Peculiar constitutions? A Classical Theory perspective to the mixed constitutions of the four European microstates

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ABSTRACT: The four European microstates – Andorra, Liechtenstein, Monaco, and San Marino – all have longstanding and unique political systems which can be regarded as relics from earlier periods in European history. While the democratic credentials of their institutions are sometimes questioned, they have certainly provided for profound political stability, contributing to the survival of the microstates. More specifically, their institutions are designed to prevent the concentration of power in the hands of single actors or institutions, which is an obvious risk in very small communities. Building a bridge between constitutional theory and comparative politics, the present article examines the political institutions of these microstates through the prism of Classical theories about the mixed constitution, formulated most prominently by Polybius. We find that all four microstates employ elements of the mixed constitution, and that their political institutions foster political stability and prevent power concentration.

Keywords: Andorra, constitutional theory, comparative politics, Liechtenstein, microstates, Monaco, political history, political institutions, political stability, San Marino, small states

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Introduction

Whereas virtually all Western European countries are commonly classified as representative democracies, the continent also comprises two monarchies in which royals have genuine political powers: the Principalities of Liechtenstein and Monaco. Similar to Andorra and San Marino, these very small (or micro) states have longstanding and unique political institutions which can be regarded as relics from earlier periods in European history. The political systems of all four microstates combine elements of monarchy, aristocracy, and democracy; and strongly emphasise the balance of power between these elements.¹ Employing institutional features that have disappeared in the rest of Europe, the microstates can offer us a fascinating glimpse into the functioning of Classical, Medieval, or Renaissance-era political

¹ The Greek term monarkhia, as used by Polybius and in this article, means rule by a single person. This need not be a king, but can also be a tyrant.
systems. By analysing their contemporary political dynamics, we may learn more about the benefits and drawbacks of constitutional arrangements that are an integral part of European political history.

While the political systems of the European microstates tend to be criticised for not fully adhering to democratic principles, they have unquestionably succeeded in generating an extraordinary level of political stability. Despite – or perhaps due to – their diminutive size, the four microstates have survived as independent entities for centuries, miraculously escaping the Napoleonic Wars, German and Italian unification, and the two World Wars of the 20th century. Their survival can in large part be attributed to the durability of their political institutions, which have mostly succeeded in preventing domestic turmoil and political crises. Indeed, when taking a closer look at their constitutions, we can see that all four microstates have sophisticated mechanisms designed to prevent the concentration of power in the hands of single actors or institutions, which is an obvious risk in very small polities (Baldacchino & Veenendaal, 2018).

Contemporary political science primarily assesses regimes on the basis of their democratic credentials; but in constitutional thought internal stability was long regarded as a much more important criterion. Systems that establish a balance of power between various political actors and institutions were seen as most likely to generate political stability. References to these so-called ‘mixed constitutions’ already appear in the works of Thucydides, Plato, Aristotle, and most notably the Greek historian Polybius (c. 200 – c. 118 BC), whose influence has perhaps been strongest, although not always recognizably so. In its best known guise, a mixed constitution is a constitutional system that unites elements of the three ‘virtuous’ constitutional types of monarchy, aristocracy, and democracy. What makes a constitutional type virtuous is that authority is exercised for the public good rather than the private interests of the ruler(s). It was believed that a *regimen mixtum*, a regime composed from such virtuous constitutions, is particularly impervious to internal corrosion. Some thinkers, among whom Cicero, even believed that a well-tempered and balanced constitution was capable of not just decelerating, but even halting the cycle determining the rise and fall of ‘pure’ or ‘unmixed’ constitutions. In the Early Modern Period, the Republic of Venice, an echo of the ancient republic of Sparta, was the epitome of such an eternal constitution. And it is important to realise that, the fact that it was abolished by Napoleon in 1797 (after 1,100 years) does not contradict the claim to eternity: unlike its physical embodiment, the Republic of Venice did not disappear because of internal causes.

As this example shows, the mixed constitution is not an exclusively theoretical concept. Examples of systems that incorporated monarchical and republican elements can be found among the Greek poleis, Carthage, the Roman republic, and Italian city-states and principalities in the Renaissance and early modern era. Currently, the constitutions of the four European microstates most closely reflect the principles of the mixed constitution. However, the four microstates are also quite dissimilar: Liechtenstein and Monaco are principalities in which the monarch shares power with the people, Andorra has two external co-Princes as heads of state, and San Marino is governed as a republic.

In this paper, we analyse the constitutional setup of each of these four microstates, and investigate how their institutional structures work in practice. By examining the formal structure and everyday functioning of these systems, we aim to discover to what extent the advantages and disadvantages of mixed constitutions as they were outlined by constitutional thinkers also materialise in practice. We focus specifically on microstates with less than 100,000 inhabitants, and not on other European small states such as Cyprus, Estonia, Iceland, Luxembourg, Malta, and Montenegro. The reason is not only that the microstates are significantly smaller than these states (which all have at least 300,000 citizens), but also that all other European small states have relatively recent histories of foreign domination or
colonisation, as a result of which their premodern institutions have not remained intact to the extent that they have in the four microstates.

It is true, however, that not only the four microstates have mixed constitutions. Arguably, the constitutions of most, or even all Western democracies are, or have important characteristics of mixed constitutions. However, the idea of the mixed constitution is also that of a balanced constitution. This is not just a matter of designing a delicate system of institutional checks and balances, but also presupposes a certain social composition. While it is true that contemporary constitutional systems have incorporated elements of the mixed and balanced constitution (such as that of a bicameral legislative with a role for the king or president), these systems were originally designed for small-scale republics. In larger sovereign states, it has become increasingly difficult to accommodate the overbearingly numerous and powerful democratic element to still speak of a balanced constitution in the original sense of the term. It is rather one of the reasons we prefer to call them democracies. This is the key difference with the four microstates, in which, as we will show, the monarchic and aristocratic elements have remained more powerful than in larger European states. Drawing from constitutional theory and comparative politics, we aim to build a bridge between theoretical and empirical insights into the functioning of the four microstates’ political systems. Specifically, this interdisciplinary approach enables us to examine the theoretical foundations of the microstates’ political systems, but also to explore to what extent these systems operate as Classical thinkers anticipated.

We start by providing a discussion of the mixed constitution in constitutional theory, exploring both the normative as well as the practical underpinnings of this political arrangement. Subsequently, we offer a discussion of the contemporary political systems of Andorra, Liechtenstein, Monaco, and San Marino, examining which elements of the mixed constitution have been incorporated into their political systems. Finally, we investigate the practical functioning of these political systems by looking at the ways in which they are legitimised and evaluated by both citizens and elites.

The concept of the mixed constitution

In Antiquity, several theories and accounts of the mixed constitution were current. Strictly speaking, any constitution is mixed which combines (elements of) two or more simple or pure constitutions. Such simple constitutions can be good or ‘virtuous’ constitutions, or polities that are run by their incumbents for the sake of the common or public good: kingship, aristocracy, and some form of inclusive government like democracy based on laws. It is, however, frequently forgotten that mixed constitutions can also be combinations of bad or ‘corrupt’ constitutions. A notable example is Aristotle’s politeia. In his classification, this term, which is the generic designation corresponding to ‘constitution’, is also used to refer to a virtuous and inclusive form of government. It is a mixture of what in his classification are the bad forms of oligarchy and democracy, uniting government by the wealthy ‘few’ and the poor ‘many’ (hoi polloi), so as to bind the rival social segments to a common purpose. In this broad sense, the notion of a mixed constitution is already present in Thucydides’ history of the Peloponnesian War. However, the first theory is found in the third book of what is generally considered to be Plato’s last dialogue, Laws. The mixed constitution of the Spartan or Cretan type is characterised there as a blend of monarchy and democracy.

The theory of the mixed constitution raises both terminological and conceptual issues. Conceptually, we find no concept of ‘the’ mixed constitution in the works of Plato and Aristotle. It is not only that there is no independently specified, uniquely determinate constitution that goes by that name. Aristotle in particular uses the notion of mixing (which plays a prominent role in his philosophy of natura) mainly as a technique or method of constitutional design (Aristotle, 1988, pp. 94-5). Terminologically, there is some irony to the fact that the proponent
of what is arguably the most celebrated and influential theory of the mixed constitution does not apply the adjective ‘mixed’ (miktē) to ‘constitution’ (politeia) at all. In the sixth book of his Histories (of which only fragments survive), Polybius uses other expressions to refer to the type of constitution that is a combination of kingship, aristocracy, and democracy (Polybius, 1923, p. 273). Moreover, when, in sources from later Antiquity, the term politeia miktē is used, it is usually qualified by a specification from which that constitution is composed.2

Nevertheless, when we speak of ‘the mixed constitution’, we usually mean a Polybian (or Ciceronian) governmental system that consists of the three virtuous constitutions: kingship (the virtuous monarchical form), aristocracy (most reflected by a senate or an equivalent), and the virtuous form of democracy (often institutionalised in a ‘great council’ or an equivalent). Accordingly, we shall use this Polybian concept in our analysis of the governmental institutions of the four European microstates.

Polybius

Book vi of Polybius’ Histories is one of the most influential texts in the history of constitutional thought. In this immense work (of which only fragments survive), Polybius asks how it was possible for the Roman Republic, which started out as a city state comparable to a Greek polis, to succeed in subduing the whole known world. To this effect, he traces the course of events following what was perhaps the severest existential crisis in the history of the republic: the devastating rout at Cannae in the Second Punic War (216 BC) at the hands of Hannibal and his troops. His general answer is that the secret of the Roman Republic’s success lies in the nature of its constitution. His specific answer is that the aristocratic element of that constitution, the institutional position of the Roman senate, together with the virtue of Rome’s senators, is the secret of the Republic’s resilience, particularly during crises.

After a preliminary account of the events leading up to the battle of Cannae in books i-v, Polybius interrupts his chronological exposition in book vi by a description of the Roman constitution. Since that description is part of an excursion to political theory, book vi can be studied, and in fact has often been studied, as an independent treatise on constitutional thought. The political theory of book vi can be broken down into two parts. The first is an account of constitutional change in terms of the ancient concept of nature. Polybius takes over from Plato the idea that simple constitutions change into other simple constitutions according to a determined or ‘natural’ pattern. The second is an exposition of the best constitution, which is a complex or mixed constitution. As noted, such a mixed constitution consists of the virtuous constitutions of kingship, aristocracy, and democracy. The relationship between the account of constitutional change and the account of the mixed constitution consists in the idea that the mixed constitution is the remedy against constitutional degeneration. The mixed constitution is the guarantor of constitutional stability. According to Polybius, the constitution of the Roman Republic is such a mixed constitution. What is more, since it is itself the result of natural change, it can and should be understood in terms of his theory of constitutional change.

To begin with the latter part, Polybius advocates a form of research that he calls pragmatikē historia, or research that is very much oriented towards facts so as to be of practical value for aspiring rulers. The mixed constitution, then, is not a figment of his utopian imagination. As it turned out, the realisation of a mixed constitution resulted in preserving liberty for Sparta for a longer period than any constitution known to Polybius and his contemporaries. Importantly, despite its name, the mixed constitution is regarded by Polybius as a full-blooded kind of constitution. It may be conceptually derivative in the sense that it

2 As in Diogenes Laertius’ Lives of the philosophers, vii., p. 131: “The constitution that is a mixture form of democracy, kingship, and aristocracy is best” (politeian d’aristēn tēn miktēn ek te démokratias kai basileias kai aristokratias) (Diogenes Laertius, 1925, p. 235).
combines (elements of) the simple constitutions of kingship, aristocracy, and democracy. This does not mean, however, that it is not a kind of constitution in its own right; even though it is not a pure or simple form. Its rightful place, therefore, is in an *a posteriori* classification of empirically existing constitutions, not in an *a priori* taxonomy. Classifications of constitutions, whether pure or simple, were inductively established. This is one of the manifestations of *pragmatikē historia*.

Polybius uses Lycurgus’ design of the Spartan constitution as a point of reference for his discussion of the design and vicissitudes of the Roman Republic. By combining kingship, aristocracy, and democracy in one constitutional fabric, he believes it is possible to check, or at least considerably weaken, the specific tendencies of these constitutions to internal and natural forms of corruption. The key to this brake on corruption is the familiar mechanism of balancing. The notions of mixing and balancing are conceptually distinct; they may be inseparable in practice. Balancing is a term that very much fits the idiom of force, or real power that gains popularity in the seventeenth and eighteenth century. Thus, the claim in *Federalist* 51 that government institutions should be designed according to the principle that “ambition must be made to counteract ambition” is “to control the abuses of government” is Polybian in the sense that it sees the source of the corruption of government in the moral dispositions of its officials (Hamilton, Madison & Jay, 1961, p. 356). But in Polybius’ account, the metaphor of balancing should be taken more literally.

The notion of balancing requires three elements: two extremes and a midpoint. According to Polybius, the Roman Senate, the equivalent of the Spartan Council of Elders (the *gerousia*), is the aristocratic midpoint in that it serves as the mediating force between the monarchic element, the consulate, and the democratic element, the (tribune of the) people. The interpretation of the text is difficult and disputed, but Polybius appears to mean that the Spartan kings were supposed to be supported by the senate against the people – whose inclination to treat the kings with contempt had to be checked by fear of the senators. Conversely, if the kings tended to overstretch their power, the senate would ally with the people to forge a counterweight. Similarly, by throwing its weight on the side of the consuls, the Roman Republic’s equivalent of the Spartan kings, or the people in particular issues, the senate was capable of providing a global equilibrium to direct public decision-making (Polybius, 1923, pp. 291-293). We should, therefore, take the metaphor of a balance of power with a grain of salt.

The senate is more than an apex, which is a passive element. It rather acts the part of the balancer, actively throwing its weight in the scale of the king or the people in order to maintain the constitutional equilibrium.

The notion of balancing brings us to the other part of Polybius’ theory. As noted, the point of the mixed constitution is to address constitutional change and instability. Polybius takes

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3 That the idea of a mixed constitution as the best constitution was current long before Polybius is clear from Aristotle’s doxography about the Spartan polity in *Politics* ii (1265b33-1266a1); see Aristotle (1988, p. 32).

4 The notion of a balance of power (in international relations) is expressed well by David Hume in his essay ‘Of the Balance of Power’ (Hume, 1985, p. 33), when he credits the Athenians with the wisdom of ‘throwing themselves into the lighter scale’ so as to ‘preserve the balance’. The language Polybius uses to characterize Lycurgus’ design is that of force and power (*dunamis*). Force and power of one party correlate with fear in the other party. The idea is that when the force of one of the elements grows beyond what it should be (*auxanomenon huper to deon*), corruption sets in. Thus, when the kings become too powerful, the constitution will drift towards tyranny. For this reason, each of its parts should ‘pull against’ (*antispasthai*) the others, none of the parts ‘inclining’ (*newein*) or ‘weighing down’ (*katarrepein*) the entire constitutional edifice to its own side. The constitution should be ‘in equilibrium’ (*zugostatoumenon, isorropoun*), like a well-constructed vessel. On the term *antiploia* (Polybius, 1923, p. 291), of which this is the only known occurrence in extant writings, see Walbank (1999, p. 661). On the notion of balance, see also Cicero in *De re publica* ii, 57 (Cicero, 1928, p. 168).

5 Von Fritz (1954, pp. 466-467) believes the argument requires a more general scope. See Plutarch (1914, p. 221) on stabilizing influence of the introduction of the senate by Lycurgus (referring to Plato, *Laws* 691e), comparing the senate to ballast ‘placed in the middle’ (*en mesōi themenē*) to balance (*isorropēsasa*) the ship (of state).
over from Plato the idea that simple constitutions morph into other simple constitutions according to a determinate or ‘natural’ pattern. This is the so-called theory of the cycle of constitutional change (anakuklōsis).\(^6\) It is not necessary here to describe the stages of the cycle in detail. Suffice it to say that the cycle starts from a kind of natural condition of chaos in which humankind finds itself when natural disasters have obliterated the products of human civilisation: its arts and institutions. To this condition it eventually returns. This primeval condition calls for a form of natural leadership that gradually develops into a form of kingship, a virtuous form of autocratic rule (Polybius, 1923, p. 281). The subsequent constitutional changes are an alternation of processes of corruption or degeneration of the rulers’ character and reactions to their abuses of power by the remaining virtuous elements in society. So, kingship degenerates into tyranny, while the tyrant is ousted by the still virtuous elite. This aristocracy, in turn, is itself gradually corrupted, turning into a self-swerving oligarchy. This regime prepares the ground for an orderly form of democracy, informed by a desire for equality and liberty. When respect for authority disappears, democracy collapses into mob-rule or ochlocracy. This finally issues in a condition similar to the pre-political, anarchic point of departure (Polybius, 1923, pp. 273-275; 287-289).

Although the exact bearings of Polybius’ theory of natural constitutional change are far from obvious, two details stand out. Firstly, Polybius distinguishes two kinds of factors contributing to the decline and demise of constitutions: those which are: (1) endogenous and ‘grow naturally’ inside them; and (2) external or exogenous factors. While the former are ‘ordered’ or determinate, and therefore can be foreseen, the latter are ‘unordered’ and escape prediction (Polybius, 1923, p. 397). Hence, each virtuous constitution carries the sources of its own corruption in itself and is bound to backslide into ‘its proper and naturally issuing’ bad form, just like iron and wood are prone to connatural forms of decay such as rust and woodworms (Polybius, 1923, pp. 289-291).\(^7\) In short, a constitution has the source of change in itself: the theory does not account for change that is purely external.\(^8\)

Secondly, for Polybius, calling a process ‘natural’ means that it is not the intentional product of a grand design by a single lawgiver, but the unintended result of a series of particular intentional responses to internal developments. The whole cycle of constitutional change is natural because the transformations of which it is composed are. That these transformations, however, are natural does not mean that they are completely devoid of intentional or intelligent human action. In ancient thought the concept of nature has a normative connotation: a thing functions in the natural way when it functions as it should. A human being functions naturally if they use reason, which is the defining attribute of human nature. Accordingly, constitutions that move away from their natural functioning, consisting in the care of the common good, foster a ‘natural’ reaction by the remaining virtuous elements in society. This prepares the ground for a violent shift of the social base of power. For instance, from tyranny naturally ‘grows’ (phuetai) aristocracy, although the latter is not a natural counterpart of the former because of the shift from power of the one to power of the few (Polybius, 1923, p. 275). Significantly, when Polybius describes the development of aristocracy from tyranny, he locates the beginning of the latter’s dissolution in the conspiracies of “the noblest and most magnanimous men” – who are least capable of putting up with the tyrant’s insolence. The “beginning and birth” of aristocracy is determined by the bestowal of authority by the people on these aristocratic conspirators (Polybius, 1923, p. 285).

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\(^6\) The term anakuklōsis appears once in what is left of Histories.

\(^7\) Aristotle calls ‘natural’ those things that have an internal principle of change or movement.

\(^8\) By ‘purely external’ is meant events that do not depend on the disposition of character of the regime’s functionaries; they include earthquakes and other environmental disasters. A regime may, however, respond adequately, even admirably, to external threats in ways that are virtuous. Admittedly, Polybius does not give us an account of what natural constitutional change is; he seems to rely on predecessors or general established opinion.
Likewise, the history of the Roman Republic displays a process of natural change in the form of intentional institutional changes as intelligent responses to internal crises, such as the institution of the Tribunes of the Plebs. The result of this process was a constitution mixed from the ‘natural’ or virtuous forms of rule by ‘the one’ (the Consulate), ‘the few’ (the Senate), and ‘the many’ (the Tribunate). The advantage of such a complex construction is its capacity for considerably slowing down (short of halting) the cycle of constitutional change, because it allows those partaking of government to check, or at least considerably weaken, the destructive consequences of the respective tendencies to corruption of character.

Caveats and clarifications

All of this should be familiar; at least in outline. We should not, however, allow ourselves be led astray by this familiarity; which we can take as an index of the empirical success the notion of the *regimen mixtum* has had in the constitutional history of modern Western states. More specifically, it should not blind us to the risk that we lose from sight some of the specific traits of the concept that may help us interpret the constitutional features of contemporary microstates. Before doing so, we need to briefly highlight three possible sources of misunderstanding.

Internal stability

The first concerns internal stability and its relation with democracy. It should be stressed that ancient democracies were notoriously unstable – notwithstanding the hallowed status of Athens in our consciousness. The many were typically pitted against the wealthy or virtuous few. For instance, when we read Thucydides we find that in many *poleis*, rule by the many meant exclusion of the elite. The *dēmos* and the elite were more like political parties (Nippel, 1980, p. 42). It might be the case that the stability of microstates does not lie in their potential for small-scale and relatively direct democracy, but rather in the fact that the democratic element in a small-scale political community allows a relatively large proportion of citizens to play a meaningful part in producing the overall balance of self-government. In other words, it might not be democratic participation as such, but the role of democratic participation in effecting the balance that is responsible for internal stability.

The Republican tradition

Secondly, three of our cases (Andorra, Liechtenstein, and Monaco) are or can be referred to as monarchies (principalities). However, the concept of mixed government is more at home in what is by some historians of political thought as a *republican* tradition (Pocock, 1975), and in this sense the case of San Marino fits the concept better. Of course, the process of constitutionalizing to which some European monarchies from the seventeenth century onward have been subjected can be viewed as a process that has turned these monarchies into mixed constitutions; and, in that sense, republics. By our contemporary standards, there is a firm opposition between monarchies and republics. But these standards may obscure the fact that the power balance among government institutions that is essential to the mixed constitution is only contingently dependent on the specific institutional form of the monarchical element. In fact, in the epitome of the mixed constitution, Sparta, that element may consist of two hereditary monarchs, or kings. As we will see, a contemporary parallel is Andorra, which has two unelected co-Princes.\(^9\) In the Roman Republic, it took the form of the consulate, which was

\(^9\) One of these is the French president, who is directly elected; but not by the voting population of Andorra.
divided into two annually elected functionaries. Similarly, we see that in the decades around 1100 the city-states in the Regnum Italicum, beginning with Pisa, install consulates (Waley, 1969; Gamberini & Lazzarini, 2012). This is similar to contemporary San Marino, which has two Captains Regent (Capitani Reggenti) as heads of state, who are elected for half-year terms by and from among San Marino’s parliament, the Great and General Council (Consiglio Grande e Generale). The notion of the mixed constitution allows us to see the hereditary king, as well as an elected President, as just one way of institutionalizing the monarchical element. In line with Polybius’ theory, might be inclined to consider the monarchical element in a small state as a particularly effective mechanism of government in crisis situations.

Sovereignty and the separation of powers

Finally, the theory of the mixed constitution continues to have a role in Early Modern political thought and beyond. However, there are two sets of concepts and theories with which it has to grapple. The first is the concept of sovereignty, as introduced by Jean Bodin in the sixteenth century, which found its way into notions of popular sovereignty and social contract theory (Bodin 1992). The other major development was the introduction of the separation of powers in the eighteenth century by Montesquieu. Interestingly, this was absorbed into the political theory informing the formation of the constitution of the United States by a fusion with the ancient theory of the balance of (government) powers. While the point of the theory of mixed government is stability, the separation of powers is about freedom. Most contemporary liberal democracies unite (and sometimes confuse) these principles, in diverse ways. A familiar way of doing so is to combine the principle of mixed government and the sovereignty of the legislative: the monarch (or president), an elite (in an advisory role or as part of the legislative), and a general representative body. This legislative is intended to be separate from, but superior to the executive and judicial powers. We shall not trace these complex issues here. We merely point out that the microstates that are the subject of this article have over time also replicated the integration of these notions with their mixed constitutional structure.

We will now discuss how this element has been incorporated in the constitutions of the four European microstates.

The mixed constitution in practice? The four European microstates

As discussed in the introduction, the contemporary European microstates can largely be regarded as leftovers from medieval, Renaissance-era, or early modern Europe, having escaped 19th century processes of national unification and political standardisation. All four microstates have long political histories, and have remained very stable through time (Veenendaal, 2020). San Marino, which considers itself the world’s oldest Republic, was founded by the Christian stonecutter Marinus the Dalmatian (later canonised as Saint Marinus – San Marino in Italian) on 3 September, 301 (Duursma, 1996, p. 216). Facing persecution for his religious beliefs, Marinus created his city-state as a place where people could freely practise their religion, and since this time San Marino has been known as a bastion of liberty and freedom, and a safe haven for political refugees (Bent, 1879). Andorra can be seen as the last survivor of Charlemagne’s Marca Hispanica, the buffer states in the Pyrenees that were created to prevent the Islamic invasion of France in 9th century Europe. And Monaco and Liechtenstein both originated as

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10 It was believed that the sixth book of Polybius’ Histories resurfaced in the early sixteenth century; Machiavelli’s summary description of the cycle of constitutional change in his Discorsi was cited as evidence (Momigliano, 1974). However, Polybius’ sixth book seems to have been known to Cyriac of Ancona, who wrote a short treatise called Six Constitutions around 1440. See Hankins (2019).
personal fiefdoms of aristocratic families (the Grimaldi in Monaco; the Von und Zu Liechtenstein in Liechtenstein) that continue to rule these Principalities up to the present day.

The differences in their historical origins also explain the varying constitutional frameworks of each of the microstates. At some point in the early Middle Ages, Sammarinese peasants established the Arengo (or Arringo), an assembly in which the male heads of all Sammarinese families were represented. In 1244, the duumvirate of the Captains Regent was created, directly inspired by the Consulate of the Roman Republic (Bacciocchi, 1999, pp. 28-29). Since that year, San Marino has had two heads of state that are together elected for a half-year term, starting on the 1st of April and the 1st of October. After the 14th century, the powers of the Arengo were delegated to a newly established Council of Sixty, as the heads of families who constituted the Arengo had come to see its compulsory attendance as a burden rather than a privilege (Bacciocchi, 1999, pp. 31–32). From 1906 onwards, members of the Council of Sixty (now known as the Consiglio Grande e Generale, or Great and General Council) are directly elected, with female suffrage introduced only in 1957. Finally, judicial powers in San Marino have already for centuries been exercised by the Council of Twelve, which consists of members of the Great and General Council and is the Republic’s supreme tribunal. This institution can be regarded as the aristocratic element in the Sammarinese system. While San Marino has thus retained its ancient institutional structures, these institutions have gradually been made compatible with modern principles of representative democracy.

Whereas San Marino’s institutions have developed largely endogenously, the same cannot be said of Andorra. Until the 13th century, this territory remained in the hands of the Count, and later Bishop, of Urgell (in contemporary Catalonia); but a conflict over the property arose when the Count of Foix (in contemporary France) married a girl from Urgell (Colliard, 1993, p. 378). The conflict was resolved with the 1278 Acte de Parèage, in which it was decided that Andorra was to be jointly ruled by the Bishop of Urgell and the Count of Foix (Colliard, 1993, p. 378; Duursma, 1996, pp. 344–345; Whittlesey, 1934, p. 149). These two external Co-Princes continue to be Andorra’s heads of state today, even though the constitutional rights of the Count of Foix were transferred to the French head of state in 1607.

Democratic institutions were slow to develop in Andorra: although a 1933 constitution transformed the territory into a Parliamentary Principality, in practice the Co-Princes from France and Urgell retained significant executive powers. Already in 1364, the office of the Síndic (syndic) was created, who acted as a representative of the Andorran co-princes and until 1993 was the effective head of government of Andorra. The syndic can be identified as Andorra’s aristocratic element, but in 1993 the syndic (now Síndic General) became the speaker of Andorra’s parliament. This parliament (the Consell General de les Valls or General Council of the Valleys) existed since 1419, but until 1993 was clearly much weaker than the Co-Princes.

Only during the 1970s and 1980s, when local demands for autonomy and independence increased, was a process of political modernisation initiated under the direction of the two Co-Princes (Colliard, 1993, pp. 378–379). This process culminated in the writing and promulgation of a new constitution in 1993, which established Andorra as an independent parliamentary democracy (Becat, 2010; Colliard, 1993, pp. 385–386; Duursma, 1996, p. 349), concluding the modernisation process which in less than twenty years transformed Andorra’s medieval political system into a modern democracy (Eccardt, 2005, p. 74).

Monaco and Liechtenstein, finally, were ruled as absolute monarchies in the first centuries after their foundation, meaning that no aristocratic or democratic elements existed in these principalities. The constitutional structures of these countries are mostly the result of domestic struggles for democracy and popular representation, which in contrast to larger European countries however did not eradicate the political role played by monarchs. Thus, the 1910 ‘Monegasque Revolution’ resulted in the foundation of a legislature (the Conseil National or National Council), of which the members were to be elected by universal male suffrage,
while considerable powers remained in the hands of the Prince. In 1962, this constitution was revised, resulting in a more balanced relationship between the Prince and the National Council as well as the introduction of female suffrage. However, up to the present day the administration of the Principality is conducted by a Council of Government which is appointed by the Prince and only answers to the Prince. While the National Council has some political powers, especially when it comes to budgetary matters, it cannot bring down the government. In essence, the Monegasque system therefore resembles a presidential system, with the difference that the Monegasque head of state is unelected and serves for life.

The political system of Liechtenstein, in contrast, mostly resembles a parliamentary form of government. Early 20th century struggles for democracy here resulted in the promulgation of a constitution in 1921, which established a “dualistic” system in which power is shared between the Prince and the people. In practice, this entails that the Prince of Liechtenstein remains a powerful political player, while the people can exercise their rights both via an extensive array of direct democracy instruments and a directly elected parliament (the Landtag or Diet) out of which a government (or Regierung) is formed. The government of Liechtenstein is accountable to both the Prince and the parliament, and due to the powerful executive role of the Prince it is much weaker than other executives, mostly taking care of the day-to-day administration of the principality. As such, Liechtenstein is the only country in the world that combines the three elements of monarchy, representative democracy, and direct democracy (Marxer, 2007). Whereas this system has proved quite stable over time, in the 1990s a decade-long constitutional crisis erupted, centering on the constitutional position of the Prince. The crisis culminated in the 2003 popular vote, in which a majority of voters endorsed Prince Hans-Adam II’s proposals for constitutional revision (Beattie, 2004, pp. 193-198). It is generally agreed that the 2003 modifications have enhanced the political power and influence of Liechtenstein’s monarchy vis-à-vis the government and parliament (Marcinkowski & Marxer, 2011; Marxer, 2007, p. 13; Veenendaal, 2015; Wolf, 2015).

In sum, the political systems of all four European microstates contain elements of the mixed constitutional model (see Table 1). In Liechtenstein and Monaco, the monarchical element is performed by hereditary Princes, who – albeit in a dissimilar political set-up – share power with (representatives of) the people. This system is most similar to the Spartan constitution, which incorporated a dual, but hereditary kingship. In the Andorran system, the monarchical element was traditionally performed by two external co-Princes, whose powers were drastically reduced by the 1993 constitution. However, as will be discussed in the next section, since 1993 both co-Princes have occasionally still sought to influence Andorran politics, and therefore do not only play a ceremonial role. As such, the Andorran system can be compared with that of Classical Sparta. In San Marino, finally, the monarchical element has, since the 13th century, been performed by two elected Captains Regent with very short terms in office. This set-up is most analogous to that of Sparta and the Roman republic.

Table 1: Applying the mixed constitution to the four European microstates.

<table>
<thead>
<tr>
<th></th>
<th>Monarchy</th>
<th>Aristocracy</th>
<th>Democracy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andorra</td>
<td>Co-Princes</td>
<td>Syndic</td>
<td>General Council of the Valleys</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>Prince</td>
<td>-</td>
<td>Diet</td>
</tr>
<tr>
<td>Monaco</td>
<td>Prince</td>
<td>-</td>
<td>National Council</td>
</tr>
<tr>
<td>San Marino</td>
<td>Captains Regent</td>
<td>Council of XII</td>
<td>Great and General Council</td>
</tr>
</tbody>
</table>

The democratic element is also present in all four microstates; but while Andorra and San Marino both have very old assemblies, those of Liechtenstein and Monaco were only created when their systems transitioned from absolute monarchies to constitutional monarchies in the
early 20th century. Similarly, while Andorra and San Marino clearly had aristocratic elements in the form of the Syndic and the Council of XII, such elements were lacking in Liechtenstein and Monaco. In these two countries, the balance of power between the monarchical and democratic elements – which has virtually disappeared elsewhere in Europe – should be regarded as the key attribute of the mixed constitution.

Now that the political set-up of each of the four microstates has been discussed, the next section looks at the legitimation and performance of the mixed constitutional model in each of the four cases. This analytical narrative is supported by occasional quotes from interviews conducted in Liechtenstein in 2014, which are only used to illustrate the analysis, and should not be regarded as ‘proof’ by themselves.

Legitimation and performance of the mixed constitutional model in the microstates

In terms of their performance, a key accomplishment of the institutions of the four microstates is of course their remarkable survival. Against all odds, these microstates remained independent political entities throughout the otherwise very turbulent 18th, 19th, and 20th centuries. This survival can in large part be attributed to favourable external circumstances, and sometimes sheer coincidence or luck. Thus, San Marino remained untouched by Napoleon’s invasion of Italy because the French emperor was fond of the microstate’s republican traditions (Casali & Crescentini, 2003, p. 74), and its independence was respected during the Italian Risorgimento because the republic had provided a crucial shelter to Giuseppe Garibaldi and 250 of his followers when they were chased by Austrian troops in 1849 (Rossi, 2023). However, the survival of the microstates can also be attributed to the resilience and stability of their domestic institutions, which in times of crisis have allowed them to implement strategic decisions and policies. Thus, throughout the centuries, Andorran politicians mastered the art of playing off their two suzerains against each other, while Liechtenstein in the 1920s strategically switched its diplomatic allegiance from Austria to Switzerland and could therefore preserve its neutrality during the Second World War. On the ever-turbulent Italian peninsula, Sammarinese political elites for centuries deliberately and successfully pursued a policy of abstinence in international affairs, abiding by the Latin motto cogniti nobisque incogniti aliis [“known to us, unknown to others”] (Sundhaussen, 2003, p. 217).

While the political institutions of the four European microstates have been remarkably stable through time, they have by no means remained uncontested. Inspired by pro-democracy movements in larger neighbouring states, in the first two decades of the 20th century all microstates except Andorra implemented constitutional changes to allow for (more) democratic participation and representation. Analogous to Italy, democracy in San Marino was abrogated by a nearly twenty-year period of fascist rule from 1926 to 1944. But also in modern times, the mixed constitutional elements sometimes conflict with modern democratic principles. The clearest example of this is Liechtenstein’s 1990-2003 constitutional crisis, which centred on the constitutional powers of the unelected Prince. A vocal minority of Liechtenstein’s population, united in organisations like the Democracy Movement and the Free List political party, continues to criticise the amplified powers of the Prince. But the institutions of the microstates have not only been subject to criticism from domestic actors. While the four microstates are not members of the European Union, the Venice Commission of the Council of Europe has repeatedly criticised the powerful position of the unelected Princes of both Liechtenstein and Monaco, which it considers to be undemocratic (Venice Commission, 2002; 2013).

However, the remarkable survival of the microstates obviously installs a sense of pride among their citizens, and their unusual institutional structures are a key component of national identification. This obviously also goes for the Princeley families of Liechtenstein and Monaco, whose existence is so closely tied to the very existence and survival of these microstates as
sovereign states. As one interviewed journalist in Liechtenstein – a country which even bears the name of the royal family – indicated (cf. Veenendaal, 2015):

I mean, for many people it is at the heart of our identity. Liechtenstein is a monarchy and as a Liechtensteiner you identify with the Prince; and, if you don’t, you’re not really a Liechtensteiner. It’s as easy as that.

The fact that the royal family is seen as the main source of national identification entails that criticism of the position of the Prince is often not appreciated by Liechtenstein’s pro-monarchy majority. Support for the monarchy also appears to be quite robust: a 2012 proposal to limit the Prince’s veto powers was rejected by over 75% of voters.

The size factor

In many ways, the survival of unique political institutions in the microstates can also be seen as a consequence of their diminutive size, a factor to which we have not paid much attention so far. In the first place, the absolute smallness of these countries entails that there are very few other sources of national identification, and that without these institutions the microstates would probably have simply become part of Italy, Austria, France, or Spain. Criticism of these institutions is therefore almost automatically regarded as criticism of the state itself. This tendency is aggravated by the existence of powerful dominant cultural codes in the microstates, which can be observed in any small-scale polity (Baldacchino, 2012; Baldacchino & Veenendaal, 2018). These powerful social norms strongly limit citizens’ opportunities to voice criticism or opposition, which can result in social sanctions or even ostracism. There are, in short, strong incentives to express support for the existing constitutional arrangement, even if in practice citizens might also experience downsides of these structures.

However, the smallness of the microstates has also often been used as a justification for their peculiar institutional structures. The key argument here is that small societies have a natural tendency towards power concentration (Gerring & Veenendaal, 2020), which calls for an institutional setup that distributes power among multiple actors and institutions. Thus, the extremely short term of Sammarinese Captains Regent, as well as the fact that there are two of them, are said to be necessary to prevent the concentration of power in the hands of single individuals (Bacciocchi, 1999). In addition, after having served as Captain Regent for one term, it is by law forbidden to be elected to this position again for at least three years (Duursma, 1996, p. 220). Even though the Captains Regent now occupy a mostly ceremonial role, the fact that San Marino has four heads of state per year entails that no individual has been able to dominate this position, and that in fact almost all Sammarinese families have members who have been head of state of their country at some point. The Sammarinese political constitution also stipulates that decision-making by the Captains Regent occurs on the basis of collegiality, meaning that any decision has to be approved by both Captains.

In Andorra, the two co-Princes have historically also counterbalanced each other’s powers (Colliard, 1993). While their role became almost exclusively ceremonial after 1993, the co-Princes and their local representatives have occasionally still interfered in local politics (Tanganelli & Pou, 2012). In 2009, co-Prince Sarkozy threatened to resign from his post if Andorra would not take stronger measures against fiscal evasion, and in 2018 the co-Prince from Urgell (Bishop Joan Enric Vives i Sicilia) indicated that he would resign if Andorra were to legalise abortion. Still, for any proposal to become law, the signatures of both co-Princes is required, indicating a continuation of the tradition of collegial decision-making. Furthermore, the 1993 Andorran constitution explicates in detail which powers of the co-Princes require the counter-signature of the Andorran executive or legislature, and in contrast to exclusively
ceremonial heads of state, the Andorran co-Princes retain the right to propose amendments to the constitution. While the influence of the co-Princes on the day-to-day functioning of Andorran politics is limited in practice, the constitution clearly envisages a continuation of the mixed constitutional norms by which the principality has been governed over the centuries.

In Liechtenstein, the distribution of power between the Prince and the people is regarded as providing a necessary balance of power for this principality. In line with this view, the Prince and his supporters often portray the monarchy as a neutral player who can provide stability and a long-term vision, in contrast to partisan politicians who tend to follow a short-term electoral agenda. These arguments are directly in line with the writings of Polybius that we have discussed in the theoretical section. As a Liechtenstein politician indicated during an interview (cf. Veenendaal, 2015):

>> Just imagine if we had as a President someone from the big families here. We have important clans on both sides of the traditional parties ... so, just imagine one of the big parties – one clan would be in the presidency of the country. 50% of the people would be against it! Because they think it’s not fair, it’s maybe not well-balanced, they are giving advantages to their own supporters. I would not like that idea, and so far this system of monarchy and democracy both together is the best system such a small country can have.

Obviously, the contemporary Prince of Liechtenstein strongly concurs with this view. In his book *The state in the third millennium* (2009), in which he refers to elected politicians as the “oligarchy”, the Prince argues that:

> [i]f one assumes, first, that the oligarchy is by far the strongest element of the three elements of monarchy, oligarchy, and democracy; second, that rule only by oligarchy sooner or later creates problems; and third, that the oligarchy is inclined to extend its power at the expense of monarchy and democracy, then the state in the third millennium should strengthen the two other elements, namely monarchy and democracy (2009, p. 83).

The Prince elaborated this view a bit more during a personal interview (cf. Veenendaal, 2015):

> I think the problem is that whether this oligarchy is elected or not, they always have to come to a certain compromise; there are different power groups in there. And those compromises are like “I give you this advantage and I get that advantage”; they want to keep the power within this group, because any new group will make it more difficult to reach a compromise. And I think this often leads to corruption.

While these arguments of the Prince are obviously not uncontested, since the powers of the Prince can theoretically also be misused and therefore be a source of corruption, it is striking that the assumption of power diffusion that is inherent to theories of the mixed constitution also appear in these statements. As we have seen, classical proponents of the mixed constitution argued that this arrangement provides for “the most stable and just polity”, and this is very much in line with what proponents of the Liechtenstein monarchy would argue today.

Even though the Monegasque Prince plays an even more dominant role than his counterpart in Liechtenstein, there is hardly any criticism of the Prince among the tiny Monegasque community. While Monaco formally has 30,000 inhabitants, only 7,000 of those have Monegasque citizenship and political rights. As a result, the citizenry of Monaco essentially consists of a few extended families who have lived in the principality for centuries, and therefore have a strong and personal connection to the Grimaldi dynasty (Duursma, 1994,
p. 337). Monaco’s constitution is described by a prominent Monegasque constitutional scholar as “balanced” (Grinda, 2007, pp. 52-53). This is explained as follows:

The National Council shares the legislative power with the Sovereign, meaning that the law depends on agreement between the Prince and the Assembly: the Prince has the right of initiative, the Assembly the right to vote the law, the Sovereign having the right to sanction and promulgate it (Grinda, 2007, p. 88).

Since the Prince and the parliament of Monaco each have the power to counterbalance or veto each other’s actions and decisions, the Monegasque system is, like any mixed constitutional system, predicated on the need for consensus. In the end, however, and in contrast to Liechtenstein and larger European constitutional monarchies, the Prince is clearly the most powerful player in Monaco, meaning that the balance between the monarchical and republican elements in this microstate is tilted towards the former.

Conclusion

Whereas diminutive city-states and principalities once dominated the map of Europe, at present only four of these jurisdictions remain. Andorra, Liechtenstein, Monaco and San Marino have miraculously survived all the turbulent events of European history, and as relics of a bygone era can offer us fascinating insights into political arrangements that have otherwise almost completely disappeared. In this article we have demonstrated that the political institutions of the four microstates closely align with a long tradition in constitutional thought that runs all the way back to the ancient Greeks. More specifically, despite having different constitutional set-ups, the political systems of all four microstates comprise elements of the mixed constitution, which blends elements of kingship, aristocracy, and democracy. The microstates have political institutions that are nowadays perhaps unique in Europe and even in the world, but have previously been used in renowned entities such as Athens, Sparta, the Roman Republic, and Carthage.

The survival of the four microstates is partially a result of skilful diplomacy and sometimes sheer luck; but it can also be attributed to the stability and durability of their political institutions. The key advantage of mixed constitutions in the eyes of ancient theorists like Plato, Polybius, and Cicero was their stability, which, in contrast to contemporary regime classifications, was considered to be much more important than their inclusiveness. At present, the political systems of the four microstates are repeatedly criticised for their democratic shortcomings. However, their institutions have unquestionably played a key role in preserving domestic harmony, which in turn is a crucial prerequisite for the survival of any small state (Maass, 2017). It is no wonder, therefore, that external criticisms of the democratic flaws of the four microstates are often not really shared by the populations of the microstates themselves. The recent political history of Liechtenstein reveals that a steady majority of the population is happy with the extensive powers of the unelected monarch, even if that limits their own political influence (Veenendaal, 2015)

This article has aimed to build a bridge between constitutional theory and comparative politics, showing how relatively abstract theories about power-sharing have found their way into the practical operation of four contemporary political systems. By doing so, we have been able to show that many of the alleged advantages of mixed constitutions do indeed materialise in practice, especially when it comes to the preservation of political stability and the prevention of excessive power concentration. The (sub)disciplines of constitutional theory and comparative politics remain strongly compartmentalised, despite the obvious benefits of scholarly analyses that connect these two fields.
As a result, we finish this article with a plea for more research on the interrelationship between constitutional theory and real-world (comparative) politics. Moreover, instead of only looking disparagingly at mixed constitutions, with monarchical systems, as relics of a bygone past that are essentially undemocratic and therefore ripe for reform, there may be ample scope to consider whether such political institutions provide conditions for an effective ‘balance’ and ‘separation of powers’ in small polities. As we have discussed, these institutions do offer possibilities to protect against extreme forms of power concentration and corruption; something that appears quite elusive in the practice of contemporary democratic systems of small states, leading to voter apathy, disillusionment and disengagement.

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