

# Gerhard Loewenberg

## *Paradoxes of legislatures*

Capitalism and democracy have coexisted in so many countries in the last two centuries that they appear to stand in a cause-and-effect relationship. However, it has become ever clearer that capitalism does not inevitably lead to democracy. That they frequently coexist only demonstrates that they are compatible.

Yet, despite this compatibility, the leaders of capitalist economies regularly criticize some of the central institutions of democracy, notably democratic legislatures. They are particularly quick to condemn not only the decisions of

democratic legislatures, for adopting what they regard as irrational economic policies, but also the way they make decisions. The extremely negative evaluation of Congress in the last few years is typical. It is hardly a new phenomenon, nor is it limited to the United States. Over 170 years ago, the French artist Honoré Daumier caricatured the legislature in the reign of Louis Philippe with a famous lithograph entitled *Le ventre législatif en 1834*, which cruelly depicts thirty-four members of parliament as obese, corrupt, evil men.<sup>1</sup>

Legislatures are paradoxical institutions. Although historically they have been indispensable to democracy, their decision-making processes inevitably – indeed necessarily – have antimajoritarian characteristics. Although they are supposed to represent the people, the way they work mystifies most people, even members of the economic elite. Because they are meant to represent all the people, legislatures consist of many members, each with an equal mandate to be there. But it defies common sense to expect four hundred or more mem-

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<sup>1</sup> Honoré Daumier, *Le ventre législatif en 1834*, Département des estampes © BNF, [http://www.tocqueville.culture.fr/fr/engagements/popup/html/z\\_juillet21.html](http://www.tocqueville.culture.fr/fr/engagements/popup/html/z_juillet21.html). See inside back cover.

bers to get anything done when they have no reason to obey each other.

Most people have dramatically contrasting perceptions of legislatures. On the one hand, they know that great events have taken place in legislative settings. But those events are rare. Those few people who are committed observers of the legislature – viewers of C-SPAN, for example – usually see numbingly boring scenes of members speaking to an empty chamber. Winston Churchill, who loved the House of Commons, recognized that the floor of parliament was usually empty. When it came time to rebuild the House after it had been damaged by a bomb in World War II, Churchill insisted, to everyone's surprise, that it be rebuilt exactly as it had been, far too small to seat all its members. Churchill explained:

If the House is big enough to contain all its members nine-tenths of its debates will be conducted in the depressing atmosphere of an almost empty or half-empty chamber.<sup>2</sup>

Few countries follow Britain's quaint example of having too small a parliamentary chamber. Most countries now televise their parliamentary debates, widely publicizing how often the floor of the legislature is nearly empty, and contributing to public despair about the institution. Solitary speeches on an empty floor – that is the scene in legislatures far more often than great events. No wonder few people pay attention. No wonder those who are successful in business in a free-enterprise economy disparage democratic legislatures, regarding their procedures as inefficient, their decisions as frequently irrational, and their members as unprincipled if not corrupt.

2 Winston Churchill, 393 H.C. Deb. 5th ser., col. 404, October 28, 1943.

The contradictory characteristics of legislatures arise out of the contrast between the characteristics the institution had at its origin in medieval Europe – its genetic properties – and the characteristics it developed as it adapted to the changing political environment.

The antecedents of the modern legislature are the feudal assemblies of medieval, precapitalistic Europe.<sup>3</sup> Monarchs convened assemblies of feudal lords because they needed these powerful individuals for money and for military conscripts. These assemblies were not intended to govern but merely to consult – to *parler* – with kings.

We can trace three characteristics of what we now call a legislature to these origins. The institution was, first, an assembly of influential people who occasionally had the opportunity to give or withhold consent to the king. Second, the members of the institution represented others, such as social classes or local communities; this determined who was selected to be a member, how they were selected, and how many were selected. Third, what the members did was to bargain with the monarch, exchanging consent to the king's wishes for legal favors to their constituents.

The more frequently these assemblies met, the more they devised procedures that would enable such proud and powerful individuals to reach collective decisions. Thus assemblies of feudal lords were transformed into parliaments, but not yet – not nearly yet – into democratic parliaments.<sup>4</sup> But the genetic properties

3 Antonio Marongiu, *Medieval Parliaments: A Comparative Study* (London: Eyre & Spottiswoode, 1968), parts I and II.

4 Lord Campion, *An Introduction to the Procedure of the House of Commons* (London: Macmillan, 1958), chap. 1.

of legislatures – that they are a collection of influential people; that they represent others; and that they bargain with the government on behalf of their constituents – have made legislatures distinctive political institutions, recognizable in all their subsequent manifestations.

Over time the occasional assertion of influence by these parliaments took the form of lawmaking power. The term ‘legislature’ first appeared at the end of the seventeenth century in England. It came from the noun ‘legislator,’ meaning lawgiver. In the *Oxford English Dictionary* the first reference to ‘legislature’ is to Hale’s *History of Common Law*, which asserts that “without the concurrent Consent of all Three Parts of the Legislature, no . . . law . . . can be made.”<sup>5</sup> Notice that phrase “all Three Parts of the Legislature” – a reference to the House of Lords, the House of Commons, and the king. These three together were the lawgivers. Using ‘legislature’ to apply only to parliament was the result of a mid-eighteenth-century theory that it was desirable to separate the powers of government, a theory most notably developed by the French political philosopher Montesquieu.

After the term ‘legislature’ was applied only to parliament, it crossed the Atlantic, where Montesquieu’s advocacy of the separation of powers suited the colonists especially well. In *The Federalist*, No. 47, on the separation of powers, James Madison repeatedly cites “the celebrated Montesquieu.”<sup>6</sup> ‘Legislature’ there became the common word to refer to the colonial assemblies in America, because by asserting lawmaking powers

5 *Oxford English Dictionary*, 2nd ed. (Oxford: Oxford University Press, 1989).

6 Alexander Hamilton, James Madison, and John Jay, *The Federalist* (New York: Modern Library, n.d.), 313.

these assemblies could challenge British control.

Beginning in the nineteenth century the term was used to refer to representative assemblies in the presidential systems of Latin America, but elsewhere the representative assembly is not usually called a legislature. Although ‘legislature’ is often used as a generic term to denote all variants of this institution, the actual name of the institution varies greatly from one country to another. In Germany it is called the Bundestag, in Russia the Duma, in Israel the Knesset, in France the National Assembly, and so on. In general, the name each country uses denotes the structure of the institution, that it is an assemblage, and not its function.

The relationship of the legislature to the executive developed differently in Europe than in America. There, the medieval parliament evolved into an instrument to democratize monarchical government, not by a separation of powers between itself as the lawmaking body and the governmental executive. The gradual expansion of the right to vote for parliament in the nineteenth century gave parliament a legitimacy that enabled it to challenge, to limit, and in some countries to replace the authority of the monarch. The result was parliamentary government, in which the branches are fused, different in form from presidential government as it evolved in the Americas, where the branches are separate.

But whether legislatures became lawmaking bodies in presidential systems or governing bodies in parliamentary systems, the institution that was originally merely a consultative assembly for monarchs became an institution engaged in making important political decisions. And though it began in feudal societies in medieval Europe, its most powerful

manifestation developed in eighteenth-century America, accompanied by the rise of a capitalist economy. Democratic legislatures also formed in Europe and in Latin America in the nineteenth century, but the greatest number of examples of the institution came into being in the second half of the twentieth century, notably during what Samuel Huntington has called the second and third waves of democracy.

Thus, at their origin, legislatures were not decision-making bodies but arenas for talking. Adapting them into institutions capable of making decisions involved – and keeps involving – contradictions between their original genetic properties and the characteristics they evolved as their role in governing expanded. These adaptations are the sources of four paradoxes that legislatures exhibit: the paradox of hierarchy, that legislators are both proud individualists and obedient followers of party leaders and committee chairs; the paradox of majority rule, that voting in large bodies works only with antimajoritarian restrictions; the paradox of transparency, that the legislative process is formally public but is in significant respects hidden from public scrutiny; and the paradox of cross-national comparability, that legislatures are both indigenous to each nation but also comparable across the world.

The authority of a legislature rests on its claim to represent the nation. That claim derives in part from the representativeness of its individual members. Each of them is a representative of a part of the nation. Since every member of a legislature is equally a representative of a constituency, all members are constitutionally equal in status. They cannot formally accept a hierarchical relationship to each other.

But the sum total of representatives of constituencies produces a very large, unwieldy body in nearly every country, large and small. There is no close relationship between the size of a country's population and the size of its legislature, or between changes in a country's population over time and changes in the size of its legislature. Rather, variation in the size of legislatures reflects different concepts of representation, implemented by different electoral systems for choosing representatives.

For example, the National Assembly of Hungary, elected by a complicated three-tier system of elections, has 386 members for its 10 million citizens, one member for every 26,000 people. In the United States, there are 435 members of the House of Representatives for 300 million people, one member for every 690,000 people. Members of Congress therefore have twenty-seven times the number of constituents that their Hungarian counterparts have. In fact, many European countries – Britain, Germany, and Italy – have legislatures 50 percent larger than ours with populations one-fifth of ours. The Elizabethan House of Commons grew during the sixteenth century from 296 members to 462, twice as fast as the population.<sup>7</sup> It therefore had more members for six million inhabitants in the England of the year 1700 than we have in our House of Representatives today for a population fifty times as large.

The implementation of varying concepts of representation – not population alone – produces memberships whose sizes take little account of how the resulting bodies can possibly work. Obviously, four hundred, five hundred, or six hundred members cannot act at

7 J. E. Neale, *The Elizabethan House of Commons* (Hammondsworth, Middlesex: Penguin Books, 1963), 133.

all unless there is some coordination among them – at least an agreement on a sequence of decision making, an agenda. Furthermore, unless there is some agreement on sharing the work, many members will try to get a free ride and avoid having to make decisions. Agenda setting and division of labor requires organization, some constraints on what each member can do, and hence some inequalities among members.

Nearly half of the signers of the U.S. Constitution had served in colonial legislatures and, as a result, knew these realities. Yet, as members of the Continental Congress, they ignored their previous legislative experience. In the fluid political situation of revolutionary America, each member guarded his state's prerogatives jealously and refused to entrust agenda-setting power to any subset of their members. Consequently, the Congress suffered the disorganization typical of a pure majority-rule institution. One member wrote that he had

been witness to a Report made by a Committee of the Whole, which had been entered upon the Journal, superseded by a new Resolution, even without reference to the Report. A Resolution, carried almost *Nom Con* [without objection] – entered, and half an hour after reconsidered and expunged. When I add that such irregularity is the work of almost every day, you will not wonder that I wish to be any where but in Congress.<sup>8</sup>

The Continental Congress also by and large refused to select standing commit-

tees, relying instead on a huge number of ad-hoc committees – over three thousand of them were elected between 1774 and 1788 – each with little authority and no chance to develop expertise.<sup>9</sup> The result was that most decisions had to be made by all members on the floor of Congress; thus decision making was slow, and the workload of every member very heavy.

The lineage of American legislatures shows a remarkable continuity from the colonial assemblies, to the legislatures of the states after the Revolution, and to the U.S. Congress. But in that lineage, the Continental Congress, under the Articles of Confederation, was what Peverill Squire and Keith E. Hamm have called an “evolutionary mutant.”<sup>10</sup> Political scientists love to study that mutant just as biologists study mutations, to gain insight into normality by examining the abnormal.

Under normal circumstances, when members bear the cost of discussion without an agenda, they select steering committees, or presiding officers, or party leadership. When they experience the consequence of allowing every member an equal role in every decision, they learn to divide legislative work and to pinpoint responsibility for accomplishing it, although that similarly requires the delegation of functions. Appointing subsets of members as committees is the typical solution, but it raises the danger that influence on decisions will be unequal. That is why inexperienced legislative institutions resist that solution.

8 Quoted in Rick K. Wilson, “Transitional Governance in the United States: Lessons from the First Continental Congress,” in Gerhard Loewenberg, Peverill Squire, and D. Roderick Kiewiet, eds., *Legislatures: Comparative Perspectives on Representative Assemblies* (Ann Arbor: University of Michigan Press), 299 – 300.

9 Ibid, 297.

10 Peverill Squire and Keith E. Hamm, *101 Chambers: Congress, State Legislatures, and the Future of Legislative Studies* (Columbus: The Ohio State University Press, 2005), 6.

The committee structure is a principal source of hierarchy within the legislature. Research has identified three sources of committee authority. First, division of labor among committees permits legislators to specialize and allows the legislature to develop the information needed to make complex decisions simultaneously on many subjects. Deference to committee recommendations is therefore deference to expertise and to efficiency. Second, division of labor among committees provides opportunities for bargaining, enabling members to trade decisions they care little about (decisions made in other committees) for decisions that are crucial to them (decisions in their own committees). Deference to committees is therefore recognition that members are not equally interested in all subjects coming before them. And third, committees are instruments subject to the control of political parties, allowing parties to organize legislative work across subject areas and, in parliamentary systems, between the legislature and the executive, so that the party label will have policy meaning. Members defer to party control because it gives value to the party label, on which their reelection chances depend.<sup>11</sup>

For these reasons members who are constitutionally each other's equals have incentives to defer to each other in a variety of ways that permit them to coordinate their work and to obtain results. But the conflict between equality of status and hierarchy never goes away. It leaves the suspicion, both among members and in the public, that members, though nominally equal to each other,

have highly unequal influence on legislative outcomes. The relative privacy of committee decisions, and the decentralized decision making they produce, facilitates the influence of lobbies, both legitimate and – as we have recently seen – illegitimate. The U.S. Congress has carried this decentralization further than any other legislature, with 16 committees and 87 subcommittees in the Senate, and 22 committees and 135 subcommittees in the House. That makes it particularly susceptible to the influence of narrow interests, a condition that is currently of great concern in the United States.

The paradox of majority rule is the second of the four paradoxes. One would expect a legislature composed of equals in a democratic setting to proceed in the most egalitarian manner possible, with rules that give no members special powers. That implies issue-by-issue decisions taken by majority vote. However, as legislators vote on a constant stream of issues, they (unlike voters in general elections) interact with each other and often negotiate compromises. Instead of voting up or down on separate issues, they are inclined to develop multiple alternatives. Each legislator may have a different order of preferences among these alternatives. Therefore, in successive votes, the majority that prefers one alternative is likely to consist of different individuals from the majority that prefers another. When that is the case, successive votes among pairs of alternatives may produce successive majorities in a potentially endless cycle.

For example, a legislature may face a decision on whether to raise income, corporation, or sales taxes. In successive votes between two alternatives at a time, the sales tax could defeat the income tax, the corporation tax defeat the sales tax,

11 Kenneth A. Shepsle and Barry R. Weingast, eds., *Positive Theories of Congressional Institutions* (Ann Arbor: University of Michigan Press, 1995), 5 – 35.

and the income tax defeat the corporation tax. But from the earlier pairing we know that the income tax is defeatable by the sales tax, so the cycle would begin again unless there is some rule to stop it.

The possibility of voting cycles has long been recognized. Clearly articulated at the end of the eighteenth century by the French philosopher, legislator, and mathematician, the Marquis de Condorcet,<sup>12</sup> it is the basis of the theorem for which Kenneth Arrow won a Nobel Prize in economics.<sup>13</sup> Arrow's theorem demonstrates that there is no sure way of always translating the rational preferences of individuals into coherent, consistent, stable preferences of a group, except by adopting nonmajoritarian rules on the voting procedure, such as imposing a particular sequence on voting or by restricting the right of amendment.

Many European legislatures vote on mutually exclusive alternatives in succession, one by one, and the voting stops as soon as one alternative receives a majority. Usually the most extreme alternative is voted on first, followed by those that produce less and less change. The British parliament and most English-speaking legislatures, including ours, use an amendment procedure by which pairs of alternatives are compared and one is removed at each voting stage.<sup>14</sup> In either case the sequence in which votes are taken strongly influences the

12 David Williams, *Condorcet and Modernity* (Cambridge: Cambridge University Press, 2004), 206–212.

13 Kenneth J. Arrow, *Social Choice and Individual Values* (New York: Wiley, 1951).

14 Bjørn Erik Rasch, "Parliamentary Floor Voting Procedures and Agenda Setting in Europe," in Loewenberg, Squire, and Kiewiet, eds., *Legislatures: Comparative Perspectives*, 270–276.

outcome. Experienced legislators often acquire great skill in exploiting particular sequences to their own advantage. They attempt to influence results by engaging in 'tactical' voting, that is, voting with an eye to results rather than as an expression of their sincere preferences at each stage.

These rules of procedure, necessary to translate the choices of individual legislators into the decisions of legislatures, are bound to create inequalities among members, because they concentrate power in the chair of the legislature, or in a rules committee, or in some other agenda setter. Without such a concentration of power, the decisions of legislatures will be incoherent, inconsistent, and unstable. But the ordinary citizen, watching the voting process in the legislature, views it cynically. The untutored observer expects that it should be simple to aggregate the decisions of individuals into the decisions of a group. But it is not, and it generates a conflict between the idea of majority rule and the reality of decision making in large bodies.

The third paradox of legislatures is the paradox of transparency. Although representation nowadays means the election of members of legislatures by voters, it had other meanings earlier in the history of legislatures. In status societies, representatives could be appointed, could choose themselves, or could inherit their representative positions, as did the members of the British House of Lords. But in the modern world, being elected by constituencies through one means of voting or another is the indispensable condition of representativeness. Even authoritarian countries imitate that process.

The implication of the electoral connection is that voters must be able to hold their representatives accountable –

which means they must be able to see what legislators and legislatures do. Thus the meetings of the legislature must be open, subject to public scrutiny. The German parliament went so far as to embody that principle in the architecture of the renovated Reichstag, which was opened in 1999. The parliamentary chamber is enclosed by transparent walls, opening it to light and to public view. The pinnacle of the building is a transparent dome open to visitors, from which they can see the chamber in session.

Transparency, however, displays to the public all of the characteristics of legislative proceedings that run counter to its expectations: time-consuming bargaining among large numbers of decision makers; compromise among points of view, which often entails compromise of principles; insincere posturing among members trying to mute conflict; and complex procedures to organize work and get results. Unlike decision making in the judicial or executive branches of government, the legislative process is relatively open. But its very transparency is the source of public distrust. As John Hibbing and Elizabeth Theiss-Morse have written, "Congress is . . . viewed by the public as an enemy . . . because it is so public."<sup>15</sup>

As a result, legislatures everywhere attempt to obscure some parts of their decision-making processes by closing some committee meetings and most political party meetings. Of course, they also hide the bargaining that takes place between the executive and the legislature, and between interest groups and

legislators. That is why so little of importance goes on on the floor of the legislature, where the public view is focused. No wonder the average citizen is baffled and distressed, and no wonder economic leaders try to exercise influence behind the scenes.

The paradox of transparency has the curious aspect that members try to ingratiate themselves with their constituents by criticizing the institution to which they belong. They run for reelection by running against Congress, in effect blaming their colleagues for everything that the public regards as wrong with Congress. So public criticism of Congress can exist hand-in-hand with each constituency's approval of its own member of Congress. This explains why incumbents are rarely defeated despite the fact that public support of Congress has ranged between just 8 and 28 percent in the last thirty-five years.<sup>16</sup> Getting transparency right is a Goldilocks problem: not too little but also not too much.

The fourth paradox of legislatures is that they look alike in so many respects across the world, and yet the legitimacy of each legislature rests on its assertion that it represents a particular people and their culture. As a political institution, every legislature has organizational characteristics in common with every other legislature. This makes it possible to compare them and for countries to copy them from each other. But in spite of their structural commonalities – that their members are equal to each other, that they are 'representatives,' that they are not organized hierarchically – they take various forms from country to country: their members are chosen by different electoral systems; their members have many nation-specific attri-

<sup>15</sup> John R. Hibbing and Elizabeth Theiss-Morse, *Congress as Public Enemy: Public Attitudes toward American Political Institutions* (Cambridge: Cambridge University Press, 1995), 61.

<sup>16</sup> *Ibid.*, 38.



butes; their party groupings, their informal norms of behavior, and their influence within their separate political systems all differ.

Over their long histories, legislatures have influenced each other across national and cultural boundaries. This interesting diffusion of procedures and practices can be traced in the seventeenth and eighteenth centuries from England to America, in the nineteenth century from the British to the French and Belgian parliaments, from them to parliaments in Central Europe, and from the United States to Latin America. In the twentieth century there was institutional transfer from the British and French parliaments to the parliaments of their former colonies, and from Western and Central European parliaments to the parliaments of newly democratic states in Eastern Europe. The paradox is that legislatures are country-specific, yet they have often been imitated by one country from another, or imposed by one country on another.

The 'exportability' of legislatures has always been a matter of dispute, but especially in the last thirty years during the so-called third wave of democratization – the proliferation of open, competitive political systems in Latin America, and in Southern and East Central Europe. These newly democratic countries invariably designed legislatures as parts of their political systems, building on their own indigenous assemblies. They have grafted onto their own traditional institutions some features from either the U.S. Congress – in the case of most Latin American countries – or from Western European parliaments – in the case of countries in Southern or East Central Europe. But the results of these exports have varied greatly, from the recent success of institutional transfer to Southern and Eastern Europe, to its fre-

quent failures in Africa and the Middle East. Though blueprints are exportable, applying them in new settings requires adaptation to indigenous political characteristics, which has very uncertain results and unanticipated consequences.

A specific example taken from the period of democratization after World War II can illustrate the point. A group of members of the new postwar German parliament, on a study trip to Washington in 1949, was impressed by the hearings procedure of the U.S. Congress. Their enthusiasm led to the adoption of hearings in the rules of the German Bundestag in 1951. But in the following fourteen years only nine days of committee hearings took place among all of the Bundestag's committees. Suddenly, in 1968, the number of hearings exploded. In the most recent term of the Bundestag there were over three hundred days of committee hearings. What had happened was that, for completely unrelated reasons, the executive-legislative relationship changed in Germany in the 1960s, giving to legislative hearings a relevant political function they had not had before. In the absence of the Congressional blueprint, the hearings procedure would not have developed. But without internal changes in German politics it would not have thrived.

In the contemporary world, the transfer of institutional blueprints is no longer limited to countries that adjoin each other geographically, or that speak the same language, as once was the case. And the rate at which legislatures have been newly established or reestablished in the last thirty years is unprecedented. Political scientists have been struggling to identify the determinants of success in transplanting legislatures. The paradox is that legislatures are representations of a nation's political culture and therefore vary as national cultures do,

and yet they have genetic properties that none of them can escape. The result can be a mutation, either interesting, vital, or, occasionally, debilitating. The failure of parliaments in post-World War I Europe provides many examples of the morbidity of parliaments. Some parliaments in effect dissolved themselves, like the German Reichstag in 1933, and others became so incapable of acting that they easily fell victim to dictators.

I have explained that the paradoxes of legislatures – the apparent contradictions they exhibit – result from the evolution of medieval parliaments into instruments of democracy. On the surface legislatures may appear as democratic, majoritarian, and egalitarian institutions. But experience shows that, to be effective, they must accept internal hierarchies; they must adopt procedures that structure their voting sequence and constrain majority rule; they must at least partly hide their decision-making processes from their constituents; and they must symbolize their national distinctiveness while also accepting certain structural imperatives.

These contradictions feed public cynicism toward legislatures as institutions. That cynicism is often especially marked among the captains of industry. Their criticism is not only specific to the issues that concern business leaders. It extends to the legislature's characteristic mode of procedure, which consists of decentralized authority, bargaining, compromise, and partisanship – all of which stand in sharp contrast to the strictly hierarchical structure of decision making common in much of the business world.

Since legislatures symbolize democracy, and have often been the agents of democratization, the contradictions of the institution feed skepticism about

democracy generally, not only in that part of the world that has never known it, as in the economic powerhouses of Asia, but also in established democracies. Distrust of democracy undoubtedly has many reasons specific to our times, to the intractable issues that face most governments, to the scandals that have destroyed the reputation of many prominent leaders, and to the lack of experience with self-government in those countries that are newly democratic or that maintain authoritarian regimes. Unfortunately, the contradictions that legislatures exhibit undercut their capacity to promote or to sustain democracy.

What can be done to strengthen the capacity of legislatures to encourage and support democratic government? The electoral connection that ties members of legislatures to their own constituents does not necessarily strengthen the constituents' support of the institution as a whole. Neither do the standard projects of civic education, getting out the vote, discussing the issues, and explaining the formalities of constitutional powers – worthwhile as these efforts might be on other grounds.

Strengthening the legislative institution probably depends on sources outside of itself, outside of political education, and outside of politics altogether. It may best come from public experience with collective decision making in non-governmental settings, in civil society. It is in these settings that we experience the social dilemmas that arise whenever we try to move from individual preferences to collective decisions. These are the same dilemmas that lie at the heart of the paradoxes of legislatures. If we can learn to reflect on these dilemmas – to recognize them when we act within our households, our synagogues and churches, our schools, our professions, and our modern business enterprises –

we can draw on what Robert Putnam has called our “social capital”<sup>17</sup> to understand decision making in legislative politics.

Every citizen has experience with making group decisions in personal or civic or professional settings. Thus every citizen can draw analogies between that experience and the challenges that face legislatures. The paradoxes of legislatures – of hierarchy with equality, of majority rule with procedural constraints, of transparency with privacy, of differences and similarities among groups – exist in private as well in public decision making. By analogy, from what citizens understand close to home to what baffles them on the national stage, they may best be able to develop understanding – and respect – for the paradoxes that democratic legislatures exhibit, paradoxes that they cannot escape. That is the route to appreciating that democratic political institutions and capitalist economic institutions are not only compatible but that they are indeed capable of reinforcing each other.

17 Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000), chap. 1.