

Passions and Constraint: A Technical Analysis of Stephen Holmes' Theory of Liberal Democracy

Published: April 9, 2025 | Index ID: #27

In the contemporary landscape of political science and constitutional law, few works have reshaped the understanding of liberal institutions as profoundly as Stephen Holmes' **Passions and Constraint: On the Theory of Liberal Democracy**. Published in 1995, this collection of essays challenges the traditional view of liberalism as a purely defensive doctrine—one primarily concerned with shackling the state to protect individual autonomy. Instead, Holmes introduces a sophisticated, instrumentalist perspective: that constitutional constraints, rather than merely limiting power, are the very mechanisms that **enable** and **amplify** the effective exercise of state authority.

The Theoretical Framework: Beyond Negative Liberalism

To understand Holmes' contribution, one must first distinguish it from the "negative liberalism" often associated with thinkers like Isaiah Berlin or the libertarian tradition. Traditional interpretations suggest a zero-sum game: every increase in state power is a decrease in individual liberty, and every constitutional constraint is a subtraction from the state's capacity to act. Holmes rejects this binary through a rigorous historical and functional analysis of liberal thought, ranging from Jean Bodin and Thomas Hobbes to John Locke and James Madison.

The Enabling Function of Constraints

The core thesis of the work revolves around the paradox of **enabling constraints**. Holmes utilizes the metaphor of the rules of grammar. While the rules of grammar constrain a speaker—preventing them from using words in any arbitrary order—they are precisely what enable the speaker to communicate complex thoughts to others. Without the constraint of grammar, the "freedom" to speak would result in unintelligible noise. Similarly, in a political context, the **Rule of Law** provides a framework that allows the state to make credible commitments, gather information, and coordinate collective action.

The Epistemic Advantage of Liberalism

One of the most technical aspects of Holmes' theory is his focus on the **informational capacity** of democratic institutions. Autocratic regimes often suffer from "informational starvation" because they suppress dissent. In contrast, liberal democracies utilize **freedom of speech** and **organized opposition** as sensory organs. By allowing criticism, a government receives constant feedback on which policies are failing and where social unrest is brewing. This makes the liberal state more resilient and adaptive than its authoritarian counterparts.

Technical Analysis: The Strategic Logic of Constitutionalism

Holmes delves into the strategic reasons why rational political actors would choose to be constrained. This is often framed as the **precommitment strategy**, analogous to Ulysses tying himself to the mast to resist the Sirens' song. By voluntarily limiting their future options, rulers can achieve goals that would otherwise be impossible.

Mathematical Modeling of Credible Commitment

In political economy, this is often represented through a simplified **Coordination Game** or **Credible Commitment Model**. Consider a state (S) that wishes to borrow money from citizens (C) to fund a public project. Without constraints, the state has the "freedom" to seize the money or default on the loan. Knowing this, the citizens will not

lend. However, by accepting a constitutional constraint (an independent judiciary that can rule against the state), the state loses the freedom to default but gains the **capacity** to borrow.

Condition	State Freedom	Citizen Trust	Outcome
Unconstrained State	High (Can default)	Low	No lending; low state capacity.
Constrained State	Low (Rule of Law)	High	High investment; high state capacity.

This table illustrates that the constraint is not a burden but an **institutional asset**. The state's power is actually increased because it can now access resources that were previously unavailable due to a lack of trust.

Core Mechanics: Mechanisms of Institutional Stability

Holmes identifies several key mechanisms that allow liberal democracies to balance the "passions" of the populace with the "constraints" of the law. These mechanisms function as the engine of a stable political order.

1. The Regularization of Succession

In non-liberal systems, the death or removal of a leader often leads to systemic collapse or civil war. Liberalism treats the office of the executive as distinct from the person occupying it. By constraining the process of succession through **periodic elections** and term limits, the system ensures continuity and prevents the destructive "passions" of power struggles from derailing the state.

2. The Institutionalization of Criticism

Unlike traditional monarchies where criticism was often equated with treason, liberal democracy treats the **Loyal Opposition** as a vital component. This serves two functions:
Error Correction: It highlights technical flaws in legislation before they become catastrophic.
Legitimization: It provides a peaceful outlet for social grievances, preventing them from escalating into violent revolution.

3. The Separation of Powers as Coordination

Holmes argues that the separation of powers is frequently misunderstood as a "veto machine" designed to produce gridlock. Instead, he views it as a **division of labor** that forces different branches of government to communicate and coordinate. This mandatory interaction ensures that policy decisions are vetted from multiple perspectives—legal, legislative, and executive—thereby increasing the quality of governance.

Comparison Matrix: Liberalism vs. Its Opponents

To further clarify the technical nuances of Holmes' theory, it is useful to compare his "Instrumental Liberalism" with other political frameworks.

Feature	Holmes' Instrumental Liberalism	Classical Libertarianism	Schmittian Authoritarianism
View of Constraints	Enabling and empowering.	Restrictive and protective.	Weakening and obstructive.
Role of the State	Service provider and coordinator.	Necessary evil to be minimized.	Expression of sovereign will.
Focus of Rights	Strategic tools for stability.	Moral/Natural entitlements.	Subordinate to state interest.
Function of Law	To organize public power.	To protect private spheres.	To define friend vs. enemy.

Practical Implementation: Designing a Robust Constitutional Order

For practitioners of constitutional design and democratic transition, Holmes' theory provides a blueprint for building institutions that can survive the "passions" of political conflict. The implementation process follows a logical sequence of institutional engineering.

Step 1: Establishing Neutrality and the Rule of Recognition

The first step in creating a liberal order is the establishment of a **Rule of Recognition**—a shared understanding of what constitutes valid law. This requires an independent judiciary that remains neutral in partisan disputes. Without this baseline of neutrality, every policy change is viewed as an existential threat by the losing side.

Step 2: Designing Incentives for Cooperation

Institutional designers must ensure that it is in the **rational self-interest** of political actors to follow the rules. This is achieved by: Ensuring that the "cost of losing" an election is low (e.g., losers aren't jailed). Providing mechanisms for power-sharing or minority protection. Creating transparent budgetary processes that prevent the state from becoming a "spoils system."

Step 3: Creating Feedback Loops

A technical implementation of liberal theory requires robust **transparency laws** and a free press. These are not just "rights" for individuals; they are **diagnostic tools** for the state. A government that cannot be criticized is a government that cannot learn from its mistakes.

Case Study: The Post-Communist Transitions

One of the most significant applications of Holmes' work has been in the context of post-communist Eastern Europe. After 1989, many new democracies struggled with the temptation to bypass constitutional constraints in the name of efficiency or "national interest."

The Failure of Unconstrained Reform

In instances where reformers attempted to bypass parliamentary debate (to implement "shock therapy" economics, for example), they often faced massive backlash. Because the process lacked the **constraints** of deliberation and opposition input, the resulting policies lacked legitimacy and were prone to technical errors. These systems often regressed into illiberalism because they failed to understand that the "constraint" of legislative debate was actually a tool for securing public buy-in.

The Success of Institutionalization

Conversely, countries that prioritized the building of **autonomous institutions**(central banks, constitutional courts) saw higher levels of foreign investment and social stability. By "tying their hands" through these institutions, these states signaled to the global market and their own citizens that they were predictable, reliable actors.

Troubleshooting Common Failure Modes in Liberal Systems

Even well-designed liberal systems can face operational challenges. Holmes' theory provides a framework for diagnosing and solving these issues.

Issue: Executive Overreach

Diagnosis: The executive branch begins to view constitutional constraints as obstacles to be circumvented rather than tools to be utilized.**Solution:** Re-establish the **Informational Value** of the legislature. Remind the executive that bypassing the opposition leads to blind spots and policy failure. Strengthen the oversight mechanisms of the judiciary.

Issue: Polarization and the Breakdown of Deliberation

Diagnosis: The "passions" of the populace overwhelm the "constraints" of institutional discourse, leading to a zero-sum mentality.**Solution:** Implement **Deliberative Polling** or structural reforms that incentivize cross-party cooperation. The goal is to return to a state where the opposition is viewed as a source of information rather than an enemy to be destroyed.

Synthesizing the Future of Liberal Theory

The enduring relevance of **Passions and Constraint** lies in its ability to reconcile the need for a strong, effective state with the requirements of individual liberty. Stephen Holmes demonstrates that the liberal project is not about making the state weak; it is about making the state **intelligent** and **accountable**. By submitting to the rule of law, a government does not surrender its power; it transforms its power from raw force into legitimate authority.

As we move further into the 21st century, the challenges of digital governance, global crises, and democratic backsliding make Holmes' insights more critical than ever. The technical mechanisms of democracy—separation of powers, free speech, and judicial review—must be defended not merely as moral ideals, but as the essential **operating system** of a functioning society. A state that refuses to be constrained by its own laws will eventually find itself unable to govern its own people, as it will lose the informational and coordinative advantages that only a liberal order can provide.

Ultimately, the synthesis of passions and constraint is what allows a society to be both dynamic and stable. It acknowledges the inherent volatility of human nature (the passions) while providing the architectural support (the constraints) necessary to channel those energies into productive collective action. In the words of the liberal tradition that Holmes so eloquently defends: to be free, we must first be bound—not by the whims of a tyrant, but by the reasoned rules we give ourselves.

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