THE BEGINNING AND THE AUTHORITY

CIVIL SOCIETY, CITIZENSHIP AND POLITICAL LEADERSHIP

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The text of the speech made by the author at the IV Plenary Meeting of the Círculo de Montevideo, a forum for discussion of the institutional changes necessary for progress in the consolidation of democratic governability in Latin America, chaired by President Julio María Sanguinetti, whose members comprise political and academic figures from Latin America, Europe and The United States and supported by the United Nations Development Program, that took place in Madrid from 12-14 October, 1998.

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Although the great sociopolitical problems of our time are usually a cause for concern, they can also be conceived of as opportunities that should be approached with optimism for two reasons. The first is that we have learnt a lot about the necessary institutional and cultural framework from which we should confront these problems. Even ten, not to mention twenty or thirty, years ago, (coinciding with the formative period in the development of almost all today's political leaders), there were many who still considered the socialism of the East to be a viable historical alternative to western societies or, at the very least, a source of inspiration for intermediate formulas. Today we know, because we have learnt the hard way, from many years' experience of these supposed alternatives, that the institutional complex of an order of freedom as it is expressed through the institutions of representative government, the state of law and the market economy (in one form or another) is the historical prospect for not only this or that country but for the planet as a whole; and we believe that there is no plausible alternative to this prospect.

The second reason is that, in advanced societies as well as, to some extent, in developing and post-totalitarian societies, a 'critical mass' of citizens now exists or is coming into being as a result of this experience that so many millions of people have been through in the most diverse local conditions. This critical mass does not exist in all societies, but in most. The citizens that comprise it are not endowed with an extraordinary civic disposition or virtue, but with sufficient. Sufficient to acquire an understanding of the institutions of this order of freedom and how to make them work.

As a result, we are now in a better condition than in the past to deal with crisis situations, not because there is any guarantee that we shall find solutions to the problems, but because we should be better able to formulate the questions, and it should be easier for us to look in the right direction for the answers and to learn more quickly from the mistakes that we make. Although I hasten to add that there is a downside to this optimism. This is the recognition that while the learning experiences of the twentieth century have taught us the value of an order of freedom and how *terrible* it is to lose it, they have also taught us the fragility of this order and how *easy* it is to lose it.

1. The Beginning

The conception of civil society in a broad sense and in its classical acceptation as an order of freedom, offers us an analytical instrument and a normative discourse that are more than adequate for grasping the complexity of present day problems and the questions of 'governability' that can arise when tackling them. For a clearer understanding of this, I believe it is useful to take a look at the genesis of this conception and outline an analysis of its components.[1]

Civil society in the broadest (classical) sense of the term is the modern (eighteenth century), more complex version of the ancient city: of the Greek *polis* and the Roman *civitas*. In its ideal-typical acceptation, it was a society of free people who were, as such, fundamentally equal. These people met in a common space to talk of and discuss affairs of all kinds from different points of view, including matters relating to the laws that guaranteed the safety and freedom of each one of them to attend to their private affairs and many and varied exchanges.

The Greek *polis* and the Roman *civitas* were, in fact, ambiguous referents for many of the disquisitions on civil society that took place during the Middle Ages, the Renaissance and the sixteenth and seventeenth centuries. But for the purposes of this discussion, I think it sufficient to concentrate on how the concept was reformulated towards the end of the eighteenth century by the Scottish philosophers of the Enlightenment, particularly Adam Ferguson, and also Adam Smith and David Hume, (in their own way), and how it helped them to comprehend, within the circumstances of their time, the new, relatively contradictory and complex kind of society that was emerging.[2] The Scottish acceptation then underwent a further series of transformations: it was taken up and reformulated by Hegel in the early years of the next century and from that time on the concept can be traced through the works of Tocqueville and the liberal tradition, and Marx and the Marxist tradition up to the present day.

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[1] On the historical and theoretical genesis of this conception and its different components, see Keane, 1988; Hall, 1995; Pérez-Díaz, 1997; Alexander, 1998.

[2] Without forgetting that the Scottish philosophers themselves must be placed on a broader stage where the influence of the Baron de Montesquieu played a central role.

Although so much time has passed and there have been so many experiences and reflections on the way, I believe it is essential to return to the classical acceptation. Hannah Arendt has reminded us of Plato's expression: "the beginning is like a god who, while he dwells among men, saves all things"; [1993 (1961), 18] and I believe that this should be applied rigorously to the origins of our modern political life.

The classical acceptation was and continues to be part of an intellectual tradition in which some authors converse with other authors across time. However, the importance of 'the beginning' of enlightened speculation resides not so much in the fact that it encouraged a tradition of this nature as in the fact that it formed a part of the self-understanding of the generations that built up an institutional complex and a life experience in a particular place at a particular time: in specific territories on both sides of the Atlantic in the second half of the eighteenth century.

Thus, at the outset, our tradition of civil society interpreted (as it was interpreted by the Scots) in its broad sense as the correlate of a 'civilized' society had, as its historical referent, an institutional complex comprising the rule of law, representative government, a space for public debate (or a 'public sphere'), a market economy and a variety of voluntary associations (nonconformist churches, cultural circles, charities and mutual societies, etc.)

We apply the term 'civil society' to the whole, and not to any one part of it, precisely because it is understood that all these parts are inter-related, like an edifice with its own personality that endures thanks to the cooperation of its various elements. Its cornerstone is the balance between the business of the spontaneous orders of the market, social life and debate, the framework of laws and game rules that circumscribe that indefatigable business, and the public authority that applies the laws while being subject to them and answerable to its fellow citizens. Spontaneous orders, game rules and authority are inseparable elements; and therefore civil society, in its entirety, is inconceivable without the inter-relation between them.

In the beginning, therefore, was 'the whole' and not 'the part'. The classical acceptation of civil society was not adequately expressed by G.W.F.Hegel, who was unable to make up his mind between two different readings. He finally seemed to settle for a vision of civil society as what was 'not the state', or as 'non-state' elements, with particular emphasis on the market, which he called the 'system of necessities'; and on what today we would call a pluralist social fabric, which he reduced to the world of 'corporations'. These elements were partly subject to and partly incorporated into an omni-comprehensive State (with a capital S), and heavily subordinated to its bureaucracy.

In some ways, Karl Marx adopted a variant of the Hegelian reading of civil society when he referred to a combination of the market economy and 'a class society' (that, with its intense conflicts, substituted the relative harmony of the Hegelian corporations). This time everything was subordinated, not to the cautious, vigilant actions of the Hegelian bureaucracy, but to the leadership of a (supposedly) revolutionary party representative of a 'universal class'. The (sub)variant of that reading by Antonio Gramsci only reinforced the implicit political and activist bias in Marx's thinking: for him, civil society was to be the stage on which to act out the pretensions to revolutionary leadership (the 'hegemony') of the vanguard of that universal class.

The classical acceptation of civil socetiy also diverges radically from that of those who, at the end of the twentieth century, wish to restrict it to serving as the referent for a plurality of organizations like unions, business associations, churches and non-governmental organizations; and social movements, that is, organizations that are not highly structured or formalized, with easily permeable borders, diffuse objectives or lines of authority, an often brief and eventful existence, and with a certain predilection for the ostensible use of the public space.

This acceptation (that elsewhere I have called 'minimalist' [Pérez-Díaz 1997]) has been promoted by the experiences of countries in Eastern Europe in the last few decades. In the circumstances of the time, it propagated a reading of civil society in those countries as 'neither state nor market': that is, as having very little to do with a state understood as a 'separate' institutional apparatus (as the communist state was for Polish society, for example) or with a market understood as 'alienating' or 'reifying' (in the Marxist version) or 'amoral' or even 'immoral' (in the traditional Catholic version). This has led to the affinity between these experiences impregnated with a similar mentality, and the speculations of Jürgen Habermas.

If, in the light of these Hegelian, Marxist, Gramscian, minimalist or Habermasian readings, I still consider it important to 'return to the beginning', it is precisely because it is the very circumstances of our era that not only permit it but demand it. We need to do so in order that the 'god of the beginning' will dwell among us and 'save' us, as the Platonic phrase mysteriously suggests; in other words, so that he will enlighten us and help us to 'save things'. This simply means helping us to formulate the appropriate questions that may, in their turn, allow us to find the answers to solve our problems. This will give us the feeling that we are in a world that we understand and recognize, that we can call our own, and that we feel responsible for.

2. The interrelation

The broad conception of civil society lets us comprehend the interrelation between the problems of the consolidation of liberal democracy, the sustainability of the market economy and the effective implantation of a state of law, as much in advanced countries as in developing countries and post-totalitarian societies. It offers us a common language in which to express these problems on a global scale and it can therefore facilitate the spread of institutions and discourses, learning and experiences throughout the planet.

The theory of civil society suggests that an order of freedom consists of all its institutions as an *interrelated whole*; and it predicts that if only one of these institutions is introduced out of context, it is highly probable that systemic malformations or breakdowns will occur, that the institution will function with great difficulty and that, sooner or later, the remaining institutions will have to be introduced to accompany it.

Before continuing, I shall make a brief digression to avoid misunderstandings. My argument may be 'holistic' - the pieces are juxtaposed and tend to fit together - but it is not 'essentialist'. All institutions are subject to processes of evolution and diffusion, so I am certainly not saying that it is not possible to imagine variants of civil societies and processes of institutional and cultural 'hybridization'. Quite the opposite. Institutional evolution involves the continual appearance of variants. (Consider for a moment the variations that result from the effective application of the principle of gender equality, which has modified the nature of

liberal democracy and will eventually modify the nature of the market economy. See Pérez-Díaz 1998).

Furthermore, long experience of 'transplanting' the institutions of civil society (of western origin) to societies with different cultural and institutional substrata, as befits very different historical traditions, has highlighted two things. Firstly, the existence of a 'weak connection' between culture and institutions: in other words, the compatibility of the institutions of civil society with an extraordinary variety of discourses of justification (including religious beliefs and business, civic, or family morality, for example). Secondly, the capacity of 'civil' institutions to take part in a process of reciprocal adaptation with a fairly wide range of civic, social and family institutions, without any essential loss of their own features.

Having said this, if we look at the current state of the problems that confront us in advanced societies, the so-called developing societies and the post-totalitarian societies, it is obvious that the solutions to any of these problems involve the elaboration of a diagnosis and a 'cure' that take into account the interrelation between the various elements of civil society.

Let us take the case of liberal democracy. Empirically, we do not know of a single case of liberal democracy that is not accompanied by a market economy, and although we cannot claim the opposite to be true, it would seem that, in general, in the long term, the functioning of a market economy (and, *sensu contrario*, the malfunctioning of collectivist economies) has facilitated the majority of the transitions to democracy.

I think it is also true to say that the experience of the last twenty to thirty years demonstrates that the success and consolidation of a transition to democracy requires the support and the complement of a market economy that also functions with a certain degree of success. The support of a broad sector of the middle classes and/or working classes for the corresponding democratic parties seems to demand expectations of relative prosperity and relative economic stability. Even if we introduce the element of a welfare system with a heavy public component as a complement to the market economy, this 'welfare state' is unthinkable in the long term without the sustenance provided by a relatively powerful market economy, that entails a sufficient volume of productive employment to guarantee the future of the corresponding social

security contributions and taxes. All of this is obvious to us today, however much the 'details' of public policies might be, as they usually are, the subject of serious party conflicts and indecision.

Nevertheless, it is also true to say that neither a liberal democracy nor an interrelated market economy can function correctly in the absence of the supremacy of the law, a state of law, and a framework of impartial rules with the corresponding sanctions. From the perspective of the tradition of civil society, the supremacy of the law and the corresponding centrality of the courts of justice are pivotal to the political architecture of a liberal democracy. Without them, there would be nothing to prevent a plebiscitary, caesarist kind of democracy, that is only distinguished from an authoritarian regime by the mere appearnce of rhetorical discourse, and by the level of mendacity of political propaganda, and of self-deception on the part of the population. This is why it is so important to have a clear understanding of the nature of the law in a civil society understood as an order of freedom, and of the correct operation of justice.

'Supremacy of the law' means the equality of all citizens before the law and, therefore, the submission to it of (primarily) the public authorities but also everyone else with economic or any other kind of power. As regards the economy, it is not only a question of applying the principle of equality in a coherent and universal way, but of ensuring the correct functioning of the market economy itself in the long term; because it cannot function without a legal framework that ensures respect for property, the fulfillment of contracts, and the absence of violence and fraud from exchanges.

Let us take a look at the corruption that has been evident in a number of quite different societies over the last decade, for example. We shall leave aside the phenomenon of predatory capitalism in its stage of 'primitive accumulation' by means of violence, robbery, deceit, and the support or complicity of the incumbent political powers: represented by the Soviet nomenclature of 'diehard communists' that has been transformed into one of 'frenzied capitalists' before our very eyes. The fact is that our experience over the last twenty years demonstrates the increasing importance of respect for the rules of fair play within companies, and in their investment decisions in order to generate confidence among institutional investors (leading to the introduction of codes of conduct applicable to company management); and the importance of fair play in dealings between the public powers and private enterprise, and in the operation of the capital markets (leading to the introduction of rules that prohibit practices like insider trading, not to mention money-laundering, and corruption pure and simple: unlawful appropriation, falsification of accounts, abuse of confidence, bribery, etc.).

Part of the political and financial life of many advanced countries over the last ten years could be described as nothing short of scandalous: a chronicle of scandals that had been tolerated in juridical, political and social circles until quite recently. But these margins of tolerance have abruptly ceased, to the surprise of those concerned. However, it is not only a problem in advanced countries. To a large extent, the difficulties of the developing countries are owing to the frequency of lax, or simply corrupt, practices. Today there are a growing number of observers who explain the 'Asiatic crisis' by attributing a large part of the blame to the spread of the kind of market economy that they call *crony capitalism*: capitalism 'among influential friends'. Not to mention the problems that exist in Russia.

3. Public space and social fabric

In short, a consolidated liberal democracy is not viable without a sustainable market economy, and neither of them are viable without a state of law. In turn, none of them are possible without two other, extremely important, institutional parts of civil society: the public space, where the encounter between politicians and citizens takes place on the basis of an (irreducible) diversity of opinions and interests; and the social fabric, made up of a series of voluntary associations and social movements (what some call civil society in a restricted or 'minimalist' sense) that reflect this diversity.

Democracy, the market and the law cannot operate without the presence, sooner or later, of a public or a citizenry that understands how these institutions function, and supports them with discernment. That is to say, the citizenry must be willing to respect these institutions in its own daily behavior (and not only give them its verbal support), and also to watch over them, correct them and demand responsibility from them. Naturally these are serious matters, but what is required of the citizenry in a true civil society is a serious matter, although perhaps it is no more than what

should be required of a cognitive, moral and emotional coming of age.

Here I should like to introduce a note of caution and realism, simply to avoid an idealistic or exalted interpretation of what the 'serious' requirements expected of the citizenry might actually consist of. A reasonable civil society does not need the kind of citizens of the Greek *polis*, 'free' from economic cares (because their slaves or their wives attended to such matters) in order to devote their time to public affairs or philosphizing. Modern societies involve a more complex division of work, they usually value their members who earn their own living, they ban slavery and they tend to reject or alleviate the servitude of women. All this means that there is less time avaliable for the majority of citizens to devote to public affairs, though neither do the latter require a disproportionate intensity of interest: it is assumed (and rightly so) that the majority of people have more interesting things to do.

Nevertheless, 'attending' to politics for *long enough* is fundamental, because politics consists precisely of protecting and carefully maintaining this order of freedom, this institutional framework that makes it possible for everyone to devote their time to the 'more interesting' activities. Specialized knowledge or a passion for public affairs are not necessary. Simply living up to normal standards of decency and common sense, and applying them to a progressive understanding of the functioning of liberal democracy, the market economy and the rule of law, as the opportunities present themselves, is quite sufficient. Today, have a go at comprehending voting mechanisms; tomorrow, the problem of inflation; next, the crisis of the welfare state, or the problem of corruption; later on, the workings of the courts when cases come up of abuses of power. Eventually, one comes to understand how stock exchanges or investment funds work, how the internal mechanisms of power within political parties operate and so on and so forth. We are not born with this knowledge, we learn through experience.

Citizens obtain the cognitive, emotional and moral resources that form the basis of their learning from a variety of sources. The least interesting (though praiseworthy) are probably the (intensive or 'curricular') courses in civic education, or the discourses of 'civic preachers' (like newspaper editorials, pastoral homilies, political recitatives and politico-moral essays or treatises. The most

important are those that come from from experiences underlying the elemental social units of belonging, principally the family and to some extent, the early educational cycles and groups of emotional affinity. It is here that children learn to develop judgement, to handle their own feelings, to recognize external reality and to be fair, in a tacit and practical way, through constant and repeated exercises.

The effect of processes of socialization that come later is relatively secondary, to the extent that although they can add to previous experience it is unlikely that they will be able to replace it. However, they do have the advantage of bringing about a substantial alteration in the scale of exchanges, an elaboration of reasons, and familiarization with the rules of generalized communication and public discourse, all of which are indispensable for communal life in the great agglomerations of modern societies and, of course, of civil societies. And it is the immersion of citizens in the public space and the associative fabric that offers the greatest possibilities for the development of their capacities for understanding and deliberating on public affairs.

In the final analysis, the actual functioning of liberal democracy, the market economy and the rule of law depends on the state of public opinion. Politicians appear to be decisive, but unless they establish a '*de facto* dictatorship' with the help of the corresponding élites and recourse to systematic violence (in which case we would no longer be talking about a civil society), it is the citizenry who actually decides and is reponsible for the functioning of the institutions that it has. In short, it is the latter who can opt for, or make possible by its acquiescence, a state of affairs whereby democracy, the economy and the state of law deteriorate or gradually disappear, with or without the scourge of a *pronunciamiento*, a coup d'état or an insurrection, or whereby the country becomes mired in a situation of stasis or chaos that can lead to civil war.

In all these processes, whether they relate to the effective preservation or degradation of these institutions, the public space and the associative fabric play a crucial role.

We must recognize that the market economy in the majority of advanced or developing societies cannot solve its problems of controlling inflation or restricting public spending without first settling matters of great importance, that stir up opposing

interests, opinions and affections, in the public space. There is no easy answer to the question of how to find the balance between the need for growth and employment on the one hand, and social demands for a social security network and the equitative distribution of the benefits of economic growth, on the other. Any answer that ignores the reasoned assent of a large part of the population is likely to be ephemeral, and will not last the passage of time.

Ideally, the answer should be 'cautious' in seeking the right balance, 'realistic' insofar as it is appropriate to the international environment in which it operates, and also 'coherent in its principles' in order to be compatible with the maintenance of an order of freedom (avoiding, for example, the drift towards collectivism that would assuredly follow on from a commitment to growing state intervention). So it is obvious that, without a public whose deliberations on these affairs reflect this prudence, realism and moral commitment to the principles of an order of freedom, the incumbent politicians, carried away by their convictions or electoral opportunism, could rush down the path to populism and find themselves on the road to ruin through hyperinflation, bankruptcy or recession, for example, that would put social support for liberal democracy at risk.

On the other hand, the support of public opinion for sensible measures of adjustment and reform orientated towards an improved functioning of the market economy *in the long term* is essential for their success: whether these measures cover realistic exchange rates, control of inflation, adjustments to the pensions system, reductions in public spending in general, reform of public office, or privatization policies, etc. In turn, reinforcing the market economy through a process of civic deliberation, and not through an imposition on the part of an 'enlightened' authority, reinforces liberal democracy and consequently ensures the sustainability of the economic measures over time.

This latter observation brings me to a problem that seems to be of singular importance in the case of various Latin-American countries at the present time. It is usually affirmed that, in order to exist, liberal democracy needs to be considered not only 'legitimate' but also 'efficient' by the population, as if the solution to problems of economic growth depended upon it. In the same line of argument, it is sometimes thought that if there is a lack of economic efficiency, democracy may be at risk

because people become nostalgic for a '*caudillo*' or authoritarian leader who offers them a more promising economic panorama. From this point of view, there are commentators who view the present economic difficulties of some Latin-American countries with conern. They fear that liberal democracy may run out of enough time to demonstrate its efficiency if a specific economic crisis is prolonged, if reforms are delayed, if they do not live up to expectations, or if they are not followed by 'second generation' reforms within a limited period (see, for example, Edwards, 1997).

Without directly contradicting these observations, I believe that the perspective should be inverted, these reflections should be broadened, and that alternative, more optimistic conclusions can be reached. If we start from a situation in which the population has developed a sufficient degree of adherence to liberal democracy and the rules of public debate, and it has given its considered support for certain public policies (because it has seen them in operation and understands how they work), it is reasonable to suppose that this population has a certain capacity for endurance when faced by disturbances, at least for some time.

If this is the case, two things can be concluded. Firstly, that there is no reason why economically motivated frustration should be transformed into frustration of a similar intensity with the political system. Secondly, there is good reason for the population to take a longer term perspective and 'discount' certain frustrations as temporary. In summary, that the participation of the population in the public space should provide either a breathing space for the readjustment of the economy, in the hope of better times to come, or new opportunities for reform.

Together with the politicians, a wide variety of social agents, organized in a more or less structured way, intervene in the process of deliberation in the public space. Among them we find churches, peasant communities, business groups and associations, consumer associations, ecological groups, feminist organization, unions, universities, think-tank networks[3], the mass media, and a plethora of non-governmental voluntary organizations (of a social, cultural, recreational nature, etc). The political parties could also be included here, but in

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[3] On the importance of these networks in the process of modernization of a Latin-American country, for example, see the Chilean case in Talavera 1998.

a section of their own.

This social fabric can make a very valuable contribution to the formation and consolidation of civil society in its broadest sense, on condition that it is comprised of associations whose nature is congruent with that of a civil society. When this happens, the vitality of the associative fabric is one of the most distinctive and revealing signs of a civil society, as occurred in the Great Britain of the second half of the eighteenth century (Langford, 1989), and in the United States of the first third of the nineteenth century, from the testimony of Alexis de Tocqueville (1969 [1850]). However, this does not always happen, and the congruence of a particular historical associative fabric with the principles of a civil society and the way that it functions cannot be taken for granted as aproblematic. In fact, within many contemporary capitalist, democratic societies we can find civil and uncivil associations, including political parties, that make either a positive or negative contribution to the formation and maintenance of an order of freedom.

The kind of social cohesion appropriate to a modern civil society and its social fabric is the solidarity that Emile Durkheim would call 'organic'. This corresponds to respect for the rules of coexistence and social differentiation relevant to a complex division of work, that mean a decline in primordial communities and 'tribal' feelings, and the development of individualism. However, the principle of solidarity that is applied inside many organizations is usually one of 'mechanical' solidarity. This may or may not be compatible with the criterion of organic solidarity proper to a civil society.

What is clear is that the mechanical solidarity usually fostered by associations among their members does not necessarily imply their incivility; in the same way that the hierarchical nature of many firms or political parties or churches does not mean they are incompatible, *per se*, with civil society.

Some associations may be uncivil because their *modus operandi*, their beliefs, and their strategic objectives contradict the principles and practices of a civil society. This may be because they are hostile to liberal democracy, the market economy, or the rule of law; or because their feeling of internal solidarity goes hand in hand with a feeling of external hostility so intense that it challenges the very existence of a community that tries to resolve its conflicts within the framework of peaceful coexistence. It may be that the associative fabric is polarized between 'antagonistic classes' or grand ideological families (like the right and left, for example) in such a way that the fabric itself is torn apart and the community destroyed. It is the political parties that usually make a decisive contribution to the task of either undertaking or preventing the destruction.

However, if we keep things in perspective and take into account the cultural changes that have occurred, including the 'civilization' or 'domestication' of the majority of the great ideologies of the past; as we approach the end of the century it seems reasonable to expect that with time, with the existence of a juridical framework of freedom, with the accumulation of economic and cultural resources becoming more widespread throughout society, and with their growing diversity and complexity, the contribution of the social fabrics composed of a number of voluntary associations to the formation and development of civil societies will be increasingly positive.

The evolution of the major advanced societies has been positive *but only after* they settled the fate of the totalitarian adventures of the twentieth century on the battlefield of two world wars and a prolonged 'cold war'; which gives us an idea of the contingent nature of this evolution.

As regards the experience of developing societies, for the moment I hazard the rather optimistic theory that the dominant tendency in the world of these associations seems to be in the direction of a clean-up of the democratic system, the correction of abuses and the negative consequences of the market economy, a demand for the predictable, impartial operation of justice, an emphasis on human rights, the raising of standards of behavior among the political class, and the demand to participate in the process of public deliberation, all of which serves to create constant challenges of language and understanding among the political classes and diverse sectors of the population.

On the other hand, this is an associative world that still has a long way to go to dampen its ideological enthusiasms, to interpret correctly how the market economy works, and to make a realistic appreciation of the international environment, the mechanics of party political life, the true nature of (presumably) charismatic leadership and the way to use systems of justice.

4. Auctoritas

The public space is the place for political deliberation and action and, in a society understood as an order of freedom, the reach and limits of politics should be demonstrated within it. For this to occur, it is necessary to define the bases of the authority invested in political leaders by their fellow citizens and therefore, the parameters of responsibility that citizens can demand of politicians and of themselves.

In the final analysis, the contents of political authority and responsibility depend on the nature of the civil society inasmuch as it is a complex network of institutions that makes up the order of freedom.

It is a contingent, even fragile, network that will not be perpetuated by simple inertia on the part of institutions; neither does it have the 'implacable logic of history' in its favor, nor the benevolent assistance of some local or universal gods. It is entrusted to the care of citizens who attend to such matters in an intermittent and distracted way, and whose scales of values, or concepts of a 'good life', do not usually coincide sufficiently for them all to be considered as a single, homogeneous, cultural community.

The key to its union resides in the combination of three features: the existence of an irreducible diversity of groups and networks that are built up through shared opinions, affinities or interests; the existence of cultural norms of tolerance and reciprocal respect for their diversity (which is demonstrated in the spheres of the economic markets, the associative fabrics and the debates proper to the public space); and lastly, the existence of the cultural norms of respect for and submission of everyone (in conditions of equality) to the laws that regulate their relationships of cooperation and conflict. What is, in the final instance, a community of free individuals who base their reason for being together, and their pride in belonging together, on being governed, not by the dictates of some over others, but by rules and laws of a general nature that are applied equally to everyone: on being a community governed by laws and not by men.

In a civil society of this nature, the 'communal' activities, or those that refer, either through their deliberate orientation or their effects, to the preservation or change of the sociopolitical order are innumerable and extremely diverse. In contrast, 'politics' is reduced to a crucial, specific activity. In this kind of society, politics consists of the more or less continuous activity of attending to the preservation of the institutional network that permits the union of the permanently diverse, and its continuous adaptation to the most varied of circumstances.

Consequently, it is all citizens who, in the final analysis, are responsible for the success of this political activity. What distinguishes professional politicians is simply that they devote more of their time and energy and more constant attention to this duty, from which they are less distracted by other tasks; that they accept a higher level of responsibility for maintaining this particular institutional network (and not for doing other relatively secondary or accessory tasks); and, to that extent and in those conditions, they assume the corresponding 'authority'.

The fact that politicians are drawn to politics for a wide variety of motives is secondary. They may make a vocation of politics from devotion to their country, with which they feel closely identified, or from devotion to an ideal. They may do it from self-love, love of power, or the love of some group of their fellow citizens; or from hatred of their rivals, from the need to emulate others, from the need to escape from painful childhood memories or to realize their childhood dreams. They may want to exercise abilities to command or persuade that have no other outlet or, having taken up a profession at random and learnt the tricks of the trade, they may decide to continue doing what they know how to do through inertia.

Although their reasons may be of great interest for the purpose of writing political biographies, they are of little relevance for explaining the way in which the mass of citizens in a civil society formalizes the bases of the 'authority' that it grants politicians in the exercise of their duties. It is not done according to the criteria of a mother who is as happy with the successes of her children when they are grown up as she was to see them playing contentedly in their childhood, and who 'understands' everything. In a typical-ideal civil society, it is done according to the criteria of judgment of a community of equals who weigh up, *sine ira et studio*, the degree of correspondence between the authority granted, the responsibility demanded, and the effective behavior of its leaders.

The bases of the authority granted by the free citizens of a civil society to their political leaders

do not consist of attributing them with any extraordinary abilities or jurisdictions so that they can lead society in one direction or another, or so that they can solve all its substantive problems once and for all (ensuring prosperity in this life and perhaps eternal happiness in the next). Essentially, citizens merely ask their leaders to preserve and adapt continually the institutional network appropriate to an order of freedom to the circumstances at any given time, in such a way that each individual remains free to decide his life's projects and eventually choose his own road to salvation.

Naturally, in addition to this, they *also* expect them carry out a host of other necessary and prudent measures (that are far from incidental or marginal), within the resources available and without endangering the order of freedom. These include alleviating suffering, attending to basic necessities, reducing risks, developing the ceremonies necessary for reinforcing links of reciprocal affection (of 'friendship'; as the Aristotelian text of the *Nicomachean Ethics* appears to suggest: Aristotle 1941 [4th century BC] Book IX, 11596), promoting initiatives, providing indispensable public goods and generally 'improving things' according to the criteria of what the 'common sense and decency' or the 'level of civilized conscience' of the community demands at a given time. It is important to remember that the expectation that politicians will take reasonable decisions becomes more compelling at particularly critical moments because it is then that wrong decisions may have catastrophic consequences.

These considerations involve a particular conception of the nature of authority in a civil society. In effect, it is assumed that political leadership in such a society is not obeyed solely because it is able to persuade its citizens in a reasonable way (in the manner of a Greek 'demagogue'), or because it imposes upon them by force (in the manner of a Greek 'tyrant'), or because it exchanges favors with them (in the manner of the bosses of political machines in the local political tradition of the United States), but, fundamentally, because it claims obedience 'by reason of authority', that increases or adds to the value of its decisions by literally giving 'authority to' them, or introducing 'an added value' or a 'bonus of legitimacy'.

In a civil society understood as an order of freedom, the 'hard core' of the basis of public authority is its responsibility for the preservation of the institutional network. This means respect for the laws that govern the city and 'make it free', and for the rules of the public space where these laws are discussed, their contents determined, and they are put into effect. Only derivatively, or in a secondary way, can this authority be applied, as such, to the prudent handling of other eventualities.

From this we can reach two conclusions, each leading to a practical recommendation, about the limits and the reach of authority and political activity (in the best sense) in the framework of a civil society.

The first conclusion is that it would be advisable to reduce the area of fundamental authority and political responsibility to within this 'hard core', thus avoiding the "disappointment of unreasonable hopes" (to which Michael Oakeshott alludes:1993, 114). This would reduce the tendency among large sectors of the population to have a moral and mental relationship with the public authority in which they are more like subjects inferior to their 'masters' than citizens on an equal footing. Logically, the 'price to be paid' (by citizens) for this combination of civic lucidity and pride is an increase in their responsibility for what happens to them and their community, which is correlative with a decrease in the responsibility imputable to the political class.

Let me emphasize that in no sense can a (normative) proposal in favor of a reduction in the level of quality of political leaders and their political actions be inferred from this conclusion, but just the opposite. We expect them to be intelligent enough to comprehend that the basis of the authority granted to them (which is not, so to speak, 'theirs') consists of fulfilling their fundamental responsibility for maintaining the order of freedom, and upholding a high level of civic virtue to the extent that they subordinate their personal (or party) ambitions to the supreme common good of realizing that order of freedom. All that could be inferred from this conclusion is a normative proposal for raising the usual level of activity among citizens, which, to some extent, presupposes an attitude of confidence in their actual or potential ability to act with decency and common sense in the public space.

In contrast, the second conclusion is that, in certain areas, there should be an increase in the requirements and responsibility of those who occupy positions of authority. These areas cover the observance of legality and the promotion of justice; truthfulness in the communication of public

deliberations, decisions and actions; and the manifestation of a 'state' or 'community' disposition that overcomes the temptations of factionalism or political favoritism insofar as these tend to break up the community, making reasonable, continuous, public debate impossible.

In short, I believe that the public authority occupies a position of enormous importance in the architecture of civil societies. It has an extraordinary responsibility in acting as 'guardian of the community' in the public space: it is the guarantor of laws, of truthful deliberation, and of the preservation of the community insofar as it is a community (in other words, insofar as it has a significant *amount* of the kind of social cohesion essential to civil societies). Its function is not so much that of 'creating' or 'transforming' the community, as it is of protecting it and attending to the order of freedom; and, though in this sense only, of perpetually redirecting it towards its roots or origins.

This return to its origins is a return to the 'beginning', to the reactivation of the principles of the original constitution of an order of freedom. As Oakeshott reminds us, political activity can provide us with a constitutional document, but it cannot give us the *contents* of that document (1993:93) because the contents derive from a level of thought and social experience that is too deeply ingrained to be decisively influenced by political action: they derive from a combination of social mores, beliefs, practices and institutions accumulated over a long period of time. What politicians can do, at any given moment, is to nourish these experiences, to give them shape and 'return' them to the society in the solemn symbolic framework necessary to reinforce its will to survive: like a 'sacred promise' that the community makes to itself. For this reason, the writers of a constitution are successful if they manage to understand and capture the message of this implicit promise in their text, and they are unsuccessful if they imagine that, by means of sophisms, tricks and the ingenious manipulation of terms, they can substitute non-existent promises on the basis of misunderstandings, or that they can slyly impose a solution that is unacceptable to the majority or a large minority of the population.[4]

In consequence, if authority in its classical Roman acceptation is the 'bonus' that the laws and collective decisions of the present receive because they are linked to a tradition that takes them back to the time when the political order of the ancient city was originally founded, and means that they can be presented as faithful to it or (re)connected with it; 'modern authority' is the 'bonus' that the laws and collective decisions receive because of their links to the process of reproduction of the order of freedom appropriate to civil societies.

It must be remembered that, from this perspective, an appeal to the beginning and foundations of an order of freedom is not only like an anchor mooring us to the past, but like a net spreading out towards the future. The root of political authority is as much in its links with the past of an order of freedom that has continued, as it is in the promise of it enduring in the future.

This means that if authority is exercised in an appropriate way, and it is accepted on the appropriate bases, it is possible that the community of citizens in question can avoid experiencing a chronic feeling of discontinuity, as if it had to 'return to the beginning' and try out a 'new constitution' all over again at every bend in the road. In this way, a country can avoid living with the sensation that the promise of a civil society is like a mirage, and the realization of an order of freedom just wishful thinking, while lurching from constitutions to *caudillos* and *pronunicamientos*, with the ever-present perception that it is under threat of imminent failure because it is unable to overcome the memory of a recurrent series of errors, false hopes and lost directions.

The affirmation of authority proper to a civil society is therefore inseparable from the construction of a 'tradition of freedom'. This allows new generations to start out feeling that they have their feet planted firmly on the ground, and that they inherit an order of freedom for which the previous generation considers itself responsible. This is the basis of the authority of the previous generation towards the one that follows it, and of the special responsibility of the political leaders that belong to the former.

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[4] And if, in so doing, in the best of cases these constitutional text writers only put off the moment of truth (as probably happened with the writers of the Spanish Constitution of 1978, as regards the territorial configuration of the state), in the worst of cases, their ingenuity or audacity can have catastrophic consequences (as happened with the Spanish Constitution of 1932).

In contrast, a generation and its political leaders without true authority are those who, when brought to face the following generation, evade responsibility for the kind of world that they have bequeathed to it, while inviting it to continue in a tradition of excuses and evasions. In the words of Hannah Arendt, they would perhaps say to them: "*In this world even we are not very securely at home; how to move about in it, what to know, what skills to master, are mysteries to us. You must try to make out as best you can; in any case you are not entitled to call us to account. We are innocent, we wash our hands of you*" (1993:191). Irresponsible politicians do not burden themselves with the legacy they leave behind. They blame fate, perverse enemies, disloyal friends, the ingratitude of the masses; and shrug their shoulders.

The institutions of civil society are designed precisely to increase the probability that the public authority will be held responsible for its acts, and this is one of its most outstanding characteristics when compared to other socio-political forms. This is why it is so significant that we find the most extreme case of 'irresponsible authority' in the person of Adolf Hitler, the seditiously charismatic leader par excellence, who took all political authority upon himself by arguing that, in turn, he accepted all possible responsibility. A false assumption. At the moment of truth, that is, when it came to taking responsibility for the disasters that his decisions had brought on his own people, Hitler only found the two 'solutions' of suicide and the destruction of Germany itself, as if he were trying to ensure that he would neither answer for his actions nor would there remain a people to make him do so.

In conclusion, civil society is an institutional construction of great complexity and considerable fragility whose existence depends upon the efficiency of the rules of coexistence between free people, and the responsibility, vigilance and civic disposition of successive generations of politicians and citizens, who act in a number of spheres such as the economic markets, the social fabric and the public space.

Because the institutional framework in itself lacks the (relative) permanence of tangible objects, be they natural or artificial, its dependence must be reiterated, endlessly, and it must be actualized through gestures, words and actions. These inevitably disappear with the passage of time and can only be recalled in a fragmentary and somewhat hazy way by following generations, so that they have to be 'repeated' or rather 'reinvented once again' in the light of new and fundamentally unforeseeable circumstances.

What we are talking about is a fragile institutional framework that requires constant care and cultivation. However, it does have one considerable advantage, among many others: it does not have the false promises of the 'eternity' of monarchies, nations or empires, or more prosaically, of the 'construction of socialism' implicit within it. And for that very reason, it enjoins us to avoid the dangers of the temptation of placing too much faith in politics or politicians, and reminds us of the sense in giving both of them their due importance and no more. Their importance, their responsibility and the fundamental basis of their authority reside in making an order of freedom possible in the 'here and now' for a specific people at a particular time in their history, and not for 'humanity' (that is, by definition, incapable of calling anyone to account) and imaginary future horizons (that are, by definition, unattainable).

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