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ultimately unsatisfactory, because this would imply that the more economically advanced "western" areas of Germany would have developed apparatuses closer to those of France and Spain than those of "eastern" Prussia and Austria. This, however, was not the case.

#### EXPLAINING VARIATIONS IN EARLY MODERN STATES: THE ARGUMENT

The works discussed above, when taken together, have greatly advanced our understanding of the process of political development among the territorial states of medieval and early modern Europe. They have confirmed the overriding importance of both autonomous economic networks and geopolitical competition to the expansion and internal specialization of the individual European states. Yet the arguments presented in these works have in the end proved unable to explain the full range of outcomes of the process of European statebuilding. Hence a new theory of that process is necessary, one that can account in a more satisfactory way for the distribution of political regimes and state infrastructures found across the continent on the eve of the French and Industrial Revolutions. In sketching the outlines of just such a theory below, I first address the problem of political regimes, then infrastructures, and finally examine the independent influence of representative assemblies on infrastructural development.

#### *Political Regimes*

Explaining variations in political regime at the end of the early modern period means accounting for the strength or weakness of particular representative institutions, since it was the powers still held by such institutions which determined whether a given government was headed by a ruler who was relatively constrained (constitutionalism) or unconstrained (absolutism) in his behavior. In effect, this requires explaining why a given national representative assembly was strong enough to resist the endemic attempts by monarchs to monopolize legislative and other powers. The only recent author to address this question directly, H. G. Koenigsberger, declared with some exasperation at the end of his article "Dominium Regale or Dominium Politicum et Regale?": "The blunt truth is that no one has yet come up with an answer to [this] problem, that is, with anything approaching a satisfactory overall theory. I am not able to do this, either."<sup>41</sup> What is more, Koenigsberger remained skeptical

<sup>41</sup> Helmuth G. Koenigsberger, "Dominium regale or dominium politicum et regale? Monarchies and Parliaments in Early Modern Europe," in: Karl Bosl (ed.), *Der Moderne Parlamentarismus und seine Grundlagen in der Ständischen Repräsentation* (Berlin: Ducker & Humblot, 1977), pp. 43-68, here at p. 48.

about whether it would *ever* be possible to develop a general theory to explain variations in the strength of representative institutions.

But before succumbing to despair, we should take note of the fact that, as Koenigsberger himself mentions, one person at least offers the beginnings of such a theory, and that person was none other than Otto Hintze. During the 1920s and early 1930s, following his retirement from the University of Berlin, Hintze turned his attention increasingly to the representative assemblies of medieval and early modern Europe, a subject which he had neglected prior to World War I. His new interest may have been prompted by the difficulties that the Hungarian and Polish cases posed for his earlier, geopolitical theory<sup>42</sup> or perhaps it was inspired by the advent of the parliamentary Weimar Republic. For our purposes, the most important result of this new line of research was the short essay "Typologie der ständischen Verfassungen des Abendlandes" ("A Typology of the Representative Regimes of the West"), first published in 1930.<sup>43</sup>

In this essay, Hintze argues that the parliaments or "Estates" of the medieval and early modern West can be divided into two basic (ideal-) types, the "two-chamber" and the "tricurial," according to the system of representation they employed.<sup>44</sup> Into the former category he places the

<sup>42</sup> This supposition is supported by the presence among Hintze's papers of a long, unpublished study on Polish constitutional development written during the 1920s. Part of this study has now appeared under the title, "Verfassungsgeschichte Polens vom 16. bis 18. Jahrhundert," in: Hintze, *Staat und Verfassung*, pp. 511-562.

<sup>43</sup> Otto Hintze, "Typologie der ständischen Verfassungen des Abendlandes," in: idem, *Staat und Verfassung*, pp. 120-139. Other essays by Hintze from the 1920s and early 1930s which touch on this topic are: "Die Wurzeln der Kreisverfassung in den Ländern des nordöstlichen Deutschland" (1923), in: *ibid.*, pp. 186-215; "Staatenbildung und Kommunalverwaltung" (1924), in: *ibid.*, pp. 216-241; and "Weltgeschichtliche Bedingungen der Repräsentativverfassung" (1931), in: *ibid.*, pp. 140-185. Only the last of these is contained in the Gilbert volume (pp. 302-353), translated as: "The Preconditions of Representative Government in the Context of World History." For a more extended discussion of Hintze's typology of representative institutions and of critical responses to it, see my essay: "Explaining Variation in Early Modern State Structure: The Cases of England and the German Territorial States," in: John Brewer and Eckhart Hellmuth (eds.), *Rethinking Leviathan: The British and German States of the Eighteenth Century* (Oxford: Oxford University Press, forthcoming).

<sup>44</sup> It is important to stress here that Hintze saw this distinction between "two chamber" and "tricurial" assemblies as *ideal-typical*; i.e., he did not mean to claim that all of the real world assemblies which he assigned to the first category actually possessed two chambers. In fact, as Hintze explicitly states, the division into two chambers was a later development that never came to pass in either Scotland or in medieval Sweden and Denmark. Likewise, it is well known that many "tri-curial" German assemblies came to possess only two chambers due to the disappearance of one or other of the three traditional estates. Yet, Hintze would argue, this variation in the number of chambers in no way affected the *internal organization* of the chambers, which is the real difference he is seeking to highlight through his typology. Given this fact, Hintze's choice of terminology is rather unfortunate.

representative assemblies of, among other states, England, Poland, Hungary, and the Scandinavian countries; and into the latter those of the German territorial states, France, Aragon, Catalonia, Valencia, Naples, and Sicily.<sup>45</sup> What distinguishes these two types of assemblies from one another is not so much the number of chambers they possess as the *internal structure* of those chambers. "Two-chamber" or territorially based bodies like the English Parliament were characterized by an upper house in which members of the higher nobility and clergy sat together, and a lower house made up of chosen representatives of rurally based organs of local government (the counties or their equivalent) and of the self-governing towns. On the other hand, assemblies in the "tricursal" or estate-based system found throughout the German territories and Latin Europe were divided into three or more chambers, each of which contained representatives (or indeed all members appearing personally) of one, and only one, legally privileged status group or estate such as the nobility, the clergy, and the burghers of the self-governing towns.)

Hintze's basic contention in his essay is that the territorially based assemblies or parliaments were structurally stronger, and hence better able to resist the blandishments of ambitious rulers, than were status-group-based assemblies or Estates.) He does not spell out why this might be so, but at least two reasons come to mind. First, because Estate-based assemblies were by definition strictly divided along status-group lines, the overriding concern of each of the individual chambers which composed such assemblies was to protect and, if possible, extend group-specific privileges. This made it very difficult for the chambers to cooperate among themselves in defense of the rights of the assembly as a whole vis-à-vis its royal master. Conversely, this situation encouraged rulers to negotiate directly with the individual chambers and strike bilateral deals with them. In fact, as we shall see, the chambers were often more than willing to give up rights of co-legislation or even co-taxation as long as the social and economic privileges of their respective status groups were guaranteed.

By contrast, the bicameral or territorially based assemblies were not divided along status-group lines. On the contrary, members of the different orders were mixed together in both chambers: higher aristocrats, clergy, and (in Poland and Hungary) officeholders in the upper house; and greater and lesser nobles, townsmen, and non-noble landowners (England) in the lower house. Furthermore, members of the upper house were frequently bound to their lower-house colleagues through ties of family, patronage, and locality. As a result, it proved far more difficult than in the case of the Estate-based assemblies for

<sup>45</sup> Hintze, "Typologie," pp. 124-125.

monarchs to play one chamber off against the other and thereby weaken the representative body's ability to resist its ruler's ambitions. Put another way, the structure of the territorially based parliaments encouraged cooperation at the level of the entire assembly, whereas in the status-based Estates such cooperation took place at the level of the individual chamber, with detrimental consequences for the future of the assembly as a whole (though not necessarily for its constituent status groups).

A second reason for the greater resilience of the territorially based assemblies was that they were inextricably linked to and rooted in organs of local government. The lower chambers were, after all, made up of representatives directly selected by county or borough assemblies or councils, and such representatives were almost always themselves active participants in local administration. Also, nearly all of the higher nobles represented in the first chamber were, of course, also active in politics in the areas in which their estates were located. Territorially based assemblies thus came to be seen both as an extension of and as an agency for protecting the interests of organs of local government. Such organs themselves already possessed a distinctly participatory complexion, characterized as they were by the interaction between central government officials sent to the localities and members of the local (elite) population who took part in judicial processes, tax assessments, and other government business.

At the same time, local government provided the members of territorially based assemblies with just those resources necessary to mount an effective defense of such assemblies against overweening royal ambition: a ready-made forum in which all of the local political elite could meet and discuss a common course of action; financial resources such as local taxes; and even armed forces in the form of the local militia. Such resources were in fact regularly mobilized to counter real or supposed threats of absolutism on the part of rulers. Prominent examples include the English and Scottish parliamentary revolts against the Stuarts, the repeated elite-led uprisings in Hungary against the Habsburgs, and, more insidiously, the frequent armed noble confederations or *rokoszy* directed against the Polish kings. The same advantages were not enjoyed by the status-based assemblies, for the simple reason that, aside from the link between the representatives of the towns and the municipal councils which sometimes selected them, most of their members possessed no organic connection to any unit of local government other than the individual landed estates of nobles and ecclesiastics.

How can we explain the existence of these two contrasting types of assemblies? Here again Hintze provides little assistance. I argue that the answer lies for the most part in the *divergent experiences* of Latin Europe

and Germany on the one hand and Britain, Scandinavia, Poland, and Hungary on the other during the so-called dark ages between the collapse of the western Roman Empire and the turn of the millennium.<sup>46</sup> In Latin Europe and Germany, leaders of invading Germanic tribes built large-scale states upon the Roman foundations of the *civitas* (city-region), written law codes, an imperial conception of rulership, a highly regulated, noncompetitive market economy, and a caesaro-papist church. Over the coming centuries, as social and economic conditions moved farther and farther away from those that had obtained during antiquity, these foundations became ever weaker as they proved less and less able to provide the basis for political order in an increasingly "medieval" world. The resulting decline in central state authority across Latin Europe and Germany permitted a powerful landed elite of mixed Roman and Germanic origin to appropriate ever more public power and use it to construct autonomous lordly domains centered upon their rural estates.

The failure in Latin Europe and Germany of the Carolingian, Lombard, Visigothic, and Umayyad statebuilding experiments bequeathed a distinctive legacy to the rulers who set about creating a new generation of durable states across these regions between the turn of the millennium and the end of the middle ages: the Capetians of France (1000s/1100s), the Normans of southern Italy (1000s/1100s), the royal houses of *reconquista* Castile, Aragon, Catalonia, Valencia, and Portugal (1000s/1200s) and the hundreds of German noble families who, beginning in the 13th century, sought to construct their own states upon the ruins of the last of the dark age polities, the Ottonian-Salian Holy Roman Empire.<sup>47</sup> In the first instance, the collapse of the large-scale dark age polities encumbered this new generation of state-formers with an extremely fragmented regional and local political landscape, much of

<sup>46</sup> The importance of antecedent historical experiences is also stressed in Perry Anderson's model of European statebuilding, for it was the areas in the west of the continent formerly under Roman rule which first developed specifically feudal forms of dependent labor organization, while the non-Roman areas to the east only imported such forms centuries later. However, this divergence in the socioeconomic sphere, while significant in other respects, cannot explain differences in political regime and state infrastructure found in 18th-century Europe.

<sup>47</sup> It was the periodic weakness of a German imperial power built upon outmoded foundations that provided the opportunity for alternative state forms to arise in medieval central Europe. While local lords constructing new princely states were the primary beneficiaries of German imperial weakness, alternative outcomes were possible in those few areas where other social groups were stronger: city-dwellers in northern Italy and parts of Germany, and both city-dwellers and peasants in the northern Netherlands and Switzerland. These groups took advantage of the power vacuum which arose during the decline of Europe's last dark-age polity and formed city-republics and the republican confederation of Switzerland. This explains the fact that all the alternative state forms found within 18th-century western Christendom were located within the medieval boundaries of the Holy Roman Empire.

which lay under the direct control of noble lords large and small and hence beyond the direct influence of the new central authorities.

The response of these new state-formers was to use royal officials as agents with which to rebuild state authority from the center outward against the opposition of long-established, well-entrenched local elites whose power antedated, often by centuries, that of the new ruling houses (*administrative* pattern of local government). This organizational response to the extreme decentralization of power bequeathed by the dark ages was complemented by an intellectual one as sympathetic churchmen responded to the disorder around them by developing, during the course of the 1000s and 1100s, two new models of socio-political order – the theories of feudal hierarchy and of the tripartite society of orders – which would be deployed over the coming centuries as potent ideological weapons by statebuilding rulers in Latin Europe and Germany to reestablish central authority in the face of lordly opposition.<sup>48</sup>

By contrast, very different “starting conditions” confronted leaders who sought to build new states in the previously un- or only lightly inhabited areas along the periphery of western Christendom where their peoples had come to settle in the centuries following the demise of the western Roman Empire. Unencumbered by the legacies of dark age, neo-Roman statebuilding in general and opposition from old entrenched elites in particular – rulers in England, Scotland, Norway, Sweden, Denmark, Poland, and Hungary worked together with churchmen, native aristocrats, and other fighting men to form a series of durable new polities in the century and a quarter between 954 (English unification) and 1076 (elevation of a Polish duke to royal status by the pope). These kingdoms were all subdivided into a series of smaller, regular territorial units (the county in England, Scotland, and Hungary; *ziemia* in Poland; *häred/herred* and *landskab* in Scandinavia) where the local free male population itself carried out many tasks of governance (dispensing justice, maintaining order, and organizing local defense and revenue collection) with the help of royal officials sent out from the center (*participatory* pattern of local government).

(This divergence in the pattern of *local government* found during the first period of life of those European polities which survived into the 18th century) was of immense significance for the future course of European political development. It was this factor which helped determine

<sup>48</sup> Georges Duby, *Les Trois Ordres ou l'Imaginaire du Féodalisme* (Paris: Gallimard, 1978), pp. 77–81 et passim; idem, *Le Moyen Âge 987–1460* (Paris: Hachette, 1987), pp. 225–229; Jean-Pierre Poly and Eric Bournazel, *La Mutation Féodale: X<sup>e</sup>–XII<sup>e</sup> Siècles* (Paris: Presses Universitaires de France, 1980), pp. 298–305; Jean Dunbabin, *France in the Making 843–1180* (Oxford: Oxford University Press, 1985), pp. 256–259.

the type of representative assembly and ultimately the kind of political regime (absolutist or constitutional) that would emerge centuries later within a given state. Thus when the kings of England, Scotland, Sweden, Hungary, and Poland called national representative bodies into existence during the 1200s, 1300s, and 1400s in order to obtain approval for taxes to meet external military threats, they sought to gain the support of the unitary organs of local government found across their realms by asking the counties (or their equivalents) and the self-governing towns to send delegates to deliberate side by side with the leading churchmen and aristocrats of the realm. While in Scotland and medieval Sweden these county and borough representatives always remained together in a single chamber with the bishops and peers, in England, Hungary, and Poland the two groups soon came to form their own separate chambers, thus creating the kind of bicameral assembly most famously embodied in the English/British Parliament.

In Latin Europe and the German states, however, the character of local government was very different. Instead of the orderly pattern of unitary counties and autonomous boroughs within which local freemen took part in judicial inquiries, discussed matters of collective concern in periodic assemblies, and served in the militia, one finds in these regions overlapping and ill-defined catchment areas in which the business of governance was carried out almost exclusively by officials answerable to the center and their assistants with little or no active role for the local population above the village level. As a consequence, the states of Latin Europe and Germany lacked the unitary, participatory organs of rural local government found in the other areas of the continent. Thus, such organs could not serve as the basis for representation, as was the case with the territorially based assemblies. Rather, the tripartite model of society provided the basis for an Estate- (i.e., status-) based form of assembly with only tenuous connections to local government, with all of the consequences for the future of such bodies that this implied.

### *State Infrastructures*

Though differences in the organization of local government resulting from variations in the pattern of state formation go a long way towards explaining why the rulers of Latin Europe and Germany eventually became absolute while their counterparts in Britain, Sweden, Hungary, and Poland were forced to share power with representative assemblies, they cannot account for the fact that France, Spain, the Italian states, and the two eastern European kingdoms had all by the eve of the French Revolution come to possess patrimonial infrastructures of