

## Representation in northern and central Europe: some propositions

This isn't our subject, but may provide useful context for thinking about at least some aspects of talk about democracy in the region. Or it may not: that's to be established.

1. **The region did not generally see a shift from no representation to representation in this period, but rather from an older to a newer form of representation.**
  - a. Meaning by older form of representation something bottom-up, locally derived, but not necessarily elective and probably socially restricted. Perhaps also serving a local region only.
  - b. The contrast is esp with Bourbon Europe, with its more top-down managerial systems, though even there some bottom-up representative bodies survived, esp in towns, but see also French *pays d'état*, role assumed by French *parlements* etc. The physiocrats though worried about the lack of organs to engage the community in the work of government.
  - c. Within the region there were variations as to whether these bodies were co-extensive with a monarchy or state, or represented only some part of it. Piecemeal state expansion might leave a legacy in plural representative bodies.
  - d. Denmark seems to be the exception within the region in that traditional representative bodies were abolished in the late seventeenth century, though even there there was an experiment with reviving estates in the 1830s before the shift to a more 'modern' parliamentary form after 1848.
  - e. Britain might in this regard be seen as conforming to the pattern for this region. (including in having, until 1801, representative bodies not co-extensive with the monarchy – separate parliaments initially for both Scotland and Ireland). I've given a few English examples in the discussion that follows, in the hope that they might be suggestive.

### Reflections:

Perhaps we should see this as the norm, and the Bourbon states as exceptions, even though French experience is often seen as paradigmatic?

Did this have implications for discourses about 'sovereignty' and in due course 'popular sovereignty' in the region?

2. **There were periods of concentrated change (1790s, under the impact of Napoleonic expansion, circa 1814-15, circa 1830, circa 1848, 1860s) but nonetheless diversity in timing from place to place**
3. **Change was not usually radical and once for all (and when radical it was often reversed) but rather took place in steps (not necessarily all in the same direction).**
  - a. Many compromises between archetypal old and new forms were experimented with, in terms of how different elements of government were positioned in relation to one another, who representative bodies were supposed to represent, and how members came to sit in them. Also no doubt in how often they met and what kind of work they did.
4. **Contexts and mechanisms of change also varied, from externally dictated through domestic top-down through more or less harmoniously negotiated to revolutionary.**

**Question:** it's not clear to me, from my admittedly limited reading about 1848-51, whether radical-looking mobilisation in German and Habsburg lands (elections on very broad suffrages etc) involved the acting out of theories of the people as constituent power – as they did in the movement to unify Italy in the same period. Is that what went on? What kind of theorising went on, by whom, in what media?

**Whereas** 1860-70 there were plebiscites in Italy and to establish the Third Republic in France, and at Napoleon III's insistence a plan for one in northern Schleswig (not held), the Austrian Ausgleich worked by reviving legislation from 1848-9, and in Germany conquest was invoked as legitimation. What kinds of debate were there about the legitimacy of these approaches?

### General questions arising against this background, for discussion

1. **When changes in forms of representation were debated, what were the terms of debate? How far were they constitutional (this is the right way to govern, or the modern way to govern) as opposed to, say, sociological (society is changing and its important to reflect that) or pragmatic (help, we have a political crisis, the people are revolting, how do we regain control?) In what terms did people conceptualise options and argue for one or another choice between options? In what terms did they argue about how change should be instituted? (I've already touched on that immediately above).**
2. **What key words helped to frame debate?** A feature of this period of political crisis, change and creativity was that to traditional categories of political analysis (monarchy, aristocracy, democracy; republic; absolute/mixed monarchy etc) were added new ones that supported reflection on issue and choices as then perceived, including 'constitutional monarchy' – a formulation of the early French revolution). Arguably (for discussion) a feature of this period was a shift in the balance of argument and the framing of arguments away from the local towards the transnational (though certainly debate continued to operate in both dimensions).
  - a. 'Representation' in the relevant sense was itself of fairly recent vintage (as classically traced by Hannah Pitkin). Perhaps even more so 'representative government'. Francois Guizot's *Du gouvernement représentatif* (1834) <https://gallica.bnf.fr/ark:/12148/bpt6k5432849d.r=guizot%20histoire%20gouvernement%20repr%C3%A9sentatif?rk=42918;4> and *Historie des origines du gouvernement représentatif en Europe* ((1851) <https://gallica.bnf.fr/ark:/12148/bpt6k6340747v> / *History of the Origins of Representative Government in Europe* (1851) <https://oll.libertyfund.org/title/guizot-the-history-of-the-origins-of-representative-government-in-europe> told influential stories about 'how we got here'.
  - b. Other neologisms that I've noted as appearing in our period include 'national representation' (and equivalents), Estates Constitution *Landständische Verfassung*) and 'self-government' (not used for an approach to domestic government in England till the 1830s, but increasingly in use elsewhere from the 1850s and 60s)
  - c. 'national representation' was a French revolutionary term. Sieyes made it definitional of a nation that it was subject to shared laws and a national assembly. The French Estates were superseded by an 'Assemblée Nationale', and the phrase

appeared in the constitution of 1793. Piotr says it appeared in Polish discussions of the 1790s, as it did in English ones. Versions of it (Nationale or Volksvertretung) appeared in German early nineteenth century discussion. Jussi Kurunmaki says it appeared in Sweden during the crisis of 1809-10; in Italy its use boomed in 1848. Kurunmaki identifies it as the central concept in reform discourse in Sweden in the 1860s. The term could be very open, framing the question how to represent the people – so it was in early nineteenth century Germany, and Kurunmaki says that in Sweden in 1865-6 it was used in different senses by defenders and critics of the old order, It could be linked to an idea of national tradition, involving being true to a nation's history. But quite often it seems to have had connotations of inclusive representation – at least *more* inclusive, which left quite a lot of room for manoeuvre. In a British context, the first reform act to be called The Representation of the People Act was the 1918 act which enfranchised all adult males (and older women). Also in Britain, 'national representation' seems more often to have been used in a European context; 'popular representation' in a British context.

- d. Article 13 of the German Confederation of 1815 required each state to establish a *Landständische Verfassung*, some kind of representative constitution, though the term could be more narrowly interpreted as implying that the representative body should take traditional 'estates' as its basis. Its use in this prescriptive context helped to bring its meaning into debate. Gentz's *Ueber den Unterschied zwischen den Landständischen und Repräsentativ Verfassungen* took a stand on that debate. (As to how it was interpreted in practice, according to Paolucci, of 41 states, 10 retained representation by estates; the system was also reintroduced in 4 Hanse cities; 5 smaller states had partly traditional systems; before 1829, there were more 'individual' systems in only 10 states, generally in conjunction with bicameralism (Bavaria, Baden, Liechtenstein, Hanover, Württemberg, Brunswick, 3 hyphenated Saxon states, Hesse-Darmstadt). Meanwhile, 8 states promulgated constitutions only after 1830, and 4 still had none in 1848 (Oldenburg, Hessen Homburg, Prussia and Austria (though two latter had provincial constitutions, providing for representative bodies at provincial level)).
- e. I have argued that the concept 'self-government' meaning popular control of government especially at a local level entered British debate only in the 1830s (in the context of debates over changes to systems of governing poor relief). It had a longer history in this sense in the United States. I think this concept, often identified especially with English arrangements, attracted European attention and interest in the later nineteenth century. It was potentially attractive across the political spectrum, in that it could be taken to relate to restricting popular power to local matters; providing an apprenticeship in government; or giving people the power that really mattered – esp if coupled with advocacy of a radical devolution of power. The Hungarian liberal Kossuth, writing in exile in the 1850s, said he preferred the English conception of self-government to the French conception of parliamentary government, because he thought the latter implied centralisation of power in one place; the former, sharing of power. In France, there was an upsurge in talk about 'le self-gouvernement' in the 1860s. Kurunmaki shows it to have been in play in Swedish debate in the 1860s (alongside terms such as 'decentralization'). Nevers and Slov suggest that an equivalent concept became important in first Norwegian and then Danish political discourse later. The term was often glossed (as it was in

Britain) in terms of long-standing local traditions of 'self-government' as well as in terms of recent institutional innovations.

**3. To what extent, when and where was the issue conceptualised partly in terms of a choice between representing corporate bodies and 'individuals' – or more broadly, what role did the notion of the individual play in such debates?**

- a. According to Kurunmaki, Swedish liberals backed a 'principle of persons' and what was conceptualised as the associated practice of freely chosen 'association'

**4. Who aligned for and against what kinds of change, and why?** People had all kinds of ways of constructing the relative merits and appeal of different systems.

- b. (according to Piotr Kuligowski) émigré Poles around Czartoryski (a relatively 'aristocratic' group, by contrast with the 'Polish Democratic Society') nonetheless attacked the old Polish constitutional order as feudal, and having given excessive power to nobles. They favoured a relative increase in the powers of the king, which they thought had among other things more intuitive appeal to peasants.
- c. In Hungary after 1867 (according to Cieger) noble-dominated counties attacked the new order as giving too much power to the centre and to 'new-fangled state doctrines'). They argued that counties should have the right to interpret laws, even indeed to vet legislation before it went to parliament. Heves county gave in only after lengthy conflict and suspension of its self-governing powers. Inhabitants of traditionally 'democratic' Swiss cantons also might object to centralisation of power, even in the hands of an elected legislature; also to the loss of privilege entailed in the admission of incomers to various kinds of civic including socio-economic rights. Various devices were developed to meet some of these objections, eg plebiscites.
- d. In England, freemen of towns who did not always qualify to vote under new franchises, though allowed by the reform act to retain their voting rights during their own lifetimes might object to their ceasing to be heritable (by the mechanism of apprenticing their sons to themselves, so making them too freemen). They might also object to the loss of more or less extensive rights previously reserved to freemen (some charities indeed continued, in another concession, to be reserved to them). Disgruntled freemen often provided the backbone for new 'Operative Conservative Associations', also often closely linked to the Church of England. Conservatives used democracy as a dirty word and associated it with Irish, often Irish Catholic, immigration (linking the two partly via the explicit pro 'Democracy' position of the Irish Catholic reformer, Daniel O'Connell – who was nonetheless in his own way a very paternalistic figure).
- e. Issues about how fairly to represent religious or ethnic minorities caused problems in various contexts, and spurred new thinking around proportional representation.
- f. The Austrian historian Thomas Stockinger tells us that in elections after the 1848 revolution in Austria (though not in France), peasants, who had newly acquired the vote objected to being placed in constituencies which also included towns and townspeople, and preferred to vote for people they saw as not merely friendly to peasant concerns but more viscerally identified with them. (In France, they were more prepared to vote for bien-pensant outsiders). At the time, this earned them some criticism for being stuck in a *Stände* mentality, though in fact elsewhere the idea that one was best represented by someone *like* oneself also gained power in

this period (socialists often endorsed it), so that doesn't seem to be the only way one could or should frame this way of thinking.

- g. Piotr Kuligowski reports a strand in Polish émigré thinking – among the British-based Communes of the Polish people – according to which the ideal was self-government by peasant communes; according to these emigres, such self-governing communes were already the norm in Poland. They envisaged central power as properly the apex of a pyramid at whose base were families grouped in tens, each ten choosing someone to speak for them one level up, and so forth.
- h. Kurunmaki makes the useful point that in order to understand how liberals pro-reform pitched their arguments in the 1860s it's important to take into account the fact that effective political opposition came from the right: that was what they needed to counter. (Conservative critics among other things claimed that proposed new *censitaire* qualifications were artificial and arbitrary, and would be perceived as such, such that new arrangements would not endure).

**5. Did 'democracy' figure in these debates, and if so how prominently and in what contexts? With what meaning?**

- i. Even in periods when there was much talk about 'democracy' (1790s, 1848) it wasn't necessarily a key term in discussions of how to construct government. Terms such as republic and democratic republic; popular sovereignty; and universal suffrage may have done more such work. It may have served more as a way to characterise one of various sets of options: eg giving more rather than less power to the legislature, or more rather than fewer people the vote. 'Democrats' may have been people who favoured certain kinds of measures, constitutional and social, rather than advocates of a specific governmental arrangement called 'democracy'. The term may have been used normatively as much as analytically: to acclaim or decry something, with different parties applying it, to either effect, for rhetorical effect, though that's not to say that it's uses are likely to have been random: they're also likely to have had some analytical element.
- j. In the Netherlands 1814-15 and Sweden 1860s, van Nifterik and Kurunmaki report, among other, more predictable uses, use to refer (in the case of the Netherlands) to representation on the basis of numbers alone: the principle that each voter should have an equal say. This was rejected in favour of a more organic approach – which had the not-coincidental effect of increasing the weighting of Dutch against Belgian vote, and (in the case of Sweden), similarly, to denote representation based on individual citizens rather than corporate estates. I'm highlighting this usage because it's not one I've noted in other contexts, and it relates to the specific transitional issues that I'm directing attention to in this commentary.
- k. I won't try to summarise everything I've read about how 'democracy' featured in all such debates, esp because it's uses were often various and followed fairly standard patterns, but to establish one reference point, in a sequence that I know especially well, in England it figured relatively little in 1832 'parliamentary reform' debates within Parliament (These debates focussed on how representation might be reconfigured, at the level of the constituency – that word was itself a neologism in 1832 – as well as on who should have the vote). It also figured little so far as I can see in debates outside Parliament (though it gained currency there shortly afterwards, in discussions of the shortcomings of reform as enacted). To the extent that it was used in Parliament during 1832 reform debates, the term was often used

negatively, though proponents of reform were prepared to own it on their own terms: to affirm the merits of a moderate democracy which empowered the middle class. 'Democracy' figured more prominently but still often negatively in reform debates of the 1860s. Change was defended as not entailing 'democracy' (seen as foreign) but rather a move towards more 'popular government' (represented as English'. Or it was said that if what was proposed could be called democracy, it would be a distinctively English form of democracy, practised in accordance with English political values and habits.

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