PASSAGE TO MODERNITY: THINKING THEORETICALLY ABOUT THE EXPERIENCE OF FRANCE, ITALY AND SPAIN

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It is hard to imagine many countries so similar and dissimilar - at times *amici/nemici* all at once - as France, Italy and Spain. In addition to physical proximity and characteristics, they share common linguistic and cultural roots, have for the most part genuflected at the same altar, and assimilated, emulated and, at times, sought to avoid each another's customs, institutions and ways of life. The movement of ideas, people and goods between them, seldom severed for long, proceeded over the centuries through mutual consent, rivalry, imitation, alliance, dynastic or territorial aggrandizement and force. The network of relations became more fixed, but no less complex to understand, with the Enlightenment, the French Revolution and their respective reverberations. Just consider.

A Neapolitan Bourbon monarch and Neapolitan advisers in the eighteenth century helped to make Spain a nation state, but it was Napoleon's brother who was truly the first king of Spain. Before becoming king of France in 1830, Louis Philippe sat as a peer in the Sicilian parliament. The Spaniards fought against the Napoleonic state being created in France and Italy but undertook to create a more centralized and more egalitarian constitutional arrangement of their own in 1812, in the process giving the world the term "liberal" and setting a precedent for modern military intervention in constitutional and institutional reforms (the so called *pronunciamientos)* that was to afflict Spanish public life until the Franco regime. In fact, probably no other self-proclaimed liberal constitutional regime had as many coups d'etat, revolts and the like as Spain did in the nineteenth century. The Spanish penal code of 1820 owed as much to Bentham as to Beccaria. Roman law, Cartesian logic and legal positivism equally applied to all three countries, though it was in Spain that they met at times stiff resistance or excessive compliance. Even the role of the church cannot always be put on the side of reaction - and this applies even to Carlism. Moreover, "just as the Carlists had an international society, the Jesuits, which directed their policy and furthered their aims, so the Liberals had the freemasons" (Brennan 1943,206), whose ideas had come from England as early as 1728. A member of the Italian royal family briefly served, and at Spanish request, as king of Spain in the 1870s and left the country of his own accord when he found he could not make the national government work. In the middle of the nineteenth century, Spain had the strongest federal republican movement of all three countries and yet the movement could proclaim but not sustain Spain's first and only "federal" republic. While Proudhon theorized about anarchism, it was a Bakunin-inspired engineer, architect and parliamentarian from Italy, Giuseppe Fanelli, who set out in 1868 to "evangelize" Spain to it. He was so successful that "within the space of less than three months, without knowing a word of Spanish or meeting more than an occasional Spaniard who

understood his French or Italian, he had launched a movement that was to endure, with wave-like advances and recessions, for the next seventy years and to affect profoundly the destinies of Spain" (Brennan 1943,140). The design principles of the Italian state created in the 1860s owed much to ideas and statecraft from France; but in reiterating those principles, the drafters of the 1948 Italian republican constitution drew for inspiration on the Spanish republican constitution of 1931 that Italian Fascism helped to defeat. Christian Democracy found more fertile ground in Italy (where it originated, and later in Germany) than France, but almost none at all in Catholic Spain.

What clearly set the political experience of France, Italy and Spain apart is their respective passage to modernity. The themes of "failure" and "stagnation" and questions like "what went wrong?" have accompanied reflections on the passage to modernity of both Italy and Spain. Negative self-perceptions abound in their national historiography. By contrast, success - not failure or negative self-perception - has accompanied the development and study of modern France. Even though modern French history "is littered with republics, restorations, revolutions and empires" (Lilla 1994, 8), the French state became the model both for absolutist rulers in Europe to emulate and for comparativists in North America and elsewhere to use for assessing the success of state making elsewhere. It is from France, and not Italy and Spain, that positive lessons about the passage to modernity have been drawn. One objective of this paper is to show that this view is not tenable, or that, at least, the French case does not support valid inferences about democratic transformations, while supporting valid inferences about the enduring nature of centralized government and administration.

While many post-war analysts have been searching for "a new France," the search for what is new is less problematic in the case of Italy and Spain. Just as post-war Italy confounded critics and became an industrial nation, in the 1990s Italy confounded again critics and surpassed expectations with profound, if controversial, transformations in its political class and public economy. These transformations served to renew pressures for constitutional reform, recalling many elements of the debate between federalism and unitarism that accompanied the creation of the Italian state in the 1860s. The successful and peaceful reestablishment of parliamentary democracy in Spain between 1975 and 1980 has been all the more impressive since not too many expected such a fast turn around. In fact, two kinds of institutional transformations took place in Spain by the end of the 1980s: the first from authoritarianism to representative democracy and the second from centralization to regional and local autonomy. For most analysts the so-called Spanish democratic miracle is "the very model of elite settlement" through which agreement, consent and compromise allow the substitution of one regime for another (e.g. Gunther 1992). It is becoming increasingly apparent, however, that the constitutional changes could not have succeeded *without* a prior, if hidden, democratic transformation of Spanish society (Foweraker 1989). This has raised the additional questions - yet to be addressed in the literature - of how far back do we go in time in tracing self-governing practices in Spanish society and where did Spaniards turn for the likely sources of such ideas and practices. In short, the challenge that recent changes in Italy and Spain pose is not to explain failure but rather to explain success. This is another reason for the need of a perceptual shift in the way we compare the French, Italian and

Spanish political experience. To be sure, such a perceptual shift is already taking place, suggesting a reassessment of old concepts and habits of thinking about historical variations and change.[1] This paper extends this perceptual shift theoretically and comparatively. Thus a second objective of this paper is to exploit the ongoing changes in Italy and Spain in support of the argument that State failures in Italy and Spain need not be viewed negatively and may indeed be viewed as democratic success — that is, providing the conditions for self-governing societies to emerge. From this vantage point, then, it becomes easier to appreciate the ongoing changes and the constitutional learning that they imply. This is the third objective of the paper.

If the problematics and issues involved in the passage to modernity of the three countries were specific only to those countries, important as they are, this paper would be of marginal interest to such important subjects as constitutional political economy and development policy, and to most students of comparative politics. But they are not. Problematics and issues involved in European state-making lie at the core of the policy concerns of how to craft and recraft political authority in other countries and world development more generally. The cases studied here can be viewed as prototypical situations that underline a general theoretical puzzle: whether the challenge of modernity can best met "seeing like a state" or "seeing like citizens," or some combination of the two (V.Ostrom 2001; Scott 1998; see also Wunsch and Olowu 1995).

The paper proceeds first to a general discussion of some basic analytical problems in coming to terms with institutional change. A closer look at the question of historical variations and change follows. This, in turn, offers the context for an analysis of contemporary reform and some speculations about the challenge of reform that still confronts France, Italy and Spain.

Is There a Logic of Institutional Change in the Passage to Modernity?

Basic analytical problems of historical variation and reform loom large across time and space. First, there is the challenge to understand the initial setting and the properties of existing institutions and governments. This involves having access to a positive theory of constitutional design and creation that may not be always available. "The problem of sovereignty in human affairs" (Ostrom 1995) is still not widely recognized among comparativists. Exceptions like the Federalist Papers aside, "research grounded in a well-developed framework of scientific discourse that serves as a practical guide to the construction of stable democratic institutions is virtually nonexistent" (Ordeshook 1993,198). Moreover, similar words and concepts may not stand for the same thing in different languages and political experience. Direct democracy in France means the popular election of its president; it does not imply a self-governing society.

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[1] David Ringrose's *Spain, Europe and the Spanish Miracle 1700-1900* (1996) challenges the pessimism of prevailing assumptions about Spanish history, making the transformations of the 1930s and 1970 easier to understand. In a somewhat similar vein, Filippo Sabetti's *The Search for Good Government: Understanding the Paradox of Italian Democracy* (2000) show how it is possible to remove the shadows and false lights that obscure the general view of Italian democracy without falling into the other extreme, of exaggerating its success or of adopting anti-reform rhetoric.

Second, there is a need to confront the magnitude of change - whether it involves political wholes or particular institutions. The logic of change applicable to particular institutions may not necessarily apply to large-scale designs.

Third, in developing a theory of crafting or recrafting institutions, there is also the need to explicitly consider the intentions, beliefs and knowledge of reformers about the political environment. It is entirely possible for fallible human beings to formulate explanations and to use those explanations for undertaking political and social experiments that do not work in anticipated ways. Consider the challenge that European monarchs faced in trying to learn lessons from the French Revolution: "while serious undertakings of constitutional or social reform might preclude or avert more drastic (that is, revolutionary) upheavals, they might also, as evidently happened in France, precipitate them" (Woloch 1996,2). This helps to explain why some European rulers and politicians in the nineteenth century opposed reform as much as they opposed revolution. Tinkering with the system might bring the entire edifice down. It is a challenge that continues to baffle reformers in much of the contemporary world, from China to Iran. Another challenge awaits reformers: the need to understand that the logic of sovereignty may lead them to view as unproblematic what many analysts since Tocqueville have viewed as problematic - centralized government and administration - on the assumptions that particular institutions can serve any master and that institutions in themselves are not determinants of human behaviour.

Fourth, and following from the third, to change is sometimes to keep things as they are. Regime change or changes in the governors may leave unaltered the design and operational characteristics of the machinery of government - something that medieval jurists were already well aware as they differentiated between government/governors *(gubernaculurn}* and its authority/rule *(jurisdictio),*. This way royal sovereignty may be transferred to a representative assembly or a people as a whole, a realm may give way to a republic, final authority may shift from parliament to the presidency or viceversa, but the underlying design and practice of rule remain unchanged. This is what Tocqueville must have had in mind when, in his reflections on the 1848 revolt in France, he noted: "In France there is only one thing that we cannot make: a free government; and only one thing that we cannot destroy: centralization" (Tocqueville 1848, xviii). By focusing too much on name changes, we may miss what Tocqueville, and medieval jurists, noted.

Fifth, the transformation of one system of government to another based on entirely different design criteria - say from unitary to federal system - may involve a long time horizon. The central issue then become one of whether people can approach the question iteratively, repairing what has gone wrong or making revisions as it becomes possible to do so. Such transformations cannot be rushed. The growing aspirations of different communities of people for liberation and self-rule can easily go astray if people are unacquainted with or do not understand how to reap the fruits of long-term democratic tendencies in human affairs and how to connect ideas to deeds in the passage to modernity. Witness what happened to the 13

constitutions written in Northern Italy between 1796 and 1810, to the 1812 constitution of Sicily, the liberal movement in Spain after 1820 and the experience of the first federal republic in Spain in the 1870s. The former in Italy were doomed to failure not only by the very haste with which they had been introduced but also by the hostile international climate; the latter in Spain by excessive Enlightenment rationalism or Jacobinism so that those experiments turned out to be too radical and or not radical enough (e.g. Hennessy 1962).

Finally, it is important to recognize - something that often comparativists have been reluctant to acknowledge for fear of being labelled "conservative" and having an a priori negative view of government - any system of rule always implies an unequal distribution of decision-making, including coercive capabilities, to indulge some people and deprive others. The task confronting people then is how to design political institutions in the face of the fact that they can become new forms of political domination (Elkin 1993,33). Contrary to the classic theory of constitutionalism in Anglophone writings, it cannot be assumed that designing institutions always involves interposing limits to the exercise of political power. "Democratic *and* judicial despotism" can be just as deleterious to human beings as royal despotism.

European Political Development

It is easy to see why in the field of European development "history stands as a parent to theory" (Bates 1988,500). Much of the basic research has been done by historians who tend to proceed inductively. Extrapolating from what they tell us, social scientists have transformed "lessons from history" into law-like generalizations about development. This filtering of information has led to a richness of interpretations about how to account for historical variations and change among historical sociologists, sociological historians and political scientists. In spite of the usual divide between Marxist and liberal analysts, what has united them has been a general predisposition - not diminished by the collapse of Communism as the end state - to view long term transformations in teleological terms: to assume that the march of European nations is to reach a particular goal or destination - from feudalism to absolutism and then from absolutism to liberal democracy, which also includes a change from agricultural to industrial economy. In this passage to modernity, the middle class or bourgeoisie is assigned or presumed to have the mission to overcome the crisis of absolutism and usher in economic and political liberalism (Ringrose 1996,21).

State power is variable, and a standard practice among social scientists that may or may not share a teleological disposition has been to differentiate state power in terms of 1) despotic power and 2) infra-structural power (e.g. Mann 1984). A strong absolutist regime would combine both despotic and infra-structural power. Thus the law-like statements drawn from French, Spanish and Italian history represent important teleological generalizations that can be stated in the form of hypotheses:

1.   The stronger the absolutist regime, the more likely it will proceed to a successful transition to democracy.

By contrast,

2.   The weaker the absolutist regime, the more likely it will experience difficulties and delays in its transition to democracy.

The inevitable follows:

3. Late state developers are more likely to become dictatorships.

If such law-like generalizations were just retrospective academic issues, held only by modern historians and social scientists, they would not greatly matter. After all, there is only so much harm that we can do to the record of past events. Unfortunately, we now know that reformers during and after the Enlightenment shared those ideas and sought prospectively to repair failings of institutional arrangements on that basis. This is why, for example, we often refer to "enlightened despotism". Reformers in nineteenth century France, Italy and Spain sought to apply lessons of history flowing from such a teleological mindset or *forma mentis.* In effect, many modern academic inquiries about the Italian and Spanish development experience have echoed the questions raised by earlier generations of Italian and Spanish reformers and intellectuals when they experienced difficulties in making tabula rasa of existing conditions: Why did Italy never achieve national absolutism? Why was not Spain as absolute a monarchy as France was? Let us briefly look at each principal element of the teleological view of democratic transformation.

Absolutist Rule

The history of how French monarchs succeeded in concentrating power at the national level is well known to require little or no elaboration here. In spite of recent scholarship, Tocqueville's analysis of the growth and strength of centralized government and administration during the ancien regime, *before* the Revolution, is basically sound and remains insightful. The French state did acquire despotic and infra-structural powers. In the teleological view, this condition meets the initial or starting condition for a successful passage to modernity and transition to democracy.

If it can be shown that democratic forms of governance existed prior to, and continued to work after, absolute monarchies were in place, then the teleological argument does not have foundational basis. Absolute rule does not have to be a necessary initial condition for the realization and affirmation of self-governing societies. *Ex adverso,* sovereign states are inimical to democratic development and weak absolute rule can be taken as confirmation of the relative

strength of democratic forms of governance. These views run counter to the received wisdom in much of the literature on states and modernity.

Putting matters so starkly can provoke considerable objections. I hear those objections. They might take the following form. You are attacking a liberal or Marxian view of development that we do not share. We admit that "far from promoting (representative) institutions, early state-makers struggled against them" (Tilly 1975, 37). The fact remains that 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 has forcefully advanced a widely accepted variant of the standard argument: modern democracies require states, for the maintenance of order must be in the hands of "a single agency", "a single apex" for societal problem solving. He avers, "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) is no less peremptory as he can conceive of only two possibilities: either (unitary) states or statelessness. From this perspective, there is no other way, *tertium non datur.*

This argument is not tenable for three reasons: first, because it looks to *the* state or *the* Government as the only possible way to understand and have human order, equating it with modernity; second, because the argument 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. The fact that the state, like sovereignty, may be inimical to a democracy understood as self-governing is seldom considered by this literature. As we shall see, what democracy means was a central source of misunderstandings and problems in the struggle for political changes in nineteenth century Italy and Spain. In sum, I hear the objections but do not find them convincing.

There is no question that successive Spanish and other monarchs did aspire to emulate their French counterparts. The French demonstrated that it could be done. Philosophers like Bodin in the sixteenth century offered theoretical justifications on why it should be done. *Philosophes* in the eighteenth century added powerful "utilitarian" justifications - "philosophy to the aid of the government!" as the classic work by Gaetano Filangieri put it. The aspiration to obtain absolute or monopoly power - that no intermediate power, or secondary organizations, or deliberative assemblies should stand in between the national ruler(s) and the people - was probably universally shared by rulers of all sorts of principalities. In other words, that some monarchs did not acquire full monopoly over public affairs cannot be taken to mean that they did not try. The task is to explain why some succeeded while others failed.

Spanish absolutism was indeed born in 1469 with the marriage of Isabelle and Ferdinand II and the union of Castile and Aragon, though this is not the whole truth. For example, the realm

of Aragon itself was a union of three principalities - Aragon, Catalonia and Valencia. Each had its own jealously guarded representative institutions. The work on imperial Spain by J. H. Elliott (1963) allows us not to forget an important qualification to Spanish absolutism: the Americas were attached to the Kingdom of Castile (just as Southern Italy was attached to the Realm of Aragon). Elliott's portrayal of Richelieu and Olivares (1984) reveals that both were "men of extreme ambition and fixity of purpose" (Elliott 1984,13). But similarity in extreme ambition and fixity of purpose could not overcome the fact that in early seventeenth century Count-Duke Olivares as the first minister in Spain "was grappling with a problem of a very different order of magnitude from that which faced Richelieu" (Elliott 1984, 74). Olivares devised a plan (the Union of Arms) to unite the kingdoms of Spain politically and militarily - unity conceived as uniformity- but was compelled to give it up in the face of stiff resistance. "The enhancement of royal authority through the curbing of obstreperous representative assemblies, and the abolition of obnoxious provincial rights and privileges" proved difficult for Olivares. Richelieu's task in France proved much easier as the capacity for resisting had been undermined much earlier (Elliott 1984).

Absolutist attempts in Spain continued, with renewed vigour, when the Hapsburg rulers were replaced by the Bourbons in the eighteenth century. With the so-called Caroline reforms, the new rulers succeeded in wearing down opposition; they transplanted and implemented ideas of statecraft from France (Lynch 1989). Centralized government and administration was put in place with the usual panoply of officials and provincial institutions - intendants and the like - that already distinguished the French system. Securing and policing compliance proved difficult, with the result that provincial administration in Spain remained "as illogical as ever" (Hargreaves-Mawdsley 1979, 9). One reason is that the absolute state in Spain gained despotic powers, but it still did not have the infra-structural powers and reach of the French state. Municipal and regional institutions in vast areas of the country remained outside the reach of central authorities; self-organized and self-governing institutions for collective action in Catalonia, Galicia and Valencia, for example, continued to endure. Securing compliance in the application of laws on recalcitrant regions and people is seldom easy, and the application of Castilian laws was no exception.[2]

Mutatis mutandis, the same situation obtained among Italian states and principalities, from Piedmont to Sicily. Dense patterns of social civic enterprises as local assets involving collaboration, mutual assistance, civic obligation and trust continued to exist below the power of alternating monarchies, successive viceroys and self-perpetuating oligarchies, from the Po valley to Mount Etna. By the eighteenth century the republic of Venice had ceased to be the paragon of republican virtues it once was reputed to be, but, according to Edward Malefakis (1995,44), its

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[2] Self-governing institutions also included universities, and it is no accident that that some universities like that at Salamanca did much to sustain, more or less, considering the times, a spirit of critical inquiry first by making available Arab philosophy to the West and then developing economic thought that in some ways is close to that developed by Hernando De Soto's *The Mystery of Capital* (2000). Since Salamanca was also an important theological center, the extension of the term "mystery" from religion ("the mystery of faith") to economic activities is not surprising. For an introduction to early Spanish economic thought, Grice-Hutchinson (1978).

outposts in the Dodecanese islands could still be "a source of salvation" for the liberties, self-reliance and self-respect of minorities of the Ottoman empire like the Greeks.

In short, there is no denying that the dominant theme of constitutional transformation in Spain and Italy until the end of the eighteenth century was much like the case of France: to concentrate power, not to limit to it; to impose unity conceived as uniformity. But unlike the French case, the success of absolutist aspirations in Italy and Spain was thwarted by the spirit and vitality of collective undertakings at the local and regional level. Spanish absolutism could rule a world-wide empire but could not rule at home[3].

The weakness of absolute rule at home can be taken as a proxy measure of the strength of local and regional institutions. The strength of such institutions did not often equate with the liberties of people they were supposed to serve. Probably none can meet twenty-first century standards of democratic practices and federalist arrangements. Most excluded women; decision making procedures were often susceptible to manipulation by inner circles and wealth peoples; how to achieve coordination among polycentric undertakings without having recourse to an

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[3] Spanish absolutism abroad was and remains, as far as I know, exceptional in at least one important respect in comparison to any expanding empire - before or after. In the middle of the sixteenth century, the Spanish crown called a halt to the conquest of the Americas and other places while theologians examined the right of conquest At the request of Charles V, a theological commission debated the right of conquest at the monastery of Valladolid. Bishop Las Casas of Chiapas, Mexico, and well known defender of the Indians, Juan Ginés de Sepúlveda, the greatest authority on Aristotle at the time, Francisco de la Vitoria, a Dominican theologian and follower of Aquinas from the University of Salamanca as well as a host of other distinguished theologians took part. The rich and intricate debate can be summarized as follows: followers of Aristotle argued that Indians were slaves by nature and thus rightly subject to Spanish conquest; by contrast, followers of Thomas Aquinas like Vitoria argued the opposite, that is that non-Christians too had an inherent right to their own governance and therefore were not rightly subject to Spanish conquest because all human beings have been endowed by their Creator with a mind and reason. The commission never arrived at a clear vote, and soon the Spanish settlers went back to the old ways, while Las Casas continued his opposition. The debate was important at the time for helping to clarify how different Aquinas was from Aristotle.

La Casas and Vitoria influenced Pope Paul III to make a remarkable statement in his 1563 encyclical *Sublimis Deus;* "Indians and all other people who may later be discovered by the Christians are by no means to be deprived of their liberty or the possessions of their property, even though they be outside the faith of Jesus Christ... Should the contrary happen it shall be null and of no effect..." The encyclical went on to add, "By virtue of our apostolic authority we declare... that the said Indians and other people should be converted to the faith of Jesus Christ by preaching the word of God and by example of good and holy living."

The literature on Spanish America has, to my knowledge, not given careful attention to the debate surrounding the right of conquest and comparing what right of conquest was used by the Protestants. Glimpses of Vitoria's position rejecting the right of conquest and recognizing the inherent right of any group of people to their own governance can be found in Quentin Skinner's *The Foundations of Modern Political Thought* 1978:168-71. The Jesuits' position was more nuanced but it came very close to that of the Dominican theologians when Roberto Bellarmine, a prominent Jesuit theologian made cardinal, emphatically stated in this *book Members of the Church* that *"all* men are equally made in the image of God with a mind and reason." As often happens it was not always easy to comply with this doctrine but the "warrior-priest tradition" as the only conception or tradition applicable to the conquest of Las Indias is in need of serious revisions.

overarching bureaucratic arrangement remained a problem in Italy and in Spain. But these weaknesses do not detract from the main argument: namely, that democratic institutions were antecedent to, and coterminous with, absolute rule. However imperfect by twenty-first century standards, "the existence and practices of such groups are nonetheless relevant to the story of democracy," for as some analysts suggest in a survey of democracy's place in world history, "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). Self-governing societies did not have to emerge from absolutism at some future date. Let us turn to another dimension of the standard argument.

Agents of Positive Change

An idealized abstraction of the middle class or bourgeoisie was assigned the mission of implementing the transformation from absolutism to liberal democracy, including parliamentary government and industrialization. As agency of positive change, the bourgeoisie was expected 1) to spread bourgeois values to form a cultural hegemony for the country as a whole, and in turn, flowing from this cultural hegemony, 2) to secure consent - common understanding and agreement - among the populace for state nationalism. Scholars disagree about the role of coercion or violence in achieving this consent.

For instance, David Laitin, drawing on Gramsci, defines hegemony as "the political forging - whether through coercion or elite bargaining - and institutionalization of a pattern of group activity in a state and the concurrent idealization of that schema into a dominant symbolic framework that reigns as common sense" (Laitin 1986,19, cited in Harty 1998,40). Joseph Femia, who also draws on Gramsci, does not, however, see coercion as a legitimate means for achieving hegemony, which he defines as "the predominance obtained by consent rather than force of any one class or group power other classes; and it is attained through a myriad ways in which the institutions of civil society operate to shape, directly or indirectly, the cognitive and affective structures whereby men perceive and evaluate problematic social reality" (Femia 1975, 31 cited in Harty 1998, 41). But scholars do not disagree about the role that a hegemonic culture is supposed to play in public life. The role of a hegemonic culture is to foster state nationalism or, in Gramscian terms, Jacobinism. This is how to measure the success of the middle class as a vehicle of positive change.

In France a bourgeois revolution and the attendant state nationalism are presumed to have succeeded in bringing about a democratic transformation. From this vantage point, the revolutionary bourgeoisies In Italy and Spain have been deemed simply not up to their historic mission, the creation of strong states and national markets. Thus, the argument goes, the result was twofold: weak states and incomplete capitalistic rationalization. There seems to be no text in Spanish historiography that is as critical of the failed mission of the middle class in Spain as Gramsci's contemptuous dismissal of the creators of the Italian state in the 1860s. The class that created the Italian state lacked what Gramsci thought to be absolutely essential for political and

cultural hegemony, "the Jacobin approach, this inflexible will to become the leading party" (Gramsci 1970, 80).

The transformative mission assigned to the middle class suffers from two problems. One problem is that the Italian and Spanish experience with liberal democracy in the nineteenth century is evaluated and measured through an idealized abstraction of cultural hegemony and state nationalism in France. The problem is that the French experience itself does not quite fit the idealized abstraction; it is more plagued with self-doubts and failures than the standard, orthodox view suggests. Recent scholarship is bringing to light that Tocqueville was hardly alone in his criticisms of the centralized system of government and administration. Such sentiments were widespread among the "free professions", intellectuals, businessmen and politicians as late as the Third Republic. They attributed the problematic nature of French citizenship and the fact that France, as late as the first half of the nineteenth century, was still" a country of savages" to the Jacobin project itself. Centuries of state power and nationalism had neither erased cultural and linguistic differences nor suppressed entirely other constitutional designs, including federalist principles of organization, as viable alternatives for the constitution of order in society. Even those who worked to shore up Napoleon II's Second Empire recognized the need to repair the failings of centralized government and administration for it was blamed "for the good it cannot achieve, [and] for the evil it cannot prevent" (quoted from law project, 1865 cited in Hazareesingh 1998, 56). Central ministries and officials were as much prisoners of the system as were communes and citizens. The problems of repair the failings of centralized government and administration posed an enormous challenge that could not be overcome by successive generations of people in France, the revolutionary bourgeoisie included. These instances make all the more questionable the attempt to measure the Italian and Spanish middle class against an idealized abstraction of the French case.

A second problem is that the concept of the bourgeoisie is itself remote from the reality it was entrusted to transform and direct. This is so for several counts. Among the many things that collective-action theory since Mancur Olson has conclusively demonstrated is that common (including economic and entrepreneurial) interests do not automatically translate into common political goals and aims. Empirically, this point is forcefully brought out in the by now classic work of Kent Roberts Greenfield on economics and liberalism in Lombardy during the Risorgimento ([1934] 1965). He found that the work of a class-conscious bourgeoisie, in the Marxian sense of the term, was not the driving force "even in Lombardy, economically the most 'modern' part of Italy" (Greenfield [1934] 1965,4). The uprisings of 1820, 1848,1860 and 1866 in Sicily, led by middle-class professionals, were struggles for freedom from centralized government and administration from Bourbon Naples and Liberal Piedmont. Strong support for the same conclusion comes from Catalonia, one the most economically advanced parts of Spain. If one can read some kind of mission into the role that the Catalonian middle class played in Spanish history, it would be that of working *against* Spanish state nationalism - to weaken it, if not to destroy it. In the late 1800s and until the Second Republic of 1931, members of the Catalonian middle class, including liberal professionals, property owners and business entrepreneurs, were split between the Regionalist League and the separatist Republican League.

But almost all seemed intent in challenging both preconceived notions about a single indivisible Spanish nation and national hegemony from Madrid - seeking to establish enclaves of regional self-rule *against* rule from Madrid (Harty 1998).

Assigning the bourgeoisie the task of moving a country to a liberal democracy has tended to dispense with understanding how the liberal state was actually put together in nineteenth century Italy and Spain and what was required to make it work as it should: namely, how to account for the concentration of authority that followed, what specific ideas went into design and operational characteristics of the new regimes, the challenge of recruiting and training administrative personnel appropriate to the tasks of directing, coordinating and monitoring public services through bureaucratic means among a population not committed to the same vision of national unity, and what changes and continuity could be observed in the newly created liberal states as going concerns.

These issues have been assumed away for several reasons. There is a tendency to ignore the interactive process that follows in the liberation or making of a single country and the exceeding difficult task awaiting any single group trying to achieve and maintain a country-wide political and cultural hegemony. The presumptive knowledge equally neglects the role that individuals and groups from other social classes and forces played - from agrarian elites to rural and urban labour, from the church to the army. Most practitioners and analysts of "seeing like a State" have seldom confronted the questions raised by Michael Taylor about Max Weber's definition of state and by Jane Jacobs and James C. Scott about public planning: what states have ever possessed an actual monopoly on the use of force? What formal institutions of public order have succeeded with the police as the sole agents of order, excluding citizens as essential coproducers of the informal public life that undergirds the work of public institutions? (Jane Jacobs cited in Scott 1998,136; Taylor 1982,4-6; see also E. Ostrom [1996] 1999). We need to be mindful of the fact that forcibly converting individuals into disciplined citizens has seldom succeeded.

The Challenge of Democratic Development

There is a sense in which the teleological view of development is correct. The once strong French absolutist state became a liberal state in nineteenth century, and has remained so in varying degrees. The sovereignty of the monarch continued to be indivisible but now it would be lodged in the people as a whole and exercised through parliamentary government and national assemblies. The making of liberal France is not unique. The tendency to equate the meaning of political democracy simply with national elections, representative government and majority rule was also widespread among British intellectuals of the time, especially among the so-called "Lights of Liberalism" (Harvie 1976). In the words of James Mill, the principle of representative government was "the grand discovery of modern times" (cited in Collini, Winch and Burrows 1983, 102). This discovery was equally so hailed in Italy and Spain, but they experienced other discoveries as well.

The Napoleonic invasion of Spain and the Napoleonic liberation of Italy fostered a spirit of independence and patriostism in both countries. Independence and patriotism were also values important in France, so on this value the difference between the three countries is one of degree. But the situation in each was different. In France the absolutist state had over many centuries worked to undermine different and alternative conceptions of rule; the French Revolution had done the rest. Neither in Italy nor in Spain a similar situation obtained. In both countries there was such a rich heritage or capital of self-rule to draw on that the meaning of liberation posed dilemmas about how to face the future. Leaving aside the attempted restoration of absolutist rule promoted by the Congress of Vienna, the meaning of political democracy in Italy and Spain was more open to alternative interpretations and understandings. Essentially there were two alternative ways of moving toward modernity. One way drew on the liberal conception of sovereignty of the people; the other went beyond representative institutions to encompass the conception of a self-governing society. These possibilities could give rise to several interlocking reform possibilities, as hinted in an essay "Thoughts upon Democracy in Europe" Giuseppe Mazzini wrote for a British journal in 1847. Writing as a republican patriot, Mazzini recognized positively the fact that liberalism and nationalist aspirations had been reconciled and could work together. He also noted that the meaning of democratic governance was still unclear. How to proceed was a central challenge: "the union of the democratic principle with representative government is an entirely modern fact, which throws out of court all precedents that might be appealed to; they have nothing in common but the *word;* the thing is radically different" (Mazzini 1891, 4:102; italics in the original). It was left to Carlo Cattaneo in Lombardy and Switzerland and Francesc Pi i Margall in Catalonia, later, to spell out this union and what it implied for the progress of European civilization.

In Cattaneo's and Margall's view, sovereignty of the people did not refer to some abstract entity known as "the people" but to individuals seeking to practice the art and craft of self-governance. This begins with individuals as their own governors to reach the universality of communal societies and other larger collective enterprises even beyond particular linguistic communities. Of course, a self-governing society was not incompatible with the maintenance of liberal practices like representative institutions, individual liberty, private property rights and even religion - just that it went beyond those practices also with respect to the choice of macropolitical system: monocentric vs. polycentric. Representative institutions, the rule of law and other such institutions were deemed important but not the only ingredients for a society aspiring to be free and independent. Democracy was more identified with the universality of the local community or the city - Spain as the land of *the patria chica* or Italy as "Italy of 100 cities"- and ultimately with a polycentric political order.

The liberal and the self-governing (then referred to as the republican) conceptions could be complementary passages to modernity but some issues made them appear as either/or. For one thing, there was the puzzle of whether liberal institutions could break out of authoritarian and bureaucratic modes of domination. Cattaneo and Margall were, on theoretical and empirical grounds, sceptical that liberal institutions could do that. For another, a local community can also

be bad - there is, it can be the home to citizens motivated by intolerance, mistrust, and injustice - dominating others through power and money. There was too much of this already in rural Italy and Spain. This was the liberal view - and continues, albeit in a different language, to be a standard liberal criticism of modern communitarianism. With all their emphasis on community, neither Cattaneo nor Margall can be viewed as communitarians. They accepted the liberal criticism and sought to insulate the importance of the local for a self-governing society in two ways. Cattaneo in particular argued that injustice and domination cannot survive the scrutiny of an enlightened and civic minded public, hence his emphasis on an open forum, a free sphere, for educative, communicative action through journals and the like. Equally, the liberal criticism of an illiberal community could be met if citizens had recourse to multiple sources of authority, political and judicial. Cattaneo held the view that what had earlier ruined the growth of Italian city republics was the failure to think in federal terms - to find a unitive or binding principle of association *without* having recourse to an overarching system of centralized government and administration. Cattaneo's federalism permitted him to contemplate a United States of Europe as a future distinct possibility.

The prospect of unification and democratic transformation generated considerable debate as to which constitutional design or model of government was best suited to peoples who had lived under separate constitutions or regimes and enjoyed different liberties *or fueros*. Tocqueville was not exaggerating when in 1835 he noted that "the organization and establishment of democracy in Christendom is the great political problem of our times" (Tocqueville 1835 1:337). In the end, the liberal option won the first round in the constitutional political economy of both Spain and Italy between 1812 and 1874. The system of government and administration that emerged in each country sought to realize, promote, and advance what Charles Tilly calls "the old liberal conception of European history" (Tilly 1975,37). Just as the present local Spanish administration has its roots in the liberal Constitution of 1812, gradually shaped during the rest of the century, so the present local Italian administration can be traced back to creation of the Italian state in the 1860s. Towns continued to have their own municipal government, though now they were part of provincial administration in the overarching system of the national government and bureaucracy. The consolidation of communities was particularly sharp in Spain: whereas before 1812 there were about 25,000 such communities, during the first half of the nineteenth century they were consolidated - or "integrated" as the official wording would have it - into 9,355 municipalities. In contrast to the administration of the former regimes characterized by complexity and a lack of uniformity, Italian and Spanish reformers introduced the application of a juridical law common to all the municipalities. The making of liberal Italy and Spain produced two sets of problems, each generating additional pressures for reform.

The first difficulty was that the parliamentary and administrative system did not work as it unrealistically expected to work. It created discrepancy between expectations and behaviour, between intentions and outcome, between laws as command of the sovereign or parliament and compliance of people. Some have argued that "the total unification of the Spanish politico-juridical system was not completed until 1839" (Linz 1979 cited in Diaz Lopez 1985, 237). To set on such a date is a generous but narrow interpretation of a turbulent period of constitutional

and governmental instability, military interventions *(pronunciamientos)* and dynastic and civil wars. On the assumption that a successful industrialization required a prior agricultural revolution, Spanish governments engaged in a rush to sell or "privatise" common properties resources, which did little to shore up the system of government and property rights. The policy proved to be a disaster of major proportions for local users caught unprepared by the wholesale transfer and becoming a source of discontent to feed support for Carlism, first, and anarchism later. The attempt to unify the country through a federal republic in the early 1870s failed from internal contradictions and external opposition, just when Italians were consolidating their parliamentary monarchy with the proclamation of Rome as the "eternal capital" of the Italian state. The liberal transformation in Italy was no less problematic. By the 1880s the ruling liberals of both countries had worked out a modus operandi to make parliament work, as people in their own fashion had find ways - some have referred to these as building "counter hegemonies" (Harty 1998) - to reduce exposure to a system of rule in which they were almost constant losers.

In Spain one strategy took the form of agreements or understandings reached among political and economic elites *(cacique)* at the national and subnational levels to make the system worked for themselves and for changing governments without military intervention. *Caciquismo* was in Spain what transformism became in Italy (e.g. Kern 1974). The Italian prime minister who originally used the term, Agostino Depretis in 1882, thought he was introducing "progressive government" when he suggested that "if anyone wishes to transform himself and accept his "very moderate programmes" would be welcomed into his government majority (Depretis 1882, quoted in Seton-Watson 1967, 51). Such practices of rule sought to conciliate - hence the verb transform - clashing interests to parliamentary government and to obtain, maintain and expand a national governing coalition still unwilling to share influence and power with other social groups in society.

Many intellectuals of the period made *caciquismo* and transformism terms of political abuse. Writing against the backdrop of Fascist Italy and Franco Spain, post-1945 analysts retrospectively saw in those practices the "deep causes" for Fascist rule in Italy and for the failure of the Second Spanish Republic and what came after. The transformation of each parliamentary system into some kind of "rent-providing state" or holding company of those who controlled parliament is hard to deny. But two considerations help to bring out what is often missing in this critique. Caciquismo and transformism have close affinity to the American practices of congressional politics and senatorial courtesy of roughly the same period with one important critical difference: the Italian and Spanish practice made their system of government exceptionally vulnerable to failure precisely that the unitary system had none of the institutional arrangements that kept American excesses or strategies in legislative coalition building within manageable limits or in check. The corrupt politics of "Lusty Chicago," Tammany Hall and robber barons, for example, could not bring into question the entire system of government in the United States. In spite of institutional weakness, much progress on almost all fronts took place in Liberal Italy and Restoration Spain. The liberal regimes did have something to do with that immense human and material progress. But the discrepancy between expectations and results flowing from the constitutional design, combined with the practice of caciquismo/transforrnism

as responses aimed at overcoming discrepancy, increased the costliness of the state solution. This dynamics generated additional interlocking problems as people sought to reduce their exposure to systems of rule in which they appeared to be constant losers, and here we come to the second set of difficulties.

As citizens sought to govern their own affairs, they proceeded to establish quite a mix of local and regional undertakings as "counter hegemonies" to the national hegemony (Harty 1998). Such undertakings varied from local mafias as outlaw regimes of self-reliance[4] to various institutional forms of regional patriotisms or "peripheral nationalisms". Regionalist or nationalist aspirations in Catalonia, Galicia, Aragon, Sicily and Lombardy varied in intensity but all proved exceptionally strong and endured well into the twentieth century. Such aspirations helped to keep alive and gained support for extra-legal institutions, complicating the challenge of reforming the existing political order in Spain and Italy.

Rational self-interest, genuine differences in ways to achieve justice and the oligarchical tendencies inherent in political parties interpenetrated one another to challenge the problem-solving abilities of politicians in post-1918 Italy and in post-1931 Spain. For example, the creation of the Second Spanish Republic in 1931 was an important achievement of the democratic movement in Spain. The problem was that Catalonian republicanism came up against Spanish republicanism -just as in the first half of the nineteenth century Sicilian claims for freedom came up against Neapolitan liberals who wanted to keep Sicily part of the kingdom. The question became how regionalist/nationalist aspirations for self-governance could be actually met in Spain *without* undermining the authority of the central republican government that claimed to be more representative of the collective interests of the nation as a whole. The two republican movements clashed because they could not conceptualize a federalist solution to their dilemma - discredited by the 1868 federalist experiment.

A longer time span might have worked to reconcile those demands and save the Republic, but time Castilian and Catalonian republicans did not have. In the end, the fragility of the systems in place could neither withstand the consequences of WWWI in Italy nor meet the expectations for change that the creation of the Second Spanish Republic of 1931 generated. And thus both countries at the very same time when their respective political systems were moving toward greater self-governance in public affairs succumbed to fascism. But what appears foredestined from a teleological perspective was in fact the result of an accumulation of difficult choices.

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[4] The recent archival research by James Fenfress (2000) brings out this finding clearly for the coastal towns in Western Sicily, without large estates. He argues that the rise of mafias as outlaw regimes of self-reliance cannot be understood except against the background of the (failed) struggle for freedom in Sicily between 1820 and 1866. "Towns with a strong revolutionary tradition before 1860 became mafia stronghold afterwards" (Fentress:149).

Implications for Contemporary Institutional Changes

Against this backdrop, it now becomes possible to raise the question: What have people in our own time learned from the past as they confront the future? Recalling the earlier discussion about institutional learning, answers to the question can be unpacked in terms of three sets of issues: conceptual innovation and stalemate; their implications for democratic transformations; and the constraints of reforming political wholes. I shall deal with the first two here, and with the last one as a way of conclusion. Before proceeding, one qualification is worth recalling. The past does not mean the same thing for all three countries: for France and Italy it ended with the Second World War; for Spain it is possible to see it as ending with the Franco regime around 1975. Therefore answers to the question do not have a homogenous temporality. The timing was especially helpful for Spain, and in fact, as we shall see, it was itself constitutive of its democratic transformations in the 1980s. With these distinctions in mind, let us proceed.

Conceptual Innovation and Continuity

The reconstruction of France and Italy after the Second World War and of Spain after Franco posed the question about the meaning of the past and what lessons should be drawn from it for the future. The political debates that followed revealed both conceptual innovation and continuity.

There was greater conceptual continuity with the past in France. The central issue in creating the Fourth Republic in 1946 was to avoid the parliamentary weaknesses of the Third. De Gaulle and his closest advisers argued that the projected repairs would not fix the institutional problems. Their views did not prevail in 1946 but they did in 1958 when the parliamentarians of the Fourth Republic had difficulties resolving the Algerian crisis. The creation of the Fifth Republic in 1958 strengthened the powers of the executive vis-a-vis the national assembly. As noted earlier, "direct democracy" came to stand for the popular election of the president, an innovation introduced by De Gaulle. The creators of both the Fourth or the Fifth Republic accepted, and had no reasons to reform, the underlying principles and design characteristics of centralized government and administration. As a French legal scholar noted, "One of the unwritten principles of French public law is that people are incapable of self-government" (Michel Bouissou 1976, cited in Mény 1984,71). French "citizens are merely able to choose good representatives, they have no direct role, merely that of electing delegates who will in their name manage or control the managers" (Céline Wiener 1981, cited in Mény 1984,71).

Calls for institutional innovation and reform were much stronger in Italy for several reasons: the Fascist experience and its discredited centralizing tendencies; the defeat in the Second World War; the emergence of localized groups throughout Italy, but especially in the border areas and islands, intent on asserting an inherent right of self-government; the strategic position acquired by political groupings like the Christian Democrats and the Communists in the constitutional process and in the emerging Cold War. The political groupings that drafted the

republican constitution were confronted with the same perplexing problems that unification leaders had faced a century earlier. The central conceptual question now was couched differently: whereas earlier the central concern was unity conceived as uniformity, now it was unity conceived as diversity. The challenge now was *not* how to concentrate authority at the center. Rather, it was how to disperse public authority while maintaining the political unity of the country that national and international politics required. The Spanish republican experiment of 1931 served as a warning of how issues of constitutional political economy could unravel.

Post-Franco Spain experienced the same pressures for change that Italy faced after 1945, with some important differences. There was a greater, more complex redefinition of reality in Spain. Conceptual innovations had already been under way during Franco's regime in the form of democratic and reconciliatory ideas and habits that permeated various political, cultural and economic arenas, including trade unions and the like (Desfor Edles 1995; Foweraker 1989) - no doubt against the backdrop of the disasters of the Second Republic, the Civil War and the authoritarian regime that followed. Both Church and Communist leaders were equally on record as being anxious to avoid the mistakes of the 1930s. So did the Bourbon monarch when he intervened decisively to stop some military in their *pronunciamiento.* The end of the Cold War and the generally positive economic climate of the late 1970s and 1980s furnished the national and international context for the self-dismantlement of the Franco regime and for a new kind of constitutional problem solving (Desfor Edles 1995). As Victor Pérez Diaz (1993,28) suggests, "the new political rules (were) not so much invented *de novo* as translated, so to speak, from these meta-rules of social, economic and cultural life." Not surprisingly, then, the Spanish political leaders as constitutional decision makers showed a remarkable ability not just to lead but to learn from the course of events, to adjust to two fundamental sources of pressure (from social tradition and from the army), and, in the process, to contribute toward the development of a new cultural political idiom. Thus pressures both constrained and provided an opportunity for the elites' decision to engage in bargaining and compromise (Perez-Diaz 1993,29-30).

Institutional Changes

The changes introduced by the Fourth and Fifth republic were marginal to and did not affect the design characteristics of the centralized state built by the Old Regime and rebuilt by Napoleon - lending additional support to Tocqueville's speculation about what changes cannot be expected in France. Not surprising, the Left policies of decentralizing the state in 1981-83 did not - and could not - deliver on the promise "Changer la vie, changer l'Etat" (Mény 1984, 71). The style of authority described by Crozier more than thirty years ago remains (see also Hoffmann 1991, 56). After suggesting that the French Jacobin model of polity has survived all changes in society because it fits the interests of governing classes and because it "actually corresponds to the archetype of public life in French minds." A highly regarded observer, Stanley Hoffmann, suggests: "This may be a peculiar conception of democracy rather than an undemocratic one (it surely is not liberal democracy *a l'americaine),* especially as it sees the state both as a unifying force and as a force for social fairness" (Hoffmann 1991, 56).

Italians in the postwar period met the conceptual challenge they faced by reiterating the basic unitary constitutional design of the state but decentralized its authority to regions, provinces and communes - and even at the neighbourhood level. What the creators of the republic learned above all from the Fascist experience was to craft a new parliamentary system that did not bias the policy process in favour of majority rule. At the same time, secondary laws introduced during the Fascist period remained, however, impeding -as also did the Cold War - the full implementation of the new constitutional design. It was not until the 1970s that the regionalist state was fully implemented. The conceptual innovations in Spain had by far the most profound influence in formulating standards of institutional redesign or reform that led to the creation of a more regionalist state than Italy. The constitution of 1978 and the open-ended way it allowed for the forms it took resurrected and extended ancient rights of "autonomous communities" to 19 areas of Spain and recognized 6 coofficial languages, while reaffirming the indissolubility of the Spanish nation and keeping the organizational arrangements of communes and provinces of the earlier liberal regime (e.g. Carrillo 1997).

What Passage to the Future?

Even if it may be true that "no other nation in the world entertains with the State as dense and passionate a relationship as does France" (Kuisel 1981, 277), the relationship remains profoundly asymmetrical. The success of the French state is troubling for the future prospects of democracy. Strong states are inimical to self-governing societies. In varying degrees, the regionalist states in Italy and Spain have sought to combine the liberal and republican meaning of democracy - the *patria chica* with the *patria grande.* How successful these experiments are remains unclear for an important reason. There is the tendency toward regional centralization especially among the Spanish autonomous communities, at the expense of local government (Carrillo 1997). Actually, this tendency was feared by federalist analysts in the nineteenth century, like Napoleone Colajanni and Eduardo Pantano. They were concerned that such decentralization efforts would simply shorten the handle of the bureaucratic hammer when the bureaucratic hammer itself was the problem. At the same time, they were aware that the transformation of a highly centralized state into a polity based upon a different design could occur only over a long period of time. Hence they were cautiously optimistic that the shortening of such handles might provide the conditions leading to a transformation of the parliamentary states into a different system of government. Such a different system of government, they anticipated, would be based on an extension of self-government to neighbourhoods, communes, regions and the nation. It remains to be seen if and when such a transformation will finally occur, but there is no denying that some of its features are more successfully emerging in Italy and Spain than in France. From this vantage point, state failures may offer greater potential for a successful passage to a self-governing European society in the future.

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