

Introduction

In doing research some years ago on the relationship between public finance and political transformation of the state,¹ I was struck by two interesting phenomena. One was the intensive collaboration between state and society over infrastructural facilities and even defense in England between 1600 and 1640, Japan between 1820 and 1853, and China between 1820 and 1840, periods when each state was encountering sustained fiscal difficulties. Such state–society collaboration in public goods provision such as famine relief, water control projects, and even national defense contributed significantly to the resilience of these early modern states with limited fiscal capacities.² The other was the popular demands to reduce military expenditure and the tax burden in England after the 1750s and in Japan between 1890 and 1895. The recent establishment of modern fiscal states had greatly enhanced the state capacity of both England and Japan, and yet the question of whether the state should spend more on domestic welfare or instead on foreign wars or military expansion was the subject of serious public debate. Late nineteenth-century China, by contrast, remained a traditional fiscal state; despite a somewhat enhanced state capacity, it faced much less acute conflict over such issues than did England or Japan.

The tension between domestic welfare and foreign wars poses challenges to the dominant paradigm that takes warfare as the driving force of state formation. Is the state capacity exhibited in domestic governance

¹ Wenkai He, *Paths toward the Modern Fiscal State: England, Japan and China* (Cambridge, MA: Harvard University Press, 2013).

² He, *Paths toward the Modern Fiscal State*, 10.

simply a byproduct of its capacity developed for fighting foreign wars? Or is the state's ability to take care of domestic welfare different from its capacity to launch wars? Likewise, how shall we account for the surprisingly close collaboration of state and society in public goods provision given the hierarchical political order of the early modern state? What is its relationship to the popular contention that has figured so largely in our understanding of state formation and political change? What was the political nature – and the consequences – of the participation of social actors in public goods provision in nondemocratic systems in the early modern era? Attempting to answer these questions pushed me to reexamine state formation from the perspective of how the state legitimates its power by providing public goods necessary for domestic governance.

The state's provision of public goods such as infrastructural facilities plays a vital role in both domestic governance and economic development.³ In authoritarian regimes, the state often appeals to its performance in the safeguarding of socioeconomic welfare to justify a power that is not acquired through free and fair elections.⁴ Even in well-governed democracies, the legitimacy of the state is also undergirded by its specific performance in social welfare.⁵ The failure of a democratic state to meet the basic welfare needs of its citizens can increase the likelihood of its collapse.⁶

³ Timothy Besley and Torsten Persson, "The Origins of State Capacity: Property Rights, Taxation, and Politics," *American Economic Review* 99, no. 4 (September 2009): 1218–44; Mark Dincecco and Gabriel Katz, "State Capacity and Long-Run Economic Performance," *Economic Journal* 126, no. 590 (February 2016): 189–218; Mark Dincecco and Mauricio Prado, "Warfare, Fiscal Capacity, and Performance," *Journal of Economic Growth* 17, no. 3 (2012): 171–203; Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Ithaca, NY: Cornell University Press, 2004); Ben W. Ansell and Johannes Lindvall, *Inward Conquest: The Political Origins of Modern Public Services* (New York: Cambridge University Press, 2021).

⁴ For the contribution of good governance to legitimating authoritarian states, see Samuel P. Huntington, *Political Order in Changing Societies* (New Haven, CT: Yale University Press, 1968); Francis Fukuyama, "What Is Governance?" *Governance: An International Journal of Policy, Administration, and Institutions* 26, no. 3 (July 2013): 347–68; Francis Fukuyama, "Governance: What Do We Know, and How Do We Know It?" *Annual Review of Political Science*, 19 (2016): 89–105; Dingxin Zhao, "The Mandate of Heaven and Performance Legitimation in Historical and Contemporary China," *American Behavioral Scientist* 53, no. 3 (November 2009): 424–28.

⁵ For the relationship of state performance in welfare to the legitimacy of liberal democratic states, see Bo Rothstein, "Creating Political Legitimacy: Electoral Democracy versus Quality of Government," *American Behavioral Scientist* 53, no. 3 (November 2009): 311–30.

⁶ Jessica Fortin, "Is There a Necessary Condition for Democracy? The Role of State Capacity in Postcommunist Countries," *Comparative Political Studies* 45, no. 7 (2012): 903–30; Nancy Bermeo, *Ordinary People in Extraordinary Times: The Citizenry and the Breakdown of Democracy* (Princeton, NJ: Princeton University Press, 2003).

The state's performance in public goods provision is thus closely connected to the justification of state power to society. However, the implications of the state's provision of public goods for state legitimacy and state–society interactions in the process of state formation have long been neglected in the literature, which instead focuses on the contribution of warfare, religion, and the networks of royal households to state formation.⁷

Economic historians have recently noted that the development of a market economy benefits greatly from the provision of public goods by non-market means, particularly the active role played by local communities and regional associations.⁸ Inspired by historical research on early modern England, Daron Acemoglu and James Robinson argue that good governance in Tudor and early Stuart England mainly resulted from the participation in local governance of the “middling sort of people”: yeomen, craftsmen, traders, and so on. These unsalaried amateurs – rather than salaried state bureaucrats – occupied the lower levels of the early modern English state by serving as parish officials and local constables; they also managed local public goods such as repairs of roads, bridges, and river banks, as well as providing poor relief.⁹ The inclusion of transportation facilities, river control, and poor relief makes public goods more broadly defined than in the standard economic theory of state capacity, which mainly treats defense as a public good.¹⁰ This inclusion, however, implies that we need to go beyond the contribution of local communities that Acemoglu and Robinson have highlighted. Large-scale and cross-regional infrastructural facilities are obviously beyond the ability of local communities. Moreover, in the case of cross-regional or cross-sectoral conflicts of interest, a higher authority above local society is a necessary condition of peaceful resolution.

⁷ Charles Tilly, ed., *The Formation of National States in Western Europe* (Princeton, NJ: Princeton University Press, 1975); Philip Gorski, *The Disciplinary Revolution: Calvinism and the Rise of the State in Early Modern Europe* (Chicago: University of Chicago Press, 2003); Philip Gorski and Vivek Swaroop Sharma, “Beyond the Tilly Thesis: ‘Family Values’ and State Formation in Latin Christendom,” in *Does War Make States? Investigations of Charles Tilly’s Historical Sociology*, ed. Lars Bo Kaspersen and Jeppe Strandsbjerg (New York: Cambridge University Press, 2017), 98–124; Julia Adams, *The Familial State: Ruling Families and Merchant Capitalism in Early Modern Europe* (Ithaca, NY: Cornell University Press, 2005); Philip Corrigan and Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (Oxford: Blackwell, 1985).

⁸ Masayuki Tanimoto and R. Bin Wong, eds., *Public Goods Provision in the Early Modern Economy: Comparative Perspectives from Japan, China, and Europe* (Oakland: University of California Press, 2019).

⁹ Daron Acemoglu and James A. Robinson, “Paths to Inclusive Political Institutions” (working paper, Department of Economics, MIT, Cambridge, MA, January 2016).

¹⁰ Besley and Persson, “The Origins of State Capacity,” 1218–44.

The central theme of this book is to explore the political nature, process, and significance of the state's involvement in public goods provision in state formation. I argue that such participation is vital to domestic governance, the legitimation of state power, and the development of state capacity. Instead of viewing state formation simply as a process of overcoming resistance from society, I emphasize an interdependence between the state and society in overcoming various problems of domestic welfare. In particular, I argue that the state's role in public goods provision is intimately tied to its efforts to legitimate its power to society by proclaiming a duty to safeguard the public interest of the realm. This public interest-based discourse of state legitimation provides a common normative platform upon which both state and social actors can collaborate to complement their respective weaknesses in the public goods provision vital to domestic governance. The state capacity exhibited in and developed by such provision is of a different nature from that measured by fighting foreign wars.

Before I discuss the logic of case selection and comparability of England between 1533 and 1780, Japan between 1640 and 1895, and China between 1684 and 1911 in this comparative historical analysis of state formation, let us first look more closely at the meaning of public interest. In particular, the organic conception of public interest is the linchpin connecting provision of specific public goods to the general issues of domestic governance and state legitimacy in early modern politics, as is the conception of "passive rights" derived from the state's duty to the public interest. This theoretical framework that connects discourses on public interest with state performance in domestic governance ultimately casts new light on the ramifications for state formation of state–society interactions surrounding public goods.

Public interest or the common good is widely held to be vital to state legitimacy.¹¹ In the early modern world, public interest was typically substantive; it was often associated with concrete public goods: relief from famine or disaster, or provision of infrastructural facilities, for example. But public interest as a concept is, and was, flexible. Its different dimensions might include domestic welfare, national interest, and/or a non-material good, such as a particular religion or a specific conception of a good life.¹² Then as now, it could be stretched and adapted by state and social actors to respond to changing socioeconomic conditions.

¹¹ See Bruce Gilley, *The Right to Rule: How States Win and Lose Legitimacy* (New York: Columbia University Press, 2009), 4.

¹² In this book I use "public interest," "public good," and "common good" interchangeably to refer to the interest believed to be common to one political community or to the state. When referring to public interest in regard to domestic welfare, I sometimes use

In modern liberal democracies, public interest has become less substantive than its early modern counterpart. Neoliberalism often views public interest as a consequence of rights-conscious individual citizens pursuing their private interests in an idealized free market economy.¹³ Liberals committed to egalitarianism take “public interest” as the necessary background condition of basic political and economic institutions so as to attain the goal of treating all citizens as equals.¹⁴ In contrast, a substantive definition of public interest such as economic growth or social harmony is often found in present-day authoritarian regimes that stress a corporate conception of society as an organic whole rather than an assembly of rights-conscious individual citizens; Singapore or China comes to mind. This organic conception of public interest has been largely discredited among advocates of a liberal democracy that values inalienable individual rights or human rights over any substantive collective goal.

However, in early modern states, as in many nondemocratic states today, the public interest was conceived as an organic one that ties members of a hierarchical political system into one united entity. Official declarations by the state of its duty to protect public interest cannot be – and were not – taken at face value. Yet such proclaimed responsibility constituted much more than an empty discourse; it was embodied in providing specific public goods through various welfare policies. These included infrastructural facilities and particular institutions and measures to address welfare concerns of the populace. The state’s provision of concrete public goods was thus inherently connected to the general idea of public interest, and the acceptance by social actors of such norms of state legitimacy rested to a large extent upon the same conception of public interest.

The welfare of various communities and even that of individuals were in principle coherent components of an organically conceived public interest. The acknowledgment of the state of its duty to safeguard the organically conceived public interest therefore allowed social actors to engage with the authorities in domestic governance. This conception of public interest shared by both state and social actors thence constituted a common normative platform upon which state and society could interact

“public welfare” or “general welfare.” The nonmaterial conception of “public good” is often seen in contemporary communitarianism.

¹³ See a typical presentation of this view in Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

¹⁴ A representative example is John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).

over how to deliver concrete public goods to safeguard the public interest in specific circumstances. In this way, the obligation of the state to protect the public interest opened up a space for political participation as it entailed certain rights to the subordinates; most importantly, a right to petition the authorities for redressing welfare grievances so as to safeguard public interest. Such rights were, however, *passive*, as they were derived from the obligation of the state to protect the public interest.

In contrast, active rights, at the level either of the local community or of the individual, are conceived as independent of the state.¹⁵ While passive rights are derived from obligation, active rights are often held to be entitlements of individuals. Examples of such inalienable rights include absolute private property rights or human rights, or freedom of conscience in religion. These are crucial to justify political constraints on the sovereign viewed as a delegate of the people.¹⁶ Popular protests instigated by theories of active rights were revolutionary because they were not simply based upon obligations of the existing state authority.¹⁷ Such theories were crucial to justify armed resistance to kings of another faith in the religious wars of the Reformation and Counter-Reformation in Europe.¹⁸

This conception of active rights independent of the state has greatly influenced the classic work on contentious politics, which considers the rise of democracy and expansion of citizen rights in Western Europe as victories attained by rights-conscious social movements.¹⁹ This scholarship accordingly views nondemocratic state regimes as repressive and

¹⁵ On the difference between a passive right and an active right, see Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge, UK: Cambridge University Press, 1979), 6; Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150–1625* (Cambridge, UK: William B. Eerdmans, 2001), 3.

¹⁶ On the rise of the active conception of rights in Western Europe, see Tuck, *Natural Rights Theories*, chs. 3–7. On the importance of an active conception of private property rights to constrain state power, see C. B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 1962).

¹⁷ Examples include the American and French Revolutions, as well as the radical element in the English Civil War that rejected the legitimacy of divinely ordained sovereignty. See Michael Walzer, *The Revolution of the Saints: A Study in the Origins of Radical Politics* (Cambridge, MA: Harvard University Press, 1965); Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton, 1989).

¹⁸ Quentin Skinner, “Humanism, Scholasticism and Popular Sovereignty,” in *Visions of Politics*, vol. 2 *Renaissance Virtues* (New York: Cambridge University Press, 2002), 245–63.

¹⁹ Charles Tilly, “Where Do Rights Come From?” in *Democracy, Revolution, and History*, ed. Theda Skocpol with the assistance of George Ross, Tony Smith, and Judith E. Vichniac (Ithaca, NY: Cornell University Press, 1998), 55–72.

their state–society relationships as confrontational.²⁰ However, the intellectual history of theories of active rights is different from the political and social history of popular contention in Western Europe. Let us look briefly at how this unfolded in the classic example of England and consider how a different understanding of this dynamic might lead us to rethink both contention and state formation.

After 1688 and well into the nineteenth century, the protests and collective actions justified by active natural rights were persistently repudiated by the English state. During the French Revolution and the Napoleonic War, they were characterized as dangerous “continental radicalism” or “republican radicalism,” and leaders and organizers faced charges of sedition and even high treason.²¹ Demands made by the national Chartist petition campaigns for universal manhood suffrage, repeal of property qualifications in elections, an annual Parliament, and secret ballots were likewise rejected, as the state authorities could not accept their grounding in an active conception of rights.²² This hostility on the part of the state forced even radical petitioners to phrase their demands as based on passively conceived rights: imagined Saxon constitutional rights, the rights of “free-born English,” or the Bills of Rights of 1688.²³ Dressing radical political demands in the familiar and relatively acceptable vocabulary of passive rights entailed by the state’s duty to protect the public interest made such claims less threatening to the authorities and more likely to receive a hearing.

The calls to reform parliamentary elections in the late eighteenth and early nineteenth centuries in order to make Parliament more representative

²⁰ Charles Tilly and Sidney Tarrow, *Contentious Politics* (New York: Oxford University Press, 2015), 56–60; Charles Tilly, *Contention and Democracy in Europe, 1650–2000* (New York: Cambridge University Press, 2004), 30; Sidney Tarrow, *Power in Movement: Social Movements, Collective Action and Politics* (New York: Cambridge University Press, 1994), 2 and 62.

²¹ T. M. Parssinen, “Association, Convention and Anti-Parliament in British Radical Politics, 1771–1848,” *English Historical Review* 88, no. 348 (July 1973): 504–33; John Stevenson, “Popular Radicalism and Popular Protest, 1789–1815,” in *Britain and the French Revolution, 1789–1815*, ed. H. T. Dickinson (New York: St. Martin’s Press, 1989), 61–84; Robert Poole, “Petitioners and Rebels: Petitioning for Parliamentary Reform in Regency England,” *Social Science History* 43 (Fall 2019): 553–79.

²² On how the Chartist demands rested upon conceptions of active rights, see E. P. Thompson, *The Making of the English Working Class* (New York: Vintage Books, 1966), 77–99; Peter J. Gurney, “The Democratic Idiom: Languages of Democracy in the Chartist Movement,” *Journal of Modern History* 86, no. 3 (September 2014): 566–602.

²³ James A. Epstein, “The Constitutional Idiom: Radical Reasoning, Rhetoric and Action in Early Nineteenth-Century England,” *Journal of Social History* 23, no. 3 (Spring 1990): 553–74; Josh Gibson, “The Chartists and the Constitution: Revisiting British Popular Constitutionalism,” *Journal of British Studies* 56 (January 2017): 70–90.

of an industrializing nation and thus to better serve the public interest were largely presented upon the basis of passive rights; claims framed in this way resonated with reform-minded ruling elites as well.²⁴ In England in the early nineteenth century, popular petitioners often invoked the state or the crown as the “Father of the people” who was bound to protect the livelihood of the ruled, albeit on a much larger scale in an industrializing economy.²⁵ Organizers of petitions consciously presented the welfare grievances of the working class and middle class as common components of the organically conceived public interest.²⁶ In response, the English state accommodated redress of specific welfare grievances such as high food prices, factory conditions, and unemployment.²⁷ The idea that a government should safeguard the organically conceived public interest remained strong and politically efficacious in England even in the late nineteenth century, despite facing increasing challenges from radical advocates of inalienable individual rights.²⁸

Given the distinction between passive and active rights and the state’s different reactions to them, we need to reexamine the role of passive rights in popular contention in England before the mid-nineteenth century. For this time period, the work of Margaret Somers has been particularly influential, especially her careful examination of the legal rights to which textile workers appealed in demanding wage and apprenticeship regulations in the seventeenth and eighteenth centuries. Such contention was truly important in the transition toward democracy; however, these rights should not be understood as actively conceived general citizen

²⁴ For the extension of suffrage and the reform of parliamentary elections as the means to achieve better representation of the Commons rather than viewing voting as a fundamental individual right, see Robert Saunders, “Democracy,” in *Languages of Politics in Nineteenth-Century Britain*, ed. D. Craig and J. Thompson (London: Palgrave Macmillan, 2013), 142–67; Joanna Innes, “People and Power in British Politics to 1850,” in *Re-imagining Democracy in the Age of Revolution: America, France, Britain, Ireland, 1750–1850*, ed. Joanna Innes and Mark Philp (Oxford: Oxford University Press, 2013), 135–38.

²⁵ Robert Poole, “French Revolution or Peasants’ Revolt? Petitioners and Rebels in England from the Blanketeers to the Chartists,” *Labour History Review* 74, no. 1 (April 2009): 6–26; Poole, “Petitioners and Rebels.”

²⁶ Gareth Stedman Jones, “Rethinking Chartism,” reprinted in Gareth Stedman Jones, *Languages of Class: Studies in English Working Class History, 1832–1982* (Cambridge, UK: Cambridge University Press, 1983), 90–178.

²⁷ Robert Saunders, “Chartism from Above: British Elites and the Interpretation of Chartism,” *Historical Research* 8, no. 213 (2007): 463–84; Innes, “People and Power in British Politics to 1850,” 129–48.

²⁸ James Thompson, “Good Government,” in *Languages of Politics in Nineteenth-Century Britain*, ed. D. Craig and J. Thompson (London: Palgrave Macmillan, 2013), 21–43.

rights, which became dominant largely after the late nineteenth century.²⁹ They were in fact still passive rights granted by the Tudor Statute of Artificers, which incorporated the state's paternalistic responsibility to protect labor's livelihood as a component of the organically imagined public interest of the realm.

The difference between passive and active rights is also important in recognizing continuity and discontinuity in popular contention. Between the 1760s and 1830s, both the volume and number of signatures on petitions presented to Parliament increased dramatically.³⁰ Charles Tilly views the remarkable rise of contentious collective actions on a national scale in eighteenth-century England as representing a discontinuous development of contentious claim-making from local to national and from specific issues to general political concerns.³¹ However, growth in the scale and organization of contentious collective actions does not necessarily imply discontinuity in popular political participation if petitions were about redressing specific welfare grievances and the claims made were still justified by the political duty of the state to safeguard the organically conceived public interest. The dominance of passive rights derived from the state's proclaimed duty to protect the public interest in England before the mid-nineteenth century suggests that we should not underestimate the significance of passive rights to political change.

The responsibility of the state to the public interest empowers subordinates to expect or even demand that the state fulfill its proclaimed duty through popular petitioning and even protests. Social actors who justify their claims by terms acceptable to the state are not necessarily obedient subjects. Instead, the political duty of the state to protect the public interest allowed and even invited society to make rightful – that is, passive right – claims on the state. Contentious collective actions were thus often a means to remind the state to fulfill its officially proclaimed duty to safeguard the public interest or to contest the effectiveness of specific state welfare policies. Even in nondemocratic states, the significant expansion of popular political participation in the form of collective petitioning or

²⁹ Margaret R. Somers, "Citizenship and the Place of the Public Sphere: Law, Community, and Political Culture in the Transition to Democracy," *American Sociological Review* 58, no. 5 (October 1993): 587–620.

³⁰ Richard Huzzey and Henry Miller, "Petitions, Parliament and Political Culture: Petitioning the House of Commons, 1780–1918," *Past and Present* 248, no. 1 (August 2020): 123–64.

³¹ Charles Tilly, *Popular Contention in Great Britain, 1758–1834* (Cambridge, MA: Harvard University Press, 1995).

protests thence does not necessarily indicate resistance to or rejection of state authority if such protests are justified by the duty of the state to protect the public interest.³²

State formation, then, is a political process in which state and social actors interact upon a common platform of a public interest-based discourse of state legitimation and contend over how to provide specific public goods essential for domestic governance and how to safeguard that public interest by redressing grievances. Moreover, passive rights derived from a state's proclaimed duty to protect the public interest can be found not only in early modern England, but also in non-Western countries such as Tokugawa Japan and Qing China; this is not a peculiarly English or European phenomenon. Such a comparative investigation of state formation through public goods provision can thus help us better reconceptualize the relationship between state formation and popular contention and build a more general and robust model of state formation.

We cannot properly understand state–society collaboration in public goods provision, however, if we view the state–society relationship as fundamentally confrontational before the rise of liberal democracy. Such a vision grows out of understanding the state mainly as a violent machine: “war makes the state.”³³ According to this bellicist view, the state first emerged through a series of wars to wipe out political rivals, and the growth of the state apparatus in Europe is often attributed to the increasing cost of war, particularly after the military revolution in the mid-sixteenth century.³⁴ The incessant wars in Europe have been linked to the political incentives of rulers to prize glory.³⁵ Although Charles Tilly

³² These sorts of petitions in a hierarchical nondemocratic system are politically different from the petition in a democracy, where it complements the operation of formal representation. For the latter, see Daniel Carpenter, *Democracy by Petition: Popular Politics in Transformation, 1790–1870* (Cambridge, MA: Harvard University Press, 2021).

³³ Charles Tilly, “War Making and State Making as Organized Crime,” in *Bringing the State Back In*, ed. Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (New York: Cambridge University Press, 1985), 170.

³⁴ Hendrik Spruyt, *The Sovereign State and Its Competitors: An Analysis of Systems Change* (Princeton, NJ: Princeton University Press, 1994); Charles Tilly, “Reflections on the History of European State-Making,” in *The Formation of National States in Western Europe, 3–83*; John Brewer, *The Sinews of Power: War, Money and the English State, 1688–1783* (New York: Alfred A. Knopf, 1989); Michael Mann, *The Sources of Social Power*, vol. 1, *A History of Power from the Beginning to AD 1760* (Cambridge, UK: Cambridge University Press, 1986).

³⁵ Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1979), 32; Philip T. Hoffman, *Why Did Europe Conquer the World?* (Princeton, NJ: Princeton University