

Faculti Summary

<https://faculti.net/the-opening-dilemma/>

The speaker discusses their long-standing interest in parliamentary rules and the democratic process, highlighting a fundamental conundrum in establishing democratic legislatures or constitutional assemblies. They argue that three essential elements—parliamentary leadership, certified representatives, and parliamentary rules—must coexist for a legislature to function, yet each is dependent on the others for its creation. This video video interdependence presents a significant challenge, as a democracy cannot self-establish the institutions necessary to express the will of the people, which is a critical requirement for any constitutional entity.

The speaker explores the disconnect between democratic theory and rational choice theory, noting that while democratic theory focuses on how people come to recognize a collective will, it often does not address how institutions that express this will are actually formed. Conversely, rational choice theorists analyze how preferences are processed within established institutions but struggle to explain the emergence of those institutions.

Drawing on examples from United States constitutional conventions, particularly the challenging Illinois Convention of 1869, the speaker illustrates how closely divided political parties can lead to institutional gridlock, reflecting the opening dilemma of creating a legitimate assembly. They suggest that, like the Illinois case, a hypothetical future constitutional convention in the U.S. could encounter similar challenges, leading to a crisis in recognizing a collective will.

The speaker concludes by emphasizing that modern foundings—both democratic and non-democratic—tend to rely on a mythological conception of the will of the people and grapple with the same opening dilemma regarding identity and purpose. Through examining historical examples, the work reveals universal patterns in how societies navigate the establishment of political legitimacy and institutional structures.