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POLITICAL MODERNIZATION: AMERICA VS. EUROPE

By SAMUEL P. HUNTINGTON*

I. THREE PATTERNS OF MODERNIZATION

POLITICAL modernization involves, let us assume, three things. First, it involves the rationalization of authority: the replacement of a large number of traditional, religious, familial, and ethnic political authorities by a single, secular, national political authority. This change implies that government is the product of man, not of nature or of God, and that a well-ordered society must have a determinate human source of final authority, obedience to whose positive law takes precedence over other obligations. Rationalization of authority means assertion of the external sovereignty of the nation-state against transnational influences and of the internal sovereignty of the national government against local and regional powers. It means national integration and the centralization or accumulation of power in recognized national law-making institutions. Secondly, political modernization involves the differentiation of new political functions and the development of specialized structures to perform those functions. Areas of peculiar competence—legal, military, administrative, scientific—become separated from the political realm, and autonomous, specialized, but subordinate, organs arise to discharge those tasks. Administrative hierarchies become more elaborate, more complex, more disciplined. Office and power are distributed more by achievement and less by ascription. Thirdly, political modernization involves increased participation in politics by social groups throughout society and the development of new political institutions—such as political parties and interest associations—to organize this participation. Broadened participation in politics may increase control of the people by the government, as in totalitarian states, or it may increase control of the government by the people, as in some democratic ones. But in all modern states the citizens become directly involved in and affected by governmental affairs. Rationalized authority, differentiated structure, and mass participation thus distinguish modern polities from antecedent polities.

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The political modernization of Western Europe and North America was, of course, spread over many centuries. In general, the broadening of participation in politics came after the rationalization of authority and the differentiation of structure. Significant broadened participation dates from the latter half of the eighteenth century. The rationalization of authority and the differentiation of structure got under way in earnest in the seventeenth century. This article will be primarily concerned with these earlier phases of political modernization in Europe and America.¹

Three distinct patterns of political modernization can be distinguished: Continental, British, and American. On the Continent the rationalization of authority and the differentiation of structures were dominant trends of the seventeenth century. "It is misleading to summarize in a single phrase any long historical process," Sir George Clark observes, "but the work of monarchy in the seventeenth century may be described as the substitution of a simpler and more unified government for the complexities of feudalism. On one side it was centralization, the bringing of local business under the supervision or control of the government of the capital. This necessarily had as its converse a tendency toward uniformity."² It was the age of the great simplifiers, centralizers, and modernizers: Richelieu, Mazarin, Louis XIV, Colbert, and Louvois in France; the Great Elector in Prussia; Gustavus Adolphus and Charles XI in Sweden; Philip IV and Olivares in Spain; and their countless imitators among the lesser realms of the Continent. The modern state replaced the feudal principality; loyalty to the state superseded loyalty to church and to dynasty. "I am more obligated to the state," Louis XIII declared on the famous "Day of Dupes," November 11, 1630, when he rejected the Queen Mother and her claims for family in favor of the Cardinal and his claims for the state. "More than any other single day," Friedrich argues, "it may be called the birthday of the modern state."³ With the birth of the modern state came the subordination of the church, the suppression of the medieval estates, and the weakening of the aristocracy by the rise of new groups. In addition, the century witnessed the rapid growth and rationalization of state bureaucracies and public services, the

¹ For the sake of clarity, let me make clear the geographical scope I give these terms. With appropriate apologies to Latin Americans and Canadians, I feel compelled by the demands of brevity to use the term "America" to refer to the thirteen colonies that subsequently became the United States of America. By "Europe" I mean Great Britain and the Continent. By "the Continent" I refer to France, the Low Countries, Spain, Portugal, Sweden, and the Holy Roman Empire.

² *The Seventeenth Century* (New York 1961), 91.

³ Carl J. Friedrich, *The Age of the Baroque: 1610-1660* (New York 1952), 215-16.

origin and expansion of standing armies, and the extension and improvement of taxation. In 1600 the medieval political world was still a reality on the Continent; by 1700 it had been replaced by the modern world of nation-states.

The British pattern of evolution was similar in nature to that on the Continent but rather different in results. In Britain, too, church was subordinated to state, authority was centralized, sovereignty asserted internally as well as externally, legal and political institutions differentiated, bureaucracies expanded, and a standing army created. The efforts of the Stuarts, however, to rationalize authority along the lines of continental absolutism provoked a constitutional struggle, from which Parliament eventually emerged the victor. In Britain, as on the Continent, authority was centralized but it was centralized in Parliament rather than in the Crown. This was no less of a revolution than occurred on the Continent and perhaps even more of one.

In America, on the other hand, the political system did not undergo any revolutionary changes at all. Instead, the principal elements of the English sixteenth-century constitution were exported to the New World, took root there, and were given new life at precisely the time they were being abandoned in the home country. These Tudor institutions were still partially medieval in character. The Tudor century saw some steps toward modernization in English politics, particularly the establishment of the supremacy of the state over the church, a heightened sense of national identity and consciousness, and a significant increase in the power of the Crown and the executive establishment. Nonetheless, even in Elizabethan government, the first point of importance is "the fundamental factor of continuity with the Middle Ages."⁴ The sixteenth century saw, as Chrimes says, "The Zenith of the Medieval Constitution." The changes introduced by the Tudor monarchs did not have "the effect of breaking down the essential principles of the medieval Constitution, nor even its structure."⁵ Among these principles and structures were the idea of the organic union of society and government, the harmony of authorities within government, the subordination of government to fundamental law, the intermingling of the legal and political realms, the balance of power between Crown and Parliament, the complementary representative roles of these two institutions, the vitality of local govern-

⁴ A. L. Rowse, *The England of Elizabeth* (New York 1951), 262.

⁵ S. B. Chrimes, *English Constitutional History*, 2nd ed. (London 1953), 121-23. See also W. S. Holdsworth, *A History of English Law*, 3rd ed. (London 1945), iv, 209ff.

mental authorities, and reliance on local forces for the defense of the realm.

The English colonists took these late medieval and Tudor political ideas, practices, and institutions across the Atlantic with them during the great migrations in the first half of the seventeenth century. The patterns of thought and behavior established in the New World developed and grew but did not substantially change during the century and a half of colonihood. The English generation of 1603-1630, Notestein remarks, was "one in which medieval ideas and practices were by no means forgotten and in which new conceptions and new ways of doing things were coming in. The American tradition, or that part derived from England, was at least in some degree established by the early colonists. The English who came over later must have found the English Americans somewhat settled in their ways."⁶ The conflict between the colonists and the British government in the middle of the eighteenth century served only to reinforce the colonists' adherence to their traditional patterns. In the words of our greatest constitutional historian, "The colonists retained to a marked and unusual degree the traditions of Tudor England. In all our study of American institutions, colonial and contemporary, institutions of both public law and private law, this fact must be reckoned with. The breach between colonies and mother country was largely a mutual misunderstanding based, in great part, on the fact of this retention of older ideas in the colonies after parliamentary sovereignty had driven them out in the mother country."⁷ In the constitutional debates before the American Revolution, the colonists in effect argued the case of the old English constitution against the merits of the new British constitution which had come into existence during the century after they had left the mother country. "Their theory," as Pollard says, "was essentially medieval."⁸

These ancient practices and ideas were embodied in the state constitutions drafted after independence and in the Federal Constitution of 1787. Not only is the American Constitution the oldest written national constitution in the world, but it is also a constitution which in large part simply codified and formalized on the national level prac-

⁶ Wallace Notestein, *The English People on the Eve of Colonization: 1603-1630* (New York 1954), xiv. See also Edward S. Corwin, *The "Higher Law" Background of American Constitutional Law* (Ithaca 1955), 74.

⁷ Charles Howard McIlwain, *The High Court of Parliament and Its Supremacy* (New Haven 1910), 386.

⁸ A. F. Pollard, *Factors in American History* (New York 1925), 39. See also McIlwain, *The American Revolution: A Constitutional Interpretation* (Ithaca 1958); and Randolph G. Adams, *Political Ideas of the American Revolution*, 3rd ed. (New York 1958).

tices and institutions that had long existed on the colonial level. The institutional framework established in 1787 has, in turn, changed remarkably little in 175 years. Hence, the American system "can be properly understood, in its origin, development, workings, and spirit, only in the light of precedents and traditions which run back to the England of the civil wars and the period before the civil wars."⁹ The American political system of the twentieth century still bears a closer approximation to the Tudor polity of the sixteenth century than does the British political system of the twentieth century. "Americanisms in politics, like Americanisms in speech," as Henry Jones Ford put it, "are apt to be Anglicisms which died out in England but survived in the new world."¹⁰ The British broke their traditional political patterns in the seventeenth century. The Americans did not do so then and have only partially done so since then. Political modernization in America has thus been strangely attenuated and incomplete. In institutional terms, the American polity has never been underdeveloped, but it has also never been wholly modern.¹¹ In an age of rationalized authority, functional specialization, mass democracy, and totalitarian dictatorship, the American political system remains a curious anachronism. In today's world, the American political system is unique, if only because it is so antique.

II. THE RATIONALIZATION OF AUTHORITY

In seventeenth-century Europe the state replaced fundamental law as the source of political authority, and within each state a single authority replaced the many that had previously existed. America, on the other hand, continued to adhere to fundamental law as both a source of authority for human actions and an authoritative restraint on human behavior. In addition, in America, human authority or sovereignty was never concentrated in a single institution or individual but instead remained dispersed throughout society as a whole and among many organs of the body politic. Traditional patterns of authority were thus decisively broken and replaced in Europe; in America they were reshaped and supplemented but not fundamentally altered. The continued supremacy of law was mated to the decisive rejection of sovereignty.

⁹ McIlwain, *High Court*, 388.

¹⁰ *The Rise and Growth of American Politics* (New York 1900), 5. See also James Bryce, *The American Commonwealth* (London 1891), II, 658.

¹¹ See the distinction between modernization and political development in Huntington, "Political Development and Political Decay," *World Politics*, xvii (April 1965), 386-430.

Undoubtedly the most significant difference between modern man and traditional man is in their outlook on man in relation to his environment. In traditional society man accepts his natural and social environment as given. What is ever will be: it is or must be divinely sanctioned; and to attempt to change the permanent and unchanging order of the universe and of society is both blasphemous and impossible. Change is absent or imperceptible in traditional society because men cannot conceive of its existence. Modernity begins when men develop a sense of their own competence, when they begin to think that they can understand nature and society and can then control and change nature and society for their own purposes. Above all, modernization means the rejection of external restraints on men, the Promethean liberation of man from control by gods, fate, and destiny.

This fundamental shift from acceptance to activism manifests itself in many fields. Among the more important is law. For traditional man, law is an external prescription or restraint over which he has little control. Man discovers law but he does not make law. At most he may make supplementary emendations of an unchanging basic law to apply it to specific circumstances. In late medieval Europe, law was variously defined in terms of divine law, natural law, the law of reason, common law, and custom. In all these manifestations it was viewed as a relatively unchanging external authority for and restraint on human action. Particularly in England, the dominant concept was "the characteristic medieval idea of all authority as deriving from the law." As Bracton put it, "Law makes the King."¹² These ideas remained dominant through the Tudor years and were in one form or another at the basis of the writings of Fortescue, St. Germain, Sir Thomas Smith, Hooker, and Coke. Even after the Act of Supremacy, Parliament was still viewed as a law-declaring body, not a law-making body. Even during the first phases of the constitutional struggles of the seventeenth century, Prynne argued that "the Principal Liberties, Customs, Laws" of the kingdom, particularly those in the "great Charters," were "FUNDAMENTAL, PERPETUAL, & UNALTERABLE."¹³

The obverse of fundamental law is, of course, the rejection of determinate human sovereignty. For the men of 1600, as Figgis observes, "law is the true sovereign, and they are not under the necessity of considering whether King or Lords or Commons or all three together are the ultimate authority in the state."¹⁴ The sovereignty of law per-

¹² Corwin, 27.

¹³ McIlwain, *High Court*, 51ff., 65.

¹⁴ John Neville Figgis, *The Divine Right of Kings* (Cambridge 1922), 230. See also Christopher Morris, *Political Thought in England: Tyndale to Hooker* (London 1953), 1.

mitted a multiplicity of human authorities, since no single human authority was the sole source of law. Man owed obedience to authority, but authority existed in many institutions: king, Parliament, courts, common law, custom, church, people. Sovereignty, indeed, was an alien concept to the Tudor Constitution. No "lawyer or statesman of the Tudor period," as Holdsworth says, "could have given an answer to the question as to the whereabouts of the sovereign power in the English state."¹⁵ Society and government, Crown and people, existed together in harmony in a "single body politic." The Tudor regime, says Chrimes, "was essentially the culmination of the medieval ideals of monarchical government, in alliance with the assent of parliament for certain purposes, and acknowledging the supremacy of the common law where appropriate. No one was concerned about the location of sovereignty within the State."¹⁶ This indifference to sovereignty made the "whole standpoint" of the most notable expounder of the Elizabethan constitution, Sir Thomas Smith, "nearer that of Bracton than that of Bodin."¹⁷

Fundamental law and the diffusion of authority were incompatible with political modernization. Modernization requires authority for change. Fundamental changes in society and politics come from the purposeful actions of men. Hence authority must reside in men, not in unchanging law. In addition, men must have the power to effect change, and hence authority must be concentrated in some determinate individual or group of men. Fundamental and unchanging law may serve to diffuse authority throughout society and thus to preserve the existing social order. But it cannot serve as authority for change except for lesser changes which can be passed off as restoration. The modernization that began in the sixteenth century on the Continent and in the seventeenth century in England required new concepts of authority, the most significant of which was the simple idea of sovereignty itself, the idea that there is, in the words of Bodin, a "supreme power over citizens and subjects, unrestrained by law." One formulation of this idea was the new theory, which developed in Europe in the late sixteenth century, of the divine right of kings. Here, in effect, religious and, in that sense, traditional forms were used for modern purposes. "The Divine Right of Kings on its political

¹⁵ Holdsworth, 208.

¹⁶ Chrimes, 122-23. See also J. B. Black, *The Reign of Elizabeth 1558-1603*, 2nd ed. (Oxford 1959), 206.

¹⁷ Figgis, "Political Thought in the Sixteenth Century," *The Cambridge Modern History* (Cambridge 1904), III, 748; J. W. Allen, *A History of Political Thought in the Sixteenth Century* (New York 1960), 262.

side was little more than the popular form of expression for the theory of sovereignty."¹⁸ The doctrine became dominant in France after 1594 and was introduced into England by James I. It admirably served the purposes of the modernizing monarchs of the seventeenth century by giving the sanction of the Almighty to the purposes of the mighty. It was a necessary "transition stage between medieval and modern politics."¹⁹

In addition, of course, other political theorists responded to the needs of the time by furnishing more "rational" justifications of absolute sovereignty based on the nature of man and the nature of society. On the Continent, Bodin and the Politiques looked to the creation of a supreme royal power which would maintain order and constitute a centralized public authority above parties, sects, and groups, all of which were to exist only on its sufferance. Bodin's *Republic* was published in 1576; Hobbes's *Leviathan*, with its more extreme doctrine of sovereignty, appeared in 1651. Closely linked with the idea of absolute sovereignty was the concept of the state as an entity apart from individual, family, and dynasty. Twentieth-century modernizing Marxists justify their efforts by the needs of the party; seventeenth-century modernizing monarchs justified their actions by "reason of state." The phrase was first popularized by Botero in *Della Ragion di Stato* in 1589. Its essence was briefly defined by another Italian writer in 1614 when he declared, "The reason of state is a necessary violation of the common law for the end of public utility."²⁰ One by one the European monarchs took to legitimizing themselves and their actions by reference to the state.

In both its religious and its secular versions, in Filmer as well as in Hobbes, the import of the new doctrine of sovereignty was the subject's absolute duty to obey his king. Both versions helped political modernization by legitimizing the concentration of authority and the breakdown of the medieval pluralistic political order. They were the seventeenth-century counterparts of the theories of party supremacy and national sovereignty which are today employed to break down the authority of traditional local, tribal, and religious bodies. In the seventeenth century, mass participation in politics still lay in the future; hence rationalization of authority meant concentration of power in the absolute monarch. In the twentieth century, the broadening of participation and the rationalization of authority occur simultaneously,

¹⁸ Figgis, *Divine Right*, 237.

¹⁹ *Ibid.*, 258. See Allen, 386; McIlwain, ed., *The Political Works of James I* (Cambridge, Mass., 1918).

²⁰ Pietro A. Canoniero, quoted in Friedrich, 15-16.

and hence authority must be concentrated in either a political party or a popular charismatic leader, both of which are capable of arousing the masses as well as challenging traditional sources of authority. In terms of modernization, the seventeenth century's absolute monarch was the functional equivalent of the twentieth century's monolithic party.

On the Continent in the seventeenth century the medieval diffusion of authority among the estates rapidly gave way to the centralization of authority in the monarch. At the beginning of the century, "every country of western Christendom, from Portugal to Finland, and from Ireland to Hungary, had its assemblies of estates."²¹ By the end of the century most of these assemblies had been eliminated or greatly reduced in power. In France the last Estates General until the Revolution met in 1615, and the provincial estates, except in Brittany and Languedoc, did not meet after 1650.²² By the seventeenth century only six of the original twenty-two Spanish kingdoms retained their *cortes*. The *cortes* in Castile was already suppressed; those in Aragon were put down by Philip II; Olivares subdued Catalonia after a long bloody war. In Portugal the *cortes* met for the last time in 1697. In the kingdom of Naples parliamentary proceedings ended in 1642. The Great Elector put down the estates in Brandenburg and Prussia. The estates of Carniola, Styria, and Carinthia had already lost their powers to the Hapsburgs, who were also able during the early part of the century to curtail the powers of the estates in Bohemia, Moravia, and Silesia. The Danish crown became hereditary in 1665; that of Hungary in 1687. Toward the end of the century, Charles XI reestablished absolute rule in Sweden.²³ By 1700 the traditional diffusion of powers had been virtually eliminated from continental Europe. The modernizers and state-builders had triumphed.

The tendencies toward the substitution of sovereignty for law and the centralization of authority also occurred in England. James I sundered the Crown from Parliament, challenged the traditional authority of the law and of the judges, advocated the divine right of kings. Kings, he said, "were the authors and makers of the laws and not the laws of the kings."²⁴ James was simply attempting to modernize

²¹ Clark, 83.

²² R. R. Palmer, *The Age of the Democratic Revolution* (Princeton 1959), I, 461: "In 1787 demands were heard for revival of Provincial Estates in various parts of the country. It was a long-delayed reaction against Richelieu and Louis XIV, a demand to make France a constitutional monarchy, not on the English model, but on the model of a France that had long since passed away."

²³ See Clark's summary of constitutional trends, 86-87. See also F. L. Carsten, *Princes and Parliaments in Germany* (Oxford 1959), 436-37; and Holdsworth, 168-72.

²⁴ "The Trew Law of Free Monarchies," in McIlwain, ed., *Political Works*, 62.

English government and to move it along the paths already well developed on the Continent. His efforts at political modernization were opposed by Coke and other conservatives who argued in terms of fundamental law and the traditional diffusion of authority. Their claims, however, were out-of-date in the face of the social and political changes taking place. "Coke, like most opponents of the King, had not really grasped the conception of sovereignty; he maintained a position, reasonable enough in the Middle Ages, but impossible in a developed unitary state."²⁵ Centralization was necessary and at times it seemed that England would follow the continental pattern. But in due course the claims for royal absolutism generated counterclaims for parliamentary supremacy. When James I, Filmer, and Hobbes put the king above law, they inevitably provoked Milton's argument that "the parliament is above all positive law, whether civil or common, makes or unmakes them both." The Long Parliament began the age of parliamentary supremacy. It was then that England saw "practically for the first time a legislative assembly of the modern type,—no longer a mere law-declaring, but a *law-making* machine."²⁶ Fundamental law suffered the same fate in England that it had on the Continent, but it was replaced by an omnipotent legislature rather than by an absolute monarchy.

American development was strikingly different from that in Europe. At the same time that the modernizing monarchs were suppressing the traditional estates, that men were asserting their power to make law, that Richelieu was building an absolute state in France and Hobbes was proclaiming one in England, the old patterns of fundamental law and diffused authority were transported to a new life in the New World. The traditional view of law continued in America in two forms. First, the idea that man could only declare law and not make law remained strong in America long after it had been supplanted by positive conceptions of law in Europe. In some respects, it persisted right into the twentieth century. Secondly, the old idea of a fundamental law beyond human control was given new authority by identifying it with a written constitution. A written constitution can, of course, be viewed as a contract, deriving its authority from conscious, positive human action. But it may also and even concurrently be viewed as a codification of limitations already imposed upon government by custom and reason. It was in this latter sense that men accepted the idea of fundamental law in sixteenth- and seventeenth-century England and embodied it in their colonial charters and

²⁵ Figgis, *Divine Right*, 232.

²⁶ McIlwain, *High Court*, 93-96.

declarations of rights. The combination of both theories created a situation in which "higher law as with renewed youth, entered upon one of the great periods of its history. . . ."²⁷

The persistence of fundamental-law doctrines went hand in hand with the rejection of sovereignty. The older ideas of the interplay of society and government and the harmonious balance of the elements of the constitution continued to dominate American political thought. In England, the ideas of the great Tudor political writers, Smith, Hooker, Coke, "were on the way to becoming anachronisms even as they were set down."²⁸ In America, on the other hand, their doctrines prospered, and Hobbes remained irrelevant. Neither the divine right of kings, nor absolute sovereignty, nor parliamentary supremacy had a place on the western shores of the Atlantic. "Americans may be defined," as Pollard has said, "as that part of the English-speaking world which instinctively revolted against the doctrine of the sovereignty of the State and has, not quite successfully, striven to maintain that attitude from the time of the Pilgrim Fathers to the present day." The eighteenth-century argument of the colonists with the home country was essentially an argument against the legislative sovereignty of Parliament.

It is this denial of all sovereignty [continues Pollard] which gives its profound and permanent interest to the American Revolution. . . . These are American ideas, but they were English before they were American. They were part of that medieval panoply of thought with which, including the natural equality of man, the view of taxes as grants, the laws of nature and of God, the colonists combatted the sovereignty of Parliament. They had taken these ideas with them when they shook the dust of England off their feet; indeed they left their country in order that they might cleave to these convictions. And now they come back, bringing with them these and other sheaves, to reconvert us to the views which we have held long since but lost awhile.²⁹

To the extent that sovereignty was accepted in America it was held to be lodged in "the people." Popular sovereignty, however, is as nebulous a concept as divine sovereignty. The voice of the people is as readily

²⁷ Corwin, 89.

²⁸ George H. Sabine, *A History of Political Theory*, rev. ed. (New York 1950), 455.

²⁹ Pp. 31-33. For a perceptive discussion of the implications that this rejection of sovereignty has for the way in which the political system has adapted to the most modern of problems, see Don K. Price, *The Scientific Estate* (Cambridge, Mass., 1965), *passim*, but esp. 45-46, 58, 75-78, 165-67.

identified as is the voice of God. It is thus a latent, passive, and ultimate authority, not a positive and active one.

The difference between American and European development is also manifest in theories and practices of representation. In Europe, the elimination of the medieval representative bodies, the estates, was paralleled by a decline in the legitimacy accorded local interests. On the Continent the absolute monarch represented or embodied the state. Beginning with the French Revolution, he was supplanted by the national assembly which represented or embodied the nation. In both instances, the collective whole had authority and legitimacy: local interests, parochial interests, group interests, as Rousseau argued, lacked legitimacy and hence had no claim to representation in the central organs of the political system.

The rationalization of authority in Britain also produced changes in representation which stand in marked contrast to the continuing American adherence to the older traditional concepts. In sixteenth-century England both king and Parliament had representative functions. The king was "the representative head of the corporate community of the realm."³⁰ The members of Parliament still had their traditional medieval functions of representing local communities and special interests. In the late medieval Parliament, "the burgess is his town's attorney. His presence at parliament enables him to present petitions for confirmation of charters, the increase of local liberties, and redress of grievances, and to undertake private business in or near London for constituents."³¹ Thus, the king represented the community as a whole, while the members of Parliament represented its component parts. The M.P. was responsible to his constituency. Indeed, an act passed during the reign of Henry V required members of Parliament to reside in their constituencies. In the late sixteenth century this legal requirement began to be avoided in practice, but local residence and local ties still remained qualifications for most M.P.'s. "The overwhelming localism of representation in Parliament is its dominant feature," writes Rowse of Elizabethan England, "and gives it vigor and reality. Everywhere the majority of members are local men, either gentry of the country or townsmen. The number of official members, privy councillors and such, is very small, and even they have their roots. . . . An analysis of the representation shows a very small propor-

³⁰ Samuel H. Beer, "The Representation of Interests in British Government: Historical Background," *American Political Science Review*, LI (September 1957), 614.

³¹ Faith Thompson, *A Short History of Parliament: 1295-1642* (Minneapolis 1953), 59.

tion of outsiders, and still smaller of officials."³² The members not only resided in their constituencies and represented the interests of those constituencies, but they were also paid by their constituencies for their services. Each constituency, moreover, was normally represented by two or three members of Parliament.

The constitutional revolution of the seventeenth century dealt the death blow to this "Old Tory" system of representation. It was replaced by what Beer terms the "Old Whig" system, under which the king lost his active representative functions and the M.P. became "the representative of the whole community, as well as of its component interests."³³ Parliament, as Burke phrased it in the classic statement of the Old Whig theory, is "a *deliberative* assembly of *one* nation, with *one* interest, that of the whole—where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole." Hence the M.P. should not be bound by authoritative instructions from his constituents and should rather subordinate their interests to the general interest of the entire society. With this new concept came a radical break with the old tradition of local residence and local payment. The last recorded instance of a constituency paying its representatives was in 1678. Increasingly during the seventeenth century, members no longer resided in their constituencies. The statute was "evaded by the admission of strangers to free burghership," and it was finally repealed in 1774.³⁴ At the same time, the number of multiple-member districts declined, with their complete elimination in 1885. All these developments made Parliament the collective representative of the nation rather than a collection of representatives of individual constituencies. Thus the theory and practice of British representation adjusted to the new fact of parliamentary supremacy.

In America, of course, the Old Tory system took on new life. The colonial representative systems reproduced Tudor practices, and subsequently these were established on a national scale in the Constitution of 1787. America, like Tudor England, had a dual system of representation: the President, like the Tudor king, represented the interests of the community as a whole; the individual members of the legislature owed their primary loyalties to their constituencies. The multimember constituencies which the British had in the sixteenth century were ex-

³² P. 306. Cf. Pollard, *The Evolution of Parliament*, 2nd ed., rev. (London 1926), 159, who argues that the nationalizing changes began in the late Tudor years.

³³ Beer, 614-15.

³⁴ Herbert W. Horwill, *The Usages of the American Constitution* (London 1925), 169.

ported to the colonial legislatures in America, adapted to the upper house of the national legislature, and extended to the state legislatures where they remain in substantial number down to the present.³⁵ Local residence, which had been a legal requirement and a political fact in Tudor England, became a political requirement and a political fact in America. It reflected "the intense localism . . . which persisted in America after it had been abandoned in the mother country." Many key British political figures in the nineteenth and twentieth centuries were able to stay in Parliament because they were able to change their constituencies. "What a difference it would have made to the course of English politics," as one commentator observed, "if Great Britain had not thrown off, centuries ago, the medieval practice which America still retains!"³⁶ Contrariwise, Americans may view with astonishment and disdain the gap that political modernization has created between the British M.P. and his constituents.³⁷

III. DIFFERENTIATION OF STRUCTURE

In comparing European and American development, a distinction must be made between "functions" and "power." In this article, "power" (in the singular) means influence or control over the actions of others, and "function" refers to particular types of activity, which may be defined in various ways. "Powers" (in the plural) will not be used, since most authors use it to mean "functions." It is thus possible to speak with the Founding Fathers of legislative, executive, and judicial functions, and, with Bagehot, of dignified and efficient functions—and also to speak of legal and political functions, military and civil functions, domestic and foreign functions. Governmental institutions may be equal or unequal in power and specialized or overlapping in function.

In Europe the rationalization of authority and the centralization of power were accompanied by functional differentiation and the emer-

³⁵ Maurice Klain, "A New Look at the Constituencies: The Need for a Recount and a Reappraisal," *American Political Science Review*, XLIX (December 1955), *passim*, but esp. 1111-13. In 1619 the London Company aped English practice when it summoned to the first Virginia House of Burgesses "two Burgesses from each Plantation freely . . . elected by the inhabitants thereof."

³⁶ Horwill, 169-70.

³⁷ See, e.g., the comments of one American newspaperman covering the 1964 general election: "British members of Parliament aren't oriented toward their constituencies. They don't even have to live in them. . . . Constituencies tend to be regarded as political factories to provide fodder for the national consensus in London. An American Congressman may get 1,500 to 2,000 letters a week from people who elect him. A British MP usually gets no more than 10" (Roderick MacLeish, *New York Herald Tribune*, October 11, 1964).

gence of more specialized governmental institutions and bodies. These developments were, of course, a response to the growing complexity of society and the increasing demands upon government. Administrative, legal, judicial, and military institutions developed as semi-autonomous but subordinate bodies in one way or another responsible to the political bodies (monarch or parliament) which exercised sovereignty. The dispersion of functions among relatively specialized institutions, in turn, encouraged inequalities in power among the institutions. The legislative or law-making function carried with it more power than did the administrative or law-enforcement function.

In medieval government and in Tudor government the differentiation of functions was not very far advanced. A single institution often exercised many functions, and a single function was often dispersed among several institutions. This tended to equalize power among institutions. The government of Tudor England was a "government of fused power" (functions)—that is, Parliament, Crown, and other institutions each performed many functions.³⁸ In the seventeenth and eighteenth centuries British government evolved toward a concentration of power and a differentiation of function. In Great Britain, as Pollard argues, "Executive, legislature, and judicature have been evolved from a common origin, and have adapted themselves to specific purposes, because without that specialization of functions English government would have remained rudimentary and inefficient. But there has been no division of sovereignty and no separation of powers."³⁹

In America, in contrast, sovereignty was divided, power was separated, and functions were combined in many different institutions. This result was achieved despite rather than because of the theory of the separation of powers (i.e., functions) which was prevalent in the eighteenth century. In its pure form, the assignment of legislative, executive, and judicial functions to separate institutions would give one institution a monopoly of the dominant law-making function and thus would centralize power. This was in part what Locke wanted and even more what Jefferson wanted. The theory was also, of course, found in Montesquieu, but Montesquieu recognized the inequality of power that would result from the strict separation of functions. The "judiciary," he said, "is in some measure next to nothing." Consequently, to obtain a real division of power, Montesquieu divided the legislative function among three institutions representing the three traditional estates of the realm. In practice in America, as in Tudor England, not

³⁸ McIlwain, *High Court*, xi.

³⁹ Pollard, *Evolution of Parliament*, 257.

only was power divided by dividing the legislative function but other functions were also shared among several institutions, thus creating a system of "checks and balances" which equalized power. "The constitutional convention of 1787," as Neustadt has said, "is supposed to have created a government of 'separated powers' [i.e., functions]. It did nothing of the sort. Rather, it created a government of separated institutions *sharing* powers [functions]." ⁴⁰ Thus America perpetuated a fusion of functions and a division of power, while Europe developed a differentiation of functions and a centralization of power.

In medieval government no distinction existed between legislation and adjudication. On the Continent such institutions as the *Justiza* of Aragon and the French *parlements* exercised important political functions into the sixteenth century. In England, Parliament, an essentially political body, was viewed primarily as a court down to the seventeenth century. The courts of law, as Holdsworth observes, "were, in the days before the functions of government had become specialized, very much more than merely judicial tribunals. In England and elsewhere they were regarded as possessing functions which we may call political, to distinguish them from those purely judicial functions which nowadays are their exclusive functions on the continent, and their principal functions everywhere. That the courts continued to exercise these larger functions, even after departments of government had begun to be differentiated, was due to the continuance of that belief in the supremacy of the law which was the dominant characteristic of the political theory of the Middle Ages." ⁴¹

In England, the supremacy of the law disappeared in the civil wars of the seventeenth century and with it disappeared the mixture of judicial and political functions. English judges followed Bacon rather than Coke and became "lions under the throne" who could not "check or oppose any points of sovereignty." In the eighteenth century, Blackstone could flatly state that no court could declare invalid an act of Parliament, however unreasonable it might be. To admit such a power, he said, "were to set the judicial power above that of the legislature, which would be subversive of all government." ⁴² Parliament had evolved from high court to supreme legislature.

In America, on the other hand, the mixture of judicial and political functions remained. The judicial power to declare what the law is be-

⁴⁰ Richard E. Neustadt, *Presidential Power: The Politics of Leadership* (New York 1960), 33.

⁴¹ P. 169.

⁴² Sir William Blackstone, *Commentaries on the Laws of England*, ed. Thomas M. Cooley (Chicago 1876), 1, 90.

came the mixed judicial-legislative power to tell the legislature what the law cannot be. The American doctrine and practice of judicial review were undoubtedly known only in very attenuated form in late sixteenth-century and early seventeenth-century England. Indeed, the whole concept of judicial review implies a distinction between legislative and judicial functions which was not explicitly recognized at that time. It is, nonetheless, clear that Tudor and early Stuart courts did use the common law to "controul" acts of Parliament at least to the point of redefining rather sweepingly the purposes of Parliament. These actions did not represent a conscious doctrine of judicial review so much as they represented the still "undifferentiated fusion of judicial and legislative functions."⁴³ This fusion of legislative and judicial functions was retained by American courts and was eventually formulated into the doctrine and practice of judicial review. The legislative functions of courts in America, as McIlwain argues, are far greater than those in England, "because the like tendency was there checked by the growth in the seventeenth century of a new doctrine of parliamentary supremacy." Unlike English courts, "American courts still retain much of their Tudor indefiniteness, notwithstanding our separation of departments. They are guided to an extent unknown now in England by questions of policy and expediency."⁴⁴ Foreign observers since De Tocqueville have identified the "immense political influence" of the courts as one of the most astonishing and unique characteristics of American government.

The mixing of legal and political functions in American government can also be seen in the consistently prominent role of lawyers in American politics. In fourteenth- and fifteenth-century England lawyers played an important role in the development of parliamentary proceedings, and the alliance between Parliament and the law, in contrast to the separation between the Estates General and the French *parlement*, helped to sustain parliamentary authority.⁴⁵ In Elizabethan England, lawyers played an increasingly important role in Parliament. In 1593, for instance, forty-three percent of the members of the House of Commons possessed a legal education. The Speaker and the other leading figures in the House were usually lawyers. Subsequently, the role of lawyers in the British Parliament declined in significance, reaching a low in the nineteenth century. In the twentieth century only about twenty percent of the M.P.'s have been lawyers. In

⁴³ See J. W. Gough, *Fundamental Law in English Constitutional History* (Oxford 1955), 27.

⁴⁴ McIlwain, *High Court*, ix, 385-86.

⁴⁵ Holdsworth, 174, 184-85, 188-89.

America, on the other hand, in the colonial governments, in the state governments, and in the national government, the Tudor heritage of lawyer-legislators has continued, with lawyers usually being a majority of the members of American legislative bodies.⁴⁶

Every political system, as Bagehot pointed out, must gain authority and then use authority. In the modern British system these functions are performed by the dignified and efficient parts of the constitution. The assignment of each function to separate institutions is one aspect of the functional differentiation that is part of modernization. It can be seen most clearly, of course, in the case of the so-called constitutional monarchies, but in some degree it is found in almost all modern governments.⁴⁷ The American political system, however, like the older European political systems, does not assign dignified and efficient functions to different institutions. All major institutions of the American government—President, Supreme Court, House, Senate, and their state counterparts—combine in varying degrees both types of functions. This combination is, of course, most notable in the Presidency. Almost every other modern political system from the so-called constitutional monarchies of Great Britain and Scandinavia to the parliamentary republics of Italy, Germany, and France before De Gaulle, to the Communist dictatorships of Eastern Europe separates the chief of state from the head of government. In the Soviet system, the differentiation is carried still further to distinguish chief of state from head of government from party chief. In the United States, however, the President unites all three functions, this combination being both a major source of his power and a major limitation on that power, since the requirements of one role often conflict with the demands of another. The combination of roles perpetuates ancient practice. The Presidency was created, as Jefferson declared in 1787, as an “elective monarchy”; the office was designed to embody much of the power of the British king; and the politics that surround it are court politics.⁴⁸

⁴⁶ See J. E. Neale, *The Elizabethan House of Commons* (London 1949), 290-95; Rowse, 307; Thompson, 169-73; Donald R. Matthews, *The Social Background of Political Decision-Makers* (New York 1954), 28-31; J. F. S. Ross, *Elections and Electors* (London 1955), 444; W. L. Guttsman, *The British Political Elite* (New York 1963), 82, 90, 105; D. E. Butler and Richard Rose, *The British General Election of 1959* (London 1960), 127.

⁴⁷ Walter Bagehot, *The English Constitution* (London 1949), 3-4. See also Francis X. Sutton, “Representation and the Nature of Political Systems,” *Comparative Studies in Society and History*, 11 (October 1959), 7: “. . . the kind of distinction Bagehot made when he talked of the ‘dignified’ and ‘efficient’ parts of the English constitution is observed clearly in many states. . . . The discrimination of functions here rests, of course, on an analytical distinction relevant in any political system. It is that between symbolic representation and executive control.”

⁴⁸ Thomas Jefferson, Letter to James Madison, December 20, 1787, *Writings* (Wash-

The Presidency is, indeed, the only survival in the contemporary world of the constitutional monarchy once prevalent throughout medieval Europe. In the sixteenth century a constitutional monarch was one who reigned and ruled, but who ruled under law ("non sub homine sed sub Deo et lege") with due regard to the rights and liberties of his subjects, the type of monarch that Fortescue had in mind when he distinguished *dominium politicum et regale* from *dominium regale*. In the seventeenth century this old-style constitutional monarch was supplanted by the new-style absolute monarch who placed himself above the law. Subsequently, the eighteenth and nineteenth centuries saw the emergence of a new so-called "constitutional monarchy" in which a "dignified" monarch reigned but did not rule. Like the absolute monarch he is a modern invention created in response to the need to fix supreme power in a single organ. The American Presidency, on the other hand, continues the original type of constitutional monarchy. In functions and power, American Presidents are Tudor kings. In institutional role, as well as in personality and talents, Lyndon Johnson far more closely resembles Elizabeth I than does Elizabeth II. Britain preserved the form of the old monarchy, but America preserved the substance. Today America still has a king, Britain only a Crown.

In most modern states the legislative function is in theory in the hands of a large representative assembly, parliament, or supreme soviet. In practice, however, it is performed by a relatively small body of men—a cabinet or presidium—which exercises its power in all fields of governmental activity. In America, however, the legislative function remains divided among three distinct institutions and their subdivisions, much as it was once divided among the different estates and other constituted bodies in late medieval Europe. On the national level this arrangement derives not from the ideas of any European theorist but rather from the "institutional history of the colonies between 1606 and 1776."⁴⁹ The relations among burgesses, councils, and

ington 1903-05), vi, 389-90; Ford, 293. For an elegant—and eloquent—essay on the President as king, see D. W. Brogan, "The Presidency," *Encounter* (January 1964), 3-7. I am in debt to Richard E. Neustadt for insights into the nature of the American monarchy and into the similarities between White House politics and palace politics. See also Pollard, *Factors in American History*, 72-73: ". . . down to this day the Executive in the United States is far more monarchical and monarchy far more personal than in the United Kingdom. 'He' is a single person there, but 'it' is a composite entity in Great Britain."

⁴⁹ Benjamin F. Wright, "The Origins of the Separation of Powers in America," *Economics*, xiii (May 1933), 169ff.

governors in the colonies, in turn, reflected the relations among Crown, Lords, and Commons in the late sixteenth century.

In modern politics, the division of power between two bodies in a legislative assembly generally varies inversely with the effective power of the assembly as a whole. The Supreme Soviet has little power but is truly bicameral; the British Parliament has more power but is effectively unicameral. America, however, is unique in preserving a working bicameralism directly inherited from the sixteenth century. Only in Tudor times did the two houses of Parliament become formally and effectively distinguished, one from the other, on an institutional basis. "The century started with Parliament a unitary institution, truly bi-cameral only in prospect." When it ended, the growth in "the power, position, and prestige of the House of Commons" had made Parliament "a political force with which the Crown and government had to reckon."⁵⁰ The sixteenth century represented a peak of bicameralism in English parliamentary history. Each house often quashed bills that had passed the other house, and to resolve their differences the houses resorted to conference committees. Originally used as an "occasional procedure," in 1571 the conference committee was transformed into "a normal habit." In Elizabethan Parliaments, conferences were requested by one or the other house on most bills; the conference delegations were at times instructed not to yield on particular items; and when there were substantial differences between the versions approved by the two houses, the conference committee might substantially rewrite the entire bill, at times at the urging and with the advice of the Queen and her councillors. Although all this sounds very contemporary, it is, in fact, very Tudor, and it is this conference committee procedure that was carried over into the colonial legislatures and then extended to the national level. In Great Britain, however, the practice died out with the rise of cabinet responsibility to the Commons. The last real use of "Free Conferences," where discussion and hence politics were permitted, occurred about 1740.⁵¹

The participation of two assemblies and the chief executive in the legislative process caused the continuation in America of many other legislative methods familiar to Tudor government. An assembly that legislates must delegate some of its work to subordinate bodies or committees. Committees made their appearance in the Tudor Parlia-

⁵⁰ Neale, *Elizabeth I and Her Parliaments* (New York 1958), 1, 16-17.

⁵¹ *Ibid.*, 235, 287, 387-88, 412-13; G. F. M. Champion, *An Introduction to the Procedure of the House of Commons* (London 1929), 199; Ada C. McCown, *The Congressional Conference Committee* (New York 1927), 23-37.

ment in the 1560's and 1570's. The practice of referring bills to committees soon became almost universal, and the committees, as they assumed more and more of the functions of the House, became larger and more often permanent. The committees were also frequently dominated by those with a special interest in the legislation that they considered. Bills concerned with local and regional problems went to committees composed of members from those regions and localities.⁵² By the turn of the century the larger committees had evolved into standing committees which considered all matters coming up within a general sphere of business. This procedure reflected the active role of the Commons in the legislative process. The procedure was, in turn, exported to the colonies in the early seventeenth century—particularly to the Virginia House of Burgesses—where it also met a real need, and 150 years later was duplicated in the early sessions of the national Congress. At the same time in England, however, the rise of the cabinet undermined the committee system that had earlier existed in Parliament; the old standing committees of the House of Commons became empty formalities, indistinguishable from Committees of the Whole House, long before they were officially discontinued in 1832.

The division of the legislative function imposed similar duties upon the Speaker in the Tudor House of Commons and in subsequent American legislatures. The Tudor Speaker was a political leader, with a dual allegiance to the Crown and to the House. His success in large measure depended upon how well he could balance and integrate these often conflicting responsibilities. He was the “manager of the King’s business” in the House, but he was also the spokesman for the House to the Crown and the defender of its rights and privileges. He could exercise much influence in the House by his control, subject to veto by the House, over the order in which bills were called up for debate and by his influence on the “timing and framing of questions.” The struggle between Crown and Parliament in the seventeenth century, however, made it impossible for the Speaker to continue his loyalties to both. His overriding duty was now to the House, and, in due course, the impartiality of Onslow in the eighteenth century (1727-1761) became the norm for Speakers in the nineteenth and twentieth centuries. Thus in Britain an office that had once been weighted with politics, efficient as well as dignified, radically changed its character and became that of a depoliticized, impartial presiding officer. In America, on the other hand, the political character of the

⁵² Rowse, 307.

Tudor Speakership was perpetuated in the colonial assemblies and eventually in the national House of Representatives.⁵³

The sharing of the legislative function among two assemblies and the chief executive gives a strikingly Tudor character to the contemporary American law-making process. In Elizabethan England, Rowse observes, the "relations between Crown and Parliament were more like those between President and Congress than those that subsist in England today."⁵⁴ The Tudor monarchs had to badger, wheedle, cajole, and persuade the Commons to give them the legislation they wanted. At times they were confronted by unruly Parliaments which pushed measures the monarch did not want, or debated issues the monarch wished to silence. Generally, of course, the monarch's "legislative program," consisting primarily of requests for funds, was approved. At other times, however, the Commons would rear up and the monarch would have to withdraw or reshape his demands. Burghley, who was in charge of Parliamentary relations for Elizabeth, "kept a close eye on proceedings and received from the Clerks during the session lists showing the stages of all bills in both Houses."⁵⁵ Elizabeth regularly attempted to win support in the Commons for her proposals by sending messages and "rumours" to the House, by exhorting and instructing the Speaker on how to handle the business of the House, by "receiving or summoning deputations from the Houses to Whitehall and there rating them in person," and by "descending magnificently upon Parliament in her coach or open chariot and addressing them" personally or through the Lord Keeper.⁵⁶

Although the sovereign did not "lack means of blocking obnoxious bills during their progress through the two Houses," almost every session of Parliament passed some bills that the Crown did not want, and the royal veto was exercised. Although the veto was used more frequently against private bills than against public ones, important public measures might also be stopped by the Crown. During her reign Elizabeth I apparently approved 429 bills and vetoed approximately 71. The veto, however, was not a weapon that the Crown could use without weighing costs and gains: ". . . politics—the art of the possible—were not entirely divorced from Tudor monarchy. Too drastic or ill-considered a use of the royal veto might have stirred up trouble."⁵⁷

⁵³ Neale, *House of Commons*, 381 and *passim*; Holdsworth, 177; Campion, II, 52-54.

⁵⁴ P. 294.

⁵⁵ Neale, *House of Commons*, 411.

⁵⁶ Rowse, 294-95.

⁵⁷ Neale, *House of Commons*, 410-12, and *Elizabeth I and Her Parliaments*, *passim*. Until the eighteenth century, Privy Councillors, of course, functioned as advisers to the King much as cabinet members now do to the President. Perhaps reflecting both

The tactics of Henry VIII or Elizabeth I in relation to their Parliaments thus differed little from those of Kennedy or Johnson in relation to their Congresses. A similar distribution of power imposed similar patterns of executive-legislative behavior.

The differentiation of specialized administrative structures also took place much more rapidly in Europe than it did in America. The contrast can be strikingly seen in the case of military institutions. A modern military establishment consists of a standing army recruited voluntarily or through conscription and commanded by a professional officer corps. In Europe a professional officer corps emerged during the first half of the nineteenth century. By 1870 the major continental states had developed most of the principal institutions of professional officership. England, however, lagged behind the Continent in developing military professionalism, and the United States lagged behind Great Britain. Not until the turn of the century did the United States have many of the institutions of professional officership which the European states had acquired many decades earlier. The division of power among governmental institutions perpetuated the mixing of politics and military affairs, and enormously complicated the emergence of a modern system of objective civilian control. Even after World War II, many Americans still adhered to a "fusionist" approach to civil-military relations and believed that military leadership and military institutions should mirror the attitudes and characteristics of civil society.⁵⁸

American reluctance to accept a standing army also contrasts with the much more rapid modernization in Europe. In the sixteenth century European military forces consisted of feudal levies, mercenaries, and local militia. In England the militia was an ancient institution, and the Tudors formally organized it on a county basis under the Lord Lieutenants to take the place of the private retinues of the feudal lords. This development was a step toward "domestic tranquility and military incompetence," and in 1600, "not a single western country had a standing army: the only one in Europe was that of the Turks."⁵⁹ By the end of the century, however, all the major European powers had

this similarity and the later drastic change that took place in the British cabinet is the fact that in the United States the executive leadership is still called "the Administration," as it was in eighteenth-century Britain, while in Britain itself, it is now termed "the Government."

⁵⁸ See, in general, Huntington, *The Soldier and the State* (Cambridge, Mass., 1957), *passim*.

⁵⁹ J. H. Hexter, *Reappraisals in History* (Evanston 1962), 147; and Clark, 84. On the fundamental changes in European military practice, see Michael Roberts, *The Military Revolution: 1560-1660* (Belfast n.d.).

standing armies. Discipline was greatly improved, uniforms introduced, regulations formalized, weapons standardized, and effective state control extended over the military forces. The French standing army dates from Richelieu; the Prussian from the actions of the Great Elector in 1655; the English from the Restoration of 1660. In England the county militia continued in existence after 1660, but steadily declined in importance.

In America, on the other hand, the militia became the crucial military force at the same time that it was decaying in Europe. It was the natural military system for societies whose needs were defensive rather than offensive and intermittent rather than constant. The seventeenth-century colonists continued, adapted, and improved upon the militia system that had existed in Tudor England. In the next century, they identified militia with popular government and standing armies with monarchical tyranny. "On the military side," as Vagts says, "the war of the American Revolution was in part a revolt against the British standing army. . . ." ⁶⁰ But in terms of military institutions, it was a reactionary revolt. The standing armies of George III represented modernity; the colonial militias embodied traditionalism. The American commitment to this military traditionalism, however, became all the more complete as a result of the War of Independence. Hostility to standing armies and reliance on the militia as the first line of defense of a free people became popular dogma and constitutional doctrine, even though these were often departed from in practice. Fortunately, however, the threats to security in the nineteenth century were few, and hence the American people were able to go through that century with a happy confidence in an ineffective force protecting them from a nonexistent danger. The militia legacy, however, remained a continuing element in American military affairs far into the much more tumultuous twentieth century. It is concretely manifest today in the political influence and military strength of the National Guard. The idea that an expert military force is better than a citizen-soldier force has yet to win wholehearted acceptance on this side of the Atlantic.

IV. TUDOR POLITY AND MODERN SOCIETY

The rationalization of authority and the differentiation of structure were thus slower and less complete in America than they were in

⁶⁰ Alfred Vagts, *A History of Militarism*, rev. ed. (New York 1959), 92. See generally Louis Morton, "The Origins of American Military Policy," *Military Affairs*, xxii (Summer 1958), 75-82.

Europe. Such was not the case with the third aspect of political modernization: the broadening of political participation. Here, if anything, America led Europe, although the differences in timing in the expansion of participation were less significant than the differences in the way in which that expansion took place. These contrasts in political evolution were directly related to the prevalence of foreign war and social conflict in Europe as contrasted with America.

On the Continent, the late sixteenth and the seventeenth centuries were periods of intense struggle and conflict. For only three years during the entire seventeenth century was there a complete absence of fighting on the European Continent. Several of the larger states were more often at war during the century than they were at peace. The wars were usually complex affairs involving many states tied together in dynastic and political alliances. War reached an intensity in the seventeenth century which it had never reached previously and which was exceeded later only in the twentieth century.⁶¹ The prevalence of war directly promoted political modernization. Competition forced the monarchs to build their military strength. The creation of military strength required national unity, the suppression of regional and religious dissidents, the expansion of armies and bureaucracies, and a major increase in state revenues. "The most striking fact" in the history of seventeenth-century conflict, Clark observes, "is the great increase in the size of armies, in the scale of warfare. . . . Just as the modern state was needed to create the standing army, so the army created the modern state, for the influence of the two causes was reciprocal. . . . The growth of the administrative machine and of the arts of government was directed and conditioned by the desire to turn the national and human resources of the country into military power. The general development of European institutions was governed by the fact that the continent was becoming more military, or, we may say, more militaristic."⁶² War was the great stimulus to state-building.

In recent years much has been written about "defensive modernization" by the ruling groups in non-Western societies, such as Egypt

⁶¹ Clark, 98; Quincy Wright, *A Study of War* (Chicago 1942), 1, 235-40. See also Clark, *War and Society in the Seventeenth Century* (Cambridge 1958), *passim*.

⁶² *Seventeenth Century*, 99, 101-2. See also Wright, 256: ". . . it would appear that the political order of Europe changed most radically and rapidly in the seventeenth and twentieth centuries when war reached greatest intensity. The seventeenth century witnessed the supersession of feudalism and the Holy Roman Empire by the secular sovereign states of Europe. The twentieth century appears to be witnessing the supersession of the secular sovereign states by something else. Exactly what cannot yet be said."

under Mohammed Ali, the eighteenth- and nineteenth-century Ottoman Empire, and Meiji Japan. In all these cases, intense early efforts at modernization occurred in the military field, and the attempts to adopt European weapons, tactics, and organization led to the modernization of other institutions in society. What was true of these societies was also true of seventeenth-century Europe. The need for security and the desire for expansion prompted the monarchs to develop their military establishments, and the achievement of this goal required them to centralize and to rationalize their political machinery.

Largely because of its insular position, Great Britain was a partial exception to this pattern of war and insecurity. Even so, one major impetus to the centralization of authority in English government came from the efforts of the Stuart kings to collect more taxes to build and man more ships to compete with the French and other continental powers. If it were not for the English Channel, the Stuart centralization probably would have succeeded. In America in the seventeenth century, however, continuing threats came only from the Indians. The nature of this threat, plus the dispersion of the settlements, meant that the principal defense force had to be the settlers themselves organized into militia units. There was little incentive to develop European-type military forces and a European-type state to support and control them.

Civil harmony also contributed significantly to the preservation of Tudor political institutions in America. Those institutions reflected the relative unity and harmony of English society during the sixteenth century. English society, which had been racked by the Wars of the Roses in the fifteenth century, welcomed the opportunity for civil peace that the Tudors afforded. Social conflict was minor during the sixteenth century. The aristocracy had been almost eliminated during the civil wars of the previous century. England was not perhaps a middle-class society but the differences between social classes were less than they had been earlier and much less than they were to become later. Individual mobility rather than class struggle was the keynote of the Tudor years. "The England of the Tudors was an 'organic state' to a degree unknown before Tudor times, and forgotten almost immediately afterward."⁶³ Harmony and unity made it unnecessary to fix sovereignty in any particular institution; it could remain dispersed so long as social conflict was minimal.

The only major issue that disrupted the Tudor consensus was, of course, religion. Significantly, in sixteenth-century English history the Act of Supremacy meant the supremacy of the state over the church,

⁶³ McIlwain, *High Court*, 336; Rowse, 223ff.

not the supremacy of one governmental institution over another or one class over another. After the brief interlude of the Marian struggles, however, the shrewd politicking and popular appeal of Elizabeth restored a peace among religious groups which was virtually unique in Europe at that time. The balance between Crown and Parliament and the combination of an active monarchy and common law depended upon this social harmony. Meanwhile on the Continent, civil strife had already reached a new intensity before the end of the sixteenth century. France alone had eight civil wars during the thirty-six years between 1562 and 1598, a period roughly comprising the peaceful reign of Elizabeth in England. The following fifty years saw Richelieu's struggles with the Huguenots and the wars of the Fronde. Spain was racked by civil strife, particularly between 1640 and 1652 when Philip IV and Olivares attempted to subdue Catalonia. In Germany, princes and parliaments fought each other. Where, as frequently happened, estates and princes espoused different religions, the controversy over religion inevitably broke the medieval balance of powers between princes and parliaments.⁶⁴

English harmony ended with the sixteenth century. Whether the gentry were rising, falling, or doing both in seventeenth-century England, forces were at work in society disrupting Tudor social peace. The efforts to reestablish something like the Tudor balance broke down before the intensity of social and religious conflict. The brief period of Crown power between 1630 and 1640, for instance, gave way "to a short-lived restoration of something like the Tudor balance of powers during the first year of the Long Parliament (1641). This balance might perhaps have been sustained indefinitely, but for the rise of acute religious differences between the Crown and the militant Puritan party in the Commons."⁶⁵ In England, as in France, civil strife led to the demand for strong centralized power to reestablish public order. The breakdown of unity in society gave rise to irresistible forces to reestablish that unity through government.

Both Puritan and Cavalier emigrants to America escaped from English civil strife. The process of fragmentation, in turn, encouraged homogeneity, and homogeneity encouraged "a kind of immobility."⁶⁶ In America, environment reinforced heredity, as the common challenges of the frontier combined with the abundance of land to help

⁶⁴ Friedrich, 20-21; Sabine, 372-73.

⁶⁵ Chrimes, 138.

⁶⁶ Louis Hartz, *The Founding of New Societies* (New York 1964), 3, 4, 6, 23. Hartz's theory of fragmentation furnishes an excellent general framework for the analysis of the atrophy of settlement colonies, while his concept of the American liberal consensus in large part explains the preservation of Tudor political institutions.

perpetuate the egalitarian characteristics of Tudor society and the complexity of Tudor political institutions. And paradoxically, as Hartz has pointed out, the framers of the Constitution of 1787 reproduced these institutions on the federal level in the belief that the social divisions and conflict within American society made necessary a complex system of checks and balances. In reality, however, their Constitution was successful only because their view of American society was erroneous. So also, only the absence of significant social divisions permitted the continued transformation of political issues into legal ones through the peculiar institution of judicial review.⁶⁷ Divided societies cannot exist without centralized power; consensual societies cannot exist with it.

In continental Europe, as in most contemporary modernizing countries, rationalized authority and centralized power were necessary not only for unity but also for progress. The opposition to modernization came from traditional interests: religious, aristocratic, regional, and local. The centralization of power was necessary to smash the old order, break down the privileges and restraints of feudalism, and free the way for the rise of new social groups and the development of new economic activities. In some degree a coincidence of interest did exist between the absolute monarchs and the rising middle classes. Hence European liberals often viewed favorably the concentration of authority in an absolute monarch, just as modernizers today frequently view favorably the concentration of authority in a single "mass" party.

In America, on the other hand, the absence of feudal social institutions made the centralization of power unnecessary. Since there was no aristocracy to dislodge, there was no need to call into existence a governmental power capable of dislodging it.⁶⁸ This great European impetus to political modernization was missing. Society could develop and change without having to overcome the opposition of social classes with a vested interest in the social and economic status quo. The combination of an egalitarian social inheritance plus the plenitude of land and other resources enabled social and economic development to take place more or less spontaneously. Government often helped to promote economic development, but (apart from the abolition of slavery) it played only a minor role in changing social customs and social structure. In modernizing societies, the centralization of power varies di-

⁶⁷ Hartz, *The Liberal Tradition in America* (New York 1955), 9-10, 45-46, 85-86, 133-34, 281-82.

⁶⁸ *Ibid.*, 43.

rectly with the resistance to social change. In the United States, where the resistance was little, so also was the centralization.

The differences in social consensus between Europe and America also account for the differences in the manner in which political participation expanded. In Europe this expansion was marked by discontinuities on two levels. On the institutional level, democratization meant the shift of power from monarchical ruler to popular assembly. This shift began in England in the seventeenth century, in France in the eighteenth century, and in Germany in the nineteenth century. On the electoral level, democratization meant the extension of the suffrage for this assembly from aristocracy to upper bourgeoisie, lower bourgeoisie, peasants, and urban workers. The process is clearly seen in the English reform acts of 1832, 1867, 1884, and 1918. In America, on the other hand, no such class differences existed as in England. Suffrage was already widespread in most colonies by independence, and universal white manhood suffrage was a fact in most states by 1830. The unity of society and the division of government meant that the latter was the principal focus of democratization. The American equivalent of the Reform Act of 1832 was the change in the nature of the Electoral College produced by the rise of political parties, and the resulting transformation of the Presidency from an indirectly elected, semi-oligarchical office to a popular one. The other major steps in the expansion of popular participation in the United States involved the extension of the electoral principal to all the state governors, to both houses of the state legislatures, to many state administrative offices and boards, to the judiciary in many states, and to the United States Senate. Thus, in Europe the broadening of participation meant the extension of the suffrage for one institution to all classes of society, while in America it meant the extension of the suffrage by the one class in society to all (or almost all) institutions of government.

In Europe the opposition to modernization within society forced the modernization of the political system. In America, the ease of modernization within society precluded the modernization of the political system. The United States thus combines the world's most modern society with one of the world's most antique polities. The American political experience is distinguished by frequent acts of creation but few, if any, of innovation. Since the Revolution, constitutions have been drafted for thirty-eight new political systems, but the same pattern of government has been repeated over and over again. The new constitutions of Alaska and Hawaii differ only in detail from

the constitution of Massachusetts, originally drafted by John Adams in 1780. When else in history has such a unique series of opportunities for political experiment and innovation been so almost totally wasted?

This static quality of the political system contrasts with the prevalence of change elsewhere in American society. A distinguishing feature of American culture, Robin Williams has argued, is its positive orientation toward change. In a similar vein, two observers have noted, "In the United States change itself is valued. The new is good; the old is unsatisfactory. Americans gain prestige by being among the first to own next year's automobile; in England, much effort is devoted to keeping twenty-five-year-old cars in operating condition."⁶⁹ In three centuries, a few pitifully small and poor rural settlements strung along the Atlantic seaboard and populated in large part by religious exiles were transformed into a huge, urbanized, continental republic, the world's leading economic and military power. America has given the world its most modern and efficient economic organizations. It has pioneered social benefits for the masses: mass production, mass education, mass culture. Economically and socially, everything has been movement and change. Politically, however, the only significant institutional innovation has been federalism, and this, in itself, of course, was made possible only by the traditional hostility to the centralization of authority. Fundamental social and economic change has been combined with political stability and continuity. In a society dedicated to what is shiny new, the polity remains quaintly old.

Modernity is thus not all of a piece. The American experience demonstrates conclusively that some institutions and some aspects of a society may become highly modern while other institutions and other aspects retain much of their traditional form and substance. Indeed, this may be a natural state of affairs. In any system some sort of equilibrium or balance must be maintained between change and continuity. Change in some spheres renders unnecessary or impossible change in others. In America the continuity and stability of government has permitted the rapid change of society, and the rapid change in society has encouraged continuity and stability in government. The relation between polity and society may well be dialectical rather than complementary. In other societies, such as Latin America, a rigid social structure and the absence of social and economic change have been combined with political instability and the weakness of political

⁶⁹ Williams, *American Society*, 2nd ed., rev. (New York 1961), 571; Eli Ginzberg and Ewing W. Reilly, *Effecting Change in Large Organizations* (New York 1957), 18-19.

institutions. A good case can be made, moreover, that the latter is the result of the former.⁷⁰

This combination of modern society and Tudor polity explains much that is otherwise perplexing about political ideas in America. In Europe the conservative is the defender of traditional institutions and values, particularly those in society rather than in government. Conservatism is associated with the church, the aristocracy, social customs, the established social order. The attitude of conservatives toward government is ambivalent: Government is viewed as the guarantor of social order, but it also is viewed as the generator of social change. Society rather than government has been the principal conservative concern. European liberals, on the other hand, have had a much more positive attitude toward government. Like Turgot, Price, and Godwin, they have viewed the centralization of power as the precondition of social reform. They have supported the gathering of power into a single place—first the absolute monarch, then the sovereign assembly—where it can then be used to change society.

In America, on the other hand, these liberal and conservative attitudes have been thoroughly confused and partly reversed. Conservatism has seldom flourished because it has lacked social institutions to conserve. Society is changing and modern, while government, which the conservative views with suspicion, has been relatively unchanging and antique. With a few exceptions, such as a handful of colleges and churches, the oldest institutions in American society are governmental institutions. The absence of established social institutions, in turn, has made it unnecessary for American liberals to espouse the centralization of power as did European liberals. John Adams could combine Montesquieu's polity with Turgot's society much to the bafflement of Turgot. Nineteenth-century Europeans had every reason to be fascinated by America: It united a liberal society which they were yet to experience with a conservative politics which they had in large part forgotten.

V. TUDOR POLITY AND MODERNIZING SOCIETIES

Recently much has been made of the relevance to the currently modernizing countries of Asia, Africa, and Latin America of the earlier phases of modernization in the United States. It has been argued that the United States was and still should be a revolutionary power. The American Revolution, it has been said, "started a chain reaction"

⁷⁰ Merle Kling, "Toward a Theory of Power and Political Instability in Latin America," *Western Political Quarterly*, ix (March 1956), 21-31.

beginning with the French Revolution and leading on to the Russian Revolution which was "the American Revolution's child, though an unwanted and unacknowledged one."⁷¹ But the effort to see connections and/or parallels between what happened in America in the eighteenth century and what is happening in Asia, Africa, and elsewhere in the twentieth century can only contribute to monstrous misunderstandings of both historical experiences. The American Revolution was not a social revolution like the French, Russian, Chinese, Mexican, or Cuban revolutions; it was a war of independence. Moreover, it was not a war of independence of natives against alien conquerors, like the struggles of the Indonesians against the Dutch, or of the Vietnamese or the Algerians against the French, but was instead a war of settlers against the home country. Any recent parallels are in the relation of the Algerian *colons* to the French Republic or of the Southern Rhodesians to the United Kingdom. It is in these cases, in the last of the European "fragments" to break their European ties, that the eighteenth-century experience of America may be duplicated. These, however, are not parallels of which American liberal intellectuals and statesmen like to be reminded.

The case for the relevance of the American experience to the contemporary modernizing countries has also been couched in terms of the United States as "The First New Nation." The United States, it has been argued, was the first nation "of any consequence to emerge from the colonial dominance of Western Europe as a sovereign state in its own right, and to that extent it shares something in common with the 'emerging nations' of today, no matter how different they may be in other respects."⁷² The phrase "new nation," however, fails to distinguish between state and society, and hence misses crucial differences between the American experience and those of the contemporary modernizing countries. The latter are, for the most part, more accurately described by the title of another book: "Old Societies and New States."⁷³ America, on the other hand, was historically a new society but an old state. Hence the problems of government and political modernization that the contemporary modernizing states face differ fundamentally from those that confronted the United States.

⁷¹ Arnold J. Toynbee, "If We Are To Be the Wave of the Future," *New York Times Magazine*, November 13, 1960, 123.

⁷² See Seymour Martin Lipset, *The First New Nation* (New York 1963), Part I; J. Leiper Freeman, "The Colonial Stage of Development: The American Case," unpubl. paper, Comparative Administration Group, 1963, 4.

⁷³ See Clifford Geertz, ed., *Old Societies and New States: The Quest for Modernity in Asia and Africa* (New York 1963).

In most countries of Asia, Africa, and Latin America, modernization faces tremendous social obstacles. The gaps between rich and poor, between modern elite and traditional mass, between the powerful and the weak—gaps that are the common lot of “old societies” trying to modernize today—contrast markedly with the “pleasing uniformity” of the “one estate” that existed in eighteenth-century America. As in seventeenth-century Europe these gaps can be overcome only by the creation of powerful, centralized authority in government. The United States never had to construct such authority in order to modernize its society, and hence its experience has little to offer modernizing countries today. America, De Tocqueville said, “arrived at a state of democracy without having to endure a democratic revolution” and “was born equal without having to become so.” So also American society was born modern; and it hence was never necessary to construct a government powerful enough to make it so. An antique polity is compatible with a modern society but it is not compatible with the modernization of a traditional society.

The Latin American experience, for instance, is almost exactly the reverse of that of the United States. After independence the United States continued essentially the same political institutions it had had before independence, which were perfectly suited to its society. At independence the Latin American countries inherited and maintained an essentially feudal social structure. They attempted to superimpose on this social structure republican political institutions copied from the United States and revolutionary France. Such institutions had no meaning in a feudal society. These early efforts at republicanism left Latin America with weak governments which until the twentieth century lacked the authority and power to modernize the society. Liberal, pluralistic, democratic governments serve to perpetuate antiquated social structure. Thus in Latin America an inherent conflict exists between the political goals of the United States—elections, democracy, representative government, pluralism, constitutionalism—and its social goals—modernization, reform, social welfare, more equitable distribution of wealth, development of a middle class. In the North American experience these goals did not conflict. In Latin America, they often clash head on. The variations of the North American political system which North Americans would like to reproduce in Latin America are simply too weak, too diffuse, too dispersed to mobilize the political power necessary to bring about fundamental change. Such power can be mobilized by revolution, as it was in Mexico and Cuba, and a historical function of revolutions is to re-

place weak governments by strong governments capable of achieving social change. The question for Latin America and similarly situated countries is whether other ways short of violent revolution exist for generating the political power necessary to modernize traditional societies.

However it occurs, the accumulation of power necessary for modernization makes the future of democracy rather bleak. Countries, such as France and Prussia, which took the lead in political modernization in the seventeenth century have had difficulty in maintaining stable democracy in the twentieth century. Countries in which the seventeenth-century tendencies toward absolute monarchy were either defeated (England), stalemated (Sweden), or absent (America) later tended to develop more viable democratic institutions. The continued vitality of medieval estates and pluralistic assemblies is associated with subsequent democratic tendencies. "It is no accident, surely," Carsten observes, "that the liberal movement of the nineteenth century was strongest in those areas of Germany where the Estates survived the period of absolute government."⁷⁴ Similarly, in seventeenth-century Spain, Catalonia was the principal locus of feudal opposition to the centralizing and rationalizing efforts of Olivares, but in the twentieth century it has been the principal locus of Spanish liberalism and constitutionalism. In eighteenth-century Europe also, the conflict between traditional liberties and modernizing reforms was a pervasive one, and the conservative and even reactionary efforts of the "constituted bodies" to maintain and to restore their privileges laid the basis for later, more popular, resistance against despotism.⁷⁵

If a parallel exists between seventeenth-century modernization and twentieth-century modernization, the implications of the former for the latter are clear. Despite arguments to the contrary, the countries where modernization requires the concentration of power in a single, monolithic, hierarchical, but "mass," party are not likely to be breeding

⁷⁴ P. 434; Friedrich, 20-25.

⁷⁵ Palmer, *passim*, but esp. 323-407. Of the Belgian revolution of 1787 against Joseph II, Palmer writes (p. 347), "The issue was clear. It was between social change and constitutional liberty. Reform would come at the cost of arbitrary government overriding the articulate will and historic institutions of the country. Or liberty would be preserved at the cost of perpetuating archaic systems of privilege, property, special rights, class structure, ecclesiastical participation in the state. It was a revolution against the innovations of a modernizing government—in a sense, a revolution *against* the Enlightenment. It was not in this respect untypical of the time."

Compare this with David Apter's conclusion that in contemporary Africa "the degree of autocracy which emerges after independence is in virtual proportion to the degree of antagonism the government shows to tradition" (*The Political Kingdom in Uganda* [Princeton 1961], 476).

grounds for democracy.⁷⁶ Mass participation goes hand-in-hand with authoritarian control. As in Guinea and Ghana, it is the twentieth-century weapon of modernizing centralizers against traditional pluralism. Democracy, on the other hand, is more likely in those countries that preserve elements of traditional social and political pluralism. Its prospects are brightest where traditional pluralism is adapted to modern politics, as appears to be the case with the caste associations of India and as may be the case with tribal associations in some parts of Africa. So also, Lebanon, the most democratic Arab country—indeed, perhaps the only democratic Arab country—has a highly traditional politics of confessional pluralism.⁷⁷ Like the states of seventeenth-century Europe, the non-Western countries of today can have political modernization or they can have democratic pluralism, but they cannot normally have both.

In each historical period one type of political system usually seems to its contemporaries to be particularly relevant to the needs and demands of the age. In the era of European state-building in the seventeenth century, the “pattern-state,” to use Sir George Clark’s phrase, was the Bourbon monarchy of France. Indeed, the new state that emerged in that century, as Clark argues, “may be called the French type of monarchy not only because it reached its strongest and most logical expression in France, but also because it was consciously and deliberately copied elsewhere from the Bourbon model.”⁷⁸ This type of centralized, absolute monarchy met the paramount needs of the time. In the late eighteenth and nineteenth centuries, the pattern-state was the British parliamentary system. The countries of Europe then faced the problems of democratization and the incorporation into the polity of the lower social orders. The British system furnished the model for this phase of modernization. Today, in much of Asia, Africa, and Latin America, political systems face simultaneously the

⁷⁶ See Immanuel Wallerstein, *Africa: The Politics of Independence* (New York 1961), 159-63; and Ruth Schachter (Morgenthau), “Single-Party Systems in West Africa,” *American Political Science Review*, LV (June 1961), 294-307, for the case for the liberal and democratic potential of single-party states. For more realistic evaluations, see Martin L. Kilson, “Authoritarian and Single-Party Tendencies in African Politics,” *World Politics*, xv (January 1963), 262-94; and Aristide Zolberg, “The African Mass-Party State in Perspective,” unpubl. paper prepared for Annual Meeting, APSA, September 1964.

⁷⁷ See Lloyd I. and Susanne Hoerber Rudolph, “The Political Role of India’s Caste Associations,” *Pacific Affairs*, xxxiii (March 1960), 5-22; Lloyd I. Rudolph, “The Modernity of Tradition: The Democratic Incarnation of Caste in India,” *American Political Science Review*, LIX (December 1965), 975-89; and Michael C. Hudson, “Pluralism, Power, and Democracy in Lebanon,” unpubl. paper prepared for Annual Meeting, APSA, September 1964.

⁷⁸ *Seventeenth Century*, 83, 90-91.

needs to centralize authority, to differentiate structure, and to broaden participation. The system that seems most relevant to the simultaneous achievement of these goals is a one-party system. If Versailles set the standard for one century and Westminster for another, the Kremlin may well be the most relevant model for the modernizing countries of this century. The heads of minor German principalities aped Louis XIV; the heads of equally small and backward states today may ape Lenin and Mao. The primary need their countries face is the accumulation and concentration of power, not its dispersion, and it is in Moscow and Peking and not in Washington that this lesson is to be learned.

Nor should this irrelevance of the American polity come as a great surprise. Historically foreigners have always found American society more attractive than the American polity. Even in the seventeenth and eighteenth centuries, as Beloff observes, "the political appeal of the new country was less potent than the social one."⁷⁹ De Tocqueville was far more impressed by the democracy of American society and customs than he was by its democratic institutions of government. In the last century Europeans have found much to emulate in American business organization and in American culture, but they have found little reason to copy American political institutions. Parliamentary democracies and one-party dictatorships abound throughout the world. But surely one of the striking features of world politics is the rarity of other political systems based on the American presidential model.

The irrelevance of the American polity to the rest of the world, however, must not be overdone. It is of little use to societies that must modernize a traditional order. But, as the American experience itself demonstrates, a Tudor polity is quite compatible with a modern society. Consequently it is possible, although far from necessary, that as other societies become more fully modern, as the need to disestablish old, traditional, feudal, and local elements declines, the need to maintain a political system capable of modernization may also disappear. Such a system will, of course, have the advantage of tradition and of association with successful social change, so the probabilities are that it will not change greatly. But at least the possibility exists that there may be some evolution toward an American-type system. The "end of ideology" in Western Europe, the mitigation of class conflict, the tendencies toward an "organic society," all suggest that the European countries could now tolerate more dispersed and relaxed political institutions. Some elements of the American system seem to be creeping back into Europe from which they were exported three centuries

⁷⁹ Max Beloff, *The Age of Absolutism: 1660-1815* (London 1954), 168-69.

ago.⁸⁰ Judicial review has made a partial and timorous reappearance on the Continent. After De Gaulle, the constitution of the Fifth Republic might well shake down to something not too far removed from the constitution of the American Republic. Mr. Harold Wilson was accused, before and after coming to power, of acting like Mr. President. These are small straws in the wind. They may not mean anything. But if they do mean anything, they mean that the New Europe may eventually come to share some of the old institutions that the New World has preserved from an older Europe.

⁸⁰ See, e.g., Stephen Graubard, ed., *A New Europe?* (Boston 1964); Stanley Hoffmann, "Europe's Identity Crisis: Between the Past and America," *Daedalus*, xciii (Fall 1964), 1249, 1252-53. On the role of the courts see Taylor Cole, "Three Constitutional Courts: A Comparison," *American Political Science Review*, liii (December 1959), 963-84; and Gottfried Dietze, "America and Europe—Decline and Emergence of Judicial Review," *Virginia Law Review*, xlv (December 1958), 1233-72.