

Contributions of the International Commission for the History of Representative and Parliamentary Institutions (ICHRPI) to the Debate on Methodology

Corciulo, Maria Sofia

Univ. "La Sapienza" Roma. Fac. di Scienze Politiche. Dpto. di Studi Politici. Piazzale Aldo Moro. I-00185 Roma
mariasofia.corciulo@uniroma1.it

BIBLID [ISBN: 978-84-8419-207-7 (2010); 13-20]

Erakunde parlamentario eta ordezkarietazko biltzarren historiarako Nazioarteko batzordea, Lausannen sortu zen 1936an. Erakunde honen baitan ikertu ziren gaiak aztertzen dira. Emile Lousseren ekarpenak alde batetik, bereziki, konstituzionalismo korporatiboa. Bestetik, Antonio Marongjiuren teoria neoparlamentarioa. Azken 20 urteotan Batzordean baitan Europan erregionalismoa deitzen dena aztertu ohi da eta eskualde ordezkarietza batzarrak.

Giltza-Hitzak: ICHRPI. Lousse. Marongiu. Batzarrak. Parlamentua. Erregionalismoa.

Este artículo revisa las contribuciones más destacadas de la Comisión Internacional de Historia de las asambleas representativas e instituciones Parlamentarias. Esta comisión fue creada en 1936 en Lausanne. Analiza las aportaciones de Emile Lousse al constitucionalismo corporativo, así como la contribución de Antonio Marongiu acerca de la teoría neoparlamentaria. En los últimos 20 años en el seno de la Comisión las reflexiones han derivado hacia el llamado regionalismo en Europa y sus formas de representación.

Palabras Clave: ICHRPI. Lousse. Marongiu. Asambleas. Parlamento. Regionalismo.

Cet article revient sur les contributions les plus importantes de la Commission internationale pour l'Histoire des Assemblées d'États. Cette commission a été créée en 1936 à Lausanne. Elle analyse les apports d'Emile Lousse au constitutionnalisme corporatif, ainsi que la contribution d'Antonio Marongiu quant à la théorie néoparlamentaire. Ces 20 dernières années, au sein de la Commission, les réflexions se sont orientées vers le « régionalisme » européen et ses formes de représentation.

Mots-Clés : CIHAE. Lousse. Marongiu. Assemblées. Parlement. Régionalisme.

Reviewing the history of the International Commission, from its origins to the present means, as is customarily pointed out, examining the historical studies of the European parliamentary institutions of the past century, starting from its founding father, Emile Lousse, the Belgian Professor from the University of Louvain. He, in fact, inspired the creation of a permanent Commission –within the International Committee of Historical Sciences– to deal with the complex problem about the bonn of the first Assemblies of Estates. This took place in 1933, at the 7th International Congress held in Warsaw.

Lousse's wishes were carried out in 1936 when that Commission was created during the International Congress of Historical Sciences in Bucarest; he became the Secretary-General. The french scholar Coville, the President, and Pier Silvio Leicht, from Italy, the Vice-President. That body was called the *Commission pour l'étude des origines des Assemblées d'États*.

It was first made up of a limited number of scholars - 10 – which gradually gave way to the French, German, Spanish, Italian, Dutch, Polish, Hungarian and Belgian national sessions. The latter was the most active and had the largest number of members.

In those years, it became all the more essential, politically speaking, to keep alive the debate on representative institutions, which were being neglected and disregarded by the authoritarian regimes then reigning. Doubtless it was simpler in order to avoid possible and foreseeable censorship to deal with these subjects in scientific circles. It was certainly not by chance that the *Société Jean Bodin pour l'histoire du droit et des institutions politiques* was created in Belgium in 1935, along with the prestigious «Revue d'Histoire politique et constitutionnelle» directed by Boris Mirkine Guetzévich.

But let us now speak about the **life** and **works** of the Commission. The first Congress was held in 1936, in Lausanne. Among the speakers there were, in addition to Lousse, the english scholar Helen Cam, and Leicht who, on that occasion, publicly praised the italian Antonio Marongiu, then a young scholar.

As would occur in a play, those who were to be the prime movers in the scientific activities of the Commission were all present from the first scene onwards. This was the case above all for Lousse, who would play a leading role in the twenty-year period from 1933-1953, thanks to the formulation of the well-known methodological theory on the origins and development of the representatives Assemblies of Nations. I say “well-known” because it gave rise to a far-reaching, learned debate involving all the specialists of the period.

The methodological construction of Émile Lousse has come to be known as the Constitutional-Corporative Theory, where, by “Constitution” is meant the political, social and economic condition of a given “Order” or “Estate”, the *Ständische Verfassung* which developed in three, institutionally significant phases:

- a) the aggregation of larger and larger territories that had previously been independent and had possessed autonomous legal forms;

- b) the formation of an **administrative hierarchy** made up of a tightly-knit network of officials chosen by the *princeps* and those under him;
- c) subsequently, thanks to the corporative nature of the social organisation, the **political hierarchy** was established, i.e. the Assembly of Estates, which was in charge of the privileges and representation of the interests of the social classes, in short, the defence of its representatives in case of any abuses on the part of the sovereign.

In that context, the distinction between the inhabitants of a single territory was based on the diversity of functions performed, within each of which, those who had interests in common gathered into associations that became privileged bodies if they were endowed by the *princeps* of their own charter. In turn they constituted themselves into Orders or Estates. "The corporative organisation is based on the existence of corresponding functions and rights, services and privileges: the functions performed in turn lead to the granting of privileges, and the liberties granted limit the service to be rendered in future" (G. D'AGOSTINO, *Argomenti di storia delle Istituzioni parlamentari*, Napoli, 1975).

Yet, in the light of these considerations, Lousse defined the Assembly of Estates as follows: "a political assembly made up of the representatives of the politically privileged Order or Orders of a Country **which act (*agissant*)** in the name of these Orders and the Country as a whole to supervise, on the one hand, the maintenance of the privileges of the Orders, bodies and individuals and, on the other, maintenance of the fundamental rights of the Country, and to render the services to the Prince that are set forth in the Charters [of liberties] as the quid pro quo of the rights recognised and privileges granted by himself" (É. Lousse, *Parlementarisme et corporativisme. Les origines des Assemblées d'États*, in «Revue Historique de droit français et étranger», XV (1935), (pp. 683-706), p. 699). Therefore, Lousse saw in the Assemblies of Estates the inevitable point that late Medieval society would reach in its corporative and class division (or rather, constitution). It was a dualistic construction, in which the Estates and the Prince were both called upon to conduct the power they shared. It was not easy for this process of institutional change to get under way: often the Orders had to face a hard struggle to prevent the prince from failing to keep the agreements into which he had entered. This struggle generally ended in a compromise when it finally became possible to break the Assembly of the Estates off from the fruitful disorder of the Orders. In confirmation of his theory Lousse maintained that it could apply not only to the German Estates, where the phenomenology he described had manifested itself to the greatest degree, but also to much of Christian Europe. In so doing, he carried on a controversy with the so-called **institutionalists** or **parliamentarists** trained primarily in the Anglo-French school. He criticised them for underestimating the society and actions of these first class assemblies, on behalf of their political and institutional aspects (for example, the pre-eminence of the Third Estate) which could be related more easily to the examples of nationalism and constitutionalism triumphing in the 19th Century. In short, Lousse explicitly accused liberal scholars of having made history the servant of political ideology, by emphasising the function and importance of the activity of the assemblies –vaguely called representative– practical-

ly cut off from any connection with the society which had given rise to them. He likewise criticised them for the shortcomings in their methodology concerning representative institutions, which had thus far limited itself to studying each individual assembly without placing them in a comparative context: an approach which Lousse had always strongly supported.

By bringing out the socio-economic aspects of late-Medieval society, the Belgian scholar must certainly be credited with having contributed to attenuating the adverse effects of that limiting approach –which we might call superstructural– that tended to single out and qualify political institutions on an almost exclusively juridical basis. But did the typology that he outlined really lend itself to becoming a valid model for identifying the origins of all representative assemblies, as he maintained? And for this “identification” was it possible to use other tools in the methodology?

The first criticisms of Lousse’s construction came after the war: for example, the famous historian Dhondt, a member of the Belgian session, countered the idea of the static unanimity of interests in Medieval society –proposed by Lousse– with the repeated confrontations and struggles among the Orders, which he preferred to call “powers”, for supremacy, a struggle which inevitably moved to within the Assemblies of the Estates. The English scholar, Helen Cam, who presided over the Commission after 1949 did not fail to draw attention to the fact that Lousse’s corporative theory could not apply to England, where the division by classes within *Parliament* took place to a moderate degree, and there was more of a “concentration of local communities” in a context of “self-government at the King’s command” (H. CAM, *The theory and practice of Representation in Medieval England*, in *Law-finders and Law-makers in Medieval England*, London, 1963, pp. 159-175). It was not by chance that under the Cam presidency –in 1950– an English Commission was set up to widen the range of investigation of the original one. It was called the *International Commission for the History of Representative and Parliamentary Institutions*, after its French counterpart whose name had changed to the *Commission Internationale pour l’histoire des Assemblées d’États* (*les origines* had disappeared from the title). The purpose was to expand the area of research beyond that of the origins of assemblies and no longer restricted to the Assemblies of the Estates. In 1950, together with Antonio Marongiu and the Swedish scholar Günther Stöckl, Cam gave a report on the origins and development of representative assemblies, in Rome, at the 10th International Congress of Historical Sciences. (H. Cam –A. Marongiu– G. Stöckl, “Recent Works and Present Views on the Origins and Development of Representative Assemblies”, in *The Tenth International Congress of Historical Sciences*, (Rome 4-11-Sept. 1955), *Relations* Vol. 1, Florence, pp. 1-101.) The term **Estates** did not figure in the **title** and, *pour cause*. Lousse’s methodology was called into question in the interpretative scheme put forth by Marongiu, whose work was already widely known. The essential point and key question he asked himself was the following: **why** and **how** did the Assemblies of the Estates assume such importance politically that they were considered bodies which had become parts of the state apparatus? Would it be possible to find a method, somehow secure, that would enable us to understand **when** a new public-law subject emerged from the various types of assemblies that followed one another from the Low Middle Ages?

Marongiu began his analysis with a division between pre-parliaments and parliaments:

the first took place, according to a practice which was very common up to approximately the year 1000, when the sovereign sporadically called for a few great assemblies in which the most prominent dignitaries took part, for the most important events in the realm: the birth of the heir to the throne, weddings, declarations of war, the drawing-up of treaties, the celebrations of victories, etc.

Marongiu called those assemblies –which were limited to hailing the decisions of the *princeps*– **assemblies for events or ceremonies**.

Alongside these –or subsequent to them– other assemblies, which he calls **consultation or reception**, were called by the sovereign to obtain advice from their members and the aid (financial or military) requested.

Marongiu distinguishes these first type, pre-parliamentary assemblies, from the second type, similar in appearance to the preceding, but with totally new subjective and objective features arising from the **awareness** of members that they were the guardians of a form of legal and political representation heretofore unknown, a fact which was recognised by the **princeps** at the same time.

Marongiu considers this personal awareness of the members of such an assembly the basic characteristic that justifies referring to a new power of the State, one which introduces a new and heretofore unknown juridical and political dimension. We find ourselves face to face with those assemblies that he calls **parliaments**. While these somehow arise from the preceding ones, the transition from the former to the latter was not to be considered automatic –as Lousse maintained– since it was the result of a specific and precise political **will**. (Hadn't Georg Jellinek, in fact, stated that juridical institutions –hence political ones, all the more– were based above all on the psychological component?). This transformation in institutions could only be identified through careful *ad hoc* consultation of the documentation in the archives. At times, some evidence suggested that transition from the **pre-parliamentary** to the **parliamentary** typology itself was under way (I refer, for example, to the most frequent convocations, or the participation of the Assemblies of the so-called “third estate” as well); but that evidence, if not backed by the documented awareness of the members that they were the sole guardians of the will of the inhabitants of the realm, was not enough for the assembly to be considered **representative** and **deliberative**. This new juridical and collective status, along with political solidarity, were components of a common and higher state of being in which, through the expression of will, the powers of the sovereign would from then on be limited. In accepting those limitations, the sovereign would be recognising the right and duty of the assembly to take part “constitutionally” in the *res publica*: the new assembly would become the institutional body that linked the king to his subjects who were in close personal contact with its members.

This methodological scheme of Marongiu –further improved by him with the listing of the historical and institutional means by which the parliamentary assem-

blies were developing– was adopted by many european scholars (*de facto Cortes*, *de jure Cortes*, *true Parliament*, were the terms used); it had moved quite far from what Lousse had constructed, since it followed that the Assemblies of the Estates were none other than a *species* of the broader category of parliamentary ones, which, in theory could have been such even **prior to** the division into Orders; conversely, not all the class assemblies were to be considered real parliaments.

As a consequence of his thesis, Marongiu replaced Lousse's present participle, *agissant* (which photographed the *de facto* situation of the assemblies) with the phrase "which have the function-awareness of acting".

It is clear that the illustrious scholar was reassessing the contribution, which might be called "individual", of the members making up the institution, the assembly, in the creation of a modern consciousness and political representation; hence his theory has been called **neo-parliamentary** to distinguish it from the nineteenth-century one.

In general, representative assemblies, went through four phases in a period that lasted approximately four centuries, from 1100 to 1500: after they had become significant representative and deliberating bodies they reached a compromise agreement with the sovereigns, thereby bringing about a limitation of the power of the latter; subsequently – in the 15th to 16th centuries, they began to weaken, and finally, declined as the early absolutist forms of sovereignty developed.

It was impossible to generalise about the periods of time and manner in which these institutional changes came about –as Lousse maintained– because the historical contexts for that political phenomenology were diverse and more complex.

The application of Marongiu's methodology contributed –it might be said– to bringing about a certain order within the numerous examples of more or less representative assemblies, often postponing the data that an alleged parliamentary assembly began, assemblies in which some zealous historians had perceived the beginning of a proto-nationalism. It has been wittily observed that "in the study of medieval and early modern assemblies, scholars are like ichthyographers: seeking to classify fish of all shapes and sizes. There is always the thrill of discovering a new specie" (J. REGISTER, *Scientific balance-sheet of the work of ICHRPI*, London, 1996, p. 328). In a recent article in the "Journal" of the ICHRPI, the famous american historian Thomas Bisson warns that: "...even in the best of hands typology may be thought too abstract to illuminate historically the patterns it usefully discloses." (Cf. T. Bisson, "The Problem of medieval parliamentarism: a review of work published by the International Commission for the History of Representative and Parliamentary Institutions, 1936-2000" in *Parliaments Estates & Representation*, Vol 21, 2001), subsequently adding, however, that the "conceptual and methodological problems face all those who wish to study and teach the early European experience of power and consultation" (Ibidem....).

The parliamentarist tradition has had many, highly respected followers in Eastern Europe, among whom are very important contributions of eminent

scholars like Szeftel, Bardach, Russocki, Bonis, Georgescu. Subsequently, other historians dealt with the methodological scheme of Marongiu – at times revealing certain limitations: such as those expressed “by the *nouvelle vague* critical of the history of parliamentary institutions” (Marongiu’s own definition). Especially since the 70s, they have emphasised the importance of the “representative” impulse coming from the society (obviously taken with a much broader and dynamic meaning that what Lousse conceived). I refer in particular to the Italian scholar Guido D’Agostino and the dutch scholar Wym Blockmans; the latter, observing the structures, organisations and functions of the representative institutions singled out five typologies corresponding to an equal number of diverse social situations from which they had arisen. The appeal not to become caught in rigid methodological schemes also came from one of the most famous contemporary historians, Helmut Königsberger, *honorary past president* of our Commission. In a masterful lesson held at King’s College, he expressed his appreciation of the importance of the typologies, underscoring their usefulness if they were combined “with the observation of the dynamic forces, because real political forces always vary in a continual struggle for power” (S. MASTELLONE, *The 50th Anniversary of ICHRPI*, Florence, 1986, p. 12).

The social contribution means that in the study of representative and parliamentary institutions, neither the theories or the political “practices” are neglected (for example the internal organisation of the assembly bodies), nor the vast cultural context implied, in particular the social extraction, political and cultural background of their components (especially for the parliaments closer in time to the present the importance of the “myth” of representation has been demonstrated).

The studies of the last twenty years have moved more and more towards consolidating those aspects that bring out the vitality and force of so-called European “regionalism” in the framework of the dynamics of power and the related forms of representation. This historical and institutional evidence seems to have left much more clarity of what was not known in Lousse’s and Marongiu’s time (cf. L. Blanco, “Notes on the most recent historiography concerning the modern state”, in “Storia, Amministrazione, Costituzione”, 2/1994).

Marongiu –the Chairman of the Commission from 1970 to 1980– always liked to present the results of his research in the form of dialogues with those who respectfully offered him their critical observations, which, in 1982, he himself summarised in a brief article, in French, published in the journal of the ICHRPI. The title was significant: *Progrès et problèmes de l’histoire des Assemblées d’États et Parlements*. The now elderly scholar observed, at the end of a careful scrutiny and with praiseworthy modesty “that the origin of representative assemblies was undoubtedly a complicated problem, of which he had attempted to explain –perhaps only partially succeeding– *le pourquoi et le comment*” (p. 12).

To understand *le pourquoi et le comment* of the origin, evolution and institutionalisation of political representation, in short, the early “parliamentary” typologies, the International Commission sets up a study conference in one of the member-nations every year; publishes a *Journal* likewise biennial: “Parliaments,

Estates and Representation” and continues to produce what could certainly now be called an historical series, *Les Études présentées à la Commission*.

In the last twenty years, the experts on parliamentary history of the 19th and 20th centuries, members of the Commission, have become as numerous as those dealing with the modern period; the Middle Ages, after having received so much attention, perhaps for that reason, now turns out to be rather neglected, as Bisson himself observed (cf. T. BISSON, *op. cit.*, p. 10).

The members of the *Commission* come mostly from Western Europe, but some come from the East and the USA, as well as a few Asian countries, Japan and China in particular. There are fewer from Latin America.

In the final analysis, if the scientific purpose of the Commission is certainly to encourage research on the **origins**, **evolution** and **changes** of parliamentary institutions all over the world and in every period –Königsberger, in his speech at the conclusion of his term of office, added another one of a more purely ethical and political nature–:

Parliaments have not by their existence solved our great contemporary problems: liberty and equality, war and peace. But no other system of societal organization has been able to do so either. I believe that political dialogue must remain open. The history of this problem has been the subject of the labours of this Commission (S. MASTELLONE, *op. cit.*, p. 13).