

Chapter 11: Fine-Grained Constitutional Bargaining

The shift from king-dominated versions of the king and council template to liberal constitutional democracy involved two major changes: (i) increased policymaking authority for parliament and (ii) the selection of members of parliament by broad electorates. It is important to understand that those changes were multidimensional and the product of fine-grained constitutional negotiations and reforms. At some points in time, minor parts of liberal reform agendas were accepted in lieu of major reforms. In other cases, “secondary” details were used as devices to reduce the impact of what would otherwise have been major liberal reforms. In all cases, bargaining over the details made constitutional reforms possible that would otherwise not have been adopted.

At every step in the transition to Western democracy, a variety of procedural details had to be addressed, and many of these were revisited and renegotiated from time to time during the nineteenth century. In most cases, it was well understood that secondary reforms would affect the future course of public policy, and so debate and analysis were often extensive, and the bargains struck were subtle and multidimensional.

The bargaining and cumulative effect of secondary reforms was broadly similar throughout the West. Parliament’s veto power over new taxes, together with changes in technology and the rise of liberalism, gradually produced governments that were directed by elected leaders of political parties. In parliamentary systems, these leaders often held posts in what had formerly been royal executive councils, and which gradually became ministries or cabinets. The most important executive officials gradually became prime minister and chancellors, rather than kings and queens. The number of chambers in parliament and/or basis for holding offices in them were adjusted. Suffrage was generally expanded, but new qualifications for suffrage and elected office were sometimes introduced, while others were reduced. Voting, itself, was transformed as voice votes and physical divisions of voters were replaced with counts of secret ballots. Weighted electoral systems tended to be replaced by systems based on the principle of “one person, one vote.”

At the end of these negotiations, kings and queens normally remained part of the architecture for governance. Most were formally sovereign and retained significant formal authority, included the authority to veto new laws and appointment top officials. In most cases, new laws continued to be issued by the king or queen (or in their name). However, these formal powers were often circumscribed by new liberal norms for governance under which the elected chambers would have dominant authority over public policy. As a consequence, control over domestic areas of policy had largely shifted to the elected chambers of parliament.

Military and international affairs would follow in the next decade or two in cases in which they were not already controlled by parliament.

These late nineteenth-century bargaining equilibria between the king and parliament often remained unwritten well into the twentieth century, at which point the sovereign's de facto authority was occasionally codified in new instruments of government, as in Sweden in 1975 and the Netherlands in 1983.

Although the cumulative results were remarkably similar, the specific terms of trade varied with the interests represented in parliament and with the idiosyncrasies and innovations of the leaders directly engaged in the negotiations. For example, long-standing first-past-the-post electoral systems were often, but not always, replaced with systems based on proportional representation in the early twentieth century. The extent to which reforms were codified in formal constitutional documents or adopted through legislation and informal changes in decisionmaking procedures also varied, even in cases in which reforms were broadly similar.

A. Partisan and Mass Politics

National party organizations were rarely mentioned in constitutional documents prior to 1900, although they played increasingly important roles in policy decisions during the nineteenth century. The new roles played by the leaders of such political organizations were among the most important quasi-constitutional reforms of the nineteenth and early twentieth centuries.

Loose affiliations of politicians and their supporters have existed as long as nations have had parliaments, because assembling majorities from groups with similar interests is normally easier than doing so from unaffiliated members. Fewer persons have to be directly consulted and fewer discordant interests taken into account. The leaders of such groups (factions) were useful for kings (and queens) and were often able to obtain royal favors for their members in exchange for support on matters of interest to the sovereign. Such fiscal and legislative bargains favored members of such groups over independents, which provided a reason to join such groups and for group members to defer to their leader(s) at the margin. In the medieval period, such groups were normally based on regional issues and family trees. After the Reformation, theological and ideological differences also played significant roles

Kings (and queens) had nearly always required majorities in parliaments (or tax councils) to obtain new taxes (supplements) from parliament, but during the eighteenth and nineteenth centuries, parliamentary finance became more and more critical for the routine operations of government. Even peacetime expenses could no longer be paid out of the sovereign's standing income sources. Tax requests were made more often, but without the sense of the "emergency" that was common in

earlier periods. As a consequence, sovereigns required reliable parliamentary majorities to finance government. This increased the importance of factions and faction leaders in parliament and also provided stronger incentives for members of parliament to join the stable coalitions that gradually became known as political parties.

Membership in such standing coalitions also became increasingly important for obtaining seats in parliament. As suffrage expanded, political parties began to include large numbers of persons who were not officeholders or especially influential in their town or regional governments. Campaigns for the votes of even less politically engaged persons induced parties to become more ideological and issue oriented. Proposed reforms (and continuities) had to be communicated to large numbers of persons in a relatively short period through pamphlets and speeches, and there were economies of scale associated with persuasive campaigns in the new settings in which large numbers of voters needed to be induced to vote for candidates.

More restrictive rules regarding the direct purchase of votes and the gradual introduction of secret ballots in the second half of the eighteenth century further increased the importance of organized persuasive campaigns. The new election laws made voter decisions less subject to local economic and cultural sanctions, which reduced the number of ways in which political parties could influence electoral outcomes. As a consequence, many of the old loose political affiliations were transformed into “political machines,” that is to say, formal organizations with standing institutions for making policy decisions, sanctioning their members, and organizing persuasive campaigns for elected offices.

Such national political organizations rarely emerged whole cloth. National parties normally formed as local and regional political clubs joined forces for national campaigns. As a result, many early national parties had decentralized decisionmaking procedures. Indeed, they could be said to be coalitions of regional factions, rather than parties. The stronger party organizations of the late nineteenth century often emerged from these older loose coalitions (court and country parties), as with the English Whigs and Tories and Sweden’s Farmer’s party. In some cases, new more hierarchical organizations were founded to replace older associations of politicians and their supporters. For example, in the Netherlands, the (conservative) Anti-Revolutionary Party was formed in 1878, the Liberal Union in 1885, a social democratic party in 1888, and a Catholic party in 1895. In Sweden, a social democratic party was formed in 1889, a liberal party in 1900, and a conservative party in 1904.

The new political organizations had their own internal policymaking institutions (which were often based on the king and council template) and methods for sanctioning members. The leadership (governments) of these new more disciplined organizations could negotiate in parliament and with the king more effectively than possible by the leaders of the older loose confederations, because they were more likely to be able to “deliver” the votes of their members. Nonetheless, the first national parties were not always self-sustaining, and in many cases, considerable exit and entry took place among parties and party members. The new parties succeeded by attracting members away from older organizations. (In a few cases, international meetings were also held with the aim of forming international political parties, although these tended to remain loose affiliations in the period of interest.)

The leaderships of successful national party organizations (the persons occupying offices in their party’s governing bodies) played increasingly important roles in negotiations within parliament and between parliaments and kings in all Western countries during the nineteenth century. As a consequence, party affiliation and party leadership posts become increasingly important determinants of membership in the executive cabinet and bureaucracy.

B. Liberalism and the Distribution and Basis of Authority within Parliament

Prior to 1800, most European parliaments were multicameral and organized on the basis of class and occupation. Each chamber normally had some veto power and some ability to propose changes in law to the king, but it was usually the noble chamber that had the most influence over taxation and public policy. The sovereign was often officially a member of the noble chamber, as a person with noble title(s), and often attended their meetings. Nobles (and clergy) often occupied the most influential positions in the royal cabinet, councils, and bureaucracy.

The influence of the nobility also extended to the other chambers of parliament. Many high officials of the state church were from noble families, partly because of their greater access to education, and partly because of family influence within the local church hierarchy and sovereign, who chose or nominated persons to the highest religious posts. The nobility also normally had significant influence within the directly elected chamber(s) of parliament. In many cases, only relatively wealthy persons were allowed to sit in the elected chamber(s) of parliament. Membership in parliament was not a full-time job, and members were not paid a salary for holding their office. Consequently, those elected to parliament were often close relatives of persons already represented in noble chambers or in their employ.

Some of the most important constitutional reforms of the nineteenth century involve shifts in the relative authority of nobles and commoner chambers of parliament. Many of these reforms were informal, as new procedural customs emerged. For example, the British House of Lords routinely deferred to the House of Commons on budgetary matters during the second half of the nineteenth century, although it (formally) retained the power to intervene with vetoes and amendments, and had done so in the previous centuries. Others were formal amendments of constitutional and/or parliamentary charters. Among the most striking were cases in which a noble chamber was replaced with a new “first” chamber with electoral rather than familial foundations.

Bargaining over the Distribution of Parliamentary Authority

Many shifts in policymaking authority among (and within) the chambers of parliament were informal ones, not codified in constitutional documents. They reflected short-term policy bargains within and among the chambers and between the king and parliament. Some parliamentary rights and procedures were obtained for all members of parliament; as for example, freedom of speech (within parliament) and free passage to meetings of parliament were often granted to members of parliament. Others favored one chamber over another. For example, the late medieval English House of Commons often gained a bit of new authority from the sovereign on religious issues when the sovereign’s interests could be advanced by doing so (Field 2002: ch. 2). Prior to 1800, however, shifts in the relative authority of the chambers were often temporary and/or small.

The noble chambers remained the most influential of the chambers of national parliaments in most times and places until the nineteenth century. In the nineteenth century, new trends in politics gradually shifted policymaking authority away from noble chambers and toward the elected chamber(s).

Informal changes in the relative influence of the chambers of parliament reflected changes in the importance of temporary tax legislation, elections, and political parties. Royal influence over the noble chamber was not very much affected by those factors, but electoral and bureaucratic reforms often reduced royal influence within the elected chamber. For example, majorities became more difficult to organize in elected chambers as traditional deference to the sovereign diminished, as political parties became more disciplined, and as royal powers of appointment diminished. Such changes often reduced the sovereign’s influence within the elected chamber relative to the noble chamber, in which royal powers of elevation could still be used to reward supporters and to add new supportive members when necessary.

The greater independence of the elected chamber(s) required the king (or queen) to pay a higher (or at least different) price for support in those chambers. Moreover, more day-to-day negotiations with leaders in those chambers were necessary, because party politics and national elections would often change the persons with whom they had to negotiate.

The outcomes of the negotiations with the elected chamber had effects on the relative authority of the hereditary and elected chambers. The sovereign might, for example, accept advice from leaders of the elected chamber regarding appointments to the cabinet and bureaucracy, or with respect to elevations to and within the upper chambers, in exchange for support on policy or tax issues. Such fiscal bargains allowed elected chambers to gradually become the main source of cabinet officials and also to obtain some influence over the composition of the hereditary chamber. Indeed, the threat of adding new members to the noble chamber was often sufficient to change votes in that chamber. (See chapter 13.)

Liberal ideological trends tended to support such shifts in authority by undermining the usual arguments for deference to nobles, who were often sophisticated, well-educated, well-traveled, men and women. If government is or should be grounded in social compacts, or officeholders have the duty to advance the broadly shared interests of all persons in a nation state, commonwealth, or empire, relatively greater deference to elected chambers is implied. Elected chambers are better able to assess common interests, because their officeholders are selected by all the people who are qualified to cast votes, rather than by those with fortunate family trees, birth orders, and marriages.

It bears noting that the noble chambers nearly always included a few liberal idealists (and pragmatists using liberal arguments) who favored significant economic and political reform and greater deference to the elected chamber. Kings, partly for that reason, also occasionally used liberal arguments and backed liberal constitutional reforms. Kings and queens also had pragmatic interests in reforms that weakened their noble chambers, because noble chambers had been the main check on royal authority in past centuries.

Formal Reforms of Parliamentary Architecture

Parliamentary architecture tends to be very stable, although both the architecture of parliament and the qualifications for office are clearly characteristics that can be bargained over. Varying the number of chambers, number of seats, and qualifications for seats in those chambers allows one to include or exclude particular interests from formal representation and to give the interests represented more or less influence over particular policy decisions. In the early days of parliaments,

such bargains were fairly common. For example, chambers representing the interests of relatively wealthy commoners were often added to ones representing nobles and high clergy in the thirteenth and fourteenth centuries. However, such bargains were rarely struck in following centuries. Both bicameral and estate systems of representation, once adopted, continued with only minor changes into the early nineteenth century in much of Europe.¹¹²

That constitutional negotiations in the nineteenth and twentieth centuries produced several formal reforms of parliamentary architecture is evidence that new interests were affecting constitutional negotiations.

Several new bicameral parliaments were created in formerly authoritarian states and republics. For example, the post-Napoleon constitutional monarchies of France (1815) and the Netherlands (1815) consisted of a king and a new bicameral parliament with veto power over taxes and legislation and a limited right to remove cabinet ministers.¹¹³ Denmark established regional assemblies that were elected by relatively broad wealth-based suffrage and subsequently vested those assemblies with veto power over regional taxation in 1841. This was followed in 1849 by establishment of a national bicameral parliament, in which the popular chamber was elected on a similar basis (Danstrup 1947: 94–103). Prussia adopted a new written constitution in 1850 with a bicameral parliament, largely in response to internal lobbying by Prussian elites and liberals, but partly in response to large middle-class demonstrations calling for a written constitution and a representative parliament. A few long-standing 3 and 4 chamber estate-based systems were also transformed into bicameral systems. In cases in which the new bicameral systems were based on the English model with a noble chamber, they were often transformed into ones resembling that of the United States, in which an indirectly elected (federal) chamber representing regional governments replaced the noble chamber.

Many of these reforms were consistent with liberal political theory, insofar as political liberals wanted to place governance on an electoral and constitutional basis. However, it does not seem

¹¹² In the British case, the House of Lords included both nobles and clergy (the lords temporal and lords spiritual). The House of Commons included wealthy farmers and townsmen. The estate system included separate chambers for nobles, clergy, and commoners. Sweden had separate rural and urban chambers for its commoners.

¹¹³ The constitutional charter of 1814 replaced the previous multi-cameral estate system with a bicameral one. In most respects, the charter established a fairly typical medieval constitution. Universal male suffrage was replaced with a narrow wealth-based (indirect) suffrage for a new Chamber of Deputies. The charter was proclaimed by Louis XVIII a year before Napoleon I was defeated at Waterloo in 1815. A good summary of the 1814 constitution is provided by Seymour and Frary (1918: 328–33). An English translation is available at: www.napoleon-series.org/research/government/legislation/c_charter.html. In 1830, some agenda control over legislation was obtained by the French parliament.

likely that there were ever a sufficient number of liberals in parliament to adopt the reforms for strictly ideological reasons. Reforming the architecture of parliament required support by majorities in the old noble chambers, as well as majorities in the other chambers and the support of the sovereign. This support was not easy to assemble, as evident by the stability of the parliamentary architecture in past centuries.

The bargaining required to obtain the necessary breadth of support in the noble chamber was evident in all the reforms adopted. For example, most nobles (including pro-reform nobles) could agree that they would prefer to retain offices for themselves. So, it is not surprising that the new first-chamber reforms normally included wealth criteria for electorates and those eligible for seats in the new chambers. The latter assured that a majority of the officeholders in the post-reform first chambers would be nobles or members of noble families. Qualifications for seats in the second chambers of reformed parliaments also normally included much higher wealth and/or tax-payment thresholds than required for voters. In a few cases, as in Prussia, wealth or tax payments also determined the distribution of seats in the directly elected chamber of parliament.

Such “secondary” details assured that relatively wealthy persons, not all of whom were nobles, would continue to exercise disproportionate influence over public policy. In a few cases, the new “first” chambers included persons who were appointed by the king or queen. This allowed sovereigns to retain some control over the new chamber (at the margin) and also assured that “loyal” nobles would retain their seats in the reformed parliaments.

The constitutional bargains often included liberal parliamentary architectures and foundations, together with many conservative structural details that reduced the effects of the new architecture. The details had been carefully worked out to obtain the necessary majorities in the various chambers of parliament and assent from the sovereign.

In spite of efforts to preserve the preexisting balance of authority, the new parliaments had new institutionally induced interests. The nobles who remained in office were now either directly elected by voters or indirectly elected by regional government officials, who were themselves elected to office (for the most part). Family and occupation were no long sufficient conditions for office. As suffrage expanded and elections became more competitive, their interest in holding seats in parliament induced both noble and commoner members of parliament to pay more and more attention to their electorates and less and less attention to their family interests.

Liberal trends in the reforms of elite chambers of parliament continued into the twentieth century. In the period before War World I, Sweden eliminated the weighted voting system used to

select its elite regional chamber, which reduced aristocratic representation in that chamber. In 1913, an amendment of the U.S. constitution replaced its appointed Senate (by state legislatures) with a Senate directly elected by state voters. In 1915 the United Kingdom revised its intra-parliamentary rules so that vetoes of its noble chamber (Lords) could be overruled by the directly elected chamber (Commons). After World War II, France, Belgium, and the Netherlands also reduced the veto authority of their first chambers. Denmark (1953) and Sweden (1970) eliminated their indirectly elected regional chambers through constitutional reforms that created unicameral parliaments. In 1999, the British House of Lords became a largely appointed chamber, although a number of seats were reserved for nobles, who could elect 92 of their members to represent them in that chamber.

The pragmatic interests of first and second chambers (and their supporters) in obtaining greater authority over public policy remained more or less constant during this period, insofar as more authority is better than less authority. This suggests that the trend in parliamentary reforms was the product of ideological trends favoring civic equality, which had gradually reduced the legitimate scope of authority that “should be” exercised by unelected members of parliament.

C. Parliamentary Reform, Partisanship, and the Authority of the Sovereign

Together the emergence of more disciplined political parties and changes in parliamentary architecture also affected the balance of authority between kings and their parliaments. Shifts from estate-based systems to bicameral systems reduced the transactions costs of intra-chamber bargaining by reducing the number of chambers. Changing the basis of representation from class and occupation to elections produced policy interests that were somewhat more aligned across the chambers. The members of both chambers had to please a majority of voters, directly or indirectly. Such changes enhanced parliamentary bargaining power by increasing the likelihood that parliament-wide positions on reforms would emerge, which reduced the likelihood of the indecisive parliaments (unstable coalitions) discussed in chapter 6.

The shift toward elected members also made long-term bargains between the sovereign and leading members of parliament more difficult to consummate, because leadership policy positions were increasingly determined by electoral competition and party politics. Consequently, parliamentary leadership changed with election results. This tended to increase the influence of the elected chamber in the context of the nineteenth century, because it implied that elected chambers would have to be routinely consulted. This effect also increased the influence of those entitled to cast votes in elections. Leaders of factions within elected chambers of parliament could not defer to

the sovereign more than to their party and voters without undermining their influence and support.¹¹⁴

The policy and constitutional effects of parliamentary reforms often took many years to emerge, partly, because reformed parliaments did not gain much, if any, additional control over public policy, and partly because a majority of the members of the pre-reform parliaments normally returned to office in the post-reform parliaments. The latter allowed many informal practices and alliances to continue in post-reform parliaments. The status quo was further protected through restrictive amendment procedures and by explicit royal authority to appoint the executive cabinet. Such liberal, but substantially authority-preserving, reforms were also evident in the new constitutions adopted after the unification of Italy in 1861, Germany in 1871, and in Japan's first written constitution in 1889. Such reforms could be said to be liberal in architecture, but conservative in their effects on policymaking procedures.

Nonetheless, the reforms affected the balance of authority within parliament and between kings (and queens) and parliaments in the long run. The minorities that had opposed parliamentary reform normally lost their positions in parliament as a consequence of the reforms, and these were often members of parliament who tended to support traditional and royal policies. The post-reform parliaments also tended to have more closely aligned interests because of their electoral basis and the emergence of more disciplined political parties. The post-reform parliaments were consequently somewhat more liberal and more assertive than the pre-reform parliaments that they replaced. These shifts, together with long-standing parliament's power of the purse, increased the "price" that parliament could charge the king for support of policies of royal interest.

The resulting terms of trade gradually shifted more and more policymaking authority from kings to "their" parliaments. By 1925 elected chambers of parliament dominated public policy formation, and noble chambers had vanished throughout northern Europe—except in England, where the influence of the House of Lords over public policy had been reduced to a shadow of its former self.

¹¹⁴ This is not to say that deference to the king or queen is never rewarded. Gaining preferable treatment from the sovereign through loyal statements and actions can enhance a leader's influence within his or her party and support from voters. A (pragmatic) dual loyalty of this sort often proved very useful to party leaders in the nineteenth century.

D. Choosing among Electoral Systems and Qualifications for Suffrage

To create an electoral basis for parliament, it is clear that decisions have to be made about who will vote, how votes will be counted and used to select representatives, and how often elections will be held. Elections are not simply about counting votes. Both the scope of the franchise and proper electoral procedures seemed fairly obvious before 1800 and also after 1925, but they were not nearly as obvious during the nineteenth century. Members of parliament could be directly or indirectly selected by narrow or broad electorates. Men and/or women could be elected from geographic districts, economic classes, religious groups, political parties, and so forth. There could be one person elected from each electoral district or several. Elections could be held periodically or whenever it seemed useful for the king and/or parliamentary majority.

Medieval electorates usually consisted of the wealthiest 5 to 10 percent of the men in the kingdom, duchy, or city of interest. One or two persons would be elected from each urban or rural district. The persons nominated for national elective offices were normally selected by (and on the payrolls of) relatively wealthy families in the towns or counties, who were often also local government officials. Elections were held infrequently, because the sovereign called for new elections only as necessary, often just before an “emergency” meeting of parliament. Votes were normally “cast” by simply walking to one side or another at the place where elections were held (divisions) or through voice votes.¹¹⁵ Because most electoral outcomes were essentially predetermined, voter turnout was normally very low. Many candidates for parliament ran unopposed.

Local sponsors had interests that were affected by national policies. They were legally permitted to influence how voters cast their votes in the relatively few cases in which more than one candidate ran for office. They might simply pay voters to turn out and vote for their nominee or threaten those who voted against their candidates with economic sanctions of one kind or another. They might also invite those who voted for their nominee to special celebrations (parties) before and after votes were cast. Public voting, small electorates, and low turnouts made it relatively easy to know who voted for which candidate. The representatives elected would attempt to obtain various favors from the king (grants, monopoly privileges, high offices, and elevations) and/or to oppose the efforts of others to obtain such favors.

¹¹⁵ Votes on issues are still called “divisions” in England, because of this physical, locational, method of casting votes. Such divisions are still occasionally used today, as in the English parliament and in party caucuses in the United States.

During the nineteenth century, these long-standing electoral procedures were debated and adjusted at their margins many times. The debates included analysis of alternative electoral systems and alternative bases for determining who is qualified to vote.

Should persons be allowed to vote in many districts or just one? Should one or more than one person be elected from each district? Should the right to vote be attached to land, community, residence, competence, or be available to essentially all adult citizens? Should all persons have the same number of votes, or should some persons have more votes than others? Should voting be done in public or in secret?

In general, liberal reformers (and parliamentary decisions) favored the expansion of suffrage, increased electoral competition, nomination by political parties, secret ballots, and standardized election periods. In the early twentieth century, liberal reformers favored one-adult-man one-vote systems, and subsequently one-adult one-vote systems. Although we largely take most of their decisions for granted today, contemporary voting systems were not the only ones possible, and a number of other electoral procedures were temporarily adopted in the nineteenth century.

Debates Regarding the Proper Qualifications for Suffrage

A useful window into the mid-nineteenth century election law debates is provided by the widely read and translated John Stuart Mill. His writing and speeches summarize and critique a variety of possible electoral reforms at the same time that they explain his “radical” views about the proper qualifications for suffrage and best methods for electing members of parliament.¹¹⁶ Consider, for example, Mill’s (1859, 1861) discussion of the merits of introducing new educational qualifications for suffrage and for further reducing the wealth and income requirements for suffrage.

If there ever was a political principle at once liberal and conservative, it is that of an **educational qualification**. None are so illiberal, none so bigoted in their hostility to improvement, **none so superstitiously attached to the stupidest and worst of old forms** and usages, **as the uneducated**. ... (J. S. Mill, 1859, “Thoughts on Parliamentary Reform,” *Essays on Politics and Society Part 2*, Toronto: University of Toronto Press, p. 16.)

It is also important [however] that the assembly which votes the taxes, either general or local, should be **elected exclusively by those who pay something** towards the taxes imposed. **Those who pay no taxes, disposing by their votes of other people’s**

¹¹⁶ Mill was born in London in 1806. He edited the *Westminster Review* in the 1830s and was well known for his contributions to utilitarian philosophy, economics, and liberal political philosophy. He worked for the British East India Company until 1858. Mill was also briefly elected to the House of Commons (1865–68). The terms liberal and radical are used by Mill, himself, in describing the policy and philosophical perspectives of the *Westminster Review*.

money, have every motive to be lavish, and none to economize. ... I regard it as required by first principles, that the receipt of parish relief should be a peremptory disqualification for the franchise. He who cannot by his labor suffice for his own support, has no claim to the privilege of helping himself to the money of others. **By becoming dependent on the remaining members of the community for actual subsistence, he abdicates his claim to equal rights with them in other respects.** (J. S. Mill, 1861, "Considerations on Representative Government," *Essays on Politics and Society Part 2*, Toronto: University of Toronto Press, p. 129.)

Both these arguments would sound somewhat "conservative" 50 years later, but it should be kept in mind that British qualifications for suffrage in 1861 prevented middle- and working- class men from participating in national elections (see chapter 13). A shift from the existing tax and property requirements to a welfare or relief exclusion, even if combined with a modest educational requirement, implied a major expansion of suffrage at the time that Mill was writing.

As evident in Mill's arguments, debates on suffrage expansion focused on a person's ability to cast an independent, thoughtful, vote. Many of the arguments were ideological in nature, although empirical arguments were also used. For example, those favoring suffrage expansion often noted increases in public education and in the training and independence of skilled managers, technicians, educators, and artisans.

The outcomes of the nineteenth-century suffrage debates generally favored civic equality. Wealth qualifications for suffrage and seats in parliament, however, continued to exist in most places throughout the nineteenth century and into the next. Other qualifications, such as education and literacy, were also debated and occasionally introduced. Each expansion of suffrage was argued to satisfy broadly shared norms about who was truly qualified to vote. Further expansion was always rejected (if, temporarily) because the remaining voters were thought to be too dependent on others or too poorly informed to cast a meaningful vote.

Many of the arguments used by opponents to suffrage expansion in the nineteenth century were very similar in spirit to those that contemporary voters would use to oppose extending suffrage to ten-year old children. The opponents of suffrage expansion feared that large-scale redistribution of wealth and a general decline in the quality of national policies would be caused by allowing unqualified persons to vote. (It bears noting that age, sanity, and residency are still used as criteria for determining eligibility to vote.)

Alternative Procedures for Electing Representatives

Once it is determined who should vote, elections can be organized in a number of ways. For example, members of parliament may be selected on a geographic or occupational basis, elected one at a time from small local districts or in groups from large regional election districts. The election rules can be uniform throughout the polity or vary by district. The districts can be *more or less* permanent in size (as tends to be true of federal districts: states, provinces, länder, and so on) or may be periodically adjusted in response to changing political demands or population shifts (as in U. S. Congressional districts). District “size” can be measured by area, population, or a combination of the two. Laws may constrain districts to be more or less equal size, to include more or less equal numbers of voters, to vote on the same day(s) or not.

Many of the electoral reforms in the nineteenth century were as important for their effects on the distribution of representatives among regions and the manner in which votes were used to select representative(s), as for their effect on the number of persons entitled to cast votes.

Liberals tended to favor geographic districts that elected approximately the same number of representatives per voter. Conservatives tended to defend the existing very unequally sized districts representing different numbers of voters, largely for pragmatic reasons (many were elected from such districts), but also because such districts tended to increase the range of interests represented in parliament.¹¹⁷

Late nineteenth century liberals disagreed about the number of MPs that should be elected from each district. Most liberals favored single-member districts, because this allowed representatives to be more easily rewarded or punished for performance (and because liberals often won such elections). A significant minority of liberals, however, preferred multiple-member districts with elections designed to increase the extent to which voter interests were represented.

Their objections to single-member districts were based on early public choice analyses of electoral systems. The critics of single member districts noted that half the voters in single-member districts can select members of parliaments and that policy decisions in parliament required the support of just half of the members elected. Consequently, parliaments based on single-member districts allow legislation favored by as few as $\frac{1}{4}$ of the voters to be adopted ($\frac{1}{2}$ of $\frac{1}{2}$).

¹¹⁷ Prior to 1832, for example, 50 members of the British parliament were elected from districts with fewer than 50 voters. These included several talented, but not broadly popular, members of parliament.

Again, quotes from Mill can be used to demonstrate the breadth of debate over electoral procedures for multiple-member districts in the mid-to-late nineteenth century:

Assuming, then, that each constituency elects three representatives, **two modes have been proposed**, in either of which a minority, amounting to a third of the constituency, may, by acting in concert, and determining to aim at no more, return one of the members. One plan is that **each elector should only be allowed to vote for two, or even for one, although three are to be elected. The other leaves to the elector his three votes, but allows him to give all of them to one candidate.** (J. S. Mill, 1859, “Thoughts on Parliamentary Reform,” *Essays on Politics and Society Part 2*, Toronto: University of Toronto Press, p. 18.)

The object being that the suffrages of those who are in a minority locally, should tell **in proportion to their number** on the composition of the Parliament; since this is *all* that is required, **why** should it be imperative that their votes should be received only for some one who is *a local candidate*? **Why might they not give their suffrage to any one who is a candidate anywhere, their number of votes being added to those which he may obtain elsewhere?** Suppose that a comparison between the number of members of the House and of registered electors in the kingdom, gives a quotient of 2000 as the number of electors per member, on an average of the whole country (which, according to Mr. **Hare’s calculation**, would be not far from the fact, if the existing electoral body were augmented by 200,000): **why should not any candidate, who can obtain 2000 suffrages [votes] in the whole kingdom, be returned to Parliament?** (J. S. Mill, 1859, “Thoughts on Parliamentary Reform,” *Essays on Politics and Society Part 2*, Toronto: University of Toronto Press, p. 40–41.)

Voters may vote for several representatives simultaneously, may be able to cast only a single vote per representative office or district, or may be free to distribute multiple votes among the candidates and districts throughout the country. Representatives may be selected through winner-take-all contests (plurality rule) or be selected *more or less* proportionately to the votes received from political parties (proportional representation systems). These proportions can be calculated from small or large regional (or national) election districts.

Debates about the relative merits of single-member districts and multiple member districts were fairly intense among liberals in the late nineteenth and early twentieth centuries, with mainstream liberals tending to prefer single-member districts and radical (left) liberals, like Mill, preferring multiple member districts.

The Fancy Franchise: Weighted Voting

In addition to determining who should vote, the size and location of electoral districts, and the number of persons that should be selected in each electoral district, there was also a good deal of discussion of the merits of weighted-voting systems, what their opponents in England termed “the

fancy franchise.” There were precedents for using such systems, as property-weighted voting systems had been used during the enclosure movement and share-weighted voting was widely used by stock companies. Less explicit weighted voting systems were also common, as with the extra representation given to university graduates of Cambridge and Oxford in the English parliament, and the ability of landlords to cast votes in every district in which they were significant taxpayers.

Given the qualification debates, it is not too surprising that many mid-century liberals favored weighted voting as a method of giving additional influence to “more qualified” voters in elections and public policy decisions. Other supporters and opponents of suffrage expansion favored weighted voting as a method of reducing the policy shifts that would be produced by adding new voters to the electorate. Again quotes from Mill serve to illustrate the scope of debate and the types of arguments used.

The only thing which can justify reckoning one person’s opinion as equivalent **to more than one, is individual mental superiority**; and what is wanted is some approximate means of ascertaining that. ...Subject to some such condition, **two or more votes might be allowed to every person who exercises any of these superior functions. The liberal professions**, when really and not nominally practiced, imply, of course, a still higher degree of instruction; and wherever a sufficient examination, or any serious conditions of education, are required before entering on a profession, its members **could be admitted at once to a plurality of votes.** (J. S. Mill, 1859, “Considerations on Representative Government,” *Essays on Politics and Society Part 2*, Toronto: University of Toronto Press, p. 131–32.)

Most proposals for a fancy franchise were defeated, although in a few cases, compromises between opponents and supporters of suffrage expansion temporarily produced weighted-voting systems, as in Sweden and Belgium.

Such explicitly weighted electoral systems were normally adopted as part of a larger constitutional bargain. In 1866 Sweden adopted an indirect, wealth-weighted voting system for its first chamber (and wealth qualifications for all members of parliament), as part of a constitutional bargain that replaced its old four chamber system with a bicameral system grounded in elections (chapter 14). In 1893, Belgium adopted a weighted voting system as a method of securing sufficient support for a major expansion of male suffrage. It allowed one vote for all men, two votes for each educated man, and three votes for each educated man of means. The Belgian system was used for a decade at the end of the nineteenth century. In both cases, the weighted voting systems were used to increase support for a package of constitutional reforms to levels required by their formal amendment procedures.

In the end, however, arguments for civic equality prevailed, and *one man—one vote* systems for casting and counting votes were adopted throughout the West. The timing of these reforms varied, as did the final step to the one adult-one vote principle, but the principle of civic equality clearly influenced the parliamentary debates and negotiations that produced the final reforms.

Gender-Neutral Suffrage Law

The last major stage of suffrage reform in most places concerned the competence of women as voters. Women's suffrage was not an entirely new idea, as women had occasionally had the same rights of suffrage as men, as in Sweden (for unmarried women) and temporarily in the state of New Jersey in the late eighteenth century (see chapter 18).

Public and parliamentary debate about the appropriate qualifications for women usually followed behind those regarding men's suffrage; although in most cases, the arguments were very similar. The focus tended to be upon the independence and competence of women, and on the extent to which their interests were already represented in parliament by the votes of others (in this case by the votes cast by their husbands). Again Mill serves as a useful window into the issues addressed and arguments used.

In all cases where a woman is *sui juris*, occupying a house or tenement, or possessed of a freehold, or is otherwise in a position which, in the case of a male, would amount to a qualification, there is no sound reason for excluding her from the parliamentary franchise. The exclusion is probably a remnant of the feudal law, and is not in harmony with the other civil institutions of the country. (J. S. Mill, 1859, "Thoughts on Parliamentary Reform," *Essays on Politics and Society Part 2*, Toronto: University of Toronto Press, pg. 49.)

In the preceding argument for universal, but graduated suffrage, I have taken no account of difference of sex. **I consider it to be as entirely irrelevant to political rights, as difference in height, or in the color of the hair. All human beings have the same interest in good government; the welfare of all is alike affected by it, and they have equal need of a voice in it to secure their share of its benefits.** (J. S. Mill, 1859, "Considerations on Representative Government," *Essays on Politics and Society Part 2*, Toronto: University of Toronto Press, p. 135.)

In the middle of the nineteenth century, such arguments produced little support among male voters. In the period just before and just after World War I, however, such arguments found majority support among male voters, and suffrage laws were changed to eliminate gender as a qualification for suffrage.

Woman's suffrage was the largest single expansion of suffrage that took place in the reforms that produced universal suffrage. And, of course, it took place without a credible military threat on the part of women or their male supporters in parliament.

E. Partisan Interests in Proportional Representation

Voting system reforms were often crucial parts of the constitutional bargains that produced essentially universal adult suffrage. Support for PR systems had existed for at least half a century among a subset of liberal idealists and political pragmatists, as evident in Mill's analysis above. Support for PR systems among party leaders, especially conservatives, began to increase towards the end of the nineteenth century. Electoral campaigns had become more impersonal, ideological, and partisan as electorates expanded. This caused parliaments to be increasingly organized along ideological and party lines, rather than based on elite family interests or distance from the capital.

Conservative leaders (and conservative voters) feared that universal male suffrage would cause their parties to disappear in electoral systems based on single-member districts and plurality rule.

Duverger's Theorem and the Conservative Interest in PR Systems

The number of political parties that can be sustained in a polity is directly affected by the choice of electoral system. First-past-the-post democracies tend to have just two dominant political parties. One explanation for this is Duverger's theorem (1954), which implies that a center-right and center-left party can effectively block third parties from winning elections under plurality voting rules. Duverger suggests that parties will adopt such blocking positions, because political parties have an interest in limiting competition. Consequently, "two" is the natural number of parties in first-past-the-post (plurality) electoral systems. (Two, however, can become three or four in plurality systems if regional differences are sufficient to prevent true national parties from emerging, as might be said of the United States during the period of the so-called Dixicrats or of contemporary France and Canada.)

The analogous entry-blocking configuration of a PR system allows many more *national* parties to coexist in equilibrium. The maximum stable number of parties in PR systems is determined by the participation threshold according to Duverger's logic. If n is the threshold for a party to receive seats in parliament, an alignment of party platforms in which each party receives just a bit less than twice the minimum ($2n$) will be stable, because no new party can enter and receive sufficient votes to qualify for parliament. If, for example, the participation threshold guarantees any party with 4

percent of the vote a seat in parliament, 13 different political parties could be sustained in a party-platform alignment that blocked the successful entry of additional parties.¹¹⁸

The relatively large number of parties that could be supported under PR systems was well understood in the nineteenth century, as evident in Mill's early analysis of PR and multiple-member districts. Members of parties that expected to place third or fourth in national elections had clear practical reasons to favor PR over plurality (first-past-the-post) systems.

In addition to increasing the number of parties, PR systems also tend to increase the influence of party leaders. Within PR systems, voters cast their votes for political parties, rather than candidates. The party leadership determines the persons who will be on their party lists and in what order, which allows party leaders to determine many of the persons holding seats in parliament and also allows them to discipline elected officials who fail to vote the party line. They can do so by simply moving "disloyal" representatives further down the party list. This is not to say that party leaders in first-past-the-post systems are without influence, but the party lists give party leaders additional tools in PR systems not available under first-past-the-post systems.¹¹⁹

As a consequence of such partisan interests, the properties of PR systems played a central role in many of the constitutional bargains worked out in the early twentieth century.

¹¹⁸ Duverger's theorem applies to plurality rule elections. If two parties locate somewhat to the right and left of the median voter, the assumptions of spatial voting models imply that no new party can enter and win an election. (Two parties positioned exactly at the median voter's position would not be a blocking alignment, because an entry somewhat to the left or right of the median could secure a larger vote than either of the two parties.) This is one explanation for the number and position of major political parties in the United States.

The counterpart to Duverger's theorem in PR systems occurs when a sufficient number of equally sized parties position themselves so that no new party can enter and secure sufficient votes to participate in government. For example, 13 equally sized parties would each receive about 7 percent of the votes under PR. Any new party that attempted to locate between two adjacent parties would receive at most one-fourth of the votes of two adjacent parties, 3.5 percent, which is insufficient for representation if the participation threshold is 4 percent, as it is currently in Sweden.

See Mueller (2003: 271-2) for a discussion of Duverger's theorem. Duverger's theorem evidently does not apply to all plurality systems, especially in countries with distinct regional differences in the pattern of voter preferences and party strength. Mueller (1996: ch. 10) notes that plurality vote systems do not always yield parliaments with two parties.

¹¹⁹ Some PR systems allow voters to vote for candidates as well as parties, but generally, order on party lists remains a defining characteristic of proportional rule. Sweden has recently adopted a limited form of preference voting. The revised election laws allow each voter to indicate a special preference for a single candidate by writing in his or her name on the ballot. The Swiss electoral system also allows voters to affect the order of candidates on party lists.

In most cases, perhaps surprisingly, it was conservative that caused PR systems to replace systems based on plurality elections and single-member districts. At the time that universal male suffrage was seriously considered in northern Europe, it was widely believed that liberals and social democrats would dominate political decisionmaking after universal male suffrage was adopted. Conservatives feared that they would become permanent minority parties and would therefore be eliminated from national politics in electoral systems based on single-member districts. As a consequence, conservatives often insisted on proportional representation systems in exchange for accepting nearly universal, adult male suffrage.

Mainstream liberals split over PR with most preferring single-member districts. Left liberals continued to support PR for more or less idealistic reasons, albeit reinforced by pragmatic interest in obtaining conservative support for suffrage expansion. As a consequence PR systems were often adopted by coalitions of left liberals and conservatives at the same time that universal adult male suffrage and other reforms were adopted in the periods just before and after World War I.

F. Procedures for Amendment and Constitutional Review Strengthened

Formal procedures for amendment and review are included in most constitutional documents, and these amendment procedures tend to be among the most durable parts of a constitution. Partly for this reason, the age of a constitution is often measured by the period in which its rules of amendment are followed, rather than by the period in which particular political procedures and constraints have been in place. By this measure, the Constitution of the United States is generally regarded to be more than two centuries old, although it has been amended 27 times, most recently in 1992.¹²⁰

The bargaining that preceded most constitutional reforms in Europe during the nineteenth century suggests that formal amendment procedures played a significant role in the bargains struck. To obtain the necessary breadth of support, constitutional reforms had to advance and protect a variety of interests in parliament at the same time. Most formal amendment procedures in early nineteenth-century Europe required majorities in each chamber of parliament and approval by the king.

Amendment procedures, although remarkably stable, were also occasionally modified during the nineteenth century. This was most often accomplished at the same time that other reforms were

¹²⁰ See chapter 18 for an analysis of eighteenth, nineteenth, and early twentieth century amendments.

adopted. In some cases, amending the amendment process was an indirect consequence of other reforms. For example, Sweden's shift from a four-chamber parliament to a two-chamber parliament, implied that only two chambers need approve subsequent reforms, rather than four. Other reforms made explicit changes to preexisting amendment procedures. Several mid-century constitutions included relatively demanding requirements for amendments, such as supermajorities within parliamentary chambers or popular referenda or a series of approvals by parliament, as in Denmark, Prussia, the Netherlands, and Switzerland. These somewhat more demanding amendment procedures tend to support the rule of law insofar as constitutional stability is increased and/or minority protections are enhanced. Such reforms also tended to reduce the king's ability to renege on his past constitutional agreements by increasing the breadth of support required for amendments.

Judicial Independence, Constitutional Reform, and Constitutional Review

Amendment procedures tend to identify constitutional bargains that are largely self-enforcing, insofar as amendment procedures require broad consensus within government, but no constitution is entirely self-enforcing.

As a consequence, courts and court-like proceedings have often played a significant role in constitutional negotiations, reform, and enforcement. During the medieval period, judicial matters were themselves often subjects of constitutional bargains, as nobles and kings often found that written agreements combined with judicial independence helped to make specific agreements about procedures and constraints more stable and less arbitrary. National courts also constrained the ability of local government officials to arbitrarily change the law, by consistently interpreting and enforcing the national laws that delegated authority to local officials.

The independence and authority of the judiciary (and juries) emerged gradually through a long series of quasi-constitutional bargains analogous to those described above for kings and their tax councils (Finer 1997, Berman 2003).

Contractarians and many other liberals regard constitutions to be contracts that formally delegate authority from the people to their governments. Consequently, they often argue that the national courts should enforce those contracts in much the same manner that they enforces others. Constitutional bargains, however, are different from ordinary contracts in that no outside agency can be powerful enough to enforce the terms of the contract, without being powerful enough to supersede the contract. A court and police force that is strong enough to enforce bargains between parliament and the king would be strong enough to create its own rules. Such courts would tend to

become the true government of a country, as might be said of the Sharia courts in some Islamic countries.

During the eighteenth and nineteenth centuries, authority to appoint judges and senior government lawyers gradually shifted from kings to parliaments along with other policymaking authority. This indirectly increased institutional support for the “rule of law” over the “rule of man,” because laws were also increasingly determined by the formal procedures of parliament, even in countries in which new laws remained *formally* royal mandates informed by parliament’s advice. Constitutional laws, however, remained for the most part beyond the jurisdiction of national court systems, although the judiciary had long played significant roles in day-to-day governance and constitutional interpretation in several countries (Montesquieu 1748/1914; Berman 2003; Field 2002).

There were also broad changes in jurisdiction that made more of the national government actions subject to judicial review. For example, in the middle of the nineteenth century, the royal immunity of cabinet ministers was often reduced or eliminated. Cabinet ministers were made criminally liable for violating ordinary criminal laws and often for their failures to implement legislation adopted by parliament and accepted by the king or queen. New standing committees in parliament were created to review administrative decisions for constitutionality. The constitutional committees were often given authority to overturn executive (administrative) decisions deemed unconstitutional. In a few cases, supreme courts were created to review executive (administrative) decisions for constitutionality, although not usually parliamentary decisions.

These somewhat stronger procedures for constitutional review reduced the extent to which a written constitution can be informally amended (or ignored) by the executive branch and tended to further stabilize constitutional procedures and constraints. Constitutional review also promoted what might be called a constitutional state of mind, by reminding legislators and sovereigns that they too were constrained by “the law.”

In this manner, governance became more tightly constrained by written constitutional documents and formal constitutional amendments during the nineteenth and early twentieth centuries. Governments had always been rule bound, but in the West they became more formally so

than they had been in previous centuries, at the same time that they became more democratic and grounded in popular sovereignty.¹²¹

G. Tentative Conclusion: Constitutional Bargaining Produced Western Democracy

Overall, the liberal reforms of nineteenth-century Europe are consistent with the constitutional bargaining models developed in part I. Constitutional bargaining was fine-grained, multidimensional, and continuous as predicted. Most reforms were adopted using preexisting amendment or legislative procedures. The bargains exploited the broad menu of constitutional possibilities that exist within the king and council template. Most constitutional bargains produced modest reforms of existing procedures in a few policy or procedural areas at a time, rather than entirely new constitutions. The bargains were carefully crafted and intentional, rather than spontaneous expressions of the “general will” or hasty attempts to deal with a specific crisis. In cases in which relatively large reforms were adopted, there were broad linkages among several constitutional issues that were bargained over simultaneously. Free trade reduced royal revenues, so negotiations to reduce tariffs and increase suffrage were partly conditional on agreements about new revenue sources (often from income taxes). Universal suffrage was expected to undermine some political parties more than others and so the last stages of male suffrage extension were often linked to weighted voting systems or proportional representation.

The constitutional bargains were constrained by formal amendment processes and constitutional conservatism. As a consequence, the basic template for governance was retained and many of the formal procedures for adopting and revising public policies remained similar to those from previous centuries. Most European governments in 1910 still consisted of kings and parliaments. Parliaments still deliberated and made recommendations to their sovereign concerning public policies, as they had since medieval times. In most places, laws were still royal proclamations as they had been for many centuries. Nonetheless, a series of modest reforms adopted between 1800 and 1900 had produced major changes in governance. The influence of privileged families was reduced, electoral competition for seats in parliament increased, and policymaking authority shifted

¹²¹ Congleton (1997, 2003) suggests that equality before the law and rule-based governance are especially important for democracies, because it helps them avoid cycling problems. Shepsle and Weingast (1981) suggest that this also tends to be true for parliaments themselves, which provides an explanation for the existence of many of parliament’s formal internal procedural rules. The latter were, however, for the most part enforced by parliamentarians, rather than the courts.

to parliaments during the course of the nineteenth century. By the early twentieth century, kings had become duty bound to accept the “advice” of parliament.

Public policies in Europe, consequently, became better aligned with the interests of the typical adult members of their societies than they had been in the past. In this sense parliaments could be said to have been perfected, or at least improved, as institutions for selecting public policies by the reforms of the nineteenth century.

Liberalism and Technological Change as Catalysts for Constitutional Reform

In Europe, the catalysts for constitutional reforms were evidently technological and ideological. A series of technological innovation produced new cost-effective, capital-intensive, modes of production with economies of scale. However, these new modes of production could not be profitable without changes in economic regulation. And, in some cases, economic reforms were impossible without political reforms. The economic theories of liberals provided rationales for dismantling the internal and external trade barriers that prevented new economies of scale from being profitable. Liberal political theories also provided norms and an agenda for constitutional reforms that were well-aligned with the economic interests of those wishing to profit from the new technologies and the new markets associated with them. Political liberals argued that public policies and constitutions should reflect the interests of all citizens, not simply those of privileged families. Governance should be grounded in written laws, rather than the whims of rulers.

Consequently, liberal trends in reform were evident in a wide variety of policy areas in Europe during the nineteenth century, including constitutional ones. Civic equality increased as slaves and serfs were freed, censorship reduced, public education expanded, and privileged control over markets and politics largely eliminated. Regulatory and tariff reforms reduced internal and external trade barriers, which allowed new economies of scale in production and organization to be exploited. Authority shifted from the elite class-based chambers of government to the more directly elected ones at the same time that economic and political life were opened to broader and broader subsets of the adult population. The basis of government shifted from privileged families and tradition to popular sovereignty and mass elections.

There were several “boot-strapping” processes at work. As barriers to entry in markets were reduced, new larger economic enterprises emerged, which in turn produced a new middle class of small business men, managers, technicians, and artisans. Liberalism gained support among the new upper and middle class, because it provided the basis for understanding life in new, less traditional,

more commercial, and more urban societies. A new (or at least extended) economic elite also emerged based on innovation, mass production, and commerce, rather than land holdings and family monopolies. By reducing ideological and economic support for representation based on class, occupation, and family wealth, liberalism also tended to support the political aspirations (power and status) of these upwardly bound persons and families. Education reforms also produced more literate societies that were more familiar with liberal ideas and proposals for reform. Liberal ideas were not products of the nineteenth century, but changes in economic and political conditions increased their relevance, appeal, and support.

Economic and political liberalization were interdependent phenomena in Western Europe and Japan. Essentially no Western countries industrialized without also liberalizing their political systems, and essentially no countries liberalized their political systems that did not also industrialize, although the relative pace of economic and political reforms differed among countries. Although not products of consensus, both liberal policy reforms and constitutional amendments were for the most part peacefully and lawfully adopted.

The success of liberal economic reforms demonstrated that progress was possible. More open markets increased average and median income by encouraging technological innovation and other value-increasing forms of competition. Liberal constitutional reforms could advance broadly shared interests. Shifts in the basis of authority from elites to ordinary citizens did not weaken national policies or produce major redistribution. Equality before the law did not undermine incentives for excellence.

Constitutional Bargaining Is Evident, But Additional Evidence Is Needed

Chapters 9–11 provide a good deal of evidence that the general pattern of reform in western Europe is consistent with the bargaining theory of reform developed in chapters 2–8. Bargaining within parliament and between kings and parliament is clearly evident throughout European history. The constitutional bargains consummated were multidimensional, fine-grained, and for the most part adopted through lawful, deliberate standing procedures. There is also evidence that the interests of those sitting at the table changed during the nineteenth century. There were many more reforms than mass demonstrations or credible threats of revolution. The individual constitutional reforms were not forced, but reflected bargaining and amendment procedures. The reforms adopted included elements that clearly advanced the interests of most persons entitled to participate in the amendment process.

It is, however, one thing to argue that the broad sweep of political and economic history is consistent with a particular theory and another to argue that the details in nearly every case are consistent with that theory. As economic and political historians know, the details often undermine, rather than support, the broad brush.

To determine whether that is true or not of the present theory, the next seven chapters examine the constitutional histories of six governments in greater detail. The six case studies can be divided into three “easy” cases, in which the analytical history applies nearly perfectly, and three “hard” cases, in which constitutional bargaining, industrialization, and liberalism are present, but in which the results or timing differ from that implied by the analytical history.

The three easy cases are England (chapters 12 and 13), Sweden (chapter 14), and the Netherlands (chapter 15). All of these countries began the nineteenth century with strong sovereigns, all had a series of modest constitutional reforms adopted peacefully, and all became parliamentary democracies by 1925. All of these countries continue to have royal families, who formally head their national governments, and all three continue to use political institutions that were substantially worked out in the late nineteenth and early twentieth centuries. Norway, Belgium, and Denmark could also have been analyzed as relatively easy cases.

The three difficult cases are Japan (chapter 16), Germany (chapter 17), and the United States (chapter 18). These provide useful challenges and support for the theory. Japan is an Asian, rather than European country that adopted a constitutional monarchy rather late (in 1889). Its constitutional reforms were nonetheless influenced by industrialization and liberal ideology. Japan was briefly a liberal democracy in 1925, in the sense that its cabinets were appointed from majority parties in parliament, whose members were elected by universal male suffrage. Japanese governance, however, reverted to royal rule in the next decade, largely as a consequence of electoral pressures and constitutional negotiation. Germany did not complete its transition to parliamentary democracy, although it nearly did so as World War I ended. The government of the Weimar Republic formed after the war was substantially grounded on the parliamentary negotiations that took place during the last years of the second empire.

The United States has not had a king since 1776, although its present constitutional template resembles that of a constitutional monarchy, insofar as the president can be regarded as an elected “king.” Its lack of a hereditary sovereign, however, is not evidence that its transition to democracy was completely unique or revolutionary. The U.S. transition to democracy began at least a century before the United States emerged as an independent country. The reforms adopted by its colonial

precursors were consistent with the constitutional bargaining model developed in part I and surprisingly similar to the European experience in the nineteenth century. Moreover, in spite of its early start, the United States completed its transition to (formal) universal adult suffrage at about the same time as northern Europe with the ratification of its twentieth amendment in 1920.

Although constitutional negotiations in these six countries were undertaken independently and the individual reforms were drafted by different groups of senior government officials at different times and places, the broad outlines of their constitutional debates, negotiations, and reforms were very similar. Technological advance, increased support for liberal ideas, and fine-grained constitutional bargaining with respect to budgets, parliamentary authority, and suffrage reform are evident in each case.