

The need to be governed: Governance and violence in conflict contexts

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Abstract

This article analyses the relationship between governance and violence in light of the *World Development Report 2017* on Governance and the Law. The article discusses the approach taken by the *Report* to link governance and violence and highlights the importance of new research and findings on forms of wartime governance, and their implications for international politics and development interventions in conflict and postconflict contexts.

“Today’s governance is the child of yesterday’s violence.”
—World Bank (2017, p. 112)

Governance is as old as humanity itself. Across the centuries, different forms of social organization have emerged as a result of interactions between those who (intend to) rule and those who are ruled. Walter Lippmann, quoted in Samuel Huntington’s pivotal study on *Political Order in Changing Societies*, wrote: “I do know that there is no greater necessity for men who live in communities than that they be governed, self-governed if possible, well-governed if they are fortunate, but in any event, governed.”¹

Many forms of governance have been shaped by violence. Throughout history, governance structures and violence have been intertwined. Violence has often been used in strategic ways by political actors to access power and resources. Sustaining warfare against challengers and consolidating power requires, in turn, financial and human support. In time, the need for a support basis to wage war led strongmen to develop a variety of structures to levy taxes on local populations in exchange for protection and public good provision. In due course, these interactions evolved into the institutions of governance we know today.²

As violence shapes governance, so governance shapes violence. The Weberian monopoly of violence in the hands of the state that characterizes Western societies today is a product of attempts by different rulers to manage the use of violence as a form of exercising political and territorial control and of consolidating power. The systems of governance we observe today are effectively “the child of yesterday’s violence.” In places where this monopoly has been shattered, violence in its various forms is “politics by other means,” used to shape the distribution of economic, social, and political power among social groups and to define the norms of behavior, values, and attitudes that underlie it.³

This close relationship between governance and violence has been brought into the center of development policy by the *World Development Report 2017* in its chapter on governance for security, itself a follow-up to the landmark *World Development Report 2011* on conflict, security, and development. The 2011 *Report* placed the analysis of political violence firmly within development policy. For a long time, development and violent conflict had been largely separate areas of scholarly inquiry and policy intervention. Development was the realm of social scientists working on the problems of poverty and economic growth in developing countries, whereas violent conflict concerned political theorists, political historians, and international relations scholars working on issues related to political order, diplomatic relations, and wars. At the policy level, those working on the challenges faced by developing countries paid but limited attention to the dynamics of violent conflict since few countries affected by war and violence were recipients of international aid. This separation of fields started to shift in the early 1990s, following the political changes caused by the fall of the Berlin Wall and the collapse of the former USSR. However, violent conflict and development became fully integrated in research and policy only once it was recognized that the only countries unable to reach the United Nations’ Millennium Development Goals by 2015 all were affected by civil wars and high levels of violence. At that point, the World Bank published the *World Development Report 2011* which stated that “insecurity not only remains, [but] has become a primary development challenge of our time. One-and-a-half billion people live in areas affected by fragility, conflict, or large-scale, organized criminal violence, and no low-income fragile or conflict-affected country has yet to achieve a single United Nations Millennium Development Goal.” The *Report* adds that “strengthening legitimate institutions and governance to provide citizen security, justice, and jobs is crucial to break

cycles of violence.” Since then, the institutional framework provided by the 2011 *Report* has been at the heart of most policy interventions in conflict-affected and postconflict countries. However, while providing much needed empirical evidence and conceptual theorization of the close relationship between development and violent conflict, the 2011 *Report* fell short of providing a clear analysis about what these “legitimate institutions and governance” would look like on the ground. Also, it risked that its approach would lead to a perception that conflict-affected countries were mere blank slates ready for the implementation of new and effective institutions.⁴

Six years later, the 2017 *Report* addressed many of these gaps and attempts to provide a more grounded institutional framework to address better the joint challenge of improving governance and of reducing violence in fragile and conflict-affected countries. To this purpose, chapter four of the *Report* asks if and how governance can solve the problems of violence in society. This question is addressed in the usual linear approach adopted in many high-level policy reports. First, the *Report* argues that violence is reduced when individuals, groups, and governments have incentives that will encourage abstinence from violence, that is, solving social conflict through courts and for the rule of law to become the norm. Second, the *Report* postulates that violence is reduced when the institutions of governance solve social cooperation and commitment problems (i.e., encourage people to learn to live together and to successfully enforce the non-use of violence by all social groups). Three factors shape these two processes. The first is the relative distribution of power among individuals and groups that hold conflicting preferences. The second is the bargaining arena where conflicting interests are mediated and policy choices are made and implemented. The third has to do with existing barriers to entry in that arena. Violent conflict thus is conceptualized in the 2017 *Report* as the result of three types of breakdowns in governance: (1) unconstrained power of individuals, groups, and governments; (2) failed agreements between participants in the bargaining arena; and (3) the exclusion of relevant individuals and groups from the bargaining arena.

The *Report* then specifies the types of institutions and modes of institutional design and operation that may be able to improve security. The first is through sanction and deterrence institutions that increase the cost of violence and, in time, change social norms and attitudes toward violence. The second is through power-sharing institutions which will increase the benefits of security across social groups, thereby raising the likelihood of social cooperation within and between social groups. The third is through the effective implementation of redistributive institutions which will strengthen the social

This article critically examines the relationship between governance and violence in light of the *World Development Report 2017* on governance and the law. The article discusses the approach taken by the *Report* to link governance and violence and highlights the importance of new research findings on forms of wartime governance as well as their implications for international politics and development interventions in conflict and postconflict contexts. It points out, in particular, that violence and governance are endogenous—each shapes the other—and that one cannot suggest, demand, or impose “new” forms of governance on violence-ridden societies as if they were unconstrained by their own history and free to adopt any proffered solution.

contract between state and citizens in ways that coopt the engagement of elites, increase generalized trust in government institutions, and improve trust among social groups. The fourth is through (formal and informal) dispute resolution institutions and how these may be designed and implemented to reduce incentives to use violence to protect property rights.

These are sensible prescriptions that can be translated into specific policy actions, something that had been challenging in the more general institutional framework proposed by the 2011 *Report*. However, chapter four of the 2017 *Report* goes further and brings to light an important aspect of institutional and governance reform in conflict-affected countries that has to date remained underresearched, namely that governance institutions are, in fact, endogenous to violent conflict dynamics and processes and that, therefore, “institution-building processes in post-conflict settings must first and foremost understand and build upon the institutions that emerge from the conflict itself.”⁵

Governance happens amidst violent conflict⁶

Conflict-affected countries are sites of intense institutional change rather than simply arenas of destruction and anarchy that breed terrorism and extremism, the typical way in which conflict contexts are portrayed. Largely ignored in postconflict policy interventions, processes of institutional change during conflict are central to explaining why armed violence persists, why conflicts may mutate into different forms of violence and criminality in their aftermath, and why peace sometimes but not always prevails. Institutional change takes place when different political actors contest and eventually control existing social, economic, and political structures, or create new ones, to advance their war objectives. Processes of institutional change generally take place locally but can cover substantial parts of the whole of a country or territory. This was the case, for instance, for the Liberation Tigers of Tamil Eelam (LTTE) in northern Sri Lanka and the Tigray People’s Liberation Front

(TPLF) in Ethiopia. In both cases war institutions evolved into government institutions in the aftermath of conflict.⁷

Such institutional changes, which take place across most conflicts under various guises, have profound effects on the survival and security of ordinary people and on the emergence of social, economic, and political organizations and structures in contested areas. They remain underresearched, however, largely because armed conflict tends to be theorized as a departure from social and political order rather than as intrinsic to the creation and change of institutions and order. In fact, a large literature has focused on the analysis of armed conflict as a symptom of “state collapse” or “state failure.” But, as I have argued elsewhere, the collapse of state institutions is not always (if ever) associated with the collapse of social, economic, and political order or governance. In reality, a myriad of political actors occupy the space left by weak or absent state institutions by either coopting existing institutions or creating new institutions, organizations, and systems that advance both war and political objectives. When state institutions are contested, weak, or absent, other actors take over that space and govern. These actors often are violent, or else rely on the threat of violence, but this is not the case everywhere nor at all times. In fact, as theorized and demonstrated empirically by Stathis Kalyvas, violence tends to be *reduced* in areas where armed groups exercise full territorial control even though conflict may be ongoing.⁸

Recent research has offered new insights and detailed empirical evidence about some of the complex relations that take place between and among states, armed nonstate groups, and local populations and about the institutional and development implications of their interactions. In the case of Angola, for example, a recent paper shows that former soldiers that belonged to armed factions that established forms of governance and interactions with local populations during the 1975–2002 civil war were more likely to participate in forms of local governance and collective action twelve years after the end of the war. In Colombia, research finds that forms of governance and rule by rebel groups outside the state apparatus facilitated the recruitment of fighters into their groups but resulted in high levels of disregard for the rule of law in the postconflict period in communities where armed groups were present during the conflict. Also for the case of Colombia, other research discusses how the presence of and rule by armed groups is associated with increases in the participation of community members in local political organizations. The researchers show that this outcome is driven by forms of coercion used by armed groups to capture local organizations for strategic war purposes because increases in participation in political organizations (by attending meetings) are

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accompanied by reductions in participation of community members in local decisionmaking processes. Similarly, research documents how rebel groups in the eastern Democratic Republic of the Congo (DRC) engage in forms of direct and indirect rule of local communities, and additional research describes how systems of taxation imposed by armed groups across the same region (re)shape who holds the monopoly of violence and control over parts of the territory. At the cross-country level, too, it has been argued that rebel governance increases collective action and social mobilization among civilians, which may spur demand for democracy in the postconflict period.⁹

A related body of literature has shown evidence for the emergence and formation of social and political order and forms of governance not only in civil wars but also in other seemingly ungoverned spaces, such as the regulation of protection markets by Mafia-type organized crime groups and the development of governance institutions by prison gangs, pirate organizations, and urban slum gangs.¹⁰

All these, and other, studies document how state and armed nonstate groups establish forms of governance to secure, control, and rule over territories, markets, and communities, establish alliances or compete over power and resources, and manage civilian relations across social groups. Wartime governance, in turn, is shaped by institutions—different in each case, of course—that establish boundaries to the power exercised by local political authorities, shape shifting economic, social, and political alliances, frame the behavior and unfolding beliefs of local populations, and are constantly renegotiated depending on shifts in power among competing actors in given localities. Forms of wartime governance include the provision of public services (e.g., access to water, electricity, and other public goods), building infrastructure (such as schools, health centers, wells, and roads), support for local conflict resolution (e.g., over land and in day-to-day social conflicts and disputes among community members), the provision of security (including the provision of arms for self-defense and the regulation of criminal activities such as theft, drug use, and domestic violence), the organization of systems of taxation, and the imposition of norms of behavior and controls over civilian social life. These forms of wartime governance often ensure that armed groups are obeyed and deemed legitimate authority locally. Examples of such forms

of wartime governance have been exercised by a myriad of armed groups including the FARC in Colombia, the LTTE in Sri Lanka, the Sendero Luminoso in Peru, Hamas in Palestine, Hezbollah in Lebanon, El-Shabaab in Somalia, the Taliban in Afghanistan and, more recently, ISIS across Syria and Iraq. Often, these forms of governance that emerge during conflict become ingrained in the social, economic, and political fabric of local communities, further strengthening the institutional and fighting capacity of governing armed groups, with important consequences for the persistence of many violent conflicts across the world and the potential reigniting of violent conflict in the aftermath of peace agreements.¹¹

Many factors influence the decision of armed groups to establish forms of wartime governance. First, armed groups may decide to rule and govern when this benefits their strategic objectives. At the very least, all armed groups need to extract revenue to fund fighting and territorial expansion. Because revenue extraction is likely to be greater in situations where the group exercises the monopoly of violence, some armed actors may choose to levy taxes in exchange for the provision of (at the very minimum) security. Some actors may extend their ruling to the provision of other, nonsecurity, public goods and services. Such efforts to establish, essentially, a social contract that ensures the financial survival of the armed group may, in turn, result in the emergence of political order, as postulated long ago by Mancur Olson and Charles Tilly. Second, forms of wartime governance may emerge in conflict contexts when a given political actor is accepted (or tolerated) and recognized by local populations as exercising sole authority and rule over a certain territory and the population within it. This is because wartime governance may offer a sense of legitimacy and certainty and may reflect civilian perceptions about the authorities that govern them. Civilians, in turn, may take advantage of intentions to govern and rule by armed groups in order to establish strategic social, economic, and political alliances with armed actors that will ensure their physical and economic survival during the war.¹²

Implications of wartime governance and challenges ahead

Independently of the final outcome, interactions between civilians, armed actors, and the state during violent conflict result in profound forms of institutional change that vary substantially across time and space. However, to date, limited research has attempted to understand these processes of institutional formation and change during wartime. Despite the popularity of state- and peacebuilding policy interventions in conflict-affected countries, we have very limited understanding of how formal and informal institutions operate in conflict settings, and how and for what purpose different political

actors use different institutional strategies in contexts of warfare. These issues are, however, central to understanding processes of state-building in postconflict countries as the sustainability of peace and stability will depend to a large extent on the ability of central authorities to govern, protect, and provide for local populations. This ability is, in turn, likely to be shaped by the levels and functions of institutional systems in place during conflict and the types of political order and wartime governance associated with them which may range from purely extractive activities in return for protection against opposing factions to the provision of quasi-state functions.¹³

Given these considerations, it is urgent that state-building and development interventions in postconflict countries take more seriously into consideration how postconflict periods are shaped by forms of institutional change that emerge and operate during times of armed conflict. Stability, legitimacy, and inclusiveness rarely are built from scratch and largely are dependent on what institutions emerged during the conflict, how these were managed by different political actors and were perceived by local populations, and how they are incorporated into processes of state-building in the aftermath of the violence. Future research should therefore concentrate on providing strong theoretical frameworks regarding, and more empirical evidence on, the factors that may explain why, how, and which wartime institutions and forms of governance may result in violent conflict and instability persisting in some societies in the aftermath of peace agreements and yet sow the seeds of democracy and inclusiveness in others.¹⁴

Particular attention must be paid to three specific implications of wartime governance for processes of state-building in the postconflict period. The first area of inquiry has to do with the relationship between wartime governance (and the types of local political order associated to it) and how different population groups may perceive the legitimacy of different forms of authority during wartime and in its aftermath. This is important because perceptions of legitimacy regarding different political actors—whether new governments or defeated armed factions—are likely to shape in very fundamental ways the nature of the state in the postconflict period.¹⁵

Second, there is an urgent need to understand better the behavior of armed groups (state and nonstate alike) during the violence because this will provide key clues as to the potential for the armed group or the incumbent government to transition from military structures formed during conflict to organizations that are capable of providing public goods (such as security, justice, education, and health care), collect revenue in legitimate and accountable ways, maintain peace, and uphold

the rule of law in the aftermath of violent conflict. For instance, armed groups with limited claims to governance, such as the Lord's Resistance Army in Uganda, are unlikely to lay the seeds for state-building processes in the aftermath of violence. In contrast, other groups, including the Tigray People's Liberation Front (TPLF) in Ethiopia and the People's Movement for the Liberation of Angola (MPLA), went on to form reasonably stable governments.¹⁶

The third area of analysis is about the relationship between wartime governance and how governance institutions may persist across time. Political order built during a period of violent conflict may persist well after the end of fighting, with important implications for political stability, peace, and socioeconomic recovery. One current example is the fierce negotiations being conducted between the FARC and the government of Colombia over the terms of integration of ex-combatants in existing civilian structures. The negotiations are important because they may shape both the ability of the FARC to transform itself into a legitimate political party and the strength of the links between command structures and former combatants in the future.

The implications of these processes for countries emerging from civil war are not, however, well understood. Two implications may be particularly relevant for future research. First, any political order established in wartime may affect the strength and level of authority exercised by different political actors in the postconflict period by shaping the level of support they can expect from local populations should they decide to rebel again, or in peacetime elections to form a government. Second, wartime order and governance are likely to influence considerably the ability of new state institutions to operate and intervene in areas that either were under their control or under the control of nonstate armed groups during wartime. An urgent need exists to map and analyze these processes in detail across different conflict contexts and over time as conflict dynamics change and evolve.¹⁷

The policy implications are important. The potential effect and success of any intervention—either during the violence, or in its immediate aftermath or in the postconflict period to reduce violence—as well as the risk of future violence both depend on a well-grounded understanding of the relations, interactions, alliances, and power shifts that take place during (and due to) the violence. Understanding the wartime forms of institutional change and their implications is therefore key to the effectiveness of policy intervention in conflict settings. Wartime governance and the institutions associated to them mold the distribution of power configurations during conflict in ways that are likely to also mold power configurations in the postconflict period. These are, in turn, central to how and why

policy interventions and recovery processes may succeed or fail in the aftermath of violent conflict.

A better understanding of the complex ways in which armed groups behave, compete, and make decisions, how different governance structures produce or limit the use of violence, how territories and populations are ruled and controlled, and how alliances are forged or contested across time, space, and different conflict contexts will allow policymakers to better identify policy entry points, spaces, and opportunities that may generate beneficial change. In this, it is important that policy actors and practitioners gain operational and practical knowledge about institutional factors that may facilitate the emergence of “spoilers” in the aftermath of conflict which may create the conditions for conflict renewal. Equally important is that more knowledge be gained about points of resilience that institutional change in wartime may have created—for example, social cooperation and experience with civic engagement and collective action in wartimes, forms of civilian resistance, and instances of community self-governing—and that can possibly be reinforced through well-designed and well-targeted policy intervention. Better knowledge about wartime forms of institutional change may in turn prevent the reigniting of violent conflict and ensure that interventions are better able to support stable and inclusive state-building processes in the aftermath of violent conflict.

Notes

This article is an extension of a key note address given at a workshop launch of the chapter on ‘Governance for Security’ of the *World Development Report 2017*, London, March 2017. The address, and this article, benefitted from comments from Deborah Wetzel (Senior Director, Governance Global Practice, World Bank), Luis-Filipe Lopez-Calva (co-director of the WDR 2017), Edouard Al-Dahdah (lead author of the chapter on Governance for Security), workshop participants, and an anonymous reviewer.

1. Lippmann, as quoted in Huntington (1968, p. 2).
2. Tilly (1975, 1992); Olson (1993).
3. Weberian monopoly: Acemoglu and Robinson (2006); North, Wallis, and Weingast (2009). Quote: World Bank (2017, p. 112).
4. World Bank reports: World Bank (2011; 2017). Berlin Wall and fall of the USSR: Seminal research by Collier and Hoeffler (2004) and Fearon and Laitin (2003) also contributed to shaping this shift in focus. Collier, *et al.* (2003) is an earlier example of attempts by the World Bank to link more closely processes of development and violent conflict. WDR 2011 quotes: World Bank (2011, pp. 1, 2). Blank slates: Justino (2013).
5. Quote: Justino (2013, p. 295).

6. Parts of this section are informed by the literature review and analysis included in the background paper to the WDR 2017 (Justino, 2016).

7. Institutional change takes place: Justino (2016). Sri Lanka: Mampilly (2011). Ethiopia: Young (1997).

8. Underresearched: Kalyvas (2006); Kalyvas, Shapiro, and Masoud (2008). Symptom: See, e.g., Milliken (2003); Ghani and Lockhard (2008). Argued elsewhere: Justino (2013). Full territorial control: Kalyvas (2006).

9. Angola: Justino and Stojetz (2017). Colombia: Arjona (2016); Arjona, *et al.* (2017). Also for Colombia: Gáfaró, Ibáñez, and Justino (2014). DR Congo: Marchais, Sanchez de la Sierra, and Henn (2016). Additional research: Sanchez de la Sierra (2014). Cross-country level: Huang (2016).

10. Mafia-type groups: Gambetta (1996). Prison gangs: Skarbek (2014). Pirate organizations: Leeson (2007; 2009). Urban slum gangs: Venkatesh (2008; 2009).

11. This paragraph is based on Justino (2016) and Justino and Stojetz (2017).

12. Many factors: Justino (2016). Monopoly of violence: Sanchez de la Sierra (2014). Nonsecurity public goods: Arjona (2016). Social contract: Olson (1993); Tilly (1992). Legitimacy and certainty: Arjona (2016). Civilian perceptions: Bates (2008); Timmons (2005). Interactions: Justino (2009); Wood (2008). Sometimes, these interactions involve outright resistance and the use of violence by civilians against armed groups (see, e.g., Justino, 2009; Kaplan, 2017).

13. Sustainability depends on: Azam and Mesnard (2003); Bates, Grief, and Singh (2002). Likely to be shaped: Arjona (2016); Justino (2016).

14. Rarely built from scratch: Justino (2016).

15. Perceptions of legitimacy: Justino and Stojetz (2017); Arjona, *et al.* (2017).

16. Key clues: Mampilly (2011).

17. Political orders built: Mann (1986); Tilly (1992). Ability of new institutions to operate: Justino (2009); Mampilly (2011).

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