

**The Statebuilder's Dilemma:  
Legitimacy, Loyalty, and the Limits of External Intervention**

David A. Lake  
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Table of Contents

C1. Introduction	1
C2. Problems of Sovereignty	
C3. Building Legitimate States	
C4. Legitimacy and Loyalty	
C5. Statebuilding in Somalia	
C6. Statebuilding in Iraq	
C7. Conclusion	
Acknowledgements	

## **Chapter 1:**

### **Introduction**

Statebuilding remains the largest social project of the modern world. In Europe, North America, East Asia, and other regions where states are now generally regarded as consolidated, statebuilding was an organic, incremental, and evolutionary process that unfolded over hundreds of years.<sup>1</sup> Although propelled by competition with other political units, statebuilding was historically a largely internal development.<sup>2</sup> Today, in regions where unconsolidated states predominate, current practice reveals great faith in externally-led social engineering, reflected in efforts by the international community and individual states to rebuild failed states. Yet, as in the past, there is no state-in-a-box that can be designed abroad and shipped to a foreign, often war-torn land for assembly with easy to follow instructions printed in multiple languages. After three decades of greatly increased international statebuilding activity, this much is obvious. With expectations now tempered by experience, there is no doubt that international statebuilding is difficult, demanding, and dangerous.

The central task of all statebuilding is to create a state that is regarded as legitimate by the people over whom it exercises authority. This is a necessary condition for stable, effective governance over the long run. In recent decades, statebuilders have gained new appreciation of the critical importance of legitimacy, and have elevated this goal in their planning. A key problem in all international statebuilding attempts, however, is that states sufficiently motivated to bear the costs of building a state in some distant

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<sup>1</sup> As Weber, E. (1976) demonstrated, making rural peasants into Frenchmen was a centuries long process that, with substantial immigrant communities surrounding Paris today, is still incomplete.

<sup>2</sup> Tilly (1990); Spruyt (1994).

land are likely to have interests in the future policies of that country, and will therefore seek to promote leaders who are at least sympathetic to their interests, if not active proponents, and willing to implement their preferred policies. Except in rare cases where the policy preferences of the statebuilder and the population of the country whose state is to be built coincide, promoting a leader “loyal” to the statebuilder undermines that leader’s legitimacy at home. This tradeoff between legitimacy and loyalty is the statebuilder’s dilemma. The greater the interests of the statebuilder in the target state, the more likely it is to intervene, the greater the costs it is willing to bear, the more likely it is to install a loyal leader, and the less likely that leader will be to govern legitimately. Ironically, as in the case of the United States in Iraq since 2003, the greater the interests of the statebuilder in the target country, the less likely statebuilding is to succeed over the long term.

### **<A> The Argument in Brief**

Ungoverned spaces are, today, the single most important locus of threats to established states.<sup>3</sup> In early 2015 alone, Boko Haram, originating in the northeast periphery of Nigeria, has wrecked havoc not only at home but also in neighboring Chad and Niger. Founded and operating out of Somalia, al-Shabab has carried out major attacks in Kenya, including one in which 147 college students were killed. Forged in the chaos of the Syrian civil war, the Islamic State has not only conquered up to one-third of neighboring Iraq but also recruited affiliates in Libya, Pakistan, Egypt, Algeria, Jordan,

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<sup>3</sup> On ungoverned spaces, see Clunan & Trinkunas (2010). For more skeptical views of the importance of ungoverned spaces, see Patrick (2006, 2007) and Mazarr (2014).

the Philippines, and possibly the West Bank and Gaza.<sup>4</sup> Operating out of several failed states, especially Yemen, al-Qaeda remains a potent force. Not only do insurgent groups operating in failed states inflict enormous damage on local populations and fuel further chaos, but they also pose significant existential threats to states in North America, Europe, and elsewhere. Attracted by extremist ideologies, disaffected citizens may travel abroad for training, only to return home to carry out atrocities, as in the infamous Charlie Hebdo attacks in Paris. “Lone wolf” assailants, propelled by extremist messages from abroad, may carry out attacks in the name of jihad, as suspected in the Boston Marathon bombing. Groups may also attack the “far enemy” that supports their repressive states at home, expanding conflicts far beyond their original borders.<sup>5</sup> The threat from individuals and especially groups hiding in the interstices of the international system remains real. Whether they like it or not, states and the international community more generally are forced to respond to these attacks. In what is an essentially conservative response that aims to sustain the decentralized system of violence control embedded in autonomous sovereign states, a key strategy has been to try to build more capable states that can govern their own territories effectively. Statebuilding has emerged as the central pillar of a global counterinsurgency strategy.

Yet, statebuilding fails more often than it succeeds. Haiti, Liberia, Rwanda, Somalia, and now Iraq are all generally regarded not only as failed states but as statebuilding failures.<sup>6</sup> The list could easily be extended. In each of these post-Cold War interventions, externally authorized statebuilders, typically the United Nations or a

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<sup>4</sup> Jack Moore, ISIS Grows ‘International Footprint’ as Affiliate Jihadist Groups Spring Up, Newsweek, 2/19/15. Available at: <http://www.newsweek.com/isis-grows-international-footprint-affiliate-jihadist-groups-spring-305519> (accessed April 8, 2015).

<sup>5</sup> Gerges (2009).

<sup>6</sup> Miller (2013, 16).

“coalition of the willing” led by the United States, have sought to rehabilitate a state that has fallen into anarchy and the flames of communal violence. In only a handful of recent cases, arguably Cambodia and East Timor, has statebuilding succeed in creating a legitimate government, but even in these instances success was short-lived. Afghanistan remains a statebuilding work in progress, though with dubious prospects of long-term success. Even historically, only West Germany and Japan appear to be success stories – “shadow” cases in this study against which more recent efforts will be judged.<sup>7</sup> The record of statebuilding is grim and offers few reasons for optimism. Any individual statebuilding effort can fail for a variety of reasons. Good strategies may be poorly implemented, a common refrain from optimists who remain wedded in principle to contemporary theories and practices of statebuilding. Strategies themselves may be flawed, as was the case in many liberal statebuilding attempts in the post-Cold War period.<sup>8</sup> Yet, underlying all failures was the statebuilder’s dilemma. States willing to bear the high costs of major statebuilding efforts always attempt to install leaders who share their interests, rather than those of the citizens of target states. In today’s era, where the policy preferences of those willing to build states for others and those in need of new states diverge substantially, emplacing loyal leaders in power fatally undermines the legitimacy of the new state.

To understand why statebuilding so often fails it is important to explain why states themselves collapse. States fail for a reason -- or perhaps reasons. Each failure is, of course, unique. To paraphrase Leo Tolstoy, every unhappy state is unhappy in its own

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<sup>7</sup> Dobbins et al. (2003).

<sup>8</sup> Paris (2004).

way.<sup>9</sup> But states that fail today often do so because they are faced with societies that are deeply and perhaps irretrievably fractured. In some, state predation under the hand of an economic elite causes grave inequality and deep rifts in society. As in many states disrupted by the Arab Spring, exploited classes and groups rise up in revolt to build a better future, though continuing instability is more often the result. On this path to failure, the state itself is a partisan and wars against its own people. In other cases, traditional pre-state social formations like clans, tribes, or sectarian groups parallel, challenge, and ultimately undermine the state.<sup>10</sup> Here, the state is not necessarily weak but society is “too strong” and prevents its consolidation. Political entrepreneurs can then assemble the kindling of past resentments and, in the shadow of state weakness, set the spark of violence. Once the fire takes hold, even cosmopolitan individuals who cannot be protected by the state are forced into their traditional communal groupings for safety against the flames. The most toxic cases are where horizontal class cleavages overlap with vertical communal cleavages to form a volatile mix that is easily ignited. In deeply fractured societies, it is all too easy to burn down the house.

Following Max Weber, states are organizations with a monopoly on the legitimate use of physical force within a given territory.<sup>11</sup> Failed states lose their monopoly, legitimacy, and most often both as they are pulled apart by societal conflicts. Statebuilding is a process of restoring – or in some instances, creating for the first time – that monopoly of violence and especially its legitimacy. Yet, legitimacy is not something that is conferred by the international community on a state nor a principle that inheres in particular institutions that can be exported to fragmented societies. Rather, legitimacy can

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<sup>9</sup> Tolstoy, *Anna Karenina*, first line (any edition).

<sup>10</sup> Weiner (2013).

<sup>11</sup> Weber, M. (1978, 78).

only be granted to a state by its own people. Statebuilding is not just a matter of getting the institutions “right,” as I suggest below, but a process of social transformation that, to be successful, must realign the internal cleavages that caused the state to fail in the first place and then, paradoxically, were typically deepened by the violence itself.

The most effective role for a statebuilder is as a catalyst for social order. In the chaos of a failed state, any prior authority has evaporated, and groups threaten to cycle between different sets of institutions and laws and, thus, produce continuing political and social instability. Usually bringing greater coercive force to bear than any of the parties in the failed state, the statebuilder can declare that a particular social order with a specific set of institutions will be the “law of the land” now and into the future. If that declaration is sufficiently credible, social groups will accommodate the new social order, become vested in the institutions, and thus legitimate the state. This is the promise of statebuilding.

The statebuilder’s dilemma, in turn, is rooted in the modern concept of sovereignty. First and foremost, the international system is a decentralized mechanism for controlling private violence. As a collection of sovereign polities, states are responsible for controlling the projection of force across their borders; in turn, any violence emanating from within their territories is assumed to be purposeful or permitted by the state. If one state is, thus, the target of violence originating from another, the second state is held responsible and the violence is considered an act of war, subject to retaliation. In this way, Westphalian sovereignty limits interstate violence and prevents transborder conflicts potentially started by extremists within societies from escalating. In turn, the international community seeks to affirm the principle of sovereignty on which the system



and their own positions within it are based, and to extend and strengthen this principle in those areas where it is fragile. Yet, statebuilding also fundamentally challenges the logic of Westphalia. To shore up states so that they can fulfill their responsibilities to govern otherwise ungoverned spaces, other states must intervene directly into the internal affairs of failed states. To save the principle of sovereignty, paradoxically, states must break that very same principle.

In seeking to resolve this paradox, the international community limits and constrains statebuilding efforts in ways that render commitments not credible, undermining the catalytic role that statebuilders might otherwise play. Though sovereignty in practice is quite permissive, statebuilders and the international community both seek to limit interventions into the internal affairs of other states. On the one hand, today, in our post-colonial world, statebuilders do not want to assume permanent responsibility for governing failed states. To limit their responsibility, statebuilders seek to return the failed state to sovereignty as quickly as possible, as the United States certainly intended in the case of Iraq in 2003. At the same time, the international community – and especially other weak states -- also seeks to bolster the principle of sovereignty as a bulwark against external meddling into the domestic politics of its members. Together, limited by the principle of sovereignty, statebuilders arrive on the scene with limited mandates, limited powers, and limited time. Under severe restrictions, statebuilders do not seek and are not authorized to transform society, but only to restore peace and security in ways that do not infringe upon the ultimate authority of the failed state.

Equally important, sovereignty does not permit, and the system of states has not developed, any higher authorities with responsibility for rebuilding failed states. The decentralized system of violence control is itself dependent on the willingness of individual states to support its weakest members. Even when approved by some multilateral body, statebuilding remains a purely voluntary undertaking by “coalitions of the willing.” Since statebuilding can be enormously costly, only states with interests in the failed state are likely to volunteer for this service. This is the root of the statebuilder’s dilemma. Although statebuilder’s can be a catalyst for social order, only self-interested states take on this responsibility. The greater their interests in the failed state, the more likely they are to support a loyal leader who, as a result, is likely to lack legitimacy.

States have sought to manage the statebuilder’s dilemma in different ways at different times. As practiced by many states prior to 1990 and exemplified by the role of the United States in Central America in the early twentieth century, some statebuilders evince little concern for the legitimacy of the externally-supported state. Even in their informal empires characterized by indirect rule, statebuilders privileged their own interests and policies by supporting loyal leaders willing to do their bidding. For the United States, this led to support for pro-American autocratic and even despotic rulers, including Rafael Leonidas Trujillo in the Dominican Republic (1930-1961), Anastasio Somoza Garcia and his sons in Nicaragua (1937-1979, though with several intermissions), and Francois and Jean Claude Duvalier in Haiti (1957-1986).<sup>12</sup> The cost of this support, however, was that the political opposition inevitably became anti-American. Historically, however, this pattern of informal empire through the promotion of loyal leaders has been quite common.

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<sup>12</sup> Kinzer (2006; Loveman (2010).

Current practice increasingly recognizes the importance of building legitimate states but in doing so makes the statebuilder's dilemma more acute. Liberal statebuilding, beginning with the end of the Cold War, elevated the goal of building legitimate states but premised strategy on a belief that democracy and free markets would be sufficient to legitimate a government in the eyes of its people. Pursued in both Somalia, as described in Chapter 5, and Iraq, discussed in Chapter 6, this assumption turned out to be tragically wrong and was eventually abandoned, although not before shocking levels of human suffering. Replacing liberal theory in Iraq and Afghanistan after 2007, a new theory of statebuilding based on counterinsurgency warfare (COIN) also highlights the need for state legitimacy but bases this on a social contract view of the state. Rather than relying on popular participation to legitimate the state, COIN focuses on providing security and other public goods to win the "hearts and minds" of the people. In my view, and as experience in Iraq and Afghanistan suggests, this is an important step in the right direction.

Yet, regardless of strategy, the statebuilder's dilemma is a true dilemma. The tradeoff between the legitimacy and loyalty of newly installed leaders cannot be obviated simply by reforms or improved practice. Rather, the statebuilder's dilemma is inherent in all external statebuilding and cannot be wished away. The larger the statebuilding effort required, the more acute the dilemma becomes. The greater the costs of statebuilding, the more the statebuilder will insist upon a return on investment through the installation of a leader likely to be more loyal to its interests. The dilemma is inescapable.

The statebuilder's dilemma, in turn, implies that international statebuilding efforts will tend to fail to build state capacity and longer lived, more stable states. Deeply

divided societies that lack effective legal institutions must overcome the cleavages which have often been exacerbated by state breakdown and violence. In this unpropitious setting, venal, self-interested politicians must build new support coalitions to sustain themselves in office. Those anointed by the statebuilder and who share its interests will find this task proportionately harder than “nationalist” politicians closer to the average citizen in their societies. Faced with limited mandates and time, statebuilders will channel support and resources to their selected leader, who will then divert those resources to his own, narrow political coalition with the acquiescence if not the active support of the statebuilder.<sup>13</sup> Ruling with a narrow base of support, in turn, the leader will be less effective in sustaining himself in office, and the rebuilt state will be more likely to fail again.<sup>14</sup> In short, through the statebuilder’s dilemma, statebuilding as the reconstitution of the *legitimate* monopoly of violence will likely fail, the more so as the interests of the statebuilder and the average member of the target society diverge.

This prediction, however pessimistic, is borne out by case studies of Somalia and Iraq, bookends to the post-Cold War era of statebuilding. In Somalia, the United Nations and United States entered under near ideal conditions as altruistic and relatively neutral statebuilders. Attempting to rebuild the country according to liberal statebuilding theory, however, the United Nations soon provoked the opposition of the local warlords, who attacked the United States and led it to withdraw – reflecting the truism that states without strong interests in the failed state are seldom willing to bear high costs of intervention. Subsequent interventions in Somalia by regional states, principally Ethiopia with the support of the United States, have been directed at preventing Islamists from

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<sup>13</sup> For a similar argument on U.S.-client state relations in the Middle East, see Jamal (2012).

<sup>14</sup> For suggestive empirical evidence, see Lake and Fariss (2014).

coming to power and promoting a pro-Ethiopian regime. In this case, an initial unwillingness to bear any substantial cost, coupled with Ethiopia's efforts to secure its borders from irredentist elements in Somalia, has produced only continuing anarchy and violence. In Iraq, the United States implemented liberal statebuilding, switched to COIN, and throughout backed a sympathetic leader – Prime Minister Nouri al-Maliki -- who then undermined statebuilding efforts by his sectarian behavior. In both cases, statebuilding failed for reasons eminently predictable given the statebuilder's dilemma.

Ultimately, statebuilding must be an indigenous process. External statebuilding that ignores legitimacy can still produce somewhat durable but autocratic, repressive, and most important illegitimate states – much as the United States did in Central America in the prior century. This is also the implicit rationale behind the argument for “good enough” governance in fragile states, discussed in the Conclusion.<sup>15</sup> If the international community cannot have it all, at least some rule, no matter how illegitimate it may be, is better than none at all. On the other hand, the statebuilder's dilemma can be moderated by recognizing its presence and effects, although it can never be eliminated entirely. At best, capable and stable states can be encouraged by creating an international environment that provides incentives for societies to settle their internal conflicts and build effective governance structures able to regulate cross-border violence. The ability of external powers to build states are limited. The most that can be done is to set incentives for indigenous leaders to build more effective states themselves.

### **<A> Defining Success**

Any evaluation of statebuilding must begin from a conception of success – or at least, progress toward success – and failure. Many assessments leave this standard

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<sup>15</sup> Krasner (2013).

implicit. Somewhat more pernicious, advocates of a particular theory of statebuilding often measure success by the theory itself. Liberals, for instance, believe that democracy and free markets are necessary to create a legitimate state, and then measure success by the degree of democracy and extent to which markets are competitive.<sup>16</sup> If the theory is flawed, as I shall argue that liberalism and others are, then the achieving of goals or “benchmarks” implied by the approach will not necessarily produce success in any more objective sense.

As noted above and explained in the Chapter 3, the state is an organization with a monopoly on the legitimate use of physical force in a given territory.<sup>17</sup> The problem of failed states today, in turn, is the ungoverned spaces that create hiding places for transnational insurgents, terrorists, criminals, and those who would challenge the global order. Statebuilding is, then, a process of consolidating the monopoly of legitimate force in all corners of a country’s territorially-defined realm. A successful state is one that can sustain this monopoly against potential challengers. This implies a continuum. The most successful states are those in which systematic and organized challengers to the monopoly of legitimate violence are rare; this is characteristic of the advanced industrialized democracies in North America and Europe, where threats to the regime are tiny and ephemeral, one-off attacks at worst by lone-wolf terrorists. Even unusual attacks, such as that perpetrated by al-Qaeda on September 11, 2011, do not disrupt consolidated states but serve only to heighten their resolve. Less successful states face more frequent challengers, but also retain sufficient public support for the monopoly of force – otherwise known as legitimacy – that the latter are easily repulsed or, if attacks occur,

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<sup>16</sup> This is common, though still often implicit, in the institutionalists discussed in Chapter 2. For a more explicit measure of success in terms of democracy, see Miller (2013, 227-234).

<sup>17</sup> Weber, M. (1948, 78).

they do not result in a loss of control or territory. This includes a range of unconsolidated democracies and autocracies that govern with a measure of repression. Unsuccessful states confront active challengers to their monopoly, becoming more unsuccessful in direct proportion to the size of the challenge and the extent of their territory they do not control. Theorists and practitioners may disagree on the best way to achieve success, but the legitimacy of the monopoly on physical force is the standard by which statebuilding ought to be measured.

In this volume, I am primarily concerned with armed statebuilding, cases in which the external party – the statebuilder -- employs coercive force to participate actively in the reconstruction of another state's monopoly of legitimate violence. Statebuilding efforts, of course, come in many forms, ranging from foreign aid to advisors for disarmament, demobilization, and reintegration (DDR) or security sector reform (SSR), military advisors and trainers, peacekeepers, and the deployment of troops for potential combat operations. Where along this range efforts are transformed from humanitarian assistance to armed statebuilding is ambiguous, and depends in part on the intentions of the statebuilder. Buying influence over a poor but nonetheless stable government may be more intrusive than, say, assisting a state to professionalize its police force, but the latter would constitute statebuilding as it intends to expand the state's coercive capacity whereas the former does not. Armed statebuilding entails the deployment of peacekeepers or potential combat troops intended to provide stability and assist in the reconstruction of a state's own coercive apparatus. Such deployments are often combined with non-militarized forms of statebuilding, such as DDR and SSR, but constitute the most significant statebuilding efforts and are used only in the most

problematic cases. It is in such instances that the statebuilder's dilemma is most acute and evident. Unless otherwise noted, when used in this volume the term statebuilding refers to armed statebuilding.

There is no definite list of cases of armed statebuilding, even for the most studied statebuilder, the United States. Minxin Pei et al. define statebuilding by three criteria: 1) the goal of intervention must be regime change or the survival of a regime that would otherwise fail, 2) large numbers of ground troops must be deployed, and 3) military and civilian personnel must subsequently participate in the political administration of the target country. By these criteria, they characterize 17 of more than 200 U.S. military interventions abroad since 1900 as statebuilding episodes, or roughly eight percent of the total number.<sup>18</sup> This does not include multilateral statebuilding efforts, such as in Somalia (see Chapter 5) in which the United States nonetheless played a lead role. Of these statebuilding cases, all those before 1945 occurred in Central America and the Caribbean, with four postwar cases in this region as well. They also include West Germany and Japan after 1945, now standard cases of "successful" statebuilding, as well as South Vietnam and Cambodia.<sup>19</sup> Similarly, Paul Miller provides a comprehensive and somewhat more systematic list of United States and United Nations statebuilding cases, defined by 1) the deployment of international military forces, 2) the absence of annexation or imperialism, and 3) with the intent to improve a failed state's governance. By these criteria, he identifies 40 instances of armed statebuilding since 1898, overlapping substantially with Pei et al.'s list, including the Central American and post-

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<sup>18</sup> Pei et al. (2005, 64-66).

<sup>19</sup> Dobbins et al. (2003); Dobbins et al. (2008).



1945 cases.<sup>20</sup> The Central American and West German and Japanese cases form a running backdrop in the rest of this volume to the two in-depth case studies of Somalia and Iraq.

### **<A> The Prevailing Wisdom**

The focus here on state legitimacy and, in turn, the statebuilder's dilemma differs from current understandings of state failure and, in turn, statebuilding. The existing literature emphasizes getting national political institutions "right." This focus recurs both at the deep level of politics, where observers and practitioners identify predatory institutions as the root evil, and at the surface, where analysts debate the proper strategy and tactics of statebuilding. This focus on institutions implicitly accepts and is premised on a particular theory of state legitimation, one grounded in liberalism. Institutions are, no doubt, important. But in this focus the underlying social cleavages that undermine institutions and ultimately bring down states are ignored.<sup>21</sup> Statebuilding requires not just new institutions that channel politics in more productive directions, but deep and long-lasting social transformations that permit groups embittered by violence to accord legitimacy to a new state in ways that previously proved elusive.

### **<B> The Institutional Origins of State Failure**

A near consensus has emerged in the academic and policy literatures that limited government is optimal for economic growth and prosperity. It is almost a truism, but rich, prosperous states do not fail. The corollary – one that has motivated statebuilders since the end of the Cold War -- is that institutions that limit predation by the government are necessary for economic and political stability and long term success.

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<sup>20</sup> Miller (2013, 205-227).

<sup>21</sup> For exceptions, see Coyne (2008) and Barnett and Zurcher (2009).

Although history has obviously not ended, liberalism remains triumphant within and outside the academy.<sup>22</sup> Within the liberal consensus, some government is necessary to limit violence and appropriation and to provide public goods, like security, but too much government leads to state rent-seeking and other directly unproductive activities that inhibit investment and growth.<sup>23</sup> In their widely acclaimed book on *Why Nations Fail*, for instance, Daron Acemoglu and James Robinson draw a distinction between exclusive or “predatory” regimes that distort property rights and growth and inclusive or “pluralistic” governments that permit markets to function within socially-accepted limits.<sup>24</sup> Similarly, Douglass North, John Wallis, and Barry Weingast distinguish between “limited access orders,” where personal ties between elites who control the instruments of power limit competition and the circulation of new ideas and people, and “open access orders,” where political participation is broad, transactions are governed by impersonal rules, and there are many routes to political power.<sup>25</sup> Bruce Bueno de Mesquita and his colleagues posit a continuum of regimes along two dimensions: the size of the selectorate (S), those who have a say over who is in power, and the minimum winning coalition (W), the group within the selectorate upon whom the leader is dependent for support. Small W/S regimes tend to produce private goods for the politically important and influential few, whereas large W/S regimes provide public goods of benefit to all or most members of their societies.<sup>26</sup> Reflecting the liberal consensus, the core idea behind these and many other works is that political institutions determine and reflect the distribution of political power within society, and that politically privileged groups manipulate the law and the

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<sup>22</sup> Fukuyama (1992).

<sup>23</sup> Bhagwati (1982).

<sup>24</sup> Acemoglu and Robinson (2012).

<sup>25</sup> North et al. (2009).

<sup>26</sup> Bueno de Mesquita et al. (2003) and Bueno de Mesquita and Smith (2011).

economy to their advantage. Governments dominated by small elites will be predatory and the “grabbing hand” of states will distort economic incentives and undermine long term growth by rendering property rights insecure and discouraging investment.<sup>27</sup>

Although extensive growth may be possible by shifting resources from agriculture to industry, intensive growth that depends on innovation and what Joseph Schumpeter originally called creative destruction is greatly reduced if not impossible.<sup>28</sup> Limited governments, on the other hand, are responsive to their societies, provide public goods, and ensure a rule of law that treats everyone equally. Most important, governments have only limited authority over the economy and society and facilitate or at least do not impede innovation, change, and growth. Such dynamic and prosperous states, in turn, do not fail. Across a variety of theories and empirical studies, we know that political instability, coups, revolutions, and democratic reversals drop off dramatically once average GDP per capita crosses a threshold of approximately \$6,000 (in 1975 dollars, the level reached in Argentina in that year).<sup>29</sup>

How and why limited governments arise only in some places at some times remains poorly explained. For Acemoglu and Robinson, limited government is an accident of history, driven by small initial differences that become self-reinforcing and send a society down the vicious or virtuous path. On the first, a predatory ruler seizes power and provides policies that benefit his political allies, who become even more politically powerful over time. Large rents generated by the government, in turn, stimulate competition between elites to seize the state, creating a revolving door of predators. On the second, a more inclusive regime arises, prosperity is shared more

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<sup>27</sup> Shleifer and Vishny (1998).

<sup>28</sup> Schumpeter (1994 (1942)).

<sup>29</sup> Przeworski et al. (2000, 98).

equally, inequality declines, and liberalism prevails.<sup>30</sup> North, Wallis, and Weingast see a similar process in the historical record, with the limited access orders being the “natural state” that is overcome only when the rule of law and numerous political and social organizations are promoted by elites for their own interests.<sup>31</sup> Bueno de Mesquita et al. argue that small W/S regimes are stable because existing elites fear being left out of any alternative coalition, and large W/S regimes emerge only when elites attempt to displace one another by appealing to new groups in society and thereby enlarging the electorate.<sup>32</sup> Pulling together existing strands of theory, Weingast poses a model of limited government as a coordination problem between a large number of citizens. If all citizens act in concert, they can prevent state aggrandizement against their freedoms, but the more likely equilibrium is for citizens to free ride on one another and for the state to transgress the rule of law. When the state can share its gains with particular groups in society, successful coordination is even more difficult. Securing limited government is difficult and unlikely. Constitutional rules, however, can serve as a focal point around which citizens coordinate to limit the state. When the state transgresses clearly established constitutional limits -- “red lines” in common parlance -- it can provoke citizens to rally and demand a return to the status quo ante. Even this, however, appears to be a fragile equilibrium. Rule violations by the state are seldom unambiguous and thus are unlikely to trigger broad-based opposition, especially when the government can buy off opponents through redistribution.<sup>33</sup> States that do not get on the virtuous path or do not possess clear constitutional rules to solve their coordination problems are, in turn, more likely to

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<sup>30</sup> Acemoglu and Robinson (2012).

<sup>31</sup> North et al. (2009).

<sup>32</sup> Bueno de Mesquita et al. (2003).

<sup>33</sup> Weingast (1997).

collapse. Not only will they fail to build the foundations necessary for prosperity, but concentrating wealth and power within the state makes it an unusually attractive target. In a predatory regime, those who control the state control the (limited and ever decreasing) wealth of the society. At least relative to other forms of activity in a predatory society, capturing the state is a rich prize.

The implication of this liberal consensus is that statebuilding is largely a process of designing and creating the “right” institutions. States must be capable enough to provide public goods but not so capable that they can appropriate the wealth of their societies. This is the same problem identified by James Madison in formulating the Constitution of the United States. “In framing a government,” he wrote, “you must first enable the government to control the governed, and in the next place oblige it to control itself.”<sup>34</sup> And for many analysts and observers, the solution is the same as Madison’s: a system of institutional checks and balances that prevents the tyranny of faction over the will of the people. However, statebuilding *de novo*, as enjoyed in the United States in Madison’s time, may be easier than statebuilding after civil war. Institutions aggregate social forces in different ways and, thus, matter for policy and politics. But institutions do not, by themselves, alter the underlying cleavages in society that cause state failure in the first place. Unless social groups buy into these new institutions, conflicting social pressures will still threaten the state and undermine its legitimacy.

### **<B> Institutional Solutions to State Failure**

Since the end of the Cold War and the triumph of liberalism, statebuilding practice has been to seek democratic, inclusive, and limited governmental institutions tailored to the specifics of the country in question. The general strategy, found in nearly

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<sup>34</sup> Hamilton et al. (1961, 322).

pure form in the case of Iraq after 2003 (see Chapters 4 and 6), has been to convene a constitutional convention with all major stakeholders represented and move rapidly to elections, often beginning at the local level and moving up to the national level. Greater democracy is assumed to be the path to peace, not only between but also within countries.<sup>35</sup> But within this emphasis on more democratic institutions, considerable debate remains about tactics, especially the optimal type of institutions and the sequencing of democratization. My purpose here is not to resolve the debate over which institutions are preferred under what circumstances, but simply to highlight the focus of current statebuilding strategy on institutions as proximate solutions for internal conflicts.

The academic literature has long focused on the relative efficacy of power-sharing v. power-dividing institutions for resolving deep-seated social conflicts. Power-sharing institutions are designed to be both inclusive, guaranteeing all major social groups a role in government decision-making, and proportional, often setting fixed allocations of appointments to government positions (Presidents, Vice Presidents, ministerial positions, etc.) or shares of state resources (e.g., oil revenues in the case of Iraq after 2003). Within a power-sharing system, groups are intended to be more or less autonomous and self-governing, managing their own affairs and possibly their own regions within the state as much as possible. Inter-group cooperation then occurs – in principle -- at the highest levels between elite representatives of each group, who hopefully can see the big picture and moderate the demands of their perhaps more extreme members. In horizontally divided societies, this occurs along class lines through a form of corporatism.<sup>36</sup> In

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<sup>35</sup> Paris (2004).

<sup>36</sup> Katzenstein (1985).

vertically divided societies, elite bargaining forms a type of consociationalism.<sup>37</sup>

Regardless of group structure and type of institution, with all groups represented at the center they are expected to check and balance one another and prevent a tyranny of the majority or even any minority from emerging. As two of their more prominent critics note, power-sharing institutions are now “the international community’s preferred remedy for building peace and democracy after civil wars.”<sup>38</sup> Nonetheless, though potentially important in the short run in inducing groups to give up violence, power-sharing institutions also reinforce and possibly reify social cleavages, thereby making peace more difficult over the long term.<sup>39</sup>

Power-dividing institutions, on the other hand, are intended to diffuse any central political fissure in society and organize politics along many countervailing cleavages. Power-dividing institutions begin with extensive civil rights that empower all citizens equally and then separate powers so that different branches of government can “check and balance” one another, making the state itself or policy more difficult for any single group or coalition of groups to capture permanently. By driving political wedges between sub-groups in society and requiring coalitions that cut across major lines of cleavage, the ambition is to diffuse social groups and conflict. Empirical results appear to indicate that power-dividing institutions reduce the probability of ethnopolitical crises and armed violence that may be associated with state failure, but it is less clear how effective they are in rebuilding states after large-scale violence.<sup>40</sup> Given that power-dividing institutions

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<sup>37</sup> Lijphart (1968).

<sup>38</sup> Roeder and Rothchild (2005, 5).

<sup>39</sup> Roeder and Rothchild (2005, 6).

<sup>40</sup> Roeder (2005). Hoddie and Hartzell (2005) find that power sharing institutions per se are not effective but that offers to create power sharing institutions do serve as credible signals of majority group willingness to accommodate minority group concerns.

require social groups to give up some measure of control over their own identities, those states willing to adopt power-dividing institutions after internal war may be those in which social peace would likely have prevailed under other institutions just as well.

A second theme in the institutionalist literature is the timing of democratic reforms in post-conflict states. In all post-Cold War instances in which the United States served as the primary statebuilder, democratic elections were held on average within two years after the intervention and in all cases within three years.<sup>41</sup> Similar strategies are followed by other states and international organizations. Critics of this rapid move to elections argue that emotions are often too “raw” after internal conflict, under acute time constraints political parties will likely form along previous internal cleavages, and therefore competition will likely exacerbate tensions rather than lead to legitimacy for the new government. “Early” elections can, therefore, lead to renewed group-based animosity and continuing conflict. Though the weight of evidence favors the critics, the important point here is that this key issue and debate is yet again a largely institutional solution to the problem of social conflict.<sup>42</sup>

Critics of institutional solutions, while supporting democratization, focus largely on problems of tactics. Strategy was not aligned with local conflict ecologies, institutionalization should precede liberalization, the political, military, and humanitarian missions were poorly integrated, and more.<sup>43</sup> Most advise ways of improving the current model, rather than eschewing statebuilding completely or recommending a fundamentally

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<sup>41</sup> Lake (2010, 260 and 266)

<sup>42</sup> Paris (2004); Snyder (2000); Hegre et al. (2001); Collier (2009); Collier et al. (2008); Diamond (2006); Reilly (2002); Reilly (2008); Brancati and Snyder (2011); Brancati and Snyder (2012); Matanock (2013), Autesserre (2014).

<sup>43</sup> Doyle and Sambanis (2006, 334-342); Paris (2004, esp. Chapter 10); von Hippel (2000, esp. 78-79). This critical literature is large and growing. Among those with a focus on “lessons learned,” see Chesterman (2004); Fukuyama (2006), and Rotberg (2004). For a nuanced critique that argues against “one size fits all” sequencing and for an approach that tailors the strategy to the specifics of a failed state, see Miller (2013).



new approach. Although skeptical of current theory and practice, the majority of these critics accept the central importance of institutions as solutions to state failure and as the main levers of statebuilding. Missing from the discussion, but central to the questions of legitimacy that drive this book, are the underlying social cleavages that can doom states and statebuilding to fail.

Moreover, these institutional solutions do not, by themselves, mitigate the statebuilder's dilemma. Even if a perfect institution was designed – whatever that might entail – and the sequencing of steps was implemented optimally, if the statebuilder still intervenes to promote favored leaders who represent its interests rather than those of the target society, that leader will still lack legitimacy. Without broad social support, the leader will be forced to govern undemocratically – perhaps perverting the well-designed institutions under which he assumed power – and will divert resources from improving social welfare to building a support coalition to sustain him in office.

The fact of the matter is that the failure of statebuilding is itself over-determined. We do not know what institutions are optimal in post-conflict countries. Nor do we know the proper sequencing of institutional reforms. Since nearly all statebuilding efforts have failed, and so many things could be done wrong, it is hard to identify the cause or causes of those failures. But given some variation in practice and policies, the near universal trend of failure suggests a more systematic cause. Underlying all of these problems of institutional design and implementation is the fundamental tradeoff between legitimacy, the necessary prerequisite for statebuilding success, and loyalty, the desire to ensure a leader at least sympathetic to the interests of the statebuilder. When this dilemma is acute, and the tradeoff is steep, no matter which institutions are chosen or which strategies are

implemented, statebuilding will fail. The limits of external statebuilding are reached precisely when the statebuilder cares the most about the future policies of the failed state.

### **<A> Society, Legitimacy, and Statebuilding**

My approach differs from the prevailing institutionalist view in two ways. First, institutionalists are fundamentally liberals, in the classic sense of this term, who believe the legitimacy of the state follows from democracy and free markets. As already highlighted and discussed in more detail in later chapters, this liberal model of statebuilding is itself deeply flawed and has repeatedly failed to provide the legitimacy necessary for successful statebuilding. Throughout this book, in turn, I build on a relational view of authority which posits that legitimacy follows from an exchange in which the ruler – whether this be the statebuilder or the new state – provides essential public services to the population, which reciprocates with support and compliance with its rules. In this relational view, legitimacy derives from a mutually-beneficial exchange in which the state provides a social order of benefit to society, and society in turn complies with the extractions (e.g., taxes) and constraints on its behavior (e.g., law) that are necessary to the production of that order. The contract becomes self-enforcing – or legitimate – when individuals and groups become vested in that social order by undertaking investments specific to the particular contract. In this way, legitimacy follows from social order, not the other way around as in the prevailing model. In the exchange of services for support, in other words, it is not democracy or markets but society itself that confers legitimacy on the statebuilder or the state. This approach to authority is central to the COIN strategy adopted by the United States after 2007. Most

important, it envisions authority and legitimacy as negotiated and dynamic attributes of political systems that produce rather than rest on institutions.

Second, and following from this relational approach to authority, attention shifts from institutions to social formations within the country that support (or not) the state.<sup>44</sup> All politics is a mix of cooperation between individuals and groups that aims to improve social welfare and, simultaneously, bargaining by those same individuals and groups over the division of the gains. Cooperation is necessary to create a political order that encourages specialization, exchange, and productive investment and to produce public goods that support these activities. Faced with collective action problems in large-scale societies that thwart voluntary cooperation, the state possesses a comparative advantage in providing political order and public goods due to its monopoly on the legitimate use of force. At the same time, individuals and groups bargain over the division of the gains from cooperation, even that produced or facilitated by the state. In horizontally segmented societies, classes struggle over the distribution of wealth between elites and masses. In vertically segmented societies, communal groups wrestle over how wealth is divided between social factions. When bargaining gets especially intense and difficult, social forces tear apart the state and undermine its ability to provide the cooperation that makes wealth and economic growth possible. At the extreme, states fail when the struggle over distribution destroys the political order that sustains cooperation. The fight over the golden eggs kills the goose that lays them.

Statebuilding is an externally-led process that aims to recreate a state sufficiently strong to weather distributional conflict so that it can provide the political order and public goods necessary to expand wealth and social well-being. To earn legitimacy from

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<sup>44</sup> For a somewhat similar approach, see Fukuyama (2011).

its society, the state must produce enough cooperation and ensure that everyone gets a sufficient share to induce groups to accept its authority and, in turn, to work within rather than challenge its rules. Statebuilders can facilitate indigenous statebuilding efforts by helping establish a social order and creating expectations that the order so created will endure into the future. In short, through their significantly greater resources and coercive capabilities, statebuilders can “lend” credibility to a newly formed state. By creating expectations of stability, the statebuilder can encourage specific investments and the vesting of interests in the new social order. Stability and, in turn, legitimacy follow from the expectations of many individuals. Statebuilders have a comparative advantage, as it were, in resetting expectations in more positive directions. This is how international statebuilders can, in principle, play a positive role in rehabilitating failed states.

This attention to legitimacy and the social foundations of state authority, however, more clearly reveals the statebuilder’s dilemma, ignored by the institutionalist approach. Statebuilding is difficult and unlikely to succeed under the best of circumstances. Large scale social engineering to ameliorate deep social factionalization is more art than science – a high wire act without a net – that nonetheless has potentially devastating effects on the daily lives of millions. It is not something that should be undertaken lightly. Yet, all of the tactical problems of statebuilding identified by others are dramatically worsened by the statebuilder’s dilemma. In the end, it is the high costs of statebuilding that limit states willing to take up the challenge to those with deep interests in failed states, and the desire of such countries to support leaders who will assist in realizing those interests, that doom statebuilding efforts to failure.

### **<A> Conclusion**

The chapters below follow the outline of the argument, summarized above. Chapter 2 focuses on Westphalian sovereignty and its importance as a decentralized institution to control violence between states. This sets the context in which the statebuilder's dilemma becomes manifest. Chapter 3 examines why states fail and the challenges of statebuilding that follow from deep social cleavages exacerbated by prolonged violence. In Chapter 4, I explain the statebuilder's dilemma in more detail, suggesting when it will be more or less acute, and examine several prominent theories of state legitimation, arguing that none relieve the dilemma.

The statebuilder's dilemma is then explored in the cases of Somalia (Chapter 5) and Iraq (Chapter 6), selected to illustrate the tradeoff between legitimacy and loyalty, not to test the conditions for success. U.S. statebuilding efforts in Central America in the early twentieth century, and similar efforts in West Germany and Japan after World War II, are also used as "shadow" cases against which Somalia and Iraq are compared. Although not developed in any detail, these other statebuilding efforts run as a thread through all the chapters. As already explained above, in Central America the United States did not place any priority on legitimacy, thus partially obviating the dilemma but also creating long term instability in the region. In West Germany and Japan, the policy preferences of the United States and the target societies did not differ dramatically, and in any event could be bridged relatively easily through economic aid and the promise of integration into the *Pax Americana*. In these rare cases of statebuilding success, the dilemma was not acute. In both Somalia and Iraq, however, the statebuilder's dilemma ultimately led statebuilding efforts to fail.

As bookends to the post-Cold War era of statebuilding, Somalia and Iraq illustrate the dominance and continuing relevance of an essentially liberal model of statebuilding. More important, they possess extreme values on several key variables that then shed light on the arguments developed in this book. First, Somalia is a case in which the United States had relatively few interests but where, in a humanitarian gesture by a lame-duck president, it nonetheless intervened militarily to provide aid but was eventually drawn into a statebuilding mission. As the costs of the statebuilding became evident, however, the United States quickly withdrew, demonstrating that states without significant interests in the future of a failed state are unwilling to bear the burden and, by implication, that states willing to bear the costs will want to impose a loyal leader. This counterfactual is then confirmed by Ethiopia's intervention in Somalia, starting in 2006 after an irredentist regime finally came to power in Mogadishu. Iraq represents the other end of the continuum of interests, standing out as the most important foreign policy undertaking of the George W. Bush presidency. Seen as critical to the future of the Middle East and the U.S. role in that region, Iraq was the centerpiece of the administration's policy of transformation. With broad and deep U.S. interests in the country, Iraq demanded not only success but, more important, a leader who was at least sympathetic to U.S. demands. Here, the statebuilder's dilemma is revealed in extreme form.

Second, Somalia and Iraq were also chosen to illustrate how indigenous statebuilding can, in fact, succeed. Both countries contain autonomous regions that, cut off from international assistance and intervention, have evolved relatively stable and effective de facto state structures. Insulating itself from the chaos that followed the breakdown of the Somali state, and isolated from international involvement and aid

because it lacks recognition as a sovereign state, Somaliland has emerged as a striking example of indigenous statebuilding, becoming one of the most stable and, surprisingly, democratic states in the region. Long opposed to rule from Baghdad, and gaining new autonomy as a result of the no-fly zone instituted by the United States after the 1991 Persian Gulf War, Kurdistan is also a successful example of indigenous statebuilding. These within-case examples help demonstrate how statebuilding might succeed in the absence of significant international involvement. Together, they help illustrate the pernicious effects of the statebuilder's dilemma.

The argument of this book is, quite frankly, highly pessimistic and critical of all statebuilding efforts. The statebuilder's dilemma is always present. To counter its innate pessimism, Chapter 7, by way of conclusion, probes feasible alternatives. One could, of course, call for altruistic statebuilders to put legitimacy first, to build states that reflect the will of their people regardless of the consequences for policy. The number of states willing to bear substantial costs for the goal of general system stability, however, is likely to be small to nil. The Scandinavian states, Belgium, the Netherlands, and other countries that pursue international status through humanitarian efforts have their limits.<sup>45</sup> Alternatively, statebuilders could aim only for "good enough" governance.<sup>46</sup> This would entail on giving up some measure of legitimacy and countenancing a degree -- perhaps a large degree -- of authoritarianism and repression in return. This is, in essence, a return to the realpolitik statebuilding that characterized U.S. efforts in Central America in the first half of the twentieth century. This strategy, at best, creates short term stability in policy, as adopted by the loyal leader, at the expense of long term stability of the leader himself.

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<sup>45</sup> Petrova (2014).

<sup>46</sup> See Krasner (2013).

As policies favored by the statebuilder are foisted upon an unwilling society, resentment expands against both the leader and his external patron, eventually undermining both.

The only truly viable approach to statebuilding is for the international community and its leading states to create an environment conducive to indigenous state formation. Most effectively, states could shape incentives for states by making access to the security and economic benefits of the *Pax Americana*, in general, or the European Union, in particular, contingent on domestic groups settling their differences, agreeing on a social order, and governing themselves effectively. This is best done by enlarging the possible gains from international cooperation, which can help mitigate some of the distributional concerns, and making access to those gains dependent on effective governance. This was the logic behind the largely successful attempt by the European Union to leverage access to the single market to promote effective rule of law in the post-communist states. In the end, failed states will have to fix themselves.



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