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## **The strange origins of representative democracy**

Professor John Keane, University of Westminster, UK  
7 November 2007

### **Professor Abdou Filali Ansary**

Well it is my great, great pleasure to introduce Professor John Keane, whom I have known since a few years and whom I have invited to the Institute since maybe more than one year. Yes and this is happening today, so I am really very pleased. Professor Keane has a lot to tell us if I can say. He was born in Australia and Australia considers him one of its best intellectual exports. Well I have here the list of his books, it is impressive, I will take too much time to read the whole list, but let me say that what my impression is. As a political thinker, he has been less interested in some classical themes of political philosophy, those which still focus about Aristotle and Machiavelli and the classical subjects, he has been interested in topics which are very relevant to the future if I can say, looking at the future of democracy, looking at the future of policy of global governance, global civil society, if I can say the questions that are really the greatest for our time and in his work on democracy, on civil society, on their development, he had, I think, to go back to their roots and his major work is still and we were having a short discussion, it is about how democracy has been evolving, has been unfolding maybe in various ways around the world. So I am very happy to have this opportunity to discuss with him and specially that he is raising for us a very interesting question, please John.

### **Professor John Keane**

Thank you very much and I apologise for taking a year to honour my acceptance of an invitation, so this had better be good, but I have about 20 or 25 minutes in which to do it. You are right about this importance of historicity for me and thinking about the future and I am engaged in, have been for some time in, what I like to call using this method of 'dialogue with the dead'. Some years ago, I began to work on a new history of democracy, which hasn't been done for more than a century, and here I am today to talk about one tiny, tiny fragment from this project, which entails some things that are completely familiar to you and contain some strange surprises and I want to just tell you about this little institution, which you will recognise in a few moments by saying something which I hope fresh and familiar to you about its genealogy.



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You know very well that roughly by about the 10<sup>th</sup> Century CE, the aspiration of Islam to be a universal way of life was stopped in its tracks, for a variety of reasons, including the break up of the unified Caliphate and the formation of rival Caliphates in Spain, what is today Spain, Egypt and Persia and you will know that there are some symptoms of this, for example the fate of Muqtadia, the Abbasid ruler, who after an assault by his own Turkish troops was killed in a skirmish, his corpse, it is reported, was left brought on the ground where it fell his head was stuck upon a spear as a sign to all with eyes, that vain glory would not be tolerated. This was a symbol well known for this period and the beginning of the fragmentation of Islam as a unified Caliphate and way of life. It is also well-known however that, despite these kinds of power, struggles and military manoeuvres, with which Islam was bound up, its society endured. It is well known that it linked together lands and peoples that long outlived this period and it bequeathed all kinds of gifts to what the Muslims called *Urooba*, what today is Europe, this is of course a well-known history involving Islamic styles of architecture, poetry and books, inventions like algebra, the abacus and wood block printing. It is also clear that in this period, from say the 10<sup>th</sup> Century onwards that institutions invented by the world of Islam survived and in some cases thrived. The *Waqf* is an institution, is a case in point, so too are Sufi networks, the *Madrasa* is a well-known example and if you read Montgomery Watt and others, you will see that, if you take the case of the *Madrasa*, it is the seed which gives rise in what is today Europe, to the university and there are many practices that were associated with this period of Islam through the *Madrasa*, that were mimicked, literally mimicked in the case of universities, I mean the notion of a chair, the notion of curriculum, the notion of a physical space that was separated from governmental and social power, these were all, so to say, replicated in the European university.

Now this, so to say, is an example, the *Madrasa*, of an absorption effect, that is to say that other ways of life absorbed from the world of Islam, certain institutions and ways of being, but there were also cases, well recorded, of a confrontation effect. And what I want to talk about for the next 20 minutes or so, is an institution that was born of despair, the sense of European Christians, that Christianity was in decline, that it was a potentially terminal decline and that something had to be done, the zone of anxiety, so to say, the geographic zone is what is today Northern Spain and it was in this Northern part of the Iberian Peninsula around about the middle of the 12<sup>th</sup> Century CE, that there developed a movement of reconquest, this is well-known, what is surprising for me is that the institution to which it gave rise is normally not considered to be part of this history of reconquest.

The institution that I am about to describe, bears more than a passing resemblance, it has to be said, to the old Islamic custom of consultation, and about the relationship between the two, I am not very certain, I would be very glad to have advice from you about this, but the institution that I am going to describe to you, its birth in effect was the embodiment of the principle that government is only ever legitimate when it has been sanctioned by the active consent of the representatives chosen by the governed themselves. Now this institution



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which was called in the local Spanish, the *Cortes*, and which is translated normally as parliament, is I think a gift, indirectly, a strange gift of the world of Islam, because it was in this northern part of the Iberian Peninsula, that a strategy of reconquest and following the advice of Pope Urban II, to regain the momentum by Christians. It was in this part of the world that the *Cortes* was born. Now this flies in the face of some, I would say 19<sup>th</sup> Century imperial British views, that Big Ben is the mother, a symbol of the mother of parliament, that for example it is often said that this is the first parliament in the world, that it is the most durable parliament, empirically that is not so and so I expect I won't have to fight with anybody about that, but I think the historical evidence that I have come across, shows very clearly that it first happens a century before, the Magna Carta and the birth of what is recognizably a parliament in the English case.

As I say the *Cortes* was born of despair and the key figure if I may, I don't know how to change if we could have an image, the key figure is this young king who is about to appear on our screen, or not, it seems to have gone missing, is King Alfonso IX, we had some thing, but now we don't. There is Alfonso IX, thank you very much Daryoush, Daryoush is writing his PhD for me, I need to employ him in other ways. Thank you for rescuing me. At the age of 17, this young man, by the way had a very tattered early period of life, he suffered terrible at epileptic fits, his nick name was *Baboso*, the dribbler, and he was the object of a plot, a succession plot, fled to what is today Portugal in exile, but in the year 1188, he agrees to come back to León, to the Kingdom of León, in what is today Northern Spain to assume the crown. And at the age of 17, he is advised and he has politically very strong instincts, that something dramatic needs to be done, he is under pressure locally from rival estates, but he is also filled with so to say the spirit of Pope Urban II, in the sense that this part of Spain is beleaguered, not only beleaguered, but could go under and adding to this, is a sense that certain things are been lost fast, for example there was a well-known custom called *Pareas* in this area, where the Muslim rulers paid a tax to the Christian kings. That was withdrawn some 20 years before Alfonso IX assumed the crown and petitions, the evidence tends to show, began to pour into his court to do something about this loss of the fiscal base of the kingdom.

What I think is extraordinary is that Alfonso IX, age 17, does something utterly surprising, it happens in life, in politics. And the surprising thing that he does is, that he has the basic idea that the reconquest of lands, that are considered to be rightfully Christian, requires a new peace agreement within the region of, within the Kingdom of León. And there are certain groups, who are obviously central to this strategy from his point of view, beginning with the warrior nobility. It went without saying for him that he needed arms and fighting capacity and so he appealed to the warrior aristocrats to join him in a dialogue about the best means of reconquest. He did the same with the local Bishops of the church, who considered themselves to be guardian, of course, of souls and of course the spiritual protector of God's lands, but what was striking and happened for the first time in León, thanks to Alfonso IX's manoeuvres, is that he invited a third estate, they were called



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the *buenos hombres*, the good men of the towns of León and of León, which was the central town in the kingdom in particular.

What is interesting about these men of the towns, the third estate drawn into this gathering is that, they themselves had an old custom of meeting in councils, they would call *fueros* and it is clear that the whole language of self government is part of their existence and so, what basically Alfonso IX does in the year 1188, and if we could have the next slide, is that he convenes a meeting in the cloisters of this most beautiful church called San Isidoro, there it is, thanks to my photography, which is as it is today, and just in these cloisters is the point at which in March of 1188, a full generation note before King John's Magna Carta of 1215, that Alfonso IX convened the first ever *Cortes*, which is the word that locals used to describe this gathering.

Now what is striking about this gathering is that we have a number of accounts, some of them contested about what actually went on there and what was agreed. It is clear that about 15 decrees were agreed by these three estates in collaboration with the king. And they amounted in effect to something like a constitutional charter. The king, for example, promised that he would permanently seek the advice and be subject to the consent of these three estates, so the nobility, the bishops and the good men of the towns, the *bergas* as they would later be called elsewhere in Europe. It was also agreed that matters of property, and security of residence were inviolable, so the king would not violate the possessions and all the lands, or the security of the respective three estates, it is also clear from the agreement that there will be future assemblies, so this was not a one-off, but there would be a regular meeting of the young king and the three estates. Now I submit that this meeting, this *Cortes* in the year 1188 and perhaps we could have the third and last slide, this is an image, actually a contemporary image of those, I will say something about the word "representative" in a moment, who convened at León in this year, in 1188.

What is striking I think for me and I submit, is that this meeting, this *Cortes* was very unlike the previous gatherings, that for example monarchs customarily convened throughout the European region, for example the *Witenagemots* in this part of the world are often said to be early parliaments, they were not. Or the German *Hoftager*, it is that, basically monarchs frequently convened at their own pleasure, gatherings of important estates or figures, for the purpose of consultation, but usually to announce some initiative or, for example, to celebrate a birth or a marriage or to announce some important initiative, but in each case, these were not consultative councils, these were not assemblies of equals involving the notion of representation. They were, so to say, from the top down. What I think is striking is about the *Cortes* is that, it introduced the notion of parity of participants, that the King was dependent upon the mutual agreement of three estates, for the first time the *cives*, the representative of townspeople. What is also I think striking is, if you think about it is that, we have moved in this episode of León in 1188 an epoch, historically speaking, from the world of Greek assembly democracy. That model of democracy supposed the possibility and the necessity of a unified political community. The whole idea



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of a citizen, for example for the Athenians, supposes that they are bonded in unity with other citizens, that the norm so to say implicit in the assembly, in the *ecclesia*, is unity. Unity of equals who govern themselves, notice in León, in this *Cortes*, this presumption of unity, this communitarian presumption is broken. The presumption is that the polity is divided. It contains interests, it contains fragments, who are unlikely and certainly not automatically to agree with each other. That that is the matter in a word for politics, that is to say the *Cortes* becomes the condition of possibility of politics in the sense of negotiation, tactical manoeuvring, cheating, lying, compromise, openness, for the purpose of reaching some kind of working agreement. This is in another way of putting it, the *Cortes* was a new illustration, manifestation of politics understood as a permanent process of deciding who gets what, when and how and whether they ought to and it did not presume some kind of communitarian solidarity, moreover this *Cortes*, I think is interesting, because it introduces the notion of long distance government by consent. The idea is that, those who come from the three estates, whether of the nobility, of the church, or of the towns, are prepared to travel to the *Cortes* to present their case, their concerns to the *Cortes*. It makes possible so to say, I am suggesting here, a stretching of space and also a time in matters of government and finally what is I think unique about this *Cortes* of 1188, and by the way it survived for about 200 years, so this is not a flash in the pan thing, what is unusual is that the language of representation for the first time appears. The term itself could occupy a whole seminar, its taken from the Latin, the Spanish term used by contemporaries is *Procura Torres* and it is taken from the Latin, *Procura Torres* was for the Romans, a man who does or carries out something on behalf of another with his consent. But it does not have a political connotation, for example in matters of law, one could appoint a *Procurador* or one put in the army appoint a *Procurador*, who would carry out an act, subject to the consent and the will of that person issuing the Procuration.

What happens in León in this period and the evidence based on local historians with whom I have worked and very often in cases like this, its the local historians who know most about their locale, is that the language of the *Procura Torres*, probably springs from the towns themselves, that is it was already a working language, representation prior to this *Cortes* of 1188 and it has three meanings interestingly. A *Procurador*, a representative, is someone authorised to appear before a court to defend another person in a law suit or dispute. So your attorney or your lawyer is a representative. It is also a term used to describe an official in the town, who takes care of the wellbeing of the town, I mean this is strange for us, but the whole thing is strange, and third, there was in León already before 1188, a *Procurador de Pobres*, a representative of the people, and his job was to deal with the lives of the poor, in which he had no direct material interest, so his job is to govern, in effect, the poor. Now, out of this, if the point is not clear and I am going to end within five minutes, is, that there is born a new institution, that I think is not to be found within the world of Islam, but this is a point that I wanted to put on the table. If only because the language itself does not seem to me to be part of the world of Islam, a new language, the representative representation to describe this institution that, supposes that the body politic is broken, fragmented, permanently so. That is the condition of possibility of politics and



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of reconciliation, a dynamic reconciliation among interests. An institution that kick starts the process of long distance government by consent. I cannot imagine what the representatives of the León *Cortes* would have thought about the largest constituency in the world, it is Australian, Kalgoorlie, it is about half the size of the European Union, one constituency, a federal constituency, that has only 80,000 people and where elections, there is about to be one in Australia, are technically nothing short as the miracle, I mean how you organise an election in an area which is largely inhospitable, mostly desert, for 80,000 people by helicopter and by boat and email and so on, is nothing to short of extraordinary, but the León *Cortes*, so to say, prefigured this possibility of very large scale electorates. In a word, an institution that leads to be invention of the notion of representative government.

Now there are many things to say about the form of political power which we call representative government, and it was to be a long time before there was, so to say, philosophically on going disputation about the meaning of representation and about the benefits of representation, just to whet your appetite, it really is not until I think the end, the last quarter of the 18<sup>th</sup> Century in Europe, that there is a serious ongoing reflection on the advantages of representation over all previous forms of government, my suggestion to you is that this is a new political form *sui generis*, it deserves, it is very not often in the textbooks, treated as a political form, that is worthy of separate attention, but it does seem to me to bear all of the characteristics because of the utter originality of government by representation. In this period, representation is defended, for example Montesquieu, Tom Paine, the American federalists and many hundreds of others, not because it enables long distance government. That is I think what most students today would say today, you know what's the good thing about representation or representative government, it means that you can have government over large spatial areas and since this was unknown to the Greeks, they had to have their assemblies in very small, you know face to face, you know Aristotle's notion that at a maximum, it should be around about 2000 or 3000 or maybe a few more people who could men, who could gather face to face.

But this is the least interesting justification of representative government, what striking and its deeply implicit in this, if you want to speak in early 19<sup>th</sup> Century 'world historical' event in León, is that representation is seen as the condition of possibility of the disembodiment of political power. It is typically contrasted with monarchy and if you think about monarchy, it is an embodied form of power, the body of the king or the queen is the symbol of God's power on earth, but also a symbol of the unity of the body politic. Representative government breaks that, it disembodies political power and according to the first great champions of representative government, Mille and others come later, Guizot, is that it introduces the possibility of freedom from the fear that political power will be associated with a body, the king, who will issue retribution, violence, tyrrany and so on. So, disembodied power is the condition of possibility of freedom from fear in matters of politics. It is seen as well as the condition of possibility of pluralism, because if you introduce the notion of representation, representatives who represent others, that supposes logically that there is not a unity of interest, that's why you have representation. And of



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course it was these very notions of representation, of representative government that were bound up with the invention of a whole series of new mechanisms you know them all well. Independent juries, written constitutions, voting by secret ballot, competitive political parties, the right to assemble in public, liberty of the press, I mean all these institutions converge, so to say, they crystallise around the notion of representative government and I would say, they have marked heavily our polities until this day.

Final comment about democracy, it was clear that the representatives who gathered at León, and did so for 200 years and who also gathered in most other principalities of what is today Spain, the most active by the way, usually the prize for the most active and the lippiest, the most argumentative and stropky *Cortes* is the one which is based in Barcelona, which is really an extraordinary thing that lasts for some 350 years. But what is interesting is that none of the actors speak the language of democracy, its utterly foreign to them and were they to be interviewed, it is quite clear that they would have associated this with the Greek world and would have spoken about this as not only an outdated norm, but an undesirable norm, because democracy supposes the probability of ochlocracy, of mob rule, of violence, of enforced consensus. This, by contrast, is a form of open government, nonviolent, requiring the development of the capacity for compromise.

So one of the great paradoxes, I think, and one of the strange things finally that I want to mention is that, the basic institution that came later to be associated with democracy, that is for many people around the world, perhaps the core signifier of democracy, has pre-democratic origins, this is something very strange and it is strange that this neologism, this oxymoron, representative democracy, itself has a history and it does not appear until the last quarter of the 18<sup>th</sup> Century. Interestingly the very term representative democracy has origins that are enigmatic. Montesquieu comes close to using this term and the Marquis ..., who was the Foreign Minister of Louis IV speaks about representation and democracy in the same breath, and contrasts the democracy of the ancients with the democracy of our times and so comes very close to speaking about representative democracy. But that strangest thing of all, to finish is of course the great contribution of, and I say this sarcastically, of Robespierre, who gave this famous speech to the *Assemblée Nationale* in defence of representative democracy, in which he associates it with terror and I think I better stop before you find this all too quizzical or too amusing. The serious point was to illustrate some methodological themes, but also to illustrate a way of thinking about the history of democracy, that I think pays your attention to the ironies, the contingencies, the strangeness of so many of the institutions and here is one, that seems to me, with which so to say we are still living, the *Cortes* of León. Now I would be very glad to have your comments.

**Professor Abdou Filali Ansary**

John thank you very much, it is really fascinating. I think you have shed light on something that could be described as a missing link in the genealogy of democracy and well this part of history to me, maybe it is known to others, its not seen in that light as being one step



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towards the building of democratic institutions and what you are doing in the area is, for me has a great significance, because it maybe also a means to get out of some bewitchment with language, the fact and this is what I heard, maybe you would have to correct me, but the fact that the word 'democracy' comes from Greek, makes people think that this is something that came from and came only from that context, that disappeared for some time and had to come with representative democracy at some and that blinds maybe people or prevents them from looking at other contexts and this is what I find very, very fascinating in what you are doing. So again thank you so much and this makes me impatient if I can say to have access to this work, so you will have someone now who will be after you.