Chapter 20: Summary: On the Value and Limits of the Model of Constitutional Exchange

I. Overview of Theory

The analysis above suggests that "trial and error" plays a role in a person's world view, in the plans made, and in the organizations created and reformed. In the case of political institutions, reforms are "engineered" by persons who have the authority to adopt those reforms or induce proposals to be made. Such high level reformers are not necessarily the "prime movers" behind institutional reforms, insofar as their ideas about the relative merits of reform have been influenced by their education, friends, family, and public debates in addition to experience. It is through these routes that persuasive arguments and new theories may affect the shape of political institutions and the course of their development.

It is also such routes that induce politically active organizations to use part of their resources to promote new policies and institutional reforms that would benefit them directly, both economically and politically. Because, for the most part, reforms are induced persuading those with the power to make policy decisions that their preferred policy is better than the others.. Such organized interests may advance their interests quietly within the chambers and committees of parliaments and royal councils through persuasive argument combined with various promises of support. Alternatively, organized groups may sponsor the dissemination of ideas and arguments to those with the power to select such persons. They may do so by subsidizing information that "demonstrates" the merits of their preferred policies in various ways. For example, they may write editorials, give sermons or other public addresses, or subsidize organizations and persons that do so.

The nature of a persuasive campaign varies with both the preexisting world views of those addressed and institutions that determine the influence of persons over public policy. The institutions determine who is empowered to adopt reforms and thereby partly determines the terms of political exchange that must be met for reforms to be adopted. In a setting in which only the king's approval is required, lobbyists will adopt arguments and promise services that please the king. In a setting in which continuation in office depends on the approval of party leadership, officeholders will adopt policies that please those leaders. In more open polities, in which continuation in office is more likely when office holders have the support of organized groups outside of government—as might be said of labor organizations and political parties—lobbyists will attempt to persuade both pivotal governmental decisionmakers and their supporters of the merits of their proposed reforms, the merits being partly determined by the relative ability of reforms to advance normative or ethical ends and partly by the extent to which they advance the narrow interests of those in power. If elections ultimately determine who hold office, a persuasive campaign will have to "demonstrate" that general or at least majority interests are advanced. If current office holders fail to adopt such majoritarian reforms, they know that they are likely to be replaced by new officeholders that promise to do so.

Lobbying for Constitutional Reform

The evolutionary model developed in Part I complement's and extends the existing body of work in constitutional political economy that examines political choices under stable institutions. Although the politics of constitutional reform is in many ways similar to the politics of ordinary legislation, there are some important differences. First, constitutional reforms are normally adopted through somewhat different procedures than ordinary legislation. In Sweden, they have to be approved by a majority in two successive governments separated by a general election. Constitutional reforms require at least some continuing popular support to be enacted. The amendment procedure itself implies that such policies adopted as constitutional amendments will be somewhat more durable than policies adopted as ordinary legislation.

Second, perhaps more important, and certainly more neglected, major constitutional reforms, such as broadening the franchise, differ from ordinary policy because they

cannot be easily reversed once adopted, insofar as they change the procedures by which policies are adopted. That is to say, the same persons who decide a constitutional reform may not be able to repeal the reform once in place. This contrasts with ordinary legislation and minor constitutional amendments, in which case new laws can generally be repealed by the same coalition of legislators that initially favored passage, if opinions change and they vote to repeal them.

Ideological changes, whether based on real world experience or not, affect both ordinary legislation and constitutional reform through effects on perceived interests and organizational effectiveness. The ideology of pivotal policy makers affects ordinary public policy, insofar as ideology affects the assessment of policies regarding public services, transfers, and regulation. Ideology similarly affects demands for constitutional reform, because formal and informal constitutions tend to embody widespread beliefs about the proper method and scope of government, the importance of rights and elections, and the political and economic characteristics of the good society.

The political effects of ideology-based interests are most obvious when individuals vote or lobby for policies that harm their own direct material interests. For example, it is clear that both voters and those in power do occasionally vote against their own direct political and economic interests in the pursuit of higher aims. Many wealthy individuals vote in favor of social insurance and transfer schemes to the poor, although they are themselves unlikely to secure direct personal benefits from such programs. Many poor persons vote in favor of reductions in social welfare spending and increased use of markets to allocate goods and services. In 1866 the clerics voted to end the four-estate system in a manner that essentially left them completely outside government for the first time in more than five hundred years.[281] Such behavior clearly demonstrates the power of ideas. The political importance of ideology, however, extends beyond cases in which conflicts between broad and narrow self-interest exist. There is often no conflict between narrow private material ends and broad ideological ones, because ideologies have been adopted to enable individuals to live more effectively within their private and social circumstances. This correlation often causes the importance of broad ideological theories and norms to be underestimated by those who analyze voting and bureaucratic behavior by focusing narrowly on the immediate material advantage of normative and positive theories.[282]

Asymmetry of Reforms and Counter Reforms

Once a constitutional change is adopted, the coalition that passed the reform may not have sufficient votes or control over policy to repeal the amendment adopted. For example, a decisive coalition of voters was much different in 1925 than it had been in 1900; a much broader range of citizens was empowered to vote in 1925 after universal suffrage, and representatives were selected using proportional representation and without wealth-weighted voting. Constitutional reforms that change such basic procedures can be much more durable than ordinary policies or minor constitutional amendments. New procedures for adopting policies often imply that decisive power will rest with different people than before.

Changes in the fundamental procedural rules of national politics also tend to make some organized groups more powerful and others less powerful, which affects the future

[281] The constitutional reform of 1866, which ended the four-estate system was “unanimously” passed by the Clergy. However, 27 of 57 members present placed written reservations concerning the reform in the minutes. No more than six members of the Clergy ever returned to Parliament in the first (upper) chamber after 1867 (Verney 1957, pp. 76 and 90). Weibull (1993, pp. 20-21) notes that the Alsnö Decree of 1280 formally established the regular nobility, and the following year ecclesiastical privileges were agreed to by Magnus Birgersson partly to reward those who had helped bring him to power.

[282] For example, many teachers choose careers in education, because they believe that education is fundamentally important, and tend to favor expanding educational budgets for that reason alone. Similarly, transport experts, environmentalists, and defense analysts would be inclined to favor larger budgets for, respectively, transportation, environmental and defense agencies, partly because of a direct material interest, but also because they genuinely believe that such policies are good policies.
Brennan and Hamlin (2000) provide the most complete rational choice-based discussion of the importance of normative theories and norm-following behavior in politics and how such behavior may influence constitutional design.

path of policy development. For example, eliminating the property requirements for voting in 1907/09 significantly increased the number of voters who were members of labor unions, which (i) gave the Social Democrat and Labor parties much greater electoral support, (ii) membership in the lower chamber and eventually first chamber, and, consequently, (iii) much greater control over policy than they had prior to expanding the. The Social Democrat and Labor parties could subsequently block efforts to reverse or modify the constitutional reforms that led to their increased power.[283] The adoption of proportional representation also gave political parties and party leaders substantially more control over their members' voting. Those who vote against the leadership may find that they are no longer on the party lists when the next election occurs. In this manner, the requirement that parties choose ordered lists of potential members gives the leadership of political parties a new and powerful tool with which to punish members who stray from the party line.

To the extent that interest groups can predict the consequences of constitutional reform, they will be inclined to support reforms that increase the power of those who support their own policy agenda. This conclusion clearly applies to both economic and ideological (public interest) groups. A public-spirited group that draws its primary motivation from its interpretation of the national or general interest also has an interest in seeing that its members come to control policy formation. The difficulty in reversing constitutional decisions is partly what makes constitutional rules durable, but durability also tends to attract the attention of all organized groups that expect to gain or lose from such durable reforms.[284]

Constitutional reforms, like other public policies, are, thus, partly the result of interest group activities inside and outside government, and the durability of such reforms often make persuasive campaigns more extensive and more intense. The intensity of such debates is not usually evidence of revolutionary threats, but simply evidence of the importance of such reforms for politically active organizations and their supporters. In the end, reforms are normally complicated fine-grained bargains that are for the most part lawfully adopted and implemented.

II. Overview of Evidence

Every change in a nation's written constitution explicitly creates a new combination of procedures and constraints for the development of new law and every newly written constitution legally supersedes both the written and unwritten parts of the previous constitution. Changes in the formal written procedures and constraints tend to induce changes in both the unwritten practices and procedures of governance, especially in areas directly affected by the new formal procedures. In this sense, at least, institutions can be thought of as products of design as well as evolution. Problems are carefully dealt with one at time, and, insofar as independent solutions exist, effective rules and routines can be adopted to advance organizational goals in one policy area at time.

[283] The first votes occurred on 1907 and 1919 and the second votes on 1909 and 1920 respectively. Years separated by a slash denote formal beginings and ends of reforms or periods of reform.

[284] The early social choice literature (Black, 1948, Arrow 1962, McKelvy 1976) suggest that democratic governance tends to be inherently unstable in the sense that nearly every majority coalition can be replaced by another. So, it might appear unlikely that ordinary legislation within democracy could ever be durable or stable enough to be regarded as constitutional in the sense used here. (Indeed, such instability may reduce conflict over policy (Congleton, 1980) and promomte equibable outcomes (Buchanan xxxx). Nonetheless, considerable stability is observed. Evidently, stability in democratic public policy is generated by single dimensioned ideologies (Poole and Daniels xxxx) and durable institutions, many of which were adopted for other purposes. Political parties, procedural constraints, legislative norms, and one-dimentional ideologies often reduce the domain of policy making and/or the number of feasible majority coalitions in a manner that promotes stability. (See, for example, Shepsle and Weingast 1981, Buchanan and Congleton 1998, Congleton, 2003).[1] Such formal and informal political institutions allow informal parts of a constitution to exist by indirectly affecting the cost of "amending" those parts of the constitution.

This piece-wise theory of reform provides an explanation for the constitutional architecture of contemporary national governments, insofar as these resembles earlier forms, although the distribution of policymaking authority is very different. Revolutionary theories and completely plastic theories of constitutional governance cannot explain existing patterns of Western governance. In 1800, most national governments in Europe had kings, most kings had parliaments, and most parliaments were multicameral. Most kings were dominant, with the exception of the United Kingdom where policy making power was more equally divided. In many cases, the European parliaments of the twentieth century have roots that stretch back to the thirteenth century and beyond. [285]

It is, however, not true of all of the governments examined in part II of the book. For example, the Netherlands did not have a king although it had a chief executive (stadhouder) prior to Napoleon's intervention. That it too experienced a gradual transition to parliamentary democracy suggests that it is not the history of parliamentary rule that is critical, but new potential gains to trade that emerged in the nineteenth century as a consequence of liberal thought and new economic opportunities. The transformation was not latent in long standing political institutions, but rather was triggered by common external events.

It is also clear that the trigger was not entirely culture specific. Northern European societies were linked in various ways: as with trade, culture and religion. This is partly why they were more or less simultaneously affected by technological and ideological advances. Scandinavia and Germany, however, had never been ruled by the Romans, the British had never been part of the Hanseatic league, and the influence of the Protestant reformation varied widely across northern Europe. Similar transitions took place in Japan, a country where trade, culture, and religion were only very weakly linked to northern Europe. Rather an interest in industrialization, largely for military purposes, provided fertile ground for liberal ideas and arguments throughout Europe and somewhat later in Japan, where similar ideas within the Japanese culture also rose to prominence during their period of rapid industrialization. In Japan, liberal ideas and industrialization also lead to a series of constitutional bargains that gradually transformed their "king and council" based system of governance into a form very similar to that of the European parliamentary systems (indeed it was developed with such systems in mind). In the Japanese case, the democratic period was not to last, because constitutional bargains were renegotiated in the face of perceived national or military advantages of empire on the mainland. Constitutional bargaining does not stop when democracy is reached nor does it always continue in a democratic direction.

Constitutional developments in the United States suggest that liberal ideas may be more important than industrialization to the course of constitutional reform. In that case, the trigger was not industrialization but rather competition for scarce labor and capital combined with a need for political institutions that could avoid or at least moderate class-based politics and rent seeking. The course of bargaining between parliaments and colonial governors in the late 16th and 17th centuries was very similar to that in Europe and Japan in the 19th century. Indeed, shortly after independence was declared a majority of the states adopted parliamentary governments with a prime minister (governor) selected by state legislatures, a common result towards the end of the nineteenth century in northern Europe. In the United States, however, this parliamentary system of governance was gradually replaced with ones based on the presidential system of the national government adopted a few years later, again peacefully and again through specified amendment procedures. Again, changes in the ideas of elite policy makers (and their supporters) produced opportunities for constitutional bargaining and reform.

Indices of democracy and economic development in the nineteenth century are consistent with the theory developed in Part 1. Democracy typically emerged gradually, although not always in tiny steps, but in hand and hand with economic growth during

[285] Within the United States similar systems date back to the colonial governments of the early seventeenth century. In 1619, the Virginia colony established a bicameral legislature with one chamber directly elected by all property holders and the other appointed by the colonial governor, who at that time was appointed by a private firm operating under a formal crown charter. Few parliamentary systems would be as democratic as Virginia's first House of Burgess for more than two centuries.

the nineteenth century. There was no conflict between long term growth and political liberalization in the nineteenth century, as has often been argued in the twentieth century. Economic liberalization and political liberalization were mutually reinforcing policies in the nineteenth century.

Modern economic determinists will sometimes argue that rising income associated with the industrial revolution led to a "demand" for democracy in much the same way that an increase in income leads to increased demand for ordinary goods and services. The analysis developed above suggests that there is some truth to this, but a simple consumer demand based argument is incomplete in many respects, because political "demands" do not produce constitutional reform unless they also advance the interests of those with the authority to adopt the reforms. There are many cases in which large popular demonstrations in favor of liberalization led to "crack downs" rather than to democratization. A few of these have been mentioned in the analysis, as with censorship in Germany during the 19th century.

The "demand for democracy" differs from the demand for chocolate and other "luxuries" in important respects. Constitutional demands are not usually based directly upon personal experience with alternative institutions, as one might taste a variety of chocolates to determine which is best, but rather reflects ideas about institutions that are taken from culture, education, policy debate, and reflection. Until up and running, democratic governance is an idea rather than a tangible alternative. If democracy were simply demanded rather than a result of bargaining among those occupying offices of authority, it would be difficult to explain very much of the architecture of contemporary Western governance, the gradual extension of wealth-based suffrage, the continuation of monarchs with somewhat ambiguous policy making authority, the shift from single member district base elections to proportional representation, and so forth. Surely direct referenda would play a much larger role in policy formation if "democracy" were demanded in the same manner as chocolate.

The theory of constitutional exchange suggest that both the interests and political property rights of those with the authority to adopt constitutional reforms will matter. In 1820, these were fairly similar, insofar as kings dominated policy formation and the parliaments were composed of relatively wealthy persons elected on the basis of narrow suffrage. Industrialization and the penetration of liberal ideas into such policy elites also produced broadly similar interests in reform, although not identical ones because the parties in power varied somewhat as did the political institutions. Consequently, the result was a broadly similar pattern of reforms, rather than identical ones as might have been predicted by a less fine-grained theory that totally neglected the variation in the interests of political office holders and variations in institutional detail.

III. Predictability and Explanation in Social Science and History

One could argue that there are similarities between the usefulness of theories of constitutional design and evolution and that of astronomy. Both are interested in long run phenomena. Astronomy started out as a very practical applied science that helped early agricultural societies determine when to plant crops. In this application, it was never a precise science, because weather involves more than can be predicted on the basis of the sun, moon, and stars, but astronomy was nonetheless sufficiently helpful that plantings were more successful when informed by season than not. Later astronomers helped the early commercial societies determine where the were when they were at sea. In this case, one could in principle determine a fairly precise location in space by one's position relative to the sun and stars, although unfortunately, clouds and often made this precision impossible to realize. Much later astronomers realized that the sun's output varied a bit with sunspots in a manner and affected agriculture and the temperature of the earth--although there were not many plans that could be improved by this additional knowledge. In other cases, astronomy helped to inform other scientific theories, which were useful but did not depend on the locations of sun, moon, and stars. Here one might consider the various refinements of theories of gravity and light that astronomical examples provided, almost accidentally as a consequence of careful observations made

over man years, indeed centuries. And, it could be argued that the realization that the sun is powered by nuclear fusion and helped solidify the foundations of modern nuclear weaponry.

The same types of arguments can be made concerning early theories of organizational and constitutional design. In the early days, solving collective choice problems were often matters of life and death as communities would not long survive without organizing teams for hunting or agriculture, nor in many cases would individuals. On the other cases, organizations may also threaten societies as when roving bandit gangs and armies loot settled communities, who need to organize defensive organizations. As knowledge of organizations improved, improvements were also subject to diminishing returns even as the organizations themselves became larger and more sophisticated. Constitutional practices affect millions of people, however, and small changes in constitutional efficiency may have large and important effects on the quality of life for those living under them or affected by the policy decisions of their neighbors. In this sense at least, improving constitutional theory may be more important than improving astronomy, even if it is also subject to diminishing returns. Understanding how constitutions directly or indirectly affect public policy formation, also helps shed light on possible solutions.

As in the Astronomy cases, however, the usefulness of constitutional theory depends in part on its precision, which is inevitably less precise insofar as constitutions shape and constrain behavior within governments without completely controlling it. The people governed and those occupying positions of authority clearly have affects on public policy, and thus political outcomes cannot be perfectly predicted by looking at the collection of formal rules that define and constrain their authority to select public policies. Yet those rules, and common economic and ideological interests, may allow both public policies and amendments to constitutional procedures to be predicted within limits, as demonstrated in this book.

Moreover, at times when new polities are established, a good constitutional design can help a community make better use of the resources available to them. Constitutions, unlike star systems, can be chosen and modified, and they can be slightly adjusted every day, as with Supreme court decisions in the United States, or through subtle but durable shifts in the distribution of authority as within both medieval and modern parliaments. This is the case in settings in which customs have established property rights of one kind or another, the Lockian world, or not, the Hobbesian one, but also ones in between in which some conventions about rights exist, and also in what appears to be the more common setting win which some significant commons and externality problems remain on the table awaiting solutions.

In this book, historical analysis is undertaken to provide empirical support for a particular model and mode of analysis by demonstrating that they shed light on Western constitutional history. Just as sudden breaks with the past are unnecessary for democracy to emerge from aristocratic parliamentary regimes, neither is "class consciousness" nor a creditable threat of revolution, as posited by Grossman (1991). The analysis demonstrates that radical reforms of suffrage laws can take place through a series of constitutional bargains (compromises) undertaken over many years. No clarion calls of "give me liberty or give me death" or "workers of the world unite" are necessary, although some interest group members may well be motivated in part by such ideological slogans and sentiments.[286]

[286] As noted above, the direction of causality does not appear to be unidirectional. As suffrage was extended in Northern Europe, additional economic liberalization tended to take place as well. The policy interests of the median voter became more liberal with the first changes in suffrage laws. That link in the bootstrap is left for future research.
It also bears noting that the present analysis has explored only half of the constitutional story. The radical expansion of suffrage in parliamentary systems is only one part of a liberal parliamentary regime. Clearly, the democratization of parliament will not affect the locus of policymaking power unless the parliament itself has the power to make significant policy choices. The other half of the story of liberal reform in northern Europe in the nineteenth century involves a shift of political authority from the king to the parliament. (See Congleton 2001 and 2003).

Chance Events and Statistical "Causality"

The analysis undertaken in this book does not imply that particular events had to follow in the 19th century, rather it suggests that given certain conditions: some outcomes are more likely than others. Increasing acceptance of liberal economic and political theories, and technological innovation that changed the efficient scale of production made some constitutional reforms more likely than others, given and medieval division of authority between king and parliament.

To understand why social science should be willing to accept the existence of both chance events and conditional theories of causality, perhaps even more so than modern physics, which has increasingly come to be erected on statistical foundations, consider the following example. Suppose that a leading government official is rolling two six-sided dice and desperately wants the numbers to add up to seven at the moment the dice come to rest. For a physicist, the solution to this problem is entirely within the realm of calculation. A sufficiently precise analysis of initial conditions: shape of the hand, weight and size of the dice, the coefficient of friction, gravity field, and inclination of the surface on which the dice will be rolled will imply that a very large number of combination of forces and vectors that could, potentially, cause the dice to stop rolling at a particular place and with a particular numerical configuration. There are many perfect solutions, many ways to roll a seven on a particular surface! And, a talented engineer might well be able to design a machine that caused the dice stop at more or less the intended place with exactly the "correct" number of spots on the top, given specific characteristics for gravity, wind, and the surface upon which the dice are to be thrown.

The problem faced by the engineer is a bit more difficult than ordinary physics implies. To design a machine that causes two dice to land at a particular spot and in a specific configuration involves other factors which make the problem far more demanding than accounted for by physicist's precise and sophisticated computations of Newtonian forces and inertia. For example, the material of the dice and machines, themselves, absorb and release energy, and also slightly change shape as these processes take place. This does not mean that the physicist's conclusions are incorrect, but it does imply that other neglected factors may affect the final design of those machines.

However, people are not machines. Historical experience has shown that no person can exercise sufficient control over his or her hand to achieve such predictable results if significant rolling of the dice is required. It is for this reason that casinos have long been profitable and that many commercial board games use dice to induce a bit of playful uncertainty. It is entirely because of the limited precision of human coordination and calculation that games of chance remain entertaining and profitable. Consequently, the extent to which a social scientist can predict the outcome of a particular roll of the dice by a top government official is unclear. We can predict with absolute certainty that the numbers on ordinary dice can add up to no less than two, nor to more than twelve is unclear, but we cannot predict the result of any single roll of the dice.

Knowledge without Certainty

Fortunately, statistical theory allows us to go a bit beyond such well-informed statements of ignorance. Statistics implies that little can be said about a single roll of the dice, but that a variety of predictions can be made about the outcomes of a series of dice rolls in the case where our government official rolls the dice repeatedly. These predictions are testable, insofar as a series of rolls may refute an number of hypotheses about dice rolling—for example that "dice can be hot" if they are fair. Social scientists can, thus, provide explanations of particular "histories" of governmental dice rolling in more or less similar circumstances, and can make predictions about as yet unrealized "histories" that would emerge in the future. A government official will roll a seven about 1/6 of the time using unweighted dice in ordinary circumstances.

For a historian the question is a bit different, and in many ways more interesting. Having observed a particular roll of the dice, the historian wants to explain exactly why the values observed arose. Here, there are clearly proximate causes—more or less the same ones used by our physicist—and also more indirect causes: the government official rolling the dice was upset, was under pressure, had been exposed to different theories of

rolling dice, was affected by beliefs about divine causality, was left handed, near sighted, weak from age, lived north of the equator, etc. All these factors might affect the manner in which the dice were thrown and, therefore, would largely determine the flight of the dice actually observed. It is entirely possible that this partial list of the factors might have "determined" the exact trajectory of the dice imposed by the official who controlled the dice and the numbers that appeared on top.

Such completely accurate histories may, thus, explain exactly what happened, without shedding light on what will happen on the next roll. Although "history will repeat itself," about 1/6th of the time in this case; little of the detail that applies to a particular instance of dice rolling will be relevant for explaining the next similar event (rolling a seven). Either the underlying chain of causality is too complex to be fully understood or truly stochastic phenomena occur.

This is not to say that social science is only about prediction, or that history is only about explanation, because the persons who engage in these enterprises often are themselves interested in both questions to varying degrees, and properly so. Social science provides a lens through which particular events can be made sense of, and historical research provides a source of new hypotheses to be tested as well as facts that may be used to test existing hypotheses. Such "convex combinations" of research interests produces a more useful and compact body of knowledge for fellow travelers, teachers, readers and practitioners, than would have been produced by methodological "purists."

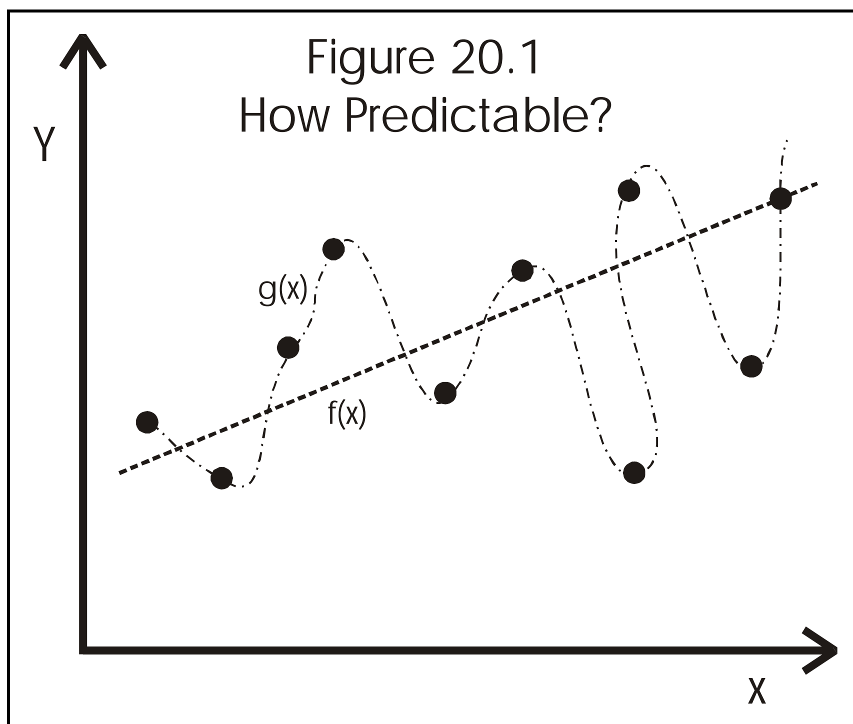
Moreover, in areas where there are few determining factors, the explanations of historians and theories of social scientists tend to be very similar. The light went on because a person flipped the wall switch. The building survived a direct lightening strike unharmed because it was protected by Ben Franklin's invention (the lightning rod). The battle was lost because the losers were greatly outnumbered, outgunned, and caught by surprise. Prices rose in 17th century Spain because of the influx of gold from South America. In cases where causal relationships are simple, even a single instance may generalize perfectly to a wide variety of settings.

In other cases where causality is more complex, there are often many plausible claims and counter claims. Here disagreements are commonplace both across disciplines and within disciplines.

The Scope of Uncertainty in Social Science

Controversy is not always caused by differences in methodology or research interest, as might be said about differences between social scientists and historians. Disagreements within social science exist, at least in part, because there is disagreement about the extent to which human behavior is predictable, in general or in particular circumstances, and therefore on the extent to which particular empirical results can be generalized to other events.

To appreciate this point, consider the time series of data points depicted below in figure 20.1. For, those who believe that the world is completely explainable, the "finely nuanced" dashed fitted line, g(x), will be the sort of theory they aspire to. For those who believe that the world is not so readily explained, the "essential" dotted linear line, f(x), is all that they believe can be accounted for. Disagreements of this sort may cause social scientists to disagree for reasons that are similar to those discussed above, but which are subtly different. Some social scientists would insist that "we" can, or will be able, to predict each successive dice roll, others would regard such precision to be very unlikely.



It seems clear that we know a good deal about social phenomena that can be generalized and a good deal that cannot be generalized. Yet, there is little systematic evidence on the "meta-questions" that might allow us to assess the degree to which theories explain new cases, or the extent to which new explanations and new theories will apply to cases not yet analyzed. Indeed, each "side" can point to scientific episodes in which "they" have been proven correct.

How much of this can be explained by general features of the political and historical setting and how much is peculiar to the men and circumstances that confronted constitutional reformers is not immediately obvious, and well-informed individuals may disagree about what is causal and what is the result of chance in given circumstances. Although there were just three major episodes of constitutional reform in Sweden during the past two hundred years, proposals for major and minor constitutional reforms were nearly continuously proposed during the entire period. It seems clear that the details of reform were particular to Swedish personalities and circumstances. Nowhere else in Europe was an explicit wealth-weighted voting system adopted. However, broadly similar patterns of reform were adopted in several other northern kingdoms over the same time period. Denmark, the Netherlands, the United Kingdom and Norway also adopted reforms in the nineteenth century that produced broad increases in suffrage and a gradual transfer of power from their kings to their parliaments.

How much of this pattern of reform is explainable by general economic, social, and political forces might be debated by serious and well informed scholars for a variety of reasons. For example, a good deal of the controversy within social science reflects differences in theories about human behavior. Is human behavior driven by narrow self interest, wealth and power, or more generalized political and economic interests. Is individual behavior largely determined by social pressures and genetic influences that are beyond the individual's control; a consequence of rational decisions to make effective use of what is available in his or her historical circumstances; a blend of whimsy and creativity—or some combination of all three.

Even social scientists who agree about the aim of science and share a common vision of the human behavior may reach different conclusions, because they disagree about how predictable a particular historical event is, or series of such events, can be. A rational self-interested individual cannot know the future any better than a social scientist can, and therefore is bound to make mistakes both in assessing his or her interests and in predicting the consequences of the range of actions that may be taken, at least on

occasion. Such mistakes produce an irreducible residual of uncertainty in rational choice models, and imply that predictions based on those models are better able to describe families of similar events rather than particular case histories.[287]

IV. Limits of Deductive Analysis: Rational Mistakes

This residual of uncertainty is bound to exist even if the rational choice model is perfectly true—as long as individual actors cannot be perfectly informed. The self-interest hypothesis implies that parliamentary decisions will generally advance member political and economic interests. To predict human behavior in such settings requires social scientists to know how individuals perceive their narrow and broad interests, what they believed about the connection between their actions and consequences, and the limits of both types of knowledge.[288]

The rational choice hypothesis is often said to predicts that political decision makers "get it right" on average. However, *mistakes are predictions of rational choice models* in settings where causal connections are difficult to untangle and relevant information is largely unavailable or very difficult to acquire and make sense of. Nowhere is this more likely to be the case than on constitutional issues. Acknowledgement of this fact and the risk associated with mistakes is evidently one of the reasons why major constitutional reforms are infrequent, and subject to more scrutiny and review than are more narrow forms of legislation. It is also the reason that most constitutional designers include a formal process of amendment. Nonetheless, if rationality in practice and as a methodology is useful, mistakes must be less common than error in most cases, given the knowledge available at a given time.

What individuals know about the world is limited in many respects by their own experiences with their families and acquaintances, through which they have ready access to a broad subset of the experiences and ideas—the "folk wisdom" of their communities. The locally available stories, religions, and ideologies provide individuals with ready-made theories of cause and effect and a more or less consistent set of norms by which they can assess commonplace events within their communities. From a rational choice perspective, the use of such rules of thumb and theories, and, can be an effective way of reducing information and other decision costs (Simon, xxxx, Olson, xxxx, Heiner, xxxx). A useful theory or rule of thumb allows situations to be sized up and decisions made without investing very much time and energy in trying to understand fully all the details or causal chains that might ideally be known.

In practice, much of personal knowledge is a synthesis of opinions and thoughts expressed by persons deemed to be experts and by one's immediate family, friends, and neighbors. Most of us believe in many facts and theories—the ice age, Antarctica, Aristotle, subatomic particles, chemistry, quantum mechanics, evolution, the superiority of democracy— without significant direct experience with their objective merits, because others have persuaded us of their existence and importance. Normative aspects of our world view are similarly influenced by the normative opinions and status games to which we are exposed and those of our teachers, as well as our own reflection. Consequently, our understanding of both broad social phenomena and our assessment of them are

[287] Such "meta" disagreements can lead to differences in methodology as well. Social scientists will be more or less interested in historical detail according to their beliefs about the underlying predictability of the events being analyzed, because this effects beliefs about what can be learned from different kinds of data. If not much is truly predictable, a good deal of historical data is simply random noise, rather than part of the underlying causal chain. For example, scholars who differ in their assessment of the returns from charting the course of deliberations within the chambers where constitutional reforms finally came to be adopted would clearly be more or less inclined to carefully review those deliberations.

[288] Rationality does not imply that outcomes are always what one might have hoped for. Gambling is not necessarily a mistake as far as the individual is concerned, although it may be. In the case of lotteries, a series of purchases may be mistaken in that it reflects a poor understanding of probability theory, but it may be entirely rational given what is known at the time the decisions were made. On the other hand, even a fair game will have losers along with winners.

substantially the product of the suggestions of neighbors and competing experts, rather than our own privately considered analysis of the links among politics, policies, and outcomes.

Common sense and statistical theory provide a rational foundation for this form of learning. It is clear that using information provided by friends, colleagues, and other "experts" allows us generally to do better in the real world than we could based only on our own limited direct experience and introspection. In statistical terms, it increases our effective sample size. Yet, the indirect base of many of our beliefs about public policy also allows for the possibility that ideological shifts may or may not be directly tied to new circumstances. There may be ideological "fads" or "fashions," as well as ideological shifts based on personal experience, improved technology, and accumulating wisdom.[289] Fortunately, many, if not all, changes in political beliefs are grounded in real world experience, even when they are not based on an individual's own direct observations.

As circumstances change, it is clear that efficient rules of thumb and theories of cause and effect may also change. Insofar as some preexisting world views generalize to the new circumstances more easily than others, they will tend to become more widely used, because individuals will find an increasing number of occasions in which such theories or rules of thumb prove useful or correct. Here, it bears noting that rational institutional conservatism applies to ideas as well. Changes in an entire constellation tends to be time consuming and difficult, so not every failure will induce new theories to be adopted or old ones to be revised whole cloth.

This process of natural experiments and synthesis does not, however, imply members of a community will normally have a single uniform theory of the world. Even within relatively small communities, every person's talent, experience, and circumstances differ, which implies that slightly different rules of thumb will be more or less useful to particular individuals. Each person's understanding of common theories in the groups that he or she participate in or reads about are "customized" to make more consistent with what they personally know and other theories that make up their current world view. Such individualizing propensities are reduced, but not eliminated, by common education systems, the mass media, and increasingly generalized normative and scientific theories. Moreover, individuals differ in their demand for unvarnished truth, rather than pleasing or useful myths about themselves and society.

These private adjustments to widely held world views often have political and economic consequences, because they affect assessments of the relative merits of alternative political institutions, public policy, and lifestyles. A perceived increase in the probability or threat of war often leads to increased centralization and increased production of military goods and services. Technological change may also change the relative benefits and costs of infrastructure projects, health care, and education in a manner that affects broad governmental policies, as well as the efficiency of alternative methods of administering government programs. In this manner, the relative merits of alternative institutions and policies may change as underlying positive and normative theories used to evaluate them adjust to new evidence and circumstances.

For example, it is widely reported and believed that modern forms of democratic governance are broadly superior to other forms of government. Although relatively few individuals have direct experience with a government other than their own or have taken the time to examine the statistical evidence assembled by international organizations, such an opinion seems to be well grounded. Person in democracies are, for example, wealthier on average and live longer lives. Contemporary data suggest that Western democracies

[289] Economists have recently used the term "information cascades" to describe how and why rational individuals may rely on the experiences of others in forming their own theories and expectations. That line of argument suggests that individuals can systematically broaden the "sample base" of their forecasts of future events by relying on the accounts of others. However, insofar as others are doing the same thing, beliefs may emerge that are not fully grounded in shared experiences. This logic can be used to explain stock market bubbles and can also be applied to explain ideological fashions through time. This is an implication of Kuran's (1998) analysis of public and private norms.
Of course, there are many other economic and sociological reasons why theories and norms suggested by one's closest peers might be adopted. All of these essentially suggest that a person's ideology is partly determined by direct personal experience and the particular cultural (informational) setting in which they find themselves.

have for a long time been far more comfortable places to live than those ruled by other forms of governance. It is also seems clear that the relatively superior economic performance of democratic governments has increased the popular demand for constitutional reform in a manner that partly accounts for the great democratic transformations of the nineteenth century and in turn during the modern era in the former Soviet Union, South America, and Africa.

The Catholic medieval world view crumbled during the sixteenth and seventeenth centuries as new evidence and new religious, political, and economic interests emerged. This evidence lead both ordinary persons and great scholars to revise old theories and to devise new theories, and to take advantage of the new political and economic opportunities inferred from their new theories. Perhaps not every current practice, however long standing, was a best practice. Perhaps it was possible to shift from one trade or production method to another. A social contract can be revised, whereas a divine order cannot How those contracts would eventually be revised in Western Europe was by no means obvious in 1600 or 1800, but the increased appeal and usefulness of liberal ideas and technological advance clearly made some political and economic changes more likely than others.

V. Value of a New Rational Choice–Based "Whiggish" History

Several colleagues have remarked upon the resemblance of the theory developed here and "whiggish histories" of England written in the nineteenth and early twentieth centuries. Whiggish histories normally argued that there was and continues to be systematic progress. The theory developed here is also optimistic, but departs from the traditional Whiggish accounts in that it includes a broader range of countries and makes no claim of irreversibility, nor of inevitability. The changes characterized in this book were not inevitable, but became more likely because of changes in ideas and interests that emerged in the late eighteenth century. It is, however, fair to say that the account is a somewhat optimistic one—at least for those who prefer liberal economic and political systems to medieval ones, and for those who prefer peaceful reforms to civil war. The fact that major reforms can take place without significant mass warfare also departs from some Whiggish accounts. This result may strike some readers as overly optimistic despite of the evidence developed throughout the book, although it may also be considered to be somewhat pessimistic insofar as the analysis suggests that popular revolutions are unlikely to induce constitutional liberalization.

Revolutionary models of reform generally require much stronger assumptions about the persons involved than normally applied in rational choice models in economics or game theory. A variety of Olsonian organizational problems have to be solved so that armies can be trained and military equipment acquired without attracting punishment from the governments that they seek to overthrow.

Income induced theories of suffrage reform need to explain why an existing political order (median voter or aristocrat) would have any interest in changing the fundamental rules of the game simply because their income increases. The demand for democracy is not the same as the demand for fancier cloths and curtains, it cannot be implemented by individual decisions acting alone, nor is obviously a "superior" good in the normal economic sense. Relatively peaceful interest groups are clearly easier to organize than revolutions, less threatening to those in power, and so more likely to be effective proponents of reform than single individuals or military under grounds, but evidently such activities need to be motivated by broader notions of self-interest than personal wealth maximization.

The analysis developed here suggests that in "the West" the course of liberalization was not deep rooted cultural factors, but rather in the emergence of more or less similar opportunities for constitutional gains from exchange and reform that were associated with political and economic changes, given preexisting political institutions based on the king and council template. Although each of the historical narratives included exceptional persons as well as more "ordinary" ones—Willem I, William III, Pitt, Washington, Madison, Thorbecke, DeGeer, Bismark, Taisuke —the analysis suggests that shifting interests and ideas are sufficient to motivate a series of small liberal constitutional

reforms. Essentially all leaders may advance or impede proposed reforms; however, self-interest implies that they will take advantage of opportunities before them, as least as far as these are understood. The analytical part of the book demonstrates that constitutional reforms can occur in spite of institutional conservatism and without unique, unusually publicly spirited, and brave individuals. The fact that similar reforms were adopted in a significant number of countries demonstrates that long-standing policy-making procedures and constraints can be gradually revised by a wide variety of men and women, without requiring or necessarily leading to chaos.

Overall the work of this volume shows that "revolutionary" reforms can occur as a consequence of a series of modest evolutionary steps that advance the interests of those with the authority to adopt reforms. Interests in reform, however, are not entirely shaped by wealth and power, but also reflect alternative visions of the good society. Such ideas often inform private decisions and may in combination with direct material interests lead to more liberal reforms than might be expected in a more materialistic age or society.