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Legitimacy and State Formation. A Humean View.

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TABLE OF CONTENTS

1. INTRODUCTION.....	p. 3
<i>1.1 The formation of states</i>	
<i>1.2 The puzzle of political order</i>	
<i>1.3 The concept of legitimacy</i>	
<i>1.4 Crafting a dissertation project</i>	
2. A HUMEAN PERSPECTIVE	p. 10
<i>2.1 Coordination problems and conventions of authority</i>	
<i>2.2 Some methodological standpoints</i>	
3. IMPLICATIONS FOR THE STUDY OF STATE FORMATION AND THE CONCEPT OF LEGITIMACY.....	p. 16
<i>3.1 Coercion and micro motives</i>	
<i>3.2 Belief formation</i>	
<i>3.3 Legitimacy and coordination</i>	
4. SWEDEN AS CASE?	p. 21
5. CONCLUDING REMARKS	p. 24
REFERENCES.....	p. 27

1. INTRODUCTION

1.1 The formation of states

In the contemporary world, political order is to an unprecedented degree constituted by one particular kind of organisation: the sovereign and territorially bounded state. Most humans now live in structures of authority which claim sovereignty over a well-defined bit of territory, and it is one's spatial location that first of all determine law and jurisdiction. The contrast to past forms of political order and authority are clear. Few people now answer to tribal chiefs, the most obvious example of authority not defined or limited by a principle of territory. Likewise, feudal rule through personal loyalty and obedience – to kings, princes, dukes, lords or barons – are memories of European history. In those feudal times, belonging and jurisdiction was personal, not territorial: rulers ruled "over people rather than land" (Spruyt 1996, 40). There were no king of France but a king of the French.

Over the course of centuries political order was both territorialized and de-personalized: The king became king of a territory, while subsequently his personal domains and riches over time fused and was overcome by the impersonal structures which we usually call "the state". The individual subject is no longer in a relationship of loyalty and obedience to a personal "ruler", but to the state structures of his or her political community. How did these great changes occur?

This question is being addressed by theories of state formation. More specifically there are three different processes and outcomes that theories of state formation seek to explain. First, why did non-state authorities such tribes, guilds, firms, churches, lose power and loyalty in comparison to state-structures, whether in the form of empires, city-states, theocracies, or centralized states.¹ (This question assumes an

¹ Tilly uses the term "national" states to denote the same thing: states which rule over several regions by means of centralized institutions. Among such states only a few cases, such as Ireland or Sweden,

organizational view of statehood, one that does not regard the modern centralized state as the only proper kind of state (Tilly 1990, 2).) A second phenomenon to explain is why the centralized sovereign state came to win out over the other types of state. The task in both these challenges is to explain the emerging uniformity of political units in the modern world. Major works in explaining this outcome are Charles Tilly's *Coercion, Capital, and European States* (1990) and Hendrik Spruyt's *The Sovereign State and Its Competitors* (1996) A third challenge, however, is to explain the variance within this single type of unit, i.e different types of modern sovereign states. In one of the major works of this kind, Thomas Ertman's *Birth of the Leviathan* (1997), a differentiation of four types of states is made on the basis of type of regime (absolutist or constitutional) and character of administrative infrastructure (patrimonial or bureaucratic) (Ertman 1997, 6-10). In another major work, Brian Downing's *The Military Revolution and Political Change* (1992), the roots of democratic or autocratic tendencies in modern states are explained.

All of the above works are part of the fiscal-military paradigm of state formation theories, a paradigm which dominates the field. They all primarily explain the emergence, success, and specific character of states as the effect of centuries of warfare between political units under different circumstances and employing different strategies. Rulers' need to organize military force, and to extract the revenue to support it, led them to develop institutions and administrative procedures. Which institutions survived into the modern age was determined by their effectiveness in supplying resources and organising military forces. Political units with effective institutions survived in the battle fields of Europe. This fiscal-military paradigm, or 'bellicist' paradigm, has its legacy in the works of historian Otto Hintze, but is perhaps today best known by the works of Charles Tilly, with his famous line that "War made states and states made war". War and the need for concentration of coercive force are what drove the formation of states.

1.2 The puzzle of political order

The starting point of this dissertation project is that something seems missing in the fiscal-military paradigm. In order to see this we need to take a step back and revisit the general and ancient question of political order.

Let us take the example of Alexander the Great. He commanded over tens of generals, tens of thousands of soldiers, and ruled over hundreds of thousands of

have a population which is homogenous enough to merit the term *nation* states (Tilly 1990, 2-3). The term national state is also used by Hintze, though he also uses the term "unitary state", which perhaps is the better term (Hintze 1975, 161, 171, 175). Spruyt and Ertman prefer the term "sovereign state".

subjects. He conquered Egypt, he defeated the Persians, and even waged war as far as India. He did not lose a single battle, and his exploits changed the political landscape of the ancient world beyond recognition.

When we reflect on such events and developments it is easy to think that human societies and political history are determined by military power; and we might come to view the great deeds and events as testaments to the importance of violence and coercion on human societies.

But that obviously can't be the whole story. Consider for a moment another famous Alexander, the wrestler Alexander Karelin. He was a very big and strong man, and his success as greco-roman wrestler is unparalleled. Over a period of 13 years he didn't lose a single match; indeed, for six years he didn't even concede a single point to an opponent. He came to be called, naturally, "Alexander the Great". But let us now ask this question: how many men of normal strength would it have taken to wrestle Karelin to the ground? Would three do? Would it take five? The importance of this silly question lies not in the exact answer, but that it remind us of a general fact of human nature: in terms of bodily force humans are relatively equal; just a handful of such creatures would overcome the strongest specimen of the species.

How, then, was it possible for the historical Alexander to "rule" over hundred of thousands of other humans? Indeed, how could he "command" over tens of thousands of soldiers, who could in any minute turn their weapons against him. Or even over the small group of generals, who together would no doubt be able to put him in chains?

This is one of the fundamental puzzles of politics. Many political thinkers, from antiquity onwards, have reflected on the peculiar fact that human societies are characterized by far greater inequalities of power than can seemingly be explained by differences in physical ability and coercive powers. The philosopher David Hume, for instance, remarked that "A man's natural force consists only in the vigour of his limbs, and the firmness of his courage; which could never subject multitudes to the command of one" (Hume 1987, 468). The contrast between the power of Alexander the Great and the "weakness" of Alexander Karelin is meant to illustrate this phenomenon, the disparity between the physiological nature and the political life of humans. The puzzle – "the easiness with which the many are governed by the few" – is one that according to Hume always and everywhere have surprised those "who consider human affairs with a philosophical eye" (Hume 1987, 32).

1.3 The concept of legitimacy

Many who have been fascinated by the puzzle – by the "impotence of pure power", to use Morris Zelditch's words (2001, 37) – have answered by pointing to the realm

of ideas. Specifically, by elaborating and invoking a concept of legitimacy. The concept of legitimacy is often spelled out as "the right to rule", and is intended to capture the beliefs among the subjects that the state or ruler is exercising power rightfully and with moral justification. Such beliefs, it is thought, then translates into a sense of being under an obligation to obey or comply with the orders of the ruler or with the laws of the state. Thus legitimacy, as a shorthand for "beliefs that bolster willing obedience" (Levi, Sacks, and Tyler 2009, 355), can reasonably be invoked in explanations of political order, stability, change and revolution.

The concept of legitimacy first appears in Thucydides' history, as well as in Plato's dialogues, and the works of Aristotle. In most of the ancient writings, however, it is the normative question that is in the center: when *is* might truly rightful. The partial exception to this is Aristotle, who invoked the rightfulness of the rule as an explanation for political stability. He was thus the first in a long line of thinkers for whom political order seemed most plausibly explained by the perceived legitimacy of the regime (Zelditch 2001, 36).

In contemporary social science the concept is widely used. Examples of topics where it is invoked are for instance obedience to the law (Tyler 2006b), tax compliance (Murphy 2005), compliance with regulations regarding natural resources (Kuperan and Sutinen 1998), the successfulness of state-building efforts (Lemay-Hébert 2009), state capacity and economic development (Englebert 2002), outbreak of civil war (Rothstein 2009), and peasant rebellions (Scott 1977). When "legitimacy" is invoked as a cause of some behavior or phenomenon it is often in contrast with two other broad categories of factors: The claim in these studies can be generalized as the claim that the level of compliance or stability cannot be sufficiently explained either by the *threat of punishment* or the *hope of reward*. The studies claim to show that a particular event or state of affairs cannot convincingly be explained without invoking the level of legitimacy as a contributing cause. They thus collectively lend support to the view of the scholar who more than any other made this antique concept a part of modern social science, Max Weber, who held that any system of domination or rule depended on belief in its legitimacy (Weber 1978, 213).

1.4 Crafting a dissertation project

One place where the concept of legitimacy is *not* used, however, is in the bellicist theories of state formation. In none of models and explanations of Tilly, Spruyt, Downing and Ertman does legitimacy feature. Not even as an aside is the concept or phenomenon of legitimacy invoked; the term is absent in the indexes of all these

works.²

In contrast to these scholars, my starting point is that the genesis of states is intimately dependent on changing conceptions and processes of legitimacy. This is to re-affirm, as Raymond Geuss recently has done, the Weberian concern for legitimacy.

The legitimacy mechanisms available in a given society change from one historical period to another, as do the total set of beliefs held by agents, the mechanisms for changing belief, or generating new ones (newspapers, universities, etc.), and the forms of widely distributed, socially rooted, moral conceptions. [...] If one wants to attain a moderately realistic understanding of why a society behaves politically in a certain way, one will have to take account of the specific way the existing forms of legitimation work. There is nothing "realistic" about closing one's eyes to the fact that such warrants exist and are taken seriously (Geuss 2008, 35-36).

This dissertation project will aim to come to grips with the concept of legitimacy and the phenomena that it tries to capture in the historical emergence of modern states. In a sense, it aims to cast "a philosophical eye" on contemporary theories of state formation.

While the dissertation project I envision will have these two themes – legitimacy and the question of state formation as its *topic*, a third theme that will characterize the dissertation is a particular theoretical *perspective* from which this topic will be addressed. The guiding conjecture for the projected dissertation is that the social and political thought of David Hume contains a useful theoretical perspective concerning political order, legitimacy, and the development of modern states. Additionally, and of lesser importance, I claim that the case of the Swedish state is an interesting and illustrative *case* in relation to which the theoretical arguments can usefully be developed.

In the following pages I will discuss the following:

- the point and implications of developing a Humean perspective on legitimacy and state formation
- the reasons for drawing on Swedish political history.

The paper ends with some concluding remarks regarding questions of how an interesting and feasible dissertation can be crafted around the themes I have presented.

It would perhaps seem reasonable to first describe the *problem* in the state formation literature and then proceed to indicate the possible *solution* that a Humean perspective is claimed to harbour. However, I will turn things around. This is because seeing the problem requires in the first place adopting the very perspective

² I thank my colleague Klas Nilsson for this observation.

that also hopefully can provide a solution. I will thus begin with describing a Humean account of political order, from which some assumptions of the fiscal-military paradigm will then be called into question (section 3).

Comparatively, Hume's thought is given more space and attention in this paper than the topic of legitimacy and state formation. This is because it is the viability and fruitfulness of the Humean approach that is my foremost concern at the moment, and on which I am keen to receive feedback. I am not entirely sure of what it brings and how it connects to the concept of legitimacy. I do not in the same way have doubt about the overall project of exploring the concept of legitimacy in relation to the fiscal-military paradigm.

I must stress, however, that though Hume's thought will be central in this paper it is not my intention that the dissertation as a whole will become a study of Hume and add to the literature on Hume. This point will hopefully become clear as we go along.

Before proceeding further, I probably ought to say something about the difference between the normative and the empirical concept of legitimacy, lest confusion will reign. The question of legitimate power is of course a major, according to some *the* major, question of normative political philosophy. Judgements whether a political power is legitimate determines whether the subject or citizen is morally obliged to obey. Since this might be regarded as the most fundamental of all normative questions regarding politics, the task of specifying the terms of legitimate power is central in political philosophy.³ In the present paper it is, as should be clear, *not* this normative sense of legitimacy that is implied when asking such questions as "is this regime legitimate?". We are not talking about the normative question whether there are sound moral reasons to obey, but the empirical one whether the subjects to that power are themselves thinking that they have such reasons.

The relationship between the normative and empirical is perhaps not as neat and tidy as this account suggest, and some scholars claim that it is impossible to have a non-normative definition of legitimacy (Thornhill 2008). But my standpoint is that the two are separable, and that there is no point in claiming that "the concept of legitimacy is in the first instance a normative one" (Morris 2008, 17). In this regard I belong to the Weberian camp, meaning that I see no problem in a wholly empirical approach to the concept. Ernest Gellner, writing in this tradition, could even once claim that the term legitimacy "contains a measure of in-built *Wertfreiheit*", since the whole point of the concept was to fill the function of conveying "the fact that such and such a personage, institution or procedure is held to be authoritative, binding or

³ To take just one one example of this view, Isaiah Berlin formulated the point like this: "The central issue of political philosophy is the question 'Why should any man obey any other man or body of men?' — or (what amounts to the same in the final analysis) 'Why should any man or body of men ever interfere with other men?' [. . .] [At] the heart of political philosophy proper is the problem of obedience" (Berlin 2006, 17–19).

valid in a given society, without at the same time committing the speaker himself to any kind of endorsement of the values in question" (Gellner 1974, 24-25).

2. A HUMEAN PERSPECTIVE

In recent years several books that tries to establish David Hume as an important philosopher for social scientists have been published. Russell Hardin's book *David Hume. Moral and Political Theorist* (2007) is a wide-ranging book which seeks to draw out the meaning of Hume's theory in the lingua of contemporary social science. A key feature is the account of Hume as a forerunner as game theorist. Hardin restates Hume's theory in the terminology of modern game theory and shows Hume's theory of how conventions for exchange of goods come to be established, and for the emergence of political structures to enforce these conventions. In the same vein, Andrew Sabl's *Hume's Politics* (2012) is a reading of Hume's *History of England*, which is seldom read by theorists or social scientists today. Only among historians is the *History* sometimes read, while it until recently has been "ignored altogether" in other disciplines (2012, 3). But Sabl claims that there is much gold to be found in this mine; he describes how many of the highly abstract remarks and general theories that one finds in Hume's *Treatise* and his *Essays*, are fully put to work and given life and detail in the attempt to explain the social and political history of England.

My effort would not be to repeat the feats of these authors by focusing only on interpreting Hume's work, but instead intend to take a step further. It seems to me that while Hardin and Sabl deal in detail with Hume's work and *claim* the wider appeal and usefulness of drawing on Hume, they do not really engage with the contemporary theories that they claim would benefit. I will aim to provide that bridge. I believe, more specifically, that there is a prospect that a Humean perspective holds some promise of being useful in developing and refining theories of state formation and in understanding dynamics of legitimacy.

2.1 Coordination problems and conventions of authority

What answer did Hume himself offer regarding the puzzling fact of political order:

how could the many so easily be ruled by the few?

When we enquire by what means this wonder is effected, we shall find, that, as FORCE is always on the side of the governed, the governors have nothing to support them but opinion. It is therefore, on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular. The soldan of EGYPT, or the emperor of ROME, might drive his harmless subjects, like brute beasts, against their sentiments and inclination: But he must, at least, have led his *mamaluks*, or *prætorian bands*, like men, by their opinion (Hume 1987, 32-33).

The opinions underlying order are according to Hume of two kinds. The first kind, "opinions of interest", concern the general utility and necessity of government and authority, and whether the present ruler or government is at least as good as any other feasible government in supplying the advantages and utility of order. "Opinions of right", on the other hand, concern the sense of the present ruler or government occupying the position of power on rightful or lawful grounds. Within the same category are ideas about property and its influence on government (Hume 1987, 33-34).

But how does Hume account for the "usefulness" of government and how such power develop? I will here provide a brief summary of Andrew Sabl's interpretation of Hume's writings on politics and social order. I am sympathetic to his interpretation, and it is primarily Sabl's account (together with Hardin's) that I intend to build on and discuss in the relation to contemporary theories of state formation.

There are several features that characterize a Humean view of politics. First of all it is a view that stress the importance of *coordination* of behavior; and relatedly, the conventions that emerge to ensure that this occurs.

On a Humean view, the most important political questions do not involve "who gets what, when, how". Disputes over the distribution of social goods and tasks, however important – and Hume implies solutions to those too – are in one sense the easy part of politics. For us to argue over distribution, taxation, or the enforced assessment of burdens, we must first agree on who "we" are; we must have a surplus over subsistence; we must know in common what counts as money; we must accept a common authority (whose proper functions, limits, and obligations can then be argued out). Before it can even think about becoming a fair scheme of social cooperation, society must acquise in conventions that establish several complex, difficult schemes of social coordination (Sabl 2012, 42).

That last sentence features both the terms "coordination" and "cooperation". The difference is profound, yet often neglected "even by experts who ought to be the ones drawing technical distinctions" (Sabl 2012, 41).⁴ Both cooperation and coordination are about those social goods which are dependent on everyone acting or

⁴ A recent example of this seems to me to be Paternotte (2012), see especially p. 8-9.

thinking in concert, but the difference lies in the incentive structures for the interacting individuals.

Coordination is about those cases in which it is everyone's *individual* interest to behave or think in the same way as others. Communication requires that people agree on the meaning of certain expressions of language; exchange of goods are furthered by agreeing on a standard of payment; travelling is eased and made safe by everyone abiding in driving on one side of the road. In short: "In some of life and a great deal of politics, the right thing for each person to do is that which he or she has reason to think others will do" (Sabl 2012, 42). Driving on the wrong side of the street will get you killed. Handing over your self-made paper bill won't get you the loaf of bread. And inventing your own private language, whatever the merits of its grammar and vocabulary, will leave you lonely in the lunchroom.

Cases of coordination is characterized by the fact that defecting from the established conventions are exceedingly costly for the individual. It is not the timeless wisdom and moral validity of §7 of chapter 3 of *Trafikförordningen* which make into the probably most complied with of all the laws and statutes in the Kingdom of Sweden: "Vid färd på väg skall fordon föras i det körfält som är längst till höger i färdriktningen och som är avsett för fordonet".

Cooperation, on the other hand, in a game theoretical sense, become relevant in situations in which the individual's incentives diverge from the socially preferable behavior. Structurally reverse of coordination is the situation defined in a "public goods game". In interactions of this kind, the more people that comply (abide with a convention of cooperation) the stronger the incentives for defection gets. If everyone else pays taxes, then, if the opportunity for tax evasion present itself, there are strong incentives for me *not* to do like everyone else, but rather to free ride on their efforts.

This kind of cooperation problems, often associated with Mancur Olsen and others, have recieved great attention, not only in scholarly circles. So much so that "collective action problems" have almost become synonymous with problems of this sort, such as Prisoner's dilemma and public good games. However, what Hume shows is that coordination actually explains "more of politics than first appears": indeed he offers "a comprehensive account of political change" based on coordination problems and their possible solutions (Sabl 2012, 2).

To see how this might be so we need to understand what may be *problematic* in coordination. As has been made clear, when coordination is in place (i.e the conventions prescribing a particular behaviour is stable) it is to a large extent self-sustaining. However, to *achieve* coordination is not as easy it may sound. First of all because lack of information and possibility of communication may prevent one another from knowing others' intentions and habits. But there is also a more fundamental kind of problem. Often different points of coordination have different costs and benefits on actors. So that while there is harmony of interests in the sense that all are better off with coordination, there is discord in the sense that some

coordination solutions bring unequal benefits and costs. This we can call a case of a conflictual coordination game. In the case of traffic, on the contrary, no one has any independent reasons for thinking that one particular side of the road is essentially better than the other: both of the two possible coordination point have the same pay-off for everyone, a situation which we might call a harmonious coordination game.⁵

To solve these coordination problems, a decision by a political authority and sanctions to implement and uphold one of the disputing conventions, is needed. In a Humean perspective, the general function of political authority is to solve coordination and cooperation problems, by giving weight to, or creating *de novo*, some convention of behavior.

However, political authority is itself a matter of coordination. It is dependent on that people agree to treat the rules and orders emanating from one designated ruler or political body as worthy of being followed. Authority is no more than "a shorthand for citizens' propensity to acquiesce in decisions by designated officers" (Sabl 2012, 8). In this perspective, a "crisis of authority" is not really something that happens to an *entity* called the government or the state. It is something that happens to *us*: the 'we' who previously treated the decisions of government as authoritative for our individual courses of action.⁶

Importantly, coordination on a decision procedure is a coordination of the conflictual kind. While few would challenge the convention of which side of the street to drive on, many have much to gain if successful in establishing new authority conventions. In game theoretical terms, politics is thus like an ever-present "battle of the sexes": while all would like to coordinate on some authority convention, the substance of different conventions can have vastly different pay-offs for different groups, making coordination troublesome (to put it mildly).

If groups are abiding different conventions of traffic within a territory, we would suffer the cost of needing to drive slowly, and even then many would die in accidents. If we accept different standards of payment, transactions will be more costly and tedious. But such costs and down-sides pale in comparison when think of the price of disagreeing on conventions of authority. If we disagree on *that*, group violence is a certainty.

The great benefits involved in changing conventions to one's advantage, together with the supreme costs involved in failed coordination on authority, is what explains the instability as well as the stability of political orders.

⁵ A terminology that is often used is "pure" versus "impure" coordination. But I don't find that the pure-impure terminology give a good sense of the difference between the two types of games.

⁶ Compare to Binmore (2005, 86).

2.2 Some methodological standpoints

When letting Hume's writings be re-interpreted in this way it is obvious that the present work is not one of intellectual history. It is not about making the historical case that Hume was a "forerunner". He *was* a forerunner, for instance was he probably the first to describe the conditions of a Prisoner's dilemma (Elster 2009, 51), but that is not the point. The whole framing of the dissertation should indeed signal a view shared by Sabl: that studying Hume's work holds the promise of actually helping us "better understand the political world", and that "Hume's insights into these matters are superior to our own in crucial respects" (Sabl 2012, 6,17)

As have been clear from the sections above, the kind of contemporary social science that the Humean perspective is close to is a sort of soft rational choice, employing coordination theory and game theory to understand matters of collective action. Sabl says that his studies of Hume has brought him more sympathetic to rational choice, but it must be made clear that it is a kind of rational choice perspective in a soft, non-formal sense, and that the insights from game theory are mostly spelled out in plain language, rather than in pay-off matrices and decision trees (Sabl 2012, x).

This non-formal manner of explanation is, according to Sabl, not caused by happenstance or personal inclination. It is because the processes that Hume describe and seek to explain most often concern the very things that in formal theory are thrown in as assumptions and as part of the set-up (Sabl 2012, 2, 9-10, 22, 25-28, 30-31). The coordination problems and solutions that Hume discuss are thus "deeper" than those amenable to formal game-theoretical treatment.

Formal models typically assume that the relevant actors are fixed and known; Hume treats situations in which they are uncertain, ever-changing, or the occasion of political controversy. Classic game theory assumes that the actors know how much they stand to gain from each outcome; Hume treats cases in which the gains from huge and durable changes in political structure are potentially vast but massively uncertain, making payoff matrices impossible to draw up. Formal theory purposively leaves out proper names so that conclusions about human behavior can be stated in scientific or general form; Hume treats the ubiquitous real-world situation in which reaching peaceful and generally acceptable political outcomes requires precisely such proper names or context-specific signals (common tradition, precedents, and tacit agreement on customary solutions). Finally, game theory assumes that the agents' preferences are given and unchanging; Hume treats cases of long-term social change in which the question of how agents will in the future define their purposes and desires is a central object of the game, not external to it (Sabl 2012, 2).

On this view, the formal or mathematical models of political behaviour, useful as it may be on its own terms, by necessity treats only cases "in which most of politics's biggest questions [...] have *already been solved*" (Sabl 2012, 28; emphasis in original). Some may regard this as a straw man, claiming that evolutionary and behavioral game theory has moved beyond precisely those limitations of classical game theory.

Be that as it may, the important thing is that the form of coordination theory that will be useful for understanding the kind of change that Hume tries to explain must thus make room for historical and contextual factors to be all-important in determining the solutions and conventions that come into being.

3. IMPLICATIONS FOR THE STUDY OF STATE FORMATION AND THE CONCEPT OF LEGITIMACY

There are several possible lines of argument, from this Humean perspective, of relevance for the study of state formation. This section will briefly describe a few of them.

3.1 Coercion and micro motives

In the fiscal-military paradigm great emphasis is put on violence and coercion. As Tilly in one place writes:

The central, tragic fact is simple: coercion *works*; those who apply substantial force to their fellows get compliance, and from that compliance draw the multiple advantages of money, goods, deference, access to pleasures denied to less powerful people (Tilly 1990, 70; emphasis in original).

Coercion is thus crucial to the rulers' ability to extract resources from the economy of their dominion. The most direct forms of resource extraction concern taxation, in kind or money, and conscription of soldiers. Regarding this extraction, most scholars describe some form of dynamic wherein rulers acquire resources in a combination of either coercive means or through bargaining with the strata of the population possessing the resources. It is from the organising of this extraction and bargaining that many state structures came into being.

However, from a Humean perspective the existence of the concentrated force that either directly extract resources or form the background to the bargaining with the population, is something that itself requires explanation. It cannot be introduced as an independent factor. For the concentration of force is itself a matter of coordination. Going back to the example of Alexander the Great and Alexander

Karelin, the Humean perspective would imply that it is coordination that *constitute* coercive power of the kind Tilly talks of, and thus the latter cannot unquestionably be invoked as itself the only cause of coordination or compliant behaviour.

What are the implications for the resource extraction that the fiscal-military theories puts such a great emphasis on?

Since Humean armies are governed by opinion, even force is a matter of convention: soldiers' allegiance, and not incidently the taxation power by which they are paid, will in the long run turn on perceived political authority (Sabl 2012, 159).

This perspective thus would imply a much greater emphasis on the micro-motives of behavior among tax-payers, officials, soldiers, and so on. Crucially, it opens up the question of the beliefs and normative views of the subjects.

Speaking of micro-motives, this point leads us to a general point regarding bringing Hume to bear on contemporary state formation theory. Hume's *History of England* should of course not be read thinking that it can offer something substantive to macrohistorical accounts of European state formation processes; on that score, naturally, his successors has much more to offer. Instead, as Sabl says, it is at the micro level of "choice and situation" that Hume "still have much to teach us" (Sabl 2012, 16)

Hume's account of micromotives, their contexts, and their collective (often unintended) effects was neither taken up nor developed. Though his account of large-scale social causes is stale, this is fresh. Hume's account of convention and coordination anticipated theories only articulated two hundreds years later and not yet fully worked out (Sabl 2012, 16).

It is on this level that a Humean perspective may lead one to question the macro-accounts of Tilly and others, and to think that micro motives in terms of coordination and the changing conventions of authority may have something to offer in contemporary explanations of state formation processes.

3.2 Belief formation

On the point of micro motives Hume could thus be aligned with the efforts of Margaret Levi in her book *Of Rule and Revenue*, and her call to "bring people back into the state" (Levi 1988, 185-204). A Humean perspective would naturally spend time on the formation of those crucial "opinions" that underlie all collective action and compliance. But on this point it is not only Tilly and others that may be subject to criticism, but also many rational choice scholars like Levi herself, who at face value subscribe to the view that actors actual motives must be crucial in explanations

of their actions. One criticism of the rational choice approach is that it often takes for granted the existence of fixed and obvious material interests that the agents cannot fail to recognize and act upon. But the empirical focus on "opinions" cannot be limited by invoking a distinction between material factors and ideational factors; a distinction between interests and ideas. Within historical institutionalism, and especially "constructivist" institutionalism (if we are to see this as an independent form of institutionalism rather than a position within the historical camp), scholars hold that material interests always are *ideas about interests* (Hay 2008). This was Hume's view too:

Though men be governed by interest, yet even interest itself, and all human affairs, are entirely governed by opinion (Hume 1987, 51).

Conceptualizations of interests are thus of crucial importance, and for all the talk about micro-foundations by Levi, her attempt is undermined given the somewhat complacent way she ascribe given interests to all the actors of the drama. While it is undoubted that no human can fail to recognize her material interest in, say, food, there is less and less "obviousness of interests" the further we are removed from existential needs and the more we are concerned with choices regarding alternatives that all satisfy the basic needs of subsistence. And in complex social settings, and with choices with unclear alternatives and pay-offs, there can be no obvious interests that can be pointed to as the given motive.

Thus, while a Humean approach would be in line with approach "analytical narratives" (Bates 1998), some of the rational choice assumptions common in such works would need modification.

3.3 Legitimacy and coordination

In one influential take on legitimacy, originating in the works of Douglass North and developed by Margaret Levi and others, the importance of the phenomena is that it facilitates compliance on ideological grounds. In this perspective it is no mystery why political entities try to maintain legitimacy: it is because legitimacy is cheap.

[S]eeking to govern a society or manage an organization based upon the possession of power alone first requires enormous expenditures of resources to create a credible system of surveillance through which to monitor public behavior to punish rule violators. In addition, resources must be available to provide incentives for desired behavior, rewarding people for acting in ways that benefit the group (Tyler 2006a, 377).

In comparison with sanctions and rewards, relying on legitimacy "reduces the transaction costs of governing" (Levi, Sacks, and Tyler 2009, 355). For instance, to

achieve a high rate of tax compliance without any "legitimacy beliefs" in the citizenry, the apparatus for controls and sanctions would have needed to be enormous. This transaction cost view of legitimacy does not feature in the major works in the fiscal-military paradigm, but has been employed by for instance Jan Glete (2002) and Mats Hallenberg (2008).

This view of legitimacy will probably feature to a great extent in my attempt to understand legitimacy in the formation of states. However, if the Humean perspective is to be a significant part of the dissertation, it would probably be because it offers another way of understanding legitimacy (though they may be related). It is to develop a view on legitimacy in the terms of coordination theory and game theory.

In an article explaining the relationship and bargaining between an autocratic ruler and the elites on whose support the ruler depends, Roger Myerson briefly elaborates on a Humean understanding of political order. He states that agreeing on a leader is a coordination problem, and importantly: "it is the coordination problem to solve all other coordination problems" (Myerson 2008, 133). What determines who will become a leader? In coordination games, the outcome is determined by "focal factors", i.e salient och customary properties that each person recognizes and which creates mutual expectations of people's behaviour even when possibilities of communication are lacking.⁷ What are we to call such factors in politics?

Focal factors that bestow such coordination power on a leader may be called legitimacy (or charisma when they are intrinsic to the leader's personality). By the focal-point effect, the selection of legitimate leadership in any society can depend on its particular culture and history, such as a local tradition of identifying a particular family as royal (Myerson 2008, 133).

This is just a side remark by Myerson. But it opens up for the idea of connecting "conventions of authority" with the concept of legitimacy. What would this entail? It would be to think of legitimacy as those focal factors stemming from being in "accordance" (or something like it) with conventions of authority. A convention creates its own focal factors, by specifying qualities that are not "natural" in the same sense as charisma, a strong body and good combat skills, or good voice and rhetoric ability. As Sabl writes, a constitution could be seen as "a fundamental convention of ignoring first-order focal points" (Sabl 2012, 125-26). A convention of hereditary rule, for instance, let us solve the re-current coordination problem that occurs as the leader dies, by specifying who is to be held authoritative by reference to properties that are unique and undisputable.⁸ (Sometimes these rules are inadequate or

⁷ It is common to talk about "focal points". The term focal "factor" denotes those properties that make a particular person, place, or object into a focal "point". At an abstract level, focal factors is often categorised in such terms as *salience*, *uniqueness*, *precedence* (status quo, or status quo ante, and so on).

⁸ Or in the words of Pascal: "The most unreasonable things in the world become most reasonable,

incomplete, as the English Civil War testaments to.)

This idea depends on not treating focal points and conventions as *alternative* solutions to coordination problems. I prefer seeing conventions as creating second-order focal points, based on a mechanism of *precedence* or custom. This would be to depart from Sabl's way of thinking about focal points and conventions (2012, 28-30, 125-26). I also think that Sabl is unclear or silent on how legitimacy should be understood in Hume's view, and in his own: he throws in the term of legitimacy here and there but uses it mostly in a commonsensical way without connecting it to the theoretical framework that he develops.

I think that there might be something promising to build on here. I am unsure how or in what ways, but if my hunch is correct it may have interesting implications both for the transaction cost account of legitimacy, and to Weber's famous categorisation of forms of legitimation, as well as for Beetham's modern classic on the topic (Beetham 1991).

because of the unruliness of men. What is less reasonable than to choose the eldest son of a queen to rule a State? We do not choose as captain of a ship the passenger who is of the best family. This law would be absurd and unjust; but, because men are so themselves and always will be so, it becomes reasonable and just. For whom will men choose, as the most virtuous and able? We at once come to blows, as each claims to be the most virtuous and able. Let us then attach this quality to something indisputable. This is the king's eldest son. That is clear, and there is no dispute. Reason can do no better, for civil war is the greatest of evils. (Pascal, *Pensées*, Book V, 320).

4. SWEDEN AS CASE?

While the primary ambition of the dissertation will be theoretical (the conceptual underpinnings of theories of state formation), the discussions will of course be tied to explanations of individual cases. After all, theoretical criticisms that does not have any implications for our understanding of empirical cases will be of little use or interest.

A question that opens up, however, is whether the theoretical discussions should all be tied to the same individual case, i.e. of the formation of a particular state. The choice is between letting the puzzles and debates of the established state formation theories dictate the empirical phenomena to explain, which in practise would mean the major European states, especially France, Prussia and England. Or whether some other case should be chosen, and let the theoretical disagreements be played out in this case. The latter alternative have the advantage of making it possible to actually making an empirical contribution of interests to scholars of that particular case.

If a case is to be used, the development of the Swedish case is a good candidate. First of all because background knowledge and language competence will make archival work more feasible and rewarding, and secondly because it is not the most well-trodden ground for sustained theoretical work. I could thus avoid being bogged down in rehearsing the same old disputes regarding France and England, but rather offer an example where the theoretical arguments might be viewed in fresher light.

But Sweden of course hasn't been neglected or unconnected with the international scholarship. Importantly for my purposes, the fiscal-military paradigm has been very strong in the scholarship on Sweden. Many Swedish historians have been greatly influenced by especially Charles Tilly, and many works have explicit chapters dealing with the theoretical underpinnings as well as implications of the international scholarship on the topic (Thomson 2011, 271; Lindegren 1998, 193). And indeed, one of the founders of the fiscal-military approach, Michael Roberts, was an historian of early modern Sweden. In recent decades, the inspiration from Tilly has been complemented by an perspective that draws on Douglass North, Margaret Levi and Edgar Kiser, and which thus employs the concept of transaction costs in their studies of the fiscal and military bureaucracies of the Swedish state. Jan

Glete and Mats Hallenberg are examples of this (Glete 2002; Hallenberg 2008). What all this means is that I won't need to "translate" the major theories of Tilly and others to the case of Sweden, but can rely and engage with already existing accounts and explanations written from this perspective. This is an advantage when I will discuss the implications of the theoretical perspective and conceptual analysis that I will pursue.

As for the focus on David Hume, the case of Sweden also constitutes a nice parallel to David Hume's object of study: England. In Ertman's categorization, Britain and Sweden are the prime examples of a bureaucratic constitutionalist state. Sweden, Ertman writes, "was the closest equivalent in Europe to the bureaucratic constitutionalism of Britain" (Ertman 1997, 314, 319}. Since Hume tries to explain this outcome in England (absolute vs. "limited" or "mixed" government was his terminology), there are reasons for thinking that the kind of dynamics and development of conventions of authority will have more parallels with the Swedish case, at least in comparison with a country which developed in a wholly different way.

What to explain in the case of Sweden? Again, one idea would be to stick with Ertman's categorization. Thus there would be two fundamental processes to explain: the changes, back and forth, between constitutional and absolute rule, and secondly of the emergence of bureaucratic rather than patrimonial administration. Since it would be too great a task to take on to explain these developments over hundreds of years, one alternative would be to choose some specific sequences or episodes of great importance. The early 17th century is often held to be crucial for the development of the modern Swedish state, and to exemplify I might as well pick some developments from this period. Concerning the absolutist-constitutionalist dimension, one sequence to explain could be the authority of *rådsregeringen* after the death of Gustavus Adolphus 1632. As Brian Downing writes:

This transfer of power is not without significance for constitutional history. It ensured continuity of constitutional control over what had become perhaps the most powerful army in Europe. Of course, constitutional control over the military is essential in any period of history, and under any circumstances, but it is all the more important for an army that enjoys the independence of action afforded by the absence of logistical and financial ties to the home government. It was the combination of a small distant state and powerful autonomous armies that doomed the Republican Rome and ushered in continuous military intervention in politics, and the same unfortunate combination led to grief between the Habsburgs and their generalissimo, Wallenstein (Downing 1992, 200).

As for the issue of administrative infrastructure, the fiscal system of the early 17th century offers a crucial but often neglected bit of history: the Swedish experiment with tax farming. During the 1620's a majority of Swedish tax revenue was collected by private entrepreneurs, who had acquired this right by contract with the state. For a time, the rudiments of a state bureaucracy built up by Gustavus Vasa were

dismantled and supplanted, only to be revived by reforms by Oxenstierna in the 1630's. This episode often goes unmentioned in accounts of the development of the Swedish state, but is crucial for understanding how and why a centralised bureaucracy was developed in favour over alternative logics of administration (Hallenberg 2008).

While this would be to choose one episode on each of Ertman's dimensions, and concern roughly the same historical period, an alternative would be to limit episodes to one of the dimensions but instead let them represent different time periods. The choice of design is partly dependent on the role and importance given to Hume in the dissertation. Since Hume's *History* to a great extent deal with emergence and change concerning conventions of authority regarding the King and Parliament, explaining changes back and forth of absolute versus "mixed" government, it might be a good idea to focus on the corresponding dimension in Ertman (absolutism vs constitutionalism), and select episodes regarding that dimension in the case of Sweden. An early episode might be the case of Gustavus Vasa seizing power, establishing a dynasty, and in many crucial regards founding the modern Swedish state. Another episode might, again, be the period of Gustavus Adolphus and Axel Oxenstierna. A third interesting period would be the case of Swedish absolutism and the following Age of Liberty. A benefit of including this latter period is that it is one that many of the major international scholars such as Downing, Ertman and Perry Anderson have found puzzling.

5. CONCLUDING REMARKS

[In this paper a greater focus has been given to the Humean perspective than is intended for the dissertation as a whole. In this final part of the paper, however, the more general questions of focus and limitations of the dissertation will be briefly presented. Comments are much welcomed both on the prospects of using Hume and the more general framing and content of the dissertation as a whole.]

To repeat, the dissertation project described above has four parts or elements:

- The formation of modern states (in Europe)
- The concept of legitimacy
- David Hume's political thought
- Swedish political history

As I see it at the moment, they can be connected in the following way. The main concern is to explain: *state formation*. Missing factor or explanatory concept to develop: *legitimacy*. A perspective that might be useful in understanding state formation and legitimacy: *Hume's political thought*. An empirical case in which the implications of the theoretical debate are spelled out: *Sweden*.

What are the problems that motivates a study such as this? What possible contributions could be made? I have yet to formulate a specific research question. That reflect the fact that much is still undecided when it comes to the right combination of the elements outlined above, and the major focus of the dissertation. I am glad to receive feedback on issues of this general nature. In thinking about different possible combinations, I think that the following three claims can be defended and form a platform for framing different dissertation projects.

- A. The state formation literature suffers neglect of legitimacy/unsophisticated conceptualization of legitimacy and political order.
- B. The literature on legitimacy could benefit from trying a Humean perspective
- C. The state formation litterature could benefit from a Humean perspective.
- D. *More tentatively*: Some episodes and processes in Swedish state formation

may be fruitfully be re-interpreted through refining state formation theories and concept of legitimacy.

What I can offer at the moment is only my current view of what possible contributions could come out of it, depending on the chosen focus.

1. Contribute to the scholarly literature on state formation processes, by discussing how political order and legitimacy is conceptualized in the models and explanations of the origins and developments of modern states. More specifically, solve theoretical difficulties within (the fiscal-military paradigm of) state formation theories. Perhaps this will lead to re-interpretation of some of the results regarding the standard cases of France and England, or to an argument in one of the issues which are still a matter of debate amongst state formation scholars.
2. Bring clarity to the concept of legitimacy. While widely used and invoked by scholars and scientists, the concept of legitimacy itself has not a clear and agreed-upon definition. In the literature, differences in conceptualizations and operationalizations of the concept abounds. These disagreements are accompanied with disagreements at the empirical level regarding the causes of legitimacy and its effects. These confusions and disagreements invites the question of whether legitimacy really is a useful concept for political scientists. According to some theorists the concept only brings confusion, and they argue that it is actually time for a moratorium on its use (Barker 2001, 25-26).

Since opinions on the value of the concept within the profession obviously ranges from "crucial" to "useless", it certainly seems worthwhile to explore and analyze the concept of legitimacy and the phenomena that it tries to capture.

3. Contribution to some debates regarding the formation of the Swedish state. By basing my empirical discussions on examples consistently drawn from Swedish history, I think the dissertation would potentially make a contribution to the empirical case. Note, however, that perhaps there is a trade-off between 1 and 3. If the focus is on 1, it is perhaps better to keep the discussion to the states most commonly discussed in this literature, i.e. England and France. Show how they are mistaken or incomplete from a Humean perspective.

The focus and combinations to pursue is not clear. It would perhaps be possible to focus on all four of the elements, such as has been suggested in this paper so far. But perhaps it is in practise necessary to make a choice of what is primary, and what kind of contribution I should first of all aim at. Below are a few alternatives I consider, listed after key words that describe the main focus of the dissertation, with brief descriptions as well as suggested titles that are meant to be indicative of the main focus.

1. State formation – Hume – Sweden

Of Rule and Revenue in Sweden. An application of David Hume's theory of political order and state formation. (Description: Start with the gap between existing state formation theories and the existing Hume scholarship. Fill this gap. Use Sweden as example, engage in some long-standing debates among historians on specific episodes. The Swedish case: Gustavus Vasa and the early foundations of the state; Oxenstierna, tax farming and administrative reforms; the government after 1632; how the parliament evolved. Subsidiary ambition: improve on Levi's "quasi-voluntary compliance" by elaborating on Hume's "opinions" and conventions of authority).

2. State formation – Hume

David Hume and the Origins of Political Order (Description: Great focus on Hume. Model on Fukuyama's book *The Origins of Political Order*, ie. three thematic parts: State building, The Rule of Law, Accountable Government. Themes from Hume to discuss: Authority conventions, magna charta, bargaining, taxation->representation. No specific case, discussion concern the theoretically most interesting cases and issues.

3. State formation – legitimacy – Hume

Political Legitimacy and European State Formation. A Humean View. (Description: more focus on the concept of legitimacy on a Humean view. No specific empirical case.

4. State formation – legitimacy – Sweden

Of Rule and Revenue in Sweden. Developing a concept of legitimacy for [fiscal-military] theories of state formation. (Description: focus on legitimacy in state formation theories. Develop in relation to Sweden. Less focus on Hume.)

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