

The State



INTRODUCTION

States viewed forests initially as sources of revenue, for the timber that could be extracted and sold from them. In order to increase their yields, states turned to scientific forestry, which involved replacing the diverse, chaotic old-growth forest with one that was easier to manipulate, measure, and assess. The underbrush needed to be cleared, the number of species needed to be reduced, and the trees needed to be planted at the same time and in straight rows for easy harvesting. The forest had been replaced by tree farming. Scientific forestry promised to deliver maximum production of a uniform commodity that could be managed, extracted, and sold easily.¹

In the short run, the simplification of the forest to a single commodity was a success. Timber yields increased. But after the second rotation of saplings had been planted, the quality of the timber began to decline. Scientific forestry destroyed the complex ecology that the forest had once provided to nourish and protect the trees. The absence of biomass on the forest floor due to the clearing of underbrush led to thinner and less nutritious soil. Trees that were all of the same species attracted pests that specialized in that species, and James C. Scott writes, "same age, same-species forests . . . were more susceptible to massive storm-felling."² Efforts to bring order and control to the forest in pursuit of higher yields were incompatible with the complex ecosystems on which healthy trees depended.

But scientific forestry matured. The regimentation of nature as a way to manage forests and increase their yield was abandoned. New ways of cultivating forests were developed that did not destroy the biodiversity that trees required. Scientific forestry, which initially imposed an order on nature that harmed it, now permitted the state to extract more revenue from it in ways that also maintained this vital resource. The kind of planning and order that states impose became the basis for realizing higher timber yields that would not have been possible without it.

This parable of the forest tells us a lot about states. They have certain interests—in this instance, raising revenue—and they try to bring order to chaos in pursuit of them. Like the forest, society is diverse and complex, with a complicated ecology, and the state's efforts to impose order on such a complex social organism can make things worse. In these cases, as Scott quips, "the state can't see the forest for the trees."³ At other times, the state's effort to plan, coordinate, and administer permits societies to achieve wonders that could not have been attained otherwise. The state can both frustrate society's ambitions and help it realize them.

This chapter argues that the good society depends on a society's institutional arrangements, and the most powerful institution of all is the state. The good society, as we established earlier, is based on a set of defensible universal values. First, people should be able to meet their physical needs: People should be able to obtain the food, shelter, and health care they need to work, play, and procreate. It is hard to achieve your life's goals if you are hungry from lack of food, cold from lack of shelter, or sick from lack of medical care. Second, people should be safe from harm: They should be secure enough that others, including agents of the government, will not arbitrarily harm them physically or take their personal property. Third, people should have the ability to make educated choices about how they live: To do so, they must have the opportunity to obtain the knowledge they need to make informed decisions. Finally, people should have

civil and political rights in order to protect the conditions in which they might freely develop their capabilities. People should be allowed to participate in open public debate about the policies and leaders most likely to produce conditions in which they can thrive.

States can promote conditions that develop people's capabilities or impede them. They can manage forests in ways that destroy their ecology or contribute to it. Since states loom so large in thwarting or enhancing people's lives, this chapter examines the origins of the state and its different parts or components. These include its legislative, executive and judicial branches, its bureaucratic and military arms, and its subnational or federal levels. Since states matter so much, it is important to look inside them.

INSTITUTIONS AND POWER

The degree to which countries meet the standards of the good society depends upon their institutional arrangements. **Institutions** create and embody written and unwritten rules that constrain individuals' behavior into patterned actions. These rules make a social life together possible by giving it order and predictability. Without these rules our lives together would be chaotic and fraught with anxiety. Just as individual words in a paragraph would sound like gibberish if we did not use them within the context of established rules, so do institutions give meaning and structure to our relations with each other. Institutions provide the grammar of our lives.

To appreciate the importance of institutions, just imagine how dangerous the simple act of driving a car would be if there were no traffic laws. We could not be sure that incoming traffic would stop at red lights, that cars on our side of the road would go in the same direction, or that drivers would operate at safe speeds. The result would be chaos and danger. This is precisely what happened in Baghdad, Iraq, "when the rules vanished in the chaos of the American invasion, when there was no electricity for stoplights, and no police officers to enforce the law." According to *New York Times* reporter John Tierney, "Every intersection became a perpetual game of chicken among cars, trucks, buses and carts drawn by horses and donkeys. Every lane became potentially two-way, even on expressways, where there quickly became no distinction between entrance and exit ramps."⁴ In order to make traffic flow smoothly, in order to create the order and predictability that makes daily life tolerable, institutions must constrain people's conduct. They must exert power. Some people make and enforce the traffic rules that drivers follow so there can be a safe and predictable flow of traffic. Investing institutions with power over our behavior is the price we pay in order to enjoy the benefits of a social life together, of keeping traffic moving safely and smoothly. Institutions, one might say, are "the ground of both our freedoms and unfreedoms."⁵ They make it possible for drivers to get from place to place safely, but only by exerting power, imposing and enforcing rules on them.

There are all kinds of institutions that impose rules, such as families and schools. Parents tell their children when they should be home and teachers

tell students how they should behave in class. They exert **power**, which is the ability to get people to do things they would not have chosen to do on their own, or to prevail in getting what you want in the presence of opposing claims and competing interests.⁶ To paraphrase Dr. Martin Luther King, power is the ability to get people to say "Yes" when they really want to say "No."

Power is one of the most contested and elusive terms in political science. It is hard to pin down or measure precisely. Sometimes the exercise of power is overt, such as when force or coercion is used. At other times, power is concealed, such as when people are manipulated without realizing it. Sometimes power is used to get people to do something, to elicit change, while at other times it is used to ensure that people do nothing, to preserve the status quo. Power is distinct from authority in which those who comply think it is legitimate or morally appropriate that they do so. **Authority** is a form of power that has been accepted as right and proper by those who submit to it.

Power takes three forms: cultural, economic, and political. Cultural power exists when some people are able to convince others to adopt their values, ideas, and premises as their own. People comply with what others want because they think it is the right thing to do. For example, students sit quietly through a painfully boring lecture because they are socialized to think that is the proper way to behave in school. This form of power can be insidious because people may not even be aware they are subject to it. The values and ideas they thought were their own are actually those they have been socialized to adopt and accept. They obey because they have been led to believe the rules to which they submit are fair and legitimate.

The second form of power is material or economic power. People who control critical scarce resources, such as land or capital, are able to obtain compliance from those who do not. For example, to return to our example above, students may sit quietly through boring lectures because they don't want to risk offending professors who grade them. Professors dispense rewards that students are willing to feign interest to obtain. Economic power occurs when rewards are offered or denied in order to obtain compliance.

Finally, there is political power. Political power is grounded in coercion and control over the means of violence. Returning to the classroom example, students sit quietly because professors can tell disruptive students to leave the class or have the campus police evict them. Not all forms of political power involve the use of violence. But they do involve the threat of violence; that is, if people do not obey commands those who wield political power have ways of making them do so.⁷

The power institutions exert is based on control over the content of social beliefs, control of essential material resources, and control of the means of violence. Institutions wield cultural, economic, and political power to create rules that channel people's behavior into regular patterns. Rules grounded in power make civilization possible. Of course, the quality of that civilization depends upon what the rules are and how they are enforced.

THE STATE

But not all forms of power are created equal. Political power trumps all others. Only in so far as the threat of violence works can cultural and economic power be exercised in a peaceable and orderly manner. For example, all economic systems presuppose political power to enforce rules of exchange and trade. Political power, thus, takes functional priority over other forms.⁸ In addition, political power is necessary to protect cultural and economic power from outside threats. Political power is paramount because it keeps rivals who are not subject to ideological indoctrination or material incentives in check. Political power not only comes first but it is foremost.

The institution that embodies political power is **the state**. The state refers to a set of organizations imbued with sovereignty over a given area through its control of the means of violence. There are four distinct parts to this definition. First is the notion of the state as an organization, a distinct administrative entity. People who are vested with political power are granted it by virtue of their place within this organization. Power belongs to the office, not the person. This is as true of presidents who are elected as it is of kings who ascend to the throne by accident of birth.

Second is the concept of sovereignty, which refers to absolute power. The state has ultimate power over the population. The only limits to its power are those it creates and accepts itself. It sets the rules by which others must play.

Third is the idea of territoriality. The state's power extends over a specific area with clear boundaries. It exercises sovereign rule over this territory, whose integrity it protects against encroachment by other states.⁹

Finally, there is the issue of coercion and violence. The state enjoys a monopoly over the means of violence within its territory. That is, the only legitimate or legal use of violence is by those whom the state mandates or authorizes to use it. Control over the means of coercion permits the state to make its rules effective against internal challengers and foreign rivals. This does not mean that the state exercises power primarily through coercion and violence, but that these are available as a last resort in enforcing its laws.

These different dimensions of the state—an organization that is sovereign within a bounded territory through its control of the means of coercion—are captured in the pithy phrase: one government, one land, one law, one gun.

The powers of states can be truly awesome. States can dictate what people wear, what language they speak, and what job they do. Consequently, groups struggle for control of the state and its power to make rules that others will follow. Groups that are successful in gaining control of the state are said to form **the government**. The term "government" refers to the group of leaders in charge of directing the state. States and governments are often treated as equivalent expressions but they need to be distinguished from each other. The state, as we argued, refers to a set of organizations imbued with sovereignty over a given area, while the government refers to the people who run those organizations. The state is the car; the government is the driver.

While states are often powerful, they are not all-powerful. Indeed, some states are not powerful at all. "One law" and "one gun" are aspirations that states often find difficult to achieve. Their rule may be challenged by other institutions that have their own rules they want to enforce and their own resources with which to do so. Foreign governments may threaten their territorial rule, and groups inside their borders—clans, tribes, employers, landlords, and religious leaders—may threaten their sovereignty. Under such circumstances states may find it difficult to govern, to assert their authority, and to implement their decisions. In general, then, the ability of states to govern—to process demands, develop policies, and implement them—cannot be taken for granted. In some countries, states are strong and effective; in others, they are weak and vulnerable.

THE GOOD SOCIETY IN DEPTH

Somalia—The Weightlessness of Statelessness

If you are a libertarian or an anarchist who believes that states are a threat to freedom, then you should consider moving to Somalia where there has been no permanent national government since 1991. The criteria we use to define a state—one government, one land, one law, and one gun—are absent there. Instead of the state enjoying a monopoly of violence, the country is ablaze with competing armies. Instead of the state ruling over a bounded territory, the country's borders are porous, with refugees and foreign troops crossing into its territory. Instead of the state being governed by one set of rules, many laws compete for supremacy. Some parts of Somalia are ruled by Islamic *Sharia* law, while more rural areas subscribe to the *Xeer*, a form of common law indigenous to Somalia. And instead of the state being sovereign, the government's authority does not extend beyond a couple of city blocks in Mogadishu, the nation's capital. Elsewhere whoever has the most guns rules. The Somali state has not simply failed, it has disappeared.

Prior to 1991, Somalia was ruled by a dictator, Major General Mohamed Siad Barre, who took power in a military coup d'état in 1969. Barre ruled capriciously. His government was guilty of numerous human rights violations, economic policies that led to shortages, and social policies that promoted identification with Greater Somalia as opposed to one's clan. But clans that were marginalized by Barre resisted and deposed the government. Soon the clans fell to fighting among themselves for political power, claiming the state itself as a victim of their struggles.

Without a state, "Somalia," according to *New York Times* reporter Jeffrey Gettleman, has returned to a Hobbesian "state of nature where life is nasty, brutish, and short."⁴² The level of daily violence is catastrophic. Death comes frequently and randomly. Social conditions are deplorable. Infant mortality rates are among

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the highest in the world. A quarter of all children do not live beyond five years of age. Economically, the private sector has grown and even prospered. Business now operates in a thoroughly deregulated environment, which has unleashed entrepreneurial energy among Somalis to provide services, such as telecommunications and transport, in place of the government doing so. But the provision of services has been narrow in scope, and dependent on remittances from Somalis living abroad because the lack of government discourages foreign investment. Not only is capital sent by expatriate Somalis the basis of private business ventures, but in some urban areas remittances from abroad account for 40 percent of household income. Without a state to promote development, the economy of Somalia is dependent on the charity of Somalis who have left.

For Further Discussion

1. Which is preferable: bad government, as Somalia experienced under Barre, or no government, as Somalis experience today after Barre?
2. Why hasn't Somalia without a state become the paradise that libertarians anticipate? Why hasn't statelessness enhanced the capabilities of Somalis, increased their life chances?

THE ORIGINS OF THE STATE

"As recently as 1500," Jared Diamond writes, "less than 20 percent of the world's land area was marked off by boundaries into states run by bureaucrats and governed by laws."¹⁰ Today, in contrast, the entire world is organized into states. Choose any speck of land on a map, with the exception of Antarctica, and some state claims control over it. There are different views as to why and how states emerged. Modernization theorists argue that states arose as a result of the increasing division of labor in society. As societies became more complex, they became more functionally specialized, requiring states to oversee the integration of their diverse parts. Modernization theorists see a parallel between the way states develop and how species evolve: as societies become more mature and differentiated, they require states to coordinate their more specialized parts. States emerge to solve coordination problems posed by society's increasing complexity.¹¹

Modernization theory is helpful in drawing our attention to the coordination role that states play. But modernization theory perceives states as benign and stabilizing society, knitting its disparate parts together, when, in fact, states can be malign and highly destabilizing. States can be corrupt and prey on society and they can upset social routines instead of harmonizing them. In addition, modernization theory perceives the emergence of states occurring in a peaceful, rational fashion when, in fact, the process of state building was filled with bloody turmoil. It was a process in which fragmented, local patterns of authority resisted state builders who wanted to centralize authority and promote coordination at their expense.¹²

Marxists take a different approach. Whereas modernization theorists saw states emerge as part of the requirements of society as a whole, Marxists perceive states emerging as a result of one of the interests within it.¹³ According to Marxists, the dominant class uses the state and its monopoly over the means of violence in society to impose its rule over subordinate classes. In *The Communist Manifesto*, Marx and Engels describe the modern state as "the executive committee of the bourgeoisie," by which they meant that the state reflects the general interests of the ruling, capitalist class. The state is not some neutral mechanism coordinating a complex society, as it is for modernization theorists. For Marxists the state is much darker, representing the repressive apparatus that the dominant class wields against other classes to cement its rule and exploit them.

The Marxist theory of the state has the advantage of drawing us closer to the defining aspect of states based on violence and coercion than modernization theory. But the Marxist theory of the state too narrowly confines state-building to the requirements of class conflict. It ignores other actors with other motives from the story.

Finally, according to realists, "Wars made the state, and the state made war."¹⁴ States defined by violence were forged in violence. According to these theorists, state building proceeded under pressure from external and internal rivals. Externally, states competed with each other to further their interests. No international law or organization regulated their behavior or sanctioned them. Consequently, states posed threats to each other. In order to protect themselves in such a lawless, threatening environment, states need to create armies. But provisioning and maintaining an army was expensive, placing a heavy burden of requisitions, taxes, and conscription on the populace. It also required the state to develop new bureaucracies and administrative innovations in order to increase the efficiency of its tax collection and armed forces, which often led citizens to oppose what they considered extortion by the state to subsidize its expenses. Popular resistance occurred in the form of tax rebellions, conscription movements, and food riots. This defiance further promoted the development of state capacities, as states had to contend with internal rivals as well as challengers lurking beyond their borders.

States, in this view, developed in response to the extractive necessities of war, whose possibility is always lurking in an unruly, unstructured international system of competing states. "Without war," the German historian and politician Heinrich von Treitschke wrote in the 1890s, "there would be no state."¹⁵ "Sovereignty," Mustafa Kemal, the founder of modern Turkey told his followers, "is acquired by force, power, and by violence."¹⁶ States emerged dripping with the blood of their local subjects as they developed new coercive and administrative means to extract revenue from them to prepare for war. Expansion of the armed forces, increases in taxation, and popular rebellion all go together in this narrative of state building.¹⁷

This perspective hews closely to the genetic origin of states in coercion and violence. It also includes some elements of both modernization and

Marxian arguments. It incorporates the coordinating role that modernization theorists discuss by alluding to the state's attempt to bring order to society so it can increase its tax take from it.¹⁸ It also includes the notion of interests that Marxists present but offers a different interpretation of them. According to this perspective, states pursue their own interests in a threatening international environment, as opposed to the interests of the ruling class. While including key elements of alternative explanations, the idea that states developed from the requirements of war has the added advantage of drawing attention to the role that the international system played in state building. The other explanations perceive states as emerging wholly to solve domestic problems of order or domination. In contrast, this perspective explains the emergence of states by looking at relations between states as well as those within them.

POLITICAL INSTITUTIONS

Groups not only struggle for control of the state, giving them the power to set its policies, but they also struggle over what the state should look like. One need only recall the fierce debates in the United States between delegates from small and large states, and from slave and free states at the 1787 Constitutional Convention, as they debated how to construct the new American state. Small states, such as Delaware and Rhode Island, demanded the creation of a Senate in which each state would receive two votes as protection against the power that large states, such as New York and Massachusetts, wielded in the House of Representatives by virtue of their larger populations. Or consider the more recent conflict in Europe between small and large states, and between those wanting to integrate faster and those wanting to go slower as they each tried to shape the form of the European Union. New permutations, new ways of organizing the state, result from these struggles.

The distribution of power among the different levels and branches of the state is contested because groups have a stake in the outcome. A group may win or lose depending on which part of the state is making the decision. Whether policy is made by the executive, legislative, or judicial branch, or at the national or local level, influences the result. For example, Antonia Maioni attributes the failure of doctors to prevent the passage of national health insurance in Canada and their success in blocking similar legislation in the United States to different policy-making processes in the two countries. American doctors could exert influence upon an independent and powerful Congress to block national health insurance in the United States, while the subordination of the legislature to the executive in Canada precluded doctors in that country from following a similar strategy.¹⁹

Groups with interests at stake seek to empower those parts of the state in which they have the most advantage. Levels and branches of the state rise and fall in power along with the groups whose interests they represent. In the

United States, for example, the increasing power of the presidency in relation to Congress is often attributed to the rise of large corporations that shared the same national and international perspective of the president, while the influence of small business that shared Congress' more local and parochial perspective declined. The fact that different group interests are tied to different parts of the state accounts for conflict between them. Groups take an active interest in "turf" wars or jurisdictional conflicts within the state when it better positions them to advance their interests.

The way in which power is distributed within a state is presented in its constitution. **Constitutions** are blueprints that display the state's architecture. They are "power maps" describing the internal distribution of power within the state and between the state and its citizens. Constitutions depict how power is dispersed within the state and its limits; where the power of the state stops and the rights of citizens begin. But the map may be inaccurate. The actual distribution of power often diverges from what is given in the constitution. Power depends on political factors as well as legal, formal, constitutional arrangements. For example, presidents elected by a landslide or with a legislative majority from their party will find it easier to govern than presidents who were narrowly elected or who must contend with an opposing majority in the legislature. In France, for example, the power of presidents has depended far more on whether the prime minister is also from their party than on what is legally stipulated regarding presidential powers in the Constitution. Power is fluid, dependent on circumstances, not static, as constitutions make it appear.

The power map of constitutions sometimes is not only inaccurate but also incomplete. The constitution only maps what is included within the formal state. Absent are other organizations outside the state that influence political actors, such as political parties, the media, and interest groups. While constitutions provide helpful maps to the distribution of power among the different levels and branches of government, they may be missing interesting highlights and important destinations. Below we review the different parts or components of the state that are featured in many constitutional maps. These include its legislative, executive and judicial branches, subnational levels, and the state's bureaucratic and military arms.

Federal and Unitary Systems

Constitutions may divide power vertically between national and local levels, and horizontally between the legislative, executive, and judicial branches. For example, some constitutions create **unitary systems** in which power is concentrated at the national level. Local levels of the state have little autonomous power to raise revenue, spend money, or make their own policies. They operate more as administrative arms of the central government than as independent authorities. In unitary systems, all sovereignty resides at the top, in the national government. Subnational units are created at the discretion of

national governments and can be reorganized or abolished by them because they lack constitutional protection. China, France, and Japan are often cited as examples of unitary systems where regional and local governments lack significant policy-making powers and act largely as agents of the national government.

In federal systems, on the other hand, constitutions divide sovereignty between national and subnational levels of the state. "The essence of federalism," Brian Galligan writes, "is two spheres of government neither of which is sovereign but each of which has defined and limited powers."²⁰ Federal systems have a long tradition among developed countries, such as the United States and Switzerland, and are evident in developing countries, such as India and Brazil, as well. Authority in these countries is not concentrated at the national level but divided between national and lower, more local units of the state, with each level sometimes responsible for policy in a certain domain. For example, state governments in the United States play a leading role in education policy, the *Länder* in Germany play a prominent role in education and cultural policy, while the provinces in Canada have jurisdiction over the management and sale of public lands. In some countries, the specific tasks that the national and subnational levels of the state perform are neatly separated from each other as in a layer cake. In others, it more resembles a marble cake in which functions are interwoven and shared among the different levels.²¹ Lower levels of the state in federal systems also have more fiscal independence than their counterparts in unitary systems. Local and regional governments can raise their own revenue, giving them more resources with which to strike out on their own, independent of the central government. Finally, in federal systems, subnational political units also enjoy control over their own administrative agencies. A separate administrative apparatus controlled by local and regional governments exists to implement their policies.

Unitary state forms are more common than federal systems. In most countries the national government does not share power with other levels. Where federal systems do exist, they are found predominantly among large countries, such as the United States and India, where the central government is challenged to extend its power over a large population spread across a large land mass.²² They may also be found in smaller states with intense ethnic, religious, and linguistic cleavages that are territorially based. Federal systems offer such groups a stake in the larger, national government by giving them influence in a smaller, regional government, incorporating them into the wider polity by giving them a political space they can call their own. This, for example, is the case in Switzerland, where powerful regional governments called *cantons* reflect divisions among French, German, and Italian speakers, as well as between Protestants and Catholics. It has also been the case in Canada, where powers guaranteed to the provinces have mollified to some extent the worries of French speakers in Quebec who are concerned about losing their cultural identity in a predominantly English-speaking country.

IN BRIEF

Federal and Unitary Systems

In federal political systems:

- The central state shares sovereignty with lower political units.
- Regional governments can raise their own revenue and make their own policy.
- Lower state units have their own officials, agencies, and administrative integrity.

In unitary political systems:

- Political power is concentrated at the national level.
- Subnational levels of the state are primarily administrative arms of the central government.
- Lower levels of the state do not have the power to levy taxes or make policy.

The Legislature

Political power is distributed not only vertically between national and subnational levels but also horizontally among the different branches of the state: the legislature, executive, and judiciary. Legislatures appear under different names in different countries. In the United States, the legislature is referred to as Congress; in Britain as Parliament; and in France as the National Assembly. Regardless of their different title, they all do the same thing: they are assemblies that approve of policies on behalf of a larger political community that they represent.²³ This holds true in authoritarian states as well as in democratic polities. In authoritarian political systems, legislatures are tolerated because they provide the government with the fig leaf of public consent. They infrequently and only marginally influence policy. Their main function is simply to transmit local concerns to those actually in charge. For example, in China, the National People's Congress only passes those bills proposed by the government and not a single bill from an individual deputy has ever been enacted. Delegates to the National People's Congress lack the time and staff to evaluate bills and are under pressure to conform rather than challenge the ruling Communist Party.

In contrast to authoritarian political systems, legislatures in democracies are more than rubber stamps. They actually influence policy either by amending or rejecting executive proposals, or by substituting their own measures for them. In addition, legislatures in democracies play an important role in overseeing the executive branch. They scrutinize the activities of the executive to make sure that laws are implemented fairly and effectively.

Most legislatures are **unicameral**, meaning that they have only one chamber. The **bicameral** structure of the United States Congress, with a House of Representatives and a Senate, is atypical. Where bicameralism occurs, each chamber is based on a different principle of representation. For example, in the United States the House of Representatives is based on population while

the Senate represents states. Larger countries tend towards bicameralism because the different principles of representation in each chamber can better reflect the diversity of interests within them. Bicameralism is also more common in countries with federal systems, where lower, regional political structures are represented by one of the chambers. This is true not only in the United States and Australia, where states are represented in the Senate, but also in Germany where the *Länder* are represented in the upper house, or *Bundesrat*. This gives territorially based interests confidence that their interests will be reflected within the national government. The advantage of a unicameral legislature is that it is more efficient. There is no second chamber to delay, veto, or amend bills that the first chamber has already passed. The advantage of bicameralism is that it can offer a broader basis of representation than one chamber. This is especially valuable in large, diverse, and regionally divided countries.

Another comparative dimension to legislatures concerns their internal organization, especially their committee system. Even more than size—legislatures with fewer members tending to be more powerful than larger assemblies—a strong committee system is a good indicator of a legislature's power to influence policy, demonstrating whether it is a show horse or a work-horse. Legislative committees armed with clear jurisdictions and adequate resources permit their members to specialize. Legislators can develop expertise on narrow issues, which permits them to negotiate with the executive on an equal basis and knowledgeable oversee its actions. Again, the United States Congress is unusual in this regard because its committee system is exceptionally strong. Compared with other legislatures, congressional committees have ample staff and budgets to collect information and draft legislation on their own. The strength of its committee system is a tip-off that the United States Congress is one of the most powerful legislatures in the world.

In practice, most legislatures today, at least in democracies, are reactive, not proactive; they reject and modify bills but do not often propose their own. They respond to the agenda proposed by the chief executive, rather than setting their own priorities. Their subordination to the executive branch is attributed to the increasing significance of foreign policy, growth in the scope of government activity and the size of the bureaucracy to carry it out, the rising power of the media to portray politics in terms of personality, and the emergence of organized political parties that can deliver disciplined majorities for the government. But it would be facile to regard legislatures as mere window dressing in democracies, despite their loss of power to the executive branch. At a minimum, legislatures in democracies retain "the capacity to influence, as opposed to determine; the ability to advise, rather than command; the facility to criticize but not to obstruct; [and] the competence to scrutinize rather than initiate."²⁴ At a maximum, they have the power to veto legislation, make policy by considering their own proposals instead of those submitted to it by the executive, and even bring down the government itself.

While legislatures have lost ground overall, they tend to be more powerful when they have a strong committee system, permitting legislators to build up

expertise, and when parties are weak, depriving governments of disciplined legislative majorities to vote for their proposals. Finally, legislatures display more influence in some issue areas than in others. They generally exert little influence over foreign affairs or economic policy. These arenas tend to be dominated by the executive branch whose perspective tends to be more national than the parochial view legislators take, reflecting the local constituencies from which they come. While seemingly content to play background vocals on foreign and economic policy, legislatures are more apt to project their voice when it comes to social welfare policy, such as housing, health care, education, and pensions, which directly touch their constituents.²⁵

The Executive

The executive branch is supposed to elaborate, coordinate, and implement the legislature's decisions. In fact, it does much more. The executive branch is often the energy center of the government, providing it with leadership. It sets the agenda of government, creating priorities and proposing bills. In most democracies, not only do a greater proportion of all bills that legislatures consider come from the executive, but those that originate there have a better chance of being approved.²⁶ We discuss below three distinct parts of the executive branch: (1) the core executive, which includes the ruling government; (2) the bureaucracy, which is directly below the core executive and includes the different departments and agencies of the executive branch; and (3) the military, which includes the armed forces.

At the center of the executive branch is the core executive. The core executive includes all the significant policy-making and coordinating actors in the executive branch, such as the president or prime minister, members of their cabinet, their personal advisors, and senior civil servants. The core executive pulls together and coordinates the diverse political and bureaucratic interests in a sprawling executive branch into a coherent and coordinated program to present to the legislature and the public. The core executive is at the apex of the executive branch, resolving disputes within it and setting priorities for it. It sets the wheels of the state in motion as the core executive tries to shape society according to its own designs.

At the top of the core executive are its political leaders, the head of state and the head of the government. The former represents the country, while the latter directs the executive branch. Sometimes these two positions are unified in the same office and person, as they are in the United States where the president is both the head of state—the leader of the nation—and the head of the government—in charge of the federal bureaucracy. In many other countries, such as Great Britain, the two positions are separated. In Britain, the reigning monarch is the head of state, and the ruling prime minister is the head of the government. In such countries, the head of state usually plays only a ceremonial role, as the monarchy does in Britain. But there are countries, such as France, where power is shared between the head of state (the president) and the head of the government (the prime minister), and some rare cases, such as

Jordan, where power resides in the head of state, who is the king, and not the head of the government, who is the prime minister.

As the executive branch has grown in size to keep pace with increasing state responsibilities, the central coordinating role that political leaders play has become more significant. Among developed countries, according to one study, "There is general agreement that over the last thirty to forty years there has been a steady movement toward the reinforcement of the political core executive . . . and, that within the core executive, there has been an increasing centralization of power around the person of the chief executive—President, Prime Minister, or both."²⁷ Their position at the top of government gives presidents and prime ministers a commanding view of the entire ground that other political actors lack. In addition, political leaders can shape and manipulate public opinion through the media attention they attract. Presidents and prime ministers also now have more staff at their disposal to coordinate policy, provide expertise, manage their image, and help them develop political strategy. When Herbert Hoover was president of the United States (1928–1932), he was assisted by three confidential secretaries, a stenographer, and some clerks. Today, the Executive Office of the President—which didn't even exist as a formal office in Hoover's time—includes over 3,000 people who serve the president in all sorts of capacities. Finally, political leaders embody the national interest, which permits them to take charge of foreign policy. This policy domain is now of more concern because globalization has tied the fate of countries more closely together. As the world gets smaller, presidents and prime ministers get bigger. The result of these changes has been to personalize power and raise the profile of political leaders in relation to other political actors inside and outside the core executive.

The core executive includes not only political leaders such as the head of state and the head of the government, but also those ministers who serve under them. These ministers direct state ministries or departments and are often members of the president's or prime minister's cabinet. Jean Blondel estimated there are about 3,000 ministers throughout the world, with an average of 20 in each country.²⁸ In some countries, ministers serve on average for as long as five years, while in others there is quick turnover and a minister's average tenure is as short as a year. Some are specialists who are familiar with the problems and issues of the department they lead, while others are amateurs who come to office with little specialized knowledge of the issues for which their department is responsible. Finally, some ministers may rotate among different posts within the government, while others fill only one post in the course of their ministerial career.

Presidents and prime ministers are not simply first among equals in relation to their cabinet; they are first without equal. That is, presidents and prime ministers set the direction of the government, not the collective Cabinet. The cabinet is more a collection of isolated ministers concerned with their particular departments than a group of political executives concerned with strategic planning for the government as a whole.²⁹ While ministers might not enjoy much standing through their participation in the cabinet, they often do

so through the substantial discretion they enjoy when it comes to managing their departments. Ministers often manage their departments without much direction by presidents and prime ministers. Presidents and prime ministers cannot look everywhere at once and must practice "management by exception," given the pressures on their time and attention.

The Bureaucracy

The core executive directs the **bureaucracy**, or the different agencies and bureaus within the executive branch. The bureaucracy is supposed to be an extension of the government in power and its political leadership. The core executive makes policy while the bureaucrats or career civil servants below execute it in an impartial and professional way. But, in fact, core executives often have a hard time imposing their will on bureaucrats. Political control of the bureaucracy is an aspiration, not a guarantee. The core executive has no choice but to delegate power to those below them to carry out policies. But delegating power to lower-level officials permits them to shape policy in how it is administered. Policies get altered subtly, as if in a game of telephone with multiple players, as it gets passed down the chain of command.³⁰ President Harry Truman remarked ruefully as he was about to be replaced in office by former General Dwight D. Eisenhower, "He'll sit here and he'll say, 'Do this! Do that! *And nothing will happen.*' Poor Ike—it won't be a bit like the Army. He'll find it very frustrating."³¹ Policies can be thwarted by bureaucrats who have their own interests separate from political executives and their own sources of power with which to pursue them.³² For example, bureaucrats can use their experience and knowledge to frustrate the will of political executives. They can share information with them or withhold it. They can also leak information that threatens their interests to the government's opponents. A notorious example of this occurred when FBI Assistant Director Mark Felt, known for decades only as "Deep Throat," leaked information about White House efforts to cover up the Watergate break-in because he believed President Nixon was trying to besmirch the reputation of his agency. Moreover, while bureaucrats are supposed to be neutral and impartial, they have their own interests they want to protect. They want to maximize their agency's budget and jurisdiction, which means higher pay and more career opportunities for them, and defend their professionalism from policies that threaten it.

Political leaders try to counter the bureaucracy's influence by strengthening their own personal staffs. Consequently, as we saw when we discussed the core executive, the number of people who work in the president's or prime minister's office has grown. They also try to increase the number of political appointees who work within the bureaucracy. The greater the number of political appointees, the more responsive the bureaucracy is to the administration in power. At one extreme are many African states where the bureaucracy is bloated with political appointees. Instead of being staffed by a permanent civil service selected on the basis of merit, rulers give state jobs to loyalists who then use their official posts to extract bribes and exploit the public they are

supposed to serve. For example, in the Democratic Republic of the Congo (DRC), formerly called Zaire, the political faction allied with President Sese Seko Mobutu (1965–1997) controlled “lucrative positions in the state, diplomatic corps, party, army and secret police” from which they plundered their country.³³

At the other end of the continuum are countries like Great Britain. Its bureaucracy is staffed by a highly professional civil service that reaches up to the highest levels. A change in administration does not create turnover in a department’s staff, except at the very top for the ministers who run them and their assistants. Unlike Zaire’s Mobutu, the British prime minister does not have the opportunity to salt the bureaucracy with supporters and thus ensure its cooperation. The United States lies somewhere in between these two polar cases, combining elements of both patronage and civil service systems in its staffing practices. The lower levels of the federal government are filled by protected civil servants selected on the basis of merit, while the upper tiers are filled through political appointment. While civil service regulations prevent the bulk of federal jobs from being given to political supporters, as in Zaire, positions at the higher rungs are filled by the president and are not occupied by civil servants, as in Britain.

IN BRIEF

Bureaucracy

According to Max Weber, an eminent German sociologist, the essential features of bureaucracies include:

- a division of labor in which people are given specific tasks to perform,
- a hierarchy in which there is a clear chain of command, and
- a set of rules and regulations that govern the conduct of people in positions and limit their discretion.

The Military

Seven Days in May, published in 1962, describes a military plot to take over the U.S. government. In the book, the Joint Chiefs of Staff are thwarted in their conspiracy to remove the president of the United States. *Seven Days in May* is fiction, a novel that became a Hollywood motion picture. It is a gripping political thriller because its plot is so plausible. But it is also far-fetched because civilian control of the military is such an intrinsic part of the American political tradition. It requires a novelist’s imagination to conceive of a military coup occurring in the United States. But what novelists must invent with regard to the United States is all too real elsewhere. Military takeovers are common in other countries. They are fact, not fiction.

The military is just one specialized department within the bureaucracy. We devote special attention to it because the military embodies the essence of the

state. It is organizationally coherent, enjoying a centralized command structure; it has a corporate sense of purpose, binding it together; and it controls the armed forces, making it possible to impose its will on others. Consequently, the military needs to be treated differently than other parts of the state. For example, the core executive does not have as much to fear being removed by angry clerks as it does by aggrieved colonels.

The relationship between the government and the military takes many forms. At one end of the spectrum is civilian control of the military’s budget, command structure, and the promotion and assignment of its commanders. Civilian control also implies that the military does not intervene in political affairs. Politics is for civilians, not for soldiers. But even civilian control of the military has its limits. In return for the military respecting the authority of the government, the government respects the autonomy and professionalism of the military and defers to its expertise within its appointed sphere. Of course, the boundary separating political from military issues is unclear and civilians and the military often trespass on each other’s domain. The military often injects itself into policy debates about national security and budget appropriations, while civilians often project their values on to the military and seek to use it for political advantage. Thus, even in countries where civilian control of the military is the norm, that control is not absolute but has to be negotiated. Samuel P. Huntington writes, “Objective civilian control [involves] the recognition and acceptance [by civilian leaders] of an area of professional competence and the autonomy of the military [and] the minimization of . . . political intervention in the military.”³⁴ Civilians are careful to respect the professional norms of the military in order to receive respect from it in return.

Civilian control of the military is more likely to exist in those countries where both state and military institutions are strong. That is, the state has legitimacy and is capable of governing society, while the military has a strong ethos of professionalism and autonomy.³⁵ This is the case in much of the developed world. But in many developing countries, states are weak and unable to maintain order. Nor is the military highly professionalized. The army abuses its power to rob civilians, and officers give loyalty to their own ethnic group instead of to the government. When professionalism is low, military intervention in politics is more common.³⁶ In these circumstances, the armed forces will exercise veto power over government decisions, without taking power itself. The military, in effect, holds a sword over government to ensure that its policies remain within acceptable bounds. For example, fear of the military prevents elected Muslim governments in Turkey from diverging too far from the army’s secular preferences. In such cases, the military is reluctant to take power itself and often finds it unnecessary since its goal is simply to prevent change. It can afford to let civilians rule since the military’s objective to preserve the status quo is so minimal.³⁷

But sometimes the military has more ambitious goals than simply maintaining the status quo. It wants faster economic growth that could provide the wealth and technology that the army needs to improve its fighting capacity. The military believes it must remove civilian governments that are too inept,

corrupt, or unwilling to achieve these goals. Civil–military relations then shift from the military having veto power over the government to the military actually taking it over. Not only is the civilian government replaced by military officers in these circumstances, but political rights are typically rescinded. Authoritarian rule quickly ensues in which political parties are banned, the news is censored, and protests are outlawed. The military tries to create the same sense of discipline in society that exists in the army as it pursues its program of economic modernization.

The Judiciary

The third branch of the state is the **judiciary**. It is a political institution that is, theoretically, above politics and outside of the policy-making process. The courts are supposed to be neutral and impartial, above the tug of sordid interests that sully legislators and executives. Their role is to interpret the laws, not make them. But interpreting the law—settling disputes about its meaning and how it should be applied—requires courts to exercise power, to issue decisions that produce winners and losers. As Charles Evan Hughes, former Chief Justice of the U.S. Supreme Court, once remarked, “We are under a Constitution and the Constitution is what judges say it is.”³⁸ And because courts do exercise power, they are the object of intense conflict. Court jurisdictions, the manner in which judges are selected, and the content of judicial decisions are all political questions of the first order.

In authoritarian political systems, the powers of the judiciary are quite limited. While laws and constitutions may exist, the judiciary is often too weak to uphold them. Dictators and tyrants do not want to be constrained by tedious and bothersome laws. The rule of law in authoritarian states is compromised because the judiciary lacks independence and is subordinate to the executive. Judges often owe their jobs to the ruler and can be removed easily if they decide a case “incorrectly.” While the rule of law may be weak under authoritarian regimes, they still subscribe to rule by the law. That is authoritarian governments find it convenient to rule through the law. Consequently, they make great efforts to stage show trials of dissidents, to ground their authority in emergency decrees that suspend the law temporarily, or make use of alternative forums outside the regular court system, such as military tribunals, to try cases and issue decisions. Authoritarian regimes are not lawless. They have court systems and judges. But the courts are distinguished by their independence in democracies and their lack of it in authoritarian regimes.

By contrast, the judiciary enjoys more autonomy and political power in democracies. In some cases, the courts may even exercise the power of **judicial review**, which empowers courts to nullify and invalidate laws that they believe violate the constitution. Judicial review can be conducted through special constitutional courts set up for that purpose, as in France and Germany, or within the regular court system, as in Ireland and the United States. But regardless of where judicial review takes place, its practice is controversial. It has the same impact on policy as an executive veto and belies the claim that courts do not

influence policy. For example, the U. S. Supreme Court in the 1954 case *Brown v. Topeka Board of Education*, famously ruled that state laws requiring segregated schools were invalid because they violated the Fourteenth Amendment’s “equal protection clause” of the Constitution.

Critics of judicial review believe that it is undemocratic for unelected judges to overturn laws passed by elected governments and thereby subvert the will of the people. Defenders respond that judicial review is necessary to prevent the majority from using the state to trample on the rights of the minority. They insist that constitutional limits need to be placed upon what the majority can do.

Judicial review permits judges to influence policy by nullifying laws. But judges typically will not exercise this power unless their positions are secure. The independence of the judiciary depends on how its members are selected, how long they have tenure, and how difficult it is to remove them once they are on the bench. The U.S., for example, safeguards the independence of federal judges by awarding them lifetime tenure. With their jobs secure, federal judges do not have to worry about shaping their decisions to suit either the president who nominated them or subsequent officeholders. And once seated, they can only be removed from office by being impeached by Congress, which is such a difficult process that it rarely occurs. Other countries seek to insulate the judiciary from political influences at the appointment stage. In Italy and Portugal, for example, the appointment and promotion of judges is taken out of the hands of voters, legislatures, and chief executives alike and given predominantly to judges themselves. Judges are insulated from political pressure by having control over their own career paths. An alternative strategy for ensuring the judiciary’s independence is to appoint judges to nonrenewable terms, as is the practice in France. And in still other countries, such as Canada and South Africa, appointments follow recommendations by special judicial selection commissions.

Political scientists have noticed a trend toward the “**judicialization of politics**” in which political disputes are settled in courtrooms rather than legislatures. According to John Ferejohn, “Since World War II, there has been a profound shift in power away from legislatures and toward courts and other legal institutions.”³⁹ Citizens are making increasing use of courts to “contest government decisions or to assert and defend their rights.”⁴⁰ Alexis de Tocqueville’s complaint that Americans frequently turn political issues into legal contests is becoming a common practice throughout the world.

The judicialization of politics is also evident in the eagerness with which courts intervene in political thickets that they previously avoided, such as struggles for power. In the 1990s, Italian judges brought down the Christian Democratic Party, which had been in the government from 1947 to 1994, on charges of corruption, and the United States Supreme Court issued rulings that decided the outcome of the 2000 presidential election. But the most stunning example of all might have been the role the judiciary played in the 2004 presidential election in the Ukraine. The Ukrainian Supreme Court nullified the results of that election and mandated new elections that produced a

different winner. Remarkably, despite having so much at stake, Ukrainian politicians respected the power of the court to rule that electoral laws had been violated in a country not otherwise known to be so law abiding. The Ukrainian example shows how powerful courts have become, even in countries where one would least expect it. Finally, judges are not only intervening more frequently in struggles for political power, but they are also more aggressively using the power of judicial review to look over the shoulders of politicians and evaluate their decisions. The prospect that the courts might intervene forces public officials to anticipate the court's possible objections when they make laws and decisions. Policy makers increasingly legislate in the shadow of the courts.⁴¹

COMPARATIVE POLITICAL ANALYSIS

Does the Design of Political Institutions Make a Difference in People's Lives?

Problem

Do people live better under one set of political institutions than another? According to the political scientist Arend Lijphart, political institutions in democracies go together in consistent patterns that conform to either majoritarian or consensus principles. Majoritarian democracies have unitary systems in which authority is concentrated in the national government; unicameral legislatures in which authority is based in a single house or chamber; weak courts that lack the power of judicial review; and strong core executives that dominate the legislature. Consensus democracies, on the other hand, operate on the principle that policies should be supported by broader agreement than a majority, which often involves sharing, dispersing, and limiting power in a variety of ways. Political institutions commonly found together in consensus democracies include: federal systems, bicameral legislatures, courts with the power of judicial review, and weak core executives. Having distinguished between majoritarian and consensus democracies, Lijphart then asks the "so what" question: what difference do these ways of organizing democracy make for people's lives? Do people live better under democracies with majoritarian institutions than they do in democracies with institutions that follow the principle of consensus?

Methods and Hypothesis

Lijphart ranked selected democracies according to the degree that their political institutions conformed to his models of majoritarian and consensus democracies and then statistically compared their economic, political, and social performance. He hypothesized that consensus democracies would produce better results because their policies have broader support and are not as prone to abrupt policy shifts as typically occur in majoritarian democracies.

Operationalizing Concepts

To test his hypothesis Lijphart had to clarify what he meant by economic, political, and social performance and develop indicators for each.

1. Some of his proxies to test the relative economic performance of majoritarian and consensus democracies included: average annual growth in GDP, average annual rates of inflation, and unemployment levels.
2. His measures of political performance were turnout rates in elections, the number of women holding national political offices, and survey data concerning how satisfied citizens were with the workings of democracy in their country.
3. Lijphart's measures of social performance were welfare state expenditures, foreign aid contributions, pollution levels, and prison incarceration rates.

Results

Lijphart found that consensus democracies performed better socially, devoting more money to the welfare state, spending more on foreign aid, recording less pollution, and imprisoning fewer citizens. They also performed better politically, with more citizens participating in elections, more women elected to office, and more citizens expressing satisfaction with their political system. However, the form of democracy had little apparent impact on economic performance. Consensus democracies did not have more economic growth or lower unemployment than majoritarian democracies, although the former did have a significantly better record in regard to checking inflation.

For Further Discussion

1. Do you think Lijphart's indicators of economic, political, and social performance were appropriate? What other tests of performance do you think would have been more suitable?
2. Why did consensus democracies perform better than their majoritarian counterparts on political and social indicators but not on economic ones?

Sources: Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven: Yale University Press, 1999).

CONCLUSION

The state is the supreme sovereign authority within a country. The government, which controls the political institutions of the state, sets priorities and marshalls society's resources in support of them.

The modern state emerged in response to the insecurity of the international system. It required states to build up their administrative capacities to prepare for the ever present danger of war. States come in a variety of shapes and forms as laid out in their constitutions. Some are unitary, with authority centralized at the national level, while others have a federal structure in which subnational levels of the state are able to raise their own revenue and make their own policies.

States also differ in how they arrange their essential building blocks, the legislative, executive, and judicial branches. In some states the legislative branch is strong, with strong committee systems that permit members to build up expertise and propose their own bills, while in others the legislature is weak and only rubber stamps what the core executive submits to it. In some states, the core executive is able to command the bureaucracy, including the military. In others, the bureaucracy and military are able to thwart the will of the core executive. Finally, in some states, the judiciary is independent and has the authority to overturn laws approved by the legislative and executive branches. In others, the judiciary is subordinate to the executive, although even here the government makes an effort to subscribe to rule by law, if not the rule of law.

The form states take—the manner in which power is divided within them—is not neutral or innocent in its effects. Some groups win and others lose depending on these arrangements. As a result, the balance of power among the state’s different levels and branches is constantly being challenged. The distribution of state power is not frozen in law but changes subtly—and sometimes not so subtly—in response to political pressure. Political actors try to shape how power is distributed because their success in influencing policy depends upon the state’s structure.

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CRITICAL THINKING QUESTIONS

1. We argued at the beginning of the chapter that power takes three forms: economic, political and ideological. Are these three forms of power equal? What claims for preeminence can be made about each of them?
2. Do states promote individuals’ capabilities or restrict them?
3. If your country was just emerging and was writing a constitution, how would you organize your political institutions? What judicial, legislative, federal, and executive arrangements would you create and why?
4. Over time, the legislative branch has lost ground to the executive in almost all countries. Why has this happened and is this state of affairs constructive or harmful?

5. Since the military has all the guns, why don’t they take over governments more frequently? Why does the military accept civilian control in some countries while it is reluctant to consent to it in others?

KEY TERMS

Institutions 30	Constitutions 37	Head of State 41
Power 31	Unitary systems 37	Head of Government 41
Authority 31	Federal systems 38	Cabinet 42
The state 32	Legislature 39	Bureaucracy 43
The government 32	Unicameral 39	Judiciary 46
Modernization	Bicameral 39	Judicial Review 46
theory 34	Executive branch 41	Judicialization of
Marxism 35	Core executive 41	Politics 47

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