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Historical Roots of Political Voice, fragment from *Medezeggenschap*

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### **Voice and representation**

Every human society requires agreements about mutual rules of behavior and about actions that can only be undertaken cooperatively. For example, we think of the production and distribution of the means of existence, the protection of the territory against external threats of a natural, animal or human character, and the maintenance of internal and supernatural order. In small, local communities, where people all know each other, agreements of this kind are easily made in a meeting of elders of the village or even all male adults – patriarchy was general in Europe. Purely practical considerations made such forms of direct consultation more difficult in cities, but even there, popular meetings were held at the earliest stage.

In the fifth century B.C.E. a form of direct “democracy” developed in Athens that rested exclusively on free male citizens, those who were born as the legitimate sons of parents with civil rights. They were called together every month in the *ekklesia*, in which possibly 6,000 participants attended on Pnyx hill, at the base of the Acropolis. All citizens enjoyed equal rights and were permitted to speak, provided they observed the laws (*parrèsia*). Thousands of men could, by a show of hands, register their vote concerning laws or election to high offices. Objections to officials could be expressed by means of colored pebbles or potsherds carrying their name. A substantial majority of these led to the banishment/exile of targeted officials from the city for ten years. The practice of ostracism enabled this direct democracy to uphold the ideal of sound government.<sup>1</sup> A council of a few hundred men, the *boulé*, prepared for the general meetings and chose the executive officers, the archons, who were appointed for one-year terms. Upon the conclusion of their term of office they were obliged to give an account of their

administration. In practice only members of the aristocracy filled the higher offices, and the commanders of the navy (strategoi) acquired substantial political power, due in part to their longer terms of office. This society was acquainted with superior legal principles and ample direct participation within the inner circle, but at the same time it pursued dominance over the surrounding countryside, colonies, slaves and... women. This system was not adopted elsewhere, so that the “democratic” system did not extend over a stable, territorial state.

Popular meetings functioned in ancient Rome as long as it retained the character of a city state, which in the third and second centuries B.C.E. included Latium and Campania as well as the city itself. Every (male) citizen, even a plebeian, enjoyed the franchise which was put into effect by means of a simple majority in each district and subsequently by the districts acting in concert. This is the way officials were elected, and decisions about war and peace were made. Legislation was ultimately adopted in the senate via representation by tribunes of the people. However, the enormous territorial expansion of Rome gradually made this republican system with direct participation unworkable. The senate came to be occupied by a hereditary class; the emperor found the basis of his power in the army. The Catholic church, which became the state religion of the Roman Empire at the end of the fourth century C.E., created a form of representative meetings by office holders, at the provincial as well as the imperial level: the synods and councils. The participating church leaders were expected to carry out the decisions in their territory, which was a representation from the top to the base rather than the other way around. During the period of church reform, from the eleventh to the thirteenth century, the councils exercised a growing influence on the way of life of all believers, notably with respect to marriage. Clerics defended their positions, which were often in conflict with those of secular rulers. In the fierce controversies waged at that time, people argued about the foundations of power, and the representation of basic communities also came under discussion. The new monasteries that were founded at that time organized provincial and general meetings, where the heads of the monasteries discussed rules that were made for the entire order. This was representation, too, but drawn from only a small, select base.

From the tenth century onward, steady population increase ushered in a new phase of growth in existing cities and the founding of many new ones. There, too, into the thirteenth century

meetings of the populace made important decisions, such as the choice of the highest authority figure, for example the doge in Venice. More complicated questions such as legislation did not lend themselves to deliberation by thousands of participants, as a result of which the ratification of government decisions acquired the purely symbolic character of an acclamation, in the same way as with bishops in the Catholic church. During the late Middle Ages and afterward decision-making in the cities took place in councils with differing jurisdictions and sizes, ranging from dozens to several hundred members. The broad autonomy that many cities enjoyed, and the relative weakness of territorial authority, enabled forms of self-organization. The governments of cities used their own initiative to form regional alliances and to have representatives meet in consultation in order to promote joint interests. Threats such as a military invasion or violence committed by marauding knights against farmers in bondage or against traveling merchants were often the occasion for concluding defensive alliances.

From the eleventh century onward, bishops and territorial rulers took the initiative to curb knightly violence by inducing the lords to subscribe to oaths to preserve the peace in a particular territory: God's peace or territorial peace. The treaty oath allowed transgressors or free riders to be brought into line with spiritual sanctions and military means. In this way a territorial consciousness developed – slowly and in the face of considerable resistance – on the basis of the participation of local communities of farmers and city-dwellers. In Western Europe territorial power grew through the interplay of various forces, and not, as in the Roman Empire, from one dominant center or through a durable foreign over-lordship. Acting on the basis of their own well-understood self-interest, representatives of the different estates and localities found each other – more or less voluntarily – within areas of which, through their interaction, they helped to determine the boundaries. What was absent in the Roman Empire, namely the connection of the voice of the subjects – the *vox populi* – from the local and regional units with the center, in the European Middle Ages gradually took shape through the association of considerably smaller units and through representation of the base. The will to discipline the tyranny of the warrior class connected the spiritual leaders with the vulnerable subjects. The representatives of the communities spoke on behalf of their collectivity; together the local units and the associated estates formed the territory. They *were* the country,<sup>2</sup> really the political spokesmen of the community, even if the community itself did not (yet) have authority over them. Some clerical

traditions, such as representation and peace agreements, combined with the autonomy of communities within monarchies, gave shape to the original concept of the representation of estates within territorial frameworks.

### *A unique achievement*

Parliamentary democracy and the constitutional state belong among the most original contributions that Europe has made to world history. Before the French revolution of 1789, which also overturned the old social order in large parts of Europe, power over extensive territories lay with sole rulers, who often also enjoyed a sacred status or maintained a close relationship with religious leaders who lent a supernatural justification to their authority. It is not possible to speak of “democracy” before the active and passive franchise became universal, for women as well, and balloting took place freely, secretly and fairly. In most Western European countries that did not happen until the first half of the twentieth century, subject in many cases to interruption by periods of dictatorial government, and in the countries that had been part of the Soviet empire it did not happen until the last few decades.

In the nineteenth century, romantic nationalism and liberal movements often reached back to an ideal image of civic autonomy and bourgeois liberties in the Middle Ages. When the Palace of Westminster had to be rebuilt after a fire, a public debate took place about the style of the new building. In the 1830s the neoclassical style was very fashionable, and it was adopted in Washington, DC, for the Capitol and the White House. The special commissions of both Houses of Parliament opted for the conservative neo-Gothic style, perhaps prompted by distaste for the republicanism of the former American colonies, but possibly above all as a reference to the medieval origins of the English Parliament that had met in this location since the thirteenth century. Construction began in 1840 and was not fully completed until twenty years later. A very different conversation about monuments took place in the Austro-Hungarian dual monarchy. In the imperial capital Vienna, which could not boast of a glorious medieval tradition, the parliament building that was completed in 1884 referred with its neoclassical style to the Greek origins of “democracy”. In Budapest one year later, the construction of an uncommonly monumental parliament building began in a unique location on the bank of the Danube, right

opposite the hill where the medieval royal castle, Buda, stood. The blending of Gothic and Renaissance elements symbolized that the kingdom of Hungary dated from 1000, when Austria was no more than an outpost of the Holy Roman Empire.

In this way people noticed that during the late Middle Ages, everywhere in the kingdoms and principalities of Europe, forms of political representation had come into existence, and in these they saw precursors and therefore justification of the new parliaments. In the middle of the twentieth century, fascist organizations made connections with corporatism as it had taken shape during the Middle Ages and had continued to function in many countries until the time of the French Revolution. They represented the social organization of the *ancien régime* as an ideal that could also serve to promote a harmonious society in the modern world, with respect for Church, monarch, order and authority. Although the political participation of guilds during the Middle Ages was indeed influential in some regions, that certainly did not take place without struggle, and their role cannot simply be interpreted as a model of harmony.

The American War of Independence and the French Revolution at the end of the eighteenth century brought fundamental renewals in thought about human rights and social order. However, in all revolutionary renewals people sought foundations in the distant past. The justification for the deposition of Philip II in the Netherlands in 1581 served the North American colonies as a shining example in 1776, and alongside it the reference to the principle of “no taxation without consent” in the Magna Carta of 1215 legitimized the resistance against the “arbitrary” imposition of taxes levied by London. In various places a revolutionary body of thought was developed in the practical struggle against the arbitrariness of rulers, and elaborated in learned discourses such as those by John Locke and Jean-Jacques Rousseau and literary works such as those of Pierre Beaumarchais, but in the American Declaration of Independence it suddenly sounded like an elevated constitutional assertion: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the Pursuit of Happiness.” The freedoms were specified in an amendment adopted in 1791: freedom of choice and of exercise in religion, freedom of speech, of the press, of peaceful assembly, and of the right to petition the government for a redress of grievances. The same principles were adopted in the *Declaration of the Rights of Man and of the*

*Citizen* in the augmented version of 1793, to which freedom of commerce and industry were added (art. 17). The principle of equality was now specified as existing “by right.” Moreover, the sovereignty of the people was elaborated in several articles (25-29, 32-35). Every citizen (at that time this meant men with civil rights, so not slaves) was equally accorded the right to legislate. The final article not only justified the right of insurrection, but even made it the highest duty: “When the government violates the rights of the people, insurrection is the most sacred of rights and the most indispensable of duties for the people and for each portion of the people.” In these constitutional documents, the emphasis on the right of insurrection is not surprising because the Act of Abjuration which ended the rule of Philip II over most of the Netherlands, the independence of the American colonies, and the end of the class-based society of France, were all the result of popular uprisings. The Founding Fathers of the United States undoubtedly had the examples of the Dutch revolt and the seventeenth-century crisis of the English monarchy in mind. In their turn, the French constitutionalists were clearly inspired by the revolutionary events in North America.

Although the revolutions at the end of the eighteenth century may carry traces of older events, they nevertheless undeniably mark the beginning of a fundamentally different type of society in the West. Class differences are gradually effaced on the European and North American continent and civil rights based on equality in law are gradually enlarged (although not yet for women and slaves). Rights that were previously reserved for the citizens of privileged cities and villages were henceforth made general without distinction for all (male and white) inhabitants of states. Only the terms *citizen*, *citoyen*, *ciudadano*, *cittadino*, still point to the municipal origins of legal equality in a political community.<sup>3</sup>

To this day, in Great Britain class privileges have survived that are more important than the wigs of judges and other officials and the composition of the House of Lords. Political rights such as the general franchise, including for women, were limited until well into the twentieth century. The Napoleonic wars sounded the death knell for the *ancien régime* outside France as well, even though in Central Europe it was not until the revolutions of 1848 that the sharpest edges were rubbed off a class-ridden society, and in Sweden it was not until 1866 that the *Riksdag* abandoned its four-estate representation. This happened in Stockholm via a decision by each

estate: the farmers were first and voted unanimously in favor, the urban representatives voted in favor by 60 votes to 5, the nobility debated for four days and reached a positive conclusion, 361 to 294. The clerical estate had waited to hear the nobles' decision and followed it, although over the protest of half of the membership. Archbishop Henrik Reuterdaahl expressed the clerical view trenchantly: "And if He wishes to punish us, we must be obedient and thankful. Discipline and punishment do not come undeserved."<sup>4</sup> The punishment came sooner than anticipated. The clergy disappeared from the new bi-cameral Parliament, while the nobility maintained its position in the First Chamber until it was abolished in 1971.

The liberal parliaments of the nineteenth century did introduce the constitutional principle of equality in law, but actual differences in status and power remained considerable. Political representation remained very largely in the hands of the monied population, and only through the pressure of mass social actions was the franchise gradually expanded. In Europe the earliest introduction of general active and passive suffrage for men and women was in 1906 in Finland, which was then still part of the Russian empire. That empire, seriously weakened by defeat in a war against Japan, made this concession in order to head off the Finnish pursuit of independence. A year later the first Finnish women were elected to the Finnish parliament. Norway followed in 1913 and a major expansion came as a result of the First World War: in Great Britain initially with limitations based on wealth and age (30 years for women, 21 years for men), in France and Belgium not until 1945 and 1948 respectively. There was not much talk of export to the colonies. New Zealand led the world by introducing the general suffrage in 1893, and Australia followed suit in 1902, but exclusively for whites, while the Aborigines had to wait until 1962. Great Britain did not introduce democratic rights in Hong Kong until the 1990s, when the transfer of sovereignty to China, completed in 1997, came into view.

The western countries, especially Great Britain and the United States, like to refer to their centuries-long leading role in the defense of human rights. Unimpeded by the shadow cast by their colonial past, they drew from that role the right to exercise superior military might elsewhere in the world, ostensibly to found democratic constitutional states there. These violent interventions don't, unfortunately, seem to yield spectacular successes, whether in Central and South America, African states, Southeast Asia, Afghanistan, Iraq, Libya or Syria. That is no

accident. After all, only in Western Europe did human rights and democratic institutions come into spontaneous existence at the level of nation states. Starting from that point, the model was adopted with mixed success in other European countries, although during the twentieth century the old continent has counted many autocratic and totalitarian regimes, and even at the present time their number is not negligible. Moreover, traditional relations of patronage are much more deeply rooted than is openly admitted, even in Western Europe. Everywhere during the last two centuries the intensity and degree of participation of subjects in the process of political decision-making diverged widely. The tendency to autocratic rule was more the rule than the exception, and only under a clearly defined combination of factors were opposing forces able to secure lasting forms of political voice. That did not succeed everywhere, and generally only as an outcome of protracted, often bloody struggle and revolution. Freedoms, once acquired, were not maintained over time as a matter of course, and they generally extended themselves only over the core areas of states.

Benevolent activists and opportunistic conquerors have exported forms of institutionalized participatory politics from Europe to the colonies, particularly the British colonies of settlement in North America and Oceania, but such rights were limited to the white, male upper crust of European origin. Was it appropriate that westerners should only *after* decolonization decide that their model of political participation must be imposed on the rest of the world? Was it, in fact, transferable to societies, for example in the eastern and southeastern parts of Europe and in other parts of the world, that had *not* traveled the long road to the achievement of civil liberties? Are these freedoms actually as universal as the various founding fathers thought when they formulated those fundamental charters? Such documents came into being in the course of many centuries after trials of strength and under unusual circumstances, usually after a crisis of authority and large-scale international armed conflicts. That applied at the level of cities and communities, each of which secured special privileges, and country-wide for the English Magna Carta of 1215, as well as the less well-known but at least as far-reaching actions of the meetings of estates during crises of authority around 1300 in Aragon, Sicily, Castile and Brabant. The Act of Abjuration of Philip II by the Estates General of the Netherlands in 1581, the English Petition of Rights in 1628 and the Bill of Rights in 1689 were truly revolutionary. The systematic mode of thought of the Enlightenment brought the great change, from the enumeration of complaints

against improper rule to the enunciation of general principles. These inspired the American Declaration of Independence in 1776 and the *Declaration of the Rights of Man and of the Citizen* in 1789, amended in 1793 and 1795. They radiated a universal ambition, which after the Second World War found expression in the *Universal Declaration of Human Rights* by the United Nations in 1948 and the 1949 *European Convention on Human Rights*. Both of these were later supplemented by a whole series of covenants for the protection of specific rights, although these were by no means ratified by all of the member states.<sup>5</sup> The totality of these documents constitutes a standard against which “European” values can be measured but which are silently and purposefully trampled by quite a few countries, even in Western Europe.

Even within Europe the western models have taken root in diverging ways, because external as well as domestic rulers robbed oppressed peoples of opportunities for indigenous development. In the more thinly populated and considerably less urbanized areas of Central and Eastern Europe the social order differed profoundly from those in the earliest-developing West European areas. In the Austrian empire serfdom was abolished only after the revolution of 1848, in Russia in 1861, but class privileges remained untouched for a long time. The Polish nobility retained its perquisites until 1921. In the German empire liberal tendencies found little support during the second half of the nineteenth century while the *Junker* class retained a dominant role in association with big industry. How should the laboriously achieved but fragile freedoms of the West have been established in short order in societies that had not themselves evolved dynamically in that direction? Did that not require middle classes with a culture of liberal debate embedded in the community life of a civil society?

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<sup>1</sup> Paul Cartledge, “Not just voting, but being counted. The cases of Ancient Greece,” in *Cultures of Voting in Pre-Modern Europe*, eds. Serena Ferente a.o. (Abingdon: Routledge, 2018), 11-18.

<sup>2</sup> In accordance with the classical expression by Otto Brunner, *Land und Herrschaft. Grundfragen der territorialen Verfassungsgeschichte Österreichs im Mittelalter* (Brünn, 1942), 473ff.

<sup>3</sup> In most languages, the terms are derived from the Latin words *civis* and *civitas*, *civil* in Swedish, *cywil* in Polish. Greek has its own terms, *polis*, city, and *politís*, citizen, from which are derived terms such as politic, polity and police. German and Dutch have a number of derivations from Latin, such as *Zivil*, *civiel*, but the term *Burger* (with the Hungarian derivation *polgár*) as well as the French *bourg*, *bourgeois*, the Italian and Portuguese *borgo* and *borghese*, stem from the medieval Latin term *burgus*, meaning fortified town, as also in borough. See: Maarten Prak, *Citizens without Nations: Urban Citizenship in Europe and the World, c.1000-1789* (Cambridge, UK: Cambridge University Press, 2018), 33.

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<sup>4</sup> Sten Carlsson, "From Four Estates to Two Chambers," in *The Riksdag: A History of the Swedish Parliament*, ed. Michael F. Metcalf (Stockholm: The Swedish Riksdag, 1987), 193.

<sup>5</sup> For Europe these are: *Charter of Fundamental Rights of the European Union*; *Convention on Action against Trafficking in Human Beings*; *European Charter for Regional or Minority Languages* (ECRML); *European Convention on Human Rights* (ECHR); *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment* (CPT); *European Social Charter* (ESC); and *Revised Social Charter; Framework Convention for the Protection of National Minorities*.