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Weak Loyalties: How the Rule of Law Prevents Coups D'État and Generates Long-Term Political Stability

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Weak Loyalties: *How the Rule of Law Prevents Coups D’État and Generates Long-Term Political Stability*

Ivan Perkins*

**ABSTRACT**

The “rule of law” is lauded for producing a variety of positive governance characteristics, including minimal corruption, human rights, and economic prosperity. What has been overlooked, however, is that rule-of-law institutions are also responsible for another phenomenon: the fact that certain states experience long-term political stability, without any coups or coup attempts (defined as internal efforts to seize central state authority through force). The prevailing theory of stability holds that “professional” military officers refrain from coups because they have internalized the norms of civilian authority and constitutional procedure. However, this theory requires a system of socialization capable of counteracting self-interest, throughout the entire political-military establishment, for centuries at a time. By examining the first two states to achieve long-term stability—the Republic of Venice and Great Britain—this Article develops a new theory. Impartial rule-of-law institutions systematically attenuate personal-loyalty relationships within the political-military establishment, and this process inhibits the formation of criminal conspiracies, including those aiming at a *coup d’état*. The Article identifies 22 states that experienced zero coups and coup attempts during the period 1961-2010. Using this data, the Article confirms a prediction of the theory: that stable states should exhibit low levels of corruption.

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I. INTRODUCTION

In what are called “mature democracies,” people generally take the absence of military coups and other violent revolutionary upheavals for granted. The prevailing theory of stability holds that “professional” military organizations train soldiers and commanders to accept civilian supremacy, such that they do not even consider mounting a coup against the constitutionally-appointed government.\(^1\) This theory, however, requires a stark and surprising negation of self-interest, in that military commanders must always place constitutional considerations over and above their own desires.\(^2\) This anti-coup training must also be systematic: it must operate throughout the political-military establishment and be effectively transmitted to succeeding generations.\(^3\) This Article contends that the “rule of law” provides a stronger and simpler explanation for stability. Impartial rule-of-law institutions systematically attenuate personal-loyalty relationships within the political-military establishment, and this process in turn inhibits the formation of grand criminal conspiracies, including those aiming at a coup d’\'état.

As scholars like A.V. Dicey and Joseph Raz have concluded, the “rule of law” is intrinsically incompatible with governmental corruption, defined as the abuse of public office for personal gain or favoritism.\(^4\) While there is no such thing as a corruption-free state, a state purporting to be under the “rule of law” must exhibit low corruption levels.\(^5\) As some scholars of corruption have noted, corrupt activities like bribery and nepotism are facilitated by (and help solidify) strong ties based upon kinship and patronage.\(^6\) At a more general level, a substantial body of academic research illustrates the fundamental incompatibility between impersonal rules and personal loyalties.\(^7\) Rule-of-law institutions gradually move society from insular and exclusive factions, permeated by strong bonds of loyalty and reciprocity, to an open-ended network society in which individuals form a myriad of temporary combinations, wherein each link is relatively weak.\(^8\)

The Article traces this development historically, focusing on the first two states to achieve long-term political stability: Venice and Great Britain. During the Renaissance and Early Modern periods, the Venetian Republic was famous for its exceptional stability. Venice experienced no coups or coup attempts, defined as an internal effort to seize central state authority through physical force, from 1355 until Napoleon’s conquest of the city-state in 1797.\(^9\) Great Britain has achieved similar stability since 1746, when the last serious

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1 See infra notes 224–237 and accompanying text.
2 See infra notes 238–248 and accompanying text.
3 Id.
4 Joseph Raz, The Rule of Law and Its Virtue, in Liberty and the Rule of Law 3, 12 (Robert L. Cunningham ed., 1979) (“The arbitrary use of governmental power for personal gain, out of vengeance or favoritism . . . is drastically restricted by close adherence to the rule of law.”); Albert Venn Dicey, Introduction to the Study of the Law of the Constitution 189 (10th ed. 1959) (“[T]he law in England ensures that every official, from the Prime Minister down to a constable or a collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen.”); Thomas Carothers, The Rule-of-Law Revival, in Promoting the Rule of Law Abroad: In Search of Knowledge 3, 4 (Thomas Carothers ed., 2006) (“Respect for the law will not easily take root in systems rife with corruption and cynicism, since entrenched elites cede their traditional impunity and vested interests only under great pressure.”).
5 Carothers, supra note 4, at 4 (explaining that in order for “rule of law reform” to be successful, laws must apply equally to everyone, political leaders must be willing to abide by these laws, and central lawmakers must be fair and efficient).
7 See infra note 344 and accompanying text.
8 Id.
9 See infra notes 24–73 and accompanying text.
attempt to topple the British state was defeated. Renaissance Venice was also renowned for its exceptionally fair and impartial legal system, and eighteenth-century Britain enjoyed a similar reputation. Chronologically, therefore, mature rule-of-law institutions coincide with the onset of stability in both states. The Article shows that personal-loyalty relationships weakened with the development of rule-of-law institutions in both Venice and Britain.

The attenuation of personal-loyalty relationships generates long-term political stability because, in the absence of tightly-knit cliques and cabals, the formation of a grand conspiracy to seize state power becomes inordinately difficult. Scholars of corruption have pointed out that “corruption networks” tend to be based upon family, clan, tribal, and patronage bonds; similarly, scholars of the coup d’état have noted that coup organizers tend to draw upon the same “strong-tie” links to recruit followers. This is because any criminal endeavor—and especially a coup, which is a complex operation requiring the participation of hundreds of individuals—brings the risk of discovery and criminal punishment. As a result, conspirators turn to people they can trust. Even in rule-of-law states with attenuated personal loyalties, of course, some corrupt activities occur within the political-military establishment.

For example, politicians, civil servants, and military commanders can be susceptible to the temptations of bribery—a crime that may only involve two people and can remain forever secret. Balancing risks and rewards, it may be individually rational to offer or accept a bribe. But the risk/reward calculations change with respect to a coup d’état, where hundreds of individuals must participate in an operation that becomes public at the moment of execution. In a rule-of-law society, a coup organizer would have to approach hundreds of fellow military officers, bureaucrats, or politicians—with whom he or she would only be connected through “weak ties”—and any one of them could betray the plot, perhaps for personal gain. In this context, it becomes highly irrational (from an individual’s perspective) to approach even one other person about a coup d’état. In short, the rule of law creates a “collective action problem” that renders coup conspiracies untenable. In mature democracies like Britain and the United States, it is the rule of law that inhibits any threat of a coup d’état.

If the theory above is correct, we would expect to find that stable states exhibit minimal corruption. By examining every state in the world between 1961 and 2010 to determine whether it experienced any coups or serious coup attempts, the Article identifies 22 states that were “coup-free” during this period. It compares this set of 22 states with data on relative corruption rates and finds a statistically significant correlation between stability and low corruption. Almost all of the 22 “coup-free” states appear at the very bottom of corruption indexes, showing that they are the cleanest, least corrupt, and most rule-of-law based governments in the world.

“Coup” is defined broadly here, as any forceful seizure of central government power by internal actors. A coup or coup d’état is any disorderly, unpredictable transfer of power, accomplished through

10 See infra notes 81–135 and accompanying text.
11 See infra notes 250–343 and accompanying text.
12 See infra notes 251–343 and accompanying text.
13 See infra notes 344–440 and accompanying text.
14 See USLANER, supra note 6, at 49–50 (describing how corruption is based on trust, and trust is best fostered among one’s “own kind” or “small circle”); see also Lambsdorff, supra note 7 (noting that corruption often occurs among those in the same ethnicity, cultural group, or those sharing “kinship ties”).
15 EDWARD LUTTWAK, Coup D’ETAT: A PRACTICAL HANDBOOK 74–75 (1979) (finding recruitment usually based upon “family, clan and ethnic links”); see BRUCE W. FARCAU, THE Coup: TACTICS IN THE SEIZURE OF POWER 38 (1994) (citing factional loyalties to charismatic military officers as key factors in the origin of coups); see also SAMUEL DECALO, COUPS AND ARMY RULE IN AFRICA: MOTIVATIONS AND CONSTRAINTS 6, 288 (2nd ed. 1990) (describing a typical coup-prone African army as a coterie of “distinct armed camps” and “personal-loyalty pyramids,” where soldiers owe personal allegiance to their commanders).
16 USLANER, supra note 6, at 49–50.
17 See, e.g., infra notes 321-325 and accompanying text.
18 See infra notes 136–157 and accompanying text.
19 See infra notes 490-492 and accompanying text; see Table, “Corruption Levels and the Coup-Free Zone,” p. 79.
20 See infra notes 445-453 and accompanying text.
physical force or intimidation.\footnote{See id.} This includes a coup d’
état by military commanders, but also encompasses, for example, palace intrigue.\footnote{Id.} When one brother kills or imprisons another, and assumes his throne, he commits a coup. The definition extends to long civil wars for power, like that waged between Marc Antony, Octavian, and the assassins of Julius Caesar, as well as to spontaneous street revolutions, like those in Tehran in 1979, Manila in 1986, Eastern European capitals in 1989, Belgrade in 2000, Bishkek in 2010, and Tunis and Cairo in 2011. The effort to seize power need not succeed; serious but failed attempts still count. Finally, the term “coup” embraces an “executive coup,” whereby a constitutional leader radically and forcefully extends his scope of power or term of service, in violation of the constitution, as in Chancellor Hitler’s 1933 hijacking of Germany with Nazi thugs.

This definition of “coup” excludes purely secessionist rebellions, where one region simply tries to leave a larger state. These appear throughout history, and include local uprisings against the Roman, Persian, and Chinese empires, the 1857 Sepoy Mutiny in India, the U.S. Civil War, and recent conflicts in Bosnia, East Timor, and Chechnya. Such events, we should note, are compatible with central stability. Even as the American Revolution, Sepoy Mutiny, Boer rebellions, Irish uprisings, and anti-colonial movements racked the British Empire, for example, constitutional succession in Westminster remained placid and procedural. Such orderly, peaceful politics is our focus.

The Article proceeds in the following steps. Part I identifies a set of states that have entered long-term stability. First, it examines the first two states to effectively banish coups from their politics: the Republic of Venice and Great Britain. Second, it presents empirical research demonstrating that, between 1961 and 2010, only 22 independent states (including Britain) experienced no coups or coup attempts. Together, this historical and contemporary research establishes a list of 23 “coup-free states.”

Part II explores the explanations for stability that have been proposed to date. It examines the specific explanations for Venetian and British stability, as well as the prevailing theory of stability with respect to today’s “mature democracies.” Explicitly or implicitly, many of these theories rely on the concept of “virtue,” which holds that people could commit coups, but refrain because of ethical inhibitions. This notion places a heavy burden on training or socialization, requiring it to negate basic self-interest for decades or centuries at a time, without really explaining how it accomplishes this task.

Next, the Article searches for a better theory. It begins by asking whether Venice and Britain shared any characteristics that might explain their remarkable stability. As Part III demonstrates, both states developed the “rule of law,” with legal institutions renowned for fairness, impartiality, and dependability. Specifically, each state developed a legal system that exhibited the following eight characteristics: (1) equality under the law; (2) rational inquiry; (3) public adversarial debates; (4) procedural protections for criminal defendants; (5) a legal profession closely intertwined with political elites; (6) an independent judiciary; (7) the systematic subjection of state actions to legal scrutiny; and (8) low governmental corruption.

Part IV elucidates how, in both Venice and Britain, rule-of-law institutions gradually attenuated personal loyalties rooted in family, clan, lordship, and patronage. This process was partly intentional: both states promulgated specific laws designed to weaken the relationships between noble families and their followers. Finally, Part V presents a new theory of stability, which applies to Venice, Britain, and the other contemporary “coup-free states.” Rule-of-law institutions, by systematically attenuating personal-loyalty relationships within the government and military, inhibit the formation of criminal conspiracies, including those aiming at a coup d’
état. Using a statistical test, Part V confirms a basic prediction of the theory: that coup-free states should exhibit minimal corruption.

In essence, high-ranking officials under the rule of law do not trust each other enough to conspire in a coup d’
état. In fact, as anecdotal evidence suggests, they cannot even propose a coup in casual conversation, because their interlocutors are more likely to report the incident, rather than to go along. In this context,
merely mentioning a coup with any degree of seriousness becomes far too risky, and the notion effectively disappears from national political life.

II. THE HISTORICAL AND CONTEMPORARY “COUP-FREE STATES”

A. VENICE AND BRITAIN

In the late fourteenth century, the oligarchic republic of Venice gained renown for its lawful, orderly, and non-violent politics.23 Four hundred years later, Great Britain acquired a similar reputation.24 These states built entirely different constitutional orders, but each managed to avoid coups and coup attempts for centuries on end.

1. La Serenissima Repubblica: “The Most Serene Republic”

Venice was not always tranquil. The seventh and eighth centuries saw chronic strife, and there were coups and coup attempts in 804, 836, 864, 946, 976, 1022-23, 1024, 1032, 1082, and 1172.25 But following a final coup attempt in 131026 and a major conspiracy in 1355,27 no Venetians attempted to overthrow their government.28 The republic lasted until 1797, when it was invaded by Napoleon, and lost its independence.29 Venice was known as La Serenissima Repubblica—“The Most Serene Republic”—and several historians call it the first state to emerge from internecine violence.30

For centuries, Europeans hailed the Adriatic marvel. The republic “does not know civil discord,” wrote a fifteenth-century French scholar.31 A sixteenth-century philosopher noted that there were no civil wars or tyrants there.32 An Englishman proclaimed Venice free from “intestin commotions and tumults.”33 As a

23 See, e.g., John Martin & Dennis Romano, Reconsidering Venice, in VENICE RECONSIDERED: THE HISTORY AND CIVILIZATION OF AN ITALIAN CITY-STATE 1297-1797 1, 2 (John Martin & Dennis Romano eds., 2000) (noting that due to the city’s unique stability during the Renaissance, “Venice appeared to be a city like no other”); William J. Bouwsma, Venice and the Defense of Republican Liberty: Renaissance Values in the Age of the Counter Reformation 63 (1968) (“Venice had been celebrated . . . as a paragon of domestic tranquility” by the 1400s); John Julius Norwich, A History of Venice 277 (1985) (quoting James Harrington’s 1656 The Common-Wealth of Oceana: “[T]here never happened unto any other Common-wealth, so undisturbed and constant a tranquility and peace in her self, as is that of Venice.”).
27 1 HAZLITT, supra note 26, at 623–38; see also 1 HORATIO F. BROWN, STUDIES IN THE HISTORY OF VENICE 92–94 (Hazel, Watson, & Viney LD. 1907) (describing the plan of the conspirators).
28 FREDERIC C. LANE, VENICE: A MARITIME REPUBLIC 271 (1973) (“The devices for the restraint of faction woven into the machinery of government were sufficiently successful so that none of the men disappointed in the intense competition for honors tried to overthrow the system, at least none after Marino Falier [in 1355].”); see also ROBERT FINLAY, POLITICS IN RENAISSANCE VENICE 288 (1980) (“[T]he patrician republic gave Venice five hundred years of domestic peace and stability. Violence was kept from politics.”).
30 Lane, supra note 28, at 252; 2 HAZLITT, supra note 29, at 479–80 (noting that Venice was the “first European Power” to emerge “from its civil and internecine struggles”); WILLIAM ROSCOE THAYER, A SHORT HISTORY OF VENICE i–x (1905) (commenting that Venice was “singularly free” from “internal rebellion,” “dynastic or class rivalry,” and “military ambition”); Finlay, supra note 28, at 288 (explaining that Venice had been able to overcome problems that other political communities could not).
Dutchman commented, the patricians “established themselves so well in their authority” after the conspiracy of 1355 that they faced no rebellions within the city. The Enlightenment-era *Encyclopédie* lauded Venice for “an internal tranquility that has never altered.”

Venetians themselves branded their state a glorious exception. A local booster, for example, exaggerated his city’s record in a 1544 book. “In our city,” he claimed, “no popular tumult or sedition has ever occurred.” This was inaccurate, but nearly two centuries had passed since the 1355 plot was quashed, and faith in Venetian stability was growing unshakable. We are “so well established,” a Venetian ambassador told the King of Spain in 1571, “our succession is of a kind which can never fail.”

Through the years, a horde of commentators called Venice perfect. “It seems a heroic accomplishment and more than human, indeed celestial and divine,” exclaimed one, “to remain so many centuries, without change, in the same state.” A humanist called Venice “the most perfect magistracy” because it remained stable, even as other princes and governments fell amidst “cruelty, violence, and ambition.”

Many expected the perfect government to last forever. A mercenary preferred to serve Venice over Milan, he said, because “the Duke of Milan was mortal, but Venice would never die.” If anything human could be “perpetual and eternal,” said one chronicler, it would be Venice. “This holy republic,” wrote a Renaissance diarist, “has neither popular sedition nor discord among her patricians, but all unite in promoting her greatness; and therefore, as wise men say, she will live forever.” A politician predicted his city’s concord would last “until the end of time.” “Could any State on Earth Immortall be,” rhymed a seventeenth-century Englishman, “Venice by Her rare Government is she.”

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35 Bouwsma, *Venice and the Political Education of Europe*, supra note 34, at 455.
37 Bouwsma, *Venice and the Political Education of Europe*, supra note 33, at 448.
38 BOUWSMA, VENICE AND THE DEFENSE OF REPUBLICAN LIBERTY, supra note 23, at 162 (“The myth that Venice ideally combined freedom and order and was therefore durable beyond any polity previously known to man stimulated the European imagination for almost three centuries.”).
40 E.g., NORWICH, supra note 23, at 277 (quoting James Harrington’s 1656 *The Common-Wealth of Oceana*: “that perfection, which, as to the civil part, hath no pattern in the universal World, but this of Venice”); LONGWORTH, supra note 31, at 214 (noting that the “myth of the Republic” circulating during the Renaissance presented the republic and its constitution as “uniquely perfect”); FINLAY, supra note 28, at 1 (“As early as the fifteenth century, Venice was renowned for its political stability and civic harmony, and even as late as the eighteenth century it was widely believed that Venetians had discovered the secret of a perfect constitution...”).
42 KUNTZ, supra note 32, at 510–11 (quoting Guillaume Postel).
43 E.g., FINLAY, supra note 28, at 32 ( “[V]enice was thought to have achieved constitutional immortality.”).
46 Id. at 63 (quoting Marin Sanuto).
47 LONGWORTH, supra note 31, at 197 (quoting the sixteenth-century reformer Bartolommeo Moro).
48 JOHN EGLIN, VENICE TRANSCFIGURED: THE MYTH OF VENICE IN BRITISH CULTURE, 1660–1797 15–16 (2001) (quoting James Howell). See also EDWARD MUIR, CIVIC RITUAL IN RENAISSANCE VENICE 53 (1981) (quoting James Howell who argued that England should emulate Venetian institutions, because if it were possible to establish “a Society and Succession of people under the same Species of Government as long as the World lasts,” the Venetian Republic provided the best model for imitation).
Even if Venice wasn’t “perfect,” some declared it the best state ever created.⁴⁹ One heralded “the most beautiful and best government that any city, not only in our times but also the classical world, ever possessed.”⁵⁰ “This city,” crowed a noble Venetian, “is administered as well as any city in the whole world ever was or will be.”⁵¹

Mechanical metaphors proliferated. Seventeenth-century writers called the republic a “great and ingenious machine,”⁵² and “a clock going with many wheels and making small motions, sometimes out of order, but soon mended, all without change or variety.”⁵³ For some, the clockwork state was dull! “The history of the Venetians flows on without being marked by any events worthy of the attention of posterity,” complained a French historian.⁵⁴

Of course, Venice was never completely uneventful, but nothing after 1310 amounted to an overt coup attempt, and few events after 1355 even came close.⁵⁵ Doge Lorenzo Celsi was accused of overreaching his powers in the 1360s, but died before an investigation got under way, and was posthumously exonerated.⁵⁶ In 1372 and 1406, the Council of Ten, a secretive body charged with overseeing state security, discovered plots orchestrated by the Lord of Padua, whereby his paid Venetian turncoats prepared to assassinate anti-Paduan politicians.⁵⁷ Both times, the Ten acted quickly, and executed the traitors.⁵⁸ A coup conspiracy between two rich commoners in 1413 lasted only a few hours, before one turned in the other.⁵⁹

In 1456, following his son’s death, an aging Doge Francesco Foscari secluded himself in his apartment and withdrew from official duties.⁶⁰ After a year and a half, the Council of Ten and the Ducal Councilors asked him to step down.⁶¹ Foscari initially complained that the request was illegal,⁶² but when the officials insisted, the Doge resigned without a fight.⁶³ This was probably a deviation from strict constitutional propriety, since only the Great Council could remove a doge, but the episode hardly resembles a seizure of power. There was no threat of violence, the councilors were in full control from the beginning, and they immediately elected a new doge through established procedures.⁶⁴

In 1618, the city faced a threat that straddled the boundary between local intrigue and foreign aggression. French mercenaries, recently employed by the republic, gathered in Venetian taverns.⁶⁵ They

⁴⁹ E.g., Felix Gilbert, The Venetian Constitution in Florentine Political Thought, in Florentine Studies: Politics and Society in Renaissance Florence 463, 476 (Nicolai Rubinstein ed., 1968) (citing Marcantonio Sabellio’s view that Venice “excelled all states that had ever existed”); Bouwsma, Venice and the Defense of Republican Liberty, supra note 23, at 626 (citing Pierre D’Avity, a seventeenth-century Frenchman, who held the Venetian government superior to all others known to man); Bouwsma, Venice and the Political Education of Europe, supra note 33, at 454 (quoting Claude de Seyssel, who called Venice the “most perfect and best administered empire and state of community that one has or read of up to now”).


⁵¹ Patricia H. Labalme & Laura Sangunetti White, Venice, Cità Execlentissima: Selections from the Renaissance Diaries of Marin Sanudo 84 (Linda L. Carroll trans., 2008).

⁵² Bouwsma, Venice and the Political Education of Europe, supra note 33, at 458 (quoting Saint-Didier).

⁵³ Wills, supra note 36, at 73 (quoting Sir Dudley Carleton, the British Ambassador to Venice).


⁵⁵ See supra notes 23–30 and accompanying text.

⁵⁶ 1 Hazlitt, supra note 26, at 670–71.

⁵⁷ Norwich, supra note 23, at 241, 268.

⁵⁸ Id.

⁵⁹ 2 Hazlitt, supra note 29, at 818–19.

⁶⁰ Id. at 980.

⁶¹ Id. 980–982 (detailing the contents of the motion asking the Doge to resign).

⁶² Id. at 982 (“Foscari . . . replied at considerable length . . . intimating that the course adopted was at variance with the Constitution . . .”).

⁶³ Id. at 983.


talked, perhaps too carelessly, about slaughtering the Great Council, seizing the Piazza San Marco, and plundering the opulent palaces. Supposedly, the Spanish Viceroy in Naples sponsored the plan—which was dubbed the “Spanish Conspiracy”—but the evidence is ambiguous. In any case, nothing happened, except that one morning three mercenary leaders were found dangling from a gibbet. According to some reports, the Ten quietly executed 300 men. Survivors fled. Even if we call this a “coup plot,” because the participants were Venetian hirelings, it never flowered into an overt revolutionary attempt.

Venetian authorities treated some reformers as deeply subversive, even when they merely sought peaceful, incremental change. Noble politicians seeking to trim the powers of the Council of Ten found themselves banished, imprisoned, or placed under house arrest in 1625, 1628, 1741, 1756, and 1761. In 1780, a nobleman named Giorgio Pisani argued for equalizing power and wealth within the noble caste. He, too, went to jail. Opponents alleged that Pisani conspired to overthrow the government, but this is impossible to confirm. In any case, no revolution materialized.

2. British Stability

Like Venice, England was not always stable. King Richard II, held in the Tower of London after the coup of 1399, lamented his “fickle” realm, “which hath exiled, slain, destroyed, or ruined so many kings, rulers and great men, and is ever tainted and toileth with strife and variance and envy.” The next two centuries saw coup attempts in 1403, 1408, 1414, 1450, 1464, 1483, 1487, 1497, 1554, and 1569, successful coups in 1455, 1456, 1483, 1485, and 1549, two coups in 1469 and 1553, and periods of civil war in 1459-61 and 1470-71. Volatility persisted through the 1600s: a coup attempt in 1601, a period of coups, civil wars, and coup attempts lasting from 1642 to 1660, a quashed rebellion in 1685, and a successful revolution in 1688 dotted the century. After 1688, the ousted Stuart dynasty continually conspired with

66 Id. at 185, 194–97; LANE, supra note 28, at 399–400.
67 Mackenney, supra note 65, at 194–97, 208–09.
68 LANE, supra note 28, at 399–400.
69 NORWICH, supra note 23, at 525; see generally 2 HAZLITT, supra note 29, at 171–75 (describing the background to the silent murder of 300 men).
70 See NORWICH, supra note 23, at 525 (noting that the leaders of the plot were too powerful to be harmed but that their plan failed and “Venice was preserved”).
71 See ALETHEA WIEL, VENICE 407–10 (2nd ed. 1894) (illustrating the banishment of one particular protestor named Zeno); LANE, supra note 28, at 404–05 (detailing the reasons behind Zeno’s movement); see also 2 HAZLITT, supra note 29, at 462–69, 473–76 (explaining the acts of Zeno, for which he was banished); see also LONGWORTH, supra note 31, at 284 (describing three other men who were imprisoned or put on house arrest for their protests).
72 See WIEL, supra note 71, at 441–42 (noting, based largely upon one historical source, that Pisani did conspire against the government); see also LONGWORTH, supra note 31, at 284 (commenting that when he was arrested, Pisani “threatened to overthrow the ruling clique”).
77 GEORGE MACAULAY TREVELyan, A SHORTENED HISTORY OF ENGLAND 343 (1942).
78 Id. at 348–53.
foreign sponsors and British friends, who were known as “Jacobites.” The Jacobites mounted serious rebellions in 1715 and 1745, but their realistic hopes died at Culloden Field in April 1746.

Since 1746, Britain has seen two and a half centuries of legal and orderly transitions from one governing ministry to the next. This was new. Before 1688, writes an eminent Cambridge don, “the country had scarcely been free from turbulence for more than a decade at a time.” As many people saw it, England stabilized after 1688; only the Scots remained turbulent. Both major Jacobite risings broke out in Scotland, as England remained quiet. Despite lingering Jacobite sympathies, no English Tories joined the 1745–46 rebellion. Historians call 1688 the “last English revolution,” and contend that no genuine revolutionary situations arose in England or Wales after 1689.

Politics became unusually nonviolent in eighteenth-century England. No politicians were assassinated. Ministers who fell from power—at least after 1716—were not threatened. Except in duels, politicians no longer tried to kill opponents. After the post-1746 executions, no political offenders paid with their lives. Even impeachment fell into disuse. At the time, Englishmen noticed the change. Bereft of violent or treasonous undercurrents, Parliament could be downright boring. One critic’s caustic remark on the Commons: “A bird might build her nest in the Speaker’s chair, or in his peruke (wig). There won’t be a debate that can disturb her.” Under the “mild and just” Hanoverian dynasty, Prime Minister William Pitt commented in 1792, “a general calm has prevailed through the country, beyond what was ever before experienced.”

Since 1746, there has been occasional revolutionary talk and conspiracy. No domestic activities, however, have risen to the level of a serious, overt, highly plausible attempt to oust British leaders by force.

In the late eighteenth century, many Britons sought a political overhaul. Some reformers became radicals; some radicals dabbled in revolutionary notions. In the 1760s, Member of Parliament John Wilkes pressed for democratic reforms and “liberty,” and his supporters formed unruly mobs. Neither he nor his followers, however, demonstrated revolutionary inclinations. The army decisively quelled the “Gordon

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80 Id. at 330 (“Jacobite hopes were not finally extinguished, realistically, until they lay amid the carnage on Culloden’s field in 1746.”); see also Frank McLynn, The Jacobites 19 (1985) (arguing that 1746 “ended for all time, though of course no one at the time realized it, all armed attempts to restore the Stuart dynasty to the three kingdoms”).
81 See Robert Harvey Clive: The Life and Death of a British Emperor 13 (1998) (describing the 1715 and 1745 Jacobite rebellions as “the last armed challenges” to the British state); see also Keir, supra note 24, at 308 (noting that “political conspiracy, except for that connected with the ’15 and the ’45, became unknown” in eighteenth-century Britain); see generally Thomas & Holt, supra note 24, at 126–33 (noting that the period 1789-1848 was the time “when Britain came nearest in modern times to experiencing revolution,” but arguing that no revolutionary movements or plans came close to success, even during this relatively difficult period).
83 Trevelyan, supra note 77, at 381 (“In 1715 and again in 1745 there were Jacobite rebellions very formidable in Scotland, though they failed to elicit serious support in England.”).
84 Gilmour, supra note 24, at 116 (noting that “[n]o prominent Tory did anything at all” in the ’45 rebellion).
85 Id. at 7–8.
87 Gilmour, supra note 24, at 5.
88 Id. at 98.
89 Id. at 41.
90 Keir, supra note 24, at 289–90.
91 Id.
92 Holmes & Szejch, supra note 79, at 267 (quoting Horace Walpole on the 1746-54 period).
93 Gilmour, supra note 24, at 1.
94 See infra notes 87–116 and accompanying text.
95 Gilmour, supra note 24, at 322 (“Wilkes had no desire to rule, and neither he nor his followers sought a violent overthrow of lawful authority.”).
Riots” of 1780. There was a constitutional standoff between the Crown and leading politicians in 1782-84, but violence remained remote and implausible.

The 1789 French Revolution inspired radicals across the Channel. In 1793, agitators were prosecuted for seeking to assemble a “National Convention” in Edinburgh as a rival to Parliament. Rioting erupted in October 1795, and two naval mutinies—mostly over sailors’ pay and conditions—broke out in 1797. On the whole, however, French-inspired plotting proved ineffective. Government spies consistently infiltrated subversive cabals. Unlike many Continental states, England had no sizeable contingent of émigrés—or local “Fifth Column”—ready to collaborate with the aggressive French “crusade for universal liberty.” Most reformers sought incremental change from within. In any case, there were no serious attempts to seize power through force.

The 1810s witnessed another wave of popular radicalism and conspiracy. “Luddites” rioted in northern England, destroying new-fangled machines. Poor harvests brought food riots, as well as alarming instances of military-style drilling, oath-taking, and attacks on arms depots by local groups. There were a few revolutionary actions—but none can be counted serious threats to established order. In 1816, a small cabal of militants looted gunsmiths’ shops and attacked the Tower of London. They were easily repulsed. Radicals planned a national uprising for June 1817. A government agent informed the authorities, who preemptively arrested the ringleaders. The only men to rise were about 300 workers from Pentridge; they were apprehended without trouble, and three of their leaders were hanged and beheaded. A revolutionary named Arthur Thistlewood concocted an extravagant plan—dubbed the “Cato Street Conspiracy”—to blow up Prime Minister Lord Liverpool and his entire Cabinet as they dined in February 1820. Thistlewood assumed the assassinations would trigger a national uprising; he intended to form a provisional government. But Thistlewood’s aide-de-camp, George Edwards, was a government agent—and the “Cabinet dinner” was a ruse anyway. Police arrested the conspirators; Thistlewood and four confederates were hanged.

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96 See id. at 364–69 (explaining how the King ordered the army to suppress the riots).
97 See id. at 378–84 (concluding that although there were bad times, outside of the Gordon Riots, there was not much violence).
99 Id.
100 GILMOUR, supra note 24, at 402, 428; EVANS, THE FORGING OF THE MODERN STATE: EARLY INDUSTRIAL BRITAIN 1783-1870 77 (London: Longman, 1993) (noting that many covert activities were “inherently bizarre and self-destructive”).
101 See W.R. CORNISH & G. DE N. CLARK, LAW AND SOCIETY IN ENGLAND 1750-1950 13 (1989) (noting that only a “fringe” contemplated “physical violence as the means towards reform,” and that most radicals thought Parliament could be induced to make the Commons more democratic); see also EVANS, supra note 100, at 69 (describing 1790s activists as largely ill-prepared for “any struggle which spread beyond the comfortable limits of the printed pamphlet or the discussion group”); see also THOMIS & HOLT, supra note 24, at 1–2 (explaining that central to this period of time was the idea of parliamentary reform).
102 GILMOUR, supra note 24, at 442–43 (no “revolutionary situation or opportunity” arose from 1780 to 1800).
103 EVANS, supra note 100, at 195–96 (describing the authorities’ “ability to nip trouble in the bud” with “bevies of informers who penetrated supposedly secret radical committees with ease”); THOMIS & HOLT, supra note 24, at 46–49 (neither the Pentridge Rebellion nor the Cato Street Conspiracy “came near to success,” and authorities calculated that activities “might safely be allowed to proceed without serious threat to the public safety”).
104 Id. at 46–49; EVANS, supra note 100, at 194–95.
105 LYON, supra note 98, at 316.
106 Id. at 194–95; LYON, supra note 98, at 317.
The last revolutionary alarms sounded in the 1830s and 1840s. Middle-class and working-class reformers struggled to make the oligarchic Parliament more representative of the nation. They wanted to expand the franchise, and eliminate the “rotten boroughs” usually dominated by aristocratic patrons. Two moments of high tension culminated in the landmark 1832 Reform Act. In October 1831, the House of Lords defeated the government’s reform bill. Rioting erupted in various cities; a mob held Bristol for three days. The following May, the Lords again blocked reform. Mass demonstrations and riots followed, and rumors swarmed of insurrection. The Birmingham Political Union—with an army of 1500 men and muskets, at least on paper—pledged itself to an uprising, if necessary. It proved unnecessary. In the face of disorder, reform passed. Earl Grey, the Prime Minister, argued reform would “prevent the necessity for revolution.” King William IV pressured reluctant Tory Lords, and the Reform Act became law. “Rotten boroughs” lost seats in Parliament, cities gained them, and the franchise widened. Now, one in five men could vote.

Still, working classes remained dissatisfied. “Chartists,” who supported a written constitutional charter, pressed for universal male suffrage, equal representation in Parliament, payment of MPs, and vote by secret ballot—in short, for democracy. Chartists mounted serious demonstrations, riots, and strikes between 1838 and 1848, as militants urged their followers to “arm, arm, arm.” Some gatherings displayed weapons and discharged guns; shadowy coup plots developed. No one—including Chartists themselves—knew whether demonstrations would descend into riots, or whether rioting could bring revolution. Chartists attacked a hotel in Newport in 1838, but soldiers and local authorities chased them away. Chartist violence remained mostly rhetorical. Ultimately, Chartist activities proved less menacing than the disturbances of 1831-32. The movement dissipated after 1848—but its goals were largely implemented by 1900.

Popular revolutions toppled governments across the Continent during the 1830s and 1840s. In Britain, revolutionary talk was primarily tactical, designed to leverage fear into political gain. In 1832 at least, the bluff worked. After 1848, even militant language went into decline. As workers won rights, prospects for revolt dimmed.

What about the military? Did any elites—politicians, the Crown, or military commanders—try to use military force against the constitutional order? In short, were there any attempts at coup d’état after 1868? Scholars agree: there were not. The British military has been well-behaved and solidly...

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113 EVANS, supra note 100, at 208–61.
114 THOMIS & HOLT, supra note 24, at 86.
115 Id.
116 Id.
117 Id. at 86–95; EVANS, supra note 100, at 216–21.
118 EVANS, supra note 100, at 223.
119 1 SIR THOMAS ERSKINE MAY, THE CONSTITUTIONAL HISTORY OF ENGLAND SINCE THE ACCESION OF GEORGE THE THIRD: 1760-1860 119–20 (1896); EVANS, supra note 100, at 223 (“Some Whigs believed a revolution to be imminent unless reform were immediately conceded; others doubted this but agreed that the old system now lacked that general support necessary for government by consent.”).
120 See EVANS, supra note 100, at 223 (“The inescapable fact is that the unreformed Parliament willed its own demise and its replacement by one which redrew the political map of Britain.”).
121 Id. at 224.
122 Id. at 208–61.
123 THOMIS & HOLT, supra note 24, at 103.
124 Id. at 103–04.
125 Id. at 104.
126 See generally THOMIS & HOLT, supra note 24, at 100–14 (describing the background and effect of the Newport attacks).
127 Id. at 100–14; EVANS, supra note 100, at 262–267.
128 EVANS, supra note 100, at 223–224.
129 THOMIS & HOLT, supra note 24, at 1–2, 82–83, 101–03 (describing British militancy as “tactical talk” designed to “extort concession by inducing fear”).
130 See id. at 117 (explaining that revolution would have occurred during the period 1789-1848 if it was going to occur at all).
constitutional for over three hundred years. From time to time, mere murmurs have sounded. A small conspiracy formed within one army battalion in 1802-03, but never bloomed. During World War One, Prime Minister Lloyd George feared army commanders were plotting a coup, but this appears unlikely. In 1974, army exercises near Heathrow Airport generated media buzz about a possible coup; one author found the episode interesting only because “it marked the end of a long period in which the question had never been raised at all.”

B. CONTEMPORARY STABILITY: THE 22 COUP-FREE STATES

This Article seeks to identify with precision the set of contemporary “coup-free states,” defined as those independent states that have experienced no coups or serious coup attempts for a period of at least 50 years. Tracing the histories of all 22 coup-free states, in a manner parallel to the analyses of Venetian and British history presented here, is outside the scope of this Article. Still, the general chronology can be presented here.

Aside from these four states, the following eighteen states were the only states to remain stable and independent for over 200 years. Switzerland has witnessed over 150 years of stability.

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131 See generally John Sweetman, Introduction: Civil-Military Relations in Britain, in SWORD AND MACE: TWENTIETH-CENTURY CIVIL-MILITARY RELATIONS IN BRITAIN ix, xi (John Sweetman ed., 1986) (finding an “absence of power struggles” after 1688, and noting that armed force has been “effectively controlled within the constitutional and political framework”); see also FREDERICK S. ALLEN, THE SUPREME COMMAND IN ENGLAND, 1640-1780 150–65 (1966) (describing how civilian control was “worked into the fabric of the British Constitution” by 1760, such that no one questioned it); Robert Blake, Great Britain: The Crimean War to the First World War, in SOLDIERS AND GOVERNMENTS: NINE STUDIES IN CIVIL-MILITARY RELATIONS 25, 27 (Michael Howard, ed., 1957) (describing a “complete absence of any military threat to the traditional constitutional liberties of Britain” from 1854 to 1918); John Sabine, Civil-Military Relations, in BRITISH DEFENCE POLICY IN A CHANGING WORLD 229, 230 (John Baylis ed., 1977) (“Britain provides the most long-standing example of a state which has maintained civil control of its armed forces.”); Adam Roberts, The British Armed Forces and Politics: A Historical Perspective, 3 ARMED FORCES AND SOCIETY 531, 531 (1977) (noting that constitutional authority is “not likely to be even challenged, still less overthrown, by a military putsch”).

132 GILMOUR, supra note 24, at 445–46 (“[T]he affair demonstrated that a coup d’état was no likelier a route to successful revolution than was mass rebellion.”).

133 Blake, supra note 131, at 39–40 (“It was not altogether surprising that some politicians – notably Lloyd George – came to suspect the Army leaders of aiming at a military dictatorship, although in fact the charge has no real substance.”); see also Diddy R. M. Hitchins & William A. Jacobs, United Kingdom, in THE POLITICAL ROLE OF THE MILITARY: AN INTERNATIONAL HANDBOOK 404, 410–11 (Constantine P. Danopoulos & Cynthia Watson eds., 1996) (detailing how there was a lack of trust in Lloyd George).

134 Roberts, supra note 131, at 548.


137 See generally 28 THE NEW ENCYCLOPEDIA BRITANNICA 354–55 (15th ed. 2003) (“Before [1848] internal conflict was a fact of Swiss political life; since then there has been an absence of major internal crises along ethnic and religious lines, and the country has prospered. With political stability, the Swiss could spend a greater portion of their time and efforts developing industry, agriculture, and communications.”); see also WILLIAM BROSS LLOYD, JR., WAGING PEACE: THE SWISS EXPERIENCE (1980); CHARLES GILLIARD, A HISTORY OF SWITZERLAND (D.L.B. Hartley trans., 1955) (explaining Swiss stability since the mid-nineteenth century).
independent from 1961 through 2010: Belgium, the Netherlands, Luxembourg, Norway, Denmark, Finland, Iceland, Germany, Austria, Japan, Canada, Australia, New Zealand, Ireland, Israel, Mexico, Costa Rica, and South Africa. All other independent states during this period experienced coups and serious coup attempts.¹⁵⁶


¹³⁹ AREND LIPPHART, THE POLITICS OF ACCOMMODATION: PLURALITY AND DEMOCRACY IN THE NETHERLANDS 72 (1975) (“Since 1848, Holland has not experienced any civil wars, rebellions, or attempts to upset the government by violent means.”).


¹⁴¹ See generally J.A. LAUWERS supra note 136; ELDER et al., supra note 137; HARRY ECKSTEIN, DIVISION AND COHESION IN DEMOCRACY: A STUDY OF NORWAY (1966) (describing Norway as a stable democracy).

¹⁴² See generally JOHN FITZMAURICE, POLITICS IN DENMARK (1981); W. GLYN JONES, DENMARK: A MODERN HISTORY (1986); ELDER et al., supra note 136, at 11–15 (explaining Denmark’s history).

¹⁴³ See ELDER et al., supra note 136, at 15 (“[V]iolence and the threat of violence have disappeared from the Finnish political scene . . . since the ending of the Second World War.”).


¹⁵² See generally POLICY STUDIES, ISRAEL DEMOCRACY INSTITUTE, NATIONAL SECURITY AND DEMOCRACY IN ISRAEL (Avner Yaniv ed., 1993) (describing Israeli stability after the nation’s only coup attempt shortly after independence in 1948); See also YORAM PERI, BETWEEN BATTLES AND BALLOTS: ISRAELI MILITARY IN POLITICS (1983); YEHUDA BEN MEIR, CIVIL-MILITARY RELATIONS IN ISRAEL (1995) (describing Israeli history).


¹⁵⁶ A total of 96 states maintained their independence from 1961 through 2010 (see “Coups and Corruption” table on page 79 for a complete list). Information on coups within each of the 74 non-coup-free states, as well as additional information on stability in the 22 coup-free states, can be found in the following sources: (1) THE NEW ENCYCLOPAEDIA BRITANNICA (2003); (2) Federal Research Division, Library of Congress, “Country Studies,” available at http://memory.loc.gov/frd/cs/cshome.html#toc; (3) State
III. PRIOR EXPLANATIONS OF STABILITY

A. VENICE AND BRITAIN

Separately, scholars of the Venetian Republic and Great Britain have formulated explanations for long-term stability in those states. As we will see, “virtue” has figured prominently in their explanations, as it has in the prevailing theory of stability within the “mature democracies.” But as section (B) of this part contends, all virtue-based theories make improbable claims about the power of ethical training to defeat self-interest over long periods. None of the other proposals—generally involving particular structural features of the Venetian or British constitutions—are convincing either. The puzzle of lasting constitutional order awaits a solution.

1. Theories of Venetian Serenity

Three main explanations for the constitutional stability of Venice have been floating around since the Renaissance. They usually appear as short passages; few scholars sat down to build systematic theories.

First, Venetian patricians were seen as selfless, unassuming, and patriotic public servants.157 We might call this the “virtue theory.” “[O]ur ancestors were concerned not with ambition and empty fame,” wrote a Renaissance politician, “but only with the good of their country and the common welfare.”158 Venetians were thought to eschew narrow, self-interested factions.159 Virtue theory persists: in current lingo, Venice enjoyed an “internalized conformity to the fundamental demands of the state.”160 In other words, Venetians believed in playing by the rules.

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157 Finlay, supra note 28, at 31–32 (noting the widespread perception that “Venetians displayed a moderate and selfless temperament” and that “[s]elf-interest, the source of grievous sin, constitutional decay, and civic turmoil, was supposedly absent from Venetian electoral activity and public administration”); Martin & Romano, supra note 23, at 2 (explaining that humanists depicted Venice as “an ideal republic, a strong maritime empire, and an independent state in which the Venetian nobles were devoted to the ideals of civic humanism and the commercial virtues of sobriety, hard work, and self-sacrifice”).

158 Finlay, supra note 28, at 31.

159 See James Everett & Donald E. Queller, Family, Faction, and Politics in Early Renaissance Venice, 14 STUDIES IN MEDIEVAL AND RENAISSANCE HISTORY 1, 1–2 (1993) (“According to the ‘myth’ of Venetian republicanism, the Serenissima’s treasured political stability and sobriety was assured by the absence of faction. Patricians were to devote themselves to the service of the state with no thought for their own ambition, let alone the ambition of their clans.”); see also Lane, supra note 28, at 88 (“Another myth which, when fully formed, contributed to the solidarity of the state was a belief that Venice was free of factions, that all worked together for the glory of their city.”).

Second, humanists credited a “mixed” or “balanced constitution,” a concept harking back to Aristotle. In this view, the monarchical, aristocratic, and democratic elements—represented by doge, nobility, and commoners—stood at equipoise. A sturdy architecture blocked each segment from overreaching.\footnote{Stanley Chojnacki, Crime, Punishment, and the Trecento Venetian State, in VIOLENCE AND CIVIL DISORDER IN ITALIAN CITIES, 1200-1500 184, 187 (Lauro Martines ed., 1972); see also Bouwsma, Venice and the Political Education of Europe, supra note 33, at 448–49 (explaining that Venice was so successful because the constitution “held the potentially antagonistic forces of the political arena in complementary equilibrium”); see also BOUWSMA, VENICE AND THE DEFENSE OF REPUBLICAN LIBERTY, supra note 23, at 147–49 (quoting the sixteenth-century patrician Gasparo Contarini: “No greater plague can infect a republic than when one part prevails over the others . . . if you wish a city or a republic to last, it is above all necessary that no part should operate more powerfully than the others, but all, as far as possible, should participate in the public authority.”).}

Third, Venetians themselves believed that justice delivered peace.\footnote{See Bouwsma, Venice and the Political Education of Europe, supra note 33, at 455 (“It was usual to attribute the internal stability of Venice to the excellence of her laws, their strict enforcement and their impartial application to all classes.”); see also LABALME & WHITE, supra note 51, at 115 (“Law and justice were considered the foundations of the Republic, guaranteeing its order and longevity, maintaining the unity and structure of its society.”).} Through a high-quality, equitable, and impartial judiciary, even poor folk could vindicate their rights.\footnote{LABALME & WHITE, supra note 51, at 115 (explaining that Venetian law applied equally to patricians and citizens).} “[A]n injury done by a Venetian gentleman unto the least inhabitant of the city,” commented a Frenchman, “is right severely corrected and punished.”\footnote{Bouwsma, Venice and the Political Education of Europe, supra note 33, at 455 (quoting Jean Bodin).} An English observer attributed Venetian harmony to “justice duly and equallie ministred.”\footnote{J.R. Hale, Editor’s Preface, in RENAISSANCE VENICE 13, 13–14 (J.R. Hale ed., 1973).} None of these theories are quite satisfying. Virtue theory suffers from all the problems discussed below—essentially, that it expects far too much from the transient human capacity for public-spirited generosity—as well as from the fact that Venetians were not reliably or unusually virtuous. Modern historians have easily undermined their lofty image, finding numerous instances of nepotism, bribery, bias, and vote-sell\ing.\footnote{See generally Chojnacki, Crime, Punishment, and the Trecento Venetian State, supra note 161, at 187 (“Among Venetian public officials . . . there were those who took advantage of their positions to line their pockets.”); Everett & Queller, supra note 159, at 15–20; 1 HAZLITT, supra note 26, at 593; 2 HAZLITT, supra note 29, at 209, 461-69; BROWN, supra note 27, at 313 (describing “rampant corruption and bribery” within the Great Council); LONGWORTH, supra note 31, at 151, 169, 175 (“[C]orruption was too deeply entrenched in the administration for the system to justify all the plaudits of its admirers.”); WILLS, supra note 36, at 114 (noting the presence of “electioneering, family pressure, fraud, and bribes in the politics of Venice”); Gaetano Cozzi, Authority and the Law in Renaissance Venice, in RENAISSANCE VENICE 293, 307 (J.R. Hale ed., 1973) (finding “no lack” of failures to live up to the Venetian reputation for clean government).} Stringent bookkeeping methods checked corruption within the city,\footnote{WILLIAM H. McNEILL, VENICE: THE HINGE OF EUROPE, 1081-1797 225 (1974) (describing the “careful bookkeeping techniques” that “prevented any widespread peculation”); 2 HAZLITT, supra note 29, at 519–20 (explaining that Venice enforced rigorous anti-corruption laws).} but many patricians sent to govern overseas pumped the locals for cash.\footnote{LONGWORTH, supra note 31, at 151 (noting that many administrators, “especially those overseas,” were corrupt).} Baroque anti-cheating measures infused the electoral system.\footnote{LANE, supra note 28, at 259–60 (“Every stage of the election procedure at Venice contained similar evidence that cheating was expected unless provision was made to prevent it—a sign of the intensity of competition for honors.”).} Many Venetians, it seems, broke the rules when they could get away with it. It strains credulity that pangs of conscience trumped the will to power for half a millennium.

The “balanced constitution” concept is too vague and circular to offer a persuasive account of stability. What exactly is the correct proportion between monarchical, aristocratic, and democratic parts? What powers should each segment hold, and how should they interact, to maintain peace? The theory is circular because the only way to know that a constitution is “balanced” is through evidence of stability. By this logic, every stable state has a balanced constitution by definition. Moreover, just how “balanced” was Venice anyway? Only the nobili, constituting roughly 5% of the city, could sit in the Great Council or hold any of the higher state offices.\footnote{BOUWSMA, VENICE AND THE DEFENSE OF REPUBLICAN LIBERTY, supra note 23, at 59–60.} Below them, the cittadini were eligible to hold civil service positions, but this class constituted only another 5% of the population.\footnote{Id.} The Venetian popolo had essentially no role in
government.172 Last, a “mixed constitution” might explain why branches of government remained in rough parity during the course of ordinary politics, but does not explain the absence of rogue actors. Constitutional rules, by themselves, cannot ensure that no one assembles a small army, disregards the law, and reorganizes the state.

Equal justice offers an intriguing suggestion, because it plausibly explains the absence of popular risings. If the masses suffer no outrageous treatment, they should be less inclined to riot. But this is a partial explanation at best. Many coups—like the Tiepolo Rebellion of 1310—are elite-driven and unconnected to popular grievances.173 Moreover, benevolent justice may not eradicate revolutionary leanings. Nazis overthrew the Weimar republic, after all, because they craved domination, not equality. Still, we should remember that Venetians attributed their own stability to impartial justice.

Recent theorists have credited the nascent Venetian welfare state, and the security it provided the lower classes.174 This argument overlaps with “equal justice” theory, and suffers the same limitations. Other ideas include the city’s great wealth,175 the exclusion of priests, bishops, and cardinals from politics,176 the professional cittadino bureaucracy,177 and even political traditions inherited from Byzantium,178 but it is unclear why these factors should prove stabilizing.

Some authors argue that personal loyalties—to family, friends, patrons, and clients—decayed in Venice.179 There is an obvious link to stability: without factions, there can be no “bloody factional strife.”180 But what generated unity? Aside from patriotic virtue, proposals include a sense of shared danger,181 criss-crossing blood ties within the small noble class,182 laws and procedures that minimized family clout,183 and the city’s spatial isolation within the lagoon.184

172 See id. (explaining that with the cittadini’s 5% and the nobili’s 5%, only 10% of the population had a role in public life).

173 E.g., Gerhard Rösch, The Serrata of the Great Council and Venetian Society, 1286–1297, in Venice Reconsidered: The History and Civilization of an Italian City-State 1297–1797 67, 81 (John Martin & Dennis Romano eds., 2000) (explaining that the 1310 Tiepolo Rebellion was not even connected to class-based resentments within the upper echelons, much less a truly populist rising).

174 Chojnacki, Crime, Punishment, and the Trecento Venetian State, supra note 161, at 187 (“Scholars in recent times have . . . pointed to the respect and protection Venetian law extended to the popular classes . . . ”); see also Bouwsma, Venice and the Defense of Republican Liberty, supra note 23, at 150 (describing how the sixteenth-century Venetian scholar and politician, Gasparo Contarini, praised the government for feeding the people, controlling contagious diseases, and supporting the sick and elderly); see also Longworth, supra note 31, at 194–95 (“Contarini’s picture of Venice as a welfare state was exaggeratedly rosy, but though its welfare did not measure up to ideal standards of our own day, compared to other states of the time it was advanced indeed. Centuries of experience had branded an awareness of the need to forestall social discontent into the minds of Venice’s rulers, and it was this sensitivity which lay at the root of political stability for which Venice was to become so justly famed.”).

175 Longworth, supra note 31, at 261–62 (citing James Howell).

176 Id.

177 McNeill, supra note 167, at 225 (“What made the regime stable was the activity of professional bureaucrats who staffed the numerous government offices, boards, councils, and commissions.”).

178 Lane, supra note 28, at 109 (“Venice could restrain family rivalries more easily because it inherited from the Byzantine Empire a tradition of unified allegiance to a sovereign state.”).

179 See, e.g., Lane, supra note 28, at 88–89 (“It was not true that Venice had never known the bloody strife of factions; it was true that she found means of taming them.”); Everett & Queller, supra note 159, at 20 (“Unable to rely on family, faction, or patrons for their political future, patricians were obliged to treat all their peers as potential allies, and ingratiate themselves to everyone.”); Longworth, supra note 31, at 150 (citing “the comparative solidarity of the ruling group”).

180 Lane, supra note 28, at 89.

181 Wills, supra note 36, at 156 (“People cooperate with vigor, follow leaders, [and] coordinate their efforts, when they act from a sense of shared danger and reciprocal need.”).

182 See Everett & Queller, supra note 159, at 18 (“The whole patriciate fused together into a dense network of kinship in which any family would be related to a considerable proportion of all patrician clans.”).

183 See generally Lane, supra note 28, at 106–17, 271 (describing how factions were kept at bay which enabled the government to function under the law).

184 Norwich, supra note 23, at 155.
Finally, a few people through the ages have floated a structural idea: no Venetian had the capability to smash the republic. Early Venice, says a character in a sixteenth-century dialogue, saw frequent bloodshed. “In later times,” though, “there were Doges and others who aspired to tyranny, but they were soon suppressed.”¹⁸⁵ The political institutions, he concludes, “are well designed to suppress quickly anyone who begins to rise by taking this road.”¹⁸⁶ Some historians sprinkle this notion into their writings, while remaining equally vague about how it works. We hear that the system “bent patricians toward compromise, accommodation, and self-effacement,”¹⁸⁷ forced them to “treat all their peers as potential allies,”¹⁸⁸ and made it “hard to build a power base.”¹⁸⁹ We do not learn exactly how “the system” accomplished these feats.

In Parts IV and V, the Article takes up the last two themes—the absence of factions and a structural incapacity to topple the regime—to craft a new theory of the coup-free state. For now, we turn to explanations of British stability.

### 2. British Stability Examined

Since stable governance became apparent in eighteenth-century Britain, theorists have generated virtue-based and structural explanations. Some emphasize internalized ideas and values, while others highlight formal aspects of the British constitutional system. Many weave the two kinds of explanations together. Charles-Louis de Secondat—the Baron de Montesquieu—inaugurated the systemic study of the British constitution. In *The Spirit of the Laws*, published in 1748, Montesquieu heralded England’s unique system.¹⁹⁰ He calls England a republic “disguised under the form of monarchy,”¹⁹¹ and describes it as the one nation in the world whose constitution aims at “political liberty.”¹⁹² For Montesquieu, political liberty is “a tranquility of mind arising from the opinion each person has of his safety,”¹⁹³ which occurs when “one man need not be afraid of another.”¹⁹⁴

Famously, Montesquieu attributes British liberty and order to the separation of powers.¹⁹⁵ The executive, legislative, and judicial functions, he argues, operate in largely independent spheres.¹⁹⁶ Each branch checks, moderates, and restrains the others. The balance of forces maintains liberty, and prevents the rise of tyranny or arbitrary power.¹⁹⁷ As a theory of stability, though, separation of powers is weak. It assumes that the judicial and legislative branches will always be available to check any rogue executive

¹⁸⁶ *Id.*
¹⁸⁷ FINLAY, *supra* note 28, at 140.
¹⁸⁹ WILLIS, *supra* note 36, at 111; see also Norwich, *supra* note 23, at 282 (by 1400, “[a]ny attempt on the part of an individual or group to gain power or popularity outside the constitutional framework was instantly suppressed,” and political institutions exhibited “exquisitely calculated systems of checks and balances that made their misuse always difficult and usually impossible”); see also Chojnacki, *Crime, Punishment, and the Trecento Venetian State*, *supra* note 161, at 70 (social alignments “cut right through the ranks of the great families,” making it “impossible for any one faction . . . to attain unchallenged supremacy”).
¹⁹¹ *Id.* at 68.
¹⁹² *Id.* at 151.
¹⁹³ *Id.*
¹⁹⁴ *Id.*
¹⁹⁵ *Id.* at 151–52.
¹⁹⁶ *Id.*
¹⁹⁷ *Id.* at 151–52 (“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.”).
actors. But what if a junta abolishes those branches and rules by decree? Separation-of-powers principles cannot explain why no one sends army divisions into the streets, or imprisons the judges and legislators.

Despite his emphasis on constitutional structure, Montesquieu also credits the unusual “spirit” of the English. Suffering in perpetual rain and gloom, the English are unhappy, suicidal, restless, and constantly striving for social advancement. The public remains vigilant, and prone to mass hysteria over threats to liberty. If any power violated the “fundamental laws,” he notes, “everyone would unite against that power.” While the ordinary people retain their honesty and love of liberty, wrote Montesquieu to an English friend, “it will be difficult to subvert your constitution.”


De Lolme considers England unique. Unlike all other kingdoms—and the ancient republics—England does not face a constant threat of men seeking to usurp the “supreme governing authority.” For de Lolme, England’s “remarkable liberty” is due to “the impossibility under which their Leaders, or in general all Men of power among them, are placed, of invading and transferring to themselves any branch of the Government Executive authority.” The “remarkable solidity of the governing Executive Authority,” he says, “takes from the great Men in the Nation all serious ambition to invade this authority, thereby preventing those anarchical and more or less bloody struggles to result from their debates, which have so constantly disturbed other Countries.”

In other words, England is distinctive because a coup d’etat is impossible. But why? What prevents a British coup? Following Montesquieu, de Lolme credits the separation of powers. Despite spending considerable time on the subject, however, de Lolme seems unsatisfied. He repeatedly describes English stability as “mysterious” and “astonishing,” and posits “some inward essential difference” between England and other nations. Even amidst political ferment, “insuperable impediments” block those who might “raise themselves on the wreck of the governing authority.” A “secret force” goes to work, which “gradually brings things back to a state of moderation and calm.” Those who “seem to have it in their power” to seize executive authority, he remarks, “are, somehow, prevented from entertaining thoughts of doing so.”

But what prevents politicians from imagining themselves as Caesar or Cromwell? And what explains the “astonishing subordination” of military leaders to civilian rule? De Lolme cannot

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198 Id. at 231–32, 307–15.
199 Id. at 231–32, 308–09.
200 Id. at 309.
201 C.P. Courtney, Montesquieu and English Liberty, in MONTESQUIEU’S SCIENCE OF POLITICS: ESSAYS ON THE SPIRIT OF LAWS 273, 286 (David W. Carrithers et al. eds., 2001).
203 Id. at ii.
204 See id. at 436–37 (“In other Monarchies, those Men who, during the continuation of the public disturbances . . . finding it in their power . . . to parcel out . . . the supreme governing authority . . . and to transfer the same to themselves . . . constantly did so, in the same manner, and from the very same reasons, as it constantly happened in the ancient Commonwealths . . . . But in England, the great Men in the Nation finding themselves in a situation essentially different, lost no time in pursuits like those in which the great Men of other countries used to indulge themselves on the occasion we mention.”).
205 Id. at 387.
206 Id. at 433.
207 See id. at 79–80 (“For though, by wise distribution of the powers of Government, great usurpations are become in a manner impracticable . . . .”).
208 Id. at 390, 419, 442 (invoking the “mysterious solidity” and “stability” of the English crown and citing “the astonishing subordination in which the military is kept to the civil power”).
209 Id. at 440.
210 Id. (noting also that “mighty struggles” are moderated “by some means or other”; and that an occasionally stormy political sea, “to appearance so deeply agitated, constantly stops at certain limits which it seems as if it wanted the power to pass”).
211 Id. at 408; see also id. at 438 (stating that English elites “somehow” judge it “impracticable” to transfer executive authority “to themselves or their party”).
identify the pressure keeping every Englishman within constitutionally-ordained boundaries. He never gets beyond “somehow.”

Renowned Victorian scholar Albert Venn Dicey acknowledged the mystery of British stability, but determined that it was unsolvable. Dicey crafted a meticulous theory to explain how the unwritten, implicit conventions of the British Constitution were enforced. No one would be able to subvert those conventions, he argued, without violating other laws, which are enforceable in court. For example, if Parliament did not assemble for two years, tax revenues would cease to be legally due, and anyone who collected taxes would face criminal charges. The “boldest political adventurer” must “obey the fundamental principles of the constitution,” Dicey concludes, because breaching them “will almost immediately bring the offender into conflict with the courts and the law of the land.” But what if the “adventurer” rules by force? What if he kills the judges or intimidates them into submission? Facing this question, Dicey threw up his hands. “No constitution can be absolutely safe from revolution or from a coup d’état,” he writes. “No one is concerned to show, what indeed can never be shown, that the law can never be defied, or the constitution never be overthrown.”

Today, the mystery remains palpable. “Call it socialization or tradition,” says Peter Karsten, “something has been at work in certain competitive democracies to preclude military coups—something other than economic prosperity, constitutional formulas, or careful stroking of military elites.” Karsten falls back on virtue: coups are absent when the military believes “that it should remain subject to civilian control.”

Like their counterparts in Venetian studies, the historians of England postulate a structural immunity to revolution, but fail to craft a convincing theory. We hear that Crown, Parliament, and judiciary balance each other, ensuring that no one, “not even the monarch,” exceeds their boundaries. Radical groups have been too weak to challenge the British state, but that does not explain why military commanders or politicians have failed to seize power. After 1688, one author suggests, few Britons advocated revolution, and none “had the means of achieving it.”

B. MILITARY PROFESSIONALISM: THE PREVAILING THEORY OF STABILITY

Almost every scholar who addresses the question of why coups don’t happen in what are called the “mature democracies” invokes professional military norms. I call this the “virtue theory” because it

212 Id. at 438.
213 DICEY, supra note 4, at 420-52.
214 Id. at 441.
215 Id. at 441–51.
216 Id. at 445–46.
217 Id. at 451.
219 See DE LOMME, supra note 202, at 408 (“English elites somehow judge it impracticable to transfer executive authority to themselves or their party.”); MONTESQUIEU, supra note 190, at 151–52, 231–32, 307–15 (attributing stability to the balance of powers and unique “spirit” of the English); DICEY, supra note 4, at 420–52 (finding the mystery of British stability unsolvable).
220 CORNISH & CLARK, supra note 102, at 10.
221 See generally THOMIS & HOLT, supra note 24, at 100–33 (providing a detailed history of groups that attempted to revolt against the British state).
222 GILMOUR, supra note 24, at 7–8.
223 To my knowledge, the only exception is Bruce Farcau, who identifies the scale and complexity of modern states as factors that make coups difficult or impossible. In the United States, for example, “even a modicum of control over the country could not be established without seizing dozens of locations in half a dozen massive cities, to say nothing of hundreds of transportation chokepoints, airports, television and radio stations, microwave transmission centers, and many major military bases scattered over tens of thousands of square miles of territory.” Ultimately, Farcau concludes, coups depend on “the number, diversity, and dispersion of targets.” BRUCE W. FARCAU, THE COUP: TACTICS IN THE SEIZURE OF POWER 88-89 (1994). Farcau’s analysis, however, does not mesh very well with the historical record. Venice, for example, was a highly centralized imperial state, with just a few critical targets inside the city. Yet it seems to have gone for centuries without any coups or coup
depends on inner attitudes, education, and training. Ultimately, it suggests that officers could coup, but that they won’t for ethical reasons.

Louis Smith, an American military historian, explained the U.S. military’s failure to mount any coup attempts through inner restraints. The major factor in civil control lies in the fact that the military have never manifested any ambition to usurp first power in America and to overwhelm for all our citizens the great values of freedom under the law. In entering the armed forces, the American does not put off the citizen in becoming the soldier. The habits of obedience to authority and respect for law persist.

Samuel Huntington’s 1957 work, The Soldier and the State, helped define the field of “civil-military relations.” Huntington argues that Western states since the nineteenth century have developed what he calls “objective civilian control.” The essence of objective control is “the recognition of autonomous military professionalism.” This produces “professional attitudes and behavior among the members of the officer corps,” rendering them “politically sterile and neutral.” Civilian control is assured, writes Huntington, only when the armed forces are motivated by purely “military ideals.”

Samuel Finer’s The Man on Horseback: The Role of the Military in Politics, published in 1962, presents another classic “internalization” account. Finer explains that “military professionalism” inhibits the desire to mount a coup within “mature political cultures.” He includes Britain, the United States, Norway, Denmark, Sweden, Switzerland, Canada, Australia, New Zealand, Ireland, and the Netherlands among the list of these cultures. When commanders grow immersed in complex technical tasks, Finer argues, they lose interest in politics. The “truly effective check” against a military coup, according to Finer, is a “firm acceptance of civilian supremacy.”

Eric Nordlinger wrote that “subordination to civilian authority” must be thoroughly internalized. “Soldiers who are imbued with these beliefs and values—what might be referred to as the civilian ethic—are attitudinally disposed to accept civilian authority and to retain a neutral, depoliticized stance even when in sharp disagreement with the government.”

We might suspect that military leaders are predisposed to embrace “virtue theory” because it bolsters their own patriotic aura, and burnishes the reputation of the armed forces. Why not take credit for an extraordinary record of restraint? In fact, to avoid suspicion, military leaders must say they believe in constitutional succession, and would never consider mounting a coup d’état. During the Watergate crisis, for example, one senior commander repudiated rumors of a military intervention by assuring a reporter that he

See supra notes 13-54 and accompanying text. Tiny states like Luxembourg and Iceland are similarly coup-free, but historical giants including Rome, Byzantium, and the Ottoman Empire, and modern states such as Russia, have lurched from coup d’état to coup d’état.

225 Id. at 263.
227 Id. at 83.
228 Id.
229 Id. at 83–84.
230 Id. at 74.
232 Id. at 20–26.
233 Id. at 79.
234 Id. at 21.
235 Id. at 26.
and his colleagues recognized their Constitutional duties. But this does not mean that the virtue-based story that military leaders tell—to the general public, to scholars, to cadets at the academies, and to themselves—identifies the true causal mechanism behind centuries of constitutional leadership succession.

There are two main problems with virtue theory as an explanation for long-term stability. First, it simply displaces the causal explanation back one level. Why do some military organizations internalize professional norms, while others retain “unprofessional” attitudes? Presumably, all political leaders—from hereditary monarchs to elected presidents—have sought to instill obedience and loyalty within their security forces. None of the “virtue theorists” explain in detail why or how professional values took root within certain states, but not others.

Second, virtue theory is inordinately complex. It requires a precise mode of education or socialization, throughout the entire political-military establishment, so as to nullify basic self-interest, over very long periods of time. Socialization must be precise, in that it must instill the wrongness of extra-constitutional action, against the potent human tendency to rationalize what one desires. In times of crisis, for example, when people may legitimately sense that a leadership change is vital for everyone’s safety or well being, constitutional values must continue to trump all other considerations.

The socialization must take effect throughout the entire political and military class. This may seem relatively straightforward in a city equipped with a state-run system of education, training, and indoctrination, such as ancient Sparta or modern Singapore, but what about a sprawling, diverse nation like the United States of America? How exactly are all Americans entering the political-military establishment inculcated with constitutional values? Is it at home, by parents and teachers? Is it when a person joins the military or enters politics?

Obviously, the anti-coup training must directly counteract what most people consider basic self-interest. Men must willingly forgo the chance for great power, everlasting fame, and all the riches they could possibly desire, all because they are committed to an ethical standard. Virtue theory violates an ancient perception: that people will frequently do whatever they can get away with. Glaucan makes this point at the beginning of Plato’s Republic, when he tells the story of the Ring of Gyges. The ancestor of Gyges was a shepherd who discovered a ring that, when turned the right way, rendered its wearer invisible. The shepherd immediately set out to make use of his new power. He got a job as the king’s messenger, committed adultery with the king’s wife, murdered the king, and ruled as tyrant. Of course, the rest of the Republic presents Socrates’ elaborate response, in which he insists that people can learn to love justice for its own sake. This requires, however, a strenuous ethical education and communal lifestyle for the ruling philosopher-kings. In essence, virtue theory claims that today’s mature democracies have achieved this Platonic ideal, with military guards so well trained they can easily ignore the temptations of injustice. Such an explanation would surprise many of our constitutional Framers, who thought that men were “ambitious, vindictive, and rapacious,” that “if men were angels, no government would be necessary,”

237 Karsten, supra note 218, at 155.
238 See, e.g., Finer, supra note 231, at 25 (discussing President Kennedy’s assertion that the military must be subject to civilian control); Nordlinger, supra note 236, at 12-13 (referencing the statement by President Nkrumah of Ghana that “[i]t is not the duty of a soldier to criticize or endeavor to interfere in any way with political affairs of the country . . . .”).
239 See, e.g., Finer, supra note 231, at 20-22 (citing professionalism as a deterrent to military intervention but not discussing how a State imbues the military with professionalism).
240 See PLATO, THE REPUBLIC 45 (Neill H. Alford, Jr. et al. eds, Francis MacDonald Cornford trans., 1991) (“No one, it is commonly believed, would have such iron strength of mind as to stand fast in doing right or keep his hands off other men’s goods, when he could go to the market-place and fearlessly help himself to anything he wanted, enter houses and sleep with any woman he chose, set prisoners free, and kill men at his pleasure, and in a word go about among men with the powers of a god.”).
241 Id. at 44-45.
242 Id.
243 Id. at 47–53.
and that the structure of government must remedy “the defect of better motives” through “opposite and rival interests.”

Finally, the whole edifice of rigorous and universal ethical training must last for centuries. This is quite a feat, especially because values and cultural attitudes can change rapidly. Even as new ideas and behavioral norms pass through the population, constitutionalism must remain a bedrock principle.

By themselves, each of these four requirements is quite a stretch. In combination, they seem to demand a total suspension of common sense. To put it more formally, the theory requires a long series of tenuous assumptions and inferences. None of this is to deny the existence of genuine idealism, patriotism, or self-sacrifice—it is simply that virtue theory as an explanation for long-term stability places too much weight on these fleeting capacities. Virtue theory requires an inspired idealism among too many people, for far too long, in the face of staggering incentives.

Still, the question remains: why are coups absent in certain states? Is there a structural explanation for the long-term absence of revolutions and coups d’état in states like Venice, Great Britain, the United States, and 20 other states around the world? If so, it might account for the intuitions of theorists from de Lolme to Karsten, who imagine a “secret force” or “something” ensuring stability.

Following A.V. Dicey, we might reasonably assume that the courts produce lawful government. Can the “rule of law,” enforced by independent and impartial courts, explain stability, nonviolent politics, and the absence of coups d’état?

IV. THE RULE OF LAW IN VENICE AND BRITAIN

Renaissance Venice was renowned for its uniquely fair, impartial, and dependable legal system. Eighteenth-century Britain established a similar reputation. The two states were hardly identical, of course. They progressed along different timelines, developed unique constitutions, and promulgated separate bodies of law. But at a broad level of comparison, Venice and Britain exhibited parallel legal orders. Each state created a judicial system with equality under the law, rational inquiry, public adversarial

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246 Id. at 355.
247 See De Lolme, supra note 202 at 79–80 (“For though, by wise distribution of the powers of Government, great usurpations are become in a manner impracticable . . .”); see also Karsten, supra note 218, at 155 (“[S]omething has been at work in certain competitive democracies to preclude military coups—something other than economic prosperity, constitutional formulas, or careful stroking of military elites.”).
248 See Dicey, supra note 4, at 131 (“Authority, again, may be given to some person of body of persons, and preferably to the courts, to adjudicate upon the constitutionality of legislative acts, and treat them as void if they are inconsistent with the letter or the spirit of the constitution.”).
250 Norwich, supra note 23, at 275; Chojnacki, Crime, Punishment, and the Trecento Venetian State, supra note 161, at 227; Lane, supra note 28, at 271–73 (explaining equality under the law in Venice); see 1 Sir Frederick Pollock & Frederic Maitland, The History of English Law 407–08 (1898) (noting that all free men in Britain are equal under the law).
251 See Thayer, supra note 30, at 219–22; Cozzi, supra note 166, at 307–09 (extensively describing the legal system in Venice); see also Edward Powell, Jury Trial at Gaol Delivery in the Late Middle Ages: The Midland Circuit, 1400-1429, in Twelve Good Men and True: The Criminal Trial Jury in England, 1200-1800, at 106–16 (J. S. Cockburn & Thomas Green eds., 1988); Trevelyan, supra note 77, at 138 (detailing the legal history of Britain).
debates, procedural protections for criminal defendants, a legal profession closely intertwined with political elites, and an independent judiciary. In Venice and in Britain, all state actions were subject to legal scrutiny, and this “rule of law” brought low governmental corruption and economic prosperity.

From its rudimentary origins at the Doge’s court, the machinery of Venetian justice evolved gradually. By the fifteenth century, grand committees of forty presided in Venetian tribunals, and cases could move through a series of appellate hearings. The Doge’s Council was generally supposed to hear complaints of injustice, and the Great Council occasionally settled matters when political-legal controversies grew volatile. “On the whole,” concluded a British lawyer who published an immense two-volume history of Venice, “there was probably no early European State, where property and life were equally secure from violence, and where nocturnal repose might be enjoyed almost as confidently as in a modern home.”

England developed a centralized, national system of laws and courts during an age generally known for feudal anarchy. When William the Conqueror arrived in 1066, he acquired a kingdom with a particularly strong central government; he and his Norman descendants strengthened it further. Royal courts

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253 See THAYER, supra note 30, at 219; Cozzi, supra note 166, at 307–09 (describing the judicial system and jurisdictional restraints that allowed for the adversarial process in Venice); see also Powell, supra note 252, at 106–16; Thomas A. Green, A Retrospective on the Criminal Trial Jury, 1200–1800, in TWELVE GOOD MEN AND TRUE: THE CRIMINAL TRIAL JURY IN ENGLAND, 1200–1800, at 374 (J. S. Cockburn & Thomas Green eds., 1988) (noting the evolution of the trial process and adversarial proceedings in Britain).


255 LONGWORTH, supra note 31, at 126; McNeill, supra note 167, at 225; 2 Hazlitt, supra note 29, at 821–22; Labalme & White, supra note 51, at 115 (describing how noblemen consistently controlled the political, economic, and legal world in Venice); see generally BABINGTON, supra note 250, at 123; J.H. BAKER, AN INTRODUCTION TO ENGLISH LEGAL HISTORY 133–216 (2nd ed. 1979); BOWEN, supra note 76, at 58–68, 278–80 (illustrating broadly how the legal arena was controlled mainly by British aristocracy).

256 See 2 Hazlitt, supra note 29, at 455–57; Labalme & White, supra note 51, at 148–51; HAITSMA MULIER, supra note 34, at 152–56; Gilbert, supra note 49, at 494 (explaining the judicial branch of the Venetian government); see generally BABINGTON, supra note 250, at 201; BAKER, supra note 255, at 145, n.20; LON, supra note 98, at 263; FREDERICK GEORGE MARCHAM, A CONSTITUTIONAL HISTORY OF MODERN ENGLAND, 1485 TO THE PRESENT 238–39 (1960); KEIR, supra note 24, at 294 (describing the British judicial system).

257 See LANE, supra note 28, at 95–100, 256; Cozzi, supra note 166, at 307; WIEL, supra note 71, at 191–92; Norwich, supra note 23, at 499; 2 Hazlitt, supra note 29, at 457–59. (describing that government questions of “importance” and “gravity” such as foreign policy decisions and granting pardons were subject to Venetian legal review or “built in checks and balances”); see also DICEY, supra note 4, at 222; KEIR, supra note 24, at 29, 294 (explaining that British judges often provided a necessary check and on “local authorities” and “governmental authority” through close supervision).

258 See McNeill, supra note 167, at 225; WILLS, supra note 36, at 124; 2 Hazlitt, supra note 29, at 480–81, 519–20; Norwich, supra note 23, at 499; Bowen, supra note 75, at 428 (detailing how the Venetian legal system, specifically, the accurate bookkeeping, the distribution of bureaucratic functions, the avoidance of bribery, and harsh punishment for corruption fostered stability); see also HOLMES & SZECZI, supra note 79, at 326; KEIR, supra note 24, at 373.


260 2 Hazlitt, supra note 29, at 491; 1 Brown, supra note 75, at 309–12.

261 See generally Lane, supra note 28, at 96–97; 2 Hazlitt, supra note 29, at 461–71 (detailing the functions of the different councils).

262 2 Hazlitt, supra note 29, at 577.

dispensing “Common Law” became popular venues, as litigants sought to harness their power. Over the centuries, royal justice developed an increasingly firm and impartial presence across the country.

Each state dispensed justice in a roughly egalitarian manner, without regard to social rank. In Venice, nobles and cittadini did enjoy specific political privileges, but in theory, could expect no advantage in court. Promissioni—contracts drawn up at the beginning of each doge’s reign—provided that Venice had only one law, for the doge and the poorest fisherman. In England, the Common Law paid little attention to social estates and ranks. As serfdom grew obsolete in the later middle ages, all Englishmen were “free.” England exhibited a social hierarchy of minute gradations, with no chasms between legally distinct castes.

Each state developed rational systems of fact-finding, including adversarial courtroom contests. Regular Venetian courts (i.e., not the Council of Ten) featured lively public debates, in which defense counsel sparred with prosecutors. English juries determined questions of fact, and by the fifteenth and sixteenth centuries, jurors largely relied upon evidence presented in court.

Venice and England each pioneered certain protections for criminal defendants. These should not be overstated: Miranda rights did not apply, but compared to their neighbors, these states provided humane sanctuaries for the accused.

taxation and administration in the Anglo-Saxon kingdom); JOHN P. DAWSON, A HISTORY OF LAY JUDGES 116-17, 180-88 (1960) (describing how the survival of the system can largely be accredited to the English central government in 1066 and after); 1 MARC BLOCH, FEUDAL SOCIETY 270–71 (1961) (detailing the centralization of the country); T.A. CRITCHLEY, A HISTORY OF POLICE IN ENGLAND AND WALES 2–3 (1967) (explaining that following the conquest, the Normans further “tightened” the system); BAKER, supra note 255, at 13 (illustrating that the Normans strengthened the system by instituting “safeguards”).

VAN CAENEGEM, supra note 263, at 17–18, 88–89; see also RENÉ DAVID & JOHN E.C. BRIERLEY, MAJOR LEGAL SYSTEMS IN THE WORLD TODAY 287–91 (1968); 1 POLLOCK & MAITLAND, supra note 251, at 108 (illustrating the differences between equity and common law).


See NORWICH, supra note 23, at 275 (commenting that in theory and mostly in practice, every man in Venice was equal in the sight of the law); LANE, supra note 28, at 271 (“Venice maintained also the high reputation it had gained in earlier centuries for equitable administration of justice. Nobles and commoners had equal standing in court.”); Chojnacki, Crime, Punishment, and the Trecento Venetian State, supra note 161, at 223–27 (showing that patricians and commoners in the thirteenth century received equal sentences for equal crimes); THAYER, supra note 30, at 221–22 (noting that foreigners came to Venice seeking a fair tribunal); see generally LYON, supra note 98, at 263 (“From the early eighteenth century, the judiciary increasingly applied and developed the law without fear or favour.”); Lemmings, supra note 250, at 1–26; DICEY, supra note 4, passim.


1 HAZLITT, supra note 26, at 629.

1 POLLOCK & MAITLAND, supra note 251, at 407–08.


Cozzi, supra note 166, at 307–09 (explaining the difference between the Council of Ten and adversarial Venetian courts, where there were public trials and debate between lawyers); see also THAYER, supra note 30, at 219 (“Prosecutors were warned not to cross-question in a vexatious spirit.”).

See generally Green, supra note 253, at 374 (describing the change in the jury role from medieval times); Dawson, supra note 260, at 124–29; Powell, supra note 252, at 115–16; BAKER, supra note 255, at 65–66 (illustrating the history of how jurors became triers of fact in Britain).

See Chojnacki, Crime, Punishment, and the Trecento Venetian State, supra note 161, at 221–23 (describing the “scrupulous” defendant-friendly aspects of Venetian criminal procedures); see also SIR JOHN FORTESCUE, DEF LAUDIBUS LEGUM ANGLIE (S.B. Chrimes trans. and ed., 1942) (describing the superiority of English procedures compared to the cruel and arbitrary treatment prevailing throughout much of the Continent).
In Venice, defendants had the right to choose their own counsel, which would otherwise be appointed by the court. Torture was occasionally employed, particularly in treason cases, but with some safeguards. A certain number of the Signoria and Forty were supposed to be present, and prisoners could not be pushed “beyond the normal limit,” whatever that meant. Unless the situation was urgent, the State Attorney needed a warrant from the Forty to make an arrest. If a police officer made an arrest, he had to secure the approval of his colleagues within the week, or the prisoner was released. Venetian prisons were relatively clean and hygienic, although that probably isn’t saying much, considering the rat-infested, turd-littered dungeons of Renaissance Europe.

In England, the jury system was long regarded as a defendant’s primary shield against arbitrary or unfair treatment. This is not to say that juries were incorruptible: bribery and selective empanelling of jurors sometimes affected the outcome of cases. Torture clearly occurred, especially under the Tudors, but it was applied by royal tribunals like the Privy Council and Court of Star Chamber (not the ordinary law courts), required a royal warrant, and usually involved matters of state security. Like the Star Chamber, torture was abolished after 1642. “Due process of law” first appeared in a fourteenth-century statute. Over time, it came to mean that any judicial process had to include a fair hearing before a neutral decision-maker. Defendants imprisoned in violation of the law could use the writ of Habeas corpus to gain their freedom, especially after the Habeas Corpus Act of 1679.

In Venice and in England, legal expertise and skilled analysis became prized assets, which enabled aspirants to rise in government and politics. Law framed political debates among Venetian patricians. Cittadini constituted a second stratum of legal professionals; many studied law and public administration at
the University of Padua and qualified for office by passing examinations. By the sixteenth century, Englishmen trained for legal careers in London, at the Inns of Court. Young gentlemen preparing to manage their estates, and to serve as Justices of the Peace and Members of Parliament, also attended.

Aside from dispersing knowledge of law across the top social strata, this premium on expertise contributed to impartiality because lawyers and judges proved their abilities by applying legal doctrines correctly. The young Edward Coke, for example, first gained notoriety by arguing a complaint about the food served in the Inner Temple. Coke stated his case “so exactly,” says a chronicler, that “all the House admired him and his pleading it, so that the whole Bench took notice of him.”

In Venice, judges were independent because they were elected by a large council, and they voted by ballot in committees (which provided numerical cover). While other Italian cities routinely hired foreign jurists, who might stand above local factions, Venice trusted its own patricians. According to a Florentine, Venetian judges rendered fair verdicts because they suffered no political interference.

English judges of the sixteenth and seventeenth centuries sometimes ruled against the Crown, but doing so was problematic because they served at the monarch’s pleasure, and kings often expected cooperation on matters touching their own interests. But after 1688, judges were commissioned during “good behavior”—meaning they could only be removed for cause—and the 1701 Act of Settlement guaranteed this form of judicial tenure. After 1701, Parliament could not pressure judges by withholding salaries or by tempting them with raises, and judges retained office unless majorities in both Houses of Parliament found them guilty of misconduct. Since then, British judges have served as independent bastions of state power.

289 LONGWORTH, supra note 31, at 126; THAYER, supra note 30, at 221–22; see also McNEILL, supra note 167, at 225 (noting that cittadini civil servants were regularly the real decision-makers).


291 Id. at 215–16 (1996); see generally Baker, supra note 255, at 133–49 (explaining the British legal profession).

292 See LABALME & WHITE, supra note 51, at 115 (“The legal activity of so many of the political committees and councils ensured that even non-judges of the political committees and councils ensured patricians a broad exposure to the legal system . . . .”).

293 BOWEN, supra note 75, at 68.

294 LANE, supra note 28, at 96.

295 Id. at 96–97; 2 HAZLITT, supra note 29, at 455–57; BROWN, supra note 27, at 309–10.

296 LANE, supra note 28, at 405 (noting the prominence of balloting throughout the Venetian constitution); 2 HAZLITT, supra note 29, at 456 (describing balloting procedures within the Council of Ten); LABALME & WHITE, supra note 51, at 148–51 (noting cases where persons were pardoned by balloting procedures); HAITSMAN MULIER, supra note 34, at 152–53 (referring to secret balloting in Venetian courts).

297 LANE, supra note 28, at 98 (“The other Italian communes felt it necessary to employ a foreigner in order to have a supreme judge and an executive in whom impartiality could at least be hoped for. The Venetians had more confidence in themselves and in each other.”), see also HAITSMAN MULIER, supra note 34, at 156 (contrasting Genoa with Venice, and noting that in Genoa, “all the judges were foreigners which was not unusual for Italy where family feuds could make an undisturbed dispensation of justice impossible”).

298 Gilbert, supra note 49, at 494 (citing Florentine observer Donato Giannotti).

299 BABINGTON, supra note 250, at 123; see also CORNISH & CLARK, supra note 102, at 8 (citing a “much longer tradition of judicial independence” before 1701).


301 BAKER, supra note 255, at 144 (“[K]ings often expected subservience from their judges in matters affecting the Crown.”).

302 Id. at 145–46 & n.20; MARCHAM, supra note 254, at 312–13; MARCHAM, supra note 256, at 123, 238–39; LYON, supra note 98, at 263; see also BABINGTON, supra note 250, at 201 (“Following the revolution of 1688 the courts had come to be regarded as the guardians of the rule of law, the independent arbiters between the executive and the subject, and the protectors of civil liberties.”).

303 See Lemmings, supra note 250, at 1–26 (explaining that judicial appointments ended upon the monarch’s death, and a few judges were removed by new monarchs in 1702, 1714, and 1727); see also BAKER, supra note 255, at 145–46 (explaining that the official traditions now restrict judicial interference); LYON, supra note 98, at 263 (noting that after 1760, judicial tenure extended beyond the life of the monarch).

304 LYON, supra note 98, at 263; MARCHAM, supra note 256, at 123.

305 1 WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND 268 (15th ed., 1809) (calling the “distinct and separate existence of the judicial power” a “main preservative of the public liberty”); JOHN PHILLIP REID, RULE OF LAW: THE
At its core, the “rule of law” means that legal rules control the exercise of state power. The rule of law requires, and builds upon, the facets of a legal system identified above.

“The affairs of Venice are governed with laws,” proclaimed the Republic. No magistrate or committee could exceed legal boundaries with impunity, because other dignitaries—notably the Avogadori or State Attorneys—served as watchdogs. State Attorneys themselves could be sued for dereliction of duty, and everyone in Venice might find themselves under scrutiny by the Council of Ten. Despite their secrecy, forbidding reputation, streamlined procedures, and broad powers, even the Council of Ten observed strict rules. State Attorneys attended their meetings, and no member of the Ten could sit in judgment upon a relative, or accept any gifts or presents. From time to time, the Ten expelled one of their own, with no reason recorded.

Before 1600, the English crown essentially policed itself. In the early seventeenth century, Chief Justice Edward Coke, of the Court of King’s Bench, began appropriating this function. Under the Common Law, Coke claimed jurisdiction to correct “errors and misdemeanors extrajudicial, tending to the breach of the peace, or oppression of the subjects . . . or any other manner of misgovernment.” Distinctive principles of English law had formed; all governmental powers were subject to the regular law courts, and ordinary subjects could sue for a remedy if any official exceeded his authority. By the eighteenth century, the rule-of-law principle was firmly established in Britain. “Individuals of the most exalted rank, wrote Jean-Louis de Lolme in the 1770s, “do not entertain so much as the thought to raise the smallest direct opposition to the operation of the law.”

Low corruption is a close corollary of the rule of law. On the whole, the Venetian Republic earned a reputation for rigor, scruples, and good government. By and large, cittadini bureaucrats minimized...
corruption by maintaining precise ledgers of revenue and spending. Of course, the city could never live up to its billing as a paradise of virtue. Historians have found many incidents of bribery, vote-selling, and family influence—but this is only surprising if you credit extreme versions of the Venetian myth. And such instances must be kept in perspective. In the kingdoms and principalities across Europe, nepotism was an ordinary facet of political life. In Venice, it triggered scandal.

Like Venetian officials before them, eighteenth-century British civil servants acquired a reputation for honesty. In large part, this was because competence, diligence, and merit began to outweigh personal and factional connections as the criteria for hiring and promotion. “Patronage” ties connected many eighteenth-century Englishmen to one another, but these were similar to what we call “connections.” Men landed government positions largely through personal recommendations; the higher the recommender’s rank, the more valuable his word. Still, the system accommodated talented but unconnected aspirants, and no contemporary state could boast a more efficient administration. Later reforms cemented the rule-bound character of the bureaucracy. During its imperial crescendo, Britannia ruled the waves—and much of the world besides—with a brisk, businesslike, and no-nonsense Victorian civil service.

In Venice and Britain, the rule of law generated wealth. Venice was a city of fabulous riches, especially in its Renaissance heyday. Relying on strict enforcement of contracts, Venetian merchants readily formed short-term partnerships in kaleidoscopic combinations. An efficient civil service contributed as well; issuing penalties for every type of commercial trickery, thereby establishing the Venetian brand for quality. Detail-oriented bureaucracies like the Board of Health regulated chimneys

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322 McNEILL, supra note 167, at 225 (stating that the cittadini’s “high professional morale” reinforced by “careful bookkeeping techniques” prevented any “widespread peculation”); see also WILLS, supra note 36, at 124 (noting the skill of clerks and their dexterity with bookkeeping).
323 Chojnacki, Crime, Punishment, and the Trecento Venetian State, supra note 161, at 196 (stating that Venetian officials were generally not corrupt, but some used their positions to “line their pockets”); Everett & Queller, supra note 159, at 16 (explaining that men often sold their votes to “the highest bidder”); WILLS, supra note 36, at 144 (“Donald Queller [a historian who undermines the ideal picture of Venice] is shocked—shocked!—to find electioneering, family pressure, fraud, and bribes in the politics of Venice.”); LONGWORTH, supra note 31, at 175 (suggesting that Venice was in fact corrupt and did not deserve the praise it received).
324 See, e.g., 1 HAZLITT, supra note 26, at 593 (describing a 1340 controversy wherein the Doge leveraged his sons into lucrative positions); 2 HAZLITT, supra note 29, at 209, 461–69 (describing a struggle for reform in the 1620s which targeted palace nepotism).
325 HOLMES & SZECHI, supra note 79, at 325–26 (explaining that eventually the British bureaucracy was successful because skill, impartial service, and “insulation from political spoils” were accepted); see also HOLMES, supra note 259, at 257–65 (describing the principle of job security based upon competence within the eighteenth-century civil service).
326 EVANS, supra note 100, at 14.
327 Id.
328 Id. at 15.
329 HOLMES & SZECHI, supra note 79, at 326 (stating that the eighteenth-century British civil service “was the equal and probably the superior of efficiency of any in Europe”).
330 KEIR, supra note 24, at 373 (explaining that parliamentary reforms begun in 1782 diminished royal influence based upon patronage, and created a more “vigorous and businesslike spirit” in the civil service).
331 See, e.g., Order in the Jungle, THE ECONOMIST, March 15, 2008, at 83–85 (noting, as does a burgeoning amount of literature today, the economic benefits of that come with a better rule of law); KIMBERLY ANN ELLIOTT, CORRUPTION AND THE GLOBAL ECONOMY (1997); MICHAEL JOHNSTON, SYNDROMES OF CORRUPTION: WEALTH, POWER, AND DEMOCRACY 33 (2005) (demonstrating a strong association between poverty and corruption).
332 NORWICH, supra note 23, at 277–82 (detailing the rise of wealth and splendor in Venice); see also LONGWORTH, supra note 31, at 172–73 (illustrating the luxuries of the Venetian marketplace).
333 NORWICH, supra note 23, at 155 (noting that “mutual trust” was a distinctive feature of the Venetian merchant class, which “easily formed short-term partnerships”).
334 See, e.g., 2 HAZLITT, supra note 29, at 506 (explaining the operations in the recovery of claims and in the prosecution of fraudulent insolvents).
and foul smells, and maintained a clean water supply. In England, a reliable legal environment prepared the way for industrial takeoff. Economic historians consider eighteenth-century England—unlike Scotland or France—"famine-proof." By 1750, England was the richest nation in the world, per person. The average income was £12 per year, and rising rapidly. This was higher—in real purchasing power—than many African and Asian nations in the late twentieth century.

Venetians and Britons took pride in their rule of law. In Venice, the prow of the Doge’s barge—called the Bucintoro—did not feature a Viking dragon, or the bronze battering ram of a Roman trireme. Instead, there sat a golden figure of Justice, holding a sword in her right hand, but gazing upon the scales in her left. For eighteenth-century Britons, legality was a point of national pride. The “free-born Englishman” cliché pervaded political talk. Englishmen of all classes considered themselves free because they had rights—of liberty and property—that no one could infringe.

V. THE ATTENUATION OF PERSONAL LOYALTIES

As a substantial body of scholarship demonstrates, personal loyalties and impersonal rules are generally incompatible. When legal rules mediate relationships between individuals, people have less need for, and cannot easily form, strong, diffuse, overriding relationships of personal allegiance and mutual assistance.

Governmental corruption (which is inversely related to the rule of law) is closely associated with strong personal and factional ties. Within a highly corrupt state, members of particular “in-groups” (generally defined through kinship, clan, tribal, and patronage relationships) receive all kinds of special advantages through their network, but in return, they are expected to favor their “own people” whenever possible. If they are state officials or even judges, they are essentially required (by their own people) to practice corruption.

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335 HAZLITT, supra note 29, at 743 (explaining how Venetian health and safety regulations were framed with “extraordinary attention to the minutest and most trifling details”).
336 HOLMES, supra note 259, at 257–61; see also PETER LASLETT, THE WORLD WE HAVE LOST: ENGLAND BEFORE THE INDUSTRIAL AGE 113 (1965) ("[S]tarvation was extremely rare in England as a stated cause of death.").
337 HOLMES & SZECI, supra note 79, at 133.
338 Id. at 133–143; EVANS, supra note 100, at 107–9.
339 LABALME & WHITE, supra note 51, at 115.
340 Lemmings, supra note 250, at 1–2; see also BABINGTON, supra note 250, at 201 (describing the successful judicial reforms).
341 WINGFIELD-STRATFORD, supra note 250, at 92, 121 (1956); GIMOUR, supra note 24, at 21.
342 See MARCHAM, supra note 256, at 281 (explaining that the courts avowed to protect the rights of liberty and property regardless of whether one was rich or poor; see also CORNISH & CLARK, supra note 102, at 11 ("[A]ny interference with person or property would in principle be a legal wrong.").
343 See generally Richard Sandbrook, Patrons, Clients and Factions: New Dimensions of Conflict Analysis in Africa, 5 CANADIAN JOURNAL OF POLITICAL SCIENCE 104, 109 (1972) ("Where a society’s impersonal legal guarantees of physical security, status, and wealth are relatively weak or nonexistent, individuals seek personal substitutes by attaching themselves to ‘big men’ capable of providing protection and even advancement."); ALLEN W. JOHNSON & TIMOTHY EARLE, THE EVOLUTION OF HUMAN SOCIETIES 255 (1987) (explaining that state-formation in the later medieval period involved “the replacement of ties of loyalty based on kinship and personal allegiance by legal, impersonal ties enforced by courts and police’’); KEN JOWITT, NEW WORLD DISORDER: THE LENINIST EXTINCTION (1992) (contrasting the “corporate,” family-centered nature of traditional societies with the “individuated” quality of modernity); ROBERT D. PUTNAM, MAKING DEMOCRACY WORK: CIVIC TRADITIONS IN MODERN ITALY (1993) (documenting how impersonal “civic” traditions have persisted for centuries in northern Italy, even while life in Sicily and Naples continues to revolve around kinship and patron-client ties).
344 Raz, supra note 4, at 12; CAROTHERS, supra note 4, at 4; DICEY, supra note 4, at 193.
345 USLANER, supra note 6, at 49–50; see generally LAMBSDORFF, supra note 6, at 20–36 (analyzing the cultural conditions associated with corruption).
346 LAMBSDORFF, supra note 6, at 23.
347 DANIEL JORDAN SMITH, A CULTURE OF CORRUPTION: EVERYDAY DECEPTION AND POPULAR DISCONTENT IN NIGERIA 65 (2007); see generally ROBERT M. PRICE, SOCIETY AND BUREAUCRACY IN CONTEMPORARY GHANA 56–82 (1975) (illustrating the principle that, in Ghana, family members frequently put pressure on public officials to provide corrupt benefits).
Effective rule-of-law institutions, on the other hand, attenuate personal-loyalty relationships, and generate an open-ended network society of relatively detached individuals. This process can be observed historically, alongside the rise of rule-of-law institutions in both Venice and Britain. Within these states, the rule of law evolved on different timelines, via distinct institutions, but with broadly parallel social effects. This discussion prepares the way for the argument in Part V: that the systematic attenuation of personal loyalties (produced by rule-of-law institutions) inhibits the formation of grand criminal conspiracies, including those aiming at a coup d’etat, and thereby produces the long-term political stability observed in Venice, Britain, and the other “coup-free states.”

A. Venice: “Free and Without Factions”

Early Venice seethed with feuds and factional rancor. Our evidence for the sixth through tenth centuries consists of endless drama; doges were deposed and blinded, and successors associated their sons in office, attempting to establish a dynasty. Some factions leaned toward Byzantium, others favored the Franks or Lombards, while committed republicans preferred an independent stance.348

In the centuries after 1032, as republicanism gained a permanent ascendancy, Venetians enacted many laws to pacify kin-based rivalries.349 No family could have more than one member at a time on the Ducal Council, the Ten, Great Council nominating committees, or other boards, so government always required inter-clan cooperation.350

The doge’s family faced special restrictions. Like the doge, they were only supposed to accept gifts like rose-water, leaves, and flowers.351 Promissioni required the doge, his wife, sons, grandsons, and nephews to sell any lands they held in Venice or nearby.352 To stifle any dynastic hopes, the sons of a Doge could barely enter politics. They might become Senators, but wielded no vote.353 In fact, Venetians preferred doges without any wives or children.354 When bachelors assumed the ducal cap, they swore not to marry a foreign wife without their Council’s approval.355 A doge could not even meet with relatives unsupervised.356

Election rules calmed partisanship. Campaigning was banned; in fact, patricians were forbidden to indicate their ambitions for office in any manner.357 As one might expect, some found this rule difficult to follow.358 A 1497 statute condemned electioneering as inimical to “peaceful institutions”; a decade later, the

348 See generally NORWICH, supra note 23, at 1–106 (detailing the unsteady setting in early Venice).
349 LANE, supra note 28, at 109.
350 Id.; Everett & Queller, supra note 159, at 4–5.
351 WIEL, supra note 71, at 156.
352 Id. at 221 (illustrating that promissioni forced all the family members to sell their land at the time of the election); NORWICH, supra note 23, at 182 n.1 (“Fiefs – presumably in the new Venetian colonies – held by any member of his family were to be given up within a year of his accession.”); 1 HAZLITT, supra note 26, at 676–77 (stating that all family estates must be disposed of before one enters power).
353 BROWN, supra note 27, at 59–60; see also NORWICH, supra note 23, at 182 n.1 (explaining that one Doge’s Promissione barred his sons from all great offices except ambassadorships and ship’s captaincies).
354 FINLAY, supra note 28, at 161 (noting that familial bonds were always perceived as a threat to liberty, and Venetian patricians preferred a doge without sons).
355 NORWICH, supra note 23, at 182 n.1.
356 WILLS, supra note 36, at 98–99.
357 Everett & Queller, supra note 159, at 4 (“Any form of electioneering for office was prohibited. Patricians were even forbidden to indicate their desire for office in any way, shape, or form.”); see also FINK, supra note 40, at 32–33 (stating that penalties for canvassing or campaigning were severe); LANE, supra note 28, at 109 (“Rivalries were reduced also by outlawing campaigns for office. Theoretically, the office sought the man, and anyone elected to office was required to serve.”).
358 Everett & Queller, supra note 159, at 17.
Council of Ten regulated dinner parties to inhibit stealth campaigns. Laws even governed how people could congratulate victors. Nominations by lot introduced random shuffling, making it difficult for allies to engineer outcomes. In the Byzantine process for electing a doge, for example, five rounds of arbitrary culling generated the final committee, which then drew names from an urn and voted. For other offices, the Great Council chose nominators by lot, and voted on nominees during the same day, making canvassing difficult. During voting, nominees and their relatives had to leave the hall. Secret balloting made any form of “party discipline” impossible.

“[T]he Venetians,” wrote an anonymous London pamphleteer in 1707, “have made severe laws against all manner of canvassing or making interest for Places. And besides, they have so contrived the way and manner of their Elections, that they have made it almost impossible for the Electors to form themselves into Parties for any Candidate whatsoever, because of the uncertainty to whose lot it will fall to be Candidates for the Place. The Votes are likewise collected with so much secrecy, that it is impossible for one man to know how another has voted.” Such measures, the author argued, could prevent the “intestine commotions” which had long plagued England.

Venetians took pains to weaken links between patrician houses and their followers. A law enacted after Dandolo and Tiepolo gangs brawled in the streets prohibited commoners from wearing noble emblems or coats of arms, or painting them on their houses. Similarly, security and police officials were barred from having any private, economic, or familial relationships with their armed underlings.

By all accounts, such measures worked. From the Renaissance to the Enlightenment, people saw Venice as uniquely free of factions, and thereby tranquil. Bartolus de Saxoferrato, for example, was a fourteenth-century law professor at Perugia, who thought Venetian patricians were “not easily divided among themselves.” Venice avoided “internal plots” and “warring factions,” observed a Renaissance chronicler. A noble diarist waxes effusively: his city seems “an earthly paradise, without any tumult of war or suspicion of enemies” because it is “free and without factions.”

360 Everett & Queller, supra note 159, at 4.
361 Id. at 4 (describing how patrician legislators sought to “neutralize the forces of faction” by using random lot drawings in the election process).
362 LANE, supra note 28, at 110–11 (stating that selections by lot were expressly designed to prevent electoral campaigns, which would inflame factions); see also NORWICH, supra note 23, at 166–67 (explaining how the ballotino had the duty of collecting the vote slips during the lot process); see generally T. OKEY, VENICE AND ITS STORY 88–90 (1903); WIEL, supra note 71, at 165–66; 1 BROWN, supra note 27, at 304–05 (illustrating the lottery process).
363 Everett & Queller, supra note 159, at 16–17 (“With nominators chosen by lot [although there was occasional cheating], last minute canvassing made political sense. There was little point in the office-seeker cultivating an enduring relationship with any particular group of men, for they might never be nominators for the office he sought.”).
364 LANE, supra note 28, at 109, 259–60.
365 Id. at 259–60; FINK, supra note 40, at 32–33 (suggesting that it was impossible to enforce any “party discipline” because “no one could tell how another had voted on any measure”).
366 FINK, supra note 40, at 181.
367 Id.
370 LANE, supra note 28, at 88 (“Another myth which, when fully formed, contributed to the solidarity of the state was a belief that Venice was free of factions, that all worked together for the glory of their city.”); Everett & Queller, supra note 159, at 1–2 (“According to the ‘myth’ of Venetian republicanism, the Serenissima’s treasured political stability and sobriety was assured by the absence of faction.”); FINK, supra note 40, at 181–82 (quoting eighteenth-century writers on the absence of factions in Venice).
371 LANE, supra note 28, at 114.
372 Tenenti, supra note 39, at 34 (quoting Lorenzo de’ Monaci).
373 Id. at 33 (quoting Girolamo Priuli).
Modern historians confirm and elaborate this picture. One study examined Great Council nominations during the 1380s.\textsuperscript{374} The investigators assumed they would find nobles consistently nominating kinfolk for office.\textsuperscript{375} In fact, a man’s family provided no clue about his choice of nominee.\textsuperscript{376} Not only did patricians avoid family bias, they formed no discernible factions or alliances of any sort.\textsuperscript{377} The finding undermines any suppositions about family-based coalitions, the authors conclude, and also casts “considerable doubt on the conjecture that certain families acted as patrons to client families.”\textsuperscript{378} The Tiepolo Rebellion in 1310, they suggest, was the “last gasp” of traditional family solidarity.\textsuperscript{379}

Ironically, kinship bonds weakened because they proliferated. Nobles intermarried, especially after the “Great Closing” of 1297 defined their caste boundaries. Over time, kin ties within the small patrician world grew inordinately complex, creating a dense thicket of interrelatedness.\textsuperscript{380} If everyone is family, effectively no one is.

Family never became irrelevant, of course. A family’s joint wealth shaped members’ lives. Children frequently lived together into adulthood, worked out prospective marriages, and managed family businesses.\textsuperscript{381} Noble clans retained their pride: an insult to Ca’ Morosini—the “House of Morosini”—triggered a street fight in 1364.\textsuperscript{382} A man might sail into elected office after his kin performed well in battle.\textsuperscript{383}

Still, blood lost its power to congeal. Venetian politics—like its commerce—featured shifting, unpredictable, and kaleidoscopic coalitions. Allies on one issue found themselves opponents or competitors on others.\textsuperscript{384} The city presented a sharp contrast with the rest of northern Italy, where permanent “Guelph” and “Ghibelline” factions warred. (Guelphs favored the pope, and Ghibelines backed the Holy Roman Emperor.) These struggles barely registered in Venice.\textsuperscript{385} Historians cite a “unique spirit of cohesion and cooperation,”\textsuperscript{386} a “comparative solidarity,”\textsuperscript{387} a “mutual dependence,”\textsuperscript{388} and a “mutual trust of a kind that in other cities seldom extended far outside the family circle.”\textsuperscript{389} People still held animosities and grudges, of course, but ironed out serious conflicts in the courts, Senate, and Great Council.\textsuperscript{390}

A few authors approach the source of serenity. “Unable to rely on family, faction, or patrons for their political future,” comment two specialists, “patricians were obliged to treat all their peers as potential allies, and ingratiate themselves to everyone.”\textsuperscript{391} In this way, “individual weakness” brought collective strength.\textsuperscript{392} Frederic Lane taught at Johns Hopkins, presided at the American Historical Association, and spent decades studying the republic.\textsuperscript{393} “The devices for the restraint of faction woven into the machinery of government

\textsuperscript{374} Everett & Queller, supra note 159, at 5.
\textsuperscript{375} Id. at 7.
\textsuperscript{376} Id.
\textsuperscript{377} Id.
\textsuperscript{378} Id. at 12.
\textsuperscript{379} Id. at 16.
\textsuperscript{380} Id. at 18 (describing a “dense network of kinship” in which “the importance of any particular marriage tie in the quest for nomination to political office was substantially diminished” because “so many could claim the privileges due to kin”).
\textsuperscript{381} Id. at 3; Bouwsma, Venice and the Defense of Republican Liberty, supra note 23, at 66–67.
\textsuperscript{383} LANE, supra note 28, at 265.
\textsuperscript{384} Chojnacki, In Search of the Venetian Patriciate, supra note 382, at 70 (noting that social alignments cut through the great families, which “prevented Venice from going the factional way of other Italian cities”).
\textsuperscript{385} Rösch, supra note 173, at 82 (“Party conflict . . . did not lead to programmatic opposition in Venice”).
\textsuperscript{386} NORWICH, supra note 23, at 155; see also LANE, supra note 28, at 117 (citing a “general feeling of solidarity and loyalty among the Venetian nobility”).
\textsuperscript{387} LONGWORTH, supra note 31, at 150.
\textsuperscript{388} Everett & Queller, supra note 159, at 20.
\textsuperscript{389} NORWICH, supra note 23, at 155.
\textsuperscript{390} LANE, supra note 28, at 265.
\textsuperscript{391} Everett & Queller, supra note 159, at 20.
\textsuperscript{392} Id.
were sufficiently successful” after 1355, Lane argues, that “none of the men disappointed in the intense competition for honors tried to overthrow the system.”

B. BRITAIN: FROM FEUDAL LORDS TO “TEMPORARY PATRONS”

Anglo-Saxon England was a world of blood feuds and kinship solidarity, where vengeance was a sacred duty. “The family bond is strong,” wrote Frederic Maitland, a renowned legal historian. “[A]n act of violence will too often lead to a blood feud, a private war.” As an alternative to feuding, kin groups could accept a wergeld payment. Even in the seventh century, however, royal laws encroached on the power of families to protect their members.

Lordship coexisted with kinship. Lords—like gang leaders or Mafia bosses—extended their protection to kin and other neighborhood clients. Lords were responsible to political superiors, such as the King, for the conduct of their dependents. In practice, kinship and lordship bonds swirled together. When a lord avenged his kinsman, was he acting as “lord” or “kin?” Lordship ties frequently brought two families into an alliance. If a man’s daughter married his lord’s nephew, feudal and bloodlines grew thoroughly intermingled. Like Scottish clan chieftains, many lords governed and protected their own kinsmen.

 Nonetheless, the rising profile of lordship and vassalage undercut kinship solidarity. The Norman Conquest of 1066, as many have argued, bolstered the power of feudal lords. Primogeniture, or passing all property to the first male offspring, came into widespread use after the Conquest. Some have argued that primogeniture was a natural corollary of feudal relationships. To fulfill feudal obligations—to supply lords with military manpower—vassals bestowed feoffs to a single heir. Primogeniture tends to weaken kinship, because brothers assume wholly different stations. Still, feudalism sustained tight personal allegiances.

394 LANE, supra note 28, at 271.
395 Robert Brentano, Introduction, in THE EARLY MIDDLE AGES, 500-1000 3, 14 (Robert Brentano ed., 1964); see also 1 POLLOCK & MAITLAND, supra note 251, at 31 (“[A] man’s kindred are his avengers, and, as it is their right and honour to avenge him, so it is their duty to make amends for his misdeeds, or else maintain his cause in fight.”).
396 Id.
397 Brentano, supra note 395, at 14; see also MAITLAND, supra note 254, at 4 (explaining that law makers wanted people to accept payments instead of seeking revenge).
399 ROBERT LACEY & DANNY DANZIGER, THE YEAR 1000: WHAT LIFE WAS LIKE AT THE TURN OF THE FIRST MILLENNIUM 48, 150 (1999) (“Power politics in the year 1000 can best be understood by observing how gangs and Mafias operate. Though frightening to outsiders, the structure of the gang offers cohesion, protection, and a sense of belonging to the ‘family.’”); see also Brentano, supra note 395, at 15–16 (describing the strength of the bond between man and leader).
400 STENTON, supra note 398, at 493.
401 1 BLOCH, supra note 263, at 190.
402 STENTON, supra note 398, at 493.
403 JACK GOODY, THE EUROPEAN FAMILY: AN HISTORICO-ANTHROPOLOGICAL ESSAY 48 (2000) (explaining how kinship loses importance to lordship in Anglo-Saxon England); MARTIN DALY & MARGO WILSON, HOMICIDE 31 (1988) (“Vassalage at least partially replaces kinship as a basis of loyalty and power in feudal society.”); see also JACK GOODY, THE DEVELOPMENT OF THE FAMILY AND MARRIAGE IN EUROPE 22 (1983) (describing the dissolution of extended family and clan structures during the High Middle Ages in Spain); see generally JOHNSON & EARLE, supra note 343, at 249–56 (“Kinship was sometimes still important in group formation, but truly tribal peoples disappeared as the warlords’ power grew.”).
405 TREVELYAN, supra note 77, at 130.
406 TREVELYAN, supra note 77, at 130 (“After the Norman Conquest the rule of primogeniture had gradually been adopted for land, to secure that a feoff should not be broken up among the sons of a vassal and so become unable to supply the military service due to the lord.”); see also 2 MAX WEBER, ECONOMY AND SOCIETY 1137 (Guenther Roth & Claus Wittich eds., Ephraim Fischhoff et al., trans., 1978) (“[T]he division of hereditary fiefs must be limited in the interest of their service capacities.”).
407 See generally Judith J. Hurwich, Lineage and Kin in the Sixteenth Century Aristocracy: Some Comparative Evidence on England and Germany, in THE FIRST MODERN SOCIETY: ESSAYS IN ENGLISH HISTORY IN HONOUR OF LAWRENCE STONE 33,
Vassals were expected to aid their lord in every way, and lords oversaw vassals’ interests, such as by providing for their widows and orphaned children. A ceremony—homage and fealty—sealed the bond.

The later middle ages witnessed an attenuation of feudal relationships. With an increasingly commercial economy, and a burgeoning royal government, the lord-vassal tie grew less total.

Late medieval lordship, indeed, has not much in common with feudal dominium. When a man asked another to be his ‘good lord’, he was not commending himself and his land; nor did he become anything remotely like a vassal. Rather he was acquiring a temporary patron.

Nevertheless, late-medieval lordship continued to derail the law. “Livery and maintenance” were great evils to public order. “Livery” was a practice whereby men wore their lord’s colors, uniforms, or emblems. It implied the lord’s protection against enemies, and probably emboldened wearers to break the law. “Maintenance” was the support a lord gave his man in legal cases, often by corrupt methods like bribery and intimidation. Livery and maintenance were not new: both practices can be traced back centuries. But they aroused public fury in late-medieval England, probably because people had acquired higher expectations for law, order, and justice. Justice also suffered when lords “retained”—or paid—royal judges. Over a long period, Crown and Parliament slowly restricted such relationships. A 1346 statute banned anyone but the King from retaining judges. Political pressures in the late 1300s actually curtailed that practice. After 1595, lords could no longer retain local Justices of the Peace.

The Crown reined in livery and maintenance. Statutes passed from 1399 to 1401, for example, restricted livery to members of a lord’s household. The Tudors, especially through councils like Star

43–59 (A.L. Beier, David Cannadine, & James M. Rosenbaum eds., 1989) (describing how medieval English society was individualistic in nature because of the patrilineal system of inheritance).


1 POLLOCK & MAITLAND, supra note 251, at 297–98.

BRITNELL, supra note 290, at 128–29.

See J.M.W. BEAN, FROM LORD TO PATRON: LORDSHIP IN LATE MEDIEVAL ENGLAND 235–37 (1989) (describing how the role of the Crown became more prominent from the middle of the sixteenth century forward); see also 1 POLLOCK & MAITLAND, supra note 251, at 344 (noting that crown servants were “inclined to loosen the feudal bond”).

BEAN, supra note 411, at 235–37 (illustrating that as patronage to the Crown grew, the lord-vassal bond was weakened); see also 1 POLLOCK & MAITLAND, supra note 251, at 297 (explaining that homage in the thirteenth century was “but a pale reflection of moral sentiments which are still strong but have been stronger”).


G.L. Harriss, Introduction to K.B. MCFARLANE, England in the Fifteenth Century: Collected Essays ix, x (1981); see also K.B. MCFARLANE, Bastard Feudalism, in K.B. MCFARLANE, England in the Fifteenth Century: Collected Essays 23, 42–43 (1981) (“Livery and maintenance . . . were gradually reduced to more manageable proportions by . . . the central authority.”).

HICKS, supra note 265, at 63.

Id.

TREVELYAN, supra note 77, at 195–96; HICKS, supra note 265, at 119.

HICKS, supra note 265, at 121; Harriss, supra note 414, at x.

See Harriss, supra note 414, at xxii (describing “local demand for more effective peace keeping” as well as complaints in parliament of “disorder and corruption”); see also MCFARLANE, supra note 413, at 42 (“The novelty [of ‘bastard feudal’ disorder] lay in its being more talked about, denounced and legislated against. It was in fact being measured by men with a higher conception of public order.”); see also Hicks, supra note 265, at 123 (describing increasing complaints of disorder in the mid-thirteenth century); see also J.R. Maddicott, Law and Lordship: Royal Justices as Retainers in Thirteenth- and Fourteenth-Century England, in 4 PAST & PRESENT SUPPLEMENT 1, 3 (1978) (“The ability of the rich and powerful to turn the law and its ministers to their own advantage was doubtless as old as the legal system itself. . . . The novelty in the late twelfth century thus lay not in the existence of abuses but in the criticism of them which was bred by rising expectations and in the opportunities now available for voicing that criticism.”).

Maddicott, supra note 419, at 46–48.

Id. at 80–81.

HICKS, supra note 265, at 206.

Harriss, supra note 414, at xxii–xxiii.
Chamber, took stern measures against maintenance and judicial corruption. In the sixteenth century, feuds and private wars dwindled.

Sharp factional divisions remained at the political heights, however. Parliamentarians and royalists warred from 1642 to 1649; courtier factions reappeared under Charles II; the “Exclusion Crisis” of 1679–81 drove the political class into “Whig” and “Tory” parties; Whigs and Tories inhabited separate social enclaves, eyeing each other with suspicion, during the “Rage of Party” under Queen Anne (1702–14).

After the Jacobite rising of 1715, treason-stained Tories went into steep decline. Whigs governed for decades, and splintered into various leadership groups. The name “Tory” reappeared in the 1780s, but by this time, the nature of partisanship had transformed. Opponents were no longer enemies, engaging in dangerous intrigues and threatening collective retribution. Now, parties formed loosely-knit coalitions around broad ideological positions. In the 1770s, Jean-Louis de Lolme perceived that “family feuds,” “party animosities,” and the “victories and consequent outrages of factions” were “in very great measure unknown in England.”

The attenuation of personal loyalties is evident spatially, as well as chronologically. Strong ties flourished in places royal justice found difficult to reach. Feuds, vendettas, and clan solidarity persisted in the hilly and mountainous fringes of late-medieval and early modern England. Northern England was long seen as a wild, clannish, and feudal backwater. Private feuding also disturbed Cornwall, in the hilly and remote and backward upland area.

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424 Thomas G. Barnes, *The Making of English Criminal Law: Star Chamber and the Sophistication of the Criminal Law*, CRIMINAL LAW REVIEW 316, 324–25 (1977); see BOWEN, supra note 75, at 107–08 (noting that great nobles in the sixteenth century might bribe or intimidate local JPs, but exhibited a “healthy awe” of Star Chamber); see also HICKS, supra note 265, at 216 (“No less than a quarter of the cases in Star Chamber under James I involved conspiracy, maintenance, embrazery and suborning.”); see generally Dawson, supra note 263, at 172–73 (explaining the composition and the main roles of the Star Chamber).

425 CHRISTOPHER HILL, *REFORMATION TO INDUSTRIAL REVOLUTION: THE MAKING OF MODERN ENGLISH SOCIETY*, 1530–1780 19–20 (1968) (describing a reduction in private wars under the reign of the Tudors); see also PERRY ANDERSON, *LINEAGES OF THE ABSOLUTIST STATE* 118–19 (1979) (explaining the successful application of royal power to prevent warfare under the Tudor reign); see also TREVELYAN, supra note 77, at 227 (“The patient craft of Henry VII and the imperious vigor of Henry VIII had laid the foundations of modern England. Order had been restored, the nobles and their retainers had been suppressed, royal government through Council and Parliament had become a reality in every corner of England and even of Wales . . . .”); see generally LAWRENCE STONE, *THE CRISIS OF THE ARISTOCRACY* 1558-1641 12 (stating that the period 1580-1620 represents the time when “the State fully established its authority,” and when “dozens of armed retainers were replaced by a coach, two footmen, and a page-boy”).

426 HOLMES, supra note 259, at 17, 36–37.
427 Id. at 124–31.
428 Id. at 334.
429 See HOLMES & SZECZI, supra note 79 (noting that much of the Whig success was due to the demise of the Tory party).
430 See id. (describing one of the branches of the Whig party as “the most ideologically motivated Whig group”); see also EVANS, supra note 100, at 19 (delineating that the fight for power was between feuding Whigs who did not even face Tory opposition until the 1760s).
431 See EVANS, supra note 100, at 19 (explaining that the role of the Tory opposition became more clear in the late 1770s).  
432 See id. at 19 (“Allegiance to ‘Whig’ and ‘Tory’ which had been surprisingly, even frighteningly, tenacious between 1689 and 1714 on a range of political, religious, diplomatic, financial and constitutional issues slackened thereafter.”). See HOLMES & SZECZI, supra note 79, at 272 (“Whichever politician [in the 1750s] could convince the infantrymen of the Old Corps [Whig establishment] that he best represented their interests and ideals would win their support.”).
435 JOHN A. F. THOMSON, *THE TRANSFORMATION OF MEDIEVAL ENGLAND*, 1370-1529, at 81 (1983) (noting “the more clannish nature of society” in Northern England and how southern English folk believed the North to be a “strange and wild world”); see also HICKS, supra note 265, at 82–83 (describing the feudal system in Northern England); see also Storey, supra note 434, at 106 (“The problem of keeping order in the north [of England] remained until the end of the sixteenth century.”); but see ALAN MACFARLANE, *THE ORIGINS OF ENGLISH INDIVIDUALISM* 71 (1978) (calling Northern England a “supposedly more remote and backward upland area”).
Mountaneous Wales was infamous for “chronic lawlessness.” The Scottish Highlands remained clannish and disorderly into the mid-eighteenth century. And of course, the last coup attempt in British history came in 1745-46, when Highland chiefs brought their clansmen to fight under the banner of Stuart rebellion.

VI. ATTENUATED LOYALTIES AND THE INHIBITION OF COUP CONSPIRACIES

This Article proposes the following theory to explain long-term political stability in the “coup-free states.” By systematically weakening personal-loyalty relationships throughout the political-military establishment, the rule of law makes it inordinately difficult to assemble a grand criminal conspiracy aimed at the seizure of state power. When personal loyalties are strong, especially when those ties involve corrupt relationships, it is relatively safe for members of the same “in-group” to propose, discuss, and plan a new criminal enterprise. The suggestion may be considered and refused, or even dismissed out of hand, but the person offering the idea is unlikely to be turned in to the authorities. There are two main reasons for this: first, members of the same faction trust each other more than they trust “outsiders” who hold other state offices; and second, participants within a “corruption clique” could always retaliate by disclosing the criminal activities of their comrades. Moreover, even a large-scale conspiracy can be achieved, with perhaps only a few risky communications between different factions or cliques.

But in the absence of tightly-knit solidarity groups, crossing the threshold into a criminal solicitation or conspiracy (especially involving a serious felony such as treason) becomes fraught with peril. Under the rule of law, with systematically attenuated personal loyalties, people recognize the difficulties of assembling a conspiracy large enough to mount a coup d’État. At an implicit level, at least, people understand that if a member of the political-military establishment were approached about joining a coup conspiracy, he would, by balancing risks and rewards, almost certainly choose to disclose the plot to the authorities, rather than wholeheartedly join the conspirators. After all, if someone is eventually going to betray the plot, it might as well be oneself; otherwise, one runs a severe risk of being associated with treason. This is why even the first steps towards a coup conspiracy—overtures or proposals from one person to another, about using force to seize political power—appear to be exceedingly rare in rule-of-law states.

This section proceeds in the following six steps. First, it examines the coup d’état as a practical operation, requiring at least dozens, and more likely hundreds, of individual participants. Second, it shows

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437 Ralph A. Griffiths, Local Rivalries and National Politics: The Percies, the Nevilles, and the Duke of Exeter, 1452-55, 43 SPECULUM 589, 589 (1968); see also 1 POLLOCK & MAITLAND, supra note 251, at 224 (describing how wergild persisted in thirteenth-century Wales); see generally ROSS, supra note 436, at 407–08 (exemplifying some of the defiant Welsh clans).
438 TREVELYAN, supra note 77, at 391 (citing the “warlike organization of the tribes and the extra-legal allegiance to the chiefs” in Scotland); ANDERSON, supra note 425, at 136–37 (noting the continuing strength of lordship, and the persistence of feuding, in Scotland through the sixteenth century); HOLMES, supra note 259, at 21 (noting the “feudal” characteristics of eighteenth-century Scotland); see also HOLMES & SZECHI, supra note 79, at 218 (“Only after 1780 did economic criteria (i.e. how much rent they would pay) begin to play a major role in the relationship between most [Scottish] landlords and their tenants. Until then putative kinship, prolonged residence and the memory of ancient services rendered was at least as important.”).
439 See supra notes 80-84 and accompanying text.
440 See USLANER, supra note 6, at 49 (“Corruption, of course, depends upon trust – or ‘honor among thieves.’”).
441 Id. at 49–50 (“Entrance into a corruption network is not easy. Members of a conspiracy of graft cannot simply assume that others are trustworthy . . . . [C]orruption thrives on particularized trust, where people only have faith in their own kind (or their own small circle of malefactors) . . . . Clientelism reinforces strong in-group ties and hostility toward out-groups, paving the way for corruption.”).
442 See Lambsdorff, supra note 6, at 21 (explaining that partners in corruption are at the mercy of each other and constantly must fear being ousted by their colleagues).
443 See Luttwak, supra note 15, at 75 (describing the motivation for reporting a coup plot to the authorities: “[t]he natural thing [for a soldier] to do, therefore, is to report [the plot]”).
how personal-loyalty relationships are central to the organization of coups, as well as to the general phenomenon of corruption. Third, it presents two hypothetical scenarios, designed to pinpoint the obstacles to coup conspiracies under rule-of-law conditions. Fourth, it offers anecdotal evidence suggesting that within rule-of-law states, it is exceedingly difficult (and rare) for high-ranking officials to even suggest a coup d’état. Fifth, it explains how rule-of-law institutions inhibit popular revolutions as well as elite-led coups. Sixth, it applies a statistical test: if rule-of-law institutions inhibit coups d’état, and if the rule of law necessarily entails minimal corruption, we would expect to find that stable or “coup-free” states exhibit particularly low levels of corruption. In fact, as we will find, the correlation between stability and low corruption is robust. Coups and corruption go together, because both emanate from the same basic source: relationships of personal loyalty that undermine, subvert, and defeat impersonal rules.

A. Planning and Executing a Coup d’État

What allows a relatively small, subordinate minority to overthrow established leaders? Edward Luttwak is an entertainingly blunt, Romanian-born defense intellectual. In his classic study—Coup d’État: A Practical Handbook—Luttwak details the basic strategy.444 Coup organizers seize critical government and communications facilities, and instantly publicize their victory in order to dissuade challenges.447 In other words, they race to make their new order a fait accompli.

In Luttwak’s presentation, coups are complex games, based ultimately upon bluff, psychology, and momentum. Luttwak considers, for example, how a coup d’état appears from the perspective of an ordinary soldier, loyal to the existing leadership. As the coup gets under way, this soldier may notice some odd or unusual events, but continues performing his job.448 He might even fire his weapon at “rebel” units. At some point, though, enough evidence may accumulate to convince him that someone else is now in charge. Perhaps the presidential palace is in flames, and a new government is announcing itself over the radio. At that point, loyalists like him can feel isolated. Numerically, they may constitute a majority, but have no way of knowing that fact, communicating with each other, or combining efforts. Rather than fight the new regime by themselves, scattered loyalists may accept what appears inevitable, and declare their support.449 As they do, the coup gains momentum. Every successful coup d’état passes a “tipping point,” after which it becomes nearly irresistible.

Coordination is critical. Each coup participant must take drastic and highly criminal steps—like leading an armed assault against major government facilities—and hope that coconspirators execute their missions. Only a unitary, sudden, and overwhelming onslaught will convince the security forces and mass public to fold. While it is difficult to pinpoint the exact number of people required to stage a coup, the number appears to be in the hundreds.450 Just as a blitz intimidates regimes and their loyalists, it also misleads observers. Academics and journalists routinely discuss coups as essentially bureaucratic maneuvers, whereby “the military” decides to “intervene in politics.”451 This apparently sophisticated location vastly overstates the degree of coordination and consensus. Tellingly, this single-actor narrative is rarely used when coups fail,

444 LUTTWAK, supra note 15, passim.
445 Id. at 128 (noting that the “need to provide the bureaucracy and the masses with visual evidence of the reality and power of the coup” can make it critical to seize symbolically important public buildings).
446 See id. at 118 (describing how “control over the flow of information emanating from the political centre” is the most important way for coup organizers to establish their authority).
447 Id. at 168 (noting that one of the main reasons for controlling the media is to “discourage resistance”).
448 Id. at 150 (“When army officers find themselves doing unusual things, their natural reaction is to try and fit them into familiar patterns; the most familiar pattern of all will be to arrive at the conclusion that the ‘politicians are guilty of yet another ‘mess’. ‘”).
449 See id. at 168 (explaining that a major obstacle to active resistance is created when individual opponents are isolated, “cut off from friends and associates,” and prevented from hearing news about other resistance); id. at 122–23 (noting that road blocks can delay the arrival of loyalist military forces until coup organizers have “received the allegiance of the bulk of the state bureaucracy and military forces,” which turns the loyalist forces into an “isolated band of rebels”).
450 See DAVID HEEDICH & KEN CONNOR, HOW TO STAGE A MILITARY COUP: FROM PLANNING TO EXECUTION (2008).
451 NORDLINGER, supra note 236, passim.
because in those cases, it is usually obvious that some armed forces resisted the coup. Roughly half of all coups go down in flames. Even when conspirators prevail, this model is hopelessly inaccurate. Every coup is a miniature, chaotic, and unpredictable civil war.

B. COUPS, CORRUPTION, AND TRUST

Trust and strong personal relationships are essential to organizing a coup d’état. Luttwak acknowledges that “friendship” and a “shared political outlook” can foster conspiracies, but finds recruitment usually based upon “family, clan and ethnic links.” Bruce Farcau worked as a U.S. Foreign Service Officer, and experienced two coups while stationed in Bolivia. “It is my opinion,” he writes, “that personal ambition of individual officers and the subsequent struggle of the factions which form around the most charismatic ones have far greater relevance than most social theorists have recognized.” Samuel Decalo describes the typical African army as “a coterie of distinct armed camps,” where soldiers owe personal allegiance to commanders, and coup plotters are motivated by “ambition, fear, greed, and vanity.” Africans themselves do not interpret coups as coordinated military actions, he comments, but rather the spectacular emergence of certain factions to power and privilege. Coup leaders frequently offer high-minded justifications—like corruption or poor economic performance—but Decal is skeptical. Often, new regimes prove just as corrupt as their predecessors. In fact, Decalo detects a close connection between corruption and coups d’état. No leader, he points out, can afford to antagonize officers “intent at social plunder” who are “backed by personal loyalty pyramids.”

Personal loyalties are central to coup conspiracies, but also to the phenomenon of corruption more generally. As a bureaucrat in Ghana reported, if a man refused to “fix” things for family members, he “would be regarded as a bad man and members of the family might refuse to have anything to do with him again.” “Even if I wanted to avoid the practice of awarding contracts on the basis of favoritism,” a Nigerian official has commented, “I could not. My people would say that I am selfish and foolish.” The causal arrow goes both ways: personal relationships foster corruption, while corruption builds personal trust. For example, when customs officials accept bribes from drug smugglers (an obvious temptation and a common problem), they are committing serious crimes. In Mexico and Colombia, for example, warlords buy police officials and judges, effectively recruiting them into their private armies. In order to avoid criminal prosecution in turn, corrupt officials may need to share the proceeds with coworkers, supervisors, or law enforcement agents. Offering a bribe—especially to an unfamiliar party—is risky. The other party can

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452 See Steven David, Defending Third World Regimes from Coups d’État 4 (1985) (“While exact figures are difficult to establish, it is generally agreed that since World War II there have been more than one hundred successful coups and about as many unsuccessful attempts.”).
453 Luttwak, supra note 15, at 75.
454 Farcau, supra note 15, at 38.
455 Samuel Decalo, Coups and Army Rule in Africa: Motivations and Constraints 6 (2nd ed. 1990).
456 Id. at 6–7.
457 Id. at 7–8.
458 Id. at 288.
459 Price, supra note 347, at 56–82.
460 Smith, supra note 347, at 65.
461 E.g., Guy Gugliotta & Jeff Leen, Kings of Cocaine: Inside the Medellín Cartel 243–53 (1989) (recounting the Medellin cartel’s power to bribe policemen, judges, politicians, and others, and thereby warp the functioning of legal institutions); Enrique Desmon Arias, Drugs & Democracy in Rio de Janeiro: Trafficking, Social Networks, & Public Security 1–2 (2006) (describing similar patterns in Colombia, Jamaica, Peru, Mexico, and Brazil).
462 Paul Chevigny, The Edge of the Knife: Police Violence in the Americas 233–36 (1995); Stanley Pimentel, The Nexus of Organized Crime and Politics in Mexico, in Organized Crime and Democratic Governability: Mexico and the U.S.-Mexican Borderlands 33, 41–42 (John Bailey & Roy Godson eds., 2000). See also Arias, supra note 461, at 44,185 (“Police who make money from criminals and can deliver better pay-offs to corrupt superiors may be more likely to obtain promotions to powerful positions in the security hierarchy. Frequently, [Mexican] police take payment from traffickers in order to fulfill their bribe ‘quota’ to higher-ranking officers.”).
report the incident or demand more. Once a regular pattern of sharing illicit dividends arises, though, the danger ebbs, because each partner has exposed himself to criminal sanctions. At this point, the “insiders” share a common danger and purpose, and try to keep “outsiders” at bay.\textsuperscript{463}

C. COST-BENEFIT CALCULATIONS: TWO HYPOTHETICAL SCENARIOS

Coups are difficult and perilous in any setting. In rule-of-law societies with systematically weakened personal-loyalty relationships, individual cost-benefit considerations make it practically impossible to organize a coup d’état.

We might consider a hypothetical scenario: one senior U.S. Army officer (“General #1”) approaches another (“General #2”) about using military force to depose the President. How would General #2 respond? Even if he finds the President politically objectionable, his personal interests militate against entering a conspiracy.

On the one hand, the dangers are self-evident. This could be a setup, just to test his loyalty. Even if the solicitation is genuine, the obstacles to success would seem enormous, verging on insurmountable. After all, this is not Haiti, Thailand, or Equatorial Guinea, but the United States of America, where no one has ever attempted a coup! Who knows if it could actually work? Even in unstable states, coups fail about as often as they succeed. To have any chance, Generals #1 and #2 would have to enlist many other officers, including field-level commanders, any of whom could betray the plot.

Supposing the plan worked, then what? Presumably, General #2 would play some prominent role in the new regime. But how long would it last? Outrage within the public, political establishment, and non-participating military forces might spark a swift counterrevolution. Or, the new junta might govern for a period, only to lose their grip later. Through any number of routes, General #1 and General #2 could find themselves court-martialed and punished as traitors. Conceivably, of course, Generals #1 and #2 could govern brilliantly and usher in a golden age, and posterity might add their heads to Mount Rushmore. But for this to happen, a lot has to go perfectly, and almost nothing can go wrong. Taking all the risks into account, the case for entering a conspiracy appears dubious at best.

On the other hand, consider the alternative: General #2 could simply report General #1. By foiling the plot and preserving democracy, General #2 will probably enjoy a period of media stardom and, potentially, a bright political future: he might easily find himself on the short list for President or Vice-President. This road to power is much straighter, while incurring few if any risks.

Viewed in this light, it appears wondrous that anyone pulls off a coup d’état. And yet, a drumbeat of coups persists around the globe. The crucial factors are personal trust and the closely related power to derail justice. Consider two other military leaders, General A and General B. If they are brothers, cousins, old friends, or patron-client, they are more likely to collaborate. If Generals A and B are skimming money from military procurement contracts, each is less likely to inform the authorities about any matter, because the other could easily retaliate by disclosing everything. If General A is a “warlord” or “big man,” controls a private army of loyalists, poses a clear threat to anyone who crosses him, and can bribe or threaten judges, no one will lightly betray his confidence. The more such conditions apply, the more likely General B would go along, if General A begins talking about a coup d’état.

D. CONSPIRACIES AND SOLICITATION EPISODES

Fortunately, we are not limited to hypothetical scenarios and thought experiments to probe the difficulties of organizing a coup under rule-of-law conditions. Under the theory presented in this Article, we might imagine that over a long period of time, certain individuals would still be tempted to propose a coup, particularly during moments of national or personal crisis. If so, how did they go about it, and what happened? Does such evidence support or contradict our theory?

We find three telling vignettes from the histories of coup-free states. A short-lived coup conspiracy appeared in Venice in the early fifteenth century, and in the United States, we can identify two

\textsuperscript{463} See supra notes 4-8 and accompanying text.
interesting “solicitation episodes,” in which senior officials appear to be suggesting, proposing, or insinuating a *coup d'état*. (This discussion does not purport to present a complete list of conspiracies and “solicitation episodes” within coup-free states. From all indications, however, such events appear to be rare.)

The first episode took place in Venice in 1413.464 (This was 103 years after the last Venetian coup attempt, and 58 years after the major conspiracy of 1355.) Two rich commoners, named D’Anselmo and Baldovino, tried to get themselves ennobled.465 (Through a seldom-used procedure, men could be elected into the nobility and Great Council.) After failing, the two men vented their frustrations to each other, and their talk turned treasonous. D’Anselmo and Baldovino agreed to organize their followers, and in two days, to massacre the nobles emerging from the Great Council.466 After they parted, D’Anselmo panicked. Hearing his words echoing in his ears, he agonized about possible eavesdroppers and decided there was only one way to save himself.467 He went straight to the authorities and spilled the whole story.468 They seized Baldovino, tortured him, and at eight o’clock the next morning, executed him. D’Anselmo, the informer, was pardoned and ennobled.469

The second episode took place during the U.S. Civil War, when General George McClellan apparently contemplated opposing President Lincoln by force. A Democrat, McClellan commanded the largest Union army in the East.470 Newspapers called him “Young Napoleon” because of his physical resemblance and magnetic hold over soldiers.471 “By some strange operation of magic,” McClellan wrote in the summer of 1861, “I seem to have become the power of the land. I almost think that were I to win some small success now, I could become Dictator or anything else that might please me—but nothing of that kind would please me—therefore I won’t be Dictator.”472

After the Emancipation Proclamation in September 1862, opposition to Lincoln among certain Northerners grew virulent. Racists were particularly incensed.473 Democratic groups like the “Knights of the Golden Circle”474 and the “Sons of Liberty”475 murmured about forcing an end to the war. Republicans called them “Copperheads.”476

At this time, General McClellan invited three fellow generals to dinner. He told them that his admirers were urging him to take a public stand against emancipation, and that his troops were ready to follow.477 The generals were shocked. They pleaded with him to avoid any confrontation with the President, and told him that no soldier would stand by him.478 McClellan agreed, but may have been probing their attitudes.479

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464 2 HAZLITT *supra* note 29, at 818–819.
465 *Id.*
466 *Id.* at 819 (detailing their conversation and plan).
467 *Id.* (“The sound of his own voice threw him into a cold sweat. He conceived it more than possible that they might have been overheard, and that they were betrayed . . . . [H]e knew that there was only one method of escaping from the danger.”).
468 *Id.*
469 *Id.*
473 JENNIFER L. WEBER, COPPERHEADS: THE RISE AND FALL OF LINCOLN’S OPPONENTS IN THE NORTH 8 (2006) (explaining that after the Emancipation Proclamation, more Democrats joined in opposition against Lincoln because they were “deeply racist”).
474 *Id.* at 25.
475 *Id.* at 128.
476 *Id.* at 7–8.
478 SEARS, *supra* note 471, at 326.
A few weeks later, General McClellan was relieved of command, and his career took a thoroughly constitutional course. McClellan won the Democratic nomination for President in 1864, promising to negotiate with the Confederacy. In a purely Northern election, Lincoln won in a landslide. The third episode occurred in the 1970s. During the Watergate crisis, rumors circulated around Washington that President Nixon might call on the military for support against impeachment. Nixon may have contemplated the idea, but the evidence is sketchy.

Admiral Elmo Zumwalt described an alarming meeting between President Nixon and the Joint Chiefs of Staff in December 1973. Nixon launched into a “big rambling monologue,” reported Zumwalt, about how “the Eastern liberal establishment was out to do us all in.” Nixon’s next suggestion was shocking. “We gentlemen here,” declared the President, “are the last hope, the last chance to resist . . . .” Zumwalt recalled:

I got the impression, he was sort of testing the water with us, to see whether there would be support—any nodding of heads—at some of these things. One could well have come to the conclusion that here was the Commander-in-Chief trying to see what the reaction of the Chiefs might be if he did something unconstitutional . . . He was trying to find out whether in a crunch there was support to keep him in power.

Stunned, Admiral Zumwalt conferred with Army General Creighton Abrams. Abrams said he would act as though the episode never occurred. If Zumwalt’s depiction is accurate, President Nixon appears to have floated a trial balloon, to see whether the military brass would support him in a coup d’état. Like McClellan, however, Nixon remained cagey and ambiguous, so as to give him plausible deniability. In both cases, the trial balloons popped instantly, and both men backed away.

These episodes are consistent with the theory presented here. The anecdote from Venice illustrates how risk-reward calculations under rule-of-law systems promote the disclosure of coup conspiracies to relevant authorities. The “solicitation episodes” from the United States demonstrate that high-ranking officials are not so uniformly virtuous that they refuse to contemplate an extra-constitutional adventure. Instead, officials cannot orchestrate a coup d’état because they fear to raise the topic in conversation.

E. AVERTING POPULAR UPRISINGS

This theory also explains the absence of spontaneous mass revolutions. Like any other coup plotters, street revolutionaries must attract followers, and face the same trust dilemmas. Moreover, revolutionaries appear heroic—and galvanize imitators—when they sacrifice their own safety to oppose a monstrous regime. After weathering decades of grim surveillance, for example, Eastern Europeans poured into the streets during the fall of 1989. Sheer numbers inspired hope, creating momentum. When portions of the security services refused to crack down, the regimes stepped aside. Humane governments under the rule of law, however, do not kindle sufficient outrage. Instead, they make revolutionaries seem dangerous. It is not credible to most people that the revolutionary overthrow of a legitimate rule-of-law government would enhance their safety or well-being. In established democracies, the closest parallels to insurrectionary violence are urban riots, like those that burned in Los Angeles in 1992 and Paris in 2005. Many such
episodes involve racial minorities, who feel aggrieved by systemic bias in the justice system. These rioters make cities momentarily ungovernable, but have no chance of toppling governments, partly because majority populations do not share their grievances.

Aside from public apathy, mass revolutions are impossible because no civilians—no matter how angry or militant—can effectively challenge the immense power of a united political-military establishment. Nineteenth-century British agitators, for example, simply lacked the organization or firepower to challenge the state. Popular revolutions, as many have argued, require factional divisions within the security forces. According to Lenin, “no revolution of the masses can triumph without the help of a portion of the armed forces.” A study of fifteen mass rebellions found that disloyalty and fragmentation within the security apparatus was critical for success. Unless the security forces divide, they can contain civilian unrest.

F. TESTING THE THEORY

If the theory articulated in this Article is correct (that rule-of-law institutions systematically attenuate personal-loyalty relationships within the military-political establishment, thereby inhibiting the formation of criminal conspiracies, up to and including a coup d’etat), we would expect to find that states exhibiting long-term stability would also exhibit low levels of corruption. Transparency International (“TI”), a Berlin-based think tank, ranks countries by their levels of governmental corruption, as perceived by country analysts and business people. (Corruption cannot be measured directly, because it is an illicit and generally secretive behavior. The TI Corruption Index probably represents the best method for measuring relative corruption rates around the world.) The following page shows the 2008 Corruption Index, from the highest perceived corruption to the lowest perceived corruption. The 22 “coup-free states”—the states that experienced no coups or serious coup attempts from 1961 through 2010—are in bold.

486 THOMIS & HOLT, supra note 24, at 126–27.
487 EDWIN LIEUWEN, ARMS AND POLITICS IN LATIN AMERICA 134 (1961).
490 Graphic by Ayelet Arbel, for this project.
491 See supra notes 135-56 and accompanying text.
As we can see, most of the coup-free states are clustered at the very bottom of the corruption index. Moreover, only coup-free states appear there. (Singapore, which has experienced no coups or coup attempts, has not yet experienced fifty years of independence; Hong Kong has never been independent.)

Admittedly, the correlation between corruption and coups is not absolutely perfect. Four coup-free states have somewhat higher corruption scores: Israel, Costa Rica, South Africa, and Mexico. Notably, these states are recent entrants to what we might call the “coup-free zone.” South Africa gained independence from Great Britain in 1934;\textsuperscript{492} Mexico saw a final coup attempt in 1938;\textsuperscript{493} Israel experienced one coup attempt in 1948, shortly after independence;\textsuperscript{494} and Costa Rica’s last coup attempt came in 1955.\textsuperscript{495}

\begin{table}[h]
\centering
\begin{tabular}{|l|l|}
\hline
\textbf{Most corrupt} & \textbf{Bold} = Coup-free states \\
\hline
1. Somalia & 46. Nicaragua \\
2. Myanmar & 47. Comoros \\
3. Iraq & 48. Uganda \\
4. Haiti & 49. Mozambique \\
5. Afghanistan & 50. Libya \\
6. Sudan & 51. Indonesia \\
7. Guinea & 52. Honduras \\
8. Chad & 53. Guyana \\
9. Equatorial Guinea & 54. Ethiopia \\
10. Congo, Democratic Republic & 55. Eritrea \\
11. Zimbabwe & 56. Vietnam \\
12. Uzbekistan & 57. Togo \\
13. Turkmenistan & 58. Sao Tome and Principe \\
15. Cambodia & 60. Nepal \\
17. Sierra Leone & 62. Niger \\
18. Guinea-Bissau & 63. Mauritania \\
19. Gambia & 64. Moldova \\
20. Congo, Republic & 65. Malawi \\
22. Azerbaijan & 67. Vanuatu \\
23. Angola & 68. Solomon Islands \\
24. Tajikistan & 69. Moldova \\
25. Papua New Guinea & 70. Belize \\
26. Laos & 71. Armenia \\
27. Ecuador & 72. Argentina \\
28. Côte d’Ivoire & 73. Tanzania \\
29. Central African Republic & 74. Rwanda \\
30. Belarus & 75. Mongolian \\
31. Serbia & 76. Lebanon \\
32. Russia & 77. Dominican Republic \\
33. Kenya & 78. Djibouti \\
34. Bangladesh & 79. Bulgaria \\
35. Timor-Leste & 80. Mali \\
36. Kazakhstan & 81. Kiribati \\
37. Yemen & 82. Jamaica \\
38. Philippines & 83. Guatemala \\
39. Iran & 84. Gabon \\
40. Cameroon & 85. Benin \\
41. Tonga & 86. Sri Lanka \\
42. Paraguay & 87. Lesotho \\
43. Liberia & 88. Benin and Togo \\
44. Ukraine & 89. Algeria \\
45. Pakistan & 90. Serbia \\
91. Senegal & 136. Bhutan \\
92. Panama & 137. Macau \\
93. Montenegro & 138. Bahrain \\
94. Madagascar & 139. Oman \\
95. India & 140. Mauritius \\
96. Albanian & 141. South Korea \\
97. Thailand & 142. Taiwan \\
98. Saudi Arabia & 143. Puerto Rico \\
99. Morocco & 144. Malia \\
100. Burkina Faso & 145. Botswana \\
101. Brazil & 146. United Arab Emirates \\
102. Trinidad and Tobago & 147. Israeli \\
103. Swaziland & 148. Dominica \\
104. Suriname & 149. Portugal \\
105. Peru & 150. Cyprus \\
106. Mexico & 151. Spain \\
107. Macedonia & 152. Saint Vincent and the Grenadines \\
108. China & 153. Qatar \\
110. Romania & 155. Slovenia \\
111. Colombia & 156. Uruguay \\
112. Ghana & 157. France \\
113. Greece & 158. Chile \\
114. El Salvador & 159. Barbados \\
115. Kuwait & 160. Saint Lucia \\
116. Cuba & 161. United States of America \\
117. Tunisia & 162. Japan \\
118. Samoa & 163. Belgium \\
119. Croatia & 164. Britain \\
120. Namibia & 165. Ireland \\
121. Turkey & 166. Norway \\
122. Poland & 167. Germany \\
123. Lithuania & 168. Hong Kong \\
124. Greece & 169. Austria \\
125. Seychelles & 170. Luxembourg \\
126. Italy & 171. Canada \\
127. South Africa & 172. Australia \\
128. Slovakia & 173. Netherlands \\
129. Latvia & 174. Iceland \\
130. Malaysia & 175. Switzerland \\
131. Jordan & 176. Finland \\
132. Hungary & 177. Singapore \\
133. Costa Rica & 178. New Zealand \\
134. Cape Verde & 179. Sweden \\
135. Czech Republic & 180. Denmark \\
\hline
\end{tabular}
\caption{Corruption Levels and the Coup-Free Zone}
\end{table}

\begin{flushright}
Source: Transparency International, 2008 Corruption Perceptions Index
\end{flushright}


\textsuperscript{493} See generally Cothran, supra note 153, at 34–48 (1994) (detailing the background leading up to the 1938 Mexican coup attempt).


Rica, South Africa, and Mexico, moreover, are the most tenuous coup-free states. During the past fifty years, coup plots have been rumored in Mexico,\textsuperscript{496} and Costa Rica,\textsuperscript{497} and black South Africans agitated for revolutionary change—but made no overt, highly plausible attempts to seize power.\textsuperscript{498} In 1994, South Africa’s white oligarchy peacefully relinquished power.\textsuperscript{499} If any of these 22 stable states revert to coups, it will almost certainly be Mexico, Costa Rica, or South Africa.

Still, the relationship between corruption and coups is strong. Is it sheer coincidence? The following chi-square test assesses this possibility.\textsuperscript{500} This table only includes the states that have remained fully independent from 1961 through 2010, and thus potential coup-free states. If coups and corruption were not associated, we would expect the coup-free states in the second column to be distributed roughly evenly between the high-corruption and low-corruption boxes, as the “states with coup events” are. Instead, all of them are in the low-corruption box, and the odds of this pattern arising by chance are less than 1 in 10,000.

As we can see, corruption and coups are closely associated. They both derive from the same basic source: relationships of personal trust and allegiance that weaken, warp, and defeat impersonal rules.

<table>
<thead>
<tr>
<th>Coups and Corruption</th>
<th>States with coup events</th>
<th>States without coup events</th>
</tr>
</thead>
<tbody>
<tr>
<td>High corruption</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>Low corruption</td>
<td>34</td>
<td>22</td>
</tr>
</tbody>
</table>

The probability of this pattern arising by chance is 1 in 10,000.

Chi square yielded p = 0.0001.

Only countries which functioned as effectively independent states during the entire period from 1961 to 2010, and which also appear on Transparency International’s 2008 Corruption Perceptions Index, appear on the table. “High corruption” refers to states in the more corrupt half of the index; “low corruption” refers to states in the less corrupt half. “Coup event” refers to any coup, coup attempt, or execution.

\footnote{496}{David F. Ronfeldt, \textit{The Mexican Army and Political Order since 1940}, in \textit{The Modern Mexican Military: A Reassessment} 63, 73 n.14 (David F. Ronfeldt ed., 1984).}

\footnote{497}{See Robert Rinehart, \textit{Historical Setting, in Costa Rica: A Country Study}, 1, 63 (Harold D. Nelson ed., 1983) (noting that plots to overthrow the government had allegedly been uncovered).}


\footnote{499}{Johnson & Schlemmer, supra note 155, at 12.}

\footnote{500}{Graphic by Ayelet Arbel, for this project.}
VII. CONCLUSION

The Most Serene Republic astonished the world, and British tranquility has provoked similar perplexity. As Jean-Louis de Lolme asked in 1791, what is the “secret force” keeping Britain stable? The mystery remains palpable, and now extends to a couple of dozen states around the world.

The standard answer—internalization of professional military values—is weak. This theory places enormous weight on the ephemeral capacities for selfless generosity and public spirit. Virtue theory requires a perfect education, instilled throughout the leadership classes, that counteracts basic self-interest, and persists for centuries. Moreover, it simply pushes the explanation back another level: why have the militaries of Venice, Britain, and the United States internalized “professional” norms, but the militaries of Honduras, Pakistan, and Guinea, among many others, have failed to do so?

A better answer is that the rule of law systematically attenuates personal loyalties, making coup conspiracies inordinately difficult to organize. Within rule-of-law states, a collective action problem inhibits the formation of nascent coup conspiracies within the military-political establishment. Within a rule-of-law state, it is unlikely that any official will dare approach even one other official about a coup d’état. As a practical matter, the idea disappears: it grows outlandish and absurd. No one can alter this dynamic, and constitutional government persists for decades and centuries.

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501 De Lolme, supra note 202, at 436.
502 See Karsten, supra note 218, at 155 (“Call it socialization or tradition, something has been at work in certain competitive democracies to preclude military coups.”).