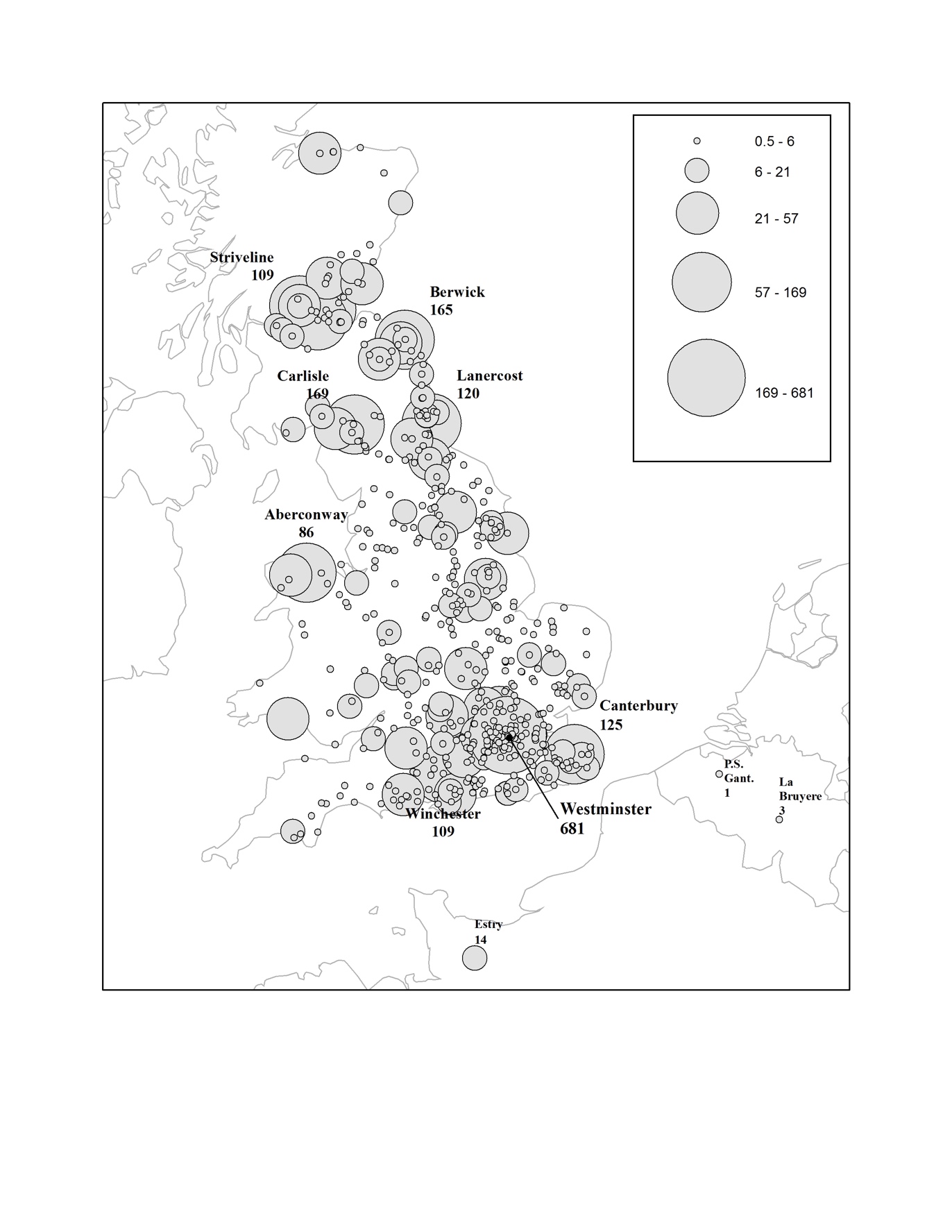
Part 1 The Origins of Representative Institutions

Figure : Locations visited by Edward I, between 1291 and 1307, weighted by cumulative days spent in each



Source: (Hartshorne 1871).

# Introduction

“Common pleas shall not follow our court, but shall be held in some fixed place.”

This was the seventeenth condition the barons imposed on the king of England in Magna Carta in 1215, after addressing inheritance, aids, and counsel. Until then, barons needing to have their property dispute or any case under royal jurisdiction heard, often had to search for the king all around the realm, wherever his itinerations took him: important cases concerning land in particular had to be judged by him, because all land in the kingdom was dispensed by him.

That was often a wild chase: even after Parliament was full fully formed, in the 1290s, Edward I visited over 1,300 English towns and some continental ones in a 16 year period, spending fewer than four days on average in each location (Figure 1).[[1]](#footnote-1) The famous image popularized by the economist Mancur Olson, of the “roving bandit” extorting from and terrorizing the population, was not wrong:[[2]](#footnote-2) ruler visits were dreaded for their destructions across European kingdoms, such as the accidental burn-downs of houses by English kings[[3]](#footnote-3) or the killing of working animals, to their owners’ outrage, by the lions following Edward I in his travels in Gascony.[[4]](#footnote-4) The ruler and his retinues (often numbering in the dozens or hundreds) forced local communities to subsidize these visits with foodstuffs and services. This practice, purveyance, was also a heavy burden: the Flemish count required 10,600 herrings over three weeks in the 1280s.[[5]](#footnote-5)

But these “visits” didn’t just involve banditry and they were not entirely lawless: Edward I was forced to pay compensation for the animals his lions killed.[[6]](#footnote-6) Most importantly, as the barons of Magna Carta remind us, these roving kings dispensed justice—eagerly, often desperately, sought justice. In this book, I argue that it is to this demand for justice that we owe the polity-wide institutions of representation, parliaments, as these emerged in the medieval period in Europe.

Justice remains a neglected variable in the social scientific accounts not only of representative emergence, but of state-building in general, into the modern period. It has been typically dismissed as a secondary public good provided to populations, one of many.[[7]](#footnote-7) Paradoxically, justice has strikingly emerged as a primary activity establishing rule in some of the most violent theaters of modern conflict as well: from the Islamic State in Syria to Colombian rebels, control of adjudication mechanisms is not only one of the first tasks appropriated by conquering groups, it increases the level of population control.[[8]](#footnote-8) Yet this fundamental insight, grasped by medieval kings as much as by violent modern warlords—that control of justice means control of people—has remained unexplored in social science, despite the fact that historians have been exploring it assiduously.

This neglect is not too surprising given that the long prehistory of representative institutions has enabled social scientists, with only a few exceptions, to take their presence for granted and to focus instead on the equally complex problems of their consolidation into constitutional regimes, transformation over time, and spread. The question of origins remains relatively overlooked in the general literature as well, despite calls drawing attention to its importance.[[9]](#footnote-9) Origins matter, however, because implicit assumptions about them invariably affect—and, I argue, distort—the causal arguments applied to other stages of institutional analysis, including in the modern period. This is not to say that an account of origins explains the present; looking at the past to discover elements of the present is an analytical fallacy dissected by the historian Marc Bloch, who called it “the idol of origins.”[[10]](#footnote-10) Instead, as will emerge from this account, conditions of origins are often inversely related to the outcomes of concern in the present. Failure to note this can lead to misguided causal narratives as applied to contemporary theories of institutional formation and representative practice.

The origins and preconditions or representative institutions remain in fact 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.[[11]](#footnote-11) With states and liberal orders failing to sustain their promise across geographical regions and levels of socio-economic development, prevailing assumptions are open to challenge. Further, since the work of Douglass North,[[12]](#footnote-12) representative institutions have loomed large in accounts of property rights and markets, aiming to explain both economic growth and the rise of democracy.[[13]](#footnote-13) Finally, representative practices are often seen as the major difference between the developmental trajectories of East and West.[[14]](#footnote-14) 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.[[15]](#footnote-15) 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.”[[16]](#footnote-16) 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.[[17]](#footnote-17) The paradigmatic case is England and the contractual equilibrium that dates to the Glorious Revolution in the seventeenth century.[[18]](#footnote-18)

Representative origins would thus depend on rulers becoming constrained through the collective action of social actors. But how can such collective action arise among individuals often divided by conflicts of interest? In one influential approach, only selective incentives or force can solve the collective action problem. Government emerged, according to 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.[[19]](#footnote-19) Although this approach refocuses the analysis on a crucial part of the dynamic, that of origins, it does not resolve Barry 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. As Haber, Maurer, and Razo have argued, “the despot’s commitment to protect property rights is purely volitional” and thus has no external constraint.[[20]](#footnote-20)

Perhaps the most intuitive explanations of this dilemma, as well as of the emergence of representative institutions, have been those predicated on a balancing logic, whereby rulers facing typically military pressures are constrained to concede rights to subject populations in exchange for taxation.[[21]](#footnote-21) This is often seen in conjunction with the economic growth experienced in Europe after the turn of the first millennium, which created new social groups armed with greater resources and thus greater bargaining power. This logic has also been deployed in the longstanding tradition of comparative historical sociology that integrates more complex factors in its explanations to account for broader phenomena, such as bureaucratic type. To the degree that they invoke the differential effects of military pressures on state fiscal needs to explain institutional outcomes, they also are predicated on a bargaining dynamic.[[22]](#footnote-22) Theories based on geopolitics and the impediments of distance likewise involve some form of bargaining between rulers and subjects.[[23]](#footnote-23) These will all be examined later on in this chapter in more detail.

However, the bargaining theory in general does not resolve the problem of collective action. Assuming that projected gains among social actors suffice to overcome conflicts of interest or tendencies to free-ride implies a functionalism that weakens the theory’s explanatory power. Theories that rely on a fiscal bargain between ruler and subjects cannot explain another crucial element of representative emergence: regularity. Institutions are, by definition, regular. But demands for taxation were not regular in the period of emergence; this will be shown with empirical evidence. Moreover, one would assume that the incentives for the subject populations would be to either free-ride or avoid making the impositions regular, if they had such bargaining power. One cannot deduce a regular institution from an irregular burden imposed from the top, especially if those subject had the capacity to resist.

An explanatory theory thus needs to explain why there would be bottom-up demand for the regularization of such exchange. This point will become even more salient once two important points are established. First, early wars cannot be assumed to have been “public goods.” It is precisely in England, where early wars were dynastic and expansive, not defensive as they were in France, that representative institutions were stronger. Second, the more the exchange was institutionalized, the *higher* the levels of extraction. In England, taxation per capita could be multiple the amounts raised in France. The economic historian Marc Dincecco has shown that in later periods, where data are more available, the effect of greater institutional centralization on revenue was large and systematic across cases.[[24]](#footnote-24) Here I show this advantage preceded the emergence of parliament. With war not a public good and extraction higher where it was institutionalized, the bargaining dynamic cannot explain regularization.

Many historians, by contrast, have explored the demand for law and justice, which are emphasized in my account.[[25]](#footnote-25) As will be seen, this is a major yet unexplored dimension of institutional emergence in social science.[[26]](#footnote-26) It allows us to explain many questions that the bargaining logic leaves unanswered. For one thing, since parliaments are legislative institutions, any comprehensive explanation would need to account for how its legal activities were instituted—an aspect not engaged with in social scientific works focusing on bargaining and military dynamics. Further, it explains how central representative institutions were territorially anchored in the localities, rather than being focused on one social group, typically in many explanations, urban capital holders. Finally, it provides the key to understanding the bottom-up demand for a regular institution, which was both inclusive across social groups and systematic.

However, historians too have ultimately integrated legal concerns in a broad bargaining dynamic, where ruler need is met through concessions to empowered social groups, in the form of rights. This is not surprising, as this dynamic is pervasive in the sources. Nonetheless, both bargaining and the demand for justice are universal components of political interaction across periods and regions, as I show in this account. Pressures of war and requests for adjudication were ubiquitous in the premodern world (as they are today), in polities as diverse as Russia and the Ottoman Empire. Economic historians have shown, moreover, that China also exhibited strong commercial growth before the eighteenth century.[[27]](#footnote-27)

Assemblies conveying local preferences to the political center is a phenomenon identified with the West, however.[[28]](#footnote-28) Moreover, although representative *practices* were pervasive at different levels throughout Europe, from the village to the town to the county or principality level, representative *institutions at the polity-level* that served as organs of governance across social orders and over all territory were rare. Only a few cases, with England as most exemplary, but Catalonia, Hungary, and Poland as additional ones to varying degrees, achieved such supra-local organization and thus an institutional frame that included all social groups, even though with varying levels of representation. As this is the rarest type of political form, but also the one that is more relevant to modern state- and institution-building, it is the latter case that is more challenging to answer.

## The Theory

To explain these enduring puzzles, I present a theory that questions 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,[[29]](#footnote-29) is not acknowledged in the neo-institutionalist approach. Coercion and institutions enable collective action across many contexts. The question is where they produce representation. To explain this, we need to account for three main dynamics. First, how did social actors solve the collective action problem to succeed in imposing constraints on ruler authority? Second, what other incentives intervened so that an irregular demand for taxes generated a regular institution? And third, how did this bargaining, which could only take place with a small segment of the population that controlled economic resources end up including broader segments of the population as well; in other words, what enabled the territorial anchoring of the representative regime throughout the polity, rather than some social or geographical sub-section of it?

The development of national representative bodies depended on the power rather than the weakness of the ruler (Figure 1). This power typically turned on the ruler’s capacity to enforce the conditional nature of property rights to land. These matter because they enabled rulers to force the nobility/magnates to attend court, something nobles would not otherwise regularly do, preferring to shirk. Throughout the premodern period, nobles usually held land from the ruler conditionally on the performance of key obligations; variation existed in ruler capacity to enforce those conditions. Nobles were collectively liable for service, to contribute troops and to provide counsel and financial aid to the ruler. They thus also had incentives to attend the institution where these obligations were adjudicated. Ruler near-monopoly over important matters of justice thus made attendance at his court an obligation before it became a right—just as jury duty continues to this day. Only the nobility, however, had the capacity, once collectively organized, to sustain the institution. Where it was not systematically obligated to attend, national representative bodies were weak or eclipsed. To explain the emergence of representative *institutions* therefore, noble compellence is the key. [[30]](#footnote-30)

The dynamic generating institutions, however, was not the same as the one generating representative *practice.* For this, broader segments of the population had to be engaged. Once again, noble compellence was key. Without jurisdiction over the nobility, rulers were deprived of access to the populations under those nobles. When jurisdiction was secured, however, rulers could draw in representatives from across society, both rural and urban. No system can sustain itself on compulsion alone, however. These representatives, in turn, would have little incentive to support a central institution that only extracted from them, without also meeting some constant and systematic demand. This demand was for justice, the regular administration of conflict adjudication. This was an unremitting bottom-up expectation, expressed through petitions, in addition to routine appeals to local courts. Daily conflict adjudication was a need that emerged spontaneously and affected all social groups. But the capacity of the ruler to monopolize at least key parts of such adjudication and force subjects to accept his jurisdiction was a variable that depended on his broader powers. In England, Hungary, and Catalonia, this was strong; in France and Castile, it was weaker and confined to mostly urban groups.

Petitions, however, were a fairly universal medium of grievance expression, found in societies historically and geographically far removed, from antiquity to the modern period, from Western Europe to the far East.[[31]](#footnote-31) They were not specific to the West; national representative bodies however were. Rather than attributing this variation to the pressures of warfare, to economic growth, or to a language of rights, as existing theories do, this account focuses on the differential capacity of rulers to enforce judicial and other service at the supra-local level. This enabled petitions, widely observed even in such “absolutist” cases as pre-modern Russia and the Ottoman Empire, to represent broader collectivities and thus to produce broad-based legislation, rather than individual, localized concession or privilege. The capacity of the ruler to sustain this edifice was fundamental for the survival of the institution and its trajectory varied in tandem with this capacity.

Figure : Main Structure of Argument



### Power over the most Powerful: No Compellence of Elites, Νο Central Representative Institutions

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 that the ruler be powerful enough to compel *the most powerful* social actors to obey him, whether in service or fiscal contributions.[[32]](#footnote-32) 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. In many ways, the English employed a mechanism similar to that which undergirded ancient Greek democracy: liturgies, which were obligatory contributions by the wealthy.[[33]](#footnote-33) This capacity ensured that nobles were regular attendees at the crown’s court, sessions of which eventually coagulated into Parliament.

How can this argument about royal strength be reconciled with the widespread assumptions of a weak English state, one unburdened by heavy geopolitical pressures and thus able to preserve its constitutional practices?[[34]](#footnote-34) That English rulers had an extractive capacity that was able to consistently increase in the face of warfare since the medieval period was compellingly shown the sociologist Michael Mann.[[35]](#footnote-35) The historian John Brewer challenged the weak state notion for the period after 1688, but also noted that the kingdom was highly centralized from the medieval period.[[36]](#footnote-36) Bellicist accounts in particular tend to see the growth of the state as responding to the increasing military pressures after the fourteenth century.[[37]](#footnote-37) However, royal capacity preceded the expansion of war. 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.[[38]](#footnote-38) 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.

If so, why would such a powerful ruler acquiesce to an institution that would eventually constrain him? Could future limits to his power not be foreseen? At some level, the exchange does indicate relative weakness on the part of the crown—this becomes very apparent in historical accounts, which are replete with instances of even English kings straining to raise resources. Henry III was denied taxation ten times, Edward I probably twice, and Edward II three times.[[39]](#footnote-39) Rulers who were completely autonomous did not need to summon their subjects. Silver mines of Thuringia and Meissen allowed princes not to appeal to their subjects until the fourteenth century, as did the grain revenues for the Teutonic Order in Russia.[[40]](#footnote-40) But such instances were very rare.

The distinction, rather, is more specific. First, the question is, given a *relative* lack of autonomy for the ruler, under what conditions do stronger institutions emerge? The conventional wisdom assumes that the greater the ruler weakness, the more constitutional the outcomes. As Parliament consolidated under Edward I, denials of taxation decreased whilst the yield rose to high levels. The dynamic, thus, was the opposite. Second, the question assumes that when the ruler accepts institutional restraints, these translate into fiscal restraints as well. But again, outcomes contradict this expectation: the more institutionalized the exchange, the greater the revenue of the ruler. As mentioned, 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.[[41]](#footnote-41)

Where did this power of the ruler, especially over the most powerful lords, originate? The ruler controlled the land and its distribution, whether concentrated or dispersed, and the type of property rights granted, whether conditional on fulfilling obligations to the crown or not. This was the case across the premodern world, as will be discussed extensively below. Variation existed at the level of type of property rights and of enforcement. The more conditional the rights of those holding land from the crown (the “tenants”), i.e. the more obligations towards the crown were tied to retaining those rights, the greater the de jure power of the ruler. In this sense, this account runs contrary to perspectives that assume “political assemblies were composed of individuals and corporate bodies with independent administrative capacity.”[[42]](#footnote-42) Not only was this independence only an outcome of a long-drawn process, rather than a causal condition, but as we will see, the more this was the case in the period of origins, the more representative institutions were weakened over time.

Of course, the ruler’s de facto powers of enforcement varied substantially across cases, but those rulers with greater control of land also generated more robust institutional structures. The origin of these de facto powers has to be taken as exogenous in this account; it is a highly complicated and not systematically treated topic in itself.[[43]](#footnote-43) As different parts of the book will show, the variation in this capacity was not the result of some random distribution of power but also not endogenous to parliament. Ιn England, it was built over two centuries after the Norman Conquest, it preceded the emergence of Parliament, and it was co-extensive with the growth of royal jurisdiction.

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 or borrowed from the ruler: representative assemblies were the forum that ensured repayment. These ties generated incentives to attend centralized institutions. The analysis compares patterns of noble attendance at the English and French institutions to establish the English advantage. Only powerful actors had the capacity to effectively restrain the ruler and eventually turn those institutions into fora of constitutional constraint—although this had to wait for the seventeenth century; without the powerholders, representative institutions did not consolidate as organs of central governance. No elite taxation, no encompassing representation.

Accordingly, extractive capacity varied over time. It was *weakest*, however, not highest, in the period when the English crown tended to absolutism, the late sixteenth and the early seventeenth centuries. “Absolutism” in fact 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, in two ways. First, the literature assumes that representation was originally a *right* wrested from reluctant rulers; instead, it was an *obligation* imposed by rulers, just as jury duty is to the present day—a commonplace in older historical literature, but neglected in social scientific works.[[44]](#footnote-44) Second, 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. These factors help us understand the regularization of the institution.

### No Coercion of Elites, No Regular Representative Institutions: The Effects of Functional Fusion and Institutional Layering

Explaining the regularity of representative institutions thus does not follow from the bargaining logic. A regular institution would make extraction recurrent. But medieval kings had to routinely promise *not* to levy a tax again, because subjects feared precisely that it would become a precedent. Instead, to understand this dynamic, a basic fact about early parliaments has to be emphasized: they were also courts of law, especially on land issues. Dispute adjudication did have an unrelenting regularity. 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.[[45]](#footnote-45)

Parliaments were, moreover, courts of the highest authority given the presence of the ruler and his role as adjudicator. As noted, this was far from a European or premodern particularity: warlords in contemporary conflicts make it a central preoccupation too.[[46]](#footnote-46) Disputes, conflict, and crime were and are daily features of society, whereas taxation only gradually becomes regularized, as will be seen from evidence across cases. Representative institutions emerge as central organs of governance only when the irregular pressures of taxation were made to overlap institutionally with regular judicial incentives.[[47]](#footnote-47) When the same institution where regular judicial business was held could also be used to request taxation, then the court was endowed with political functions and transformed into a parliament. This overlap was the key mechanism inducing institutional regularity, by tying bottom-up needs with top-down supply. And in England it occurred in Parliament. In France, this fusion did not occur and the central representative institution, the Estates-General, never became regular—the judicial *Parlement*, however, did.

This dynamic can be expressed through the concepts of institutional layering and functional fusion: institutions emerge and consolidate because they fuse different functions creating a lock-in. This is not a historically unique instance; the European Union today is expanding juridically through a similar process.[[48]](#footnote-48) In the English case, the problem was that some functions (fiscal ones) did not generate incentives for the bottom-up support necessary for institutional consolidation. Under certain conditions, however, they can fuse with other institutional functions (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. Royal court service was not only military or political; it also included important judicial functions, such as hearing petitions or local service.

### Power over the most Powerful: Jurisdictional Integration and Territorial Anchoring

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.[[49]](#footnote-49) 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, the duchy of Muscovy, and throughout the Holy Roman Empire. This means that 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*, at what today would be called the “national” level, though retrojection of the term is problematic. This involved integrating extensive territories and diverse populations in a manner that was both inclusive and effective under a stable center. England, Catalonia, Hungary, and Poland are key cases displaying such integration, at varying levels as we will see.

The literature on the rise of representative institutions generally includes all these disparate assemblies as instances of the same phenomenon.[[50]](#footnote-50) 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 8. 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 will be shown, 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.[[51]](#footnote-51) 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.[[52]](#footnote-52) 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.[[53]](#footnote-53)

Compelling the wealthy was key to incorporate broader segments of the population. This was a prerequisite for representative institutions to operate as central organs of governance. When the upper social levels were included, social hierarchies tied the remainder of the population to them, thus giving decisions taken at the center a binding character. Needing allies, the nobles eventually themselves included social groups dependent upon them through tenurial relations as well.[[54]](#footnote-54) This is the critical component of the story, which is lacking in existing accounts of bargaining over taxes between rulers and, typically, 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. The nobility and its large, immune jurisdictions were beyond the reach of the crown. The result was absolutism, even though, as will be discussed in chapter 5, this term should not be understood as fully descriptive of realities on the ground. Consequently, contrary to most accounts, the step of including broader social groups is temporally and causally secondary; elite compellence comes first. The maxim is: no coercion of elites, no polity-wide representative institutions. And ruler power is key.

Jurisdiction mattered because it provided the ruler with a ready infrastructure on which to draw when fiscal and other political needs arose. The same institution that was used for court procedures, the local assembly, was used to select representatives for parliament. The more firmly this structure was under royal control, the easier it was to mobilize it on a *systematic* basis across the polity to serve royal needs, whether to contribute to taxation or to perform service. In fact, contrary again to common assumptions, the English crown was able to mobilize striking numbers of subjects on a regular basis to perform tasks that were entrusted to paid officials in France. I establish this point with some original metrics comparing service and officials in the two cases, showing the remarkable advantage of the English crown and the misleading assumptions about a “weak” state. At the same time, however, such compliance could not be sustained over time if royal institutions did not meet the fundamental, bottom-up need of subject populations for justice, mediated either through petitions or regular court cases.

The conditionality of land holding that undergirded these patterns was not unique to Western Europe, however. It was a characteristic of premodern polities in both East and West, though in the former case it has been treated as an aspect of the absence of property rights. Later chapters on the Ottoman Empire and Russia will challenge this assumption, but the issue here is that the conscription to judicial service is equally widespread across disparate polities. What varied was the capacity of the ruler to enforce a common law, faced with local custom. Russian and Ottoman scholarship provide ample evidence of this. Petitions, especially, were ubiquitous in these societies.

Instead, one key reason the West differed is because demands for justice were eventually collectively organized, thus integrating broader concerns that transformed local grievances into political demands through legislation. Subjects coordinated to present common petitions that aggregated concerns at the supra-ocal level. This is, after all, how the bill of legislation, the quintessence of parliament as understood today, 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. When it occurred, this uniform frame undergirded the limited experiments with assembly practice observed in Russia. 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.[[55]](#footnote-55) 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.[[56]](#footnote-56) 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 in a way that defined the regime over time, 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 courts in sustaining central 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.

My argument thus revives the Tocquevillian idea that associates absolutism with weakness and constitutionalism with state strength.[[57]](#footnote-57) 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:[[58]](#footnote-58) the institutional capability of the state to exercise control and implement policy choices across its territory. However, I move 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.[[59]](#footnote-59)

## The Theoretical Landscape: Alternative Theories

Most social scientific accounts of the origins of representative institutions stem from nineteenth century classics of liberal history.[[60]](#footnote-60) 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.[[61]](#footnote-61) 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.[[62]](#footnote-62) 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.[[63]](#footnote-63)

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 for the period of origins.

Economic approaches vary, but most share the premise that the commercial revolution of the eleventh century ushered in a systemic transformation.[[64]](#footnote-64) 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.[[65]](#footnote-65) 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 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.[[66]](#footnote-66)

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.[[67]](#footnote-67) 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.”[[68]](#footnote-68)

War and economic change were integrated by the sociologist 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.[[69]](#footnote-69) The theme of constitutionalism resulting from balanced central authority is critical to this logic as well.[[70]](#footnote-70)

Another type of geopolitical explanation focuses on the transaction costs produced by distance and geographic scale.[[71]](#footnote-71) The argument is confirmed by political scientist David Stasavage, in his cross-country study that encompasses both territorial states and city-republics across Europe, over a time span of five hundred years, starting at 1250.[[72]](#footnote-72) The core intuition is 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.[[73]](#footnote-73) This has long been a core concern for republican theory.[[74]](#footnote-74) 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 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 chapters 7, 8, and 9.[[75]](#footnote-75) Conjunctural institutional explanations avoid this problem better.[[76]](#footnote-76)

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.[[77]](#footnote-77) 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 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. France may have been larger than England, but nothing logically prevented the French crown from establishing control over a similar area in the North of France. Yet, it had trouble compelling even the count of Flanders. Similarly, even the smallest units, city-republics, failed to retain representative government over time or to extend beyond their periphery.[[78]](#footnote-78) 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.[[79]](#footnote-79) 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.[[80]](#footnote-80) 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.[[81]](#footnote-81) Assumptions about a balance between contending forces—what I have identified as the residue of seventeenth century historiography—are causally central in the accounts.[[82]](#footnote-82) 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 disparate factors.

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.

### 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 (which is not the same as omnipotence, however). 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 where) 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.[[83]](#footnote-83) 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:[[84]](#footnote-84) 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.”[[85]](#footnote-85) 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.[[86]](#footnote-86)

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.[[87]](#footnote-87) Yet, historical and sociological literature has shown that such regimes typically had weak state capacity.[[88]](#footnote-88) 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, could more easily target those who are individually weak, even if numerous: lacking collective organization, they remain isolated. As a result, such violence or coercion was more visible, by having broader impact. Consequently, such practices are misinterpreted as signs of “strength”[[89]](#footnote-89)—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.[[90]](#footnote-90) 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. This is important because what distinguishes England from continental absolutist regimes like France and Castile is not that the latter lacked *any* representative institutions. Both countries, as we will see, had rich histories of local assemblies, many of which survived into the modern era. They were, however, geographically delimited, so they did not define the nature of the regime as a whole. Just as contemporary authoritarian or totalitarian regimes display domestic institutional enclaves of varying strengths, premodern absolutism was typically marked by localized institutional strongholds.[[91]](#footnote-91)

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,[[92]](#footnote-92) and partly because they were efficient in organizing the military defense of the borders.[[93]](#footnote-93)

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.[[94]](#footnote-94) Although the latter cases are typically seen as examples of centralization, their structure was far more fragmented and centrifugal. And although England is typically seen as a case where consent ruled, this is only the optical effect that emerges after the negotiation of consent is centralized at a focal point, Parliament, whereas in other cases consent is exercised in an infinite number of local contestations.

### 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.[[95]](#footnote-95) It thus runs counter to assumptions about the centrality of individual rights as the distinguishing feature of the West.[[96]](#footnote-96) 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 was formalized throughout Europe through the Roman legal form of plenipotentiary powers, the powers given to legal agents to act in court on behalf of litigants, although as we will see court duty in England operated on similar principles. The purpose of transposing this legal form to political practice, as I more fully explain in chapter 4, 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 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 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.[[97]](#footnote-97) 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, which then allowed rights to become institutionalized.

### 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.[[98]](#footnote-98) 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.[[99]](#footnote-99)

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 central 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. 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. Historians P. K. O’Brien and Philip Hoffman provocatively showed long ago that limited states achieved higher extraction since the fifteenth century.[[100]](#footnote-100) As mentioned, Dincecco has equally strikingly shown the same in a systematic study of the post-1660 period through panel data on eleven European countries. The causal effects of a centralized but “limited” government, such as England’s or the Netherlands, were striking: a 59-65% increase in per capita taxation compared to less constitutional regimes.[[101]](#footnote-101) By contrast, in France, fiscal revenue was relatively less.[[102]](#footnote-102)

Through a new dataset, I extend these findings back into the Middle Ages, showing that higher extraction actually preceded parliaments themselves.[[103]](#footnote-103) 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.[[104]](#footnote-104) And economic historians have shown it more systematically for after 1450.[[105]](#footnote-105) 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 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.”[[106]](#footnote-106) This stems originally from the public choice assumption of a predatory state that requires limits through societal opposition.[[107]](#footnote-107) Yet the 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 distinction 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.”[[108]](#footnote-108) 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.

## 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 eminent historians. This analysis, moreover, aims not to develop a full causal model, but only to specify some necessary conditions for the outcome, representative institutions as central organs of governance. An argument from necessity allows the omission of factors that were historically crucial but causally peripheral to the specific question at hand (for instance, the Church is not treated separately here, but as another landowner). As James Mahoney points out, analysis of necessary conditions is “important when evaluating certain outcomes of exceptional interest.”[[109]](#footnote-109) 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 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.[[110]](#footnote-110) 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.[[111]](#footnote-111)

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.[[112]](#footnote-112) 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.”[[113]](#footnote-113) 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.[[114]](#footnote-114) French and Spanish kings generally had weak powers and enforced conditionality poorly or not at all, as historians have long documented[[115]](#footnote-115)—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.[[116]](#footnote-116) 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 indicators 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. It is of course not possible to clearly separate what is cause and what effect here, as many of the effects reinforce the cause (judicial centralization increases royal power), but some capacity must be already present.

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.[[117]](#footnote-117) 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 constitutional 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 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.[[118]](#footnote-118) 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.

Part Three explains the emergence of representative *practice.* It does so by challenging the bargaining theory of representation and focusing instead on the obligatory nature of representation. Compellence of the nobility is once again key, but through different mechanisms: without the effective control of land, rulers would not have been able to systematically summon their subjects on a regular basis to the center; without the centralization of adjudication, subjects would not have incentives to seek to attend the center. Since taxation was too irregular to elicit 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.

This section also addresses the impact of taxation on representative practice. Although the focus is typically on urban and mercantile groups, I show how taxation of the most powerful social actors in England and other fiscal ties with the crown (loans and debt) were a key mechanism in ensuring that the institution of Parliament became entrenched. I use original data at the aggregate level, backed up by individual profiles, and also revisit a classic case of the bargaining story, Magna Carta, to support these claims. An analysis of the French Estates-General and the Castilian *Cortes* shows that the key pathology there, by contrast, was the eventual eclipse of the nobility as a tax-paying actor. In France, the trajectory of the national representative institution, the Estates-General, followed the taxation patterns of the nobility—coming to an end when taxation ended. In Castile, royal weakness left the nobility with large immunities, whilst the burden fell on towns and poorer subjects. Polity-level institutions thus suffered. The taxation of elites also had predictable consequences on levels of extraction. Through a comparison of revenues and military extraction of England and France I show the remarkable advantage of the former, often raising three to four times per capita more—a capacity that preceded the emergence of Parliament and thus cannot be seen to flow from it.

Part Four deals with the political economy of representation. 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. 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.

The major challenge to my thesis about the necessity of a strong ruler comes from republican and commercial city-states. I thus examine Flemish and Italian cities, as well as Catalonia. Probing their history early enough uncovers a precedent of strong central rule that enabled the more “republican” practices to emerge. Critically, without a strong executive, the representativeness of the regimes weakened or disappeared, as they drifted into princely rule or became increasingly oligarchic.

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. Conditional land control matched with reduced ruler capacity and no principle of polity-wide representation is observed in the Ottoman Empire. Chapter 10 offers 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, mitigated against this institutional path, even though the principle of representation was applied to non-Muslim communities.

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. Τhe 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.

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9. Knight (1995), Pierson (2000), Thelen (2003), Waldner (2003), Capoccia and Ziblatt (2010), Knight (1995). [↑](#footnote-ref-9)
10. Bloch (1953). [↑](#footnote-ref-10)
11. Mann (1986), Fukuyama (2011), Congleton (2011), North*, et al.* (2009), Ertman (1997). [↑](#footnote-ref-11)
12. North (1981), North and Weingast (1989). [↑](#footnote-ref-12)
13. Stasavage (2003), Stasavage (2011). [↑](#footnote-ref-13)
14. Hall (1985), Blaydes and Chaney (2013), van Zanden*, et al.* (2012), Hariri (2012). Cf. Parthasarathi (2011), Kuran (2011), Woodberry (2012). [↑](#footnote-ref-14)
15. Moe (2005), Besley and Persson (2011). [↑](#footnote-ref-15)
16. Weingast (1995, 1). [↑](#footnote-ref-16)
17. Gehlbach and Malesky (2014), MacIntyre (2003). [↑](#footnote-ref-17)
18. North and Weingast (1989). [↑](#footnote-ref-18)
19. Olson (2000). [↑](#footnote-ref-19)
20. Haber*, et al.* (2003, 3). [↑](#footnote-ref-20)
21. van Zanden*, et al.* (2012, 12), Bates and Lien (1985), Levi (1988), Blockmans (1978). Olson aimed to dispose of this perspective; Olson (2000, 46-7), Moe (2005, 25).. [↑](#footnote-ref-21)
22. Downing (1992), Ertman (1997). [↑](#footnote-ref-22)
23. Stasavage (2010), Boix (2015). [↑](#footnote-ref-23)
24. Dincecco (2009), Dincecco (2011). [↑](#footnote-ref-24)
25. They follow the profoundly influential work of Frederic Maitland (1893) at the turn of the twentieth century and Joseph Strayer (1970). It engendered strong historical debate, after some conservative historians argued that “the essence” of parliament was its judicial function and that the political function was overrated by anachronistic accounts with a Whiggish inclination; Richardson and Sayles (1981). After a long hiatus in historical interest in parliaments, the “magisterial” account of John Maddicott (2010) has finally integrated the judicial with the fiscal perspectives. The argument here also aims to integrate the two approaches. It emphasizes the judicial part to redress its neglect in social science. Within history, even scholars deeply critical of the Richardson and Sayles approach concede the importance of justice. I examine this historiographical debate in Boucoyannis (2015). [↑](#footnote-ref-25)
26. A major but rare exception is the work of political scientist Francis Fukuyama (2011), which draws on a wide historical literature and especially law. [↑](#footnote-ref-26)
27. Pomeranz (2000), Rosenthal and Wong (2011). [↑](#footnote-ref-27)
28. Marongiu (1968). [↑](#footnote-ref-28)
29. Bates (2014). [↑](#footnote-ref-29)
30. The term ‘compellence’ was coined as a noun for the verb ‘to compel’ in deterrence theory; Schelling (1966, 72). I use the term loosely to denote a process predicated on coercion, implicit or explicit, stemming from above. “Quasi-voluntary compliance,” from Levi (1988, 52-3), captures a part of the process, but compellence emphasizes the coercive aspect and focuses on the ruler, not the subject. [↑](#footnote-ref-30)
31. Millar (1992, 203-73), Kelly (2011), Kümin and Würgler (1997), Zaret (2000), Heerma van Voss (2001), Bailey (1979), Hung (2011), Keirstead (1990), Schneider (2006), Koo (2007), Krotoszynski (2012), Staden and Esper (1967), Vesey (2001), Hirst (2006), Ben-Bassat (2013), Haboush (2009), Dimitrov (2013), Heurlin (2016), Takeuchi (2014). [↑](#footnote-ref-31)
32. Maddicott (2010, 424) objects that the nobility’s subjection to taxes cannot be ascribed only to royal power, but the alternatives offered drive back to this factor as well: early imposition of direct taxes as well as the development of corporate consent are predicated on strong ruler powers. [↑](#footnote-ref-32)
33. Garnett (2013). [↑](#footnote-ref-33)
34. This line, drawing on the German historian Otto Hintze, is explored in more depth in the next section. [↑](#footnote-ref-34)
35. 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. [↑](#footnote-ref-35)
36. Brewer (1989, 3-24). [↑](#footnote-ref-36)
37. Tilly (1990), Downing (1992). [↑](#footnote-ref-37)
38. The data extend from the late 1100s into the 1700s, with comparative numbers on France. [↑](#footnote-ref-38)
39. Maddicott (2010, 424). [↑](#footnote-ref-39)
40. Blockmans (1998, 35). [↑](#footnote-ref-40)
41. Dincecco (2011). [↑](#footnote-ref-41)
42. Greif (2008, 31). [↑](#footnote-ref-42)
43. Michael Mann (1986) has offered a classic treatment of the topic, but works at a much more macro level than that of individual rulers. [↑](#footnote-ref-43)
44. Post (1943), Brown (1970). Political theorists, of course, were well aware of this; Pitkin (1967). I explore the historiography of the English Parliament and the evolving assessment of its judicial functions, which were considered conservative, in Boucoyannis (2015). [↑](#footnote-ref-44)
45. Smith ([1776] 1981, V.i.b.2). [↑](#footnote-ref-45)
46. See the fascinating work of Arjona (2016). It should not be assumed, however, that the regularity was in the justice *supplied*, as this was initially non-routine justice, especially in the English case. [↑](#footnote-ref-46)
47. 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 is closer, but cumbersome. [↑](#footnote-ref-47)
48. Kelemen (2016). [↑](#footnote-ref-48)
49. Marongiu (1968), McIlwain (1932, 682). [↑](#footnote-ref-49)
50. van Zanden*, et al.* (2012), Stasavage (2010). [↑](#footnote-ref-50)
51. Spruyt (1994) and Tilly (1990) have influentially challenged teleological treatments of the rise of the state. [↑](#footnote-ref-51)
52. Post (1943), Edwards (1934). [↑](#footnote-ref-52)
53. Stasavage (2010). [↑](#footnote-ref-53)
54. Maitland (1908). [↑](#footnote-ref-54)
55. Weber (1978, 1022-25). [↑](#footnote-ref-55)
56. Holdsworth (1922, 11-12). Counties are also called shires. [↑](#footnote-ref-56)
57. Tocqueville (1856), Hall (1994, xii-xiii). [↑](#footnote-ref-57)
58. Mann (1984), Mann (2008). [↑](#footnote-ref-58)
59. Hall (1994, xiii) articulates the implications of this neglected insight to twentieth century collapse of totalitarian regimes. [↑](#footnote-ref-59)
60. The bibliography is of course extensive; but these are major statements: Guizot (1851), Thierry (1853), Stubbs (1896). [↑](#footnote-ref-60)
61. For a recent interpretation, see Pincus (2009). Occasionally, 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). [↑](#footnote-ref-61)
62. Brenner (1993). [↑](#footnote-ref-62)
63. North (1990), DeLong (2000). [↑](#footnote-ref-63)
64. Pirenne (1951), Lopez (1971), Duby (1974), Pounds (1974). [↑](#footnote-ref-64)
65. Bates and Lien (1985), Levi (1988), Acemoglu*, et al.* (2005). [↑](#footnote-ref-65)
66. North (1990), North and Weingast (1989), Blockmans (1978, 192), Olson (1993, 574), Fukuyama (2011, 424-5), Moore (1967), Bates (2010, 52). [↑](#footnote-ref-66)
67. Hintze (1941), (1975b), (1975a), ([1931] 1975). 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). [↑](#footnote-ref-67)
68. Hintze (1975b, 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 (1941), (1975b), (1975a). [↑](#footnote-ref-68)
69. 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). [↑](#footnote-ref-69)
70. Bates (2010). [↑](#footnote-ref-70)
71. Fawtier (1953), Guenée (1968), Blockmans (1978), (1998). [↑](#footnote-ref-71)
72. Stasavage (2010), (2011). [↑](#footnote-ref-72)
73. Stasavage (2010, 628). [↑](#footnote-ref-73)
74. Madison*, et al.* (1987), Dahl and Tufte (1973). [↑](#footnote-ref-74)
75. Epstein (2000) [↑](#footnote-ref-75)
76. Downing (1992), Ertman (1997). [↑](#footnote-ref-76)
77. 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. [↑](#footnote-ref-77)
78. Stasavage (2014). [↑](#footnote-ref-78)
79. Tilly (1990), Downing (1992), Ertman (1997). [↑](#footnote-ref-79)
80. Downing (1992), Ertman (1997). [↑](#footnote-ref-80)
81. Ertman relies on Hintze’s distiction between bicameral and tricurial assemblies, which I show in the next chapter is endogenous to the distribution of power, as analyzed here. [↑](#footnote-ref-81)
82. 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). [↑](#footnote-ref-82)
83. As I show in chapter 9, English extractive capacity was lowest during the Stuarts, contrary to common perceptions. [↑](#footnote-ref-83)
84. Scott (1998), North (1990, 113-4). See the fresh and dissenting view in Treisman (2007). A classic study is Riker (1964). [↑](#footnote-ref-84)
85. Ertman (1997), Downing (1992). [↑](#footnote-ref-85)
86. Blockmans (1978, 192), Hechter and Brustein (1980), Hopcroft (1999), Zolberg (1980, 689), Ertman (1997), Downing (1992, 19-22), Hui (2005). [↑](#footnote-ref-86)
87. \* [↑](#footnote-ref-87)
88. Mettam (1977), Major and Holt (1991). [↑](#footnote-ref-88)
89. 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). [↑](#footnote-ref-89)
90. Lukes (2004, \*). [↑](#footnote-ref-90)
91. Levitsky and Way (2002). [↑](#footnote-ref-91)
92. 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). [↑](#footnote-ref-92)
93. Blaufarb (2010). [↑](#footnote-ref-93)
94. (Runciman 1993, 51; Ertman 1997, 19). Grafe (2012) makes this powerful argument for Spain. [↑](#footnote-ref-94)
95. 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). [↑](#footnote-ref-95)
96. Macfarlane (1978) is the boldest statement of this view. [↑](#footnote-ref-96)
97. \* [↑](#footnote-ref-97)
98. Hacker and Pierson 2010; Gilens 2012; Piketty 2014. [↑](#footnote-ref-98)
99. Smith ([1776] 1981, V.i.b.2), Boix (2015). [↑](#footnote-ref-99)
100. O'Brien and Hunt (1993), Hoffman and Norberg (1994). [↑](#footnote-ref-100)
101. 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, but it is less so for the premodern period; Timmons (2010), Cheibub (1998), Persson and Tabellini (2004), Lott and Kenny (1999). [↑](#footnote-ref-101)
102. Rosenthal (1998, 72-3). [↑](#footnote-ref-102)
103. Strayer (1970). [↑](#footnote-ref-103)
104. Strayer (1970, 52). [↑](#footnote-ref-104)
105. Hoffman and Norberg (1994). [↑](#footnote-ref-105)
106. Acemoglu and Robinson (2005), Acemoglu and Robinson (2012), Boix (2015). [↑](#footnote-ref-106)
107. Levi (1988). [↑](#footnote-ref-107)
108. Weingast (1995, 1). [↑](#footnote-ref-108)
109. Mahoney (2000, 397). [↑](#footnote-ref-109)
110. Dion has shown this, using a simple Bayesian model of inference; Dion (1998, 135), Mahoney (2000, 395-6). See also Goertz (2003, 54-5). [↑](#footnote-ref-110)
111. Gerring (2007, 120-121). [↑](#footnote-ref-111)
112. George and Bennett (2005, 181-204). [↑](#footnote-ref-112)
113. 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. [↑](#footnote-ref-113)
114. Seawright (2002, 185), Braumoeller and Goertz (2000). [↑](#footnote-ref-114)
115. 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). [↑](#footnote-ref-115)
116. Hendrix (2010), Besley and Persson (2009). [↑](#footnote-ref-116)
117. Seawright (2002). [↑](#footnote-ref-117)
118. 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.\* [↑](#footnote-ref-118)