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Parliamentarism: From Burke to Weber

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William Selinger, *Parliamentarism: From Burke to Weber*, Cambridge University Press: Cambridge, 2019; 246 pp.: ISBN 978-1-108-4564-7, £75 (hardback)

Abstract

William Selinger's *Parliamentarism: from Burke to Weber* aims to redefine our understanding of what it means to live in a free state. It displaces the concept of “democracy” as a (supposedly) central concern for a range of canonical nineteenth-century authors, and demonstrates that another concept, that of “parliamentarism”, stood at the core of many European liberal writers’ quest for liberty. Selinger shows that Montesquieu’s description of a “balanced” English constitution protected by a system of checks and balances was challenged by a number of contemporary observers of British politics (including Jean-Louis de Lolme and Edmund Burke), who elaborated rival accounts emphasizing instead the dominant position of a powerful representative assembly which mirrored the nation it represented. The resulting doctrine of “parliamentarism”, the book demonstrates through a series of case studies that include Tocqueville, Mill and Weber, subsequently became the “dominant paradigm of a free state across Europe” (p. 9) in the nineteenth century.

Keywords

Burke, Constant, de Lolme, democracy, liberalism, Mill, Montesquieu, parliamentarism, Smith

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William Selinger's first book sets itself an ambitious task: to redefine our understanding of what it means to live in a free state. The result is an illuminating rediscovery of an entire political tradition, which powerfully illustrates how contextual intellectual history can help challenge modern assumptions and make the past appear 'strange and unfamiliar all over again' (p. 4). Selinger does so by displacing the concept of 'democracy' as a (supposedly) central concern for a range of canonical 19th-century authors, and demonstrating that another concept, that of 'parliamentarism', stood at the core of many European liberal writers' quest for liberty.

The story starts with Montesquieu, here dethroned as the founding father of liberal constitutionalism in Europe. Far from providing a core inspiration for post-revolutionary liberal thought, Selinger argues, Montesquieu's classic account of the English constitution was already being challenged in the 18th century. Dissatisfied with his description of a 'balanced' English constitution protected by a system of checks and balances, a number of contemporary observers of British politics (including Jean-Louis de Lolme and Edmund Burke) elaborated rival accounts, emphasizing instead the dominant position of a powerful representative assembly which mirrored the nation it represented. The resulting doctrine of 'parliamentarism', the book demonstrates, was reworked by de Staël and Constant in the wake of the French Revolution, and subsequently became the 'dominant paradigm of a free state across Europe' (p. 9) in the 19th century. From the 1840s onward, much of the discussion focused on whether parliamentarism could accommodate democratic principles and the emergence of mass democratic participation, with case studies here centred on Tocqueville, Mill and Weber.

Selinger points out that intellectual historians (the author of this review included) have often tended to build their narratives of 19th-century political thought through the prism of democracy: from this perspective, it is the sudden burst of democratic revolutions in the late 18th century that requires explaining, followed by renewed distrust in democratic ideas in the wake of the French Revolution, and the subsequent ebb and flow of democratic ideas and institutions in the 19th and 20th centuries. He is of course correct to remind his readers that Enlightenment writers only displayed limited interest in democracy as such; rather, it was the wider question of liberty that formed the primary focus of their enquiries: what societal and political conditions would allow men (and to some extent women) to live free lives. This was usually understood to be only possible within the structure of a 'free state', and the question then became that of the institutions which could enable freedom to flourish in society. Democracy was only one of many possible answers to this question. Parliamentarism was another, and one which, Selinger suggests, appeared much more plausible to not only Enlightenment but also many 19th-century political writers.

What, then, is 'parliamentarism'? In Selinger's account, it is not simply equated to representative government in its many guises. It is, rather, a specific doctrine, which first emerged as a descriptive account of post-1688 British politics before being theorized as a set of principles in the wake of the French Revolution.

Selinger identifies four distinct features: a powerful elected legislative assembly; ministers who were part of the elected legislature and could not remain in power without parliamentary support; a constitutional monarch; and a system of competing political parties. This structure emphasized legislative deliberation as the driving force behind political decisions, thereby enabling the nation to ‘truly be governed by a representative assembly’ (p. 3). Both 18th-century observers of the English constitution and 19th-century constitutional theorists acknowledged that this species of parliamentary government was not without its dangers. The role of the monarch, and the extent of royal powers, including the practice of patronage, were especially contentious. Parliamentary regimes were also widely acknowledged to be susceptible to corruption. Much of the book is therefore concerned with tracing the various remedies which were proposed by the advocates of parliamentarism to ensure stability and avoid usurpation – whether by the monarch, or by parliament itself.

From the outset, Selinger situates the tradition of parliamentarism in relation to two other, much more widely studied concepts: liberalism and democracy. But this is largely in order to evacuate them. Parliamentarism, he contends, must be studied on its own terms, because it is the main prism through which many Enlightenment and liberal writers thought about politics. Parliamentarism, liberalism and democracy are described as overlapping sets forming a Venn diagram: certainly it was possible to be at once a parliamentarian, a liberal and a democrat, and many 19th-century liberals were also proponents of parliamentarism. But the combination was far from inevitable. Jean-Louis de Lolme, for instance, was writing 40 years before the word ‘liberal’ was first used in its modern sense, and was no advocate for radical democracy.

This is not to say that the book has nothing to say about either liberalism or democracy – quite the opposite. Parliamentarism, Selinger demonstrates, should be understood as a direct ancestor of liberalism. The relationship between parliamentarism and democratic thought is perhaps less direct: John Stuart Mill’s attempts to reconcile the two notions provides a striking case study, but he is the exception rather than the rule. Parliamentarism did share important premises with democracy, most notably the notion of a representative assembly, but it did not imply (although it was certainly compatible with) universal suffrage or popular sovereignty. In practice, most of the theorists of parliamentarism discussed by Selinger preferred the sort of restricted suffrage practised in Britain’s own parliamentary regime.

One particular strength of Selinger’s argument is its anchoring in institutional practices. While very much a work of intellectual history, and primarily focused on canonical authors such as Constant, Tocqueville and Mill, the book situates these authors not only within intellectual traditions and pan-European debates, but also within their professional practice as parliamentarians. Moreover, the foundation for the debates outlined in the volume is to be found in the careful contemporary observations of the practical workings of the English constitution after 1688: outlining these 18th-century accounts takes up much of Chapter 1. Parliamentarism,

Selinger shows, did not originate as a work of theory; rather, it emerged from the observation and analysis of an existing set of institutions and practices in 18th-century England. The English constitution was both profoundly innovative and widely celebrated for being conducive to liberty. Its main feature, in the view of contemporary observers, was the existence of a deliberative assembly allowing for genuine (if limited) representation and popular involvement. But its fundamental novelty lay in its ability to supervise the monarch through oversight of the royal finances. This was why many did not believe that the English constitution was, in fact, balanced: it was the House of Commons which should in fact be considered the dominant power.

While the opening chapter calls in a wide variety of writers (including Hume, Blackstone and Bolingbroke), both well-known and less so, the analysis largely focuses on the Swiss writer Jean-Louis de Lolme, and should establish him in his rightful place as a major theorist of constitutional thought. Selinger inscribes his argument in the line of several recent important studies (notably by Iain McDaniel) seeking to reframe our understanding of de Lolme not as a follower of Montesquieu but rather as an insightful critic of the *Spirit of the Laws*. In his reading, de Lolme's *Constitution of England* (1771) is reframed as a key text for the elaboration of an account which recognized and celebrated the House of Commons' constitutional dominance. The decisive break with Montesquieu's theory of a balanced constitution, Selinger suggests, was arguing that 'liberty required the House of Commons to be predominant over the Crown' (p. 41). The risk of legislative usurpation, which would see a popular member of the House of Commons seize power, was circumscribed by the very institution of monarchy: the existence of a hereditary monarch put a symbolic limit to the ambition of representatives. The English government, de Lolme concluded, compared favourably with classical republics: it was protected against usurpation and the abuse of executive power, while still allowing for popular involvement in law-making, through the process of parliamentary deliberation, whose presentation to the public in the press constituted a form of political education and public deliberation.

Some readers may disagree with Selinger's reading of Montesquieu as a proponent of a 'balanced' English constitution composed of three separate powers holding each other in equilibrium. Arguably, Montesquieu himself did not believe that the English constitution was in fact balanced – as suggested by his claim that Britain was a republic 'in hiding' (Laws V. 19) – nor did he believe that it should be. This would in turn raise questions about the extent to which de Lolme and Burke 'broke' with Montesquieu – although there certainly were meaningful differences there, such as de Lolme's view that the English constitution was more stable and durable than Montesquieu had feared. While some of Montesquieu's readers may indeed have interpreted him as describing and endorsing a 'balanced' English constitution, it was also possible to read the text as shoring up Whig constitutional theory, i.e. as endorsing a dominant role for the House of Commons. Indeed, as highlighted by Selinger, de Lolme was not alone in seeing

the English constitution as ‘imbalanced’ in favour of the House of Commons: many contemporary observers agreed, including David Hume, Adam Smith and most 18th-century Scottish Whigs. Yet there is little textual evidence, to this reviewer’s knowledge, that the latter saw themselves as breaking with Montesquieu on this point. Quite possibly they interpreted *Spirit of the Laws* – a foundational text for writers such as Smith, Millar and Ferguson – as being entirely compatible with their constitutional Whiggism.

This caveat does not cast fundamental doubt on the soundness of Selinger’s thesis, but it may shift its balance ever so slightly: arguably, the disagreement with Montesquieu was not primarily (or not always) about whether the House of Commons was the dominant constitutional power, but rather about the existing practices that would safeguard British liberty. Whether or not he favoured constitutional dominance for the legislative power, Montesquieu believed English politics to be deeply corrupt, and identified a clear risk that the balance would eventually tilt too far in Parliament’s direction, ending in usurpation by charismatic and ambitious leaders. His late 18th-century readers identified the same risk but, as demonstrated by Selinger, their intimate knowledge of the workings of the English constitution led them to identify a number of features that would, they believed, ensure its stability.

In de Lolme’s wake, a number of writers seized upon his account of an imbalanced constitution, while adding another element to his analysis of the English parliamentary system: the regular presence of Crown ministers in Parliament, it was widely argued, improved the quality of debates as well as prevented representatives from over-reaching their authority. Here Selinger pays particular attention to the ministry of Robert Walpole, which crystallized the role of ministerial leadership in parliament as a fundamental element of the English political system. He shows how the practice of patronage was not only criticized for undermining the House of Commons’ capacity to control the Crown, and corrupting the political system, but also – and this is what has been less noticed – praised by Walpole and his followers for maintaining harmony between the executive and legislative powers, and for being the only tool at the Crown’s disposal for ensuring that ministers could play a leading role in Parliament. In this analysis, patronage was therefore essential to the practice of parliamentary government: this was a disagreement with long ramifications into the 19th century, as the following chapters make clear.

Having established the central tenets of ‘parliamentarism’ as a set of practices widely believed to ensure the stability and harmony of England’s imbalanced constitution, in Chapter 2 the book proceeds to reinterpret Burke’s political ideas in this new light. Selinger shows that Burke’s conception of parliamentary government was similar to that of de Lolme, and that his positive assessment of Britain’s constitutional monarchy, tempered in turns by the threat of patronage and corruption, remained a constant feature in his political thinking, from his *Thoughts on the Cause of the Present Discontents* in 1770 all the way to his well-known commentary on the French Revolution. Selinger is persuasive in his argument that

representative assemblies – whether British or French – stood at the centre of Burke’s political thinking as well as his professional practice.

If Burke is a central figure in this story, it is perhaps not because his conception of parliamentary government stood out among his contemporaries – it was hardly controversial for British Whigs to claim constitutional supremacy for the House of Commons, as Selinger’s analysis of Smith (among others) makes clear. However, when it came to Sottish Whigs such as Smith, this claim was descriptive rather than normative, and they could certainly conceive of alternative constitutional arrangements that would equally allow for the development of liberty – in this they were indebted to Montesquieu’s view that the independence of the judiciary mattered above all else. The reason Burke stood apart from these discourses was his prescriptive, and highly contentious, application of the doctrine in the context of the French Revolution. In Selinger’s reading, Burke’s 1790 *Reflections on the Revolution in France* becomes an indictment of the French National Assembly – not only an illegitimate Assembly, but more importantly a dangerously powerful executive body that was neither balanced by the executive nor a truly deliberative body. Unavoidably, this would lead to unsustainable tensions between the legislative and executive powers, and to the creation of a republic. In this reading, the failures of the Constitution of 1791 are therefore identified by Burke – and, Selinger’s argument goes, by Burke’s 19th-century readers – as ‘setting in motion the chain of events that would lead to the Terror’ (p. 82), and therefore as further confirmation of the many virtues of parliamentarism. Here Selinger provides new depth and context for de Lolme’s influence on the early French revolutionary debate, bolstering the view that French proponents of an English-style constitutional monarchy based their proposals on de Lolme’s account rather than Montesquieu’s.

It is of course debatable whether the Terror should be attributed, either directly or indirectly, to the constitutional reforms of 1791 and 1792. Regardless, Selinger makes a compelling case that this was the reading of a number of French, Swiss and British commentators in the aftermath of the French Revolution. In this analysis, the series of constitutional experiments that characterized early 1790s France all sought to establish forms of parliamentary rule, but emphatically not ‘parliamentarism’ as it was understood by de Lolme or Burke: the revolutionaries favoured a powerful representative assembly, but within a system that did not involve the presence of ministers in the assembly, monarchical influence or political parties. It is only following Napoleon’s fall in 1814 that France adopted a constitution self-consciously modelled on that of England. It was in this period that the term ‘parliamentary government’ first appeared in France, and Selinger makes the point that the authors who defended English-style parliamentary practices – including Benjamin Constant, Simonde de Sismondi, François Guizot, Destutt de Tracy, Germaine de Staël and Chateaubriand – were now consciously defending a distinct, universally applicable system of government. The emergence of parliamentary government as a viable alternative for modern states, Chapter 2 concludes, was forged through these French and Swiss writers’ analysis of

revolutionary events and engagement with post-revolutionary French constitutional debates.

The bedrock of Selinger's case is to be found in Chapters 3 and 4, which offer a number of fresh insights into French post-revolutionary constitutional thought, through a series of richly-evidenced case studies. Chapter 3 focuses on the 'liberal parliamentary turn' of the 1790s. The theories of parliamentarism formulated by Necker, de Staël and Constant emerged, Selinger argues, from their critique of the ill-fated Constitution of 1791, which had attempted to combine the powerful independent executive favoured by the monarchist Jean-Joseph Mounier with Sieyès's strict separation of the executive and legislative function. Neither did they believe that Condorcet's attempt to radically increase popular participation, as enshrined in the Girondin constitution of 1793, was a satisfactory alternative. Rather, they turned to the theories of English constitutionalism presented by Burke and (especially) de Lolme, in order to propose parliamentarism as an answer to France's constitutional turmoil.

In some ways, this is a familiar story: the 1790s were rife with discussions about French constitutional reform and how the turn from reform to Terror could have been avoided. But told by Selinger, the familiar story becomes unfamiliar again: from the perspective of his protagonists, the lesson to be learned from the French Revolution was not (or not directly, or not only) the reaffirmation of the old belief that democratic institutions were inherently unstable and dangerous, but rather that an all-powerful legislative power could never be trusted not to usurp liberty. They turned to the principles of English parliamentarism to ensure that the legislative would be constitutionally restrained, while still fulfilling its mission to deliberate and govern.

This shift is traced back to the writings of Jacques Necker, and of his daughter Germaine de Staël. Both reflected on the means to achieve the benefits of a representative assembly, while avoiding the pitfalls revealed by the events of 1792 and 1793. Necker's diagnosis was directly inspired by de Lolme: an effective and stable representative system required both the presence of ministers in Parliament and the existence of a hereditary monarch who would lend majesty and dignity to parliamentary rule. De Staël emerges as a particularly important figure in this story, through her original and influential vision for a parliamentary republic in which public opinion would act as the final arbiter in parliamentary competition.

It is Benjamin Constant, however, who is identified in Chapter 4 as formulating the account of parliamentary government that became the 'paradigm' for 19th-century conceptions of a liberal state. His constitutional theory, Selinger shows, was developed in the 1790s and early 1800s, when he was still a republican. Constant's original contribution was to argue for a constitutional monarch who was *not* involved in political decisions, while demonstrating that the English parliamentary model did not require widespread patronage to function. Following de Staël, he instead put his faith in public opinion, free press and public deliberations conducted by a powerful legislature. In Constant's reworking of Montesquieu, the executive became significantly constrained constitutionally, holding neither

executive nor legislative responsibilities: the monarch would serve as a ‘neutral power’ whose function (through the power of dissolution) was to prevent the other (active) powers from either becoming gridlocked or combining to usurp power.

One particularly welcome feature of Selinger’s re-interpretation of post-revolutionary constitutional thought is its focus on two ‘remarkably intertwined’ (p. 84) groups of writers: Constant and de Staël’s ‘Coppet circle’, and the ‘Edinburgh Whigs’ associated with Dugald Stewart and the *Edinburgh Review*. Both groups have been the object of extensive research, but the connections (both personal and intellectual) between their respective members remain under-appreciated, and Selinger’s analysis usefully uncovers additional strands of shared intellectual DNA between the two. Some of these areas of shared interest between the Coppet circle and the Edinburgh Whigs, such as the latter’s intense interest in the role of ‘public opinion’ in modern politics, may even have deserved to be highlighted in further detail.

Regardless, Selinger presents more than enough evidence to make his case a convincing one. Namely, the parliamentary theories developed in the Coppet circle shared many striking similarities with the political views publicized by the ‘Edinburgh Whigs’. Both groups advocated ‘a powerful assembly that represented the people and controlled the executive; a constitutional monarch who maintained his position in the state through *dignity* rather than *prerogatives*; ministers who served in Parliament’ (p. 111) – the only major disagreement being the Edinburgh Whigs’ refusal to see the House of Commons as representing the nation (it represented, rather, ‘the people in contradistinction to the aristocracy’, p. 112). Selinger wisely stops short of claiming influence from one group over the other: rather, he treats the similarities as evidence that post-revolutionary French parliamentarism was ‘continuous with 18th-century British thought’ (p. 105), or perhaps more specifically in this case, with 18th-century Scottish historical and political thought. Dugald Stewart is identified – again, quite rightly – as a key element in the transmission of 18th-century British thought into the 19th century.

One can hardly blame Selinger for not delving deeper into the specific mechanisms of this transmission – his purpose is not primarily genealogical. Yet the argument raises interesting questions about the common intellectual roots shared by the Coppet circle and the Edinburgh Whigs. Which strand(s) of ‘British thought’ was post-revolutionary parliamentarism continuous with? Stewart’s account was clearly indebted to Hume and Smith, but also noticeably distinct from that of his 18th-century Scottish colleagues, in its explicit critique of a supposedly Montesquieuan account of a ‘balanced’ English constitution. Burke’s positioning as a source for 19th-century ‘parliamentarian’ critiques of the French Revolution is also intriguing: Stewart and most of the Scottish writers here identified as proponents of parliamentarism were also staunch critics of the *Reflections*, as was Constant (at least in the 1790s). While Selinger highlights the anti-democratic views of his cast of late 18th-century and early 19th-century proponents of parliamentarism, it is not difficult to imagine how a reformist and French

Revolution-sympathizing Whig such as John Millar (here a minor yet significant character in Selinger's extensive cast) would have attempted to reconcile the primacy of Parliament with a democratic agenda – Millar's *Historical View* did in fact, as pointed out by Selinger (p. 123), foreshadow Constant's rejection of an active constitutional monarch.

Moving deeper into the 19th century, Selinger traces the legacy of Constant's constitutional theory in Britain, showing that most 19th-century British liberals envisioned Queen Victoria's role in terms of a 'neutral' monarch ensuring the constitutional stability of Britain. Constant's views, it is shown, were less consensual in France, as Burke and Necker's vision for a monarch involved in parliament through patronage retained significant support, notably with the Doctrinaires. A new antagonist for parliamentarism also emerged: no longer the French Revolution and its failure to restrain the legislature, but rather the American Constitution, whose central flaw, in the view of many mid-19th-century liberals, was instead its failure to secure the supremacy of the legislature over the executive. Selinger examines a wide array of authors concerned with the relative merits of American constitutionalism and liberal parliamentarism, with Tocqueville logically singled out for his parallel accounts of American constitutional democracy and European parliamentarism. Far from rejecting the path of parliamentarism, Selinger convincingly argues, Tocqueville believed that the survival of liberty in the historical and constitutional context of 1840s France required a parliamentary regime that would strike a middle ground between Constant and the Doctrinaires, with an active monarch devoid of 'corrupt' influence in parliament.

The book's last chapter focuses on John Stuart Mill, here presented as a follower (whether consciously or not) of Constant's vision for a monarch who should reign but not govern, and ministers who should lead in Parliament without relying on patronage. The chapter is one of the book's most original and thought-provoking – it is no small feat to produce a fresh interpretation of Mill, who has long been one of the most-discussed thinkers in the canon of political thought. The traditional emphasis on Mill's credentials as a progressive and democrat, Selinger argues, has obscured another facet of his thought, namely his defence of the parliamentary framework developed in post-1688 Britain, in the form of constitutional monarchy and parliamentary government. In the process, Selinger avoids the trap of treating Mill as a *sui generis* writer, instead placing him in the rich context of 19th-century British liberalism. He argues both for reading Mill alongside other Victorian authors who subscribed to similar principles, and for reinstating Victorian liberalism in the 'historical consciousness' of contemporary political theory, as an important moment both in terms of substance (notably because Victorian liberals formulated powerful critiques of the American Constitution: their point that it 'had never instituted effective legislative control over the executive' still resonates strongly), and in terms of historical reach and influence (especially due to the adoption of British parliamentarism by postcolonial states such as India). A number of fascinating insights emerge from this re-assessment: for example, Walter Bagehot, while the most famous theorist of

parliamentarism, is shown here to have been remarkably out of sync with many of his Victorian contemporaries, as he believed parliamentary deliberation to be the almost exclusive cause of the superiority of the British system, and de-emphasized the relevance of individual liberty and political responsibility. Mill, although often portrayed as the ultimate free thinker, was in fact more representative of the wider intellectual context than Bagehot. Like Constant (whose disciple Adolphe Thiers was cited by Mill as the first theorist of parliamentarism), Mill argued that the House of Commons' control over ministers led to a monarch uninvolved in governing, and analysed the crises of 19th-century French parliamentarism in terms of France's inability to institute a neutral constitutional monarch. By insisting (more so than Tocqueville) that the French president should be appointed by the legislature, he also reproduced de Staël's account of a parliamentary republic. In this account, Mill's theory of parliamentary institutions was in the end more aligned with that of the Coppet circle than with Tocqueville's.

Mill did break with Constant on at least one crucial issue, however: he championed a widely expanded suffrage, and hoped that parliamentarism could be reconciled with democracy. As the book's conclusion demonstrates, Mill's hopes, once realized, would reveal new challenges for parliamentarism. Bringing the narrative into the late 19th and early 20th centuries, Selinger sketches out some of these unintended effects. Mass democracy, it soon became evident, shifted the focus of politics away from parliamentary deliberation and towards the contest for plebiscitary leadership. 'By the turn of the 20th century', Selinger concludes:

it was increasingly established that democracy led not to an omnipotent legislature (as Tocqueville and Mill had both thought) but rather to a powerful plebiscitary executive. The rise of mass democratic politics created new resources for the plebiscitary executive that undermined its traditional dependence on parliament and made the constitutional ideals examined in the book seem increasingly untenable. (p. 195)

Two writers who honed in on the tensions between parliamentarism and democracy were Max Weber and Carl Schmitt, although they came to different conclusions. While Weber continued to place his hopes in classical parliamentarism as the best available model for a free state, Schmitt became convinced that parliamentarism and democracy were fundamentally incompatible, and argued to reject parliamentarism as a historically contingent phenomenon unduly dependent on Enlightenment values. There is much to learn, Selinger suggests in a convincingly pessimistic conclusion, about Schmitt's analysis: Constant's 'neutral monarch' is no longer a plausible bulwark against the danger of usurpation by ambitious political leaders, while the twin threats of popular usurpation and despotism described by Montesquieu in the mid-18th century have never fully receded. It is difficult to disagree with Selinger's closing assessment that 'we still have no good substitute for representative assemblies when it comes to achieving the values of responsibility, representation, and deliberation' (p. 206). As demonstrated by this important study, the political tradition that advocates parliamentarism as a

bulwark of liberty does not hold all the answers: but the questions it raises are more relevant than ever.

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