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CIVIL SOCIETY AND THE STATE:
THE RISE AND THE FALL OF THE STATE
AS THE BEARER OF A MORAL PROJECT

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1. *Introduction*

Democratic transitions depend on prior societal traditions and the emergence of a new political culture, but the crucial test for the consolidation and the institutionalization of democracy is the (relative) success of the new democratic state in the task of handling the basic problems of the country. This is a challenge for both the state and civil society, and the way this challenge is met has important repercussions on the relations between them. This test was particularly difficult for Spain due to the fact that it took place at a time of profound transformations (economic, social and cultural) in those Western European countries Spain was so eager to be part of.

In this paper, the general problem of the relations between the state and civil society in modern times is examined, and a definition of the terms as well as a conceptual schema are proposed. Then, I advance some views on the general pattern of the state/society relations and the reasons underlying the cycles of expansion and decline of state protagonism. This leads to the theme of the rise and fall of the state as the bearer of a moral project (to which is added a brief excursus on the state-centered tradition of theories of civil society).

2. *The ambiguity of the concept of "civil society": "civil society one" and "civil society two"*

Some of the problems we have when we try to apply the concept of civil society to our present situation lie in the ambiguity of that concept. This is, to some extent, the result of a complicated intellectual history.¹ Civil society was first used as a synonym of political society. Then, its meaning shifted to that of being the opposite to the concept of the state; and this tends to be its current use today. I will refer to some aspects of this history later. Now, I want to start with two proposals: for making a clear distinction between two meanings that may be attached to the term, and for applying different terms to each of these two meanings.

Civil society *lato sensu* or "civil society one" would denote a set of sociopolitical institutions which include: (a) a limited government (or state) operating under the rule of law; (b) a set of social institutions such as markets (or spontaneous extended orders),² and associations, based on

voluntary agreements among autonomous agents; and (c) a public sphere, where these agents debate among themselves, and with the state, about matters of public interest, and where they engage in public activities. This is the kind of civil society the Scottish philosophers of the XVIIIth century (Ferguson, for instance) (Ferguson, 1980 [1767]) referred to. It corresponds to the actual sociopolitical systems, or historical configurations, of Great Britain and the United States through most of the XIXth century; and it corresponds also, for some authors, to the essentials of the blend of liberal democracy and market economy which is typical of contemporary Western societies (Okun, 1979).

The construct of “civil society one” has an internal consistency. This is a “civil” society, insofar as those autonomous agents are “citizens” (as opposed to mere subjects of a despotic ruler, or of a ruling caste), and, therefore, members of a “civilized” society (as opposed to a barbaric, or awkward, one). But the point is that they may be citizens *only* because they are autonomous agents, and they may be autonomous vis-à-vis the state *only* because the state has a limited power to enter these agents’ reserved domain.

From this also follows that “civil society one” has a most important internal dividing line between the state and the citizenry. This divide provides us with a starting point for the development of the concept of “civil society two.” Civil society *stricto sensu* or “civil society two” would refer to social institutions, such as markets and associations, and the public sphere, and it would exclude the state institutions proper. Those are areas of social life that may be generally considered outside the direct control of the state (Held, 1989, 6).

But this autonomy of “civil society two” may exist in a full or in a more mitigated way. It exists in full only when the state belongs in a “civil society one,” that is, when it is a limited state operating under the rule of law. Otherwise, the institutions of “civil society two” (markets, associations and a sphere of public debate) would exist in a more mitigated and less developed way, within the framework of other historical configurations, such as those presided over by authoritarian and totalitarian regimes (for instance: Franco’s Spain and the Eastern European socialist societies).

Then, it may be argued that the development, or the emergence, of such “civil society two” within an authoritarian or a totalitarian regime, prepares the way for its transition to a liberal

democracy and a full-fledged market economy, and thereby to the full establishment of a “civil society one.” In turn, it may also be argued that, once, “civil society one” is established, it reinforces the institutions of “civil society two” (and makes possible further developments of markets, voluntary associations and the public sphere).

The connection, then, between the two concepts (“civil society one” and “civil society two”) is a close one, but it is not one of mutually necessary implication. “Civil society one” cannot exist without having a “civil society two” as a part of it; but the reverse need hold true: “civil society two” may exist within or without a “civil society one.”

For the sake of clarity, and for the remaining of the book, I will use the expression “civil society” to mean “civil society two”: social institutions (markets and voluntary associations) and a public sphere which are outside direct control (in a full or in a mitigated form) by the state. I have decided on such use of the term because I think that choosing our terms is not merely a matter of stipulative definitions. At least in some cases (and unless current usage has confused the concepts beyond repair), we may be well advised to take into account the fact that words are “carriers of historical experience”³ and they are being already used in current sociopolitical arguments. My use of the term broadly corresponds to what has become current usage today. It seems to me that, by the late 1980’s, in countries as different from each other as those of Southern Europe and Central Europe, more and more people understand “civil society” as different from the state, and use the term in the context of arguments which focus on the problem of how to define the proper boundaries and the proper relations between them.⁴

Indeed, it has been the urgent need for a better understanding of these relations what has pushed so many sociopolitical actors to “reinvent” or to apply anew the concept of civil society. Thus, the distinction between the state and civil society appears as a logical and a historical precondition for analysing the relations between them; while blurring that distinction seems conducive to analytical and normative confusions.

From the start, and once again for the sake of clarity, I want to differentiate my use of the term from that of others, and to offer my reasons for it. First, I include the sphere of public debate within the area of civil society. The rationale for it is that I understand civil society as composed

of agents involved both in private dealings, and in debating and acting out different versions of the public interest (this including collective agents such as interest groups and social movements). I want to stress the link (and the compatibility) between these two dimensions of the agents' behaviour; and I disagree with those who consider that civil society concerns itself only with private or particular interests. By contrast, other authors consider that a different term, that of "political society," should be used for those societal actors engaged in public debate and public-oriented activities.⁵

Second, in my account, the social institutions of civil society include both markets and voluntary associations. This explains civil society's internal complexity (Keane, 1988b, 64), and its peculiar blend of cooperation and competition among its constituent units. By contrast, other authors sustain that civil society is composed solely either of markets,⁶ or of voluntary associations (interest groups, social movements or intermediary bodies).⁷

Third, from my viewpoint, markets and voluntary associations, and the public sphere constitute a system of cooperation and competition among a very large number of autonomous agents. This system exhibits two characteristics: (a) it encompasses a variety of areas of life (economic, social, political and cultural); and (b) it has a relatively high degree of self-coordination. These two assumptions run counter to two basic tenets of the theories of civil society in the Marxist tradition. First, Marxists use the term for denoting a particular location in society. Marx reduces civil society to the market economy;⁸ Gramsci, to sociocultural institutions. Second, they consider this location has a privileged strategic importance, and they link their theory of civil society with a theory of class struggle (and, in Gramsci's words, of struggle for hegemony) (Bobbio, 1988) which, furthermore, points to a radical transformation (and lastly, the disappearance) of civil society.

3. *The state and civil society*

The state and civil society face each other as two differentiated sets of actors and institutions, which are engaged in a number of reciprocal exchanges. But in order to understand these exchanges we have to take into account the fact that the state faces civil society in a dual capacity: both as a coercive apparatus, and as a service agency.⁹

As a coercive apparatus, the state claims a monopoly to coercion as a precondition for external and internal peace; while as a service agency, the state claims it provides society with a variety of services and, by so doing, it helps society to attain economic prosperity, social integration and a sense of collective identity. As a result, the state is expected to enhance the survival capacity of society (Mann, 1986b, 119), in an environment of geopolitical confrontations, international economic exchanges and a plurality of cultures. In exchange, the state asks for society's consent to the state's rule; that is, its consent to the state's claims to preside over its domestic exchanges and to watch over its exchanges with (and keep the boundaries and the gates vis-à-vis) the rest of the world.

Given the fact that the state is both a coercive apparatus and a service agency, an expression such as "the state's rule" has an in-built ambiguity. It refers both to the state "ruling over" society, and to the state contributing to the task of "regulating" or "coordinating" society. It suggests both a system of unequal exchanges, where the state stands above society; and a system of equal exchanges, where the state and society stand on the same footing and bargain with each other.

The long-term stability of all these exchanges may well hinge, as Weber suggested, on the civil society's perception of the "legitimacy" of the state rule (since mere fear of coercion, custom or expediency are not enough for providing with such stability) (Weber, 1978, 31ff.). But, since the state is not only a coercive apparatus, but also a service agency, the actors' attribution of legitimacy to the state rule depends not only on the formal character of the state rule, but also on the contents of such a rule. Hence, we should distinguish between a formal and a substantive legitimacy. The social agents ascribe "formal legitimacy" to the state orders by virtue of tradition, affectual faith or value-rational faith, or by considering the state's positive enactments to be legal.¹⁰ At the same time, these agents ascribe "substantive legitimacy" to the state orders by virtue of the link they establish between these orders and the ability of the state to provide for society's survival and prosperity: in other words, the state's ability to solve fundamental problems (or deliver public goods) such as those above mentioned (of defense against external enemies and internal security, economic welfare, social integration and collective identity).

The state (or, rather, the state rulers who occupy the state positions) tries to persuade the social agents to attribute substantive legitimacy to its orders by instrumental and by expressive means: by way of effective actions, and by way of symbolic performances (Pérez-Díaz, 1992b). In other words: the state rulers may, either actually solve the problems of society (or deliver the goods), or entertain the hope that the problems will eventually be solved some day; thus, persuading people to live with these problems without turning to other rulers to solve them. Given the limited ability of any rulers to solve (for more than a rather brief period of time) whatever may be considered the basic problems of any given community, symbolic performances play a crucial role in assuring the society's consent.

From this follows that, both in their actual performance of providing services, and in their symbolic performance of persuading the public, the state rulers have to engage in bargains of all kinds with civil society. Thus, the state rulers of liberal capitalist societies need the concourse of socioeconomic elites (such as businessmen and union leaders) to deliver the modicum of prosperity (economic growth and social integration) on which their substantive legitimacy depends; they need the concourse of territorial elites to articulate a sense of collective identity for the entire community; and they also need the cooperation of the cultural elites to persuade people of the legitimacy (both formal and substantive) of their rule.

It is a matter of empirical inquiry to determine the form and the intensity of the mutual dependence on which political rulers and socioeconomic, territorial and cultural elites stand with regard to each other in each particular situation. But, in general, three circumstances add up to the complexities of their relationships. First, the state rulers are a heterogeneous body which is composed of several groups and organizations: government, legislators, judges, civil servants (of different departments and government agencies) and the military. They all have a vested interest in being seen from the outside as belonging in a unitary state, and they may sometimes work together as a unitary actor;¹¹ but often, the state actions are the result of bargaining process within the state between coalitions made up of different state agents (Allison, 1971).

Second, the state rulers are only one part (though probably the most important one) of a more extended, and even more heterogeneous, group we may call “the political class,” which is composed of state rulers (and the party in power), but also of other (opposition) political parties, and of a periphery of professionals involved in the workings of government and in politics (and, more particularly, in shaping the agenda for the public debate, such as lobbyists and political journalists, for instance). Third, the socioeconomic, territorial and cultural elites (of civil society) stand at the top of organizations, social movements, interest groups or currents of opinion over which they usually have a rather limited control. Thus, it cannot be taken for granted that they will deliver their constituencies’ consent to whatever bargains they may strike with the state rulers.

The result is that the relations between the state and civil society, at any given moment of time, are made up of constellations of sociopolitical coalitions, crossing over the boundaries between them.¹² Over time, these constellations are given some limited degree of stability as the result of institutional and cultural factors; so that they may be understood as following one another in a sort of meaningfully patterned sequence. Now I will suggest the general lines of that sequential pattern for Western Europe in modern times.

I will make three points, (a) First, there are long-historical cycles in Western history, with an alteration of phases of state’s protagonism and of society’s protagonism, with the state playing a more or less dominant role. This is what I refer to by using the metaphor of the ebb and flow of the state tide, (b) Second, some sociopolitical coalitions push for the state powers and activities to grow, and others restrain them. There are critical junctures (Lehmbruch, 1991, 131ff.), at which choices are made by these coalitions, leading either to paths of state aggrandizement or to paths of state containment. Some of these junctures are opportunities heavily loaded in favour of one path, or another. So, wars and revolutions are usually followed by paths of state growth. By contrast, the emergence of institutions of representative government and market economies are more likely to lead to a containment of the state (but not necessarily so), (c) Third, underlying those choices (and the following processes), there are profound cultural changes in the definition of the state’s role in modern society. It is my understanding that the general tendency towards the state growth of the last

two hundred years or so, has been supported by a vision of the state as the bearer of a moral project (which has received different names, such as those of nationalism, modernization or social reform, among others). Today we are witness to a generalized crisis of such vision (and its corresponding institutions) both in Western and Eastern Europe. The theme of the return of civil society is an expression of that crisis.

4. *The ebb and the flow of the state tide*

Taking a long view of the relations between states and societies through European history, it looks as if that relation had followed a pattern similar to that of the ebb and flow of the tides, of the alternation of advances and withdrawals of land and sea. Somewhere in his writings, Hegel suggests that the sea is a metaphor, a symbol, for “infinity and inquietude.”¹³

Even when it looks calm, the sea is in a permanent state of agitation and anxiety. The sea is the proper setting for the activities of people who live on the coast, engage in the discovery and exploration of the world and dedicate themselves to commerce and piracy, cultural exchanges, questioning and experimentation. The sea is therefore a fitting symbol for a civil society fired by the interests and the passions of thousands, or millions, of individuals, constantly changing, bargaining among themselves and coordinating their activities through a spontaneous extended order. By contrast, the land is the setting where we expect different people and different institutions to take control of things: state rulers and state institutions. And we expect them to impose a different kind of order. There are no daring ships around, but imposing buildings which lay firmly on the ground. Rulers of land empires act out their dreams of order by imposing their rule over quiescent subjects, with the concourse of armed forces and civil servants. The boundaries of the territory are clearly established, and guarded, and large monuments are, then, constructed as a symbol for the rulers’ wishes for stability and permanence.

The metaphor suggests some structural differences between states and civil societies, their belonging together in a common scenario, and an alternation of phases, with the implicit expectation that there will always be a “next phase” when civil society or the state will be back. More to the

point, the metaphor suggests that something is wrong with the fairly generalized assumption that the modern state is a “rational development,” and that it should be expected to grow in the future.¹⁴

Through Western history, the relative importance of the state vis-à-vis civil society has undergone enormous changes. The Greek *polis* blended “the state” and “civil society” so much that the illusion was created of the absence of a private sphere. This, of course, only applied to the Spartan-kind of Greek polis; not to Athens, where, if we give credit to Pericles’ funeral oration,¹⁵ an equilibrium of sorts was achieved between the public sphere and the private interests. In any case, the Greek polis, for all its considerable powers regarding its own society, had a very limited territorial scope. Greek cities belonged in Hellas, a system of inter-city relations, itself a part of an even larger system of states. At critical moments, most of Hellas came together against a foreign invader. The effort succeeded against the Persians, but failed against the Macedonians and, even more decisively, against the Romans.

The Roman republic, and the Roman empire, saw the gradual development of a relatively strong state, able to hold together an extended landmass and a seacoastal territory, and to defend it victoriously for a considerable period of time. In the meantime, Roman law allowed for the consolidation of the basic institutions of civil society, such as private property, contract rules, corporate personalities and so on. At some point, however, the state proved itself unable to keep the society together and to defend it. It was replaced, at least in the West, by a myriad of decentralized sources of political power. After a rather protracted period of confusion, that lasted until the beginning of the second millennium A.D., a new sociopolitical order gradually emerged (Mann, 1986a, 373-415). It was characterized by the loose fit between three sets of cultural, socioeconomic and political networks: an extended network of church institutions, later to coexist with the universities and other learned circles; a fragmented economic space, where local agrarian systems (usually organized around cities, rural communities and seigneurial domains) coexisted with regional markets and international long-distance commercial routes; and a multipolar political order which was a battlefield for a fight for preeminence between the kings, the feudal nobility, the cities and the church.

Still, it took about five to six more centuries to build the modern European states (of the XVIth and XVIIth centuries), which were organized around the political supremacy (if not the full-fledged sovereignty) of the kings. Now, if we understand the situation as one of a “market of political institutions,” the development of the institutions of the European states was the result of a combination of factors, some belonging to the “supply side,” and others to the “demand side,” of that “market.” On the supply side, it was obvious that kings, and their own patrimonial functionnaires, were willing to increase their coercive and administrative powers. But their drive was successful only because it proved to be consistent with two developments on the demand side of the equation.

First, domestic demands within society pushed for the state growth. The church, the peasants, the urban nobility, the emerging bourgeoisie or the rural nobility became supportive of the king's claims, at various stages and at critical points of the process, because they perceived the king as willing and able to guarantee a solution for their own problems (either by upholding customary rights, or by enacting new privileges, or by guaranteeing the application of the common law, or through extraordinary provisions). Second, systemic pressures pushing in the same direction resulted from the fact that each state was enmeshed in a network of states and entangled in a competition with each other for wealth (land, population, markets), prestige and political influence. This made them to emulate each other and engage in war. This, in turn, generated domestic demands within society for state protection against foreign attacks. Thus, the states were able to initiate, and profit from, the “vicious circle”¹⁶ of establishing new taxes for the purpose of building up standing armies, and building up standing armies for the purpose of extracting more taxes from society. This way, the tax-military machines of the Absolute Monarchies of the Ancient Regime were created (Tilly, 1975a, 23).

Then, as a Janus-like institution¹⁷ placed between a set of domestic agents and a set of foreign states, the states tried to take advantage of any favorable combination of domestic and international pressures to enlarge its economic and demographic basis, and the loyalty of its population, since these were both needed for engrossing their tax-basis as well as their armies. Hence the states’

need to pay increasing attention to their role as service agencies, and to the cultural and symbolic aspects of their rule.

At the same time, the (relatively) strong European states of the Ancient Regime were witnesses to a parallel development on the part of their civil societies. The states tried to coordinate and use for their own purposes this development, with mixed results. In the long run, some civil societies outgrew the control capacities of the states, and this opened the way for states of a different kind. When they did not, civil societies remained underdeveloped, but as a result of it, in the long run, the states declined.

Thus, socioeconomic and cultural transformations prepared the way for a situation in Great Britain between 1640 and 1690, when critical choices were made that checked the development of an absolute monarchy.¹⁸ As a result, a first version of a blend of a representative government and a market economy was tried out. This institutional experiment presided over a spectacular development of civil society. This, in turn, helped to stimulate new experiments in North-America and France in late XVIIIth century. By contrast, when the states succeeded in keeping their civil societies under strict control, these societies remained underdeveloped, and in the long run those very states declined. The Spanish state built up a relatively efficient tax-military/administrative machine, and obtained some impressive results with it in the XVIth and XVIIth centuries. But it did so at the cost of impeding the development of rural and industrial Castile (Pérez-Díaz, 1992a), and neglecting that of the rest of Spain. For it, it had to pay the price of prolonged decline, with a slow recovery late in the XVIIIth century (that provided with a very limited basis for the institutional transformations of the following century). Prussia did something equivalent, on a smaller scale and in a more systematic manner; and the price to pay for it, was to become a bellicose but awkward country, with a hypertrophied tax-military machine (“a garrison state”) and a dwarf civil society (Carsten, 1954), which was thoroughly defeated by Napoleon (this led, in turn, to the reforms that opened the way for a different equilibrium between state and society in the XIXth century).

During the XIXth and the XXth centuries, Western countries experimented with different variations of liberal states, authoritarian regimes and totalitarian systems. These different

political regimes provided with different institutional frameworks for the continuous negotiations between states and civil societies regarding the boundaries as well as the distribution of resources and the rules of the game between them. The game was a very complex one, with alternating phases of states' and societies' protagonism. In a sense, it was not a zero sum game, since both, states and societies, increased the range and the volume of their activities: the states expanded their coercive apparatus, budget, administrative structure, intellectual resources and personnel; and civil societies boomed in all their dimensions, economic, social, political and cultural, as witnesses the development of organizations of all kinds (firms, unions, churches, media, universities, sports associations, etc.). But, on the other hand, with regard to the *relative* importance of states and civil societies, we may observe three different phases: first, a liberal phase; then, a state-centered one; and finally, our present phase of uncertainty and search for a new equilibrium.

We may broadly consider the XIXth century as a "liberal century" at least with regards to most of Western Europe (and the United States), with civil society playing a protagonist role, and the state playing an important but limited role in social, economic and cultural matters. By mid century, however, this state of affairs was under attack by catholics and conservatives, on one side, and socialists, on another; and by the time of the break of World War I, it was under very severe strain (Dangerfield, 1961 [1935]).

The war had dramatic consequences on the way politics was going to be conducted for the rest of the century, on the states' capacities and willingness to intervene, and on the expectations people developed about the proper role of the state; and after the war, the liberal tradition looked increasingly out of place.

The very experience of total war in 1914-1918, the socioeconomic and cultural uncertainties of the following decade and a half, and the emergence of two totalitarian systems, and other authoritarian regimes, that spread all over continental Europe, as well as, once again, the experience of a second total war in 1939-1945, all added up to have three combined effects: politics was understood by many as "absolute politics" concerning the ultimate goals of entire societies,¹⁹ the states' capacities and will to intervene grew; and people became used to that growth, and took for granted that it would continue in the future. The post-war period did not radically alter the

course of that “historical trend,” so that the general belief in the state as the key institution of the social order has been part of the *Zeitgeist*, or “the spirit of the times” for most of the XXth century. And it is only in the last decade that a new change of phase has been initiated, which implies a critical reassessment of the state’s role.

5. *The rise and the fall of the state as the bearer of a moral project*

Underlying the process of formation of the national states in Western countries, and the different phases of state’s and society’s protagonism, of the last two centuries,²⁰ there was a cultural process at work. States appeared and, then, grew, not merely because those institutions filled an empty space between an international order and a domestic arena; or because a sequence of fortunate, daring and ruthless rulers were able to take advantage of the competition between several states, combined with their ability to aggregate, and to play off against each other, the demands coming from different groups of their own populations. They appeared and grew, also, because (and to the extent that) all these institutional inertia and group strategies were embedded in a political culture, at the heart of which we find an argument that portrayed the state as the bearer of an extraordinary moral project. By contrast, the gradual loss of plausibility of that argument lies at the heart of the present day change of phase in the relative protagonism of state and society; and at the heart of society’s increasing resistance to allow state growth to proceed further.

The rise of the modern state as the bearer of a moral project required the cooperation of political elites and cultural elites. While the monarchs, and their allies, did the actual work of defeating rival contenders, rounding up territories and developing armies and tax-levying systems (and other institutions), an intellectual tradition developed, which had a relatively consistent view of the modern state and instilled meaning and moral justification in those practical endeavours. In order to do that, these state-intellectuals had to make three moves: the construction of a metaphysical fiction; the construction of a theory of state sovereignty; and the development of a moral argument.

To begin with, a metaphysical fiction was constructed as a result of which the state acquired an autonomous existence. Though the term “state” was first used with a denotation close to the one it has today in the XVIth century, it was only by the XVIIIth century when it came to refer to a corporate actor, transcending the human beings it was composed of, including the state rulers (who began to identify themselves as “the first servants of the state”) and their families, or dynasties (Skinner, 1978, 349-358). This corporate actor was supposed to have a will, a vision and a capacity to act on its own.

At the same time, the term “state” took on a sort of “aura,” inspiring awe and respect. After much indoctrination by secular and religious elites, this aura was gradually accepted, and finally taken for granted, by the population. The invention of the concept of “sovereignty” played a crucial role in this process, because it allowed the ruler to be more than the bearer of a position of “suzerain” or supreme power, in which case he would still have to reckon with other powers which had an autonomous power-source of their own (either a religious or a secular one). Now, by being the bearer of a sovereign power, the state pretended to be the source of all the other powers. According to this, the state would guarantee, and allow for, these other powers to exist, but only as subordinate to the state and contingent on the state’s recognition, since, at least on principle, the state powers could not be limited, or checked, by any other institution.

But since these were extraordinary claims, indeed, that ran against the institutional complexity and political fragmentation of much of the European experience, they had to be grounded in an elaborate moral argument, which was driven home through the combination of indoctrination, institutional work and the “shock therapy” of catastrophic wars, all occurring during a prolonged period of time.

The dramatic circumstances of the religious wars of the XVIth and XVIIth centuries provided with the decisive stimulus, and the initial structure of plausibility (Berger, 1985) for that moral argument to take hold. Kings grounded their claims to absolute or sovereign power on the need to guarantee domestic peace and to avert civil wars - by means either of watching over the religious conformity of their subjects, or of allowing for a limited degree of religious toleration. Thinkers of different persuasions, such as Pascal and Hobbes, agreed in that Civil War (because of, either

religious, or constitutional considerations) should be considered the worst of all possible evils; that justice (or the public good) should be defined first and foremost as the kind of social order that made Civil War impossible; and that the public authority should uphold that order, and should count on their subjects' submission to it.

Successive generations of intellectuals expanded this moral argument in different directions. They ended up with three theories which fleshed out the moral tasks of the modern state: those of "nationalism," "citizenship" and "modernization." First, they made the state responsible for the defense of a new principle of collective identity, namely nationalism, in a world of competing nation-states. Second, they made the state responsible for the creation of a community of citizens, and of a public sphere where these citizens would meet their rulers on a near-equal footing. Third, they made the state responsible for the economic prosperity and the social integration of society - or, in words which were going to be used later in the XXth century, they made the state responsible for the "modernization" of the country.

Once this work was done, the next step was to convince people not only that the world should be understood as divided into a number of such sovereign states, each one, on principle, second to none; but also that the entire world history should be understood as a sort of epic drama portraying the process of formation of those states, and the challenges by which they have tested, and continued to test, against each other, their sovereign claims. An additional dramatic effect was obtained by pointing at the different historical configurations (or combinations of types of economic growth, social integration and political regimes) of the various nation-states; by asserting that a higher morality was embedded in one configuration as against another; and finally by persuading people of the absolute value they should give to these assertions, so as to be ready to fight and die for national interests and national values.

Thus, an all-encompassing "master fiction" developed, which combined a cognitive map (which appealed to the need people had for orienting themselves in a perplexing world) and a

dramatic script²¹ (which appealed to the people's emotional needs for expressing their altruistic, aggressive and self-destructive drives).²²

This master fiction became persuasive enough to be taken for granted by several generations of Europeans in the course of the XIXth and XXth centuries. As a result of it, people developed feelings of moral obligation, and even of a "sacred duty," vis-à-vis the state; and went as far as to justify the sacrifice of their property, their liberty and their life for their country. This moral disposition was put to a bitter proof in a succession of wars.

Now, by stating that today we witness the fall of the state as the bearer of a moral project, I mean that this master fiction has lost its plausibility. It has become increasingly doubtful that, in today's world, the state is/should be the bearer of a national identity; the state is/should be the focus of public life; and the state is/should be the bearer of, and the main protagonist in, a process of modernization (and therefore the key for economic growth and social integration).

6. *State-centered and society-centered intellectual traditions of civil society: a brief excursus on Hegel and Marx*

For a long time *civitas* and *polis*, civil society and political society, were used as interchangeable terms; and, in this sense, we may say that civil society was co-terminous with the state (Keane, 1988b, 35 ff.). But by XVIIth and XVIIIth centuries, the term of civil society was used in the context of a particular intellectual and historical debate which lay at a crossroads in the history of Western societies: one path leading to the consolidation of constitutional governments, and the other to the consolidation of absolute monarchies.²³

And so, by this time, civil society was co-terminous not with the state as such, but rather with a specific type of state (or political association), characterized by the rule of law, limited government and an active citizenry. This was the kind of state being built in England through the XVIIIth century, in contradistinction with the kind of state prevailing over most of continental Europe.

Thus, at the heart of the line of theories of civil society that goes from Locke (Locke, 1970 [1690], 154ff.) to Ferguson, we find a combination of ideas, institutions and social groupings that support each other: the idea of a limited government; a tradition of containment of the king's powers; and a core of citizens able to combine their involvement in the market with their involvement in the public sphere. Adam Smith, Gibson, Hume or Ferguson were aware of the need to put together all these elements, if civil society (in the sense of "civil society one") was going to emerge and to persist - and to avoid corruption and decline. This was a society-centered tradition insofar as the emphasis was put on the limits of the state, and the potential of society to govern itself. During the XIXth century, Paine, Constant and Tocqueville developed this tradition; made a sharp and fast distinction between the state and society ("civil society two"); and looked for ways to confront the new forms of state despotism of the XIXth century, including the despotism of a democratic state (Keane, 1988b, 39ff., 55ff.).

The state-centered intellectual tradition of civil society was based in very different analytical and normative assumptions - so that mixing up the two traditions has created considerable confusion. Hegel is at the heart of this confusion because of the ambiguity of his thinking; but in the last instance, he belongs in the state-centered tradition. A similar ambiguity underlies Marx's thinking; but he too belongs in that tradition. According to them, civil society (in the sense of "civil society two") lacked the ability to organize itself and to grow. Hence, it should be shaped by conscious deliberate design, the main designer being the state (for Hegel), or a revolutionary group in control of the state (for Marx). Despite obvious differences between Hegel and Marx, they both shared a deep distrust of civil society, and they argued for the protagonism of (different versions of) a strong state, which was supposed to be the bearer of an exalted moral project.

Hegel's thinking on civil society was ambiguous, first, because of a terminological ambiguity, and second, because of Hegel's ambivalence regarding civil society. To begin with, Hegel used the same term of "civil society" with two meanings: (a) Hegel used the term to denote a "stage" in a succession of "ethical communities" (from the family to the state) - that is, to denote "civil society one" (including an administration of justice, system of laws, courts of justice and public

authority, as well as society proper, all this roughly corresponding to the sociopolitical configuration of England by early XIXth century); and (b) to denote an “element” within the most modern of those ethical communities - that is, to denote “civil society two” (which would be a part of the “modern state,” this state roughly corresponding to the sociopolitical configuration of Prussia by the time of Hegel’s writing).²⁴

But even within the limits of this more restricted sense of the word (of “civil society two”), Hegel’s understanding of civil society was unclear. Apparently, civil society would refer to markets (or “systems of needs”) and corporations (or professional associations). But since corporations (in Hegel’s system) were strongly dependent on public authorities, there was a tendency in Hegel (and even more in his commentators) to locate corporations in-between civil society and the state, and to reduce civil society to the market.²⁵

But then, secondly, even Hegel’s view of that civil society-qua-market was an ambivalent one. On the one hand, he had a very critical view of civil society, and a very benign view of the state. Hegel thought civil society was unable to guarantee sustained economic growth and social integration. It was prone to economic crisis, generated extreme inequalities and extreme poverty (with the result of having a class of have-nots which was left out of the system of property), and therefore had become the battlefield for a war of all against all.²⁶

Hence, the need for the state’s corrective action, which would compensate for the failures of the market, and would produce social integration. Furthermore, civil society could not create a sense of collective identity - only the state could do it, by reconciling a variety of particular interests through a public or common interest. And it was finally up to the state to educate people into the moral sentiments (or ethos) of patriotism and civic virtue. Therefore, Hegel had a very positive understanding of the state, and more particularly of the state officials. They were entrusted by Hegel with the main responsibility for accomplishing all the above mentioned state tasks, and therefore for providing with economic prosperity, social integration, a sense of community and a moral education - not to speak of the assertion of the nation’s interests (and nation’s values) in the world arena. This might be so because these state officials had the correct views and understanding of the public

interest, and because they had, also, the moral commitment to (or the “ethical will” of) the collective good as well as the capacity to implement this commitment. This is the reason why Hegel referred to them as a “universal class.”

On the other hand, however, Hegel was intrigued by Adam Smith’s understanding of the market as a self-coordinated system, and by Smith’s metaphor of the invisible hand.²⁷ He translated this metaphor in his own terms as “the cunning of reason,” and as the implicit universality of the particular interests: in other words, as the unintended result of a collective good being produced by people whose only (or main) concern was the pursuit of their particular goals, when they coordinated their activities through the market.

But a translation and a change of label did not make for a better understanding of the market on the part of Hegel. The fact is that Hegel’s argument about the market (or the system of needs) as a system of implicit universality was an inconsistent one.

It was in the logic of Hegel’s argument that what is implicit would become eventually explicit or “self-conscious.”²⁸ Time and learning (from actual experiences) should make it possible. Therefore, people should be expected to increase their awareness of the universality of the system of needs. They should be expected to learn that the market system as such was a collective good, which should be protected (and should be made to work properly) for the sake of the general interest. But if this were the case, then the educational role of the state officials should be expected to be greatly reduced, or even to disappear in the long run. People would learn; and as they learned, their teachers’ role would fade away.

Still, these bureaucrats would have a transitional, yet crucial, educational role to play, for a period of time. The trouble was that even the attribution of this transitional role to the bureaucrats was inconsistent with Hegel’s own reasoning. Because, if the market was a collective good, and the bureaucrats’ *raison d’être* lay in their superior degree of awareness of the collective goods, from this follows that it would be one of the most important educational tasks of the bureaucrats to educate the public in the virtues of the market. But here a difficulty arose, because there was nothing in the day-by-day experience of the bureaucrats that would enable them to do the job.

Let us not forget that it was also in the logic of Hegel's arguments that ideas come together with institutions. According to Hegel, ethics was not a matter of good intentions and isolated decisions, but of the individuals' actual sustained course of behaviour, in the framework of a body of social mores (Hegel, PR, Paragraphs 141-152). And if Hegel thought so highly of the bureaucrats, this was because the bureaucratic institutions shaped a bureaucratic ethos that predisposed these individuals to behave properly in the pursuit of the public interest.²⁹

But the point is that precisely because they were embedded in those institutions and shared in that ethos, the bureaucrats were not in a position that fostered their better understanding and care for the proper functioning of the market. In other words: given their actual experience it would be unrealistic (and, therefore, "irrational") to expect from them to have the vision, the will and the capacity to implement the collective good which was the market system. Whatever experience the bureaucrats might have of the markets, it was alien (or, at best, marginal) to their everyday experience within the bureaucratic organization. The ordinary fulfillment of their duties did not predispose them to understand the market. The type of order created by the market was just the opposite to the type of order of the hierarchical organizations they belonged to. Their training made hard for them not to try to interfere with the markets wherever they met them. That training led them to be suspicious of whatever they did not control - and by definition markets tended to escape their control.

In conclusion, far from making a substantial contribution to the theory of civil society, Hegel made a doubtful and inconsistent contribution to it.³⁰ He fueled a terminological and conceptual confusion; and pushed forward a state-centered view of civil society, with the implication of a fundamentally over-critical view of modern society, and an extravagantly benign view of the modern state. Still, he kept a modicum of appreciation for the self-regulatory mechanisms of society, such as markets and (to a very limited extent, and always under the vigilant eye of the public authorities) corporations - barely enough to lend some plausibility to a tradition of liberal interpreters of Hegel's political philosophy.³¹

Marx pushed Hegel's ambivalence towards civil society even further, and ended up by taking an even more negative view of it. To begin with, Marx all but forgot about "civil society one"

and focused his attention on “civil society two.”³² He, then, proceeded to reduce civil society to the market and to a battlefield for class-struggles. Marx rejected any claim of “implicit universality” for the market system, which he characterized as a system torn apart by its “internal contradictions,” unable to provide for self-sustained economic growth, and in the road to a (hopefully near) terminal crisis. Moreover, the market was unable to generate social integration and to provide the basis for any kind of moral community. On the contrary, the capitalist firms as the basic productive units of the market, and the market itself as “the anatomy” of civil society, were institutions inimical to any sort of moral communities. The social classes were the social aggregates of individuals playing different roles in the firms and in the market; and those classes were engaged in a struggle to death against each other.

Thus, once again, civil society seemed unable to provide for economic growth, social integration and a sense of community. This time, neither the Hegelian state (protagonised by state officials), nor any “bourgeois-type” of state could make up for these deficiencies. But even while Marx rejected Hegel’s plea in favour of the bureaucracy, he did not reject Hegel’s assumption that there should be a “universal class;” and he searched for it. The assumption was rooted in the misunderstanding, which Marx shared with Hegel, of the stability of social orders being impossible without a collective agent, or “subject,” in a position to gather all the relevant information, design that order and maintain it in a deliberate way. The “universal class” was supposed to be that kind of agent. But then, Marx believed he had discovered, within civil society, a particular social class to be endowed with the attributes of a “universal class”: with the vision, the will and the capacity to implement the collective goods of economic growth, social integration, a collective identity and membership in a community. All this would be attained by means of a class-struggle, a social revolution, and a thorough transformation of the social, political and economic system. That “universal class” was the industrial working class.³³

The problem, however, was that Marx’s hostility toward civil society as a whole translated itself into deep ambivalence even toward that part of civil society, the working class, for which he had such great expectations. (Pérez-Díaz, 1984). In the final analysis, neither Marx nor most

thinkers in the Marxist tradition, could find arguments and empirical evidence persuasive enough to justify Marx's portrait of the working class as a "universal class." The really existing working class appeared to be a frail foundation for the new order. It looked as if the working class alone could not be trusted with the full responsibility for the task. "What had to be done" was to be done by that class only in the framework of organizations (whose leadership and cadres could, either belong, or not belong, to that class): first, the revolutionary party; and then, the socialist state - and it could be done only in the framework of coalitions with other classes, while the responsibility for deciding on, and handling, these coalitions would lie on the party and the state. Moreover, since the tasks of class-struggle, social revolution and the construction of socialism were to be conducted against powerful enemies, the revolutionary party and the socialist state were to be considered as armies fighting a war, and, therefore, it was concluded that the authority of their leadership should be strengthened. Hence, the subordinated position of the working class should be reinforced de facto, at the same time that, as a compensation for it, the rhetorical praise of the "symbolic value" of the working class would be pushed beyond limits.

Notes

1. For a history of the distinction between civil society and the state in the period 1759-1850, see Keane (1988b). See also Pérez-Díaz (1978), and Poggi (1978, 77 ff.).

2. On spontaneous extended orders, see Polanyi (1951); Hayek (1972, 160; 1978, 72, 90); Gray (1986, 34 ff.).

3. On words as "carriers of historical experience", see Sartori (1987, II, 265 ff). Still, from this does not follow, as Sartori suggests, that the meaning of the words may be "stabilized by an endless trial and error process". Indeed, if the process is endless, there is no reason to expect that the meaning would ever become stabilized. On the contrary, the debate on the words is to be expected to be part of an endless debate on the explanations we give of the institutions to which these words refer (*pace* Popper). As Hayek has shown, important problems may be obscured by our use of words which imply explanations of political and moral institutions, that correspond to earlier modes of thinking (and earlier historical experiences) (Hayek, 1978, 72).

4. This has been largely the result of journalists, social elites, social observers and, to some extent, politicians taking on the term which had been advanced for and proposed in a previous academic discussion.

5. See, Pelzcyński's interpretation of the recent Polish experience, in the light of Jeffrey Weintraub's reading of Tocqueville (Pelzcyński, 1988, 361-380, especially 368 and 379).

6. Black's (otherwise quite instructive) inquiry on the matter is based on this market-centered or, in Keane's, words property-centered (Keane, 1988b, 64) interpretation of civil society. See Black (1984).

7. See, for instance, Arato's understanding of civil society as organized around independent associations or social movements (against the background of the Polish experience of 1980/1982) (Arato, 1981, 23-47; 1981/82, 19-48). See also Tismaneanu (1990).

8. Or, rather, the market as a scenario also for a class struggle. See: Gouldner (1980, 357), and Pérez-Díaz (1978).

9. This is the distinction proposed by Hayek (1972, 222, 258). Other distinctions which are related to that of Hayek, but different from it, are those of Mann between "despotic" and "infrastructural powers" (Mann, 1986a, 144-175; 1986b, 109-136), and Sartori between the "vertical dimension" and the "horizontal dimension" of politics (Sartori, 1987, 131).

10. Though Weber refers to legitimacy in general, he only addresses the issue of formal legitimacy (Weber, 1978, 36).

11. A point most forcefully made (and, in my opinion, overemphasized) by Theda Skocpol (Skocpol, 1985a, 3-37).

12. On sociopolitical coalitions, policy networks and patterns of intermediation/interactions between interest organizations and public bureaucracies (and parties), see: Gourevitch (1986), Katzenstein (1978b), and Lehmbruch (1991).

13. See Hegel (PH, 1956, 90). See also Hegel (PR, 1967, Paragraph 247, p. 151) where the sea is related with civil society, and the land with the family.

14. Needless to say, therefore, that while the materials for the metaphor may be Hegelian, the spirit and the meaning of it are not. Hegel's state is supposed to incorporate and overcome civil society; not to play with it a game of alternating protagonisms. The fundamental Hegelian metaphor for social order is that of "the edifice of human society" (PH, p. 27).

15. Thucydides (1972, P.34-46, pp. 143-151). See also Hayek's comments in Hayek (1972, 64 & 459; 1978, 122; and 1988, 43ff).

16. Or "extraction-coercion cycle" (Finer, 1975, 97).
17. See Skocpol (1979) and Mann (1986a) following Hintze (1975).
18. And prior to that, in the Netherlands in the 1570's.
19. Absolute politics would attempt to recast the entire society, in an operation of "utopian engineering". See Popper (1966). See also Pizzorno (1987).
20. As well as the process of diffusion of that institution everywhere in the world: see Thomas & Meyer (1984).
21. This "dramatic script" was most notably developed from the beginning of the XIXth century on, by the "new politics" of nationalism through the use of national myths and symbols, and the use of a liturgy (Mosse, 1975, 2).
22. As Nietzsche suggested, "as soon as any war breaks out, there also breaks out... a pleasure that... is kept secret: Rapturously, they throw themselves into the new danger of death because the sacrifice for the fatherland seems to them to offer the long desired permission to dodge their goal; war offers them a detour to suicide..." (1974, 270).
23. Or, in other words: a path would lead to a situation in which civil society would challenge the state's rulers; and another path, to a situation where civil society would be exclusively an object of rule (Poggi, 1978, 77ff).
24. Hegel's ambiguous use of the term "civil society" parallels his also ambiguous use of the term "state". See Pérez-Díaz (1978, 7) and Pelczynski (1984, 1). Hegel tries to reduce the impact of his ambiguity by referring to the "strictly political state" (PR, Paragraphs 163, 267, 273, 276). On the other hand, Hegel's thinking regarding this "correspondence" between the "speculative development" and the historical developments is, once again, deliberately unclear. See for instance Hegel (PR, P. 32 and its addition) and Pérez-Díaz (1978, 7). All these ambiguities rather justify Popper's exasperation with Hegel's way of expressing himself: Popper (1972).
25. See Hegel's insistence on the public authority's surveillance of the corporations in Hegel (PR P. 252, and his Addition to P.255); and on the joint appointment of the corporations' officials by the government and local election, in Hegel (PR, P. 288). For a reassessment of Hegel's views of the corporations, see Black (1984, 202 ff).
26. See PH, P. 189, 289, 244, 245, 255 and 301.
27. In Hegel's terms, universality would be the basic principle of civil society, even if it was still only an inward principle. See PR, P. 181, 157, 182-188, 249-255.
28. See Hegel's (PH, pp.12, 18-19).
29. On the bureaucratic ethos, see PR, p.133; and on the bureaucracy as a "universal class", see p. 205. On the other hand, Hegel's views were the main exponent (as Lehmbruch [1991, 149] has suggested) of the notion of bureaucratic autonomy as developed in the Prussian administrative tradition.
30. For a rather more positive assessment of Hegel's contribution to a theory of civil society see the essays gathered in Pelczynski (1984).
31. Starting already with Gans, one of the teachers of Marx. See Cornu (1955, 85).
32. The thesis of the separation between the state and civil society runs through Marx's thinking on the state: from his analysis of the early 1840's on the American and Prussian political regimes, to his discussion of the French II Republic and Bonapartism, to his analysis of the Paris Commune. See Pérez-Díaz (1978, 55 ff).
33. At least in the terminology Marx used in the 1840's. See Marx (1967, 249-264).

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