

**The Future of
Representative Democracy**

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**Inventing
Representative Democracy**

By John Keane

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The Mystery of Things

The redefinition of democracy that began during the second millennium, when its centre of gravity moved towards medieval Europe, had beginnings that defy simple descriptions. Much ink and paper was to be devoured by efforts to grasp how it happened, but not a single pen would succeed. That should not be surprising, if only because there were no clear-cut laws of motion, no regular patterns, just higgledy-piggledy breakthroughs and setbacks bound together by continuous struggles of people to control publicly the exercise of power by various means. The recent scholarly fashion - it is really an old habit that began with Aristotle - of trying to pin down the patterns inherent in the 'transition' towards and 'consolidation' of democracy, as if such statistical and comparative knowledge could then be applied rigorously anywhere to build or to refine democratic institutions, overlooks the elementary point that democracy as a way of life is always born, nurtured or destroyed in particular contexts. That means that democracy is a form of human action shaped by institutional circumstances; and that surprise and democracy are twins. 'And take upon's the mystery of things' - the words spoken so wistfully by King Lear to Cordelia in Shakespeare's *King Lear*¹ - certainly applies to democracy. Its birth and survival, as well as its mutation and death, defy the gravity of universal laws. Whether democratic institutions survive or thrive, and in which form, depends in every case on indeterminacies: on the unpredictable dynamics of particular settings, on careful calculations, spur-of-the-moment decisions and - never to be underestimated - the tricky power of unforeseen consequences.

Representative Government?

We could say that democracy dwells in a house of contingency. Its proof of residence is well illustrated by the wholly unexpected round of inventions that invested the word 'democracy' with a brand new meaning.

It is difficult to date the change with precision, as we shall see. Roughly speaking, from about the tenth century CE the old Greek practice of *dēmokratia*, the self-government of equals by means of assemblies that had their roots in the Phoenician *mw- 'dwt* and the Babylonian *pūhrum*, underwent a slow but fundamental redefinition.

The mutation was the work of many hands. Monarchs, monks, shepherds, statesmen, aristocrats, artisans, republicans, clergymen, money makers, city dwellers, farmers, soldiers, publishers, God-fearing religious dissidents all played a role. The consequent change that came over democracy was not simply an expression of ‘the rise of the bourgeoisie’, or of ‘liberalism’, as was commonly thought during the nineteenth and early twentieth centuries. The new democracy was a bastard. Its creation was unintended. Its survival was at no point in time guaranteed. It was not inevitable. Step by step, with many twists and turns, slowly but never surely, a miracle nevertheless happened. Democracy came to be defined as *representative democracy*.

This at least was the term that began to be used - belatedly - towards the end of the eighteenth century, for instance by constitution makers and political writers when referring to a new type of government, with its roots in popular consent. Nobody knows who first spoke of ‘representative democracy’. The oxymoron seems to have been born of Anglo-French-American parentage. One political writer who broke new ground was an eighteenth-century Frenchman, a modestly wealthy member of the Bordeaux aristocracy who had had a generous taste of parliamentary experience as the deputy president of the Bordeaux *parlement*. Charles-Louis de Secondat, Baron de Montesquieu (1689-1755) was his name. His seminal book *The Spirit of the Laws (L’Esprit des lois* [1748]) spoke, unusually, positively, of republican government and democracy, Rome and Athens, in the same breath. Probably without knowing that what he was saying radically violated conventional ways of thinking about the subject, he went on to point out that in a democracy ‘the people, in whom the supreme power resides, ought to have the management of everything within their reach’. He added: ‘that which exceeds their abilities must be conducted by their ministers’.²

Ministers? What did it mean to entrust the people’s business to them? The French nobleman who had been foreign minister under Louis XV, the Marquis d’Argenson (1694-1757), was well placed to answer such questions. He was perhaps the first person ever to tease out both the meaning of the word ‘ministers’ and the new definition of democracy as representation that it implied. D’Argenson did so by distinguishing between ‘false’ and ‘true’ democracy. ‘False democracy’, he said, ‘soon collapses into anarchy. It is government of the multitude; such is a people in revolt, insolently scorning law and reason. Its tyrannical despotism is obvious from

the violence of its movements and the uncertainty of its deliberations. In *true democracy*, one acts through deputies, who are authorised by election; the mission of those elected by the people and the authority that such officials carry constitute the public power.’³

Others soon set about popularising the links between democracy and representation, and their observations travelled - fast. On the other side of the Atlantic, James Madison, who avoided the word democracy as if it were leprous, nevertheless counted himself among those who saw the novelty of the American political experiment in ‘the delegation of the government...to a small number of citizens elected by the rest.’⁴ Alexander Hamilton (c. 1756-1804) was perhaps the first American to nudge the words representation and democracy together, even at one point using the brand new phrase ‘representative democracy’, evidently without knowing what he was saying. It is weird to think that some of the most precious terms in the history of democracy were invented as if in a dream, but so it was with Hamilton and the new phrase, representative democracy. He was normally hostile to popular rule, which he regularly called democracy and condemned as a formula for ‘tyranny’ and ‘deformity’ led by ‘an ungovernable mob’. Yet on one occasion, shortly after the Declaration of Independence, he seemed to be in the grip of hallucinations that led him to deny that ‘instability is inherent in the nature of popular governments’. Such governments, he said, could be ‘happy, regular and durable’ if they took the form of ‘representative democracy, where the right of election is well secured and regulated and the exercise of the legislature, executive, and judiciary authorities, is vested in select persons, chosen really and not nominally by the people’.⁵ A more clearheaded rendition of the same point was soon to be put forward by a fellow Scot, James Wilson (1742-1798), an erudite Presbyterian lawyer who also helped draft the 1787 Constitution. He noted that the new federal constitution of the American republic was unusual in two respects: it recognised that ‘representation is made necessary only because it is impossible for the people to act collectively’, in consequence of which the new republic was ‘purely democratical’, since ‘all authority of every kind is derived by representation from the people and the democratic principle is carried into every part of the government.’⁶

These were brand new ways of thinking about democracy, by which was meant a type of government in which people, understood as voters faced with a genuine choice between at least two alternatives, are free to elect others who then act in defence of their interests, that is, *represent* them by deciding matters on their behalf. Much ink and blood was to be spilled in defining what exactly representation meant, who was entitled to represent whom and what had to be done when representatives snubbed those whom they were supposed to represent. But what was common to this period, which lasted for a thousand years, roughly from the tenth until the middle of the twentieth centuries, was the belief that good government was government by representatives. In a striking analogy drawn from geometry, the biggest-selling author of the eighteenth century, the Englishman Thomas Paine (1737-1809), thundered in favour of ‘representation ingrafted upon democracy’ as a new type of government that admits its own divisions - in contrast to monarchy, and its outdated belief in a unified body politic, and in contradistinction to the ‘simple democracy’ of ancient Athens, whose demos was under constant pressure to strike agreement with itself. This is what Paine intended by his intriguing remark that ‘Athens, by representation, would have surpassed her own democracy’. He meant to say that democracy in representative form rejected the presumption that disagreement was undemocratic, that ideally its body politic should be indivisible. ‘A nation is not a body,’ Paine explained, ‘the figure of which is to be represented by the human body; but is like a body contained within a circle, having a common centre, in which every radius meets: and that centre is formed by representation.’⁷

That was quite a complex thought. It was used by Paine to justify ridding the world of hereditary stupidity. Representative government exposed the fallacy that sperm was a carrier of good government. It was rather a type of polity that encourages the public airing of different interests and opinions, as well as their handling and resolution through leadership guided by merit. Representative government was praised as a way of freeing citizens from the fear of leaders to whom power is entrusted; the elected representative temporarily ‘in office’ was seen as a positive substitute for power personified in the body of unelected monarchs and tyrants. Representative government was hailed as an effective new method of apportioning blame for poor political performance - a new way of encouraging the rotation of leadership, guided by merit and humility. It was thought of as a new form of humble government, a way

of creating space for dissenting political minorities and levelling competition for power, which in turn enabled elected representatives to test their political competence and leadership skills, in the presence of others equipped with the power to sack them. If they fail, then they are removed. The rotation of leaders is, hence, a means of peacefully controlling the exercise of power by means of competition for power. ‘The representative system’, Paine explained to his American readers, ‘is fatal to ambition’.⁸ Paine also offered a more pragmatic justification of the new form of government. It was seen simply as the practical expression of a simple reality: that it wasn’t feasible for all of the people to be involved all of the time, even if they were so inclined, in the business of government. Given that reality, so the argument ran, the people must delegate the task of government to representatives who are chosen at regular elections. The job of these representatives is to monitor the expenditure of public money. Representatives make representations on behalf of their constituents to the government and its bureaucracy. Representatives debate issues and make laws. They decide who will govern and how – on behalf of the people. ‘In its original state,’ Paine concluded, ‘simple Democracy was no other than the commonhall of the ancients. As these democracies increased in population, and the territory extended, the simple democratical form became unwieldy and impracticable’. The remedy for complexity was representative democracy. ‘By engrafting representation upon democracy, we arrive at a system of government capable of embracing and confederating all the various interests, and every extent of territory and population’.⁹

These sentiments expressed an epochal change in the meaning and institutions of democracy, a change that has often been hailed, without however much more than a cursory mention of how or why it happened. Representative democracy had a history, and a complex one at that. Its roots ran deep into the ‘classical’ era of assembly-based democracy, which - dear reader - should serve as a reminder that the boundaries between the first and second phases of democracy are not physically ‘real’, but rather products of the writer’s imaginary reworking of the raw materials of that so-called reality. The old train of assembly-based democracy did not simply terminate at one historical station, where passengers alighted, then boarded the brand new train of representative democracy. There were no such clear-cut moments and physically discrete points of rupture. And yet the change that came over democracy was nonetheless striking, and in retrospect unmistakable. Sometimes quick, usually slow,

the metamorphosis took almost a millennium to mature. It first happened in the European region, where it was typically unplanned and messy, even when consciously intended. And exactly because of its ad hoc construction, the change resulted in many different concrete forms of representative democracy. The point is that the book of representative democracy lacked a consistent plot. There were many loose pages, bits and pieces, random paragraphs, a few completed but mostly unfinished outlines of possible themes. But amidst all the clutter there was one common theme that still lives on today: the remarkable invention of the principle and practice of representative institutions.

As a way of naming and handling power, representative democracy was certainly something new under the sun. It was an unusual species of political system, a whole way of life defined by written constitutions, independent judiciaries and laws that guaranteed such procedures as periodic election of candidates to legislatures, limited-term holding of political offices, voting by secret ballot, competitive political parties, the right to assemble in public and liberty of the press. Compared with the previous, assembly-based form, representative democracy greatly extended the geographic scale of institutions of self-government, and more successfully so than the world of Islam had managed to do. As time passed, and despite its localised origins in towns, rural districts and large-scale imperial settings, representative democracy came to be 'housed' mainly within territorially defined states backed up by standing armies and lawmaking and taxation powers. These states were qualitatively bigger and more populous than the political units of the first phase of democracy. Most states of the Greek world of assembly democracy, Mantinea and Argos for instance, were no bigger than a few score square kilometres. Many polities in the age of representative democracy were incomparably larger. What would Demosthenes, Aristotle and others have thought of the largest representative democracies, such as Canada (9.98 million square kilometres) and the United States (9.63 million square kilometres)? And just how astonished would they have been to hear stories of the mobile polling teams using planes and four-wheel drive vehicles to deliver ballot papers and ballot boxes to the 82,000 electors living in remote towns, hospitals, nursing homes and prisons in the largest electoral constituency in the world, the vast rural division of Kalgoorlie in the federal state of Western Australia, a division that comprises an area of 2.3 million square kilometres stretching from Kalumburu in the north, on the Timor Sea, to

Exmouth on the Indian Ocean, down to the suitably named Esperance on the Southern Ocean.

It is safe to say that the champions of government by assembly would indeed have been dumbfounded by the scale and complexion of representative democracy. They might have been astonished even more by the fact that the transformations were neither inevitable nor politically uncontested, despite what others have said in the past. 'Ever since the birth of modern societies', the nineteenth-century French liberal author and politician François Guizot (1787-1874) told a Paris audience during a famous course of public lectures on the subject, 'their condition has been such, that in their institution, in their aspirations, and in the course of their history, the representative form of government...has constantly loomed more or less distinctly in the distance, as the port at which they must at length arrive, in spite of the storms which scatter them, and the obstacles which confront and oppose their entrance'.¹⁰ Only nineteenth-century believers in progress could have thought so optimistically about the origins and development of representative democracy. For the bitter truth is that its appearance was bitterly contested, subject to unforeseen consequences and constant setbacks. It was also dogged constantly by its failure to solve problems of its own making, such as the exclusion of the poor and women from the structures of government.

Representative democracy was in fact born of many different power conflicts, many of them bitterly fought in opposition to ruling groups, whether they were princes, church hierarchies, landowners or imperial monarchies, often in the name of 'the people'. Exactly who were 'the people' stirred up great troubles during the second age of democracy. It witnessed the birth of neologisms, like 'aristocratic democracy' (that first happened in the Low Countries at the end of the sixteenth century) and new references (beginning in the United States) to 'republican democracy'. Later came 'social democracy' and 'liberal democracy' and 'Christian democracy', even 'bourgeois democracy', 'workers' democracy' and 'socialist democracy'. These new terms corresponded to the many kinds of struggles by groups for equal access to governmental power that then resulted, sometimes by design and at other times by simple accident or unintended consequence, in institutions and ideals and ways of life that had no precedent. What were these inventions? Written constitutions based on a

formal separation of powers, parliaments, periodic elections and parties were certainly among them. So too (following the rather different precedents set down by Muslims) was the invention of European-style 'civil societies'. These were founded on markets and social customs - experiences as varied as dining in a public restaurant, or controlling one's temper by playing sport or using polite language - as well as new civil associations that citizens used to keep an arm's length from government, for instance by using non-violent weapons like liberty of the printing press, publicly circulated petitions, and covenants and constitutional conventions called to draw up brand-new constitutions.

The struggles for representative democracy filled these centuries of the second millennium with growing excitement, and sometimes much pandemonium. With a whiff of empowerment permanently in the air, this period unleashed what the French writer and politician Alexis de Tocqueville (1805-1859) famously called a 'great democratic revolution' in favour of political and social equality. Sending shock waves outwards from the Atlantic region, this revolution often suffered setbacks and reversals, especially in Europe, where in the early decades of the twentieth century, as we shall see, it was to collapse into a swamp filled with political predators. The democratic revolution in favour of representation was fuelled by rowdy struggles and breathtaking acts, like the uprisings of artisans in the Low Countries and the public execution in England of King Charles I. Such events threw into question the anti-democratic prejudices of those - the rich and powerful - who supposed that inequalities among people were 'natural'. New groups, like slaves, women and workers, won the franchise. At least on paper, representation was eventually democratised, stretched to include all of the population. But such stretching, which often reached breaking point, happened with great difficulty, and against terrible odds. Representative democracy was permanently on trial; in more than a few cases, the United States in the nineteenth and early twentieth centuries included, the reigning definition of representation was actually narrowed by withdrawing the right to vote from certain groups, particularly black and poor people.

Not until the very end of this long historical period - during the early decades of the twentieth century - did the right of people to vote for their representatives come to be seen as a *universal* entitlement. That happened first for adult men and later - usually

much later – for all adult women. But even then, as the experiences of totalitarianism and military dictatorship showed, the opponents of democratic representation fought tooth and claw, and with considerable success, against its perceived inefficiencies, its fatal flaws and supposed evils. They demonstrated, with word and pen, sword and musket, tank and fighter plane, that representative democracy was not inevitable – that it had no built-in historical guarantees.

Alfonso IX

But first let's go back in time, to the years of the twelfth century, to the extraordinary moment of birth of one of the core components of what would later be called representative democracy. The institution had no precedent. It was a new type of governing body, a place for making decisions by representatives of various social interests, drawn from a wide geographic radius. It was called a *cortes*, or parliament.

Where was it born? Contrary to some old-fashioned, devoutly British accounts, which think of Big Ben as timeless and suppose, arrogantly, that parliamentary institutions were 'incomparably the greatest gift of the English people to the civilization of the world'¹¹, parliaments were in fact an invention of what is today northern Spain, in Europe, that little patch of earth that stretches from the Mediterranean basin to the Arctic circle. The invention came more than a millennium after the Greek experiments with self-government and pre-dated by six hundred years the arrival of representative democracy as it was to be understood (say) during the French Revolution. Slow it may have been in coming. Yet the invention was among Europe's first gifts to the new world of representative democracy. With just a touch of exaggeration, it could even be said that Muslims were responsible for parliaments, inasmuch as they were spawned by power struggles among Christians bent on the military conquest of the lands of Islam.

The first parliament was born of despair. Sometime around 1,000 CE, many Christian communities living in the northern parts of the Iberian peninsular grew convinced that their days were numbered. The dangers seemed obvious. The seventh century had seen the followers of the Prophet Mohammed conquer Syria, Palestine, Egypt and the North African coast. During the eighth century, Muslims advanced to the gates of

Constantinople and, after conquering Spain, entered southern France. The ninth century saw the sack of Rome and the occupation of Sicily and the coasts and foothills of southern Italy by Saracen forces. Fears that Christianity might lose its way in the world were compounded by the loss of Jerusalem, and by the sense that the world of Christianity was fraying at its African and Asian edges. Nestorian and Jacobite churches were cut off by the Saracens' occupation of much of Asian Minor - and then of Persia. The church in Abyssinia was similarly quarantined, while in Syria, Egypt and elsewhere tens of thousands of Christians felt squeezed by the combined forces of what they saw as discriminatory taxation and contemptuous toleration by Islamic rulers.

So the stage was set for a Christian revival, in military form. The mood was moulded in 1095 by the bellicose address of Pope Urban II (1088-1099), before a large crowd gathered at Clermont, a French town today famous for the chain of extinct volcanoes surrounding it. The text of the speech itself has not survived, but his various chroniclers concur that Urban attributed the impending disaster facing Christianity to God's punishment for human wickedness – and that he called upon his hearers to recover grace by fighting for the cross, in the name of Europe. What exactly was required to 'go forward in happiness and in confidence to attack the enemies of God'¹² was left to the good judgement of Christian-minded princes. Among them was King Alfonso IX of León (1188 -1230), a young but savvy ruler who was to become a star political player in the bitter struggle to snatch the fields and towns from the Muslims of northern Iberia.

The details of what happened are worth recalling. Even though the evidence is fragmentary and sometimes contradictory, it shows clearly enough that Alfonso IX had been dogged by personal problems prior to mounting the throne. His early years had been complicated by the terrible mouth-foaming fits of epileptic rage that he had suffered, earning him the nickname of the dribbler (*baboso*). Being the first son of King Fernando II by a marriage that the Pope had refused to sanction, Alfonso found himself confronted by a powerful stepmother (Urraca López de Haro) who coveted the throne for her own son. Fearing that an assassin would take his life, Alfonso fled to Portugal. There he shortly learned some wholly unexpected news: not only that his father had died, but that the archbishop of Santiago, some prominent León nobles and

his cousin, the Castilian King Alfonso VIII, were all backing his bid for the throne, in order to stop the outbreak of a local civil war.

So at the ripe age of seventeen, Alfonso IX wore the crown of a kingdom whose problems quickly catapulted him into the real world of grown-up politics. His kingdom was under intense military pressure, not only from neighbouring kingdoms, but also from the Moorish armies that had first begun swiping swathes of land four hundred years earlier. Repeated invasions by Muslim armies threatened to sap the whole fiscal base of the kingdom. The old custom according to which Muslim governors contributed money to the Christian kings of the region, a custom known locally as *parias*, had collapsed. New taxes had been imposed on the church and towns, but these proved highly unpopular. Petitions began to pour in to the new king's officials.

Alfonso IX caught everybody by surprise. He took the dramatic decision to fight his way out of a tight corner by re-conquering territory that he and many of his subjects considered rightfully Christian. It was a risky move, but one that later yielded vital military victories, in the re-conquests of Cáceres (1227) and Mérida and Badajoz (1230), that led in turn to the re-taking of Seville. At the time, Alfonso's decision to fight seemed politically dangerous, even foolhardy. Strapped for cash and men, he slapped taxes on all Christians. In the era before the slogan 'no taxation without representation' had been invented, he also set about enlisting support outside his court. The prince's aim was to take the lead in defending and expanding his kingdom, even if that meant gambling with the monarchy by making compromises that might have the effect of diluting his kingly powers. Alfonso IX naturally turned to the local nobility, to the warrior aristocrats who were committed in their bones to the preservation of their lands, and seemed always hungry for more. They were convinced that monarchs had the Christian duty to wage unending war against Muslim infidels; and they were sure that war, and success in war, was not only a commandment of Pope Urban II, but also necessary for nurturing their own status, as well as bolstering the machinery of government by good Christian princes.

Both Alfonso IX and the local nobility agreed that the re-conquest required political deals to be struck, minimally by waging war in tandem. But that meant winning over

the bishops of the church, the estate that saw itself as the guardian of souls, and the spiritual protector of God's lands. Launching war also meant covering costs. Permanent warfare against the Moors had somehow to be paid for. With the whole region permanently under siege, and strategically vital towns like León now resembling walled fortresses, Alfonso IX decided to appeal for their solidarity. He turned to their spokesmen. These citizens - contemporary documents referred to them as *cives* or *boni homines* - were 'good men' with a reputation for leadership that stemmed from their prior election as officers of the town councils called *fueros* and, quite possibly, from their family connections with parts of the lower nobility. These good citizens were well placed to deliver to the king townsmen who were trained to arms. They could also cough up large chunks of money. But, once again, the principle of mutual compromise had to apply: with the backing of the warrior nobility and the church, Alfonso XI offered to provide protection for the besieged towns of his realm in return for their provision of soldiers and cash.

So from within this princely triangle formed by the nobles, bishops and urban citizens, the modern practice of parliamentary representation was born. It was in the walled, former Roman town of León, in the spring month of March 1188 - a full generation before King John's Magna Carta of 1215 - that Alfonso IX convened the first-ever *cortes*, as contemporaries soon christened it, using the local term for both a city council and the city where a king resides.¹³ Delegates from all three of the region's estates - the nobility, church and towns - met there, within the yellow and red-grey sandstone cloisters of the magnificently modest church of San Isidoro. The place name suited the occasion, for St Isidore was of course the good bishop of Seville who was famous for his maxim that only he who governs and acts well is a true king. Confirmation that Alfonso IX tried to live up to this maxim was later chiselled into the walls of the church, in the form of an inscription signed by the young king himself. It reads: 'A LOS COMIENZOS DE MI REINADO, CUANDO POR PRIMERA VEZ CELEBRE CORTES EN LEON, DENTRO DE SAN ISIDORO ALFONSO IX REY DE LEON 1188'.

The announcement, that at the beginning of his reign the young king for the first time consecrated the *cortes* inside the church of San Isidoro, rather understated what went on there. In the name of custom - the first decree discussed and agreed by those

present in the church was to respect the customs of the realm - the assembly kicked hard against old habits. Called to discuss and agree constitutional matters, it was the first recorded gathering of all three estates (the interests of the towns had hitherto been ignored in meetings convened by the monarchs of the region). The León assembly was not the usual gathering of courtly sycophants. It was most definitely not an occasion when the monarch waved the flags of courtly pomp to impress his subjects, a solemn court ritual of the kind that had been staged a few months earlier, in the neighbouring city of Carrión. At that encounter, the governors (*maiores*) of forty-eight cities from the kingdom of Castile, together with members of the church and nobility, had been summoned by King Alfonso IX; they were required to witness and swear acceptance of the marriage of Conrad of Swabia, the son of the Emperor Frederick Barbarossa, to the Infanta Berenguela. Those attending that assembly had been instructed, on bended knee, to consent to an important clause in the contract, which specified that the government of the kingdom would in the future be devolved to the princess, her husband, and their successors.

The *cortes* convened in San Isidoro was altogether different. Set against the backdrop of war, the talks had an air of urgency and protest and grievance about them. Written protests had evidently poured in beforehand from each of the chosen estates of the kingdom. The surviving evidence suggests that the teenage king had been forced by this subterranean pressure to act, and to be seen to be acting, especially in the face of a developing alliance between the local nobility and men of the towns. Little wonder then that the meeting that took place in the cloisters of San Isidoro church produced up to fifteen decrees (the authenticity of several is disputed) that together amounted to something like a constitutional charter.

The king promised that from hereon he would consult and accept the advice of the bishops, nobles and 'good men' of the towns in matters of war and peace, pacts and treaties. The bishops of the church, until now forbidden to take oaths of allegiance to temporal power, joined the knights and town citizens in promising the king that they too would work for peace and justice. The participants together agreed that property and security of residence were inviolable. They accepted that judicial proceedings and the laws they produced would be respected; and that the king's realm would be guided wherever possible by the general laws inherited from earlier times (the so-called Book

or *Liber Iudicorum* from the time of the Visigoths). It was also agreed by the participants that there would be future assemblies of the king and the three estates.

Both the substance and method of agreement heralded a new way of governing. It was based on the path-breaking principle that who got what, when and how could be best decided by talk, by cunning manoeuvres, peaceful threats and artful compromises - by politics. Although committed to open discussion, the first-ever *cortes* was not an assembly of citizens of the Syrian-Mesopotamian, Phoenician, Greek or Islamic kind. It was also not a western version of the *meshawara* that developed during the Ottoman Empire. It was rather the brainchild of a self-interested Christian monarch bent on building up his realm, the creation of a political animal who saw that effective government required the creation of a new mechanism for resolving disputes and striking bargains among interested parties who felt they had a common interest in reaching compromise, so avoiding internecine violence.

Details of what happened at the subsequent assemblies called by Alfonso IX, for instance at Benavente in 1202, in the presence of Queen Berenguela and their son Don Ferdinand, remain sketchy. But in retrospect it is hard to overstate the originality of the *cortes* first convened in 1188. It clearly broke with the old custom of meeting to reaffirm fealty to a sovereign's will. The *cortes* supposed, with a good measure of self-awareness among those who were present, that its guarantees of fair play could foster political deals among conflicting interests, without resorting to the use of naked force. In striking contrast, say, to the presumption in Athens that democracy required an undivided sense of political community, the *cortes* rested on the opposite premise, on the likelihood of competing and potentially conflicting interests, and the desirability of peaceful compromise among them. The *cortes* supposed that the chances of reaching workable agreements were improved by limiting the numbers of decision makers, some of whom were required to travel great distances. It supposed as well that governments could govern at a distance from their subjects without losing their trust and consent, exactly because those involved in making decisions had the power to snap at the heels of the monarch, to defend their respective interests in the presence of the king. Fairly soon, they would locally be called *representatives* (*procuradores*).

The Spread of Parliaments

What are the origins of this language of representation associated with the *cortes*? The word itself hailed from the Latin *procurator*. It referred to a man who does or carries out something on behalf of another man, with his consent. It is likely (as a little-known eighteenth-century dictionary reminds us¹⁴) that the old Latin word was first given a new lease of life in towns like León, where the term *procurador* had several meanings. It referred to someone authorised to appear before a court to defend another person in a lawsuit or dispute. It was used as well to speak of an official (known as the *procurador general*) who took care of the property and wellbeing of the city. And the word referred to an outside person (called a *procurador de pobres*) who was involved in the affairs of the poor, in whose lives he had no direct material interest.

The stretching of the elastic word *procurador* to cover the case of a city official nominated to defend the interests of a town against the monarch, in the *cortes*, was historically significant. Just as poignant was the way the word was applied to *all* the *cortes* delegates. That semantic generosity fitted well the expanding geography of political power during this period. For thanks to the invention of the *cortes*, the scope of self-government was greatly stretched, as happened for the first time in 1250, when the *cortes* of León voted to replicate itself by forming a second, upper-level *cortes* to monitor the neighbouring kingdoms of León and Castile, recently merged under Saint Ferdinand (1230-1252).

Encouraged by military victories over the Moors, the Leon assembly managed to survive for several hundred years. Long distance government subject to the consent of parliament worked. Indeed, by the end of the fourteenth century, with the adjoining kingdoms of León and Castile now united into one, the kingdom's representatives enjoyed considerable powers. Their right of gathering and presenting petitions, and their insistence that the agreements struck by the parliament were legally binding, became customary, even if at the price of strife. The *cortes* was the site of intense bargaining about definitions of the welfare of the realm. Money was often the key cause of friction. There were constant reaffirmations by the representatives that kings were forbidden from levying extraordinary taxes without the explicit consent of all the estates. Before the end of the fourteenth century, there were times when the *cortes*

reportedly demanded an audit of the court's expenditure. On at least one occasion, it demanded a rebate on taxes that had already been paid.

Blessed with powers like that, it is little wonder that the *cortes* proved contagious. For the next two centuries, as the military campaign to re-conquer Muslim lands gathered pace, the new León style of governing was copied in neighbouring kingdoms. Records show that at the concluding session (called a *solio*) of every *cortes* of Catalonia, the king had to swear to abide by all the enacted laws before he was granted the *donativo*, or tax. To ensure that he stuck to his word, a six-member body known as the Diputación General acted, from the end of the fourteenth century, as a watchdog between sessions. There were moments when the parliaments of the region took advantage of the fact that the monarch was either incompetent or a minor, sometimes to the point where it seemed that the monarch was a functionary appointed by the different estates. There was no norm, for the actual powers exercised by these early parliaments that had spread from León and Castile throughout the Iberian peninsular varied considerably. In some areas, and at certain times, the young parliaments were immensely effective. 'Our Lord the King, with the consent of the Cortes, establishes and ordains [*'El señor Rey de voluntad de la Corte estatuesce y ordena'*]', read the preamble of Aragonese laws, so revealing a parliament with razor sharp teeth. There, the *cortes* ratified treaties and debated questions of war and peace. It sometimes appointed ambassadors. It exercised control over the naturalisation of strangers coming in to the kingdom. New or extraordinary taxes could not be levied without its prior approval, and its consent was required as well for proposed changes in either their rate or their manner of collection. The *cortes* nominated a committee, called the *diputación permanente*, that had the job of monitoring the administration of public funds and ensuring that the laws were observed equally by the crown and its subjects. The *cortes* of Aragon – as the preamble to its laws emphasised – even enjoyed for a time the power to investigate allegations of breaches of the law by the monarch or his officials, and to call for justice in cases of wrongdoing. Similar powers were enjoyed by the representatives of the *cortes* of Valencia, which watched over the laws of the realm and the powers of the estates during periods when the parliament was not in session.

The degree to which the various social groups did successfully press home their powers to advise, to persuade and (if necessary) to handcuff the courts varied. Things very much depended on the local balance of forces, and on the negotiating rules that the parliaments managed to put in place. In the kingdom of León and Castile, freedom of speech in the *cortes* and freedom from arrest during its sessions were customary. Towns like Barcelona tried to maximise the independence of their representatives by paying their wages, and their travel and accommodation costs. Much effort was put into backing the principle of regular sessions and keeping a close eye on the courts. Juan I, Fernando IV and other monarchs - anticipating by more than half a millennium the nineteenth-century English Chartist demand for annual parliaments - summoned parliaments every year.

In other cases, the principle of regular supervision had to be fought for, as in the *cortes* of Catalonia, where in 1283 Pedro III issued a constitution that stipulated annual assemblies of nobles, townsmen and clergy, unless 'urgent necessity' stood in the way; and as in Aragon, whose *cortes* (from the year 1307) met every two years and, in between sessions, employed a watchdog, a powerful official called the *justicia de Aragón*, whose job it was to safeguard the rights of the assembly. In the realm of Valencia, the *cortes* used another, potentially radical weapon to ensure that every move of the monarch was watched, at all times. This parliament insisted on the right of each estate to meet *during* periods when it was not in session, in order to keep tabs on the crown. Then there were attempts by the estates, for instance in the kingdom of León and Castile, to box in monarchs by issuing carefully worded instructions to its representatives. The idea in each and every case was to rein in reigning monarchs. The principle was clear, the practice firm: those who govern must reckon with the possibility that representatives need to refer back to those whom they represent, so drawing out proceedings that might well result in the axing of unpopular measures, or their amendment.

Talk Shops?

The representative assemblies inspired by young King Alfonso IX impacted deeply upon political life in all of the Spanish kingdoms. They were to play a vital role throughout the lands of Europe as well. During the thirteenth century, parliaments

spread from León and Castile to Aragon, Catalonia, Valencia and Navarre, as well as Sicily and Portugal, England and Ireland, and the states of Austria and Brandenburg. During the next two centuries, parliaments developed in the large majority of German principalities, in Scotland, Denmark, Sweden, France, the Netherlands, Poland and Hungary. Nearly all of these original parliaments survived until the seventeenth and early eighteenth centuries; despite the growth of absolutist states, which wiped out the assemblies of Aragon, Catalonia and Valencia, many continued to function until the outbreak of the French Revolution in 1789. A few (the Navarrese *cortes*, the Swedish *Riksdag* and the Hungarian *Diet*) lasted into the nineteenth century. The powerful Estates of the Duchy of Mecklenburg survived intact until 1918.

The durability of these parliaments naturally raises questions about their relationship with later modern representative democracies. What exactly was the connection?

Medieval and modern parliamentary assemblies are clearly separate links in the same historical chain, which is why it is tempting to suppose that democracy sprang up with parliaments, as if they were twins. That is not so. Parliamentary assemblies did indeed eventually become rich synonyms for democracy but, as we are just beginning to see, parliamentary democracy in fact had deep and tangled roots. Its parliamentary component first sprang up in the European region, but this happened long before either the word or the egalitarian thrust of democracy had come on the scene. It is simply anachronistic to say that parliaments are a specifically modern, or a 'liberal' or 'democratic' invention. None of these older parliaments were based explicitly on principles or procedures that could remotely be described as 'liberal' or democratic. The noun 'democracy' in any case was still a dirty morpheme, as the illustration in Nicholas Oresme's famous fourteenth-century French translation of Aristotle's *Politics* shows. On its right (good) side stand monarchy, aristocracy and timocracy. On its left (bad) side stand tyranny, oligarchy and democracy. Democracy itself is symbolised by commoners and soldiers, and by a half-dead victim slumped in a pillory.

This much is clear - the early parliaments were not clothed in the language of democracy - but here we hit upon a subtlety, a point made earlier about how democratic institutions have often taken root under other names. The parliamentary

saplings that first sprang from the soil of the Spanish kingdoms later turned into the giant trees of representative government, as they appeared in political ecosystems otherwise as different as the United States, Germany, Uruguay and New Zealand. Parliamentary government supposed that 'government' and 'society' are not unified entities. It further supposed that society itself is divided, that it contains a diversity of interests in need of representation before government. These founding principles - utterly foreign to the Greek assembly democracies - germinated wherever and whenever monarchs, claiming to represent the unity of their kingdoms, encountered opposition from their estates - the nobility, clergy and townsmen - who claimed to represent better the diverse non-governmental interests which in their opinion deserved recognition and perforce had every right to be woven into the tapestry of a more just political order.

Within this zone of high tension between monarchs and estates, the early parliaments often wielded great influence. It is mistaken to see them as pushovers before power, mere gossip parlours or talk shops (a favourite epithet of all later critics of assemblies). Parliaments like the *cortes* of Aragon - by the end of the fourteenth century it was the most powerful and most talked about - clearly differed from earlier consultative bodies like the German *Hoftage* or English *witanegemots*. Historical records show that these ancient bodies had mainly operated as loosely organized forums summoned by the monarch whenever she or he needed advice, or wanted to publicise special events, such as dynastic marriages, international treaties and new judicial and legislative measures. The first representative parliaments also differed from the gatherings of residents at Thingvellir in Iceland.¹⁵ In contrast to these old consultative bodies, which they succeeded, the first parliaments met more often, and regularly. And they were born with teeth. They were not just means of consultation or acclamation; they also made binding decisions. Parliamentary privilege certainly strengthened their hand, as in the early fourteenth-century Castilian *cortes*, whose members enjoyed complete freedom from arrest and seizure of their property during their travel to and from, and during, parliamentary sessions. By standing as well on ancient customs and rights, a tactic that was not unknown to nineteenth- and twentieth- and twentieth-first century assemblies, the earliest European assemblies raised common grievances about a very wide range of matters, ranging from the conduct of war, relations with Muslims and Jews and the environmental damage

caused by the monarch's animals, through to forcible military recruitment, the appointment of ambassadors, standards of weights and measures, and the back-breaking labour and general exploitation of the peasantry.

The early parliaments had one eye on taxes. They often seemed unafraid of making themselves a nuisance when monarchs tried to decide things arbitrarily, without regard for their subjects' wishes. Monarchs could rarely claim a grant (sometimes called a *servicio*) or impose taxes without their consent. Parliaments often collected taxes through their own agents and treasuries; prescribed how they should be spent; and even demanded audits of the king's budget. Parliaments wielded considerable powers of initiating financial legislation, for instance, in the form of bills that became statutes upon receiving royal assent. They investigated alleged financial injustices and illegal acts committed by monarchs or their officers. They enforced the principle that grants of supply be made conditional upon the monarch's redress of grievances. These parliamentary powers of taxation were reinforced, especially in periods of crisis, by the exercise of such prerogatives as the conduct of foreign policy, the settlement of succession to the throne, the guarantee of treaties, partitions and settlements, and the appointment of the monarch's advisers and ministers. In this and other ways, parliaments served more than the particular interests of the dominant estates. They opposed arbitrary, arcane and violent rule; acted as a counterweight to petty tyranny and absolute government; and positively nurtured the spirit of 'liberty' and constitutional government commonly associated with later forms of representative government.

And Democracy?

Friends and fans of representative government need to be aware that these early European parliaments paved no highroads to democracy. The bitter truth is that Whiggish accounts of mettlesome, refractory parliamentarians struggling in dark times to establish a parliamentary opposition, which subsequently undermined absolutist monarchies and set nineteenth-century nation states in the Low Countries and Britain on the well-lit road to full parliamentary democracy, are downright misleading, in several respects.

Why? The most obvious fact is that despite all their hard-won powers, the first European parliaments found their field of vision constantly blinkered by self-interested monarchs who dominated their proceedings. Looked at more cynically, from the hard-nosed standpoint of state-builders, these parliaments often served as political instruments for regularizing money supply by consent, and for making laws binding upon the representatives who formulated these laws. And despite all the deep continuities between democratic parliaments and their late medieval and early modern predecessors, important differences divided them. The earliest parliaments convened less regularly and their members usually varied from session to session. When they did meet - as the image of Charles V in a session of the Diet in Augsburg in 1530 shows - they very often did so according to the whim or will of the monarch, or subject to the cunning, skill and veto power of the nobility and clergy.

The life of representatives wasn't easy. Monarchs skilfully exploited bitter disagreements about what it took to be a representative, and there were times when representatives literally came to blows over two conflicting definitions of representation. Were they mere servants and mouthpieces of their constituents, who thus needed to keep them on a short strong leash? Was it therefore desirable, as the Castilian *cortes* supposed, that every city should provide its own representatives with a set of carefully worded, binding instructions that were called *poderes*? Was it best practice to give representatives a grilling when they returned from a session of parliament, as frequently happened in the Catalan town of Barcelona, which used a permanent standing committee, called the Commission of the 24 (*Vintiquatrena de Cort*), to keep tabs on the public and private lives of its representatives? Or were representatives to be treated instead as free-spirited guardians of the whole political community? Were they sometimes obliged to say no to their constituents, to stand above the fray and to work selflessly for the higher political good, for instance by reaching an absolutely unanimous consensus on each and every important measure? For the sake of improving life in the kingdom did unanimity sometimes require - in defiance of the ancient Spanish proverb that politeness begets politeness (*cortesias engendran cortesias*) - the physical ejection of recalcitrant representatives from parliament, kicking and shouting? How sensible was the alternative method used by the *cortes* of Aragon, which elected officers to vet representatives by putting them through a test, known as the *habilitacion*, designed to guarantee their commitment to

unanimity? Was it true (as the local joke had it) that the passage of every law in Aragon was nothing short of a divine miracle?

Monarchs spotted that there was no easy answer to these tough questions. Especially when caught in sticky jam, kings and queens tried as well to act as if the assemblies were their own councils, summoned to solve their problems with the help of representatives of their own choosing. Monarchs quite often won out. In the period from the thirteenth to the sixteenth centuries, when the *cortes* of the various kingdoms of Spain were at the height of their powers, the time and place of assembly meetings were normally decided by the crown. If perchance the king was ill or forced to be absent from an assembly, then his own representatives conducted business on the basis that the right to summon an assembly was an inalienable royal prerogative. That royalist view of assemblies was reflected in the customary procedures that guided their business. After presenting their credentials, representatives were forced to sit through a speech from the throne, in which the purposes of the assembly were set forth. Representatives were usually allowed to make formal replies. They could present their petitions, gather within their own estates for further deliberation, and engage the king in quiet debate. But there was often no final round-up session in the presence of the king, who often saw himself as under no God-given compulsion to act on the requests and demands of representatives. At best, they could expect to receive at some unspecified time a copy of a document that was called a *cuadernos* – a list of all the petitions that had been presented to the assembly, together with the king's replies.

Monarchs played politics with assemblies in other ways. Making the representatives constantly vulnerable to dis-invitation was a favourite ploy. It was quite exceptional for monarchs to summon the same prelates or the same nobles or *procuradores* from the same towns; to do so, as every reasonably cunning monarch spotted, would have introduced an element of self-government from below. That would have jeopardised the very principle of monarchy. For that reason the clergy was typically represented by archbishops and bishops chosen by the monarch, on an ad hoc basis; while custom and courtesy certainly dictated that important figures, like the Archbishop of Toledo and higher clergy resident at the court, be invited, even they had no unquestionable right to attend. The same story can be told about the dukes, marquises, counts,

viscounts, *caballeros*, *hidalgos* and *escuderos* of the nobility, whose individual members thought of themselves as entitled in principle to attend, although whether they did so in practice often depended on the pleasure of the king. Such biases were reinforced by the kings' insistence that attendance was absolutely compulsory for officers of the crown, including subject-kings - a tactic that defined non-attendance as treason and therefore amounted to 'stacking' assemblies in favour of the crown.

Such biases in favour of kings made a mockery of the whole process of representation, however it was understood. Parliamentarians who considered themselves formally equal to one another in status, and who thought their authority as members of parliament stemmed from their efforts to represent the entire realm, were made to look silly. The fairy tale representativeness of these early parliaments was compounded by the fact that the voices of peasants were nowhere to be heard; that women - except for the occasional noblewoman of the highest rank - were systematically excluded; and that the earliest parliaments rarely defended their positions through political theories with sharp teeth, along the lines that Montesquieu, François Guizot, John Stuart Mill and others would later develop, during the eighteenth and nineteenth centuries. The early parliaments preferred to look back, across their own shoulders, to ancient customs and privileges, which they doggedly refused to modify. It was as if they misunderstood their own novelty, or that they failed to realise their own potential. And despite the fact that bodies like the *cortes* of the Spanish kingdoms of Aragon and Catalonia planted the life-giving seeds of at least two notions of representation, in practice they suffered from several life-threatening ailments that they failed - to their cost - ultimately to heal.

Put simply, the *cortes* of the Spanish kingdoms never became *democratic* institutions, even in the minimal sense that the estates and the monarch were equal debating and deciding partners. The crown managed not only to retain certain prerogatives, including the basic power to decide when to summon 'their' parliaments. Almost everywhere, thanks to its foot-dragging and resort to loans and imposts and alternative means of supply, the monarchy effectively resisted efforts to tie taxes and the redress of grievances into a tight knot; the right of petitioning was rarely translated for any time into the right to make laws backed by the right to refuse taxation. Not only was there no systematic victory for the principle of no taxation without representation.

There were often unequal taxation powers, as in the first parliaments of León and Castile, which found themselves compromised by the fact that the nobles and the clergy were normally exempt from taxation, the burden of which consequently was borne by the *hombres buenos* of the towns. In money matters, their representatives consequently had to fight the crown alone, potentially isolated and constantly vulnerable to defeat.

Matters were worsened by the refusal of monarchs to relinquish their broad definition of what counted as 'appropriate' taxation. Certain taxes like the tax upon sales, known as the *alcabala*, were not considered 'extraordinary', though that is how they were widely perceived throughout the realm, and especially in the towns. The isolation of the *hombres buenos* in money matters was refracted through the interest-based squabbles among all the estates. The solidarity of their representatives - obviously - was imperative if the hands of the monarch were to be tied. Yet this was not yet the era of disciplined parties operating like machines on an agreed parliamentary assembly line. There were times - the *cortes* convened in 1188 by King Alfonso IX was an example - when the nobility, clergy and townsmen seemed to form a united front. But things usually never went so smoothly, sometimes because power-hungry monarchs stirred up trouble, in order to divide and rule from above. There were disputes over the basic meanings of representation. The estates often failed to see eye to eye. Rivers of mutual envy and hostility often swamped the nobility and clergy and townsmen, sometimes to the point where kings must have privately cackled at the riotous disorder that sprang from jealously guarded provincialisms. Particular estates sometimes even quarrelled badly with themselves, with tragic-comic consequences. One example: in 1645, a late-night session of the *cortes* of Valencia was interrupted by a noble who complained of fatigue and demanded his right to go to bed. His right was suspended after a crusty and irritable baron rose before the assembly to demand that 'that idiot be thrown into the street', which is what then promptly happened, amidst uproar.¹⁶ On more than one occasion, the divisions within estates proved utterly self-destructive, as happened in the two-and-a-quarter century (1348-1570) struggle for supremacy between the towns of Burgos and Toledo, whose representatives several times had to be physically restrained by the king's men. One year's session (1506) of the Castilian *cortes* was even suspended after the

representatives of the two towns ‘all arose and shouted at one another so loud that not a word could be understood.’¹⁷

Nature and Representation

Amidst all the scrambling and shouting that marked the long history of struggles for parliamentary representation, it is important not to lose track of a vital fact: that parliaments were not always the prime cog within the machinery of dynamic institutions that later came to be called representative democracy.

The invention of parliaments in Europe was of fundamental historical importance, certainly. They were indeed destined to become prime symbols of democracy, but during the long - ten centuries long - transition towards representative democracy, parliaments were not always at the epicentre of things. Many times the decisive action took place elsewhere. Untold numbers of otherwise unconnected events, characters, movements and organizations joined hands in creating the institutions of representative democracy, often without having that intended consequence. Regional assemblies, independent judiciaries, territorially defined states, church councils, petitions and covenants – as we shall see shortly – proved to be decisive inventions. Representative institutions were shaped as well by non-European forces after being transplanted across the oceans, say, to the colonies of North America and the Caribbean, Australia and New Zealand. The overall picture is decidedly messy, but still there is one general point that cannot be overstated. It is this: representative democracy only happened because parliaments were outflanked by political and social forces that gave them hefty nudges, pushed and elbowed them, from outside and from below, so forcing these parliaments to accept the universal entitlement of ‘the people’, women included, to elect their own representatives.

Parliaments as we now know them were typically the product of extra-parliamentary forces. These pressures eventually conspired to infuse representation with the principle of political equality, but they cannot be described in terms of the heroic struggle for emancipation of some body called ‘the People’. That way of thinking about the emergence of democracy in Europe is plain wrong. It so simplifies matters that it loses contact with all the fascinating fusion of forces that dragged Europe

towards much more democratic forms of representative government, sometimes with stunning success.

Here's a spicy surprise: nature itself sometimes conspired to democratise the patterns of representative government. It did so by supporting peoples of the countryside in their struggles to govern themselves with the help of local intermediaries, despite whatever parliaments elsewhere decided. In the half-frozen, quick summer farmlands of Scandinavia, for instance, many communities developed representative forums called *tings*.¹⁸ They functioned as channels of representation through which local complaints flowed to higher political authorities, sometimes by way of higher-order *tings*. Until its military conquest in 1398, the island of Gotland, for instance, had twenty functioning local assemblies that elected representatives who met to decide laws at the island's general assembly, called the *landsting*. Farming communities in southern Germany invented similar networks of representative forums for discussing and resolving local problems, if need be by badgering the higher crown authorities. In the Iberian peninsula, in the 'huerta' of the river valleys of drought-prone Murcia and Catalonia, farmers meanwhile developed crop irrigation systems that were maintained by organisations - water tribunals - that had their own legal jurisdiction and were monitored by the farmers themselves, through meetings of the kind that are still held today in the north porch of the cathedral of Valencia.

In neighbouring Castile, an association of cattle owners (it was called the *Honrado Concejo de la Mesta*) was recognised in 1273 by King Alfonso X. He granted the owners the right to graze their prized merino sheep freely along prescribed drove roads, some of which stretched hundreds of kilometres from high mountain summer pastures to winter pastures on the plains. The twice-yearly mustering of huge herds required the construction of an elaborate system of bridges, drinking troughs and resting points. It required as well huts and hermitages, counting places (*contaderos*), shearing stations and wool laundries – all of which had to be kept in good working order. That was the job of the shepherds themselves, who formed themselves into a Castilian association and governed themselves through mobile assemblies; these councils of representatives (locals called them *mestas*) met two or three times a year, in different locations, according to the season. These councils dealt with such matters as the price of wool, the identification of stray animals, and the condition of the

pastures and facilities. Transhumance bred politics by representation. The association, guided by the councils of representatives, levied its own taxes on its members. The revenues were used to pay the crown's officials, who kept a close eye on the shepherds' privileges. A portion of the taxes was paid directly to the Castilian monarchs, which obliged them to negotiate directly with the association over pressing wider issues, such as the shepherds' exemption from wider military service, rights of pasturing and threats to the safety of humans and animals and pastures posed by the ongoing war against the Moors.

In each of these schemes, it was as if the world of nature itself had political rights – that it was blessed with a voice that prompted local people to take care of nature by finding ways of representing it and governing themselves. To speak as if nature favoured political inclusion is of course only a way of speaking. But it serves to pinpoint the manner in which shepherds and farmers were deeply mindful that their labours would be in vain without heeding nature's powers – and without getting others to do the same. The common European custom of peasants bringing animals, plants and vegetables into local courts for the purpose of settling ownership disputes was driven by that same kind of logic. So too were the powerful water boards or water trusts (known as *waterschappen* or *hoogheemraadschappen*) that sprang up in the low-lying parts of the North Sea coast, during the twelfth century.

Subject to periodic flooding, villagers tried to protect themselves and their fields by raising dykes and digging drainage canals. The reclamation and protection schemes involved much hard work; so too did their subsequent upkeep. Banding together as equals, villagers (probably male heads of household) handled the schemes at first through self-governing associations that elected a water board. Each landowner was entitled to one vote. The trustees they elected were charged with the upkeep and management of the dykes under the leadership of an elected 'dyke count' (a position that has survived until today in the Netherlands). Later, during the thirteenth century, these local boards held hands and linked arms to form regional water boards charged with the task of responsibly supervising the large-scale schemes for protecting men, women, children, animals and crops against the sea and its mood swings. Regional princes sometimes tried to interfere, but that was exceptional.

The interesting thing is that the water boards enjoyed substantial rights, including the power of their representatives to levy taxes, to operate courts of justice and to enforce the laws. In some coastal areas, particularly in Friesland, Holland and Utrecht, the land sagged so badly, well below sea level, that the water boards were transformed into complex organisations staffed with officials experienced in the arts formerly monopolised by the right hand of Moses. They wielded great power and correspondingly (much of the evidence on the ground has been swallowed up by the seas of time) political battles for control of their resources were common. As in the Spanish kingdoms, questions about the work of representatives and the meaning of representation surfaced. In Zeeland, Flanders and elsewhere, there were complaints about the way poor decisions of some water boards increased flooding by the sea. Water board representatives were sometimes accused of selfishness. And there were calls for the stricter observance of the principles of proportional sharing of benefits and burdens by everyone, including wealthy property holders who tried to manipulate the boards to serve their own propertied interests.

Sanctuaries of Freedom

These examples show that rural Europe deserves a proper place in the history of efforts to popularise the principles and practice of representative government. Yet although representative mechanisms flourished in many parts of rural Europe, their power was hampered not only by internal rifts, but also by the harsh facts of country life. History was against rural self-government. It was to suffer from limited accumulations of capital, restricted access to wider markets and the constant vulnerability of country people to outside interference, especially by well-equipped armies that with ease could physically overwhelm thinly populated farmlands. For these and other reasons now to be explored, it turned out that towns were much more hospitable towards experiments with new methods of representative government.

The pattern was evident within the flourishing frontier towns of northern Spain, including León, which enjoyed a vigorous form of self-government, but the trend was far more widespread. From the time of the eleventh century, especially in northern Italy, the European region witnessed a great urban revival. It came to be symbolized by bustling towns like Bruges and Genoa, Nuremberg and London, Antwerp and

Barcelona. Never mind how it happened (the prime cause was rapid population growth in the countryside and the advent of a surplus and footloose labour force triggered by the outbreak of peace and intensive cultivation of the land). The important thing to note is that in terms of the history of representative democracy the influence of these and other European cities was out of all proportion to their numbers of inhabitants. Around the year 1500 - census data is unreliable, and far from comprehensive - only one tenth of Europe's population lived in towns, most of which were tiny by today's standards. There were only three or four cities with populations of more than 100,000 – Naples was the largest – and only about 500 cities with more than 5,000 inhabitants, most of them shadowed constantly by death caused by harvest crises or epidemic diseases.

Despite their limited numbers and small populations, cities functioned as laboratories of power. They were places where experiments were conducted in matters as diverse as architecture and theatre, scientific invention and family life, and the production and consumption of new market commodities. Cities were also places where much energy was expended in creating new forms of self-government. The freedoms they brought no doubt had to be fought for. The bitter and protracted struggles of the Lombardy towns against the emperor Frederick Barbarossa during the twelfth century soon became legendary. So too did early town leaders like Cola di Rienzi (c. 1313-1354), the subject of a famous opera by Richard Wagner. The Roman-born son of a tavern keeper, Rienzi was a rabble-rouser who taught himself stories of the glories of ancient Rome. He trained as a notary, and dedicated his short life to rebuilding the independent power and reputation of his native city, which he managed for a time to do by playing off popes and princes. In May 1347, he declared himself tribune of the sovereign Roman people, some of whom eventually ganged up against his bombast and cruelty, first by attempting to burn down his capitol, then by capturing him as he tried to escape in plebeian garb, after which he was stood before a huge crowd and his body cut to pieces by a thousand daggers.

Every European town seemed to have its own (usually milder than Rienzi) champion. The local freedoms won by their 'good men' citizens normally depended upon the backing of princes and kings and (in the case of a town like Nuremberg) the Holy Roman Emperor, who granted the cities charters in return for various benefits,

including favourable tax arrangements. Cities were often given permission to protect themselves by walls punctuated by gates and watchtowers; some cities even had elaborate systems of fortifications, with bastions and outer works. Hemmed in by a dense jungle of estates and churches and monarchies, cities resembled armed strongholds, and that – ironically – enabled them to become sanctuaries of freedom from arbitrary exercises of power.

How exactly did this happen? The very short answer is that European towns were the first places in the world where large-scale forms of market exchange blossomed. Towns nurtured market interactions in strange combinations of proximity and distance, new money-driven networks and encounters among many different actors, within specific times and places. They carved up old communities into a thousand pieces, and they did so by activating new modes of money-fuelled mobility, long-distance trade and other types of market-driven social interaction. The combined effect was to link together the quite different Europes of (say) the Mediterranean, the Atlantic, and the Baltic regions. Although the distribution of European towns was highly uneven, with the weakest patterns of urbanisation in Russia and the strongest in the Low Countries, they were typically linked to each other in networks, or archipelagos stretching across vast distances. In opposition to feudal lords and princes, cities had an interest in mutual co-operation. Barcelona was a leading example. During the thirteenth century, it cultivated long-distance networks that stretched through the western Mediterranean, with settlements in Sicily, Sardinia and the Balearics. It had consulates as well in Oran, Tunis and Bougie. The collective body known as the German Hansa did much the same thing. Springing from an association of trade associations in the area around Lübeck, Westphalia, Saxony and Prussia, it was first formed in 1356 to protect the trading interests of merchant citizens. Backed by a network of commercial courts, it later grew into a powerful league of almost two hundred towns stretching from Novgorod through the coast of Scandinavia to the Low Countries.

Wherever these urban archipelagos thrived, they functioned like magnets that attracted strangers fascinated by their well-lit hustle and bustle, their higher wages, and their real or imagined freedom from a hostile political order dominated by feudal lords, bishops and nobles. Cities attracted outlaws, who swore oaths, *coniurationes*

(‘swearing together’) in which they confirmed that they would stand tall with their own townspeople; after taking an oath, they acquired freedom under the town’s laws after living there peacefully for a year and a day. Law-making and adjudication powers were vital to free towns, which supervised their own affairs in ways that laid the foundations for independent judiciaries, which were to play a vital role in all representative governments.

Within the towns that arose out of the European countryside, disputes were typically handled by magistrates with sharp teeth and tongues that talked of the importance of the public weal (they used Latin phrases like *utilitas publica* and *bonum commune*). During the twelfth and thirteenth centuries, the towns of northern and central Italy experimented with new methods of ensuring that their magistrates kept open minds as well. They did so by employing an independent judicial officer (called a *podestà*), a legal representative who was brought in from the outside for a six-month period, required to swear an oath on the town’s statutes and regulations, and asked to assess the performance of the local magistrates. Some towns, thirteenth-century Bologna for instance, set up committees of legal scholars saddled with the job of making sense of the maze of accumulated laws deposited in the town’s eighty-five statute books. Many cities grew jealous of their legal power to define who was a citizen (citizenship was usually acquired by birth, marriage, merit or by paying a fee). Cities organised the swearing-in ceremonies for new citizens, who were expected to cultivate a sense of civic belonging and duty towards others – in return for the enjoyment of civic privileges, including the right to be put on trial only in one’s own city.

Cities meanwhile developed laws that strictly prohibited feudal customs of rough justice and retaliatory violence. Chivalry was adjudged no friend of urban freedom. ‘If anyone pursues a fleeing enemy to the vicinity of a town’, ran a proclamation for Rhenish Franconia issued by the emperor Frederick Barbarossa in 1179, ‘then he must throw away his lance and his weapons at the town gate. In the town he will be required to declare under oath that he came into the town not of his own will, but by the strength of his horse, otherwise he will be held to be a peacebreaker.’¹⁹ Around the same time, Ghent and other towns in Flanders banned acts of violence. They adopted strict laws, backed by harsh penalties, prohibiting the general bearing or public display of swords and other weapons by all citizens except merchants in transit,

judicial officers or town residents about to travel out of the fortified city. Some towns even moved to ban cruel punishments. With the permission of the count of Flanders, the citizens of Ypres replaced trial by combat and ordeal by ducking and hot irons with orderly trials, in which plaintiffs were entitled to draw upon five honest witnesses under oath.

City Republics

The flight from arbitrary laws, violence and serfdom added to the feeling that towns were unusual clumps of people engaged in a multitude of legally permitted tasks, living in houses close together, often joined wall to wall with buildings like churches, chapels, city halls, granaries, warehouses, hospitals and almshouses. The towns resembled some new kind of tension-producing engine. They seemed to recharge life by adding motion to its elements. It felt as if town-dwellers were perpetually on the move. They travelled regularly to and fro among built-up areas and regularly spent only part of their lives there. During harvest-times, for instance, artisans and others typically abandoned their trades and houses for work in distant fields. The constant rumble of wheeled carriages, the weekly or daily markets, and plentiful trades added to the sense of motion through space. Town-dwellers bumped into water-carriers, floor polishers, sawyers, porters and chair carriers. They rubbed shoulders with peddlers, rabbit-skin merchants, wigmakers, barbers, cobblers, domestic servants. They encountered a floating population of paupers and thieves and unskilled labourers, who lived in small rented quarters and supported themselves by performing the menial tasks - carrying, digging, transporting and animal tending - that abounded in a pre-mechanized society. All these occupations, together with ethnic and religious minorities, came across members of the better sort: merchants, some of them very rich, masters, mercenaries, engineers, ships' captains, doctors, professors, painters, architects, all of whom knew what it meant to travel through time and space.

The winding, twisting layout of towns added to their dynamic feel. Medieval and early modern Europe was one of only two civilisations – the other was Islam – that fashioned large towns with an irregular maze of streets. What was different about towns in Europe was their enjoyment of much greater freedom from a clutter of ruling political authorities. The world of Islam, we have seen, was the inventor of

institutions of civil society - symbolized by the mosque and the *waqf* and the economic partnership - under the imperial rule of caliphs. Within the European region, civil society institutions also sprang up, but there they were principally the children of city life and its markets. Local merchants, traders, craft guilds, manufacturers, and bankers formed the powerful backbone of a long-distance money economy capable of dictating or co-deciding the terms and conditions on which princes, popes, bishops and monarchs ruled. Seen in this way, urban markets were the cuckoo's egg laid in the little nests of the medieval towns. These nests were woven from a complex variety of non-governmental institutions, such as households, religious sects and guilds. Self-organised guilds were especially important sources of the new freedoms. The guilds achieved much more than protecting their members' livelihoods. Their principal purpose was to control the production and exchange of commodities. Guilds regulated the way apprentices became journeymen and journeymen became masters. They prevented the manufacture of goods by non-member craftsmen and merchants in the surrounding countryside, or within the city itself. Yet the guilds also nurtured the arts of self-government. What these unions aimed at was not the 'high politics' of a share in government - the great matters of the whole realm - but the protection of their members' interests, by acting as a self-governing body that elected or appointed their own representatives. Like other non-governmental 'societies' rooted in market structures, the guilds helped to nurture something new: unfettered social space within which concentrated political power could be checked, criticised and generally held at arm's length from citizens who no longer considered themselves the property of others.

Seen as a vital move in the twists and turns that led to the invention of representative democracy, towns were remarkable because they prompted fresh political thinking about city life, and its connections with the wider world. Republicanism was unquestionably its most potent product. It was a visionary style of politics; it hatched a new language that celebrated free city states and pondered how they could best be preserved in a world bristling with armed enemies. Republicanism found some inspiration in idealised versions of the small Greek citizen states; but it took sides especially with the presumed virtues of the Roman republic. Republican language was hostile to monarchy, which it usually equated with tyranny; and friendly towards free cities run by citizens who refused to be subject to arbitrary exercises of power. But

republicanism was anti-democratic, minimally in the sense that it peddled the hackneyed image of democracy as mere fun for the riff-raff. Yet such were the times that republicans curiously championed arrangements that later became vital conditions of representative democracy. The state (*lo stato* Machiavelli called it) was one of these institutions. Through a bold leap of political imagination, the republicanism that first sprang up in the medieval towns of northern Italy helped shape the image of the state as a type of institution that is separate from both the ruler and the ruled, an anonymous body that consequently functions as the supreme political authority that guards over a defined territory and its inhabitants. This territorial state was later to become the power container of representative democracy, so it is to republicanism that democracy owes a linguistic and political debt. It is ironic that Machiavelli, against his anti-democratic intentions, turned out to be one of the first republican thinkers to begin the mental leap so vital for the invention of representative democracy. Like later democrats, he spoke for instance of politically dangerous moments when not only ‘the state has need of its citizens’, but those in charge must fend off conspirators and overawe enemies by mobilizing ‘the majesty of the state’.²⁰

There were other sweet affinities between the two bitter foes. Since republicans knew well that such an arrangement of impersonal power could easily degenerate into tyranny or oligarchy, they called for checks and safeguards on the state. They usually rejected monarchy because they were convinced that government was in principle the common business of its citizens. Republicans saw the importance not only of written constitutions and representative assemblies - some favoured annual parliaments - but envisaged as well a variety of other institutions that would so diffuse power that, as Aristotle taught them, citizens could rule and be ruled in turn.

Republicans disagreed about which other institutions should be given priority. Some favoured limited-term government and fair trials by citizens’ juries. Others thought mainly in terms of military prowess and glory, and not a few were adamant that a citizens’ militia, rather than a standing army, was an indispensable condition of the freedom of cities. In the context, the differences seemed less important than the overall agreement among virtually all republicans that the cultivation of a spirit of citizenship was of primary political importance. Free cities needed citizens who were

free: public-spirited individuals who thought of themselves as equal members of a political community that protected their entitlements and secured their obligations to their fellow citizens.

The People?

Many republicans liked to talk of citizens and ‘the people’ without so much as a hint of breath between the two words. The two were commonly understood as synonyms, and this naturally raises the Greek question of what republicans meant by ‘the people’. Who exactly were they?

The query is easily dealt with, for to put matters bluntly, the fatal flaw within early republicanism lay in its elitism. With few exceptions, it had no time or patience for the vast majority of the population - women and those without property - except in their capacity as quiet complainants, or as chattels of courageous, patriotic, public-spirited men distinguished by their patriotic willingness to tame their private interests in property for the common good, if necessary by taking up arms in defence of the state. When republicans referred to ‘the people’, as they grew ever more accustomed to doing, they usually meant men like themselves - citizens who were soldiers, councillors, property owners and fathers rolled into one. Republicans continued to speak that way well into the eighteenth century. Listen to the words later used by the great American republican, John Adams. The queue of adjectives he formed when analysing ‘the people’ was normally reserved by his fellow New Englanders for when they spoke of God: ‘all intelligence, all power, all force, all authority’, he wrote, ‘originally, inherently, necessarily, inseparably, and inalienably resides in the people.’²¹ That way of speaking, suitably distilled for public consumption, was to reappear as ‘We, the People’, the first three words of the American federal constitution adopted in Philadelphia in mid-September 1787.

The forgotten democratic language of the people was reinvented by the republicanism that first came to life in the cities of northern Spain and northern Italy. Here was yet another honeyed irony. By going on about ‘the people’, early republicans helped unwittingly to breathe new life into the dead language of the *dāmos* and the *dēmos*, which is to say that republicanism secretly colluded in later efforts to resuscitate the

lifeless language of democracy, to give it self-assurance in entirely different historical circumstances. In another way, republican thinking had the unintended effect of nudging the European world towards representative democracy. Since its talk of ‘the people’ was two-faced - ‘the people’ excluded most flesh and blood people - early republicanism stood on the wrong side of popular power and the principle of universal equality. It was to pay for this mistake, for it stirred up political trouble about who exactly was entitled to own the mechanisms of government. And so, unwittingly, it prompted reactions – rebuttals, rebellions, revolutions – that paved the way for the democratisation of citizenship.

Its elitism was not by chance. Early republicanism was an ideology whose language reflected the oligarchic power relations of the emergent towns. Far from being havens of equality, they were dominated visibly by social elites, normally comprising merchants and some professionals, notably lawyers. Large cities, such as Nuremberg and Venice, even had a higher stratum of patrician families, whose members were no longer active in trade but lived off their investments and fancied themselves as aristocrats. It is easy to spot exceptions to this trend. Bustling Barcelona was among them. In 1387-1388, it was granted the right to govern itself by King Juan I. The city went on to wield considerable power against monarchs – so much so that there were times when the kingdom of Catalonia (of which Barcelona was effectively the capital city) resembled an elected monarchy. Its seat of royal power was often made to feel the sharp teeth of the city’s elected representatives (called *síndicos*), who governed through a body called the Council of 100. Its method of public election, at dusk or dawn in the main square of the city, was by a show of hands of the majority of the assembled male heads of households.

Barcelona was not however typical. The general rule was that European cities were initially not havens of open democratic government; they became so, if at all, very late in their history. From their beginnings in the eleventh century, typically, cities were governed by a single council, which held a monopoly of executive, legislative and judicial power. Cities like Venice, which had (among republicans) a much-admired complex system of interlocking councils, with a leader (*doge*) and a senate, were rare. City mayors sometimes rotated in and out of office, but council members generally served for life. Occasionally, councillors were elected and sometimes a

certain number of seats were reserved for particular constituencies, such as guilds and neighbourhoods. But in most cases, when a seat on a council became vacant through death or retirement, the sitting councillors themselves decided the replacement. Research on the social background of these urban councils shows that the end result was usually the same: council members were typically among the wealthiest inhabitants of the city.

The new towns strengthened the hand of town-based market wealth at the expense of status based on pedigree. Market wealth also changed the composition of the councils. Whereas the earliest councils were typically composed of merchants, proprietors and wealthy craftsmen, by 1550 rentiers and lawyers came to occupy council seats in the town hall. In some Protestant cities, so too did clergymen, who sat with council members on consistories that defined and enforced policies about marriage arrangements and personal conduct. Virtually all councils were male preserves. City women from notable families could inherit and sometimes own property and engage in certain forms of economic enterprise, but they were normally excluded both from decision making in the guilds and from membership in any of the governing councils. The net effect of all these factors ensured that the urban councils resembled plutocracies: highly conservative institutions run by men from a few notable families who prided themselves on their honesty and civic uprightness.

Buckler and Friend

The tremendous power wielded by these urbane plutocrats did not make them invulnerable. Kings and princes constantly tried to poke their noses into the affairs of municipal government, for instance by installing their own officials or extracting new taxes. From the time of the eleventh century, urban leaders had struggled to assert their autonomy from state rulers. But by the sixteenth and seventeenth centuries, on the see-saws of power, the growing fiscal and military resources of these rulers served as weapons in the struggle to rein in the local urban bodies. A few cities, such as the free towns of the Holy Roman Empire, vigorously resisted. Some cities, Venice and Florence among them, took advantage of the weakness of their local monarchs to turn themselves into armed states whose ruling elites called themselves republicans. Elsewhere, urban oligarchs often saw the advantages of cooperation with princely

governments, sometimes to the point where the two groups were fused into a single urban oligarchy comprising households run by wealthy men who had no special feelings of responsibility for those they ruled.

But things did not always run smoothly for city oligarchs. Since municipal governments never had professional police at their disposal, instead employing a few constables or beaules, they normally depended upon the co-operation of civic militias and neighbourhood watches organized by citizens themselves. The threat of an armed citizenry that expected to be treated decently, with public respect, often functioned as a major drag on arbitrary power. Most magistrates and councillors feared a crowd of citizens in the marketplace, armed with torches, bucklers, poles, guns and knives. Oligarchs knew in their guts that they could govern effectively only by heeding the interests of the rest of the city's householders. In an era still without periodic elections, striking a balance proved difficult. There were times when excessive taxes or unwelcome policies caused uprisings. Council members were given a serious fright; or they were actually thrown from office, in the name of established customs and the principle of resisting arbitrary government.

A sign of rowdy things to come was the armed uprising in 1254 led by the coppersmiths of the town of Dinant, in the Meuse Valley of Belgium. They proclaimed their right to govern their own affairs and decorated themselves with a bell and a seal. The town was slapped under siege and the rebellion was soon crushed with an iron fist that bore a different seal: that of the 'greater folk' of town merchants, soldiers of the local nobility and the bishop of nearby Liège. Sporadic uprisings of the region's weavers, metal smiths and assorted urban craftsmen persisted, for half a century. They culminated in the dramatic events that have come to be known as the Matins of Bruges. On May 17th, 1302, under cover of night, Pieter de Coninc, an obscure Flemish weaver from Bruges, led an uprising of wool workers disgruntled by the interference of the French monarchy with their trade, and by their subsequent loss of control over supplies of sheep's wool from England. The guildsmen seized the town church and rang its bells. They filled the streets with cries of *schild en friend!* ('buckler and friend') and *des gildens friend* ('friend of the guilds!') in support of Coninc. Knowing that such Flemish phrases were tongue twisters for the French king's troops garrisoned in the town, the rebels began to comb through its streets, in

search of their opponents. They turned on the French king's soldiers, the aldermen and their local patrician allies; many of them were massacred before order was temporarily restored. A few months later, at the Battle of Golden Spurs, the king's troops were again routed.²²

For the next several centuries, revolts of the 'lesser folk' of European towns erupted regularly. Commoners tried to keep alive memories of resistance - and of its violent repression - so that something like traditions of urban revolt sprang up in various parts of Europe. The inhabitants of many towns usually paid heavily for their habits; and their resistance was normally spasmodic, and very often in vain. To say this is not to put the urban resisters in the same camp as Robin Hood bandits, rural secret societies, peasant millenarians and other groups that clung to the landscape of Europe, then to condemn them all as historical misfits and failures because they did not conform to some or other well-composed scheme of interpretation, influenced for instance by Marxism. That way of condemning as 'primitive' or 'archaic' commoners who socially resisted power should be shown the door within any history of democracy. It does not belong because it condescends. And it ignores the fundamental point that these rebellions typically paralysed themselves because they lacked their own political language. The revolts were just that: provoked by random happenings and motivated by yearnings to cling to established customs by teaching others a lesson, not by dreams of changing the rules by which great matters of government were decided. Not surprisingly, these urban and rural rebellions failed to bring about long-term changes in favour of the poor and the downtrodden. Something more than plebeian revolt - or representative parliaments convened by monarchs, rural pressures and urban republicanism - was needed to push Europe towards representative democracy. Urban revolts, Robin Hood banditry, rural secret societies and peasant millenarianism were one thing; building institutions that acknowledged the rights of 'the people' to elect their own representatives was quite another.

Democracy and the Cross

In mapping the many pathways that led to representative democracy, we have so far seen the importance of the invention of parliaments, and the influence of representative bodies that sprang from both countryside and town. We have looked as

well at the pivotal significance of the republican defence of civic belonging within territorial states, and at the disappointing early efforts by commoners to add a human voice to the principle that 'the people' ought to govern themselves. All these pathways bring us to another crossroads, and another surprise. For the critical force that gave impetus and direction to the different and conflicting trends we have so far examined was inspired by images of suffering and death of one man on a rocky, windswept hill called Golgotha, one thousand years before. Modern representative democracy, as it would come to be called, had the spirit of medieval Christianity written all over its institutions. Without Jesus, there would have been no representative government, or representative democracy, if by that is meant what many of its Christian progenitors meant: a new way of handling political power based on a lengthy list of principles, such as the right to resist tyranny; the civil right to petition for good government; a free press; popular elections; limited terms of office; and the abolition of monarchy, if need be by public execution.

The Christian genealogy of modern representative democracy is today not a fashionable topic, certainly not as it was a generation ago, when democracy as such was forced down on its knees. But never mind fashion, because the subject of religion is unavoidable in any fair-minded account of democracy during its second historical phase. It is naturally a controversial matter. With good reason, Christians of this period are accused of stoking the fires of bigotry and violence, conquest and subordination. But that is only half the story, which remains poorly understood, beginning with the vital role played by the Christian churches in spreading the practice of office-holding - a practice of fundamental importance in the emergence of the representative form of democracy.

Today we take for granted the custom of someone being appointed to an office for a defined purpose, often for a specified period of time. We shouldn't, because the custom is a delicate one, with old and tangled roots. They stretch back to such institutions as the Babylonian courtier and priest, the elected magistrate of the Athenian polis and the mosque-minding *muezzin* of the Islamic world. The Roman Empire similarly created and nurtured offices that were linked to administrative units, some strongly defined by territory, and by a distinct hierarchy of official competencies and functions. In the centuries that followed the break-up of the Roman

Empire and its mutation into Byzantine rule, the Christian Church based in Rome both preserved and greatly developed these practices. It did so to the point where the principle of holding office for a time, for the purpose of serving a higher cause, was to take root in many other kinds of secular organisations, including government itself.

How did the Church make this happen? A vital clue is provided by the fact that it was the only medieval institution fuelled by universal aspirations to control the whole European region. Held together by attachments to God, law, property, the Latin language and, of course, the yearning for power over others, it was a sprawling organisation whose co-ordination depended upon, and expanded, many Roman imperial structures. There are plenty of examples of how the Church did this. During the fourth century CE, when it began building its own power structures, it set up its capital in Rome, the former imperial capital. The Church created administrative bases in the old provincial capitals, called *civitates*, from where the hands of bishops reached out to touch and cure souls. It also replicated the hierarchical divisions, created by the emperor Diocletian in 292 CE, of prefectures, dioceses and provinces, each governed by officers responsible for carrying out certain predefined tasks. Then it added its own version of offices and officers. The so-called *curia* was an important case in point. These were high-ranking administrators and jurists who thought of themselves as men of God responsible for assisting the papacy and bishops of dioceses. Notaries, deacons, court advocates, judges and other members of the *curia* held well-defined ecclesiastical posts. They were expected to perform their well-defined duties – and to measure themselves against well-defined role models, like the mediaeval Church's favourite, the ex-shepherd King David of ancient Israel (2 Samuel 7: 12-16), who was said to have shown Christians how to live, how to repent and how to depend upon God during times of adversity.

Because of its canonization of figures like David - paradoxically - the Church stood at right angles to purely personalised views of power. It rejected, for instance, the personification of leadership by Muslims who accepted the rule of the caliphate. The Church was also opposed to the kind of rule by personal deals, table talk and servants that was common among the Germanic and Slavic peoples and the equestrian tribes that conquered parts of the Balkans and central Europe. Church views of office holding implied an entirely different - a much more 'depersonalised' or 'disembodied'

- understanding of how power should be exercised. Individuals who held office within the sprawling structures of the Church were supposed to abide by its norms and its laws. Inspired by the precedents set by the Bible and Roman law, the Church was the great upholder of legal codes and legal ways of doing things. Long before modern western states copied their ways, popes ruled through church laws and, during the eleventh to thirteenth centuries, they spearheaded a drive to draw together and systematize the jumble of published canons and decrees. The Church expected its servants to accept its jurisdiction, and to abide by its laws, down to the tiniest details. That meant that all office-holders – cardinals and jurists, notaries and provosts, monks and friars – were expected to hold their office and perform its duties within the bounds of Church law. Individuals who held office were supposed to have a well-defined sum of qualifications that enabled them, on the basis of the well-defined duties of the post, to exercise power. In doing just that, they were subject to the rule that if and when they fell below the level of stated qualifications, or exceeded or violated their duties, they could and should be dismissed.

The appointment to a legally defined office always entailed defined rewards. Although the Church preached the virtues of poverty and the importance of giving, it guaranteed its lower office-holders gifts, rents and prebends, or simple means of subsistence. Holders of higher office were normally entitled to the fruits of a chunk of land and the feudal rights attached to it. The income or support so received - it was called a *beneficium* – was not seen as a gift. To take up an office was to gain material security, on condition of the faithful performance of a specific set of tasks. The point was that office holding carried with it certain expectations and obligations. That in turn meant that an office resembled a de-personalised or ‘disembodied’ role; it was not identical with its holder. Jobs and persons who did jobs were not the same. To hold an office was not to ‘own’ that office – not even when the office was held for life. On the contrary, office holding was a contingent matter because it implied the ongoing possibility, subject to certain procedures, of removal from office. The removal rule, let us call it, was a basic ingredient of what later came to be called bureaucracy. Yet it had equally strong affinities with the theory and practice of modern representative democracy. Think for a moment of elected city mayors, or members of parliament who are elected for a fixed term of office, or presidents who are voted out of office, or forced to resign. Each one of these political roles rests upon

the old Christian presumption that office holders are not synonymous with their office, that they do not privately ‘own’ their position, that every holder of political office, from the most humble to the most powerful, are in post only for a specified time – such that, in a representative democracy, ‘even the president of the United States Sometimes must have To stand naked’.²³

Councils

Within mediaeval Christianity, even Supreme Pontiffs were sometimes forced to stand naked before their flock. Thanks to the custom of defining offices separately from persons, the Church inadvertently posed for itself a political question that would similarly trouble all representative democracies: what mechanisms could the Church legitimately (threaten to) use to ensure that those who held office did not fall into the bad habit of abusing their power by treating their office as if it were their own?

One answer was to point a finger at governments who meddled with Church affairs. This was the tactic of blaming degeneracy of the spirit on the temptations of earthly power. Its outlines can be seen in the protracted struggles that unfolded, during the years from 1075 and 1122, between the Popes and the German kings, Henry IV and Henry V. The battles, now known as the investiture conflict, illustrated one way in which the Church formulated new questions about the power of those who held political office. At the heart of the boisterous and bitter conflict was the vexed relationship between the roles of emperor and Pope. When on any matter of importance push came to shove, should the Pope kneel before the emperor? Or was it the emperor’s knee that should instead bend?

Pope Gregory VII (1073-1085) was certain that a successor of Peter would never stray from the rocky path of righteousness, in either the spiritual or secular realm. He was convinced of the primacy of popes over emperors, kings and princes. He matched his self-assurance with enthusiasm, so that in 1075, after toughening Church rulings on matters like simony and marriage of the clergy, he dealt with Church opponents of reform by rounding on both the emperor and the Church rank and file. Gregory announced that upon the death of a bishop or abbot, the power of appointing a successor would be exercised from hereon by the Pope. Henry IV reacted angrily.

Under no circumstances could he or any future emperor accept a change of the old custom according to which they, the earthly powers, conferred on bishops and abbots the ring and staff with the words: *accipe ecclesiam* (accept this Church).

Much was at stake. For well over a century, bishops had been gaining power in their role as princes of the empire, as privileged feudal lords over great stretches of territory, as props of imperial power, as potential threats to the power and authority of the Pope. Not surprisingly, the respective positions hardened. Henry IV defiantly carried on appointing bishops in the lands of Germany and Italy. Gregory retaliated. At a Lenten Synod in Rome in 1076, in a prayer to Peter, the Prince of the Apostles, he delivered judgement of the emperor: 'I depose him from the government of the whole Kingdom of Germany and Italy, release all Christians from their oath of allegiance, forbid him to be obeyed as king...and as thy successor bind him with the fetters of anathema.'

There followed an extraordinary chain of events, beginning with the emperor's seeming repentance. In the depths of winter, he journeyed into the foothills of the Appenines, to the Castle of Canossa, at whose entrance he spent three days and nights, barefoot, dressed in the rags of a penitent, before kneeling before Gregory, to beg forgiveness and freedom from excommunication. Granted exoneration, cunning Henry was free once more to scheme, but German supporters of the Pope retaliated by appointing a new king, Rudolf of Rheinfelden. Henry threatened to set up an antipope, which prompted Gregory, at the Lenten Synod of 1080, to excommunicate him for the second time. That prompted his bishop supporters at the next synod to rally behind the emperor, to depose the Pope and to elect as antipope Guibert, Archbishop of Ravenna, who came to call himself Clement III. With the gap between Church and Emperor King growing wider, Henry went for broke. He launched four major military assaults on the city of Rome, which he captured in its entirety, in 1084.

His re-crowning as emperor by the antipope in the spring of that year had all the elements of a latter-day cheap tabloid farce. Among contemporaries it certainly furrowed brows and raised eyebrows. Remarkably, it prompted a flurry of writings that were widely circulated, on hand-copied parchment, especially on days when local markets or courts were being held. Usually short and sharp, they served not only to

reinforce the drama sparked by the protracted rifts over investiture between Church and empire. In matters of power, the writings also tabled fundamental differences of principle - and streams of dissent that fed the upper tributaries of modern representative forms of government.

The most remarkable development was the savage row sparked by supporters of the emperor who insisted, in the most militant language, that monarchy was God's gift to the world. Some believers drew from this the worrying conclusion that to Him alone is any king responsible, while the Church, if it wanted to retain its purity of spirit, had no business in matters of government. As the totality of the faithful, bonded together in one society by the Word of God and the spirit of love and peace, the Church was entitled to bear only the spiritual sword. It is forbidden to muck with temporal power. Influential royalist arguments of this kind flooded the Christian scene, as can be seen in the anonymous pamphlet *Liber de unitate ecclesiae*, a work that appears to have been written by Lampert or some other monk from the eighth-century abbey of Hersfeld in Hessen, in central Germany.

The royalist reasoning of such works caused twitching in the Church. Some men of God called for compromise. Gregory himself commissioned Cardinal Deusdedit and Anselm, Bishop of Lucca, to compile collections of canons, in support of the Church's role in earthly affairs. The most radical replies to the emperor came from deep down within the Church – from the monastic orders that formed its grass roots. That was no coincidence, since the monasteries were spaces wherein men and women, living frugally as charitable equals by grace of God, were able to ponder right ways of living. They were often unusually sensitive to matters of governance and obedience. They knew well the standard advice given to superiors - 'Let him admonish the unruly, cheer the fainthearted, support the weak, and be patient toward all' (1 Thessalonians 5: 14) - though exactly what should be done when superiors like abbots and abbesses transgressed the limits of their authority remained unclear. Monks and nuns were familiar with the admonition of St. Augustine to all who held positions of power. 'The superior', he had said, 'must not think himself fortunate in his exercise of authority but in his role as one serving you in love. In your eyes he shall hold the first place among you by the dignity of his office, but in fear before God he shall be as the least among you.'²⁴ The message was clear. But it begged a barbed question: what on

earth should be done if the superior succumbed to the temptation to love and serve only himself? Pray for him? Call on him to lift up his heart and not seek after what is vain and earthly? Beg him to reunite himself with the common life?

The thunderous reply of a modest monk named Manegold of Lautenbach was that rebellion against tyrants is obedience to God. Working at night by candlelight from a secret refuge on the edge of the Black Forest, near his own small monastery that had been wrecked by soldiers commanded by the Holy Roman Emperor Henry IV, Manegold stood firmly behind Gregory VII. Manegold worried that calumnies against the pope were being ‘echoed in the streets, shouted in the market place, and even gossiped about by women at their spinning’. So he crafted a reply to Gregory’s critics, in the form of a polemical parchment letter to Bishop Gebhard of Salzburg. Later named *Liber ad Gebhardum* (1085-1086?), it is not an easy read. Weighed down by quotations from Scripture, papal decrees, adjectives and the insistence that Henry IV was doomed to hell, it nevertheless proposed a view of kingship that was utterly original for its time. Manegold put to good use Church talk of office and office holding. ‘As bishop, priest, deacon are names not of virtues but of offices,’ he wrote, ‘so king, earl, duke are names of offices and ranks, not of nature or of virtues.’ If kings were mere office holders, and not given by ‘nature’ or by God, then they could certainly be thrown from office if they strayed from their duties, as Henry IV had done. Jesus had shown the way forward in such situations. ‘For he who bade all to obey the powers, chose rather to die than yield to Nero, thus teaching us by his example that when we cannot obey God and the secular power, we should obey God rather than men.’ Gregory VII was treading the same path. He was similarly blessed with the authority to release subjects from their dependence upon an earthly ruler. Manegold was no democrat, but so comfortable was he with the old Roman language of ‘the people’ that he went on to liken cruel tyrants to a disobedient swineherd who steals his master’s pigs and perforce deserves to be sacked by his master. Giving the simile a Christian shake and twist, Manegold was clear that ‘to be a king is one thing, to be a tyrant another’. The implication was equally clear: ‘if the king ceases to govern the kingdom, and begins to act as a tyrant, to destroy justice, to overthrow peace, and to break his faith, the man who has taken the oath is free from it, and the people are entitled to depose the king and set up another, inasmuch as he has broken the principle upon which their mutual obligation depended.’²⁵

Councils

The precept that bullies and tyrants should be ousted from office was to become a fundamental principle of representative government. Manegold powerfully put the point by using fabulously florid language, which was to flourish at many moments within the Church - to the point where its whole edifice would be shaken and cracked by spiritual tremors caused by Christians who not only flung that language back in the face of the Church, but did so by organising themselves into bodies that they called councils.

Church councils may not be everybody's cup of tea today, but not to be ignored is the way they powerfully nurtured the spirit of self-government within the early Christian world.

Their historical significance is hard to overstate. Like the 'parallel' representative assemblies that sprang up elsewhere in the countryside and towns and princely courts, they helped nudge Europeans away from the world of ancient assemblies towards the new world of representative government. 'Council', as well as the originally synonymous 'synod' (from Latin *concilium* and Gk *synodos*, both meaning assembly), were words that referred to gatherings of church representatives for the purpose of discussing matters of faith and order, reaching decisions, and issuing decrees. Attended by bishops, as well as some abbots, priests, deacons and members of the lay nobility, councils were in effect special assemblies through which the church governed itself in spiritual and earthly matters. There were so many different types – imperial synods, provincial synods, patriarchal synods, plenary synods – that the medieval Church came to resemble a honeycomb of councils. Some, provincial synods for instance, were convened locally and had mainly local effects. Others, imperial or ecumenical synods, had major effects throughout the whole Christian world. All of them were supposed to enjoy equal theological status and significance. The new term 'conciliarity' (or 'synodality' or 'sobornicity', the Slavic equivalent) captured this multilayered complexity. It referred to the constant inner need of the Church to demonstrate its organic unity and visible presence in the world by coming

together in periodic or regular assemblies to pray, to confer, and to make decisions and issue binding decrees.

It is most interesting - and quite consistent with our earlier revelations about the Eastern origins and traditions of self-governing assemblies - that the first regional councils were convened in Asia Minor, and as early as the second half of the second century CE. It was as if the Church had absorbed these old traditions through the local soil, through osmosis. What is certain is that when the earliest Church representatives used the word *synodos* they were aware of its close connection with the Biblical term *ekklesia*, and that it had roots in Jewish religious practices in the time of Jesus.²⁶ But by practising conciliarity on a large scale, the early Christian church in effect functioned as a bridge that led from the world of ancient assemblies to the modern world of representation. Its nurturing of assemblies of representatives usually sprang from local efforts to broker deals in the face of tensions and splits. Councils were in effect political remedies for the violence lurking within the kind of conflicts that were triggered in Phrygia (in today's Turkey) by Christian sects like the Montanists, a band of ascetic proselytes led by Montanus and two female prophets, Maximillia and Prisca, who thought of themselves as oracles of the Holy Spirit and preached that Judgement Day was just around the corner.

Synods spread westwards, for instance to Carthage in North Africa, where they became well established during the third century, soon extending to Spain and Gaul. Convened to handle controversies over such matters as the persecution of Christians, rights of baptism and what attitude believers should take towards those who had fallen away from the Church, the councils were at first congregational gatherings. They sometimes featured dramatic performances from lay martyrs, prophets and confessors. Only gradually, for reasons that are not altogether clear, did the power to set agendas pass into the hands of bishops, who considered themselves successors of the apostles. These bishops liked to cite Acts 15:6: 'And the apostles and elders came together for to consider of this matter...' They believed themselves entitled to claim scriptural authority for their decisions, whose unanimity was guaranteed by the Holy Spirit. It is significant for our story that they also insisted that synods were the supreme authority in the Church – certainly higher than individual congregations and individual bishops, including even the bishop of Rome.

It is again interesting to note that these councils of bishops developed most quickly in the East, where they attained sovereign ecumenical status, thanks to the efforts of the early fourth-century Roman emperor Constantine, the new convert to Christianity who conquered Byzantium and re-named it 'Nova Roma', or Constantinoupolis. Constantine was convinced of the strategic importance of effectively linking together Church and empire. Church unity would promote that of empire, he thought. That is why he did something that nobody did during the early centuries of Islam. In the spring of 325 CE, he convened the first-ever imperial synod, in Nicaea, in what is today the Turkish city of İznik. Held in the imperial palace there, with the emperor in attendance, the council was attended by at least 250 bishops, who had travelled from as far as Dijon and Córdoba in the west, Egrisi in the north (near the border of present-day Russia and Abkhazia) and Damascus, Jerusalem and Alexandria to the south.

The council of Nicaea was something new. Not only was it the first ecumenical council charged with deciding matters for the whole of the Christian world. It was also the first time that Church and empire collaborated for the purpose of crafting a common governing strategy. The formula - note its parallel with the famous assembly later held at León - proved infectious, and a further six ecumenical councils were convened, all of them in the East: at Constantinople I (381); Ephesus (431); Chalcedon (451); Constantinople II (553); Constantinople III (680-681); and Nicaea II (787). These councils were in effect dalliances between spiritual and temporal power. They would bring great troubles to both parties in the centuries to come, as we shall soon see; they would have the unintended effect of hastening the arrival of representative democracy. But no one saw that at the time. Until well into the ninth century, when a great schism led to the excommunication of the Byzantine patriarch Photius, ecumenical councils were regularly summoned by the Roman or Byzantine emperors and met under their protection, and their direction. Thereafter, with the Church based in Rome and master of its own house, emperors and princes regularly struck alliances with bishops and popes, the combined effect of which was to transform council decisions of the Church into laws that were promulgated either by the empire, or by more local governing authorities.

Constance

The council that gathered at Nicaea was to spawn a movement, later called conciliarism, which forced the Church to vent its own disagreements, and to find ways of resolving them, without bloodshed. The belief in councils as a God-given device buried presumptions of Christian unity. Like the first parliament convened by young King Alfonso IX, councils actually codified divisions, and they did so by sowing the seeds of politics within the Church, through the medium of council representation. Council representatives quickly raised a political question that would eventually split the Church right down the middle, forever. There were actually two questions: who was entitled to govern this sprawling body of believers? And which means were they entitled to use?

The questions were central during the richly conflicted - some said terminally torn - General Council that got underway in November 1414, in the imperial city of Constance, in Swabia. The Council of Constance resembled a modern political party conference torn by faction, but desperately wearing a mask of unity, all the while standing before an audience - in this case, a European audience of Christian elites - tearing at each other's throats. Preparations took twelve nervous months. Prime credit for setting up the Council went to Sigismund of Luxemburg, the King of Hungary. His razor-sharp instinct for compromise through clever scheming sprang from the experience of watching his elder brother, the drunkard Wenceslas of Bohemia, make a mess and muddle of the Empire, then pay for it by being given the big boot by the Rome-based body of church cardinals known as the Electors. With the backing of Sigismund, some six hundred men of the church gathered to discuss ways of patching up the huge Schism that had befallen it. The councillors knew well that a church split by the existence of no fewer than three Popes - Pope John XXIII, Gregory XII, Benedict XIII - who each claimed exclusive title to the head of the church was unsustainable. The only question was: how on earth could the worldly trinity be combined into one?

As if to close ranks, the Council revealed its theologically conservative mood at the outset by turning on Jan Hus, the dissident scholar and preacher from Bohemia who had been guaranteed safe passage to Constance by Sigismund personally. The trick

played on Hus was cruel; he was figuratively murdered at the table of the lavish banquet to which he had been invited. He was thrown into prison, then after a lengthy interrogation condemned for reading too much of John Wyclif and accepting his heresy that the true Church consisted of those predestined to salvation. Hus confessed to drawing the conclusion that much of the existing Church order was unwarranted by Scripture, and that the Council itself therefore had no legitimacy. Not church orders but the Word of God should rule. For this heresy, Hus was found guilty. He refused to repent. Condemned to death by order of Sigismund, he ended his life bravely, at the burning stake, on 6 July 1415. His ashes were tossed into the Rhine.

The written protest against victor's justice by a hundred Bohemian and Moravian nobleman three months later was something new under the sun. Acting against the grain was from hereon to be dubbed 'Bohemian', while petitioning power in public, for the sake of justice, was to become an option for groups of dissenters of all persuasions. The petition would often be used as a political tool during the age of representative democracy. The Council, mostly by default, meanwhile contributed other political tools for keeping tabs on power. Seen from our times, easily the most dangerous device was the successful attempt at Constance to defend the principle and practice of government by representatives who are elected 'from below', by the governed. The principle earlier established in León, that a governor could summon 'from above' representatives of the social order was one thing. To turn that practice on its head, as happened in Constance, was quite another matter, with radically different and far-reaching implications. The change sprang from the desire to tackle a basic problem: whether or not the General Council was blessed with the power to appoint, or to recall or, less politely, sink a big boot into the backside of a pope.

The good men of God wrestled with the matter from November 1414 until April 1418. Time and again - note the parallel with the rows over the caliphate in early Islam - discussions came back to the question of sovereignty in the Church. There was general acceptance of the visible Church, the need for its unity and the institution of the Papacy. Yet there were no fewer than three Popes, and at least two had to be deposed. The devils born of their rivalry and greedy claims upon power had to be cast out. Church precedent and canon law were of little or no help because they stood on

the side of papal absolutism, which was manifestly part of the problem. The situation of Christians felt exceptional. It was as if the Church had to start again.

Something more, something new was needed. That line of thinking was strong among not a few of the Constance delegates, especially those familiar with figures whose reform proposals were in the air. Their names are now part of Church history: figures such as Dietrich of Niem, who spoke of the universal Church but knew that unbridled papal rule was the source of many abuses and much corruption; Pierre d'Ailly, the Bishop of Cambrai, who wanted the Church to be governed by a succession of General Councils; and, standing between them, Jean Gerson, Chancellor of the University of Paris, a man convinced that the General Council should champion reform, but who still thought of papal rule as indispensable, so long as it was corrigible and made accountable to the members of the Church.

Some delegates thought that corrigible papacy was oxymoronic, but in the end a version of Gerson's views was to win out, even though papal authority had to pay a considerable price for the concession. During April 1415, the General Council issued a decree affirming that it held its power, on trust, from Christ, and that even popes were obliged to obey its rulings. Pope John XXIII, who had fled into exile, was tracked down in Freiburg-im-Breisgau and flung into prison, to await trial. On 29 May 1415, he was deposed. That left two remaining popes. Gregory XII caved in without a fight. Benedict XIII was then outflanked by Sigismund, who managed to win support for the General Council from among most of the third Pope's followers. With its hands at last free, the Council began to act like a latter-day constitutional convention.

Delegates agreed to elect a Pope, but on condition that several decrees be generally accepted. Two such canons stand out. The *Sacrosancta* declared in tough language that the Council itself derived its power directly from Christ and that its authority was therefore primary, even in the face of opposition or objections from the See of Rome. That principle implied something radical. It insisted that the powers exercised by the Supreme Pontiff were held on trust, for the benefit of the Church, and that any abuse of these powers meant that they could be forfeited. The Pope was the minister, not the sovereign, of the Church. His government rested upon the consent of the governed.

The second canon – cast in an agricultural metaphor and called the *Frequens* – drew the practical conclusion that the Council was no one-off affair. ‘A frequent celebration of general councils is an especial means for cultivating the field of the Lord and effecting the destruction of briars, thorns, and thistles, to wit, heresies, errors, and schism, and of bringing forth a most abundant harvest.’²⁷ The *Frequens* (adopted on 9 October 1417) laid down strict procedural rules designed to prevent papal tyranny. It called for continuous monitoring of its power through timetabled councils. The first was to be convened after five years; and the second after another seven years. Subsequent assemblies would be convened at intervals of ten years. The *Frequens* further specified that no Pope could alter the location of the next Council meeting without the prior consent of a two-thirds majority of each of its blocs of members, who comprised cardinals plus representatives of the French, Spanish, German, English and Italian ‘nations’, each of which was treated as a voting unit. The *Frequens* added, for good measure, that while a Supreme Pontiff could never lengthen his term of office, he could, when facing ‘emergencies’, shorten the gap between Council meetings, so long as two-thirds of the cardinals of the Holy Roman Church agreed, and on the condition that he give written notice to Council delegates twelve months in advance of the next meeting.

In the Beginning was the Word...

It requires little imagination to see that the Constance resolutions bore more than a faint resemblance to a modern system of representative government, one based on the consent of a majority of the governed, whose views are aggregated by an electoral system that makes room for party competition. The strong analogy extended further, to include the principle that those who govern should always remain under the watchful eye of an interested public of spectators. During the four-year life of the Council, huge crowds of Christians and other witnesses flocked to Constance in order to see with their own eyes and hear with their own ears what was going on. Cardinals, patriarchs, archbishops, bishops, abbots, provosts and doctors (mostly of theology) came from all over Europe. Some 5,000 monks and friars showed up. Many European sovereigns and princes popped in; so too did the ambassadors of the kings of France, England, Scotland, Denmark, Poland, Naples, and the Spanish kingdoms, all guests of

the emperor. Towards the end of the Council, the Greek emperor, Michael Palaeologus, made an appearance, accompanied by 19 Greek bishops. But the Council was not just an elite affair. The humble were there in force. There were fakirs (religious ascetics who lived solely on alms) and merchants and mountebanks selling their goods and services. Somewhere between 50,000 and 100,000 outsiders spent a few days or weeks or longer exercising their curiosity.

The whole thing was quite a show, but for all their contemporary significance in healing the Schism, the resolutions passed by the Council served to mask disagreements about the future of the Church. The rifts ran so deep that for a while, the newly elected Pope Martin V could sleep soundly in his grand bed, with little to fear from a powerless and deeply split Council, which soon dissolved into scores of local concerns. The General Council was wound up on 22 April 1418. From thereon, the papacy drifted back into its old ways - haunted by the ghost of Jan Hus.

The radical changes that came next surprised everybody; they followed the rule that in matters of democracy radical innovations are sometimes born of conservative intentions. The extended upheaval in the world of Christianity, associated with Hus and other dissenters, and now known as the Reformation, certainly had that quality about it. Hus himself was no avowed radical. The conciliarist opponents of the papacy were also conservatives. Their opposition to its unbridled powers was anchored in the conviction that they were true protectors of the faith. Dissenting groups who later bore names like the Zwinglians, Calvinists and Anabaptists reasoned in the same way. They railed against the papacy, but they did so from within a world in which they agreed with their opponents that the Almighty God had an overwhelming presence in everyday life – and that this was a world in which all dissent from religious orthodoxy should be routinely punished.

Catholic supporters of the papacy were often accused by their opponents of bigotry, of deep intolerance of heterodoxy. Understandably so, since characters like Paul IV, a fierce pope who loved the Index of Prohibited Books, were indeed bigots. Yet popes had no monopoly on bigotry. The historical fact is that both the Protestant Reformation and the Catholic Counter-Reformation lived in the same universe of discourse. They had in common a dogmatic yearning to bring Christianity to the urban

and rural populations of Europe. Their eyes burned with the desire to make the Ten Commandments a matter of individual habit, with the help of zealous moralizing and, if that failed, red-hot irons, swords and cross bows.

The dissenters themselves were no angels. If there were such a thing as an instrument that measured bigotry, then it would show that the arrogant self-assurance of the religious dissenters often soared way above that of their Catholic opponents. Martin Luther, the man who for a time held the honour of being the Christian most feared and hated by the powers spiritual and temporal of Europe, struck back at papal authority with swift, bold strokes that matched the vicious assaults he launched on his opponents. Luther's conscience was enthralled by the conviction that the Bible was the Word of God. It was for him the only true foundation of the faith of the Church. But his single-minded concentration on the Word sometimes had foul effects. Luther was no democrat, ancient or modern. At one point, in a pamphlet called *Against the Robbing and Murdering Hordes of Peasants* (1525), he railed against rebellious peasants, recommending that their ears be 'unbuttoned with musket balls till their heads jump off their shoulders'. His mate Calvin, who consistently refused to sanction resistance to legal rulers and mostly believed tyrants were God's instruments, was equally fanatical on most matters. He approved of the torture and execution of men and women accused of spreading the plague in Geneva in 1545. He also castigated anything he regarded as a breach of morality, whether that was adultery, or playing skittles, or the mixing of sexes at sermons. Erasmus, condemned by Luther as an eel whom only Christ could catch, regarded women as fools. John Knox, who was convinced, in Jesus' words, that he had indeed been born again, firmly agreed.

None of this bigotry should be surprising, for the thinking of the Protestant dissenters came from deep within the very tradition they denounced. The Reformation was not a novelty in its own eyes. That is why, from the point of view of a history of democracy, the revolutionary events triggered by the Reformation conservatives of the sixteenth century seem wonderfully unexpected. The grand irony of the Reformation is that its dogmatism - in retrospect, it resembled a kind of religious Bolshevism - unintentionally gave birth to living traditions of civil and political liberty that all citizens could enjoy. There was, in other words, another face of the Reformation. In the name of shoring up the old order, figures like Hus and Luther and

Knox and their disciples had the combined long-term effect of fostering the growth of several customs that later came to be seen as basic prerequisites of modern, representative democracy.

Covenants

Among the weightiest inventions of Christian dissidents was the art of campaigning publicly for a cause, in order to win over many thousands of supporters, so that the power of numbers might persuade a government to change its mind, or to mend its ways. The events kick-started by Protestant Calvinists in the lowlands and highlands of Scotland during the sixteenth century certainly had this effect. They pointed the way to a form of civil disobedience that would become commonplace in the era of representative democracy.

This is how it happened: in their efforts to make their country safe from papal authority and idolatrous Catholic habits, the local Calvinists agitated in support of ‘godly bands’ or ‘covenants’. Putting it simply, these were written professions of faith that were considered binding on the faithful. The first recorded example was the Duns Covenant, an anti-Catholic band signed in 1556 by five lords. Prompted by John Knox’s return to Scotland from exile on the continent, the covenant took its cue from the Bible, where the word appears no less than three hundred times. For many covenanters, as they were soon called, the act of placing an inky quill on a parchment was a stroke of empowerment. Following a ritual described in the Old Testament, some believers even signed with their own blood. Whether black or red, the signature felt to them as if it were an act of direct communication with their God.

A covenant was verification of true faith. It was a solemn contract between the individual and God. It had to be signed freely, after an inner struggle with one’s own conscience. The covenant could be confirmed before the pulpit, in the company of friends, or when standing silently in the graveyard of the local kirk (church), alone in the company of God. But wherever and however the contract was made or renewed, one thing was clear. The covenant was not merely a human act, but a divine gift given by the grace of God. His grace was based on good will and benevolence towards humanity. It called upon individuals to reciprocate, to give thanks by banding together

with others. Grace heals and elevates. It is the sign of the (potentially) elect. It is an unmerited offer of assistance to those sinners otherwise condemned to death. It gives individuals a helping hand in atoning for their sins and seeking everlasting life, through the Lord Jesus Christ.

Grace? Representation? Democracy? How did it happen that a basic custom of representative democracy - the defence of civil society through peaceful mobilisation and organised political campaigning by movements, organisations and political parties - originated from such pious thinking? Surely apocalyptic faith in the possibility of deliverance to another, higher world had nothing to do with representation or democracy of any kind? Wasn't it more probable that local material conditions in Scotland played the primary role in nurturing the mobilisation of God-worshipping civilians?

Local factors certainly go some way in explaining the invention of civilian resistance to government. The poverty of the Scottish lands, the anxieties generated locally by the outbreak of the Thirty Years War (in 1618) and the fact that King Charles I had put cold fears in the hearts of many of his subjects by marrying (in 1625) a French Catholic, Henrietta Maria, certainly played their role. But still it was religion - the militant religious instincts of many kirk worshippers, some of them nobles but many of them humble folk - that proved to be the most vital catalyst in the invention of civil resistance.

The case of covenants in Scotland demonstrated yet again, within the history of democracy, that the raw, blind, passionate conviction that God is the source of all things human could spark the level-headed demand of mortals to rein in earthly rulers who fancied themselves as divine. We have seen already that some basic institutions of both assembly democracy and representative government were twins of the belief in the power of transcendent forces. Mesopotamian assemblies took their cue from Anu and Enlil and other gods and goddesses; Greek democracies were nourished by the belief that the deities watched over them carefully; while Muslim institutions - the mosque, the endowment societies, economic partnerships - were self-evidently manifestations of a loving and benevolent God. Early Christians followed suit. In the name of God, they popularised the practice of responsibly holding office for limited

terms. They had a hand in cultivating such things as the reliance on councils of representatives, the practice of petitioning, and the insistence that states run by monarchs need to be kept constantly on their toes - held publicly accountable for their actions - by their subjects.

The covenanters of Scotland radicalised these principles. In that country, the religious rhetoric born of the Reformation motivated tens of thousands of people to do things that were astonishing for their times. The starting point of the covenanters was their unshakeable belief that the spiritual matters of the kirk were not to be tampered with by temporal authorities of any kind, including monarchs. It was a point similar to that made by Manegold von Lautenbach, but now the argument was quite different, and definitely tougher. Just like the people of Israel, so the covenanters reasoned, the beleaguered people of Scotland had entered into an existential covenant with God. The contract was sacrosanct; nobody was entitled to break or interfere with it. Power lay ultimately in the hands of God - not in the clutches of mere mortal men.

Dozens of times in the course of half a century, bellowed with the oxygen of these principles of spiritual independence, fervent Scots banded together, scouring the town streets and country estates in search of faithful believers who would pledge their support for the covenant of faith. The banding usually took place during periods marked by an upsurge of fears of a Catholic takeover of Scotland. Not surprisingly, tens of thousands signed. Some did so several times, simply because they believed passionately that covenants were in need of constant renewal. The most important of these bands proved to be the 1581 King's Confession (sometimes known as the Negative Confession). It was drafted with the help of a religious dissident from Aberdeenshire named John Craig (1512?-1600), minister to King James VI, a colleague and friend of John Knox, and an ex-Dominican monk who two decades before had narrowly escaped execution and burning at the stake after a riotous crowd in Rome had burst open the gates of the papal prison in which he had been clamped. Craig's influence on the document was strong. So too was its language - which however didn't deter King James VI and his household from putting their signatures to it (hence the name of King's Confession). The Confession openly denounced the pope and laid into the doctrines of the church based in Rome. It called upon Scots to rally against falsehood, in support of their own true religion. It saw itself as a

foundational text – as a guide for the living, as well as a gift of God’s grace to the coming generations of faithful.

So strong was the tradition of spiritual banding that during the 1630s, when numerous troubles descended on the Scots, covenanters sprang once again into action. Led by men from the kirks and their representatives in higher-level district assemblies (called presbyteries), the covenanters were characters gripped by the feeling that the world might end in apocalypse, at any moment. Biblicist, self-righteous and so deeply dogmatic that it is today hard to imagine their aplomb, they reckoned themselves (as one preacher said typically to his parishioners in 1638) members of a spiritually privileged nation. It was as if they were ‘the children of Izrael’ who ‘ask the way to Zion’ by joining themselves ‘to the Lord in a perpetual covenant that schal not be forgotten’.²⁸ Such talk may have been hot air, but there was enough of it to keep aloft a year-long campaign of fasts, prayers, sermons and public signings, of the kind that happened in the churchyard of Greyfriars Kirk, the first church built in Edinburgh after the Reformation.

Passed by the Assembly, the highest governing body of representatives drawn from the local churches and presbyteries of Scotland, the text of the covenant played on the prevailing anti-Catholic mood. It condemned ‘all contrary religion and doctrine; but chiefly all kind of Papistry in general and particular’.²⁹ Recycling the earlier King’s Confession, ‘a confession of the true Christian faith’, the National Covenant reminded covenanters of the parliamentary laws that had been passed in Scotland in favour of ‘liberty & freedom’ of the ‘true Church of God’. A remarkable thing about the covenant was the priority it gave to government and law. By favouring parliamentary statutes rather than church ordinances, politics rather than spirituality, the uniquely Scottish brand of Protestantism plumped for the unity of government and church, protected by a sovereign monarch - the appeal to a good Christian prince was a standard trope of all petitions of this period - a ruler whose power was however subject to the withdrawal of the consent of the governed, if need be through organised campaigns of civil resistance.

Perhaps the most radical thing about the National Covenant was the way it questioned the orthodox view that obedience to government was natural. The point was well

summarised in the year 1638, in a sermon preached by Alexander Henderson in support of the Covenant, at a Glasgow meeting of its supporters. Obedience to power, whether ecclesiastical or governmental, was not in the nature of things, stated Henderson. Deference was not automatic; it had to be earned. It followed from this that if those who governed displayed their 'calling from God' and obeyed the laws based on that calling, they should be regarded as both lawful and legitimate. But - concluded Henderson - if those who exercise power showed signs of contrariness then 'we owe them no obedience'. The political principle was clear. It would soon scare tyrants and fuel more than a few political revolutions: 'whenever men begin to go out of line, forget their own subordination, then those that are under them become no way subject to them, because they go out of the right order'.³⁰

By hinting at the possibility of civil disobedience, the covenanters not only threw down a heavy gauntlet to King Charles I, reminding him that parliamentary statutes were important, and that his tendency to govern without parliamentary support was unacceptable, even a violation of 'true religion'. The covenanters up-ended the old canon that rulers should determine the religion of their states; they spotted that religion and tyranny could hold hands, that faith and force could be confused, with evil effects. The covenanters were sure that religion was safer in the hands of society. That is why they swore to defend each other - to support 'every one of us of another, in the same cause' - if the royal prerogative was misused in civil matters. That implied a threat of collective action. Such action was not old-fashioned mob rule, but organised civil disobedience that rested in turn upon a new vision of power: of the power of the powerless, of strength in disciplined solidarity, of a covenanted nation that included *all* the Scottish people, not just the nobility, gentry, town oligarchs and clergy.

'So the last shall be first, and the first last' (Matthew 20.16) were words not far from the lips of the dissidents, who were prepared to stick up for the most humble sinners in the cause of putting the world to rights. Aside from those 'hereticks and enemies to the true worship of God', membership of the covenanted nation was in principle open to everybody, men and women, rich and poor, so long as they were willing to hold the hand of God by using their own hand to sign the covenant. The National Covenant breathed fresh life into the ancient Roman law maxim that stated that what concerns

all must be approved by all. The campaign for the Covenant stood up for the principle that ‘whatsoever shall be done to the least of us for that cause, shall be taken as done to us all in general, and to every one of us in particular’. In a word, it stood for spiritual and political *equality*. It was an early seventeenth-century equivalent of what would later be called the universal franchise.

Liberty of the Press

Measured by the European standards of the times, all this was heady stuff. It raised an equally lofty question: how exactly did religious conservatives like the Lutherans, Calvinists and Scots Presbyterians manage to make such radical marks on the face of the world?

A strong explanation is that most (not all) of the Protestant radicals with conservative minds were urban men. They took refuge in towns like Nuremberg and Magdeburg, within whose walls they added religious zeal to the efforts already underway to establish something like a counter-power to the crumbling feudal order. These towns resembled places of siege, and it is little wonder that they functioned as levers that were used by the Protestants to turn the Christian world upside down. This they did by raising basic questions about who was entitled to get what, when and how on earth. The questions that were asked spread fast and wide, thanks to the Protestants’ use of a new printing technique that hailed originally from China. It was entirely coincidental that the launch of the printing press by Johannes Gutenberg in 1456 - the year in which the first Bible was printed using movable metal type - happened in the same generation as the first signs of religious ferment and resistance to the papacy. The coincidence was much more than serendipitous. It proved explosive. Like phosphorus exposed to oxygen, the mixing of movable type and religious dissent produced spectacular amounts of political light and heat.

The social effects of harnessing printing technology were dramatic. Thanks to the labours of type founders and typesetters, correctors, translators, copy editors, illustrators, indexers and others, the art of printing made it possible for the first time to publish hundreds, even thousands and tens of thousands of copies of texts that were both alike and yet could be scattered like leaves from a tree over a wide geographic

radius. That breakthrough in turn enabled the birth of the figure of ‘the author’ – a literate creature who created books with a quill and who therefore differed from scribes and compilers and commentators, who mainly reproduced or repeated the words of others. Some authors – Luther, Calvin, Knox – were to become famous figures who were skilled at riding high on the crest of the waves created by printers who used the printing press to run off thousands of ever cheaper editions written in the vernacular. A few of those who won celebrity status even had books written about their private lives. Martin Luther was among the first modern public figures to attract mud in print. Calvin soon came in for a plastering. He was the subject of a scurrilous but entertaining biography in 1577 by Jerome Bolsec, who described his victim as a bigoted, tedious, malicious, bloodthirsty, frustrated homosexual who indulged himself sexually with any female he could get his hands on.³¹ The experience of reading, and listening to someone reading aloud, meanwhile seemed to have intoxicating effects. With every swallow, books and bookish opinions acted as if they were a magic elixir. Readers of different books no longer had to be wandering scholars. Cross-referencing of texts became commonplace. And there were the first signs of a flourishing culture of comparing different texts and their viewpoints - and even the first publishing scandals, like that whipped up in 1631 by the mis-printing of the Seventh Commandment (‘Thou shalt commit adultery’) in one thousand copies of the ‘Wicked Bible’, published for King Charles I by the Englishman Robert Barker.

That typographic scandal reminds us just how mistaken it is to suppose that the spreading culture of printing and reading automatically fostered secular ways of seeing the world. Within the first century of printing there was certainly plenty of scientific material on what happens on earth, and in the heavens. But Bibles, catechisms and religious tracts on how to get from earth to heaven more often filled whole bookshelves, to the exclusion of other reading matter. The Protestant activists were the prime movers of this trend. It was not only that they were prolific writers and publishers. It was as if they wanted to baptise the whole world in their own rivers of words. They certainly put the quest for universal literacy - a deep precondition of representative democracy - on the spiritual and political agenda.

Luther himself set the pace. For thirty years, he published on average a book every two weeks. It is hard to know exactly who his readers and listeners were, but what is

certain is that membership in the Commonwealth of Publishers and Readers was an elite affair. While the printing press certainly had one clear democratising effect – precious documents like the Bible were removed from locked vaults and chests and reproduced for all to see, to read, and to hear – few could read and lucky were the people who had texts read aloud to them. That was why many dissenters felt there was an urgent need to sow the seeds of literacy – and why their efforts led to clashes with new censors, either within the Church or within government, and often from within both.

The frictions quickly sparked awareness among writers, publishers and readers alike that the new-found freedoms linked to the printing press could be choked to death by church and government, as well as by mercenary printers, who would jump at the chance of taking the shillings offered to them by bishops and kings. A famous contemporary example, one that worried the heads of more than a few Protestants, was that of the Antwerp printer, Christopher Plantin. He made heaps of money by joining forces with the King of Spain, Phillip II, to supply all Spanish priests with 15,000 copies of a sixteenth-century breviary. Such patronage helped spread the ways of the Church. But it simultaneously threatened the freedoms that the printing press potentially offered, or so claimed the earliest defenders of what soon came to be called ‘liberty of the press’.

The fight for press freedom happened for the first time in the world in the northern and western regions of Europe, including Ireland and the British isles, from where it spread to the American colonies and Upper Canada. It is another grand irony in the history of democracy that liberty of the press, a cherished cornerstone of modern power-sharing government and politics, was invented and championed by deeply religious men, for whom the word ‘democracy’ was strange, and certainly repugnant. For these pious men, the printing press was a technical means of shoring up obedience to God by spreading the Word through the world. That at least was the point made by a great discourse in favour of freedom of expression, publishing and reading: a tract with a nose for classical Athens called *Areopagitica*, written by the English Protestant man of letters who later had a hand in a major state secrets scandal, John Milton.³²

The grandiloquent tone of Milton's poetic plea for liberty of the press - 'for the entire human race against the foes of liberty', as he later put it - was defiant. Written in Aldersgate, a stone's throw from his childhood neighbourhood in Bread Street, in the overcrowded, rubbish-littered streets of central London, *Areopagitica* was fuelled by a strong sense of urgency. 'The people', he asserted, 'should be disputing, reasoning, reading, inventing, discoursing...[about] things not before discoursed or written of'. *Areopagitica* knew well the subject it was addressing. It tried to kill two birds with one stone. It was a spirited reply to the churchman Herbert Palmer, who had delivered a hostile sermon against Milton's views on divorce before Parliament a few months before. *Areopagitica* brimmed with fierce contempt for established churches, formal ceremonies, religious tithes and priests - the 'glutton Friers' he called them. It also blasted a petition to the House of Commons Committee on Printing by the Stationers' Company, which had recently named Milton as a violator of printing regulations and had urged the government to tighten up the laws. Against the whole practice of licensing and pre-publication censorship of books, the tract melded Milton's mixture of commitments: to contemporary republican ideas, his scholarly interest in ancient Greece and Rome, and his passionate belief in freedom of agency, conscience, responsibility and other virtues of Christian individualism, manifested as the doctrine of the 'inner light', the belief that God lives within the elect. Published without a license in November 1644, priced four pence, bearing no traces of its publisher, who otherwise might have been harassed or arrested, *Areopagitica* contained a frontispiece featuring a quotation from Euripides' *The Suppliant Women*. It announced the theme and thrust of the tract: 'This is true Liberty when free born men/
Having to advise the public may speak free,
/Which he who can, and will, deserv's high praise,
/Who neither can nor will, may hold his peace;
/What can be juster in a State then this? '.

Many commentators subsequently thought his unlicensed tract on press freedom to be the first and greatest such tract of modern times, in any language. That is probably an inflated prejudice of posterity. The first edition did not sell out, and it was not reprinted until the end of the seventeenth century. Yet the tract was undoubtedly among the earliest and most enduring interpretations of the political significance of the printing press. Milton's arguments were partly pragmatic. He noted that efforts to padlock the cheap, light and portable printing press were as ineffective as the foolish actions of the 'gallant man who thought to pound up the crows by shutting his

Parkgate'. The sarcasm was backed by deep repugnance at press censorship because, according to Milton, it stifles the exercise of individuals' freedom to think for themselves. It weakens their capacity for exercising discretion – and for choosing to live a Christian life.

Milton's cup of open defiance of censorship brimmed with his Protestant belief that a free press would let flourish the love of God and the 'free and knowing spirit'. Milton was sure that God had loaned individuals reason and, hence, the ability to read and to choose, according to the inner light of conscience, between Good and Evil. The keys to the press had passed from paradise to earth, with the instruction that God trusts men and women to use their reason, which must not be cloistered. That means that the virtue of individuals has to be nurtured and tested continually by engaging conflicting opinions and contrary experiences. Christian virtue is not the child of innocence. Good and Evil are twins: 'it is not possible for man to sever the wheat from the tares, the good fish from the other frie; that must be the Angels Ministry at the end of mortall things'. Good can be known only through familiarity with Evil, which functions to exercise the Good. Blasphemy and ungodly libel live together in the house of Truth. Hence, the toleration of different and conflicting opinions is a basic condition of individual discretion and the possibility of virtue: 'that which purifies us is triall,' wrote Milton, 'and triall is by what is contrary'.

Toleration was of course a tricky principle, as Milton freely acknowledged. In the fight for virtue, toleration of the intolerant would be self-defeating, which meant that the published works of popish bigots should be prohibited. Milton was not in favour of full freedom of the press. During this period, nobody was. While he did not think that governments were entitled to act as if they could substitute for the inner light, certain books could so arouse the social world that that light could be extinguished. That in his view was probably true of opinions of 'the Turk' and undoubtedly true of 'popery', which was 'a priestly despotism under the cloak of religion', which 'extirpates all religious and civil supremacies'. Popery in effect functioned as a potential Spanish or French fifth column in England. So Milton insisted that the books of popish bigots should be expurgated. He was adamant that in the fight for virtue, toleration of the intolerant - as well as toleration of the lascivious ignorance of the commoners - would be self-defeating. He reserved the law of subsequent punishment

for any abuse or licentiousness of the press. A future polity would need to suppress its suppressers. It should 'have a vigilant eye on how Bookes demeane themselves, as well as men' and 'thereafter to confine, imprison, and do sharpest justice on them as malefactors'.

Although not in favour of the lifting of all state restrictions, Milton nevertheless drew the conclusion that heavy-handed controls on the press were evil. Rhetorically speaking, it was a brilliant argument. Knowledge of Good and Evil, he said, is neither a censorable matter nor a commodity on which duty is payable. Censorship treats individuals like wicked children. It lowers the dignity of a nation. Government censorship demonstrates no faith in the capacity of Christians to resist false doctrines - and to win. Censorship rests on blindness, on the myopic failure to see that when Truth and Falsehood engage in 'a free and open encounter', Truth will always win out. Worst of all, censorship steals God's gift of reason to man. It is a form of homicide: 'who kills a Man kills a reasonable creature, Gods image; but hee who destroyes a good Booke, kills reason it selfe, kills the Image of God, as it were in the eye [that is, as reflected directly in the human mind]'.

Uprising in the Low Countries

Tough reasoning. Sharp words. They sounded a trumpet blast calling on others to muster behind a new form of government that rested upon the publicly expressed opinions and consent of the governed. Milton called it a 'Commonwealth'. Powerfully and persuasively, at least for those who could read and write English, Milton's prose tract *Areopagitica* in effect assembled the various silver threads of representative government, then tied them together with the golden bow of liberty of the press. He favoured republican government through parliamentary assemblies. Given the large territorial scale of 'national' governments like that of England, he saw the need for the mechanism of representation, including in local government and in the churches. Milton was confident that the printing press could be used to ensure that representatives did not step out of line, or that if they did fall in with the demons of Falsehood their deceits and false pride could be exposed in print, for a reading public who had opinions about how they wished to be governed. In terms of a vision of representative democracy, considered as a bunch of complementary institutions held

together by the golden bow of press liberty, there was only one thing missing: the diamond word, democracy.

The missing sparkle had in fact already been added several decades before, just across the Channel from England, by like-minded Protestants caught up in a stupendous struggle for representative government against an arrogant imperial monarchy dubbed ‘Spanish slavery’. With little pomp and circumstance, the first-ever modern European transition to representative government in the name of democracy happened half way through the year 1581, in the Low Countries of Europe. On July 26th of that year, a representative assembly called the States General of the United Provinces met in the Hague. The delegates - well-heeled Protestant citizen-deputies from towns in the provinces of Brabant, Guelderland, Zutphen, Flanders, Holland, Zeeland, Utrecht, Overijssel, and Friesland - spoke a political language whose vocabulary resembled a dictionary filled with all the different origins of representative government that we have so far traced. The deputies noted in a written declaration that ‘the people were not created by God for the sake of the prince, and only to submit to his commands, whether pious or impious, right or wrong, and to serve him and his slaves’. They listed terrible tales of violated oaths, of repeated perfidies, of cruel wars, of extortions, banishments, executions, martyrdoms and massacres. Such crimes were against the will of God, the drafters insisted, and that is why relations with King Philip II, King of Spain and Count of Holland and Zeeland, had broken down irretrievably. After ‘despairing of all means of reconciliation and left without any other remedies and help’, the drafters wrote, they had reached the conclusion that they must declare themselves a republic, free of the rule of Philip II, the King of Spain. The declaration of independence had been made ‘in conformity with the law of nature and for the protection of our own rights and those of our fellow countrymen, of the privileges, traditional customs and liberties of the fatherland, the life and honour of our wives, children and descendants’.³³

The supporters of what came to be called the Act of Abjuration meant business, in more ways than one. Throughout the territory in which the rebellion was taking place, Philip’s seal was smashed, his coat of arms was torn down from buildings. His name was forbidden on any public document, and a new oath was administered to all persons in public office and employment. The Act itself did not mention the word

democracy, but some of its supporters certainly did, on the basis of their acquired taste for urban self-government. Their resistance to monarchy and embrace of parliamentary rule had deep roots. It sprang from four facts: that during this so-called 'beautiful sixteenth century', the Low Countries became the most urbanised in the world; that this region was the most commercially developed in the whole of Europe; that the Netherlands had for nearly two centuries seen the steady growth of a centralised state in royal hands; and that this region enjoyed old traditions of self-government, rooted within the waterways and the towns, and blessed with Christian zest. The confluence of these factors triggered a revolution; it was to be copied on many future occasions, and its effects were to be felt for a long time, in various parts of the earth.

Why exactly did this revolution happen? Revolutions are by definition magical, unpredictable affairs, but the marked degree of urbanisation of the Low Countries was undoubtedly critical, and certainly impressive to travellers who passed through the area during this period. On the eve of the Low Countries rebellion, around three million people lived in the region; two-thirds of them dwelled in the core provinces of Holland, Brabant and Flanders. They had thriving agricultural economies, but almost half of their overall population lived in towns, some of them sizeable. At the time of the overthrow of the Spanish monarchy, Antwerp, with a population of 90,000 inhabitants, was the financial and trading centre of Europe. Brussels, the second-largest city, had around 50,000 inhabitants; and about 25,000 people lived in Amsterdam, which was becoming the new hub of the Baltic grain trade.

Not everyone profited - market competition always produces losers - but one thing was clear: the urban elites enjoyed both great prosperity and the political power that came with their control over the governing institutions of their towns. These elites thought of themselves as God-fearing citizens, as men of property who were 'nobles', as gentlemen who stood a metre above the rest of the population. They were burghers who were used to taking things into their own hands. They believed firmly in the benefits of commerce, banking and trade. Many of them supposed that people, by nature, were vain, that they yearned to distinguish themselves from others, but they drew from this the conclusion that the old feudal system of building up a retinue of retainers was no solution to the problem of vanity. It was far better that people

invested their energies in work, property and the accumulation of wealth; possessing money was clearly preferable to possessing people. For that reason, they were skilled at protecting their assets through local government, where they had enjoyed a long track record in determining the composition of such posts as the town burgomaster and town magistrate, the justice-dispensing courts of aldermen, as well as the town councils that were chartered to handle important matters of money, justice and administration.

The political empowerment of the urban bourgeoisie - in class terms, that is what they should be called - was helped along, paradoxically, by the enforced territorial unification of the Low Countries through the formation of a centralised state apparatus. The process started in the late fourteenth century and fed upon the same power-sharing mechanism used by rulers otherwise as different as Cleisthenes and Alfonso IX: the region's ruling dynasty was forced to secure its power by acquiring territory, brokering co-operation and arbitrating disputes among its various political units. True to his name, Philip the Bold, the Duke of Burgundy, first took over Artois and Flanders (in 1384) then seized control of Limburg and Brabant. In 1430, his grandson Philip the Good effected a working union among these political units; and three years later Philip completed the unification of the core provinces of the Low Countries by appointing himself Count of Zeeland, Holland and Hainaut. Together with his son Charles the Bold, he set about building up centralised, territorially demarcated institutions that began to resemble what the early republicans had begun to call 'the state'.

The whole process of joining up previously scattered governments, and of crafting core judicial and financial institutions, was vulnerable to both outside interference, and to inside resistance. On the foreign front, the Duchy of Burgundy, headed by Charles the Bold, was militarily defeated in 1477 by the French king, at the battle of Nancy. The conquest surprised many by arousing patriotic sentiments within the Burgundian kingdom – against the new French rulers. Dozens of towns and some provincial privileges came alive, and sprang into action by recognising Mary of Burgundy as her father's legitimate successor, and threatening to use arms against the French monarchy. But Mary thrust a sword at the opposition by marrying Maximilian of Austria. The Habsburg and Burgundy dynasties merged – and the whole deal was

consolidated by the surprise marriage of Mary's son, Philip the Fair, to Juana of Castile. Through a simple twist of fate, she soon became Queen of Castile. So thanks to the politics of royal seductions and suits, the Low Countries became part of Spain. When Charles V, Philip's son, became both King of Spain and Holy Roman Emperor, he moved to complete the unification of the Low Countries by snapping up regions like Friesland, Tournai, Utrecht, Groningen, Overijssel, Drenthe and (in 1543) Guelders. Six years later, the emperor decided something that he would later deeply regret. He moved to establish the administrative independence of the Netherlands as a province 'one and inseparable'.

Although many participants in the reforms didn't yet realise it, the drawn-out business of marriage, inheritance, integration and 'top-down' administrative reform became a school where the arts of power-sharing assemblies would be learned 'from below'. The subterranean efforts of local God-fearing burghers to create and defend their assemblies culminated in the "Union of Utrecht" in 1579 – an impressive confederal alliance forged by representatives of the states of Holland, Zeeland, Utrecht, Guelderland, Zutphen, Overijssel, and Groningen to protect their common liberties, including the right of Protestants to enjoy religious toleration.

The confederation was something new. It was a gamble in building representative government within a defined territory. The experiment chose as its symbol a ship on the high seas without sails or oars, accompanied by the words *incertum quo fata ferant* ("We know not whither the fates shall bear us"). The choice was prudent, if only because considerable political uncertainty flowed from the fact that the government of Philip II, who had succeeded his father Charles V in 1555, was strictly speaking neither an absolutist regime nor an open system of representative government. Philip II rather operated a political system of favours. It was a form of government by patronage that was targeted especially at the local burghers. Their support was considered vital for both cultivating a sense of patriotic conscience and for 'buckling' the clutter of governing arrangements into something resembling a coherent polity.

So Philip II played the risky game of divide and rule from above. Some of the richest bourgeois 'nobles' in particular were consequently showered with offices. They were

handed provincial governorships, with handsome sums of money, wrapped in titles bearing such pompous names as Knight of the Order of the Golden Fleece (set up in 1430 by Philip the Good). The whole system of patronage proved self-contradictory, mainly because the monarchy, in recognising its subjects and designating some of them (the noble burghers) as fair-haired boys, in effect gave them an active say in its affairs. Hence the proliferation under Philip II of scores of negotiated regulations and procedures that in practice began to function as an implicit constitution - as a brake on the sovereign's claim to be chief legislator and supreme judge. Government tended to become conciliatory, or what the locals called a *chose publique*. The monarch was advised on 'the great and principal affairs of state' by bodies with names like the Collateral Council (originally created by Charles V in 1531) and the Council of State, a body specialising in matters of domestic order and foreign affairs. The regulation of law and public administration in general was put into the hands of several Councils of Justice. Other tasks of preparing and implementing legislation were meanwhile assigned to the Privy Council, a body that also granted patents, privileges and acts of grace, as well as served as a public court of final appeal in certain policy disputes.

For Love of Money...

Government through conciliation tried to imagine itself as both the master and servant of the noble burghers, on whose support it depended. It was certainly a delicate balancing act, yet the rulers of the Low Countries had no alternative but to succeed, which they tried to do by wrapping their power in ceremonial pomp. Easily the most dramatic example of their courtly spin was the public oath called the Joyous Entry of Brabant. The ceremony dated from the middle of the fourteenth century. Called the *la joyeuse entrée* because it was first proclaimed during the state entry into Brussels of the new Duke of Brabant, Wenceslaus of Luxemburg, accompanied by his new wife Johanna, the ceremony exercised a powerful grip upon the political imagination of the region. Murals and paintings and other decorations were conspicuously placed in the city halls of towns like Ghent and Bruges. Crowds gathered and allusions were made to Biblical allegories. It was a custom that mattered, in that every Duke of Brabant - including Philip II, who made his fateful 'entry' in 1549 - was expected to take a solemn oath in public that he or she would abide by laws that guaranteed the inhabitants protection against corrupt and arbitrary rule. The articles of the Joyous

Entry guaranteed equality before the law. They acknowledged the duty of rulers to restrict central power and to work for the good and foster the participation of all the inhabitants of the Low Countries in the government of its provinces. The Joyous Entry also specified the need to hold governments publicly accountable - with the flip side principle that in certain circumstances the subjects of the kingdom had the right to disobey imprudent rulers.

Disobedience implied obedience, which is why nobody had imagined that these principles of the Joyous Entry could be used to justify the abolition of monarchy. But that is exactly what happened in the summer of 1581. The burgher rebels demonstrated that the pomp of monarchy could not be used to camouflage a cardinal question: who would bear the burden of the taxes needed to run the royalist government of Philip II?

During the course of the sixteenth century, especially in Zeeland and Holland, the wealthy noble burghers learned to flex their political muscles when answering this question. They already in effect enjoyed the final say in municipal affairs, including the power to submit to the monarch short lists of candidates for posts such as town magistrate. The noble burghers jealously guarded those rights - and concluded that they could only protect them by projecting their power 'upwards', from the towns onto the highest tiers of government. There, at the summits of power, they pressed home the principle that their opinions should be taken seriously, and that their consent was required in such diverse matters as the declaration of war and the levying of taxes. It is a curious irony that the Burgundian monarchy, building on the pioneering efforts of Philip the Good, had encouraged these demands by combining the regional assemblies into a quasi-federal parliament called the States General. Its powers (first defined in what has come to be called the 1477 Grand Privilege) included the power to block declarations of war, and the freedom to 'discuss the matters, well-being and profit of our common countries'. The Grand Privilege went further than affirming the principle of liberty of the press, and parliament's power to have a say in matters of armies and wars. It also mentioned the right to approve new taxes, the demands for which the monarchy had shunted towards the States General parliament.

So the principle of no taxation without representation of the governed - a principle implicit in the earliest *cortes* of northern Spain and basic to all later representative democracies - was put on the bargaining table. The matter of taxation quickly grew to be a thorn in the backside of the noble burghers. During the sixteenth century, with the centralisation of government, the monarchy's demands for increased revenues grew to the point where the burghers and their representatives began to zip up their purses - in the name of democracy. Just how unusual was this association of money and democracy can be seen in the fact that, before the sixteenth century, money and democracy, like oil and water, had normally been regarded as non-mixing, self-repelling elements. At least many ancient Greek and Roman friends and observers of democracy thought so. 'It is money that sacks cities', wrote Sophocles, 'and drives men forth from hearth and home; warps and seduces native innocence, and breeds a habit of dishonesty'.³⁴ 'He who first called money the sinews of affairs seems to have said this with special reference to war', added Plutarch.³⁵ Diogenes was no kinder towards lucre: 'The love of money is the mother-city of all evils.'³⁶ In each case, money was seen to breed much more than money. It was supposed to drive its lovers to crave power over others, thereby ruining the spirit of self-government.

It was in the sixteenth-century cities of the Low Countries that the received equation between money and democracy was fundamentally altered, for the first time. Instead of regarding money as democracy's foe, money was said to breed democracy, a word that for the first time in modern Europe came to be seen as a valuable political ideal, as a good thing. It was an extraordinary - one could say alchemical - transformation. Triggered by bitter public controversies over taxation, it deserves a brief explanation.

For many city-dwellers in the Low Countries, particularly prosperous traders and merchants, it was a truism that all standing governments, whatever their shape or form, needed to raise resources so that they could function as governments. Probably these citizens knew little about the history of taxation, beginning with ancient tribal governments, like that of the early Israelites, which were unfamiliar with the practice of taxation. These early governments pigged themselves on the spoils of conquest. Land, grain, animals, precious metals, slaves and other goods were snapped up, disbursed among the conquerors, sometimes stored up in anticipation of leaner times to come. Conquest naturally provided opportunities for tribal chiefs to monopolise the

allocation of plunder and so to turn themselves into monarchs, rulers who could legitimately extract gifts and other material contributions from their subjects.

That historic mutation of ancient tribal governments into ancient monarchies was a bitterly contested process. It proved to be pregnant with unintended consequences, as the birth of assemblies in the classical world proved. Those ancient assemblies often developed allergies to leaders hell bent on extracting resources from their subjects. The Athenian democracy was not exceptional in this regard. It relied ever more heavily on infantry for self-protection and expansion, but what was interesting about its adventure with government by assembly was the way its citizens refused the indignity of being taxed. Their contract with government was not a fiscal relationship. It was different. Its growing need for men bearing arms was satisfied by compulsory enlistment, in return for which these same subjects demanded active involvement, as citizens, in shaping their government; the decision-taking warriors insisted that they were decision-making citizens. The contract was lived to the letter by poor commoners, especially those men whose job it was to row the warships. These sailors, who were called *nautikos ochlos*, wielded great power in the assembly of citizens exactly because it was from their ranks that the navy was heavily recruited.

As the Athenian empire expanded, successive assemblies groped their way towards the development of methods of public borrowing. Public borrowing was used by the young Roman Republic, which by the third century BCE bore a public debt that approximated half the value of its annual production. That debt burden was partly eased by imperial expansion - until intolerable fiscal pressures burst the shell of the whole Roman empire. Contrary to received opinion, its collapse was not due primarily to external factors, such as poor leadership and the numerical superiority of its 'barbarian' enemies. The source of its destruction rather lay in the gradual disappearance of commerce, the decline of cities and the growth of a barter economy – and the consequent undermining of the fiscal resources so vital for a type of imperial state bent on politically administering a vast geographic region.

In matters of self-government and taxation, the constellation of tiny republics that sprang up in northern Spain and northern Italy during the late Middle Ages represented the beginning of a genuine innovation. In northern Italy, as we have seen,

almost every town of ten thousand inhabitants or more – Venice, Genoa and Florence were among them - experimented with a form of republican self-government. The local merchants and moneyed men who ruled those urban enclaves were dead opposed to the surrounding feudal system that survived into the fourteenth century, and within whose bosom the new cities had been born. They disliked its relationships of deference, its cultivation of personal bonds of mutual loyalty among warrior chiefs and their handpicked companions in adventure, honour and matters of leadership. These merchants objected as well to the feudal custom of *commendatio*, according to which superior lords granted rights to land and its population of slaves, serfs and freemen to dependent vassals who received protection at the cost of submission, or outright subjection to the lords' power of disbursing such rights. These entitlements, or so-called *beneficium* (later called *fevum*, then *feudum*, and hence 'fief'), were thought of as an exploitative power relationship. They dubbed it *seigneurie*, by which they meant a cramping and unjust system in which lords granted certain entitlements to their socially inferior vassals, in return for rendering to the lord the services he required, including the provision of mounted warriors capable of performing on the battlefield.

The merchants of the northern Italian cities so despised these customs that they were driven to create an entirely different relationship with government. Since their control of money and property, trade and commerce effectively enabled them to control their own city-states, they were strongly inclined to regard the business of government as the government of business. This led them to kick-start a revolution in the arts of statecraft, especially in matters of public finance. A new contract that was anti-feudal both in intention and in effect was struck. They thought of themselves as citizen creditors. Seeking to avoid the burdens of direct taxation in money or kind, all the while recognising that government had to be paid for, they experimented with the principle of lending governments their own money. Various ingenious schemes were devised. Paper notes were issued. Dowry funds and pension funds were developed. There were experiments with repayable taxes and saleable loans.

The trouble was that these Italian republics squandered their resources in futile wars against each other. So the initiative in refining and extending the contours of what might be called the creditor state was taken by various cities in the prosperous Low

Countries. It is estimated that in the aftermath of the rebellion against Philip II, two-thirds of urban households – 65,000 out of a total of 100,000 – were public creditors. These creditor citizens, who liked to mill and mingle in the courtyards of exchanges, learned through time to pressure their provincial parliamentary assemblies to craft new methods of taxation that rested upon a new political bargain. Here it was: the subjects of these cities would pay their taxes on the condition that such monies were repaid with interest, and that the creditors be recognised as *citizens*. The resulting equation supposed that trust could be put in money only if and when money was put in trust. But trust required that governments prove that they could be trusted with their creditors' money. Financial trust presupposed political trust. Trust was seen as a gossamer-thin substance stretching between government and its subjects. It needed constantly to be renewed and that could only happen, so the reasoning ran, when subjects kept their eyes and ears open, doubted what their governments said and did, and demanded of them openness and propriety.

Seen in this way, all political power was a trust exercised for defining and protecting the general good of the population. Representatives must therefore be permanently accountable to the people from whom it ultimately springs. This at least was the line of reasoning employed in an anonymous pamphlet written in Flemish and published in 1583. It was called *Discours verclaerende wat forme ende manier van regeringhe hat die Nederlanden voor die alderbeste ende zekerste tot desen tyden aenstellen mochten*. It was just one of scores of pamphlets and books sparked by the decision of the States General of the United Provinces to declare null and void the authority of Philip II. Yet this particular 24-page pamphlet was special. It attempted, probably for the first time anywhere in the modern world of representative government, to use the word democracy positively, for explicitly political purposes.

We do not know the identity of the author of the *Discours*. Once again - recall our bearded friend Demonax, or spare a moment's silence for the unknown inventor of the word *dēmokratia* - here is one more case where democracy has hidden away her secrets, forever. Suitably anonymous, the *Discours* was more than likely written for an audience of politically aware citizen creditors. It recommended democracy as a type of elected representative government that can ensure the rule of the 'best members of the nobility and the wisest burghers'. Democracy was seen as a way of

governing guided by strict laws. That is why the author launched a sizzling attack on monarchy, which it equated (with figures in mind like Philip II and the Duke of Anjou, who had just led a military attack on the town of Antwerp) the absolute rule of one person. Monarchy had to be abolished, partly because historical experience showed that it always tended to degenerate into tyranny. Monarchy was also condemned as incompatible with human beings' God-given natural condition, that of living together in freedom. 'In the beginning of the world', noted the author, human beings had enjoyed this natural condition of liberty. For the sake of fostering 'chastity, virtue and justice' subsequent generations chose 'by godly inspiration' to elect 'regents' and 'governors'. These early governments had no earthly or divine entitlements, except those granted them freely by their electors. The monarchies that had sprung up subsequently had overstepped the mark.

Another form of government, aristocracy, had shown itself to be less prone to degenerate into tyranny. Defined as the rule of nobles bearing titles that they had acquired, either through inheritance from virtuous parents or through their own contributions to justice within their country, aristocracy was admirable, argued the author of the *Discours*. Yet the reign of monarchy in the Low Countries had corrupted parts of the local nobility. Virtuous nobles were now in short supply. That fact, combined with the oppression of citizens implicit in aristocracy in its pure form, meant that the newly emancipated country should not strive after government by aristocrats. The Low Countries now needed a healthy dose of democracy - note the elliptical but wonderfully innovative reasoning - in order to create the best form of government, which was a mixture of aristocracy and democracy. By giving support to democracy - defined as 'an honest, well-appointed bourgeois government [*borgerlijcke regieringhe*]' - aristocratic virtue could be reinvented. That would in turn enable the creation of a government of 'the best members of the nobility and the wisest burghers', a government in which 'the most competent and able inhabitants and citizens are elected to the government by their fellow citizens on certain conditions and for a specified period of office.'

In speaking of such matters as offices, elections and citizens, the pamphlet nodded in the direction of virtually all of the medieval and modern inventions that made up the early history of representative government: inventions such as parliaments, republican

states, office holding, councils, public petitions, covenants and liberty of the press. Interestingly, the pamphlet also poached from a figure named Polybius, the Greek historian of the 2nd century BCE who had been taken political prisoner by the Roman armies, had witnessed their military defeat of Corinth (in 146 BCE), and had subsequently gone into seclusion to write a 40-volume work called *Histories*, only a small part of which survived into the sixteenth century. Polybius had taught that the truest and happiest republic was one in which three forms of government - monarchy, aristocracy and democracy - were effectively combined into one. It is unclear what the author of the *Discours* actually thought of Polybius; or whether he or she reckoned that the ideals of aristocracy could survive the pressures of democracy toward levelling; or whether democracy itself would be corrupted by the cultivation of respect for aristocratic values. Those problems, as we shall see, would trouble many later thinkers. In the circumstances, the issue of whether aristocratic democracy was an impossible oxymoron didn't much matter. For what was genuinely mind stretching about the treatise was the way its 'recombinant' quality - marshalling arguments for political independence by drawing upon the ideals of theology, natural liberty and aristocracy - resulted in a fundamental transformation of the meaning of the little word 'democracy' (it used the Flemish *democratia*).

Not only was democracy, in contrast to many Athenian commentators, seen as a good form of polity. The ideal itself was modernised: it was seen to be applicable not only to towns like Amsterdam (whose population in 1566 was 30,000 inhabitants), but also to polities that were qualitatively larger in territory and population than any of the classical Greek city states. Democracy tinged with aristocracy had been achieved in the republics of Switzerland, the author noted. Democracy could now be achieved in the Low Countries, on a scale larger than ever before attempted. The author pleaded for determined political effort. A standing territorial army would need to be established. Citizens now needed 'to open our eyes and to use our own hands and people for our liberation and protection'. The treatise modernised the word democracy in still another way. Since it could be applied to large-scale government, which was seen as essential for the successful functioning of more local forms of government, citizens would not always govern directly through city-council forums. While the phrase 'representative government' does not appear in the treatise, the idea of it is certainly there. Under aristocratic democracy, citizens retain the 'power and liberty'

to elect those who are to govern them, locally or from a distance. They also retain the right periodically to get rid of those who govern them, wherever they are positioned in the tiered structures of power, especially if they display incompetence, or arrogance. Democracy meant the readiness 'to put out of office again those who have been found to be inefficient in government, or who have conducted themselves in a way unbecoming to office; and to refill them as they should be.'

A Crowned Republic

The astonishing case for democracy put by this tiny pamphlet had a downside. It pointed unwittingly to the way the revolution of the Low Countries against 'Spanish slavery' was saddled with a contradiction. Simply put, the struggle to establish 'democratic' self-government was led by a God-fearing Protestant bourgeoisie which thought of itself as an 'aristocracy'. No less contradictory was the remarkable transition towards a proto-democratic form of representative government that took place in central Europe, more or less around the same time, within the kingdom of Poland-Lithuania. There, it was not townsmen or burgesses, but blue-blooded aristocrats of Catholic persuasion who managed to outflank monarchy, by stealth, in the name of what they later called 'aristocratic democracy' (*demokracja szlachecka*).

The case of Poland proves that the language of democracy was promiscuous. It showed as well that there was nothing essentially 'liberal' or 'bourgeois' about parliamentary assemblies, and that they could be the work of a class of land-owning nobility bent on expanding their grip on the whole society. During the sixteenth century, the monarchy in that country was effectively sidelined, along with bourgeois interests, as can be seen in the clutch of laws passed in the parliament (called the *Sejm*) between 1496 and 1541. The peasantry were confined to the soil, denied access to royal courts, and instead subjected to the decisions of seigneurial courts. All but a few towns lost their right of representation in the parliament - even then they had no voting rights - and most came to be directly administered by nobles. By the last years of the sixteenth century, deputies from both the church and the towns disappeared from the *Sejm*. From 1573 onwards, the king was directly elected at a gathering of the whole nobility and forced to swear that he would faithfully abide by the terms and conditions of his contract with the nobility.

How did the aristocracy manage to humble monarchy in this way? Geography - the flat plains of the region, and especially the absence of rugged mountain ranges – certainly helped the formation of a unified kingdom, beginning with the military conquests of Boleslav the Mighty (992-1025). Although the kings of the realm came to regard its land and people as their family estate, to be divided among their sons, the administrative control of such vast territory in practice forced them to do what the monarchies of León and Castile first did. They solicited local support, and so made their power dependent upon the consent of others. Initially they did this by offering land and privileges to local magnates, who morphed into knights and officials powerful enough to obstruct the workings of the court. By the twelfth and thirteenth centuries, something like a class of greater nobles (called the *szlachta*) had formed. To speak of it as a class is a bit misleading, for at the beginning it lacked an integrated geographical vision. Power was exercised locally, over local populations, usually through provincial assemblies, dominated by local ecclesiastics and local noble families.

The rivalries generated by the de-concentration of power nearly wrecked the realm, not least because many peasants, enjoying a measure of prosperity triggered by demands for Polish cereals elsewhere in Europe, grew uppity. With their social and political power besieged, the *szlachta* rallied by turning towards the lesser nobility. By the early fourteenth century, nobles both rich and poor joined forces. They began to refer to themselves as a privileged ‘noble community’ bound together by common aims and common privileges. They wriggled out of taxation duties. Following the reunification of Poland in 1320 under Vladislav I, they gradually forced the hand of the court, beginning with the famous Pact of Koszyce. It gave the nobility virtually everything they wanted. It solved the political problem of taxation by declaring them exonerated from taxation, in perpetuity. The Pact guaranteed them an exclusive monopoly on the offices disbursed by the monarchy. But the nobility’s greatest moment of triumph came when Ludwig the Great died, leaving behind his heiress Hedwig, who was forced by the nobility to wed Jagiello, the Grand Duke of Lithuania. At a stroke, the Polish *szlachta* secured the union of Poland and Lithuania and established a most basic entitlement: the right to appoint the monarch!

Many nobles agreed that the right to clip the wings of monarchs required a territorial parliament. The central Diet or *Sejm* served as the shears; it was the chamber in which the nobility spoke its mind, to announce the shocking truth for monarchists all over Europe that the Polish polity was a crowned republic. From the time of the accession of Jagiello (Vladislav II), the deputies of the *Sejm* flexed their muscles at least once a year, and sometimes twice, usually during a six-week period. Dominated by nobility or officials of noble birth (such as bishops and high dignitaries, including governors of castles, or castellans), the chamber laid down the laws of the realm. From the year 1454, each king had to be elected, through a ceremony called the *pacta conventa*. He was forced to agree that there could be no new taxes or levies of the army without the consent of the local parliaments, or dietines, dominated by the nobility. Successive kings tried to play off the dietines with the *Sejm*, but the tactic backfired. By the last decade of the fifteenth century, the *Sejm* had been turned into a two-chamber forum. Its Senate, presided over by the king, was dominated by noble voices in the shape of high state dignitaries, bishops, castellans and a mere handful of townsmen. The new Chamber of Deputies, formed in 1493, a year after Columbus sailed for North America, comprised representatives of the dietines.

So by means of a form of representative government guided by a bicameral parliament, the nobility came to institutionalise its differences in order better to exercise a stranglehold over any monarch who tried to act as if he or she were a true monarch. In the process, the members of the bicameral chamber guarded their own social flanks, especially by tightening the political screws on the remaining few representatives of the towns. This was no triangular parliament, in the style of Léon. There were no urban *boni homines*, and nobility and churchmen were effectively rolled into one; from these groups, membership of the *Sejm* was limited to dignitaries from the capital cities of Cracow and Vilna, and just a few other towns. Their voting powers were soon suspended, so that they became mere observers, with no voting rights. Then in 1496 the *Sejm* struck a final blow against the townsmen by legislating away their right to acquire and own land - thereby ensuring that outside the towns all property and all local political power was in the hands of the nobility. The famous 1505 constitution, *Nihil Novi*, capped the total victory of the nobility over the monarchy. It did so by instituting something of a condominium comprising the Senate, the Chamber of Deputies and the king. That in turn enabled the nobility to

dictate the terms and conditions of government, including such institutions as the supreme court of justice, which in 1578 was removed from royal hands and renamed the Tribunal of the Crown, elected annually by the nobility itself.

The crowned parliamentary republic dominated by the nobility survived well into the eighteenth century. The election of kings by the whole of the assembled nobility - suggests a famous painting of the instalment of Stanislas Poniatowski - were splendid affairs that made as clear as a blue summer's sky that the powers of the crown were utterly dependent upon the given consent of their electors. It was a topsy-turvy world of 'aristocratic democracy' - the term began to be used sometime during the seventeenth century - in which kings were subjects and nobles were sovereigns. So powerful were the men of good breeding that from the second half of the sixteenth century they had thought and talked of themselves as a pure 'noble nation', one that was cleansed of the muck of monarchs, and peasants and burgesses as well. In effect (as the Swiss political thinker Jean-Jacques Rousseau noted) Poland was composed of three orders: the nobles, who were everything; the burghers, who were nothing; and the peasants, who were less than nothing.³⁷

The noble nation certainly thought of itself as a self-governing nation. So jealous of their powers were the nobility that from 1699 the principle of unanimity - the right of any noble to veto any legislation - began to be applied to all decisions taken by the *Sejm*. Some contemporary observers praised the practice of this *liberum veto* (as it was called), but the bitter truth is that its revolt against the principles of representative government was a Pyrrhic victory. The fantasy that Poles were Greeks soon began to have implosive consequences. The *Sejm*, already enjoying a near-monopoly of power, began to quash sentences imposed by the Tribunal of the Crown, so transforming itself into a legislature with combined judicial powers. The *Sejm*'s use of the right of veto became systematic, so that between 1652 and 1764, it disbanded fifty three times without passing any legislation at all. Drift and stagnation resulted; today, we might call it dragnation. Tensions between magnates and the lower nobility deepened. The resulting power struggles between rich and poor nobility spread to the local dietines, where the biggest landholders, like the Czartoryskis and the Patockis, usually held sway.

In the face of ‘democratic tumult’³⁸, the Polish crowned republic began to implode. In the name of the king, local magnates raised troops and taxes to protect their own interests; threatening military force, some of them even declared confederacies in opposition both to the monarchy and to other magnates. Political power became concentrated in the chateaux of the richest magnates. The monarchy was paralysed. Any attempts at reform, as when Augustus II tried in 1719 to initiate constitutional changes with the support of Hanover and Austria, against Russia, were checkmated. So it was little wonder that foreign powers, the well-armed monarchies of Prussia and Russia in particular, began to rub their hands together in contemplation of the spoils, especially when violent infighting erupted. For seventy years after 1648, Poland drifted into permanent war, pauperisation, and plague. The population declined by a third. Towns suffered utter disrepair. Living conditions were so bad there that most artisans were forced into agriculture, whose outputs and exports of grain declined dramatically.

The whole experiment in recreating the world of Greek assemblies in central Europe came unstuck; and with the surprise First Partition in 1772 the whole country stumbled towards dismemberment. It was reduced (as Jean-Jacques Rousseau put it in April of that fateful year) to ‘a depopulated, devastated and oppressed region, defenceless against her aggressors and at the height of her misfortunes and anarchy’.³⁹ Wearing a brave face, the magnates tried - unsuccessfully - to forestall further damage by centralising power in the form of a powerful permanent executive council of thirty-six members, chosen by the *Sejm*, to advise the king and to steer the institutions of government. The effort to manage the political crisis failed. Following the great irony of the May 1791 bloodless revolution, which saw the king and local patriots persuade the *Sejm* to accept hereditary monarchy, a national legislature stripped of the veto, and the renunciation of noble privilege, Poland was to suffer partition twice. The Polish experiment in aristocratic democracy was over - along with Poland, which disappeared off the maps of Europe for the next century and a half.

The King's Cabinet

Quite a few lessons were to be learned from the death of aristocratic democracy in Poland, not least of which was the folly of its disapproval of leadership and its

willingness to believe that representative mechanisms could be dispensed with when governing a large republic. But in retrospect, when judged in terms of the mature ideals of representative democracy, the fundamental weakness of the Polish adventure had to do with the fake democratic qualities of its aristocratic democracy. Its degree of legitimacy in the eyes of the population of the country is unknown, though that should not stop us asking a tough question that others would soon ask: what kind of so-called democracy was this that reduced everybody to pawns in the power games of the aristocracy backed by a monarch?

It took an upheaval more radical than those in the Netherlands and Poland to pose this kind of question to millions of people. Something drastic was needed: like the thump of a king's plump head on an execution platform, in full view of a breathless public.

Exactly that bloody end to monarchy was foreshadowed in the English revolutionary events that erupted a generation after the rebellion in the Low Countries. The English drama had many causes and causers. It produced many surprises, but here was among the biggest: a publishing extravaganza that clawed at the heart of the whole system of sovereign power. During his defeat at the Battle of Naseby (on June 14th 1645) by Parliament's crack cavalry regiment, called the Ironsides or New Model Army, King Charles I suffered the added misfortune of having a trunk stuffed full with his personal belongings confiscated by the victorious rebels on the parliamentary side. Various letters tucked away in his baggage were of particular interest to his opponents. So in early July 1645 - thanks to several printing presses using movable type of the kind first applied by Johann Gutenberg to produce a printed Bible - they arranged for the publication of *The Kings Cabinet Opened*⁴⁰.

An almighty rumpus in print instantly followed. Never before had the secrets of a monarch been treated so disdainfully - so publicly. With the whole country sliding into civil war, the highest matters of state were revealed to all who could read, or could be read to, or who could pluck fruit from the grapevine of gossip. The letters (said the radicals) revealed the King's and Queen's intentions 'to bring Forraigne Forces, a Forraigne Prince with an Army into this Kingdom'. The letters mentioned the King's stated intention 'to put a short period to this perpetuall Parliament'. Such words (continued the radicals) and his general sympathies for 'Papists' were clear

proof that the shortest king in the history of the country, the monarch who was still unable to walk or talk at the age of three, now had bigmouth plans. He allegedly aimed 'to overthrow the Law of the Land by Power'. He wanted as well 'to repeale the Lawes and Statutes of this Realme by Force and Armes...to repeale all the Statutes of this Kingdome against Papists'. It was good for the cause of liberty 'that things are now discovered and brought to light, that have been so long hid in darknesse.'

The King's supporters flew into a fury. Contradicting themselves by repeating *verbatim* the revelations and putting their own objections into print, they denounced 'the Rebels of this Age' for having seized 'such ignoble Trophees' and so 'prostituted those chast and holy Papers, to the base adulteries of all common Eyes'. The whole act was treachery. It was a direct violation of the 'sacred person' of the King and the 'happy Government' called monarchy. 'They will not let him *loath* a Rebel', the critics complained, in astonishment. 'They will not let him use his *Sword*...they will not let him use his *Pen*, but they will expose him for it.'⁴¹

It seemed not to occur to the royalist defenders of secrecy that by using the printing press to combat the printing press, they had walked right into the trap cunningly set by their enemies. They succeeded in fuelling a blockbuster media event - with fatal consequences for the institution of monarchy. Two summers after his military defeat at Naseby, the King fled from his power base in Oxford. He gave himself up to the Scottish army, who promptly sold him for a handsome sum of money to the Parliament at Westminster. The king instantly refused its conditions for returning to the throne. His intransigence stirred up disagreements among the supporters of Parliament. Sections of the New Model Army, whose core support and leadership were Protestant radicals who favoured humbling the king, who knew how to do just that by fighting in formation on horseback, grew restive. The King was arrested, held at Hampton Court Palace; but fearing that he would be murdered he managed to escape his captors and fled to the Isle of Wight, whose governor placed him under house arrest at Carisbrooke Castle. Ever scheming, ever duplicitous, the king then tried to do a deal with Scots royalists, who pledged to seat him back on the throne if he promised to make Presbyterianism the official religion of both kingdoms.

That deal triggered rage in parliamentary circles. At an army prayer meeting in May 1648, it was noted by some soldiers that they had a God-given duty to ‘call Charles Stuart, that man of blood, to an account, for that blood he had shed, and mischief he had done, to his utmost, against the Lord’s cause and people in these poor nations’. Note the reference to ‘people’ and the self-conviction of the radicals that God and Righteousness were on their side. The subsequent refusal of the king and his opponents to talk produced another round of bitter fighting throughout the country, with the New Model Army commanded by Cromwell on the side of Parliament - against the king and his Scottish supporters, whose invasion of England was stopped dead in its tracks, at the Battle of Preston, in mid-August 1648.

Now firmly in control, the army began to purge Parliament of its Presbyterian sympathisers and moderates. The remaining Rump Parliament, as it came to be called, appointed a parliamentary commission for the purpose of negotiating with the king, and restoring him ‘to a condition of safety, honour and freedom’. That would be on the condition that he agreed to regular biennial parliaments that exercised control over the army, paid outstanding remuneration and approved the appointment of the principal ministers of state. The king refused to vote for his own humbling. So twelve days before Christmas, 1648, negotiations with the king were broken off. With great difficulty, and the outright opposition of the House of Lords, parliament tried to cobble together a special court to bring charges against the king. It managed to do this, so that on Saturday 20th January 1649 the newly formed High Court of Justice assembled to try the king, who was unaware of the claims about to be put before him.

Dressed in a black gown, the Solicitor-General John Cook, a barrister of Gray’s Inn, rose to read the accusation. The king was charged with ‘high treason and high misdemeanours...in the name of the commons of England’.⁴² The king tried to interrupt, but Cook persisted, contending that the king had been ‘trusted with a limited power to govern by and according to the laws of the land and not otherwise’, and that instead he had ‘traitorously and maliciously levied war against the present Parliament and the people therein represented’. The charge concluded that the king was ‘A Tyrant, traitor and murderer and a public and implacable Enemy to the Commonwealth of England’.

The subsequent altercations between Cook and the king revealed two fundamentally opposed definitions of sovereignty. Cook called on the accused to respond before the Court to the charges. He did so, without his usual stammer, by denying the authority of the Court. The power of parliament may have grown out of barrels of gunpowder, but it could never be a source of right. 'I would know by what power I am called hither', he snapped. 'I would know by what authority, I mean lawful. There are many unlawful authorities in the world, thieves and robbers by the highway'. He paused, then issued a threat. 'Remember I am your King, your lawful King, and what sins you bring upon your heads, and the judgment of God upon this land; think well upon it, I say...'

No believer in the presumption of innocence, Cook insisted that the king should answer the charges 'in the name of the people, of which you are elected King'. The accused erupted. 'England was never an elected Kingdom, but a hereditary Kingdom, for near these thousand years', he spluttered. 'I do stand more for the liberty of my people, than any here that come to be my pretended judges...I do not come here as submitting to the Court...Let me see a legal warrant authorised...by the constitution of the Kingdom and I will answer.'

That reply, heckled by soldiers in the Court shouting 'Justice! Justice!', earned the king the ultimate verdict. During the morning of Tuesday January 30th, the House of Commons passed emergency legislation declaring itself - as the parliament of the representatives of the people - the ultimate source of authority, and making it an offence to proclaim a new king. As the Commons went about its business, the king was escorted on foot from the Palace of St James, through the adjoining park, towards Whitehall, guarded by a regiment of foot soldiers, their colours flying and drums beating. The king was made to wait several hours in a small room. He took the Sacrament and around noon nibbled some bread and drank a glass of claret.

Then came his last engagement. Like a marked tree surrounded by a forest of woodsmen wielding muskets, the King was shuffled through the Banqueting Hall, with its ceiling painted by Peter Paul Rubens, out to Whitehall Gate, near to which there had been erected a gigantic scaffold draped in black cloth with an axe and block laid out in its middle. Thousands of spectators surged forwards. The king, his surgeon,

a bishop and several officers, including Colonel Hacker, the masked executioner, slowly mounted the scaffold.

The crowd hushed. The king seemed calm. Reportedly dressed in two shirts to prevent the cold January weather from causing him to shiver, which might have prompted onlookers to think that he shook with fear, or weakness, the king was heard to utter some confused sentences. 'I think it is my duty to God first and to my country for to clear myself both as an honest man and a good King, and a good Christian', said the king who still stood firm in the view that he was by Divine Right. 'A national synod freely called, freely debating among themselves, must settle this, when that every opinion is freely and clearly heard', said the king with an understanding of the history of church councils. 'I am the Martyr of the People', he said, sounding momentarily as if he were on the side of the Protestant radicals, only to return to his original thought: 'For the people. And Truly I desire their Liberty and Freedom as much as any Body whomsoever. But I must tell you. That their Liberty and Freedom, consists in having of Government.' He added: 'A subject and a sovereign are clean different things.'⁴³

Words were about to morph into the silence of violence. The king, always in command, turned to Colonel Hacker and instructed him to take care with the axe, so that he would not inflict undue pain. The king then asked for his nightcap, under which his long, curled hair was tucked with the help of the executioner. 'I have a good Cause, and a gracious God on my side', said the king, steadying himself. 'I go from a corruptible, to an incorruptible Crown; where no disturbance can be, no disturbance in the World.' With those words, the king moved towards the block.

The king stared at it for some seconds, then said to the executioner: 'You must set it fast.'

Executioner: 'It is fast Sir.'

King: 'It might have been a little higher.'

Executioner: 'It can be no higher Sir.'

King (stretching out his hands): ‘When I put out my hands this way, then...’

After two or three words to himself, the king stooped, kneeled on the platform, then put his head on the block. The executioner re-tucked the king’s hair under his nightcap.

King (thinking that the executioner was about to strike): ‘Stay for the signe.’

Executioner: ‘Yes, I will, and it please Your Majesty.’

Several seconds later, the king stretched out his hands, the breathless crowd gasped, and down came the axe, clamping its victim to the block. With one clean stroke, a fountain of blood surged across the platform. As the body was lifted gently into a coffin, then draped with black velvet, the executioner clawed at the severed head and in silence, for several minutes, raised it high in the air, so that all who still had eyes could see that the time of kings and queens was no more.

The Poorest Man Hath as True a Title and Just Right...

Politically speaking, things were never again to be the same in England, or in the rest of Europe. Like all revolutionary events, the King's execution produced shock waves that triggered perverse effects, certainly. During the Commonwealth period, which lasted from 1649 until 1660, the execution turned the English parliament into a handpicked Barebones Parliament and put England for a time under the thumb of Cromwell’s military dictatorship (and were it not for loud protests in the army, Lord Protector Cromwell would have accepted the Crown as King). Great violence was heaped upon the Irish. Scotland was conquered and the bullish policy of commercial expansion through naval power led to a war with the Dutch, who had monopolised the carrying trade of the world during the first half of the seventeenth century, and to war against the Spanish. The abolition of feudal tenures and the establishment of an absolute right of property against government made possible the social misery and political conflict generated by the wholesale enclosures and expropriations of the next 150 years. And although it is true that monarchy began to feel cheaper, as if it had been merely an office whose duties were written in the King’s blood, the public

execution of King Charles I had the effect of creating a cult of King Charles the Martyr, beginning with the publication of his supposed meditations during his final months. Rivers of rumour began to cut through the body of the new republic. Prodigies flourished in the popular press. It was revealed that Oliver Cromwell had ordered the king's head to be sewn back on his body. It was said that a huge whale had beached at Dover within the same hour of the king's execution, that a blazing star had fallen that night over Whitehall, and that next morning a commoner who swore that the king deserved to die had had both his eyes pecked out by a murder of black crows.

It is true that martyrdom sustained the royalist cause and prepared the way for the restoration of monarchy (in 1660) and its sanctification by the Anglican Church. It is true that Charles II came back, pretending that he had been king by divine hereditary right ever since his father's head had been held high over a Whitehall crowd; and it is also undeniable that to this day, wreaths of remembrance are laid on the anniversary of the king's death at his statue, which faces down Whitehall to the site of his beheading. But despite all the setbacks and degradations, and the unfair gains made by a rising propertied middle class and a gentry that dominated local government, the fundamental change that came over England was the permanent humbling of the Crown and its Church, in favour of the visible appearance of the common man and common woman on the stage of political history.

An anonymous Flemish-language pamphlet had complained loudly about the way in which the earlier rebellion in the Low Countries had so stirred up discussion among 'uneducated weavers and furriers' that even commoners in Leiden and Ghent had put Democracy on their agenda.⁴⁴ The English events did that, but in much more radical fashion. The executioner's sharp axe sliced deeply into the social fabric of England, and for a time legitimated some new voices: the cries of the downtrodden to be treated with dignity, with respect, seen as rightfully privileged, even. Monarchy was declared to be 'unnecessary, burdensome, and dangerous' and abolished in the name of 'the liberty, safety and public interest of the people'. And that old category, 'the people', came alive, with fresh spirit and new meaning. Especially in southern and eastern England, and within the New Model Army, which for a time governed itself using its own elected representatives, the struggle to defeat the monarchy enlisted the support

of plain-clothed commoners who had political ideas of their own. ‘We had a thing here called a Committee’, recorded a gentleman from the Isle of Wight, ‘which overruled Deputy-Lieutenants and also Justices of the Peace, and of this we had brave men: Ringwood of Newport, the pedlar: Maynard, the apothecary: Matthews, the baker: Wavell and Legge, farmers; and poor Baxter of Hurst Castle. These ruled the whole Island, and did whatsoever they thought good in their own eyes.’⁴⁵

The execution of Charles I was the dramatic ending of a long phase in the history of representative government. Not only did it give a public voice to pedlars, bakers, apothecaries, farmers and simple servants. It signalled the fact that the spectre of *political equality* – of democracy – would from hereon haunt representative government. The fact that the king was buried at Windsor rather than Westminster Abbey because of fears of public disorder pointed to a future that nobody had envisaged – certainly not the God-fearing radicals, some of whom even liked to preach equality by citing Galatians 3. 28 (‘there is not here Jew or Greek, there is not here servant nor freeman, there is not here male and female, for all ye are one in Christ Jesus’). The failed English revolution succeeded in putting a sting in the tail of this old Christian principle. Though Colonel Hacker probably did not think in this way, he managed to execute two monarchs on that cold winter’s afternoon at Whitehall: the physical body of the king, of course, but as well a symbolic killing of deference. From that day forward, and not only in England, symbolic regicide, carried out in public, with or without masked executioners, promised that humble folk who had been subjects of a crown were transformed into citizens with straightened spines, who lived in a country, as Camus later famously put it in *The Rebel*, in which the throne of sovereign power forever remained empty. The beheading of the king put an end to the practice of sitting on thrones. It put to death a form of government and a whole way of life in which the monarch ruled alone, like God, over a visible and actual body politic, itself understood as an extension of the earthly sovereign's body. Monarchy had been more than one individual's claim to rule, for example by Divine Right. It was also a justification of a certain kind of political order, one that could only be ruled by one sovereign individual. The oft-repeated phrase of the contemporary French bishop Bossuet (1627-1704) that ‘the State is in the person of the prince’ highlighted that point. The body politic required a particular kind of leadership, a leader who was God's deputy, a peacemaker, a lord of everything, a sole

knower of the mysteries of the State, a father who protects and lovingly disciplines his child-like subjects.

The public trial and execution of King Charles I proved fatal to this type of regime. Assassins and court murderers could strike down monarchs in private, but putting a king on trial and executing him before an open-mouthed public killed two bodies, that of the king and that of the God-given body politic. Government was from hereon open in principle to all and sundry and - more radically - power relations were consequently seen not as divine, or as symbolically linked to an individual of royal birth. Matters to do with who gets what, when and how were to be seen as contingent: as up for grabs, as depending upon human judgements and actions, preferably by a government of elected representatives enjoying the support of all its citizens.

NOTES

¹ Shakespeare, *King Lear*, Act V, Scene 3.

² Baron de Montesquieu, *The Spirit of the Laws* (New York and London 1949), book 2, chapter 2 ('Of the Republican Government, and the Laws in relation to Democracy'), p. 9.

³ D'Argenson, *Considérations sur le gouvernement ancien et présent de la France* (Amsterdam 1765), p. 8.

⁴ James Madison, 'The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)', *Daily Advertiser* (Thursday, November 22, 1787): 'The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.'

⁵ Cited in Pierre Rosanvallon, 'The History of the Word "Democracy" in France', *Journal of Democracy*, 6, 4 (1995), p. 143 [need to cite original].

⁶ From a speech by James Wilson to the Federal Convention (6 June 1787), in Max Farrand (ed.), *The Records of the Federal Convention of 1787*, 4 volumes (New Haven and London 1937), volume 1, chapter 13, document 18, pp. 132-133.

⁷ Thomas Paine, *Rights of Man*, part 2

⁸ Thomas Paine, *Letter to the Citizens of America*

⁹ Thomas Paine, *Rights of Man*, part 2.

¹⁰ François Guizot, *Histoire des origines du gouvernement représentatif, 1821-1822*, 2 volumes (Paris 1821-22), translated as *The History of the Origins of Representative Government in Europe* (London 1861), part 1, lecture 1, p. 12.

¹¹ A.F. Pollard, *The Evolution of Parliament* (1920), p. 3 [?]

¹² From the account provided by the English chronicler, William of Malmesbury, in *Rolls Series* ii, pp. 394-395, and pp. 398: 'Rid the sanctuary of God of the unbelievers,' Urban II reportedly said, 'expel the thieves and lead back the faithful. Let no loyalty to kinsfolk hold you back; man's loyalty lies in the first place to God.' See also Dana C. Munro, 'The Speech of Pope Urban II at Clermont, 1095', *American Historical Review* xi (1906), pp. 231-242; other key versions of the text are assembled in J.P. Migne, *Patrologia Latina* 151, columns 565-582.

¹³ According to the Real Academia Española's eighteenth-century *Diccionario de Autoridades* (Madrid, 1737), volume A-C, pp. 627-628, the old word *cortes* has three richly overlapping root meanings: *corte* refers to the city or town where a monarch resides and holds his or her councils (*consejos*) and tribunals (*tribunals*), a usage that has its origin in the Latin *cohors* (referring to a yard, or enclosure, or troops of 1/10 of a legion); *corte* also refers to the whole body of councils, tribunals, ministers and officials, whose job it is to advise and to serve the monarch; and *cortes*, which refers to the city council whose representatives are empowered to make proposals and demands, and to grant services to a monarch. The new meaning of *cortes* that crystallised around the initiative of Alfonso IX was effectively a distilled synthesis of all three of these meanings.

¹⁴ Real Academia Española, *Diccionario de Autoridades* (Madrid, 1737), volume 5, p. 392.

¹⁵ The Icelandic assembly of Thingvellir, first [?] held in 930 CE, has often been celebrated as the most ancient legislative assembly of the European region. The view is mistaken. Its members indeed assembled on an open plain, listened to the proposals of the wise man Ulfjöt but – the surviving evidence suggests – they normally accepted those proposals through acclamation, with no debate or controversy. Such rule by acclamation was thoroughly in accordance with the rules of feudal assemblies, as has been pointed out by Antonio Marongiu, *Medieval Parliaments. A Comparative Study* (London 1968), part 1; and Walter Ullmann, *Principles of Government and Politics in the Middle Ages* (Harmondsworth 1961).

¹⁶ Marichalar and Manrique, *Historia de la Legislación y Recitaciones del Derecho Civil de España* (Madrid 1861-1876), volume VII, pp. 455-456.

¹⁷ Roger Bigelow Merriman, 'The Cortes of the Spanish Kingdoms in the Later Middle Ages', *The American Historical Review*, volume 16, 3 (1911), p. 482, note 29.

¹⁸ The word for these representative assemblies comes from the Old Norse and Icelandic: *þing*. The term lives on today in the official names of the region's legislatures, such as the Danish *Folketing*, the Faroe Islands *Løgting* and the Norwegian *Storting*. The word makes its presence felt as well within the English 'thing', meaning 'object', a word that is an end link within a chain of connotations stretching from 'assembly' to 'court' to 'case' to 'business' to 'purpose' to 'object'.

¹⁹ Böhmer, *Acta Imperii Selecta*, 130 [?]

²⁰ Niccolò Machiavelli, *The Prince* (), chapters ix and xix; and the nuanced commentary by Quentin Skinner, *The Foundations of Modern Political Thought, volume 2 : The Age of the Reformation* (Cambridge and London 1978), pp. 353-354.

²¹ Charles F. Adams (ed.), *The Works of John Adams*, 10 volumes (Boston 1850-1856), volume 6, p. 469.

²² Henri Pirenne, *Belgian Democracy: Its Early History* (Manchester 1915), pp. 134-147.

²³ Lyrics from the 1965 song by Bob Dylan, *It's Alright, Ma (I'm Only Bleeding)*.

²⁴ From one of the earliest guides to the religious life, written around 400 CE, *The Rule of St. Augustine*, chapter 7, section 3.

²⁵ Manegold of Lautenbach, *Liber ad Gebhardum*, in Libelli, volume 1, pp. 310-430; see also his *Liber contra Wolfelum*, edited Robert Ziolkowski Leuven, Paris and Dudley, Ma., 2002).

²⁶ Günter Stemberger, 'Stammt das synodale Element der Kirche aus der Synagoge?', *Annuaire Historiae Conciliorum* 8 (1976), pp. 1-14.

²⁷ J.H. Robinson [ed.], *Translations and Reprints from the Original Sources of European History* (Philadelphia 1912), series I, volume III, 6, pp. 31-32.

²⁸ From the sermon in support of the National Covenant by John Hamilton, in *Diary of Archibald Johnston of Wariston, 1632-1639* (Edinburgh 1911), volume I, p. 326.

²⁹ *The Confession of Faith of the Kirk of Scotland: or THE NATIONAL COVENANT, with a designation of such Acts of Parliament as are expedient for justifying the union after mentioned* (Assembly at Edinburgh, 30 August, 1639, Session 23).

³⁰ Alexander Henderson, *The Bishops Doom. A Sermon Preached before the General Assembly which sat at Glasgow anno. 1638. On occasion of pronouncing the sentence of the greater excommunication against eight of the bishops, and deposing or suspending the other six. By Alexander Hamilton, moderator of that and several subsequent assemblies. With a Postscript on the present decay of church discipline* (Edinburgh 1792), pp. 17-18.

³¹ See the biographies written by Luther's friend Philip Melancthon (in 1548) and Luther's enemy Johannes Cochlaeus (in 1549), translated and reprinted in Elizabeth Vandiver et. al. (eds.), *Luther's Lives. Two Contemporary Accounts of Martin Luther* (Manchester 2002); details of Calvin's treatment at the hands of Jerome Bolsec are found in Bernard Cottret, *Calvin. A Biography* (London 2002).

³² All citations are drawn from *Areopagitica. A Speech for the Liberty of Unlicenc'd Printing*, in E.H. Visiak (ed.), *Milton. Complete Poetry and Selected Prose* (Glasgow 1925). Further discussion of the strengths and weaknesses of the earliest appeals for liberty of the press is found in my *The Media and Democracy* (Oxford 1991), especially pp. 1-50.

³³ Act of Abjuration, in E.H. Kossmann and A.F. Mellink (eds.), *Texts Concerning the Revolt of the Netherlands* (Cambridge 1974), p. 225.

³⁴ Sophocles, *Antigone*, 1.[or 1.] 296...

³⁵ Plutarch, *Lives: Cleomenes* chapter 27, section 1..

³⁶ Diogenes Laertius, *Diogenes*, Book 6, section 50...

³⁷ *Considérations sur le gouvernement de Pologne* (1772; unpublished..), chapter 6, p. 183

³⁸ *Considérations sur le gouvernement de Pologne* (1772; unpublished..), chapter 7, p. 200 (in English edition – alter)

³⁹ *Considérations sur le gouvernement de Pologne* (1772; unpublished..), chapter 1, p. 160 (in English edition – alter)

⁴⁰ *The Kings Cabinet Opened : or, Certain packets of secret letters & papers, written with the Kings own hand, and taken in his cabinet at Nasby-Field, June 14. 1645. By victorious Sr Thomas Fairfax..*(London 1645)

⁴¹ See the anonymous pamphlet, *A Key to the Kings Cabinet; or Animadversions upon the three Printed Speeches, of Mr Lisle, Mr Tate, and Mr Browne, spoken at a Common-Hall in London, 3. July 1645. Detecting the Malice and Falshood of their Blasphemous Observations made upon the King and Queenes Letters* (Oxford 1645), pp. 2 ff (all italics in original).

⁴² This and the following quotations are drawn from Cobbett, *Complete Collection of State Trials*, volume 4 (London 1809), pp. 995, 1074.

⁴³ The quotations and details are drawn from the official account, *King Charls. His Speech Made Upon the Scaffold At Whitehall-Gate, Immediately before his Execution, On Tuesday the 30 of Jan. 1648 [sic] With a Relation of the maner of his going to Execution. Published by Special Authority* (London 1649)

⁴⁴ *Vant Swingelsche Calff, etc.* (Paris 1580): 'These uneducated weavers and furriers have learned from their preachers how to debate, and they take particular pleasure, though without reason and understanding, as it would take too long to explain, in comparing Democracy with Oligarchy, Polyarchy, Aristocracy, and, best of all, Monarchy...The Ghenters say openly that they do not want to

see any more four-cornered caps, long robes, and velvet caps: that is, clerics, learned doctors, and nobles.’ Rounding on the stupidity of the ‘common people’ (*ghemeyn puepel*), the mean-spirited Catholic author drew a sour conclusion that touches on our opening theme: ‘Without clerics and learned doctors we shall soon have a more dangerous and horrible confusion than ever there was in Babylon.’

⁴⁵ Sir John Oglander, cited in Christopher Hill, *The English Revolution 1640* (London 1940), especially part 4.