In England there has always been more liberty, but worse organisation, while in other countries there is better organisation, but less liberty.

John Stuart Mill

In the democratisation of parliamentary systems the doctrine of popular sovereignty superseded the older doctrine of parliamentary sovereignty. *De facto*, however, the difference was slight. In democratic regimes the constitutional wisdom is that parliament is the institutional seat of popular sovereignty – especially when there are few possibilities for the people’s will to be expressed via referenda. Democracy – after the failure of the anarchist-council form of direct democracy (we cannot call it ‘soviet’ any more because Russia distorted the original idea) and the mandate-form of government by assembly – is a system in which exercise of the people’s will is limited by human rights strictures, checks and balances, representative exercise of popular aspirations, party government and sometimes federalism – which ideally, according to Calhoun’s famous formula, puts concurrent majorities above numerical majority.¹

Parliamentary sovereignty was always a fiction. The famous *bon mot* that the British parliament could do anything except transform a man into a woman was only partly true because there have been counterchecks on its activities in most periods of British history. Moreover the spirits which legislatures called in the nineteenth century began to dominate parliament: responsible governments became the masters of the legislature rather than its servants when cabinet and prime ministerial government developed. Nonetheless parliaments have had a
certain autonomy – though less room for manoeuvre than the legislature in a presidential system.

Parliamentarisation of the executive involved certain preconditions:

- The existence of autonomous rights of organisation for the parliament including the right to assemble without being called by the monarch, and an independent financial base. Organisational autonomy was rarely guaranteed in the constitution, but emerged step by step through the standing orders issued by parliament itself.
- A non-hierarchical concept of equality among deputies and a certain corps d’esprit among the members.
- Non-hierarchical relations between the two houses of parliament.
- A guarantee of independence from outside influence by transforming parliamentarians’ representative function into a paid profession.

Each of these will be discussed in turn.

3.1 Organisational autonomy

In constitutional monarchies the monarch usually had to agree to the standing orders of parliament. In regimes with very large executives, parliament was prevented from developing organisational autonomy. It was only during the last two waves of democratisation (the 1970s and 1989 onwards) that attempts were made to constitutionalise the details of parliamentary organisation. Some constitution-makers – with the best of intentions – went too far and even regulated the length of parliamentary debates on government declarations as in Portugal (Articles 166ff.). There are many details that are better left to the standing orders of parliament.

3.2 Non-hierarchical parliament

Hierarchies and markets are the extreme poles on a continuum of organisational models, with parliaments lying somewhere near the middle. Rational choice approaches have frequently treated parliaments as a kind of free market, with negotiations for coalition building and log-rolling. The market model of parliament tends, however, to overlook the hierarchical elements that emerge in legislatures when those in the majority party or coalition are obliged to cooperate with