

**Citizenship and the Place of the Public Sphere: Law, Community, and Political Culture in the Transition to Democracy**



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*American Sociological Review*, Volume 58, Issue 5 (Oct., 1993), 587-620.

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## CITIZENSHIP AND THE PLACE OF THE PUBLIC SPHERE: LAW, COMMUNITY, AND POLITICAL CULTURE IN THE TRANSITION TO DEMOCRACY\*

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*Democratic revolutions and global transitions have again thrust debates about citizenship and social class onto the sociological agenda. I use institutional and relational/network analysis to reconsider three tacit assumptions of these debates: (1) citizenship must be defined as a status; (2) capitalist development and citizenship formation must occur together; and (3) theories of citizenship must be based on the relationship between the state and capitalism. These assumptions are examined in T. H. Marshall's ([1949] 1964) classic historical sociological work, *Citizenship and Social Class*. By examining Marshall's thesis in its original empirical context of eighteenth-century English history, I demonstrate that varying patterns of institutional relationships among law, communities, and political cultures were central factors in shaping modern citizenship rights. Focusing on regional variation in citizenship practices among eighteenth-century English working communities, I suggest that: (1) citizenship should be redefined as an "instituted process" rather than a status; (2) the development of citizenship rights depended on the nexus of England's national legal infrastructure and the varying community capacities for participatory association; and (3) future research on citizenship and democratization expand beyond a focus on states and capitalism to include a sociology of relationships among public spheres, community associational life, and patterns of political culture.*

Citizenship and democratization are back on the sociological agenda after a prolonged focus on issues of class and state formation (Brubaker 1989, 1992; Orloff 1992; Tilly 1990a, 1990b; Alexander 1991, 1992; Wolfe 1989, 1992; Zaret 1989; Mann 1987). The resurgence of sociological interest is clearly a response to world events: Escalating international migration and the resurgence of nationalism have forced attention to the incongruous benefits of membership in different na-

tion-states. Social movements in Eastern Europe have mobilized revolutionary transformations around demands for democratic political and civil liberties despite the existence of socioeconomic guarantees constituting what T. H. Marshall ([1949] 1964) called the rights of social citizenship, e.g., public education, social entitlements, and welfare provisioning. In Western Europe and the United States, the question is whether the formal equality embodied in citizenship will continue partially to ameliorate, or compensate for, the economic

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tics and Culture Seminar in New York; and the Princeton Department of Sociology Colloquium. I thank members of those seminars for their thoughtful comments. For their generous feedback on written drafts I thank Julia Adams, Elizabeth Anderson, Renee Anspach, Daniel Bell, Rogers Brubaker, Geoff Eley, Gloria Gibson, Walter Goldfrank, Thomas Green, Miguel Guilarte, Miriam King, Richard Lempert, Mark Mizruchi, Moishe Postone, Jane Rafferty, Sonya Rose, Howard Schuman, Bill Sewell, Marc Steinberg, Arthur Stinchcombe, Charles Tilly, Marty Whyte, Mayer Zald, four anonymous ASR referees, and the ASR Editor.

inequalities we now accept as a cost of market capitalism (Hirschman 1991).<sup>1</sup>

Three points of agreement dominate the sociology of citizenship. First, the basic definition of citizenship provokes little controversy. Usually modern citizenship is defined as a personal status consisting of a body of universal rights (i.e., legal claims on the state) and duties held equally by all legal members of a nation-state (Marshall 1964; Brubaker 1992).<sup>2</sup> Second, sociologists tend to agree on the historical development of citizenship. Despite contributions that stress the importance of war for formation of the state (Tilly 1990a, 1990b; Giddens 1982, 1987; Therborn 1977; Turner 1986), most scholars assume that the legal requirements of an emergent capitalist society were chiefly responsible for the birth of modern citizenship rights (Bendix [1964] 1977; Moore 1966; Giddens 1982, 1987; Barbalet 1989). Third, most scholars agree that theories of citizenship should be based on an exploration of the sometimes contentious, sometimes cooperative, sometimes legitimating dyadic relationship between the state and the capitalist economy (Offe 1984; Lindblom 1977; Habermas 1975; Bowles and Gintis 1983).

One issue, however, generates continuing debate — the problematic relationship between “citizenship and social class.” Inspired by Marshall’s (1964) famous lectures, the enduring question is: Do the “equalizing principles” of citizenship mitigate the economic inequalities of social class? The oldest and perhaps most influential position is that they do not (Marx [1843] 1975), whereas sociologists of the 1950s and 1960s have interpreted Marshall to argue that they do — that citizenship eliminates social conflict and “incorporates” the working class (Dahrendorf 1959; Bendix 1964; Lipset 1964). Recent approaches cite Marshall to argue that citizenship modifies social class just enough to create a social truce between the

two (Giddens 1982; Turner 1986; Janowitz 1980, p. 4).

I contend that further explorations of the relationship between citizenship and social class must first question the three basic premises of the sociology of citizenship — the historical development of citizenship, its conceptual definition, and its theoretical propositions. I first re-analyze Marshall’s exemplary case of late seventeenth- and eighteenth-century English patterns of citizenship. This period is generally seen as the “take-off” period of modern citizenship rights, and much of the discussion of citizenship is based on it (Marshall 1964; Moore 1966; Giddens 1982; Fraser and Gordon 1992).<sup>3</sup> I explore why in eighteenth-century England popular citizenship practices and identities were present only among working-class communities in the rural industrial regions of the countryside (excluding urban areas), and not in the arable regions. Using an institutional, relational, and network approach, I suggest that the conditions that supported these early popular citizenship rights were based on variable relationships among England’s legal sphere, regional political geographies, and the political cultures and associational life of local communities. Most important was the effect of the interaction among these factors on the political *public sphere*.<sup>4</sup>

<sup>3</sup> Some historical traditions trace the history of modern citizenship to Athens, Rome, and Machiavelli’s Italy, through the “liberties” of the medieval mercantile cities. Recognizing the classical dimensions of citizenship does not conflict with finding the cultural “moment” of English citizenship in a convergence of factors in the fourteenth century. The importance of mercantile cities is incontestable, but analyses of citizenship must expand beyond traditional urban settings (Somers forthcoming).

<sup>4</sup> My use of the term “public sphere” is adapted from Habermas ([1962] 1989, p. 49). I do not, however, incorporate several aspects of his conceptualization: (1) that public spheres in the eighteenth century resulted from long-term transformations in western European trade and commerce; (2) that, as a normative ideal, the term “public sphere” refers only to bourgeois rational discourse; (3) that identities are formed *prior* to participation in the public sphere; and (4) that the public sphere can be understood analytically or historically without challenging the exclusionary gender practices built into Habermas’s normative ideal. My conception shares much with others’ critiques, including an emphasis

<sup>1</sup> Bell correctly noted that, among others, Parsons, Lipset, D. Rostow, Sievert (and Bell [1976] himself) never stopped addressing these issues. Why their work has been slighted in the renewed attention to citizenship would be the topic for another paper.

<sup>2</sup> Janowitz (1980) — citing the *Oxford English Dictionary* (1961) — argued that the *duties* component of citizenship has disappeared from modern usage. He appropriately exempted Marshall from this “rights-oriented” imbalance.

The public sphere denotes a contested participatory site in which actors with overlapping identities as legal subjects, citizens, economic actors, and family and community members, form a public body and engage in negotiations and contestations over political and social life. Patterns of citizenship formation in eighteenth-century England depended on the character of the public sphere (elite or popular) and its *place*, i.e., social and political geography (Agnew and Duncan 1989; Entrikin 1991). Although all regions had public spheres based on modes of local governance, they differed dramatically in whether their character and place allowed the appropriation of national laws as citizenship rights. Only certain measures of the law, political geography, and community life, and only certain distributions of power and public participation allowed the public sphere to be transformed into a quasi-democratic arena of popular participation buttressed by a political culture of rights that generated *popular* citizenship identities.

On the basis of this historical analysis, I question the definition of citizenship as a status or attribute of a category of persons. Instead I propose that citizenship be defined as an "instituted process" (Polanyi 1957a), i.e., citizenship is a set of institutionally embedded social practices. These practices are contingent upon and constituted by networks of relationships and political idioms that stress membership and universal rights and duties in a national community. Rather than a body of rights granted "ready-made" by the state and attached to individual persons, however, citizenship rights are only *one* potential outcome of a configuration of national membership rules. These rules are normatized and transmitted via national laws and institutions (common law and statutory law, courts and judicial offices). Whether or not these rules are converted into actual universal rights depends fully on the local contexts — the social and political place — in which

they are activated.<sup>5</sup> And finally, although modern citizenship is normatized by national and universal laws rather than corporate or particularistic laws, it is not in practice exclusively a national and universal institution. Rather, citizenship practices emerge from the *articulation* of national organizations and universal rules with the particularisms and varying political cultures of local environments (types of civil society). Thus, citizenship is reconceptualized as the outcome of political, legal, and symbolic practices enacted through relational matrices of universal membership rules and legal institutions that are activated in combination with the particularistic political cultures of different types of civil societies. As such, citizenship practices are also a source of political identity — the translation of this identity into a rights-based positive citizenship identity depends entirely on the contexts of activation.

There are also theoretical implications: Quasi-democratic citizenship rights can emerge only in certain institution-specific relational settings and only in the context of particular social practices, namely practices that support popular public spheres. Popular public spheres must be infused by participation from members of active civil societies. They must also mediate between civil society and the towering forces of nation-states and national markets. Thus, theories of citizenship and social class can no longer be confined to the opposition between the state and the economy. Such a dichotomy masks the centrality to macro-analytic analysis of nonstate forms of political participation and discourse (public spheres), and of such social institutions as family, community, voluntary organizations, and other aspects of civil society and associational life. Recognizable popular citizenship rights have only emerged historically in the participatory spaces of public spheres in tandem with "relationally-sturdy" civil societies. Theorizing about citizenship must expand beyond the relationship between the state and capitalism to

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on the constitutive role of the family in the public world (Fraser 1989) and the centrality of conflict and negotiation in a broad conceptualization of popular and working-class publics (Eley 1992). Davidoff and Hall (1987), Zaret (1992), and Eley (1992) are among the few writers in English (there are many in German) who present historically-grounded discussions of the public sphere or use it as a central concept in historical analyses of England.

<sup>5</sup> Debate over the meaning of rights has recently occupied scholars in several disciplines. My definition resembles that of Minow (1985, 1987), who combined autonomy and relationality to derive a conception of rights from "a conception of self . . . [that locates] each individual within social networks [where] membership helps constitute the 'I', and belonging is essential to becoming" (Minow 1985, pp. 819, 894).

include a sociology of public spheres and their relationships to the associational practices of civil societies.

### T. H. MARSHALL AND THE SOCIOLOGY OF CITIZENSHIP

A rethinking of citizenship must begin with the classic work of T. H. Marshall (1964), *Citizenship and Social Class*.<sup>6</sup> Marshall's core conceptions remain the touchstone for much recent scholarly work on citizenship.<sup>7</sup> Virtually all current analyses of contemporary democratization and market transitions take Marshall's analysis as a point of departure. However, these new theories of citizenship formation often are generalized from or contrasted to unexamined axioms derived from Marshall. The applicability of Marshall's work to current concerns with democratization and marketization thus prompts a reconsideration of his original formulation.

Marshall's lasting intellectual contribution was his redefinition of modern citizenship. He rejected as too limited the prevailing definition of citizenship as a minimum body of legal and political rights and duties. Marshall (1964) argued that the history of citizenship mandates that the concept include not only formal rights but social entitlements — "the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society" (p. 72). Modern citizenship thus embraces three kinds of rights: civil

rights, such as the right to sell one's labor in a free market, and the right to due process of law; political rights, such as the right to vote; and social rights, such as the right to social justice through institutions like unemployment insurance, welfare provisions, education, and social security. These three components of citizenship attach to members of a polity through the personal status as citizen.

Marshall's expanded conception of citizenship allowed him to develop a theory that explained citizenship's paradoxical consequences for mid-twentieth century welfare-state politics. His theory explored the inherent but inexorable tension between capitalism's market and class inequalities on the one hand, and the equalizing principles of citizenship on the other hand: "Is it still true that basic equality . . . embodied in the formal rights of citizenship, is consistent with the inequalities of social class? I shall suggest that our society today assumes that the two are still compatible, so much so that citizenship has itself become, in certain respects, the architect of legitimate social inequality" (Marshall 1964, p. 70). Marshall's account of the historical processes that led to this paradox of modern twentieth-century citizenship is sketchy in comparison with his sociological thesis. But his theory of contemporary society is not structurally static and his historical analysis is not provided as "background." Marshall builds his powerful analysis of the dynamic tensions between citizenship and social class entirely from the history of their emergence. His historical and sociological analyses are analytically interdependent.

Marshall (1964) called modern citizenship "the latest phase of an evolution of citizenship which has been in continuous progress for some 250 years" (p. 71). Thus, while he found early prototypical but particularistic rights in the medieval period, he grounded the social genesis of modern citizenship firmly in England's dramatic transformations of the seventeenth and eighteenth centuries. The decisive changes entailed universality and differentiation. While citizenship became national in scope, previously undifferentiated "bundles" of local medieval rights and duties were disaggregated into civil, political, and social components. The three components became so distinct over time that historians could safely "assign the formative period in the life of each to a different century" (Marshall 1964, p. 74).

<sup>6</sup> "Marshall's essay is the most outstanding British contribution to the analysis of the structure and dynamics of capitalist societies as this has taken shape in the last two decades . . . the only work of post-war British sociology which in the boldness of its perspective and conceptualization bears comparison with, and stands in a direct line of succession to those classical texts which mark the origins of modern sociology" (Lockwood 1974, pp. 363–64; also see Lipset 1964 and Halsey 1984).

<sup>7</sup> Brubaker (1990, 1992) and Tilly (1990a, 1990b) are important exceptions. Brubaker is concerned with citizenship and national immigration, which is a different area of inquiry from citizenship and social class in Marshall's tradition. Tilly's main work is a large macro and world-comparative study of long-term capital and state formation.

To what does Marshall (1964) attribute this remarkable development?

If I am right in my contention that citizenship has been a developing institution in England at least since the latter part of the seventeenth century, then it is clear that its growth coincides with the rise of capitalism, which is a system, not of equality, but of inequality . . . (p. 84).

Here is something that needs explaining. How is it that these two opposing principles could grow and flourish side by side in the same soil? . . . The explanation lies in the fact that the core of citizenship at this stage was composed of civil rights . . . [for] these rights did not conflict with the inequalities of capitalist society; they were, on the contrary, necessary to the maintenance of that particular form of inequality . . . [and] were indispensable to a competitive market economy. They gave to each man, as part of his individual status, the power to engage as an independent unit in the economic struggle . . . This status [citizenship] was clearly an aid, and not a menace, to capitalism and the free-market economy, because it was dominated by civil rights. (pp. 84, 87–88)

These sociological premises form the foundation of Marshall's periodization of the development of modern citizenship, a periodization that coincides with major epochs of capitalist socioeconomic change and class formation. Citizenship's differentiation in the late seventeenth century into its three components coincided with the need to separate legal economic freedom (the new civil citizenship) from the outdated feudal protections of social security (pre-modern prototypes of "social citizenship", like the Poor Laws). "They [civil rights] made it possible to deny to him [the worker] social protection on the ground that he was equipped with the means to protect himself" (Marshall 1964, p. 88). It was not only through ideas of economic liberty that citizenship supported the growth of a free labor market. "The courts of law played a decisive part in promoting and registering the advance of the new principle [of economic liberty] . . . [and] expressed its abhorrence of 'all monopolies which prohibit any from working in any lawful trade'" (Marshall 1964, pp. 75–76). The relationship between legal economic freedom and citizenship's expansion to a national scale followed the same logic: "When freedom became universal, citizenship grew from a local into a national institution" (Marshall 1964, p. 77). Thus, national liberties and markets expanded together from

their previous urban limits. Indeed, so entwined were the economic and legal dimensions of citizenship that Marshall (1964) convincingly argued that it was "appropriate that nineteenth-century capitalist society should treat political rights as a secondary product of civil rights" (p. 78). The shift of the "basis of political rights from economic substance to personal status" occurred only when the twentieth century ushered in the universal franchise.

This dynamic encapsulates for Marshall the inherent tension between free market inequalities and the equalities of citizenship. It also demonstrates the link between his historical interpretation and his sociological theory — citizenship as a principle of equality could not be contained by the forces initially supporting it, but a free market could not afford to give it up. This dynamic tension reaches its apex with the emergence of modern social rights in the mid-twentieth century. The institutions of social equality demanded universal education and a welfare state. But Marshall (1964) asked: "Are these principles [of social citizenship] quite foreign to the practice of the market today, or are they there already, entrenched within the contract system itself? . . . I think it is clear that they are" (p. 111). The equality of citizenship "is not inconsistent with a superstructure of economic inequality [because] apparent inconsistencies are in fact a source of stability" (Marshall 1964, pp. 117, 122).

#### *Marshall's Concepts of Time, Space, and Agency*

Marshall's inclusion of social rights in the definition of modern citizenship is a major contribution to theories of citizenship. His definition provides insight into the political and legal constitution of socioeconomic life, a theme recently "rediscovered" in economic sociology (Bell 1981; Block 1990; Granovetter 1985; Stinchcombe 1983; Swedberg 1987) and other fields (Sahlins 1976; Hirschman 1984; Joyce 1987, 1991). However, I consider three problems in Marshall's historical account that suggest a need for fundamental rethinking of the sociology of citizenship. These problem areas are *time*, *space*, and *agency*.

*Time.* Although Marshall's account equivocates on ultimate causes, it does point unequivocally to synchronic covariance between stages of capitalist development and stages of

political and legal citizenship. However, the evidence points to an imperfect and varying relationship between economic development and the three components of citizenship. In seventeenth- and eighteenth-century England, for example, along with emerging national labor markets and civil rights, there is also dramatic evidence of claims to and practices of political and social citizenship. Marshall described these social and economic laws as "ancient remnants" that hindered the dynamic new system and he excluded them from modern citizenship. By contrast, I suggest that these laws were as "modern" as those supporting civil citizenship, and under certain conditions these laws were transformed into explicit rights of popular citizenship in many areas of the English countryside.<sup>8</sup>

*Space.* Marshall (1964) argued that the supersession of local practices by national practices is a condition of modern citizenship: "In the medieval towns . . . examples of genuine and equal citizenship can be found. But its specific rights and duties were strictly local, whereas the citizenship whose history I wish to trace is, by definition, national" (p. 72). At the same time, he viewed modern citizenship as the product of a holistic societal transformation toward a coexistence of true legal equality with economic inequalities: "Modern contract did not grow out of feudal contract; it marks a new development to whose progress feudalism was an obstacle that had to be swept aside . . . Differential status, associated with class, function and family [under feudalism], was replaced by the single uniform status of citizenship, which provided the foundation of equality on which the structure of inequality could be built" (Marshall 1964, pp. 87–88). This suggests that the scale of citizenship, the breadth of its changes, and ultimately the laws supporting citizenship, are uniform throughout the nation. However, varying patterns of legal implementation produced dra-

matic regional differences in the extent to which laws were transformed into or interpreted as citizenship rights. These varied outcomes depended on the regional setting, political geography, and the interaction between national laws and regional political cultures. Whether English membership rules were perceived as rights or forms of social control differed by locality.

*Agency.* Although Marshall's account often inclines toward anonymous agency, each of Marshall's corollary stages of citizenship implicitly represents the developmental needs of an emergent social class. In the seventeenth and eighteenth centuries, property-owning landed gentry led the way for civil citizenship, the industrial middle classes produced the nineteenth century's (limited) political citizenship, and the working classes initiated the twentieth century's move toward social citizenship. This argument for the correlation of class formation and citizenship leads us to expect intraclass uniformity in each period of citizenship formation, i.e., all members of a particular category of actors such as the eighteenth-century English "working class" should behave similarly and have the same capacities with respect to citizenship, regardless of other differences, e.g., residence, family, or gender. Underlying this expectation is the classic sociological premise that actors in the same category ("the working class," "the gentry," "capitalist employers," "state bureaucrats") share certain attributes and hence share interests promoting similar citizenship practices. But the evidence shows that such uniformity within categories did not apply to members of the eighteenth-century English working class. Although they shared many important attributes — they were propertyless, exploited by their employers, and worked for wages — their conditions and degrees of empowerment with respect to citizenship rights varied dramatically across the social and geographical landscape. The "same" working class in different settings differed as to whether it perceived national laws as potential avenues to citizenship rights.<sup>9</sup>

<sup>8</sup> Marshall accepted the neo-classical assumption that self-regulating markets exist until or unless institutional frameworks are added. Yet his expanded definition of citizenship implies that markets are always embedded in an institutional frame. The latter definition more accurately recognizes that the question is not *whether* rules define a citizen's relationship to markets, but what *kind* of rules they will be and what effects they will have on markets and civil society.

<sup>9</sup> I use the term "working class" to refer to the working people at the bottom of England's social ladder who worked for wages, e.g., apprentices, servants, journeymen, etc. I make no judgment about whether these eighteenth-century working people were part of the working class in the Marxist sense.



Figure 1. The Counties of England, c. 1600-1850

### *Patterns of Citizenship in Contrasting Communities*

Regions in England can be crudely classified as arable or pastoral (Stinchcombe 1983; Homans 1969; Thirsk 1967; Goldstone 1991; Hudson 1989). Figure 1 is a map of the counties of England; Figure 2 maps the two types of regions. Arable regions, originally called "champion" for their green open lands (*champagne*), were primarily located in central England (Gray 1915). In the eighteenth century, arable regions were open-field systems usually controlled by powerful gentry (Snell 1985; Thirsk 1961, 1967, 1976; Jones 1978). By contrast, pastoral fens-forest regions of the north-

ern, southeastern, and southwestern counties were characterized by small farms, poor soil, "irregular field systems," and an absence of manorial control by landlords. From the fourteenth to the nineteenth centuries, pastoral regions increasingly were the locales for a rural industrial textile-based economy known as "putting-out industries" (Tilly 1983; Hagen 1988; Berg 1985; Jones 1978; Jones and Parker 1975; Braun 1966, 1978; Mendels 1972).

Long before Marshall's account would predict, working communities in the rural pastoral regions of the eighteenth-century English countryside expressed national citizenship identities that embraced civil, political, and social dimensions of citizenship rights. These

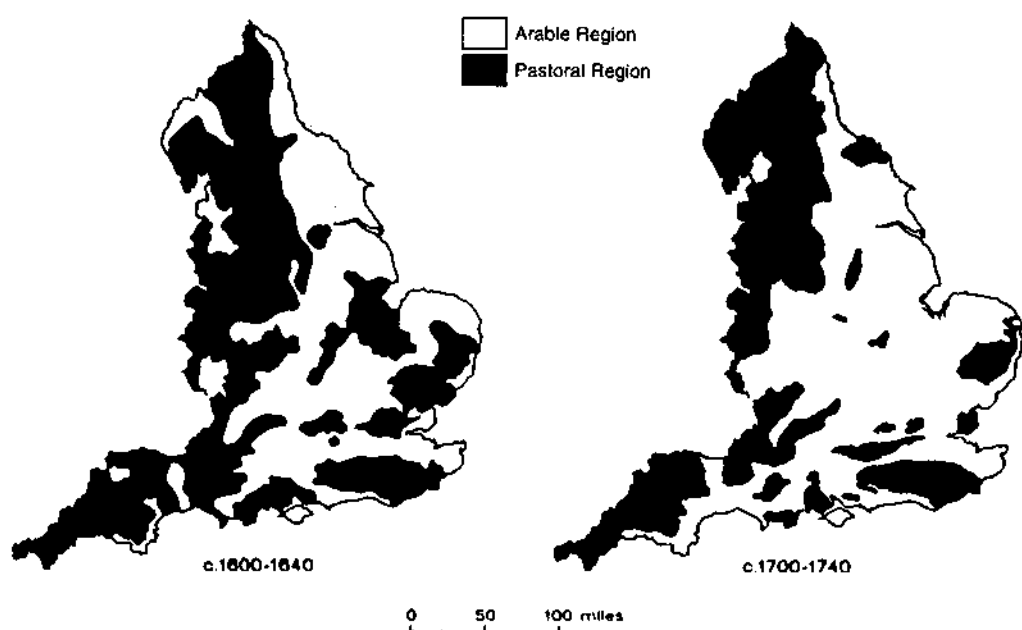


Figure 2. Farming Regions of England: Early Seventeenth and Early Eighteenth Centuries

claims to rights were expressed in the strong idiom of "modern" citizenship, i.e., their national identity as "freeborn Englishmen" entitled them not only to equality with respect to the universal rights and duties of the common law, but to *equal participation* in the lawmaking process. They also demanded the social justice (what Marshall called social citizenship) necessary for a dignified life as members of the national polity. The justifications for these claims to citizenship were based on the core components of modern citizenship — national membership, participation, association, inclusion/exclusion, national identity (Brubaker 1992; Anderson 1983; Stinchcombe 1975), and, above all, the constitutionally guaranteed *rule of law*.

The puzzle is that these rights-based citizenship identities emerged only among working classes in the pastoral rural industrial regions. There is little evidence of an emerging citizenship identity among working peoples in the arable regions. Whereas the working population in the pastoral regions looked to the law to guarantee their rights, the working peoples of the arable regions feared the law as a form of social control. Although it has been axiomatic since Marx that the *formal* laws of citizenship

are radically transformed when applied to the *informal* inequalities typical of a class-divided capitalist society, the axiom assumes differences *between* classes will emerge. (To paraphrase Anatole France, "the beauty of the rule of law is that it allows rich and poor alike to sleep under bridges.") Although major inequalities between classes existed in all English regions, the puzzling contrasts occurred *within* classes and *between* regions. In a single nation-state with a uniform legal code, significant regional differences existed in citizenship practices and political identities among the country's working-class population. Why?

I argue that the varying patterns of citizenship, particularly those characteristic of the pastoral regions, were a result of regional differences in public spheres. In the pastoral regions, the public sphere encompassed *local village* governance, which encouraged *popular* participation; in the arable regions, governance was *countywide* and wealthy *landlord-elites* monopolized participation. Although both regions operated under the national universal laws mandating semi-regulated labor markets and a participatory bureaucracy, they articulated differently with the same legal apparatus. The pastoral rural political geography was in-

dependent from elites, and pastoral associational life was autonomous and solidaristic. These factors supported fledgling popular civil societies and practices of *participatory empowerment*. When articulated with the national legal apparatus, these pastoral political cultures were able to appropriate a potentially elite-controlled public sphere into a popular local public sphere with a political culture of rights. The arable regions were unable to use the national law in ways supporting comparable citizenship rights.

#### *Relational/Network and Institutional Analysis*

My argument rests on a relational/network and institutional analysis (Polanyi 1957a, 1957b, 1977; White, Boorman, and Breiger 1976; White 1992; Tilly 1984, 1988; DiMaggio and Powell 1991; Bearman 1985; Lachmann 1987). This approach presupposes that institutional relationships and relational networks consistently "outrun" social categories. I define institutions as organizational and symbolic practices that operate within networks of rules, structural ties, public narratives, and binding relationships that are embedded in time and space (Polanyi 1957b; March and Olsen 1984; Meyer and Rowan [1977] 1991; Jepperson 1991; Friedland and Alford 1991).<sup>10</sup> This relational approach disaggregates social categories and reconfigures them into institutional and relational clusters in which people, power, and organizations are positioned and connected. Thus, instead of "society," I use the term *relational setting* (Somers 1986, 1992). A relational setting is a patterned matrix of institutional relationships among cultural, economic, social, and political practices. The term invokes spatial and geometric network metaphors rather than systemic metaphors (Moore 1978; Mann 1986; Smith 1966). A relational setting has no governing entity according to which the entire setting can be categorized; it can only be charac-

terized by deciphering its spatial and network patterns and its temporal processes.

This approach generates a different way of thinking about citizenship and social class. Because relational/network analysis disaggregates the components of a relational setting from any presumed governing logic and reconfigures them in their temporal and spatial dimensions, the relationship between the stages of citizenship as a legal/political form and the development of capitalist society becomes an empirical question rather than given as an assumption. The researcher then expects temporal contingency rather than correlation between one part of the setting, e.g., the rise of a gentry class, and the elements of citizenship. Similarly, since relational settings are not conceived of as governed by single societal or state-centered entities, spatial contingencies are no longer puzzling. Indeed, different regions of England are no longer cast as variants of a single society, but as different relational settings to be contrasted with each other.

Finally, an institutional and relational approach rethinks the agential relationship between citizenship and the activities of social classes. *Identity* becomes the source of political action rather than categorical attributes (White 1992; Taylor 1989; Cohen 1985; Stinchcombe 1975, pp. 599–616). In this usage, identities are not derived from attributes imputed from a stage of societal development (e.g., pre-industrial or modern) or a social category (e.g., traditional artisan, factory laborer, or working-class wife), but by actors' places in the multiple relationships in which they are embedded (Somers 1992; Somers and Gibson forthcoming). It is no longer assumed that a group of people has any particular relationship to citizenship simply because one aspect of their identity is categorized as the "working class." "Social categories" presume internally stable properties such that, under normal conditions, entities within that category will act appropriately, whereas "identities" embed the actors within relationships and stories that shift over time and space. Social action thus loses its categorical stability, and class embeddedness becomes more important than class attributes. Thus, citizenship identities are investigated by looking at actors' places in their relational settings.

Like the "state-centered" paradigms of recent years, an institutional approach to citizen-

<sup>10</sup> Friedland and Alford (1991) defined an institution as "simultaneously material and ideal, systems of signs and symbols, rational and transrational . . . supraorganizational patterns of human activity by which individuals and organizations produce and reproduce their material subsistence and organize time and space . . . they are also symbolic systems, ways of ordering reality, and thereby rendering experience of time and space meaningful" (p. 243).

ship focuses on political institutions and the state. It is, however, an empirical inquiry rather than an a priori claim that the *state* replaces the economy as society's governing body. In an institutional approach, the state bureaucracy is disaggregated into the sites of political society and public participation, sites that better fit the concept of *public sphere* (Habermas [1962] 1989). Shifting analysis away from the "role of the state" to the character of the public sphere directs attention to the impact of competing associations and contingent linkages of institutional relationships rather than categorical political and economic divisions. Lacking concepts that can account for these participatory political realms, state-centered analyses overemphasize the coercive power of the state. Such analyses ignore the ambiguities of normative law and legal embeddedness, especially the ways in which law can be a source of popular empowerment, a potential antagonist of private power and the coercive power of the state, and a central factor in identity formation (Green 1985; Thompson 1975a, pp. 264–69; Herrup 1987; Brewer and Styles 1980). The institutional and relational approach explains why the English state and its universal legal rules and power could be plural, porous, and variously embedded in public spheres rather than unitary, absolute, and wielded only from above. This plasticity of legal power points to why different patterns of claims to rights developed in different communities, why citizenship existed only as an articulation between the national and local levels, and why political and social citizenship emerged in varying degrees long before their "proper" time.

Institutional analysis also reduces the role of the economy in citizenship formation — it becomes one of several institutions that compete and interact within a network of institutions and practices. The economy is no longer a controlling force from which citizenship can be derived. But neither is the economy banished, or reduced to a function of culture or states. An institutional analysis rejects the idea that the state (or culture) is driven by the economy. More radical, it challenges the idea that markets and economies exist outside of institutional and cultural relationships (Polanyi 1944, 1957b, 1968, 1977; Block 1990; Swedberg 1987; Granovetter and Swedberg 1992; Granovetter 1985; Block and Somers 1984). Economic relations are a product of conjunc-

tural and temporal movement among and within *all* networks, institutions, and practices. From the institutional perspective, if national markets exist, national laws will also exist to define the rules of interaction between those markets and the members of the nation-state — even if the rules are "negative," e.g., legally protected free markets.

#### CITIZENSHIP AND THE NATIONAL LEGAL SPHERE

In England's legal sphere, one body of law bears directly on eighteenth-century citizenship practices — the large web of legal regulations regarding labor relations. These laws, which defined economic actors' relationships to the polity, were not given or conceived of by the state as citizenship rights. Nonetheless, England's working population in pastoral regions often was able to appropriate these labor laws and interpret them as conferring citizenship rights on them as "free-born Englishmen" — a rallying cry that invoked the cultural narratives of mythical England before the Norman Conquest. Claims to citizenship emerged from a creative engagement with these institutions of labor regulation.<sup>11</sup>

The term "national legal sphere" represents the nationwide legal institutions and universal legal discourses (common and statutory law) that emerged from Henry II's initial conjoining of the central state with local public (nonfeudal) jurisdictional units throughout the land to create a national public law with a local participatory apparatus of implementation. The basic structure of this legal sphere, although transformed in the seventeenth century by civil war and constitutional monarchy, was still in place in the eighteenth century (Fischer and Lundgren 1975; Braun 1975; Tilly 1990a;

<sup>11</sup> Most scholars, including Marshall, take for granted that by the eighteenth century, all English people were legally free and thus enjoyed civil citizenship. Therefore, I focus on the legal policies, discourses, and institutions that represent the (allegedly absent) laws of social and political citizenship. However, Fraser and Gordon (1992) have challenged this presumption of universal legal freedom, arguing that the freedom of adult males was based on the legal commodification of women in male-headed households (see also Gordon 1990; Orloff 1991; Landes 1988; Rose 1992; Davidoff and Hall 1987; Bohstedt 1988).

Sayer 1992).<sup>12</sup> More than other European state-builders, the English created this national legal sphere by appropriating from below and extending throughout the land the political and legal public conventions of the medieval cities and public jurisdictions (Weber 1958, [1920–1923] 1966, [1910–1920] 1978; Pirenne 1925, 1936; Heckscher 1962). As a result, the national state developed the institutional machinery of an urban civil society (Heckscher 1962, vol. 1, p. 131). Opposing institutions that coexisted in urban political cultures were extended to a national scale. These opposing institutions could provide institutional support for all three components of citizenship. Remedies of procedural justice and property rights (civil law) promising legal and economic freedom through the rule of law coexisted with national regulations and legal and political institutions that compelled community participation in the implementation of law and governance.

#### *National Labor Laws*

While all European states had mercantilist regulations, England had the most ambitious set of regulatory labor laws. Because of a relatively low degree of municipal autonomy (Weber 1958, 1966, 1978), English monarchs from the fourteenth through the seventeenth centuries imposed on previously insulated commercial municipal islands national markets and state controls over those markets through a body of economic statutes with nationwide jurisdiction (Stone 1947; Polanyi 1944; Heckscher 1962, vol. 2, p. 273; Schmoller [1884] 1967). The early extension of public statutory law by the Crown and Parliament to a countryside dominated by private manorial control was unique among European countries. On the Continent, the French Crown's futile attempt in the eighteenth century to extend guild jurisdiction beyond the cities left rural industrial labor vulnerable to private merchant capitalists, while agricultural labor remained under the sole control of seignorial landlords, and

poor relief was a matter of private charity, church, or municipal responsibility (Schwartz 1988; Davis 1975, pp. 17–65; Rimlinger 1971; Briggs 1967). By contrast, England's regulatory policies were matters of national public statutory law and thus central components of membership in the national polity (Stone 1947).

The best known of these laws was the 1563 Tudor Statute of Artificers. This statute's wage regulations and apprenticeship laws applied to all English workers in towns and rural countryside alike. Under the wage regulations, local authorities throughout the land were empowered to determine appropriate wage "rates" between employers and producers, and to impose fines for violations (Tawney [1938] 1972, pp. 37–92; Lipson 1943, vol. 3, p. 253). The 1563 statute enjoined these local authorities to meet at their first general sessions after Easter each year and, after taking the advice of "discrete and grave persons" and "conferring together respecting the plenty or scarcity of the time or other circumstances necessary to be considered," to "rate and appoint the wages as well of such of the said artificers . . . or any other laborers, servants or workmen whose wages in time past hath been by any law rated and appointed, as also the wages of all other laborers, artificers . . . which have not been rated" (Tawney and Power 1924, vol. 1, pp. 338–50). This indicates that local wage rates were not based on a uniform national standard declared by Parliament or the Crown, but were left to the discretion of local authorities to "yield unto [spinners, weavers, and cloth workers] both in the time of scarcity and in the time of plenty a convenient portion of wages" according to the needs of the particular locality over which the local authority presided (Lipson 1943, vol. 3, p. 253). In effect, this was *discretionary wage-price indexation* and indicated tremendous administrative latitude. With modifications forged by conflicts over enforcement, these laws remained in place until their repeal by Parliament in 1813 and 1814, well after the "take-off" of the Industrial Revolution (Tawney 1972; Randall 1991; Rule 1980, 1986; Mantoux [1928] 1955).<sup>13</sup>

<sup>12</sup> Although the literature on the formation of the English state is increasing, there is little emphasis on the law — the focus is primarily on the intersection of state and economy (for exceptions see Dibble 1965; Brewer 1989; Berman 1983; Tilly 1990a, 1990b, 1975; Sayer 1992; Corrigan and Sayer 1985). This focus on law is one of Habermas's (1989) great strengths.

<sup>13</sup> Kelsall ([1938] 1972, p. 98) argued that the burden of proof is now upon those who argue for the "desuetude" of the regulations by the eighteenth century.

Why would these labor laws, which are often described as modes of social control and ruling-class power, or as reflecting paternalism and a moral economy, be thought to confer even *potential* citizenship rights? The answer requires an examination of the institutional vulnerabilities that permitted converting England's legal infrastructure into practices supporting political (participatory) citizenship.<sup>14</sup>

### *The Legal Infrastructure: A Participatory Bureaucracy*

Figure 3 presents the three aspects of England's legal infrastructure that distinguished English from French political rule and that most influenced the practical outcomes of the national labor laws. First, social and economic policies were implemented through the normal channels and processes of government and law (Elton 1953, [1960] 1982; Harding [1966] 1973; Baker 1979). Whereas France developed administrative bureaucracies separate from their regular legal bodies, English monarchs did not distinguish administrative processes from normal judicial and governing processes. The coupling of public law and policy administration meant that labor policies were implemented not by separate bureaucratic offices, but through the English courts. Thus, public courts doubled as labor tribunals; local justices and constables served as the administrative personnel for enforcing labor regulations; and local juries, petitions, citizen arbitrations, and political negotiations were involved in defining labor relations (Tawney 1972; Dobson 1980; Davies 1956). Because labor relations were embedded in the national legal infrastructure, political contests were inextricably bound up with labor issues and conversely, struggles over local labor relations could be converted into struggles over national politics, justice, and rights.

<sup>14</sup> My approach to the administration of English regulatory policies differs from conventional discussions that argue that because England had no bureaucracy, the state could not enforce its laws or, if laws were enforced, they were used for social control and repression (for important exceptions see Fischer and Lundgren 1975; Braun 1975). I do not debate over enforcement, but rather try to discern *patterns* in the administrative process. This shifts the discussion from the question of England's "deviation" from an ideal-type bureaucracy to an examination of varying patterns of implementation.

Second, the English legal system had a powerful national administrative apparatus with the potential to enforce its regulatory laws. This strength was built on an interdependence between central state institutions and the public juridical administrative bodies in the provinces. As Figure 3 illustrates, the legal sphere compelled participation in three interdependent bodies — the central administration, county and village governance, and popular institutions. Herein lies the plasticity of England's legal infrastructure. To enforce and expand its unified system of public rule, the state not only had to strengthen the center, but also to empower local courts and officials to act, in principle, as agents of Parliament and the Crown. The distinctiveness of the English state was not that it lacked a bureaucratic machinery, but that this machinery depended on the participation of, and coexistence with, semi-autonomous local jurisdictions throughout the land (Green 1985; Herrup 1983, 1987; Beattie 1986).

Third, this process of public consolidation inevitably created ambiguities in England's political arrangements. Because of the system of state-centered participatory rule, the structure of English law was neither fully state controlled nor fully decentralized. Figure 3 represents the contingent directions of power that existed between public national institutions and local legal institutions, e.g., juries, the constabulary, and so on. Although lacking a salaried bureaucratic apparatus, the continual increase in the numbers of justices of the peace and their delegated local administrative personnel created an impressive national bureaucracy throughout the land. (The much smaller number of English salaried officials, in contrast to the Continental system, was compensated for by the heavy use of laymen.)<sup>15</sup> However, this also meant that centripetal state-building was pegged to the concomitant strengthening and empowering of local administration. "The growth of power in and loyalty to the center was exactly commensurate with that of power in and loyalty to the local communities" (Stone 1982, p. 185). Figure 3 also shows that "local government"

<sup>15</sup> Whereas the French state sold or controlled over 12,000 judiciary jobs, which created a massive army of central bureaucrats who tried (but failed) to swallow up local community practices (see Figure 3), in sixteenth-century England there were only 15 Royal Judges (Lenman and Parker 1980).

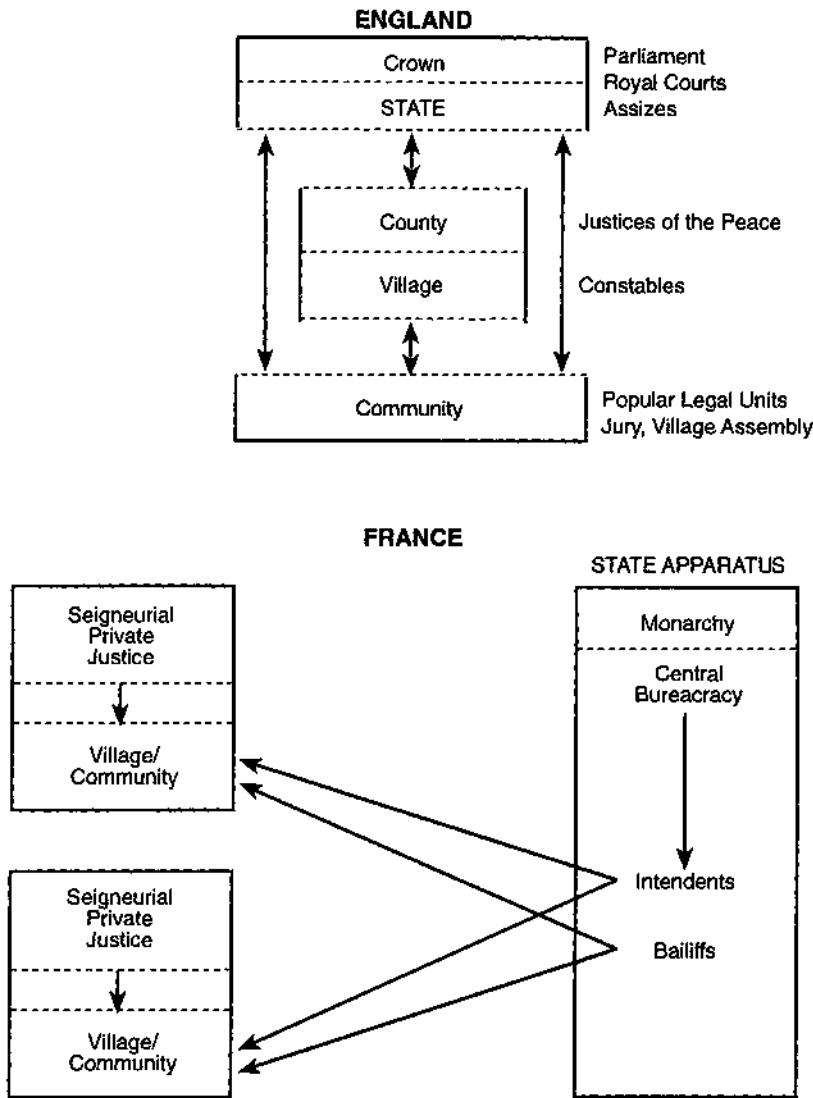


Figure 3. The Legal Infrastructure in France and England in the Seventeenth and Eighteenth Centuries

ranged from vast county seats where the office of justice of the peace was often occupied by a member of the powerful gentry down to the smallest local villages and parishes where involvement spread deeply into the communities (King 1984; Herrup 1983; Dibble 1965). Strayer (1970, p. 41) noted that as early as the thirteenth century, England's royal government involved "almost the entire free population of the country in the work of the law courts . . ."<sup>16</sup>

<sup>16</sup> Participatory activities included serving on juries; serving on bodies of "expert witnesses" drawn from the communities, which most legal and ad-

This interdependence among institutions and the populace created a system built on negotiation and political contingency, not a zero-sum distribution of power. This meant that the out-

ministrative procedures required; carrying out popular petitions and village court activities; responding to proclamations from the central government posted throughout villages; and participating in the appointment of local constables. A surprisingly large number of small artisans and freeholders as well as nonelectors had participatory powers in the late seventeenth century (O'Gorman 1992; Pollock and Maitland [1895] 1968, pp. 79-110, 136-73; Plumb 1969; Hirst 1975).

comes of legal processes were often unpredictable.<sup>17</sup> Thus, the state interacted with, exhorted, and was vulnerable to local arenas and popular communities (King 1984; Beattie 1986). "Ruling was a repeated exercise in compromise, cooperation, co-optation and resistance" (Herrup 1983, p. 169).

For his pivotal role in this unstable political configuration, the lowly village constable deserves special sociological attention. The task of enforcing the labor laws fell on the constable's "undistinguished shoulders" and those of the petty parish officers because local division meetings were the most common settings for wage ratings and assessments (Kent 1986; Barnes 1961, pp. 77, 210, 222, 228-30; Sharpe 1980, 1977, pp. 94-98; Curtis 1978; Tawney 1972; Kelsall 1972). As the "King's man" in the villages, constables were the de facto administrators of a labyrinth of 15,000 parishes and townships. Lodged in the interstices of the legal infrastructure — prodded from above by superiors, and from below by the local population — the office of constable was the ratchet between state and community. "It was...the parish constables who supplied the hinge upon which the whole system [of wage regulations] turned" (Tawney 1972, pp. 83-84;

Barnes 1961, pp. 77, 222, 230; Cheyney 1914-1926, pp. 415-16). The office exemplifies the multiple points of public access and vulnerability in England's participatory bureaucracy. Unlike the justices of the peace, who were appointed by the Crown, constables were selected by the local communities. Although technically a royal agent, a constable was of the population and answerable to it. Thus, the justice of the peace was tied to the community by *virtue of his office*, but the constable held office by *virtue of his ties to the community*. The position was made especially vulnerable by the one-year term of office (Davies 1956, pp. 175, 177, 255b). In this structure, local governance could hardly be a function of the class positions of authorities. To be sure, loyalties and patronage among public officials were hardly irrelevant, but the significance of class loyalties was overdetermined by the many competing institutional and relational constraints on constables.<sup>18</sup>

The labor market thus was embedded and politicized within the rules and institutions of public law. This meant that the labor contract was not a private contract between labor and capital — it was a public relationship involving the "people" and the law. The unpredictable legal politics of the public sphere meant that labor relations and labor conflicts became public contests over competing interpretations of the polity's obligations to its citizens in their different identities as workers, merchant-employers, landlords, tenant-farmers, and bureaucrats. However, this alone does not explain the variation in local citizenship practices. While the legal framework was national, negotiations were carried out at the local level, and in only one local relational setting were labor-law relations converted into a politics of citizenship. The degree to which local working-class populations formed ongoing civil associations and thus participated and influenced legal processes is the regional distinction of significance for this explanation. The social body that had the greatest influence over the discretionary moves of legal officials was often that of the constables' *neighbors*. Who were these neighbors and what power could they bring to bear

<sup>17</sup> A common assumption about the English state is that local justice was carried out entirely by justices of the peace who answered solely to the interests of the landed ruling class. The flaw in the short-lived English version of Absolutism was this weakened "decentralized" and "localist" bureaucracy. If this is true, the public arena where market relations were negotiated can hardly have been propitious for the laboring classes. I come to a different view of English local governance and labor market outcomes. The hallmark of English governance was not the "amateurism" of its local institutions, but rather that England's legal structure was a hybrid network — a central state whose power was mediated by equally strong local public institutions with varying abilities to act independently of the center. Furthermore, these local institutions were not as amateurish as they are usually portrayed. Nor was "amateur government" any less effective in state-building than was "government by professionals" on the Continent. Justices were often trained officials; a statute mandated a quorum of professional lawyers to sit in the Commission of Peace; and "experience with governmental policy" rather than simply wealth won a justice his place on the commission (Fischer and Lundgren 1975; Landau 1984; Palliser 1983).

<sup>18</sup> Constables were constrained by pressures from above and below, "torn between loyalty to the community in which they lived and their obligations to implement the dictates of superior officials" (Hassel-Smith 1974, pp. 112-13; Ingram 1977; Curtis 1977).

on the politics of citizenship? This requires examining the regional social settings in which the law operated.

### DEGREES OF PARTICIPATORY ASSOCIATION IN CIVIL SOCIETIES

The second necessary condition for the emergence of claims to citizenship rights in the pastoral regions was the pastoral community's capacity for *participatory association*. Participatory association was the critical precondition for transforming what were potentially tyrannical national labor laws into rights. Participatory association enabled communities collectively to pressure local authorities, to litigate actively against employers, and to take advantage of the multiple points of vulnerability and access to the legal apparatus. The differences between the two regions' capacities for participatory association are explained by variations in two sets of institutional relationships: (1) patterns of political and social geography, and (2) family and kinship practices and degree of community solidarity.

#### *Variation in Political Geography*

The political geography of the arable regions was inherited from medieval feudalization when manorial lords imposed their fiefs over pre-existing juridical units. By putting previously public villages under private control, manorialization forced rich and poor to live next to each other. In the seventeenth and eighteenth centuries, landless farm laborers continued to live and work under the direct political and residential supervision of their yeoman-farmer employers and gentry landlords (Hobsbawm 1968). The superimposition of private manor over public village, however, was characteristic only of the open-field arable regions. By contrast, in the pastoral regions at the zenith of twelfth- and thirteenth-century feudalism, villagers had a greater degree of political autonomy and self-regulation because villages were often cross-cut by two or more manors. Hence, manorialism was weaker, more divided, or nonexistent. The presence of multiple, often competing, manors undermined the power of any single lord to absorb the village community under private manorial law, and villages in the pastoral regions were left with a greater degree of political space (Pollock and

Maitland 1968). Because rural industrialization took root almost exclusively in pastoral regions, eighteenth-century textile workers inherited these institutional arrangements from their medieval forebears (Kisch 1964, 1981; Chambers 1953, 1972; Thirsk 1961, 1976). Their new employers — merchant capitalists who managed the putting-out system — rarely lived in or near the villages (middlemen conducted their business with workers), and were often prohibited by statute from serving in local offices (Berg 1985; Hudson 1989).<sup>19</sup>

These regional differences in political geography were reflected in eighteenth-century vocabulary. Local political units in the sheep-corn/arable regions were called "closed" parishes, while those in pastoral regions were known as "open" parishes. A parish was closed if it was closely governed and controlled by landholders who served as local magistrates and employers of agricultural laborers. These wealthy gentry formed a parish oligarchy that could "close" the parish to the wandering poor or other "undesirables" who might make trouble or make claims on the parish Poor rates. Pastoral villages, by contrast, lacked powerful overlords and often conducted only impersonal piece-rate exchanges with employers. Thus, they were considered "open" to undesirables (Wrightson 1980; Webb and Webb 1906, pp. 43–49, 52, 176–227; Thirsk 1967, pp. 111–12). Contemporary authorities understood these dynamics and blamed the independent spirit of local pastoral residents on the fact that they had "nobody to govern them, they care for nobody, having no dependence on anybody" (Wrightson 1982, p. 172; Thirsk 1976, p. 151).

#### *Variation in Family Patterns and Political Cultures of Solidarity*

The two types of regions also differed in the degree of community solidarity among villagers. Different inheritance practices were the

<sup>19</sup> This was especially true in the large putting-out areas of the West Country and the South East, which were dominated by urban merchant capitalists. Only in certain areas of Yorkshire where many small "master-clothiers" flourished did employers and workers live among one another. Even here, the norm was two or three journeymen or employees for a single clothier/employer, and the employer was rarely considered above artisan status (Berg 1985; Heaton 1920; Hudson 1981, 1989).

source of much of the regional difference in community solidarity and political cultures. Families in the arable regions were compelled by their manorial lords and gentry to practice *primogeniture* (inheritance by the oldest male child), whereas the rural clothworkers who were the progeny of peasant families in the pastoral regions tenaciously practiced *partible inheritance* (division of land among all children) (Homans 1937, [1941] 1975; Braun 1966, 1978; Goody, Thirsk, and Thompson 1976).

Primogeniture in the arable regions encouraged small households, less familial and kin bonding, slow population growth, and high mobility and migration (Thirsk 1967, p. 8, 19; Homans 1937, 1975; Hallam 1958; Dodgshon 1978; Howell 1975, 1976).<sup>20</sup> In pastoral areas, partibility encouraged greater family cohesion. Extended or "joint" families were more common, in contrast to the nuclear or "stem" patterns typical of families in the arable regions (Levine 1978; Berkner 1972), and geographic mobility was lower (Homans 1937, 1975; Chambers 1953; Hallam 1958; Dodgshon 1979, p. 90). There was little incentive to leave the family or village because each child could expect to inherit part of the family plot and the right to run cows on the common pasture. Above all, the rights and obligations encoded in the inheritance laws were an irreplaceable form of *social capital*, and land transference was a transgenerational trust (Goody 1976). Partibility enforced cohesion through generations and throughout the community.<sup>21</sup>

<sup>20</sup> Primogeniture is commonly associated with English patterns of land transference, a natural conclusion about a society viewed to have been dominated by landlords of large manors. The prohibition against partibility made it virtually impossible for tenants to sell (*alienate*) any piece of the estate. By strictly controlling inheritance practices, the landlord kept his holdings intact. Tenants had to pay fines to pass land to the eldest child. Partible inheritance patterns have been neglected in macrosocial theorizing, although Homans (1937), Sabean (1990), and the proto-industrial theorists (e.g., Kriedte, Medick, and Schlumbohm 1981; Levine 1984) are important exceptions.

<sup>21</sup> Family ties in the pastoral regions were like "bonds of iron": "For centuries . . . the [the pastoral regions] held out an encouraging hand to the young, and had kept the children in their native places to marry, earn a living, rear their children, and die. . . . We may suspect that the strong ties of family unity, which even now keep young men and young

In the seventeenth and eighteenth centuries, when families in the pastoral regions confronted increasing landlessness and rural industrial production, they redefined partible inheritance. Land inheritance evolved into a new form of social capital that was adapted to the new conditions of rural industrial production — the "property" of apprenticeship (Rule 1987; Somers forthcoming). Apprenticeship was only partly concerned with passing on skills; it also established the boundaries of *social inclusion/exclusion, association, and membership* in the community. Like land inheritance, apprenticeship required membership in a solidaristic association. Families — and their constructed associational equivalents — became the local institutional regulators of the labor supply (Pinchbeck [1930] 1981, p. 115; Anderson 1971). The political culture of strict apprenticeships protected the community from individual unskilled labor contracts (an open labor market) and protected the individual from social exclusion.

Like all institutional bonds, apprenticeships involved rights and obligations: An apprenticeship conferred the right to full membership in the laboring community while obligating the child to the family, community, or association. Like the ownership of land, the "ownership" of an apprenticeship was an entitlement that was conditional on fulfilling family and associational obligations. This produced denser kinship relationships, which promoted stronger social sanctions and interdependent expectations of rights and obligations (Wrightson 1982, p. 42; Medick 1976, p. 84; Levine 1984, 1987; Anderson 1980; Redford 1964). As a form of social capital, apprenticeships were acquired exclusively through networks of association. Not surprisingly, then, pastoral communities' control over apprenticeships also supported a strong associational life (e.g., friendly societies, box clubs, and trade unions) (Turner 1962; Dobson 1980; Rule 1981, 1986). Thus, the right to an apprenticeship, like the right to land, was

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women in the fells on the farms of their father till long after others of their generation have married and moved away, were bonds of iron three or four hundred years ago. The family was and is the working unit, all joining in the running of the farm, all accepting without question the fact that the family holding would provide for them or else that the family's savings would go to buy a lease or an interest in land nearby. The custom of partible inheritance fosters this attitude. . . ." (Thirsk 1976, p. 84).

a thoroughly relational idiom. Transmitting and distributing skills among children was a trans-generational mechanism that institutionalized community solidarities.

In summary, then, the political geography of rural residence and labor relations and the community methods of securing solidarities were the institutions that determined the pastoral community's greater capacity for participatory association. Village independence depended on the degree of manorialization and gentry presence. The greater the manorial control — as in the arable regions — the less community autonomy. Conversely, the weaker the manor — as in the pastoral regions — the more village autonomy. The greater solidarity and cohesion of associational life in pastoral regions was a result of partible inheritance and apprenticeship. *In comparison to arable areas, then, the greater solidarity and autonomy of villages in the pastoral areas were institutional preconditions for their greater capacity for association and participation and hence their ability to appropriate and convert regulatory laws into citizenship rights.*<sup>22</sup>

#### PLACE, POLITICAL CULTURE, AND PARTICIPATION IN CONTRASTING COMMUNITIES

My central argument — that laws applicable to all members of a nation-state can, *depending on their relational setting*, be transformed from instruments of state or elite control into popular citizenship rights — can now be examined. Regional differences in patterns of family, political culture, and social geography, when con-

<sup>22</sup> These regional variations are counter-intuitive. Standard sociological accounts of social change argue that industrial production, whether urban or rural, is a more "advanced" stage of economic development that produces a more "modern" labor force. Thus, agricultural laborers are assumed to retain the solidarity of "traditional" communities while the more modern rural industrial labor force, released from the traditional solidaristic bonds of community, becomes increasingly individualized and less cooperative. It is commonly accepted that the "mobilization of tradition" and the solidarities built into traditional communities made such communities more rebellious than their industrial counterparts. To explain my counter-intuitive findings, I shift the explanation away from ideal-typical conceptions of tradition and community to focus on networks of institutionalized relationships and practices.

figured with the institutional dynamics of law, governance, and administrative structure, demonstrate the argument. The regions exhibited distinctive relational settings that embodied two distinct legal and political cultures, and, ultimately, two distinctive patterns of power and participation that led to different outcomes with regard to citizenship formation. The capacity for participatory association in the pastoral communities allowed them to interact with the national laws in such a way as to convert national laws into citizenship rights. It was the *mix* of this local participatory capacity with the nature of the national legal sphere that was essential. Neither factor alone can explain the different patterns of citizenship.

Figure 4 presents the links between localities and the national legal infrastructure in the two regions. The county and the village represent the juncture with local governance. In each region, only one of them functioned as the public sphere where protagonists (legal authorities, employers and landlords, and working families) confronted each other within the context of the law. The differences are critical: Whether laws were administered at the county level or the village/parish level determined which local authorities were the chief participants, how they used their discretionary rights to interpret the law, and whose participatory power would be most influential.

#### *The Place of the Public Sphere*

In the arable regions, the place of the public sphere encompassed county governance, where the offices of justice of the peace were usually occupied by gentry. This position gave landlords double control over labor relations. In the rural industrial regions, the public sphere resided in *village or parish* governance, where constables were the *de facto* local authorities. These contrasts are explained by differences in the degree and direction of power, as represented in Figure 4 by the different types of arrows.

The models suggest the following relational contrasts: In the arable regions, the justice of the peace had a great deal of autonomy from the Crown or Parliament and could administer the law and manipulate local public office for his own ends. This, in turn, gave him power over his subordinate constables, who were usually yeoman farmers who depended on their

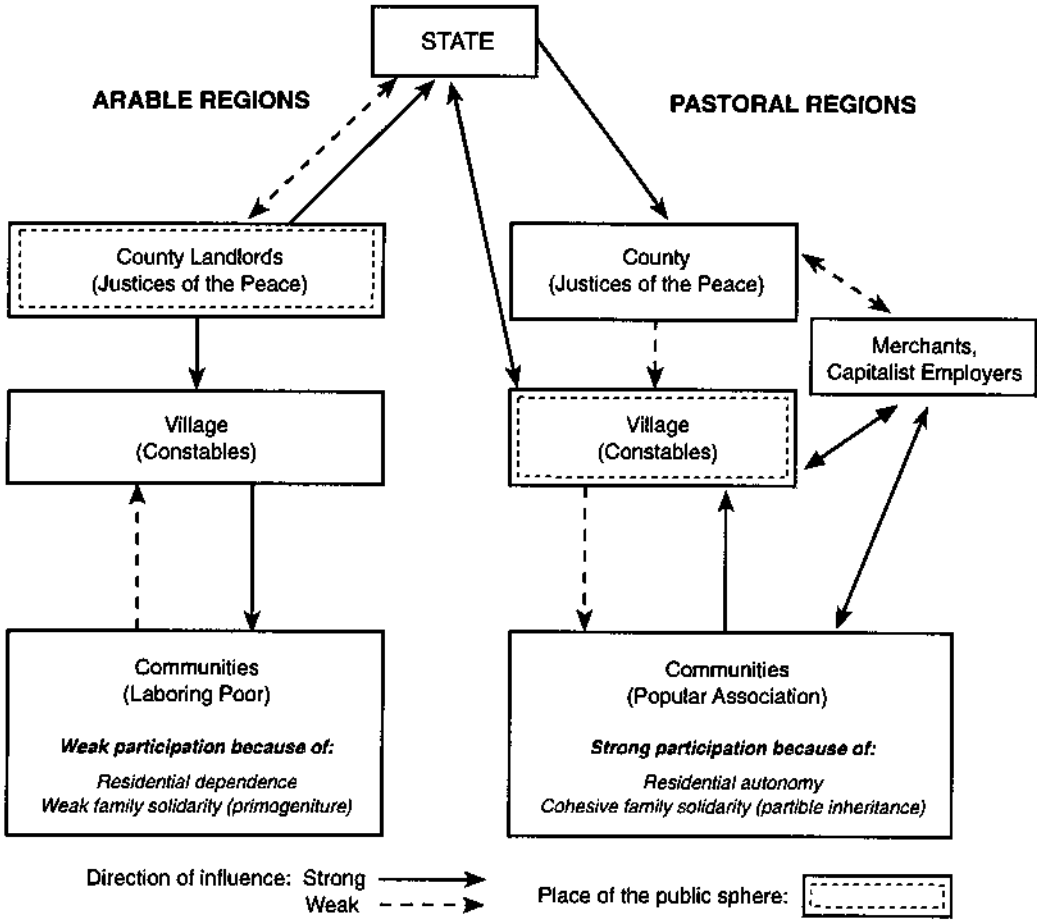


Figure 4. Institutional Relationships by Type of Region: England, Seventeenth and Eighteenth Centuries

gentry superiors. Directly under the control and social patronage of the justice of the peace, these constables were also isolated from the laboring community and were unlikely to exercise much administrative autonomy. The power of the justice of the peace was enhanced by the low degree of participatory empowerment characteristic of the village communities in the arable regions. Because village communities could exert little influence on their own behalf, gentry and justices of the peace enjoyed great participatory power and the public sphere was controlled, by and large, from above.

In the pastoral/rural industrial regions, lesser manorialization allowed a "lesser sort" of provincial elites to fill local offices. Politically, justices of the peace were closer to the state (which was occasionally sympathetic to the poor) and they had a relatively meager power

base from which to exercise autonomy. Because all local governance operated under the paradoxical principle of "self-governance at the king's command," constables in pastoral regions symbolized the ambiguities of the seventeenth- and eighteenth-century English legal process. Pressures from above and below converged on the constable, who, in pastoral communities, were men of the "meaner sort" — husbandmen, weavers, artisans, shopkeepers. While they were institutionally *more* independent from justices of the peace, they were significantly *less* independent from the sanctions of their village communities (Kent 1981, p. 29). Thus, constables had maximum exposure to the local population, and the solidarism of the pastoral village placed heavy expectations on them (Davies 1956, pp. 175, 177, 255; Wrightson 1980). To renege on those expecta-

tions was not treated as an impersonal oversight — victims of a constable's "oversight" were neighbors among whom he would have to live. For example, in the West Riding, local authorities adjusted wages of woolen workers to the customary level even when central powers advised against it (Heaton 1920). In such a context, where neighborhood gossip could be more influential than the Lord Keeper in London, constables would probably use any discretionary powers to protect their position in the community. Thus, in the textile/pastoral regions where the political culture of participatory association was independent of manorial control, small artisans, textile workers, and clothworking families actively exerted power in the legal process with a greater independence from elites. This was the participatory "unruliness" attributed by elites to the rural industrial communities (Sharpe 1977, p. 107).

The local contexts of the legal process thus generated different political and legal cultures, which produced different patterns of citizenship in the different communities. Historically, these communities differed in the structure of early labor markets, the degree of popular participation in political and legal institutions, the character of corporate village institutions, and ultimately in popular conceptions of justice and rights. For example, in principle, all village and parish members participated in selecting a constable, but in practice, members in rural industrial communities had more influence in the selection. The notorious practices by which elites manipulated their neighbors into voting their wishes were much less successful in the pastoral villages. Even though the whole English populace had the right to petition Parliament to redress grievances, rural industrial villagers exercised this right more effectively. Although all local authorities were obliged to "consult" with community members before setting regulatory rates and prices, only in rural industrial villages were these "advisors" often the clothworkers themselves; in arable regions they were the gentry (Kelsall 1972). With the village rather than the county as the public sphere, pastoral communities had greater popular leverage over public matters than did their less powerful counterparts in the arable regions. In the agricultural/sheep-corn villages where manorial domination was coupled with the corrosion of community association, the close proximity to dominant

landlord-employers exerted an undue influence over villagers' behavior.

The general structure of rule and the character of labor relations in particular thus took different shapes depending on who could participate. In the arable regions, participation was monopolized by landholding gentry who asserted their private interests through the power of public judicial institutions. Working-class communities with little or no autonomy could not take advantage of public participatory rights and, despite the legal freedom granted by public law, were subordinated through the legal process anew. In pastoral/rural industrial regions, by contrast, the absence of powerful social and political elites, the long history of legal freedom, and the presence of strong popular communities meant that civic liberties and public participatory law promoted outcomes more favorable to the working-class communities. As active participants in the public sphere, working-class communities could prevent private sources of power — gentry and merchant capitalists — from exploiting the public institutions of law while appropriating the law to strengthen their own independence.

#### *The Impact of Wage Regulations*

Wage regulations are an example of a uniform national law that was only contingently transformed into practices of social citizenship. In 1349 and 1351, Parliament, under the duress of the plague and a labor shortage, issued an Ordinance followed by the Statute of Laborers — a body of regulatory labor laws applicable throughout the country (Poos 1983; Putnam 1906, 1908). The statute was to be administered by the newly institutionalized justices of laborers (later to become justices of the peace) who, though drawn from the localities in which they served, were appointed by the Crown. Only 35 years later, the clause was amended to give more discretionary power to local magistrates, an amendment rationalized by the "participatory" influence of the 1381 Peasant Revolt — a notable instance of "popular participatory empowerment" that occurred almost exclusively in the pastoral areas and early rural artisanal enclaves (Dobson 1970; Hilton 1973, 1976).

In 1563, after years of popular demand, the Tudor Statute of Artificers gave even more discretion to local magistrates in assessing the lev-

els of wages and indexing them to prices (Tawney and Power 1924, vol. 1, pp. 338–50). How that discretion would be exercised is not self-evident, however, and it would be misleading to adopt uncritically the common assumption that local governance meant absolute control of labor relations by elite members of the country's ruling gentry. With the increase in state centralization under the Tudors, the details of the regulations became *more* variable in the different regions. Indeed, the evidence indicates that *maximum* levels of wages were being fixed (i.e., ceilings were imposed) in the arable regions, while in the textile regions, *minimum* levels below which wages could not be reduced were being set (Tawney 1972, p. 73; Kelsall 1972, p. 98; Lipson 1943, vol. 3, pp. 251–52).

The most significant change, however, is hardly mentioned by economic and social historians. In 1603, this informal but popularly enforced regional division was officially institutionalized. Under James I, the statute was reenacted with the addition of three significant clauses: (1) regulations were to apply to the wages of any "laborers, Weavers, Spinners, and Workmen whatsoever"; (2) in the woolen textile industry, these wages were to be *minimum* assessments, and clothiers (textile employers) were to be fined for paying less than that rate; and (3) clothiers who were also justices of the peace were forbidden to take part in assessing wages "for any weaver, tucker, spinster, or any other artisan that dependeth on the making of cloth" (Tawney and Power 1924, vol. 1, pp. 338–50; Tawney 1972, p. 73). This is a striking development: *National labor laws, when implemented through a participatory legal apparatus, produced critical differences in settings differentiated by the place of the public sphere rather than class relations.* In the arable regions, rates were fixed at maximum levels, making it illegal for workers to demand or to be paid more than the rates established by law, whereas in the textile regions, minimum rates were fixed according to an assessment of local consumer needs or, more likely, of potential popular pressure. Regardless of the statute's original meaning, by the seventeenth and eighteenth centuries the enforcement of maximum wages in the arable regions was probably experienced as domination, whereas the enforcement of minimum wages in the textile regions was probably seen as a right.

### *Citizenship in Action*

The working-class communities of the pastoral regions had greater expectations of citizenship rights than did those in the arable regions. Evidence overwhelmingly maps eighteenth-century collective actions and organizational activity largely onto the pastoral regions (Bohstedt 1983, pp. 41–42; Charlesworth 1983; Underdown 1985; Williams 1984). These rights-focused social practices ranged from petition drives to bring employers who violated regulations to court, to rioting to exert pressure on local authorities. All of these activities represented some form of political participation, even in the absence of the franchise (O'Gorman 1992; Green 1985; Fraser and Gordon 1992; Herrup 1987). Contemporary elites, in fact, contrasted the more deferent behavior of agricultural farm laborers to the "unruly" rural industrial workers who were "of worse condition to be quietly governed than husbandmen." One observer characterized the people of the dense Western woodland and forest areas as "naturally more stubborn and uncivil" than "the poor" in arable counties. Even though wages in the arable regions were lower than those in the rural textile industries, agricultural laborers in arable regions were relatively quiescent, engaging in sporadic outbursts under conditions of anonymity (Thompson 1975a; Stevenson 1979; Manning 1988; Wells 1978–1979, 1980–1981).

Despite the alarm among the elite, the outstanding feature of seventeenth- and eighteenth-century collective action among working peoples in the pastoral regions was their focus on the *law* and their *legal* rights — to realize in practice the promises and universal ideals of England's rule of law. One scholar noted this tenacious commitment on the part of eighteenth-century workers to "act in a legal manner to get what they believed to be their legal rights and, on the other, the clothiers' [employers] disregard of any legal obligations" (Mann 1971, p. 110). The law and legal procedures embodied mechanisms available exclusively to English citizens. And even when citizens resorted to unlawful activities to get the attention of authorities, these activities often mimicked legal rules and procedures, thus reaffirming the ideals of constitutional citizenship rights (Wrightson 1980; Brewer 1980). The constitutional foundation on which pastoral workers justified their claims to rights was

inseparable from all popular social practices (Joyce 1991; Brewer 1980; Porter 1982; Thompson 1968, 1971, 1975b, 1978, 1991). The driving force of their collective activities was expectations informed by their understanding of the legitimate rights of membership for all citizens of England's national polity.

Among pastoral rural industrial textile families, one set of rules and institutions symbolized these citizenship rights — the national wage and apprenticeship regulations originating in the 1563 Statute of Artificers (Randall 1991; Rule 1981, 1986; Prothero 1979; Mantoux 1955). In 1686, Essex woolen workers articulated the clarion call of rural industrial collective action: The regulated labor market was a right; those who abused that right were not "free-traders" but "law-breakers"; and the collective freedom of English citizens was tied to these rights. "From such as would our *Rights* invade; Or would Intrude into our Trade; Or break the Law Queen Betty made; *Liberanos* Domine" (Lipson 1943, vol. 3, p. 287). Moreover, these rights were pegged to the civil rights of citizens — "freeborn Englishmen." In 1768, a pamphleteer mocked the "liberty" of the free market: "It cannot be said to be the liberty of a citizen, or of one who lives under the protection of any community; it is rather the liberty of a savage" (Thompson 1971). Freedom and independence were conditional not on freedom from the state, but on their rights as members of the English polity to make claims on the national state through participatory actions in their local public spheres. The distressing social conditions that historians now attribute to proletarianization, workers blamed on the illegal activities of those who trafficked in a free labor market and thus violated the social rights of citizens.

Collective actions directed toward enforcement of the laws regulating apprenticeship and wages were a constant feature of rural industrial life (Lipson 1943, vol. 3, p. 28; Davies 1956, pp. 192, 202; Kelsall 1972; Tawney 1972). The many prosecutions and indictments for apprenticeship violations indicate that the statute was "an uncertain but harassing weapon" of the rural artisanry.<sup>23</sup> Long after ap-

<sup>23</sup> Repeated complaints and enactments against illegal violations of the labor supply were initiated by clothworkers in Suffolk. During the trade depression of the 1630s, blocking combers protested against the "multitude of apprentices and . . . for-

prenticeship regulations allegedly passed into "desuetude," the legal right to the enforcement of apprenticeship laws remained central to pastoral people's rights-focused social practices and collective identities. Indeed, enforcement of the apprenticeship laws was more important to livelihood than the negative effects of trade union illegality (Rule 1981).<sup>24</sup> The centrality of labor relations focused wage struggles and col-

eigners [who] do inhabit and marry, which makes so many poor men" (Davies 1956, p. 192). In Colchester, "many of the poorer sort of weavers . . . do daily take journeymen, boys, women, wenches, and girls and employ them . . . and thereby bring great poverty upon themselves and . . . inhabitants of this borough" (Hunt 1983, p. 245). In the early eighteenth century, Parliament received complaints from woolcombers and weavers in Leicester, Somerset, Devon, Cerencester, and many other locations demanding enforcement of the laws as "great numbers of persons of all other trades have intruded into the petitioners trade so that they cannot get a livelihood." Complaints stated that many of these intruders took 14 or more apprentices to work for them for a year or two "to the ruin of such as have legally served apprenticeships to the said trade" (Lipson 1943, vol. 3, p. 288). Lancashire weavers waged one of the most celebrated strikes of the eighteenth century over the legal right to retain control over apprenticeships (Wadsworth and de Mann 1931, pp. 368, 378).

<sup>24</sup> Clearly, "Queen Betty's law" was the legal, political, and symbolic banner of collective action and it conferred a freedom and a legal right. In 1623, Wiltshire weavers and spinners informed the Privy Council [a national court] that they "are not able to their diligent labours to get their livinges, by reason that the Clothiers at their will have made their workes extreme hard, and abated wages what they please [i.e., illegally]" (Clark [1920] 1982, pp. 117–18). In 1605, Wiltshire weavers forced the local jury to indict 43 clothiers for not paying workers the assessed wages (Davies 1956, p. 202). In 1739, clothworkers in Wiltshire fought for a statutory Parliamentary law against employers who evidenced "Barbarity and Cruelty . . . having lower'd the Price [piece-rate wages] in every Branch belong to the Trade which is *Starving us Inch by Inch*" (Malcolmson 1981, p. 125); and in 1756–1757, Gloucester weavers, after many struggles with their masters' (employers) unwillingness to comply with assessed rates, launched a famous petition to have "some Power lodged in the said Justices of the Peace, or elsewhere . . . to ascertain and settle the said Wages [in order] that the Petitioners may not be subject to the arbitrary Will and Power of the said Clothiers" (Malcolmson 1981, p. 125; Lipson 1943, vol. 3, p. 266; Tawney 1972).

lective bargaining on workers' rights as citizens. The strategies of redress were consistent: The majority of "pre-industrial" strikes in the eighteenth century were aimed at public enforcement of wage regulations (Dobson 1980; Rule 1981; Lipson 1943; Leeson 1980; Malcolmson 1981).<sup>25</sup>

## DISCUSSION

Three themes in the sociology of citizenship based on Marshall's work are called into question by these findings: (1) temporality — that the development of the civil, political, and social components of citizenship coincided with epochs of economic development; (2) space — that the supersession of local differences by national uniformity is a precondition of modern citizenship; and (3) agency — that citizenship practices vary according to categories of social actors, especially classes.

Concerning *time*, Marshall's periodization cannot accommodate the presence of all three components of citizenship as early as the eighteenth century. Depending on geography, political culture, and participation, all English communities claimed, exercised, benefited, or suffered from national laws that, under appropriate conditions, supported civil, political, and social citizenship practices long before Marshall expected. Furthermore, the conjuncture of "modern" proto-industrial wage labor markets with these political and social citizenship practices indicates that claims to rights in the eighteenth century were not simply residues of the traditional world of feudalism and corporate privilege. Participatory citizenship practices clearly existed in the eighteenth century. What is problematic is why public spheres in pastoral regions supported wide *popular* participation in legal and governmental processes and public contestations, while in the arable regions, only the *gentry* were able to control and manipulate the participatory aspects of the legal infrastructure.

With respect to *space*, regional differences suggest that modern citizenship formation did not correspond to the supersession of localism by an exclusively national system. In England, *national* and *universal* laws produced *local* and

*particularistic* variations in enforcement, so that these laws were converted to the politics of citizenship only in certain settings. However, this finding does *not* suggest a return to an exclusively local or particularistic notion of citizenship. Rather, it signals a need to abandon the false dichotomy between the local and the national in favor of a formulation that recognizes the significance of varying *articulations* between localities and the center. English citizenship practices were shaped by the articulation between universal rules and institutions on the one hand, and the political cultures and identities of different communities — specifically, the presence of a strong participatory associational life — on the other hand.

Regarding *agency*, the agents in Marshall's accounts of citizenship formation are the developing social classes whose relationship to social change periodically thrust them into the vanguard of moves to expand citizenship. My study suggested that citizenship practices did not correspond to class activities. Instead, the political activities of people across England who could be categorized as "working-class" (i.e., lacked ownership of means of production or were landless) varied radically depending on their setting. Class or status divisions cannot account for these differences, as citizens in similar class situations differed in their degrees of participatory power. Citizens were embedded in competing institutions and political cultures whose social, political, and cultural place in a matrix of relationships was a better predictor of action than their categorical classification. This directs us to expect greater contingencies for agency. The plasticity of the English legal sphere meant that the legal sphere was not the domain of any one class or group, but rather was potentially available to all (Brewer and Styles 1980, p. 11). No class could impose and realize its interests — all classes had to negotiate and bargain within the parameters of their regional public spheres. Similar contingencies were also evident in popular collective action, which could not be inferred from class interests — it only becomes intelligible in the context of the social mapping of the institutional and cultural terrain.

### *Why Citizenship?*

The conversion of labor laws into citizenship rights depended on two necessary conditions:

<sup>25</sup> Gloucestershire weavers, enraged when clothiers cut their wages "in defiance of the law," seized the employers by force and dragged them back to the negotiating table (Leeson 1980, p. 87).

(1) the character of the legal sphere — its discretionary laws and indeterminacy and their participatory infrastructure, and (2) the implementation of the laws in communities with greater participatory associational life and solidarity — namely, villages in the pastoral region. The *mix* of pastoral civil society and national laws transformed the potential into reality.

Granted, however, that working people in the pastoral regions were socially and politically active, why should these activities be classified as citizenship claims rather than as claims to a moral economy (Thompson 1971, 1991, pp. 259–351)? Why did labor laws embody potential *citizenship* rights?

The answer lies in the character of the social practices and the locution of the claims. Collective actions in the textile communities did not invoke a ruling class's paternalistic duties. Rather, actors focused on appropriating the commonplace rules governing English subjects and demanded them as citizenship rights. Because labor relations were embedded in constitutional law and legal institutions, struggles over labor conditions became struggles to convert the law into the rights of citizens. Struggles for the implementation of law and its enforcement unfolded in and around the courts and other legal institutions. Legal procedures influenced labor market outcomes in unanticipated ways. The sharp and relentless focus on the idealized universal rule of law crystallized popular conceptions of working-class citizenship rights in the pastoral rural industrial settings. Citizens in these areas were not the "deferent" — although sometimes unruly — "pre-political" population that appealed to a paternalistic moral economy. At issue were not expectations of charity or paternal beneficence, but demands for legitimate *rights*. Social claims were inseparable from the insistence that *participation* and norms of *universal* justice in the making and implementation of these laws was central to their freedom under the law. These claims to rights thus depended on the core components of citizenship — *membership, participation, association, inclusion/exclusion, national identity* (Brubaker 1992; Stinchcombe 1975), and above all, the constitutionally guaranteed *rule of law*. To be sure, it was probably not with the intention of instituting citizenship rights, but for statebuilding ends, that the English monarchy in the twelfth century created a compulsory participatory le-

gal system and common law, and in the fourteenth century institutionalized regulatory controls over labor markets. Although the effect of this institutional mix of policy and participatory apparatus could not have been predicted, the institutional conditions for the emergence of citizenship rights and collective identities were activated nonetheless by the particular political cultures of the pastoral relational settings.

Another indication that these claims were claims to *citizenship* rights was therefore their *bounded* and *contextual* quality — working people did not consider them normatively abstract, "natural," or human rights, but institutionally-grounded universal *English* rights. They were the rights of "situated freedom" (Wolfe 1989). For realization, they depended on the conjunction of the core institutional foundations of English law — membership rights and duties in the English polity, legal freedom, responsibility to participate in the implementation of those rules — and the region-specific capacity for independence, association, and community solidarity. Though activated in specific locales, they were not remnants of traditional corporate privilege — the commonly understood forerunner to modern citizenship rights (Brubaker 1992). National laws, when articulated with local institutions, were converted into claims to national rights affirmed by national membership identities. Only from the particular social terrain of a civil society supporting both *autonomy* and *solidarity* could working people take advantage of the universal rules of membership.

## CONCLUSION

Three premises have long derailed the debate over citizenship and social class. These premises need to be examined, and new questions formulated to analyze the relationship between citizenship and social class.

### *Theories of Citizenship*

The puzzle explored in this study helps adjudicate some central issues in theories of citizenship. First, the presence of a formally unified polity, legal system, and national markets, in conjunction with regionally varying citizenship outcomes, tests the long-accepted assumption that stages of citizenship co-varied with na-

tional political and economic formations, i.e., that unrestrained free market activities historically were necessary preconditions for democratization and citizenship formation. Second, finding that the working people with similar categorical attributes displayed different citizenship practices allows us to focus on Marshall's and sociology's concern with the relationship between citizenship and social class. Third, because in Marshall's account and in most macrosocial periodization, eighteenth-century England was a(n early) modern society, the historical puzzle concerns modern citizenship, rather than a residue of the past.

This slice of eighteenth-century comparative history does not provide a countervailing theory of citizenship and these findings should not be over-generalized (Liebersohn 1991). Rather, it is intended to unsettle several entrenched certainties. I suggest that the question of the impact of citizenship on social class is the wrong question, because it is formulated on holistic conceptual abstractions that dissolve on close scrutiny. This is not merely the historian's familiar complaint. These mischievous abstractions produce misleading theories. To continue to claim their utility — even as heuristic ideal types — undermines the strength of a Weberian historical epistemology. Indeed, despite Homans's (1937, [1941] 1975, 1953, 1969) pioneering work developing a "sociology of regional differences," social scientists continue to build grand but problematic general theories from national conceptions of social transformation (Tilly 1984; Stinchcombe 1983). Only England's arable regions with their classic patterns of medieval feudal manorialization and early modern commercial agrarian gentry relations conform to the conventional conception of pre-modern society. It is the history of these regions that has been generalized into models for theories of social change, thus overshadowing the theoretical importance of the pastoral regions. For example, local variation in wage regulations — virtually neglected in discussions of aggregate economic development — demonstrates how different political cultures intersected with and reconstituted the meaning of national laws and institutions. All English labor contracts were embedded within the same legal regulations, but in practice wage regulation varied. Popular empowerment varied as region-specific communities articulated differently with the na-

tional legal sphere and in the degree to which they could convert national law into the rights of citizens. The false dichotomy between the local, traditional, and particularistic on the one hand, and national, modern, and universal on the other hand, finally can be rejected. This rejection permits a reconceptualization of a multivalent relational approach to societal institutions. The degree to which the ideals and institutions of citizenship could mitigate the inequalities of social class was contingent on the conjuncture of region-specific conditions that initially facilitated the activation of citizenship practices. These conditions, in turn, were shaped by the variations in the political cultures in which the institutions of class and citizenship operated. Deconstructing these relational settings reveals that: (1) The question of the relationship between citizenship and social class can no longer be posed as a dichotomy; and (2) the essential properties of citizenship or social class were outrun by the multivalent institutional legacies they inherited and in which they operated.

In the first instance, even if no bona fide theory of citizenship and social class exists (Barbalet 1989, p. 108), implicit consensus exists in practice. Theories generally address citizenship as a political and legal outcome of deep social forces (modes of production, social classes, holistic societal developments) and/or the interests of social and political entities (the coercive state or the capitalist system). Marshall argued that while the legal outcome between the state and the capitalist economy initially was cooperation in the form of eighteenth-century civil citizenship and nineteenth-century bourgeois citizenship, the "warring principles" of the state and the economy produced unexpected results — twentieth-century universal political and social citizenship. Influenced by Marshall, most sociological approaches to citizenship accept that citizenship expanded with successive contradictions between the class inequalities of capitalism and the capacity of citizenship to compensate with increased formal legal equality. The premise of this formulation is that citizenship and social class are essential properties of the two central players — the (increasingly democratic) state and the (capitalist) economy.

My analysis suggests that the growth and extension of citizenship cannot be theorized a priori solely from the needs of a competitive

market system and the powers of state-building. Reformulated in terms of network and institutional analysis, this account is turned on its head: Under particular conditions, labor market relations and state institutions could be adapted and reconstituted as widespread popular citizenship practices. These citizenship practices could contribute in turn to the character of capitalist markets and state formation. While the struggles over rights were deeply embroiled with the inequalities and violence of capitalist development and state formation, these political and economic forces were always mediated through public spheres comprised of unpredictable juridical processes.

Second, there is no firm relationship between social classes as categorical entities and patterns of citizenship formation. To the extent that any *essential* properties, interests, or capacities can be attributed to the capitalist economy, the state, or social classes, these attributes clearly were *outrun* by the contingencies of the relational and institutional environment in which they operated. Thus, for example, merchant capitalists “chose” to locate putting-out systems almost exclusively in the pastoral countryside because of the pre-existing pattern of weak manorialization — this was the only rural land beyond the political control of manorial lords and gentry. However, this institutional legacy also constrained them — they inherited a work force with a political culture of independence based on centuries of legal freedom, solidarity based on partible inheritance, and a history of legally embedded labor relations. Similarly, English monarchs from the twelfth century onward directed state-building efforts toward centralizing the system of legal governance. However, they also inherited a community-based institutional legacy that forced them to govern through a participatory structure they could never fully control. In the case of the arable regions, the solidaristic attributes usually ascribed to traditional peasant communities also were outrun by the institutional contingencies of an imposed feudalization of land. Peasant families in the arable regions “inherited” social and geographical domination by manorial lords who imposed primogeniture. Although primogeniture was intended to prevent the break-up of the manor lands, it also attenuated the community solidarity so often attributed as “natural” to a “traditional” peasantry.

The contingencies of these institutional legacies increased exponentially when combined with environmental legacies and political cultures. Propertylessness, for example, the attribute at the heart of proletarianization, was outrun in the pastoral communities by the convergence of national apprenticeship laws, participatory rules of enforcement, the durability of partible inheritance, local control of apprenticeship, and the skilled practices of participatory association. In this context of a popular public sphere and solidaristic civil society, the pastoral working population offset many consequences of propertylessness with a more powerful form of property — the rights and obligations of membership (Somers forthcoming).

### *The Definition of Citizenship*

The dominance of institutions over social categories suggests reconsidering the definition of citizenship — away from a focus on status and toward citizenship as an “instituted process” (Polanyi 1957b). Analytically, a focus on status is attached to individuals and categories, while an “instituted process” focuses on networks of memberships and relationality. Thus, the abstractions of state and capitalism, citizenship, and social class can be replaced with the concept of contingent patterns of relationships and social practices grounded in time and space. The rights-based definition of citizenship can also be revised — citizenship cannot be explained by looking for rights granted “ready-made” by states. Instead, the focus must be on the presence of national universal laws and legal institutions, which under certain conditions of place, political culture, and participation could be transformed into rights. English citizenship was not granted as a right — it was created by the activities of peoples in particular situations who interacted with institutions, ideals, and rules of legal power and governmental participation that *could not remain attached irrevocably to any class or institution*. Whereas rights inhere only in individuals or corporate entities, laws are free-floating forms of empowerment and cultural resources, whose practical meaning depends on relationships, not individual autonomy. Citizenship rights were relational social practices, not “things” (see also Stinchcombe 1975, pp. 599–616).

One aspect of Marshall's definition of citizenship can be affirmed in a new way — his breakdown of citizenship into its distinct elements and his insistence on including the social dimension as a component of citizenship. This disaggregation reveals the conditional presence of all three dimensions of citizenship in the eighteenth century. This, in turn, indicates the importance of recognizing that when nation-states and universal laws coexist with national markets, rules will *always* exist to define the parameters and possibilities of those markets — even if those rules institutionalize the conditions for free markets. As Polanyi (1944) argued — to paraphrase — “the road to *laissez-faire* was paved with state intervention” (Block and Somers 1984). In the eighteenth century, public rules for market behavior were transformed into rights only when they intersected with the practices of participation and association typical of the pastoral regions. In the nineteenth century, rules governing the market and the possibilities for their appropriation underwent radical changes. The 1834 New Poor Law made unemployment benefits and welfare conditional on living in the workhouse, i.e., giving up one's freedom. While this law blocked the conversion of labor market rules into rights for all the English poor and unemployed, it does not remove the *social* dimension from its central analytic position in understanding both nineteenth century citizenship and the more general conceptual definition of citizenship.

#### *Toward an Historical Sociology of Citizenship*

If the historical locus of citizenship formation is not in the relationship between the state and capitalism, or confined to those entities normally used to explain social and political development, how should historical sociology refocus its inquiries? My analysis suggests that research should not be centered only on states and economies, but should include family, community, and associational life (civil society) and political public spheres. These additions transform the stable dichotomy of state and economy into a more theoretically realistic *unstable* triad that better accounts for the differences in English citizenship formation. They also move theory toward a comparative historical exploration of *the varying and limited conditions under which public spheres can*

*be appropriated for increasing democratization through the participatory activities of a popularly constituted civil society.*<sup>26</sup>

A regional historical account of public spheres in the pastoral regions could reveal analytic secrets for the study of citizenship and popular democratization and would permit more specific analyses of the historical and social conditions for democratization — a project of increasing urgency in the post-Communist era. For example, it is generally accepted that the struggle to extend citizenship in the nineteenth and twentieth centuries was carried on primarily by England's working classes through such important democratic movements as Chartism, the Factory Movement, and trade unionism. To account for these struggles for democratization and broader citizenship rights, sociologists and historians have stressed the importance of structural changes actors were subjected to, as well as their cultural, economic, and social roots. On the basis of holistic theories of social change inattentive to the theoretical importance of space and place, research on cultural and economic roots has centered on the “path to proletarianization” followed by the working population of the arable regions — a path that produced our traditional image of pre-industrial agrarian labor conditions. Thus, the democratizing impulses of the nineteenth century have been variously attributed to pre-industrial proletarianization (Katznelson and Zolberg 1986), a “reactionary radicalism” (Calhoun 1982), or most recently a Locke-inspired populism (Stedman Jones 1983; Joyce 1991). However, these theories of democratic social movements are built from the disruption of a people's past that was not that of the participants. Just as scholars have learned that Europe's industrial revolutions were built primarily on the skills, capital, and technologies of rural industrial pastoral areas (Tilly 1983; Gregory 1982; Mendels 1972; Pollard 1981; Kriedt et al. 1981), the social and political movements of those tumultuous industrializing epochs were built primarily on the efforts, political identities, and social activities of rural industrial working peoples in the pas-

<sup>26</sup> This goes beyond Habermas's conception of a “bourgeois public sphere,” but retains the normative ideal of his marker of increasing democratization (see also Eley 1992; Fraser 1992; Zaret 1992; Calhoun 1992).

toral regions. A close look at these village cultures suggests that the *roots of later mass democratic movements can be traced to the fact that, in these communities, labor relations had long been the predominant channel for the popular expression of citizenship rights.* This channel was important because it made the successful translation of laws into rights dependent on the realization of the civil, political, and social components of citizenship. The achievement of liberty was always contingent on participatory and social rights. In nineteenth- and twentieth-century struggles to extend citizenship, this pastoral political culture — one that conjoined labor rights and social rights with participation and community cohesion — was reflected in popular social movements for democracy.

That many of the elements of a fledgling democratization were institutionally supported in the eighteenth-century pastoral political cultures is evident from the "modern" character of their citizenship practices and identities, which invoked participation, publicity, constitutional legal procedures (both legitimate and popular inversions), the provision of public space, public meetings, popular feedback mechanisms, and so on. Habermas (1989) normatized some of these qualities in his classic critical histories of democratization. Many of these qualities also adumbrate (although in a radically discontinuous form) the conditions that scholars and activists theoretically normatize in current theories of democratization: (1) the presence of constitutional actionable universal rules of law as the organizing principles of social life; (2) the mediating position of the public sphere among the domains of state, economy, and community, thus preventing the tyranny of any one; (3) access to rights and protections based on participatory association and membership of legally free individuals; and (4) economic regulations that could support market self-regulation (Teubner 1985) but were also subject to participatory and procedural rules of implementation (Cohen and Arato 1992; Alexander 1991, 1992; Wolfe 1989, 1992). Broadly, these are the necessary conditions for the nurturance of "situated freedoms" (Wolfe 1989, pp. 42–48) built on the foundations of participatory public spheres that are outside the constraints of dominating state bureaucracies (either Communist or welfare state). They are also the conditions for civil so-

cieties composed not only of market activities, but also of sustained patterns of community and associational life.

A comparative study of these regions not only addresses the conditions that supported or disabled eighteenth-century citizenship identities and practices, but also locates and reconstructs the source of the political culture of rights that emerged in the social movements and processes of democratization of the nineteenth and twentieth centuries. The political cultures and practices of popular public spheres and fledgling civil societies in pastoral societies explain these movements; and a renewed sociology of citizenship must look to the relationships and institutional practices of these political cultures.

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