

Patrimony and Collective Capacity: An Analytical Outline

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This article investigates the ways in which the appropriation of offices and positions for personal use (“patrimony”) shapes incentive structures and collective capacity. Within the context of an agency relation, patrimonial power characterizes a mode of political dominance and resource management excluding accountability. This micro-analytical definition identifies three sources of variation: (1) the degree of codification, (2) the extent to which allegiance is personal (versus office-based), and (3) the extent to which dependence is asymmetrical. Patrimonial power enhances collective capacity through the creation of nodes of agency. It undermines this capacity by begetting arbitrary power and instability, by undercutting incentives for productive innovations, and by fostering the downward fragmentation of spheres of influence. Actors get out of this structural logic through two conjoint processes: (1) groups vying for office regulate the terms of their competition (intergroup dynamics), and (2) principals develop an incentive to make themselves accountable to fend off their agents’ possible exit (intragroup dynamics).

Keywords: patronage; accountability; Congress; academia; agency nodes; military commissions

Can patrimonial relations be a factor of collective capacity? The question seems moot if we think along the lines of broad typological dichotomies such as patrimony versus bureaucracy. In a dichotomous setting, patrimonial structures are characterized by fragmentation, private rule, and arbitrary power. These structures are a hotbed of inefficiency. Bureaucracy, in contrast, grounded in impersonal rules and standardized practices, sets the driving force of universal rationality and collective might in march. It shows the way.

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This diagnosis holds as long as we stick to an analytical framework cast in terms of broad ideal types defined from a static perspective. When we narrow the focus and seek to identify dynamic patterns, causal processes, and their differentiated outcomes, the picture becomes blurred and the diagnosis much less certain. Often, the “types” do not have the straightforward simplicity that we tend to ascribe to them—a fact that Weber noted long ago. Patrimony can have bureaucratic features. Standardized rules can accommodate themselves very well with patrimonial practices. Sometimes, they even set the ground for such practices.

In this article, I go one step further and argue that we cannot address issues of collective capacity by remaining within the confines of a typological approach. Types obfuscate the extent to which patrimonial practices may develop in the interstices or under the cover of formally bureaucratic structures. To fully gauge this point, we need first to reconsider the locus of patrimony as the political capacity to elude accountability. Second, we need to pay close attention to the ways in which patrimonial relations shape incentive structures and institutional resources.

The organization of the article follows the logic of the argument. The first section defines patrimonial arrangements in relational terms, as personalized transactions sustained over time between a principal and one or several agents. These relations involve a significant amount of either inequality or dependence. The second section describes three sources of variation of these relations: (1) the amount of legal codification that they involve, (2) the extent to which allegiance is personal versus office-based, and (3) the extent to which dependence is asymmetrical.

The third section operationalizes patrimonial dominance as the elusion of accountability. Within the context of an agency relation, an actor is accountable when she or he can be sanctioned for breaches of the terms of this relation (Fearon 1999, 55; Manin, Przeworski, and Stokes 1999, 10; Besley 2006, 101). For this to happen, the breach needs to be exposed. Thus, an actor eludes accountability when she or he has developed the capacity either to shield her or his behavior from external scrutiny or to systematically fend off sanctions. This capacity is the distinctive sign of a patrimonial relation. Patrimonialism designates a mode of political dominance and resource management characterized by the elusion of accountability on the part of the principal.

In the fourth section, I explore the relevance of this micro-analytical approach for assessing the extent of private appropriation in formal bureaucratic institutions. The main point of this section is to be descriptive. I emphasize the significance of patrimonial practices in regimes and administrative structures that a typological approach invites us to characterize as “bureaucratic.” Drawing on this analytical framework, I address the question of collective agency in the four subsequent sections. My focus is on the factors conditioning the capacity to produce a collective good and to sustain this investment. I emphasize the impact of processes of self-regulation and the need for incentive structures sustaining such processes. Competition helps *if* (1) it generates incentives for self-regulation and (2) it provides the opportunity to sanction patrimonial practices through exit.

I. Analytical Bearings

“The vassal was bound by his fealty to ‘render aid’ to his lord in all things, and it was taken for granted that this meant placing his sword and his counsel at his lord’s disposal” (Bloch 1961, 222). The lord-vassal relation epitomizes a basic patrimonial relation. For the purpose of identifying the relational properties of patrimony, I take this relation as my starting point. We are considering two actors: a principal and an agent. The principal—the lord—requests that an action—military service, court service, administrative duties—be taken on his behalf. The vassal fulfills this request, thereby acting as the lord’s agent.¹

Two defining features stand out in this relation. First, it is personal. The vassal owes his services to the lord because the latter is *his* lord. Conversely, the lord rewards agency provided in his name with favors at his discretion. Second, the relation is encapsulated in statutory distinctions. The lord is entitled to behave as a principal. The vassal is expected to act on the lord’s behalf. This statutory distinction fixes the inequality built into the relation and captures its nonmarket character. The relation has, therefore, the characteristic of an exchange—the principal rewards the agent acting on his behalf for the agency provided—but this exchange has an unequal dimension signified by status distinctions.

At first sight, we might presume that these two defining features are enough to capture a system of political rule. Along these lines, Bratton and Van de Walle (1997) propose a definition of patrimonial rule centered on (1) the personal character of authority relations—rulers treat others as if they were part of their household—and (2) the inequality between “big men” and “ordinary folks.” “In patrimonial political systems, an individual rules by dint of personal prestige and power; ordinary folks are treated as extensions of the ‘big man’s’ household, with no rights or privileges other than those bestowed by the ruler. Authority is entirely personalized, shaped by the ruler’s preference rather than by any codified system of law” (p. 61).²

In a differentiated system of rule, however, a definition of patrimonial rule centered on personal authority loses sight of the “official” character of this rule. Patrimonial rulers are also officeholders. They exercise their rule as the bearers of an office. “Office” here designates a position legitimized by reference to a supraindividual entity, whether this entity has a transcendental origin (God) or whether it subsumes a human collective (the group, the organization, the polity). The questions that come to the fore are How do these office-holders manage their office? and What is properly patrimonial about it?

Appropriation for one’s personal benefit provides the answer: “The patrimonial office lacks above all the bureaucratic separation of the ‘private’ and the ‘official’ sphere” (Weber 1921/1978, 1028). At the core, patrimonial relations are grounded in this confusion, which is most complete when the officeholder has fully appropriated his office. “In the case of full appropriation, official and private property practically coincide” (Weber 1921/1978, 1041). Two implications follow.

First, in this system of rule, from a strict normative or legal standpoint, an officeholder is never properly speaking “on his own.”³ The legitimacy of this office

rests on a supraindividual principle to which he is in theory amenable since in the end, the reference to this principle validates his status as office-bearer. This also means that in theory the officeholder acts on the behalf of this principle of legitimacy. He is nominally its agent. Principal-agent relations are consequently two-tiered. The officeholder behaves as a principal vis-à-vis his agents. Vis-à-vis the supraindividual entity, which validates his office, he is nominally an agent. In normative terms, the supraindividual entity is the “first-order principal,” the office-bearer a “second-order principal.”⁴

Second, there can be considerable tension between the personal character of patrimonial power and the impersonal standards defining the legitimacy of the office. A patrimonial relation rests on the agent’s personal commitment to the principal.⁵ Insofar as this commitment implies an act of allegiance, the principal has a good deal of leeway in deciding the terms of the exchange. When the principal is requesting that action be taken on his behalf, he is implicitly or not invoking the authority of his office. This invocation, while validating his status as officeholder, simultaneously reasserts his own ideological dependence on the supraindividual entity—the “first-order principal”—that provides the office with legitimacy in the first place. The more differentiated the system of rule, the greater the potential gap between the logic of personal allegiance and the logic of official duties and rights.

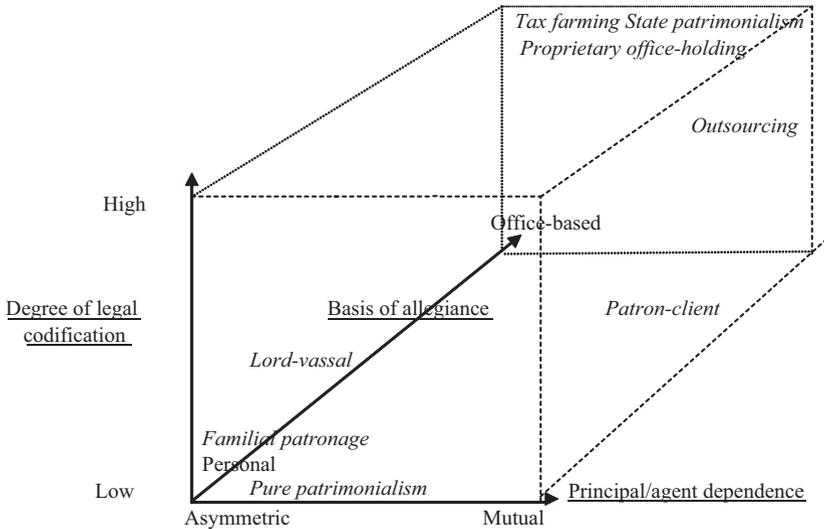
These few observations describe the relational contours of patrimonial arrangements: these relations are personal, unequal, and legitimized by reference to a supraindividual entity that has the status of a first-order principal. The peculiarity of these relations lies in their Janus-faced character. The personalization of the relationship is at odds with a principle of legitimacy framed in supraindividual terms. This tension underlies the various setups of patrimonial arrangements. I now consider the different dimensions of this variation.

II. Forms and Variations

As Ertman (1997, 8) observes, appropriation can take a variety of forms: proprietary office-holding (government officials legally own their administrative position), tax farming (private businessmen take over state functions and make a business out of it), and local patrimonialism (local elites assert their political dominion by monopolizing local governments). Patrimonial arrangements, thus, encompass many different forms. Is there order underlying this variation? I distinguish three sources of variation (see Figure 1).

First, these variants differ with regard to the amount of legal codification they involve. Informal practices have no legal sanction, although they can be highly conditioned by statutory distinctions. Since private appropriation can be more or less open and codified, we cannot fully capture patrimonial power by restricting the attention to how formally private or codified it is. Rather, it is necessary to examine how actors *in practice* appropriate their office. What is the modus

FIGURE 1
Patrimonial Relations: Types and Variations



operandi of private appropriation? When an office is purchased and, as a result, lends itself to a property title, the matter is simple. How do we identify and gauge office appropriation in the absence of explicit property rights?

Second, these forms of appropriation vary with regard to the extent to which allegiance is personal versus office-based. All patrimonial relations, even those that involve the greatest level of personal commitment, presume a set of statutory distinctions. For instance, a vassal commits himself to a life of subservience and loyalty through a personal oath ritualized through the ceremony of “homage” (Bloch 1961, 146). This oath owes its symbolic efficacy to the preexisting and broadly defined statutory distinction between lords and vassals. As relations become more differentiated, status also becomes office-based.

Third, these forms differ with regard to the extent to which dependence is asymmetrical. It is customary to think of patrimonial relations under the guise of feudal relations. In this instance, dependence is extreme. So is inequality. If we view the lord-vassal relationship as the ideal type of a patrimonial relation, it appears grounded on a fundamental inequality: the lord “owns” the vassal, so to speak; the relation is exclusive. Any exit option is precluded. The lord is in a position to unilaterally set the terms of the exchange. Yet the lord-vassal relation is an extreme case, and it has been noted that patrimonial rulers can find themselves crucially dependent on their agents (Crouch 1979, 572). They cannot call into question the terms of the exchange without jeopardizing their own status.⁶

The distinction among proprietary office-holding, tax farming, and local patrimonialism describes governance structures that coexisted in the *ancien régime*. Nowadays proprietary office-holding is no longer part of the official administrative picture. It is obviously too incompatible with the ideology of the modern state, which asserts sovereignty in the domains deemed crucial to its existence, such as the administration of justice, tax collection and administration, and internal and external security. From the standpoint of this ideology, proprietary office-holding amounts to legally alienating portions of the state sovereignty. A modern state cannot afford it. Its ideology offers no justification for such alienation.

The matter is different for local patrimonialism and the privatization of state functions. Both have contemporary equivalents. Patronage politics is a modern version of “local patrimonialism”—the monopolization of government office by the members of a political clique who use the resources derived from their mandate to increase their power basis and their clientele. The relations of allegiance thus created are personal and self-interested. Officeholders elicit allegiance through the distribution of personal favors to their agents, allowing them in turn to engage in the same mode of resource appropriation and the same type of principal-agent relationship with their own subordinates.

In contracting out military services to privately owned companies, governments are *de facto* devolving portions of their sovereignty over the legitimate use of violence. Private military companies (PMCs) serve as the agents of the state for various military services (Cockayne 2007, 199–201). But profit is their “lifeblood” (Isenberg 2007, 92).⁷ A state’s reliance on PMCs thus amounts to privatizing a basic state function—military security—in the same way tax farming privatized tax collection in the *ancien régime*. The fact is that the past 20 years witnessed a dramatic increase in the governmental use of private contractors for security services (Avant 2004).

III. Lack of Accountability

Given this variety of institutional forms, how do we gauge the scope of the phenomenon at any given point in time for any given organizational setting? Consider the following quote: “One man possessed absolute authority to do what he pleased in these selections. He held in his hands the political life of virtually every member. He could reward the faithful, and he could punish the ‘guilty’” (Norris 1945, 111). George Norris is not describing here the behavior of some provincial governor in seventeenth-century Poland or some prominent member of a French *Parlement* under Louis XV. He is describing the behavior of Uncle Joe Cannon, Speaker of the House of Representatives from November 1903 to March 1911. Norris knew the man quite well; he represented Nebraska in the House when Cannon exercised his mandate. The quote above provides a first-hand account of his experience as a congressman.

“Absolute authority,” “holding the political life of virtually every member,” “reward the faithful,” and “punish the guilty”: these words are worth weighing. Cannon exercised the power to appoint committee chairmen as he saw fit. With these appointments, he could reward those congressmen who were faithfully serving him. He could also punish those who had not shown themselves to be subservient.⁸ His political and discretionary power was far-reaching (Jones 1968, 619–21). This “vast and brutal power” (Norris 1945, 108) shaped relationships of dependence between him and less powerful representatives.⁹ This is the striking fact: we would not expect a personalized and “autocratic” (Norris 1945, 108) exercise of power in an institutional setting as formalized and bureaucratized as the U.S. Congress.

It would be mistaken to view the Cannon case as a historical anomaly. Here is a second quote: “These committee barons held power by virtue of seniority alone, were answerable to no one, and for the most part did as they pleased, thumbing their noses at the speaker, at the majority of their Democratic colleagues, and at their own president in the White house, if it suited their purposes” (Conlon 1982, 242). Richard P. Conlon, executive director of the Democratic Study Group in the House of Representatives, is here describing the behavior of Southern Democrats holding key committee chairmanships in the 1960s—behavior that he also observed firsthand as a staff member.

Conlon’s assessment is consonant with that of others. Richard Bolling, a House representative from Missouri elected as a Democrat in 1949, provides the following picture in 1965:

At present power is divided among a few autocrats and unrepresentative groups. . . . Key committee posts have prestige and authority that enable them to obstruct legislation, make behind-the-scenes deals, reward political favors without regard to the public good, [and] defy their party leadership and the House majority and the will of the voters at large. (Bolling 1965, 21–22)

These committee chairmen thus behaved as “barons.” They could and did exercise their political clout to sanction committee members who did not go along. They could prevent bills from being submitted to the floor. The institutional reforms of the 1970s were precisely intended to curb such behaviors, which Conlon (1982, 242) described as “arbitrary and obstructive” (Rohde 1991, 20–23).

An officeholder who takes possession of his office personalizes his rule, imposes his fiats, creates relationships of dependence with those less powerful, and sets criteria for his decisions that he does not deem necessary to explain. This de facto officeholder behaves as if he were his own principal. He is answerable to no one but himself. I operationalize office appropriation in light of these behavioral clues as the political capacity to elude accountability. An officeholder who is unaccountable either faces no request to justify himself or is in a position to leave these requests unaddressed. In effect, he eludes either monitoring or sanction. Officials become unaccountable when they can “shield their actions from outside observation” (Ferejohn 1999, 138) or when, despite the visibility of their action, they systematically fend off the prospect of being disciplined.

IV. Institutions and Informal Practices

I. *Interstices*

Patronage politics. That patrimonial relations can develop in the interstices of, or in parallel to, formally bureaucratic structures is exemplified by patronage politics. A key characteristic of what Lemarchand (1981, 22) calls the “mass patronage machine” is “its ability to intervene, directly or indirectly, into the workings of the bureaucratic machinery of the state.” Parties can be “in a position to extract patronage from the bureaucracy” (Shefter 1978, 211). The patronage mechanisms that Judith Chubb (1981, 68–74) studied in Palermo in the 1970s illustrate this point. Job patronage, clientelistic hiring, and the discretionary implementation of the “powers of licensing and interdiction” of local government are key political resources creating a network of political obligation and subordination. These mechanisms characterize more broadly a type of politics “marked by vertical relations of authority and dependency, as embodied in patron-client networks” (Putnam 1993, 101).¹⁰

The case of academia. The ways in which power is exercised and the degree to which it is appropriated for personal purposes is, therefore, relatively independent of the formal rules whereby positions are allocated. These patterns may even be quite independent from the official ideology of the institution. Mentor-student relations in academia are worth examining in this light. Contributions to knowledge and intellectual probity set the official normative standards of the academic game. Selection and hiring procedures are highly formalized and standardized. On paper this institutional setting fits all the requirements of the bureaucratic ideal-type, all the more so when regulations are explicit and appointments to selection committees are administratively centralized.

Yet a mentor-student relationship can develop along patrimonial lines when this relationship has a principal-agent dimension—the student is expected to “exemplify” his mentor’s work—and students are highly dependent on their mentors for access to jobs and institutional resources. System-wide, one indicator of academic mentors’ propensity to engage in fiefdom politics and constitute a “power base” grounded in relations of personal allegiance and patron-client relationship is their ability to recruit their own students and trump the standards of open and fair competition.

In light of a systematic study of the trajectories of French students who defended their PhDs between 1972 and 1996, Godechot and Louvet (2008) provide a measure of this propensity within French academia: the odds ratio of a successful job application between “local” candidates (i.e., trained by the department to which they applied) and external candidates steadily increased from twelve between 1972 and 1976 to twenty-four between 1992 and 1996 (p. 13). In other words, “local” candidates between 1972 and 1976 were twelve times more likely to be hired by the department in which they received their training than were “outside” candidates. Between 1992 and 1996, these odds for local candidates were twenty-four

times greater. With some variation, this highly significant and substantial difference in odds holds for all disciplines (pp. 14–16).

The following observations by a French academic shed light on the scope and significance of these hiring practices:

I was hired through a rigged (*arrangé*) competitive recruitment procedure as, I believe, almost all those hired as assistant professors every year. Actually my competitors at the time knew perfectly well that they were being interviewed to convey the illusion that the recruitment procedure fulfilled the standards of the public sector. The same is true for the hiring of professors. At least one year in advance, everybody knows who will be hired as assistant professor. Academic recruitment is purely clientele-based and Mafia-like; it goes against the ethics of the public sector: this fact should be clearly stated. (Fréville 2001, 77)¹¹

This informant also mentions the institutional power of local patrons and their political capacity to impose their decisions on their reluctant colleagues in selection committees, although secret ballots are taken.¹² In this patron-client model, “loyalty toward the ‘barons’ pays off more than independent research,” as Gambetta (1998, 105) puts it in regard to the Italian academic system. Academic mentors carve for themselves small fiefdoms. Within their sphere of influence, they operate vis-à-vis their students and their own peers as fiefdom chiefs.¹³ They do not need to make the criteria for their hiring and promotion decisions explicit. They exercise power in ways amenable to the descriptive language that Norris used in the case of Uncle Joe Cannon.

2. *Hybrid structures*

These few observations challenge the notion of a discrete bureaucracy-patrimony distinction. If patrimonial practices can develop informally and extensively underneath formal structures, then the ideal-typical dichotomy between patrimony and bureaucracy is likely to miss the mark from the moment we interpret these categories as mutually exclusive. Public offices may be more or less prone to private appropriation. Practices making officeholders unaccountable may be more or less pervasive. Administrative systems can blend impersonal, universal standards and sinecures intended for patronage purposes.

For instance, there was no want of venality and patrimony in the administrative apparatus of eighteenth-century England. The proportion of absentees was significant even in those departments “whose institutional arrangements seemed designed to root out rather than connive at corruption.” Active officers “were in a position to cultivate directly their own financial interests at the expense of the state” (Brewer 1990, 72). Still, the distinction between venality and patronage, as well as conventions about acceptable administrative conduct, was well established (Brewer 1990, 73–74). The administrative system as a result was “an extraordinary patchwork—of old and new, useless and efficient, corrupt and honest—mixed in together” (Aylmer 1980, 96, quoted in Brewer 1990, 71). Brewer (1990) evokes a “compromise between political clientage and administrative efficiency” (p. 71), a “mixture of medieval and modern institutions” (p. 70).

Vassallic ties between samurai and their lords in Tokugawa Japan offer another example of a mongrel authority structure (Ikegami 1995, 162–84). Initially, notions of personal patronage regulated these ties. Gradually, these became embedded in a “regulatory and organizational type of vassalage” (Ikegami 1995, 162) whereby samurai were assigned positions in a stratified hierarchy. This bureaucratization did not undercut the military character of the daimyo-samurai relation. Even more surprising from the standpoint of ideal-typical dichotomies, “only men of samurai status (meaning those who had entered vassallic relationship with a lord) could hold government offices” (Ikegami 1995, p. 162). “The fundamental premise of Tokugawa ‘bureaucracy’ [lay] in the logic of vassalage” (Ikegami 1995, p. 184).

That patrimonial relations may develop in a formally bureaucratic system of administration undergirds the notion of neopatrimonialism—“the incorporation of patrimonial logic into bureaucratic institutions” (Bratton and Van de Walle 1997, 62). Neopatrimonial systems are by definition “hybrid political systems in which the customs and patterns of patrimonialism co-exist with, and suffuse, rational-legal institutions” (Bratton and Van de Walle 1997, 62). The capacity for private appropriation is independent of the existence of a formal right to this effect: officeholders develop this capacity although they have no formal right to use office resources for their own private benefit.¹⁴ Patrimonial relations then take on an informal character grounded on shared expectations between principals and agents about what is permissible.

V. An Excursus on Weber and the “Purchase System” in Britain

I now go back to my original question: can office appropriation be a factor of collective capacity? Consider the purchase of military commissions that prevailed until the end of the nineteenth century in Britain. This system lasted for several hundred years (Cooper 1964, 11; Rogers 1977, 58). This was a clear-cut case of private appropriation. “The institution of purchased commissions meant that the crown and Parliament did not have total control over the staffing decisions of the army because the commission was owned in large part by the buyer, who had the right to resell it” (Allen 1998, 49). Yet with regard to the collective good of military efficiency, the purchase system created an incentive for self-selection and an incentive to fight “in the interests of the entire army” (Allen 1998, 53). Both incentives served the army well.

If we shift the focus to the issue of economic development in general and capitalism in particular, the assessment appears quite contrasted, especially when the historical lens we use has a wide scope. Weber’s (1921/1978) remarks on the subject are telling. Overall, the diagnosis is negative. Capitalism cannot tolerate the unpredictable character of a patrimonial rule (Weber 1921/1978, 1095). Instability is inherent to the confusion of the private and the public. “The patrimonial ruler does not like independent economic and social powers” (Weber 1921/1978, 1102). To make

matters worse, the regulative role of tradition preempts incentives for innovative moves.

Along this broad negative assessment, Weber alludes to the possibility of a positive impact. Patrimonial rule can contribute to stabilizing resources, thereby enhancing the capacity for innovation. Hence, “politically oriented capitalism, just as capitalist wholesale trade, is very much compatible with patrimonialism” (Weber 1921/1978, 1091). There is no antinomy between the concentration of patrimonial power and capitalist developments. Quite strikingly, the correlation might be positive: “The more restricted access to patrimonial office is, the more wealth is directed to purely bourgeois-capitalist uses” (Weber 1921/1978, 1102). In the end, the overall diagnosis is indeterminate and open-ended. “Patrimonialism in part furthers and in part deflects modern capitalism” (Weber 1921/1978, 1099).

VI. Nodes of Agency

Because of their open-ended character, such observations call for an analysis of the factors that condition and mediate the impact of patrimonial arrangements. Variation in outcomes may reflect variation in institutional structures. Alternatively, it may reflect the impact of exogenous factors that are not amenable to the logic of patrimonial arrangements per se. Drawing on Weber’s insights and on contemporary work, the purpose of the following remarks is to lay the ground for an analytical outline addressing these different hypotheses. I distinguish a positive and a negative moment of patrimonial developments.

1. Accumulating resources

The positive moment can be summarized in two words: accumulation and coordination. A close focus on the emergence processes of collective action underscores the fact that collective action “invariably involves the confederation of smaller organized units, rather than the aggregation of previously isolated, atomized individuals” (Chong 1991, 36). The same claim runs through the critical mass argument (Marwell and Oliver 1993). A small group of individuals become able to elicit the contributions of others as they acquire the political clout resulting from the pooling and coordination of resources. For the formation of these “initiating nuclei” (Adams 2005, 35), patrimonial relations appear particularly handy given the type of personal allegiance and commitment they imply.

Accumulation is the first prerequisite. As Adams (2005) puts it in the case of the Dutch regents in the seventeenth century, “The individual nodes had to extract and pool enough surplus to reproduce the corporate system and to maintain or expand its capacities” (p. 67). Patrimonial offices provide an opportunity to do so. The capacity to appropriate resources then becomes a factor of political clout. Patrimonial officeholders develop their power base by distributing emoluments and benefits.

2. *Coordination*

In addition, patrimonial relations are significant as factors of coordination. Here the personal character of the ties involved is consequential. Agents are personally committed to the principal. Each agent individually can expect to face high social and economic costs if he or she fails the principal. The likelihood of any individual defection is quite slim. This shared knowledge in turn feeds the mutual expectation that the principal will operate as a node of agency. In this political schema, a principal increases the odds of mobilizing individual contributions by encapsulating agents in exclusive sets of relations.

Family ties are particularly propitious to this effect, especially in political environments that lack a stable system of law. Patrimonial officers seeking to expand their dominion need to be particularly careful in selecting allies and agents. They need to minimize the probability of defection. They also know that this probability is lowest when the cost-benefit ratio of defection is highest for agents. That is why family connections are a good bet. The expected cost of extricating oneself from dense family milieus is high. Furthermore, as a result of the density and the closeness of the ties at play, the principals' capacity for monitoring agents is likely to be greater when they deal with family members than with individuals outside the family circles (Ermakoff 2008, 260).

A parallel can be drawn in this regard with Taylor's (1988, 68–69) argument about the strategic relevance of “community relations”—relations that are interpersonal, multisided, symmetric, and based on shared beliefs—for the development of risky collective action. In this social setting, everyone can monitor everybody else. Free-riders can be easily identified. Moreover, for these individuals whose social fate is bound by these relations, the cost of being castigated as a traitor for refusing to cooperate is high. Dense family ties encapsulate individuals in a potentially cohesive milieu as community relations do.

VII. Erosion

I relate the “negative” moment of patrimonial developments to the uncertainty inherent in patrimonial power. Patrimonial arrangements leave the door open to arbitrary power. Two checks determine how widely the door is left open. One is tradition. Tradition regulates the exercise of power by delimiting the range of expected and acceptable outcomes. The second check is the normative codification of patrimonial relations: a set of formal or informal rules that provides the basis for common understanding between patrimonial officials and their subjects.

1. *Instability*

Arbitrary power begets instability. Hence, patrimonial power is a potential hotbed of instability. This instability undercuts the incentive for productive investment (Weber 1921/1978, 1095). Claims about the functional importance of property

rights and their stabilization for the development of a capitalist economy (e.g., North 1981, 6) can be interpreted as a more specific variant of the same insight. The argument is as follows. Since in a patrimonial system of rule, property holders and entrepreneurs are always exposed to the arbitrary fiat of the ruler, these actors have no incentives to invest.¹⁵

However suggestive the claim may seem at first, it highlights only one side of the problem. Patrimonial arrangements are not antithetical to stable property rights—quite the contrary. The production of a legal code certifying rights to ownership is a by-product of the logic of patrimonial consolidation. Agents' best strategy to deal with the uncertainty and the threats inherent to the principals' patrimonial power—"pure patrimonialism" in Weber's terminology—is to codify the relation and ensnare it in a system of legal provisions and safeguards institutionalizing their own status. The property rights argument, therefore, has relevance for analyzing the dynamics of "pure patrimonialism" but not the dynamics of codified forms of patrimonial relations—what Weber calls "stereotyped patrimonialism." Let me briefly elaborate this point.

2. *Pure patrimonialism*

"Pure patrimonialism" designates a principal-agent relationship at the principal's full discretion. The agent is expected to be personally committed to the principal. He enjoys no legal entitlements securing his status. For agents involved in a relation of this kind, the relation is pervaded with uncertainty. The principal reserves the right to terminate the relationship. He manages the relationship as an extension of his private domain. His power is entitled to be arbitrary. For this reason, uncertainty is inscribed in the asymmetry of the exchange. There is always the possibility that the principal might abuse his power—a possibility that the agent is bound to experience as a threat to his status and his ability to secure the resources that he derives from his own position.

The argument about the negative impact of problematic property rights applies in the first place to this configuration. In the absence of safeguards preserving their status against the principal's abuse of power, agents have no incentive for productive investment. Innovations in particular are open to question. The principal adopts them only if they enhance his power and position vis-à-vis the agents. Innovations that threaten the terms of the exchange at the principal's expense are ruled out.

Thus, in this configuration, characterized by asymmetry, principals face a commitment problem. Clearly, it is in their interest to elicit productive innovations on the part of agents, provided that these innovations consolidate their own patrimonial power. However, given the asymmetry built into the relation, they cannot credibly commit themselves not to rip off agents of their productive work and, more broadly, not to abuse their power (North and Weingast 1989, 803). This uncertainty alone is enough to deplete incentives for productive investment. More to the point: given the asymmetry built into the relation, agents have sound reasons to expect that they will be ripped off.

3. Consolidation

The uncertainty intrinsic in patrimonial relations highlights the agents' constant attempt to codify their relation with the principal (Ermakoff 2008, 261–62). To check the principal's ability for arbitrary power, agents engage in "appropriating designs" (Ertman 1997, 8) that contribute to making patrimonial arrangements more "stereotyped" (Weber's term). When these agents acquire a corporate identity of their own, thereby forming an "estate," the institutional outcome is what Weber calls "estate patrimonialism." This corporate reaction parallels the stabilization of property rights. Agents secure their status by securing their rights to office ownership. The principals' margin of maneuver as a result becomes more limited.

Patrimonial rule, therefore, is fraught with structural tensions between principals and agents. Principals in theory have political precedence. In practice, their power is limited by the congeries of corporate rights that have been granted to the various bodies operating in their realm (Sewell 1985, 67–68). Rulers in particular gradually lose the capacity to assert a monopoly over administrative and political power. They have a hard time resisting the "appropriation designs" of governmental officials. They lose the right to dismiss them at will. This simple point captures the "internal contradictions" at the core of patrimonial absolutism (Ertman 1997, 90).

Collusive practices. Factors of decline lie in the collective consequences of these institutional arrangements. In codifying office appropriation, agents assert their grip over offices and resources in a monopolistic fashion. By way of consequence, legal codification institutionalizes collusive rent-sharing practices on the part of agents and principals. They receive payments above what they would get were these resources put to use in the absence of monopolistic control.¹⁶

Adams's (2005) analysis of the Dutch decline offers an empirical illustration of this process. The Dutch regents secured their grip over corporate and political office by closing off access to their positions and making them the property of their lineage. They did so in the first half of the eighteenth century by drawing up explicit covenants among themselves determining which lineage was entitled to which positions. These "contracts of correspondence" formalized the "distribution of city offices in written succession rules" (p. 146). The explicit and formal character of these covenants is worth emphasizing. In practice, "contracts of correspondence" sanctioned "distributional coalitions" (p. 148). Elite families, each within its own sphere of influence, asserted their monopoly and shut off competition for office.

Cartel-like agreements securing property rights and distributing offices among lineages set the ground for decline. For one thing, the regents moved away from merchant positions.¹⁷ They embraced the status of rentier and developed proclivities and dispositions ill adapted to the challenges that geopolitics posed. Combined with changes in the dynamics of market relations abroad, the institutionalization of rent extraction from corporate and political offices significantly

constrained the Dutch elite's ability to preserve the state's fiscal and military capacity. These challenges "proved too daunting and ultimately contributed to decline and the erosion of state capacity" (Adams 2005, 165).

4. *Downward fragmentation*

Agents unhappy with the terms of exchange imposed by the principal may consider altering these terms by either threatening to exit or resorting to force. But exit is costly in the case of patrimonial arrangements, either because the relation is personalized and exclusive (pure patrimonialism) or because agents already have vested interests in their position. A "coup" is also risky if the principal, by virtue of his or her position, enjoys a comparative advantage over available coercive resources. Under these circumstances, patrimonial agents have little incentive to challenge the agreement and even less so if they have engaged in collusive practices with the principal and if they have institutionalized their rights to office-holding.

On the other hand, without much risk, agents can seek to elicit their subordinates' allegiance through the distribution of personal rewards, thereby replicating within their sphere of influence the pattern of domination that ties them to the principal. Patrimonial rule tends to reproduce itself downward through fragmentation (Adams 2005, 17)—a process that Weber (1921/1978, 1040) portrays as "natural." Bloch (1961, 160) describes the process for the Middle Ages as follows: "Powerful individuals, whoever they were, strove to draw into their orbit increasing numbers of petty lords and these in their turn acted in the same way towards those weaker than themselves." The fragmentation down the power structure reinforces the structural logic of patrimonial governance: it generalizes incentives for rent-seeking practices. Along the way, procedures of monitoring and control lose all relevance.

A further elaboration on incentives and their analysis. As the previous empirical observations underscore, the point about the generative logic of patrimonial power has broad relevance. Indirectly, this point draws attention to the conditions under which principals and agents might develop an incentive for making themselves accountable and for endorsing institutional mechanisms to this effect. Policies and designs oblivious to this issue miss the mark if the purpose is to undermine collusive practices and, down the road, to increase collective efficiency. It is therefore doubtful whether in the absence of systematic attention to the institutional factors shaping the micromanagement of accountability, broad calls for the "privatization" (or, for that matter, the "decentralization") of inefficient administrative systems will set policy-makers on the right track.

For instance, using the case of sub-Saharan Africa, Kiser and Sacks (this volume) list several conditions that "agency theory suggests" will make partially privatized tax collection organizations ("semiautonomous revenue agencies" or SARAs) "work better." These conditions are a lack of government interference, flexible hiring

and firing practices, a partial residual claimant status for SARAs' principals (that is, their salaries are based on a percentage of the taxes collected), a reliance on bonuses, a focus on indirect taxes and large corporate taxpayers, and a situation in which a large share of state revenue comes from nontax sources. This prescriptive framework and the conditions that supposedly make it work call for several remarks.

First, if the focus is on incentives—as it should be—then it needs to be on how payoffs expected from collusive practices compare with the monetary compensations attached to a position. A claim such as “when the heads of SARAs are partial residual claimants, they have much stronger incentives to hire agents based on merits, not patronage ties” (Kiser and Sacks, this volume) rests on the assumption that these actors expect to benefit less from patronage ties combined with their residual claimant status than from their claimant status alone according to a logic of profit maximization. In many instances, this assumption is unwarranted. So is the claim, as Kiser and Sacks observe, that salaries high enough (“efficiency wages”) can deter collusive practices.

Second, independent of the organizational setup and the level of privatization, agents' interest in corruption increases if they have reason to believe that the principal will try to rip them off. Policy measures designed to incite agents to be more productive by indexing monetary incentives on performance will get stuck in the sand if agents have doubt about the reliability of their principal, that is, if the principal's accountability is an issue and this issue is left unaddressed. In other words, the principal's accountability is of central importance. Incidentally, Kiser and Sacks point to the significance of this factor when they observe that governments have defaulted on their promise to reward performance, thereby destroying the incentives for efficiency.

Third, to the extent that a privatized system provides agents with greater autonomy, it also provides them with the opportunity to appropriate further positions for their personal use. Privatization then makes things worse, not better. It entrenches collusive practices. It is striking to note that most of the conditions for efficiency that Kiser and Sacks postulate have been in place in sub-Saharan Africa for a substantial amount of time (between one and more than two decades depending on the country). Yet over the period, despite some initial improvements, “there are indications that corruption in many SARAs is rising.” Obviously, the empirics of these cases do not fit the logic built into the argument, which means that the logic of the argument applied to these cases is at fault. The same remark applies to the call for greater decentralization.

VIII. Ways Out, Deviations, and Ruptures

All in all, the preceding observations back up a negative prognosis: down the evolutionary path, power organized along patrimonial lines is either too unpredictable or too entrenched in rent-sharing practices to generate collective might. Furthermore, it reproduces itself downward and gets increasingly fragmented, thereby producing its own structural contradictions. Is this to say that there is no

way out and that a system of patrimonial governance is bound to produce stasis and decline? How determinative are these structural processes? I set forth two hypothetical claims. The first pertains to the degree of competition among groups vying for offices. The second pertains to the degree of mutual dependence between principals and agents. In each case, the issue at stake is whether principals have an incentive to make themselves, or each other, accountable.

1. Regulated competition

Let us consider the set of offices defining the governance structure of an organization or political institution. If one group is in full control of the process of office allocation, the members of this group have full leeway to institutionalize rent-sharing practices. Agents are captive of their principals. Power gets fragmented downward, as described earlier. The logic of patrimonial consolidation runs its full course. If, on the other hand, groups compete for this set of offices and no group can centralize office allocation, there is uncertainty about who might get what. Over time, there will be some turnover. In short, office monopolization is a sure recipe for patrimonial consolidation. The lack of monopoly, in contrast, makes the outcome indeterminate.

This, however, is only part of the story. It sets a necessary, not a sufficient, condition for the possibility of a way out of patrimonial consolidation. Competition does not exclude the possibility that one group might durably take control of the allocation process and impose its hegemony. The logic of patrimonial consolidation gets defeated when actors develop the capacity to regulate themselves and agree to impose limits to their own margin of maneuver. Their motivation to do so is self-protective and self-interested: they have an interest in protecting themselves against predatory practices on the part of their competitors.¹⁸ And they can credibly commit themselves to limiting their own margin of maneuver if they do not centralize power.

The contrast between the Netherlands in the seventeenth century and Florence under the Medici fleshes out this argument (Adams 2005, 101). The decentralized and mercantilist structures of the Dutch state were propitious to competitive pressures in a context of normative self-regulation (Ermakoff 2008, 264). Family rivalries “[shook] key patrimonial sites” (Adams 2005, 102). “The Bickers and de Graeff, or any other regent family, failed to manage Medici-style centralization during the Golden Age. In part, this flowed from the fact that they faced a larger and more challenging organizational field, composed of the stadholders and the many contending urban, provincial, and now colonial governments and institutions” (Adams 2005, 101). Instability in this system resulted not from the whims of a patrimonial ruler, but from family feuds (Adams 2005, 102).¹⁹

2. The possibility of exit

I derive the second hypothetical claim about the possibility of deviating paths from the argument about uncertainty and commitment. In the context of unequal

and asymmetric principal-agent relations, principals cannot credibly commit themselves not to reap their agents' productive contributions for the purpose of consolidating patrimonial dominance at their agents' expense. Agents, therefore, have no incentive to increase either their output or their productivity unless they have reliable guarantees that their contributions will make them better off. To be reliable, these guarantees need to have an institutional basis: agents must be able to sanction the principal if he or she reneges on a commitment. In concrete terms, this means that the principal agrees to be monitored by agents and that agents have the institutional resources to challenge strategies of personal appropriation on the part of the principal.

Can we specify the conditions under which principals develop an incentive to make themselves accountable? When the principal-agent relation is for the agent exclusive and asymmetric, the principal has little incentive to heed agents' requests, misgivings, unease, anxiety, and uncertainty about their welfare. In contrast, the less exclusive the agents' commitment to the principal, the greater the likelihood that the principal will ponder how agents might respond to his or her own moves. This means the possibility of exit: the agent can exit without having to face prohibitive costs in terms of either status or welfare.

For exit to be a possibility, the principal must not be in full control of resource and office allocation. This brings us back to the previous point about the necessary condition of group competition. There must be several groups competing for the same class of offices. Principals are more likely to make themselves accountable when they compete with one another not only for office but also for agents. An exclusive model of group membership undercuts competition for membership and the incentive to institutionalize accountability procedures within the group. The paradox here is that the possibility of exit for the agent elicits the incentive for the principal to make the agent's open expression of grievance ("voice") an organizational option.

Conclusion

To recapitulate, patrimonial logic is at work from the moment office is appropriated for personal benefit. The capacity to elude accountability is the modus operandi of a patrimonial system of rule and resource management. Patrimonial relations are factors of collective capacity at a formative stage, when they lay the ground for "nodes of agency" built on the twin processes of resource extraction and coordination. In appropriating the resources attached to their office, patrimonial officeholders acquire the political capacity to elicit the allegiance of potential agents. Personal allegiance, furthermore, enhances the likelihood of coordination.

This is the positive moment. There is a negative one. The unequal and arbitrary character of the relation induces agents to entrench themselves and to institutionalize their interests in statutory terms. They seek to consolidate their status by codifying the relation. These legal arrangements stabilize rent situations and undermine over time the group's capacity to meet external challenges.

Unless rulers develop an incentive to be more accountable, the windows of opportunity for an endogenous way out of the logic of patrimonial consolidation are slim. Seeds of endogenous change may develop if (1) power is decentralized enough to motivate competition among groups vying for office (intergroup dynamics) and (2) these groups are open enough to motivate principals to make themselves accountable vis-à-vis their agents (intragroup dynamics). In any case, given the incentive structures built into patrimonial relations, change is unlikely to be smooth. It is more likely to take place through violent breaks and ruptures for the simple reason that calls for systemic reforms are a direct threat to the politico-economic status of those involved in rent-sharing practices.

Notes

1. The language of agency in the present case is mainly descriptive. As the following paragraphs will make clear, this language does not adumbrate the reference to “agency theory,” that is, models of authority delegation analyzed from a rational choice perspective (Kiser 1999).

2. This definition bears the mark of Weber’s conception: a patrimonial state is one in which “the prince organizes his political power over extrapatrimonial areas and political subjects—which is not discretionary and not enforced by physical coercion—just like the exercise of his patriarchal power” (Weber 1921/1978, 1013). Crouch (1979) sets forth a consonant definition emphasizing personal loyalty and the distribution of *prebendes*: “The ruler’s power depend[s] on his capacity to win and retain the loyalty of key sections of the political elite” (p. 572). The ruler seeks “to win voluntary allegiance by satisfying the aspirations—especially the material interests—of his supporters through the distribution of fiefs and benefices in exchange for tribute and loyalty” (p. 572).

3. See Mousnier (1971) regarding the ancien régime in France. He writes, “In theory, the office was not a patrimony” (p. 72).

4. As I will mention later, this observation about the dual status of principals has broad descriptive relevance for social relations organized along patrimonial lines. See Bloch (1961) concerning the High Middle Ages: “In many cases the same man occupied a dual role—as a dependent of a more powerful man and a protector of humbler ones” (p. 148).

5. As Weber (1921/1978, 959) noted, this personal dimension distinguishes the fealty inherent to a patrimonial relation from the loyalty expected from the holders of bureaucratic positions. In vassalic ties, the agent is committed to the *person* of his or her lord. In bureaucratic organizations, the agent is committed to the *position* of those invested with authority. Hamilton and Biggart (1984, 126) underscore this point in their study of executive power in the state of California under the governorships of Ronald Reagan and Jerry Brown.

6. Crouch (1979, 572) relates the decision to elicit allegiance through the distribution of personal favors to a lack of coercive resources. Systems of patrimonial relations are intrinsically weak and unstable.

7. As Percy (2007, 12–13) points out, “mercenaries,” “combat PMCs,” and “non-combat PMCs” differ with regard to the tasks they perform, their organizational structure, their relationship to their home state, as well as their relationship to clients. Beyond these differences, these three variants of private force have in common one essential feature: they “sell military and security services” (p. 13).

8. Gwinn (1957, 168) notes that Cannon “summarily removed several recalcitrant members from committee chairmanships and filled key committees with loyal supporters.”

9. Committee chairmen replicated this autocratic style at the committee level (Jones 1968, 622). As I argue (see the development on “fragmentation downwards”), this pattern fits quite well the reproductive logic of patrimonial relations.

10. In the case of southern Italy, patron-client networks proved to be remarkably resilient. They survived the fates of very different political regimes (a constitutional monarchy, a Fascist dictatorship, and parliamentary democracy). Regarding the resilience of the old clientele under the Fascist regime, see, for instance, Lyttelton (1987, 200).

11. “J’ai été recruté à l’issue d’un concours arrangé comme je crois tous ou quasiment tous les maîtres de conférences recrutés chaque année. Mes concurrents de l’époque savaient d’ailleurs fort bien qu’ils venaient auditionner pour donner l’illusion que le concours respectait les procédures de recrutement de la fonction publique. C’est d’ailleurs exactement la même chose au niveau des professeurs. Tout le monde connaît au moins un an à l’avance qui sera recruté comme maître de conférences et comme professeur à l’université. Il faut donc le redire : le recrutement universitaire est purement clientéliste, ‘maffieux’ et contre le principe même de la fonction publique.” This testimony is recorded in the parliamentary report on the state of French universities published under the auspices of the French Senate in 2001. See Fréville (2001, 77).

12. “Pour être membre de ces commissions, je peux témoigner que pratiquement à chaque fois que je m’élève contre un recrutement arrangé (c’est-à-dire la décision du patron du laboratoire d’accueil), je suis bien le seul et, lors du vote (secret pourtant), tout le monde, y compris le collègue B, vote le plus souvent en suivant les ordres du mandarin local” (Fréville 2001, 77). Not surprisingly, the Fréville report commissioned by the Senate outlines the “lack of transparency” typical of these hiring practices (Fréville 2001, 74–76).

13. Gambetta (1998, 106) evokes relationships of “intellectual subservience.”

14. These observations are consonant with Helmke and Levitsky’s (2004) remarks about the significance of “informal institutions” defined as “socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels” (p. 727).

15. From this perspective, one of the decisive impacts of the Glorious Revolution as analyzed by North and Weingast (1989) was to fix the expectations regarding the right to decide taxation and create a set of constitutional safeguards checking the royal family’s ability to appropriate the wealth of their subjects. According to this argument, the Glorious Revolution amounted to a far-reaching stabilization of property rights.

16. The straightforward definition of “rent” is a payment in excess of opportunity cost (Buchanan 1980, 3–5; Tollison 1982, 30). In plain terms: a resource gets a return above what would be received were this resource used for an alternative use. The typical case of a rent situation is the granting of a monopoly right (Buchanan 1980, 7).

17. “As political privilege and state investment became increasingly essential to the reproduction of regent family fortunes, the regents began moving out of trade” (Adams 2005, 105). “Corporate consolidation closed off private trade” (Adams 2005, 143).

18. More broadly, this process highlights the emergence and the diffusion of self-limiting norms (Ermakoff 1997, 414–18).

19. Dutch contemporary observers did not fail to relate the absence of a monarchical “center” to the security of property rights. Consider this statement by Pieter de Groot in 1673: “What constitutes the wealth of the Republic? The opulence of its trade. And what is the source of that trade? Good government. For nothing is more attractive for the whole world than freedom of conscience and security of possessions. It is impossible that this freedom and this security of possessions would survive the government of a monarch” (Smit 1968, 23, quoted in Ermakoff 2008, 271).

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