

Disclaimer: These are very basic speaking notes I made for the FLJS webinar on 12 June 2020. They are not comprehensive, nor are they an analysis of the book, which I recommend as both instructive and engaging – I learned a lot from it. My notes mainly relate to the areas I felt could have been given some more coverage.

DARON ACEMOGLU AND JAMES ROBINSON: THE NARROW CORRIDOR

I. SOME GENERAL COMMENTS

Overall praise

a) Basic point of the book is clear and readily grasped: Liberty has been rare in human history.

- States have to walk a thin line to achieve liberty, passing through a “*narrow corridor*.” To encourage liberty, states must be strong enough to enforce laws and provide public services but also restrained in their actions and checked by a well-organized civil society. “*Shackled Leviathans*,”
- “*Liberty originates from a delicate balance of power between state and society.*”

b) It’s very readable. No economic jargon, or equations. AR rely more on history than on economic analysis to make their argument. Enjoyable and engaging.

- Not simplistic view of history, i.e. Whig theory or *Geist* but as full of contingencies. V interesting examples, eg
‘*sundown towns*’ p69, black people, sometimes Mexicans and Jews, not allowed post sunset
‘*heavenly writing*’: p159 that only palatine bureaucrats most closely assoc with emperor were allowed. Specific script designed to stop forgeries as so hard to fake. ‘*long haired kings*’

But Overall Concerns

a) What exactly do they mean by ‘liberty’ and ‘society’?

Both these concepts at heart of the work. But vague, little in way of definition.

- **Liberty:** Following Pettit, AR argue fundamental tenet of fulfilling life is “*freedom from dominance, fear and extreme insecurity*”.
But Liberty defined almost exclusively in relation to the Leviathan. nowhere really developed. Seems to be very much negative liberty. Not the same as autonomy?
- **Society:** what do they mean? Very general catchall term, never really developed. Do AR mean to include the Church, religion, and corporations, which seem crucially important missing elements.

b) Connected point. Focus of the book is on states and their relation to society. *The Leviathan*.

- Starting point Hobbes and Locke.
- Doesn’t seem to take into account great growth in private power, corporations in modernity. *So curiously conventional account*. Doesn’t say much about transnational /international organizations.
- I know with Trump and Brexit, focus has tended to go back to states, but private concerns threaten liberty, and can’t just be absorbed in general discussion of society. I’ll come back to this.

c) Main thesis of the book. Shackled Leviathan. Very easily grasped. Sort of Goldilocks point. For Liberty to flourish state must not be too strong but not too weak.

- Very hard to disagree with this. But so general as to be almost banal.
- And multitude of historical studies AR provide to support their claim. Within those studies, even of shackled Leviathan, some countertrends, but get to narrow corridor in the end. So also very hard to disagree. Because view of history allows for contingencies and counter developments.

So yes, I agree with overall point. But want to focus on what I think are some important omissions. As just outlined. Come back to these points.

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II. LIBERTY

a) what do they seem to mean by liberty?

General:

- Rather one dimensional, basically negative and economic.
- Restraining ways state interferes with liberty. Importance of leaving people alone, especially when it comes to economic development, and freedom to trade, develop technology, devices.
- Do not really look to autonomy, self-development.

Rights:

- mentioned as important from time to time but not highly developed.
- But rights involve more than just freedom from State interference.
- Human rights based on a much richer view of freedom, taking into account extent to which individuals in a position actually to exercise those rights, to enjoy that freedom.

Property rights/economic freedom:

- AR mention property rights as important.
- p198 ref to imp of industrial revolution i.e. *CAPITALISM!* ‘Greater liberty and economic activities.’ Inventors, factory owners.
- p 199: ‘It was in Europe that liberty most clearly took the form that we recognize today. ... produced broad based economic opps supported functioning markets ...’

b) what do they miss out?

- More complete analysis of liberty. What about positive liberty? Autonomy?
- P 63. ‘*Liberty depends on different types of Leviathan and their evolution*’. Surely liberty needs greater analysis than just in context of the Leviathan?
- Most surprising omission religion, church. → freedom of religion/conscience.
- **Hardly any mention of importance of religion in the book, although could be said to have dominated society and still does. Why does religion have such a low profile in the book?**
- Almost nothing about the Church in key chapter on Europe ‘The European Scissors’, although Church was main rival of the State for power for 000s of years, and terrible wars of religion fought.
- Eg ref on p160 ‘paralleled by hierarchy of the church’, *which hardly gets another mention.*

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III. THE CHURCH/RELIGION

3 implications for discussion of this book:

a) practising religion can be a form of liberty

b) but religion can also constrain – it can constrain freedom and can constrain the state. So may be a shackle on Leviathan. Religion as a form of society?

c) but the Church/religion can also be an alternate Leviathan itself, another form of sovereignty.

a) practising religion can be a form of liberty

- freedom of religion, conscience. Belief may be a core element of individual identity and determinative of entire way of being. Religious wars, non-conformists, Pilgrim Fathers. 1A.

b) But can religion compromise liberty?

Torture of heretics, or of Protestants or of Catholics. Taking away life, ultimate liberty. Wars of religion.

c) Is the church part of civil society? Or an alternate Leviathan? A sovereign in its own right? Sometimes church and state may be one – as in some Islamic republics, but kept separate in US Constitution 1A. No clue in book because so little mentioned.

- A lot said about competition between Assembly politics stemming from Germanic tribes in ‘Dark Ages’ and legacy of critical elements of state institutions absorbed from Roman Empire.
- No doubt true but perhaps even more important conflict between Church and State.

Church often seen to possess sovereignty, a Leviathan in own right.

- After fall of Roman Empire in 5th C, no single powerful secular government in West. But a central ecclesiastical power in Rome, the Catholic Church.
- Pope claimed right to depose Catholic kings of W Europe. Gregory VII Henry IV snow.

St Augustine: the two cities: the city of God and the earthly city: two polities, “distinct social entities, . . . and each with its political expression, Roman empire and church.”

But Reformation. Act of Supremacy in 1534.

Peace of Westphalia,

- 1648, a turning point (contrast with the turning points AR mention p279, which nearly all economic)
- ended 30 Years War, one of most brutal wars in history.
- Secular concepts of national sovereignty, led to social contract theory for self-government

In ‘European Scissors’ much about Henry II and law. But little on his fight with the Church.

- Struggle between Thomas Becket, archbishop of Canterbury 1162-1170 and Henry II. At the heart of this controversy question of supremacy between church and state.
- Henry had to atone to Pope Alexander III; go on crusade himself; allow appeals to Rome.

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IV. PRIVATE POWER

General: Another big omission. Little said about corporations.

- But largest corps have budgets, outputs and turnovers exceeding many sovereign states and econ power superior to small/medium size states. Beck ‘private sector quasi states’.
- Large corps s/t own powers of law making. A kind of ‘privatization of sovereignty.’

America: police brutality in Ferguson, US fed Constit weak, compromises with South states, reconstruction prescient, after George Floyd. **But curiously little about corporations and power.** end chap p 481. AR ref to ‘public-private partnerships’ weakening federal govt. rather than countervailing power of corps.

Surely important that power skewed against certain pops in US, in favour of wealthy, and electoral rights compromised, gerrymandering, because of the strength of the corporate power.

Citizens United 2010: USSC held s203 *Bipartisan Campaign Reform Act* which prohibits corps broadcasting election comms within 60 days of election violates 1 A.

- *Maj:* govt no business det. when corps expenditure risk of distorting audience’s perception.
- *Dissent* deny Congress power to safeguard against improper use of money to influence an election is to deny nation the power of self-protection. Imp of public confidence in demo.
- corps dangerous to democratic elects – perpetual life, amass large sums of money, ltd liability, no morality, no purp outside of profit making. Corps not ‘we the people’ – shouldn’t be given speech protections. Corp spending on pols bus transaction for profit making.
- credited for creation of super PACs – political action cttees. SC handed lobbyists a new weapon.

Critique: Powerful private interests often wield considerable power - sometimes in excess of states. Their actions should be subject to standards capable of controlling the abuse of power, but most are not, and become ‘Despotic Leviathans’ in their own right.

- derives from liberal desire to leave space to pursue own conception of the good, free from govt interference. Capacity to choose prioritized over the constraint of power. In contrast, state seen as wielding potentially invasive power and needing constraints of public law principles.

Surveillance:

- huge growth in surveillance, CCTV, Huge data banks of information, by private institutions,
- ECtHR in 2008 *Marper* found UK breached right to privacy in retaining DNA

Protests:

- Lack of public spaces in City of London meant political protest very hard in City’s open spaces – although nominally public, owned and controlled by private estates.
- filming, taking photos, cycling, eating and public protest very often forbidden.

Governmentality:

- So move away from direct state authority and control, to management of affairs through more complex scheme of power, power dispersed.
- *Foucault* described new types of regulatory discipline and security and surveillance as ‘governmentality’. He contrasted this with earlier, traditional – ‘juridical’ forms of sovereignty centred on the state. **AR focus on Leviathan and Hobbes and Locke a bit limited.**

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V SPECIFIC COMMENTS

So much in case histories. Already mentioned American commentary. few points on European.

‘European Scissors’: commentary on England and English law. Quite similar to old accounts eg Fortescue. writing in 15th century, who referenced Athens, Roman Republic, and rule by council

But less about how Henry eager to re-establish royal power after the anarchy of Stephen and Matilda.

Parliaments:

- **Henry's consultative assemblies magnified royal power.**
- Parliament began in 13th C as expanded session of the king's council.
- Those representatives, however, appeared only by royal command, and dealt with matters in which king interested. Throughout 14th and greater part 15th centuries, parliament in a real sense the king's court. Grievances redressed only insofar as accepted by King and council. Compared with the great legislating parliaments of later days commons was a passive one.

Magna Carta p175 ‘everywhere the magna carta tried to uphold the participation of the people in the implementation of the law.’

- **But** soon annulled. Magna Carta actually 1297. Much mundane fisheries and forests, now repealed.
- Magna Carta certainly famous. One passage in particular is venerated:
“No Freeman shall be taken or imprisoned ... but by lawful judgment of his Peers, or by the Law of the Land. We will sell to no man, we will not deny or defer to any man either Justice or Right.”
But legally, worthless. made no difference in any reported case.
- writ of habeas corpus - separate and unconnected development.
- Magna Carta owes fame to 1600s, Sir Edward Coke. reinvented Magna Carta as weapon v crown.
- Has very different legacy in US.
- A myth that ringing endorsement of liberty.
- In reality, result of intra-elite struggle, nobles chiefly concerned with own privileges. Ref to one’s peers meant nobles could not be tried by commoners, who might include judges.

so little said about 17th C England (and 17C Europe, end of wars of religions, peace of Westphalia)

This long constitutional conflict was all about power. Where did sovereign power reside? What was, or should be, the source of supreme law? What power did the sovereign have to dispense with the law? led eventually, and unexpectedly, to the assertion by parliament in 1688 of sovereign power, *faute de mieux*.

And what about French revolution?

All a bit like Whig theory of history, but more haphazard.

CONCLUSION

Hard to disagree because the thesis of the book so general. The case histories also quite general and thus can cope with counter arguments.

But something missed in generality. In particular, neglects some important aspects of liberty, society, history – namely church and alternate sites of sovereignty.

Sionaidh Douglas-Scott