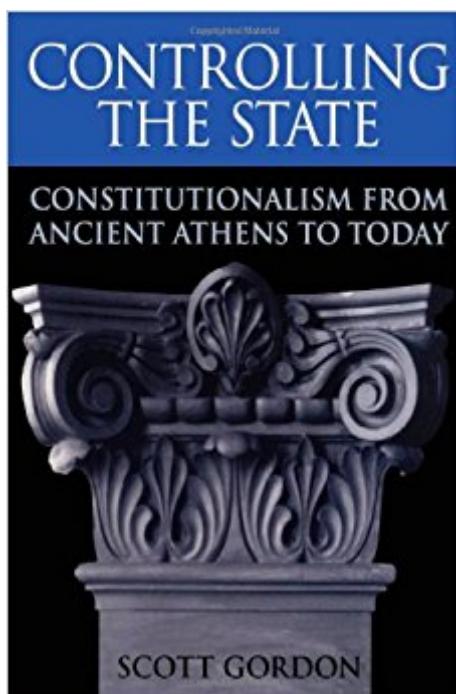


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# Controlling The State: Constitutionalism From Ancient Athens To Today



## Synopsis

This book examines the development of the theory and practice of constitutionalism, defined as a political system in which the coercive power of the state is controlled through a pluralistic distribution of political power. It explores the main venues of constitutional practice in ancient Athens, Republican Rome, Renaissance Venice, the Dutch Republic, seventeenth-century England, and eighteenth-century America. From its beginning in Polybius' interpretation of the classical concept of "mixed government," the author traces the theory of constitutionalism through its late medieval appearance in the Conciliar Movement of church reform and in the Huguenot defense of minority rights. After noting its suppression with the emergence of the nation-state and the Bodinian doctrine of "sovereignty," the author describes how constitutionalism was revived in the English conflict between king and Parliament in the early Stuart era, and how it has developed since then into the modern concept of constitutional democracy.

## Book Information

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## Customer Reviews

While not defending any particular version of constitutionalism as best, Gordon argues persuasively that some form of constitutional government is necessary for both prosperity and the preservation of individual liberty. (R. Hudelson Choice) An unusually sweeping book...[Gordon] provides a...concise and accessible introduction to the history of constitutional government ... Particularly valuable for its distinctive emphasis on countervailing power as the cornerstone of constitutional governance and

its broad survey of the practice and idea of constitutionalism over the course of Western history.

(Keith E. Whittington Law and Politics Book Review)

Scott Gordon is Distinguished Professor Emeritus of Economics and of the History and Philosophy of Science at Indiana University, Bloomington, and Professor Emeritus of Economics at Queen's University, Canada.

Scott Gordon's *Controlling the State* combines under one cover two distinct realms of discourse. One realm is the intellectual history of conceptual formulations about the constitutional control of government, when that control operates through the organizational structure of government. Two of the book's nine chapters treat these conceptual issues, though many of the other chapters present such material as well. The other realm is the actual conduct of government in several historical episodes that illustrate the author's theme. These episodes are treated in seven chapters-on Athens, Rome, Venice, Holland, Great Britain (with separate chapters on the seventeenth century and contemporary times), and the United States. The chapter on Athens, for example, emphasizes not democracy and majority rule, but "that the institutional structure of Athenian government was the first major polity in history to have a nonhierarchical system of plural and mutually controlling authorities" (p. 77).....Gordon does not dispute that states may possess sovereignty, only that they must. He argues that polities may be either hierarchical or polycentric (p. 16). Sovereignty exists in the hierarchical polity but not in the polycentric polity, which has no locus of ultimate authority but rather a number of nonsovereign authorities that check and balance each other. He describes this polycentric vision as the countervalence model.....A concern with the control of government, Gordon argues, must adopt polyarchy and not hierarchy for its analytical orientation. If the state is hierarchical, it cannot be controlled outside of the optimizing calculus of the holder of sovereign authority. For the state to be controlled beyond this optimizing calculus, political authority must be splintered and diffused among independent parties. Governance then comes to operate ultimately not through the commands or acquiescence of the sovereign but through a concurrence among multiple, independent sources of authority.....Although the orientation of Gordon's *Controlling the State* lies generally in a fruitful direction, overall the book disappoints me. Interesting bits appear here and there, including a number of citations that seem worth pursuing, yet when I close the book and ask how I must now rearrange my intellectual furniture, I have no answer. I find no conceptual formulations that I can bring to bear in illuminating one issue or another. The case studies are predictable and do not contain surprising formulations that arrest my attention. Nothing in the book

leaves me feeling chagrined at not having thought of it first or so enthusiastic as to exclaim "that's truly interesting, now I understand!" The book's analytical framework is rudimentary and nonsystematic. For one thing, Gordon apparently made no effort to assimilate any of the recent scholarship on the emergent properties of decentralized orders. Yet these formulations, in which the outcomes of a process are not direct objects of anyone's optimizing choices, are surely relevant to the material at hand. Among other things, this literature challenges Gordon's foundational presumption that there is a choice between hierarchy and polyarchy with respect to social organization. Susanne Lohmann has in progress some fascinating work on universities as polyarchical, which stands in sharp contrast to Gordon's claim that universities are among the many modern organizations that are hierarchical (p. 16). In *Alienation and the Soviet Economy* (Oakland, Calif.: The Independent Institute, 1990), Paul Craig Roberts argues that central planning is never an option to markets and that the Soviet Union was simply "a polycentric system with signals that are irrational from the standpoint of economic efficiency" (pp. 76-77). In short, someone interested in exploring how ideas about polycentricity can be brought to bear on the constitution of governance will have to look outside of Gordon's *Controlling the State*...

I'm in the middle of the book in the chapter on the Roman republic. I find it valuable as an undergrad developing an interest in law, because it exposes me to constitutionalism as a highly-varied concept throughout history. Constitutionalism is much more than an American document and the legal and philosophical battles produced by it. That will be my over-arching lesson learned from this book. The introductory chapters on constitutional theory and sovereignty are, in and of themselves, valuable. Instructive footnotes too, without being oppressive.

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