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The 50th Anniversary of the International Commission for the History of Representative and Parliamentary Institutions 1936-1986*

SALVO MASTELLONE

In addressing you at this congress on the social aspects of representation in medieval, modern and contemporary times, it is my pleasure to thank those foreign and Italian colleagues who, in August of last year at Stuttgart, during the International Congress of Historical Sciences, elected me as President of the International Commission for the History of Representative and Parliamentary Institutions.

As President I am glad to receive you in this city of Florence where I have been living for a quarter of a century and where I have been teaching since 1970.

I am grateful to the Mayor of Florence, Massimo Bogianckino, for having put at our disposal for the inauguration of the congress this beautiful and historic room in Palazzo Vecchio, but I must also express my gratitude to the Rector of the University of Florence, Professor Franco Scaramuzzi, and to all the public and private bodies which, with various contributions, have made it possible for us to organize this meeting in the year in which Florence is the European capital of culture.

This International Commission was born in 1936, when, with the formation in Europe of single party governments, representative systems and parliamentary institutions were undergoing a period of crisis.

To fight this crisis in Austria and Germany the voices of some jurists such as Hans Kelsen and in France those of Joseph Barthélemy and Boris Mirkine-Guetzévich, were raised. In Belgium a group of anti-fascists had rallied round the journal of international political studies *Res Publica* directed by Francesco Luigi Ferrari; in the second issue (1931) a young French jurist, Marcel Prélôt, examined 'La structure constitutionnelle de la dictature fasciste après 1925'.

There was then circulating in Europe a book of essays, published at Lausanne in 1928 by the *Inter-parliamentary Union* in order 'to refute the attacks directed against the very existence of the parliamentary system'. This book contained an essay by Gaetano Mosca which traced the history of parliamentary institutions back to classical antiquity and to the tradition of the Italian republics and which finished as follows: 'There may be moments in the life of nations in which a temporary absolutism may be necessary to save a country from anarchy. But if a people of European culture acquiesced indefinitely in this form of government, that would be an indication of profound intellectual and moral decadence' (p.81).

The first meeting of our International Commission took place at Lausanne. The Frenchman A. Coville was made president with P.S. Leicht of the University of Rome as vice-president; Emile Lousse was named secretary. In his opening speech the first president said

'L'oeuvre à réaliser est certes considérable et multiple: mais par les recherches qu'elle doit provoquer, par l'ample profit qu'en résultera, pour la compréhension des institutions du passé

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et même du présent, la "Commission pour l'histoire des assemblées d'état" a mérité de naître, et rien dans le domaine historique n'est plus désirable que son succès'.

During the proceedings of the first meeting in Lausanne, Miss Helen Cam presented a paper on 'Recent books in England on the parliamentary institutions of the British Isles in the Middle Ages'. George de Lagarde examined 'L'idée de représentation dans les oeuvres de Guillaume d'Ockham'. Emile Lousse indicated 'Les caractères essentiels de l'Etat corporatif médiéval'. W.A. Liebeskind dwelled on 'Le souverain des anciennes républiques suisses', i.e. on the 'universitas civium' which formed the 'Landsfürst'. P.S. Leicht in a paper on 'L'introduction des villes dans les assemblées d'Etats en Italie' maintained that the development of the Italian communal town assemblies 'influenced the development of the communal assemblies of other European countries'; in this paper Leicht quoted the excellent work of a young scholar, Antonio Marongiu, on *I parlamenti di Spagna nella storia e nel diritto comparato* (Rome, 1932).

There followed the dark years of the Second World War, and the fall of the totalitarian regimes; afterwards, new parliamentary constitutions were discussed and voted in various European countries; a period of democratic life was beginning for Europe. When the Tenth International Congress of Historical Sciences was held in Rome from 4th to 11th September 1955, Helen M. Cam, Antonio Marongiu and Günter Stöckl presented an ample report on the scientific activity of the International Commission under the heading 'Recent works and present views on the origins and development of representative assemblies'; it was a résumé of the research conducted during the twenty year period 1936-1955, following the general trend of the transition from 'order' to 'State'. In this report the doctrinal debates between 'parliamentarists' and 'corporatists' were not forgotten, and nor were the proceedings 'on the political theory of community and representation', or 'the comparative discussion' both in Western and Eastern Europe.

Ten years later, i.e. thirty years from the foundation, following the *Journées d'études* of June 1964, which were held at Aix-en-Provence, there appeared the book published by the Presses Universitaires de France (Paris, 1966) entitled *Etudes sur l'histoire des assemblées d'Etats* with a preface by François Dumont. This book contains essays by faithful members of the International Commission from Valerie Cromwell to J.R. Pole, from R. Villers to C. Soule. In the same year, 1966, at Louvain there appeared the 'Communications presented at the Twelfth Congress of Historical Sciences' which took place at Vienna in 1965 'avec une préface de H.M. Cam et une postface de H.G. Koenigsberger'.

The Commission's scientific activity for the past twenty years (1966-1986) is learned from the titles of the *Studies presented to the International Commission*, titles which, in 1965 were eighteen in number, have now, after twenty years, become seventy one, and glancing through the names of foreign authors in chronological order one goes from T.N. Bisson to A.B. Lublinskaya, from D. Ligou to M. Szeftel, from K. Górski to G. Bónis, from D. Gerhard to P. Baumgart, from S.U. Palme to G.A. Ritter, from V. Georgescu to G. Griffiths, from J. Roels to H.H. Rowen, from P. Blicke to A. Wolf, from J. Bardach to S. Russocki, from F. Hartung to A. Wandruszka, from S. Vilfan to W.P. Blockmans, from K. Bosl to A.E. Kosminki, from G. Oestreich to L.V. Tcherepnine, from J. Rogister to J. Russell Major.

I am glad to present to my colleagues of the Commission the last volume, published in Italian, which contains the essays of various scholars on representation: this volume will be given to all those who are taking part in this meeting.

The International Commission has had friendly relations with several distinguished scholarly bodies: the *Société Jean Bodin* and the *Société d'Histoire du Droit*. I have to remember that the 'Section Belge de la Commission Internationale pour l'Histoire des Assemblées d'Etats' helped to organise the 1958, 1962 and 1975 conferences of the Commission in Belgium. The journal of this section, *Anciens Pays et Assemblées d'Etats*

(*Standen en Landen*) has published not only the papers of these conferences but also other papers by our members. Last year a very important volume (LXXX, UGA, Kortijk-Heule, 1985), *Le privilège général et les privilèges régionaux de Marie de Bourgogne pour les Pays-Bas*, was edited by our Vice-President, Wim Blockmans, and dedicated to our Président d'honneur, Emile Lousse.

The members of the International Commission are scattered all over the world, from Australia to Poland, from Canada to Ireland, from Israel to Switzerland, from Romania to Yugoslavia, from Holland to Spain, to Sweden, but the biggest sections are those established in Austria and in Belgium, in Federal Germany and in France, in Japan and in Britain, in Italy and in the United States of America. I greatly hope that during my five years as President the number of members may increase and that our colleagues of Spain, Greece, Portugal and other countries may give birth to new sections.

Thinking of the progress made during the past ten years, I must praise the last two presidents to whom I am bound by sincere affection and whom I hold in high esteem: Antonio Marongiu and Helmut Koenigsberger.

Both of them, with their prestige as scholars, with their qualities of human wisdom, have given our Commission an eminent position in historical culture.

If we open the *Lessico Universale Italiano*, Volume XIII (1974), we find the main biographical information on Antonio Marongiu: university professor at only 35 years of age, lecturing on Italian law at the University of Pisa, and in 1969 lecturing on the history of political institutions at the University of Rome: endowed with vast learning, Marongiu has written works which will remain fundamental in Italian historiography, for example, the *Storia del diritto pubblico* (1956) or *Il Parlamento in Italia nel medioevo e nell'età moderna* (1962); the volume *Medieval Parliaments: a comparative study* was published in London in 1968.

Regarding H.G. Koenigsberger I like to remember a judgment given on him as early as 1950 about the book *The Government of Sicily under Philip II of Spain* (London, 1951): 'one of those British scholars who has a better understanding of the history of the Mediterranean countries'. It is not my intention to analyse the historical works of this eminent scholar, but I wish to give him credit for his constant interest in one of those Mediterranean countries: Italy. His faithfulness is shown in the amended edition of *The Government of Sicily* (Cornell University Press, 1969), in his studies on Naples in the volume *Estates and Revolutions* (Cornell University Press, 1971); but chiefly in his important essay on 'Parlamenti e istituzioni rappresentative negli antichi Stati Italiani' published in the volume of the *Annali della Storia d'Italia* (Torino, Einaudi, 1980). The volume *Politicians and Virtuosi* (London, 1986) has just appeared; it collects 'Essays in Early Modern History', and the last essay is on 'Republics and Courts in Italian and European Culture in 16th and 17th Centuries'. This volume is dedicated to Emile Lousse, Antonio Marongiu and the memory of Helen Cam.

Antonio Marongiu and Helli Koenigsberger with Emile Lousse are the Honorary Presidents of the International Commission, but it is a great honour for me to be able to say that scholars of great fame appear as Vice Presidents: Peter Baumgart (Germany), Thomas N. Bisson (United States), Peter Blickle (Switzerland), Wim Blockmans (Holland), Wilhelm Brauner (Austria), Valerie Cromwell (England), Valentin A. Georgescu (Rumania), T. Isomi (Japan), Roland Mousnier (France), John Rogister (England), Stanislas Russocki (Poland).

During the past ten years the 'International Commission', as an organizing structure, owes very much to the precious and assiduous work of Valerie Cromwell: all the close network of correspondence has been kept going for a decade by the Secretary General who has worked indefatigably at Brighton, from the Arts Building of the University of

Sussex. I think I express the feeling of all of us if I say a heartfelt 'thank you' to our English colleague.

Having become Lady Kingman, 'our Valerie' has passed on the responsibility of the General Secretariat to Professor Maria Sofia Corciulo of the University of Camerino. It is not easy to maintain contact between members of so many countries, but Professor Corciulo has, for more than ten years, been following attentively the events of the International Commission, and has all the qualities for carrying out perfectly the work of General Secretary. Behind her is the group of the National Conveners, who, with patience and precision, have undertaken to collect annual subscriptions and arrange for the distribution of various circulars. I am sure that the National Conveners will be of great help to Professor Corciulo, to whom I should like to give my best wishes for a successful period in office.

Our International Commission does not at present have financial problems, thanks to the hard work of the Treasurer, Claude Soule: the ICHPRI (this is our abbreviation) has an account in Lausanne and, on the basis of the balance sheet, our friend Claude Soule assures us we can easily meet all our obligations.

For several years now the International Commission for the History of Representative and Parliamentary Institutions has had a journal of its own: *Parliaments, Estates and Representation*. The first issue appeared in June 1981: eleven issues have followed at the rate of one every six months: the last, that of June 1986, has already appeared.

The merit for this journal is due to our Director of Publications, John Rogister, who has the burdensome task of editor: we owe much to Professor Rogister because he keeps in contact with the London publisher, i.e. Gillian Page, 'the brave and helpful publisher' of our journal. We owe much to the man who acts both as brilliant editor and, more modestly, as lay-out man and proof corrector. As one reads on the inner page:

'The journal publishes scholarly articles covering the whole spectrum of the history of representative institutions up to the present day. Many of the articles will have been presented as papers at the conference of the ICHPRI. The articles may be submitted in English, French and German'.

What course has research on parliamentary and representative institutions taken during those fifty years 1936-1986? Indicative and noteworthy pages on this sector of studies have been gathered together by Guido D'Agostino in the anthology entitled *Le istituzioni parlamentari nell'ancien régime*, a big volume published by Guida in Naples. This anthology includes two sections: a historiographico-methodological section with an ample survey of comparative approaches and typological approaches; the other section includes the single experiences of institutional history in Italy, in England, in France, in Germany and in Spain. Professor D'Agostino has written a long introduction to the anthology: in this introduction he describes the themes of the historiographic debate and recapitulates the proposals made for enlarging the sphere of research. He not only reminds us of the dispute between the defenders of the 'corporatist' view of the 'Ständische Verfassung' and the 'parliamentarist' view of 'parliamentary history', but he also mentions the discussions on the importance of economic reasons and of social dimensions. Guido D'Agostino recalls the above-mentioned report presented by Helen Cam, Antonio Marongiu and Günter Stökl at the International Congress of Historical Sciences at Rome in 1955, and he says:

'That report was made with the purpose of imparting a turning point to the studies of representative institutions of the 'Ancien régime', bringing together the already existing trends and the new tendencies of research, harmonizing the 'juridical aspects' and the 'social aspects', the 'historical aspects' and the 'political aspects'; that report was an invitation to investigate the theme of representation from a structural and also from a functional point of view, on a critical dogmatic level and in the field of comparative research' (p.xxii)

Thirty years after the report which was presented at Rome, Prof. Koenigsberger last year in Florence, at the Istituto di Studi Sociali made a methodological restatement, published in the above mentioned volume on representation, which appeared a few months ago in Florence. I personally agree with this methodological restatement:

'History cannot be explained with only one scheme: typologies are certainly important and useful, but they can enlighten us only if they are combined with the observation of the dynamic forces, because real political forces always vary according to time and place. It follows that one cannot arrive at a rigorous theory of the internal struggles for power. Typological research referring to the history of parliaments and representative institutions is always useful, but one must realise that schemes cannot represent models which are always valid for a whole historical period'.

Koenigsberger also underlined last August at Stuttgart, when closing his five-year period as president, the ethical and political significance of the research promoted by our International Commission:

'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'.

The 'colloquia' of our International Commission are dialogues: they take place in an atmosphere of tolerance, among scholars of countries which are often far apart, who speak different languages, who belong to cultures which are not homogeneous, but who believe in the confrontation of ideas in order to make progress in historical research.

A tolerant dialogue is opening today in Florence to deal with this subject: 'The social aspects of representation'. The problem of representation will therefore be at the centre of our debates.

I must, however, point out that it is not our intention to invade the field of political philosophy and political science; however we agree with Heinz Eulau¹ that the problem of representation is of crucial importance in all discussions on the functions of parliamentary institutions or on the behaviour of the legislators; the relationship between representatives and those who are represented is the crux of the theory of representation, in fact the term representation draws attention to the attitudes, expectations and behaviour of those who are represented, and also to their readiness to accept the legitimacy and the authority of the representatives' decisions. Political scientists distinguish four different roles of representation, i.e. the fiduciary, the delegate, the representative and the political, and furthermore they examine the relationships between selective procedures and effects of collective decisions. For us who study the institutions the problem is how representation has functioned historically and how the representative institutions have allowed the formation of 'representative bodies'.

In examining the assemblies, the institutional aspect is often privileged, but assemblies are made up of people, who have specific functions in civil life: behind the assemblies there are social realities which cannot be ignored. For this reason in our Colloquium 'society' becomes a premise. To speak of society does not mean to wish to be sociological at all costs, but to bear in mind those social conditions which often affect both the choices of those who are represented and the actions of the representatives. In representative institutions the representatives agree on a common action, but they cannot forget those who are responsible and consequently the social structures in which they live and of which they are the expression.

As everyone knows, John Stuart Mill, in his famous essay, 'On Government' stated that 'Representation is the great discovery of modern times', but even 'ancien régime' society

¹*The Legislative system*, (New York, 1962).

had a profound conception of representation. In an historical perspective one must in fact study how the representatives were chosen for defending interests, values and functions of the social groups, and how they felt bound to follow the instructions they had received. In this historical research the social aspects of representation can be examined using the notions of 'body', of 'order', of 'rank', of 'class'; in each case it is not possible to abstract from geographical and cultural differences, or from the divergences between personal and collective, local and national interests. Emile Lousse has rightly observed that 'every assembly reflects, like a lens, a reduced image of the society in which it sinks its roots'.

Even if the attention of this colloquium focuses on the social aspects, one must always remember that representative institutions are connected with the juridical sphere, from both the public and the private point of view. We are certainly far removed from the perspective of E. Glasson who in his monumental *Histoire du droit et des institutions*² limited himself to the formal juridical aspect of the political order. On the basis of Antonio Marongiu's teaching we believe instead that institutions are forms and figures of firmly organized communities, which have an autonomous existence with the capacity of maintaining order; within these institutions human beings act with energy, with courage and often unselfishly to maintain, modify or upset the existing orders³.

As the institutions must be related to political society and to civil society, they must be followed during their genetic process. The initial value of representative institutions may differ from the function which they carry out later, but these functional changes are never separated from the changes in public opinion of the civil society.

W. Blockmans⁴ maintains that there exists a process of bureaucratization of assemblies, which, after a certain time, tends to invest their members with privileges and personal powers; in this case the relationship between those who are elected and their electors is changed, and also the social reasons of representation are changed. Sometimes, with the passing of time, local interests take the upper hand over general interests, but also in this case one must determine the reasons for these changes from the initial positions.

We often speak of the 'forms' and the 'forces' of representative institutions, but structural 'forms' and 'forces' are always connected with a social opinion, which tries in some way to express its needs.

The problems of representation are socio-juridical problems, but they are also socio-psychological. Trust in institutions is a psychological phenomenon: and both these phenomena must be explained on an historical level.

Historians have often forgotten the influence of models of institutions existing in other countries. Why did the Italian representative institutions of certain 'comuni' influence the mentality of other communes? Why did the Italian seventeenth-century magistrates look to the French institutions and think of a Senate composed of men of law? Why did the institutions of the Dutch United Provinces act on the merchant class of southern Italy? Why did the Polish and German representative institutions inspire the demands of the Italian nobility?

Antonio Marongiu has observed that juridical institutions have a will as cause and foundations: this act of will can be a revolutionary fact or the effect of a process of psychological ripening;⁵ but this act of will must always be seen in the context of a psychology closely bound to society.

In examining the social aspects of representation we must also take into account the factor of education by evaluating the grade of primary knowledge of those who are

²(Paris, 1887-1903)

³A. Marongiu, *Lezioni di storia delle istituzioni politiche* (Roma, 1967).

⁴*Journal of Medieval History*, iv (1979), pp. 189-215.

⁵*Il parlamento in Italia nel Medio Evo e nell'età moderna* (Milano, 1962), p. 88.

governed. A massive presence of illiterates cannot but influence the legitimacy of the representation; the education-participation relationship is a social premise of considerable importance: if the capacity to read and write feeds the demand for the right of representation, it is also true that the capacity to read and write is a necessary requisite for those who sit in representative institutions. A history of Italian representative institutions from the end of the eighteenth century cannot be separated from the history of the debates on the right to vote because the process of the electoral systems was often conditioned by the dramatic reality of the illiteracy of the peasants. The privileged classes believed that they 'represented' the lower and subordinate classes in the name of their culture and of their intellectual capacities as 'proxies'.

The bond between 'right of representation' and 'economic condition' is often invisible. Roland Mousnier (with whom I had the honour of studying in Paris) has rightly observed that the dignity of belonging to an order was not, in the 'société d'ancien régime', of an economic type.

But the 'wealth' aspect conditioned social evaluation and became a local right for voting with the French revolution. Wealth not only conditioned behaviour, but urged on the request for representation, masking personal ambition with lack of economical interest in carrying out representative functions. The social interests of an order sometimes prevailed over the purely economic interests, but the educational and pastoral activities of the ecclesiastical order could not be carried out without economic basis which depended on tithes and other incomes.

One usually distinguishes between the ancient representative institutions and the modern ones, between corporatist representation and the representation of classes, between the representative right of orders and the representative right of citizens; but among the representative institutions one must also include those which are born from *de facto* associations.

Otto von Gierke in the fourth volume of the work *Das Deutsche Genossenschaftrecht*, published in 1913, maintained that behind representative institutions there is the right of every group to associate; a group can meet with the permission of the political power, but also of its own initiative; in any case, there exists a connection between association and representation, and this connection gives birth to representative institutions.

A broad conception of representation allows fruitful debates between historians, jurists, sociologists and political scientists; on the basis of this broad conception of representation the proposals of papers presented at this colloquium have been accepted: all participants will be heard with equal attention.

I think I may express the opinion of the *Direction*, the Executive Committee of the International Commission for the History of Representative and Parliamentary Institutions, if I say that in the coming years we propose not only to study the English revolution of 1688 and 'la Révolution française' of 1789 but also to study aspects of socio-political life, from the function of the opposition to the development of democratic institutions, from the behaviour of central power towards local institutions and to the realization of the right to vote of the emerging classes.

It is our hope that increasingly our 'colloquia' may be 'meeting points' where, with new perspectives and methods, the representative orders of the past will be studied.

Our International Commission is celebrating its fiftieth birthday in Florence. I hope that this Florence meeting will remain impressed in our memory as an historical one. But this meeting would not have been possible without the indefatigable zeal of the members of the organizing committee: I must publicly thank these young colleagues, from Sergio Amato to Antonio Annino, from Lea Boralevi to Vittorio Conti, from Morena Fini to Eluggero Pii.

The participation in our colloquium has been higher than foreseen: many Italian

colleagues have taken part: fifty nine subscribers with thirty papers: but the biggest number is that of the foreigners who come from all parts of the world, from the distant Orient to the Pacific Coast: sixty eight subscribers with thirty six papers. The organizing Committee is proud of this participation of Italian and foreign scholars because with this meeting Florence is living out its function of capital of European culture.

Professor N. Bobbio reminds us that the fifty years of this International Commission which studies parliamentary and representative systems, coincide with the forty years of the new Italian constitutional order: in 1946 the Italian Republic was born. The importance is no doubt political because in June 1946 a new social and political era began for Italy. I would like to underline the historical importance of this constitutional event because with greater historical clarity we can connect up with the three years 1796-1799 of the Italian representative republics, we can connect up with the theorist of constitutional representative systems, Giuseppe Compagnoni, who was the first in Europe to publish in Venice in 1797 a *Corso di diritto costituzionale democratico*. The last chapter was concerned with the representative republic.