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Charles Tilly

Where Do Rights Come From?*

What Sort of Question is This?

Where do rights come from? We could ground this grand question in analytic philosophy à la Rawls, metaphysics à la Rousseau, or rational action à la Riker. I want instead to ground it in European political history. Grounded historically, the question becomes a naturalistic one: how have European people acquired enforceable claims on the states to which they were subject? More narrowly, how have rights of citizenship come into being? How did authorities come to owe goods, services, and protections to people merely on the ground of their belonging to a category, the category of people in the political community attached to a state? How did that political community expand to include most people, or at least most households, in the population at large?

Even more surprising, how did ordinary people get the power to enforce such weighty obligations? Vying in vain in a national arena, did Europeans wrest rights from local authorities and then see them eventually extended to a national scale? Or did benevolent despots first grant them to a small number of companions, and then, as enlightenment spread among rulers and ruled, extend them gradually to the rest of the population? Or did they emerge from struggle at a national scale?

* This paper owes its existence to a question Mayer Zald asked over coffee in the basement of the Michigan Union. Readers may blame him for the question, but not for the answer.

My answer comes closest to the third alternative: struggle at a national scale. Rights, in this formulation, resemble what Amartya Sen (1981) calls entitlements: enforceable claims on the delivery of goods, services, or protections by specific others. Rights exist when one party can effectively insist that another deliver goods, services, or protections, and third parties will act to reinforce (or at least not to hinder) their delivery. Such entitlements become *citizenship* rights when the object of claims is a state or its agent and the successful claimant qualifies by simple membership in a broad category of persons subject to the state's jurisdiction. I think that citizenship rights came into being because relatively organized members of the general population bargained with state authorities for several centuries, bargained first over the means of war, then over enforceable claims that would serve their interests outside of the area of war, and thereby helped enlarge the obligations of states to their citizens. The leverage broadened the range of enforceable claims citizens could make on states even more than it expanded the population who held rights of citizenship.

This answer emerges from the confluence of work on state formation and work on collective action, two largely separate streams that, once joined, refresh our understanding. They clarify the paradoxical processes by which greatly unequal struggles produced mutually-recognized rights: rights of citizens and groups of citizens with respect to states, rights of state officials (and even of states as corporate entities) with respect to citizens. (In order to press the point, I have fed the bibliography until it resembles a parasite as big as its host.) From previous work on state formation (e.g. Evans, Rueschmeyer & Skocpol 1985, Goldstone 1990, Tilly 1990) comes recognition of the extractive, repressive relationship of states to subject populations through most of history, and wonder that they should ever concede extensive citizens' claims. From previous work on collective action (e.g. Gansson 1990, Peattie & Rein 1983, Tilly 1978) comes a twofold model of struggle:

- 1) struggle over demands made by states on their subjects, by subjects on states, or by subjects on each other;

- 2) struggle by specific groups of subjects to enter the polity (the set of persons and groups having routine, enforceable claims on the state), to help others enter the polity, to defend certain polity memberships, or to exclude others from the polity.

In caricature, the argument says that rights of citizenship formed as the bargains struck in the course of both sorts of struggle, first chiefly in defense against invasive state demands for the means of war, later in the pursuit of a much wider range of collective action and state intervention.

This way of explaining rights is at once empiricist, speculative, and cynical. It is empiricist because I look to the actual experience of Europeans over the last thousand years of state formation and transformation. It is speculative because no one, including me, has assembled the mass of comparative evidence its definitive verification or falsification requires. It is cynical because it assumes that whatever enforceable claims on states people acquired, however wrong they may now appear to be, constituted rights. It does not call "rights" only obligations of which I personally approve. In self-righteous retrospect, I do not like the legal support Prussian Junkers received from their states in making serfs out of free peasants, but for me the Junkers' enforceable claim to state assistance in apprehending rebels and runaways qualified as rights.

The Junker right to discipline rebels and runaways did not, however, constitute a right of citizenship. Citizenship rights belong in principle (if not always in practice) to everyone who qualifies as a full-fledged member of a given state; membership in the category suffices to qualify a person for the enforceable claims. These days citizens of European states typically have rights to vote in national and local elections, to engage in a wide range of collective action outside of elections, to receive a considerable number of governmental benefits and services, to move freely within the frontiers of their states, and even to receive the protection of their states when they travel or reside outside their frontiers; citizens can only lose these rights through a formal process of degradation, such as a criminal sentence or commitment to a psychiatric hospital; with respect to the same

states, otherwise identical non-citizen neighbors do not generally share these rights.

Expansion of Rights, Creation of Citizenship

T.H. Marshall's classic formulation distinguished three elements of citizenship: civil, political, and social. Civil rights comprised those protecting individual freedom, political rights those guaranteeing participation in the exercise of political power, and social rights those providing access to material and cultural satisfactions (Marshall 1965: 78). Thinking of England, Marshall assigned the definitive acquisition of civil rights to the eighteenth century, of political rights to the nineteenth, and of social to the twentieth. By the 1830s, he argued, "the civil rights attached to the status of freedom had already acquired sufficient substance to justify us in speaking of a general status of citizenship" (Marshall 1965: 84). In each case, Marshall conceived of the rights' extension as the almost-Hegelian realization of a principle in history. Characteristic common sense and fair play, it is true, implemented the English Geist.

Marshall explicitly rejected my line of argument: "Rights are not", he declared, "a proper matter for bargaining" (Marshall 1965: 122). Despite recognizing that civil rights (protections of individual freedom) provided the frame for the other two, he did not see how the struggle for one prepared claimants to struggle for the next. No doubt he resisted that line of argument because in 1946, when he wrote, it would have made the current struggle for social rights a matter of *rapport des forces* when he sought to prepare his audience for intervention in the order of social classes as a matter of inevitable principle. However that may be, his otherwise perceptive analysis suffered acutely from historical foreshortening. We can place it in more adequate perspective by attempting to place the gain and loss of rights more firmly into history than Marshall did.

Citizens of European states now enjoy *ipso facto* rights to education, housing, health care, income, and a wide variety of political participation. Some resident non-citizens also have legal access to many of these benefits, but the enforceability of their claims remains

limited and contested. If France grants the local vote to *ressortissants* of other states, the distinction will start to blur. When distinctions of this sort disappear, we have two linguistic choices: we can say that the rights attached to citizenship have diminished, or we can say that states have begun to equate citizenship with authorized long-term residence. In the case of Europe, a third choice may also apply: that citizenship rights have devolved to the European Community. The test will come with the treatment of nationals from outside the Community. In the meantime, citizenship makes a significant difference to the claims on a state any individual can enforce.

As the European Community's scope expands, one of the thorniest issues its members face grows on precisely that flowering bush: to what extent, in what ways, and with what sort of enforcement will citizenship rights become vested in the Community as a whole rather than in any particular state? To what extent will they become uniform and transferable among states? Instead of rebels and runaways, what about refugees? If one European state recognizes a set of people as political refugees who have high priority for citizenship, must all other members of the Community recognize those rights? Will the right of a newly unemployed worker to income, job placement, and retraining apply in the state to which he has migrated? Who will pay the benefits? When rights vary from state to state, will the lowest common denominator prevail throughout Europe? The average? The highest value anywhere? Similar questions face the rebuilders of political life in Latin America and Eastern Europe, as the decline of authoritarian regimes brings a new era of constitution-making. The question of citizenship has become newly salient.

It has, in fact, remained relatively salient in Europe for about three hundred years, since the time when larger European states began building big standing armies drawn largely from their own populations – armies (and, for that matter, often navies as well) supported by regular taxation and state-funded debt. To be sure, long before the seventeenth century expatriate European merchants formed "nations" in metropolises such as Constantinople and Rome, gaining a measure of self-government and of protection from their home states in return for policing their own members, assuring their own food supplies in

times of subsistence crisis, and bearing negotiated shares of citywide expenses. No doubt the generalization of resident diplomatic missions in later fifteenth century Europe entailed a certain mutual recognition of citizenship. For the burghers of city-states such as Florence and federations of city-states such as the Dutch Republic membership in the financial elites and political councils of their own cities qualified them for claims on their states as well long before the seventeenth century; in that limited sense, as Max Weber half-understood, *Bürger-schaft* anticipated citizenship.

Most European states and their subjects, however, did not begin bargaining out the rights and obligations of citizenship on a relatively large scale until the seventeenth and eighteenth centuries. Before then, unwritten constitutions frequently bound rulers to members of their ruling classes, but not to the ordinary population. Then rulers turned away from the episodic use of militias and mercenary forces for warfare, trying instead to staff standing armies from their own populations and to force the civilians in their own populations to pay for the armies routinely and well. Large populous states thus gained the advantage over small rich states, as a Venice or a Dutch Republic lost the ability simply to rent an army of poor foreigners and thereby to vanquish its neighbors.

From Indirect to Direct Rule

That effort raised a critical problem: the transition from indirect to direct rule. Until the creation of mass national armies, all larger European states ruled indirectly, counting on the cooptation of various sorts of magnates who acted for the state and guaranteed the delivery of resources to it, but who also retained very large autonomy within their own reserved zones. Even France, that Tocquevillian model of centralization, relied heavily on hereditary governors, provincial Estates, and privileged municipalities until Richelieu (pressed for funds to join the widening European wars of the 1620s) improvised intendants to bypass stubborn regional magnates. Only Mazarin and Colbert regularized intendants into direct and more or less subordinated regional executors of royal will. Even then the intendants spent

much of their time negotiating with Estates, parliaments, military governors, and other regional powerholders who had the power to block the crown's demands and sometimes to incite massive resistance against royal policy.

The dilemma had sharp horns: relying on coopted powerholders guaranteed a certain level of compliance so long as the crown limited its demands and respected the powerholders' privileges, but it reinforced the central authority's chief domestic rivals and most dangerous enemies; the installation of direct, centralized rule, however, was a costly, risky, time-consuming operation that often exploded in rebellion.

The expansion of armed forces impelled high officials of European states to undertake the cost, the risk, and the effort. In large states such as Prussia and Russia, reliance on powerful, partly autonomous intermediaries set a severe limit on the portion of national resources to which the central state could gain access, even if up to that limit it made the amassing of resources easier. Two of war's many unfortunate features are that 1) it really is a zero-sum game at best, and a negative-sum game much of the time; if one party wins, another definitely loses, 2) within the limits set by declining efficacy as a function of the time and space separating antagonists, the party with the most effective armed force sets the terms; a state with small, very efficient armed forces sometimes loses wars with a state with large, inefficient armed forces, and usually loses to a state with large, fairly efficient armed forces. As a consequence of these principles, the most effectively armed European states set the military terms for all the rest.

For several centuries before about 1750, the most effectively armed European states were those that could rent the most mercenary troops. Mercenaries – drawn especially from militarized and land-poor peasant regions such as Ireland, Scotland, Switzerland, Hesse, and Croatia – reached their European heyday in the sixteenth and seventeenth centuries, then began to lose ground in the eighteenth century, and became insignificant with the Napoleonic Wars. Mercenaries had the great advantage of being available rapidly for whoever had the necessary funds or credit. But they had dramatic disadvantages: they were expensive, unruly, unreliable if unpaid, and a great nuisance if not

deported once a war had ended; unemployed mercenaries often became bandits or the equivalent on a larger scale: warlords.

The old European alternatives to nationally-recruited mercenaries had been urban militias, private armies of great lords, and various sorts of feudal levies; the three overlapped. From the perspective of rulers, these forces had the advantages of being cheap and disposable. But they were only available in limited numbers, for limited terms, in service whose conditions themselves generally had well-specified limits; what is more, their leaders and patrons had minds, interests, and ambitions of their own. Only the invention of mass national armies recruited directly from the subject population by the state and operated under control of the state's own officers overcame the clear disadvantages of mercenaries and of the older levies.

The creation of a large, durable national army recruited from the domestic population, however, posed one of those problems of consent beloved of political philosophers. Supporting any army required large resources continuously over long periods: food, uniforms, weapons, transport, wages, and more. In the seventeenth century most states that hired mercenaries borrowed money from local capitalists in the short run, bought the requisites on well-organized markets in which state functionaries and capitalists collaborated, then taxed the general population in various ways to repay their capitalist creditors. A national army added the problem of soldiers, workers withdrawn from the households that would otherwise rely on them for support in present and future, workers who would now disappear from their households for years with the distinct possibility of returning useless or not at all, and of remitting no income in the meantime. Entrepreneurs who knew how to deliver mercenaries did not necessarily know how to pry unwilling recruits from reluctant households. The enlarged numbers and continuity, furthermore, drove substantial increases in taxation at the same time.

How to gain consent? All army-building states turned to some combination of reliance on coopted entrepreneurs, aggressive recruitment, impressment, and conscription. Even so, they faced widespread resistance to the increased burden of taxation and to the seizure of young men for the military. They bargained. They bargained in diffe-

rent ways: by sending in troops to recruit troops and collect taxes, by negotiating quotas for troops and taxes with the headmen of regions and local communities, by confirming the rights of existing assemblies (Parliament in England, Estates in France, Cortes in Castile, Corts in Catalonia, States General in the Dutch Republic) to legislate contributions to military budgets. Even bloody repression of rebellions typically involved bargaining, since authorities punished a few offenders spectacularly while pardoning others who would now comply with the state's demands, and stated in the rebellion's settlement the grounds and procedures for legitimate future remonstrance. White-hot bargaining forged rights and obligations of citizenship.

Attention! These days "citizenship" brooks few levels and exceptions; an economically unequal but politically egalitarian world abhors the maintenance of formal distinctions among classes of citizens. Old-regime European states took a much more differentiated and pragmatic approach. The partial truth in the old idea (promulgated more effectively by T.H. Marshall and Reinhard Bendix than by anyone else) of citizenship as episodic enlargement of participation in national politics lies precisely there: nobles and clergy generally acquired the right of direct access to the sovereign long before bourgeois or, even more so, workers and peasants did. The error lies in conceiving of the process as one of gradual enlightenment rather than continuous struggle, and in imagining that the same sequence of inclusion appeared everywhere that enlightenment spread. The implicit strategy of rulers was to grant national rights to the minimum set of persons that would guarantee the delivery of militarily essential resources to the state, and to collaborate with citizens so privileged in exploiting and repressing the rest. Women and male servants, for example, only escaped from that collusion very recently. Indirect rule operated reasonably well with a small number of people having rights of citizenship – so few that in cases of indirect rule the word is more misleading than helpful.

Contrasting Experiences

The shift to direct rule did not immediately eliminate such distinctions. With whom rulers bargained varied with their strategies for enlarging

military force, which in turn depended on the social structures of the regions in which they based their states. Where rulers could coopt well-established regional powerholders such as landlords who would guarantee a supply of troops and taxes to the state, nobilities and gentries flourished, distinctions actually increased, and citizenship in relation to the national state was slow to expand. Russia and Prussia followed that path, but not to a point that we could reasonably call direct rule, at least not until the twentieth century.

England came closer. There the state relied heavily on its squires and parsons to represent the state at the local level, but it also tolerated, however uneasily, considerable direct representation of parishioners, ratepayers, and freeholders vis à vis monarch and Parliament. Other states went even farther in the seventeenth and eighteenth centuries. Where rulers' agents bargained directly for resources with commercially-active burghers or village elders, they had little choice but to concede claims on the state to large numbers of people, even if the consequence of those concessions was to reinforce the positions of those local elites within their own communities. Holland and Sweden followed different variants of that path.

In the process of building nationally-based military forces and citizenship, indeed, Sweden was precocious. Sweden, poor in funds but rich in peasants, had recruited relatively large armies from its own population during its warlike sixteenth-century expansion; Gustav Vasa (1521-60) and his successors had only managed that through a dramatic series of internal struggles and the steadfast collaboration of their now-Protestant and national clergy. Even Sweden, however, relied heavily on mercenaries during the Thirty Years War. Having discovered the limits of conquest by a small state, Sweden then became a pioneer in the creation of mass national armies.

Charles XI (1672-97) took back crown lands his predecessors had been selling to pay for mercenaries, and distributed much of the land to soldier-peasants who owed national military service in payment for their farms. The clergy and state bureaucrats, who created a system of local surveillance and control that rivalled the Chinese and Japanese systems of their time, became guarantors of state claims and peasant rights. Under that system, Sweden became one of Europe's most

militarized states; in 1708, for example, something like 5.5 percent of its entire population was under arms. In the world of 1984 as a whole, about 0.6 of the population was in military service; in Sweden itself, the 1984 figure was about 0.8. Five or six percent military lays an enormous burden on a population. Sweden created an extraordinary state bureaucracy to distribute the burden.

Despite its deserved reputation as a sea power, the Dutch Republic built substantial armies in the seventeenth century, and maintained about 5.3 percent of its population under arms in 1700. Holland and its neighbors built their great seventeenth-century military force by means of a peculiar federal state in which mercantile municipalities held decisive power and the *stadhouder*, when he wielded power at all, did so by means of patronage and canny bargaining among the cities. On the whole the state's armed forces actually consisted of troops and navies raised by the individual provinces, especially the disproportionately rich province of Holland. The provincial military forces were perpetually subject to withdrawal. The (contingently) United Provinces created very little central bureaucracy.

Prussia and Russia likewise turned toward their own populations for troops in the seventeenth century. Unlike Sweden, however, both states relied for recruitment and command on state-serving landlords who exercised great discretion within their own fiefs. Those great lords held the power to block excessive demands from the state. Thus Prussia and Russia rebuilt indirect rule and the obstacles it set to centralized control.

The contrast between Sweden and Holland, on the one hand, and Prussia and Russia, on the other, is instructive. In Sweden, peasants acquired direct political representation on a national scale, even to the extent of having their own formally constituted Estate. In Holland and the other Dutch provinces, citizenship remained vested in municipal ruling classes until a series of struggles in the eighteenth century and the French conquest of 1798. In Prussia and Russia, peasants had practically no access to the national state except through the same landlords whose short-run interests lay in oppressing and exploiting them. Although no one should exaggerate the power of Swedish peasants or forget their subjection to clergy and bureaucrats, seven-

teenth-century Sweden had conceded a minimum set of citizenship rights to the population at large – or at least to the propertied – while its neighbors had granted none at all. On the contrary, as they built military power Prussia and Russia had abridged the autonomies of merchants and villagers alike. The manner of recruiting soldiers made a large difference.

Nevertheless, the decisive move to a model of mass national armies, direct rule, and extensive citizens' rights on a national scale came with the French Revolution. Historians have the habit of thinking that revolutionary military activity was at first a by-product of revolutionary enthusiasm, with the implication that the new forms of rule created the military transformation rather than vice versa. There is some truth in this sense of causal priority, since the political mobilization of 1789 to 1794 produced military forces of a tenacity and patriotism Europe had rarely seen, since revolutionary action against the Catholic Church, the nobility, and royalty surely brought France into conflict with its European neighbors faster and more generally than prudent temporization would have, and since the first steps French people recognized as revolutionary – notably the establishment of a National Assembly centered on the Third Estate – implied a considerable movement away from the old intermediaries and toward direct rule mediated by elected representatives of the population at large.

The French Revolution and its Aftermath

Yet consider the importance of military changes in their own right: the crucial defection of French Guards in the Parisian revolution, the institution of citizen militias as a nearly universal feature of 1789's local revolutionary activity, the search for weapons to arm the new Parisian militia as the immediate incentive for breaking into the Bastille, the strong ties between military recruitment in 1791 or 1792 and support for the Revolution in general, the sale of church and émigré property to finance the state's military efforts, the crucial place of military conscription in the widespread counter-revolutionary movements of 1793, the enactment of most instruments of the Terror in reaction to the double military threat from external enemies and

domestic rebels, the organization of so-called Revolutionary Armies in the larger cities whose chief business was bending the people of their hinterlands (including peasants who were reluctant to deliver food) to patriotic action.

Consider furthermore that it was precisely the fiscal crisis stemming from the American war – a crisis set in motion not by the general inability of the French economy to absorb the cost but by the fiscal limits intrinsic to the French system of indirect rule – that led to the momentous convocation of the Estates General in 1789. Repeatedly, the effort to reorganize, enlarge, and finance the state's military activity led to bargaining with major sectors of the population, and thereby to the establishment or confirmation of enforceable claims such as the right to elected representation. Complaints about taxation – less its sheer bulk than the equity of its distribution – dominated parish, Third Estate, and noble *cahiers de doléances* prepared for the Estates General of 1789. What is more, the *cahiers* often linked citizenship directly to the payment of taxes (Markoff 1990: 453).

During the French Revolution, from the Declaration of the Rights of Man (26 August 1789) onward, bargaining that established citizenship rights took place right out in the open. The first revolutionary constitution (1790) installed a sharp distinction between "active" citizens (who paid the equivalent of three or more days' wages in taxes, and had the right to vote) and "passive" citizens (who paid less or none, and could not vote), with a secondary distinction of second-degree active citizens (who paid ten or more days' wages in taxes and could not only vote but also serve as electors and hold office) – a reasonable representation of the independent and propertied who had dominated the Third Estate of 1789. But for the elections of fall 1792, in the shadow of general war, the National Assembly decreed that almost all males twenty-five and over could vote; servants and other presumed dependents still lacked voting rights. Advocates of the expanded electorate argued specifically that men who could fight for the *patrie* should also be able to vote for its governors. Unwilling conscripts of March 1793 often turned the argument around, declaring that they would be ready to serve if the government also drafted the officeholders who were receiving military exemptions.

On 23 June 1793, in the midst of war, insurrection, and bitter struggles over the food supply, the Convention abrogated martial law (including the *Le Chapelier* law forbidding private associations such as guilds) yet authorized severe price controls. The next day it voted a new constitution and a new Declaration of the Rights of Man and the Citizen. While outlawing slavery (the black insurgents of Saint-Domingue had finally received a hearing), they guaranteed not only manhood suffrage, but also the rights to rebellion, to education, to public welfare, to property, and to subsistence. True, the legislatures of Thermidor and thereafter abridged citizens' rights dramatically; manhood suffrage did not reappear in France until the Revolution of 1848. But by 1793 the French had clearly established the category of citizen as well as the principle and practice of negotiating the rights and obligations attached to that category in elected national assemblies. Their military conquests and their example spread category, principle, and practice to much of Europe.

The citizenship that emerged from the French Revolution and Napoleonic Wars was exiguous by today's standards, although from an eighteenth-century perspective it was thick indeed. It consisted of property-restricted rights to vote for legislative assemblies, veterans' benefits, limited protection for political associations, relative freedom of movement within national boundaries, a measure of religious toleration, and not much more. The array obviously varied from country to country within Europe; Russia in 1815 was far from granting anything resembling national citizenship, while in England even ambitious rulers did not dare to abridge the prerogatives of a Parliament chosen by an amalgam of electors, the general right of religious association (political and economic association remained much more fragile but never nonexistent), freedom to assemble for peaceful purposes (although which purposes were peaceful likewise remained open to negotiation and official interpretation), or the right to petition national authorities. Nevertheless through much of Europe it meant that the capitalists who were so crucial to state finance had obtained political position and freedom of action they had not enjoyed in most places during the eighteenth century.

What Happened, Again?

In a long, uneven first phase, the creation of mass national armies created the rudiments of national citizenship in European states. Then between the eighteenth century and the recent past, the rights attached to membership in the national category of citizen expanded dramatically. Why and how? It happened in two further phases, a second of a bourgeois-led drive for civil and political rights, a third in which workers, petty bourgeois, and peasants bargained more autonomously with the state.

In the second phase, negotiation over the making of war continued to play a central role. General war among European powers diminished for a century after 1815, but Europeans maintained nationally-recruited standing armies and exported war to the rest of the world in the form of imperial conquest. The greatly increased military budgets empowered the bourgeois- and landlord-dominated legislatures that had taken shape during the French wars and never quite disappeared after they had ended; they now became the loci of struggle over government expenditure, the gateways through which ministers and kings had to pass on their way to military expansion. But to balance their aristocratic counterparts in the legislature, fragments of the national bourgeoisie commonly formed coalitions, implicit or explicit, with unenfranchised but increasingly organized workers and petty bourgeois. Within limits, the same civil rights that advanced the bourgeois position supported the organization of workers and petty bourgeois. As they pushed for freedom of association, freedom of assembly, freedom of the press, and related liberties, they willy-nilly promoted the mobilization of poorer, less powerful members of their commercial world.

Let me not exaggerate. The famous British Reform Act of 1832 slammed shut in the faces of organized workers a door they and the bourgeois who benefited from the Act had battered open together; the workers' consequent sense of betrayal helped motivate the great Chartist Movement that followed almost immediately. Its relation to the coalition-breaking of 1832 and the recognition of political advantages industrial masters drew from it explains to a considerable degree

the surprisingly political program of Chartistism; one might have expected impoverished and browbeaten workers to emphasize wages, employment, and working conditions rather than annual meetings of Parliament. Not until 1867 did substantial numbers of British workers begin to vote in national elections. European bourgeois of the post-Napoleonic period found themselves in the ambivalent position of enjoying the sharp political distinction between themselves and workers or shopkeepers while wanting workers and shopkeepers as counterweights against their powerful political rivals. Nevertheless, the net effect of their action was to enlarge the zone of civil rights and to make the state more vulnerable to workers', shopkeepers' and peasants' demands for political rights.

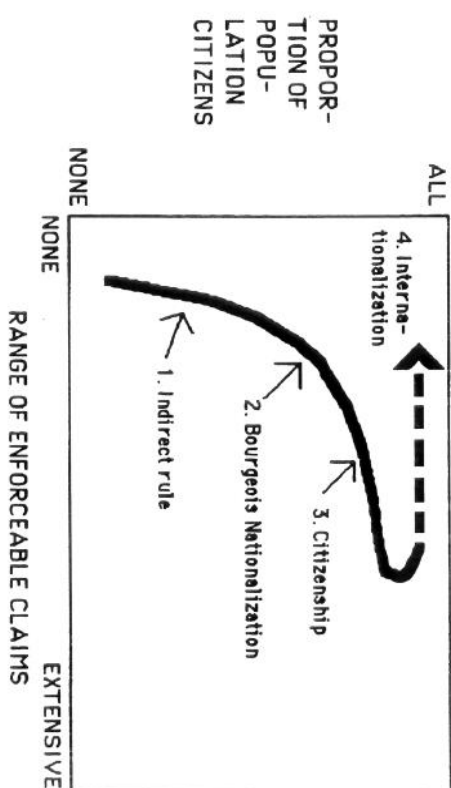
In the third phase, promoted by the bourgeois-worker-peasant coalitions of 1848 revolutions, the chief beneficiaries of expanded civil, political, and social rights began to mobilize and act more autonomously than before. If Marshall was right to name the twentieth century as the great age for social rights, the nineteenth century laid the foundations in two important ways: by providing workers, shopkeepers, and peasants with the space to organize legally and state their demands forcefully, by initiating a three-way process of negotiation among workers, capitalists, and the state over state-enforced limits on exploitation and over the minimum material benefits to which all citizens were entitled. Under Bismarck, the newly formed German state preempted the negotiation by installing a remarkable social contract top down. But to some degree most European states found themselves intervening in the organization of production and distribution under pressure from increasingly organized workers and consumers. With the later nineteenth century arrived the age in which military expenditure and debt service for past military expenditure no longer dominated European state budgets, as they had ever since distinct budgets had started to form in the sixteenth century. Wars began to matter chiefly as times when state powers and budgets expanded, and ends of wars began to matter as crucial times of political mobilization; the widespread adoption of female suffrage after World War I illustrates those effects. But much more than suffrage was at stake. Social rights to public services – education, health, and

welfare – became major businesses of government. Many European states became welfare states, states committed to providing services and guaranteeing income to large categories of their citizenry.

What of the next phase? If the effect of Europeanization is to displace resources and power toward larger compacts, including the European Community, the displacement should equalize rights among the citizens of different states, vest many rights in greater entities than states, diminish differences between national citizens and European foreigners within any particular state, and therefore to diminish the scope of national citizenship. We might schematize the phases as in Figure 1. The diagram portrays a movement chiefly of the range of persons in the early phases, a movement chiefly of the range of entitlements in the later phases. If there is something to my argument, we should discover some version of this question-mark curve in Europe as a whole over the last three or four centuries, but also in smaller areas of Europe at different times depending on the timing of military expansion and bourgeois strength.

Need I recall how empirical, cynical, and speculative my account of citizenship rights is? Rather than a general theory stating the prin-

Figure 1. Hypothetical Trajectory of National Citizenship in Europe



ciples by which rights should form, I have offered a quick gloss on European historical experience. Rather than drawing out the noblest principles in which the process might be wrapped, I have insisted on the struggle, self-interest, and inadvertence involved. Rather than basing my analysis on close, well-documented comparison, on the other hand, I have ridden high and fast across three or four centuries of history. The chronology itself requires enormous qualifications: full-fledged serfs, for example, still existed in the Russia of 1860, but had disappeared from England and the Netherlands four or five centuries earlier; even today, rights of free speech vary enormously from Albania and Turkey to Norway and Finland. Most European states have found it expedient at some times in the twentieth century to define some putative citizens – Communists, Fascists, homosexuals, collaborators – as undeserving of their rights. A full theory of citizenship rights would account for these variations as well as broad trends over the whole continent. Please treat my account exactly as it deserves: as a provocative, historically grounded, theoretical sketch that invites confirmation, refutation, modification, and extension.

Extensions and Applications

This product of empiricism, cynicism, and speculation applies most surely to the creation of citizenship rights at a national scale during the emergence of national states in Europe. Considering how shakily it walks its own terrain, perhaps we should simply leave the model there, and see if it gets anywhere. Nevertheless, it should be at least instructive to generalize from the specific historical terrain. The model says in general that rights – enforceable claims – arise from the repeated making of similar claims under certain conditions: 1) the claimant and the object of claims each can reward or punish the other in some significant way; 2) they are in fact bargaining over those rewards and punishments; 3) one or both also bargains with third parties who have an interest in the claims being made; and will act to enforce future granting of the claims in question; 4) the three or more parties to the claims thus constituted have durable identities and relations with each other.

This is not, I submit, a bad model – and there are many bad models – of how states become legitimate: not because citizens believe in rulers' virtue, divinity, or traditional authority but because third parties – especially powerful parties such as the rulers of other states – will step in to support citizen-ruler bargains, particular when the disputed matter concerns states' demands of citizens rather than the other way round. A legitimate state is one whose domestic demands the rulers of most other states will support. Again, the model applies nicely to the way workers' rights vis à vis employers come into being, with the relevant third parties often being labor unions and the state. More generally, it provides a plausible account of how what James Coleman (1990) calls "disjoint constitutions" come into being: arrangements in which individuals transfer to some collectively the rights to control certain of their actions, and accept the establishment of procedures to implement those rights, together with sanctions to enforce the norms and rules, when the people ceding such rights differ, to some degree, from those whom the cession benefits. The model tells us that disjoint constitutions result from coercive, unequal bargaining with third-party ratification.

The model also suggests how rights disappear. If any of the four founding conditions – claimant and object controlling relevant rewards and punishments, actual bargaining, interested third parties, durable identities and social relations – weakens significantly, so will rights. In the case of European citizenship, third parties to rights of religious diversity weakened significantly with the peace settlements of 1648, which ratified the establishment of Protestant or Catholic state religions, and denied rulers the rights to change them. With that arrangement, the chances that princely members of a sect would intervene in another state on behalf of their religious brethren diminished significantly, and the path to persecution of religious minorities widened. The rights of religious minorities declined through much of Europe, as rulers sought the organizational advantages of cultural homogeneity and exemplary intolerance. Although during the eighteenth century a number of states came to tolerate and to accept payoffs from formally proscribed minorities, no major changes in religious rights occurred until the French Revolution. This model of rights as the product of

interest-driven bargaining looks at least as plausible as the common notions that rights derive from mentalities, Zeitgeisten, general theories, or the sheer logic of social life.

References

- Aarebrot, Frank H. (1974): "Regional Differences in Political Mobilization in Norway: Local Infrastructure Development, Political Polarization, and Suffrage Extension, 1868-1897", *International Journal of Politics* 4: 91-140.
- Alapuro, Risto (1988): *State and Revolution in Finland*. Berkeley: University of California Press, 1988.
- Alberoni, Francesco (1968): *Stati nascenti*. Bologna: Il Mulino.
- Ames, Edward & Richard T. Rapp (1977): "The Birth and Death of Taxes: A Hypothesis", *Journal of Economic History* 37: 161-178.
- Anderson, Eugene N. & Pauline R. Anderson (1967): *Political Institutions and Social Change in Continental Europe in the Nineteenth Century*. Berkeley and Los Angeles: University of California Press.
- Anderson, James (1986): ed., *The Rise of the Modern State*. Brighton, Sussex: Wheatsheaf Books.
- Anderson, Lisa (1986): *The State and Social Transformation in Tunisia and Libya, 1830-1980*. Princeton: Princeton University Press.
- Apter, David E. & Nagayo Sawa (1984): *Against the State. Politics and Social Protest in Japan*. Cambridge: Harvard University Press.
- Ardant, Gabriel (1971-72): *Histoire de l'impôt*. 2 vols. Paris: Fayard.
- Artéus, Gunnar, Ulf Olsson & Kerstin Stromberg-Bäck (1981): "The Influence of the Armed Forces on the Transformation of Society in Sweden, 1600-1945", *Kungl. Krigsvetenskaps akademins Bihäfte - Militärhistorisk Tidskrift*: 133-144.
- Artéus, Gunnar (1982): *Krigsmakt och samhälle i Frihetstidens Sverige*. Stockholm: Militärhistoriska Forlaget.
- Badie, Bertrand, & Pierre Birnbaum (1979): *Sociologie de l'Etat*. Paris: Bernard Grasset.
- Babbus, Isaac (1973): *The Dialectics of Legal Repression. Black Rebels before the American Criminal Courts*. New York: Russell Sage Foundation.
- Ballbé, Manuel (1983): *Orden público y militarismo en la España constitucional (1812-1983)*. Madrid: Alianza Editorial.
- Bean, Richard (1973): "War and the Birth of the Nation State", *Journal of Economic History* 33: 203-221.
- Beik, William H. (1985): *Absolutism and Society in Seventeenth-Century France*. Cambridge: Cambridge University Press.
- Bendix, Reinhard (1977): *Nation-Building and Citizenship: Studies of Our Changing Social Order*. Berkeley: University of California Press. New enlarged edition. First published in 1964.
- Birnbaum, Pierre (1982): *La logique de l'Etat*. Paris: Fayard.
- (1988): *States and Collective Action: The European Experience*. Cambridge: Cambridge University Press.
- Blockmans, Wim P. (1978): "A Typology of Representative Institutions in Late Medieval Europe", *Journal of Medieval History* 4: 189-215.
- (1988): "Princes conquérants et bourgeois calculateurs. Le poids des réseaux urbains dans la formation des états", in Bulst and Genet 1988.
- Blockmans, Wim P. & Charles Tilly (1989): eds., "Cities and States in Europe", special issue of *Theory and Society*, vol. 18, no. 5.
- Boggs, Carl (1986): *Social Movements and Political Power. Emerging Forms of Radicalism in the West*. Philadelphia: Temple University Press.
- Boli-Bennett, John (1979): "The Ideology of Expanding State Authority in National Constitutions, 1870-1970", in John W. Meyer and Michael T. Hannan, ed., *National Development and the World System. Educational, Economic, and Political Change, 1950-1970*. Chicago: University of Chicago Press.
- (1980): "Global Integration and the Universal Increase of State Dominance, 1910-1970", in Albert Bergesen, ed., *Studies of the Modern World System*. New York: Academic.
- Botz, Gerhard (1976): *Gewalt in der Politik. Attentäe, Zusammenstöße, Putschversuche, Unruhen in Österreich 1918 bis 1934*. Munich: Wilhelm Fink.
- Bowen, Roger W. (1980): *Rebellion and Democracy in Meiji Japan. A Study of Commoners in the Popular Rights Movement*. Berkeley: University of California Press.
- Bright, Charles & Susan Harding (1984): ed., *Statemaking and Social Movements*. Ann Arbor: University of Michigan Press.
- Bulst, Neithard & Jean-Philippe Genet (1988): ed., *La ville, la bourgeoisie et la genèse de l'Etat moderne (XIIe-XVIIIe siècles)*. Paris: Editions du Centre National de la Recherche Scientifique.
- Burke, Edmund III (1988): ed., *Global Crises and Social Movements. Artisans, Peasants, Populists, and the World Economy*. Boulder, Colorado: Westview.
- Busch, Otto (1962): *Militarsystem und Sozialleben im alten Preussen 1713-1807: Die Anfänge der sozialen Militarisierung der preussisch-deutschen Gesellschaft*. Berlin: de Gruyter.
- Button, James W. (1978): *Black Violence. Political Impact of the 1960s Riots*. Princeton: Princeton University Press.
- Calaghy, Thomas M. (1985): *The State-Society Struggle. Zaire in Comparative Perspective*. New York: Columbia University Press.
- Caporaso, James A. (1989): ed., *The Elusive State. International and Comparative Perspectives*. Newbury Park, California: Sage Publications.
- Garden, Maren Lockwood (1974): *The New Feminist Movement*. New York: Russell Sage Foundation.
- Cates, Jerry R. (1983): *Insuring Inequality, Administrative Leadership in Social Security 1935-53*. Ann Arbor: University of Michigan Press.

- Cerny, Philip G. (1990): *The Changing Architecture of Politics. Structure, Agency, and the Future of the State*. Newbury Park: Sage.
- Classen, Henri J.M. & Peter Skalnik (1978): ed., *The Early State*. The Hague: Mouton.
- Clark, Gordon L. & Michael Dear (1984): *State Apparatus. Structures and Language of Legitimacy*. Boston: Allen and Unwin.
- Cohen, Ronald & Elman R. Service (1978): ed., *Origins of the State: The Anthropology of Political Evolution*. Philadelphia: Institute for the Study of Human Issues.
- Cohen, Stanley & Andrew Scull (1983): ed., *Social Control and the State. Historical and Comparative Essays*. Oxford: Martin Robertson.
- Cohen, Youssef (1989): *The Manipulation of Consent. The State and Working-Class Consciousness in Brazil*. Pittsburgh: University of Pittsburgh Press.
- Cohen, Youssef, Brian R. Brown & A.F.K. Organski (1982): "The Paradoxical Nature of State Making: The Violent Creation of Order", *American Political Science Review* 75: 901-910.
- Coleman, James S. (1990): *Foundations of Social Theory*. Cambridge: Belknap Press of Harvard University Press.
- Corrigan, Philip (1980): *Capitalism, State Formation and Marxist Theory: Historical Investigations*. London: Quartet Books.
- Corrigan, Philip and Derek Sayer (1985): *The Great Arch. English State Formation as Cultural Revolution*. Oxford: Blackwell.
- Cronin, James E., & Jonathan Schner (1982): ed., *Social Conflict and the Political Order in Modern Britain*. London: Croom Helm.
- Dann, Otto & John Dimwiddy, eds. (1988): *Nationalism in the Age of the French Revolution*. London: Hambleton.
- DeNardo, James (1985): *Power in Numbers*. Princeton: Princeton University Press.
- Dobry, Michel (1986): *Sociologie des crises politiques*. Paris: Presses de la Fondation Nationale des Sciences Politiques.
- Downing, Brian M. (1988): "Constitutionalism, Warfare, and Political Change in Early Modern Europe", *Theory and Society* 17: 7-56.
- Duffy, Michael (1980): ed., *The Military Revolution and the State, 1500-1800*. Exeter: University of Exeter. Exeter Studies in History, 1.
- Evans, Peter, Dieter Rueschmeyer & Theda Skocpol (1985): *Bringing the State Back In*. Cambridge: Cambridge University Press.
- Favre, Pierre (1990): ed., *La Manifestation*. Paris: Presses de la Fondation Nationale des Sciences Politiques.
- Gamson, William A. (1990): *The Strategy of Social Protest*. Belmont, California: Wadsworth. 2d edn. First published in 1975.
- Gauthier, Florence (1989): "Le droit naturel en révolution", in Étienne Balibar et al., *Permanences de la Révolution. Pour un autre bicentenaire*. Montreuil: La Brèche.

- Genet, Jean-Philippe & Michel Le Mené (1987): ed., *Genèse de l'état moderne. Prélèvement et Redistribution*. Paris: Éditions du Centre National de la Recherche Scientifique.
- Giddens, Anthony (1985): *The Nation-State and Violence*. Berkeley: University of California Press.
- Gledhill, John, Barbara Bender & Mogens Trolle Larsen (1988): ed., *State and Society. The Emergence and Development of Social Hierarchy and Political Centralization*. London: Unwin Hyman.
- Goldstein, Robert J. (1983): *Political Repression in 19th Century Europe*. London: Croom Helm.
- Goldstone, Jack (1990): *Revolution and Rebellion in the Early Modern World*. Berkeley: University of California Press.
- Grew, Raymond (1978): ed., *Crises of Political Development in Europe and the United States*. Princeton: Princeton University Press.
- Gurr, Ted Robert (1986): "Persisting Patterns of Repression and Rebellion: Foundations for a General Theory of Political Coercion", in Margaret P. Karns, ed., *Persistent Patterns and Emergent Structures in a Waning Century*. New York: Praeger Special Studies for the International Studies Association.
- (1988): "War, Revolution, and the Growth of the Coercive State", *Comparative Political Studies* 21: 45-65; Gurr (1989): ed., *Violence in America*. Newbury Park: Sage. 2 vols.
- Gurr, Ted Robert, Keith Jagers & Will H. Moore (1990): "The Transformation of the Western State: The Growth of Democracy, Autocracy, and State Power since 1800", *Studies in Comparative International Development* 25: 73-108.
- Hale, J.R. (1985): *War and Society in Renaissance Europe, 1450-1620*. New York: St. Martin's.
- Hall, John A. (1986): ed., *States in History*. Oxford: Blackwell.
- Hall, John A. and G. John Kenberry: (1989): *The State*. Minneapolis: University of Minnesota Press.
- Hardin, Russell (1983): *Collective Action*. Baltimore: Johns Hopkins University Press for Resources for the Future.
- Hart, Marjolain (1989): "Credit and Power. State Making in the Seventeenth Century Netherlands", unpublished doctoral dissertation in history, University of Leiden.
- Hecl, Hugh (1975): *Modern Social Policies in Britain and Sweden: From Relief to Income Maintenance*. New Haven: Yale University Press.
- Heper, Mein (1985): "The State and Public Bureaucracy: A Comparative and Historical Perspective", *Comparative Studies in Society and History* 27: 86-110.
- Hermes, Helga M. (1988): "Scandinavian Citizenship", *Acta Sociologica* 31: 199-215.
- Hintze, Otto (1962): *Staat und Verfassung*. 2d. edition. Göttingen: Vandenhoeck & Ruprecht.
- Horowitz, Donald L. (1985): *Ethnic Groups in Conflict*. Berkeley: University of California Press.

- Huntington, Samuel P. (1968): *Political Order in Changing Societies*. New Haven: Yale University Press.
- Jenkins, J. Craig (1983): "Resource Mobilization Theory and the Study of Social Movements", *Annual Review of Sociology* 9: 527-553.
- (1985): *The Politics of Insurgency. The Farm Worker Movement in the 1960s*. New York: Columbia University Press.
- Jespersen, Leon (1985): "The *Machistaat* in Seventeenth-century Denmark", *Scandinavian Journal of History* 10: 271-304.
- Jessop, Bob (1972): *Social Order, Reform and Revolution. A power exchange and institutionalization perspective*. London: Macmillan.
- Kerbo, Harold R. (1982): "Movements of 'Crisis' and Movements of 'Affluence'. A Critique of Deprivation and Resource Mobilization Theories", *Journal of Conflict Resolution* 26: 645-663.
- V.G. Kiernan, V.G. (1973): "Conscription and Society in Europe before the War of 1914-18", in M.R.D. Foot, ed., *War and Society: Historical Essays in Honour and Memory of J.R. Western, 1928-1971*. London: Elek Books; Kiernan — (1980): *State and society in Europe, 1550-1650*. Oxford: Blackwell.
- Klandermans, Bert (1989): ed., *Organizing for Change: Social Movement Organizations in Europe and the United States*. Greenwich, Connecticut: JAI Press. International Social Movement Research, vol. II.
- Klandermans, Bert, Hanspeter Kriesi & Sidney Tarrow (1988): eds., *From Structure to Action: Comparing Social Movement Research Across Cultures*. Greenwich, Connecticut: JAI Press. International Social Movement Research, vol. I.
- Klausen, Kurt Klaudi (1988): *Konflikter, Kollektive Aktioner og Protestbevægelser i Danmark*. Copenhagen: Samfundets Fagsyn.
- Knoke, David (1990): *Organizing for Collective Action. The Political Economies of Associations*. New York: Aldine de Gruyter.
- Kriesi, Hanspeter et al. (1981): *Politische Aktivierung in der Schweiz, 1945-1978*. Diessenhofen: Verlag Ruegger.
- Kuhnle, Stein (1973): *Social Mobilization and Political Participation: The Nordic Countries, c. 1850-1970*. Bergen: Institute of Sociology.
- Lane, J.E. & S. Ersson (1989): "Unpacking the Political Development Concept", *Political Geography Quarterly* 8: 123-144.
- Lash, Scott & John Urry, "The New Marxism of Collective Action: A Critical Analysis", *Sociology* 18: 33-50.
- Lee, Su-Hoon (1988): *State-Building in the Contemporary Third World*. Boulder: Westview.
- Levi, Margaret (1988) *Of Rule and Revenue*. Berkeley: University of California Press.
- Lindegren, Jan (1985): "The Swedish 'Military State', 1560-1720", *Scandinavian Journal of History* 10: 305-336.
- Lowi, Theodore J. (1971): *The Politics of Disorder*. New York: Basic Books.
- Lüdke, Alf (1980): "Genesis und Durchsetzung des 'modernen Staates'. Zur Analyse von Herrschaft und Verwaltung", *Archiv für Sozialgeschichte* 20: 470-491.
- Lundqvist, Sven (1977): *Folktrörelserna i det svenska samhället, 1850-1920*. Stockholm: Almqvist & Wiksell.
- Maier, Charles S. (1987): ed., *Changing Boundaries of the Political. Essays on the Evolving Balance Between the State and Society, Public and Private in Europe*. Cambridge: Cambridge University Press.
- Mann, Michael (1988): *States, War and Capitalism*. Oxford: Blackwell.
- (1986): *The Sources of Social Power I. A History of Power from the Beginning to A.D. 1760*. Cambridge: Cambridge University Press.
- Markoff, John (1990): "Peasants Protest: The Claims of Lord, Church, and State in the *Cahiers de doléances* of 1789: Comparative Studies in Society and History 32: 413-454.
- Marshall, T.H. (1965): *Class, Citizenship, and Social Development*. Garden City: Doubleday. First published in 1964.
- McAdam, Doug (1982): *Political Process and the Development of Black Insurgency, 1930-1970*. Chicago: University of Chicago Press.
- Meyer, Jean (1983): *Le poids de l'Etat*. Paris: Presses Universitaires de France.
- Migdal, Joel S. (1988): *Strong Societies and Weak States. State-Society Relations and State Capabilities in the Third World*. Princeton: Princeton University Press.
- Mikkelsen, Flemming (1986): ed., *Protest og Oprør*. Aarhus: Mødttryk, 1986.
- Mommsen, Wolfgang J. & Gerhard Hirschfeld, (1982): ed., *Social Protest, Violence and Terror in Nineteenth- and Twentieth-Century Europe*. New York: St. Martin's.
- Morris, Aldon D. (1984): *The Origins of the Civil Rights Movement. Black Communities Organizing for Change*. New York: Free Press.
- Mueller, Carol McClung (1978): "Riot Violence and Protest Outcomes", *Journal of Political and Military Sociology* (Spring) 6: 46-63.
- Munger, Frank (1981): "Suppression of Popular Gatherings in England, 1800-1830", *American Journal of Legal History* 25: 111-140.
- Nilsson, Sven A. (1988): "Imperial Sweden: Nation-Building, War and Social Change", in Sven A. Nilsson et al., *The Age of New Sweden*. Stockholm: Livrustkammaren.
- Oberschall, Anthony (1973): *Social Conflict and Social Movements*. Englewood-Cliffs: Prentice-Hall.
- Öhgren, Bo (1974): *Folk i rörelse. Samhällsutveckling, flyttningsmönster och folktrörelser i Eskilstuna 1870-1900*. Uppsala: Almqvist & Wiksell. Studia Historica Upsaliensta, 55.
- Oi, Jean C. (1989): *State and Peasant in Contemporary China. The Political Economy of Village Government*. Berkeley: University of California Press.
- Olson, Mancur, Jr. (1965): *The Logic of Collective Action*. Cambridge, Mass.: Harvard University Press.
- (1982): *The Rise and Decline of Nations. Economic Growth, Stagflation, and Social Rigidities*. New Haven: Yale University Press.

- Olzak, Susan (1987): "Causes of Ethnic Conflict and Protest in Urban America, 1877-1889", *Social Science Research* 16: 185-210; Olzak (1989) "Analysis of Events in the Study of Collective Action", *Annual Review of Sociology* 15: 119-141.
- Olzak, Susan & Joane Nagel (1986): ed., *Competitive Ethnic Relations*. Orlando: Academic Press.
- Peacock, Alan T. & Jack Wiseman (1967): *The Growth of Public Expenditure in the United Kingdom*. London: Allen & Unwin. 2d edn.
- Peattie, Lisa & Martin Rein (1983): *Women's Claims. A Study in Political Economy*. Oxford: Oxford University Press.
- Poggi, Gianfranco (1978): *The Development of the Modern State. A Sociological Introduction*. Stanford: Stanford University Press.
- della Porta, Donatella & Gianfranco Pasquino (1983): ed., *Terrorismo e violenza politica*. Bologna: Il Mulino.
- Rasler, Karen A. & William R. Thompson (1990): *War and State Making. The Shaping of the Global Powers*. Boston: Unwin Hyman.
- Rian, Øystein (1985): "State and Society in Seventeenth-century Norway", *Scandinavian Journal of History* 10: 337-363.
- Roberts, Michael (1979): *The Swedish Imperial Experience*. Cambridge: Cambridge University Press.
- Rokkan, Stein (1970): *Citizens, Elections, Parties*. Oslo: Universitetsforlaget.
- Rokkan, Stein & Derek W. Urwin (1982): ed., *The Politics of Territorial Identity. Studies in European Regionalism*. Beverly Hills: Sage.
- Rubenstein, Richard E. (1970): *Rebels in Eden: Mass Political Violence in the United States*. Boston: Little, Brown.
- Schmitter, Philippe C. (1977): "Modes of Interest Intermediation and Models of Societal Change in Western Europe", *Comparative Political Studies* 10: 7-38.
- Scott, James (1985): *Weapons of the Weak. Everyday Forms of Peasant Resistance*. New Haven: Yale University Press.
- Sen, Amartya (1981): *Poverty and Famines: An Essay on Entitlement and Deprivation*. Oxford: Clarendon Press.
- Shennan, J.H. (1974): *The Origins of the Modern European State, 1450-1725*. London: Hutchinson University Library.
- Shue, Vivienne (1988): *The Reach of the State. Sketches of the Chinese Body Politic*. Stanford: Stanford University Press.
- Shugart, Matthew Soberg (1987): "States, Revolutionary Conflict and Democracy: El Salvador and Nicaragua in Comparative Perspective", *Government and Opposition* 22: 13-32.
- (1989): "Patterns of Revolution", *Theory and Society* 18: 249-271.
- Skocpol, Theda (1979): *States and Social Revolutions. A Comparative Analysis of France, Russia, and China*. Cambridge: Cambridge University Press.
- Skowronek, Stephen (1982): *Building a New Administrative State. The Expansion of National Administrative Capacities, 1877-1920*. Cambridge: Cambridge University Press.
- Stepan, Alfred (1978): *The State and Society: Peru in Comparative Perspective*. Princeton: Princeton University Press.
- Tarrow, Sidney (1989): *Democracy and Disorder. Social Conflict, Political Protest and Democracy in Italy, 1966-1973*. New York: Oxford University Press.
- (1989): *Struggle, Politics, and Reform: Collective Action, Social Movements, and Cycles of Protest*. Ithaca: Center for International Studies, Cornell University. Western Societies Program Occasional Paper No. 21.
- Thomas, George M., Francisco O. Ramirez, John W. Meyer & Jeanne Gobalet (1979): "Maintaining National Boundaries in the World System: The Rise of Centralist Regimes", in John W. Meyer & Michael T. Hannan, ed., *National Development and the World System. Educational, Economic, and Political Change, 1950-1970*. Chicago: University of Chicago Press.
- Tilly, Charles (1975): ed., *The Formation of National States in Western Europe*. Princeton: University Press.
- (1978): *From Mobilization to Revolution*. Reading, Massachusetts: Addison-Wesley.
- (1985): "Space for Capital, Space for States", *Theory and Society* 15: 301-309.
- (1989): "Collective Violence in European Perspective", in Ted Robert Gurr, ed., *Violence in America. Volume 2. Protest, Rebellion, Reform*. Newbury Park: Sage.
- (1990): *Coercion, Capital, and European States, A.D. 990-1990*. New York: Basil Blackwell.
- Tilly, Charles, Louise Tilly & Richard Tilly (1975): *The rebellious Century, 1830-1930*. Cambridge: Harvard University Press.
- Tilly, Louise A. (1971): "The Food Riot as a Form of Political Conflict in France", *Journal of Interdisciplinary History* 2: 23-58.
- Tilly, Louise A. & Patricia Gurin (1990): eds., *Women, Politics and Change*. New York: Russell Sage Foundation.
- Tilly, Louise A. & Charles Tilly (1981): ed., *Class Conflict and Collective Action*. Beverly Hills: Sage.
- Tilly, Richard (1980): *Kapital, Staat und sozialer Protest in der deutschen Industrialisierung*. Göttingen: Vandenhoeck & Ruprecht.
- Torvik, Per (1981): ed., *Mobilization, Center-Periphery Structures and National Building*. Bergen: Universitetsforlaget.
- Touraine, Alain (1985): "An Introduction to the Study of Social Movements", *Social Research* 52: 749-788.
- Touraine, Alain, Michel Wieviorka & François Dubet (1984): *Le mouvement ouvrier*. Paris: Fayard.
- Waldmann, Peter (1989): *Ethnischer Radikalismus. Ursachen und Folgen gewaltsamer Minderheitenkonflikte*. Opladen: Westdeutscher Verlag.

- Walsh, Edward J. (1988). *Democracy in the Shadows. Citizen Mobilization in the Wake of the Accident at Three Mile Island*. New York: Greenwood.
- Walton, John (1984). *Reluctant Rebels. Comparative Studies of Revolution and Underdevelopment*. New York: Columbia University Press.
- Waterman, Harvey (1981). "Reasons and Reason: Collective Political Activity in Comparative and Historical Perspective", *World Politics* 23: 554-589.
- Watkins, Susan Cott (1990). *From Provinces into Nations*. Princeton: Princeton University Press.
- Weber, Max (1972). *Wirtschaft und Gesellschaft*. Tübingen: Mohr. Fifth edition.
- White, James W. (1988). "State Growth and Popular Protest in Tokugawa Japan", *Journal of Japanese Studies* 14: 1-25.
- Zald, Mayer N. & John D. McCarthy (1979). ed., *The Dynamics of Social Movements. Resource Mobilization, Social Control, and Tactics*. Cambridge, Massachusetts: Winthrop.
- (1987). *Social Movements in an Organizational Society*. New Brunswick: Transaction.
- Zolberg, Aristide R. (1968). "The Structure of Political Conflict in the New States of Tropical Africa", *American Political Science Review* 62: 70-87.
- (1987) "Beyond the Nation-State: Comparative Politics in Global Perspective", in Jan Berting and Wim Blockmans, ed., *Beyond Progress and Development. Macro-Political and Macro-Societal Change*. Aldershot: Avebury.

Stein Tønnesson

Comments on Charles Tilly: Where Do Rights Come From?

Professor Charles Tilly; as a commentator I shall try to do as you urged and treat your account "as it deserves: as a provocative, historically grounded, theoretical sketch that invites confirmation, refutation, modification, and extension." (p. 26). I would add that it might also need contraction, at least in ambition.

Topic

First I shall need to delimitate the topic you are dealing with. It is the origin of citizenship rights, not any specific rights, such as voting rights, but all sorts of citizenship rights: right to elected representation, right to basic freedoms, right to protection against criminal offense, right to a fair trial if prosecuted, right to public services, such as education, right to a livelihood, etc.

Your topic should be further delimited in two ways:

- 1) As you say, you do not only consider reasonable rights (the right rights, or rights that you personally approve of), but any rights which have been constituted historically. This widens the topic, but also simplifies your undertaking because it spares you the problem of deciding which claims are reasonable. Every established and enforceable claim is a right.
- 2) To the contrary, the second qualification narrows your topic. You do not discuss human, universal or natural rights, and not the rights of estates or cities in feudal societies (such rights as we use to call privileges). What you discuss is citizenship rights, meaning claims that all citizens have had on the state to which they are subject (all subjects have of course not always been citizens).

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This second limitation makes it convenient for you to ground your argument in a combination of your own two favourite research fields: Collective Action and State Formation in Europe during the last three to four hundred centuries. On both of these fields you have a remarkable expertise which also transpired through your lecture today. In your writing on state formation, I would particularly like to emphasize your ability to almost consistently regard the state as a separate body in relation to the citizens, not as their representative. This has allowed you to critically examine the behaviour of states – and state builders – towards their subjects in a far more radical way than has been done before. The title of your contribution to a book on the role of states is revealing of your critical attitude: “War Making and State Making as Organized Crime.” By refusing to take for granted that there is a moral distinction between violence used by a state and violence used by gangsters, you cast new light on the behaviour of states. In your lecture today, it seems to me there was a tiny exception to the consistency: you once referred to the *members* instead of *subjects* of a given state (p. 11).

Hypotheses

In your lecture you launched a hypothesis on the relationship between state formation and collective action in the constitution of rights. You see rights as results of struggle and bargaining between on the one hand states, on the other hand citizens or would be citizens acting collectively. At an early point in the lecture you mentioned this hypothesis as one of three possibilities, the two others being:

- 1) that rights were first established locally and then extended to a national scale,
- 2) that rights were granted by benevolent despots to a small number of companions, and then, as enlightenment spread, extended gradually to the rest of the population.

You seemed to just mention the local hypothesis, without considering it any further. I shall not do that either. The hypothesis you

tried to refute was clearly the enlightenment one. Towards the middle of your lecture you made a pivotal statement: “The error lies in conceiving of the process as one of gradual enlightenment rather than continuous struggle” (p. 17). To believe in the alternative hypothesis is thus an “error”.

Bargaining and Struggle?

“Struggle”, “bargaining” and “negotiation”, those are three key words in your hypothesis concerning the process whereby citizenship rights were constituted. By going through the modern and contemporary history of Europe, you try to demonstrate that rights were constituted as results of struggle and bargaining. In the 17th and 18th centuries the European states mainly bargained with their subjects in order to obtain taxes and recruits for their armies. Your main examples were Swedish and Dutch. To your treatment of those examples I would like to make a careful objection, concerning your use of the word “bargaining”. What you describe is how the states induced their subjects to pay taxes and contribute soldiers, partly by force, partly by granting certain rights. But you did not really convince me that collectively acting subjects were able to strike bargains with the state. When there was bargaining, it seems to me that it was not between the state and the citizens directly concerned by tax or military obligations, but between the state and certain elite groups whose support was needed in enforcing obligations on the peasants. You might perhaps consider this to be something one might call “implicit bargaining”, but happily you do not use that term. I say it because twice in your lecture you used the word “implicit” in a dubious way. Once you called the *interest* of a ruler an “implicit strategy”. At another point you talked of “implicit” coalitions between organized workers and petty bourgeois when in fact it was just a matter of petty bourgeois advocating the extension of rights to the workers.

When discussing the constitution of citizenship rights in Europe, you could not of course avoid the French Revolution. It is the foremost – and probably also the most difficult – testing ground of your hypothesis. As already mentioned, I appreciate your ability to maintain

a state-citizen dichotomy throughout the revolution. Both the old regime and the revolutionary regime granted new rights and withdrew old ones in order to obtain taxes and soldiers. Your problem is that the Declaration of the Rights of Man and the Citizen came so early in the process, before the new regime started to mobilize the revolutionary armies and hence did not yet need to bargain with the people for soldiers. You try to solve this problem by emphasizing the formation of National Guards. This is hardly convincing. You also hint at a more stimulating idea, namely that the convocation of the Estates General was an attempt by the old regime to bargain over rights, and that the new citizenship rights embodied in the Declaration of 1789 and the Constitution of 1791 were results of the ensuing struggle and bargaining. This seems correct, but again I would object that this was a case of struggle and bargaining between the state and several elite groups, competing for popular support, not principally between the state and the citizens directly concerned.

Only if you accept the idea that the delegates to the Estates General acted as representatives of the people, would the rights be a result of struggle between people and state. But it seems to me that this is exactly the sort of idea that you reject in your interpretation of state formation. When you see the state as an autonomous body in relation to the nation, I think you should do the same with trade unions and peasant organizations in relation to their popular base: they can also be interpreted as autonomous bodies using demands for extended citizenship rights in struggles to obtain power for themselves (in fact you did consider trade unions as third parties at one point in your lecture).

In your treatment of the French Revolution you cited only one example of direct bargaining with the people concerned. Unwilling conscripts, you said, in March 1793 declared that they would be ready to serve only if the government also drafted those receiving military exemptions. This, however, was not a case of instituting citizenship rights, but of abandoning a privilege.

When you came to Bismarck's social security reforms, you said the newly formed German state "preempted the negotiation by installing a remarkable social contract top down". In my view, what the German state preempted – or at least tried to preempt – was not negotiation with

the workers, but the formation of a political opposition using demands for social improvement as a tool in its struggle for political power.

An Alternative Hypothesis

On the basis of the objections just made, I would like to advance a third – or fourth – hypothesis about how citizenship rights in Europe were constituted. My suggestion is that they were mainly granted from above – without negotiation and without much struggle with those concerned – in order to mobilize the population for wars against other states, or in order to obtain popular backing in internal conflicts between rival power groups, competing for control of the state. An example of this is Norway 1814: In a situation where the revolutionary tide in Europe was reaching its ebb, Norway adopted an exceedingly radical constitution, involving extensive voting rights to the peasants. This did not happen as the result of bargaining or struggle with the peasants. It happened because a Danish-Norwegian elite in Norway (which both before and after 1814 showed few signs of political radicalism) needed popular support for an expected war with Sweden. They offered the peasants citizenship rights in the hope of obtaining their loyalty.

I admit that my hypothesis is not very far from yours. Towards the end of your lecture you took up the role of "third parties" and "dis-joint constitutions" as a way to solve the problem that the citizens who received rights so often did not struggle or negotiate themselves. You tried to bake this into your hypothesis. I would suggest that it should be given a central place. Citizens of European states have not mainly achieved their rights through struggles with the state; they have received them as side effects of wars, prospects of wars, or internal political struggles between the state and various elites vying with each other for power.

Scope

My last point concerns the scope or ambition of your lecture. You gave a stimulating historical explanation of the emergence of citizens

rights. But you did not found any new and better way to explain where rights come from.

In your lecture, I think there was some ambiguity as to the scope. On the one hand you admitted towards the end that rather than establishing a general theory stating the principles by which rights should form, you "offered a quick gloss on European historical experience" (p. 26). Still you gave your lecture a title which leads the reader to false expectations about its content: "Where Do Rights Come From?"

This is legitimate – it is recommendable to make use of journalistic techniques in social research and also acceptable, sometimes, to let a lecture sail under a false flag. But if, after having listened to the whole of your lecture, someone should falsely assume that he or she had been taught a new and better general way of explaining rights, it would be more deplorable.

Several of your statements seem to indicate that your lecture was a little too ambitious. In the opening you said you wanted to "ground" the question of where rights come from in history. This is not what you did. You merely answered a more modest question: "How have European people acquired enforceable claims on the states to which they were subject?" (p. 9). Then you claimed that your own line of argument was in flagrant contradiction to that of T. H. Marshall, who said: "Rights are not ... a proper matter for bargaining" (p. 12). But you have not argued that rights are a *proper* matter for bargaining, only that they have historically been a matter for bargaining. In the beginning you also seemed to think that by amassing evidence, your way of reasoning could be proven to be more correct than the ways of Rawls, Rousseau and Riker, and at the very end you stated that "a model of rights as the product of interest-driven bargaining looks at least as plausible as the common notions that rights derive from mentalities, Zeitgeisten, general theories, or the sheer logic of social life" (p. 28).

In my view, a cynical historical explanation of where rights have come from should not be seen as an alternative to normative arguments aiming at defining reasonable or commendable rights. Normative ideas form the raw material of political arguments, and such arguments need a certain coherence, to be derived from certain shared

principles. Philosophers and lawyers contribute to the establishment of the necessary coherence and thus have an influence on the selection of the rights which are being promoted in the political field. Even if normative political theory has little to contribute in explaining how norms or rights were established historically, such theory is necessary in order to maintain or develop decent, peaceful, argumentative and democratic polities.

To solve the general question of where rights come from, we need several ways of explanation which do not exclude each other. What you have done in your lecture is to launch and argue for the challenging hypothesis that citizens' rights evolved in Europe mainly as the result of struggles and bargaining between states and their subjects. You have further contrasted this hypothesis with a rival hypothesis that the citizenship rights in Europe evolved by gradual enlightenment. I have here hinted at a third possibility: that citizen rights in Europe were mainly granted from above in order to mobilize the population for wars against other states, or to obtain support in internal conflicts between rival power groups, competing for control of a state.

You remarked at one point that no one as yet has amassed the necessary evidence to verify or falsify your hypothesis. You seem, however, to consider it possible to do so. I agree – as long as we stick to the historical question of where rights *came* from. It should be possible to test both your preferred and your rival hypothesis, as well as mine, on European historical evidence. In this way it should be possible to verify or falsify one or the other.

However, even if a cynical approach may lead to the most appropriate ways of historical explanation, we should not use history to promote cynicism in politics. The ambition of our generation should be to make it possible for future generations of historians to plausibly describe our time as one where universal human rights were extended through gradual enlightenment.