

**AN AGENDA FOR THE STUDY OF LONG-ENDURING INSTITUTIONS  
OF SELF-GOVERNANCE IN THE ITALIAN SOUTH**

by

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## AN AGENDA FOR THE STUDY OF LONG-ENDURING INSTITUTIONS OF SELF-GOVERNANCE IN THE ITALIAN SOUTH

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Long before the creation of the Italian state in the nineteenth century, Italy was the scene of many other experiments in political, economic and ecclesiastical organizations. Such a rich heritage posed dilemmas during the Risorgimento about the meaning of the past and how to face the future. These dilemmas were perhaps no more evident than for the areas that had formed the Kingdom of Two Sicilies, as the subsequent literature on the so-called Southern Question attests. Unfortunately, the understanding of South Italian development that has come to us from this literature, and especially from Liberal, Crocean and Gramscian historiography, is deeply flawed, or is at least too partial and one-sided, to serve as reliable wisdom. There is more to the history of the South than the theme of failure, or the negative self-perceptions of some Southerners' own history. In fact, growing evidence from more recent empirical studies in history and social science has increasingly challenged the generalizability of the received wisdom about the South. To borrow from what Elinor Ostrom (1998) has said in another context, the consequence of these empirical studies is not to challenge the empirical validity of the received wisdom where it is relevant but rather its generalizability to the entire South across time and space. Comparative research linking theory to data may be easier to do in a single country, or area like Italy with a rich historical record, but nowhere it can be done with poor knowledge of facts on the ground or with exalted theoretical generalizations.

This paper aims to contribute to a more reliable and more nuanced understanding of South Italian development by suggesting the need to map and survey what, if any, enduring institutions of self-governance existed in the Italian South and what difference, if any, their presence or absence

made for human welfare between the Middle Ages and the nineteenth century - the so called early modern period of state formation and preparation for economic growth. The advantage of stretching the entire period before us is that it allows to spot variations, fluctuations and long-term trends better than a shorter time-span, but any analysis across such time and space carries its own constraints.

There is no pretension here to do justice to a topic encompassing more than 700 years of developments since Norman times; that would be premature and beyond the confines of a single paper. Rather, the paper seeks to advance the argument in two ways: by sketching what and where to look for long-enduring institutions of self-governance and by suggesting what gains in understanding are most likely to result from such research. In brief, the paper presents an agenda for comparative research not its results.

When viewed against the backdrop of what has been written in different languages about the South over many years, the very proposal for such an agenda of study could be met with disbelief and dismissed out of hand. To anticipate possible misunderstanding, there is no attempt here to paint an unrealistic and anachronistic picture of the past. Leaving aside the debatable reference to Frederick II's reign, H. G. Koenigsberger was correct when he noted, "It had better be admitted that, after the great days of the Emperor Frederick II, nobody, whether in Italy or elsewhere, looked to Naples for inspiration in political or administration" (1978, quoted in Calabria and Marino 1990, 1). Already Croce's History of the Kingdom of Naples (1925) had made sure it would not happen. Still, it is now widely recognized that Croce's political holism and pessimism, include his almost complete rejection of about 700 years of history, led him to miss critical facts on the ground which, if taken into account, would have substantially modified or enriched his own interpretation. For these reasons, the paper argues for a perceptual shift in the way we think about the South.

The first part of the paper offers theoretical justifications for the perceptual shift and the meaning of self-governance that informs the discussion. The second part consists of an overview of critical dimensions that may help orient the reader to 700 years of history. This discussion provides the setting for the third part of the paper: an initial search and mapping of enduring institutions of self-governance in different parts of the South and their respective strengths and weaknesses. Finally, the paper offers some conclusions and implications for comparative analysis.

### Justifications for the Perceptual Shift

Why should institutions for self-governance serve as a starting position in the study of the Italian South? In order to avoid potential misunderstanding, an initial clarification seems appropriate. There is no attempt here to deny or minimize the importance of variations across the South, in Sicily and Naples, over time; the work of Robert Wade on village republics in South India is suggestive in this regard (Wade 1988). The question asked here is up stream, so to speak, and this is so for several reasons.

First, state formation is not the same as self-governance. In fact, it is untenable 1) to assume that institutions of self-governance can be found only as the march of European nations reaches a particular goal or destination, namely the end point in a move from feudalism to absolutism and then to liberal democracy, with parallel transitions from agricultural to industrial economy and 2) to assign to the middle class the mission of overcoming the crisis of absolutism and of ushering in economic and political liberalism. Such a teleological view of development has often led to pose wrong questions (and not just about Italy, see Ringrose 1996) such as "Why did Italy never achieve national absolutism?" and to repeat the misguided paradox "rational Italians, irrational Italy" that can be traced

as far back as Jacob Burkhardt's and Francesco Guicciardini's narratives. If it can be shown that democratic forms of governance existed prior to, and continued to work after, national absolutist monarchies were in place, if it can be shown that feudalism and capitalism coexisted at the same time and place, then the teleological argument does not have a foundation. Absolute rule is not a necessary initial condition for the realization and affirmation of self-governing societies: the road to economic initial condition for the realization and affirmation of self-governing societies: the road to economic and political liberalism does not necessarily have to pass through absolutism.

A counter-argument might take the following form. Granted that state formation is not the same as forming institutions of self-governance. Granted also that "far from promoting (representative) institutions, early state-makers struggled against them" (Tilly 1975, 37). Still a critical fact remains: the construction of state organizations in an earlier period gave rulers a chance to solve problems of state-building before the advent of representative democracy, or "ordeals of mass politics" (Rokkan 1973, 94). The late philosopher-anthropologist Ernest Gellner forcefully advanced a widely accepted modern, democratic, variant of Hobbes' justification that the maintenance of order must be in the hands of "a single agency", and that there must be "a single apex" for societal problem solving. For Gellner averred, "Pluralism in a modern society must be located in the economic sphere rather than the political, because the political sphere must be centralized - only one coercive agency is possible" (Gellner 1991, 502). Gellner's colleague Michael Mann (1984) has been no less peremptory as he could conceive of only two possibilities: either (unitary) states or statelessness. From this perspective, there is no third way, tertium non datur.

This counter-argument has been a chief intellectual obstacle for the earlier neglect of the study of long-enduring institutions of self-governance in the Italian South, and remains a serious impediment to overcome if a perceptual shift in the way we conduct our inquiries is to take place.

Yet, it is an intellectual impediment that can be overcome for several reasons: first, because it looks to a unitary state or the government as the only possible way to resolve collective action problems and then proceeds to equate modernity with it; second, because it rejects or is insensitive to the possibility that people can fashion, and might live under, multiconstitutional (or plural) systems of rule, recognized long ago by the ancient maxim ubi societas. ibi ius; and, finally, because it tends to identify democracy with the problem-solving and legislative capacities of parliamentary government and representative assemblies alone.

Other intellectual developments can be called up to facilitate the paradigmatic shift. There is a flourishing body of scholarship concerned with the evolution of institutions of collective action in different settings, from California to the Philippines, from Nepal to Norway. Mostly identified with research conducted by Elinor Ostrom, Margaret McKean and colleagues associated with the International Association for the Study of Common Property, this growing literature lends support to the conclusion that "a group of principals can organize themselves voluntarily to retain the residuals of their own efforts" (Ostrom 1990, 25). Self-governing occurs when individuals who participate in an on-going pattern of relationships can and do devise some of their own rules to govern those relationships within particular domains in macropolitical orders. The rules they devise prescribe actions and outcomes that are permitted, required or forbidden to individuals. This research also has the merit of addressing an issue at the core of democratic theory, that is how democratic rules are enforced. The standard way used to justify the state is to rely on exogenous forces. The literature on common property regimes suggests, instead, that, though solving the self-enforcement problem is extraordinarily difficult, individuals who constitute their own systems and interact repeatedly with one another can and do self-enforce constitutions. Recalling Hobbes' words, Ostrom and colleagues

have found that self-governance is possible, covenants can be without a sword (Ostrom, Walker and Gardner 1992). The analytical narratives found especially in the work by Avner Greif on Genoa, Margaret Levi on conscription and Barry R. Weingast on the American Congress can be called up to reiterate and broaden the conclusion reached by Elinor Ostrom and colleagues about self-enforcing systems of governance (Bates, Greif, Levi, Rosenthal, Wiengast 1998). It would be wrong to dismiss a preoccupation with self-governance and applications of game-theoretic analysis as something driven more by theory than by facts on the ground. Both are essential.

Consider also the following. A flourishing stream of scholarship on "world history" has found democratic practices in the history of macropolitical orders associated with lordship and bureaucratic autocracy of the past: self-organizing nested in seemingly antithetical regimes (e.g. Muhlberger and Paine 1993). The historical record in Asia as in Africa has been called up to show that "most people in the world can call on some local tradition on which to build a modern democracy" (Muhlberger and Paine 1993, 26). The general conclusion is that

Most human governments has been a matter of councils and assemblies, which often incorporate a large proportion of the community and use a surprising degree of democratic procedure. In other words, humanity possesses a long history of government by discussion, in which groups of people sharing common interests make decisions that affect their lives through debate and consultation, and often enough by voting. By broadening the view of politics to include not simply geographic communities but also religious and voluntary self-help organizations - as de Tocqueville did when evaluating democracy in the early American republic - one finds a world full of quasi democratic institutions (Muhlberger and Paine 1993, 27).

The authors are quick to point out that few, if any, of these groups could meet twentieth-century standards of democratic practice. Most have excluded women, while decision making procedures have often been susceptible to manipulation by inner circles and wealthy people. Still the evidence is clear that both the idea and practice of democracy or self-governance can be found in

most parts of the world across time and space: it has been commonplace for people to make important political decisions in cooperation with their equals. However imperfect by twentieth century standards, "the existence and practices of such groups are nonetheless relevant to the story of democracy.... If one insists on perfect democracy in a community before conceding its relevance to the history of democracy, then democracy has no history and never will" (Muhlberger and Paine 1993, 27-8).

Another aid to the perceptual shift is to recall the democratic, republican movement of ideas during the Risorgimento that came to be especially associated with Carlo Cattaneo. To be sure, Cattaneo's set of essays on the city as "the only organizing principle that allows us to make an evident and continuous exposition of thirty centuries of Italian history" focused primarily on the city republics of Northern and central Italy (Cattaneo 1858, 2:383), and on the rupture in Southern civic life brought about by the creation of the medieval Norman kingdom. But there is no mistake that, throughout his work, Cattaneo looked to the "city" to exemplify a tradition of self-organizing, democratic institutions that could be found in the South, as in the North (Sabetti 2000: chap. 3, forthcoming). It may also be helpful to remember that Cattaneo's city essays were written against two prevailing schools of thought at the time of Italian unification. One school, academic in tone, whose leading proponent was a fellow republican democrat, Giuseppe Ferrari, averred that the most productive way to make sense of the intricate vicissitudes of the more-than-two thousand-years of recorded history of Italy was to reduce them to an analysis of the revolutions, or struggle between the universality of the papacy and that of the empire. The other, more policy oriented, called up the same vicissitudes to argue for the creation of a strong centralized system of government and administration to bring an end to weakness, disunity and failure.



In rejecting both sets of arguments, Cattaneo did not emphasize only local self-governance. He theorized about the possibility of self-organized and, to use a modern term, nested regimes - i.e., federal systems of rule. Cattaneo had no illusion that creating and maintaining such self-organizing institutions would be easy but, he warned that if we lose sight of this persistent challenge in Italian history, the theme of failure can easily take over all other considerations, as "the mind becomes disoriented in the labyrinth of conquests, factions, and civil wars and in the frequent structuring and restructuring of states. Reasons cannot see light in successive alternations of strength and weakness, virtue and corruption, good sense and imbecility, elegance and barbarism, opulence and desolation; and the mind becomes saddened and depressed by such dismal fatalism" (Cattaneo 1858, 2: 383-4).

The need for refocusing the way we look at the history of the South has an additional advantage: it can help to clarify what art and science of institutional analysis was available to people in the ancien regime. Such a perceptual shift makes it more likely for analysts to arrive at better conclusions about when and what things went wrong rather than, for example, continue to blame present problems to history or the legacy of 2000 years of colonization by rapacious foreigners. The results of much empirical research in the past thirty years lend additional support to the perceptual shift suggested here. These results were insightfully brought together in a review article by the late Eric Cochrane (1986), a leading historian of Renaissance Italy. Cochrane reported that the research he surveyed by no means exhausted the topics that animated the study of Italian history. His critical assessment reveals a mastery of the literature beyond his usual field of research, Tuscany and Florence in particular. Perhaps for this very reason, he probed critically into the contributions made to the study of Southern Italy. His conclusion was that the results to date discredit "once and for all... a number of constructs that have long misled historians of the South" (Cochrane 1986, 213).

Powerful reasons exist for rejecting as untenable the old wisdom that "Spanish" or "foreign" rule automatically meant domination, suppression and exploitation. Spanish rule of Sicily and Naples was seldom as oppressive and exploitative as British rule over the Irish. The Kingdom of Naples (and Sicily) had greater internal autonomy than past (nationalist) scholarship has been willing to grant. Spanish rule cannot always serve as a convenient scapegoat for things that wrong. A second misconception has been to characterize the state of the ancien regime as "absolutist," when, in fact, the evidence collected by historians in the past thirty years or so lends considerable support to the opposite conclusion. Without glossing over variations between Naples and Sicily under different ruling houses, each case was marked by more dialogue, bargaining and agreement at different levels of political life than we have been led to believe by earlier scholarship. A third construct found wanting is the notion of "feudalism" itself, or at least that which has come to us from polemical writings since the Enlightenment. Far from being economically, politically and socially retrogressive, many feudal estates were rationally administered, promoted social mobility and provided the context for many forms of self-governance to emerge in rural lands (Cochrane 1986, 213-7; Sabetti 1984, chaps.3-4, and 1996).

In sum, the added value of the research agenda proposed here is twofold: it serves to situate and give historical context to the debate about what system of government was best suited to a united Italy in the nineteenth century; and it seeks to provide answers through time to a question at the center of social inquiry - namely, whether the structure of basic social institutions is the primary instrument for advancing human welfare or is the essential source of human adversity among people. For, in the words of Mark I. Lichbach and Alan S. Zuckerman (1997, 4), "Comparative politics ...

asserts an ambitious scope of inquiry. No political phenomenon is foreign to it; no level of analysis is irrelevant, and no time period beyond reach."

### Kingdom and Community of the Ancien Regime in the South

After we agree to put aside habitual assumptions and presumptions and be open to a perceptual shift, we are still left with the question of what kind of institutions of self-governance could have existed in the ancien regime of Southern Italy. Knowing what to look for and where to begin must first consider the macrosetting. This context includes the physical setting as well as several attributes of "kingdom and community" (Reynolds 1984), some unique to the South, others similar to other areas of West Europe before the eighteenth century. How these factors came together at different junctures in the course of 700 years to provide opportunities and constraints for the emergence and evolution of long-enduring institutions for self-governance still awaits much empirical research. We can, however, begin to highlight their importance.

### Physical and Climatic Factors

Agriculture dominated the economic history and growth of Southern Italy as it did for much of pre-industrial Europe; physical and climatic factors have played a prominent part in understanding whatever agricultural growth or lack of it took place then. Many collective efforts had to do with the production of foodstuff for consumption and sale.

Recent scholarship has radically overturned the entrenched wisdom accumulated from earlier work about the relationship between physical and climatic factors and "technological" factors of production. This new understanding is especially evident in the research on economic development

and social change in late medieval Sicily (Epstein 1992) and in the Caudine Valley in the Campania area of the mainland south in the seventeenth and eighteenth centuries (Delille 1973).

The prevailing historical judgment is that Southern agricultural organizations (such as large scale farming of fiefs) and practices (such as the use of oxen and light ploughs) were inefficient and backward and thus obstacles to economic growth. This judgment rested largely on a Northern European model of agricultural work that failed to taken into account differences in climate and geography between North and South Europe and ignored the adaptive capacities of people in Southern Italy to their own, and not to some imaginary, ecological conditions.

For example, horses were not suitable as draught and plough animals in the South; oxen were more practical for the kind of hilly or stony terrain present in most of Sicily and the mainland South. Horses were not even suited for the heavy, clayey soils of the most fertile arable soils in central and Western Sicily (Epstein 1992, 164). As analysts stop taking the number of horses as proxy measures for economic development and consider more carefully how people in the South took advantage of climatic conditions and technical developments, new assessments are possible. Stephan Epstein captures the thrust of these assessments when he notes, "despite the use of seemingly 'archaic' tools (oxen and scratch ploughs), both yield ratios and production for hectare in Sicily up to the eighteenth century seem to have been equivalent or higher than in the most advanced northern European countries (England, Flanders, the Netherlands) and substantially better than in northern Italy or the Baltic regions" (Epstein 1992, 164). In other words, the North European model of agricultural work would have been disastrous if it had actually been adopted by South Italian agriculturalists. Epstein warns us not to project failings in Sicilian agriculture during the eighteenth century onto previous centuries (Epstein 1992, 163).

### Transnational Kingdom

The Norman landing near Messina in 1060 signalled the end of two hundred years of Moslem rule in Sicily and the establishment of a new and independent kingdom of Sicily and Naples by 1139. Such was the supranational nature of the kingdom that, as Harold Berman reminds us (1983, 461), "Thomas Brown, who was a baron of the Sicilian exchequer for two or three decades and then a baron of the English exchequer for another two or three decades, could have moved to the exchequer of the duchy of Normandy without encountering any great surprises." In a similar way, "a Norman judge could have moved from the court of Palermo to that of Westminster or Caen without substantial retraining" (Berman 1983, 461). A chief problem was that the supranational nature of the realm also brought with it particular constraints.

Consider the issue of by what rules one obtained, inherited, and had the right of succession to, the realm. The papacy figures prominently in this matter for three reasons: one is the (usual) struggle to insure and maintain the liberty of the church as a transnational institution vis-a-vis claims from all sorts of temporal rulers; another is the moral imperative, understood to flow from the Gospel, to reclaim for Christianity areas of the South under Moslem rule; and third, most important for our narrative, the papacy was sought in order to give moral and metaphysical approbation to, and to sanction, "the right of conquest" or kingship. For different reasons, the papacy needed the Norman adventurers as much as they needed the papacy. In the end, the Norman rulers emerged victorious, as only in Sicily the church was unable to check monarchical authority. But the equilibrium that emerged could not last indefinitely. The "hard constraints" of birth and death of male heirs created insurmountable problems in dynastic succession. As a result, by the end of the twelfth century, the vicissitudes of Norman dynastic succession exposed the Southern kingdom to the competing claims

of European princes and empires and swept away its independence. The accompanying table gives an overview of successive rulers of the South between the eleventh and nineteenth century.

By the end of the thirteenth century, disagreement about who should rule became so strong and violent that it led to the break up of the kingdom into two separate parts; Naples continued under Angevin rule while Sicily came under the Aragonese. Whereas the Vespers era from 1282 to 1337 was seen in Sicily as a great patriotic rebellion against foreign tyranny, in Naples it was perceived as a defeat and amputation. Mutually beneficial commercial and cultural contacts were severed and remained more or less so even after the middle of the fifteenth century when both Naples and Sicily came under the Aragonese and Spanish monarchs. The succession of foreign monarchs ended in 1759 with the proclamation of the third son of the Spanish king as the new ruler of Sicily and Naples. While the new king established himself in Naples, his designation as Ferdinand the Fourth of Naples and Third of Sicily indicated the relative independence of the island from Naples. But the change from the Spanish Bourbons to the Neapolitan Bourbons attached Sicily to the South Italian peninsula for the first time in more than five centuries. The change, coinciding as it did with the movement of Enlightenment ideas about liquidating the heredity of the past, created the potential for profound ruptures, not institutional reforms, in the ancien regime.

Even if the right of rulership remained stable and could be passed on or inherited without dynastic problems for a relatively long period of time, the exercise of rulership by any one monarch was constrained on the ground by other factors. They included "feudalism" and ruler-ruled relations as attributes of "kingdom and community" (Reynolds 1984).

## Baronial Jurisdiction

Baronial jurisdiction continued to be of vital importance in the organization and production of agricultural goods in the kingdom of Naples and Sicily well after the two parts were politically separated. Evidence drawn from Sicily suffices to sketch its legal basis.

The claim of baronial jurisdiction was based on the argument that the original Norman barons had not been strictly feudatories of Count Roger, but, rather, his comrades-in-arms (commilitones) who, by helping him to conquer Sicily, had won for themselves a share of sovereignty in the land. In the thirteenth century, barons successfully pressured king Frederick III, the Aragonese monarch, to extend the primogeniture law of succession to permit the inheritance of fiefs to collateral branches of childless barons (Si Aliquem law) and the almost unrestricted alienation or "liberalization" of fiefs (Volentes law). These laws, which became part of the *Capitula regni Siciliae* or liberties of Sicily that succeeding viceroys swore to uphold, admitted in effect, that fiefs could lapse to the crown only under exceptional circumstances. The liberalization of the feudal land market meant that the opportunity to become a baron - and thus a parliamentary lord - was opened to anyone with sufficient capital to purchase a fief, to pay for a royal license to people it (licentia populandi) and to organize the land under baronial jurisdiction as an economic, commercial, enterprise. The only restriction for a female lord - and there were many who either inherited or bought fiefs - was that she could not sit in person in the baronial or military branch of parliament.

Possession of land, and not feudal title or ancient lineage as such, carried with it the right to govern people living on it. At the same time, however, the internal organization of each fief, at least since the twelfth century, was subject to a (generally written) agreement or pact between the baron and the settlers, specifying the rights and duties of each. The same arrangements applied to the

territorial jurisdiction of ecclesiastical lords, though their legal claims to lordship differed from those of parliamentary barons.

The agreement, which became known as "the Pact of the Land" or "Chapters of the Land", was by the fifteenth century stipulated, generally before notaries, with minor exception in the language common to the contracting parties, the vernacular, for "precaution, certitude and firmness" (from a 1482 local charter, quoted in Garufi 1947, 25). It represented the economic and political "constitution" of individual lands or settlements. A baron could sell the estate to someone else but the economic and political charter of the town remained in force and the basic rights of local inhabitants could not be changed without the consent of all family heads. The enforcement of local charters rested, first, on local people, and on the notary who witnessed, wrote or held in trust a copy of the original constitution - and, if both failed, on the royal or viceregal administration in Sicily or Naples. Civil disputes between barons and townspeople were adjudicated by the judicial branch of the central administration that in Sicily became known as the Royal Patrimony. The meaning of baronial jurisdiction had reference to the rights and duties that each baron enjoyed under the constitution of each fief.

To be sure, the earliest feudal arrangements, generally involving an exchange of protection and long-term employment for labour services, had many aspects of the master-servant relationship of villeinage (Peri 1965). The need to have the consent of both contracting parties in order to alter the decision making capabilities assigned under the local charter also set limits upon changing the old charter or the writing of a new one to meet the changing economic and political situation. In turn, settlers and cultivators faced the critical problem of trying both to insure the integrity of the mutually agreed terms and conditions and to prevent unilateral changes in the contractual arrangements at the



same time when, given the particular division of labour and inequalities of conditions, they were in a markedly asymmetrical system of interdependence. We will come back to some of the issues later. For the moment, it suffices to note that the territorial jurisdiction of a baron was constrained by the constitution of each fief as economic and political enterprises.

Statistics for this period are not reliable. The literature reports that in 1277 out of a total of 2061 communities on the South mainland about only 40 were under royal domain; the rest was under baronial jurisdiction. The situation did not drastically change over the centuries, for Sicily as well though the number of towns in both jurisdictions was relatively smaller. Of the 367 Sicilian villages and towns in 1770, 282, comprising two-thirds of the population, were still designated as "feudal" (Galasso 1992, 432, 440).

### Additional Attributes

Additional dimensions of the macrosetting that impacted in varying degrees on the local level over the course of time are: the importance of consensus or collaboration in ruler-ruled relations; different sources of law and the high degree of legitimacy reserved to legal pluralism; and the pervasive idea of, and disposition for, self-reliance that manifested itself in lay collective activities. Let me briefly take up each one in turn.

Service and Consensus. The standard view of Southern rulers from the accession of King Roger II in 1112 to the death of Frederick II in 1250 is that they established the first "modern," absolutist, secular state in Europe. Barons and cities were subordinated to the royal court. While Roger's reign is increasingly viewed in a more positive light with respect to local liberties (Matthew 1992), the legislation left behind by Frederick II continues to be called up in support of the standard

view of his reign (e.g. Berman 1983, 424-34). The chief point here is that the Norman period and especially Frederick II's reign did not - and could not - straitjacket monarchical rule for the future. Even in their own times, they were not entirely successful in consolidating power in their own hands, especially with regard to fiscal and military matters. To be sure, a tendency toward autocracy and the claim that the sovereign alone was the source of all laws in the realm were, as practices of governance, attempted but seldom succeeded over a long period of time. In short, the extent to which the institutions and practice of rule by Frederick II, in particular, were overturned suggests that the power of past decisions is not as great as we have imagined or presumed in Southern history. There is much in this history to support Margaret Levi's argument that, though possibly all rulers sought to maximize revenue accruing to them, they could not do as they pleased - whatever "predatory rule" was attempted, it was unstable and fluctuating (Levi 1988).

Expectations about rulership as a service, especially in dispensing justice, derived from the argument that a king held office not as creator of law but as a conservator of laws and justice (e.g. Marongiu 1962, 28-32). Such expectations and arguments were part of the shared understanding as late as the seventeenth century. The extent to which such norms were grounded in concrete manifestations of public life and underwent changes over time and what impact those changes had in the actual running of public affairs remains an empirical question. But such norms cannot be entirely discounted as pious hopes or the "ideology" of the ancien regime. They implied and called for a binding commitment - even if not always adhered to or fulfilled - in part because they were linked to other aspects of rulership for which there exist considerable empirical evidence in the South (see also Reynolds 1984).

Regardless of how rulers - be they monarchs or barons - would have liked to exercise their power and authority, several limiting factors remained. A ruler was not the only source of law, all the more since monarchs had come from abroad and had agreed, albeit in varying degrees, to uphold existing customs, laws and privileges (which were often the same things). The standard formula used either by the Sicilian parliament or by revolting barons to remind monarchs of their obligations, generally in Spanish, went something like this: "otra vez este reino se habia dado de su mera voluntad y librement al rey ..." (cited in Baviera Albanese 1980, 192). A sovereign or his viceroy, just like the local baron, needed the collaboration of his subjects to govern and to secure compliance with his wishes and policies. Given the stiff costs of monitoring and enforcing compliance, securing compliance was least costly through some form of willing consent. The search for agreement meant and presupposed dialogue, bargaining and mutual concessions - regime pattizio (e.g. Baviera Albanese 1980). And this applies even if at times some of the contracting parties would have preferred otherwise - as the memorandum on the government and defense of the Sicilian kingdom in the 1570's written by a generally hostile Castilian, Pedro Velásquez, makes clear. Velásquez did not like the natives, and recognized that "the close links which the nobles keep with each other and also with the commoners, sharing out offices among themselves and the length to which their passions go, make them difficult to govern". It clearly would have been more efficient if Spaniards were in charge, but this was neither feasible nor desirable for, he reluctantly admitted, "the safety of the state consists in the subjects, or the greater part of them, being content with its government" (quoted in Koenigsberger 1971, 82).

Judicial Culture and Legal Pluralism. Second, the desire of monarchs (or their agents) to want to extend their authority by promulgating laws run up throughout the period against the enduring

presumption that law also existed independent of the will of the monarch. The task of judicial officials was to discover and apply laws that had emerged from the community. While historians may still debate the extent to which unwritten customary law formed the bedrock of law in Sicily and Naples, it is clear from the historical records as early as the ninth century that customary law formed a kind of secular authority that existed prior to the rise of monarchies. And this included even Southern commercial practices that, by the eleventh century, came to be known as the Amalfitan Table, later freely adopted by Northern city republics - not a small case of self-enforcing rules throughout Italy. All this to say that, though most historians would be less bold in generalizing as I do here, it seems evident that by the eleventh century, there was a fairly well developed juridical culture throughout Southern Italy. This gave rise to legal pluralism, commingling written and unwritten law in cases of dispute resolution, oath taking, written agreement and enforcement mechanisms (e.g. Kreutz 1991, 108-9; Skinner 1995, 19-22, 72-8, 93-7, 191-4). One important implication of the widespread juridical culture and the accompanying legal pluralism was the recognition accepted as a given for much of the ancien regime: i.e., different political orders and horizontal and vertical bonds could exist simultaneously and sequentially on the same plane (e.g. Berman 1983; Romano 1984). This meant that assorted manifestations of self-rule could emerge unhindered in the social, economic and political spheres and coexisted, however imperfectly, with rule from above. This helps to explain why the history of the South between the eleventh and eighteenth centuries seemed so messy, and unappealing, to idealists like Croce.

Self-Reliance and Problem Solving. Ideas of self-reliance are not found in intellectual treatises of the period but in records of dispute settlements, charters and chronicles. These recorded lay collective activities as far back as the ninth century. The growth of the legal profession stimulated

legal disputes to the point that civil litigations appear to have been a most favoured pastime among different strata of society in both Naples and Sicily (e.g. Schupfer 1886, 294-5). This does not deny the presence of acts of violence and use of force in the resolution of conflict - chronicles are full of such acts precisely because such acts were not the preferred solutions or prevailing expectations in problem solving. The emergence of many enduring forms of lay collective undertakings during the ancien regime cannot be understood unless we come to terms with the existence or presence of widespread ideas and practices of self-reliance and peaceful problem solving that such activities implied. The notarial archives can attest to that.

In sum, beneath the power of alternating royal houses and even hostile viceroys, conditions not inimical to self-governance existed under the ancien regime across time and space. The remainder of the paper explores what emerged.

### Self-Governance

The rules of discovery that apply to this period are the same as those that inform data gathering of contemporary self-governing efforts, though the investigation itself differs for written records are the only sources for past efforts. Written records were not only kept well, in general, by most barons and almost all the communes, specific institutions, notaries, abbeys, and others; they were produced on paper made to last. For example the richness of information available in Latin and Greek, for example, on the Duchy of Gaeta and its neighbours between 850 and 1139 is extraordinary (e.g. Skinner 1995). Many documentary sources for later periods were reprinted by historical societies for almost every town of the South, fortunately prior to the destruction of Neapolitan archives during the WWII by a deliberate act of Nazi vandalism against cultural treasures. Many analysts have mined

the archives of baronial houses and of forgotten reigns, in Italy and Spain. Researchers have also been aided by mistakes, as in the case of the registers of the Neapolitan chancery of Alfonso of Aragona (1442-58 reign) inadvertently transferred after the king's death to the Archivo de la Corona de Aragón in Barcelona - discovered and skilfully used in the reconstruction of that reign only recently (Ryder 1976).

Sifting through this rich record points to manifestations of self-governance in practically all aspects of people's lives, as they struggled to live together in peace, to advance their individual and family well being through the pursuit of individual and joint opportunities in matters of common concerns, and to solve problems of associated life as these came up. Collective undertakings ranged from neighbourhood associations to communal institutions and representative institutions like parliaments. A survey of what institutions of self-governance operated over time and with what results would be incomplete without considering the pursuit of economic activities implied by baronial jurisdiction, common property, and commerce itself. The finding - once controversial - that the widespread involvement of peasants and barons alike in market transactions favoured regional integration and connected different parts of Naples and Sicily cannot be denied. Let us survey what has been done and what remains to be done.

### The Local Level

#### Universitates as Communes

The Neapolitan historian Giuseppe Galasso has repeatedly drawn attention to the importance of communal life in Calabria and other areas and the need to make it part of the history of the South (Galasso 1967, 28, and 1971, 10). In fact, the historical record for most towns is extraordinarily rich

as is their long and recorded experience in crafting and recrafting communal institutions. Knowledge of this history is, at best, largely confined to a narrow group of Italian specialists who, often unaware of developments in the social sciences, are unable to link their research to larger issues in institutional analysis and development. This pool of knowledge is increasingly being tapped by English-language historians (e.g. Astarita 1992; Backman 1995) but much work remains to be done for it to reach a wider audience. What follows, then, is suggestive of the principal themes that are emerging.

Universitas means an association of citizens bound together to pursue matters of common concern; and it was in this sense that the term was generally used in the South to refer to local communities and their municipal governments, irrespective of whether communities were under royal or baronial jurisdiction. The term "commune" gained widespread currency with the political changes of the nineteenth century; many analysts since then have extended the use of the term commune to refer to the universitates of the ancien regime.

Regardless of what term we use, municipal institutions existed in the South long before Norman times. Cattaneo, in his 1858 city essays cited earlier, recalled that at one point this area was the site of vibrant municipal institutions, flourishing civic culture and commercial activities, and rich associational life. For Cattaneo the critical rupture in civic life in the South came with the Norman conquest, just about the time when civic life in North Italy began to flourish. Anxious to draw anti-centralist and anti-monarchical lessons for his own time, Cattaneo put a most negative interpretation on what happened to civic life with the establishment of monarchical rule. For this reason, he felt it unnecessary to explore what actually happened in Southern cities.

A study of thirteenth century Sicily recalls that cities were then "sites of Roman law courts, municipal night-watch companies, armies of harbour officials, schools, tariff codes, almshouses and

hospitals, more tax collectors, taverns, warehouses and urban magistrates endlessly copying, invoking, exercising, and seeking to expand their cities' cherished and obsessively guarded consuetudines. Each community followed its own customs but remained open to outside contact" (Backman 1995, 20). The cities drew their life from the activity of the merchants, traders, and craftsmen whose shops and workstalls surrounded the ports, lined streets and filled the squares of each *universitas* (Backman 1995, 128). In short, civic life in places like Palermo, Naples, and Cosenza was far from being strangled by the heavy hand of successive royal governments. Between the thirteenth and the nineteenth century, as a rule, royal or imperial governments were as much "the prisoners" as the controllers of the system.

A flourishing literature offers evidence about the enduring struggle over the degree of autonomy each city had vis-a-vis the royal government in general and with any new monarch (or his viceroy) in particular. The struggle ranged over many issues, especially taxation, and took different forms, but two general tendencies can be observed.

One strategy was for each city to press royal authority to recognize the "ancient" customs and charter of the city. A second strategy, much in use in the latter part of the period when appeals to customs no longer appeared persuasive, was to petition the crown for "the privilege" to govern the affairs of the city through its own charter. Often viceroys or monarchs would disallow some ancient customary rights, in some other cases the granting of the privilege would be accompanied by suggested modifications in the local charter. But one fact remains: as long as cities collected the agreed upon amount of taxation for the royal government, they enjoyed a fairly degree of autonomy in power and jurisdiction even as late as the seventeenth century. Southern cities and people also



found ways to to minimize paying taxes by transferring local activities to tax-free ecclesiastical jurisdictionins, which often led Spanish officials to greater vigilance.

Spanish laws help in part to explain local autonomy in Sicily and Naples. City governments regularly dispatched consuls to the imperial court to gather information about, and monitor, what city liberties or privileges were recognized or granted by monarchs to Spanish cities: for Naples especially when it was ruled directly by Aragón in the fifteenth century, and for Naples and Sicily when both realms were under direct Spanish rule from 1503 to about 1713. Sicilian officials were often successful in insisting that Catalan liberties applied to them as well, just as the laws and customs of the Barcelona Consular Court freely applied to all commercial centers in the Mediterranean.

The maintenance of such a high degree of autonomy vis-a-vis- royal or imperial administration tells us little about how cities were actually run. That there was an "embryonic communal-republican style of government" there can be little doubt (Backman 1995, 22). The chief issue is that it did not last long - and how long it actually lasted - with or without ruptures - is a matter still unsettled.

One set of problems that emerged can be traced back to the medieval practice of entrusting city government to people with a reputation of being "good men" (bonihomines). It was not long before long that attempts to gain such a reputation produced its own perverse tendency, a competition for a good name, breaking the fiduciary relationship in the way city affairs were expected to be conducted. An equally serious problem was the tendency, occurring at different times, of noblemen to settle in the demesne cities and automatically claim a share in the running of city government. This problem was especially evident in Naples by the 1600s.

The royal government worked hard to undermine the authority of the Neapolitan barons by taming to servility the Neapolitan parliament they controlled. When this happened around 1642, the

aristocracy took over the municipal government, compelling in effect viceregal authority to come to terms with the Naples city government as a kind of new parliament at least until 1734. By contrast, in other parts of the South, the situation was more fluid. The government of other cities, including Palermo, remained much closer to their charters, as city government was shared by "good people" and elected representatives among merchants and artisans.

When we turn from demesne cities to rural communes, the practice of governance becomes more challenging to follow, in part because of the relatively large number of rural communes. Giuseppe Galasso's research on the mainland South led him to identify three broad sets of self-governing patterns or traditions (Galasso 1971). I follow his research strategy.

One pattern at work as early as the tenth century throughout the South took the following form: a group of people organized themselves as a lay association purchased land from a local bishop (or lord) to constitute themselves and "for those yet to come" as a community (see also Cassandro 1943). The term *universitas* had not yet emerged but there is no mistake about the self constitution of such a community. This pattern became especially prevalent in the eleventh century, though it can be found to account for the establishment of other settlements in Naples as in Sicily as late as the fifteenth century. Many towns of today can trace their origins to such events.

A second pattern, more prevalent, is that associated with baronial jurisdiction, as mentioned earlier. When almost three decades ago, Douglass C. North and Robert Paul Thomas challenged the conventional wisdom and advanced a contractarian or public choice model of the rise and fall of the manorial system as "a necessary stepping stone" for The Rise of the Western World (1971), their work elicited some strong negative reactions: "Logic, the documents, and the very stones argue for the traditional view and against the proposed alternative" (Fenoaltea 1975, 390). The history of the

South suggests there is some thing to both views, if we recall that baronial jurisdiction consisted of two sets of undertaking: one economic, the other political.

The value of Galasso's work (and of other such research) is to remind us how rural communes or universitates emerged from baronial jurisdiction and the practice of a written constitution for each barony. No two settlements or communities were constituted and governed in exactly the same way, but there was an underlying similarity among them on both sides of Messina's strait.

The charter or constitution of each fief spelled out essential rights and duties of the baron and the settlers, different typed of property rights on the fief and the collective organization of village life (universitas). There were generally two communal institutions. One, appointed by the baron, was the board of local officials. This varied according to the size of the community and over the course of time, but it generally included a captain in charge of peace and security, a judge who presided over local disputes and at least three jurors who, among other things, dealt with matters of public interest and collected revenues on behalf of the baron and the royal government. Most members of the board were appointed for one year, allowing at least in theory a great deal of rotation among villagers. A second body, the civic council, known at times as "the regular parliament" or "general assembly", was composed of all the male townsfolk. It was convened by the baron to decide on matters of importance. While the entire population did not elected its municipal officials, it maintained through the civic council "a watching brief over the conduct of local officials; jurors often had to justify their acts to both the baron and the "regular parliament" (e.g. Diecidue 1966; Verdirame 1904).

However correct this static view may be in capturing social and political reality at one point in time, it cannot deal with the actual working of communes over time. In short, almost all of them have

endured until our own time, but were they actually self-governing, in part or as a whole, during the ancien regime? A critical intervening variable is what span of time is taken to answer this question.

The practice of grounding the constitution of settlements upon the consent of the barons and the settlers, and correlatively the practice of assigning the conduct of communal affairs to local residents acted not only as a constraint to baronial despotism but also as an incentive for the baron and settlers alike to sustain mutually productive relationships, as some evidence indicates (Genuardi 1911, 43; Verdirame 1905). It became not uncommon for barons and local residents to come to the aid of each other in times of distress. For example, in 1559 all the family heads of a town under the lordship of the marquis of Geraci, assembled as the "regular parliament" or civic council, agreed to levy additional imposts upon themselves in order to rescue the young marquis from heavy debts contracted by his deceased father as ambassador to Spain (Cancila 1974, 15-6). In other instances, barons came to the rescue of their tenants by shouldering or cancelling payment of their taxes during bad harvest or drought years (e.g. Titone 1961, 35-6, 38-40). The positive aspects of such practices also entered and fortified in many ways patterns of Southern life to become an important feature of the Southern political tradition. But how widespread such practices were and how long they lasted from area to area remain open to investigation. The tendency of boards of local officials to become self-perpetuating local oligarchies operating with immunity from the local lord and villagers alike has been uniformly found in different parts of the South (Astarita 1992, chap. 4; Li Vecchi 1975). The chief problem here is a tendency to assume that when such a practice is found *ipso facto* it is transferred by implication to future events and stop research what happened afterwards. This research strategy often has the consequence of ignoring a third pattern of self-governing efforts identified by Galasso.

This third pattern has to do with different reform efforts aimed at reconstituting, or repairing the failings of, the existing communal charters in order to make communal government more representative of, and accountable to, the community. The number of in-depth case studies available throughout the South is truly extraordinary, as it includes both demesne cities and rural communes. This literature offers detailed information on specific reform efforts; at times it is comparative and longitudinal, at other times it focuses on particular struggles of local residents to recast local institutions. Sometimes it happened that whenever communal officials were involved in renegotiating the terms and conditions of the reformed charter on behalf of the villagers and whenever villagers revolted en masse against their barons for levying what seemed intolerable increases in imposts, the protestors justified their acts of resistance or civil disobedience, and appealed for the resolution of conflict, on the necessity to realize their joint advantage with their lords (e.g. Ferrigno 1915-16; Guarnieri 1889; Pupillo-Barrese 1903, 38, 64; Zeno 1912).

A chief problem is the fragmented nature and uneven quality of the evidence. Sometimes, original record of such reforms discourages easy reading. Sifting the evidence to determine what accounts for the success or failure of particular reform efforts remains a challenge (e.g. Alianelli 1875; Carabellese 1905; Galasso 1967; Sabetti 1984, chap. 3). But one conclusion seems clear: the study of such in-depth case materials would reveal how individuals sought to refashion their institutions, how they committed themselves to conform to their own rules and how they sought to insure each other's conformance to these. No doubt, the struggles to reform communal government suggest a record of both success and failure, of trust and mistrust, of noblesse oblige and possessive individualism. But local residents were not alone in interposing limits to the authority of their own commune or local lord. From the fifteenth century onward, communal reform efforts aimed at

diminishing the local authority of barons were supported by successive royal governments, whether Angevin (as in Naples) or Aragonese (as in Sicily) (see also Galasso 1992, 416-44). Important it was, communal government was not the only venue for civic life.

### Trade Associations

The rise of trade associations or guilds in Southern cities and towns goes back to medieval times. Like those in Northern cities, the guilds in the South were originally associated with middlemen and merchants; over time local artisans formed their own, according to what work they did. The art, craft and merchant guilds facilitated mutual aid among people of the same trade or profession, administered apprenticeship laws and enforced some kind of quality control over their products. Especially in large cities like Naples, which by the sixteenth century was the largest city in Europe, such guilds played a critical role alongside communal government, in addition providing poor relief and public assistance. Probably by the fifteenth century, if not before, guilds had began to work closely with local government administrators, setting domestic price levels for their products (e.g. Del Pane 1940; Leone 1956).

The argument for the disbandment of these associations in the 1820 goes back at the least to the time of Adam Smith: guilds were monopolists and systematically reduced the entry of all kinds of human and nonhuman capital; they also impeded economic development. But the lawmakers of the 1820s also gave another, more political, reason: no autonomous organization or institution - be it local government or guild - should stand in the way between the monarch and the people. Political economists are now reopening the debate; guilds may not have been a hindrance to European

development (Hickson and Thompson 1991). Whether the same applies to those of Southern Italy remains an open question.

### Lay Confraternities as Mutual Aid Societies

Self-organized and self-governed "for the greater glory of God" over the course of several centuries, lay confraternities and "pious associations" provided members with temporal as well as spiritual benefits. They had become such going concerns that often in large cities they came to own and manage halls, churches and hospitals. Originally open to everyone and to all ranks in society, they increasingly began to identify with particular segments of the population.

Writing at the start of the nineteenth century, a British traveller noted that in Naples alone there were over sixty charitable foundations of long standing among lay confraternities and pious associations. The range of concerns encompassed almost all aspects of civil society (Chetwoode Eustace cited in Seward 1986, 281). Naples may be have exceptional in having such a large number, but such organizations existed as mutual aid societies throughout the rest of mainland South and the whole of Sicily.

Soon after Italian unification, a parliamentary commission was set up to find out exactly how many pious associations were operating in Italy. This research took twenty years to complete. The results amount to 19 volumes, containing detailed information for every region of Italy. Campania and Sicily ranked fourth and fifth respectively among the regions rich in number and assets of pious associations (Barone 1990, 35).

The data contained in those volumes, as in the archives of such organizations that still work in the non-profit sector, have not yet fully utilized to understand general patterns and variations. That

lay confraternities and pious associations were self-organized and long enduring institutions there can be little doubt. For what length of time they remained truly self-governing is an open question. Some or all may have met the fate that awaited some lay confraternities elsewhere. Research on lay confraternities in Renaissance Bologna suggests that by the third century of operation the leadership of the Bolognese lay confraternities had been taken over by patricians, while artisans and merchants relegated to leadership positions only in parochial confraternities overseen by parish priests (Terpstra 1995).

### Baronial Jurisdiction as an Economic Enterprise

We saw earlier how the growth of communal government successfully challenged baronial jurisdiction as a political institution. This transformation also facilitated changes in baronial jurisdiction as an economic concern. By the sixteenth century, in Naples as in Sicily, master-servant relationships gave way to relationships between large landlords, on the one hand, and tenant sharecroppers, wage earners and small independent farmers or copyholders, on the other. How to account for this change?

The literature attributes this transformation to several distinct and interconnected factors: "pressures generated by self-interest" (Salvioli 1902), the scarcity of labour resulting from eviction of Moslems in the thirteenth century as well by recurrent plagues, internal migration of workers in search of more favourable employment opportunities, the growth of the market economy and the increasing use of money as the medium of exchange (e.g. Galasso 1967). The change was by means universal. In fact, failure "to renounce ruinous lordship and antiquated agrarian economy" (Salvioli 1902, 390) brought many baronial houses into bankruptcy while baronial towns depopulated and,



some cases, disappeared. By the end of the sixteenth century special agencies were set up to administer and, in some cases, sell bankrupt or depopulated baronies. Galasso's study of sixteenth century Calabria presents considerable evidence to this effect (Galasso 1967). But the narrative would be partial and incomplete if we stopped here. Available evidence from Sicily convey the complexity of changes yet to be studied in depth.

The availability of capital resulting from the new economic situation, the increasing demands for Sicilian wheat in Europe, the growth of population stimulated in part by the influx of Greek and Albanian refugees (see Titone 1955, 81) from the Ottoman empire and the relatively open entry rule for becoming a parliamentary baron joined together to make the seventeenth century "the golden age of baronial jurisdiction". In the course of this century, old and new barons risked enormous sums of money to reorganize bankrupt fiefs and to establish new ones - in essence, to colonize the Sicilian interior. In turn, this "frontier movement" had the effect of renewing and strengthening the number, position and title of parliamentary barons at the very time when, as a result of bankrupt or depopulated fiefs, bearers of ancient titles were losing standing as associates of the sovereign and when, as a result of the sale of regalian rights, the inflated number of titled Sicilians was eroding the prestige attached to titles of nobility. While the ecclesiastical and the domanial (city representatives) houses of parliament continued to have no more than 63 and 43 members respectively, the baronial house increased its membership from 72 in 1556 to 277 by 1800. Some barons represented as many as twenty fiefs.

The critical part played by old and new barons in the colonization of the Sicilian interior has led different historians of different ideological persuasions to refer to these Sicilians as "bold and courageous agrarian capitalists" (Titone 1955, 54; see also Pontieri 1943, 52-6; Renda 1963, 18-9, 24-

5). Yet barons were not the only bold and courageous agrarian capitalists. Though we know less about the settlers, in part because the assumption of self-sufficiency has led many researchers to neglect the capital requirements of frontier settlements, they were also engaged in the task of creating capital. Scattered evidence in several works suggests that many of the settlers were able to outfit themselves with their own resources, literally taking their capital equipment with them (e.g. Garufi 1922 and 1946, 1947; Gattuso 1976; Testa 1973; cf. the Canadian frontier settlements, Fowke 1957, chap. 2; and for the American West, Osgood 1925). One other development is worth stressing: it seems irrefragable that the colonization of the Sicilian interior led both barons and settlers to contract or covenant consciously with one another to create new communities. But this is not to say that cyclical constraints in the organization of baronial jurisdiction did not reemerge.

The extent to which baronial jurisdiction functioned according its design and performance criteria depended, in part, upon the willingness or interest of each baron to exercise his (or her) residual authority and control over the management of the estate so as to constrain those who found it to their advantage to shirk their efforts and function as free riders in the production process. Yet there were at least three reasons why some barons had incentives to shirk these very responsibilities and to turn over the management of their estates to rentiers in exchange for a constant share of the estate earnings.

First, while the primogeniture law of succession and the law of entails assured the transmission of baronies over time, they could not necessarily assure the transmission of a willingness and interest to manage or direct estates to successive barons. As in the case of modern family-owned enterprises, it was difficult to expect the entrepreneurial skills possessed by the first baron to be continued by inheritance. Second, while first-born sons stood to inherit baronies, they did not have

sole claims to baronial earnings. Their brothers and sisters were entitled to receive at least one-third of those earnings without, however, shouldering any responsibility or risk for the economic productivity of the estate. Third, some barons found it difficult to resist the attraction provided by the tax free position of Palermo and, thus, tended to abandon their fiefs to establish themselves in the capital city.

There thus developed a situation whereby many barons could not, in the words of the Sicilian economist Abbé Paolo Balsamo, "be persuaded that without the necessary attention, labour bestowed, and prudence, their forefathers could neither have acquired, nor bequeathed that to their descendants which secures them from the chilling hands of poverty" (Balsamo 1811, 13). In turn, leasing estates for a very short period helped barons to keep abreast of inflation but also discouraged rentiers from managing the estates as if they were their own (cf. Greenfield 1934, 19-20; Romeo 1973, 28-32). As Balsamo warned the prince of Fitalia, an absentee lord who had devised plans to improve land management and cultivation of his estate, such plans "would never be thoroughly completed until proprietors paraded less with expensive carriages and horses on (fashionable drives in Palermo) but were oftener in the saddle to visit their rich and capable estates" (Balsamo 1811,10-11).

In such circumstances, shirking and free riding became widespread and, in certain cases, assumed major proportions. Some barons unilaterally cancelled copyhold contracts (enfiteusi) when they found their fixed income sharply reduced by inflation. Baronial agents left to themselves were prone to the same. In order to make quick returns, both rentiers and cultivators often under-invested in the factors of production (Sergio 1777). Villagers found that recourse to the viceregal administration to command the services of impartial officials or to sustain existing agreements against new demands and unilateral cancellations of contracts was neither always readily available nor

always impartial (Guarnieri 1892, 145). In 1752, in exchange for baronial support in parliament, the Spanish Bourbon monarch ratified the arbitrary abrogation of copyhold leases (enfiteusi) by barons without any compensation to dispossed cultivators - further eroding the integrity of the viceregal administration, the Patrimony. In addition, as new knowledge and technological innovations expanded, attempts to alter existing arrangements to take into account of new possibilities proved often to be difficult and costly undertakings for both village representatives and barons (e.g. Battaglia 1895).

In sum, the record of baronial jurisdiction as a commercial going concern over the course of many centuries is mixed: it contains many positive elements of mutual gains by trade and commerce but also contains antiquated agrarian economies and exploitative relations. The extent to which the manorial system in the South did not function "as it should" may have been due not only to a lack of baronial willingness or interest to exercise residual authority and control over the management of fiefs but also to the failure of viceregal administration to provide the supporting infrastructures for the formulation and reformulation of the organization of fiefs as economic enterprises. Understanding what made the difference is a puzzle still. Exposure to the competitive pressures existing in the "frontier movement" and in the agricultural market served as effective means to bias or rig the structure of individual and family incentives toward a consideration of a wider community of interests and a longer time horizon.

### Governing the Commons

Common property refers to resources in pasture, land, forestry and irrigation involving shared property rights among villagers with or without the lord. While common property resources in the

South were not as dominant as they were in Tuscany and the Alpine areas, they could be found in many parts, in feudal and royal towns. For many centuries, churches in the South were common property and governed by their own special regimes. Almost all such resources were either nationalized or privatized during the nineteenth century, as they were seen as "archaic" and an impediment to economic progress and private property rights. But they were not completely eradicated in practice and in the collective memory of local residents (there are still regional commissioners entrusted with the task of bring closure to such issues in Potenza and other Southern cities). Many case studies, going to earlier times, do exist but they are often unsystematic and largely descriptive. Paolo Grossi, a leading scholar of alternatives to private property in Italian development, notes that "the Neapolitan literature showed itself to be, in the middle of the nineteenth century, the only current of thought that had carried on, systematically, continually, and from remote times, a teaching in evident contrast with official post-revolutionary doctrine (related to private property) (Grossi 1977, 146). But, not unsurprisingly, it reveals "a narrow cultural provincialism" that "never succeeded in constructing a historiographical valid edifice on that base" (Grossi 1977, 147-4). Attempts to map the geographical distribution of different types of common property resources once in use throughout Italy are now taking place at the University of Bologna.

These attempts and the available case studies provide a rich data base to learn about how people in different communities managed or attempted to solve problems of collective action, the factors that enhanced or detracted from coping with free riding and the like, and why some efforts failed while others lasted a long time. The framework for the analysis of common property problems developed by Donald Oakerson (1986), and widely used in the literature on governing the commons,

suggests how it is possible to abstract from the richness of descriptive accounts problems of collective action individuals faced and sought to overcome.

What is available to date is John Marino's careful and insightful "total history" of the dogana or sheep customhouse of Foggia - the Mesta-like institution for Naples - for almost 400 years. The study sheds much knowledge on the internal self-governance of the Dogana and its control of the wool trade. But the reconstruction of the use of common property resources among local residents that took place in the ancien regime would shed additional light on the question of self-governance. We know that many different long-enduring institutions for the governance of common property resources in the South existed over centuries, before the nineteenth century. Communal woods were still used by local communities as fuel for fire as late as the 1950s, with little or no problem of deforestation even in Banfield's Montegrano. What we still do not know how they were organized and with what results.

### The "National" Level

The principal institutions at the "national" or regional level were the parliament and the market. Let me briefly review what we know about their robustness, as a way of stimulating further work.

#### Parliaments As Representative Institutions

The scholarly debate on what the parliaments of Naples and Sicily did as national representative institutions has not progressed and remains inconclusive for several reasons. Research has been done almost exclusively by historians. This has been both a strength and a weakness. The

tendency to explore things ab origine has resulted in us knowing a great deal more, for example, about how parliament as an assembly of estates emerged and worked until the thirteenth century than for the later period. The tendency to study one parliament at a time as an institution unique to its own setting has not helped either. Antonio Marongiu spent almost his entire professional life studying parliaments and his published work, in Italian, French and English, is rich in evidence and insights but suffers from a lack of comparative perspective. The tendency especially among British analysts of Southern Italy to project on to those parliaments modern or British expectations of parliament has glossed over critical difference in context that make for poor comparison. Parliaments themselves were not scrupulous in maintaining records and the one-time practice to move from city to city, in part as a way to insure visibility in different areas, was not conducive to good record keeping.

Available work of synthesis takes a dim view of the history of the parliament of Naples. Its collapse by 1642, no doubt, coloured assessments of how it operated earlier. Its representative nature was confined only to the baronial class, and with no representatives from the cities unlike the Sicilian parliament. Its legislative and powers practically nonexistent. The general conclusion is that the Neapolitan parliament, in spite of occasionally rising to the challenge such as when it steadfastly opposed the extension of the Spanish Inquisition to Naples, was a parliament in name only. What it did over several centuries was to furnish different (foreign) rulers with the protective cover to claim that they were collaborating with the representatives of their subjects in parliament and thus fulfil the popular demand implicit in the maxim quod omnes tangit.

The parliament of Sicily has fared much better in the literature as a robust representative institution, and for good reasons. It was more representative; it insisted that no approval of taxation or money to the sovereign be done without the unanimous consent of the three assemblies or branches of

the realm (ecclesiastical lords, parliamentary barons and presentative of cities); it opposed repeated attempts over the centuries by different monarchs to introduce some kind of military service; it sought to legislate, albeit without much success. Indeed, if we confine research to certain periods between the twelfth century and the time it was abolished in 1816, the Sicilian parliament appears either exceptionally robust or exceptionally weak. For example, if we confine our narrative to the period between 1296 and 1337, during the reign of Frederick III whose throne was insecure, the Sicilian parliament went as far as to possess and exercise somewhat full authority over foreign policy (e.g. Backman 1995, 46-55; Marongiu 1962, 213-4). How it came to lose such power, however, it remains unclear.

For a beginning comparative assessment, we must turn to a distinguished historian of early modern European history, H. G. Koenigsberger. His conclusion is worth citing in full:

By 1460 only Piedmont and Sicily could still boast of powerful parliaments. The Sicilian parliament survived longer than any of the others, defending, not without success, the country's privileges against the encroachments of Castilian absolutism, and its people against the rapacity of the Spanish treasury.

He continues,

Yet the much-vaunted comparison of the assemblies of Palermo and Westminster in the seventeenth century as the only surviving effective parliaments was a Sicilian misconception. From the fifteenth century onwards, the Sicilian parliament remained nearly always on the defensive (much more so than the assembly of Piedmont) and it signally failed to initiate those constitutional changes which in England led to the transformation of a feudal into a constitutional monarchy (Koenigsberger 1971, 21).

Elsewhere I detail how pressures from Neapolitan viceroys and the widespread demands to repair the failings of the Sicilian political economy in the late eighteenth century began a chain of decisions that led by 1812 to the proclamation of a constitutional monarchy (Sabetti 1984, 43-7). It is fair to say that until about 1770s,



The parliament of Sicily fought no major battles; yet its very existence (like that of a 'fleet in being' that never fires its guns but yet preserves its country from defeat) safeguarded the privileges of the island. And if these privileges, like all similar privileges during the ancien regime, benefited only a comparatively small section of the population, every Sicilian benefited from relatively low taxes (Koenigsberger 1971, 93; see also 1978).

### Trade and Commerce

What role did commercial law and market transactions play in providing people with complementary ways to organize themselves in the ancien regime? Several reasons have tended to discourage such explorations. One is the presumed ingrained poverty of the South, automatically translated as lack of commercial spirit and trade. Another is the view of feudalism as a sequential stage in development was characterized, at best, by moral economy and, at worst, by inefficient monopoly power of barons and kings in economics. Another is the view that the political separation between Sicily and the mainland after 1282 sapped the financial and military energies of both areas of the South and made the South dependent on, and open to exploitation by, foreign trade and merchants. This form of exploitation became, in turn, became the source of irreversible dualism between North and South. So the standard arguments go.

Recent research by Stephan Epstein (1992) on economic development and social change in late medieval Sicily challenges the pessimism of prevailing assumptions and changes our understanding. He draws attention to the extent to which variable regional political and institutional structures, far from impeding access to markets, actually facilitated them. Medieval peasants did not invariably pursue subsistence strategies; as institutions changed, so did the rate of peasant involvement in the market and rate of commercialization, with major positive consequences for Sicily's long-term economic development. One of the most powerful aspects of Epstein's research is

to demonstrate how much economic growth occurred in different sectors through regional integration and specialization during the fifteenth and sixteenth centuries. During this period, the Sicilian economy also became increasingly export oriented, although only a small proportion of its output was shipped abroad before 1500. When arrayed against the backdrop of stereotypical generalizations, it is truly revolutionary to find that late medieval Sicily was neither underdeveloped nor dependent on foreign manufactures and trade.

If doubts exist about how the robustness of the two parliaments, there can be little doubt about the relative strength of the market and commercial law as self-organized and, for the most part, self-enforcing mechanisms for regional integration and specialization over long periods. It should now be possible to extend Epstein's logic of inquiry to Naples or parts of the mainland South. At the very least, we are challenged to examine more closely when, in fact, economic backwardness became irreversible.

### Conclusion

Following the perceptual shift, a vast new area of Southern history becomes available for comparative research: the origins and evolution of self-governing institutions. The old "Southern Question" can no longer be contained in the same parameters as before. Clearly that history must be rethought. As we rethink that understanding, we face the task of how to account for particular events and outcomes in a way seldom encountered before. A new research agenda requires better tools and greater interdisciplinary efforts than before. In the need for novel narratives, there is work for all of us.

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