its main conclusion is that much of the conventional narrative about the West is predicated on some misleading premises. Many key arguments need not only to be revised but often reversed. In what I call the normative/empirical inversion, the West, and especially England, did not distinguish itself by having stronger conceptions of rights (contrasted with other cultures’ seeming predilection for authoritarianism) nor by a more strident and assertive commercial class that somehow “naturally” demanded, hundreds of years ago, rights that we scarcely ever see their contemporary counterparts demanding. Nor was war itself somehow more consequential in the West. Rather, the West, and England especially, differed initially by having central authorities that could more effectively impose collective obligations particularly on the most powerful; demands for rights were the response. As the West has long imposed its understanding of the world on others and modeled development theory on it, it is important for that understanding to be soundly based in history. The book thus attempts to reduce the distance between the
historical record and the social science that engages it. Further, at a time when authoritarian governance is spreading across regions, it is vital to differentiate the type of strong state capacity that can steer society to more equitable and productive outcomes.

This project has been long in the making and has accumulated a large number of intellectual debts. Foremost is the debt to historians: without their remarkable and often humbling generosity, it would literally have been impossible. Historians divide in how they treat comparative works with a broad theorizing bent (some consider such projects a fool’s errand), and I was lucky to find a substantial number who were sympathetic, some even extending what amounted to private tutorials to answer my questions. I can only apologize that the final product merely scratches the surface of the historical complexity they tried to convey. Brief exchanges with Robert Bartlett, John Brewer, and John Maddicott early on suggested that my argument about the English Parliament had a sound historical basis. Maddicott’s major statement on the English Parliament especially offered indispensable guidance. Then a series of scholars (none of whom are responsible for the generalizations and inevitable simplifications that any such work entails) gave priceless advice as I navigated the complex and often poorly documented histories of fifteen countries over multiple centuries. John Hudson, who read the manuscript twice, offered invaluable correctives as I trod the treacherous grounds of the common law, though I may not, since then, have escaped more pitfalls. Mark Ormrod offered unstintingly generous advice at crucial points over the years, while his work informed many aspects of the book. Equally generous exchanges with Mark Bailey transformed some key claims. Gwilym Dodd’s careful comments on the English material greatly improved the argument’s precision, whilst Phil Bradford, Paul Brand, Alex Brayson, Peter Coss, Anne Curry, Neil Jones, and Andrew Spencer answered often seemingly small but critical questions. Caroline Burt and Richard Partington took time to expand my understanding of English dynamics. Steven Gunn gave very helpful feedback on military and scal data. Especially important was Thomas Bisson’s early and generous guidance on many aspects of the book, even if it does not meet the conceptual challenge he set with his work.

My argument acquired its final form by engaging with the Russian and Ottoman cases. The work and feedback of Russian historians Valerie Kivelson, Ann Kleimola, and Nancy Kollmann were catalytic, whilst Dan Kaiser kindly answered key questions. Equally so, the Ottomanist Colin Imber gave crucial and early generous advice to the critical argument in Chapter 11, whilst Linda Darling offered vital correctives to my claims. Atçıl Abdurrahman, Cornel Fleischer, Evgenia Kermeli, Timur
Kuran, and Kaya Şahin also either generously commented on the chapter or answered questions. Paul Freedman gave repeated feedback on Catalonia, as did Teo Ruiz on Castile, while Adam Kosto probed the historical logic and Phil Daileader commented. Martyn Rady’s successive feedback and work were vital on Hungary, as was that of Jan Dumolyn and Jaco Zuijderduijn on the Low Countries. Edward Coleman and especially Michael Martoccio gave salutary clarifications and comments on Italy. Justine Firnhaber-Baker alerted me to a crucial source from France. Last but far from least, economic historians Mauricio Drelichman and Kivanç Karaman gave truly indefatigable feedback and guidance on historical data, as did Bas van Leeuwen. Bruce Campbell and Mark Dincecco also offered important advice. Most of these scholars did not know me personally yet they offered a model of disinterested academic exchange and generosity. The usual caveats apply.

Among social scientists, the greatest debt is to David Stasavage, who remained steadfast in his support right through to publication, as did John Hall. Sheri Berman and Markus Kurtz offered vital feedback and support, especially at a book workshop funded by the University of Virginia. Carles Boix and Jacob Levy gave crucial support to the project in its dissertation stage, as did Lisa Wedeen’s and Alex Wendt’s sharp critical skills very early on. The argument was born in the comparative seminars of David Laitin and John Padgett, who also raised the methodological bar that “qualitative” work such as this had to meet. Amel Ahmed, Ana Arjona, Cathy Boone, David Ciepley, Tim Crawford, John Echeverri-Gent, Thomas Ertman, Robert Fannion, Venelin Ganev, Arthur Goldhammer, Phil Gorski, Anna Grzymala-Busse, Steve Hanson, Yoshiko Herrera, Jacques Hymans, Jeff Kopstein, Andrew Kydd, Daniel Lee, Allen Lynch, Kate McNamara, Luis Medina, Carol Mershon, Kimberly Morgan, Victor Muniz-Fraticelli, John Owen, Pasquale Pasquino, Andrew Schrank, Jonah Schullhofer-Wohl, Herman Schwartz, Rudy Sil, Dan Slater, Ronald Suny, Kathy Thelen, Edgar Franco Vivanco, Denise Walsh, David Woodruff, and Daniel Ziblatt commented at different stages on various parts of the manuscript, as did the anonymous reviewers. Kevin Narizin gave detailed and incisive comments on multiple chapters and drafts. Matt Kocher’s early challenge on the Ottoman Empire spurred, in my eyes, one of the most creative chapters in the book. Peter Hall commented and also offered invaluable help at critical points. Special gratitude is particularly due to Harris Mylonas for both help and support along the way.

The project, in its dissertation stage, was supported by the Olin Institute for Strategic Studies at Harvard University and its Director, Stephen Rosen, who gave me a home at a critical time as a predoctoral
fellow, and by the Program on International Security Policy at the University of Chicago and its Director, John Mearsheimer, and in its book stage, from various grants from the University of Virginia. It received important feedback at presentations at the University of Chicago, Harvard, Yale, the Juan March Institute, the University of Pennsylvania, Duke, the University of Virginia, and George Washington University and I thank their participants. I thank the editors of Politics & Society for permission to re-use parts of my article in Chapter 4. I also have to thank the countless librarians who procured to me the innumerable items I requested over the years. Geng Chen, Sam Hurley, Yue Li, Rachel Makarowski, Ashley Mehra, Daniel Smith, Mary Stenson, and Lujin Zhao provided crucial research assistance. Jeanne Barker-Nunn greatly helped improve the presentation. Finally, my gratitude goes to my editor, John Haslam, whose preternatural patience gave the book time to reach completion.

Tina Sotiriadi, a model of a friend through thick and thin, and Ioannis Psarras, a constant fount of wisdom, offered vital moral support and deep insight in this long journey, as did my dear friends and cousin, Anita Moraitou, back home. Ruari offered unconditional love to the end. My nephews and nieces, Dimitri, George, Stratis, Christina, Katerina, and Stefanos kept asking me, “Where is the book, auntie?” Well, here it is. It is dedicated to my (Greek) father, whose memory always spurred me on, and to that of my (English) mother, who let me think for myself.