

Paths to Inclusive Political Institutions*

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Abstract

In this paper we present a new approach to thinking about the circumstances under which inclusive political institutions, consisting of a state with capacity and a broad distribution of political power, emerge. Different scholars have emphasized different paths towards such institutions, with some emphasizing modernization, and others emphasizing the necessity of state building as a prerequisite for democracy. We argue however, using the examples of Ancient Athens and Early Modern England, that inclusive political institutions emerge from a balanced increase in state capacity and the distribution of power. This path emerges in a particular basin of attraction. Though this basin depends on many parameters, we emphasize the crucial nature of informal institutions and social norms which put Athens and England onto this path. Outside of this basin a number of things may occur; social norms may be such as to stop a state forming, an outcome we illustrate with the Tiv of pre-colonial Nigeria; or when society is weaker a form of state formation can occur which creates a ‘Paper Leviathan’ which we illustrate with Colombia; finally when civil society is prostrate ‘Real Leviathans’ can be created, an outcome we illustrate with contemporary Rwanda. None of these latter paths lead to inclusive institutions or sustained prosperity.

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1 Introduction

What makes a society economically successful? Most social scientists would argue that the critical factor are the economic institutions, the rules that create patterns of incentives and opportunities in the economic sphere and which shape saving, investment and innovation. It is certainly true that economic institutions vary widely across societies both today and in history and are significantly correlated with economic performance (Acemoglu, Johnson and Robinson, 2001, Acemoglu, Gallego and Robinson, 2014, Acemoglu and Robinson, 2012).

What creates variation in economic institutions? In Acemoglu and Robinson (2012), building on a great deal of earlier work stretching back at least to North and Thomas (1973), we argued that economic institutions have to be thought of as an outcome of political choices which are shaped by political institutions which influence how preferences are aggregated and the nature of incentives and constraints faced by those who exercise power. In this case, lying behind economic institutions that promote prosperity are political institutions that create particular economic institutions.

But what sorts of political institutions are associated with economic institutions that promote prosperity? In Acemoglu and Robinson (2012) we emphasized two dimensions of what they call “inclusive political institutions”. First, there must be a state with capacity; second, political power must be broadly distributed in society.¹ We further emphasized the idea that transitions towards inclusive political institutions are the consequence of the mobilization of a “broad coalition” in society that, if it attains power, has the incentive to move on both margins, creating more state capacity and also make political power more broadly spread. This is certainly what happened after the Glorious Revolution in Britain in 1688 for example.

Many scholars however would argue that there were in fact basic incompatibilities between these two dimensions of inclusive political institutions. Huntington (1968) for example, claimed that if political participation expanded in the context of the lack of institutionalized modern political institutions, which centrally include the state, then the result was political instability and a society which was unable to provide high levels of well-being. He distinguished between “civic societies” which are “legitimate and law-abiding states, where rulers acted in the public

¹There is a great deal of different terminology used in social science in this context. In Acemoglu and Robinson (2012) we used the terminology “political centralization” to refer to what we argued was the key aspect of having inclusive political institutions. Here that coincides with having state capacity by which we mean that the state develops some basic attributes, a monopoly of violence, a bureaucratic administration and fiscal system and has the “capacity” to provide public goods and regulate society and enforce laws. Some scholars would refer to such a state as “strong”, though others would say such a state has “infrastructural power” and state strength is a different concept related to how autonomous the state is from society. In Acemoglu and Robinson (2012) we used the term pluralistic to refer to a situation where political power was broadly distributed since we wanted to emphasize that modern mass democracy was not necessarily either sufficient nor necessary for this.

interest” and “praetorian societies” which were “perverted or law neglecting systems, where the rulers acted in their own interests rather than those of the polity” (1968, p. 81). Once participation runs ahead of the institutionalization of political institutions and political instability starts it seems difficult to move towards a “civic society”. He concludes “the experience of both early and late modernizers suggests that early attention to the problems of political organization and the creation of modern political institutions makes for an easier and less destabilizing process of modernization” (Huntington, 1968, p. 399). Thus for Huntington, constructing a state with capacity must necessarily come before a broad distribution of power or the consequence is chaos and political instability.

Fukuyama (2011, 2014) likewise argues that to achieve something close of “inclusive political institutions” one must have the correct historical sequence with the rule of law being established first before state capacity and with democracy (related to our notion of a broad distribution of power) coming last. He views the rule of law as flowing from the great monotheistic religions, such as Christianity, and the emergence of state capacity as an elite project driven by inter-state warfare. Finally, democracy comes as a consequence of modernization and economic growth. Any deviation from this sequence leads away from inclusive institutions.

The approach of North, Wallis and Weingast (2009) is to distinguish between ‘natural states’ which are organized to control elite sponsored violence, and ‘open access societies’ which are related to those we characterize as having inclusive institutions. The transition between these two regimes happens when some key “doorstep conditions” (if there is the rule of law for elites, if there are perpetually lived organizations and if there is civilian control of the military) are in place. Their approach again emphasizes that these things have to happen before real inclusion can take place. For example, the latter is dated to the middle of the 19th century in Britain, long after the doorstep conditions were secured.

In this essay we argue that while it is certainly true in some circumstances that it is difficult to create more state capacity and to make political power more broadly based in society at the same time, societies which have built inclusive political institutions have done precisely this. Yet they have not done it in the way suggested by the above scholars. In fact, we claim, once one looks closer at how states are built and how power is spread there is a basin of attraction in which these two processes are highly complementary. Characterizing the nature of this basin of attraction is the crucial task in understanding the emergence of inclusive political institutions. On the way to this goal one must revise much of the conventional wisdom on state formation in social science. The preponderance of this literature, which we survey later in section 5, emphasizes elite incentives to build or not build state institutions and finds successful societies emerge out of a constellation of parameters that induce elites to build state capacity, a process then followed by economic growth and ultimately broader political participation. According to

this literature, states with capacity emerge then when it is in the interests of elites to create the necessary institutions, for example a modern fiscal system or a bureaucratized administration, usually when they are forced to do so to survive.

Yet this elite focused narrative, common to all the above scholars, gives a very poor account of the way state capacity and inclusive political institutions have actually formed historically. We illustrate this with case studies of the construction of the state in two very successful historical instances of inclusive institution building, Classical Athens, and Early Modern England. In both cases, the historical evidence suggests that popular pressure and involvement was absolutely critical in the emergence of inclusive political institutions. Elite interests were at play too, but they had to find an equilibrium with those of society.

To see the development of state capacity, or perhaps ‘state formation’, for example, simply as an elite project is like trying to analyze market equilibrium using only the supply function, without the demand function. The key insight here is that the emergence of inclusive political institutions is not a consequence of the emergence of elite created and controlled state capacity that then broadens political power (a rather unlikely scenario since the type of modernization mechanism typically appealed to by the above scholars is not supported by the empirical evidence, see Acemoglu, Johnson, Robinson and Yared, 2008, 2009). Nor is it generally the consequence of a society where political power is broadly spread which then builds the capacity of the state. Rather, it emerges from the coevolution of the state and society; in the successful cases we study both dimensions of inclusive political institutions emerge at the same time.

Though no doubt there are many parameters that influence the size and nature of the basin of attraction, in this essay we emphasize just one sub-set: the nature of informal institutions and social norms. Societies that lack states or have only nascent or incapacitated states are typically characterized by dense webs of informal institutions and social norms that make it very difficult to concentrate political power. When these norms are powerful and of a certain type, as for example in many pre-colonial societies in Africa or Melanesia, they stop any type of state emerging. Critically, such norms are not of a form which enables power, once accumulated, to be disciplined.

But this not always the case. As we show, in both the Athenian and English case, social norms facilitated the emergence of a capable state because they allow people to be confident that once created the state could be controlled. In this case we argue a dynamic interaction between state and society can be triggered. In this dynamic the initial ability of society to control the state allows the state to emerge, increase its capacity and take on more tasks, but the formation of the state then crucially feeds back onto society reinforcing the conditions that gave rise to it. This allows the state to be further developed, again feeding back onto the nature of society. It is this dynamic that generates inclusive political institutions.

Finally, when societies lack informal institutions and norms that can block or discipline the accumulation of power, or they exist but are weak, they are unable to stop political entrepreneurs consolidating and centralizing power and building a state. Yet this path does not typically lead towards inclusive institutions because such a state can then use its capacity to oppose the spread of political power and the strengthening of civil society. In this part of the parameter space one finds the Leviathans which Thomas Hobbes believed were necessary to promote peace, security and prosperity.

Leviathans come in different types however; we emphasize the existence of ‘Paper Leviathans’ common to many post colonial states in Africa and Latin America, and ‘Real Leviathans’ such as the Communist state in China, or the Rwandan state. In both of these latter cases states formed without the effective cooperation or sanction of society and this has very important consequences for how they operate and behave. Nevertheless, such states possess some dimensions of capacity, for example a monopoly of violence and often administrative capacity, but because they operate without the input of society and lack accountability, they will not be able to provide the rule of law or inclusive economic institutions in a sustained way. The differences between Paper Leviathans and Real Leviathans are largely historical. Communist China, for instance, was able to utilize a 1,000 year history of bureaucracy and centralized institutions and identity. Though some places in Africa, like Rwanda, have access to some of these elements, such as a history of centralized state authority, which make for a Real Leviathan, most post-colonial states are at best Paper Leviathans.

These basins of attraction obviously have important consequences for economic development. On the one hand societies which have historically failed to develop states have remained poor because they have been unable to provide basic public goods. On the other hand, societies which have been able to build Real Leviathans, but in the context of what Scott (1998) calls a ‘prostrate’ civil society, have sometimes been able to generate what we called “extractive growth” (Acemoglu and Robinson, 2012, Chapter 5). Yet, as we pointed out, such experiences of economic growth, such as in the Soviet Union, have been necessarily transitory. This essay makes a new argument in this respect. Since such states lack the cooperation of society and are built without any type of social consensus, they lack legitimacy and this further limits their potential for promoting economic growth even if this were their objective. It is rather in societies which build inclusive political institutions in which sustained economic growth emerges.

The paper proceeds as follows; in the next section we discuss the case studies of the rise of the Greek city state, particularly Athens, and the creation of the English state in the Early Modern period. Section 3 then distills some lessons from these examples of the successful emergence of inclusive political institutions in particular emphasizing the way that state and society

coevolved in the context of particular initial conditions with respect to informal institutions and social norms. In section 4 we study societies which are outside of this basin of attraction in particular ways. We first examine the Tiv of pre-colonial Southeastern Nigeria which was a society which failed to create a state, at least partially because of the nature of their informal institutions. We then move to a different part of the parameter space where state formation can take place and capacity accumulated, but where similar mechanisms to those that operated in Tivland make the state weak in the sense that society does not wish to create an effective state. We show, using the example of Colombia, that such Paper Leviathans lack capacity for reasons which are ‘from the bottom’ (a la Tiv) and also ‘from the top’. Section 4 also examines a Real Leviathan, Rwanda, which governs without the cooperation of a prostrate civil society, but nevertheless because of historical factors is able to build and exercise capacity to the extent that it is capable of providing public goods and promoting economic growth (something difficult for Paper Leviathans). However, since Real Leviathans rule without social consensus, cooperation or accountability, they are just as likely to promote chaos and mass murder, something evident from the history of Rwanda (and also of course China). Section 5 then presents a survey of the literature on state building particularly focusing on the few studies which have identified some of the mechanisms which we believe are important for creating state capacity and trying to empathize what is distinct and new about our approach. Section 6 concludes.

2 The Basin of Attraction

2.1 The Emergence of the Athenian Polis

One of the most famous example of inclusive political institutions emerged in Greece from around 600 BC onwards, why? Bronze Age Greece certainly did not have inclusive institutions. The states of Knossos in Crete, or Mycenae on the mainland, were mostly ruled by warrior kings with little popular participation and based on command and control ‘palace economies’. Yet these societies collapsed around 1200 BC, an event which ushered in the Greek Dark Ages. Population probably halved (Ober, 2015) and social complexity greatly diminished.

From this collapse a very different type of society started to coalesce in Greece. Small relatively egalitarian chiefdoms emerged where elites and chiefs had little power and society developed informal institutions to discipline them. We can get a sense of what the political institutions of these societies looked like from Hesiod’s *Works and Days* and Homer’s description of Odysseus’ Ithaca from the *Odyssey* (our discussion follows Morris and Powell, 2010, Chapter 5).

Hesiod has a lot to say about the chiefs, called *basileis*, or more colorfully “gift-devouring *basileis*”. In particular, he had no difficulty in taking them to task for being corrupt and not

upholding the rule of law. Hesiod records that when his father died he and his brother Perses divided their inheritance in two but Perses bribed the *basileis* to get a larger share

“We already divided our inheritance, but you seized
more than your share and held it, greatly praising
the gift-devouring *basileis*, who like to take on a case
like this. Fools! They know not that half
can be more than the whole, and that great profit
lies in a poor man’s bread.” (Hesiod, 37-41)

Odysseus had been the *basileus* in Ithaca before he disappeared for 20 years to take part in the Trojan Wars and then pursue a tortuous path back home. In the meantime most Ithacans thought he was dead and many aristocrats tried to woo his wife Penelope and grab his assets and position themselves to be the *basileus*. His son Telemachus protested and the way he did it is interesting. First, he did it at the assembly which could be summoned not just by the *basileus* but by citizens. During his appeal the ancient hero Aegyptius asks who has summoned the assembly “one of the youngsters? or one of the old-times?” so a broad section of Ithacan society could call the assembly. During his monologue Aegyptius clearly thinks of the “men of Ithaca” as a collectivity in charge of their society. Telemachus’ speech reveals that state institutions are weak and there is no police which can expel the intruders from Odysseus’ household. He appeals to the assembly to do this and implies their right to judge and discipline anyone in Ithaca, even those amongst those elites who are trying to take advantage of Odysseus’ absence. The egalitarian nature of the institutions is further illustrated when Zeus sends an omen in the form of two eagles flying in the sky above. But there is no monopoly in the interpretation of omens and no centralized control of religion, and the people in the assembly propose contradictory interpretations. Homer’s account portrays an Ithaca where there was a chief, but his power was checked by an assembly of citizens who were collectively able to discipline elites and even dictate what an acceptable social contract looked like. Though Homer is supposed to be describing Bronze Age society, it is more likely that his depiction of political institutions reflected those in Greece at the time he wrote, in the 8th century BC, in the Dark Ages.

During the Dark Ages a set of initial conditions seem to have emerged, similar to those Homer was describing in Ithaca, which allowed for the formation of the Greek polis and the subsequent coevolution of state and society. Critically, they reversed any concentration of political power that might have taken place in the hands of *basileis* or other elites. Morris (1987) showed that during this period grave goods declined and they became much more equally distributed. Ordinary people started to get proper burials and therefore the total

number of burials increased dramatically. Before 700 BC a few people built very large houses, sometimes as much as 2,500 square feet but after this such mansions disappeared. Public displays of wealth seem to have diminished. For example, burials took place not within urban areas and under specific peoples' houses, but in specific sites outside of towns where everyone, not just elites, were buried. Morris (1987, see also 1996) interprets this as the consolidation of a new egalitarian type of society which was very different from Bronze Age Greece.

Critically for the purposes of this paper, the construction of this new society allowed a particular type of far more inclusive polity to emerge. We can only observe some moments of this emergence, but these moments, best documented in Athens, show that the nature of the society and its broad distribution of power was critical for allowing a different sort of state to emerge with a great deal more capacity than before. This construction of this state then fed back onto the nature of society.

The most compelling evidence for this comes from the later institutionalization of informal institutions and the role they played in state formation. The two best examples of this come from the Athenian institutional revolutions of Solon in 594 BC and Cleisthenes in 508/07 BC. Solon's reforms mark the institutionalization of the Athenian state along an inclusive basis. No doubt there was conflict over this and the lack of consensus clearly showed afterwards with a transitory resurgence of tyranny, but just what Solon did is significant and left an enduring legacy. On the one hand he made enslaving an Athenian citizen illegal (there was a great deal of debt peonage at the time) and he implemented an egalitarian land reform (though just exactly what this entailed is not fully understood). So the institutional revolution featured movements towards far more inclusive economic institutions. This also included the abolition of what appear to have been restrictions on movement and location within Athens.

To lock into place the change in economic institutions Solon set a new political architecture for Athens. He divided the population into four classes based on their incomes from land. There was a popular assembly that all free (non-slave) Athenian men could attend, but state officials could only come from the highest three classes with only the richest being able to hold all political offices. Yet the poorest class, the *thêtes*, who were undoubtedly the majority of Athenians at the time, were nevertheless powerful. Though the 9 highest executive offices, the *archons*, had to be filled from the top two classes and the ex *archons* filled a council known as the Areopagus, their power was counterbalanced by juries which could hear appeals against their decisions. Any Athenian citizen could be a member of these juries and anyone could bring a suit in front of them. Moreover, the Assembly, of whom every male citizen was a member, elected the *archons* and made important decisions, such as going to war, democratically. The agenda for the assembly was drawn up by a Council of 400 equally representing the 4 traditional Athenian tribes, on which everyone was again represented. Solon

himself observed, in a fragment which is preserved, that his institutional design was intended to create a balance of power between the rich and the poor

“..I gave to the *dêmos* as much reward as is fitting,
neither taking away from their honor nor adding.
As for those who had power and were admired for great wealth,
I was careful that nothing improper happened
to them. I took my stand, spreading out my strong
shield over both parties, and not
allowing either side to take unjust advantage.” Solon fragments 4c, 5 (West)

One of Solon’s most interesting laws was the Hubris Law (Ober, 2005, Chapter 5). This forbade any act of hubris, behavior aimed at humiliation and intimidation, against any resident of Attica (the broader region in which Athens lay). Ober (2015, p. 150) notes “ amongst the hubris’ law’s targets would have been rent-seeking elites who might have sought to mimic the Spartans by using threats and intimidation to reimpose limits on the free movement of poor citizens.”

Solon’s reforms did not stick, but they changed the way that Athenians thought about their political institutions and even the tyrants that followed had to appear to honor them. Ultimately they led to the reforms of Cleisthenes, which did stick. Cleisthenes was brought to power by a mass popular uprising against his opponents and their Spartan backers (according to one account amongst Solon’s reforms was a law that required Athenians either to take sides when a civil conflict erupted or lose their citizenship when it was over, Ober, 2015, p. 161). Cleisthenes started by re-organizing the basis of the state, abolishing the four tribes that had provided the people for Solon’s Council of 400 and replacing it with a Council of 500 composed of people chosen by lot from ten new political units which were regionally based within Attica. To be on the council you had to be older than 30 but you could only serve for a year and at most twice in your lifetime which meant that most Athenian citizens served at some point in their life on this council. The president of this council was randomly chosen and served for 24 hours, but was in charge of the assembly of all citizens if it met. Hence the poorest person in Athens could be president of the Athenian assembly when it had to discuss a momentous decision.

From our perspective however one of the most telling things Cleisthenes did was to formalize the informal institution of ‘ostracism’. The social norms that Homer suggested were part of the political equilibrium of Ithaca, involved the ability and legitimacy to sanction elites. This seems to have been the intent of Solon’s Hubris Law. Cleisthenes legislated an institution which powerfully reinforced this equilibrium. Every year the Assembly could vote as to whether or

not to ostracize someone. If at least 6,000 people voted in favor then each citizen got to write the name of a person who they wanted ostracized on a shard of pottery. Whichever name got the most ‘votes’ was ostracized - banished from Athens for 10 years.² Ostracism was so potent that Themistocles, the genius behind the Athenians victory at Salamis over the Persians, and probably the most powerful man in Athens at the time, was ostracized for 10 years sometime around 476 BC when people began to worry that he was too powerful for the health of the state. Crucially, this was used very sparingly, only 15 people were ostracized over the 180 year period when the institution was in full force, but the threat of ostracism “off the equilibrium path” was a powerful way for citizens to discipline elites.

The emergence of inclusive political and economic institutions in Athens made the state far more powerful and unleashed a period of sustained economic growth (see Morris, 2004, Ober, 2015, Chapter 5). Athens created state institutions which could make effective collective decisions, provide public goods, such as the rule of law, and raise taxes. Indeed, it would have led to an Athenian super-state if this project had not been stopped by the Peloponnesian War.

The story about the emergence of inclusive political institutions and the Athenian state shows that this was not an example of elite driven statebuilding preceding democratization. Though reforms were legislated by Solon and Cleisthenes, they were institutionalizing and codifying a political equilibrium that already existed and at these moments the state developed capacity because people were confident that they were able to control it, both democratically and through such institutions as the hubris law and ostracism. Solon’s reforms in Athens reflected the fact that the elites already could not dominate society (witness the failure of Kylon to establish a tyranny Ober 2015, p. 148) and that there was a great deal of popular participation in government.

This perspective is driven home by the research of Gottesman (2014). Though we mentioned the Athenian state, in fact there was no professional bureaucracy or police force. Gottesman shows that to be implemented, laws passed by the Assembly had to generate a great deal of consensus more broadly in society and be implemented by popular force. ‘Popular’ included women, slaves and non-citizens. One reason this worked so well was the vibrancy of civil society. As Finley put it (1983, p. 82)

“This was not only a face-to-face society, it was also a Mediterranean society in which people congregated out of doors, on market days, on numerous festive occasions, and all the time in the harbour and the town square. Citizens were members of varied formal and informal groups - the family and household, the

²There are different interpretations of the origins and role of ostracism. We follow Morris (1987, 1996), Morris and Powell (2012) and Ober (2015) as seeing it as a tool via which citizens disciplined elites. In her work Forsdyke (2000, 2005) has emphasized more the role of the institutions in resolving inter-elite contests.

neighbourhood or village, military and naval units, occupational groups .. upper class dining-clubs, innumerable private cult associations. All provided opportunities for news and gossip, for discussion and debate.”

Gottesman argues that there was a ‘public sphere’ in Athens which extended beyond even the hubris and ostracism laws where more subtle and routine ostracism and sanctions disciplined elites and that “one reason behind the strength of Athenian democracy was the fact that its leaders were constantly exposed to the ridicule of ordinary people” (Gottesman, 2014, p. 19) and later he observes the presence of “insults and slights that would make life hard for anyone made it impossible for the politically active to pursue their ambitions” (p. 71).³

How did Athens, and more broadly the Greek city states get onto this path? Scholars have suggested several key reasons. One stemming from Childe (1942) and developed by Snodgrass (1980) is that the transition from the use of bronze to iron in itself redistributed political power in society. A Childe put it “cheap iron democratized agriculture and industry and warfare too”. Both copper and tin were scarce and the use of bronze for weapons and armor encouraged, according to Childe (1942, p. 191), the concentration of political power. But iron ore, in contrast, was very common and the movement from bronze to iron took away the rents from elites who had previously dominated trade and made iron tools and weapons available to everyone at low cost. There were other important technological revolutions. One was the emergence of writing. Though Bronze Age Greece had had forms of writing, known as Linear A and Linear B, they had been restricted to the elite and use primarily for record keeping by the state. Around 800 BC a new type of writing emerged which spread much more broadly in society (though of course literacy was low compared with modern societies). Other technological innovations included the perfection of hoplite warfare, perhaps connected to the spread of iron weaponry. Politics who could amass more hoplites in battle had a military advantage and it is possible that this helped to underpin a further empowerment of the mass of citizens (see Morris, 1987, Chapter 6 for scepticism about the importance of this). Finally, as is clear from Homer’s discussion of Ithaca, political leaders could not claim to rule by divine right and there was no fusion between the political elite and religion. Religious power, such as that of the oracle at Delphi, was not controlled by political elites.

Thus there was technological, military and religious (ideological) change which pushed in the direction of a more egalitarian distribution of power. The research of Morris (1987) makes it clear that this path emerged in the context of Greek elites initially becoming less powerful and wealth becoming more broadly spread. But once this equilibrium was established the stage was set for the emergence of more elements of inclusive political institutions, particularly states

³See also Forsdyke (2008, 2012) on the bottom-up nature of the Athenian state and Ober (2012) for further analysis of social norms and democracy in Athens.

and the accumulation of state capacity, because ordinary citizens had the tools to control them. States emerged and developed and power became more broadly distributed at the same time. Rather than state formation and a broad distribution of political power being inconsistent it was the latter that allowed the former to take place.

2.2 State and Society in Early Modern England

Sometime in December 1596 in Swallowfield, Wiltshire, a group of local people got together to compose a list of 26 resolutions which were to be the basis of local administration. These resolutions included monthly meetings (resolution number 25 - “the whole company promesethe to meete once in every monethe” - Hindle, 1999, reproduces the entire text) with elaborate protocol (resolutions 1-3). For example, the first resolution read

“ffirst it is agre[e]d, That every man shal be h[e]ard at o[u]r metynge quyetly one after an other, And th[a]t non shall interrupte an other in his speeche, And th[a]t every man shal speake as he is fyrste in accompt, & so in order, th[a]t therby the depthe of every mans Judgment w[i]th reason may be concedered.”

There was also to be bureaucratized record-keeping. Resolution 11 read

“And th[a]t ther be a paper Booke to Regester all o[u]r doynge & by or w[i]th [what] autoretty or warrant wee do it consernynge her Ma[jes]ties service & one other Booke for the Churche & the poore.”

The resolutions were mostly concerned with providing public order and counteracting “wilfull & vyle synns” (resolution 25) which ranged from fornication and illegitimacy (resolutions 8, 13); insubordination and disturbance of the peace (resolution 15); petty theft, malicious gossip, wood-stealing, pride, dissent, and arrogance (resolution 18); improvident marriage (resolution 20); harbouring inmates (resolution 21); profanation of the sabbath (resolutions 22, 24); and drunkenness (resolution 23).

Though they reveal the remarkable extent to which local communities in late Tudor England regarded themselves as self-governing, the resolutions and the meeting which wrote them did not drop out of the blue. They were an evolution from local manorial courts and eventually became institutionalized in the parish vestry, a meeting of local community members who met in the vestry of the church which was to form the backbone of local government in England until the 19th century.

Who wrote these resolutions? Not the local elite. Neither the two members of the local gentry Samuel Blackhouse and John Phipps who resided elsewhere, nor the local priest, who is referred to only once and then tangentially and in the third person. Hindle (1999) concludes

that it was most likely that the resolutions were drawn up by a meeting of the ‘middling sort’ or person, the people who served as jurors, churchwardens, overseers of the poor, and local constables. These were not the rich of the community, since even leaving aside the two gentlemen, none of those who appear on jury lists between 1588 and 1613, and were therefore involved with the provision of these local public goods and plausibly a member of the group that wrote the resolutions, had enough income to be amongst the eleven taxpayers listed in the parliamentary lay subsidy tax return of 1594 (Hindle, 1999, p. 843)

What was going on in Swallowfield in 1596 was almost certainly representative of late Tudor England and understanding it is crucial for understanding the emergence of inclusive political institutions in England.⁴ On the face of it, this emergence has many similarities with that of Classical Greece, albeit with a 2,200 year time lag. The struggle between the Monarchy and Parliament which erupted into the Civil War of the 1640s led to a large movement towards more inclusive economic and political institutions. All domestic monopolies were abolished, the country became a republic and made significant strides towards building a modern state, for example with the introduction of the excise tax which was the main fiscal instrument for the next 200 years. But like Solon’s reforms, those of Oliver Cromwell did not stick and the monarchy was restored in 1660 and launched again on the project of creating an absolutist state. It took the Glorious Revolution of 1688, like the reforms of Cleisthenes, to finally make the inclusive political institutions stick.

Yet as with the Athenian reforms, the institutional reforms of 17th century England built on a long history of the coevolution of state and society. The traditional story of the emergence of the modern English state dates it to the ‘Tudor revolution of government’ of the 1530s, first analyzed by Elton (1953) (see Coleman and Starkey eds., 1986). Following the rise of the Tudor dynasty after the Battle of Bosworth in 1485 at the end of the Wars of the Roses, the aristocracy were gradually disarmed, a process which culminated in the 1558 Militia Act which incorporated the formerly liveried retainers of the aristocrats into the county militia under the control of a centrally appointed Lord Lieutenant of the County (Braddick, 2000, Chapter 5). This is seen as progress towards a key plinth of the modern state, the assertion of a ‘monopoly of legitimate violence’. The reforms of the 1530s also began to separate the administration of the central state from the king’s personal household, a step towards a modern bureaucracy and regional assemblies such as the Council of the North were abolished, leaving Parliament as the only representative institution. Finally, the 1530s also saw the break with Rome and the creation of the Church of England controlled by the Crown along with dissolution of the monasteries and expropriation of Church land (Heldring, Robinson, Vollmath, 2015).

⁴Collinson (1994a,b) first drew attention to the significance of the Swallowfield resolutions, see the essays in McDiarmid ed. (2007) for discussion of his interpretation of them.

This gradual emergence and development of the modern English state has certainly been seen as a consequence of the decision of elites, Henry VII and Henry VIII and their powerful advisers such as Thomas Cromwell. It is true of course that these individuals did make critical decisions, but they did so in a very specific social context. For one, they needed the cooperation of society to implement any reforms or institutional changes, just as in Classical Athens. The autonomous people of Swallowfield had to buy into any project of state building and it had to take place in ways which respected their interests and demands. As Hindle (2000, p. 11) notes “Policies that rested on consensus were enforced, but only at a pace with which local governors were comfortable. Policies that they found dubious or that aroused violent opposition were quietly obstructed” (see also Fletcher, 1984, p. 356).

At some level the reason for this is obvious. The lower levels of the English state were composed of exactly the same people who had composed the Swallowfield resolutions. Though they were unpaid, they were tasked with implementing state policy and providing public goods. Collinson (1994a, p. 25) proposes that participation was

“a capacity proved from day to day, year in and year out, by service on all kinds of juries, juries not merely to find a man guilty or innocent but to determine the responsibility for the clearing of a drain or the repair of a road or river bank; and in the time and effort spent in parish vestries, courts baron and courts leet, with all the powers to appoint officers, levy local rates, and fine and otherwise discipline their members.”

Goldie (2005) estimates that in 1700 there might have been 50,000 parish officers at any one time in England, representing around 5% of adult males, and since there was frequent rotation of offices the number of people who had held office must have been considerably larger. In 1800 he estimates the figure was more like 100,000 people. So the Tudor and Stuart states, like the Athenian one, were built upon the mass participation of the citizenry. In fact just as Ober (2015, p. 17) uses the phrase “collective self-governance by amateurs” to describe the participation of average Athenians in the state, so does (Hindle, 2000, p. 24) too describe the English state as “imbued with the cult of the (often very experienced) amateur.”

It wasn’t just that the state needed the cooperation of society to implement its policy initiatives. Impulses and policies came from the bottom as well. This is best seen in the huge increase in litigation and demand for legal services that the state then provided. These were demanded by ordinary people who for instance were heavily involved in litigation even in supposedly royal dominated contexts such as the Star Court (Herrup, 1989, Brooks, 2009, MacFarlane, 1981, 2013). It is also evident in the fact that many prominent pieces of legislation, such as the Elizabethan Poor Law, was actually a local initiative (in Norwich) which was the

picked up on by the central government Braddick (2000, Chapter 3). Indeed, the policy process in this period is summed up by Kumin and Wurgler (1997, p. 40) with the argument that it “appears more like a dynamic process of communication between center and localities rather than a one-sided drive towards ever greater penetration or acculturation.” Harris (1993, p. 33) goes even further when he argues that government “was moulded more by pressures from within political society than by the efforts of kings or officials to direct it from above”.

An important question, in the light of our discussion of Athens, is why society was not threatened by this emerging strength of the state. One reason, as we saw, is that by embedding society into the state, the Tudor political elites could commit not to adopt policies which were inimical to the interests of the citizens. In addition, what we have seen is that policy initiatives were endogenous to the preferences and actions of people in society, not simply an outcome of elite projects. Hindle (2000, p. 16) characterizes this process by observing that “The early modern state did not become more active at the expense of society; rather it did so as a consequence of social need.” In addition, as Thompson (1971, 2001) and Wood (2013) have shown, rural England was characterized by a social equilibrium where ordinary people had strong views about appropriate behavior and resource allocation and were prepared to protest and riot in order to enforce these views. Moreover, they show that local elites respected these views and acted accordingly.

Of course some elite initiatives did threaten peoples’ interests or norms and in consequence they reacted violently. The Pilgrim of Grace of 1536 (Hoyle, 2003) was a popular reaction to the creation of the Church of England, and Kett’s Rebellion of 1549 was a popular uprising as a consequence of the social changes which state formation was creating, particularly the rise of a new gentry class in the wake of the expropriation of monastic lands by Henry VIII (see Wood, 2001, Fletcher and MacCulloch, 2008). In the Northern Rising of 1569 the marcher Lords, the Percys and Dacres, rebelled against state formation, such as the Elizabethan Militia Act, which was stripping away their local authority. Yet as Wood (2001, Chapter 4) points out, by this time they had difficulty mobilizing traditional loyalties to mount an effective military challenge. Society has already changed and if the Percys and Dacres were opposed to these transformations, ordinary people were not necessarily. Moreover, this period saw a dramatic transition away from the type of open large scale rebellion which had characterized England for the previous centuries towards very different types of contestation (see Wood, 2010, on this). One consequence of this can be seen by noting the difference between the War of the Roses of the 15th century and the English Civil War of the 1640s. The War of the Roses was a dynastic struggle between the House of York and the House of Lancaster over who was to control the English Crown. The Civil War was a conflict over the nature of political institutions and how society was to be organized.

Like Athens then, the emergence of the modern English state was based on the coevolution of state and society. England got onto a dynamic path towards a state with far more capacity than in the past and a broader distribution of political power, but as in Athens, the latter played a key role in the former.

We can also identify some of the factors which might have facilitated this particular path of institution building. One obvious one is the total collapse of labor coercion and feudal authority in England in the late Middle Ages. After the French Revolution of 1789 the National Assembly voted to abolish feudalism in France, but feudalism had been a dead letter in England for hundreds of years by that time. This seems to have allowed the emergence of a great deal of economic freedom and mobility in rural England. Also significant was the discovery of the Americas and the impact of Atlantic trade expansion on mercantile interests in a context where the Tudor and Stuart states were not powerful enough to create monopolies. This led to a very broad participation in trade and these new economic activities (Acemoglu, Johnson and Robinson, 2005).

3 The Symbiotic Relationship between State and Society

The examples of the construction of inclusive political institutions in Classical Athens and in Early Modern England share some distinct features. In both cases the emergence of such institutions, in Athens with the reforms of Solon and Cleisthenes and in England of the Tudor period and then in the 17th century, combined both elements of inclusive political institutions - increasing capacity of the state and a broadening of political power. For example, the Glorious Revolution of 1688 built the capacity of state by leading to the bureaucratization of the fiscal system (Brewer, 1988), but it also made society more democratic by institutionalizing regular parliaments and facilitating accountability through the use of petitions (Pincus and Robinson, 2012). In neither case can the emergence of inclusive institutions be described as an elite project. Civil society played a critical role not just in demanding power but also in allowing the state to form, even demanding that it did form. We believe the major lesson of these two cases is that the state developed more capacity at the same time that civil society also became more organized and powerful.

The evidence suggests that a more subtle claim may be true. The capacity of the state and the organization of society fed on each other in a synergetic way. Tudor statebuilding, for example, was facilitated by the fact that civil society had social norms to discipline it. Society demanded that the state dispense justice and poor relief. Just as society impacted the state, so the state impacted society. As the state expanded, spreading law, infrastructure and poor relief down to the lowest level, people started to see themselves not simply as members of a local

isolated community, but as part of a larger polity. This led them to reformulate their demands on the state. As state and society evolved in Tudor England both came to be re-defined. The change in the nature of conflict, for example, was a direct response to state formation. Though Thompson emphasized the stability of the rural social equilibrium, in fact the society he observed was undergoing significant changes. The growth of the state not only “drew together provincial communities into a more closely integrated national society” it “introduced a new depth and complexity to their local patterns of social stratification” (Wrightson 1982, pp. 222-3). State expansion changed society. With the decline of the sort of indirect rule via the Percys and Dacres which had characterized the political organization of the feudal English state and the consequent expansion of legislation, judicial activity and more intense social policy, people began to look not towards local elites, but towards the national government. Moreover, while Swallowfield might have regarded itself as politically autonomous, it had long been integrated into a national economy (see Dyer ed., 2007) a process which was now made more intense by state expansion (Hindle, 2000, Chapter 2, see also Devereaux, 2009). How this process changed society has been studied most carefully by Tilly (1995) for the 18th century.

By the 1570s and 1580s the older notion of the ‘common weal’ was replaced by the notion of ‘public service’ which Skinner (1978, Volume II, pp. 356-357) argues represented a shift towards a situation where the monarch should rule in the interests of all and that all subjects shared responsibility for the welfare of the state. Interesting, it is precisely in this period that the word ‘state’ takes on its modern connotation (see Skinner, 1978, Volume I, pp. ix-x).

In the Athenian case there is a great deal of evidence that the reforms of Solon and Cleisthenes created a different sort of society, reinforcing the trends that gave rise to them. Though in both cases *de jure* political rights were restricted to citizens, which excluded women and slaves and non-citizens, as we mentioned above Gottesman (2014) has shown how the public sphere was much broader than this. Moreover, it got broader over time. He discusses the emergence of what he calls “mixed associations” which became institutionalized after 306 BC when a right of association emerged “for many groups that before could not express their solidarity publicly” Gottesman (2014, p. 50).⁵ An earlier institutional innovation, which occurred between 353 and 330 BC was that of “supplication” whereby people had the right to petition the Assembly and ask for their action on a particular issue. This practice arose earlier but after this time fully 1/4 of Assembly meetings were given over to dealing with supplicants. Gottesman (2014, p. 103) surveying the existing inscriptions which resulted from these supplications concludes “they appear to involve only non-citizens”.

These examples suggest that while it may be the case that in some circumstances the development of state capacity is difficult to reconcile with political power being spread broadly,

⁵See Jones (1999) on the impact of Athenian state formation on the formation of associations.

in other circumstances they are highly complementary, indeed they feed on each other in a symbiotic relationship. A society which can wield power can allow the state to become more capable because it is confident it can control it. But as the state gets capacity and starts undertaking new functions it feeds back onto society, helping it to become more organized, coordinating its demands and thus becoming confident of allowing the state to develop even more capacity. This is a path which ultimately leads to inclusive political institutions.

4 Outside the Basin of Attraction

4.1 The Tiv

Studying ancient Athens or Early Modern Britain the main issue of interest seems to be what sort of state would emerge. But one should not take it for granted that the process which leads to a state would ever get off the ground. At the time of the Scramble for Africa, for example, about 1/3 of the people of West Africa lived in stateless societies (Curtin, 1995, p. 399). Why did so many Africans live in societies without a state?

From an elite centric perspective this could only be because African elites did not find it worthwhile to build states given their understanding of the costs and benefits. Herbst (2000) for example, explains the relative absence of states in pre-colonial Africa as being a consequence of low population density implying that it was not worthwhile paying the fixed costs of state construction (see Osafo-Kwaako and Robinson, 2013, for systematic evidence contradicting this hypothesis). From our perspective, however, an important constraint on state formation in large parts of the world historically was not the costs and benefits facing elites, but whether or not society was able to stop or control the process of state formation. This idea is well illustrated by the ethnographic literature on stateless societies all over the world. We focus here on one African example, the Tiv.

The Tiv are an ethnic group of Southeastern Nigeria who were stateless at the time of the colonization of the country, but nevertheless formed a coherent group with a well defined, even expanding (Sahlins, 1961) territory. Historically they lived in villages of extended kin when the anthropologists Paul and Laura Bohannon studied them from the mid-1940s onwards (see e.g. Bohannon and Bohannon, 1953). Bohannon (1958) recorded some of the social norms which kept the Tiv stateless. For example, during the summer of 1939 the colonial government and most social and economic activity came to a standstill in Tivland because of a cult called Nyambua. At the heart of the cult was a shrine and a man called Kokwa who sold charms to provide protection from mbatsav or “witches”. Tsav means “power” in the Tiv language, particularly power over others. A person with tsav (it is a substance that grows on the heart of a person) can make others do what they want and kill them by using the power of fetishes.

Crucially, although some people naturally have tsav, it can also be increased by cannibalism.

“A diet of human flesh makes the tsav, and of course the power, grow large. Therefore the most powerful men, no matter how much they are respected or liked, are never fully trusted. They are men of tsav - and who knows?” (Bohannon, 1958, p. 3)

The people with tsav belong to an organization - the mbatsav. Mbatsav has two meanings: Powerful people (it is the plural of tsav); A group of witches organized for nefarious purposes (robbing graves to eat the corpses). This is a pretty interesting double meaning. Imagine if in English the word “politicians” simultaneously meant “people who contest for or control elected government offices” and “A group of witches organized for nefarious purposes (robbing graves to eat the corpses).”

People initiated into the Nyambua cult were given a leather covered wand and a fly whisk. The whisk allowed one to smell out “counterfeit” tsav - created by cannibalism. In 1939 the whisks were pointed towards the ‘chiefs’ created by British indirect rule (the Tiv had no chiefs prior to the colonial period and in consequence the British colonial government imposed them from the outside). But Bohannon notes “the movement was not anti-British; it was anti-authority” (1958, p. 8). In fact, historical evidence and the oral history of the Tiv shows the cult had much deeper roots and was simply the most recent incarnation of a long series of anti-authority social movements

“When the land has become spoilt owing to so much senseless murder [by tsav] the Tiv have taken strong measures to overcome the mbatsav. These big movements have taken place over a period extending from the days of the ancestors into modern times” (East, 1939, p. 264).

In essence these religious cults were a way of stopping anybody becoming too powerful

“Men who had acquired too much power ... were whittled down by means of witchcraft accusations... Nyambua was one of a regular series of movements to which Tiv political action, with its distrust of power, gives rise so that the greater political institutions - the one based on the lineage system and a principle of egalitarianism - can be preserved” (Bohannon, 1958, p. 11)

But to have a state someone has to become powerful, start giving orders to others who accept their authority. Witchcraft accusations were therefore not just a method of stopping someone becoming too powerful but simultaneously stopped in its tracks a process that could

have culminated in state formation. Hence the Tiv were a stateless society in the pre-colonial period.

Following Bohannon, our reading of the evidence is that the Tiv were kept stateless not because there was not a shortage of potential elites who wanted to accumulate power and start the process of state formation going. Indeed, Laura Bohannon, in her fictionalized recollections of fieldwork amongst the Tiv (published under the pseudonym, Eleanor Smith Bowen, 1964) records several instances of Tiv chiefs attempting (unsuccessfully) to accumulate power. Rather, the Tiv had created a network of social norms and informal institutions which made it almost impossible for state formation to get started. The likely reason for this is that they feared that such an institutions could not be controlled.

Critical for the present discussion is not simply the strength of these norms, as opposed to those of ostracism in ancient Athens, but the differing nature of these norms. In the Athenian case we showed how the nature of the norms allowed citizens to threaten elites “off the equilibrium path”. Thus citizens could allow state formation to take place in the anticipation that they would be able to control it. Yet Tiv social norms were different. One reason for this was because

“Tiv ascribe all death to tsav. It is incorrect to say that tsav can cause death; rather, it wills the cause of death. “Power,” in the form of tsav, is a source of volition. Death, like illness, does not have a single cause, or even a multiple cause in the way Westerners look at multiple causation. Rather, there is a cause and there is also a volition. Tiv tend to assign the same causes to death as we do—old age, accident, disease, and the rest. But knowing the cause is not sufficient for them. They must also know the source of the volition of the death.” (Bohannon, 1958, p. 4)

Since people are always dying, this means that the use of tsav and the desire to control it is every present in equilibrium. Another feature which stopped the Tiv using witchcraft threats “off the equilibrium path” was that the Mbatsav were thought to continually trick people into eating human flesh without realizing it, after which they could control an individual.

Cults like that of Nyambua were not the only way the Tiv blocked state formation, this also happened through their structure of age sets (see Smith Bowen, 1964, and Bohannon’s discussion of the Hoyo cult, 1958, p. 9). Our argument here is that the net effect of these was to push Tiv society outside the basin of attraction which allowed the processes we described in Classical Athens and Early Modern England to take off.

4.2 Leviathans

In historical Tivland a state building project could never get off the ground because people were afraid that the type of power concentration that it entailed could not be controlled. Such concerns are ever present in many parts of the world. However, in other cases civil society does not have the strength that it did in Tivland or instruments which are effective enough to stop a state forming. It may also be the case that in other contexts the benefits that a state can provide, in terms of public goods, outweigh the risks of creating it for society so citizens are willing to allow it. Maybe even more usual in modern history, states have been created by colonial powers in the formation of empires which they have then bequeathed to post-colonial societies. In Nigeria the British built a state apparatus of sorts which was then taken over by domestic actors after 1960. In this case the mechanisms which blocked the creation of a state in Tivland historically could not stop this happening, and nor were they well adapted to controlling such a colonial creation. Nevertheless, this did not mean that civil society recognized or accepted the legitimacy of such colonial constructions and this has been a great source of grievances and political instability in post-colonial Africa.

The fact that a project of state formation got off the ground in colonial and post-colonial Nigeria does not imply that this leads towards inclusive political institutions. Indeed, we now argue that when states form in situations where society is unable to control them then this leads to various types of ‘Leviathans’. Such states can exercise authority and provide some types of public goods, but they lack the participation and cooperation of society and this limits what they can achieve. In some circumstances, while society cannot really control or stop a process of state formation, as in the above post-colonial societies, they may be able to withdraw from it and deny it legitimacy. This reticence of society is a common feature of what we shall call Paper Leviathans, which though they exist, are unable, and as we shall see unwilling, to exercise much power over society. We illustrate this with the case of Colombia.

A Paper Leviathan: Colombia

The Colombian state certainly exists, but it does dismally in undertaking all of the tasks that a state is supposed to undertake. It has never had the monopoly of violence in its territory and instead has conceded control of large swathes of territory to other armed groups. These include guerilla groups, such as the FARC (Revolutionary Armed Forces of Colombia) and the ELN (National Liberation Army) who have for 50 years engaged in massive extortion (to avoid being kidnapped or killed one pays “la vacuna” - the vaccination), kidnapping (see Grupo de Memoria Histórica, 2013, on the extent of this), murder and massacres. They also encompass many types of paramilitary groups all the way to drug gangs and armed mafias.

The Colombian state doesn’t just surrender the monopoly of violence, it surrenders state

activities as well. To take one specific example (see Bautista, Galan, Restrepo and Robinson, 2013), in 2006 President Uribe negotiated the demobilization of 34 Paramilitary groups. Around 30,000 people demobilized officially (probably a similar number just melted away). One of these groups was called the Peasant Self-Defense Forces of the Middle Magdalena. The roots of this group go back to 1977 when a peasant farmer, Ramón Isaza, formed a group of 10 men called the “Shotgunners” who took it upon themselves to fight back against the local expansion of the FARC guerilla group. Isaza quickly attracted the support of local landowners and elites and even drug dealers such as Gonzalo Rodríguez Gacha, one of the founders of the Medellín drug cartel. Yet Isaza was primarily interested in fighting communists and he ended up starting a war with the drug dealer Pablo Escobar. Though Isaza started off small, by 2000 he was running an army with 6 fronts controlling around 15,000 square kilometers. One of his key commanders was his son in law, Luis Eduardo Zuluaga (nicknamed “McGuyver” - McGuiver in Colombia - after the US Television character). McGuiver commanded 250 armed and uniformed men of the José Luis Zuluaga Front (FJLZ) whose territory included three core corregimientos (the main sub-municipality administrative unit) in the municipality of Sonsón (Jerusalén, La Danta, and San Miguel), but its power also extended to the rest of Sonsón, and into the neighboring municipalities of Argelia, El Carmen de Viboral, La Unión, San Francisco and San Luis and even as far as Comuna 13 a suburb of Medellín. The FJLZ had a written legal system of ‘estatutos’ (statutes) that it tried to enforce and it had a rudimentary equality before the law in the sense that the same laws applied to members of the FJLZ as to the civilians. The FJLZ also had a bureaucratized organization with functional specialization between a military wing, civilian ‘tax collectors’ and a civilian ‘social team’ which appears to have been remarkably un-patrimonial. The front regulated trade and social life, had a mission statement, an ideology, a hymn, a prayer and a radio station called ‘Integration in Stereo’. It gave out medals, including the “Order of Francisco de Paula Santander” and the “Grand Cross of Gold”. The front taxed every landowner and businessmen in their territory. It even taxed drug-dealers and cocaine laboratories though it was not itself involved in the drug business. It also built extensive public goods including hundreds of kilometers of roads and the electrification of rural hamlets. It constructed schools and paid for teachers and musical instruments in others, it built a health clinic in La Danta, re-built an old-age people’s home, built houses for poor people, started an artisan center, built sports stadia and a bull ring. All this in the full view of the Colombian state on the main road between the two biggest cities in the country, Bogotá and Medellín.

To get a sense of the extent to which Isaza and his commanders took on state like functions consider the following exchange between Isaza and the Magistrate in charge of his case under the Peace and Justice Law which President Uribe introduced to govern paramilitary demobilization

“Magistrate: Mister Isaza, do you recall if you received on any occasion some type of order so that the Self-Defense forces under your command, interfered in some type of election day or to enact some type of political intervention – for example, to influence people’s decision to vote for some political party, movement or specific candidate?

Ramón Isaza: Your Honor, we did not engage fully, for example, in activities such as gathering people for the elections; that was done mostly by the candidates directly. What we did do was in the veredas, such as La Danta, also in San Miguel or Cocorná which didn’t have police, that were little towns removed from the main roads and there was no military or police force. There we protected these regions but we didn’t tell anybody to vote for a particular person. Rather we looked after – what did we look after? – that maybe elections wouldn’t be spoiled, that maybe fights or quarrels occurred. This we did in this and all the regions where these towns were; we provided security for the elections.” (Fiscalia de Colombia, 2012)

Thus the paramilitary forces took it upon themselves to make sure that elections were conducted properly.

The Colombian state doesn’t just concede state like functions to paramilitary groups, it does so to guerillas as well (see León, 2010, and Aguilera, 2014, on the legal services provided by the FARC).

Just as the Colombian state has not established a monopoly of violence in its territory, neither has it developed a fiscal system to support a modern state. Tax revenues in Colombia are around 14% of GDP today according to the World Bank, but this is still a remarkably small state and similar in relative size to that in Egypt, or Benin and Ghana in West Africa. Personal income taxes are just 1% of GDP and the reliance on consumption taxes leads to a situation where the poorest decile of the population pay 4.5% of their income in taxes while the richest decline pays 2.8% (Joumard and Londoño Vélez, 2013, Figure 4, p. 9). As one of the consequences, Colombia has the smallest number of government employees relative to the labor force of any Latin American country. The OECD (2013, p. 283) reports that government employees in Colombia were 4.7% of the labor force compared to 15% for the OECD average (OECD, 2013, p. 283).

The state also fails in recruiting and promoting its employees meritocratically, a key part of state capacity. For example, according to the OECD (2013, p. 290) in some ministries 50% of the employees are “provisional staff” who are recruited outside of the rules in place and are most likely patronage employments. As the OECD (2013, p. 291) puts it

“There is in effect a two-tier employment system in Colombia’s civil service,

with significant numbers of casual staff, hired on a discretionary basis by managers, working alongside tenured civil servants, often doing the same core work and often employed for considerable periods, but without security of employment or access to the terms and conditions of employment enjoyed by career civil servants.”

The Colombian state lacks capacity in many other ways. It is incapable of conducting a regular national census, for example, something Britain has done since 1801 and the United States since 1790. Indeed the Colombian ‘census’ is not even a census in the strict sense since the government does not actually try to survey everyone except with respect to a few basic variables. The rest is a sample, not a census.

The absence of the monopoly of violence, lack of fiscal resources and bureaucratic capacity means that whatever well intentioned law is passed in Bogotá, it is very difficult to implement in much of the country. The state is structurally unable to provide basic public goods such as order or roads. It does not collect proper information on people or assets.

One of the most revealing illustrations of the Paper nature of the Colombian Leviathan comes from the implementation of President Santos’ Victims Law. Signed into law in June 2011, this was his flagship policy aimed at restituting land to around 4.8 million internally displaced people who in the process of being displaced left behind 6 million hectares of land (about the size of Massachusetts and Maryland combined). The Victims’ Law created an administrative and judicial process intended to return millions of hectares of stolen and abandoned land to displaced people over the course of a decade. At the time Human Rights Watch (2013) reported on it however, this policy had barely been implemented two years after the law passed and hundreds of people who have tried to use its procedures have been threatened (the law actually allows the state to pay for bodyguards for beneficiaries at risk, an admission that the Colombian state cannot guarantee security or provide basic public goods that one might have thought necessary to implement land restitution). One of the reasons why the bodyguards were needed was the extraordinary extent of impunity for those who displace people from their land. Human Rights Watch report that of the 17,000 accusations against the perpetrators of such violence, only 1% have been prosecuted. As of June 2013 Human Rights Watch found the Restitution Unit had started to examine less than 20 percent of the more than 43,500 land claims it had received, and obtained rulings ordering restitution in roughly 450 of them. Just one family had returned to live on their land as a result of these rulings under the Victims Law. An update on the non-implementation of the Victim’s Law was published in November 2014 by Amnesty International (Amnesty International 2014). By this date a little more than 300 people had had land restituted, though most did not actually ever get their land back since it is now occupied by “good faith” occupants, and 25% of all the land restituted went to one person in the department of Meta! Thus for the 10 year duration which the law is supposed to have,

at the rate it was being implemented at the time of the report, 1,300 Colombians will benefit in a country with 4.8 million displaced people. A revealing calculation made by the Fundación Forjando Futuro is that at the rate claims were being processed by the Unidad de Restitución de Tierras it would take 529 years to process all the existing claims. The Colombian state is therefore completely unable to implement even the policies which it prioritizes.

The Colombian state doesn't just neglect and ignore its citizens, it actively victimizes them. Evidence for this is the so-called 'false positives' scandal. When President Uribe was elected president in 2002 his mandate was to intensify counter-insurgency policy. In order to do this he introduced a series of high powered incentives for the military who could receive financial bonuses and holidays if they produced dead guerillas. We don't know exactly when these measures came into force, but leaked secret decrees from 2005 show they were certainly in force then. A consequence was that members of the army murdered and dressed up as guerillas possibly as many as 3,000 innocent civilians (a conservative estimate produced by an independent research institute is 1,500, see Acemoglu, Fergusson, Robinson, Romero and Vargas, 2015, see also Human Rights Watch, 2015). This experience led Colombian judicial prosecutors to refer to a military unit, the Batallón Pedro Nel Ospina, as a "group of assassins dedicated to creating victims to present them as having been killed in combat."⁶ A shocking condemnation of the ill-discipline and lawlessness of the Colombian military and the incapacity of the state. More broadly the involvement of the army in the formation of paramilitary groups has now been well documented (e.g. Grupo de Memoria Histórica, 2011, Ronderos, 2014). Leaving aside the false positives, the Colombian army was indirectly responsible for hundreds of massacres, thousands of murders and hundreds of thousands of displacements.

The Colombian Leviathan is indubitably Paper. But why? We emphasize two classes of mechanisms, the first will be familiar from our history of the Tiv. There has been a general reluctance, which we call 'from the bottom', in Colombia since independence to cede power and authority to the central state the Colombians inherited from Spanish colonialism because of the fear that it cannot be controlled. But there has also been reluctance 'from the top'. By this we mean that those running this Paper Leviathan have been reluctant to launch a state building project not just because it runs into the opposition of society, but also because it turns out that there are advantages to elites from Paper Leviathans.

First reluctance from the bottom. The issues here are most clearly seen at the time of the 1863 Rionegro Constitution. This constitution introduced a sort of hyper-federal system which was an attempt to find an equilibrium between the constituent states (we follow Fergusson and Robinson, 2015, here). At the time there was a great deal of concern that one faction of the

⁶ "“un grupo sicarial dedicado a la consecución de víctimas para presentarlos como muertos en combate”. <http://lasillavacia.com/historia/el-batallon-que-gano-el-concurso-de-falsos-positivos-49218>

elite, possibly in the department of Cundinamarca, might launch a state building project or try to establish hegemony over the rest of the country. The response to this was to dismantle the national army and guarantee that the national state did not have the right to intervene in the affairs of the departments that constituted it. Indeed, Law 20 of 1867 declared that⁷

“Article 1. When in any State there arises a portion of citizens with the object of overthrowing the existing government and organizing another, the government of the Union shall observe the strictest neutrality between the belligerent groups.”

The Colombian national state (“the Union” - “any State” refers to the individual federal states of Colombia) legislated its lack of the monopoly of violence. Though this law was repealed in 1880 in many ways the spirit of it lives on in Colombia and Fergusson and Robinson (2015) show that it was part of a commitment not to start a state building project. This commitment was cemented by a series of penal codes that made armed rebellion against the state an almost legal activity. These didn’t just apply in the 19th century. As recently as 1980 the Colombian Penal Code contained the following clause:

“Title II Crimes Against the Constitutional Regime,
Chapter I Of rebellion, sedition and riot
Article 125. Rebellion. Those who by use of arms to overthrow the National Government, or who delete or modify the legal or constitutional regime by force, incur imprisonment of from three to six years.”⁸

Hence armed rebellion against the government was punishable by three to six years in prison! The 1936 Penal code stipulated penalties of from sixth months to four years in prison. Though the 1980 version of this clause was repealed by Law 599 of 2000, ‘political crimes’ are still treated very leniently in Colombia. These laws and codes cemented a very decentralized political equilibrium in Colombia. In the agreement national elites could exercise little power over the constituent regional elites and thus had to negotiate to get anything done (what Robinson, 2013, and Gonzalez, 2014, classify as a form of “indirect rule”).

The persistence of this very decentralized nature of the Colombian state and how interests were opposed to the creation of a modern national state was starkly revealed by the legislative debates in the 1960s about the proposal to create a new agrarian reform institute. Conservative congressman Alvaro Gómez Hurtado opposed the initiative on the grounds that (24 January 1961):

⁷ “Artículo 1. Cuando en algún Estado se levante una porción cualquiera de ciudadanos con el objeto de derrocar el gobierno existente y organizar otro, el gobierno de la Unión deberá observar la más estricta neutralidad entre los bandos beligerantes.”

⁸ ftp://ftp.camara.gov.co/camara/basedoc/codigo/codigo_penal_1980.html

“In my statement I analyzed some factors that make the Institute an eminently centralist organization, contrary to the country’s reality which cries out for and rightly requires to be fundamentally decentralized, and I affirmed how the centralist trend may cause a series of tensions in the country, which can put the reality of agrarian reform on the road to a total or partial frustration.” (Pinzón, 1977, p. 258).⁹

The institute is not threatening simply because it is supposed to be in charge of land reform, it is also threatening because it represented a novel attempt to create a modern state, the creation of a partial ‘Leviathan’ as congressman Diego Tovar Concha put it

“And the creation of an institute of this magnitude naturally leads to the destruction of the ministries that may interfere with its activities. Therefore, senators, we are not being hysterical we are facing the real possibility of the creation of a leviathan.” (Pinzón, 1977, p. 289).¹⁰

This is something regional elites had fought against in the 1860s, and they were still fighting against it 100 years later.

So like the Tiv, Colombians have been reluctant to concede sufficient authority and power to create a Real Leviathan. There is a state in Colombia, but it is Paper Leviathan.

The incapacity of the state in Colombia is not just a consequence of institutional moments such as the Rionegro Constitution. Informal institutions and social norms are important, just as they were with the Tiv and indeed Athens and England. In the Colombian case a nexus of social norms makes it difficult for the state to exercise authority, the most famous of which is actually an inheritance of the colonial system: “obedezco pero no cumplo” (“I obey but I do not comply”) (see Melo, 2012, on the importance of this in Colombian society). This adage was famously used by colonial elites in response to orders issued by Spain and it reflects a generalized antipathy to the implementation of state directives and laws. The disregard for the rules pervades all levels of Colombian society (Restrepo, 2014, on Antioquia), but the important thing here is not to see them as a simple reflection of the lack of order, but rather as representing an antagonism to authority in the same way that the Nyambua cult represented such antagonism in Tivland in the 1930s.

⁹ “En mi exposición analicé algunos factores que hacen del Instituto una organización eminentemente centralista, contraria a la realidad del país que clama y exige con razón un descentralismo fundamental, y afirmé cómo esa tendencia centralista puede provocar en el país una serie de tensiones que por ser tensiones, pueden encaminar la realidad de una reforma agraria a una frustración total o parcial.”

¹⁰ “Y es que la creación de un instituto de esa magnitud, naturalmente lleva a su destrucción, de los Ministerios que puedan interferir con sus actividades. No es, pues Senadores, que nosotros estemos dando aquí un espectáculo de histeria frente a la posibilidad de la creación de ese leviatán.”

Revealing evidence of the prevalence of such norms comes from an interview on La W radio station with a lawyer from the law firm of Brigard and Urrutia. This law firm is the go-to firm for the government in terms of legal advice, but in 2012 it turned out that they had been involved in the extensive creation of shell companies to game the land reform laws, allowing multi-nationals and some of the richest people in Colombia to illegally acquire vast tracts of land in the Eastern Planes to grow tropical palm and biofuels. The scandal caused one of the partners, Carlos Urrutia to resign as Colombian ambassador to the US. A journalist asked a lawyer from Brigard and Urrutia

“The question is: did you have to “stretch” the law so you could buy and keep the land?

Brigard and Urrutia: The law is there to be interpreted. Here they are not white or black, they are there to be interpreted...we assumed one which we think is correct (interpretation of the law).”¹¹

In Colombia (‘Here’) the law is not black and white. One can interpret this testimony in different ways. Perhaps the most obvious is that individuals can often benefit personally by deviating from the law. But we would argue in this context that this is indicative of a deeper set of issues in Colombia. The antipathy to the rule of law reflects an antipathy to the state in Colombian society. Social norms help to limit state capacity and make sure that laws do not get enforced.

But this reluctance from the bottom does not exhaust the mechanisms which keeps the Colombian Leviathan Paper. Once such a state is set up it turns out that there are a great deal of mechanisms which inhibit those in control of the state from making it more effective (we follow, Acemoglu, Robinson and Santos-Villagran, 2013, Robinson, 2013, 2015, see also Besley and Persson, 2011). These include some obvious ones such as the fact that allowing Ramón Isaza to organize elections may lower the ‘supply price of votes’ in the sense that it is much easier and cheaper for political elites to buy votes from paramilitaries than it is to compete for votes themselves. There are a lot more subtle things going on, however. One mechanism relates to the symbiotic relationship between state and society we identified above. When a state lacks capacity and does not provide public goods, society is fragmented and if it can mobilize collectively it does so in a local way making parochial demands. Such demands are very easy for elites to deal with and defuse. Building a state would risk creating a very different sort of society which would be much more difficult to control. It is also clear in the Colombian case that the incapacity of the state in the sense of the rule of law and the absence

¹¹<http://www.wradio.com.co/noticias/actualidad/abogado-de-la-firma-brigard-urrutia-rompe-su-silencio-en-la-w/20130614/nota/1915927.aspx>

of security allows elites to benefit by expropriating assets in the periphery, something the law firm Brigard and Urrutia were facilitating. So there is reluctance from the top as well as from the bottom.

The Colombian state then is a prime example of a Paper Leviathan. After independence from Spain, Colombian political elites created a state, or at least inherited one, but they were never able to agree on the creation of a modern state which had any real capacity. At the same time the state they created was such that even those who controlled the state and were in a position to at least attempt to build capacity had few incentives to change this situation. The result, from the economic point of view, is a situation of long-run economic divergence from countries which were able to construct inclusive political institutions.

A Real Leviathan: Rwanda

We now turn to a different sort of Leviathan where civil society is not able to exercise the type of restraints we just saw in the Colombian case, let alone avoid the construction of a state, as in Tivland historically.

In 17th century a new state, the Nyiginya kingdom, emerged in what is now central Rwanda, created by a political entrepreneur called Ndori. He used two big tools to build a state, first, a political strategy: Clientelism or patrimonialism, and second, the development of a professional army which soon became hereditary. Ndori seems to have come from the north (he brought cultural items associated with southern Uganda) with a lot of cows, and he used the cows to build political alliances, lending them to people in exchange for their support - a system called ubuhake. As Vansina puts it

“Thus the cow as much as the bow and the spear founded the Nyiginya kingdom”
(2004, p. 47)

Ndori has a Hima, a name used widely in the region for people who looked after cows. These were not always high status people. In Buganda, to the north in modern Uganda, the Hima looked after the cows of the farming Buganda who regarded (and regard) them as menial people. Farmers had high status in Buganda. Within the Hima were the Tutsi, a sub-set which possibly related historically to a politically dominant sect, but with which the Nyiginya kingdom ended up identifying.

Existing chiefs had small armies of their kin and lineage members which they called up on an ad hoc basis. Ndori created institutionalized and named companies and armies under generals which had permanence and soon were to be allocated their own lands and herds of cows. The deepest effect of this new military organization was, according to Vansina, “the institutionalization of a glorification of militarism and martial violence that finally permeated

the whole of Nyiginya culture as the armies became the foundation of the administrative structure of the realm” (Vansina, 2004, p. 61). The Nyiginya professional army is very precocious. England did not have one until after 1688 and even then parliament had to vote to maintain it every year.

When Ndori constructed his state he was surrounded by other polities on an equal footing. In 1720 when Gisanura, one of his successors, was king of the Nyiginya kingdom, it was surrounded by the states of Nduga, Ndiza, Rukoma, Ruhanga and Marangara. As Gisanura continued the consolidation of the central state through the instrument of the army and ubuhake he also asserted ownership of all the land and all the cows in the kingdom. In the reign of Mazimpaka, Gisanura’s successor, the army became hereditary, a unique event in East Africa, and the army commanders become the most important elite in the country. The army and the system of patrimonialism of ubuhake were the state. There was no bureaucracy. Even today Reyntjens (2015, p. 71) argues that “Rwanda is an army with a state rather than a state with an army.”

Taxes were collected from farmers and herders in kind by the king and armies as they moved through the kingdom (the capital city only stopped moving and settled in Nyanza in the 1890s). The notion of a Hutu may have first emerged as a name for menials involved in supplying the army.

By the 1840s land seems to have started to become very scarce and a new type of reserved herding domain was created which were granted to well connected people. This took large amounts of land out of circulation. To allocate the increasingly scarce land two new types of local chiefs emerged called ‘chiefs of the long grass’ and ‘chiefs of the land’ and around 1870 a whole new intense system of exploitation was created by them - called uburetwa. Families had to deliver large proportions of the crops in kind as taxes and in addition spend 50% of their time giving unpaid labor services.

In this period the elite became known as Tutsis. The meaning of Hutu spread so that it came to refer to farmers whether they were originally Hutu or not.¹² It was the chiefs of the long grass and of the land that institutionalized the distinction between Hutu and Tutsi in the context of the imposition of the uburetwa system which applied only to Hutus who had to be identified and singled out.¹³

Historically then a Leviathan with clear capacity in some dimensions, particularly with respect to coercion, emerged in Rwanda through the use of military power and patrimonialism which in the late 19th century was able to enserf most of the rural population and even impose

¹²Vansina points out that there were many meanings to the term Hutu - all foreigners were called Hutus, for example.

¹³The creation of this system and the institutionalization of the Hutu/Tutsi distinction therefore clearly antedates the colonial period (though the Belgians almost certainly exacerbated it).

an identity, Hutu, on them. In the 1950s the Tutsi monarchy was overthrown in the lead up to independence and the majority Hutu took over in the form of the Parmahutu ('Hutu Power') movement which eventually was taken over by Juvenal Habyarimana who established a one-party state under his dictatorship. Though the people in charge of the state changed, the capacity of the state remained. The micro-foundations of this have yet to be completely understood, but one hypothesis is that a long history of centralized (particularly militarized) authority socializes people into obeying state authority irrespective to who is in charge of the state (an argument made by Sebarenzi, 2009). Reyntjens (2015, p. 25) makes the same observation in the post-Genocide period when he remarks

“An ancient state tradition played an undeniable role here: a mere two years after the extreme human and material destruction of 1994, the state was rebuilt. Rwanda was again administered from top to bottom.”

The Hutu led state after independence promoted a very coercive model of economic development focused on forcing farmers to grow export crops like coffee (Verwimp, 2013). Most significantly, state institutions played a central role in promoting the genocide of Tutsis in 1994. Des Forges (1999) documents in great detail the way that the genocide was planned in advance and orchestrated by state officials at all levels of the state (see Yamigizawa-Drott, 2014, and Heldring, 2014, for empirical evidence).

In 1994 the Hutu government collapsed and was replaced by the invading army of the Rwandan Patriotic Front (RPF) which has ruled the country ever since. The RPF and its military wing was mostly composed of Rwandan Tutsi refugees who had fled Hutu led violence and pogroms in the 1960s. The period since 1994, particularly since 2000 has seen a steady plan to consolidate the RPF and particular General Paul Kagame, their leader, into power in Rwanda. This plan has operated on many fronts. First, Rwandan democracy has been turned into a one-party state (Strauss and Waldorf eds., 2011, and Reyntjens, 2015, for overviews of the politics of post-genocide Rwanda). After an initial transitional government formed through negotiation, Kagame won the 2003 presidential election with 95% of the vote and all parties represented in the legislature supported his nomination. This followed a process of local elections which used open voting and allowed the RPF to gain control over local elected authorities. Opposition parties were either banned or harassed and opponents murdered. In the 2010 election there was a 98% turnout with 93.1 % of the vote for Kagame. At the time of writing he is in the process of re-writing the constitution so as to remove the presidential term limit.

Second, the state has been systematically packed with Tutsis. The United States Embassy (2008) reviewed 118 senior positions in ministries, parastatals and regulatory bodies in

2008, 2/3 were Tutsi and the memo concluded that “for all the government’s exhortations to Rwandans to abandon ethnic identities .. the political reality is self-evidently otherwise.”

Third, civil society has been systematically crushed and repressed. International Crisis Group (2002) concluded that “the press, associations and opposition parties have been silenced, destroyed, or co-opted” (see also Amnesty International, 2004, and Human Rights Watch, 2004, on repression of civil society and Waldorf, 2007, on the media).

Fourth, the authoritarianism of the regime spreads into the economy where the RPF now owns much of it (see Booth and Golooba-Mutebi, 2011, and Gökgür, 2012). Extractive political institutions tend to create extractive economic institutions.

The absence of constraining forces from civil society, of the sort we saw in Colombia, along with the history of militarism has allowed for the construction and maintenance of a Real Leviathan in Rwanda. This is compounded by the absence of the incentives ‘from the top’ which we saw have inhibited the development of capacity in Colombia. Without real elections there is no need to ‘lower the supply price of votes’ for instance. Much research details the capacity of the Rwandan state to coerce and monitor its people (see Purdekova, 2011). An interesting example of this comes from the research of Sommers (2012, pp. 82-86) who shows how local officials kept files on every single person so that they knew “everything that people are supposed to be doing” something completely unimaginable in Colombia.

If it suits the regime, this state capacity can be used to some extent to provide public goods and promote development. But as Rwandan history so vividly shows, it can also be used to repress and terrorize its people. The interaction between coercion and economic development, so characteristic of previous Rwandan regimes,¹⁴ is nowhere better seen than in the current government’s rural development policy. This has involved the reorganization of the rural population and their forced re-location and simultaneously the forced consolidation of land and forced production of export crops after 2006 (see Ansoms, 2009, and Reyntjens, 2015, Chapter 7). But the fact remains that the capacity of the Rwandan state rests on its military dominance of society and is limited in many ways since it is not responsive to the preferences or demands of its citizens.

In trying to understand the Rwandan Real Leviathan it is interesting to mention that Vansina says that in Rwandan history he “observed the tendency of the rulers to resist any delegation of power both from excluding whole social groups from participation in the govern-

¹⁴Reyntjens (2015) shows at many points the uncanny similarity between the pre-genocide politics and the post-genocide politics. For example, he notes how the Habyarimana years were always characterized by slogans of unanimity “all together for 100%” when it came to elections, while today in Rwanda we have “Vote for Kagame 100%” (p. 53). The continuities are even more disturbing than this. Reyntjens (2015, p. 31) quotes a 2003 speech of Kagame where he says “If they come with the objective of hindering our programs they will be injured .. Our clemency decreases .. To whoever prides himself of having harvested sorghum or maize, we will say that we have mills to crush them” - the sort of political discourse that brought Rwanda “cockroaches”. See Desrosiers and Thomson (2011) for many connections.

ment and by eliminating their immediate competitors” (p. 202) The defining issue for him is: “How can one counteract the nefarious tendency whereby power is concentrated in the hands of a smaller and smaller group .. How to mitigate the alienation of the bulk of the population that such a concentration of power can engender?” Indeed.

Just as in the past the Rwandan Real Leviathan has the potential to impose huge costs on society. Of course, like all countries with extractive political institutions but some state capacity, it has the ability to provide some types of public goods (like order) and promote economic growth to some extent and it is this which has captured the imagination of a generation of Western politicians and aid workers so frustrated by the incapacity of African states. Yet our argument, and certainly the evidence from Rwandan history, is that contrary to what Hobbes argued, a Leviathan is just as likely to make life “nasty, brutish and short” as it is to remove such threats. In this vein Ingelaere (2010, p. 292) observing the similarity in the style of the development plans which characterized Habyarimana’s state with that of Kagame notes “it was precisely a highly top-down, authoritarian, and non-democratic set of institutional structures and exercise of power that was of crucial importance in the administration of the genocide. Such forces are still present and potentially destructive.”

Once the circumstances allow a Real Leviathan like this to be constructed the path towards inclusive political institutions is a difficult one.

5 The Academic Literature

Even though the notion of inclusive political institutions was introduced in Acemoglu and Robinson (2012) similar ideas have been extensively discussed in social science and history, though the two component parts are treated separately in two very different literatures. One set of issues concerns the circumstances in which political power comes to be more broadly spread in society. This question has been studied most in the literature on democratization though the question of when a pluralistic society, closer to our notion of a situation where power is broadly distributed, has been much less discussed. The other issue is that of state formation.

In terms of democratization there is currently a great deal of consensus that democratization comes as a result of pressure from below rather than something that is willingly created by elites. Though seminal work such as Moore (1966) proposed that democracy emerged from the presence of a strong middle class and other structural features such as the absence of labor repressive agriculture, recent research has been based on the arguments first developed by Therborn (1977) and Rueschemeyer, Stephens and Stephens (1992) who provided case study evidence that democracy resulted more as a consequence of the demands of the, mostly poor,

disenfranchised. This mechanism was first developed formally in Acemoglu and Robinson, 2000, 2006, where we also present a great deal of case study and historical evidence. There is now also a body of econometric evidence supporting these ideas, e.g. Przeworski, 2009, Aidt and Franck, 2015 and Aidt and Jensen, 2014, and they are consistent with the most robust facts about democratizations, such as the fact that they tend to follow economic crises (Brückner and Ciccone, 2011).

Other arguments in the literature suggest that democracy emerges when elites give away power either because autocratic elites split and some decide that democracy is a better option than continued dictatorship (O'Donnell and Schmitter, 1986, Collier, 1999), or because democracy can be a way of resolving conflicts between different factions of elites, or because democracy solves a commitment problem that elites cannot otherwise solve (Lizzeri and Persico, 2004). These arguments may certainly apply in some cases. For example, many Latin American countries adopted democratic political institutions and held many elections in the 19th century. One could certainly view these as ways for elites to allocate power (see Mazzuca and Robinson, 2009, on the Colombian case). Yet these were typically riven with fraud and malpractices (Engerman and Sokoloff, 2005) and far from representing the type of broad distribution of political power we have discussed in this paper. Modern democracy emerged only in the 20th century and again typically in the context of mass mobilization and demands for the excluded for political rights.

This is not to say that there are other mechanisms that can help explain patterns of democratization. As Huntington (1991) first emphasized, democracy seems to come in waves and this is most likely caused by the diffusion of democracy (see Markoff, 2014, and Acemoglu, Naidu, Restrepo and Robinson, 2014, for econometric evidence).

The issue of where pluralism comes from has been much less studied. The seminal theoretical work on this is Dahl (1970) who argued that the pluralistic nature of US society was an important reason for its history of democracy. Why the US is pluralistic seems to be the idiosyncratic result of its history of colonization and frontier expansion (as emphasized by Turner, 1921) which created the type of dense civil society studied in the early 19th century by de Tocqueville (2008). Putnam (1993) is perhaps the most important empirical study of pluralism which is closely connected to his characterization of Northern Italian society having high levels of social capital or a very dense 'associational life'. Putnam traces the roots of this to the medieval organization of Northern Italy with its free communes, city states and mercantile political dominance. Southern Italy, in contrast, suffered from a legacy of feudalism which created a non-pluralistic society with low levels of social capital. In Acemoglu and Robinson (2012) we argued that pluralism emerges from contestation with civil society playing an active role in demanding political change but only in the context where a 'broad coalition' makes

these demands. In this essay we have advanced the hypothesis that the broad coalition is itself part of a dynamic co-evolution of state and society.

Our approach to the emergence of state capacity in this essay follows from our research on the emergence of democracy and pluralism in arguing that inclusive political institutions are rarely, if ever, willingly created by elites acting in the absence of pressure and demands from civil society. This applies as much to state capacity as to democracy or pluralism. Like our previous work this emphasis is heavily influenced by our reading of history and the research of historians as will be evident from the many citations particularly to the work of Ian Morris, Josh Ober, Michael Braddick and Steve Hindle. It is also heavily influenced by our reading of research in anthropology which has studied the great diversity of political institutions in human society and emphasized the importance of social norms and informal institutions in explaining these. The work of the Bohannons on the Tiv is seminal here and in Africa important work includes Evans-Pritchard (1940), the essays in Evans-Pritchard and Fortes eds. (1940) and in Middleton and Tait eds. (1958), see also Lee (1979). On Burma/Myanmar see Leach (1954) and much of the work of Melanesia has a similar emphasis, for example, Strathern (1975), Harrison (2006), and the synthesis of Flannery and Marcus (2014) who provide many other examples.

This emphasis is quite different from the preponderance of scholarship on the creation of state capacity which sits within a larger social science literature on ‘state formation’ which has been studied in political science, sociology, history and more recently economics. We cannot hope to do justice to it here, but instead point out the literature which is most closely related to our approach and what our contribution is relative to the main themes in the literature.

Scholarly research is focused on trying to explain the emergence of modern nation states in Europe since 1500 and their variants.¹⁵ It is also dominated by scholars who see several large-scale structural factors as playing the key driving role. States are identified with some basic components, the monopoly of violence in a well defined territory, a centralized fiscal system and a bureaucratized administration, and state formation is measured by movement in any of these three dimensions. These coincide with the notion of state capacity we have used. Of this the fiscal side has received the most attention. For example, Brewer (1989) provided a seminal account of the rise of the excise tax system in Britain, and empirical work has focused on tracking the rise and centralization of tax revenues (O’Brien, 2011, Dincecco, 2009, 2011,

¹⁵ A typical definition of a state in this literature would that of Mann (1984, p. 112) who argues that a state is:

1. *a differentiated* set of institutions and personnel embodying
2. *centrality*, in the sense that political relations radiate outwards from a center to cover a
3. *territorially demarcated area*, over which it exercises
4. a monopoly of *authoritative binding rule-making*, backed up by a monopoly of the means of physical violence.

Karaman and Pamuk, 2013).

The literature has emphasized several structural factors as driving European state formation (possibly in interaction with each other); inter-state warfare; trade and mercantile expansion; the collapse of medieval society and feudalism; and the rise of capitalism.

The hypothesis that inter-state warfare drove the emergence of the modern state and the accumulation of state capacity was proposed originally by Hintze (1975) and was elaborated by Bean (1973) and Tilly (1975, 1990). According to this hypothesis the military revolution of the 17th century (Roberts, 1956) forced states to build modern fiscal systems because warfare became much more expensive. Without a fiscal system to fund armies a country could not survive inter-state competition. As a consequence kings and elites were forced to develop fiscal systems to survive. This theory is widely accepted by many scholars (e.g. Mann, 1986, 1993, Ertman, 1997, Herbst, 2000, Fukuyama, 2014).

Nevertheless, there were large differences between the different types of state that emerged in Europe in the Early Modern period. Some, like Britain or the Netherlands, were constitutional, others, like France or Prussia were absolutist. Some, Britain and Prussia, were much more bureaucratized (with high capacity), others, like France, were much more patrimonial (lower capacity) in the way the state was organized. To account for these facts, theories emphasize the interaction between warfare and other factors. Hintze (1975) emphasized geography, claiming that because Britain was an island and not subject to invading armies, this allowed the state to become constitutional (rather than absolutist). Tilly (1990) distinguishes between places which were able to tax mercantile wealth and take the ‘capital intensive path’ as opposed to others which had to adopt a ‘coercion intensive path’. In the former, Britain, constitutional rule emerged while in the latter, Prussia, bureaucratic absolutism emerged. Mann (1986, 1993) focuses on two sorts of state power; ‘despotic’, by which he means the extent to which the state could formulate objectives and policy without the input of society; and ‘infrastructural’ power which is the ability to penetrate society and implement policy (close to our notion of capacity as we mentioned above). The British state in the Early Modern period, for example, had low despotic power but high infrastructural power. Mann notes that “societies are constituted of multiple overlapping and intersecting sociospatial networks of power” (1986, p. 1). State formation involves asserting autonomy from such networks and exerting control over them. For Mann this process is driven by the fact that states provides some collective advantages in terms of public good provision,¹⁶ and that they more effectively use force and thus better enable communities to survive (e.g. Mann, 1984, pp. 119-120). For example, he attributes the rise of states in Early Modern Europe to inter-state warfare and mercantile and capitalist

¹⁶As he puts it (1984, p. 135) “autonomous state power is the product of the usefulness of enhanced territorial centralization to social life in general.”

expansion which generated a demand for public goods only the state could provide. What type of power the state then ends up possessing, despotic or infrastructural, then depends on a host of idiosyncratic factors. For example, in Britain where there was a strong mercantile class, kings had to negotiate with them to raise resources and taxes and this reduced the potential for accumulating despotic power. Finally, Ertman (1997) argues that while inter-state warfare is important, its timing is crucial. European states that experienced warfare early on, circa 1450, were more likely to develop patrimonial, not modern bureaucracies. Moreover, he also stresses the interaction between warfare and different histories of local government (see also Downing, 1992, on this). For example, in the British case the combination of constitutional rule and bureaucratization came from the juxtaposition of late warfare and the history of strong autonomous local government rooted in the Anglo-Saxon state. This latter was important because it led to the particular form of regional representation in parliament (as opposed to one based on ‘estates’) and created a legislature which felt it had greater rights over the determination of policy.

The ‘war made states’ literature therefore has already combined some of the other ‘forcing variables’ which have been claimed to create states. Mercantile expansion following the discovery of the Americas features heavily in Tilly’s theory, and economic growth and the demand for public goods features centrally in Mann’s theory. Other scholars, particularly Spruyt (1994, 2009) place economic expansion more directly at the heart of their theory emphasizing that state formation was a process of bargaining between political and economic elites with the different outcomes being determined by heterogeneous economic opportunities of different political organizations (contrast the unity of England with the very fragmented political context in France).

Another class of theories of European state formation see it as a class project to create more capacity to repress and discipline society in the context of the collapse of feudalism as a result of trade expansion and the Black Death (Anderson, 1974, Hechter and Brustein, 1980, and see Acemoglu, Robinson and Torvik, 2015). This argument is related to those of Braddick (2000) about the role of the English civil war in inducing several projects to develop state institutions, particularly fiscal ones, and Slater (2010) and Saylor (2014) have both argued that state formation can be induced by the desire to develop tools and resources to repress domestic opponents and challengers.

A final class of theories relates state formation to ideological change and the Reformation and or the Enlightenment. Gorski (1990), for instance, sees the emergence of modern states coming as a response to the need to discipline society following the Reformation, while Mokyr (2009) argues that the enlightenment is the pivotal moment which leads to the economic and institutional transformation of modern Europe. Such views are shared by many historians, e.g.

Isreal (2013).

A recent literature in economics has tried to investigate formally many of these ideas. Acemoglu (2005) constructed a model in which a self-interested ruler taxes and invests in public goods and citizens make investment decisions. Lack of state capacity is detrimental to economic development because it discourages the ruler from investing in public goods as he anticipates that he will not be able to raise taxes in the future. Besley and Persson (2009, 2011) also emphasize the importance of state capacity and suggest that developing it will be deterred when groups that hold power are afraid that the state they build will be used against them in the future. Acemoglu, Ticchi and Vindigni (2011) and Acemoglu, Robinson and Santos (2013) provide various models of persistence of states with low state capacity and Gennaioli and Voth (2015) develop a model of the interaction between warfare and state capacity (see Thies, 2005, 2007, for some econometric evidence). Other formal analyses are Mayshar, Moav and Neeman (2011) and Acemoglu, García-Jimeno and Robinson (2015).

For our purposes here the main drawbacks of all such approaches are clear from the discussion of the last few sections. First of all, to take the ‘war made states’ thesis, it is an elite-centric theory of state formation where fiscal systems, for example, emerge as a result of an elite cost benefit analysis. Even though Ertman (1997) does allow the autonomy of parliament, rooted ultimately in civil society, to play a role, he still portrays the process of state formation as something driven by kings, though moulded in a particular way by the power of the legislature.¹⁷ This hypothesis does a very bad job of explaining the Greek or Early Modern English evidence we discussed above (see Pincus and Robinson, 2015, on the lack of explanatory power of the ‘war makes states’ hypothesis in the English case and Centeno, 2003, Kurtz, 2012, Soifer, 2015, for its problematic application in Latin America). We saw there that state formation was the result of the inter-play between elites and society and driven both by the fact that both sides saw advantages in the provision of various types of public goods and that society felt confident in its ability to control a state which had greater capacity. This created the impulse to build the institutions to provide them. This is a very different path to the constitutional and bureaucratic state in Britain than the one envisioned by Tilly or Mann.

Indeed the approach of this literature has been heavily shaped by the notion of state autonomy (see the introduction of Evans, Rueschemeyer and Skocpol, 1985, for an assertion of this view) where the state and those running it take on a life of their own outside of the control of social actors. Many scholars argue that state autonomy is almost a necessary condition for successful economic development (see the discussion in Barkey and Parikh, 1991). Our view is radically different to this. We argue that it is actually impossible for an autonomous state

¹⁷Ertman also focuses heavily on the development of the Medieval English state and sees the Early Modern period on which we focus as characterized by a general disintegration of state capacity. The opposite of our analysis.

to have capacity other than in very narrow dimensions, like the Rwandan case we discussed, because the input of society is critical for building state capacity. Our theory does allow for an autonomous state to generate growth, but only transitorily.

Scholars have also tried to theorize about the interaction of state and society. This surfaces a little in theories such as Spruyt's based on negotiation between political and economic elites, but this is again an elite discussion and the negotiation does not shape the nature and interests of the participants. Mann also sees society as continually in contestation with the state, sometimes benefitting from it and sometimes trying to capture it. Mann similarly recognizes that differences in social networks have important consequences for how the state forms, for example they explain why the French state took a much more patrimonial form in the Early Modern Period (engaging in venality and selling offices) while the British state did not because it was better able to extricate itself from society.

Reacting to what he regarded as too much emphasis on state autonomy, Evans (1995) coined the phrase 'embedded autonomy' to refer to a state which was autonomous from society, but at the same time sufficiently embedded within it that it understood the problems and needs of society. In his theory however, society plays little role in shaping the nature of the state, and the state does little to shape society. Related work is due to Migdal (1988, 2001) who emphasized the difficulty for a state to become autonomous from a 'strong society' with 'weak states' being those which were captured or dominated by society. Arguments of this type appear in the literature on the history of the state in the US where the state is argued to be weak because society was organized and had access to democratic institutions before the state was created (Skowronek, 1982).

Though the example of the Tiv is related to the idea that a strong society may stop state capacity emerging, we emphasize instead the complementarities between the development of society and the state and how they feed on each other and how this is critical in understanding the emergence of capable states (part of inclusive political institutions).

The literature on state formation has of course extensively discussed the impact of the state on moulding and transforming society and creating new identities with Weber (1976) being the canonical reference (see also Gellner, 2009). Most relevant to our discussion, this perspective has been extended to social movements. In the literature states may influence social movements by offering resources that they can try to control (Tilly, 1978), or by favoring one group rather than another, for example through selective policy or repression (McAdam, et al., 1988).

Our emphasis on how the state shapes society is related to the work of Habermas (1989) who saw the origins of the 'public sphere' to be an inclusive place in society where people come together to discuss and deliberate and form opinions. Though Habermas viewed this as in a sense the outcome of state formation, noting that "Civil society came into existence as the

corollary of a depersonalized state authority” (1989, p. 19) yet in fact his main argument is that it is the rise of the bourgeoisie and economic and social change which created the public sphere in Early Modern Europe.

“In its clash with the arcane and bureaucratic practices of the absolutist state, the emergent bourgeoisie gradually replaced a public sphere in which the ruler’s power was merely represented before the people with a sphere in which state authority was publicly monitored through informed and critical discourse by the people,” (Habermas, 1989, xi).¹⁸

de Tocqueville (1856) also argued that state formation changed the nature of society and that (pp. 101-102) a consequence was

“to powerfully assimilate the French people. National unity loomed through the surviving distinctions of rank. The laws were uniform. As the eighteenth century advanced, the numbers of edicts, declarations, and Orders in Council, which applied the same rules with equal force to all parts of the kingdom, became larger and larger. Subjects as well as rulers entertained ideas of a general uniform system of legislation that should bear equally on all ... Not only has all the provinces grown like each other, but the men also. A marked resemblance began to exist between men of all ranks and stations.”

Nevertheless, he saw the project of state building as entirely elite driven and discusses no feedback from this new society to state formation. Relatedly other scholars, particularly Skocpol (2003) have emphasized how the nature and extent of social capital in society is critically related to the behavior and policies of the state (see also Rothstein and Stolle, 2008).¹⁹

None of this research has placed the same emphasis on the mutual dependence of civil society on the state and how paths towards inclusive political institutions are only made possible by having a civil society which has instruments to discipline the state.

As we noted in the introduction, our arguments are related to the “sequencing debate” in political science: does the state come before democracy, as Huntington argued, or democracy before the state. Not all political scientists have accepted Huntington’s position. Carothers (2007) provides a series of arguments against it, in particular that once a non-democratic state is constructed there is no necessity that it will foster democracy, noting that “state-building

¹⁸See the essays in Lake and Pincus eds. (2007) and Condren (2009) for the evidence on the nature of the public sphere in Early Modern England.

¹⁹Other authors who have identified the impact of the state on the nature of society include Katznelson (1985) who argued that it was the organization of the US state that determined why working class social movements took the form they did and see Birnbaum (1981, 1988) for other relevant examples.

beyond the initial stage is best pursued at the same time as democratization, with an effort to find points of complementarity and mutual reinforcement” (p. 20). Similarly Mazzuca and Munck (2014) suggest many ways in which democracy is consistent with state building and argue that the preponderance of evidence is against the “state first, democracy second” thesis. Our arguments are complementary to both of these papers, but we emphasize fewer and different mechanisms and try to place this debate into a larger conceptual framework.

Another difference between the social science literature on state formation and our essay is that the literature focuses on societies where in a sense there was already a well defined state. It may have been true in France in 1700 that the authority of Louis XIV was undermined by regional assemblies and by the fiscal and institutional fragmentation of the country (Collins, 2009). But there was nevertheless a well defined state and scholars have focused on how this made itself more capable (e.g. through the appointment of intendants in the provinces to implement policy). In this essay, with our discussion of the Tiv and its relationship to Greece and England, we have implicitly tried to make a link to the literature on ‘pristine state formation’ by anthropologists and archaeologists. This literature, which we have been heavily influenced by, studies the forces which lead a stateless society to construct a state. This set of issues is typically regarded as something distinct from the standard social science literature on state formation a position we disagree with. Interestingly, though this literature also emphasize structural features such as population density, trade potential and warfare (see Johnson and Earle, 2000) it has also emphasized that social norms and informal institutions, particularly egalitarian ones, represent a big impediment to the early stages of state formation, particularly the creation of chiefdoms (see the examples in Clastres, 1977, and Flannery and Marcus, 2014, and our citation above). It has also presented a plethora of arguments about why such norms break down or are overcome (see Flannery and Marcus, 1996, for an example based on the theory of Freidman, 1977). To our knowledge however this literature has not argued systematically that variation in informal institutions are a key to understanding different patterns of the dynamics of state capacity. Our emphasis on social norms and informal institutions as impediments to state formation and as influencing how states work in Africa is however consistent with a recent literature by archaeologists on the history of the state in Africa (MacIntosh, 1988, Monroe, 2012, Monroe and Ogundiran, 2012, Dueppen, 2014).

Our research has also been heavily influenced by the work of James Scott. Our analysis of the implications of a Real Leviathan is related to Scott’s (1998) arguments about when states create socially disastrous projects. He has also argued (e.g. Scott, 2010) that people often see the formation of states as fundamentally inimical to their interests and that they therefore resist the process of state formation. We agree with this position but argue that people only resist the process of state formation to the extent that they anticipate not being able to control

or influence the state. We have provided examples of people demanding that the state provide services and public goods in this context, something not possible in Scott's theory.

6 Conclusion

In this essay we have presented a new approach to thinking about the emergence of inclusive political institutions. In Acemoglu and Robinson (2012) this is seen to be a consequence of the coalescence of a broad coalition who are the losers from a system of extractive institutions. If this coalition can solve the collective action problem then it can take power and create inclusive institutions; both a state that has capacity and a broad distribution of political power in society.

But as the work of other scholars suggests, the component parts of inclusive political institutions may not necessarily be compatible with each other. A state with capacity may block expanded political participation and a society with an extensive distribution of political power may not find it easy to build a capable state. Moreover, just why is it that some societies develop broad coalitions pushing for institutional change and others do not?

In this essay we have argued that under some circumstances there is a basin of attraction where the two dimensions of inclusive political institutions are highly complementary. Indeed, they feed on each other to create a particular dynamic which leads to inclusive political institutions with a pattern of mutually reinforcing feedback. We argue that understanding this basin of attraction is a key to understanding the emergence of inclusive political institutions. Though in general the parameter space is multi-dimensional in this essay we have focused on one type of distinction which we believe is critical for determining the potential of different societies to move inside the basin of attraction: the strength and nature of social norms and informal institutions.

Though our emphasis is consistent with the current scholarly consensus on democratization, its argument runs counter to the great preponderance of scholarship on state formation which has taken an elite centric position and has seen the creation of modern states through the lens of a cost benefit analysis of elites. The demands or nature of civil society rarely feature in these calculations. In addition, scholars such as Huntington (1968) and Fukuyama (2011, 2014) emphasize a particular path towards their vision of inclusive political institutions which first involves state building and only later democracy, or institutions where political power is broadly spread. Though we present no econometric test in this paper we used two case studies from the history of classical Athens and Early Modern England to show that this sequenced elite centric approach cannot explain their transitions towards either state capacity or inclusive political institutions more broadly.²⁰

²⁰Though we do not have the space to go into this here, in fact the historical evidence from much of Western Europe supports a similar interpretation there, see Lenman and Parker (1980), the essays in Blickel ed. (1989)

The sequencing view we critique is similar to the one argued against by de Tocqueville in *The Old Regime and the French Revolution* when he claimed that the French reformers of the 18th century, such as the Physiocrats, were mistaken when they “sought reforms before liberties” and intellectuals such as Quesnay were wrong when they argued that “The system of counterpoises is a fatal feature of government”. Rather political liberties are a critical complement to reforms and building the state, and one cannot rely on automatic processes such as modernization to subsequently bring “liberty”. The Physiocrats, like many modern scholars, proposed that one should rely on education to make sure that state promoted social interests and Quesnay even claimed that “Despotism is impossible in an enlightened nation”. The aim of such reformers therefore was “not to destroy, but to convert the absolute monarchy” (de Tocqueville, 1856, p. 194). Our econometric analysis elsewhere (Acemoglu, Johnson, Robinson and Yared, 2005) supports the position of de Tocqueville when he says “Such was the literary nonsense they wanted to substitute in the place of political guarantees” (p. 194). Like his, our reading of the historical evidence is that the “state first, democracy later” development path is not a development path at all.

The ideas proposed in this paper help to clarify just where the broad coalition of Acemoglu and Robinson (2012) comes from. In the classical Athenian and Early Modern English case, the answer presented here is that it came from a pattern of social norms and informal institutions which facilitated not just the formation of the state, but also led to a distinct strengthening of civil society. In a sense, the broad coalition which overthrew the government of James II and the Stuart regime in 1688 was the consequence of the way that the English state had formed in the previous 150 years. Ironically even the Stuart state had helped to create the society which overthrew it and then transformed it in a more inclusive direction.

Such an argument may be though unsatisfying in the sense that it pushes the explanation for differences in political and economic development paths further back in time. Nevertheless, as we argued in Acemoglu and Robinson (2012), divergent development historically is the result of institutional differences which start out small but cumulate over time. England did not experience the industrial revolution because of some huge shock to the society in the eighteenth century. It did so because of a long process of institutional change in which both the state and the society coevolved and entered into a virtuous circle ultimately leading to the broad coalition that overthrew James II in 1688. England did not get onto this path because it was a radically different society from other Western European societies in the Middle Ages.

and Blockmans, Holenstein and Mathieu eds. (2013), and Wheeler (2011) and Sreenivasan (2013) on Germany. The Swiss case is perhaps the most obvious one where inclusive political institutions were constructed from the bottom up. Another rather obvious case is the United States (recall de Tocqueville, 2008) at least after one moves beyond simplistic ideas about the role of great men like James Madison detached from their societies.

But small differences mattered and it was inside a basin of attraction which turned out to have profound consequences.

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