

**THE CHURCH, THE ECONOMY,
THE LAW AND THE NATION:**

**THE CIVILIZATION OF NORMATIVE
CONFLICTS IN PRESENT DAY SPAIN**

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1. Civil and uncivil conflicts*

Contemporary societies tend to be plural societies beset by intense normative conflicts as to what the values on which they are established should be, their basic rules and even, at times, the main features of their identity. On occasion, these conflicts lead to such damaging crises that the continuity of these societies appears to be at risk. Curiously enough, there are many who are surprised by these crises and look back with nostalgia to a past normative consensus, or who cling to the idea that 'there is no salvation' unless the community is united around some common values, shared representations and a collective project. They assume that, to the contrary, their society will perish, or lose its bearings as if it were a ship on the high seas. I say 'curiously enough', because this 'surprise' in the face of normative conflict is proof that the dramatic history of all, or almost all, contemporary societies has been forgotten; that the moments of normative consensus have been retrospectively overvalued; that the fact that modern politics were invented precisely in order to handle these conflicts (recall the French '*politiques*') has been neglected; and that there is a general lack of awareness that the process of civilizing our societies has consisted largely of developing this 'art of politics', domesticating these conflicts, and learning to live with them.

Contemporary sociological literature has highlighted the role of diverse organizations and institutional complexes located within the state or society, or at the juncture of the one with the other, in reducing these conflicts and ensuring social cohesion. Thus, of the studies assembled in this volume, which comprises the report by the Bertelsmann Foundation for the Club of Rome¹, some have analyzed the role of the market as a mechanism for reducing the normative conflicts involved in the functioning of the apartheid regime in South Africa; the role of the networks of think tanks as mechanisms for bringing people of opposing political ideologies together to examine economic problems in Chile; the role of neo-

corporatist structures of consultation and negotiation between business, the unions and the government as mechanisms for creating confidence and channelling conflicts of interest in Germany; and the role of the secular state in attempting to avoid specific conflicts of ethno-religious identity in French schools.

Conversely, however, they have also pointed out the limits to the efficiency of these intermediary institutions: for example, in the solution to certain conflicts arising from ethnic or religious identity (in the French case), or some ecological conflicts (in the German case). They have even indicated the opposite possibility: that these institutions fulfill a propitiatory function not by reducing, but by exacerbating normative conflicts if they erode habits of civility and polarize a society into antagonistic ideological camps (as may have occurred in the case of the think tanks in the United States).² Thus we must conclude that the institutions that mediate in conflicts may either reduce or exacerbate their intensity, and it is essential to examine the nature of the ideas and values promoted by them.

My essay starts with this argument and develops it on various fronts. I examine the evolution of the contents (ideas and values) of the normative discourses of different social groups, and the factors and mechanisms that explain their evolution. I distinguish between explicit discourses and the tacit discourses that are involved in people's actual behavior. I relate some normative conflicts to others and distinguish between two types: 'civil and uncivil' normative conflicts. Finally, I analyze the factors and mechanisms that transform 'uncivil' conflicts into 'civil' ones, and viceversa.

My empirical reference is the experience of a series of conflicts in present day Spain. The reader will see how varied these conflicts are and how greatly they have altered over time. Their transformation has depended (at least to some extent) on the way in which some normative conflicts have combined with others. At worst, the combination has led to civil war, in the past, and to endemic terrorism in one part of the country at present. At best, it has made possible the peaceful transition from an authoritarian regime to a liberal democracy.

*I would like to thank Berta Álvarez-Miranda, Juan Carlos Rodríguez and Celia Valiente, from Analistas Socio-Políticos, Gabinete de Estudios, for their comments to different versions of this work.

¹ See Peter Berger, ed. *The Limits of Social Cohesion: Conflict and Mediation in Pluralist Societies* (Boulder, Colorado: Westview Press, 1998).

² See the chapter by James D. Hunter "United States of America: The American Culture War", in Berger, *The Limits of Social Cohesion*, pp.1-36.

I begin by linking the problematic of normative conflicts in plural societies to a theory of civil society, and consider the latter, in its broad sense, which includes all the social organizations that are neither 'state nor market' as *one* of its components.³

A civil society (as I use the term in this essay) is an ideal type of society that roughly corresponds to certain historical societies. It is characterized by a set of institutions through which the 'rule of law' makes it possible for an order of freedom, composed of a number of 'nomocratic'⁴ or polycentric orders sharing a fundamental formal homogeneity, to function. The three most important orders are a market economy, a plural social fabric and a public space (or a space for free public debate). These orders are based on spontaneous interactions between free individual agents who respect the general rules of coexistence. The rules are made effective by the presence of a public authority with its corresponding coercive apparatus (whose legitimacy is based on its commitment to maintaining the order of freedom), and on a 'culture', that is to say, on the moral orientations and dispositions of the individual agents (which must be coherent with its functioning).

This type of society has endemic normative conflicts; in fact, they are necessarily implicated by it. Its plural social fabric contains a large diversity of individuals, their families and other more or less organized bodies or social groups. To a large extent, individuals can choose the groups that they want to belong to, the way in which they belong to

them, and the means of contributing to the definition of the interests, the strategy and the identity of those groups. All this is based partly on the position of individuals and groups in the division of work of a society based on a market economy; but also, partly, on other differentiating factors. Among these, an important role is played by the differentiation of society into like-minded groups by reason of their shared political orientations (brought together by a great variety of economic, ethnic or religious motives or by political belief or sentiment in the restricted sense, etc.).

The necessary normative consensus in order for a plural society of these characteristics to function in an orderly manner is, at least initially, relatively limited. It is sufficient if there is a minimum consensus on the rules of coexistence, and on the values that are necessarily implicit in the functioning of this order of coexistence. These values include tolerance and respect for the freedom of agents, and truth and rationality in public debate, judicial processes, and economic exchanges. To start with, these can all exist in an instrumental way, providing the rules are observed and the corresponding sanctions imposed when they are broken, independent of whether, deep down, people accept them as legitimate or not. Because, although it is clear that a deeper and more extended normative consensus is very convenient for a plural society, since it will make it more powerful and increase the probability of it working successfully if a critical mass of citizens truly share the underlying values of the rules, it is not indispensable.⁵

³ On the distinction between a 'generalist' and a 'minimalist' interpretation of civil society, see Víctor Pérez-Díaz, *The Return of Civil Society* (Cambridge, Mass.: Harvard University Press, 1993), or the Spanish version *La primacía de la sociedad civil* (Madrid: Alianza Editorial, 1993); and Víctor Pérez-Díaz, "The Possibility of Civil Society: Traditions, Character and Challenges" in *Civil Society*, ed. John A. Hall (Cambridge: Polity Press, 1995), 80-109, and Víctor Pérez-Díaz, "The Public Sphere and a European Civil Society", in *Real Civil Societies. The Dilemmas of Institutionalization*, ed. Jeffrey C. Alexander (London: Sage, 1998), 211-238, (Spanish version *La esfera pública y la sociedad civil*, Madrid: Taurus, 1997).

⁴ To employ the term used by Michael Oakshott (of a 'nomocratic order' as opposed to a 'teleocratic' one) and used by Friedrich Hayek in *New Studies in Philosophy, Politics, Economics and the History of Ideas* (Chicago: The University of Chicago Press, 1985), 89.

⁵ In this sense, the demands of Emile Durkheim or Talcott Parson, for example, for a broader and deeper normative consensus are excessive or hardly realistic, particularly if they are applied to the initial phases of the process of formation of a civil society. These authors are contemplating societies that are, from a sociocultural point of view, relatively homogeneous, in which there is no intense cultural diversity. However, what defines civil societies is precisely their real or potential plurality. See Emile Durkheim, *De la division du travail social* (Paris: Presses Universitaires de France, 1967 [1893]); and Talcott Parsons, *Sociological Theory and Modern Society* (New York: The Free Press, 1967). A more extensive critical discussion of the positions of these authors is to be found in Víctor Pérez-Díaz, "From 'civil' war to 'civil society': social capital in Spain 1930s/1990s", *ASP Research Papers* 23(b)/1998. Max Weber's vision of an intense cultural debate takes us to the other extreme and simplifies what is in reality a series of typical variations on the normative debates in

The normative conflicts of a plural social fabric may be 'civil' or 'uncivil' (or fall somewhere between the two extremes). The question we have to ask ourselves is how they are formulated and how they are lived. Civil conflicts are formulated and lived in a manner compatible with maintaining a civilized coexistence and civic conversation; they could almost be considered the spice that adds zest to the conversation. Uncivil conflicts are formulated and lived in a way that tends to break up the civilized coexistence of a community. The contenders silence their opponents, they stigmatize them by excluding them morally from the community, they break down their means of defence, they reduce their spheres of autonomy to a minimum and, in the last instance, they execute or assassinate them. This is what usually happens when an uncivil conflict increases in intensity until it becomes a 'civil war' (which is, of course, the most 'uncivil' of conflicts possible).

The transformation of an uncivil conflict into a civil one or, to put it another way, the 'civilization' of a conflict, depends on several factors. In the last instance, it depends on the success of a pacification process that proscribes or minimizes the use of physical violence to settle a conflict, and on a process of institutionalisation and (in the long term) internalisation of a normative agreement on the principles and values of coexistence, in which those who assume the position of the public authority or social authority play a very important role.

An equal balance of strength between the contenders is usually favorable to pacification, which is a prior requisite for the civilization of a conflict. However, in itself, this balance can only lead to a state of truce. For a truce to hold and for a civilized coexistence to develop between contenders, other institutional and cultural factors have to intervene; and their analysis brings us to consider two kinds of actors. On the one hand, we have the strategic actors like the public authorities and the 'social authorities' (who comprise, for example, members of the clergy, intellectuals, businessmen, union leaders, politicians from all parties, judges and journalists). On the other, we have all the ordinary people in their multiple roles as citizens, productive economic agents, consumers, believers, family members, etc.

a plural society: Max Weber, *La ciencia como profesión; la política como profesión*, trad. Joaquín Abellán (Madrid: Espasa Calpe, 1992).

Initially, a balance of strength may exhaust the contenders, leading them to think that the costs of an uncivil conflict are greater than its benefits; that the alternative to a fight to the death is to live and let live. As we all know, the combatants reached this situation after some of the European wars of religion; and it is what Dankwart Rustow was referring to in his analysis of the early stages of democratic transitions.⁶ The stalemate creates the conditions appropriate for the intervention of an intermediary public authority or social authorities between the contenders, and this opens the way for civil coexistence.

Primarily, the public authorities in a civil society are obliged to establish, or re-establish, the equilibrium that allows free coexistence. They are the 'guardians of the community' insofar as they are the guarantors of the laws proper to an order of freedom: laws that they themselves must respect as well as make respected. This means they must be committed to the unremitting tasks of seeing justice done and overcoming the disorder created by offences against the law. At the same time, they must constantly encourage community sentiments of reconciliation and 'love of the homeland' to avoid the development of feelings destructive to coexistence. This conception of the office of public authorities and magistrates is as much the legacy of the experience of the classical city as the practice of European statesmen of the sixteenth century - consider *les politiques*, or Henri IV of France, or even William Cecil in England⁷ - at least to the extent that they were trying to design the kind of state that would promote civil peace by tolerating religious dissidence and channelling, though not entirely suppressing, the religious conflicts of their times.

Normative conflicts are susceptible to being moderated or exacerbated (beyond all limits) by the most varied social authorities. There have been numerous intolerant churches and extremist political parties, though there are as many examples to the contrary. Over the last few centuries, at least in the west, the evolution of Christian (including Catholic) Churches and the majority of the political parties with parliamentary representation has

⁶ Dankwart Rustow, "Transitions to Democracy: Towards a Dynamic Model", *Comparative Politics* (1970): 2,3.

⁷ J.B. Black, *The Reign of Elizabeth 1558-1603* (Oxford: Oxford University Press (2^a edition), 1959).

shown a clear tendency towards civilization (in this sense). Calls for reactionary resistance or social revolution against the liberal order have been muted; and the manner in which normative problems have been formulated has generally been tempered by a tolerant attitude towards opponents.

In modern civil societies, there are additional intermediate social authorities that tend to act as points of reference in normative conflicts. They regulate debates and reassert the importance of certain procedures and values that can reduce the intensity of disputes when applied. Thus they can act, up to a point, as moderators in conflicts, and be recognized as relatively impartial in their settlement. This kind of authority is represented by judges or journalists or academics, whose very professions oblige them to remind the participants (and themselves) of the importance of truth when the arguments of each side are weighed up, the need for these arguments to be based on verifiable facts and logic, and their presentation to be in line with previously accepted procedures.⁸

Nevertheless, in the final analysis, the civilization of a conflict depends on the conjunction of the actions of the strategic agents, that is, the public and social authorities, with the actions of the population *en masse*. Ascertaining the causal direction of their reciprocal influences requires empirical research into each case. Although the educating role of the authorities is usually important, it is probably less so than that of the man-in-the-street, whose practical behavior *en masse*, and in the long term, is usually decisive for civilizing the outlook and actions of his own élites. In any case, both the effective behavior and the mentality of all the actors is affected by the influence of the institutions within which they tend to operate. These, in turn, can be seen as the crystallization of past behavior.

2. The historical background to the ‘Spanish Problem’

This essay analyzes the civilizing process of the normative conflicts of a country with a dramatic tradition. Over fifty years ago, Spain was characterized as a labyrinth in a classic book in which the

⁸ For more on this topic, see Hannah Arendt, “Truth and Politics”, in *Between Past and Present* (London: Penguin, 1993 [1961], 227-264.

author demonstrated how Spaniards had been unable to handle the normative conflicts that broke out after the War of Independence (1808-1814) and raged for over a century, and how, in some ways, they allowed themselves to be dragged into the civil war.⁹ But the extraordinary conflicts of contemporary Spain originate from an even earlier historical era.

The civilizing processes of the last thirty or forty years (that are the central object of this study) can be understood as the ‘answer’ to the civil war of the mid-thirties. That war brought to a tragic end over a century of attempts by the state and the liberal tradition to control a series of conflicts relating to the role of the church, the nature of the state, socioeconomic organization and national identity. However, the strength of those conflicts and the comparative weakness of the liberal tradition in its attempts to subdue them were the result of experiences dating back over the preceding three hundred years, when there had been a systematic attempt by the political élites and the church not to control conflicts but to suppress them.¹⁰

During the *Ancien Regime*, from the Golden Age to the Enlightenment, Spain was witness to the deliberate construction of a homogeneous society under the control of a traditional monarchy and the Catholic Church. The reign of Philip II made a decisive contribution to the construction of this society during the second half of the sixteenth century. Consequently, all promise of the plural society that had still been viable in the first half, and could have lived within a framework of some general rules of coexistence (under a responsible public authority confined to upholding peace and justice), affirmed its diversity within that framework and lived with the corresponding normative conflicts, was thereby destroyed.

Over a period of three hundred years, there was a gradual reduction of the diversity of the social fabric and the vitality of its original plurality, although there were moments of brusque change and partial (and generally erratic) attempts at

⁹ Gerald Brenan, *The Spanish Labyrinth*:

¹⁰ The relationship between the public sphere and the sociopolitical order in Spain during this period is discussed in greater depth in Víctor Pérez-Díaz, “State and Public Sphere in Spain during the Ancient Regime”, *Daedalus: Journal of the American Academy of Arts and Sciences*, Vol. 127, No. 3 (Summer 1998). Also in *ASP Research Papers* 19(b)/1998.

recuperation or regeneration. Ethnic diversity was reduced by means of expelling or trying to assimilate Jews and Muslim converts. Any diversity of religious belief was suppressed. The Inquisition systematically persecuted Protestants, crypto-Jews, crypto-Muslims, any heterodox beliefs in general, and anything that it considered to be the residue of a paganizing morality affecting people's habits, particularly in the countryside. In all, the capacity for intellectual innovation among the élites, and reading frequency in general was reduced. The diversity of the social forms adopted by feelings of honor or reputation was diminished. The decrees promoting *limpieza de sangre* (purity of blood) generated a rigid sense of the racial honor among Old Christians, and the spread of an ethos of *hidalguía* (membership of the nobility) reinforced the negative attitudes associated with the *vileza* or baseness of the trades of artisans or craftsmen. The process of differentiation of economic interests stagnated. The market economy progressed but in a slow and contradictory way. In reality, in the long term, there was a relative economic and demographic stagnation that resulted mainly from institutional obstacles and models of behavior that represented a serious lack of a spirit of enterprise (or 'capitalism').

This was all related to a decline in the perception and use of the juridical order as an impartial order of general rules of coexistence for the defence of individual economic interests, indicated by the decline in litigation and in the prestige of the judiciary. A developing diversity of political sentiment linked to the opportunity for political debate was abruptly terminated. The defeat of the *Comunidades* in 1521, the intervention in Aragon at the end of the sixteenth century, the crisis in the mid-seventeenth century (that includes the war in Catalonia), and the *Decretos de Nueva Planta* at the beginning of the eighteenth: all served to reduce the importance of the parliamentary institutions in the different kingdoms and limit recognition of the political identity of the various parts of the Monarchy. By the eighteenth century, the eventual effect was to create a society very slow to take advantage of economic and demographic expansion and the winds of change blowing from the Enlightenment. A society very different from the 'polite and commercial' society of eighteenth-century England, overflowing with dynamism and

diversity.¹¹

In the nineteenth century and the first third of the twentieth, there were constant attempts to create a civil society based on the institutions of the liberal state, the market economy and a culture of tolerance, but they met with major difficulties. Institutional and organizational inertias persisted in the state, the church and in social life in general, and inertia pervaded the cultural dispositions that the population had been gradually acquiring in earlier times. The liberal state of nineteenth century Spain was dominated largely by clientelistic networks, with a considerable patrimonial bureaucracy and insufficient development of the rule of law. The church tended to be intolerant and held to an archaic reading of economic and social life. The market economy developed at a slow pace except in Catalonia and (later) in the Basque Country, so that both areas attracted emigrants from other regions. In general, Spain continued to be a predominantly rural country. In the north, the rural masses tended to be supporters of Carlism; in the south, they had anarcho-syndicalist leanings; in the center, they resigned themselves to making the best of a clientelistic state, a partial justice, a patrimonialist bureaucracy and an intolerant church (that had been reinforcing its own client networks). In other words, the rural population either lacked any affinity with the principles of an open, dynamic civil society (in the north and south), or it had a weak affinity with these principles but no organizational outlets (in the center).¹²

Insofar as the urban immigrants retained their affinities, and these coincided with the inclinations of a large part of the élites, the result was an authoritarian bias in the consequent behavior of the political parties. Due to this, in the nineteenth century policy, the public space was not used as a place of encounter for different opinions, but as a place where contenders tried to impose their idea of a 'good society' or a 'well ordered society' on the rest of that society. This led, in turn, to the

¹¹ Paul Langford, *A Polite and Commercial People: England 1727-1783* (Oxford: Oxford University Press, 1989).

¹² On Castilian peasant and the culture of the 'corporate village' in Castile during this period, see Víctor Pérez-Díaz, *Structure and Change of Castilian Peasant Communities: A Sociological Inquiry into Rural Castile 1550-1990*, (New York: Garland Publishing, 1991).

tendency to consider that the state had to be ‘conquered’ precisely in order to employ it as an instrument at the service of a good society (which implied a teleocratic conception of the contemporary state).¹³

Consequently, for a century and a half, it was difficult to ‘civilize’ the normative conflicts that arose because they tended to be viewed, and lived, by many as the prelude to a great, dramatic, collective decision. Conflicts accumulated and merged as time went on: a liberal state or a state at the service of a substantive idea (religion or nationalism or social reform); clericalism or anti-clericalism; a unitary or plural (or fragmented) Spain; capitalism or social revolution. The conflicts were too many and too deeply ingrained to be channeled by a liberal tradition that tried, repeatedly, to create the institutional framework necessary for the formation of a civil society. These courageous, though unsuccessful, liberal attempts did, however, come to enjoy the active support of large numbers of the urban masses, and the passive support or neutral indifference of some sectors of peasants. In fact, this tradition would become the pivot around which the work of the liberal state, interrupted and recommenced, would revolve. It went through various phases and seemed, at times, to be close to success: it won a victory over Carlism that was followed by the moderantism of the 1840s and 1850s. It then won a new victory over Carlism and cantonalism that culminated in the Restoration of the final third of the century, but was followed by the inability of that regime to cope when under pressure from anarcho-syndicalism, the military juntas and peripheral nationalisms. Its final attempt under the Second Republic in the 1930s then ended abruptly in failure.¹⁴

The Second Republic failed due to the combination of the intensity of the normative conflicts (the ‘problems of demand’ in political life) and the weakness of the state and liberal society (which should have been able to ‘supply’ solutions to those problems in the shape of public policies and dis-

courses of justification).

As the conflicts (concerning religion, the nature of the state, social tensions and the problem of nationalisms) intensified, many of the strategic actors were found to be lacking in respect for the institutional framework of an order of freedom. Anarcho-syndicalists and Carlists questioned the very legitimacy of a regime that also had to withstand the uncertain loyalty of nationalists, the merely instrumental support of the moderate right (in response to a constitutional design that tended to exclude part of Catholic opinion), the propensity of some socialists (not to mention communists and Falangists) to compromise themselves in violent revolutionary adventures, and the reluctant loyalty of the armed forces that later led to their rebellion. Moreover, it failed to constitute a supreme symbolic authority that should have played the role of ‘healer’ or emotional unifier of the community, embodying the principle of the unity of the common homeland, over and above party politics. Neither did it develop impartial authorities that could moderate the ongoing normative conflicts. Lastly, public policies either ignored or mishandled the over-riding economic and social problems such as rural poverty, seasonal unemployment in the countryside, or the problems of agricultural smallholdings like the *rabassaires* in Catalonia, the *yunteros* in Extremadura or the peasants in Castille, which served to increase the intensity of the conflicts of interest parallel to the normative conflicts.

The final result was a situation in which a cultural conflict about religion and the Church, certain class conflicts, some regionalist tensions, and the erosion of the framework of the law led to a civil war of catastrophic dimensions that lasted for three years. Significantly, the supreme authority of the Republican legal order was reduced to the role of a passive and pathetic witness of the conflict, as the President of the Republic himself, Manuel Azaña, revealed in a drama he wrote called “La Velada de Benicarló”. In this play, Azaña is engrossed in melancholic reflections on violence, moral disorder and people’s confusion, and he ponders on the sense or perhaps the ‘non-sense’ of war, to the point that one of his protagonists proposes the little village of Cienpuzuelos as the emblem of Spain at war. The village, with its two mental asylums, stands between the two battle lines. It has been deserted by all except the inmates who, having broken down the doors of their prison, do just as they please while they wait for

¹³ Or a conception of the state as ‘an association of the ‘enterprise’ type’: Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1990).

¹⁴ On this failure in the 1930s, see Juan Linz, “From Great Hopes to Civil War: The Breakdown of Democracy in Spain, in Juan Linz and Alfred Stepan, *The Breakdown of Democratic Regimes: Europe* (Baltimore: The John Hopkins University Press, 1978), 142-215.

the victory of one side or the other, which, in any case, will only serve to heighten the absurd.¹⁵

Some theoretical orienting statements about this essay

Out of the debris of the civil war, a new process of formation of a civil society began in Spain, and her normative conflicts have since been largely converted into civil conflicts. I do not mean that these have been ‘solved’ (or ‘terminated’) but simply ‘civilized’, so that it is possible to ‘live with them’ instead of ‘dying (and killing) for them’.

In particular, I am going to concentrate on four civilizing processes over the last thirty to forty years. First, the evolution of the Church, which has led to it being reconciled to an order of freedom, allowed it to overcome the emotional trauma of the civil war, prevented a resurgence of anti-clericalism and anticipated the democratic transition. Second, the evolution of right and (particularly) left wing political parties, which has allowed a compromise, underlying the constitutional compromise, on the market economy and the welfare state. Third, the evolution of the idea and institutions of the rule of law, which has been reaffirmed in the face of serious offences. Fourth, the evolution of nationalist feelings, with very special reference to the Basque conflict, which may have opened the way for a series of compromises (including the possibility of a negotiated solution to the latter conflict).

In each case, I shall discuss the genesis and development of the civilizing process, its cultural and institutional dimension, the roles played by the strategic actors and ordinary people in relation to it, and the role of the explicit discourses and effective behavior of the two groups. I shall also indicate the relationships that exist between some processes and others, their limits and their nuances and contradictions, as well as the influence of the international framework within which they have been able to develop.

Having said this, and prior to describing and explaining the above processes, I should like to make the orienting theoretical propositions of this essay explicit for the reader. In this way, he/she will be better able to understand my use of certain concepts, and the steps I take in my explanation.

¹⁵ Manuel Azaña “La Velada de Benicarló” in *Obras Completas*, tomo III (México: Oasis, 1967), 379-460.

The price to be paid for this is the aridity of some abstract paragraphs and summaries, set out in a relatively simple and apparently dogmatic way, the utility of which only becomes justified in the discussion of processes later on. These theoretical orientating statements are, in synthesis, the following.

Firstly, I believe that the problem of the normative conflicts of our modern societies should be placed within the theory of a civil society, and that the conceptual schema of a civil society should incorporate the distinction between civil and uncivil conflicts, and the problematic of the processes of transformation from the one into the other.

Secondly, I believe that this schema should integrate three distinctions: between actions of innovation and change, and routinized or institutionalized actions; between agents’ actions that consist of effective behavior (institutionalized or not) and those that consist of explicit discourses; and between the actions of strategic actors and those of ordinary people.

Thirdly, I must add a little complementary information. ‘Effective behaviors’ are not lacking in significance: on the contrary, they are impregnated with moral considerations and cognitive schemas previous to or concomitant with the behavior itself. As a result, the behavior may be ‘read’ like a ‘text’ that, as such, incorporates messages with a meaning that it is possible to decode and interpret¹⁶. It also contains implicit normative propositions. The consideration of behavior as a text with implicit normative propositions means that there is a variety of ways of manifesting normative discourses (and the corresponding conflicts) that range from the explicit to the tacit, passing through different degrees of ambiguity (for reasons that run from inattention to dissimulation). It means, likewise, that explicit discourses occur in the context of a far broader normative conversation that overlaps conflicts of interest and different sociopolitical and socioeconomic strategies. As a result, explicit discourses are unintelligible outside this context.

¹⁶ Paul Ricoeur, *Hermeneutics and the Human Sciences: Essays on Language, Action and Interpretation*, trad. J.B.Thompson (Cambridge: Cambridge University Press, 1981), 198ff.

Fourthly, there are reciprocal influences and causal relationships in both directions between effective behaviors and explicit discourses, just as there are between the actions of the *élites* and those of ordinary citizens. However, there is usually a certain dissonance between behaviors and discourses, and *élites* and citizens. Moreover, in general and in the long term, behaviors (with the corresponding practical knowledge) tend to prevail or carry more weight with both groups than explicit discourses.

From this conceptual schema and my theoretical orienting statements we can go onto the questions and the crux of the argument that shape my discussion of the civilizing processes of conflicts.

3. The Catholic Church, and its contribution to an order of freedom

The civil war was lived by many of the combatants as a war fought largely in defence of, or as an attack on, the Catholic religion and the Catholic Church. On one side, the war was seen as a great opportunity to destroy the influence of the Catholic Church, once and for all, by the expeditious procedure of eliminating or 'liquidating' (according to the euphemism of the period) the clerical estate; and an extremely bloody religious persecution was unleashed that led to the assassination of several thousand priests, monks and nuns. On the other side, the military uprising was interpreted as a religious crusade in the tradition of the Reconquest against the infidel, or the religio-imperial wars of the Spanish monarchy and the Church of the Counter-Reformation in the sixteenth and seventeenth centuries.¹⁷

The new Francoist state lent itself to an 'idea of Spain' that meant the fusion of a traditionalist dream with a modernizing discourse: a return to the tradition of the Spain of the *Ancien Regime*, expressed in the language of a new Spanish nationalism. The objective to be achieved was a 'single' Spain with a strong public authority and weak or cosmetic parliamentarianism, in alliance with an intolerant Church. The Church saw the possibility of fulfilling its dream of catholicising

the entire country in the circumstances peculiar to the Spain of the mid-twentieth century. It was a historic opportunity to achieve an ideal; and not to conform to the lesser evil of coexistence with error and the doctrinal enemy, within the framework of a liberal state and a plural society, as the French, Italian and German Churches of the postwar were obliged to do. The decision to accomplish this ideal was reinforced by the intense feelings of horror and anger generated by the experience of religious persecution and the civil war, which were transmuted into the desire to remake the world in its own likeness.

On the basis of these premises, the Catholic Church committed itself to a strategy of the spiritual reconquest of Spain in the following years. To do so, it showed great organizational dynamism, proselytizing enthusiasm and the systematic use of the state apparatus. Thanks to the latter, the Church was in a position to control a large part of the educational system, to police people's customs, and to occupy most of the public space. It baptized, married and preached to a large part of the subordinate southern rural and urban working classes that had supported the Republican side during the civil war. It educated large numbers of the children of the liberal, or semi-liberal middle classes that had resisted its influence in the past. All these classes formed part of a whole, the nation, that was seen corporatively like a historic subject whose mission was to glorify God and serve His Church. The Spanish nation and Catholicism appeared to be in spiritual union as the consequence of a long tradition and a providential historical opportunity. They were moments of triumph and euphoria for the Spanish Church, when 'everything dovetailed', the religious and the temporal, the private and the public. They were moments that would last for at least two decades.

However, cracks were to start appearing in this triumphal edifice from second half of the fifties and during the sixties; and it collapsed in the seventies. The Church was to change course, and would eventually distance itself in a radical manner from its original reading of the civil war, its 'national-Catholic' strategy, and the Francoist regime itself. The main outlines of the argument that explain this evolution are the following.¹⁸

The logic of the situation encouraged the

¹⁷ For a more detailed discussion of this evolution, up to the moment of the democratic transition, see Víctor Pérez-Díaz, *The Return of Civil Society* (Cambridge, Mass.: Harvard University Press, 1993,).

¹⁸ *Ibidem*,

Catholic Church to attempt an ‘in depth’ spiritual conquest of the masses of the different sectors of the population. It was not content with a simple, compulsory, outward Catholicization imposed through instruments of mass indoctrination and coercive action on the part of the state; imposed, in other words, by a mixture of popular missions and ‘thought police’ in the inquisitorial manner of the old days.

To a large extent, the Church did not rely mainly on coercion and indoctrination because it knew such strategy would not be successful. The Church was confronted by people with an intense, living memory of doctrinal dissidence. They were able to look within themselves and compare the national-Catholic proposals with other alternatives handed down from the past. The alternative interpretations were mingled with very recent memories and associated with experiences that looked as if they might occur again. Some were socialist or anarchist experiences; others were secular and liberal. Moreover, people were living in the ‘middle of the twentieth century’ and the ‘spirit of the times’ did not seem to correspond to the realization of a dream of an all-embracing, old-style Catholicism. The country had porous borders and information came in through them, mainly (though not exclusively) from the capitalist democracies that won the Second World War, to which the Catholic Church was trying to adjust.

Furthermore, a profound change took place in the way that the new generations of Catholic priests approached the problem of making converts. Their approach was appropriate to people increasingly mindful of the content of the *religious experience*. This caused a rupture with the traditional method predominant in the Spanish Church, which was mostly concerned with its struggles with the temporal powers and more preoccupied with the external submission of the faithful than with people’s religious sentiments.

With that ‘traditional method’ during the *Ancien Regime*, the Church had managed to outlaw Protestantism together with any manifestations of religious life that could reduce the relative importance of the external aids of popular religion (that is, the sacraments, ceremonies, processions, holy images and public acts of worship), or lower the standing of priests themselves as officiants of the sacrament, protagonists of acts of worship and keepers of the conscience. The result had been an almost totally Catholic society: a society that was

baptized, married in Church, had their children baptized, received the last rites and were buried in holy ground. Though they might love or hate the clergy, they did not bother with theological disquisitions, and were instinctively reluctant to convert to other religious beliefs (as would-be atheists asked, as the saying goes: “if I don’t believe in the Catholic religion, which is the only true one, how can I believe in another?”).

As a result, the hostility of the traditional Church towards the liberal regime followed from its failure to prevent the latter from opening up the market in religious beliefs to competition, in both the public and educational spheres. This led to the appearance and development of alternative religious or ‘quasi-religious’ movements, like anarcho-syndicalism and socialism; and also to a profound moral and emotional distance to the teaching of the clergy on the part of large segments of the population. The Church and its faithful were not slow to react against freedom of belief and these movements. The Catholic masses officered by priests who had participated in the civil war were (normally) ‘enthusiasts’ only in the colloquial sense of the word, that is, insofar as they were people with an intense feeling or drive that they needed to manifest externally. However, they were not ‘enthusiasts’ in the sense that David Hume gave to the word, insofar as they were not ‘sentimental’ or enthusiastic with an intense but intimate and personal feeling for religion. Therefore, they were the masses that Hume would have labelled ‘superstitious’ and deferential to the clergy.¹⁹

If the evolution of Catholicism under Francoism led to the development of intimate and personal religious enthusiasm as such, this was due largely to the ‘spirit of the times’ to which I have already referred. Throughout the long period of uncertainty from the beginning of the century to after the Second World War, European Catholic thought was attracted or influenced by a ‘Protestant’ turn of thought or reasoning, of which existentialism was only one exponent, and this eventually came to influence the Spanish milieu.²⁰ In this way, a moral

¹⁹ David Hume, “Superstition et enthousiasme”, in *Histoire naturelle de la religion*, trad. by Michel Malherbe (Paris: Vrin, 1989 [1741], 33-38.

²⁰ Witness the testimony of a contemporary Catholic moral philosopher on this question in José Luis L. Aranguren, *Protestantismo y catolicismo como formas*

of authenticity was incorporated into Catholic educational language, and a search began for the enthusiasm of personal convictions and innermost feeling.

Needless to say, the inner convictions sought by the 'enthusiasts' (as opposed to the outer trappings that satisfied the 'superstitious') required adaptation of the Catholic message to the demands for feeling and moral and emotional help expressed by the sectors of the population they were trying to influence. Therefore, the task of the new generations of priests who emerged from the proselytising enthusiasm of the forties and fifties consisted of finding the means of adapting religious 'supply' to 'demand'. This required understanding the demands in the terms in which they were presented and experienced. A process of doctrinal accommodation was initiated that was to lead those young priests (located on the border between the ecclesiastical organization that 'sold' its products and the society that might or might not 'buy' them) in unexpected directions. Because the resulting normative debate compelled them to gradually modify their original positions until 'conversion' began to work both ways. In sum, the religious 'offer' adapted to circumstances, and to the moral and political language of society.

The task of converting different sectors of the population, that was sometimes taken on by different parts of the ecclesiastical body, led the latter along different paths. For example, the task of christianizing the business sector brought the Opus Dei to justify and support a business ethos and the kind of economic policy that were compatible with their support of the Francoist political regime. For their part, the Jesuits, with their habitual versatility, adapted themselves to the most varied terrain. In the Basque Country, their proximity to a nationalist, traditionalist middle class led them to encourage Basque nationalism; in an intellectual or working class environment, they adapted to their respective audiences; in the Third World, they contributed to the development of liberation theology.

The task of christianizing or catholicizing middle class university students led many new generation priests to make their peace not only with the liberal tradition that had existed prior to the civil war but with the new currents of

existentialism and Marxism as well; and more so when these young priests traveled outside Spain and became aware of the dialogue taking place between the clergy in neighboring countries and these doctrinal trends. Dialogue and rapprochement gradually brought young priests to sympathize with the anti-Franco agitation that developed in the universities from the mid-fifties onwards; and their sympathy increased as the university movement joined up with a parallel process developing among the industrial working class.

In the latter case, the Church was quick to manifest its desire to participate in a solution to the so-called 'social question'. But after a time, its participation was reformulated as 'a choice of sides' in what was defined as 'a class struggle'. 'Choosing sides' was like 'choosing between the flag of the devil or the flag of Christ (as people were urged to do at the end of the spiritual exercises of Saint Ignatius). The transformation of traditional religious dramatic discourse into 'modern' terms, having assimilated a substantial amount of Marxist discourse en route, was experienced by some Jesuits in the fifties as a process of acculturation, as part of their experience of living like the workers, recent immigrants from the countryside, who began to populate the suburbs of the larger cities as a result of economic growth. They went to live 'with them' and 'for them' and they therefore had to live 'like them' and 'make their experience their own': *ergo*, they came to share their perception and judgement of the world around them. For them it was a phenomenon of acculturation inspired by the experiences of the French worker priests. But, in the final analysis, it was also a phenomenon similar to that experienced by the Jesuits with the Guaraní Indians of Paraguay in the eighteenth century, or even earlier by Father Francesco de Ricci with the Chinese mandarins; and justified in the same terms.

This led Catholic priests and activists to cooperate with socialists, unionists and communists in the development of political and union organizations hostile to the Francoist regime and capitalism, whose reference base was the working class. It was at this point that the activities of students and workers coincided. As a result, Catholic university students came to form part of the political and union organizations, working as union lawyers, economists or organizational leaders.

The groundwork done by non-conformist priests

de existencia [2^aed.] (Madrid: Revista de Occidente, 1957).

and Catholics took from between ten to twenty years and coexisted uneasily with that of the official Francoist Church. The relationship between the Catholic groups collaborating with the state and those involved in subverting it was tense and complex. But from the end of the fifties onwards, their conflicts were mediated and channelled by the Church in Rome which encouraged a change of attitude towards Francoism as a consequence of the position adopted by the Second Vatican Council. This contributed to the gradual acceptance of the theses of the non-confessional nature of the state, and religious freedom (recognized by the Episcopal Conference and affirmed in the document "On the Church and the Political Community" published on 23 January 1973). It also led to the creation of a space within the Church where pluralism (and the corresponding normative conflicts) was tolerated, the establishment of norms for negotiation between the two sides, and the self-regulation of the hierarchy in the exercise of its authority when dealing with these conflicts.

However, this might have led to nothing more than peaceful coexistence with fanatical and authoritarian enthusiasts, both within the Church and in society as a whole. That this was not the case is due to a singular process of the interiorization of norms of negotiation and tolerance.

It is worth noting that the religious-political enthusiasts entered the temporal lists motivated and prepared for battle, and that their ideas about what constituted 'a better world' were hardly liberal. The irony of the situation is in the transformation of these uncivil enthusiasts, who dreamed of 'fighting for justice' and 'conquering souls', into tolerant members of the citizenry. Their motivation for cultural battle was rooted in the ancient Catholic tradition of belligerent intervention in the world. The clergy has almost always wanted to exert influence over politics and control the state and the enthusiasts of the fifties and sixties were no different. They wanted 'justice to be done'; only, in this case, it was a question of social justice that required drastic reforms of a socialist or anti-capitalist nature. They wanted there to be 'more freedom', but their liberalism was largely instrumental. In order to achieve a state of social justice (or 'true freedom'), the masses had to have the freedom and resources necessary to assert their interests. (Nevertheless, it was not wholly instrumental because the call for freedom echoed

their own experience of a moral of authenticity).

However, their effective behavior in the fight for justice and that instrumental freedom, in the competitive conditions of the open market instead of a monopoly, where alternative interpretations of life - like Marxism, liberalism or the conservative ideologies associated with Francoism itself - existed, meant that they developed the habits of freedom, the models for negotiation between equals, the customs of coexistence and the attitude of 'live and let live'. It meant that, in practice, the values of an order of freedom that maximized freedom for everyone took root. Over time, their dreams of social justice became blurred and confused, and compatible with formulas of compromise with capitalism. On the other hand, the commitment to freedom, and equality before the law, and 'equality of opportunity' remained.

The result of this evolution was that, as the historical relationship of the Church with the civil war and Francoism diminished, so did its tradition of hostility towards the liberalism and socialism of the previous one hundred and fifty years. This, in turn, enabled the demolition of the moral and emotional bases of anti-clericalism, and facilitated the post-Francoist constitutional consensus.

The Church had finally come round to advocating the installation of a liberal democratic regime, both in theory and in practice, inasmuch as part of the Church (the part that emerged victorious from the internal struggles of the seventies) had protected the dissident movement against Francoism, both in its political and its social (union, intellectual or professional) variants, and had even shared in that dissidence. The Church anticipated the democratic political society of post-Francoism inasmuch as it created a public space in which the different parts of plural Spanish society (beginning with the three 'cultures' of christianity, liberalism and marxism) could coexist peacefully. The very fact that the Church did not encourage a Christian-Democratic party, committed specifically to the defence of Christian values and the interests of the Church, was a sign that the Church was reconciled with the principles of the liberal order and also that it was unafraid of socialism. In fact, some of the socialist leaders and militants were Catholic, and the socialist party received a substantial number of votes from practising Catholics. In time, this state of affairs proved to be fairly stable. But most important was the fundamental contribution that the Church made to

the diffusion and development of an attitude applicable to future normative conflicts. Religious enthusiasts had undergone a metamorphosis that made their moral character more tolerant and egalitarian as a consequence of their effective behaviors rather than their explicit ideas. This caused them to develop an attitude of respect towards people with different convictions ('all enthusiasms merit respect'), and an egalitarian tendency ('the enthusiasm of leaders, including the clergy or politicians merits no more nor less respect than that of ordinary people').

The clergy and active lay members of Spanish Catholicism have become accustomed to what they consider 'secularity', the separation of church and state, over more than twenty years of liberal democracy, but not without certain difficulties. Some of them have felt uneasy at what they felt was the relatively hostile 'laicism' of socialist governments (due to their handling of family policies, particularly those relating to divorce and abortion, and education). Above all, they have felt disconcerted by the apparent distance of a large part of what is a supposedly Catholic society that seems to be unwilling to accept the teaching of the bishops on many matters. Neither are they quite sure how to handle the Church's internal pluralism, and even less sure as to how to define the shape of its presence in what they call 'the world': whether it should be in an organized way as a socio-cultural group with its leadership and own means of communication (and, in this case, whether organized action should be directed primarily towards influencing society or influencing the state) or whether it should be in a more dispersive, individualized way with each person bearing witness, in their own way, of what their Catholic experience means to them.²¹

The fact that the difficulties of the present are viewed in this light signifies the persistence of a will to achieve 'the spiritual conquest of the world'. This seems to be consubstantial with the traditional interpretation of the Spanish Church of the *vis expansiva* of Christianity insofar as it is a universal religion. Yet there is more. These Catholics may not know how to make their

²¹ These dilemmas are clearly apparent in the contributions by Antonio Marzal, Juan María Laboa, José María García Escudero and José María Gil Robles, in the booklet *Laicismo y laicidad en la sociedad española* (Madrid: Fundación Universitaria San Pablo-CEU, 1988).

conquest, but at least they now know that it cannot be done through force (which would now be inconceivable) but through 'civil' dialogue. Moreover, it seems that they are not sure of what the term 'conquest' means any longer, since it now clearly suffers from a certain 'surrender' to the world, that is, from acceptance of many of the world's ways and experiences. At the very least, it has to make a special effort to show understanding and benevolence towards these experiences however 'erroneous' they may be. The accent is not on 'conquest' but on (civil) coexistence; and so the term 'testimony' is preferred to the term 'conquest'.²²

4. Democracy and the market economy: the normative rapprochement of the left and right

In the mid-seventies, the debates on how to build a constitutional framework that would allow civil coexistence and the channelling of normative conflicts linked to diverse (political and socioeconomic) conflicts of interest, and identity, were, of necessity, debates in which the right and the left tried to bring their positions closer together in order to find common ground. Both of them made this effort in full awareness of the fiasco of

²² The spread of these attitudes explains the relative weakness of the normative conflicts on the problems of legalizing divorce and even abortion, during the period following the democratic transition. The political parties of all tendencies eventually accepted a common basis for the legalization of each one. Differences persist on the question of some of the conditions for abortion; but the fact is, discussion has been muted and fragmented so that agreement on some conditions coexist with disagreement on others, in spite of some dramatic declarations by the Church (for example, the Executive Note of the Spanish Episcopal Conference entitled "Even more licence to kill one's children", Zaragoza, 13 September, 1998). Disagreement is concealed in practice by means of a procedure that distinguishes the law itself from its application at the hands of local authorities and judges who tolerate its non-observance. (On this subject, see Belén Barreiro, *Democracia y conflicto moral: La política del aborto en Italia y España*; Madrid: Centro de Estudios Avanzados en Ciencias Sociales del Instituto Juan March, 1998). It is also worth noting an evolution, to some extent analogous to that of Spain, in the 'oblique' manner in which the 'right to abortion' progresses through the state tribunals in the United States. (See the report by Steven Holmes in the *New York Times*, 6 December, 1998, sec.1, p.25).

the Constitution of 1932, largely attributable to the fact that it was not perceived as being common ground but biased in favor of one side.

The nature of the liberal democratic regime emphasized a nucleus of political and social freedoms and the nature of the state as 'a state ruled by law'. This meant the renunciation of interventions of an authoritarian or collectivist nature, then and in the future by both the right (as Catholic corporatism and Fascism did in the past) and by the left (as socialism, anarcho-syndicalism and communism did in the past). The corollary was recognition of the division of powers that established the independence of the judiciary and the setting up of a constitutional tribunal, on the one hand; and justification of the authority of the King and the role of the army as guarantors of the unity of the country, of respect for the game rules, and subordinate to a public authority elected by the citizenry, on the other.

All this meant a doctrinal accommodation on both sides. The right had to revise its traditional support for Francoism. From various angles of the right and the center, emphasis was placed on certain aspects of sixties Francoism that served to reduce the discontinuities with the democratic regime that followed. These aspects included the (partial) institutionalization of the rule of law (by limiting the discretionary powers of the administration, for example, or developing a labor law for worker protection), legislation of the press that abolished prior censorship, the relative *de facto* tolerance of union opposition, the attempts to reform the Francoist *Cortes*, and an economic policy that had indirectly encouraged socio-political change in the long term.

The various families of the left employed different approaches to the problem of accommodation. The anarcho-syndicalists had been practically wiped out by war, exile and Francoism, so the problem hardly arose. The socialists found a relatively simple solution because they could emphasize a relatively long-standing social-democratic tradition. It was sufficient for them to stress socialist support for the Second Republic, the 'Prietista' tendency (from the leader, Indalecio Prieto) and the pro-western tradition of the Second International. For the communists it was a question of concealing or keeping quiet about their Stalinist past and, after the repression of the Prague Spring in 1968, taking shelter under the umbrella of 'euro-communism' and following the line of the Italian

Communist Party. In this sense, the communists were able to benefit from the implicit legitimacy they derived from their dialogue with the Church. In reality, the benefits were mutual. Two organizational apparatuses, with broad social networks and a corresponding cultural and media resonance, both with a very visible and recent authoritarian or totalitarian past, were able to rehearse, and reinforce, their new semi-liberal image through the ceremony of dialogue with each other, and provide each other with reciprocal certificates of good behavior for tolerance and respect for the basic liberties.

In addition to rapprochement on the design of the political institutions, there was further rapprochement between the Spanish left and right on matters relating to the organization of socioeconomic life. This can partly be understood as an isomorphic process with the western societies in whose framework they tended to operate, based on the fact that both the right and left knew that Spanish society was set to become increasingly integrated into that framework. But, as we shall see, this is only one part of a story that is incomplete without an account of the endogenous factors and the internal mechanisms (just as in the evolution of the Church).

In general, the Francoist political class, entrepreneurs, and other social segments understood relatively early on that the country was set to function within the framework of the western geopolitical alliance and the market economy. Economic policy was clearly orientated towards Europe from the end of the fifties onwards. An open-door policy and (relative) liberalization showed very positive results, both in terms of integration and economic growth. Preference for the western market economy model included adopting characteristics of the western variant of the 'welfare state'. The decision to enact legislation protecting job stability and the gradual development of social security produced remarkable results in the fields of both health and education in the sixties. This constituted a decisive experience and an *acquis historique* for the post-Francoist Spanish right that it did not try to revise, and which offered it a platform of understanding when it came to negotiating the new framework of socioeconomic life with the left.

As for the left, it is important to distinguish between its discourses and its actual strategies of accommodation to the circumstances; between the

organizational apparatuses and their referent social bases, in particular the industrial working class; and between the various political families of the left, in particular between the anarcho-syndicalists on the one hand, and the socialists and communists on the other.

The case of the anarcho-syndicalists is very revealing of how and why changing circumstances under Francoism created an excessive distance between the discourse of an organizational apparatus and the effective behavior of its social bases in such a way as to destroy the plausibility of the discourse, and cause the organization to disappear. Anarcho-syndicalism had been the most important peasant and worker social movement of the first thirty years of the twentieth century, and its influence over the events that led to the civil war (and during the war) was considerable. In the sixties however, it had been reduced to a shadow of its former self that failed to survive the democratic transition. The probable reason for this spectacular historical failure resides in the maladjustment between anarcho-syndicalist discourse of the abolition or drastic reduction of the market economy and the state, and the basic facts of people's socioeconomic life in the fifties, sixties and seventies: namely, the economic growth that had brought with it full male employment and continuous increases in real wages, and the appreciable development of the welfare state. The industrial working class of that period had adapted to these facts and evaluated them in a fundamentally positive way.

The situation was different in the case of the political parties, the unions, and the social movements under the socialist and communist banners. In their case, the distance between discourses and actual strategies was not so extreme. Nevertheless it was sufficient to make necessary a process of accommodation and *aggiornamento* that has taken a considerable length of time.

If we examine the explicit discourses of both the communist and socialist leaders of the early seventies, what stands out is their radical nature. They are variants of a discourse on the 'third way' between capitalism and real Soviet socialism; but this third way is not a social democracy in the Western European tradition that, it is assumed, has betrayed the 'revolutionary potential of the working class' and made a pact with the 'class

enemy'. The discourse of '68 common to the different variants of Spanish socialism tended to talk of 'authentic socialism but with a human face', and of a transition to socialism (from capitalism) by means of what they called 'profound, radical and structural' changes to the market economy.

In these discourses, society is defined by the 'class struggle'. Two main classes are defined in this struggle: the bourgeoisie and the proletariat, the latter being understood as an expanding industrial working class that will incorporate other subordinate classes working in the primary and tertiary sectors of the economy, who are supposedly 'proletarianized'. It is taken for granted that the historical projects of the bourgeoisie and the working class are antagonistic. The discourse opts unequivocally for the project of the working class, the protagonist of history, to whom the socialists and communists are dedicated in the (superior, rather than inferior) roles of leaders and advisers. Consequently, the leadership and advice of both these groups are orientated towards designing a plan of action that includes the nationalization of strategic economic sectors and the expansion of state enterprise, a substantial increase in the welfare state, a heavily progressive tax system, and self-management that will eradicate employer (or capital) authority in enterprise. These reforms would mean a qualitative and irreversible step in the direction of socialism.

This was the language of the communist parties, and it was adopted by a socialist party that, just at that moment and for the first time in its history, had solemnly declared itself to be marxist (in the 27th Congress in 1976). Communists and socialists tried to outdo each other in the adoption of a radical discourse that was uncompromising with capitalism. They did so at a time when they were worried that they might be supplanted by progressive Christian groups, maoists, trotskyites, anarcho-ecologists and a whole spectrum of movements whose real importance had still to be proven at that time.

The plausibility of their discourses was put to the test during the second half of the seventies. Three factors of unequal importance contributed to the moderation of their language and to the civilization of the resulting normative conflict. The first two factors refer to the behavior of the élites; and the third and decisive factor, to the effective behavior and resulting attitude of the working class itself.

The first contribution was made by the political and union élites who were filled with a sense of uncertainty and panic when faced with the economic crisis of the seventies. They feared that a maximalist position on the part of the left, similar to that of the Portuguese communist party and its partners, or an escalation in wage demands, following a strategy similar to that of the Italian unions of that period, would lead to an inflationary spiral and a worsening of the crisis. They also feared that, under those conditions, the democratic experiment could falter, as they believed had occurred to the Second Republic, due partly to a lack of realism in handling the economic problems of the time. Under these conditions, it accepted a truce, for the time being. The *Pactos de la Moncloa* were the result of the truce, and that is how they were justified by the left, not as a definitive compromise with capitalism.²³

The second contribution was made by an intelligentsia of economic experts with moderate socialdemocratic leanings, and by a segment of the union leadership. The experts had been reaching influential positions within the parties, but their influence was still marginal and had to be exercised with extreme caution. These experts held political ambitions within the left-wing parties that would easily have been destroyed in those years if they had allowed themselves to be governed by their professional conscience to the point of clearly expressing their opinions. It was therefore necessary to wait for a few years until they became more firmly installed in the organizational apparatus in order to see them exercise true leadership. On their part, some union leaders, jealous of their own autonomy with respect to the political parties and close to their social bases, gradually began to adopt a discourse and strategy of accommodation.

This brings us to the third and fundamental factor in the civilization of the conflict, deriving from the attitudes of the working class itself. It demonstrated wholehearted acceptance of enterprise and the market economy on condition that formal recognition was made of union freedoms (which were clearly recognized from the very beginning of the transition); and concessions were made regarding the welfare state: the maintenance of Francoist legislation on job security, and the development of health care,

²³ Víctor Pérez-Díaz, *The Return of Civil Society*,

education and state pensions.

All of this is demonstrated quite clearly by the results of a series of broad national surveys held in 1978 and 1980 (and repeated in 1984).²⁴ These surveys show an industrial working class with a deep-rooted, coherent, moderate disposition. It accepted the fundamentally capitalist nature of enterprise and its authority structure, although it pressed for recognition of its voice in various aspects of management. To a certain extent, it identified with enterprise, along the lines suggested by Ronald Dore in his comparison of British and Japanese factories in the seventies, with his theory of the two sides of the firm.²⁵ On the other hand, they wanted their voice to be heard in the workplace through works councils and assemblies as well as through the unions. Their partial, instrumental support of the unions was not a mandate for a maximalist union strategy, but for a realistic accommodation with enterprise and the markets, and for achieving certain reforms. Neither were they blind to the connection between a strategy of over-protection of jobs for those who could get one, and the spread of unemployment among those who failed to do so.

Their vision of the social order was not that of a society dominated by a class struggle or polarized around two major classes or social coalitions, with industrial workers making up part of one of them. What the surveys suggested was that the belief of the Catholic priests of the fifties, that this was the definition that most closely conformed to workers' experiences, was merely an illusion based on their reading and conversations with militant Marxists whom they had met, and priests from other countries (who had, in turn, read their books and held their conversations).

The reality is that the working class of the seventies and early eighties visualized society in the 'shape of a diamond' with the middle classes and workers located in the center of the whole, without any particularly clear borders separating them. Workers belonged to the expanded center of

²⁴ A summary and analysis of this evidence is to be found in Víctor Pérez-Díaz, *The Return of Civil Society*,. For a more detailed examination, see Víctor Pérez-Díaz, *Clase obrera, partidos y sindicatos* (Madrid: Fundación INI, 1979), and *Clase obrera social y conciencia de clase* (Madrid: Fundación INI, 1980).

²⁵ Ronald Dore, *British Factory-Japanese Factory* (Los Angeles: University of California Press, 1973).

the social space as a result of the resources at their disposal, their expectations of improvement for themselves and their children, their lifestyle, and their degree of influence. There was no trace to be found of the 'class consciousness' suggested by the intellectual tradition of marxism or progressive Catholicism. They understood the market economy or capitalism to be the normal, expected, relatively satisfactory way in which economic activities were carried out. As a system, it had its crises, its problems, and areas requiring reform, but also, taken as a whole, in the long term, and in comparison with others, it made possible the indefinite growth of their private and public consumption, and it was bearable, in other words, they did not feel alienated by it. It was their model of reference, in its Spanish version or in one of the versions of other Western European countries or the United States. In contrast, the model of the socialist economy held no appeal for them.

These workers spread their vote in a relatively balanced way between the centrist, socialist and communist parties. They were people who saw their relationship with their parties and union organizations in terms of limited, instrumental, conditional mandates. This means that they were people who did not automatically delegate their civic responsibilities, a move that would have been based on the confidence placed in their leaders for reasons of a traditional or charismatic nature. There was no 'traditional' confidence because there was no class tradition. What little there was had, in any case, been interrupted by the civil war and was not re-established afterwards except in some mining enclaves and the metallurgical industry. Neither was there any confidence based on a relationship with charismatic leaders and parties, to whom an extraordinary vision or a historical mission could be attributed. That kind of rhetorical exaltation did not coincide with the realities and dispositions of the workers of that time, who were wary of being regimented into large organizations based on class, or of taking up calls for a radical transformation of society.

The dispositions apparent in these surveys were corroborated by the results of the political and union elections of those years. They led to the almost total disappearance of the movements with the most extreme, radical discourses while providing moderate, instrumental support by the workers for the politicians and unionists who were changing their image and putting into practice a strategy of moderate reforms and accommodation.

The roots of this moderate attitude on the part of the industrial working class in the seventies are not hard to find. Their systematic, coherent disposition was the result of fifteen to twenty years' experience of a combination of the following factors: Spanish economic growth, the gradual establishment of the welfare system, the framework of reference of European capitalism (lying just over the border, of which emigrants had first-hand experience), increasing knowledge of how socialist economies operated, the development of *de facto* tolerance of, and freedom to take collective action under Francoism (when strikes, collective bargaining and the semi-clandestine union movements were all possible) as well as the political transition itself, which was to reinforce and enshrine union liberties.

Analysis of the phenomenon of the development of mass consumption can help us to understand better the cultural complexity of the experience undergone by the working class during these years; the way in which that experience affected their perception and evaluation of social reality; and the misunderstandings that arose between the working class and the political (and religious) enthusiasts who tried to guide it according to the dictates of the discourse on the fight for social justice, the class struggle and social revolution. The phenomenon is noteworthy because in little more than ten or fifteen years, the culture of home ownership (of a flat), the utility car, the TV, domestic appliances, mass tourism, a change in eating habits (based on the model of wealthy countries) and access to secondary education and health care met with spectacular success among the middle and working classes in Spain.

It is curious that this phenomenon, though hardly intelligible to them, was denounced by the political and religious enthusiasts of the period. This prevented them from comprehending how deeply society was involved in the development of the market economy. The misunderstanding was partly owing to them focussing too much attention on the participation of people in the economy in their role as producers instead of consumers.

At that time, political and religious enthusiasts attacked consumer-based capitalism in the name of transcendental asceticism: save your soul, and save the world, by fighting for justice and perhaps for revolution. For many of them, capitalism had a profound negative connotation and they proceeded to attack it on the production side. They

denounced private ownership of the means of production, and the expropriation of producers at the hands of private ownership; they were in favor of either a socialization of those means or their subordination to a social function of ownership or a common good. However, neither the clergy, nor many of those enthusiasts were economic producers themselves (since they lived off what, in their terms, would be the 'profits' wrested from workers by others). On the other hand, all of them had firsthand experience of capitalism as consumers, on a continuous, daily basis. At this point our enthusiasts were hoist on their own petard, condemned by the cruel paradox between their discourse and their behavior. Their discourse might be anti-consumerist, but their effective behavior was not, and what is important was the implicit (but very eloquent) discourse in favor of consumerism necessarily contained in their effective behavior. In other words, a 'performative contradiction' occurred, which results from treating behavior like a text and comprehending that it, on its own, can send us a message and incorporate a normative discourse that may well run counter to the explicit content of the verbal declarations that accompany it.

In reality, what was taking place in Spain in those years, among enthusiasts and detractors, the middle classes and the working class alike, was the development of a 'consumer ethos' parallel to the development of a business ethos.²⁶ Both had begun to spread through the masses of the population in such a way that they caused a qualitative leap in the development of the market economy in modern Spain. And both of them formed part of a broader revolution in lifestyles that incorporated habits of freedom applied to the most diverse areas of existence.

The kind of consumptions that we are referring to may originally involve the development of a hedonism that parallels a revaluation of the world as a place in which the will and the glory of God are made manifest through human ingenuity and effort. The world is now re-valuated as a place in which to experience life in association with many kinds of consumption. These, in themselves, are morally indifferent in the sense that 'making

money' can 'in itself' be morally indifferent, but they bring with them not only the satisfaction of 'utilities' - as measured by economic thought - but also, and more especially, sensations and sentiments of pleasure; of discovery of the possibilities of life, personal relationships, self-esteem, freedom of choice and other freedoms of all kinds in many spheres.

Ownership of property creates a sphere of autonomy and self-respect; a car gives one social status, and the opportunity to move around in the world and relate to other people; domestic appliances fulfill one's moral and emotional obligations towards one's family. Behind these types of consumption, as well as the clothes, the travel, the very act of going shopping, not to mention the TV set and many others, is the realization of dreams of 'life experiences' both individual and in common. A motivational complexity exists full of varied and confused, though intense, emotions and feelings. These are played out in the context of a social conversation at various levels, among which marketing operations form only one element among many.

Contrary to how it might appear to the superficial observer, this hedonism was coherent with the moral of authenticity (already mentioned) because it responded to the same logic or the same impulse to broaden one's experience of the world and exercise one's ability to choose. Therefore, in spite of their condemnatory explicit discourse, our enthusiasts, in their effective behavior were, or were also to become, 'enthusiastic consumers'. And more so when it became clear that the institutional framework of freedom had to be the same for exercising consumer choice as for exercising political choice: the purchase, so to speak, of a particular item of political identity and public policy in competition with others.

The profound changes in people's experiences, associated not only with consumption but the many other dimensions - like relative job stability, wage increases, union freedom and, essentially, political freedom - are what created the structure of plausibility not merely for a truce but for a historical compromise of far greater moment. The circumstantial truce on the Constitution and the *Pactos de la Moncloa* was followed by a strategy of union reform and culminated in a process of adaptation of the socialist political leadership. It was aware of the underlying current of moderate dispositions among the industrial working class,

²⁶ On the genesis and process of development of the modern consumer ethos, see Colin Campbell, *The Romantic Ethic and the Spirit of Modern Consumerism* (Oxford: Blackwell, 1987).

and the need for an inter-class strategy, that was to reinforce that moderation. Thus, at the moment of truth in the seventies and early eighties, when the unions were going ahead with a *de facto* social democratic strategy and the left took over the reins of government, the socialists put into practice what was also a *de facto* social democratic program. The socialist government had come a long way from the Marxist declarations of its congresses in the mid-seventies to the economic policy of its Ministers of the Economy in the eighties and nineties (like Miguel Boyer, Carlos Solchaga and Pedro Solbes), that led to a social-liberal line or a 'third way', that ceased to be the 'third way' of 'socialism with a human face' to become 'capitalism with a human face'.

The contribution of the economic experts when it came to formulating and applying the public policies of social democracy was decisive. They comprised a social group formed mainly during the last decades of Francoism, some of whom were from the networks of influence of public officials and the business community of the period. As members of these networks, they had worked for international bodies, and they maintained good relations with the personnel of the centrist governments during the transition. In short, they already formed part of the socio-professional medium in which the economic policy of the country had been formulated and applied for forty years, before and after the transition. They made a remarkably homogeneous class that displayed a pragmatic mentality, similar to that of the central body of thought of international organizations, and was convinced of the virtues of the market economy combined with a moderate welfare state.

The result was that the fundamentals of the normative debate on capitalism were never really discussed, only the variants, although there is a rhetorical inertia that leads to confusion, and occasionally comes to light at election times.²⁷ It is worth mentioning because it keeps alive the sacred flame of the structuration of the ideological or politico-imaginary space between the right, the

center and the left; and allows for their temporary polarization when elections are called.

Let us suppose that 'real life' is what refers to actual public policies and not to discourses. In 'real life', the differences are relatively minor. All the parties (the centrist UCD, the socialists, the right-wing PP and the Catalan and Basque nationalists, with the significant exception of the communists and partners) seem to be in favor of anti-inflationary policies, restrictions on public spending, the introduction of a degree of competition into the public sector, the flexibility of the markets and their careful regulation; the prevention of insider trading abuses; and what are called active employment policies, etc. etc. The differences could only be expressed in terms of the 'center-left' (with usually a little more public spending and regulation) and the 'center-right' (with usually a little less public spending and regulation).

On this basis, at election time these 'small differences' have to be magnified and the contrasts dramatized for the purpose of provoking an emotional response on the part of the electorate. At this point, the categories of right, center and left come into play; and the utilization made of their images is inevitably distorted. The center-left plays at being the center for the benefit of the business community and part of the middle classes, and at being the left for the benefit of another part of the middle class and the working class, in a general attempt to mobilize those who identify with an imaginary left and center against a 'conservative right'. The center-right plays at being the center for the benefit of almost everyone except a segment of the middle classes for whom it tries to appear further to the right, in a general attempt to mobilize those who identify with an imaginary center and right against 'left-wing extremism'.

Twenty to forty years' accommodation with the market economy and a welfare system with a strong state component means that the normative conflicts about the legitimacy of capitalism have become less intense. Present day appeals to the normative positions of the right, the center or the left in this respect can be considered semantic devices that no longer reflect the normative conflicts of the present but simply attempt to reactivate feelings of belonging that are tied to recollections of the past. In this sense, these devices do no more than echo normative conflicts of the past that have been distorted by party

²⁷ However, at this point I should like to introduce an express reservation about the normative conflicts that have arisen, and will arise in the foreseeable future, on the position of women in the labor market, in the welfare system and in the family. See Víctor Pérez-Díaz, "Ancianos y mujeres ante el futuro", *Claves de la razón práctica*, n.83, (June, 1998).

political and media strategies.

5. The rule of law, and its ordeals

We have looked at the process whereby normative conflicts over religion led to a normative consensus on religious freedom and tolerance of debates between different beliefs. We have also looked at how the normative conflict over the market economy was substituted by a basic consensus (impaired by some minor, rhetorical arguments) that, in turn, provided the framework for tolerance of specific conflicts. These normative consensuses were complemented and reinforced by another relative to the virtues of liberal democracy. It also involved a framework of tolerance for debates between a variety of political formulas, public policies and discourses of justification; furthermore, it meant regarding the state as under the 'rule of law', in other words, as a pillar of an order of freedom. The 'rule of law', and its corollaries of the submission of the political class to the authority of the law, and the equality of the rulers and the ruled before the law, was the key to the transition of the authoritarian regime to democracy in the seventies. But, ultimately, it was a key that had already been announced, prepared and partially instituted through a prolonged and complex process that culminated in the Constitution.

In the historical background, there had been an uninterrupted juridical tradition that dated back to the days of the *Ancien Regime* and has continued up to the present day. Of particular importance was the construction of the legislative body of the liberal state, made up of the great civil, mercantile and penal codes, and procedural laws of the nineteenth century. However, the justice apparatus of that time was not fully impartial, and features like deference to the executive, *caciquismo* and clientilism continued to exist. The rupture of legality, caused by the civil war, still respected part of the juridical order, though obviously not that of its political constitution.

After the war, the Francoist state began the legal-formal institutionalization of various activities. It developed administrative laws and public law, that it tried to fit together with the set of civil and mercantile institutions of private law, but it left wide, though increasingly restricted, margins for political decisionism and administrative arbitrariness. Later on, towards the

end of Francoism, there was a parallel process of the formation and widespread diffusion of usages and customs in economic, social and cultural life that reinforced models of initiative, exchange, negotiation and conflict resolution between private individuals themselves, within organizations, and between organizations (like collective bargaining between unions and employers) according to abstract and formal rules of living together that limited the role of authority. This also tended to limit the validity of the rules of patrimonial bureaucracy and the traditional networks of patronage and clientilism, characterized by their privileged access to public authority and the justice system.

The legal-formal process (by the Francoist élites) and the formation of usages and customs (among large sectors of the population) finally converged in the constitutional process that made the democratic transition possible. It must be remembered that it was a transition 'from the law to the law'. There was a clear mandate that the key legislative item of political change, the *Ley de la Reforma Política* of October, 1976, should be voted for by the Francoist *Cortes*, endorsed by the Spanish people in a referendum called under Francoist law, and promulgated by a King designated by that same law.²⁸ The reform law then became the starting point for a process that led to the Constitution of 1978, the spirit of which marks a substantive discontinuity in relation to the earlier legal-public order.

The constitutional framework was the culmination of a long, hazardous and complex process aimed at the formation of a state under the rule of law that, on the one hand, enshrined rules of living together or coexistence among Spaniards and, on the other, established a new basis for the relationship between the public authorities and the citizenry, founded on recognition of the sovereignty of the Spanish people, of their political liberties, the limitation of authority and its submission to the law, and the equality of the rulers and the ruled before the law.

Nevertheless, it was difficult to prevent many politicians, both Francoists and the opposition, from experiencing some confusion when they came

²⁸ See the juridical documents of the Spanish transition in Angel J. Sánchez Navarro, *La transición española en sus documentos* (Madrid: Centro de Estudios Políticos y Constitucionales, 1998).

to power at around that time because, in practice, they believed that what the rule of law did, above all, was to guarantee the formal framework of the fight for political power. Afterwards, the winner could appropriate the state in order to carry out his grand historical projects which required, in turn, the mobilization of the old clientilistic networks of patronage or the creation of new ones. Furthermore, they were used to the idea that the law was a manifestation of the will of the incumbent legislator, his will being sovereign in the sense of being potentially unlimited. The democratic will apparently offered them even greater sovereignty because it was legitimated by a mandate received from a majority (possibly an absolute majority), that conferred on them the mandate of the Spanish nation.

In this way, legal positivism (whereby the law is the manifestation of the will of the legislator willing to apply it 'positively') and political wilfulness (whereby grand projects 'must' be carried out and the means found to do so) were united in the imagination of many politicians of both persuasions, left and right. This kind of political imagination was unable to find any opportunity for action during the first years of the transition, when the centrist party in power tried, above all, to consolidate the constitutional framework on the one hand, and to maintain itself in existence thanks to a complicated series of alliances, on the other. But the disappearance of the centrist party in 1982 created the delusion that the electoral victory of the socialists gave them an almost unanimous mandate for a great political operation. Their mistaken belief in a great victory, when they had no real adversary, became a mistaken belief in the great change to come which, insofar as being a "great change", had no real content. For eleven years, a government held an absolute majority in the national parliament, and held control of a large majority of the governments of the autonomous communities and the councils in the major cities (up to the late eighties). Under these circumstances, the combination of inclination and opportunity meant that it was possible for it to close its eyes to the fact that it was subject to the law in all its acts, without exception.

The governments of that period infringed the game rules in two main areas. The first infringement was political party financing. Central government decided that it was necessary to ensure re-election by means of high expenditure on propaganda, over and above the limits allowed by

the laws that it had approved itself. It thought the other parties were doing the same thing (which was largely true) and that it was also done abroad. It therefore assumed that there were unwritten game rules that were above the law, and that the financing law could be violated accordingly. This had been an open secret for many years, but it suddenly erupted onto the public stage as a political scandal in the early nineties after a series of judicial investigations that are still continuing today.²⁹

The second violation was the far more serious 'dirty war' against terrorism. It is worthwhile making a tentative attempt to reconstruct (socialist) executive thinking during the eighties. It started from the premise that terrorism was a form of violence applied to political life in a way that clearly discriminated against political parties that respected the constitutional order; and that it would be convenient to balance the scales of terror. Nevertheless, the constitution prohibited the death penalty, and did not allow the use of sufficient deterrence to prevent terrorist violence. The costs of repression - some years in prison, under a special regime, relying on the support of family and friends - were not too high for the terrorists. Moreover, the French state, for reasons of convenience, proved to be a haven for them. The conclusion was reached that it would be most effective to authorize clandestine anti-terrorist operations, with the aim of assassinating terrorists on French territory. This was a way, acceptable in war, to pressurize the French state and intimidate the terrorists without having to change the constitution or reinstate the death penalty.

It was taken for granted that the opposition parties would ask no questions (and they did not do so until much later); that foreign (democratic) governments would accept accomplished facts because they themselves indulged in similar practices when they felt it to be necessary (something that many suspect to be true); and that these activities would be morally condoned by the public (which proved to be far more debatable). In other words, it was assumed once again that there were unwritten rules above the law that made it possible to violate it. In the event, it was revealed in the nineties that members of the socialist

²⁹ The FILESA case is the most notorious. Sentence was pronounced on 28 October, 1997. An extract from it was published in *El Mundo*, 29 October, 1997.

government (one Minister of the Interior and his Secretary of State) went ahead with and participated in these activities, carried out by what were called the *Grupos Antiterroristas de Liberación* (GAL) between 1983 and 1987. They exploited access to public funds, set up sophisticated logistical operations involving a number of public officials, and organized a systematic campaign of denial and dissimulation that deceived public opinion for a number of years.³⁰

Here we have an implicit normative conflict that, by its very nature, cannot be openly debated. It has to be carried out in an ambiguous and oblique way because it is an attempt to justify violations of the law by appeal to higher laws in the form of unwritten, though tacitly adopted, rules. The discourse of justification is the discourse of state interests that must be deliberated as corresponds *arcana imperii*, that is, in reduced circles, or in committees. In these spaces, or 'dark rooms', it is argued that unrealistic, sentimental considerations or references to the principles of the rule of law and political and civil liberties (which would protect citizens from the illegal activities of the state: in this case, assassination, robbery and deception) are out of place. Moralizing considerations of that kind can be applied in ordinary situations, in the public space, for the benefit of ordinary people who are ingenuous, incoherent and easily moved, but they have no place at critical moments or in the (confidential) conversations between statesmen.

An examination of the general framework surrounding the activities of the public authority leads to a clearer understanding of its violation of the rules regarding those affairs, and of the apparent plausibility of its reasoning, based on a calculation of the objective consequences of its activities, and not on consideration of their formal legality.

Public activities form only a part of the general framework of social life where it is relatively easy to observe frequent violations of the rules. This is especially true of the interface between the private and the public, where networks of patronage and clientilism find excellent conditions in which to operate. They link the public authority (and possibly parts of the justice apparatus and a

bureaucracy with clearly patrimonialist features) and the social authorities to the corresponding social groups. This occurs at all levels of society.

It would be true to say that an important part of Spanish enterprise has always done business by maintaining a 'family relationship' with the public sector, not very different to that common in France or in Italy. Such a relationship leads to special treatment, routine practices of insider trading and extraordinary enrichment. Behavior of this kind spiralled during the eighties, encouraged partly by the upward trend of the economy in the second half of the decade and partly by the complacent attitude of the public powers. What was happening in the upper spheres of society bore a certain similarity to what was happening in the middle and lower spheres. The unemployment rate has always concealed an enormous amount of activity in the underground economy; and the use and abuse of unemployment, pensions and disability subsidies, and others, particularly in rural areas, acted as an incentive for political clientilism, paid for by a deferential political vote. In summary, illegal government practices such as illegal party financing and state terrorism have to be judged within the framework of a society that, as a whole, demonstrated a remarkable laxity in its obedience to the rules. By the same token, the rectification of this state of affairs must be seen as part of a general process of education in the virtues of obedience to the laws and game rules of daily life on the part of both the rulers and the ruled.

Another aspect is the reciprocal reinforcement between the world 'as it is' and the world as it is made use of by these politicians, the key to which lies in their developing a mentality of 'political realism'. The process of reciprocal accommodation can be plausibly understood in the following terms. The spectacle of corrupt practices in all spheres of socioeconomic life reinforced the original opinions of many socialist leaders about what was concealed behind the façade of legal formality pertaining to the bourgeois state and capitalism. Although they had come a long way down the road from the marxist or progressive maximalism of their youth, there remained a tendency for them to consider 'the world' with suspicion. It was as if they frequently expected to find a realm of privilege and deceit behind the decorous legal forms of political and economic power. They deduced that, if the world was really like that, they would have to be 'realistic'. The practise of politics begins with a definition of life and people and the situation as

³⁰ See the sentence handed down in the case of Segundo Marey, published in *El País*, 30 July, 1998.

they really are. Therefore, if the intention is to 'take power' and not be just 'a bystander', or a witness, it means playing with the instruments of power that everyone understands: that is, with the same arms of privilege and deceit that presuppose the use of clientilistic networks and patronage. Once these arms are used, they are never dispensed with, even when the intention remains (as it frequently does) to carry out reforms and regenerate the world in the long term in order to come closer to the preferred ideal or utopia. As regeneration is usually a long time in coming, the harbingers of the future first need to consolidate their power and make the most of the present: for that, elections must be won, winning requires money, getting money requires... etc.

Rectifying the deviation represented by the illegal activities carried out by the public authority was the result of several processes. In no way should the possible role played by self-criticism and internal reform be overlooked, because assassinations by the GAL ceased in 1987, and members of the socialist governments subsequently intervened in the exposure of events. However, the internal process did not translate into a public debate or an acceptance of political responsibility. Fundamentally, the transformation of a secret affair of state into a matter for public debate and rectification was primarily due to three external processes: political, judicial and journalistic.

The political map was redrawn thanks to the development of a center-right opposition in the late eighties. This opposition went in search of a critical discourse and a program of government; and it found them in the economic crisis of the early nineties, and the political and financial scandals unleashed by the government's illegal activities. A judicial activism, that must be considered parallel with similar phenomena occurring at almost the same time in other parts of Europe, asserted itself. The activism of the *Mani Pulite* judges in Italy, the Genevan and some Belgian and French judges, and the judges of the *Audiencia Nacional* in Spain, was obeying a new awareness on the part of judges in all these countries of the need to affirm the independence of judicial power and its mission to ensure the subordination of the executive to the rule of law, by effective and, if necessary, spectacular means, thereby imposing the principle of equality before

the law.³¹ The mass media also became more balanced, and various means of communication appeared, anxious to undertake the investigative journalism necessary to uncover illegal activities (that were an open secret anyway) and to exploit the news for motives that ranged from the professional to the commercial, including those of political influence.

These are events that have dominated Spanish life for a large part of the nineties and, without going into detail, I should like to stress that the process of rectifying the abuses of power and overcoming the crisis of the rule of law in the mid-nineties (regardless of the immediate motives of the actors involved), has had three positive consequences for channelling normative debates among the population, thanks to the condemnatory sentences handed down for the most obvious abuses.³²

Firstly, it has reclaimed normative debate for the public space. This kind of debate had declined since the solution of the religio-ecclesiastical conflict, and in view of the accommodation of all sides on the legitimacy of capitalism. The illegal activities practised clandestinely by the state, though suspected or known of by many, changed the debate on the rule of law into a celebration of confusion. People had become accustomed to living with violations of the law and keeping silent about it. Politicians and journalists had become accustomed to alluding to it in an atmosphere of

³¹ See the testimony of these judges from various European countries in Denis Robert, *La justicia o el caos*, trad. M. Wazquez (Barcelona: Muchnik Editores, 1996).

³² There has only been partial rectification. In the Marey case, the tribunal sentenced the most senior public officials of the Ministry of the Interior to ten years imprisonment, but allowed them to wait until the summer was over before being committed. At the end of the year, their sentences were reduced to one third, which, combined with the intervention of the Constitutional Tribunal in favor of a provisional suspension of the sentences, allowed the convicts to be freed after little more than 100 days in prison. This seems to have generated a feeling among the public that political leaders have received favorable treatment (73.3% of the sample answered affirmatively to a question on this point in the survey published by *El Mundo*, 5 January, 1999). This has taken place against the background of a new scenario in the Basque conflict (see *infra*), and the opening of negotiations by the government with the terrorist organization.

discretion among the initiated.

Secondly, it placed some simple but radical questions, that resist the semantic manipulations of the imaginary spaces of 'right, left or center', at the forefront of this normative debate. To put it simply, do the public authority and the political class respect the law or do they not? Are they above the law or subject to it? Is the principle of equality before the law applied to them or not? Do they tell the public the truth or do they lie? Will they accept responsibility for their acts or will they reject it? These questions bring us to the fundamentals of an order of freedom. At present, this involves a normative and evaluative reorientation of the discourses of justification by the political parties. They must now adopt a philosophy of public office, above all in terms of the rule or supremacy of the law; in other words, one that obliges them to move in the direction of a 'nomocratic, and not a 'teleocratic' conception of the state.

Thirdly, it has modified the structure of opportunities and incentives for judges and journalists, which has encouraged the development of an ideal model of 'impartial authorities' for these professions. They may or may not be impartial. But the fact remains that, whether they like it or not, they have to justify themselves in terms of how close they come to that model of impartiality. Their credit now depends less on saying or doing what is 'politically correct', and more on the fulfillment of the criterion that events have to be determined with precision and proven with conviction to be either published or judged; all the rest is 'noise'. Journalists and judges have to undertake their investigative journalism or judicial instruction with care, knowing that they will be the object of criticism that may be relentless, but will only be 'valid' in those terms and according to those criteria. The normative conflicts about these activities have been and, of course, continue to be confused. Nevertheless, the actors are now starting out from a different normative consensus that emphasizes both the importance of the rule of law, and the criteria for investigating the truth and presenting it in the public space in a manner coherent with the objective of maintaining and reinforcing the rule of law.

In the final analysis, the ultimate consequence of the institutional and cultural reactions to the abuse of public authority and the crisis of the rule

of law, will be a step forward in the long process of interiorizing rules of truth in the public space, and the acceptance of individualized responsibility by politicians for their public actions. This step forward still has to overcome the accumulated resistance of a tradition of half-truths and semi-responsibilities that, curiously enough, has been reactivated and reinforced by a tradition implicit in certain developments in recent years. I am referring to the tradition implicit in the tendency to forget the horrors of the civil war, and to consider it to have been an inevitable tragedy and not an avoidable drama that, as such, involved specific responsibilities; to the tacit agreement never to mention or discuss the 'times of Francoism' in terms of the Francoism or fascism of the right, nor the totalitarian, stalinist or Maoist, sympathies of the left; to the inclination to adopt an 'attitude of consensus' that, although it corresponded to a strategy of caution and generosity during the transition, when prolonged beyond a certain point has become a strategy of concealment to cover up the abuses of the past mixed up with those of the present; and to the long experience of rhetorical ambiguities that have, incidentally, facilitated the evolution of the Church, the legitimization of capitalism and the insertion of the country into the western military alliance.

In the context of such a tradition, it is not difficult to comprehend that some of the public authorities would expect broad social tolerance for the mixture of dissimulation and deceit with which they carried out their illegal activities of irregular financing and state terrorism. It is as if they took for granted the existence of an affinity between the moral character of those who deceived the public, and the public that allowed itself to be deceived. And it is true that, in the origins of this tradition, the presence of a moral character that is shared by many can be detected, with features that reflect a long process of formation.³³ However, it should be noted that the events that have exposed and challenged the violations of the law by the political class constitute a crucial experience in the character formation of future politicians. By way of conjecture, it is conceivable that this experience may serve to 'civilize' the right, even if it did make biased use of the crisis of the rule of law to its own political advantage; because effective

³³ Víctor Pérez-Díaz, *Spain at the Crossroads: Civil Society, Politics and the Rule of Law*. Cambridge, Mass.: Harvard University Press.

behavior eventually influences people's moral character as well as affecting their image. In this case, having denounced abuses of power when they were in opposition, it is to be expected that the right will now feel obliged to exert some self-control and an attitude of respect for the law in the exercise of their own power, at the risk of losing all or part of their reputation for political honesty with which they were attributed in view of those earlier denunciations. It may also complete the civic education of the left (and civilize it), if the latter were shown to be capable of 'digesting' the process by means of the political equivalent of repentance and the confession of its sins. This is the act Max Weber considered to be nothing less than the supreme test of the political profession: its acceptance of political responsibility.³⁴

It is interesting to observe that some of the politicians concerned in these matters tend not to recognize the truth of these actions by the state when they are made 'public' and not to accept their political responsibility - or not to 'repent'.³⁵ It is worth noticing that in this they are behaving no differently to how some eminent ecclesiastics suggest the terrorists should behave in the Basque case. In fact, the attitude expressed by José María Setién, the Catholic bishop of Guipuzcoa, in a careful document on what should be done regarding political negotiation in the Basque Country, in which he very deliberately avoids the language of repentance, reflects a mentality among the religious community isomorphic with the mentality of politicians who elude the language of

³⁴ Max Weber, *La ciencia como profesión; la política como profesión*.

³⁵ It is symptomatic, in this sense, that José Barrionuevo and Rafael Vera, the es-minister of the Interior and the ex-state secretary of Interior with most responsibility who were judged and sentenced by the *Tribunal Supremo* for their participation in the activities of the GAL, have shown that they are proud rather than repentant of their actions throughout the judicial process (that has taken several years) and after their sentencing to jail terms. Even more symptomatic is the fact that, once the conviction and the ten year prison sentence were confirmed, their party colleagues, with their leaders at the head, changed a 'petition' of pardon for their offences addressed to the government in to an 'exigence' for pardon, for which no repentance is necessary. See the declarations of various leaders of the PSOE, like José Borrell, José Bono, Juan Carlos Rodríguez Ibarra and Alfredo Pérez Rubalcaba in *El Mundo*, 22 December, 1998.

responsibility for their actions.³⁶ Perhaps they are both reflections of the ambient mentality and the results of a process of formation of moral character subject to similar experiences.

The rules on telling the truth about public activities and assuming the corresponding individualized political responsibility are rules typical of a tradition of civil societies, that were formulated in classical antiquity and that have been reaffirmed in modern times. The politicians and clergy who refuse to interiorize those rules reflect a mentality that could perhaps be categorized as 'postmodern' or 'pragmatist' in the extreme.

If, for example, we take Richard Rorty's suggestion of the possibility that the human body itself could be considered as host to two or more people who establish a conversation,³⁷ and that the narratives of our lives are episodes within broader historical narratives,³⁸ it only takes a few more steps to arrive at the proposition that individuals should not be seen as autonomous agents at all. They become more like 'amorphous agglomerations', particles within great social aggregates, whose actions interconnect and whose responsibilities are blurred. In this case, actions are not easily imputable to a single individual; they become phenomena that are difficult to observe and open to a wide variety of interpretations. Therefore we must take great care when we choose the level of reality at which we mean to make our interpretation. It is comprehensible that intellectuals, politicians or priests with such a reflective attitude should avoid talking about such 'simple', and to some extent, such 'crude' things as repentance and responsibility, or such 'excessively complex' things as principles and agents or subjects. Hence, they leave aside the principles, for fear of imprudently betraying them; and they prefer to make the equivalent of a phenomenological reduction of the subject, and concentrate on observing the inter-relationships of

³⁶ See the interview with José María Setién, Bishop of San Sebastián, on his pastoral letter "*Caminemos juntos hacia la pacificación*" ("Let us walk together towards peace") in *La Vanguardia*, 29 November, 1998.

³⁷ Extending the intuitions of Donald Davidson and Sigmund Freud himself: see Richard Rorty, *Essays on Heidegger and Others* (Cambridge University Press, 1991), 147 ff.

³⁸ *Ibidem*, 163.

the whole. They prefer to center their thoughts on analysis of the balance of power, practical adjustments, the objective consequences of actions that it is advisable to anticipate, and the objectives that should be achieved. They neglect repentance and responsibility to pass on directly to forgiveness and forgetfulness, anxious to leave the past behind them and look to the future.

6. The Basque conflict, and the possible decline of nationalisms

A normative conflict of great importance in contemporary Spain concerns the identity of the community to which Spaniards belong. It is initially a rather odd normative conflict, since this would appear to be a factual question rather than a normative one and therefore open to resolution through empirical observation of the effective behavior of Spaniards, or of their feelings of belonging, such as can be inferred from their express declarations.

As regards people's behaviors (the 'behavior criterion'), the answer is not easy to find, though neither is it impossible. It is a question of constantly verifying to what extent their economic, political and social behaviors can be interpreted and explained by referring one to another and to a field of activities and interactions that systematically inter-relates them among themselves. Economically, it is a question of observing whether they emigrate from one side of the territory to the other; if, when they do so, they increase the productive capacity of the regions they move to; if the regions have a protected market for their products throughout the same territory from which the immigrants have come; and if, in this way, some regions can do business in various ways with others, etc. Politically, it is question of whether they are all subject to the same authority, whether they try to influence the definition and execution of a policy that applies to everyone, whether they vote to elect representatives to the same institutions and whether they talk about the same people and the same political problems. Socially, it is a question of whether they prefer to choose their partners or spouses, their professional colleagues, their political or union associates, their friends and their enemies from within the same territory; and last, but not least, whether they use a common language in their exchanges. If the answer to all this is frequently affirmative, and has been so for some time, it is not unreasonable to

conclude that an 'objective' reference community exists (independent of the feelings of membership that it may or may not inspire). In the case of those living on Spanish territory, the facts seem to indicate that for several centuries there has been a community of reference here which, for the purposes of economy of language, we shall call 'Spain'.

The question of what community people 'feel' that they identify with (the 'criterion of feelings') is a different matter which, though more difficult, continues to be merely factual. In the language common to Europe for about the last two hundred years, communities identified by sentiment have usually been known as 'nations'. According to the surveys, it seems that about ninety percent of those who can be called Spanish according to 'the behavior criterion' also 'feel' that they form part of a Spanish nation. The percentage is lower in Catalonia and the Basque Country. In these places the population is made up of three components: some who feel that they are 'only Spanish', more who feel that they are 'only Catalan' or 'only Basque', and the vast majority who feel that they are Spanish and Catalan, or Spanish and Basque, at the same time. According to the criterion of feelings, there are three kinds of nationalists in these territories: Spanish nationalists, Catalan or Basque nationalists, and nationalists with a dual identity.

These are the facts, and they can be treated in two very different ways. On the one hand, the feelings of all individuals can be respected, leading to the construction of a political architecture that encompasses all kinds of feelings of belonging. This is an essentially liberal formula: each nation is a component within a pluri-national state, and the assertion of their identity enables them to resist the pretensions of an absolute political power (and to some extent, the pretensions of any nation to dominate others in an absolute way) (Lord Acton, *Essays in the History of Liberty*, Indianapolis, 1985: 425). On the other, some national feelings can be considered politically correct and others not. This leads to the construction of a national state that is congruent with the feelings of some but not with those of others, and it is the classic formula of political nationalism. The normative problem (of what 'ought to be') only arises when there is an attempt to make people substitute the feelings they have for others: those that they actually have for those that they 'ought to have'. At this point, it is the ordinary people, with a

greater or lesser degree of tolerance, on the one hand, and the intellectuals, the clergy and the nationalist politicians, with the inventiveness of their lucubrations and the power of their will, on the other, that intervene. And the inventiveness (at the service of their will) dictates the subtle manoeuvring of the ventriloquist. Because it so happens that these politico-cultural agents claim to be speaking, not on their own behalf, but on behalf of an imaginary historic subject, that could be a people or a nation, with its own memory, intelligence and will. This historic subject is presumed to transcend the individuals who comprise it, and express itself across time and generations in a dialogue with humanity, or the community of nations (composed of other collective subjects with similar characteristics) or the deity.

This is rhetorical exaggeration and, incidentally, a fallacy of abstraction, because collective subjects that transcend the individuals that comprise it do not exist. It is therefore useful to analyse this hazy, romantic melodrama of politico-cultural 'normative' nationalism more closely. What actually happens is that 'someone says something to somebody', and it is a question of deciding 'who said what to whom'. The 'who' of the sentence, or the speaker, is not the nation, but a group of speculative, self-willed nationalists, with intense feelings. They are not speaking in the name of 'the nation' but in their own name, and perhaps also in the name of a broader group of nationalists with similar feelings. The 'whom' of the sentence, or the listener, (apart from the speakers themselves and the other nationalists, whose convictions they are trying to reinforce) is, above all, the group of people who live in the same territory but lack their nationalist sentiments. And the 'what' of the sentence is a set of exhortative propositions and a discourse of justification.

The exhortative propositions center on a demand for the (moral-emotional) 'duty' of adherence to the nation in question *to the exclusion* of a similar feeling towards any other nation: the demand for a 'politically and culturally correct' nationalist feeling. At this point the normative conflict arises: any who are unenthusiastic, indifferent, or feel differently are exhorted to feel what 'they ought to feel', or at least to behave as if they feel what they ought to feel. The next step consists of the translation of a 'moral-emotional duty' into a political strategy aimed at occupying a state, or part of a state, or creating a new state to

ensure the observance of this duty through coercion. This is the key to political nationalism, which goes beyond the defense of a community of feeling (or a 'different culture') to seize control of a territory and impose its 'duty' on the entire population that inhabits that territory. The discourse of justification usually consists of a historico-moral argument that begins with the invention of the nation as a historic subject endowed with "a will"³⁹ that, by means of this fiction, bestows on the descendants of whoever was first to arrive in the territory in question, or whoever is more numerous (or both) some sort of (collective) 'right' to impose a duty on whoever arrived afterwards, or is less numerous (or both).

There is not, in fact, 'any necessity', inscribed in events or on list of historical, natural or moral rights, to create any kind of normative conflict about the collective identity felt by peoples. 'Collective rights', such as may be inferred from the practices of the civilized societies existing at present, are limited to prescribing the conditions for recognition of this identity of feeling, but they do not extend to justifying a political strategy aimed at achieving control of a state that, in turn, serves as an instrument for imposing that feeling of identity on anyone else. A normative conflict only occurs if there is a group of people who desire (or who have the willpower) to impose their feelings on others. If this desire is weak or non-existent, the most diverse feelings of identity can coexist peacefully, and merge (or otherwise) in an infinity of ways. It is therefore equally possible to witness the blending or hybridization of nationalist sentiments as it is the persistence of those sentiments in their most elemental forms.

The recent history of Celtiberian nationalisms

The above considerations apply equally to Spanish and to Catalan and Basque nationalisms. They also apply equally to Spain, Catalonia and the Basque Country, which are political communities that all accommodate several nations (or groups of people with diverse national feelings). All these nationalisms can be interpreted as derivations of earlier feelings (that could be called 'proto-national'), but are manifested as these three political, cultural and normative nationalisms throughout the nineteenth century. Spanish

³⁹ See, for example, Miguel Herrero y Rodríguez de Miñón, *Ideas de los Derechos Históricos* (Madrid: Espasa-Calpe, 1991), 51.

nationalism came first and was followed by the peripheral nationalisms towards the end of the century. The erudite declamations of the romantic historians played their part in all of them, providing the materials necessary for the construction of the imaginary collective subjects that are the historic nations. Due to speculation and the nationalist will of the period, the historical material usually reflects a biased reading of a contradictory historical process, of the integration *cum* differentiation that had developed over the centuries. But the combined weight of three contemporary circumstances, occurring in a specific sequence, particularly affected the peripheral nationalisms.

The first was the series of successive defeats of Carlism, which was deep-rooted among the clergy, a segment of the semi-urban middle classes, and the rural masses of Catalonia and the Basque Country, between the 1820s and the 1870s. It was the defeat of a historic project that had persisted since the *Ancien Regime*, with its characteristic alliance of the church and the state, at the hands of the liberal state and the urban middle classes, including those of the cities in their own territories, who were determined to make the market economy prosper. That failure left a profound feeling of resentment towards the liberal state among the clergy, a segment of the middle classes and the rural masses. The second was the experience of economic growth in these territories, not so much in itself or by itself but because it brought with it the definitive demise of the traditional social structure and with it, the pretensions of the semi-urban middle class and of the clergy to control local politics. It also heralded the appearance of large numbers of immigrants from the rest of Spain who, with their different lifestyles, threatened the cultural landscape of the territories. This brought about a metamorphosis of Carlism, which turned first into Catholic *integrismo* with regionalist or *foral* overtones, and then into a new political movement that was to express itself in the language of nationalism. The third was the structure of opportunities in the Spain of the late nineteenth and early twentieth centuries, which gives an idea of the difficulties that the liberal state was having in handling the situation. The liberal state also formulated an exclusive nationalism, but it was neither sufficiently coercive nor persuasive. It lacked persuasion because it was not associated with any experience of success - the 'disasters of '98' linked it symbolically to failure - nor was it

sufficiently sensitive to the phenomena of cultural differentiation that I have referred to. And there lay the attraction of formulating an equally exclusive, political and cultural peripheral nationalism as the alternative to that Spanish nationalism.

The conflict worsened in the 1930s, due once more to the increase in migratory flows and the weakness of the Spanish liberal state (and nationalism). It reached its climax in the civil war. The winner of the war was an army deeply imbued with the philosophy of Spanish nationalism and supported by a Church that displayed the same feeling (except in Catalonia and the Basque Country, where part of the Church continued to support the Carlist tradition, Catholic *integrismo* and local nationalism). However, Francoism, the apotheosis of Spanish nationalism, was also the cause of its downfall. The reason is that the grandiloquent rhetoric about Spain, its imperial past and its providential mission, combined with a policy of repression of peripheral nationalisms, destroyed what little might have remained of the discourse of justification of Spanish nationalism at the time of the democratic transition.

In the years leading up to the transition, a renaissance of nationalist feeling could be observed in Catalonia and the Basque Country. This gave rise to a complex operation of institutional and cultural accommodation in the policy of the centrist government that organized the transition, which is reflected in the Constitution of 1978. What that institutional practice and the Constitution did was to shape an experiment in the formation of 'meso-governments' or intermediate territorial governments not only in Catalonia and the Basque Country, but in the whole of Spain.⁴⁰ In this way, governments with their own parliaments were set up in seventeen Spanish regions, and the country embarked on a hazardous adventure of redefinition of not only the state but of its own identity. This process has led inevitably to the development of complex and mixed feelings of identity. In the short to medium term, this has caused innumerable normative conflicts inasmuch as groups of people have got together who are desirous of imposing their feelings of identity on others. In spite of this, there have also been many experiences of compromise between some groups and others, and many hope and expect that, in the long term, this

⁴⁰ Víctor Pérez-Díaz, *The Return of Civil Society*,

will allow the peaceful co-existence of all feelings of identity, the erosion of nationalist sentiments, the generalization of mixed identities, and the decline of the prevailing exclusive nationalisms, all the more so as all this will take place within the European Union.

The Basque case: the long term tendency

The Basque case is unique. The virulence of the normative conflict has served as the justification or alibi for the systematic violation of the constitutional order and, in general, the legal order of the liberal state throughout twenty years of democracy. These orders have been violated by the terrorists, who have extorted money and assassinated over eight hundred people (or collected their revolutionary taxes, and killed in order to send a message about their 'will to free' the Basque people); and violated by the state itself by allowing the activities of state terrorism that I have already mentioned.

But this normative conflict has occurred within a framework of conditions (that include the European and constitutional contexts, the economy, the plural nature of a plural society as regards its ethnic origins, its feeling of identity, and its politics) whose evolution should logically 'drive' it towards a *modus vivendi* and a civilization of the conflict.⁴¹

The constitutional framework has allowed the development of extraordinary political autonomy, such as the inhabitants of that territory have never known in all their previous history. The Basque government, with a complex institutional structure and a high degree of decentralization, has very broad jurisdiction over economic and social policy, linguistic and educational policy and matters of law and order. The European framework, within which Spain is located, opens up the prospect of a process of permanent re-accommodation, in the very long term, between the member nations of the European Union and the sub-communities of which they are made up.

From the very beginning, the Basque economy has always been structurally linked to the Spanish economy, and continues to be so today. The

presence of financial institutions of Basque origin is central to the Spanish financial system; the Basque electrical and metallurgical industries, their public works companies, their service and distribution companies are all likewise very important in, and to Spain; and both its present market as well as its possibilities for expansion are closely linked to its location within Spain as a whole. The labor market has always been part of the Spanish labor market; in fact, the majority of the Basque industrial working class, above all in Alava and Bilbao, are the children of immigrants or immigrants themselves. The economic policy that affects the Basque Country is the one that is applied to the Spanish economic space as a whole.

Basque society is made up of autochthons (the children of Basques), the children of immigrants and Basques, and immigrants or the children of immigrants in almost equal proportions. The cultural features of the groups are somewhat different, and the knowledge and use of *vascuence* (the Basque language) clearly distinguishes them: a minority of true Basques speak *vascuence* correctly, and the immense majority of immigrants are incapable of speaking it at all. However, there is no question of there being three separate, antagonistic communities. There are relatively fluent communications between them; all of them seem to share the desire to form part of the same community in conditions of equality; and all of them want that community to be both 'one' and plural. When they come to express their identities (applying what I have called earlier 'the criterion of feelings'), it is clear that there is a minority of 'only Basques', an even smaller minority of 'only Spaniards' and a large majority of people with two identities. In summary, there is a 'mixture' of Basque nationalists (in the strict sense), Spanish nationalists, and nationalists who are both Basque and Spanish (or 'Basque-Spanish').

To this we must add that the political vote is widely spread. After twenty years, the pattern is still like a mosaic. In elections to the Spanish parliament, half the vote goes to the nationalists and the other half to Spanish parties. In regional elections, the nationalist vote tends to be higher, which returns a nationalist majority to the regional parliament. However, the nationalists themselves are divided into three parties: two of these incline towards independence (and one of them towards supporting terrorism), while the social bases of the main party (the *Partido Nacionalista Vasco*) are deeply divided on this point. Within the 'Spanish

⁴¹ For a more detailed analysis of the evolution of the Basque situation over the last four decades, and possible future tendencies, see Víctor Pérez-Díaz and Josu Mezo, *El horizonte del País Vasco. Ensayo de anticipación del futuro* (Mimeo, 1997).

parties' there is an equally important division between socialists and '*populares*'. It becomes even more complicated if we consider the political map of each of the three Basque territories separately.

In practice, the result of this has been a spate of political coalitions. There is no other way of governing, either in the Basque Country, in the historic territories or in the municipalities. Beneath the rhetoric of confrontation between nationalists and non-nationalists, this means that (up till now) there has been a process of accommodation and frequent and continuous alliances between nationalist and non-nationalist parties. The main Basque nationalist party has also come to understandings and given its support to non-nationalist parties on questions of Spanish policy in general.

In conclusion, an extremely complex public space exists where it is difficult to pin down the normative conflict. In real life, compromises are continually taking place, the present is full of social intercourse, mixed feelings, desires that, internally, the country should continue to be plural, the co-existence of languages and political coalitions. Furthermore, the institutional framework made up of the Constitution and the Statute of Guernica on the one hand, and the European institutional design on the other, is sufficiently flexible and ambiguous to be able to accommodate many possible projects in the future.

The Basque case: the possible conditions for peace in the short term

In the second half of the nineties, against this background of structural pressures and long term tendencies, the influence of several factors and events can be observed, leading to a reformulation of the normative conflicts and opening up the possibility of bringing an end to the violence in the short term. It is time to shed some light on this recent process and the possible conditions for peace and the civilization of the Basque conflict. In order to do so, I shall analyze certain changes in the perception of the state, the law and the public authority, implicit in the way the justice system is working; the tensions between the implicit moral discourse in the mass demonstrations against violence and the explicit discourse of some priests who maintain themselves equidistant from all the different forms of violence; and the changes in the strategy and political language of Basque and Spanish nationalisms.

First. In the nineties, development of the rule of law and the policing policy implemented by both the central and autonomous governments has increased judicial and police pressure on terrorism. This has meant the 're-discovery' of the state as a space of pacified civil co-existence (because the public authority has a monopoly on legitimate violence within it), and the 're-discovery' of the law or the juridical order as a framework for the pacification and civilization of conflicts.

What has occurred, in effect, is that the institutional operating logic of the rule of law has been shifting the attention of the justice system from one question to another (financial scandals, drug-trafficking, illegal party financing, state terrorism) until it has finally stopped to ask itself the relatively obvious question of whether the 'normalization' of the situation in the Basque Country should not start out from the re-establishment of the rules of daily civil co-existence and, therefore, respect for the law.

It has been reinforced by the interests of local and central government. In short, if moderate nationalism comes to control most, or almost all, of the state apparatus in the Basque Country, the corollary is that it will take on responsibility for maintaining law and order throughout the territory. Its leaders perceive that their electorate (especially the business community) will demand, and efficient economic performance requires, the pacification of the country and the disappearance of the parallel 'state' (terrorist) apparatus that is able to kill, collect revolutionary taxes, order and execute the kidnapping of businessmen, and impose order or disorder in the streets. It is also in the interests of a center-right government, one of whose signs of identity and preferred objectives consists of reinforcing the rule of law. This coincides with the impact of the logic of European construction, that has led to a reduction of the threshold of tolerance of other European countries concerning the freedom of movement of Basque terrorists, and the logic of (the afore-mentioned) judicial activism.

This was the panorama when, on 1 December, 1997, the *Tribunal Supremo* (Supreme Court) decided to imprison the leaders of *Herri Batasuna* (HB) after the broadcasting of a communiqué from the terrorist group ETA (the initials of '*Euskadi Ta Askatasuna*' or 'Euskadi and Freedom'). This was later followed the decision of the judge of the *Audiencia Nacional*, Baltasar Garzón, to close the daily newspaper *Egin* on 14 July, 1998. During the

course of his investigation, the political and operational links between HB, Egin and ETA were revealed, a considerable amount was discovered about the economic relations between them, and substantial information was obtained about the economic and operating infrastructure of all these organizations and other similar ones. This meant that the costs of participating in terrorist or para-terrorist activities had now become much higher for the assortment of journalists, accountants, executives and bureaucrats on the organization's payroll, and for its political leaders. Until then, they had all operated with impunity behind a front of apparently legal organizations. Now their cover had disappeared and they risked being sent to prison.

Second. There has been an appreciable change in the level of social tolerance of terrorism as the result of several assassinations, in particular that of the town councillor for Ermua, Migul Angel Blanco of the PP, on 12 July, 1997. It led to a huge increase in the mass demonstrations against terrorist violence. I shall look at the tension introduced by this into the field of moral discourse between the implicit discourse of these demonstrations and the explicit discourse of some the clergy, that in turn reflect and articulate the language of larger milieus.

Before that date, there had been social movements for peace of some importance, like *Gesto por la Paz* and *Elkarri*, which had brought people out into the street in huge numbers to protest against violence, especially terrorist violence. The terrorists and their hangers-on raised the level of street violence against these demonstrations for peace until they succeeded in intimidating them. In its 'fight to control the streets', ETA intensified its activities and assassinated a series of well-known political figures like Gregorio Ordóñez of the PP, Deputy Mayor of San Sebastián (23 January, 1995), Fernando Múgica of the PSOE (6 February, 1996) and Francisco Tomás y Valiente, ex-President of the Constitutional Tribunal (14 February, 1996). But the assassination of Miguel Angel Blanco was the one that most deeply moved public opinion. There was the impression that a qualitative change in the spiral of violence had taken place. A young man, the son of Galician immigrants, with very modest political responsibilities, had been assassinated and the reaction within the Basque Country was

practically unanimous. There were repeated, massive demonstrations in the Basque Country accompanied by similar ones in the rest of Spain: demonstrations of millions of people showing their rejection of terrorist violence. The immense majority of the Basque population thought that it was an extraordinary event.⁴² This reaction was soon put to the test by new assassinations of councillors for the PP inside and outside the Basque Country (including the assassination of the deputy mayor of Seville and his wife). Seven councillors died, but the fact remained that the normative debate had shifted to almost unanimous condemnation of terrorist violence.

This condemnation would seem to question the moral discourse of the priests who have held themselves equidistant from state violence in defence of constitutional and statutory law and order, and terrorist violence, as two equally reprehensible kinds of violence. This includes equating condemnation of the assassination of terrorist victims with condemnation of the police persecution of terrorists, their possible imprisonment, and the fact that they serve their prison sentences away from the Basque country, which these priests consider a serious offence against the rights of these prisoners, and their families.

At the root of this equidistance from the two kinds of violence is the ecclesiastical interpretation of terrorist violence as the comprehensible answer to prior institutional violence. As it is derivative, terrorism is supposed to be, therefore, less serious than the original violence, and far less serious than the 'third violence' or repression employed by the forces of order in dealing with terrorist violence. In this theological reading of violence (which is essentially the same as the one applied by many priests to guerrilla movements in different part of the third world), the argument about the equivalence or quasi-equivalence of different kinds

⁴² One year after the kidnaping and assassination of Miguel Angel Blanco, 70% of the Basque population believed that the social reaction it had produced was "truly extraordinary because many people changed their attitude or expressed it publically as they had not done before" and only 18% felt that "in reality what happened was not that different from what had happened before and the change in people was not that important". Source: Analistas Socio-Políticos (ASP), *Encuesta sobre "Visión de presente y futuro del País Vasco"* (July, 1998).

of violence is combined with an intensely community-based and, to some extent, de-individualized reading of personal responsibility.⁴³ Paradoxically, this reading obscures the concept of the 'innocent victim of terrorism' because it is no longer clear 'whose victim he is' - he may just be a victim of circumstance - nor that he is 'innocent': perhaps no-one is wholly innocent in questions of 'institutional violence', since it is possible that it is supported by the presumed victims.

Behind this complex reading of the various levels of violence and a diffuse, collective responsibility for it, we can hear the echoes of the profound hostility of a traditional current of Catholic ecclesiastical thought towards a liberal political order, towards an apparatus of the state and civil co-existence that does not coincide with a community of nationalist feeling, and towards a market economy. All of these relatively modern (and 'impersonal') forms of social organization are viewed with suspicion, as though they were a façade for domination and exploitation. It is as though they have to be demystified and, to the extent that violence puts them to the test, violence itself is valued and understood, without being fully shared, because it has a cathartic function and reveals a deeper truth that must be brought to light: the truth of the possibility of a better world in the shape of a primordial, peaceful, wisely ruled community.⁴⁴

There was, then, a deep normative conflict between the implicit moral of the mass demonstrations that rejected terrorist violence when Miguel Angel Blanco was assassinated, which were based on elementary moral rules and moral sentiments, and the moral reading of equivalent kinds of violence made by some of the clergy, which was supported by sophisticated

⁴³ An interpretation sympathetic to this position can be found in José Sols Lucia, *El legado de Ignacio Ellacuría para preparar el decenio de su martirio* (Barcelona: Cristianisme i Justicia, 1998).

⁴⁴ This is a 'pragmatic' and 'utilitarian' reading of religious life, similar to that of the character of Dostoyevski's Grand Inquisitor who, as Alyosha tells his brother, Ivan Karamazov, represents a (supposedly) 'Catholic-Jesuitical' mentality, neither is it very sensitive to the laws of individual free will. Fyodor Mikhail Dostoyevsky, *The Brothers Karamazov*,

theological distinctions. In the latter reading of this problem, the nucleus of the argument subordinates moral judgement of violence to the practical use that can be made of the situation in order to achieve pragmatically a negotiated solution and an end to the violence. Judgement in the light of moral principles or rules of behavior is passed over, and such considerations are replaced by others of an instrumental or utilitarian nature in order to obtain results. By this argument, any reasoning on the intrinsic good or evil of certain acts becomes irrelevant. Thus, it is hoped that political bargaining (in which some ecclesiastics may hope to play a significant intermediary role) will achieve a result, with no need to introducing awkward questions of sin, evil or repentance into the discussion.

By avoiding any reference to feelings and convictions, and by substituting these subjective, sentimental considerations with a cold, realistic and objective appreciation of the relative balance of power, it is hoped that pragmatic negotiation will be made easier. However, in reality, what this does is to stifle the emotions of the majority and check the growth of their feelings of compassion towards innocent victims, and of moral indignation against the terrorists; both of which had received great impetus from the demonstrations following the assassination of Miguel Angel Blanco. Effectively, what these ecclesiastics try to do is to intervene in an oblique, underhand way in the equation of strength.

Third. The structure of political opportunities at this time makes a broad nationalist coalition a viable political option. This demonstrates how normative conflicts overlap conflicts of interest and political strategies in any specific historical experience. The present normative conflicts are linked to problems of nationalism and terrorism. The shift in the normative debate from the problem of terrorism to that of nationalism may have been encouraged by a weakening of the terrorist discourse and the difficulties of equidistance in ecclesiastical discourse, but it has also been furthered by the political opportunity of a nationalist coalition.

In these circumstances, a unilateral renunciation of violence, that would appear to indicate generosity and free will on its part, may be of great interest to radical nationalism if it is combined with the opportunity to establish a strategic alliance with moderate nationalism around a nationalist program.

This would offer moderate nationalism the possibility of remaining at the center of the political spectrum while presenting itself as the great peacemaker in its country, having convinced ETA to stop the killings in order to achieve a substantial number of their objectives by political means. It is a highly complex and risky game, as much for radical as for moderate nationalism. Experience of peace may make the implicit threat in ETA's decision to return to assassination if it does not achieve its political objectives increasingly less plausible. On the other hand, a parliamentary agreement or parliamentary support from the pro-ETA party for moderate nationalism could generate confusion and internal tensions within the social bases of the latter, which are already divided between independent-Basques and Spanish-Basques, who do not wish the Basque Country to become independent.

The logical move for the moderate (independent) nationalist leadership would be to create a *de facto* situation whereby its social bases, and especially that half of them made up of 'Basque nationalists' who want to remain a part of Spain, are progressively induced into a permanent state of exasperation and mistrust of the socialist and 'popular' parties and the rest of Spain in general. It would do this with a view to an indefinite struggle with central government to obtain 'more and more' autonomic jurisdictions and an escalation of '*de facto* situations' that would lead to continual confrontation. This would be complemented by the satisfaction of its nationalist bases at such effective government of the country by the nationalist coalition. Nationalist voters as a whole would then get used to agreements between the nationalist parties as regards the government of the country (including the maintenance of law and order, control of the Basque judiciary, the handling of funds and subsidies and public aid to enterprise, taking over control of the public and para-public sectors of savings banks and other bodies, etc., as well as promoting a policy of support for the Basque language), and the expansion of networks of patronage and clientelism that, as well as offering employment opportunities, would send a clear message about where to go, to any who had practical problems to be solved with the administration.

This series of experiences negotiating 'against' others, and excluding them from a share in the resources of power would, in the long term, upset the balance in favor of the independence option for

various reasons. Firstly, because of the expectations created among Basque nationalism's own social bases; secondly, because of the attitude of resignation that would be generated among the non-nationalist Basques; and thirdly, because of the mixture of irritation, mistrust and, eventually, fatigue that would set in in the rest of the country as it became increasingly fed up and benumbed by the constant struggle.

This is obviously a 'hypothetical' or 'typical-ideal' strategy that might or might not be successful: radical nationalism might refuse to countenance it, the non-independent moderate nationalist bases might make their voices heard or transfer their political support to other parties, the so-called 'Spanish' parties might react in a variety of ways, etc. etc. Nevertheless, under present conditions, such a strategy is possible and it might enjoy some degree of success. If it were implemented, it would create a confused, elusive, stubborn normative conflict, a little like what can be observed in the case of Québécois nationalism.

The experience would be confused because it involves a contradictory definition of the state on the part of nationalism: while on the one hand it tries to pacify the country and considers the state as guarantor of a space for civil co-existence, on the other, it uses the state as an instrument in the service of a nationalist-normative project of 'nation-building'. If the first definition prevailed (as moderate nationalism sometimes seems to want), we would be facing a long, draw out process; if the second definition prevailed (as radical nationalism seems to want) events would accelerate, and we would possibly be facing the return of an un-civil confrontation (in one form or another).

Fourth. If we now consider what has happened to the political strategy and language of Spanish nationalism, principally represented by a center-right government that has been in power since 1996, we can see there have been important changes. Firstly, the government of the *Partido Popular* is developing a strategy of accommodation with peripheral moderate nationalism, within the institutional framework of the Constitution and the Statute of Autonomy. It is also working on a strategy of reaffirmation of the rule of law, that it is trying to make compatible with another more general strategy of consensus whereby all the parties in the Spanish parliamentary spectrum unite in a pact to 'save the state' as the framework of

civil coexistence. This is somewhat similar to what can be observed in France when parties of the left and right unite in a 'republican pact' against anti-system parties (although this needs the difficult collaboration of the socialists).

Secondly, the government is exploring a conceptual and rhetorical modification of Spanish nationalism, as if it were trying to find common ground for agreement with the peripheral nationalisms that was sufficiently flexible to allow the integration of the regionalist feelings of the rest of the country. This redefinition has two components. On the one hand, it is trying to introduce an important degree of 'constitutional patriotism' into Spanish nationalism; in other words, feelings of belonging to a community precisely because the values and rules of civil coexistence prevail within it. On the other, it is trying to bring Spanish nationalism closer to the conception of a 'plural Spain' characterized by its diversity and not by its homogeneity.

These changes in strategy and language appear to be possible thanks to two factors. One is the existence of the broad, flexible juridico-institutional framework comprised by the Constitution and the Statute in Spain, and the European Union. The other is the relative success of a center-right government in governing the country that has allowed it to venture down the path of strategic accommodation and conceptual exploration from a position of strength.

It is certainly true that, after being in force for two decades, the constitutional-statutory framework has a certain solidity. It has been directly endorsed by the usual procedures (that is, by a majority of the corresponding votes); it has been indirectly endorsed by its duration and its use as the framework for numerous elections of all kinds and uninterrupted public activity throughout this time; and it has been (partially) reinforced by the (partial) reaffirmation of the rule of law in recent years (though it may be weakened by a possible political manipulation of the justice system). Moreover, this framework must now be considered in conjunction with that of the European Union, which is becoming increasingly relevant. To some degree, it is within the EU framework or in relation to it, that we have witnessed the negotiations that could lead to peace in Northern Ireland. Without going into details, this means recognition that the Basque dispute is in some way located within the framework of 'a broader

conversation' with other actors, who are present (for the time being) as 'concerned observers' of the course of events.

To this is added the fact that the more confident the Spanish government feels of its position, the better it is placed to accept compromises. On the one hand, the non-nationalist party bases in the Basque Country (and particularly the *populares*) have been strengthened over the last few years, partly as a result of the social mobilization against terrorist violence. On the other, the central government can argue that Spain as a whole is living a time of success in both the international and domestic spheres. This is in significant contrast to the sensation of failure at the end of the last century when the peripheral nationalisms formulated their historic projects. The evolution of the economy has allowed foreign policy successes. Joining the 'euro' has coincided with an qualitative increase in the export sector, in capital investment and in a position of influence in the Latin-American economies. At this time Spain's position as an influential member of both the European Union, after more than ten years of activity within it, and NATO, to which it has belonged for more than fifteen years, is assured. Such a foreign policy can generate feelings of self-esteem and self-confidence that provide the emotional basis for a redefinition of Spain: not in the traditional terms of exclusive Spanish nationalism, but as a plural Spain that can allow the peaceful co-existence of several nationalisms and plural identities.

Affirmation of the rule of law, the relative progress of a social movement for peace that redefines the moral language of violence, the new political opportunities for Basque nationalism, and the changes in the strategy and language of the Spanish political class, in particular the center-right wing and its government: all of these are the conditions that explain the first indications of the possibility (and only the possibility) of an indefinite truce. This truce - the consequence of the weakening of the normative conflicts on nationalism and terrorism which were themselves the result of a combination of changes in the functioning of institutions, social behavior, moral discourses and political strategies - appears to be a necessary condition in order to begin the process of civilization of these normative conflicts. There does not yet appear to be any chance of a normative consensus, given the passion for domination, and the desire to impose their own sentiments on everyone else, that can be observed

in many Basque nationalists and many Spanish nationalists. Nevertheless, it is clear that if the truce is only one alternative, a return to terrorist violence is another.

7. Conclusions

The various pieces of the theory outlined in the first section of this work fit together when we come to explain the process of civilization of normative conflicts; processes that are open and contingent, like all historical processes, and therefore, to a certain extent, reversible.

In the first place, we began by examining the contributions made by different kinds of activities by different sorts of agents to these processes. Some reflect a capacity for initiative, for adaptation to new circumstances, for the rectification of previous models, and for the invention of new modalities of behavior on the part of a series of different agents. Others constitute an expression of the day-to-day, relatively routine functioning of institutions once they have been established.

First, there are the actions of the public authorities. There was a metamorphosis of the nature of the office of public authority as it passed from the Francoist state to a democratic state. But in the 1980s, the incumbents of this office of authority were initially uncertain about how it should be interpreted. This led them to indulge their inclination for 'political realism', and to employ networks of patronage and clientelism (that suggest the persistence of the remains of organizational forms and a mentality proper to a period prior to capitalism and the modern democratic state). Their attitude encouraged behavior leading to abuses of power that have had to be rectified.

Second, there are the activities (strategies and discourses) of the political parties. A process of normative rapprochement can be observed between the political families of the right and the left on matters relating to the nature of the state and the organization of economic life that has led to a normative quasi-consensus on the desirability of the market economy. We have also seen some tentative progress on bringing closer the positions of the peripheral nationalist and non-nationalist (or Spanish nationalist) parties.

Third, there are the activities of the judges, and

the media. The intervention of the judges (at least some of them) has been decisive in correcting the authoritarian drift implicit in the abuses of power of the eighties and nineties. As guarantors of the enforcement of the rules, judges have moved towards the realization of the role of 'impartial authorities'; a role that is shared, or could be shared up to a point, by other social authorities like agents of the media. Both judges and the media have been the main actors in the social drama that has challenged public authority because of its abuses, and that has reaffirmed the principles of submission to the law and the need to publicize the authorities' actions and their responsibility for them.

Fourth, there are the activities of the Catholic clergy in a country in which the immense majority of its inhabitants feel themselves to be Catholic. In this respect, we have observed the extraordinary metamorphosis in the interpretation of their office and their mission by the clergy from the civil war and early decades of Francoism to the final decades; and we have analyzed the mechanisms of the transformation of their 'enthusiasm' into civil tolerance. I have also indicated some of the limits to the clerical contribution to the process of civilization of normative conflicts, with particular reference to the moral discourse that equates different kinds of violence, including Basque terrorism. (I suggest that the remains of a traditional 'extremism' combined with what is perhaps 'postmodern' pragmatism are to be found in this discourse).

Fifth, there are the effective behaviors of the ordinary members of society. One of the central features of the explanations put forward in this essay is my emphasis on the importance of these behaviors and the need to highlight the moral discourses implicit in them. Thus, we have observed the decisive nature of the effective behaviors of several social groups when interpreting the changes in the religious offer from the clergy in the fifties and sixties, which was probably the main factor in the transformation of the Church. We have also examined the importance of the behaviors and subsequent attitudes of the working class and the population as a whole (see, for example, the discussion of hedonism and 'consumerism'), that can account for the changes in the left-wing vision of the market economy and the social order, obliging the leaders and the cadres of the organizations of the left to abandon its original discourse of the 'class struggle'; the

importance of the usages and customs of civil co-existence among large numbers of the population during the last decades of Francoism that facilitated the full implementation of the rule of law later on (with some reservations); and the importance of mass demonstrations and their implicit moral discourse in the fight against terrorist violence.

Sixth, there are the activities involved in the ordinary or routine functioning of institutions once they had been set up. These refer to the regulated activities and interactions of the various orders that, taken as a whole, constitute an order of freedom. These are: the constitutional order, through the routine of elections and political processes; the rule of law, through the actions of the judicial apparatus; the market economy, through the usual activities of economic agents; and the plural social fabric, through the regulated conflicts, negotiations and agreements between social agents (groups of interest or identity). In this study, I have mentioned this kind of aggregate, institutionalized activity, and its own internal 'logic' in relation to networks of patronage and clientilism, unfair competition and government coalitions, the rationalization of the activities of the judicial apparatus, and the pressure of the European institutional environment on domestic affairs, etc.

In the second place, as well as identifying the nature of these activities and weighing up their effect on the civilization of conflicts, this study outlines a general argument that allows some actions to be related to others. The crux of the argument is that the civilization of conflicts depends initially on a process of pacification, and subsequently on the relationship between the institutionalization of the rules of civil co-existence applied to all areas of society, and the interiorization of those rules in the form of civil dispositions.

The process of pacification (that is, the exclusion of the use of physical violence) is an indispensable prior requisite. In the Spanish case, it resulted from the memory of the civil war combined with the circumstances of the democratic transition. However, the persistence of Basque terrorism is illustrative of the possibilities, and limits, of achieving the civilization of conflicts in a territory as a whole and in relation to a series of fundamental questions while a focus of uncivilization, relatively limited to a peripheral region and a specific question, continues to exist.

It is not likely that these two processes - the civility in the handling some conflicts, and the lack of civility or 'barbarity' in the handling others - can co-exist side-by-side. In fact, there has been a contamination of the civilizing process of Spanish conflicts as a consequence of Basque terrorism. Proof of this is the state terrorism of the GAL in the eighties that put the rule of law in Spain at risk.⁴⁵ However, the Basque case also shows that the process can work both ways. There is a spillover from the institutions of the market economy, parliamentary practices and other forms of daily social co-existence and their corresponding dispositions that affects the objective conditions and the emotional climate in which terrorist violence breeds, making it less viable.

Thus, the formation of a relatively coherent group of 'civilizing' institutions can be observed in Spain as a whole. These institutions refer to the public authority, the rule of law, the market economy and the plural social fabric. They are all inter-related in the sense that the rule of law guarantees that the public authority fulfills its function of guardian of the community, protecting the market economy and making the expression of plurality possible. In turn, each one of the other components reinforces the whole. The market economy, when it functions within the law, limits the arbitrariness of the authority and prevents the expansion of networks of clientilism and patronage, or unholy alliances between political and social powers that tend to homogenize society (as occurred between the monarchy and the church in the Spain of the *Ancien Regime*).

Nevertheless, the civilization of normative conflicts does not only depend on the combination of the activities involved in the ordinary or routine functioning of all these institutions. It does depend on people's inclination to act so as to fulfill the established roles in a predictable way, but it depends even more on their initiative, and their readiness to change or rectify institutions and the pre-established scripts when there is a need for it. Right behind either action (the application of institutional logic, or its alteration) are agents with dispositions for action, which can be interpreted by reference to various cultural (cognitive, emotional and moral) factors.

⁴⁵ Another proof of this contamination was the coup d'état in February, 1981 (see Víctor Pérez-Díaz, *The Return of Civil Society*, ---).

The consolidation of these dispositions requires an institutional framework. This means that the disposition for truth in the public space and the assumption of individualized political responsibility cannot be inspired in people living in a society that they perceive as chaotic and lacking in rules. In these circumstances it is understandable that people lie and avoid responsibility because their only attitude to life is one of survivors trying to overcome all sorts of unforeseeable obstacles. Consequently, the reason political leaders indulge in half-truths and avoid their responsibilities, although they already operate within a stable institutional framework, is due to the fact that they grew up and were socialized in situations where the 'law of the jungle' prevailed.

Finally, in the third place, this study points not only to the complexity but also to the contingent nature of the formation processes of the institutions and dispositions essential for the civilization of normative conflicts, and of the learning process involved. In the Spanish case, the learning sequence of 'civil dispositions' began with enthusiastic Catholics learning tolerance in a largely indirect way through their experiences of having to adapt to the demands of diverse social groups, and having to co-exist with other competitors for moral influence over the masses (without forgetting the role of the moral of authenticity). At almost the same time, there was a learning process of the virtues of the market economy together with the welfare state and 'consumerism', that led to growing expectations of increasingly wide margins of freedom. Learning the values of a liberal democratic regime was thus foreshadowed by these 'pre-political' socio-cultural and socio-economic experiences. Later on, the learning process has encompassed the importance of the rule of law and the submission of the public authority and the political class to that law. This may in turn have influenced the interpretation of the state as a space for civil co-existence, and therefore encouraged the search for formulas reducing exclusive nationalisms of all kinds, including the search for conceptions like that of a 'plural Spain'.

The corollary of this learning sequence is that

the minimum normative consensus of a plural civil society can become relatively *robust* depending on the strength of the dispositions that accompany it, and the institutions that reinforce it.

Thus, the Spanish experience suggests that normative conflicts can be civilized *pari passu* with three developments. Firstly, it needs a process of social learning that confirms the desirability of certain basic moral and cognitive orientations, and the undesirability of others. For example, the civilization of conflicts in Spain has meant the spread of a moral feeling among its inhabitants that rejects attitudes that are typical of 'political realism', the avoidance of individualized political responsibility, or the exacerbation of symbolic violence in public discourse (which occurs when there are frequent calls for hostility and suspicion towards a political adversary). Secondly, the civilizing process should go hand in hand with an increase in the contents of the normative consensuses. In the Spanish case, this would include near unanimity on the value of secularity; the apparent rapprochement of traditional left and right wing attitudes to the fundamental problems of socioeconomic organization; recognition that the acts of public authorities and political leaders must obey the principle of equality before the law; and the reformulation of these contents in a more complex and inclusive way for the purpose of accommodating old identity conflicts within them, as may be the case with the conception of a 'plural Spain'. Thirdly, these dispositions and contents are reinforced by the uninterrupted functioning of the various institutions of a liberal democracy, the market economy, the rule of law and the public space over a long period, thus demonstrating the interconnectedness of these institutions.

There is no guarantee of permanence since all the processes under discussion are 'reversible' and a normative consensus may be 'fortified' or 'debilitated'. Lessons from experience are often forgotten, institutional strains may be exacerbated, dispositions may change. That, however, is irrespective of the plausibility of the wish, dream or aspiration entertained by the present generation for the stability and progress of a civil society.

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