Brainstorming meeting, Mon 14 Nov 2022

Attending: Joanna Innes, Mark Philp (co-ordinators), Franz Fillafer, Jana Hunter, Cody Inglis, Marcin Jarząbek, Piotr Kuligowski. Marc Lerner, Iain McDaniel, Claire Morelon, Anne Nørgaard, Joris Oddens.

1. **Welcome, introductions.**

2. **Discussion of pre-circulated paper on rethinking of representation.**

Iain McDaniel: he enjoyed the paper. It did not make explicit the relation between representative government and democracy. *[JMI: indeed, it doesn't; it treats them as concepts in an unstable relationship].* In German-speaking Europe they did not necessarily go hand in hand: see to this effect not only Guizot but also Gentz. He's interested in the notion of 'self government' which the paper highlights. In Germany from the 1830s the phrase *Selbstregierung* can be found all over the place. It can be looked to as something that might help in the avoidance of the kinds of disasters that befell the French. Wilhelm Roscher – one of the people he's currently studying -- in his writings on political economy plays up the theme from the 1840s. Rudolf von Gneist wrote about the English tradition of self-government. Sometimes representative government and democracy were thought of as going hand in hand, but in a bad sense: in that representative government could provide a breeding ground for Caesarism, be exploited by charismatic figures whose ultimate aim was to break the system.

JMI: Google ngram for Selbstregierung, for what it's worth, suggests caught on 1840s, though some earlier use. Also suggests that even in the nineteenth century, Demokratie was a much more common term.s
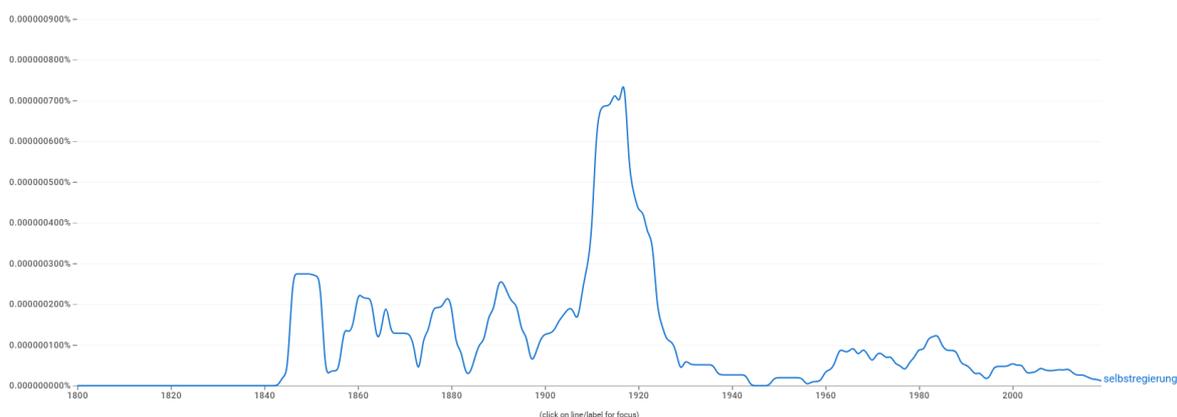
Anne Nørgaard: Iain's observation that representative government and democracy are by no means necessarily equated applies also to Denmark. There was much discussion in Denmark about both representative and self-government. Though the latter wasn't necessarily equated with democracy either, it was more used by radicals. She took issue with Joanna's suggestion that Denmark was alone in the region in discarding older representative forms and so having to reintroduce them on something of a blank sheet: that applied also to Denmark's sister kingdom Norway and its dependency, Iceland. In Norway

1814 the establishment of a representative system was not talked about in terms of 'democracy'; that term burgeoned in use there only around 1848 – or that's her conclusion from work she's starting to do on Norway. She can't say much about the terms used – eg whether representative government and self-government were in play – until the findings of the Jyvaskyla Parliamentary Institutions project are available. *[JMI: in England at that time the latter phrase was used in relation to more or less autonomous provinces, eg Ireland, Canada, but to 'local government' within the core state only from the 1830s].* In Denmark a form of representative government was established later, in the 1830s, then revised in the 1840s. Article 13 of the German Confederation, re *Landständische Verfassungen*, had implications for Denmark because Holstein, a duchy of the Danish crown, also had been part of the Holy Roman Empire and was included in the Confederation (Schleswig by contrast was part of the Danish crownlands, but a 1460 treaty said that Schleswig and Holstein should never be divided). At around the time representative institutions were established in Denmark, they were given regional parliaments (1835); Iceland and the Faroe Islands being represented in the regional diet that also covered Zeeland and the islands (whereas Greenland and Danish colonies in the West Indies were not represented). Defensive of older styles of representation as more organic were also made in Denmark when it was proposed to abandon them in the 1840s. An author even published a proposal for what he termed "an organic constitution" - a reaction to the one put forward by the liberal March ministry. It caused some debate, and the rhetoric and ideas attached to the concept of "organic" gained some traction among conservative thinkers.

Joris Oddens: in general he agreed with the picture presented in the circulated paper. The old Dutch representative system was bottom-up, in that it provided channels of expression to existing entities: cities and counties, as represented by knights/gentry. Two contrasting understandings of representation co-existed. In the States General, deputies were conceived as delegates, subject to binding mandates by those who sent them. But in Dutch cities, the patricians had a looser understanding of their representative role: they did see themselves as in some sense representative, even though they were not elected. Their understanding was a form of *representatio identitatis* or identity representation, which was probably most common understanding of representation in early modern Europe. The Dutch Patriots spoke of 'volksregeering by representatie' (popular government through representation, i.e. representative democracy) already in the 1780s. During the revolutionary era, both older sets of institutions were superseded by a system in which representation was based on election. The revolutionary Dutch National Assembly (1796-98) had commonly been known as *'Nationale Vergadering, representerende het volk van Nederland'* (representing the people of the Netherlands). The claim that any political assembly could represent the Dutch people at large (and not the peoples of the provinces) was new in the 1790s (though the specific phrase national representation, *'nationale representatie'* was not much used). But after the revolution, not merely 'democracy' but 'representation' mainly lost its place in Dutch political discourse. During the nineteenth century, members of the new-style States General did not generally present themselves as 'representatives'; that concept was not much deployed even in 1848. I think that in the 19th-century Dutch restoration monarchy (post 1813), the idea of 'representation'

was contaminated because it had become associated with 'democracy' in the revolutionary era: The 19th-century Dutch States General (national parliament) was not usually considered, or at least not called, a (national) representative institution. I don't know when the Dutch started to consider their political system a 'representatieve democratie' (representative democracy) again, but I think that it was quite late, probably in the 20th century.

Marc Lerner: in the Swiss case he thinks it's important to distinguish urban from rural regions. Systems of rule in the cities were not unlike those prevailing in Dutch cities [patrician elites conceived of themselves as representing common interests]. In rural Swiss cantons more inclusive Landesgemeinde operated. They survived in essentially their early modern form until 1848-9. What to do about them was then a key issue. Even those cantons which didn't have them saw them as in some way quintessentially Swiss, such that there was a case for preserving them. Attempts were made to devise modernised analogues, eg in the 1830s the 'citizen veto'. But was it possible to have a Landesgemeinde for what was now being constructed as a Swiss self-governing nation? The question of how cantonal should relate to a federal government was fraught. Even today, citizenship is premised on cantonal citizenship: it's at that level that belonging is decided.

Franz Fillafer: he wanted to address the question, raised in the circulated paper, of whether the people were conceived as a constituent power in 1848. Certainly 'the people' were conceived as a key political entity. Thus, the opening speech at the meeting of the Reichstag 1848 bade welcome to the 'Austrian people' – though this people was at the same time recognised to contain within itself different national groups. The old form of diet, based on corporate elements, was seen by some to be more inclusive. Whether there should be a composite diet or a pan-imperial parliament with elections based on universal suffrage was an important question in 1849, and indeed through the nineteenth century.

In fact, local diets with their censitary franchise survived alongside the imperial parliament, and retained important powers, eg to determine who had right of domicile (on which various other local rights depended; and what language had official standing in what context). From 1861 to 1873 the diets also served as electoral bodies for the lower chamber of the pan-imperial parliament (*Abgeordnetenhaus*). As for nesting structures of self-government: From 1861 onwards, the Austrian half of Monarchy indeed possessed a dual administrative structure with centrally appointed *Statthalter* and *Landeshauptmänner*, the latter usually wore two hats: as presidents of the local diets they also oversaw the autonomous internal administration of every land, making the distinction between legislative and executive organs a blurry/half-baked one.

In the early nineteenth century, there had been long debates about how older representative forms could be *dissociated from* or *turned into conduits for* more inclusive parliamentary institutions. The Abbot of Melk A. Reyberger, who was also head of the prelates' bench of the lower Austrian diet, said in 1818 that it was important not to let our system be conflated with the French, because the members of the diet did not represent

the people, nor did they aspire to do so. I take this as testimony to the fact that claim-making regarding corporate bodies' rights vis-à-vis the monarch had become irreversibly saturated with notions of public accountability, a slippery slope as far as Reyberger was concerned.

Other debates focussed on the indirect franchise, and on forms of voting, eg by lot or by counting votes. In the Hungarian Diet and in the assemblies of the counties, decisions had once been made by acclamation, but under the allegedly 'absolutist' rule of emperor Franz [1792-1835] between 1811 and 1825, practice shifted to vote counting.

The dismantling of the curia system in 1905 with the advent of general, equal, direct suffrage was socially inclusive, but exclusive gender-wise: Educated and wealthy women who had had votes by virtue of their educational qualifications and property lost the right to vote in that context.

Cody Inglis: There were debates about representation in the Hungarian Diet during its 1790-1 session, the first held since its suspension in 1765. These came as a result of Leopold II's delegation of reform programs to regional diets, and so fell against the background of the immediate decade's centralized reform programs—and its fallout—stirred up by Joseph II, as well as the French Revolution. In response to the reconvened diet, the Hungarian political and legal thinker József Hajnóczy suggested that political sovereignty should no longer be vested in nobles as such—especially not in the many petty, landless nobles—but in landowners. In this sense, Hajnóczy tied political representation to property ownership rather than estate, and so took a step toward articulating what was becoming a more 'modern' version of political representation. The concept 'res publica' was used by Hajnoczy to refer to this scheme of political representation, and may be a point of influence or at least comparison with, e.g., the earlier British "commonwealthmen" and their intellectual heirs. In general, Hajnóczy did not draw a sharp dividing line between corporate and other forms of representation in Hungary. He could conceive of many intermediate forms and in some instances political representation could find "atomized," individualist expressions.

Debates on representation continued into the early nineteenth century. Many of the more radical streams of democratic thought in Habsburg space were channelled into early liberalisms after the so-called Jacobin Trials in 1794–95. More reflective texts arguing for the reform or extension of representation were then placed in other genres. Literary production or abstract philosophy became the bearer of new political ideas in the Habsburg *Vormärz*. In 1809, in a slightly infamous episode, Napoleon called on Hungarian nobles to take up an *insurrectio* against the Habsburgs. However, they judged the Napoleonic drive in administrative centralization as a threat to their noble privileges, so they sided with the Habsburgs, who seemed more keen on preserving some regional privileges in practice if sometimes not in the terms of their administrative decrees.

In 1848, the terms of debate changed more, as the concept of the people came to the fore along with a much more visible, public discussion around concepts of representation,

democracy, state form, and constitutionality. But who were the people from whom sovereignty was supposedly derived? This remained an open question through the rest of the Empire's existence and in its successor states. In 1848, a discussion on civil liberties also emerged. The Czech political-intellectual František Palacký, for example, opposed the creation of small, unitary national states—which would lead to oppressed Slavic minorities in larger German or Hungarian spaces—preferring the dynastic system which had accumulated liberties for Slavs (which he contrasted with the Romanov case). This came in contrast to more utopian radical democrats like Mihály Táncsics in Hungary, who envisioned a republican state on the territory of the Empire in which democratic representation was primarily held and expressed by the working class.

The late nineteenth century also saw the development of various concepts of the people which could point in quite extreme directions, e.g., with the Croatian Party of Rights, whose political vision in the late nineteenth century was based in part on a more exclusive and racialized form of nationalism, in which Serbs and Jews living in Croatia-Slavonia or Dalmatia were not part of the "Croatian" people/nation (*narod*) and thus ought not be part of the body of political representation. At the same time, the rise of agrarian and workers' parties could rather point toward other cross-social groupings, namely the agrarian and industrial working classes, where what was championed was the "people" defined by socio-economic position as the fount of sovereignty, rather than shared, "vertical" cross-class representation within a single nation excluding other nations.

Piotr Kuligowski: representation was an important topic in Polish debates in the early nineteenth century. Democracy was rarely invoked in that context. The most pressing question was how to restore some form of national government. In that context, 'national representation' (*reprezentacja narodowa*) was an issue. 'Self government' (*samorząd*) was absent from debate during the first half of the nineteenth century, appearing only in the second half. Political traditions carried over from the old republic. There were diets in the lands of partitioned Poland. The most important was in Warsaw, established by Tsar Alexander I. Crucial debates took place here, eg at the time of the November uprising, 1830. A key question was, Who can represent the nation? New concepts that entered debate at that time included 'faction' and 'patriotism'. He has recently been working on the proceedings of the Warsaw parliament following the November rising. Debate developed roughly as follows: Dec 1830, discussion of national representation; Jan 31, representative government becomes the more prominent concept. Talk of political rights, especially in relation to peasants, became prominent only in April 1831. After the collapse of the uprising debates became more complicated. No assembly could convincingly claim to represent the entire nation because the differences and discrepancies among the exiles rapidly exacerbated, making it impossible to re-establish any representative body (although the intention of doing that was announced during the last session that took place on the Polish lands in the last days of the uprising). Experiences accumulated in the first half of the century continued to shape debate later in the century. Later Pilsudski favoured efforts to create an underground national government, but that option was not in play 1830-1.

Marcin Jarząbek: he proposed to focus on the second half of the nineteenth century.

In 1848, in an unpublished manifesto by Adam Mickiewicz, it was proposed that a Polish parliament should be established representing not just Poles, but the all oppressed nations of Europe A messianic element in that vision of representation was apparent, which would later develop further]. There was also debate in a Galician context – the Austrian part of partitioned Poland.

At the Ausgleich, 1866, all kinds of assemblies and diets were established, including city councils. From the 1870s, self-government was extended to villages. People contrasted the party-dominated system of elections to the Vienna parliament with self-government at the village level, which was said to be more truly democratic.

In the 1870s and 80s, there was growing interest in developing self-government at this level, understood to further the government's civilising mission, and serving as a kindergarten for democracy. At the level of parliament and the diets, it was clear that only a small elite participated; nonetheless, the idea that they represented society more broadly was important. It was also argued that it was important to ensure that Ruthenians and Jews had a voice in those bodies.

A special role was given to city councils in Lviv and Krakow. Each had its own statutes, defining who was eligible to vote. They were seen as proxy parliaments of non-existing Poland.

The extension of the popular vote 1907-12 changed the political landscape, and ideas about representation also changed. It came to be argued that it was right that power should inhere in the Polish majority. Democracy was more and more understood *in a "New Key"* (to use the Carl Schorske term): populistic right of the majority to rule over others.

Claire Morelon: she also found the circulated paper interesting and in general agreed with it, especially with the idea of change happening in steps, and in terms of a contrast with Bourbon Europe. In the Habsburg realms sovereignty was complex and layered, as has been explored especially in the work of Jana Osterkamp https://www.collegium-carolinum.de/institut/wissenschaftliche-und-projektmitarbeiterinnen/dr-jana-osterkamp This setting affected ideas about what popular sovereignty and national sovereignty might look like. Different levels of representation, including in diets and of cities, were all seen to have important roles. The referent of 'citizenship' also needs thought. After the Ausgleich 1866, people were citizens of either Austria or Hungary, but there were also more local forms of citizenship. The right of domicile, to which Franz referred, had important implications, for example in relation to entitlement to poor relief. The idea that the individual was the definitive unit of citizenship was only slowly developing, and didn't fit well with existing ideas. At the local level, it was the household that was represented. It was also thought that nations should be represented as such. Self government was certainly a

focus of interest, but talk did not necessarily centre on *selbstregierung*. Municipalities provided proxy national representation for the bigger nationalities. She was interested in the question of *why* change happened. She thought fear was important. Also there was a sense that society was changing and government had to reflect that.

Jana Hunter: she agreed on the importance of the theme of self-government, and of municipalities. These were crucial for both Czech and German national movements. It was interesting to consider how these related to other niches exploited by these groups, such as associations; also, how municipal and national levels interacted. And what part the Jewish community played. She is currently working on newspapers and has had a look for uses of the word 'democracy'. She finds that self-government was a big concept in the 1830s, but in 1848-51 there was a shift towards talking about democracy. The fact that it was a relatively new term in this context is reflected in attempts to explain what it means. A lot of Czech articles invoked Norway, alongside England, to show that one didn't need to be a republic to be a democracy; democracy was also compatible with constitutional monarchy. [JMI: notable in that this was not how the British commonly described themselves, or, as it seems to me, were described by others at this time]. In the `1860s there was a shift associated with the development of a more nuanced view of the French revolution. But democracy was still often critically treated, and made the but of satire and humour. Democracy, radical and socialist were often run together.

The time allocated to the session ran out at this point, and some people left, but others stayed for some general discussion:

Joanna noted that Mediterranean nations also had composite aspects. It might be interesting to compare the terms used or strategies adopted in Spain or Italy with those prevailing in Habsburg lands.

Mark was curious about whether 'citizen' was used as a term of address.

Joris said that in the Dutch revolutionary parliament deputies were called burgher representative.

Piotr said there was some debate about how to name representatives in the Warsaw diet after the November uprising. Different terms were used for representatives of cities, called deputies (-'deputowani' (a notion with tangible foreign, French flavour). and nobles (called 'posłowie' (the proper Polish term).

Franz thought that satires on democracy would be a great topic for a little workshop.

Joanna asked Marc Lerner if he could say anything about the words used in Switzerland, since she wasn't clear from his remarks whether or how much they used terms like 'national representation' and 'self-government'.

Marc said that had not been his focus when he was doing this research. He did note that the name Swiss Confederation endured even as the assemblage of states became in practice more federal. He thinks that in practice they were trying to create a national, shared political culture out of local elements, such as Landesgemeinde. But he's not sure about their phraseology.

Joanna said that it wouldn't be surprising if they, like others, flip flopped between a transnational and a more local and specific vocabulary.

Marc agreed. He said that the Swiss had a sense of themselves as operating in a larger landscape out of their own traditions. Some said of the French, they're catching up with us! They used new terms such as rights of man, but understood these to refer to older ideas. In the early French period, they debated a variety of constitutional plans, trying to find one appropriate to their own circumstances, and not just imitating the French – true even of La Harpe. But in the end the French said, You're having ours.

Mark thought we might need to be more precise about how people used appeals to older forms. Were they mainly historicising - that is appealing to distinctive past and local traditions that were taken as having a normative status in virtue of long-standing practice - or were these increasingly linked into a story about historical development and a progressive path of history - perhaps drawing on Hegelian elements, a story in which these institutions were portrayed as having a significance in the developing history of the people or nation?