2.1. Experts in Something and Experts in Everything: The Two Pillars of the Culture of the Transition

2.1.1. A less than democratic way to construct a democracy

His first name appears alone on the screen: just ‘José Luis,’ with no last name. He speaks in the first person plural, clearly differentiating we (‘we never managed to hear the conversations’) from they (‘they asked for coffee, they asked for water’). He narrates a scene of intrigue, one might almost say a secret meeting. The place: the Madrid restaurant that bears his name, ‘José Luis’; the time: the night bridging May 23 and 24, 1978. ‘It was here, in this booth,’ gravely intones the voice-over, while the camera pans between tables that still seem to exude power, ‘that Alfonso Guerra and Abril Martorell drafted and negotiated 25 key articles of the Constitution.’

Indeed, during five long hours that night, from 10 pm to 3 am, these two politicians, one from the PSOE and the other from the Unión de Centro Democrático, decided such fundamental things for the future of Spaniards as that their state would be defined as a ‘parliamentary monarchy,’ ‘secular,’ and composed of diverse ‘nationalities’; that their representatives would be chosen by means of an electoral law that distributed them across 45 provincial subdivisions—thus favoring the majority political parties; that their education would not take place in a single public lay school; and finally, that the Constitution that arranged all this would make it difficult for the citizens themselves to have any influence on that very document.

To be fair, it should be noted that Guerra and Martorell did not in fact personally decide these things; rather, they negotiated them for later approval by a commission of 37 representatives. The Basque Group and the Popular Alliance protested at not being invited to this particular nocturnal meeting, but it wouldn’t have mattered in any case. The commission always voted in favor of what was negotiated by Guerra and Martorell and a few
others who often met with them *en petit comité* outside the halls of congress, to negotiate the constitution of the nascent Spanish democracy.

The so-called ‘seven presenters of the Constitution’ are traditionally known as ‘the fathers of the Constitution,’ and on more than one occasion—including in the very documentary featuring the aforementioned José Luis, *Memoria de un consenso* (*Documental Canal Historia sobre la constitución española* 2004)—it has also been said that Guerra and Martorell helped ‘birth’ it. Whether two or seven, the attraction of such low numbers seems irresistible for this type of laudatory, and often overly dramatic, audiovisual story of the Spanish transition to democracy. In fact, such stories already constitute very nearly a subgenre, beginning with Victoria Prego’s famous series for Spanish television, ‘La Transición’ (1995): the fewer the actors involved in events that are decisive for ‘the future of Spaniards’ (as the expression usually goes), the more this type of news article seems to delight in the events.

The scenes behind closed doors, the departures from the ‘official’ script due to unusual circumstances, the small injustices, and the almost amusing anecdotes that are generated are all recurring motifs. ‘It has been said that we were eating supper,’ Guerra says of nocturnal meetings in congressional offices, ‘but the truth is, we didn’t have a single bite to eat, not a thing. Once, at the beginning, Arzallus wanted to go out for sandwiches, but there were journalists with cameras and such, and everybody decided not to leave. So we didn’t eat anything, not sandwiches, not anything.’ Guerra is right: cigarettes and coffee go better with the aesthetics of this type of story than food. Ashtrays piled high in the wee hours of the morning. Men, a handful of men, smoking and deciding the fate of the country while everyone else sleeps. Guerra recounts in his memoirs that even after the Constitution was approved, Martorell and he continued meeting regularly, late at night. ‘We developed the habit of spending the night talking about Spain and her problems,’ he says.

Santiago Carrillo narrated in audiovisual news article for *El País Semanal* on the attempted coup d’état of February 23, 1981, known as the 23F (*Qué pasó la noche del 23-F, según Carrillo* 2011), a particularly dramatic version of this type of scene. On that ill-fated night, the coup participants put him next to General Gutiérrez Mellado in one of the congressional rooms, where they had also sequestered Felipe González and Alfonso Guerra, whom they had placed in separate corners facing the wall. They didn’t make Carrillo and Mellado face the wall, perhaps because of their seniority, but they did assign a Civil Guard with a rifle to each of them. They couldn’t speak, but they could smoke. When they finished off the cigarettes, an ‘usher friend’ (another one of those ‘generic,’ almost nameless witnesses, like José Luis, who are in charge of providing for the needs of the men who think for
everyone), brought them a ‘cartridge’ [sic] of tobacco. ‘The things history has [to tell],’ says Carrillo, in voice-over. ‘Who would have ever thought that we would find ourselves together that night defending the same thing? Me, a member of the Defense Council, and Gutiérrez Mellado, head of the Fifth Column of Madrid, sharing cigarettes and, in that moment, sharing feelings. That’s enough to give you historical optimism,’ he concludes.

The two Spains could be reconciled because their leaders smoked together. But to do that they needed secret, and even bizarre, intrigues, sometimes orchestrated by characters who had no leadership or official position, but who crept from the shadows for a moment to take part in History. The journalist and lawyer José Mario Armero is a paradigmatic case. As Victoria Prego recounts in ‘La Transición’ (1995), he offered his private home for the clandestine meeting between Suárez and Carrillo in 1976 that would culminate in the crucial decision to legalize the Spanish Communist party. Armero adjusts to the foibles of the genre, narrating the scene in the present tense for greater vividness: ‘Both of them smoke a ton of cigarettes. My wife has prepared something to eat, but they don’t eat anything, not a bite.’ His wife is another one of those nameless figures that serve. And Armero himself is perhaps a hybrid figure between the leaders who think and decide everyone’s fate, and the servers who make sure they lack for nothing. He was there that night for the entire seven-hour duration of the conversation between Suarez and Carrillo, until well past midnight. It was not the only time he found himself in the middle of matters of ‘high politics.’ In a series of Spanish news articles titled ‘Españoles con poder desaparecidos’ (Papell 2011), he was said to be ‘a key figure of the Spanish Transition, although he was never active in politics: he did his work in the name of and on behalf of civil society, of which he was a distinguished member.’ The report called him a hybrid figure between the distinction of the great men with whom he rubbed shoulders (‘he was the support of the young king in the social circulation of the crown’) and the solicitude, which he shared in some measure, of the ‘common man.’ He embodied the ‘cooperative sentiment of helpfulness that infused citizens at that time, when there existed an awareness of the delicacy of the task of transitioning peacefully from a dictatorship to a democracy that had yet to be built.’

Figures like Armero emphasize that the boundary between the ‘distinguished gentlemen’ and ‘the common citizens,’ so insurmountable for the majority (and especially for those who barely managed, as explained in the previous chapter, to meet the requirements to be considered the latter), sometimes becomes malleable and porous. Powerful people like to be magnanimous and cheerful with those around them, to skip official protocol and to treat those who surround them like friends. (‘Suárez greeted me as
if he had known me all my life. He was very friendly!’ says Carrillo). Power is demonstrated by the capacity to give it to others, to show oneself to be above what ‘the script’ demands. That is, in many respects, the essence of the so-called ‘transition to democracy’ in Spain: a big, conspiratorial pat on the back for the citizenry from those in power, so that the former would feel so flattered that they would agree to turn a blind eye to the opaque, elitist maneuvers supposedly required by the exceptionality of the moment—a less than democratic way, as everyone knows, to try to build a democracy.¹

2.1.2. of friends, good educations, and common sense

Afterwards, when the supposed exceptional moment is past, how do we stop playing that old game of ‘the elites’ who decide collective fates in closed offices while their discreet servers trust them and bring them coffee and cigarettes? It’s a whole way of life. It is impossible to overestimate the inertia and the comfort of reading every situation based on the exceptionality and brilliance of a few capable, authorized individuals, close to each other despite their ‘official’ opposition, which, in any case, always facilitates the exercise of their power. Gregorio Peces Barba, one of those seven ‘fathers of the Constitution’ whom Guerra and Martorell had to attend like ‘midwives,’ affirmed the following about that group of seven, who held supposedly opposing political views:

We were very good friends. After all, we all knew each other from before. That is, I knew Don Miguel Roca of the Court of Public Order, Miguel Herrero, José Pedro Pérez-Llorca, and ‘Gabi’ Cisneros from

¹ There is already an entire tradition of studies that have shown this ‘lack of democracy’ in the very ‘transition to democracy’ itself. This tradition has been articulated through the voices of such intellectuals as Manuel Vázquez Montalbán, Rafael Sánchez Ferlosio, and Ignacio Echevarría. These and others took it upon themselves to point out, during the 1980s and '90s, the costs of a transition that aspired to be exemplary, but that, according to these critics, was actually little more than the exchange of certain power elites for others (Montalbán 1998), embraced a trivialization of public discourse and culture (Ferlosio), and preferred to hide recent history beneath a mantle of consensus that cancelled the critical ability of the intellectual media (Echeverría). Guillem Martínez has recuperated this tradition in his exploration of the concept of a Transition Culture. Martínez himself also mentions Gregorio Morán and Juan Aranzadi, who round out an already classic list, to which should be added the research of authors who work in North American academia, such as Teresa Vilarós, Eduardo Subirats, Cristina Moreiras, and Germán Labrador. The writer and essayist Rafael Chirbes deserves special mention, since throughout his career he has traced a rich panorama of possible lives woven around betrayals, resignations, and impossibilities that for these critics characterize the transition period (see especially in this regard his novel La caída de Madrid).
college, and anyway, some had even been very good friends of mine. And I knew Fraga from when he had sent me to a town in the province of Burgos, because I had somehow collaborated, as he said, as a government spokesman with the student subversion.

The documentary *Memoria de un consenso* quickly dispels doubts about the possible animosity between Peces Barba and Fraga (a central figure of the Franco regime). The journalist Soledad Gallego, charged by the newspaper *El País* with covering the ‘birth’ of the Constitution, explains: ‘Manuel Fraga was quickly on good terms with Gregorio Peces Barba. ... In spite of the conflict between left and right, their interactions were cordial.’ Curiously, something similar happened between Fraga and his other possible adversary—who was even further to the left than Peces Barba—among the presenters of the Constitution, then-communist Jordi Solé Tura. Fraga comments: ‘Like me, he was a professor of political law,’ and although ‘in principle we didn’t have very compatible [political] positions, it soon turned out that we agreed on many things.’ For Fraga, the subject of the similar ‘training’ of the group was very important:

> It must be recognized that we were all people with similar backgrounds; there were two political law professors, [and] a philosophy of law professor, which was Peces Barba. In short, we had early training that didn’t agree on the conclusions, but did on the working methods, and on the custom of using legal reasoning, and that was good.

The exceptional ability of those who are called to lead in exceptional times is unquestionably justified by their ‘training.’ Bauman explains that never in the history of the world has there been a caste more convinced of its role as the vanguard of humanity than the one that formed around the modern power/knowledge complex:

> From at least the seventh century and well into the twentieth, the writing elite of Western Europe and its footholds on other continents considered its own way of life as a radical break in universal history. Virtually unchallenged faith in the superiority of its own mode over all alternative forms of life—contemporary or past—allowed it to take itself as the reference point for the interpretation of the *telos* of history. (110)

Is it going too far to interpret from Bauman’s affirmation the attitudes and the self-perception of the elites that orchestrated the Spanish transition from the dictatorial regime to the parliamentary monarchy? Perhaps it
doesn't seem like much of an exaggeration after listening to Fraga—who had been Franco's minister for seven years—justify his participation in the writing of the democratic Constitution by saying that 'he had been prepared for it, he had written books,' and that he had created 'an institute for studies on democratic reform.' Questions like that of his responsibility, as the Minister of the Interior, for the death of at least five people during the 'Vitoria massacre,' just two years before Fraga was seated to write the Constitution, are put on hold: books are books, studies are studies, and a university professor is a university professor.  

The expert 'fathers of the Constitution' are legitimized because they write books and because they have 'training'; in other words, because they are fluent in the technical language of the law. But also, and this is different, because they know how to negotiate, 'they interact cordially,' 'they have known each other for years,' and even 'get along well.' If you think about it, these arguments are rather contradictory. It is as if these 'distinguished gentlemen' gained legitimacy both because of their specialized training and because they could rise above that same technical specialization. Gabriel Cisneros, another one of the seven 'com-padres' of the Constitution, echoes this tension when he recalls that some people said (despite the presence of eminent jurists among them), 'The fact that the great “midwives” of contemporary Spanish constitutionalism are an agricultural engineer and an industrial engineer never ceases to be amusing.' But again it is Alfonso Guerra who confronts the contradiction more directly, making it work in his favor, when he says that Martorell and he were two people who hadn't studied law but who had 'something that is essential for a lawyer: common sense.'

Again the work of de Certeau is an excellent source of ideas to help us understand such questions of cultural authority and its contradictions. As I indicated in the previous chapter, in *The Practice of Everyday Life*, de Certeau explains that at the same time that Western ‘modernity’ was born, when reality began to be considered something that must be understood empirically rather than as an invisible essence, a new structure of epistemological legitimization was formed. This means for de Certeau that since then the ability ‘to speak in name of reality’ has come to be considered as belonging mainly to two figures, supported in different ways by this new horizon of legitimacy: the Expert and the Philosopher.

The Expert, according to de Certeau, specializes in a specific area of technoscientific knowledge. Based on that specialization, he is granted an

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2 Regarding the so-called ‘Vitoria massacre’ and the lack of reparation offered to its victims, see Muriel (2012).
authority that, in principle, would consist of communicating or making his specialized knowledge useful for the rest of society. But it always ends up extending beyond that particular mission, and becoming an authority not directly related to his area of expertise. Ultimately, in fact, the Expert is expected to have ‘common sense.’ Or rather, his personal opinions end up being perceived as ‘common sense,’ because he is recognized as an ‘authority’ in general, and everyone forgets that in the beginning his authority was based on a particular type of technical, specialized knowledge. Thus it is that the ‘expert in something’—in a certain specific thing—magically ends up becoming an ‘expert in everything.’ That is, he becomes an authorized representative of that ‘common sense’ that Guerra considers the key to Martorell’s and his own success as creators of the legal norm of social coexistence that has been at work in the Spanish state for almost 40 years.

What happens with de Certeau’s other figure of modern cultural authority, the Philosopher, is actually very similar. The Philosopher is someone who, to a certain extent, would be introduced from the beginning as a kind of ‘expert in everything.’ The Philosopher, according to de Certeau, acquires his legitimacy through the very fact that he does not specialize in something in particular. On the contrary, he claims to speak in the name of universality, in a meta-language that would allow him to observe from outside both expert knowledges and, in general, the daily production of meaning in ordinary language. This prerogative has been shown by studies of language and ‘ordinary’ culture, such as those of de Certeau himself (which in this regard take Wittgenstein’s work as a point of departure), to be impossible. This is in line, in other respects, with all the critical theory that has, in many different ways, laid to rest those pretensions to universality during the twentieth century.3

De Certeau would consider, then, that both figures, the Expert and the Philosopher, receive an ‘excess of authority’ based on fallacies. Both start from a position of illegitimate power that constitutes the source of their authority in society. Thus, the problem is not (only) that it is not possible for ‘anyone’ to easily access the cultural authority of these figures. Rather, it lies in these figures’ very ambition to monopolize the power/knowledge

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3 The breakdown of positivism provoked the abandonment of an ingenuous view of referentiality as a correspondence between words and things. In its place was embraced an understanding of reality (whether that be ‘language’ or ‘world’) as a series of processes of identification and differentiation that enable or hinder the production of meaning. Key texts that articulate this tradition are, to name just a few, ‘On Truth and Lies in a Nonmoral Sense’ by Nietzsche, ‘Identity and Difference’ by Heidegger, Wittgenstein’s own Philosophical Investigations, and later, ‘Differance’ by Derrida, and Deleuze’s The Logic of Sense.
complex, regardless of who they might be. The fact that Guerra reminds us that he rejected the offer of a noble title and of an honorary doctorate in law for his participation in the birth of the Constitution is of little importance. What matters is that the ways of constructing power and cultural authority in Spanish society during the transition made it possible for only two people (or seven, it doesn’t matter) to perform the critical task of outlining for the public, in the form of the Constitution, what a life with dignity must consist of.4

2.1.3. The meritocratic version of elite exceptionality

Guerra uses the argument of ‘social mobility’ covertly when he says that upon being offered those honors, he responded to Martorell (who transmitted the message to him from Suárez), ‘Look, Fernando, you have only recently left the plow’ (i.e., he is from a farming family), and adds that he himself is ‘of very humble extraction,’ although ‘it’s true I did also study technical engineering.’ Guerra’s point is—I believe—that the ‘distinctions’ being offered were excessive for those who had played a crucial role by using ‘common sense’; in other words, they were excessive for those whose origins are in the world of the ‘commoner’ and not that of ‘distinguished gentlemen.’ However, what is implicit is that in order to be able to rise to the point where their ‘common sense’ would serve to place them in a position to negotiate a Constitution en petit comité, something had to happen. This might be a way for his ‘it’s true I did also study technical engineering’ to be seen as a recognition that actually, this ‘commoner’ has ‘taught himself’ and has earned other titles more appropriate to his humble origins, and perhaps it was these that brought him to his present position, that he does not wish to go to the extreme of trying to show off a noble title or an honorary doctorate.

César Rendueles indicated in a text published on his blog ‘Contra la igualdad de oportunidades’ (2013) that in recent decades the left has assimilated the discourse of ‘social mobility’ and ‘meritocracy,’ which actually has clearly conservative origins:

If being conservative means anything, it means justifying the privileges of the elites because of their superior intellectual or moral achievements. That is the classic argument of Burke, Bonald, Maistre,

4 This type of opaque, elitist constituent process has become so naturalized that it can also come to seem like ‘common sense.’ Nevertheless, recent decades have contributed numerous examples of how things can be done in much more democratic ways: in recent decades, countries like Iceland, Colombia, Bolivia, and Ecuador have opened constituent processes very different from the Spanish one. See, for example, the dossier published by Periódico Diagonal on ‘constituent processes’ (2012).
and all the reactionaries of the nineteenth century. The new left confuses democracy with an expansion of the mechanics of selecting elites.

Again, the problem is not that there are few Martorells or Guerras who can ‘leave the plow’ to take up the pen that writes the Constitution, but that there is only space for a few hands to hold that pen. Rendueles specifies the critique of the idea of ‘social mobility’ by quoting these words of the sociologist Christopher Lasch (1996), from his book *The Revolt of the Elites and the Betrayal of Democracy*:

Meritocracy is a parody of democracy. Theoretically, it offers possibilities for [social] ascent to whoever has the talent to take advantage of them. But social mobility doesn’t undermine the influence of the elites. In fact it contributes to the intensification of their influence by supporting the illusion that it is strictly merit-based. It only makes it more probable that the elites will exert their power irresponsibly when they recognize few obligations with respect to their predecessors or to the communities that they claim to manage. (41)

Alfonso Guerra’s discourse in *Memoria de un consenso* represents a meritocratic variation on the leitmotif of the need for exceptional individuals in exceptional situations which is the backbone of the ‘official’ narrative of the Spanish transition. The social democratic inflection of that transition clearly imprinted a different tone on the ‘distinctions’ that indicated cultural authority in Spanish society in the eighties and nineties, incorporating into them the ‘popular’ origin and the ‘humble extraction’ of many other ‘commoners’ who were able to ascend to those distinguished heights. But at the same time, the social democratic turn of the Culture of the Transition (to borrow once more the term coined by Guillem Martinez) also maintained, perhaps inevitably, the basic structures of legitimation and cultural authority that underpin the modern paradigm—technoscientific, liberal, capitalist—by which this social democracy was recognized and expressed.

If we were to look for technocratic figures equivalent to Franco’s planning engineers, we would find them, as Isidro Lopez (2012) indicates, primarily among the economists who introduced neoliberalism with the PSOE, such as the ministers Miguel Boyer and Carlos Solchaga—although we could also add the profile of the ‘eminent jurist’ (who would be embodied by Manuel Fraga in his ‘improved, democratic’ version 2.0). Beyond these figures, however, the cultural authority that predominated in the eighties and nineties must be sought out in places that were especially propitious for the meritocratic, populist version of the modern power/knowledge complex,