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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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ARTICLE

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

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 lawmaking institutions must be fair and efficient).

⁶ ERIC M. USLANER, CORRUPTION, INEQUALITY, AND THE RULE OF LAW 49–50 (2008); see also Johann Graf Lambsdorff, *What Nurtures Corrupt Deals? On the Role of Confidence and Transaction Costs*, in CORRUPT EXCHANGES: EMPIRICAL THEMES IN POLITICS AND THE POLITICAL ECONOMY OF CORRUPTION 20, 20–36 (Donatella Della Porta & Susan Rose-Ackerman eds., 2002) (explaining that certain social structures allow corruption to thrive based on the advantage and “kinship” of group members).

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.¹⁰ Renaissance Venice was also renowned for its exceptionally fair and impartial legal system,¹¹ and eighteenth-century Britain enjoyed a similar reputation.¹² 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.¹³

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;¹⁴ similarly, scholars of the *coup d’état* have noted that coup organizers tend to draw upon the same “strong-tie” links to recruit followers.¹⁵ 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.¹⁶ Even in rule-of-law states with attenuated personal loyalties, of course, some corrupt activities occur within the political-military establishment.¹⁷ 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.¹⁸ 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.¹⁹

“Coup” is defined broadly here, as any forceful seizure of central government power by internal actors.²⁰ 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 LAMSDORFF, *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’ÉTAT: 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.²¹ This includes a *coup d'état* by military commanders, but also encompasses, for example, palace intrigue.²² 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,

²¹ *Id.*

²² *See id.*

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.”).

²⁴ See generally IAN GILMOUR, *RIOT, RISINGS AND REVOLUTION: GOVERNANCE AND VIOLENCE IN EIGHTEENTH-CENTURY ENGLAND* (1992); SIR DAVID LINDSAY KEIR, *THE CONSTITUTIONAL HISTORY OF MODERN BRITAIN SINCE 1485* (8th ed. 1966); MALCOLM I. THOMIS & PETER HOLT, *THREATS OF REVOLUTION IN BRITAIN, 1789-1848* (1977).

²⁵ NORWICH, *supra* note 23, at 1–12, 19, 31, 34, 40, 42, 62–63, 73, 106.

²⁶ AUBREY FEIST, *THE LION OF ST MARK: VENICE: THE STORY OF A CITY FROM ATTILA TO NAPOLEON* 109–13 (1971); 1 W. CAREW HAZLITT, *THE VENETIAN REPUBLIC: ITS RISE, ITS GROWTH, AND ITS FALL, A.D. 409-1797* 544–47 (1915).

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.”).

²⁹ 2 W. CAREW HAZLITT, *THE VENETIAN REPUBLIC: ITS RISE, ITS GROWTH, AND ITS FALL, A.D. 409-1797* 302–04 (AMS Press 1915).

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* ix–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).

³¹ PHILIP LONGWORTH, *THE RISE AND FALL OF VENICE* 175 (1974) (quoting Philippe de Commynes).

³² MARION LEATHERS KUNTZ, *The Myth of Venice in the Thought of Guillaume Postel*, in *VENICE, MYTH AND UTOPIAN THOUGHT IN THE SIXTEENTH CENTURY: BODIN, POSTEL AND THE VIRGIN OF VENICE* 507 (1999) (citing Jean Bodin).

Dutchman commented, the patricians “established themselves so well in their authority” after the conspiracy of 1355 that they faced no rebellions within the city.³⁴ The Enlightenment-era *Encyclopédie* lauded Venice for “an internal tranquility that has never altered.”³⁵

Venetians themselves branded their state a glorious exception.³⁶ 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.”³⁷ This was inaccurate, but nearly two centuries had passed since the 1355 plot was quashed, and faith in Venetian stability was growing unshakable.³⁸ 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.”³⁹

Through the years, a horde of commentators called Venice *perfect*.⁴⁰ “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.”⁴¹ A humanist called Venice “the most perfect magistracy” because it remained stable, even as other princes and governments fell amidst “cruelty, violence, and ambition.”⁴²

Many expected the perfect government to last forever.⁴³ A mercenary preferred to serve Venice over Milan, he said, because “the Duke of Milan was mortal, but Venice would never die.”⁴⁴ If anything human could be “perpetual and eternal,” said one chronicler, it would be Venice.⁴⁵ “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.”⁴⁶ A politician predicted his city’s concord would last “until the end of time.”⁴⁷ “Could any State on Earth Immortall be,” rhymed a seventeenth-century Englishman, “Venice by Her rare Government is she.”⁴⁸

³³ William Bouwsma, *Venice and the Political Education of Europe*, in *RENAISSANCE VENICE* 445, 454 (J.R. Hale ed., 1973) (quoting James Howell).

³⁴ ECO O.G. HAITSMA MULIER, *THE MYTH OF VENICE AND DUTCH REPUBLICAN THOUGHT IN THE SEVENTEENTH CENTURY* 151 (Gerard T. Moran trans., Van Gorcom 1980) (quoting Pieter De la Court).

³⁵ Bouwsma, *Venice and the Political Education of Europe*, *supra* note 34, at 455.

³⁶ GARRY WILLS, *VENICE: LION CITY* 367–68 (2001).

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.”).

³⁹ Alberto Tenenti, *The Sense of Space and Time in the Venetian World of the Fifteenth and Sixteenth Centuries*, in *RENAISSANCE VENICE* 17, 34 (J.R. Hale ed., 1973).

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...”); ZERA S. FINK, *THE CLASSICAL REPUBLICANS: AN ESSAY IN THE RECOVERY OF A PATTERN OF THOUGHT IN SEVENTEENTH CENTURY ENGLAND* 35 (1945) (noting that Venice appeared “the supreme example” of mixed government to Renaissance theorists); BOUWSMA, *VENICE AND THE DEFENSE OF REPUBLICAN LIBERTY*, *supra* note 23, at 160 (“Her [Venice’s] good order and her survival seemed unimpeachable evidence of perfection in a world where all else were swirling flux.”); THAYER, *supra* note 30, at 225 (“We may say of the Venetian oligarchy that as a working system it came nearer to perfection than any other form of government has come.”).

⁴¹ BOUWSMA, *VENICE AND THE DEFENSE OF REPUBLICAN LIBERTY*, *supra* note 23, at 162.

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.”).

⁴⁴ Michael Mallett, *Venice and its Condottieri, 1404–54*, in *RENAISSANCE VENICE* 121, 127–28 (J.R. Hale ed., 1973).

⁴⁵ BOUWSMA, *VENICE AND THE DEFENSE OF REPUBLICAN LIBERTY*, *supra* note 23, at 90 (quoting Marcantonio Sabellico).

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 TRANSFIGURED: 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 Sabellico'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 seen or read of up to now").

⁵⁰ Gilbert, *supra* note 49, at 487 (quoting Francesco Guicciardini, a sixteenth-century Florentine).

⁵¹ PATRICIA H. LABALME & LAURA SANGUINETI WHITE, *VENICE, CITÀ EXCELENTISSIMA: 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).

⁵⁴ NORWICH, *supra* note 23, at 459–60.

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.

⁶⁴ H.R. Trevor-Roper, *Doge Francesco Foscari*, in THE ITALIAN RENAISSANCE 263–67 (J.H. Plumb ed., 2001); 2 HAZLITT, *supra* note 29, at 966–86.

⁶⁵ Richard Mackenney, *A Plot Discover'd? Myth, Legend, and the "Spanish" Conspiracy against Venice in 1618*, in VENICE RECONSIDERED: THE HISTORY AND CIVILIZATION OF AN ITALIAN CITY-STATE 1297-1797, at 195 (John Martin & Dennis Romano eds., 2000).

talked, perhaps too carelessly, about slaughtering the Great Council, seizing the Piazza San Marco, and plundering the opulent palaces.⁶⁶ Supposedly, the Spanish Viceroy in Naples sponsored the plan—which was dubbed the “Spanish Conspiracy”—but the evidence is ambiguous.⁶⁷ In any case, nothing happened, except that one morning three mercenary leaders were found dangling from a gibbet.⁶⁸ According to some reports, the Ten quietly executed 300 men.⁶⁹ Survivors fled. Even if we call this a “coup plot,” because the participants were Venetian hirelings, it never flowered into an overt revolutionary attempt.⁷⁰

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 1761.⁷¹ 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.⁷² 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.”⁷³ 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 1470–71.⁷⁴ Volatility persisted through the 1600s: a coup attempt in 1601,⁷⁵ a period of coups, civil wars, and coup attempts lasting from 1642 to 1660,⁷⁶ a quashed rebellion in 1685,⁷⁷ and a successful revolution in 1688⁷⁸ 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”).

⁷³ BRYAN BEVAN, KING RICHARD II 158 (1990).

⁷⁴ *Henry IV*, 5 THE NEW ENCYCLOPEDIA BRITANNICA 837–38 (2003); *Percy, Sir Henry*, 9 THE NEW ENCYCLOPEDIA BRITANNICA 282; *Henry IV*, 5 THE NEW ENCYCLOPEDIA BRITANNICA (GLOBAL) 837–38; *Henry V*, 5 THE NEW ENCYCLOPEDIA BRITANNICA 838–39; *Cade, Jack*, 2 THE NEW ENCYCLOPEDIA BRITANNICA 712–13; *Henry VI*, 5 THE NEW ENCYCLOPEDIA BRITANNICA 839; *Edward IV*, 4 THE NEW ENCYCLOPEDIA BRITANNICA 377–78; *Richard III*, 10 THE NEW ENCYCLOPEDIA BRITANNICA 44; *Henry VII*, 5 THE NEW ENCYCLOPEDIA BRITANNICA 839–40; *Warbeck, Perkin*, 12 THE NEW ENCYCLOPEDIA BRITANNICA 492; *Edward VI*, 4 THE NEW ENCYCLOPEDIA BRITANNICA 378; *Edward VI*, 4 THE NEW ENCYCLOPEDIA BRITANNICA 378; *Mary I*, 7 THE NEW ENCYCLOPEDIA BRITANNICA 899; *Wyat, Sir Thomas*, THE NEW ENCYCLOPEDIA BRITANNICA 12, 785; *Elizabeth I*, 18 THE NEW ENCYCLOPEDIA BRITANNICA 245; ALISON WEIR, LANCASTER AND YORK: THE WARS OF THE ROSES 197–205, 244–45, 348–65 (1995); Michael K. Jones, *The Myth of 1485: Did France Really Put Henry Tudor on the Throne?*, in THE ENGLISH EXPERIENCE IN FRANCE C. 1450–1558: WAR, DIPLOMACY AND CULTURAL EXCHANGE 90, 101 (David Grummitt ed., 2002).

⁷⁵ *See* CATHERINE DRINKER BOWEN, THE LION AND THE THRONE: THE LIFE AND TIMES OF SIR EDWARD COKE 134 (1956) (describing the 1601 coup attempt).

⁷⁶ DEREK HIRST, ENGLAND IN CONFLICT, 1603–1660: KINGDOM, COMMUNITY, COMMONWEALTH (1999).

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.”⁷⁹ The Jacobites mounted serious rebellions in 1715 and 1745, but their realistic hopes died at Culloden Field in April 1746.⁸⁰

Since 1746, Britain has seen two and a half centuries of legal and orderly transitions from one governing ministry to the next.⁸¹ 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.”⁸² 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.⁸³ Despite lingering Jacobite sympathies, no English Tories joined the 1745-46 rebellion.⁸⁴ Historians call 1688 the “last English revolution,”⁸⁵ and contend that no genuine revolutionary situations arose in England or Wales after 1689.⁸⁶

Politics became unusually nonviolent in eighteenth-century England. No politicians were assassinated.⁸⁷ Ministers who fell from power—at least after 1716—were not threatened.⁸⁸ Except in duels, politicians no longer tried to kill opponents.⁸⁹ After the post-1746 executions, no political offenders paid with their lives.⁹⁰ Even impeachment fell into disuse.⁹¹ 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.”⁹² 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.”⁹³

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.⁹⁴

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.⁹⁵ The army decisively quelled the “Gordon

⁷⁹ GEOFFREY HOLMES & DANIEL SZECHI, *THE AGE OF OLIGARCHY: PRE-INDUSTRIAL BRITAIN, 1722-1783* 97 (1993) (noting the “continuous series” of Jacobite conspiracies and revolts which were hatched, exploded, or investigated in 1689-90, 1692, 1695-96, 1704, 1706-08, 1709-10, 1713-14, 1714-15, 1716-17, 1720-22, 1725-27, 1730-32, 1743-44, 1750-52, and 1758-59).

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* THOMIS & 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).

⁸² J.H. PLUMB, *SIR ROBERT WALPOLE: THE MAKING OF A STATESMAN* 15 (1956).

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.

⁸⁶ CHARLES TILLY, *CONTENTION AND DEMOCRACY IN EUROPE, 1650-2000* 133-67 (2004).

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 & SZECHI, *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 1780.⁹⁶ There was a constitutional standoff between the Crown and leading politicians in 1782-84, but violence remained remote and implausible.⁹⁷

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.⁹⁸ Rioting erupted in October 1795, and two naval mutinies—mostly over sailors’ pay and conditions—broke out in 1797.⁹⁹ On the whole, however, French-inspired plotting proved ineffective. Government spies consistently infiltrated subversive cabals.¹⁰⁰ 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.”¹⁰¹ Most reformers sought incremental change from within.¹⁰² In any case, there were no serious attempts to seize power through force.¹⁰³

The 1810s witnessed another wave of popular radicalism and conspiracy. “Luddites” rioted in northern England, destroying new-fangled machines.¹⁰⁴ Poor harvests brought food riots, as well as alarming instances of military-style drilling, oath-taking, and attacks on arms depots by local groups.¹⁰⁵ There were a few revolutionary actions—but none can be counted serious threats to established order.¹⁰⁶ In 1816, a small cabal of militants looted gunsmiths’ shops and attacked the Tower of London. They were easily repulsed.¹⁰⁷ Radicals planned a national uprising for June 1817. A government agent informed the authorities, who preemptively arrested the ringleaders.¹⁰⁸ 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.¹⁰⁹ 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 1820.¹¹⁰ 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.¹¹¹ Police arrested the conspirators; Thistlewood and four confederates were hanged.¹¹²

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).

⁹⁸ ANN LYON, *CONSTITUTIONAL HISTORY OF THE UNITED KINGDOM* 309 (2003).

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 2 R.R. PALMER, *THE AGE OF THE DEMOCRATIC REVOLUTION: A POLITICAL HISTORY OF EUROPE AND AMERICA* 56 (1964); SPENCER R. WEART, *NEVER AT WAR: WHY DEMOCRACIES WILL NOT FIGHT ONE ANOTHER* 270 (1998); THOMIS & HOLT, *supra* note 24, at 28.

¹⁰² 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).

¹⁰³ GILMOUR, *supra* note 24, at 442–43 (no “revolutionary situation or opportunity” arose from 1780 to 1800).

¹⁰⁴ LYON, *supra* note 98, at 316.

¹⁰⁵ *Id.*

¹⁰⁶ EVANS, *supra* note 100, at 195–96 (describing the authorities’ “ability to nip trouble in the bud” with “bevvies 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”).

¹⁰⁷ EVANS, *supra* note 100, at 193–94; LYON, *supra* note 98, at 317.

¹⁰⁸ THOMIS & HOLT, *supra* note 24, at 46–47.

¹⁰⁹ *Id.* at 46–49; EVANS, *supra* note 100, at 194–95.

¹¹⁰ LYON, *supra* note 98, at 317.

¹¹¹ EVANS, *supra* note 100, at 194.

¹¹² *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.¹¹³ 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.¹¹⁴ Rioting erupted in various cities; a mob held Bristol for three days. The following May, the Lords again blocked reform.¹¹⁵ Mass demonstrations and riots followed, and rumors swarmed of insurrection.¹¹⁶ The Birmingham Political Union—with an army of 1500 men and muskets, at least on paper—pledged itself to an uprising, if necessary.¹¹⁷ It proved unnecessary. In the face of disorder, reform passed. Earl Grey, the Prime Minister, argued reform would “prevent the necessity for revolution.”¹¹⁸ King William IV pressured reluctant Tory Lords, and the Reform Act became law.¹¹⁹ “Rotten boroughs” lost seats in Parliament, cities gained them, and the franchise widened.¹²⁰ Now, one in five men could vote.¹²¹

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.¹²² Chartists mounted serious demonstrations, riots, and strikes between 1838 and 1848, as militants urged their followers to “arm, arm, arm.”¹²³ Some gatherings displayed weapons and discharged guns; shadowy coup plots developed.¹²⁴ No one—including Chartists themselves—knew whether demonstrations would descend into riots, or whether rioting could bring revolution.¹²⁵ Chartists attacked a hotel in Newport in 1838, but soldiers and local authorities chased them away.¹²⁶ Chartist violence remained mostly rhetorical. Ultimately, Chartist activities proved less menacing than the disturbances of 1831–32.¹²⁷ 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.¹²⁸ In Britain, revolutionary talk was primarily tactical, designed to leverage fear into political gain.¹²⁹ In 1832 at least, the bluff worked. After 1848, even militant language went into decline. As workers won rights, prospects for revolt dimmed.¹³⁰

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 1688? Scholars agree: there were not. The British military has been well-behaved and solidly

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 ACCESSION 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.¹³¹ From time to time, mere murmurs have sounded. A small conspiracy formed within one army battalion in 1802-03, but never bloomed.¹³² During World War One, Prime Minister Lloyd George feared army commanders were plotting a coup, but this appears unlikely.¹³³ 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.”¹³⁴

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.

After Britain came the United States of America¹³⁵ and Sweden,¹³⁶ which have maintained independence and stability for over 200 years. Switzerland has witnessed over 150 years of stability.¹³⁷ Aside from these four states, the following eighteen states were the *only* states to remain stable and

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.

¹³⁵ Richard H. Kohn, *The Inside History of the Newburgh Conspiracy: America and the Coup d’Etat*, *THE WILLIAM AND MARY QUARTERLY* 187, 189 (1970) (describing the 1783 Newburgh incident as “the only known instance of an attempted coup in American history”); Richard H. Kohn, *The Constitution and National Security: The Intent of the Framers*, in *THE UNITED STATES MILITARY UNDER THE CONSTITUTION OF THE UNITED STATES, 1789-1989*, at 87 (Richard H. Kohn ed., 1991) (“No military force in the United States has ever risen up to . . . challenge constitutional procedures or the Constitution itself, nor has any political leader, so far as is known, ever attempted to use military force against the Constitution.”).

¹³⁶ See generally FRANKLIN D. SCOTT, *SWEDEN: THE NATION’S HISTORY* (1977); J.A. LAUWERYS, *SCANDINAVIAN DEMOCRACY: DEVELOPMENT OF DEMOCRATIC THOUGHT AND INSTITUTIONS IN DENMARK, NORWAY AND SWEDEN* (1958); DOUGLAS V. VERNEY, *PARLIAMENTARY REFORM IN SWEDEN 1866-1921* (1957); NEIL ELDER, ALASTAIR H. THOMAS, & DAVID ARTER, *THE CONSENSUAL DEMOCRACIES? THE GOVERNMENT AND POLITICS OF THE SCANDINAVIAN STATES* (1982) (detailing Swedish stability since the early nineteenth century).

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,¹³⁸ the Netherlands,¹³⁹ Luxembourg,¹⁴⁰ Norway,¹⁴¹ Denmark,¹⁴² Finland,¹⁴³ Iceland,¹⁴⁴ Germany,¹⁴⁵ Austria,¹⁴⁶ Japan,¹⁴⁷ Canada,¹⁴⁸ Australia,¹⁴⁹ New Zealand,¹⁵⁰ Ireland,¹⁵¹ Israel,¹⁵² Mexico,¹⁵³ Costa Rica,¹⁵⁴ and South Africa.¹⁵⁵ All other independent states during this period experienced coups and serious coup attempts.¹⁵⁶

¹³⁸ See generally ELS WITTE, JAN CRAEYBECKX, & ALAIN MEYNEN, *POLITICAL HISTORY OF BELGIUM FROM 1830 ONWARDS* 26 (Raf Casert trans., 2000); STEPHEN B. WICKMAN, *BELGIUM: A COUNTRY STUDY* (1984); E.H. KOSSMAN, *THE LOW COUNTRIES 1780-1940* (1978) (detailing Belgian history).

¹³⁹ AREND LUPHART, *THE POLITICS OF ACCOMMODATION: PLURALISM 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.”).

¹⁴⁰ See generally JAMES NEWCOMER, *THE GRAND DUCHY OF LUXEMBOURG: THE EVOLUTION OF NATIONHOOD, 963 AD TO 1983* (1984) (giving a historical perspective on Luxembourg’s evolution).

¹⁴¹ See generally J.A. LAUWERYS *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.”).

¹⁴⁴ See generally J.A. LAUWERYS *supra* note 136; ELDER et al., *supra* note 136; GUNNAR KARLSSON, *THE HISTORY OF ICELAND* (2000) (detailing Iceland’s history).

¹⁴⁵ See generally 20 *THE NEW ENCYCLOPEDIA BRITANNICA* 116–18 (15th ed. 2002); FEDERAL RESEARCH DIVISION, LIBRARY OF CONGRESS, *GERMANY: A COUNTRY STUDY* (Eric Solsten ed., 1996) (describing German history).

¹⁴⁶ See generally 14 *THE NEW ENCYCLOPEDIA BRITANNICA* 537 (15th ed. 2003); Melanie A. Sully, *The Austrian Way? in THE AUSTRIAN PARTY SYSTEM* (Anton Pelinka & Fritz Plasser eds., 1989); FOREIGN AREA STUDIES, AMERICAN UNIVERSITY, *AUSTRIA: A COUNTRY STUDY* (Eric Solsten & David McClave eds., 1994) (providing background for the evolution of Austria).

¹⁴⁷ See generally 22 *THE NEW ENCYCLOPEDIA BRITANNICA* 306–307 (15th ed. 2002); FOREIGN AREA STUDIES, AMERICAN UNIVERSITY, *JAPAN: A COUNTRY STUDY* (Ronald E. Dolan & Robert L. Worden eds., 1992) (explaining Japanese history).

¹⁴⁸ See generally CAROLYN J. TUOHY, *POLICY AND POLITICS IN CANADA: INSTITUTIONALIZED AMBIVALENCE* (1992); MALCOLM ALEXANDER & BRIAN GALIGAN, *COMPARATIVE POLITICAL STUDIES: AUSTRALIA AND CANADA* (1992) (detailing Canadian history).

¹⁴⁹ See generally MALCOLM TURNBULL, *THE RELUCTANT REPUBLIC* (1993); F.G. CLARKE, *AUSTRALIA: A CONCISE POLITICAL AND SOCIAL HISTORY* (1992); Gary Smith, *The State and the Armed Forces: Defence as Militarism, in SOCIETY, STATE AND POLITICS IN AUSTRALIA* (Michael Muetzelfeldt, ed., 1992) (describing Australian history).

¹⁵⁰ See generally GEOFFREY W. RICE, ED., *THE OXFORD HISTORY OF NEW ZEALAND* (1992) (explaining the history of New Zealand).

¹⁵¹ See generally JOHN COAKLEY & MICHAEL GALLAGHER, *POLITICS IN THE REPUBLIC OF IRELAND* (1992); NEIL COLLINS & FRANK MCCANN, *IRISH POLITICS TODAY* (1991); BILL KISSANE, *EXPLAINING IRISH DEMOCRACY* (2002) (describing Ireland’s history).

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).

¹⁵³ See generally DAN A. COTHRAN, *POLITICAL STABILITY AND DEMOCRACY IN MEXICO: THE ‘PERFECT DICTATORSHIP’?* (1994) FOREIGN AREA STUDIES, AMERICAN UNIVERSITY, *MEXICO: A COUNTRY STUDY* (James D. Rudolph ed., 1985) (explaining the absence of coups and coup attempts in Mexico since the 1930s).

¹⁵⁴ See generally FOREIGN AREA STUDIES, AMERICAN UNIVERSITY, *COSTA RICA: A COUNTRY STUDY* 57 (Harold D. Nelson ed., 1983); SETH ROLBEIN, *NOBEL COSTA RICA: A TIMELY REPORT ON OUR PEACEFUL PRO-YANKEE, CENTRAL AMERICAN NEIGHBOR* (1989); Philip Mauceri, *Nine Cases of Transitions and Consolidations, in DEMOCRACY IN THE AMERICAS: STOPPING THE PENDULUM* (1989) (illustrating the absence of coups and coup attempts in Costa Rica since 1955).

¹⁵⁵ See generally ROBERT M. PRICE, *THE APARTHEID STATE IN CRISIS: POLITICAL TRANSFORMATION IN SOUTH AFRICA 1975-1990* 9-10 (1991); R.W. JOHNSON & LAWRENCE SCHLEMMER, *LAUNCHING DEMOCRACY IN SOUTH AFRICA: THE FIRST OPEN ELECTION, APRIL 1994* 1, 11–12 (1996) (citing the absence of coups and coup attempts (despite revolutionary agitation) in South Africa since independence in the 1930s).

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.

Department Background Notes, available at <http://www.state.gov/r/pa/ei/bgn/>; (4) EDWARD LUTTWAK, COUP D’ÉTAT: A PRACTICAL HANDBOOK (1979) (Appendix C); (5) THE WORLD ALMANAC AND BOOK OF FACTS 2004 (2004); (6) TIME ALMANAC 2003 (Borgna Brunner ed., 2003); (7) On the 1970 coup attempt in Italy: FRANCO FERRARESI, THREATS TO DEMOCRACY: THE RADICAL RIGHT IN ITALY AFTER THE WAR 117-20 (1996); FREDERIC SPOTTS & THEODOR WEISER, ITALY: A DIFFICULT DEMOCRACY 172 (1986); (8) On the 1975 executive coup by Prime Minister Indira Gandhi in India: BIPAN CHANDRA, IN THE NAME OF DEMOCRACY: JP MOVEMENT AND THE EMERGENCY (2003); P.N. DHAR, INDIRA GANDHI, THE ‘EMERGENCY,’ AND INDIAN DEMOCRACY (2000); KATHERINE FRANK, INDIRA: THE LIFE OF INDIRA NEHRU GANDHI 373-410 (Boston: Houghton Mifflin Company, 2002); (9) On the 1996 coup attempt in North Korea: The Economist, *Echoes from the Hermit Kingdom* (May 22, 1999); C. Kenneth Quinones, *The 2nd US-North Korea Nuclear Crisis – Negotiations or War?*, Research Institute of Economy, Trade & Industry Seminar (July 2, 2003) available at <http://www.rieti.go.jp/en/events/bbl/03070201.html>, (last visited September 14, 2008); (10) On the 1987-1988 executive coup in Malaysia: ROBERT STEPHEN MILNE & DIANE K. MAUZY, MALAYSIAN POLITICS UNDER MAHATHIR 28-30 (1999); (11) On the ambiguous coup attempt in Taiwan in 1964: JAY TAYLOR, THE GENERALISSIMO’S SON: CHIANG CHING-KUO AND THE REVOLUTIONS IN CHINA AND TAIWAN 270 (2000); (12) On the ambiguous threat to the North Vietnamese regime posed by rebellions between 1977 and 1983: DOUGLAS PIKE, PAVN: PEOPLE’S ARMY OF VIETNAM 77-83 (1986).

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.”).

¹⁶⁰ BOUWSMA, VENICE AND THE DEFENSE OF REPUBLICAN LIBERTY, *supra* note 23, at 93.

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.¹⁶¹

Third, Venetians themselves believed that justice delivered peace.¹⁶² Through a high-quality, equitable, and impartial judiciary, even poor folk could vindicate their rights.¹⁶³ “[A]n injury done by a Venetian gentleman unto the least inhabitant of the city,” commented a Frenchman, “is right severely corrected and punished.”¹⁶⁴ An English observer attributed Venetian harmony to “justice dulie and equallie ministred.”¹⁶⁵

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-selling.¹⁶⁶ Stringent bookkeeping methods checked corruption within the city,¹⁶⁷ but many patricians sent to govern overseas territories pumped the locals for cash.¹⁶⁸ Baroque anti-cheating measures infused the electoral system.¹⁶⁹ 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.¹⁷⁰ Below them, the *cittadini* were eligible to hold civil service positions, but this class constituted only another 5% of the population.¹⁷¹ The Venetian *popolo* had essentially no role in

¹⁶¹ 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.”).

¹⁶² 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.”).

¹⁶³ LABALME & WHITE, *supra* note 51, at 115 (explaining that Venetian law applied equally to patricians and citizens).

¹⁶⁴ Bouwsma, *Venice and the Political Education of Europe*, *supra* note 33, at 455 (quoting Jean Bodin).

¹⁶⁵ J.R. Hale, *Editor’s Preface*, in *RENAISSANCE VENICE* 13, 13–14 (J.R. Hale ed., 1973).

¹⁶⁶ 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).

¹⁶⁷ 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).

¹⁶⁸ LONGWORTH, *supra* note 31, at 151 (noting that many administrators, “especially those overseas,” were corrupt).

¹⁶⁹ 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.”).

¹⁷⁰ BOUWSMA, *VENICE AND THE DEFENSE OF REPUBLICAN LIBERTY*, *supra* note 23, at 59–60.

¹⁷¹ *Id.*

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 crisscrossing 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

¹⁸⁵ DAVID CHAMBERS & BRIAN PULLAN, WITH JENNIFER FLETCHER, *VENICE: A DOCUMENTARY HISTORY, 1450-1630*, at 62 (1992) (quoting a dialogue by Francesco Guicciardini).

¹⁸⁶ *Id.*

¹⁸⁷ FINLAY, *supra* note 28, at 140.

¹⁸⁸ Everett & Queller, *supra* note 159, at 20.

¹⁸⁹ WILLS, *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”).

¹⁹⁰ BARON DE MONTESQUIEU, *THE SPIRIT OF THE LAWS* (Thomas Nugent trans., Hafner Publishing 1949) (1748).

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.¹⁹⁸ The public remains vigilant, and prone to mass hysteria over threats to liberty.¹⁹⁹ If any power violated the “fundamental laws,” he notes, “everyone would unite against that power.”²⁰⁰ 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.”²⁰¹

A few decades later, a Swiss-born lawyer named Jean-Louis de Lolme pondered the mysterious calm of Great Britain.²⁰² De Lolme moved to England as an adult, and published *The Constitution of England* in 1784.²⁰³

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.”²⁰⁴ 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.”²⁰⁵ 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.”²⁰⁶ In other words, England is distinctive because a *coup d’état* is impossible.²⁰⁷

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.²⁰⁸ Even amidst political ferment, “insuperable impediments” block those who might “raise themselves on the wreck of the governing authority.”²⁰⁹ A “secret force” goes to work, which “gradually brings things back to a state of moderation and calm.”²¹⁰ Those who “seem to have it in their power” to seize executive authority, he remarks, “are, somehow, prevented from entertaining thoughts of doing so.”²¹¹ 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

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).

²⁰² JEAN-LOUIS DE LOLME, *THE CONSTITUTION OF ENGLAND* (1793) (1784).

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.”²¹²

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.²¹³ No one would be able to subvert those conventions, he argued, without violating *other* laws, which are enforceable in court.²¹⁴ 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.²¹⁵ 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.”²¹⁶ 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.”²¹⁷

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.”²¹⁸

Like their counterparts in Venetian studies, the historians of England postulate a structural immunity to revolution, but fail to craft a convincing theory.²¹⁹ We hear that Crown, Parliament, and judiciary balance each other, ensuring that no one, “not even the monarch,” exceeds their boundaries.²²⁰ Radical groups have been too weak to challenge the British state,²²¹ 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.”²²²

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.²²³ 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.

²¹⁸ Peter Karsten, *The Coup d’État and Civilian Control of the Military in Competitive Democracies*, in TO SHEATH THE SWORD: CIVIL-MILITARY RELATIONS IN THE QUEST FOR DEMOCRACY 149, 155 (John P. Lovell & David E. Albright eds., 1977).

²¹⁹ See DE LOLME, *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.²²⁴

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.²²⁵

Samuel Huntington's 1957 work, *The Soldier and the State*, helped define the field of "civil-military relations."²²⁶ Huntington argues that Western states since the nineteenth century have developed what he calls "objective civilian control."²²⁷ The essence of objective control is "the recognition of autonomous military professionalism."²²⁸ This produces "professional attitudes and behavior among the members of the officer corps," rendering them "politically sterile and neutral."²²⁹ Civilian control is assured, writes Huntington, only when the armed forces are motivated by purely "military ideals."²³⁰

Samuel Finer's *The Man on Horseback: The Role of the Military in Politics*, published in 1962, presents another classic "internalization" account.²³¹ Finer explains that "military professionalism"²³² 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.²³³ When commanders grow immersed in complex technical tasks, Finer argues, they lose interest in politics.²³⁴ The "truly effective check" against a military coup, according to Finer, is a "firm acceptance of civilian supremacy."²³⁵

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."²³⁶

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

attempts. 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*.

²²⁴ LOUIS SMITH, *AMERICAN DEMOCRACY AND MILITARY POWER: A STUDY OF CIVIL CONTROL OF THE MILITARY POWER IN THE UNITED STATES* (1951).

²²⁵ *Id.* at 263.

²²⁶ SAMUEL P. HUNTINGTON, *THE SOLDIER AND THE STATE: THE THEORY AND POLITICS OF CIVIL-MILITARY RELATIONS* 74-84 (1957).

²²⁷ *Id.* at 83.

²²⁸ *Id.*

²²⁹ *Id.* at 83-84.

²³⁰ *Id.* at 74.

²³¹ S.E. FINER, *THE MAN ON HORSEBACK: THE ROLE OF THE MILITARY IN POLITICS* (1988).

²³² *Id.* at 20-26.

²³³ *Id.* at 79.

²³⁴ *Id.* at 21.

²³⁵ *Id.* at 26.

²³⁶ ERIC A. NORDLINGER, *SOLDIERS IN POLITICS: MILITARY COUPS AND GOVERNMENTS* 13 (1977).

and his colleagues recognized their Constitutional duties.²³⁷ 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.²³⁸ None of the “virtue theorists” explain in detail why or how professional values took root within certain states, but not others.²³⁹

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.²⁴⁰ Glaucon makes this point at the beginning of Plato’s *Republic*, when he tells the story of the Ring of Gyges.²⁴¹ 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.²⁴² 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.²⁴³ In essence, virtue theory claims that today’s mature democracies have achieved this Platonic ideal, with military guardians 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,”²⁴⁴ that “if men were angels, no government would be necessary,”²⁴⁵

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.

²⁴⁴ THE FEDERALIST NO. 6, at 35 (Alexander Hamilton) (Edward Gaylord Bourne ed., 1901).

²⁴⁵ THE FEDERALIST NO. 51, at 354 (James Madison) (Edward Gaylord Bourne ed., 1901).

and that the structure of government must remedy “the defect of better motives” through “opposite and rival interests.”²⁴⁶

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 pressing in the other direction.

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.²⁴⁷

Following A.V. Dicey, we might reasonably assume that the courts produce lawful government.²⁴⁸ 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.²⁴⁹ Eighteenth-century Britain established a similar reputation.²⁵⁰ 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,²⁵¹ rational inquiry,²⁵² public adversarial

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 or 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.”).

²⁴⁹ Bouwsma, *Venice and the Political Education of Europe*, *supra* note 33, at 455 (citing the general appreciation for the “excellence of [Venetian] laws, their strict enforcement and their impartial application to all classes”); LABALME & WHITE, *supra* note 51, at 115; Hale, *supra* note 165, at 13–14 (quoting Sir John Smythe regarding the “justice dulle and equallie ministred” in Venice).

²⁵⁰ ANTHONY BABINGTON, *THE RULE OF LAW IN BRITAIN FROM THE ROMAN OCCUPATION TO THE PRESENT DAY: THE ONLY LIBERTY* 179, 201 (3rd ed. 1995) (explaining how courts had become the “guardians of law”); see generally David Lemmings, *Introduction*, in *THE ENGLISH AND THEIR LAWS IN THE EIGHTEENTH CENTURY* 1 (David Lemmings ed., 2005); ESMÉ WINGFIELD-STRATFORD, *THE SQUIRE AND HIS RELATIONS* 92 (1956); GILMOUR, *supra* note 24, at 21, 434 (explaining the British legal system).

²⁵¹ 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).

²⁵² 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,²⁵³ procedural protections for criminal defendants,²⁵⁴ a legal profession closely intertwined with political elites,²⁵⁵ and an independent judiciary.²⁵⁶ In Venice and in Britain, all state actions were subject to legal scrutiny,²⁵⁷ and this “rule of law” brought low governmental corruption²⁵⁸ and economic prosperity.²⁵⁹

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.²⁶⁰ 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.²⁶¹ “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.”²⁶²

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.²⁶³ Royal courts

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).

²⁵⁴ Chojnacki, *Crime, Punishment, and the Trecento Venetian State*, *supra* note 161, at 221–23; THAYER, *supra* note 30, at 219–21; Cozzi, *supra* note 166, at 308–09 (detailing the rights of the defendant during interrogation and the accused’s right to counsel in Venice); see generally J.S. COCKBURN & THOMAS GREEN, TWELVE GOOD MEN AND TRUE: THE CRIMINAL TRIAL JURY IN ENGLAND, 1200-1800 (1988); F.W. MAITLAND, THE CONSTITUTIONAL HISTORY OF ENGLAND 221 (Cambridge University Press, 1963); JAMES HEATH, TORTURE AND ENGLISH LAW 46–48 (1982) (explaining the trial process and the rights of the accused 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; LYON, *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 & SZECHI, *supra* note 79, at 326; KEIR, *supra* note 24, at 373.

²⁵⁹ See NORWICH, *supra* note 23, at 155, 277–82; LONGWORTH, *supra* note 31, at 172–73 (describing the luxuries and wealth of Venice); see also GEOFFREY HOLMES, THE MAKING OF A GREAT POWER: PRE-INDUSTRIAL BRITAIN, 1660-1722 36, 52, 257–61, 356 (1993); HOLMES & SZECHI, *supra* note 79, at 133–43; EVANS, *supra* note 100, at 107–09 (describing rising British wealth in the eighteenth century).

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.

²⁶³ See generally R.C. VAN CAENEGEM, THE BIRTH OF THE ENGLISH COMMON LAW 10, 90–92 (1973) (noting how the organization of a central state occurred early in England); D.J.A. MATTHEW, THE NORMAN CONQUEST 10, 149–64, 268–72 (1966); MICHAEL POWICKE, MILITARY OBLIGATION IN MEDIEVAL ENGLAND 25 (1962); R.H.C. Davis, *The Norman Conquest*, in THE IMPACT OF THE NORMAN CONQUEST 123, 125–27 (C. Warren Hollister ed., 1969) (describing relatively efficient

dispensing “Common Law” became popular venues, as litigants sought to harness their power.²⁶⁴ Over the centuries, royal justice developed an increasingly firm and impartial presence across the country.²⁶⁵

Each state dispensed justice in a roughly egalitarian manner, without regard to social rank.²⁶⁶ In Venice, *nobiles* and *cittadini* did enjoy specific political privileges,²⁶⁷ 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.²⁶⁸ In England, the Common Law paid little attention to social estates and ranks.²⁶⁹ 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.²⁷⁰

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.²⁷¹ English juries determined questions of fact, and by the fifteenth and sixteenth centuries, jurors largely relied upon evidence presented in court.²⁷²

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.²⁷³

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”).

²⁶⁴ 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).

²⁶⁵ *See* MICHAEL HICKS, BASTARD FEUDALISM 123–24 (1995) (suggesting that the eleventh through seventeenth centuries probably witnessed a “gradual progression towards less partial administration of justice”); *see also* Ted Gurr, *Historical Trends in Violent Crime: A Critical Review of the Evidence*, 3 CRIME AND JUSTICE: AN ANNUAL REVIEW OF RESEARCH 295, 313 (1981) (combining data from numerous sources and finding that homicide rates in England dropped dramatically from 1200 to 1950, before rising relatively slightly in the late twentieth century).

²⁶⁶ *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*.

²⁶⁷ BOUWSMA, VENICE AND THE DEFENSE OF REPUBLICAN LIBERTY, *supra* note 23, at 59–60 (describing the privileges of the *nobili* and *cittadini* in public life).

²⁶⁸ 1 HAZLITT, *supra* note 26, at 629.

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

²⁷⁰ *E.g.*, RICHARD W. KAEUPER, WAR, JUSTICE, AND PUBLIC ORDER: ENGLAND AND FRANCE IN THE LATER MIDDLE AGES 364 (1988) (“English society showed a series of gradations merging one into another, an unbroken spectrum rather than a ladder of clearly stratified social ranks.”).

²⁷¹ 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.”).

²⁷² *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).

²⁷³ *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, DE 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.²⁷⁴ The exception to this right was the Council of Ten, where defendants appeared alone.²⁷⁵ 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.²⁷⁶ Unless the situation was urgent, the State Attorney needed a warrant from the Forty to make an arrest.²⁷⁷ If a police officer made an arrest, he had to secure the approval of his colleagues within the week, or the prisoner was released.²⁷⁸ Venetian prisons were relatively clean and hygienic,²⁷⁹ although that probably isn’t saying much, considering the rat-infested, turd-littered dungeons of Renaissance Europe.²⁸⁰

In England, the jury system was long regarded as a defendant’s primary shield against arbitrary or unfair treatment.²⁸¹ This is not to say that juries were incorruptible: bribery and selective empanelling of jurors sometimes affected the outcome of cases.²⁸² 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.²⁸³ Like the Star Chamber, torture was abolished after 1642.²⁸⁴ “Due process of law” first appeared in a fourteenth-century statute.²⁸⁵ Over time, it came to mean that any judicial process had to include a fair hearing before a neutral decision-maker.²⁸⁶ 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 1679.²⁸⁷

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.²⁸⁸ *Cittadini* constituted a second stratum of legal professionals; many studied law and public administration at

²⁷⁴ LANE, *supra* note 28, at 271–73.

²⁷⁵ Cozzi, *supra* note 166, at 309.

²⁷⁶ THAYER, *supra* note 30, at 219 (noting that in cases of torture, “the law grimly insisted that this must not be pushed ‘beyond the normal limit’”); see also 2 HAZLITT, *supra* note 29, at 614 (“At Venice, torture was seldom applied, except in cases of treason in which it was found impracticable to elicit the truth by gentler means, and the law directed that in no circumstances should any person be subjected to the process, unless a certain number of the Privy Council and the Forty were present to take depositions and to observe that no undue cruelty was exercised.”); see also Chojnacki, *Crime, Punishment, and the Trecento Venetian State*, *supra* note 161, at 223 (noting that suspected thieves were tortured to recover stolen goods, but the torture was governed by “careful procedures”).

²⁷⁷ Cozzi, *supra* note 166, at 309.

²⁷⁸ Chojnacki, *Crime, Punishment, and the Trecento Venetian State*, *supra* note 161, at 222–23.

²⁷⁹ 2 HAZLITT, *supra* note 29, at 611.

²⁸⁰ See, e.g., *id.* (contrasting the Venetian prisons to those in Germany where the conditions were dark, cold, isolated, and “swarming with vermin”).

²⁸¹ SIR JOHN FORTESCUE, *DE LAUDIBUS LEGUM ANGLIE* (S. B. Chrimes ed. trans., Cambridge University Press 1942) (1546).

²⁸² J.B. Post, *Jury Lists and Juries in the Late Fourteenth Century*, in *TWELVE GOOD MEN AND TRUE: THE CRIMINAL TRIAL JURY IN ENGLAND, 1200-1800* 65, 72 (J.S. Cockburn & Thomas Green eds., 1988).

²⁸³ MAITLAND, *supra* note 254, at 221 (noting that the Court of Star Chamber developed unique procedures, including torture, but torture never became part of ordinary court procedures, and remained strictly a practice of the royal council); FORTESCUE, *supra* note 273, at 47 (explaining that torture was used for “guarding security”); MARCHAM, *supra* note 256, at 32–33 (describing the Tudor Privy Council’s use of torture); KEIR, *supra* note 24, at 99 (describing the Tudor Privy Council’s use of arbitrary arrest, detention, torture, and spies); BOWEN, *supra* note 75, at 92–93 (noting that torture was only performed by the privy council); HEATH, *supra* note 254, at 105 (describing how “specific instructions” were necessary if torture was going to be used).

²⁸⁴ HEATH, *supra* note 254, at xvii (noting torture occurred as late as 1640); BOWEN, *supra* note 75, at n. 92 (“After the Commonwealth [1649] there is no instance of torture in England.”).

²⁸⁵ BRIAN Z. TAMANAHA, *ON THE RULE OF LAW: HISTORY, POLITICS, THEORY* 26 (2004).

²⁸⁶ *Id.*

²⁸⁷ BAKER, *supra* note 255, at 126–28.

²⁸⁸ LABALME & WHITE, *supra* note 51, at 115 (explaining that debates about the law form an important part of the Venetian record); see also, e.g., 2 HAZLITT, *supra* note 29, at 821–22 (describing a Great Council meeting in 1410 where the Doge declared the *Avogadori* had no jurisdiction in a matter, the *Avogadori* responded that the Doge had no right under the *Promissione* to interfere, and fined him for committing a misdemeanor).

the University of Padua and qualified for office by passing examinations.²⁸⁹ By the sixteenth century, Englishmen trained for legal careers in London, at the Inns of Court.²⁹⁰ Young gentlemen preparing to manage their estates, and to serve as Justices of the Peace and Members of Parliament, also attended.²⁹¹

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.²⁹² 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.”²⁹³

In Venice, judges were independent because they were elected by a large council,²⁹⁴ their terms were *always* short,²⁹⁵ and they voted by ballot in committees (which provided numerical cover).²⁹⁶ While other Italian cities routinely hired foreign jurists, who might stand above local factions, Venice trusted its own patricians.²⁹⁷ According to a Florentine, Venetian judges rendered fair verdicts because they suffered no political interference.²⁹⁸

English judges of the sixteenth and seventeenth centuries sometimes ruled against the Crown,²⁹⁹ but doing so was problematic because they served at the monarch’s pleasure,³⁰⁰ and kings often expected cooperation on matters touching their own interests.³⁰¹ 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.³⁰² After 1701, Parliament could not pressure judges by withholding salaries or by tempting them with raises,³⁰³ and judges retained office unless majorities in both Houses of Parliament found them guilty of misconduct.³⁰⁴ Since then, British judges have served as independent bastions of state power.³⁰⁵

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).

²⁹⁰ RICHARD H. BRITNELL, *THE COMMERCIALISATION OF ENGLISH SOCIETY 1000-1500*, at 216 (1996).

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 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); HAITSMA 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* HAITSMA MULIER, *supra* note 34, at 156 (contrasting Genoa with Venice, and noting that in Genoa, “[a]ll 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).

³⁰⁰ Daniel M. Klerman & Paul G. Mahoney, *The Value of Judicial Independence: Evidence from Eighteenth Century England*, 7 *AM. L. & ECON. REV.* 1, 8 (2005); BAKER, *supra* note 255, at 143–46.

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; MAITLAND, *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.³⁰⁶ 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.³⁰⁷ No magistrate or committee could exceed legal boundaries with impunity, because other dignitaries—notably the *Avogadori* or State Attorneys—served as watchdogs.³⁰⁸ State Attorneys themselves could be sued for dereliction of duty,³⁰⁹ and everyone in Venice might find themselves under scrutiny by the Council of Ten.³¹⁰ Despite their secrecy, forbidding reputation, streamlined procedures, and broad powers, even the Council of Ten observed strict rules.³¹¹ State Attorneys attended their meetings,³¹² and no member of the Ten could sit in judgment upon a relative, or accept any gifts or presents.³¹³ From time to time, the Ten expelled one of their own, with no reason recorded.³¹⁴

Before 1600, the English crown essentially policed itself.³¹⁵ 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.”³¹⁶ 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.³¹⁷ By the eighteenth century, the rule-of-law principle was firmly established in Britain.³¹⁸ “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.”³¹⁹

Low corruption is a close corollary of the rule of law.³²⁰ On the whole, the Venetian Republic earned a reputation for rigor, scruples, and good government.³²¹ By and large, *cittadini* bureaucrats minimized

JURISPRUDENCE OF LIBERTY IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES 6 (2004) (citing Blackstone); MAITLAND, *supra* note 254, at 312–13 (noting that judicial independence was “secured” by the early eighteenth century); KEIR, *supra* note 24, at 294 (“Made independent of the executive by the Act of Settlement, the judges were almost equally so of the legislature, which could obtain their dismissal only by a joint address from both Houses to the Crown.”); MARCHAM, *supra* note 256, at 238–39 (stating that after the Act of Settlement, “the independence of the judges was in fact complete”); *see also* LYON, *supra* note 98, at 263 (“From the early eighteenth century, the judiciary increasingly applied and developed the law without fear or favour.”).

³⁰⁶ Raz, *supra* note 4, at 5; TAMANAHA, *supra* note 285, at 114.

³⁰⁷ Cozzi, *supra* note 166, at 307.

³⁰⁸ LANE, *supra* note 28, at 95 (“Each committee or council was checked by some other committee or council so as to assure the rule of law”); *id.* at 100 (describing the duties of the *Avogadori di Comun*); *id.* at 256 (“[T]he Ten never acted entirely alone. Regularly it had seventeen voting members, including the doge and his Councillors. It met with one of the State’s Attorneys present, who, if he thought the Council was exceeding its authority or disobeying its statutes, could appeal the case to the Great Council.”); *see also* Cozzi, *supra* note 166, at 307 (describing how the State Attorneys served as the “civic conscience of the governing aristocracy” and ensured compliance with the law).

³⁰⁹ LANE, *supra* note 28, at 100.

³¹⁰ WILLS, *supra* note 36, at 113; *see also* LABALME & WHITE, *supra* note 51, at 119 (describing a 1511 case in which the State Attorneys argued for setting aside a criminal sentence before the Senate, upon which the Attorneys were dismissed by the Ten).

³¹¹ 2 HAZLITT, *supra* note 29, at 457 (noting that among the Ten the “sternest adherence to rules and principles prevailed”); *see also* WIEL, *supra* note 71, at 191–92 (explaining that minute regulations governed whether the Ten could hear an anonymous accusation); NORWICH, *supra* note 23, at 499 (“In practice, however, abuses [by the Ten] were largely avoided by built-in checks and balances.”); LANE, *supra* note 28, at 256 (stating that whenever the Ten discussed foreign affairs, the six *Savii Grandi* had to attend).

³¹² LANE, *supra* note 28, at 256.

³¹³ WIEL, *supra* note 71, at 189.

³¹⁴ 2 HAZLITT, *supra* note 29, at 443.

³¹⁵ *See* BAKER, *supra* note 255, at 123 (stating that until the seventeenth century, the function of “controlling authority” was regarded as a royal prerogative, generally exercised by the Privy Council).

³¹⁶ *Id.* at 123.

³¹⁷ *Id.* at 123–24.

³¹⁸ KEIR, *supra* note 24, at 294 (“From the King downwards, every executive official derived his authority from the law.”); DICEY, *supra* note 4, at 222 (“The judges . . . were invested with the means of hampering or supervising the whole administrative action of the government, and of at once putting a veto upon any proceeding not authorised by the letter of the law.”).

³¹⁹ DE LOLME, *supra* note 202, at 310.

³²⁰ Raz, *supra* note 4, at 12–13 (explaining that the rule of law helps to stop the worst forms of arbitrary power).

corruption by maintaining precise ledgers of revenue and spending.³²² 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.³²³ 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.³²⁴

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.³²⁵ “Patronage” ties connected many eighteenth-century Englishmen to one another, but these were similar to what we call “connections.”³²⁶ Men landed government positions largely through personal recommendations; the higher the recommender’s rank, the more valuable his word.³²⁷ Still, the system accommodated talented but unconnected aspirants,³²⁸ and no contemporary state could boast a more efficient administration.³²⁹ 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.³³⁰

In Venice and Britain, the rule of law generated wealth.³³¹ Venice was a city of fabulous riches, especially in its Renaissance heyday.³³² Relying on strict enforcement of contracts, Venetian merchants readily formed short-term partnerships in kaleidoscopic combinations.³³³ An efficient civil service contributed as well; issuing penalties for every type of commercial trickery, thereby establishing the Venetian brand for quality.³³⁴ Detail-oriented bureaucracies like the Board of Health regulated chimneys

³²¹ See generally 2 HAZLITT, *supra* note 29, at 480–81, 519–20.

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.³³⁵ In England, a reliable legal environment prepared the way for industrial takeoff. Economic historians consider eighteenth-century England—unlike Scotland or France—“famine-proof.”³³⁶ By 1750, England was the richest nation in the world, per person.³³⁷ 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.³³⁸

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.³³⁹ For eighteenth-century Britons, legality was a point of national pride.³⁴⁰ The “free-born Englishman” cliché pervaded political talk.³⁴¹ Englishmen of all classes considered themselves free because they had rights—of liberty and property—that no one could infringe.³⁴²

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.³⁴³

Governmental corruption (which is inversely related to the rule of law)³⁴⁴ is closely associated with strong personal and factional ties.³⁴⁵ Within a highly corrupt state, members of particular “in-groups” (generally defined through kinship, clan, tribal, and patronage relationships)³⁴⁶ 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.³⁴⁷

³³⁵ 2 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 & SZECHI, *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); GILMOUR, *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'état*, 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.³⁵⁹ Laws even governed how people could congratulate victors.³⁶⁰

Nominations by lot introduced random shuffling, making it difficult for allies to engineer outcomes.³⁶¹ 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.³⁶² For other offices, the Great Council chose nominators by lot, and voted on nominees during the same day, making canvassing difficult.³⁶³ During voting, nominees and their relatives had to leave the hall.³⁶⁴ Secret balloting made any form of “party discipline” impossible.³⁶⁵

“[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.”³⁶⁶ Such measures, the author argued, could prevent the “intestine commotions” which had long plagued England.³⁶⁷

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.³⁶⁸ Similarly, security and police officials were barred from having any private, economic, or familial relationships with their armed underlings.³⁶⁹

By all accounts, such measures worked. From the Renaissance to the Enlightenment, people saw Venice as uniquely free of factions, and thereby tranquil.³⁷⁰ Bartolus de Saxoferrato, for example, was a fourteenth-century law professor at Perugia, who thought Venetian patricians were “not easily divided among themselves.”³⁷¹ Venice avoided “internal plots” and “warring factions,” observed a Renaissance chronicler.³⁷² 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.”³⁷³

³⁵⁹ Stanley Chojnacki, *Identity and Ideology in Renaissance Venice*, in *VENICE RECONSIDERED: THE HISTORY AND CIVILIZATION OF AN ITALIAN CITY-STATE, 1297-1797* 263, 263–64 (John Martin & Dennis Romano eds., 2000).

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.*

³⁶⁸ LANE, *supra* note 28, at 106–07; NORWICH, *supra* note 23, at 165–66.

³⁶⁹ Chojnacki, *Crime, Punishment, and the Trecento Venetian State*, *supra* note 161, at 196–97.

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.³⁷⁴ The investigators assumed they would find nobles consistently nominating kinfolk for office.³⁷⁵ In fact, a man's family provided no clue about his choice of nominee.³⁷⁶ Not only did patricians avoid family bias, they formed no discernible factions or alliances of any sort.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."³⁷⁸ The Tiepolo Rebellion in 1310, they suggest, was the "last gasp" of traditional family solidarity.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.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.³⁸¹ Noble clans retained their pride: an insult to *Ca' Morosini*—the "House of Morosini"—triggered a street fight in 1364.³⁸² A man might sail into elected office after his kin performed well in battle.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.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 Ghibellines backed the Holy Roman Emperor.) These struggles barely registered in Venice.³⁸⁵ Historians cite a "unique spirit of cohesion and cooperation,"³⁸⁶ a "comparative solidarity,"³⁸⁷ a "mutual dependence,"³⁸⁸ and a "mutual trust of a kind that in other cities seldom extended far outside the family circle."³⁸⁹ People still held animosities and grudges, of course, but ironed out serious conflicts in the courts, Senate, and Great Council.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."³⁹¹ In this way, "individual weakness" brought collective strength.³⁹² Frederic Lane taught at Johns Hopkins, presided at the American Historical Association, and spent decades studying the republic.³⁹³ "The devices for the restraint of faction woven into the machinery of government

³⁷⁴ Everett & Queller, *supra* note 159, at 5.

³⁷⁵ *Id.* at 7.

³⁷⁶ *Id.*

³⁷⁷ *Id.*

³⁷⁸ *Id.* at 12.

³⁷⁹ *Id.* at 16.

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").

³⁸¹ *Id.* at 3; BOUWSMA, *VENICE AND THE DEFENSE OF REPUBLICAN LIBERTY*, *supra* note 23, at 66–67.

³⁸² Stanley Chojnacki, *In Search of the Venetian Patriciate: Families and Factions in the Fourteenth Century*, in *RENAISSANCE VENICE* 62 (J.R. Hale ed., 1973).

³⁸³ LANE, *supra* note 28, at 265.

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").

³⁸⁵ Rösch, *supra* note 173, at 82 ("Party conflict . . . did not lead to programmatic opposition in Venice").

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").

³⁸⁷ LONGWORTH, *supra* note 31, at 150.

³⁸⁸ Everett & Queller, *supra* note 159, at 20.

³⁸⁹ NORWICH, *supra* note 23, at 155.

³⁹⁰ LANE, *supra* note 28, at 265.

³⁹¹ Everett & Queller, *supra* note 159, at 20.

³⁹² *Id.*

³⁹³ Moses Abramovitz & Richard Goldthwaite, *Association Notes: In Memoriam: Frederic C. Lane 1900-1984*, 46, Vol. 1 *THE JOURNAL OF ECONOMIC HISTORY* 239–41 (1986).

were sufficiently successful” after 1355, Lane argues, that “none of the men disappointed in the intense competition for honors tried to overthrow the system.”³⁹⁴

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.³⁹⁵ “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.”³⁹⁶ As an alternative to feuding, kin groups could accept a *wergeld* payment.³⁹⁷ Even in the seventh century, however, royal laws encroached on the power of families to protect their members.³⁹⁸

Lordship coexisted with kinship. Lords—like gang leaders or Mafia bosses—extended their protection to kin and other neighborhood clients.³⁹⁹ Lords were responsible to political superiors, such as the King, for the conduct of their dependents.⁴⁰⁰ 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.⁴⁰¹ 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.⁴⁰²

Nonetheless, the rising profile of lordship and vassalage undercut kinship solidarity.⁴⁰³ The Norman Conquest of 1066, as many have argued, bolstered the power of feudal lords.⁴⁰⁴ Primogeniture, or passing all property to the first male offspring, came into widespread use after the Conquest.⁴⁰⁵ 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.⁴⁰⁶ Primogeniture tends to weaken kinship, because brothers assume wholly different stations.⁴⁰⁷ 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).

³⁹⁸ SIR FRANK STENTON, ANGLO SAXON ENGLAND 315–17 (3d ed. 1971).

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.”).

⁴⁰⁴ 1 BLOCH, *supra* note 263, at 272; C. Warren Hollister, 1066: *The ‘Feudal Revolution,’* in THE IMPACT OF THE NORMAN CONQUEST 109, 109–19 (C. Warren Hollister ed., 1969).

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.⁴⁰⁸ A ceremony—homage and fealty—sealed the bond.⁴⁰⁹

The later middle ages witnessed an attenuation of feudal relationships. With an increasingly commercial economy,⁴¹⁰ and a burgeoning royal government,⁴¹¹ the lord-vassal tie grew less total.⁴¹²

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.⁴¹³

Nevertheless, late-medieval lordship continued to derail the law. "Livery and maintenance" were great evils to public order.⁴¹⁴ "Livery" was a practice whereby men wore their lord's colors, uniforms, or emblems.⁴¹⁵ It implied the lord's protection against enemies, and probably emboldened wearers to break the law.⁴¹⁶ "Maintenance" was the support a lord gave his man in legal cases, often by corrupt methods like bribery and intimidation.⁴¹⁷ Livery and maintenance were not new: both practices can be traced back centuries.⁴¹⁸ But they aroused public fury in late-medieval England, probably because people had acquired higher expectations for law, order, and justice.⁴¹⁹ 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.⁴²⁰ Political pressures in the late 1300s actually curtailed that practice.⁴²¹ After 1595, lords could no longer retain local Justices of the Peace.⁴²²

The Crown reined in livery and maintenance. Statutes passed from 1399 to 1401, for example, restricted livery to members of a lord's household.⁴²³ 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).

⁴⁰⁸ Frank Barlow, *The Effects of the Norman Conquest*, in *THE IMPACT OF THE NORMAN CONQUEST* 28, 34 (C. Warren Hollister ed., 1969).

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

⁴¹⁰ BRITNELL, *supra* note 290, at 128–29.

⁴¹¹ 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").

⁴¹² 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").

⁴¹³ K.B. MCFARLANE, *Parliament and 'Bastard Feudalism'*, in *ENGLAND IN THE FIFTEENTH CENTURY: COLLECTED ESSAYS* 1, 17–18 (1981).

⁴¹⁴ 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.").

⁴¹⁵ HICKS, *supra* note 265, at 63.

⁴¹⁶ *Id.*

⁴¹⁷ TREVELYAN, *supra* note 77, at 195–96; HICKS, *supra* note 265, at 119.

⁴¹⁸ HICKS, *supra* note 265, at 121; HARRISS, *supra* note 414, at x.

⁴¹⁹ 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.").

⁴²⁰ Maddicott, *supra* note 419, at 46–48.

⁴²¹ *Id.* at 80–81.

⁴²² HICKS, *supra* note 265, at 206.

⁴²³ HARRISS, *supra* note 414, at xxii–xxiii.

Chamber, took stern measures against maintenance and judicial corruption.⁴²⁴ In the sixteenth century, feuds and private wars dwindled.⁴²⁵

Sharp factional divisions remained at the political heights, however. Parliamentarians and royalists warred from 1642 to 1649;⁴²⁶ courtier factions reappeared under Charles II; the “Exclusion Crisis” of 1679-81 drove the political class into “Whig” and “Tory” parties;⁴²⁷ Whigs and Tories inhabited separate social enclaves, eyeing each other with suspicion, during the “Rage of Party” under Queen Anne (1702-14).⁴²⁸

After the Jacobite rising of 1715, treason-stained Tories went into steep decline.⁴²⁹ Whigs governed for decades, and splintered into various leadership groups.⁴³⁰ The name “Tory” reappeared in the 1780s,⁴³¹ 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.⁴³² 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.”⁴³³

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.⁴³⁴ Northern England was long seen as a wild, clannish, and feudal backwater.⁴³⁵ Private feuding also disturbed Cornwall, in the hilly

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, embracery 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 & SZECHI, *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 (detailing 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 & SZECHI, *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.”).

⁴³³ DE LOLME, *supra* note 202, at 514–15.

⁴³⁴ R. L. STOREY, THE END OF THE HOUSE OF LANCASTER 8 (London: Barrie & Rockliff, 1966) (“The feuds of the nobility in the more outlying parts of the kingdom attained the proportions of private wars.”).

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”).

southwest.⁴³⁶ Mountainous Wales was infamous for “chronic lawlessness.”⁴³⁷ The Scottish Highlands remained clannish and disorderly into the mid-eighteenth century.⁴³⁸ 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.⁴³⁹

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.⁴⁴⁰ 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;⁴⁴¹ and second, participants within a “corruption clique” could always retaliate by disclosing the criminal activities of their comrades.⁴⁴² 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.⁴⁴³ 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

⁴³⁶ CHARLES ROSS, EDWARD IV 407 (1974).

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 though 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 outed 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 government⁴⁴⁵ and communications⁴⁴⁶ 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 locution 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 HEBDICH & 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.⁴⁵² 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.”⁴⁵³ 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.”⁴⁵⁴ 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.”⁴⁵⁵ Africans themselves do not interpret coups as coordinated military actions, he comments, but rather the spectacular emergence of certain factions to power and privilege.⁴⁵⁶ Coup leaders frequently offer high-minded justifications—like corruption or poor economic performance—but Decalo is skeptical.⁴⁵⁷ 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.”⁴⁵⁸

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.”⁴⁵⁹ “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.”⁴⁶⁰ 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.⁴⁶¹ In order to avoid criminal prosecution in turn, corrupt officials may need to share the proceeds with coworkers, supervisors, or law enforcement agents.⁴⁶² Offering a bribe—especially to an unfamiliar party—is risky. The other party can

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 Medellín cartel’s power to bribe policemen, judges, politicians, and others, and thereby warp the functioning of legal institutions); ENRIQUE DESMOND 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.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

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

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.*

⁴⁷⁰ See Harold M. Hyman, *Ulysses Grant I, Emperor of America?: Some Civil-Military Continuities and Strains of the Civil War and Reconstruction*, in THE UNITED STATES MILITARY UNDER THE CONSTITUTION OF THE UNITED STATES, 1789–1989 175, 178 (Richard H. Kohn ed., 1991).

⁴⁷¹ STEPHEN W. SEARS, GEORGE B. MCCLELLAN: THE YOUNG NAPOLEON (1999).

⁴⁷² ENCYCLOPEDIA OF THE AMERICAN CIVIL WAR: A POLITICAL, SOCIAL, AND MILITARY HISTORY 2313 (David S. Heidler & Jeanne T. Heidler eds., 2000).

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.

⁴⁷⁷ *Id.* at 326–27 (1999); T. Harry Williams, *The Macs and the Ikes: America’s Two Military Traditions*, 75 AMERICAN MERCURY 37 (1952).

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.⁴⁸⁰ 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.⁴⁸¹

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.⁴⁸² 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 . . .”⁴⁸³ 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.⁴⁸⁴

Stunned, Admiral Zumwalt conferred with Army General Creighton Abrams. Abrams said he would act as though the episode never occurred.⁴⁸⁵

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

⁴⁷⁹ See Williams, *supra* note 477, at 37 (“[O]ne wonders what he [McClellan] would have done had they encouraged him.”); see also Hyman, *supra* note, at 470 (“[E]ven in the Army’s pro-McClellan circles, officers accepted their subordination to civilian overlords.”).

⁴⁸⁰ WILLIAM STARR MYERS, GENERAL GEORGE BRINTON MCCLELLAN 371 (1934).

⁴⁸¹ SEARS, *supra* note 471, at 371–86.

⁴⁸² See generally ANTHONY SUMMERS & ROBBYN SWAN, THE ARROGANCE OF POWER: THE SECRET WORLD OF RICHARD NIXON 463–81 (2000).

⁴⁸³ *Id.* at 463.

⁴⁸⁴ *Id.*

⁴⁸⁵ *Id.*

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.⁴⁸⁶ 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.”⁴⁸⁷ A study of fifteen mass rebellions found that disloyalty and fragmentation within the security apparatus was critical for success.⁴⁸⁸ 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'état*), 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.⁴⁸⁹ (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.⁴⁹⁰ The 22 “coup-free states”—the states that experienced no coups or serious coup attempts from 1961 through 2010⁴⁹¹—are in **bold**.

⁴⁸⁶ THOMIS & HOLT, *supra* note 24, at 126–27.

⁴⁸⁷ EDWIN LIEUWEN, *ARMS AND POLITICS IN LATIN AMERICA* 134 (1961).

⁴⁸⁸ D.E.H. RUSSELL, *REBELLION, REVOLUTION, AND ARMED FORCE* (1974).

⁴⁸⁹ *Corruption Perceptions Index*, TRANSPARENCY INTERNATIONAL (2008), http://www.transparency.org/policy_research/surveys_indices/cpi/2008.

⁴⁹⁰ Graphic by Ayelet Arbel, for this project.

⁴⁹¹ See *supra* notes 135–56 and accompanying text.

Corruption Levels and the Coup-Free Zone

Countries listed in descending order, from highest perceived corruption to lowest perceived corruption.

Most corrupt			Bold = Coup-free states
1 Somalia	46 Nicaragua	91 Senegal	136 Bhutan
2 Myanmar	47 Comoros	92 Panama	137 Macau
3 Iraq	48 Uganda	93 Montenegro	138 Bahrain
4 Haiti	49 Mozambique	94 Madagascar	139 Oman
5 Afghanistan	50 Libya	95 India	140 Mauritius
6 Sudan	51 Indonesia	96 Albania	141 South Korea
7 Guinea	52 Honduras	97 Thailand	142 Taiwan
8 Chad	53 Guyana	98 Saudi Arabia	143 Puerto Rico
9 Equatorial Guinea	54 Ethiopia	99 Morocco	144 Malta
10 Congo, Democratic Republic	55 Eritrea	100 Burkina Faso	145 Botswana
11 Zimbabwe	56 Vietnam	101 Brazil	146 United Arab Emirates
12 Uzbekistan	57 Togo	102 Trinidad and Tobago	147 Israel
13 Turkmenistan	58 Sao Tome and Principe	103 Swaziland	148 Dominica
14 Kyrgyzstan	59 Nigeria	104 Suriname	149 Portugal
15 Cambodia	60 Nepal	105 Peru	150 Cyprus
16 Venezuela	61 Zambia	106 Mexico	151 Spain
17 Sierra Leone	62 Niger	107 Macedonia	152 Saint Vincent and the Grenadines
18 Guinea-Bissau	63 Mauritania	108 China	153 Qatar
19 Gambia	64 Maldives	109 Bulgaria	154 Estonia
20 Congo, Republic	65 Malawi	110 Romania	155 Slovenia
21 Burundi	66 Egypt	111 Colombia	156 Uruguay
22 Azerbaijan	67 Vanuatu	112 Ghana	157 France
23 Angola	68 Solomon Islands	113 Georgia	158 Chile
24 Tajikistan	69 Moldova	114 El Salvador	159 Barbados
25 Papua New Guinea	70 Belize	115 Kuwait	160 Saint Lucia
26 Laos	71 Armenia	116 Cuba	161 United States of America
27 Ecuador	72 Argentina	117 Tunisia	162 Japan
28 Côte d'Ivoire	73 Tanzania	118 Samoa	163 Belgium
29 Central African Republic	74 Rwanda	119 Croatia	164 Britain
30 Belarus	75 Mongolia	120 Namibia	165 Ireland
31 Syria	76 Lebanon	121 Turkey	166 Norway
32 Russia	77 Dominican Republic	122 Poland	167 Germany
33 Kenya	78 Djibouti	123 Lithuania	168 Hong Kong
34 Bangladesh	79 Bolivia	124 Greece	169 Austria
35 Timor-Leste	80 Mali	125 Seychelles	170 Luxembourg
36 Kazakhstan	81 Kiribati	126 Italy	171 Canada
37 Yemen	82 Jamaica	127 South Africa	172 Australia
38 Philippines	83 Guatemala	128 Slovakia	173 Netherlands
39 Iran	84 Gabon	129 Latvia	174 Iceland
40 Cameroon	85 Benin	130 Malaysia	175 Switzerland
41 Tonga	86 Sri Lanka	131 Jordan	176 Finland
42 Paraguay	87 Lesotho	132 Hungary	177 Singapore
43 Liberia	88 Bosnia and Herzegovina	133 Costa Rica	178 New Zealand
44 Ukraine	89 Algeria	134 Cape Verde	179 Sweden
45 Pakistan	90 Serbia	135 Czech Republic	180 Denmark

Source: Transparency International, 2008 Corruption Perceptions Index

Least corrupt

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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;⁴⁹² Mexico saw a final coup attempt in 1938;⁴⁹³ Israel experienced one coup attempt in 1948, shortly after independence,⁴⁹⁴ and Costa Rica’s last coup attempt came in 1955.⁴⁹⁵ Costa

⁴⁹² Bureau of African Affairs, *Background Note: South Africa*, U.S. DEPARTMENT OF STATE, <http://www.state.gov/r/pa/ei/bgn/2898.htm> (last visited Sept. 17, 2008).

⁴⁹³ See generally COTHAN, *supra* note 153, at 34–48 (1994) (detailing the background leading up to the 1938 Mexican coup attempt).

⁴⁹⁴ Avner Yaniv, *An Imperfect Democracy?*, in NATIONAL SECURITY AND DEMOCRACY IN ISRAEL 227, 229–30 (Avner Yaniv ed., 1993).

⁴⁹⁵ Philip Mauceri, *Nine Cases of Transitions and Consolidations*, in DEMOCRACY IN THE AMERICAS: STOPPING THE PENDULUM 204, 205–07 (Robert A. Pastor ed., 1989); SETH ROLBEIN, NOBEL COSTA RICA: A TIMELY REPORT ON OUR PEACEFUL PRO-YANKEE, CENTRAL AMERICAN NEIGHBOR 193–96 (1989).

Rica, South Africa, and Mexico, moreover, are the most tenuous coup-free states. During the past fifty years, coup plots have been rumored in Mexico⁴⁹⁶ and Costa Rica,⁴⁹⁷ and black South Africans agitated for revolutionary change—but made no overt, highly plausible attempts to seize power.⁴⁹⁸ In 1994, South Africa's white oligarchy peacefully relinquished power.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.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.

Coups and Corruption		
	States with coup events 1961–2010	States without coup events 1961–2010
High corruption (Transparency International, 2008 Corruption Perceptions Index)	40 (Argentina, Benin, Bolivia, Cameroon, Central African Republic, Chad, Democratic Republic of Congo (Kinshasa), Republic of Congo (Brazzaville), Côte d'Ivoire, Ecuador, Egypt, Ethiopia, Gabon, Guatemala, Guinea, Haiti, Honduras, Indonesia, Iran, Laos, Liberia, Libya, Mali, Mauritania, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Paraguay, Philippines, USSR/Russia, Rwanda, Somalia, Sri Lanka, Sudan, Togo, Venezuela, North Yemen/Yemen)	0
Low corruption (Transparency International, 2008 Corruption Perceptions Index)	34 (Albania, Bhutan, Brazil, Bulgaria, Burkina Faso, Chile, China, Colombia, Cuba, Cyprus, El Salvador, France, Ghana, Greece, India, Italy, Jordan, South Korea, Madagascar, Malaysia, Morocco, Oman, Panama, Peru, Portugal, Romania, Saudi Arabia, Senegal, Yugoslavia/ Serbia, Spain, Thailand, Tunisia, Turkey, Uruguay)	22 (Australia, Austria, Belgium, Britain, Canada, Costa Rica, Denmark, Finland, Germany, Iceland, Ireland, Israel, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Norway, South Africa, Sweden, Switzerland, United States of America)

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 executive coup.

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⁴⁹⁶ David F. Ronfeldt, *The Mexican Army and Political Order since 1940*, in *THE MODERN MEXICAN MILITARY: A REASSESSMENT* 63, 73 n.14 (David F. Ronfeldt ed., 1984).

⁴⁹⁷ See Robert Rinehart, *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).

⁴⁹⁸ ROBERT M. PRICE, *THE APARTHEID STATE IN CRISIS: POLITICAL TRANSFORMATION IN SOUTH AFRICA 1975–1990* 9–10 (1991); see also R.W. Johnson & Lawrence Schlemmer, *Introduction: The Transition to Democracy*, to *LAUNCHING DEMOCRACY IN SOUTH AFRICA: THE FIRST OPEN ELECTION, APRIL 1994* 1, 11–12 (R.W. Johnson & Lawrence Schlemmer eds., 1996) (describing the “political violence” of the region).

⁴⁹⁹ Johnson & Schlemmer, *supra* note 155, at 12.

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?⁵⁰¹ The mystery remains palpable, and now extends to a couple of dozen states around the world.⁵⁰²

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.

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.”).