

# **FROM ROVING TO STATIONARY JUDGES:**

Power, Land, And The Origins Of Representative Institutions

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## Part 1 Introduction: The Origins of Institutions

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### 1. INTRODUCTION

How do robust and effective representative institutions emerge as central organs of governance? Their origins and preconditions remain a vital question today: representation is at the foundation of democracy, yet democracy is an unfinished project even in advanced industrialized countries. Representative institutions are also fundamental for our understanding of the state and the constitution of state power.<sup>1</sup> Further, since the work of Douglass North,<sup>2</sup> representative institutions have loomed large in accounts of property rights and markets, aiming to explain both economic growth and the rise of democracy.<sup>3</sup> Finally, representative practices are often seen as the major difference between the developmental trajectories of East and West.<sup>4</sup> Explaining their origin thus should help explain why representative government occurred in Europe first, as well as shed light on democracy's prospects elsewhere.

An account of representative origins is central to another enduring theoretical concern: how to constrain power.<sup>5</sup> Neo-institutionalists have articulated the “fundamental political dilemma” as a conundrum: “A government strong enough to protect property rights and enforce contracts is also strong enough to confiscate the wealth of its citizens.”<sup>6</sup> This dilemma is not confined to the economy; it also affects political organization and every domain where power and its abuse are a concern. A proposed solution is usually an equilibrium theorized in two steps: social groups capable of countering government strength must solve their collective action problem; then they can impose constraints on government to ensure it credibly commits to fulfilling its obligations, whether financial or political. This approach, predicated on a social contract, is widely accepted and is empirically supported in different contexts.<sup>7</sup> The paradigmatic case is England and the contractual equilibrium that dates to the Glorious Revolution in the seventeenth century.<sup>8</sup>

Representative origins would thus depend on rulers becoming constrained. In one influential approach, only selective incentives or force can solve the collective action problem. Government emerged, according to Mancur Olson, when rulers (“bandits”) became stationary and realized that encouraging growth would maximize revenue as a share of that growth, thus leading to more constrained “bandit” behavior.<sup>9</sup> Although this approach refocuses the analysis on a crucial part of the dynamic, that of origins, it does

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<sup>1</sup> (Mann 1986; Fukuyama 2011; Congleton 2011; North et al. 2009; Ertman 1997).

<sup>2</sup> (North 1981; North and Weingast 1989).

<sup>3</sup> (Stasavage 2003, 2011; Besley and Persson 2011; Clark 2007).

<sup>4</sup> (Hall 1985; Kuran 2011; Parthasarathi 2011).

<sup>5</sup> (Moe 2005).

<sup>6</sup> (Weingast 1995, 1).

<sup>7</sup> (Gehlbach and Malesky 2014; MacIntyre 2003).

<sup>8</sup> (North and Weingast 1989).

<sup>9</sup> (Olson 2000).

not resolve Weingast's "political dilemma:" if the bandit is powerful enough to encourage growth *and* extract from the population, he is still powerful enough to confiscate their wealth. Rationality alone cannot be presumed to sustain this equilibrium.

A related explanation of political constraints, perhaps currently the dominant one in social scientific scholarship, is bargaining with central authority over taxation.<sup>10</sup> Bargaining underlies the logic of other theories as well, for instance those that focus on the effects of warfare: rulers under military pressure could be expected to bargain with citizens for resources in exchange for rights. Bargaining is also central in the distinguished tradition of comparative historical sociology that integrates more complex factors in its explanations.<sup>11</sup> Theories based on geopolitics, distance, or economic growth also involve some form of bargaining between rulers and subjects.<sup>12</sup> Some historians, by contrast, have emphasized the demand for law and justice, which feature preeminently in my account.<sup>13</sup>

Yet, while both bargaining and the demand for justice are universal components of political interaction across periods and regions, assemblies conveying local preferences to the political center is a phenomenon identified with the West.<sup>14</sup> To explain this enduring puzzle, I present a theory that revises a number of conventional assumptions in the existing literature. The answer combines institutions, which are absent in the Olsonian approach, and the use of coercion in a socially productive way, which, as Robert Bates has noted,<sup>15</sup> is not acknowledged in the neo-institutionalist approach. Coercion and institutions enable collective action across many contexts. The question is where they produce representation.

I argue that effective representative institutions emerge when coercion is successfully integrated in an institutional frame in a way that resolves the "fundamental political dilemma." The key condition for this resolution is that the ruler be powerful enough to compel *the most powerful* social actors to obey him, whether in service or fiscal contributions. When the ruler subjects these powerful groups to a common frame of obligations, he solves their collective action problem: he endows them with common interests. Conversely, these are the groups that are most capable of curtailing the ruler; but they only have an interest in doing so when they are *forced* to participate and contribute in representative institutions. Needing allies, the nobles will eventually coopt other social groups as well. But, contrary to most accounts, this step is secondary. The maxim is: no coercion of elites, no polity-wide representative institutions. Ruler power is thus key.

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<sup>10</sup> (Van Zanden et al. 2012, 12; Bates and Lien 1985; Levi 1988).

<sup>11</sup> (Downing 1992; Ertman 1997).

<sup>12</sup> (Stasavage 2010; Boix 2015).

<sup>13</sup> (Strayer 1970).

<sup>14</sup> (Marongiu 1968).

<sup>15</sup> (Bates 2014).

That English rulers had an extractive capacity that was unrivaled in Europe runs contrary to prevailing stereotypes, as Michael Mann highlighted long ago.<sup>16</sup> However, this capacity long preceded the Glorious Revolution of the seventeenth century, which has shaped most of our intuitions about this topic;<sup>17</sup> instead, royal capacity dated to the Middle Ages. The ruler's extractive advantage in fact predated central parliamentary structures. I show this with the first continuous series of English tax extraction and military size that also adjusts for national wealth.<sup>18</sup> The most robust representative institution in premodern Europe, which generated the first liberal democracy, England, also had the strongest crown, able to control its most powerful subjects—and to tax them.

Nonetheless, although such an institutional frame initially required a strong central authority, the collective organization it enabled eventually placed institutional restraints on that authority. Accordingly, extractive capacity varied over time, although, again contrary to common assumptions, it was *weakest*, not highest, in the period when the English crown tended to absolutism: the late sixteenth and the early seventeenth centuries.<sup>19</sup> Such “absolutism” is typical of regimes where elites are not controlled by the crown, as we will see and as historical scholarship for this later period has long shown. Rulers appear “predatory” because they predate on the weak without constraint and outside any institution, not because they are extracting more resources overall—and they focus on the weak because they are not strong enough to coerce the powerful.

This revision of the conventional wisdom challenges the main logic explaining representation, the bargaining model, and theories based on it in comparative sociology or rational choice, whereby representation and rights are exchanged for taxes. This logic overlooks three critical points. First, representation was not originally a *right* wrested from reluctant rulers; instead, it was an *obligation* imposed by rulers—a commonplace in older historical literature, but neglected in social scientific works.<sup>20</sup> Second, when bargaining occurred in representative institutions, extraction was higher, not more limited, than in non-constitutional fora—a paradox also ignored by much of the literature.<sup>21</sup> Third, taxation was intermittent in the early period of institutional formation. Accordingly, it cannot explain an institution, which is by definition regular. This is especially so since the dominant strategy in the face of a presumed weak state trying to extract should be shirking and avoidance—not demands for institutionalization.

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<sup>16</sup> (Mann 1988). However, the implications of his analysis have not permeated social scientific scholarship, which has shifted to considering England as an exception, even a perfidious one, in opposition to the Whiggish models of explanation; (Bates 1988; Spruyt 1994). Here, I aim to return the English case to its central position in theoretical analysis, stripping it, however, of teleological or triumphalist overtones.

<sup>17</sup> (Brewer 1989; North and Weingast 1989).

<sup>18</sup> The data extend from the late 1100s into the 1700s, with comparative numbers on France.

<sup>19</sup> (Dincecco 2011).

<sup>20</sup> Political theorists, of course, were well aware of this; (Pitkin 1967).

<sup>21</sup> (Dincecco 2011).

Instead, I emphasize a basic fact about early parliaments: they were also courts of law.<sup>22</sup> They were, moreover, courts of the highest authority given the presence of the ruler. Justice explains regularity: it is a constant demand by the people—and as we will see, this was far from a European or premodern particularity: warlords in contemporary conflicts make it a central preoccupation too.<sup>23</sup> Disputes, conflict, and crime were and are unremitting features of society. Grievances about them were communicated to the center via petitions, a universal practice that extended back to antiquity. Taxation, on the other hand, was, in those days at least, irregular. It was a top-down demand from the ruler that was met due to obligation and only exceptionally via the granting of (poorly enforced) new rights—at least in the period of origins, as I show below. It did not thus suffice for the emergence of representation.

Instead, I argue, only when the irregular pressures of taxation were made to overlap *institutionally* with regular judicial incentives did representative institutions emerge as central organs of governance.<sup>24</sup> This overlap was the key mechanism inducing institutional regularity, by tying bottom-up needs with top-down demands. And it occurred in Parliament.

I describe this dynamic through the concept of institutional fusion: institutions emerge and consolidate because they fuse different functions creating a lock-in. Some functions (here, fiscal ones) do not generate incentives for the bottom-up support necessary for institutional consolidation. Under certain conditions, however, they can fuse with other institutional functions (here, judicial ones), which did respond to constant bottom-up demand. Where did this occur? Only where rulers were strong enough to compel their more powerful subjects, whether in taxes or service. Only when these subjects were bound through ties of dependence to the ruler could the latter mobilize them into *regular* court service. Court service was not only military or political; it also included important judicial functions, such as hearing petitions.

Representation, however, as a *localized* practice, was not exclusive to England. Emerging during the medieval period, it was pervasive throughout Western Europe at varying levels of aggregation, from the city level to that of monarchies and empires extending over considerable territory.<sup>25</sup> Some assemblies congregated all estates together; others summoned towns and the nobility separately. Assemblies could be found in the city-states of Northern Italy, the semi-autonomous cities of the Low Countries and the cities of southern France and of Castile, as well as the kingdoms of Hungary and Poland, the duchy of Muscovy, and throughout the Holy Roman Empire. This means that

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<sup>22</sup> Legal functions have been central to parliamentary historiography, but are neglected within social science. I examine the fraught historical debates on whether the “essence” of parliament was judicial or political elsewhere (Boucoyannis 2015). My argument aims to supersede this now defunct debate and to specify how the two functions interact.

<sup>23</sup> See the fascinating work of Arjona (2016).

<sup>24</sup> The word “judicial” is a shorthand that includes activities beyond the simple application of the law: petitions became necessary where remedies through the law were insufficient; (Dodd 2007, 323). Adjudicatory may be closer as a term, but rather cumbersome.

<sup>25</sup> (Marongiu 1968).

localized representative practices survived even within regimes defined as “absolutist” or “imperial.” Assemblies were, in other words, omnipresent throughout Europe. What is found extremely rarely, however, is representation at *the polity level*, integrating extensive territories and populations in a manner that was both inclusive and effective under a stable center.

The literature on the rise of representative institutions generally includes all these disparate assemblies as instances of the same phenomenon.<sup>26</sup> However, the assumption that representation in city-states responds to the same dynamics as in more extensive territories is open to question—I explore it in chapter 4. The wide prevalence of localized assemblies suggests that their emergence is not the hardest puzzle. Moreover, republican city-states were not long-lasting, with few exceptions, as we will see, both as regimes and political units. They were quickly replaced by principalities and slowly (though not inevitably) gave way to the sovereign territorial state, which also tended to increase in size over time.<sup>27</sup> The critical problem thus is to explain how representative institutions emerged in relatively large political units.

Accordingly, the more critical question is not to explain the practice or representation per se; this can easily be traced to classical and Church precedents that revived throughout Southern Europe in the eleventh century, as well as to northern European traditions.<sup>28</sup> Rather, the question is why representation very rarely succeeded in effectively coordinating political action across social classes and over extensive territories to generate a sovereign, central institution of governance that survived over time in what was eventually called a state. The dimension of territorial extent is especially critical given how representative practices are undermined by distance.<sup>29</sup>

Representative failure is often ascribed to weak societal demand. Yet a paradox exists: where representation was limited or weak, as in France or Castile, social actors typically demanded rights that were often more radical and proto-democratic than those of England. In the Holy Roman Empire, estates participated in the election of rulers, given the lack of succession rules.<sup>30</sup> However, they failed to shape the central mode of governance. Such demands succeeded where they were more curtailed, as in England. This paradox of radical demands and institutional weakness at the polity level holds a key to representative emergence.

The same paradox emerges also from the comparison with non-Western regions typically used as foils for western constitutionalism. Crucial elements of Western political practice evolved in both Russia and the Ottoman Empire, with even greater radicalness than the West on some dimensions. Russians used elections twice to select a tsar in the sixteenth century, for instance, before that was even attempted in either England or

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<sup>26</sup> Stasavage etc

<sup>27</sup> (Spruyt 1994) and (Tilly 1990) have influentially challenged teleological treatments of the rise of the state.

<sup>28</sup> (Post 1943; Edwards 1934).

<sup>29</sup> (Stasavage 2010).

<sup>30</sup> See the examples given in (Blockmans 1998, 44-7).

France. Popular grievances were also expressed through petitions, which inundated Russian and Ottoman rulers, as they did European ones. Property rights over land emerge as strikingly similar on critical dimensions in England and the Ottoman Empire, as I argue in chapter 13, contrary to long-held stereotypes. These eastern cases, typically presented as the antithesis of European constitutionalism, thus show many close similarities at the micro level.

The key argument in this book is that difference lies beyond both the historical micro level and the systemic macro level. As this book shows, western cases cannot be distinguished, as commonly believed, through stronger demands for rights, whether of property or the individual, nor through constraints on state power, or through the balance of power among intensely competing units and ensuing political fragmentation at the systemic level, as neo-institutionalists suggest.<sup>31</sup> Nor were levels of warfare or commercial growth in other regions systematically different compared to the West, certainly in the early, formative period.<sup>32</sup> Instead, western cases differed in states' greater capacity to institutionalize judicial practices in an integrated, centralized manner and at a supra-local, polity level, with England being the most articulated case. Greater and better-organized use of state coercion of social actors was the distinguishing mark of robust representative regimes and of the West.

All these effects were predicated on one critical factor: the *effective* control of land and rights over it by the ruler, which enabled control over the most powerful social actors. Concentration of land is considered a particularity of "sultanic" regimes, like the Ottoman one or the Russian one. Traditionally, land concentration is thought to inhibit political development, particularly representation, democratization, and economic growth—an assumption that survives in studies of the modern record.<sup>33</sup> However, patrimonial rights over governed territory were held by premodern rulers in both West and East; this was not a particularity of the East. What varied was the power of rulers to enforce these rights: we assume that Eastern rulers had higher powers, but the empirical record suggests the reverse. English kings had by far the most effective control over land, especially in the early period of institutional formation.

In fact, I show that land concentration was a critical precondition for institutional emergence. Wherever rulers *effectively* controlled the distribution of land rights, they could impose obligations such as representation at both the central and local levels. Land rights were conditional on the performance of certain obligations, which, once imposed, engendered demands for further rights. It is this conditionality of property rights, not their security (as in the neo-institutionalist literature), that has had positive effects on institutional emergence. The critical resource, moreover, was land, not trade, as most literature assumes. Historically, it is neither urban nor merchant elites that are at the center of political changes; these groups lagged in status and wealth compared to landlords, many of whom were also warriors.

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<sup>31</sup> (North and Weingast 1989).

<sup>32</sup> (Hoffman 2015; Parthasarathi 2011; Rosenthal and Wong 2011).

<sup>33</sup> (Albertus 2015).

## 1.1. The Theoretical Landscape: Alternative Theories

Most accounts of the origins of representative institutions stem from nineteenth century classics of liberal history.<sup>34</sup> The foundational narrative is that of the English Parliament in the seventeenth and later. This was a revolutionary moment: the Civil War and the Glorious Revolution reversed the old (medieval) order, so many explanations of English constitutionalism have typically bypassed the Middle Ages and focused on Early Modern developments.<sup>35</sup> The prototypical interpretation echoes Adam Smith's account: trade growth weakened the power of landlords and empowered the mercantile classes, who could now demand political representation in exchange for taxation. They assume a weakened crown that was forced to grant expansive rights to new social groups empowered by the precocious commercial growth of the period.<sup>36</sup> The blueprint for the failure of constitutionalism was, conversely, "overly strong" rulers, with a preference for suppressing rights and trade and engaging in confiscatory taxation.<sup>37</sup>

The seventeenth century logic has survived even in the major social scientific breakthroughs that instead start in the Middle Ages to explain constitutional structures, which I discuss next. They focus on various independent variables, either economic change, geopolitical factors, or institutional ones. Furthermore, they can be either functionalist or conjunctural. Common to these approaches, however, is the premise of a balance of power between actors engaged in mutually beneficial exchange—a central tenet questioned in this study.

Economic approaches vary, but all share the premise that the commercial revolution of the eleventh century ushered in a systemic transformation.<sup>38</sup> When trade and monetization of the economy grew, a new social class emerged capable of bargaining with political authorities in exchange for greater rights, in these accounts.<sup>39</sup> As the economy shifted to trade and movables, a new tax source became easily tappable. Merchants could bargain for concessions from kings and demand parliamentary representation. By contrast, agriculture was difficult to tax. In predominantly agrarian economies, therefore, coercion, not negotiation, enabled extraction and representative institutions were suppressed. The crucial economic factors in this perspective are liquid

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<sup>34</sup> The bibliography is of course extensive; but these are major statements: (Guizot 1851; Thierry 1860; Stubbs 1896).

<sup>35</sup> For a recent interpretation, see (Pincus 2009). Occasionally, the Magna Carta is briefly invoked; (Acemoglu and Robinson 2012, 185-209; Acemoglu et al. 2005, 452; Mann 1986, 433; van Zanden 2008, 354; Glaeser and Shleifer 2002, 1201, 1208).

<sup>36</sup> (Brenner 1993).

<sup>37</sup> (North 1990; DeLong 2000).

<sup>38</sup> (Pirenne 1951; Lopez 1971; Duby 1974; Pounds 1974).

<sup>39</sup> (Bates and Lien 1985; Levi 1988; Acemoglu et al. 2005, ).

and thus mobile economic resources. Fixed factors, such as land, remain unexplored. Moreover, it mostly assumes, as a central causal mechanism, that merchant power balances or even exceeds the crown's.<sup>40</sup>

Directly challenging economic and class-based theories, especially of Marxist origin, war became the catalytic factor in securing political rights and institutions to broad sections of the population in the work of Otto Hintze and others.<sup>41</sup> Military pressures forced rulers to grant concessions to obtain resources and collaboration from subjects. War's impact on society depended on geographical factors and the dominant mode of military organization. "England, with her insular security, was not directly exposed to the danger of [Continental] wars. She needed no standing army, at least not one of Continental proportions, but only a navy which served commercial interests as much as war aims. In consequence she developed no absolutism. Absolutism and militarism go together on the Continent just as do self-government and militia in England."<sup>42</sup>

War and economic change were integrated by Charles Tilly, who argued that pressures of war led to state formation, but only when rulers combined moderate levels of capital accumulation with sufficient coercive capabilities.<sup>43</sup> The theme of constitutionalism resulting from balanced central authority is critical to this logic as well.<sup>44</sup>

Another type of geopolitical explanation focuses on the transaction costs produced by distance and geographic scale.<sup>45</sup> The argument is confirmed in David Stasavage's cross-country study that encompasses both territorial states and city-republics across Europe, over a time span of five hundred years, starting at 1250.<sup>46</sup> The core intuition is

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<sup>40</sup> (North 1990; North and Weingast 1989; Blockmans 1978, 192; Olson 1993, 574; Fukuyama 2011, 424-5; Moore 1967; Bates 2010, 52).

<sup>41</sup> {Hintze, 1941 #15; Hintze, 1975 #240; Hintze, 1975 #241; Hintze, [1931] 1975 #465}. The insight itself went back to antiquity, where war was already acknowledged as legitimatizing claims against the state. In Pseudo-Xenophon's ancient Athens, "the ordinary people...should have more power than the noble and the rich, because it is the ordinary people who man the fleet and bring the city her power;" ("Xenophon" 1968).

<sup>42</sup> {Hintze, 1975 #240@199}. Hintze has a much more comprehensive and sophisticated theory of the emergence of constitutional order, and there appears to be a temporal progression to this thought. In later work, he emphasized the importance of internal organization, especially feudalism and the medieval system of estates; {Hintze, 1970 #464; Hintze, [1931] 1975 #465; Hintze, 1975 #241}.

<sup>43</sup> This is the "intermediate capitalized coercion mode" he posited, where rulers succeeded in "incorporating capitalists and sources of capital directly into the structures of their states." England and France were the two examples. Alternative forms of state organization, like city-states or empires, were either capital- or coercion-intensive; the lack of a balance between the two resources meant that neither form was able to withstand the heavy geopolitical pressures on the European continent in the Early Modern period, especially with the advent of the Military Revolution, and the increase in the size of armies and in the cost of military technology; (Tilly 1990, 30).

<sup>44</sup> (Bates 2010).

<sup>45</sup> (Fawtier 1953; Guenée 1968; Blockmans 1978, 1998).

<sup>46</sup> (Stasavage 2010, 2011).

indisputable: the costs of governing through consent rise greatly when scale increases, in both space and population. The mechanics of negotiation are less complex when all can assemble “around the bell of a church” than when they need to travel for weeks to attend a central institution.<sup>47</sup> This has long been a core concern for republican theory.<sup>48</sup> Small-scale polities were more likely to have representative institutions than large, sprawling polities. Indeed, England was small by comparison to France and it never achieved the same integration that it had internally over the conquered territories of Scotland, Ireland, or even Wales.

The economic and geopolitical approaches take representative institutions as a dependent variable. As will become increasingly clear, both approaches have primarily empirical problems. Yet, theoretical issues are also important. Theories that derive representative institutions from the needs of dominant social actors (rulers or merchants, for instance) display the typical pathologies of all functionalist approaches: they identify a consequence/preference with the cause. Societal actors’ need to create institutions that served their interests did not necessarily translate into an ability to do so. Collective action problems had to be overcome. This was the case with theories focusing on mercantile power, which cannot explain representation: merchant power varied greatly across European states yet was more delimited where representative institutions became robust, like England, as I show in chapter 10.<sup>49</sup> Only the conjunctural institutional explanations from historical sociology avoid this problem.<sup>50</sup>

Another salient, but unnoted, problem exists in the Hintzean geopolitical model, which has tied a constitutional outcome to an insular geography, with few military pressures and only a maritime force.<sup>51</sup> Yet logic dictates exactly the opposite: the lack of an external enemy and of a coercive capacity by the state should produce strong centrifugal tendencies, not constitutionalism. Absent an external threat and given a weak royal bargaining position, why would social actors attend a central institution (parliament) and agree to taxation in the first place? Even when the taxing authority promises to offer public goods in return, incentives are to free-ride. The default reaction towards taxation, absent a coercive state structure, is shirking and avoidance, even in modern, public-goods providing states. And since taxation is the mechanism generating representation in these accounts, we should have every reason to expect that representation should be shirked as well—again, absent a coercive apparatus. Why attend parliament if the state lacks the power to force you? As a result, we should expect centrifugal forces and a weakening of

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<sup>47</sup> (Stasavage 2010, 628).

<sup>48</sup> (Madison et al. 1987; Dahl and Tufte 1973).

<sup>49</sup> (Epstein 2000)

<sup>50</sup> (Downing 1992; Ertman 1997).

<sup>51</sup> This is empirically untrue, as England was frequently invaded since Roman times, just as it was able to invade neighboring lands itself. It appeared to have “insular security” during these centuries due to its effective internal organization, which made invasion costly. The security effects of insularity were endogenous to domestic characteristics. However, this does not affect the main logic analyzed above; even if we accept Hintze’s premise of insularity, his logical conclusions do not follow.

any constitutional structures when war pressures, and state coercive powers, are weak, contrary to what Hintze predicts.

Distance-based geopolitical arguments, on the other hand, have a clear logic: distance imposes transaction costs. But even in small territories, such as the royal domain in France (Île-de-France) and its surrounding provinces, representative practices failed to consolidate into a central, regular institution. Similarly, even the smallest units, city-republics, failed to retain representative government over time or to extend beyond their periphery.<sup>52</sup> This variation and the question of how such problems of distance were overcome in some cases but not in others, even within a relatively small region like England, and sustained over time, remains unexplained.

The most encompassing tradition comes from historical sociology and also focuses on geopolitical pressures; however, it introduces pre-existing institutions as critical in mediating the effects of both military and economic factors.<sup>53</sup> It thus avoids the common pitfalls of functionalism, by explaining outcomes through conjunctural causal logics.

These studies address internal variation in regime type. Brian Downing asked why some states developed absolutist regimes while some constitutional regimes survived, whereas Thomas Ertman also addressed variation in levels of bureaucracy and patrimonialism.<sup>54</sup> Institutions are key causal variables in both studies and as such are exogenous. The medieval heritage of parliamentary institutions is the crucial differentiating factor that allowed certain states to evolve on a constitutional path in the face of early modern geopolitical pressures. In short, these studies take the emergence of representative institutions as given and examine their effects or survival. Assumptions about a balance between contending forces—what I have identified as the residue of seventeenth century historiography—are causally central in the accounts.<sup>55</sup> The goal of this analysis is to probe further the conditions for institutional emergence and endogenize it and is thus complementary to these studies. Accordingly, my explanation follows the historical sociological tradition of a conjunctural approach that explains outcomes in terms of the interaction of exogenously determined factors.

In the next section, I provide an outline of the theory and address the theoretical issues posed by existing literature.

## **1.2. The Theory**

To explain how representative institutions emerged, I focus first on a key independent variable: the power of the ruler, especially over the most powerful lords.

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<sup>52</sup> (Stasavage 2014).

<sup>53</sup> (Tilly 1990; Downing 1992; Ertman 1997).

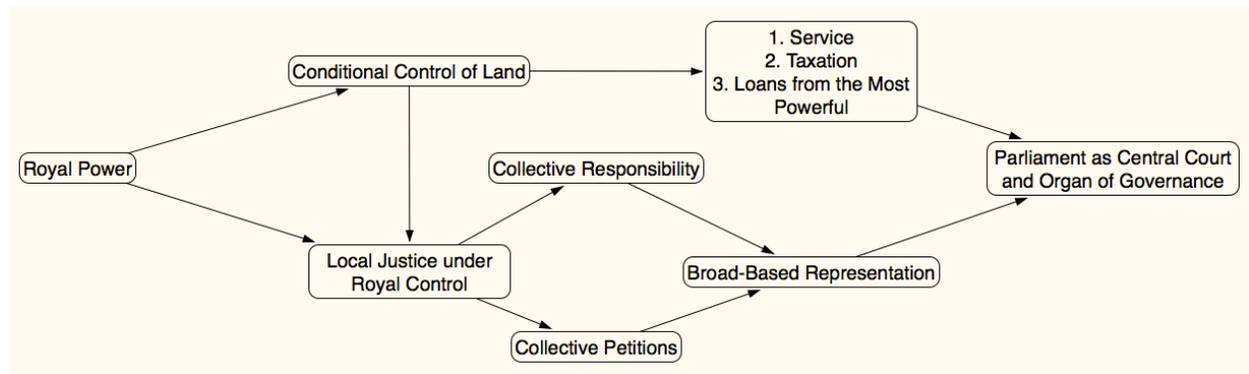
<sup>54</sup> (Downing 1992; Ertman 1997).

<sup>55</sup> (Downing 1992, 19, 21, 141). In Ertman, it is the representative institutions themselves that are strong enough to counter central authority where they had a territorial character; (Ertman 1997, 19-25).

This power determined the distribution of land, whether concentrated in the crown or dispersed, the type of property rights granted, whether conditional on fulfilling obligations to the crown or not, and whether enforcement was effective or not. Power, mediated through these dimensions, also shaped how integrated the court system was throughout the polity, through which petitions and judicial concerns were handled. Power also determined whether the crown could impose supra-local organization on communities systematically across the territory: when successful, it could impose collective responsibility and mobilize them for representative practice. There were, in other words, multiple self-reinforcing returns to power.

I argue that parliaments emerged as centralized instruments of governance not where rulers were weak or where they were balanced by powerful social groups, but where they were more powerful than leading social groups. Specifically, effective representative institutions emerged where rulers were strong enough to extract from and compel attendance by the *uppermost* social actors in representative institutions. In the premodern period, such compellence occurred where rulers controlled most of the land in their territory, as land was then the most critical wealth-generating resource. How the initial variation in power emerges—why some rulers can enforce obligations on powerful subjects but others can’t—is an important but separate question that I treat here as exogenous, as I focus on its observable implications that illuminate how this power is effectively institutionalized, except for some reflections in the conclusion.

Figure 1: Main Structure of Argument



Land was granted mostly conditionally, in a practice commonly described as feudalism.<sup>56</sup> Conditional land-holding had institutional effects: when powerful actors received land conditionally from the crown, they were burdened with varied obligations, including support of royal institutions, both the central parliament and local courts. This dynamic sometimes played out at a lower social level: where the most powerful were

<sup>56</sup> Feudalism is a historical concept with a complex and contentious history. I discuss the term in detail in the appendix, but employ the more neutral term “conditionality,” that captures the main dynamic of interest in the analysis here.

beyond control, the crown developed conditional relations with new groups, which were thus promoted to noble status. I call this “second-best constitutionalism.” although constitutional practices were visible, they failed to define the system as a whole.

Where the crown could compel powerful social actors, it could extract military, political, and administrative service from them, and it could especially force them to contribute in taxes. Sometimes these incentives operated on the powerful after they lent funds to the ruler: representative assemblies were the forum that ensured repayment. These ties generated incentives to attend centralized institutions. Only such actors had the capacity to effectively restrain the ruler and eventually turn those institutions into fora of constitutional constraint; without them, representative institutions did not consolidate as organs of central governance. No elite taxation, no encompassing representation.

When rulers were able to compel the powerful, they could also integrate broader social groups, a prerequisite for representative institutions to operate as central organs of governance. Even when only small segments of the population were represented, when they came from the upper social levels, social hierarchies tied the remainder of the population to them, thus giving decisions taken at the center a binding character. This is the critical component of the story, which is lacking in existing accounts of bargaining over taxes between rulers and urban groups. Without broad-based integration, representation had limited political effects, as in Castile for instance: urban groups dominated, but representative institutions lacked the strength and inclusiveness to become effective instruments of governance of the whole polity, if they survived at all.

Assuming taxation is the key mechanism for representation cannot also explain a paradox: since war has always been intermittent, why would taxpayers want to create a regular institution, rather than an ad hoc council when the need arose? A regular institution would make extraction regular, a public fear that prompted medieval kings to routinely promise not to levy a tax again. Instead, I argue, incentives for regularity derived from parliaments’ role as judicial courts, especially on land issues. As Adam Smith observed, “passions which prompt to invade property, [are] passions much more steady in their operation, and much more universal in their influence;” they could thus be expected to generate constant grievances.<sup>57</sup>

The universal medium for the expression of grievance was the petition submitted to the ruler. The practice dated to antiquity and occurred throughout the premodern world, from ancient Rome, to Western Europe, to the medieval and early modern Ottoman and Russian Empires, as well as the Far East. So if institutional representation only flourished in Western Europe, it could not be because it had a greater preoccupation with “justice.”

Instead, the West differed because demands for justice were eventually collectively organized, thus integrating broader concerns that transformed local grievances into

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<sup>57</sup> (Smith [1776] 1981, V.i.b.2).

political demands through legislation. As I will show, this is how the bill of legislation, the quintessence of parliament, was born. Collective organization in turn was due to the more efficient organization of state power and the greater capacity to impose collective action over disparate groups at a supra-local level of aggregation. Organization at the village level, for instance, was probably as strong in Russia as it was in England; rarer was the imposition of a uniform frame across larger administrative units, as was the case with the English counties. This organization allowed petitions to become collective and, when implemented, to apply throughout the jurisdiction—which, again, is by definition necessary for a regime described as representative.

The organization of state power was thus mediated by a key mechanism: the imposition of collective responsibility. A widespread trait of premodern societies, collective responsibility is recorded even in the smallest communities, within and beyond Europe, as an effective means of conflict resolution and social order maintenance.<sup>58</sup> The system held a broader group (whether kin, village, or administrative unit) responsible for the actions or obligations of an individual member. Murder and other crimes and offenses were policed this way, but so were tax defaults. Its incidence varied, however, from the local to the supra-local.

In England, the crown imposed collective responsibility at the county as well as the hundred and town level.<sup>59</sup> By contrast, I show how in the Russian and Ottoman empires the same principle, albeit pervasive, organized social life only at the very local level, with no mechanism of aggregation: the state was too weak to impose uniform organization at a supra-local level, with only some few exceptions (as I show in a section on some episodes in Russian history). As a result, judicial interaction between center and periphery in those cases was highly atomized. It was thus unable to create institutions that aggregated judicial concerns and transformed their solutions into general laws, which is what “common petitions” did in England. The more effective the supra-local organization of collective responsibility, as in England, the more representative practices and institutions became robust.

At the local level, the institutional foundation of petitions and collective responsibility was the regional courts. The effectiveness of court institutions depended on how integrated they were at the polity level. When state powers were high, local courts could be conscripted to support the procedures required for representative activity. For instance, it was in English courts that petitions were drafted, collective responsibility was implemented, and representatives were selected. If local courts did not have binding power *throughout the polity*, a central system of representation could not be sustained. Only strong royal authority could make that happen.

Royal power was central to this entire dynamic, but this depended on a crucial fact about premodern representation: it was an obligation before it became a right.<sup>60</sup> We

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<sup>58</sup> (Weber 1978, 1022-25).

<sup>59</sup> (Holdsworth 1923, 11-12).

<sup>60</sup> I explore the historiography of the English Parliament and the evolving assessment of its judicial functions, which were considered conservative, in (Boucoyannis 2015).

take it for granted that representation is a right demanded by citizens from the state, as it is today. However, historically, it was first an obligation imposed by the state on its subjects.

That representation was originally obligatory—a point long resisted by liberal historiography—is shown from evidence on fines and other measures for nonattendance. Rulers summoned representatives to attend and participate in decision-making and they held the represented community liable to ensuing obligations. This was widespread across Europe from an early period, but enforcement varied greatly across cases according to ruler strength. It was highest in England, where the powers of kings were highest, as I show in chapters 6 and 7.

The ground of obligation lay in the tenurial status of representatives: holding lands of a lord imposed the obligation to give him counsel and aid when needed.<sup>61</sup> However, although conditionality is necessary for representation to emerge, it is not sufficient. This emerges powerfully from the comparison with the Ottoman Empire, the prototypical sultanic case, in which rulers also “owned” all the land and granted it conditionally to subordinates. Although conditionality was not identical in both cases, it was similar in one of the most important dimensions: the type of property rights granted. Far from polar opposites, the Ottoman regime emerges as a variation of the conditional land-holding we know from England—only with much weaker executive powers. Chapter 13 offers the first pairwise analysis of the English and the Ottoman land law, showing their remarkable similarities. Property rights cannot thus have been the critical factor explaining the rise of the West, as in neo-institutionalist arguments.

My argument thus revives the Tocquevillian idea that associates absolutism with weakness and constitutionalism with state strength.<sup>62</sup> It also articulates how legitimacy sustains interlocking institutions, by tying representative institutions to bottom-up demands. Such processes shape infrastructural power, as defined by Michael Mann:<sup>63</sup> the institutional capability of the state to exercise control and implement policy choices across its territory. However, my argument moves beyond the Tocquevillian understanding to posit that strength and weakness were causal conditions, not outcomes, of regime variation. England created an “organic” regime because it was capable of overcoming fragmentation. France, in contrast, developed absolutist structures because it was too weak to do otherwise. The strategy of “divide and rule,” which Tocqueville identified as a root cause of French pathologies, was the optimal strategy in the face of an incapacity to control social groups that were far too recalcitrant, not submissive: they voiced demands that were much more radical compared to English ones.<sup>64</sup>

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<sup>61</sup> This is the broad principle, although historical reality was always more complicated in practice; (Pollock and Maitland 1898, 542-4).

<sup>62</sup> (Tocqueville 1856; Hall 1994, xii-xiii).

<sup>63</sup> (Mann 1984, 2008).

<sup>64</sup> Hall (1994, xiii) articulates the implications of this neglected insight to twentieth century collapse of totalitarian regimes.

In the next section, I describe some of the key theoretical implications of this analysis. First, I articulate the inverse logic of emergence: how the origins of institutions are found in conditions directly inverted to those we habitually associate them with. Centralization, accordingly, plays a key role. The same paradox exists in the origin of rights, which lie in obligation and compellence, especially of the most powerful. And finally, I show how inequality is central in explaining institutional emergence and how this forces us to revise the trope of “limited” vs. “predatory” states.

i. *The Inverse Logic of Emergence: Centralized Power and the Social Foundations of Political Institutions*

The institutions described in this study are, at a first level, a function of the power of the actors creating them, as well as a means to distribute goods to elites that provided the social foundation for that power. Far from a bargaining game under conditions of balanced need, representative institutions stem from asymmetric conditions, where one actor, the ruler, possessed both physical and intangible attributes that secured a preponderance of power and authority. The more this was so, the more robust the resulting institution.

An account of origins thus reveals an intriguing paradox: the conditions of emergence (high concentration of central powers) were the inverse of the posited outcome of representative institutions (shift of sovereignty to social groups). Popular sovereignty was clearly articulated as a norm precisely because (and where) power was *already* effectively concentrated in the hands of the ruler. Norms of rights and limits to power became central because (and were) power was *already* exercised with fewer limits than elsewhere. Conversely, the royal norm of absolutism was emphasized where society was most fragmented, as in continental Europe or England during a period of material weakness.<sup>65</sup> Norms, in other words, don’t reflect reality; they seek to change it. Such inversions of perspective, as we will see, are a common feature in accounts of origins in particular. I call them the “normative/empirical inversion.”

The paradox is striking because concentration is typically perceived as a suboptimal or pathological form of political organization:<sup>66</sup> it implies coercion and the suppression of local preferences, dynamics that are inimical to constitutional (or democratic) regimes. This perception also permeates the historical state-building literature, which ascribes great importance to patterns of “local government.”<sup>67</sup>

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<sup>65</sup> As I show in chapter 9, English extractive capacity was lowest during the Stuarts, contrary to common perceptions.

<sup>66</sup> (Scott 1998; North 1990, 113-4). See the fresh and dissenting view in (Treisman 2007). A classic study is (Riker 1964).

<sup>67</sup> (Ertman 1997; Downing 1992).

Sociological studies posit a balance of power between social actors, as well as pluralism and political fragmentation, as key to constitutional (or state-building) outcomes.<sup>68</sup>

However, these assumptions mistake a consequent for a cause. Centralization on some key dimensions is necessary for constitutional outcomes to emerge. This is so because disparate preferences and practices need to be homogenized if the entire regime is to be codified under one category—outcomes need to be observed at the polity, not the local, level. For a political unit to be constitutionally integrated, laws should be the product of an institution that incorporates all those affected, even if originally they have no real voting powers.

By contrast, centralization is more typically identified with premodern and many modern despotisms. Yet, historical and sociological literature has shown that such regimes typically have weak state capacity.<sup>69</sup> The assumed “centralization” of absolutist regimes was more of an aspiration of rulers faced with an empirical reality where social groups were too powerful to control. The violence associated with such rule was mandated by state weakness: without it there was no effective control of territory. Weak states, moreover, can more easily target those who are individually weak, even if numerous: lacking collective organization, they remain isolated. As a result, such violence or coercion is more visible, by having broader impact. Consequently, such practices are misinterpreted as signs of “strength”<sup>70</sup>—but the state targets the weak simply because the strong are beyond its reach.

Further, the term “centralization” usually implies that the state is acting without consent from the people, i.e. arbitrarily—again, in tension with representative premises. However, the more consent is avoided, the more coercion needs to be used and the less the effective capacity of the state to secure compliance. Conversely, where consent is secured, coercion is latent, but control is higher.<sup>71</sup> Historically, this occurred where effective centralization and power concentration was high.

Centralization is not only congruent with demands for consent; it is, I argue, a necessary precondition for its effective institutionalization. To explain why representative institutions became effective organs of governance we need to understand why they became *central but polity-wide* institutions. Conversely, that some states developed absolutist forms of governance does not always mean that representative institutions did not emerge or were completely suppressed. Just as contemporary authoritarian or totalitarian regimes display domestic institutional enclaves of varying strengths, premodern absolutism was typically marked by localized institutional strongholds.<sup>72</sup>

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<sup>68</sup> (Blockmans 1978, 192; Hechter and Brustein 1980; Hopcroft 1999; Zolberg 1980, 689; Ertman 1997; Downing 1992, 19-22; Hui 2005).

<sup>69</sup> (Mettam 1977; Major and Holt 1991).

<sup>70</sup> As pointed out in different ways in Henshall (1992), Migdal (1988), and Chaudhry (1993). That violence is a sign of weakness is also a core insight in the thesis of Arendt (1970).

<sup>71</sup> (Lukes 2004, \*).

<sup>72</sup> (Levitsky and Way 2002).

For instance, France, even at the height of the so-called “absolutist” period in the seventeenth century, was far from devoid of representative assemblies. Peripheral assemblies thrived in the provinces called *pays d'état*, such as Provence, Burgundy, Brittany, and Languedoc. Of the 39 *pays d'état*, 24 had estates that were still functioning at the time of the French Revolution in 1789. Such assemblies were maintained by absolutist rulers, path-breaking scholarship argued, partly because they could attract better credit in financial markets than Paris,<sup>73</sup> and partly because they were efficient in organizing the military defense of the borders.<sup>74</sup>

Yet, no representative institution existed at the center of the French political system. The Estates-General were last called in 1614 and had an intermittent history prior to that. It is this fact that justifies describing the regime as “absolutist.” The problem therefore is to explain how a fairly large state such as England (and a few more localized and limited cases, such as Catalonia and Hungary) consolidated a parliament as a central instrument of governance, whereas that did not happen in cases such as France or medieval and early modern Spain.<sup>75</sup>

ii. *The Inverse Logic of Political Obligation and The Divergence of the West: Collective Responsibility and Individual Rights*

A central thesis of the book is the importance of collective forms of organization for the emergence of representation.<sup>76</sup> It thus runs counter to assumptions about the centrality of individual rights as the distinguishing feature of the West.<sup>77</sup> In another instance of the normative/empirical inversion, individual rights became important only because collective responsibility was already effectively imposed across multiple levels and throughout society.

This inversion is most clearly seen in the practice of representation itself, which was an obligation before it became a right. Representation originated in the Roman legal form of plenipotentiary powers, the powers given to legal agents to act in court on behalf of litigants. The purpose of transposing this legal form to political practice, as I more fully explain in chapter 7, was to ensure that local communities would be collectively bound by decisions of their representative; it was not, in its early stages, a right demanded from below. Compliance at the local level was ensured when the crown could enforce binding commitment, as in England—in contrast to representative systems on the European

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<sup>73</sup> (Potter and Rosenthal 1997; Hoffman et al. 2000). In the 1660s, the Estates could borrow at 5 percent long-term, but the king had to pay 8 percent or more for short-term loans; (Potter and Rosenthal 1997, 577).

<sup>74</sup> (Blaufarb 2010).

<sup>75</sup> (Runciman 1993, 51; Ertman 1997, 19). (Grafe 2012) makes this powerful argument for Spain.

<sup>76</sup> My historical analysis of collective structures thus dovetails the burgeoning literature on the role of corporations in the market economy and politics; (Ciepley 2013; Kuran 2005).

<sup>77</sup> (Macfarlane 1978) is the boldest statement of this view.

continent, where such obligations were weakly enforced. Only after parliamentary practice was institutionalized and collective action began to procure benefits for the represented did representation become a coveted right.

Collective responsibility also structured Russian and Ottoman communities too in the medieval period, but did so based on strong kinship or village ties, not state-created administrative divisions. Rulers exploited local ties to compensate for the weakness of imperial infrastructural control. Relations with the state were instead atomistic.<sup>78</sup> Difference on these dimensions—the level at and basis on which collective action was organized, combined with the use of the principle of representation and the taxation of the most powerful—are what distinguished England and to a lesser extent other European polities. It is the conjunction of these factors, all enforced by the state, that enabled representative institutions to form. Obligation—not rights, nor cost-benefit calculations, nor bargaining over taxation—first propelled the formation of representative institutions in the West.

iii. *The Positive Externalities of Inequality and Concentration of Power: The False Dichotomy of “Inclusive” and “Extractive” Institutions*

Inequality is one of the most important pathologies of the current political and economic orders.<sup>79</sup> However, it is also considered the *foundation* of political order: as Adam Smith argued in an influential statement, civil government became necessary due to the unequal acquisition of property, a theme recently revived.<sup>80</sup>

Here, the link is confirmed in a slightly different form, as inequality is the necessary condition for the development of representative institutions; it is, however, *Inequality of power and wealth not between societal actors, but between them and the ruler*. Only where both resources, power and wealth, are skewed in favor of the ruler can actors be incentivized to support the creation of the institutional structure that enables representation over time. This asymmetry remains overall active in the English case and is self-reinforcing, though with strong fluctuations and a sharp decline in the seventeenth century.

This insight has two important implications, regarding the assumptions on the balance of power and the “limited” character of the constitutional state. First, a “balance of power” between ruler and ruled is a normative aspiration, not an empirical description. All cases of robust representative governments had a central authority that was capable of compelling social groups, especially the most powerful social actors; so it was in England and, in varying degrees, also in Catalonia and Hungary. As the chapters on France, Castile, Hungary, and the Flemish and Italian cities show in different ways, the more a power balance is empirically approximated, the more representative governance weakens.

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<sup>79</sup> Hacker and Pierson 2010; Gilens 2012; Piketty 2014.

<sup>80</sup> (Smith [1776] 1981, V.i.b.2; Boix 2015).

When central, executive authority weakens, so does the institutional dynamic that enables representation. Republics may emerge, but they are short-lived and eventually drift into oligarchies, as exemplified by the Italian cases. Exceptions to this pattern are mainly observed in federal polities, like the Swiss Republic and the Netherlands, although the latter displayed many centralizing tendencies at different levels of aggregation.

The second major implication concerns the concept of the “limited” state. This denotes the successful constraint on central, executive power by a society that is institutionally organized. It is also taken to indicate a lower capacity to extract resources from society, especially taxes. But the empirical reality of the “limited,” constitutional state is, again, exactly the opposite. Per capita taxation in “limited” states was strikingly higher than in “absolutist” ones. This point has now been systematically demonstrated for the period from 1650 to 1913 through panel data on eleven European countries,<sup>81</sup> which show that the causal effects of a centralized but “limited” government, such as Britain’s or the Netherlands, were striking: a 59-65% increase in per capita taxation compared to less constitutional regimes.<sup>82</sup> By contrast, in France, when power was evenly balanced between the nobility and the king, fiscal revenue was relatively less.<sup>83</sup>

I show, through a new dataset, that this pattern held already from the medieval period, before the revolutionary changes of the seventeenth century.<sup>84</sup> Historians have long suggested this, through case-specific evidence: the English, Joseph Strayer noted, could match the French “man for man” and “pound for pound” in the 1290s, despite having less than a fifth of their population and “much less” than a fourth of their wealth.<sup>85</sup> And economic historians have shown it more systematically for after 1450.<sup>86</sup> Using new data on per capita revenue, troop extraction, as well as recent estimates on national wealth, I show that this holds from the late 1100s until about the late 1500s, when English politics took an absolutist turn. England and extraction, predictably, had decreased.

That being the case, one of the central organizing devices in the literature on state and institution building must also be revised. Acemoglu and Robinson have posited a polarity between “inclusive” (i.e. representative) institutions and “extractive” ones, or between “producers” and “looters.”<sup>87</sup> This stems originally from the public choice assumption of a predatory state that requires limits through societal opposition.<sup>88</sup> Yet the

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<sup>81</sup> (Dincecco 2009, 2011).

<sup>82</sup> (Dincecco 2009, 74-5). Dincecco’s study has 1,515 observations of tax revenue from regime years, of which centralized and limited were 713; (Dincecco 2009, 61). This relationship remains under dispute for modern democracies,<sup>82</sup> but it is less so for the premodern period; (Timmons 2010; Cheibub 1998; Persson and Tabellini 2004; Lott and Kenny 1999).

<sup>83</sup> (Rosenthal 1998, 72-3).

<sup>84</sup> (Strayer 1970).

<sup>85</sup> (Strayer 1970, 52).

<sup>86</sup> (O’Brien and Hunt 1993).

<sup>87</sup> (Acemoglu and Robinson 2005, 2012; Boix 2015).

<sup>88</sup> (Levi 1988).

most inclusive institutions were also the most extractive ones, with England (and self-governing cities) at the high end of the spectrum.

What appears as a predatory conflict between state and society is upon closer inspection, the result of variation in state capacity to distribute the tax burden across society. States that appear “extractive,” such as Castile or France, suffered from a fundamental weakness in their ability to tax the most powerful social actors. They only appeared “extractive” because the tax burden fell disproportionately on those least able to pay, as opposed to England and a few other, more limited cases. This top-down form of extraction was, moreover, critical for the gradual incorporation of lower social strata, thus making the regime “inclusive”. The English state was, indeed, inclusive, but the key is that it included *the elites*, not the lower urban and commercial classes, as typically assumed.

This revision has implications for the Gordian knot of political economy discussions of state power: that a “government strong enough to protect property rights and enforce contracts is also strong enough to confiscate the wealth of its citizens.”<sup>89</sup> The answer is that when the ruler can confiscate from the wealthiest, he provides them with incentives to organize collectively to limit such extraction. Only when these most powerful groups are involved do limits become effective and institutionalized across the polity—as long as the ruler sustains his strength by preserving the conditional nature of such property rights or some other form of dependence or effective enforcement.

### **1.3. Case Selection and Plan of the Book**

The principle of organization of this book is analytical. It does not offer a linear or chronological presentation of the emergence of parliaments in premodern Europe. Masterful accounts, focused on regime formation more generally, already exist in the work of Ertman, Downing, and many historians. The purpose of the analysis, moreover, is not to develop a full causal model, but only to specify a set of necessary conditions for the outcome: representative institutions as central organs of governance. As James Mahoney points out, analysis of necessary conditions is “important when evaluating certain outcomes of exceptional interest.”<sup>90</sup> Accordingly, I identify some key assumptions that dominate existing scholarship and devote separate parts of the book to them that could be read separately.

The cases examined are England, France, Castile, Catalonia, Hungary, Flanders, Italy, the Ottoman Empire, and Russia, with brief consideration of additional cases. The concept of a case is problematic in this instance, not only because of temporal variation within cases (which I leverage to increase confidence in the conclusions), but also because some cases consist of multiple separate units, as in the Flemish and Italian cases. A more extensive treatment than is possible here could treat each Flemish city as separate, thus

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<sup>89</sup> (Weingast 1995, 1).

<sup>90</sup> (Mahoney 2000, 397).

testing the conclusions at the micro-level. However, the focus must be on polity-wide governance. Sufficient similarities between sub-units are acknowledged in the historical literature, allowing a summary analysis—the implication being that each case offers additional observations and the sample size is more extensive.

Cases were selected on two main criteria. The first is sufficiency in establishing necessary conditions; the second is availability of evidence on critical variables *in the very early period, before the institution first appears*.

The number of cases sufficient to establish claims about necessary conditions is much smaller than in conventional causal models. If about five cases with the outcome of interest are all found to have the posited factor, necessity can be affirmed, by one estimate, with 95% confidence.<sup>91</sup> The primary claim examined here is ruler power, especially over the most powerful social groups, as a precondition of representative institutions. For this, the primary case is the “crucial test” of England, which generated the alternative hypotheses I challenge, which combines ruler weakness, balance of power, and bargaining. This is then confirmed by applying the method of congruence on further cases, to assess whether the values of the necessary condition and outcome co-vary in the expected direction.<sup>92</sup> Early Castile, early Catalonia, periods of Flemish, Hungarian, and Russian history offer confirmation, as does more summary treatment of other cases.

In some cases, the same dynamic is replicated at lower social levels, with representation granted to lower groups, failing, however, to shape the regime as a whole. Relatively weaker rulers, who cannot control the highest nobility, can still control the lower nobility and generate representative activity, resulting in what I call “second-best constitutionalism.”<sup>93</sup> I show how this explains social scientific “anomalies,” such as the bouts of representative activity in Tsarist seventeenth century Russia, as well as periods of Hungarian history, when ruler authority declined.

But the claim is also checked against “least-likely” cases, where the necessary condition is deemed to be absent, despite the outcome being present: republican polities. I will discuss why treating city assemblies as equivalent to territorial parliaments is contestable. However, I show how, pace such reservations, these are anyway cases of omitted variable bias due to a truncated temporal frame: the prehistory of the republican communes shows how lords were central in first organizing political life.

I also examine cases where the posited necessary condition had a low value: weak central control. Cases where the outcome is not observed and which score negative or low on the necessary condition can only offer indirect evidence for the necessity of the condition.<sup>94</sup> French and Spanish kings generally had weak powers and enforced

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<sup>91</sup> Dion has shown this, using a simple Bayesian model of inference; (Dion 1998, 135; Mahoney 2000, 395-6).

<sup>92</sup> (George and Bennett 2005, 181-204).

<sup>93</sup> (Mahoney 2000, 408-9) advises against combining ordinal and nominal comparisons, but only because of the problems in affirming necessary and sufficient conditions jointly. Given the focus on necessary conditions, this analysis is not bound by this restriction.

<sup>94</sup> (Seawright 2002, 185; Braumoeller and Goertz 2000).

conditionality poorly or not at all, as historians have long documented<sup>95</sup>—hence the representative weakness in those regimes. However, France and Castile vary in the degree and type of (de jure/de facto) control at different periods and this accounts for the gradation in outcomes observed, with weaker periodic representative institutions that are, in the French case, phased out at the central level. Ordinal comparison therefore increases confidence in the plausibility of the mechanism.

As will be clearer from the chapter descriptions below, the necessary condition of power preponderance is examined through different observable implications and measures throughout the text. State strength is conventionally measured through taxation.<sup>96</sup> This brackets the critical question of how a state builds capacity in order to extract, but for the purposes of this discussion, the capacity can be taken as exogenous: as I show in the following chapters, it precedes the appearance of the dependent variable, representative institutions. Further consequences of this capacity, land control, the granting and enforcement of conditional rights to land, the creation of a uniform court system, the fusion of judicial with political and fiscal functions, the imposition of judicial service (as well as taxation), especially on the most powerful groups, and of the obligation of representation, are examined through structured, focused comparisons across western European cases, that did and did not develop parliaments as central organs of governance.

I then set England against two prototypical contrasts, Russia and the Ottoman Empire, which did not develop representative institutions (though for Russia, as we will see, this is only partially true for the premodern period). For an argument on necessary conditions, rather than sufficient ones, cases that have the condition but not the outcome are irrelevant.<sup>97</sup> Strictly speaking, therefore, these cases, where rulers are widely claimed in the social scientific literature to have “owned” all the land, do not affect this analysis. Nonetheless, I consider both, because they offer invaluable insights in further specifying what distinguished the “West” from other regions that are thought not to have a representative tradition. Although they would be assumed to be “most different” cases compared to England, they are remarkably similar across a number of dimensions. The comparison allows me to highlight both the legal tradition of representation and the organization of collective responsibility at a supra-local level by the state, both absent in the two eastern cases, as critical differentiating factors of the English case—with state power to enforce these two as the necessary precondition for positive outcomes.

Case selection thus satisfies the criteria for determining necessary conditions, but the analysis moves beyond this minimum to test causal relations, by systematically considering alternative hypotheses and applying process tracing to longitudinal comparisons, as previewed below. But selection was affected by a practical limitation: reliable evidence on the earliest period of institutional emergence. Most literature deals

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<sup>95</sup> The literature is extensive and discussed further below, but classic statements are (Mettam 1988; Henshall 1992; Beik 1985; Thompson and Yun Casalilla 1994; Kettering 1986).

<sup>96</sup> (Hendrix 2010; Besley and Persson 2009).

<sup>97</sup> (Seawright 2002).

instead with periods where evidence is more abundant, when institutions are already long formed; but this is the major cause of confusion and this study avoids this error as much as sources permit.

This has meant only summarily treating or excluding potential cases, including Poland and Lithuania, Sweden, Denmark, Norway, Iceland, the Sicilian Norman kingdom, some small Italian kingdoms, the Netherlands, the Swiss Cantons, the Holy Roman Empire, Japan, China, and the early United States.<sup>98</sup> Many of these are composite entities, consisting of multiple, even hundreds, of units. Covering all would be impossible for a qualitative study. Most did not develop a genuinely representative system that integrated local governance, so are technically irrelevant for a hypothesis on necessary conditions. But most importantly, analyzing any case with evidence from the period when its robust assembly was already well-formed would reproduce the error that this study aims to correct: deducing conditions of emergence from a later point in time.

In the relevant chapters, I offer instead either evidence as to why these cases are consistent with my claims or at least clear baselines for the kind of evidence that would disprove the claims, when that is available: evidence that dates from *before* the first appearance of the institution on the rulers' taxing powers, especially of the most powerful, on their control of land and the enforceable conditionality of property rights, on the state of courts, and the practice of collective responsibility and petitions.

The structure of the book is as follows: parts two and three present the separate origins of institutions and of representative practice, whilst demonstrating the centrality of strong royal power for both. We tend to assume that both are part of the same process, but as I show through a micro-historical account, different dynamics enable the one and the other. Conventional accounts focus on representative practice as tied to taxation and the inclusion of broader social groups.

In part two, I show that to explain the emergence of the *institution* that houses representation, we need to focus on the nobility, the land they held of the crown, and the centrality of judicial practices that flow primarily from this relationship. It is the role of parliaments as courts of justice that provided both the regularity and the bottom-up demand necessary to give rise to an *institution*, as opposed to a series of events. The comparison with the French Estates-General and *Parlement* serve to demonstrate this, by elaborating the theory of functional fusion: only where judicial functions were fused with fiscal and political ones do we see a regular, polity-wide institution emerging. The precondition for this fusion was the capacity to compel the most powerful social actors and therefore broader strata too to perform various duties, chiefly judicial ones. Through new data, which I set in the frame of accounts of the divergence between civil and common law, I show the English advantage on this dimension.

I then also examine three more cases, that could be claimed to challenge the role of a strong ruler: Flemish and Italian cities, as well as Catalonia. Probing their history early enough uncovers a precedent of strong central rule that enabled the more

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<sup>98</sup> (Marongiu 1968). The Byzantine Empire is excluded for reasons of space, though as I indicate, the observations on Russia and the Ottomans apply to it as well.

“republican” practices to emerge. Critically, without a strong executive, the representativeness of the regimes weakened or disappeared.

Moreover, part three shows that the same factors are necessary to explain the emergence of representation as a practice as well, but through different mechanisms: without the effective control of land, rulers would not have been able to systematically summon subjects on a regular basis to the center; without the centralization of adjudication, subjects would not have incentives to seek to attend. Since taxation was too irregular to demand an institution, it is only where representation was an obligation that it was systematic. I provide evidence of this variation through a comparison of England with France and Castile.

Part four deals with the distributive political economy of representation. At issue however is not so much the question of who benefits from ruler expenditure (we are not yet in the period of mass public goods provision), but the anterior one of how the fiscal burden is distributed. Through original data at the aggregate level, backed up by individual profiles, I show how taxation of the most powerful social actors in England and other fiscal ties with the crown were a key mechanism in ensuring that the institution of Parliament became entrenched. Conversely, we can show that the trajectory of the French Estates-General followed the taxation patterns of the nobility—coming to an end when taxation ended. To address the counterargument that it was taxation of mercantile wealth that enabled representation, I also offer a comparison of the English and Spanish wool trades, showing how the neo-institutional framing misconceives the problem. The Spanish “monopoly” developed because the crown was too weak to both limit the merchants and compel the nobility. The English advantage, by contrast, was due to the superior capacity of the crown to institutionalize interactions with merchants—the same capacity that allowed it to tax its most powerful competitors.

Part five looks at the real economic foundation of political representation: land control and conditional property rights. Hungary started off with kings controlling all land, but allows a comparison with England that shows variation, in some historical periods, on the degree of royal control, and especially on the level of conditionality. It also exemplifies a pattern I call “second-best constitutionalism:” when royal power does not suffice to compel the most powerful social actors, deals may be struck with groups more dependent on the crown and constitutional features will emerge from that relationship, even if it does not shape the regime as effectively, observed in other cases such as Russia. We can observe the outcomes of conditional land control matched with reduced capacity and absence of the principle of representation in the Ottoman Empire. In chapter 12, I offer an original comparison of Ottoman and English land law, demonstrating the striking parallels between them, and challenging conventional contrasts between the two. But these do not translate into a parliament: the reduced capacity of the sultan to compel powerful subjects and to systematically integrate local units of administration, as well as ignoring the principle of representation, mitigates against this institutional path.

Part six brings all the sections together to provide an account of institutional emergence that also explains the underlying points of divergence with non-Western

polities. It shows aspects of the argument already analyzed, petitions and the principle of representation, interacted with the practice of collective responsibility to aggregate into legislative institutional practice. But both collective responsibility and representation were present in both Russia and the Ottoman Empire, even if in only local or embryonic forms. What set off England on a different trajectory was the capacity of the crown to organize these principles systematically in institutional practice at the supra-local level. Without systematic representation at the county level and submission of petitions collectively, justice concerns by subjects would remain individual, as in the Ottoman Empire and most periods in Russia; the constitutive features of a parliamentary body, bills of legislation, are nothing other than the product of this collective organization and petitioning.

In the conclusion, I elaborate on some key implications of the book. I expand on a constant refrain in the argument, the normative/empirical inversion. The multiple instances in the book caution against mistaking normative pronouncements as indicators of the reality on the ground. This insight encourages some new thinking on the perennial—and unresolvable—aspects of the origins of state power, which the account has identified as the key for building successful representative, constitutional regimes.

## References

"Xenophon". 1968. *Constitution of the Athenians*. Vol. 7. Cambridge: Harvard University Press.

Acemoglu, Daron, Simon Johnson, and James A. Robinson. 2005. "Institutions as the Fundamental Cause of Long-Run Growth." In *Handbook of Economic Growth*. Amsterdam: Elsevier.

Acemoglu, Daron, and James A. Robinson. 2005. *Economic Origins of Dictatorship and Democracy: Economic and Political Origins*. Cambridge: Cambridge University Press.

———. 2012. *Why nations fail: the origins of power, prosperity and poverty*. New York: Crown Business.

Albertus, Michael. 2015. "Autocracy and Redistribution: The Politics of Land Reform." Cambridge: Cambridge University Press.

Arendt, Hannah. 1970. *On violence*. New York: Harcourt.

- Arjona, Ana. 2016. *Rebelocracy: social order in the Colombian civil war*. Cambridge: Cambridge University Press.
- Bates, Robert. 2014. "The New Institutionalism. The Work of Douglas North." In *Institutions, property rights, and economic growth : the legacy of Douglass North*, ed. S. n. Galiani and I. Sened. Cambridge: Cambridge University Press.
- Bates, Robert H. 1988. "Lessons from History, or the Perfidy of English Exceptionalism and the Significance of Historical France." *World Politics* 40 (4):499-516.
- . 2010. *Prosperity and violence: the political economy of development*. 2nd ed. New York: W.W. Norton.
- Bates, Robert H., and Da-Hsiang Donald Lien. 1985. "A Note on Taxation, Development, and Representative Government." *Politics and Society* 14 (1):53-70.
- Beik, William. 1985. *Absolutism and Society in Seventeenth Century France: State Power and Provincial Aristocracy in Languedoc*. Cambridge: Cambridge University Press.
- Besley, Timothy, and Torsten Persson. 2009. "The Origins of State Capacity: Property Rights, Taxation, and Politics." *American Economic Review* 99 (4):1218-44.
- . 2011. *Pillars of prosperity: the political economics of development clusters*. Princeton: Princeton University Press.
- Blaufarb, Rafe. 2010. "The Survival of the Pays d'États: The Example of Provence." *Past & Present* 209 (1):83-116.
- Blockmans, Willem Pieter. 1978. "A Typology of Representative Institutions in Late Medieval Europe." *Journal of Medieval History* 4:189-215.
- . 1998. "Representation (since the thirteenth century)." In *The New Cambridge medieval history*, ed. C. T. Allmand. Cambridge: Cambridge University Press.
- Boix, Carles. 2015. *Political order and inequality: their foundations and their consequences for human welfare*. New York: Cambridge University Press.
- Boucoyannis, Deborah. 2015. "The Historiography Of The Medieval English Parliament ". Charlottesville: University of Virginia.
- Braumoeller, Bear F., and Gary Goertz. 2000. "The Methodology of Necessary Conditions." *American Journal of Political Science* 44 (4):844-858.
- Brenner, Robert. 1993. *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550-1653*. Princeton, N.J.: Princeton University Press.

- Brewer, John. 1989. *The Sinews of Power: War, Money, and the English State, 1688-1783*. 1st Am. ed. New York: Alfred A. Knopf.
- Chaudhry, Kiren Aziz. 1993. "The Myths of the Market and the Common History of Late Developers." *Politics & Society* 21 (3):245-274.
- Cheibub, José Antonio. 1998. "Political Regimes and the Extractive Capacity of Governments: Taxation in Democracies and Dictatorships." *World Politics* 50 (3):349-376.
- Ciepley, David. 2013. "Beyond Public and Private: Toward a Political Theory of the Corporation." *The American Political Science Review* 107 (1):139-158.
- Clark, Gregory. 2007. *A farewell to alms: a brief economic history of the world*. Princeton: Princeton University Press.
- Congleton, Roger D. 2011. *Perfecting parliament: constitutional reform, liberalism, and the rise of Western democracy*. Cambridge: Cambridge University Press.
- Dahl, Robert A., and Edward R. Tufte. 1973. *Size and democracy*. Stanford: Stanford University Press.
- DeLong, J. Bradford. 2000. "Overstrong Against Thyself: War, the State, and Growth in Europe on the Eve of the Industrial Revolution." In *A Not-So-Dismal Science: A Broader View of Economies and Societies*, ed. M. Olson and S. Kähkönen. Oxford: Oxford University Press.
- Dincecco, Mark. 2009. "Fiscal Centralization, Limited Government, and Public Revenues in Europe, 1650–1913." *The Journal of Economic History* 69 (01):48-103.
- . 2011. *Political transformations and public finances: Europe, 1650-1913*. Cambridge: Cambridge University Press.
- Dion, Douglas. 1998. "Evidence and Inference in the Comparative Case Study." *Comparative Politics* 30 (2):127-46.
- Dodd, Gwilym. 2007. *Justice and grace: private petitioning and the English Parliament in the late Middle Ages*. Oxford: Oxford University Press.
- Downing, Brian M. 1992. *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe*. Princeton, N.J.: Princeton University Press.
- Duby, Georges. 1974. *The Early Growth of the European Economy; Warriors and Peasants from the Seventh to the Twelfth Century*. London: Weidenfeld & Nicolson.

- Edwards, John Goronwy. 1934. "The *Plena Potestas* of English Parliamentary Representatives." In *Oxford Essays in Medieval History Presented to Herbert Edward Salter*. Oxford: Clarendon Press.
- Epstein, Stephan R. 2000. *Freedom and growth: The rise of states and markets in Europe, 1300-1750*. London: Routledge.
- Ertman, Thomas. 1997. *Birth of the leviathan: building states and regimes in medieval and early modern Europe*. Cambridge: Cambridge University Press.
- Fawtier, Robert. 1953. "Parlement d'Angleterre et États-Généraux de France au Moyen Âge." *Comptes-rendus des séances de l'Académie des Inscriptions et Belles-Lettres*:275-284.
- Fukuyama, Francis. 2011. *The origins of political order: from prehuman times to the French Revolution*. New York: Farrar, Straus and Giroux.
- Gehlbach, Scott, and Edmund J. Malesky. 2014. "The Grand Experiment That Wasn't? New Institutional Economics and the Postcommunist Experience." In *Institutions, property rights, and economic growth: the legacy of Douglass North*, ed. S. n. Galiani and I. Sened. Cambridge: Cambridge University Press.
- George, Alexander L., and Andrew Bennett. 2005. *Case studies and theory development in the social sciences*. Cambridge, Mass.: MIT Press.
- Glaeser, Edward L., and Andrei Shleifer. 2002. "Legal Origins." *Quarterly Journal of Economics* 117:1193-1229.
- Grafe, Regina. 2012. *Distant tyranny: markets, power, and backwardness in Spain, 1650-1800*. Princeton N.J.: Princeton University Press.
- Guenée, Bernard. 1968. "Espace et États dans la France du Bas Moyen Âge." *Annales. Économies, Sociétés, Civilisations* 23:744-758.
- Guizot, François. 1851. *Histoire des origines du gouvernement représentatif en Europe*. 2 vols. Paris: Didier.
- Hall, John A. 1985. *Powers and liberties: the causes and consequences of the rise of the West*. Oxford: Blackwell.
- . 1994. *Coercion and consent: studies on the modern state*. Cambridge: Polity Press.
- Hechter, Michael, and William Brustein. 1980. "Regional Modes of Production and Patterns of State Formation in Western Europe." *American Journal of Sociology* 85 (5):1061-1094.

- Hendrix, Cullen S. 2010. "Measuring state capacity: Theoretical and empirical implications for the study of civil conflict." *Journal of Peace Research* 47 (3):273-285.
- Henshall, Nicholas. 1992. *The myth of absolutism: change and continuity in early modern European monarchy*. London: Longman.
- Hintze, Otto. 1941. *Staat und Verfassung: gesammelte Abhandlungen zur allgemeinen Verfassungsgeschichte*. Leipzig: Koehler & Amelang.
- . 1970. *Staat und Verfassung: Gesammelte Abhandlungen zur Allgemeinen Verfassungsgeschichte*. Göttingen: Vandenhoeck & Ruprecht.
- . 1975a. "The Formation of States and Constitutional Development: A Study in History and Politics." In *The Historical Essays of Otto Hintze*, ed. F. Gilbert. New York: Oxford University Press.
- . 1975b. "Military Organization and the Organization of the State." In *The Historical Essays of Otto Hintze*, ed. F. Gilbert. New York: Oxford University Press.
- . [1931] 1975. "The Preconditions of Representative Government in the Context of World History." In *The Historical Essays of Otto Hintze*, ed. F. Gilbert. New York: Oxford University Press.
- Hoffman, Philip T. 2015. *Why did Europe conquer the world?* Princeton: Princeton University Press.
- Hoffman, Philip T., Gilles Postel-Vinay, and Jean-Laurent Rosenthal. 2000. *Priceless markets: the political economy of credit in Paris, 1660-1870*. Chicago: The University of Chicago Press.
- Holdsworth, William Searle. 1923. *A history of English law*. 3rd ed. 16 vols. Vol. I. London: Methuen & Co.
- Hopcroft, Rosemary L. 1999. "Maintaining the Balance of Power: Taxation and Democracy in England and France, 1340-1688." *Sociological Perspectives* 42 (1):69-95.
- Hui, Victoria Tin-bor. 2005. *War and state formation in ancient China and early modern Europe*. New York: Cambridge University Press.
- Kettering, S. 1986. *Patrons, brokers and clients in seventeenth-century France*. Oxford: Oxford University Press.
- Kuran, Timur. 2005. "The Absence of the Corporation in Islamic Law: Origins and Persistence." *The American Journal of Comparative Law* 53 (4):785-834.

- . 2011. *The long divergence: how Islamic law held back the Middle East*. Princeton: Princeton University Press.
- Levi, Margaret. 1988. *Of Rule and Revenue*. Berkeley: Berkeley University Press.
- Levitsky, Steven, and Lucan Way. 2002. "The Rise of Competitive Authoritarianism." *Journal of Democracy* 13 (2):51-65.
- Lopez, Robert Sabatino. 1971. *The commercial revolution of the Middle Ages, 950-1350*. Englewood Cliffs, N.J.: Prentice-Hall.
- Lott, John R., and Lawrence Kenny. 1999. "Did Women's Suffrage Change the Size and Scope of Government." *Journal of Political Economy* 107 (6):1163-98.
- Lukes, Steven. 2004. *Power: a radical view*. 2nd, expanded ed. ed. Houndmills: Palgrave Macmillan.
- Macfarlane, Alan. 1978. *The Origins of English Individualism: The Family, Property and Social Transition*. Oxford: Blackwell.
- MacIntyre, Andrew J. 2003. *The power of institutions: political architecture and governance*. Ithaca: Cornell University Press.
- Madison, James, Alexander Hamilton, and John Jay, eds. 1987. *The Federalist Papers*. Edited by I. Kramnick. Hammondsworth: Penguin.
- Mahoney, James. 2000. "Strategies of Causal Inference in Small-N Analysis." *Sociological Methods & Research* 28 (4):387-424.
- Major, J. Russell, and Mack P. Holt. 1991. *Society and institutions in early modern France*. Athens: University of Georgia Press.
- Mann, Michael. 1984. "The autonomous power of the state." *Archives Européennes de Sociologie* XXV (2):185-213.
- . 1986. *The Sources of Social Power*. Vol. I: A History of Power from the Beginning to A.D. 1760. Cambridge: Cambridge University Press.
- . 1988. "State and Society, 1130-1815: an Analysis of English State Finances." In *States, War, and Capitalism: Studies in Political Sociology*. Oxford: Blackwell.
- . 2008. "Infrastructural Power Revisited." *Studies in Comparative International Development* 43 (3-4):355-365.

- Marongiu, Antonio. 1968. *Medieval Parliaments: A Comparative Study*. Translated by S. J. Woolf. London: Eyre & Spottiswoode.
- Mettam, Roger. 1977. *Government and society in Louis XIV's France*. London: Macmillan.
- . 1988. *Power and faction in Louis XIV's France*. Oxford: B. Blackwell.
- Migdal, Joel S. 1988. *Strong societies and weak states: state-society relations and state capabilities in the Third World*. Princeton, N.J.: Princeton University Press.
- Moe, Terry M. 2005. "Power and Political Institutions." *Perspectives on Politics* 3 (2):215-233.
- Moore, Barrington. 1967. *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World*. Boston: Beacon Press.
- North, Douglass C. 1981. *Structure and Change in Economic History*. New York: Norton.
- . 1990. *Institutions, Institutional Change, and Economic Performance*. Cambridge: Cambridge University Press.
- North, Douglass C., John J. Wallis, and Barry R. Weingast. 2009. *Violence and social orders: a conceptual framework for interpreting recorded human history*. Cambridge: Cambridge University Press.
- North, Douglass C., and Barry R. Weingast. 1989. "Constitutions and Commitment: The Evolution of Institutional Governing Public Choice in Seventeenth-Century England." *The Journal of Economic History* 49 (4):803-832.
- O'Brien, Patrick Karl, and Philip A. Hunt. 1993. "The Rise of a Fiscal State in England, 1485–1815." *Historical Research* 66 (160):129-176.
- Olson, Mancur. 1993. "Dictatorship, Democracy, and Development." *American Political Science Review* 87 (3):567-576.
- . 2000. *Power and Prosperity: Outgrowing Communist and Capitalist Dictatorships*. New York: Basic Books.
- Parthasarathi, Prasanna. 2011. *Why Europe grew rich and Asia did not: global economic divergence, 1600-1850*. Cambridge: Cambridge University Press.
- Persson, Torsten, and Guido Tabellini. 2004. "Constitutional Rules and Fiscal Policy Outcomes." *The American Economic Review* 94 (1):25-45.

- Pincus, Steven Carl Anthony. 2009. *1688: the first modern revolution*. New Haven: Yale University Press.
- Pirenne, Henri. 1951. *Histoire économique de l'Occident médiéval*. [Bruges]: Desclée, De Brouwer.
- Pitkin, Hanna Fenichel. 1967. *The concept of representation*. Berkeley: University of California Press.
- Pollock, Frederick, and Frederic William Maitland. 1898. *The history of English law before the time of Edward I*. 2d ed. 2 vols. Vol. I. Cambridge: The University press.
- Post, Gaines. 1943. "Plena Potestas and Consent in Medieval Assemblies: A Study in Romano-Canonical Procedure and the Rise of Representation, 1150–1325." *Traditio* 1:355-408.
- Potter, Mark, and Jean-Laurent Rosenthal. 1997. "Politics and Public Finance in France: The Estates of Burgundy, 1660-1790." *Journal of Interdisciplinary History* 27 (4):577-612.
- Pounds, N.J.G. 1974. *An Economic History of Medieval Europe*. London: Longman.
- Riker, William H. 1964. *Federalism: origin, operation, significance*. Boston: Little.
- Rosenthal, Jean-Laurent. 1998. "The Political Economy of Absolutism Reconsidered." In *Analytic narratives*, ed. R. H. Bates, A. Greif, M. Levi and J.-L. Rosenthal. Princeton, N.J.: Princeton University Press.
- Rosenthal, Jean-Laurent, and Roy Bin Wong. 2011. *Before and beyond divergence: the politics of economic change in China and Europe*. Cambridge: Harvard University Press.
- Scott, James C. 1998. *Seeing like a state: how certain schemes to improve the human condition have failed*. New Haven: Yale University Press.
- Seawright, Jason. 2002. "Testing for Necessary and/or Sufficient Causation: Which Cases Are Relevant?" *Political Analysis* 10 (2):178-193.
- Smith, Adam. [1776] 1981. *An inquiry into the nature and causes of the wealth of nations*. Edited by R. H. Campbell and A. S. Skinner. Vol. II. Indianapolis: Liberty Classics.
- Spruyt, Hendrik. 1994. *The sovereign state and its competitors: an analysis of systems change*. Princeton: Princeton University Press.
- Stasavage, David. 2003. *Public debt and the birth of the democratic state: France and Great Britain, 1688-1789*. Cambridge: Cambridge University Press.

- . 2010. "When Distance Mattered: Geographic Scale and the Development of European Representative Assemblies." *American Political Science Review* 104 (4):625-643.
- . 2011. *States of Credit: Size, Power, and the Development of European Polities*. Princeton: Princeton University Press.
- . 2014. "Was Weber Right? The Role of Urban Autonomy in Europe's Rise." *American Political Science Review* 108 (02):337-354.
- Strayer, Joseph Reese. 1970. *On the Medieval Origins of the Modern State*. Princeton: Princeton University Press.
- Stubbs, William. 1896. *The Constitutional History of England in its Origin and Development*. Oxford: Clarendon Press.
- Thierry, Augustin. 1860. *Essai sur l'histoire de la formation et des progrès du Tiers État*. Paris: Furne.
- Thompson, I. A. A., and Bartolomé Yun Casalilla, eds. 1994. *The Castilian Crisis of the Seventeenth Century: New Perspectives on the Economic and Social History of Seventeenth-Century Spain*. Cambridge: Cambridge University Press.
- Tilly, Charles. 1990. *Coercion, Capital, and European States, Ad 990-1990*. Cambridge, Mass.: B. Blackwell.
- Timmons, Jeffrey F. 2010. "Taxation and Representation in Recent History." *The Journal of Politics* 72 (1):191-208.
- Tocqueville, Alexis de. 1856. *The Old Regime and the Revolution*. Translated by J. Bonner. New York: Harper & Brothers.
- Treisman, Daniel. 2007. *The architecture of government: rethinking political decentralization*. Cambridge: Cambridge University Press.
- van Zanden, Jan Luiten. 2008. "The road to the Industrial Revolution: hypotheses and conjectures about the medieval origins of the "European Miracle"." *Journal of Global History* 3 (03):337-359.
- Van Zanden, Jan Luiten, Eltjo Buringh, and Maarten Bosker. 2012. "The rise and decline of European parliaments, 1188–1789." *The Economic History Review* 65 (3):835-861.
- Weber, Max. 1978. *Economy and society : an outline of interpretive sociology*. Berkeley: University of California Press.

Weingast, Barry R. 1995. "The Economic Role of Political Institutions: Market-Preserving Federalism and Economic Development." *Journal of Law, Economics, & Organization* 11 (1):1-31.

Zolberg, Aristide R. 1980. "Strategic Interactions and the Formation of Modern States: France and England." *International Social Science Journal* 32 (4):687-716.