

Democracy after Civil War: A Kantian Paradox*

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Abstract

I present a theory of post-civil war democratization, and discuss its connection with classical political theory, contemporary democratic theory, and the state-building literature. I conceptualize democracy after civil war as a Hobbesian contract of governance between warring factions, arbitrated and enforced by the citizens. The theory stands as a solution to the old Kantian paradox of a republican constitution framed by a “multitude of rational beings” with “evil sentiments”. The theory also echoes crucial aspects of Machiavellian republicanism inspired by popular rule in Rome, where the plebes were the ultimate arbitrator of the competition for political power among the nobles.

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There is a newly emerging consensus among political scientists that there is no single path to democracy. Democracy can be a by-product of modernization (Lipset, 1956). It can be the result of the emergence of the bourgeoisie (Moore 1966), or an organized working class (Rueschemeyer et al. (1992)). However, the least studied and seemingly most unlikely source of democratization is total anarchy and large-scale civil war. Indeed, vicious African and Central American warlords who obviously have no normative commitment to democratic ideals have created democracies. Democracy came about in an environment in which there is no political culture of tolerance, the state has completely collapsed, civil society is weak, and political actors profoundly distrust each other.

The claim that warlord politics can, in fact, generate democracy is backed by hard empirical evidence. Using measures of democracy provided by Jagers and Gurr (1998), and civil war data from Licklider (1998), I find that nearly 40% of all civil wars that took place from 1945 to 1993 resulted in an improvement in the level of democracy.¹ This is quite remarkable because the logic of cold war politics led the United States and other Western democracies to support several dictatorial regimes around the world. Civil wars gave birth to democracies in Mozambique, El Salvador, Liberia, Guatemala, and Nicaragua, among others. The most spectacular improvements were experienced in Mozambique and El Salvador (14 points on the Polity 98 scale.)

Warlord democratization is particularly puzzling because it occurs in a context where most political theorists not only predict but also recommend dictatorships.²

¹See also Wantchekon and Nickerson (1999). They measure the change in democracy from just before the conflict began to five years after the cessation of conflict. Following the standard procedure in International Relations, they subtract the Polity 98 autocracy score (-10 to 0) from the democracy score (0 to +10) and creates a democracy rating ranging from 0 to 20. They find that the most spectacular changes took place in Mozambique and El Salvador (14 points each), followed by Nicaragua (11 points), then Malaysia (10 points).

²Throughout the paper, I use the terms post-civil war democracy and warlord democracy interchangeably.

For instance, writing against the backdrop of English civil wars, Hobbes ([1968], 1985) contends that individuals should surrender their political rights to an all-powerful sovereign to prevent social chaos or violence of all against all. Schumpeter (1942) argues that his minimalist or procedural conception of democracy would emerge only where there is political tolerance and a strong state. Huntington (1968) considers any form of liberal democracy simply unattainable in the absence of political order. In his study of the historical experience of the emergence of European states, Tilly (1990) suggests that warlords can create a state. But he is quick to add that the European experience in state creation is not replicable in post WWII developing countries. In addition, there is no evidence in Tilly's works to suggest that European warlords have ever created democratic states. Nevertheless, this emergence of democratic regimes from chaotic situations sounds like the confirmation of an old Kantian intuition. In his essay "Perpetual Peace" published in 1795, Immanuel Kant contends that

the problem of the formation of the (republican) state, hard as it may sound, is not insoluble even for a race of devils, granted that they have intelligence.

He then lays out the following theoretical puzzle:

Given a multitude of rational beings who, in a body, require general laws for their own preservation, but each of whom, as individual, is secretly exempt himself from this restraint: how are we to order their affairs and how to establish for them a constitution such that, although their private dispositions may be really antagonistic, they may yet so act as checks upon one another, that is, in their public relations the effect is the same as if they have no such evil sentiments. Such a problem must be capable of solution (p. 582).

But Kant's awareness of this matter has not led to a systematic explanation of how a republican constitution can arise from an interaction between "rational be-

ings” with “evil sentiments”. Exploring Kant’s remark in the light of post-civil war democratization strategies, I present a theory of democracy as an arbitration mechanism that stands as a solution to the Kantian paradox of a republican constitution framed by “a multitude of rational beings” without moral commitments. It aims to offer a theory of post-civil war democratization.

The plan of the paper is as follows: I first define post-civil war democratization in Section I. I then discuss the way in which the theory connects with classical political theory in section II, with contemporary democratic theory in section III and the state-building literature in section IV. Section V concludes.

I. What is Post-Civil War Democratization?

Post-civil war democratization is different from the kind of political liberalization that followed the breakdown of authoritarian governments in Europe and Latin America, and which has received much attention in the literature on transitions to democracy. First, post-civil war democratization is primarily motivated by the need for political order. Citizens adhere to this form of democracy because it generates social order as a by-product and offers protection against large-scale theft and illegal expropriation carried out by predatory warring factions. Citizens prefer this form of democracy because it allows them to change governments peacefully. In other words, in a post-civil war democracy, Popperian methods (1962) for transferring power without violence become preponderant. The need to control the ability of competing political elites to revert to political violence at least temporarily may dominate the need for popular representation, or even public accountability. Thus, a post-civil war democracy is Shumpeterian at best. It is essentially a tool for elite cooperation in the process of creating political order.

To better understand transitions to democracy, it is essential to parsimoniously lay out the key differences between democratization following an authoritarian breakdown and democratization following civil wars. Polish and South African transitions for example were qualitatively different from those in Mozambique and El Salvador.

Whereas in the former cases, citizens were fighting for a more open political process and basic political rights, in the latter, citizens wanted to end a civil war and to create a sociopolitical order. The process of democratization following an authoritarian breakdown typically involves an authoritarian government facing a more or less democratic opposition that is supported by a burgeoning civil society. Democracy comes into existence in such an environment when the balance of power within the government shifts in favor of the more moderate elements, and who successfully negotiate a political compromise with the democratic opposition.

In contrast, the process of democratization in a war torn society sometimes involves predatory warring factions with no normative commitment to democracy, facing a very weak, collapsed civil society. Democracy in such a context has come about as the consequence of a peace agreement. Moreover, a key component of the democratization process in a war torn country such as El Salvador has been the demilitarization of the warring factions and the reconstruction of a collapsed state. The electoral process was a tool for the creation of political order. In sharp contrast with El Salvador, in South Africa and Poland the purpose of holding elections was to secure the representation of previously excluded political or social groups. State-building efforts were not central to the transition process.

The fact that civil wars in countries such as Mozambique, Liberia, or Nicaragua have been preceded by authoritarian rule may explain why the transition literature does not clearly distinguish between the authoritarian breakdown and post-civil war democratization. In fact, the choice of democracy in these countries might have been partly rooted in the politics of exclusion that took place before the civil war. However, the war itself has such a profound effect on the government (state collapse, anarchy), that post-civil war democracy is more an institutional response to civil war than to pre-civil war authoritarian rule. In Mozambique and El Salvador, the civil war almost annihilated the authoritarian political situation that led to war, whereas in post-authoritarian situations, many features of the previous regimes have pervaded.³

³See O'Donnell and Schmitter (1986), Diamond and Linz (1986) and more recently, Grymala

Not only are post-authoritarian democratization and post-civil war democratization empirically distinct political categories, their normative justifications appeal to very different traditions of democratic theory. Whereas political liberalization following authoritarian breakdown is typically in line with the liberal traditions of Locke (1689) and Madison (1788), post-civil war democratization essentially appeals to the Hobbesian and Shumpeterian traditions, with an emphasis on order and conflict resolution. The liberal element in post-civil war democratization stems essentially from its promise of protection of citizens' rights to property. Thus, although a defense of the minimalist and Shumpeterian conception of democracy might be extremely relevant in a civil war-torn society, it might not be sufficient in a post-authoritarian society. In such a society, issues of accountability and representation, not socio-political order, are the top priorities of the democratic opposition and various groups in civil society.

Why Would Warring Factions ever Settle on Democracy?

To address the question, I consider a country in a state of anarchy or near-anarchy. There are at least two and possibly more warring and predatory factions competing for political control. There are also a number of ordinary citizens who invest in productive activities and generate the country's wealth. The conflict has reached a stalemate in which no faction is able to win decisively. The stalemate is also characterized by economic decline due to lack of productive investments by citizens. Consequently, the factions want to exit the status quo, and citizens want protection against expropriation.

Exit from the war and long-term peace, require a long-term power-sharing agreement that specifies the allocation of power in all future contingencies. However, because there are many unforeseeable contingencies, such an agreement may be very difficult to design.⁴ Thus, there is a need to delegate to a third party the authority

⁴According to Day (1986) notes, the rigid power-sharing agreement negotiated in 1943 as the basis

to allocate power between the factions. The authority can be a single and powerful player like Hobbes's Leviathan. It can also be the citizenry of the country. The leviathan or the people will regulate expropriation and protect the rights to property.

The strategic situation involving the warring factions and the citizens can be described by the following two-stage game: the warring factions move first and decide the form of government by: (1) inviting an external arbitrator, e.g. leviathan, (2) choosing the people as arbitrator, i.e., democratizing, or (3) maintaining the status quo. In the second stage, the factions simultaneously decide how much to expropriate, and citizens decide how much productive investment to undertake. The payoff of each faction depends on how much it was able to expropriate, and the gross productive investment of the citizens. The citizens' payoff is simply the net product of their investment.

It is shown that the warring factions would choose the people over both the leviathan and the status quo if they assess that there are high enough chances of winning future democratic elections.⁵ The key to the result is that the higher the level of expropriation, the lower the level of productive investment. Under both the status quo and the leviathan, the factions get a large share of a small pie and would benefit by collectively and credibly committing to protect property rights and limiting expropriation. They make such a commitment by delegating voting rights to citizens, thereby giving them the power to control the level of government expropriation. In other words, post-civil war democracy protects citizens against extreme levels of expropriation, and guarantees electoral competition.

II. Post-Civil War Democratization and Classical Political Theory

Are there aspects of classical political theory that could help explain or predict the emergence of democracy from civil wars? What are the connections (if any) between my theory of post-civil war democracy and classical political theory?

for Lebanese independence collapsed thirty years later due to changes in the demographic balance on which it was based.

⁵See Wantchekon and Neeman (2002) for a formal proof.

I claim that, despite some possible similarities, classical political theory does not fully explain or predict the emergence of democracy from civil wars. For instance, the Hobbesian and Lockean political theories unequivocally preclude warlord democratization, and Machiavelli considers warlords not as creators of Italian republics but instead their worst enemies.⁶ However, my theory of post civil war democracy echoes crucial aspects of Machiavellian republicanism inspired by popular-rule in Rome (McCormick (2001)). Machiavelli presents the people or the plebes in the Roman republic as the ultimate arbitrator of the competition for political power among the nobles. Finally, I find that even though standard theories of state formation (Tilly1990, Huntington 1968) preclude the creation of democratic states from a situation of civil war, they provide useful building block to develop a theory of post civil war democracy.

Below, I examine some aspects of Hobbesian and Lockean political theories to illuminate the differences between their understanding of political order and the theory of warlord democracy. In order to emphasize my demarcation, I will explore one the major concepts of modern political thought, the “archaic notion” of the state of nature as Nozick (1974) calls it, which is used by Hobbes and Locke as well.⁷

The Hobbesian Theory of Political Order

My theory of warlord democracy is partly grounded in a Hobbesian theory of social order. The theory’s context is a society with limited resources and without overarching authority. In such a society people are assumed to be in relentless pursuit of power. Hobbes (1968) explains that the equality of ability in people to accumulate power leads to an equal hope among them for achieving all their desired ends. So if

⁶This is not surprising. Machiavelli (1531) always considered warlords to be the worst enemies of Italian city republics (See chapter 2).

⁷In *Anarchy, State, and Utopia* (1974), Nozick resuscitates the idea of a state of nature in an attempt to legitimate the minimal state as “the only morally tolerable one” (P. 333). By contrast, I do not intend to offer another theory of state. My interest in the state of nature is based solely upon its fruitfulness as a demarcation point to highlight the differences between my approach to warlord democracy and the classical conceptions of political order.

two people want the same thing, which they cannot both have, they will probably end up destroying each other (p. 87). People feel secure only if they see that no other power is great enough to endanger them (p. 88). This produces a cyclical effect, so that as some try to accumulate power, others are forced to do the same.

If people constantly try to dominate others, it creates a zero-sum game where acquiring power means making others powerless. The game also generates chaos in society and the fear of violent death in each individual. However, because people can exercise reason, they can agree on the principle of self-preservation. Each individual would give up rights to all things as long as everyone else does the same. The making of such a contract poses the problem of mistrust. Hobbes notes that “He who performeth first, has no assurance that the other will perform later” (p.96). He cites people’s ambition, avarice, and anger as potential causes for the breakdown of the contractual arrangement. Thus, anarchy and chaos threaten people at all times. To save societies from chaos, Hobbes suggests that people assign the sovereign the authority to balance their desire to accumulate power against their need for peace. The sovereign must have coercive power to compel persons equally to perform their covenants, using the terror of some punishment, which must be greater than the benefit they expect in breaching the contract. In other words, all rights are abdicated to the sovereign, and, by implication, all resources are put at its disposal to enforce the law.

Hobbes also stressed the fact that although the authority of the sovereign must be self-perpetuating, undivided and ultimately absolute, it is an authority conferred by the people (p. 227-28). Thus, the sovereign right to command and the subjects’ obligation for obedience are the result of consent. In other words, the people rule through the sovereign (Held 1996: 77). In a more forceful endorsement of “Hobbesian liberalism,” Hampton (1996) argues that, “implicit in Hobbes’s own contract is the idea not only that law can be the ultimate governor in a political society but also that the ruling of law can and should have... a certain “democratic” content” (p. 14).

In contrast with Hampton's interpretation, my view is that Hobbesian liberalism is a fiction. I show that citizens can not unanimously agree to create an undivided and absolute authority. I argue that, even if the Hobbesian sovereign could commit not to abuse his or her authority, unless such authority is divided and reflects the diversity of citizens' political interests, he or she cannot commit to being impartial. Some individuals would be worse off under the sovereign than under anarchy. Therefore, the consent of all citizens to surrender their rights to an all-powerful sovereign is simply impossible. The only way the leviathan can come to life is by being imposed. Thus, the most natural interpretation of Hobbesian political theory is that it is especially a theory of social order.

Political Order in a Post-Civil War Society

The political system in a post-civil war society can be narrowly defined as an implicit or explicit Hobbesian contract of governance. It is a set of arrangements among political actors designed to create political order. Following the Hobbesian logic, such a contract of governance requires an enforcer or a sovereign. The role of the sovereign is to maintain political order and to protect and allocate the rights that political order makes possible, most importantly the right to hold political office or the rights to secure private property. Instead of reducing the alternatives available to the political actors to only the leviathan, i.e., a single powerful player such as a military leader or a foreign government, I assume that the enforcer can also be a small group of players such as the clergy, the armed forces or a very large group of players such as the citizenry. As in Hobbes, I will also assume that the sovereign's rule depends on the consent of all (if not most) political actors. However, I will assume that the actors' consent is conditional and depends on whether they perceive the sovereign to be as effective as the leviathan but also fair and neutral. For example, if a political actor believes that the enforcer is likely to be biased against him or her, this actor has little incentive to participate to the process of creating the new government.

Based on the above premises, I argue that if the enforcer were a leviathan, i.e., a single powerful enforcer, at least one political actor will choose either not to participate in the process of creation of the new government or to walk away from the political contract in the future. The reason is that a single enforcer has incentives to collude with one of the political actors for short-term gains.⁸ However, if the sovereign is a very large set of small-scale enforcers, say the set of citizens of a country, then political actors will abide by the contract and political order will be created. This is because a large set of enforcers tend not to think strategically, and, as a result, are more likely to be neutral. One particular citizen might have clear political preferences. But the preferences of the citizenry as a whole will tend to be fuzzier and more unpredictable. As a result, political actors might find it in their best interests to give the citizenry the power to enforce their power-sharing contract. Thus, if democracy is defined simply as a political system in which political office holders are chosen through competitive elections, then warlords can create democracy.

Warlord democratization partly originates from a Hobbesian state of nature, but how does it connect with more liberal traditions, in particular with Lockean liberalism?

The Lesson of Lockean Liberalism

Locke derives his conception of political order from an analysis of the natural condition of humankind. As Cox (1960) points out, “the state of nature is unquestionably the basic assumption of Locke’s political philosophy” (p.49). Contrary to Hobbes, Locke’s (1689) state of nature is not the state of anarchy characterized by famine and war.⁹ Instead, it is a state in which individuals endowed with reason believe in

⁸As Skinner (1972) notes, Hobbes himself presented Leviathan as a justification for Cromwell who was an active player in the English civil war, not a solution to it. More recently, Leo Strauss and Carl Schmitt turned to Hobbes to find a stable solution to the chaos and disorder in Weimar Germany. But as McCormick (1994) argues, this attempt led to the strengthening of the military, the repression of the left, and ultimately to the collapse of the republic and the emergence of authoritarianism.

⁹Locke (1689) makes a clear difference between the state of nature and the state of war in contrast

the law of nature, which “teaches all mankind... that being all equal and independent, no one ought to harm another in his life, health, liberty and possession” (p. 12). The central problem with the law of nature is that individuals must enforce it. Individuals are partial to or biased towards themselves. As a result, justice rendered by an individual will tend to be disproportionate. The aggravated party might then retaliate, and society could quickly sink into the Hobbesian state of nature. However, continuous interactions between individuals in the process of decentralized law enforcement will lead to an equilibrium where rational individuals will eventually realize the boundary of their power. Thus the state of nature game could eventually reach an equilibrium where markets, money, and even a civil society would emerge, things that Hobbes explicitly ruled out. In summary, Locke has less pessimistic assumptions about human nature and develops a notion of natural rights, which sets moral limits on government. In addition, Lockean government presupposes the existence of social order and a civil society. As opposed to the Hobbesian government, which creates the society, Lockean government is created by the society. Its role is to protect individuals’ natural or God-given rights. The immediate conclusion that one could draw from this theory is that democracy is not possible in the absence of the Lockean natural rights or in a state of anarchy.

But assume we define “rights” not as God-given moral obligations but as purely positive freedoms that individuals have acquired as their property after the struggle they engaged in the pursuit of power.¹⁰ In other words, assume an individual retains a “right” after his or her resistance successfully keeps another person from eroding

to Hobbes who equates it to that of war. He mentions the “plain difference between the state of nature and the state of war some men have confounded” (p.30). According to him, they “are as far distant as the state of peace, good-will, mutual assistance, and preservation, and a state of enmity, malice, violence, and mutual destruction are from another” (p.32). There is no doubt that this passage pinpoints Hobbes’ approach to the state of nature. These matters are examined by Cox in his “Locke on War and Peace”(1960).

¹⁰Nozick (1974) gives a similar interpretation of the way in which society moves from the Lockean state of nature to a minimal state.

his or her power. Put another way, a strong individual possesses rights when he or she lays claim to and successfully defends his or her power. A faction acquires a right to territory when it has de facto control of that territory during a civil war. Citizens have de facto some rights to private property after their resistance against illegal expropriation in the form of massive emigration or under-investment leads predatory warlords to set limits on expropriation. Therefore, rights are constructed upon the end of conflict, particularly during a stalemate of the civil war. Rights are the Darwinian steady-state equilibrium distribution of power after individuals are involved in a state of anarchy.

If one were to define rights this way, (that is, as long-term natural limits to chaos), the theory developed in this article suggests that the emergence of democratic government from anarchy is possible. If either faction assesses high enough chances of winning the election, it would agree to legalize citizens' rights to private property. It would also agree to some power sharing or other power-allocating mechanism, therefore legalizing the factions' rights to some share of government control.

From the Lockean Conception of Political Order to Post-Civil War Democracy

Post-civil war democracy is to some extent Lockean because it allows for popular control of government officials. Indeed, because the citizens have been granted not only the rights to private property but also the rights to allocate political offices between the factions, the citizens have the power to alter the government if they are wronged. The government is set up to protect the political rights of all factions as well as the private property of the citizens, and will be illegitimate and voted out of office if it fails in this regard. In sum, post-civil war democracy is, to some extent, Hobbesian in its origin but Lockean in its function.

A threat of a revolution might not be credible enough to deter serious infringement of political rights, given the fact that civil society is not usually strong in post-civil war countries. However, such a risk will be minimized when democratic institutions

are properly designed. The design of the institutions takes into account Madison's (1788) concerns about a tyranny of the majority, i.e., the winning faction. I present the reorganization of the armed forces as the most critical aspect of the state-building process. Such reorganization not only helps parties to credibly commit to democratic order, but is also the best guarantee for the stability of the basic democratic institutions. I show that reorganization might not be feasible without some form of joint control of all parties over the bureaucracy and even the executive branch of government. Thus, at least at the earliest stages of the democratic process, a consensus model of democracy can be a form of credible commitment to protect potential minorities.

Liberal democratic theory considers the role of voting to be the main protection of minorities. It considers the prospect of the next election to be a sufficient safeguard against abuse of power. This position differs from the populist view, which considers voting to be the embodiment of the will of the people, which in turn represents the objective good for the society.¹¹ The question is whether liberal democracy can always work, and whether the electoral process can be effective in protecting minorities in all circumstances. The answer is no, because the minorities might be permanent rather than transitory. If it has complete control over the institutions of the state, a transitory majority can and surely will use this power to prevent political alternation. Thus, nonelectoral protection by the means of a joint control over the bureaucracy and reorganization of the armed forces might turn out to be the only real safeguard against oppression and tyranny.

¹¹Riker (1982) wrote: "What is different between the liberal and the populist view is that, in the populist interpretation of voting, the opinions of the majority must be right and must be respected because the will of the people is the liberty of the people. In the liberal interpretation, there is no such magical identification. The outcome of voting has no moral character" (p.7).

Machiavellian Republicanism

Democracy as an exit option from civil war is essentially a modern phenomenon. In medieval Europe, warlords were never associated with the creation of democracies or republics. They were instead associated with their decline and destruction. When invited as mercenaries by city-republics across Italy to provide order and security, they turned themselves against democracy and republicanism. Machiavelli (1531) described warlords as the one of the chief reasons behind Italy's ruin (p. 38). He presented them as ambitious, ill-disciplined and treacherous. He contended that when a republican government was lucky enough to hire competent mercenary commanders (warlords), they would increase their power at the government's expense. They would simply ruin the government, if it were incompetent (p. 39).

However, when defined as an arbitration mechanism, post-civil war democracy connects quite well with Machiavellian republicanism.¹² As in the current analysis, the historical background of Machiavellian political theory was intense competition and even war within and between Italian city-states. Machiavelli endorsed a pluralistic approach to politics in which competing social groups could promote their own interests with the outcome being decided according to the balance of power among the different branches of government. Using Rome and Athens as examples, Machiavelli argued that only popular participation in political life and mixed government comprised of the monarch, the aristocracy, and the "people" could help overcome factional strife and generate individual freedom as well as peace and prosperity.

In his analysis of the popular rule in Roman republic, Machiavelli claimed that the Roman people (the plebes) were guardians of liberty, and were more trustworthy and less power-hungry than the nobles and the great (McCormick 2001). As arbitrators of the competition for power between the nobles, the people were more likely to be fair and exhibit good judgment. They were more able to select the best policy proposals put forth by the elites and were better than elites at distributing political offices.

¹²See McCormick (2001) for a thorough analysis of "Machiavellian democracy."

According to Machiavelli,

A prudent man ought to never depart from the popular judgments especially concerning distribution of ranks and dignities, for in this only does the people does not deceive itself. If it does deceive itself at some time, it so rare that the few [i.e. the nobles] who have to make such distribution will deceive themselves more often. (I. 47)

The logic of Machiavelli's thesis is in many ways similar to the one developed in this article. As in my setup, the alternative to using the people as arbitrators is to use a unitary actor, a prince, or a foreign power. Machiavelli argued that whereas the people base their decisions upon the candidates' good reputations, the unitary actor is more likely to fear those candidates with good reputations. In other words, the unitary arbitrator tends to view the good candidate as a threat to his or her power and tries to eliminate him or her. Foreign arbitrators also tend to exacerbate domestic conflicts to take advantage of the chaos that would result from it.

Like post-civil war democracies, Roman popular rule was generated by indirect domestic pressure for political change. Whereas the former was created by the warring factions in response to a drastic decrease in citizens' productive investment, the latter was created following a massive emigration of the plebes in the aftermath of the power struggle between the king, the nobles, and the plebes (the people). As McCormick (1993) contends, Rome developed into a republic when the plebes and the senate joined forces to expel the kings. However, after the expulsion of the kings, the plebes left Rome in large numbers in 494 BC, in response to different forms of abuse in the hands of the nobles. The nobles feared the city's economic and military decline and accepted the establishment of the tribunes. According to Machiavelli, the plebes created the tribunes "to hold back the insolence of the nobles and thus preserve the free life of the republic (I.3, III.11).

A key difference between Machiavelli's account of Roman popular rule and post-civil war democracies is that whereas the former was created by a combination of

indirect economic pressure and a direct political pressure from the people, the latter have been created almost entirely through indirect economic pressure. Although in Rome the plebes took over the role of arbitrator and played a more active role in the creation of the republic, in Liberia or Mozambique the people were essentially invited by warlords to be arbitrators and played a less active role in the democratization process. As a result, the mode of popular participation in the democratic process and the mechanisms for elite accountability described in McCormick (2001) seemed to be stronger in Rome than in modern post-civil war democracies. This difference is not surprising since warlords clearly had much more power in Mozambique or Liberia than did the nobles in the city of Rome.

The choice between the people and the prince or a foreign power as highlighted by Machiavelli and this article, is a choice between one powerful arbitrator and a large number of small arbitrators. Machiavelli preferred the people but added that the people could not play their role as arbitrators unless unified by political institutions such as tribunes and popular assemblies. Without the support of these institutions, the people would be isolated and, as a result, weak and cowardly, thinking only about their fears. In modern day post-civil war democracies, state institutions such as the judiciary, and political institutions such as the parliament, support the people's actions.

Two characteristics of popular arbitration that Machiavelli did not mention are its fairness to all parties and its neutrality. Not only will the people tend to show good judgment in the process of selection of the good candidates and good policies, they are less likely to collude with one candidate at the expense of the other. The choice between the people and a foreign power involves a trade-off between enforceability and neutrality: popular arbitration of an elite's political contract is superior to external arbitration because the people's action (the electoral outcome) is more likely to be perceived as fair and neutral by the political parties and less likely to be subject to ex post renegotiation. However, popular arbitration is inferior to external arbitration in that, in contrast to an external arbitrator, the people may lack the power to enforce

their own decisions. In other words, when civil society is weak, voters cannot stop either party from altering electoral outcomes. Thus, only when parties are disarmed and a party cannot alter electoral outcomes can popular arbitration or democracy generate elite cooperation.

The search for an impartial and neutral tool to mitigate the disruptive effect of factionalism was an important feature of political life in Italian city republics. As Waley (1988) maintains, the political scene in medieval Italy was characterized by factionalism fueled by intense competition for political office. The citizens were driven by an ardent desire to obtain the “honors and benefits” of office (Manin 1997). To overcome factional strife, most Italian communes adopted the institution of podesta, a foreigner endowed with judicial and administrative powers. The podesta was usually hired for a year and played the role of military leader, judge and administrator. An important attribute of the podesta was that he had to be a foreigner so that he could be neutral to the internal “discord and conspiracies” (Waley, p.37).

Besides the podesta, which was essentially an administrative tool for mediating factional strife, the lottery system was used to allocate political offices. The attractive feature of lots was to shift the allocation of offices to a procedure that was not subject to human influence. According to Waley (1988) this procedure was chosen to prevent “the domination of city republics by cliques who might prolong their control by securing the choice of members of their own factions” (p. 37). But the practice of the lottery became unpopular, and many intellectuals asked for its replacement by elections. Among them was political theorist Leonardo Bruni who argued that when citizens must compete in an election and openly put their reputation on the line, they have an incentive to behave well.¹³ In addition, Guicciardini (1512) proposed to extend the electorate to include a greater number of citizens, to combine the lottery’s neutrality and impartiality effects with the incentive for good behavior provided by elections.¹⁴ Manin states that, “Guicciardini’s proposal is remarkable for its rather

¹³Cited in Manin (1997).

¹⁴From “Del modo di ordinare il governo popular” (Guicciardini, 1512) cited in Manin (1995).

unexpected justification of the extension of voting rights, but more importantly in its search for neutral institutions that could mitigate the divisive effects of competition for office” (p. 54). Thus, democracy in the city-republic of Florence can be defined essentially as a competitive oligarchy.

The most elaborate conceptualization of the democracy as a competitive oligarchy is presented by Schumpeter (1942). I next clarify how my theory of post-civil war democracy is and is not Schumpeterian.

III. Contemporary Democratic Theories: Schumpeter, Popper and Przeworski

Schumpeter (1942) defines democracy as a mechanism to manage power relations between political parties, in this case the former warring factions. To put it differently, Schumpeterian democracy is an institutional arrangement for arriving at political decisions by vesting in certain political leaders the power to rule as a consequence of their successful quest for the people’s votes (p. 269). A crucial feature of Schumpeterian democracy is his emphasis on leadership, and the fact that the right to govern is obtained through partisan political struggle. Thus, the main distinction between democracies and non-democracies is that political office holders are elected rather than appointed.

The empirical background of Schumpeter’s theory is an industrial society with political forces competing for political power in a cultural environment of political tolerance and an independent and well-trained bureaucracy. In addition, voters are poorly informed and have little interest in politics. He argues that the typical citizen lacks the emotional stability and the intelligence to perform in the field of politics. Schumpeter asserts that classical theories have attributed to the electorate an unrealistic degree of initiative and have practically ignored leadership. Voters are essentially consumers of policy platforms supplied by political entrepreneurs competing to take control of the government.

A post-civil war society has little in common with the Schumpeterian industrial soci-

ety. There is no culture of political tolerance; the bureaucracy is weak and politicized; constitutional rule is weak. However, as in a Shumpeterian world, former warring factions play a leading role in shaping public policies as well as the very nature of the post-civil war political regime. Citizens essentially produce the country's wealth and play no political role other than choosing among competing political factions. The fact that democracy arises in a society without the Shumpeterian prerequisites indicates that Shumpeterian democracy may be overdetermined. There is no need for a culture of political tolerance or a strong state. What are needed are political pluralism and a state capable of enforcing election outcomes. Citizens in a post-civil war democracy are not the Shumpeterian "mass" incapable of forming reasonable judgments about pressing political questions. In particular, they have formed judgments about the issue of social order and the need to ban illegal expropriation. Citizens do not simply control political leaders by refusing to elect them. They control them by working less, by "choosing to exit" as Hirschman (1970) would say.

Popper's (1962) conception of democracy emphasizes the major differences between democracy and tyranny. Whereas democracy derives its legitimacy from the people and is the only regime that makes it possible for the ruled to dismiss a given government without bloodshed (by means of elections), tyranny can only be dismissed through a revolution and political violence. Like Madison (1788), Popper is not simply concerned about avoiding anarchy, but avoiding tyranny, especially the tyranny of the majority. Thus, Popperian democracy is in some sense Madisonian and antipopulist. A political system is not democratic because the majority rules; it is democratic because the institutions are designed to prevent the rise of a totalitarian government which can be dismissed only by means of violent revolution.

Popper considers the role of democratic politics as structuring its institutions in such a way that bad and incompetent rulers can be prevented from doing too much damage (p. 107). Like Schumpeter (1942), Popper considers elections a mechanism to control politicians and get rid of bad governments. The people act like a political jury whose role is to judge the government based on its past performances. The jury

punishes past mistakes by not reelecting the government. Democracy allows the jury to accomplish this at a minimal cost without bloodshed.

Przeworski (1999) justifies Shumpeterian democracy using Popperian standards. He shows that even if democracy does not appropriately aggregate citizens' preferences or adequately control politicians or help reduce economic inequalities, the very fact that it helps change governments without bloodshed can bring about a peaceful resolution of conflicts. This result holds particularly true if parties assess a high enough chance of winning the elections so that the short-term net gain of not accepting electoral outcomes is outweighed by the long-term gain of abiding by them. Thus, competition for offices generates compliance with democratic rule, and "bloodshed is avoided by the mere fact that a la Aristotle, the political forces are expected to take turn" (p. 47). Democracy also works like a lottery, a coin-flipping operation. However, a coin flip differs from voting or democracy because election outcomes enable competing factions to assess each other's military strength. "Voting constitutes flexing muscles: a reading of chances in an eventual war" (p. 48). But what if the eventuality of war is unlikely because the state has monopolized the means of coercion so that voting cannot provide a reading of chances in a violent conflict? Przeworski argues that, at the very least, elections reveal some information about the cost of an eventual rebellion. In a post-civil war democracy, a party that contemplates subverting democracy will face the resistance of both the warring factions and the indirect resistance of ordinary citizens through underinvestment.

The Democratic Transition Literature

More generally, the theory developed here complements the "top-down" theories of democratization, which explain the process of democratization in the absence of a strong civil society. The fact that democracy emerges in nations with weak civil societies has led many authors to downplay the importance of civic culture in transitions to democracy and emphasize elite bargaining (Przeworski 1991, O'Donnell and Schmitter 1986, Diamond and Linz 1989). Weingast (1997) argues that citizens'

democratic values and elite interests are complementary aspects of democratization, and that the study of democratic civic culture is necessary to understand political elites' strategies during the process of democratization. However, Diamond and Linz assert: "In Latin America, the choice of democracy by political elites clearly preceded the presence of democratic values among the general public" (p.12.) O'Donnell and Schmitter (1986) claim that transition to democracy is often the outcome of a division within the authoritarian regime between hardliners or softliners, and between radicals and moderates within the opposition. (pp. 15-16). And Rustow (1970) hypothesizes as I do that democratization is set off by a prolonged and inconclusive political struggle followed by a "deliberate decision on the part of political leaders to accept the existence of diversity in unity and, to that end, to institutionalize crucial aspects of democratic procedures" (p. 355).

Neither Rustow nor O'Donnell and Schmitter, however, present a theory of why political forces involved in an "inconclusive" conflict would settle precisely on democracy and not on other forms of power sharing. So why do political groups in conflict ever settle on democracy? Przeworski (1999) addresses this question, first by defining democracy as an incomplete power-sharing contract with the ultimate or residual power changing hands with positive probability. This arrangement is contrasted with dictatorship where the residual power never changes hands. Przeworski (1999) then argues that a dictatorial contract is not an attractive option for political groups in conflict because it would give one group a decisive advantage in the event of an open conflict.

Przeworski's argument is a helpful point of departure but it does not mention the interests and the role of ordinary citizens in democratization. In the context of post-civil war society, citizens benefit from democratization because it generates social order and protection against illegal theft and political banditry. I argue that democracy enables warring factions to ban illegal expropriation and commit to not over-expropriating citizens. The argument developed in this article presents an alternative approach to the choice of democracy, by defining democracy as an arbitration

mechanism. I show that, in a situation of stalemate, the warring factions looking for an exit option from the civil war will tend to design a power-sharing contract and delegate some power to a third party that acts as the ultimate arbitrator and enforcer of such a contract. I argue that this delegation of authority may jeopardize the contract, and cooperation may fail to materialize. This may happen if, for example, the arbitrator is suspected by one of the parties to be biased towards the other party. I derive the rationale for democracy by explicitly analyzing the third-party arbitrator's incentives.

There have been several historical examples of a contract of governance arbitrated by the clergy or a foreign power. After World War II, political systems in many developing countries were based on explicit or implicit elite political arrangements implemented by a foreign power. During the cold war, the Soviet Union was the enforcer and the ultimate arbitrator of political arrangements in Eastern Europe, whereas the French government played similar roles in Francophone Africa.¹⁵ In Lebanon following the 1990 "Taif agreement," the Syrian government became the official arbitrator and enforcer of political order in the country.

The theoretical argument developed here suggests that even when the external arbitrator is clearly known to be neutral, as long it has some military power, it cannot commit against using this power to initiate and enforce side agreements that would establish one-party rule and expropriate citizens. Because such agreements clearly make one party worse off, this party will never agree to invite an outside arbitrator. Thus, unless an external arbitrator is imposed upon the parties, these considerations may lead them to prefer another type of arbitrator. I argue that this arbitration role can be played by the citizenry, which explains why political elites will initiate democratic transitions.

I show that when the electorate is sufficiently diverse, the citizens can commit to being an unbiased arbitrator. Furthermore, in contrast with the external arbitrator, the citizens can also commit against initiating side agreements because they do not

¹⁵For the case of French intervention, see Foccart, 1994.

have the military power to enforce such agreements. Thus, the two key features of democracy as an arbitration mechanism that I want to stress are (1) the inability of a mass of voters to get together after the vote to undermine the result and (2) that citizens tend to have more moderate or neutral party preferences than a single external arbitrator.

One aspect of the theory developed here, which has relevance even in the context of post authoritarian transitions, is that long-term foreign involvement in domestic politics cannot be conducive to democracy. A good illustration of this insight is Francophone Africa, a textbook example of the pitfalls of a political system built on elite contracts implemented or arbitrated by a foreign power. As mentioned earlier, despite conceding independence to its former colonies in 1960, France retained the right to enforce political order in these countries with troops stationed in Gabon, the Ivory Coast, and the Central African Republic. As Foccart (1994) has acknowledged, France used these rights to “protect” the power of the “friends of France” among African elites. In exchange for this protection, the friends of France helped maintain the relatively strong French economic and cultural influence in Africa. This collusion between some African elites and the French government, as well as the resulting political turmoil (numerous coups, civil wars, and government bankruptcies in Congo, Benin, Cameroon, Gabon, and Chad among others), are consistent with the theory developed here. In line with my theoretical prediction, the wave of democratization only started in Francophone Africa after the Baule Summit in 1989, where the Mitterrand government switched from a policy of intervention to one of disengagement from African internal politics. This change in French foreign policy made the electoral process the only mechanism for allocating power among the elites and led to more cooperative behavior by African elites. Likewise, democratic change swept through Eastern Europe only after the collapse of the Soviet Union, the external power in charge of enforcing communist rule. The Soviet Union’s breakdown created a new balance of forces between political groups that facilitated the emergence of democracy.

IV. War Making and Democratic State Building: Tilly, Olson and Levi

The theoretical argument presented in this article is not only about the choice of democracy as an arbitration mechanism by warring factions, but also about the construction or reconstruction of state institutions from chaos. The link between war making and state formation on the one hand and democratization and state building on the other has been recently studied by Tilly (1990) and Levi (1999), among others.¹⁶

Tilly (1990) shows that the creation of national states in Europe by power holders or warlords was the unintended consequence of the interaction between war making, extraction, and capital accumulation. European statesmen and state builders waged wars to secure territories within which they could enjoy the economic benefits of power, that is, a permanent access to credit sources and collection of tax revenues. To facilitate tax collections and protect their sources of credit, they monopolize the means of violence, thereby generating a state apparatus.

Tilly (1990) claims there are essentially three types of states: (1) the coercion-intensive states (Brandenburg and Russia), (2) capital-intensive ones (generally city-states such as Genoa, or federations, such as the Dutch Republic), and (3) the capitalized coercion state (the only long-term survivor—the earliest examples are France and England) (p. 30). Significantly, the formation of national states was not complete until the 19th century, when “the last part of Europe to consolidate into substantial national states was the city-state band running from northern Italy, around the Alps, and down the Rhine to the Low Countries” (p. 47). These areas were finally brought into national states with the 19th century creation of Germany, Italy, and the federal government of Switzerland.

Tilly divides the formation of European national states into four periods. First

¹⁶There is a large literature in comparative politics and sociology that deals with the difficulties of state formation and state consolidation in various places, particularly Africa. For instance, Herbst (2000) presents an intriguing and comprehensive historical account of the way in which geography and social structure constrained state formation and state development in Africa.

was the patrimonialist period, which ran through the 5th century when monarchs extracted capital in the form of tribute, and “tribes, feudal levies, urban militias, and similar customary forces played the major part in warfare” (p. 20). Then there was the brokerage period (1400-1700), when rulers relied on mercenary soldiers for war and formally independent capitalists for loans. It was followed by the nationalization period (1700-1850), when states created mass armies drawn from their national population and took over the direct operation of the fiscal apparatus. Finally, we had the specialization period (1850 to the recent past), in which military and nonmilitary activities of the state were increasingly differentiated, legislatures came to dominate the military, and the welfare state developed (p. 29). Thus, according to Tilly, each step resulted in an increase in the “organizational containment of military men” (p. 124). The story of European state formation is the gradual subordination of military force to outside political control. This process has entailed bargaining between states and their subjects. In return for the greater contributions (in men and wealth) that society has been asked to make to the state’s war-making efforts, the state has had to provide protective institutions and social welfare programs.

Various scholars have studied the link between the economic dependence of the ruling class on tax revenues and taxpayer demand for political representation. It is argued that rulers maximize revenues by promoting joint ventures with taxpayers. In particular, they grant voting rights to citizens as a way to commit to this joint venture, and citizens use these rights to protect their investments (Levi 1999, 114). In other words, citizens give up a share of wealth to the ruler in exchange for political rights that enable them to protect their property rights.

The bargaining power of taxpayers is even stronger when their assets are mobile (Bates and Lien 1985). It leads to concessions that take various institutional forms. North and Weingast (1989) study the evolution of constitutional arrangements in England following the Glorious Revolution of 1688. They argue that the resulting institutions enabled the Crown to credibly commit to upholding property rights and to tight budget constraint. The new institutions removed the underlying source of

the expediency, limited the Crown's legislative and judicial power, and reasserted the taxation power of the parliament, especially to allocate funds and monitor expenditures. Thus, the Crown's commitment to honoring the agreement was established by the fact taxpayers had a voice through their representatives in Parliament. Levi (1988), Taylor (1987) and Brewer (1989) provide a range of evidence that supports this conclusion. In particular, Levi (1988) shows that "early modern parliaments enabled the English monarch to negotiate taxes that were acceptable to key constituents who then helped enforce them" (p. 116).

The argument presented in this article combines insights from Tilly's war making-leads-to state-making thesis and the Levi's no-taxation-without-representation thesis. In contrast to the European experience analyzed by Tilly, the state-making experience analyzed here is a product of civil wars, not interstate wars. The governors-to-be do not have stable and secure territory where they enjoy a monopoly of protection. Instead they have joint control of the territory and are involved in an oligopolistic game of protection. As a result, they have to agree on how to divide the gains for protection, divide the peace dividends, and jointly commit to protect citizens' property and not over-expropriate them. The aspiring governors achieve this goal by granting voting rights to citizens and creating a balanced and inclusive state to enforce election outcomes. Thus, contrary to Tilly's claim, the war-making-leads-to-state-making thesis is at least partially applicable to post World War II developing countries, particularly war-torn ones.¹⁷

Olson's (1996) analysis of the economic origins of dictatorships and democracies

¹⁷Tilly claims that in contrast to the experience of Europe, developing countries are not becoming less dominated by the military, rather, are actually more dominated by them (pp. 209, 212). Tilly explains this difference by reference to what he calls the greater "externalization" of state formation in the decolonized countries. First, developing country military rulers have been able to draw revenue from commodity exports or great power military aid, thus allowing them to "bypass bargaining with their subject populations" (p. 208). Second, Tilly hypothesizes that the competition between the United States and the Soviet Union created incentives for the superpowers to back military regimes to bring as many states as possible into their rival camps.

is in many ways similar to the argument developed in this article. As in the present analysis, Olson starts from a situation of a Hobbesian state of nature and argues that it is a sub-optimal political organization because it does not provide enough incentive for investments. Following the Hobbesian logic, he shows that autocracy would rise out of anarchy because the “bandits” that exist under anarchy would have an incentive to become stationary bandits and make themselves autocrats. They provide political order, which, to their benefit, enhances the productivity of their subjects. However, autocrats tend to tax too much, and democratic leaders will replace them. Olson shows that a democratic leader will extract less in taxes than an autocrat, because he or she represents the majority of the population that earns a “significant share of the market income of the society and has a more encompassing interest in the productivity of the society” (p. 570). He also shows that democracy will arise when none of the leaders involved in the coup or the upheaval to overthrow the dictator are strong enough to rule on their own. The argument is supported with the historical example of the initial emergence of democracy in England following the Glorious Revolution of 1689.

As in this article, Olson’s (1996) analysis points to the protection of property against illegal expropriation as one major motivation for democratization. However, whereas my goal is to investigate conditions for the emergence of democracy from anarchy, Olson follows the traditional route to explaining the emergence of democracy out of autocracy, analyzing the conditions under which stationary bandits would be overthrown by democrats. Thus, instead of assuming that democracy can arise only after a stationary bandit generates political order, I show that a situation of anarchy can generate political order and democracy simultaneously. The cost of the conflict leads the warring factions to consider three options, maintaining the status quo, inviting an external arbitrator, or choosing the people as arbitrator. There is an equilibrium in which warring factions can choose to agree on democracy so long as each faction assesses high enough chances of winning the elections. They make the choice of democracy credible by constructing (perhaps with the temporary help of an

external force) an impartial enforcement mechanism of election outcomes.

The argument represents a significant departure from Huntington's (1968) views on state building in changing societies. Huntington (1968) quite bluntly rejects the possibility of liberal democracy for developing countries. He considers the formula of designing governments in most developing countries with written constitutions, separation of powers, bills of rights, check and balances, regular elections, competitive parties to be irrelevant. He contends:

In many, if not most, modernizing countries elections serve only to enhance the power of the disruptive and reactionary forces and to tear down the structure of public authority...The primary problem is not liberty but the creation of a legitimate public order. Men may have order without liberty, but they cannot have liberty without order. Authority has to exist before can be limited, and it is authority which is in scarce supply in those modernizing countries where government is at the mercy of alienated intellectuals, rambunctious colonels and rioting students. (p. 7-8)

Needless to say, the theory developed in this article and the historical evidence of many Latin American and African countries indicates quite emphatically that the promise of political order is more credible when it is supported by democratic institutions. Communist and right wing authoritarian governments around the world did actually attempt to crush alienated intellectuals and rioting students in the 1970s and the 1980s. But the resistance of those intellectuals and students against government oppression made the third wave of democratization around the world possible.

V. Concluding Remarks

Post-civil war democracy is Hobbesian in its origin, Lockean and Shumpeterian in its functions. It simultaneously arbitrates conflicts between former warring factions and protects citizens against illegal expropriation. It shows that warring factions can not only create a state, but indeed a democratic state. Above all, warlord democratization confirms Kant's (1795) prediction that a good political constitution (assuming that a democratic constitution is one of them) does not to have to result from a

progress of morality but instead from an outcome of strategic interaction between “intelligent” warlords. Also, if we were to believe, as Kant does, that the irresistible “will of nature” will force warring factions to do what is in their best interests, then democracy will become the natural outcome of civil wars, provided that there is military stalemate and the factions are economically dependent on citizens’ productive investments.

Post-civil war democracy provides a way of bypassing the Prince or Leviathan. Indeed, Machiavelli, and many others after him (Hobbes, Olson, Huntington) have claimed that popular governments could be established only after an intermediate period of one-man rule, whether Moses, Cesare Borgia, Napoleon Bonaparte, Tchang-kai chek, or even Mobutu. I argue that democratic states can be created directed from anarchy. A popular regime can in fact skip the “princely” stage and go directly from oligarchic conflict to a form of republicanism.

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