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American Behavioral Scientist 2009 53: 289

DOI: 10.1177/0002764209338794

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Alien Rule and Its Discontents

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It is commonplace to explain nationalist movements by adverting to the demand for national self-determination. Indeed, nationalism is frequently defined in precisely these terms. Discontent with alien rule—the obverse of national self-determination—is often assumed to be pervasive, if not universal, thus accounting for the absence of an international market in governance services. There is no shortage of explanations of the antipathy to alien rule and a great deal of corroborative evidence. Many believe that people seem to prefer to be badly ruled by their own kind than better ruled by aliens. Yet if this is true, then identity trumps competence in the assessment of rule, implying that we are all liable to suffer from suboptimal governance. In contrast, this article argues that the evidence for the pervasiveness of antipathy to alien rule is overdrawn. To that end, it distinguishes between two different types of alien rule, elected and imposed; provides a brief portrait of each; and suggests that when aliens are confronted with incentives to rule fairly and efficiently, they can gain legitimacy even when they have been imposed. This conclusion has implications for the prospects of an international market in governance services.

Keywords: *legitimacy; nationalism; markets*

The difference between inbred oppression and that which is from without is essential, inasmuch as the former does not exclude from the minds of the people a feeling of being self-governed; does not imply (as the latter does, when patiently submitted to) an abandonment of the first duty imposed by the faculty of reason.

William Wordsworth, The Convention of Cintra (1809)

Self-government is better than good government.

Sir Henry Campbell-Bannerman (1906)

Actions are held to be good or bad, not on their own merits, but according to who does them, and there is almost no kind of outrage—torture, the use of hostages, forced labour, mass deportations, imprisonment without trial, forgery, assassination, the bombing of civilians—which does not change its moral colour when it is committed by “our” side.

George Orwell, Notes on Nationalism (1945)

One of the principal means of coping with cultural conflict in multicultural societies is by the adoption of some form of indirect rule (Hechter, 2000).¹ The usual explanation for the ubiquity of this institution is the claim that people prefer to be ruled by members of their own cultural group than by aliens.

At the most basic level, alien rule exists whenever one or more culturally distinct groups are governed by individuals of a different cultural group. This description encompasses the legally distinct situations of colonialism, foreign occupation, and those multinational states composed of some nations whose members consider their rulers to be alien. Even so, this definition is even less straightforward than it seems because *governance* and *cultural distinctiveness* are contested terms. In this article, *governance* refers to administration—that is, management of the affairs of an organization, institution, or government.²

For their part, cultural distinctions cannot be read out of a list of “objective” differentiae, such as language or religion, but exist largely in the eyes of the beholders.³ What is regarded as alien rule at one point in time or social setting is often reframed as native rule in another.⁴ As is the case with respect to all social boundaries (Barth, 1969), the distinction between *alien* and *native* is socially constructed (Hale, 2004; Tilly, 2004).⁵ In the Middle Ages and in some less developed countries today, individuals tend to identify with relatively small units such as the village, clan, or tribe.

In developed societies, however, the state often takes pride of place. When the boundaries of the relevant community expand, then the entities described by the terms *native* and *alien* also must reflect these changes. In classical colonialism, the meaning of *alien* is intuitive—it distinguishes conquerors hailing from the metropole from the indigenes who have been subjected by them. Likewise, in the early stages of western European state building, the centralization of authority (that is, the onset of direct rule, as when postrevolutionary Paris asserted authority over the more autonomous *pays d'état*, such as Brittany) was considered by many people in the periphery as foreign rule. Now, however, most of the residents of Brittany consider themselves to be French. Such transformations have occurred throughout history; they are, in fact, a necessary step in the process of nation building (E. J. Weber, 1976).⁶

The hallmark of alien rule concerns the identity of the rulers rather than the provenance of the ruling institutions.⁷ The most familiar example is colonialism, but alien rule can also occur in settings of widely varying size and scope.⁸ The ubiquity of nationalism in the modern world attests to pervasive political discontent with alien rule. In country after country, the strongest norms and sanctions are reserved for those individuals who support alien rulers against their native counterparts (treason is often punishable by death, and people who collaborate with occupying powers are likely to meet a similar fate). Alien rule is often shunned even when there is reason to believe that it would provide superior governance.⁹ International organizations, such as the European Union, the International Monetary Fund (Vreeland, 2003), the World Bank, and the World Trade Organization, are frequently targets of mass protests.¹⁰ Finally, hostility to alien rule has been held to be the principal motivation for suicide bombing (Pape, 2005).

The apparently pervasive discontent with alien rule has been accounted for in many different ways. Some argue that there is a biological drive for individual self-determination that leads to resentment of rule of any kind, whether native or

alien. According to Freud (1961), for example, the newborn child—a quintessential egoist whose motivations are exclusively hedonic—is loath to countenance any interest beyond its own skin. By contrast, modern evolutionary theory (Hamilton, 1964) contends that all who are not closely related kin are considered to be aliens and therefore not to be cooperated with or trusted. Indeed, recent research in neuroscience suggests that the sight of a stranger of another race causes a reaction in the nervous system that may have evolutionary roots (Olsson, Ebert, Banaji, & Phelps, 2005).

Social explanations abound, as well. For anarchists, all forms of rule essentially are alien because they violate the principle of self-determination.¹¹ Less controversially, the antipathy to alien rule may just be an instantiation of the more general phenomenon of homophily—the process by which social similarity fosters interaction (McPherson, Smith-Lovin, & Cook, 2001). Given that mutual communication is essential for social interaction, it stands to reason that the more similar two individuals are, the more easily they can communicate. Much social psychological research demonstrates that self-conscious groups (and thus group boundaries) can be formed on almost any basis.¹² Moreover, the greater the cultural homogeneity of a group, the more likely it is to develop common and exclusionary political dispositions, which may set the stage for antipathy to out-group members.

Hostility to alien rule may also derive from intergroup differences in values. Alien rulers are likely to scorn the hallowed cultural practices of natives, stimulating native resentment. The normative controls that regulate intragroup behavior are liable to be suspended when dealing with out-groups (Browning, 1992; Hochschild, 1998).¹³ By the same token, native rulers may be more politically accountable than foreigners because of the high costs of exiting one's own country.¹⁴ Corrupt or nefarious rulers are subject to criminal prosecution in all democratic regimes, but natives are more vulnerable to this sanction than aliens. Aliens may simply return to their own native countries to escape retribution—especially in the absence of extradition treaties.¹⁵

Despite these arguments, Orwell's observation is troubling because we take it for granted that in modern society, government agents will be evaluated on the basis of their *competence* rather than their personal *identity*.¹⁶ The belief that competence should trump identity when it comes to governance was enunciated strongly, if not unanimously (Muthu, 2003), in the Enlightenment. For this reason, writers of far different political stripes—from John Stuart Mill to Karl Marx—could be found endorsing European rule as a progressive force in the African and Asian colonies they considered to be backward. Some contemporary economic historians echo this view by claiming that European imperialism provided a number of key public goods, from infrastructural investment to modern legal and fiscal institutions, to colonial peripheries that otherwise would have forgone these (Ferguson & Schularick, 2006; Mitchener & Weidenmier, 2005). A similar view was also taken by the Bush White House with respect to the Middle East (Shweder, 2004).

Indeed, the requirement that officials and staff be selected on the basis of their technical competence and expertise is arguably *the* principal distinguishing characteristic of the modern, bureaucratic state.¹⁷ To attain their primary goal of promoting corporate efficiency, bureaucracies aim to hire the best and the brightest. In virtually every American research university, the faculties—especially in technical fields—compose a virtual United Nations. Much the same is true of the athletes who compete in professional sports leagues. If we have the ill fortune to be faced with a risky operation, we are likely to select a surgeon on the basis of his or her track record in the given procedure rather than his or her ethnicity, gender, nationality, or religion.¹⁸

Yet Orwell suggests that when it comes to matters of governance, this modern idea that competence trumps identity is far from accurate. Does the antipathy to alien rule mean that we are all condemned to suffer from rule that is less optimal than we might get if there were an international market in governance services?

None of the explanations mentioned earlier explains why alien rule is sometimes tolerated and accepted. In the first place, for most of history, empires were run by rulers who were alien to large proportions of their subjects, but this caused no great outcry (Gellner, 1983; McNeill, 1986). Alien rule became problematic only after the emergence of the norm of national self-determination. Most analysts regard the emergence of this norm as a modern phenomenon.¹⁹ Some trace it back to Kant's emphasis on self-determination and its influence in the French Revolution (Kedourie, 1960); others date it from the Dutch Revolt of the 17th century (Gorski, 2000) and still others (Gellner, 1983) from the onset of industrialization. Whatever its provenance, that such a norm has gained strength in modern times cannot be denied (Jackson, 1990, pp. 17-18); it is even enshrined in Article 1 (2) of the United Nations Charter. However, the application of the norm in international politics is far from universal (Hechter & Borland, 2001). Many national claimants to statehood are continually frustrated by the United Nations; Tibet and Iraqi Kurdistan are but two notable current examples.

In the second place, alien rule is not always scorned.²⁰ This article argues that the evidence for the pervasiveness of antipathy to alien rule is overdrawn. To that end, it distinguishes between two different types of alien rule, elected and imposed; provides a brief portrait of each; and suggests that when aliens are confronted with incentives to rule fairly and efficiently, they can gain legitimacy even if they have been imposed on native populations.

Alien Rule Elected

Examples of the election of alien rule are hard to come by.²¹ One of the best-documented instances is provided by the economist Avner Greif, who analyzes the emergence and persistence of the *podesteria* in the 13th century Republic of Genoa (Greif, 1998). Under this institution, the alien ruler (the *podestà*) was installed by

the Genoese to end years of internecine rivalry between competing clan-based parties, the Menacianos and Camadimos (analogues to Guelphs and Ghibbines elsewhere on the Italian peninsula and to Shakespeare's fictional Capulets and Montagues in Verona²²).

Although the 13th century had little conception of a norm of *national* self-determination, nonetheless something akin to *civic nationalism* was in full force in much of the Italian peninsula. Whereas the Italian city-states shared a common culture derived from the remnants of the Roman Empire, they were fiercely patriotic—thus to the Genoese, the residents of other city states were alien:

Lineage ties, noble affinities, and family rivalries occur everywhere in Europe in these centuries but nowhere else with the intensity and passion of Italy, just as nowhere else was the attachment to one's native town, to the *patria*, so deeply felt, so committed. (Finer 1997, p. 961).

This attachment was fueled by pervasive conflicts between rival city-states regarding territory and boundaries and nurtured by the promulgation of civic symbols, such as the *carroccio*, a special wagon that bore the city's standard in battle, as well as communal coats of arms, state seals, and patriotic literature (Chittolini, 1989; Jones, 1997; Waley, 1988).²³

Despite the salience of civic nationalism, alien rule appealed to the conflicting parties of the Italian city-states because strangers are structurally bound to exhibit a certain kind of objectivity:

[The stranger] is not radically committed to the unique ingredients and peculiar tendencies of the group, and therefore approaches them with the specific attitude of "objectivity." But objectivity does not simply involve passivity and detachment; it is a particular structure composed of distance and nearness, indifference and involvement. I refer to the . . . dominating positions of the person who is a stranger in the group; its most typical instance was the practice of those Italian cities to call their judges from the outside, because no native was free from entanglement in family and party interests. (Simmel, 1908/1950, p. 402-403)

The Genoese accepted an alien ruler—a *podestà*—to ensure the acquisition of trading privileges in Sicily that were promised by Henry VI, the son of the Holy Roman Emperor, Frederick Barbarossa. Foregoing these privileges would have damaged Genoa's economy as well as her standing relative to Pisa, a major rival. Many other *podestàs* were installed by the emperor as a means of gaining control of the notoriously independent Italian city-states. When the imperial *podestà* died, however, the Genoese took the unprecedented step of nominating their own without imperial approval. By so doing, they altered the nature of the institution.

Because the Genoese seized control of the selection of their own *podestà*, they designed their *podesteria* so as to maximize the neutrality and minimize the power

of the alien ruler. The podestà in Genoa was a non-Genoese noble, given governance powers for the period of a year and supported by 20 soldiers, two judges, and servants that he brought with him. He was offered very high wages and a bonus if there was no civil war when he left office. To minimize his incentive to collude with a given clan, he was selected by a council whose members were chosen on a geographic basis (to prevent its control by any one clan). He—and all relatives to the third degree—was prohibited from socializing with the Genoese, buying property, getting married, or managing any commercial transactions for himself or others. Until permanent housing was built, he had to move his residence around the city to prevent him from associating for too long with the members of any particular clan. The podestà and his retinue were required to exit the city at the end of his term and not return for several years, and his son could not replace him in office. Moreover, the system provided an administrator who controlled Genoa's finances, which limited the clans' ability to expropriate income as a means of increasing their military power.²⁴ The Genoese podesteria, an ostensibly benign example of alien rule, lasted for approximately 150 years. That the Genoese continued to nominate alien rulers long after the emperor demanded that they do so provides strong evidence of the institution's legitimacy.

Hence, the Genoese were able to design the podesteria to meet their specifications. Their key goal, in this respect, was the avoidance of interclan conflict that threatened social order and economic growth. To accomplish this, the podesteria severely constrained the alien ruler, providing him with incentives to maintain the peace and limiting his ability to collude with either of the contending clans. We can infer that the design was successful because it was maintained long after the external pressure had waned. Under these highly particular conditions, elected alien rule can become legitimate.²⁵

Alien Rule Imposed

When alien rule is imposed despite the objections of the ruled, the picture changes radically. All of the examples of antipathy to alien rule mentioned earlier are the result of its imposition. Generally, children do not elect to have stepparents; departments do not elect to go into receivership; well-established firms do not elect to be taken over; nations do not willingly surrender their sovereignty. The individuals who are subject to such outcomes are likely to regard them as unfortunate and illegitimate.

Everyone knows that imposed alien rulers can overcome their governance dilemmas by dividing the natives whom they willingly exploit. In this case, artful governance serves as a substitute for legitimacy (Robinson, 1972). It is less apparent that natives also may come to regard imposed alien rule as (at least somewhat) legitimate. In what follows, I try to explain how this rabbit was pulled out of this particular hat in an institution known as the Chinese Maritime Customs Service (CMCS).²⁶

The CMCS was an international, predominantly British-staffed bureaucracy under the control of successive Chinese central governments from its founding in 1854 until 1950.²⁷ Established by foreigners during the Taiping Rebellion to collect taxes on maritime trade when Chinese officials were unable to collect them, it soon came to provide a panoply of collective goods, including domestic customs administration, postal administration, harbor and waterway management, weather reporting, and antismuggling operations. It mapped, lit, and policed the China coast and the Yangtze. It was involved in loan negotiations, currency reform, and financial and economic management. It even developed its own military forces (Lyons, 2003; Tivhinski'i, 1983, p. 255; Tung, 1970, pp. 107-110). In time, the CMCS evolved into one of the most effective bases of Qing government support (Fairbank, 1953, p. 462).

The CMCS owed its existence to the weakness of Chinese central control. Like the Genoese, the Qing Empire found itself threatened by foreign powers (Franke, 1967, pp. 66-92). For centuries, the center had maintained order by rotating its agents among the various provincial units, much as if they had been French *intendants*. The bulk of its revenue came from taxing the inland trade, mostly in agricultural products. The manufacturers of the rapidly industrializing European countries, led by the (British) East India Company, eagerly sought export markets for their textiles and other manufactured goods. To that end, they aggressively pursued free trade with China. Because the Chinese economy was largely self-sufficient, there had traditionally been little domestic interest in foreign trade.²⁸ All that changed, however, with the British-instigated importation of Indian-produced opium. This was an import that created its own demand. As ever more Chinese became addicted, the Qing outlawed opium. Even so, the Europeans arranged for large quantities of it to be smuggled into China (Franke, 1967, p. 68; Hart et al., 1986, p. 55).

The vast amounts of money associated with the opium trade had two important consequences for the Qing regime. On one hand, it led to a large export of currency, depleting the Chinese supply of silver. On the other, it altered the balance of power between Peking and the landed gentry (Wakeman, 1966). The gentry gained at the expense of the center's agents. At the same time that the agents' control was enfeebled, widespread corruption and banditry siphoned tax revenue from the central government and disrupted trade. In addition to the gentry, the drug trade fostered a number of other domestic contenders for power: a rising merchant class, highland bandits and smugglers, and the Taiping rebels. Just as in Genoa, social order was breaking down in Kwangtung. Social disorder threatened overseas trade, alarming both the imperialist powers and the Qing government.

China's military defeat in the Opium Wars revealed that the regime was no match for the Western powers (Hart, Smith, Fairbank, & Bruner, 1991, pp. 2-7; Tung, 1970, p. 7). Nor could it effectively deter rebellion at home (Costin, 1968, pp. 159-205; Teng & Fairbank, 1954, p. 125; Tikhvinski'i, 1983, pp. 240-241). The Qing were induced to accept a series of treaties that eroded aspects of Chinese sovereignty at

the point of a gun (S. Brown, 1978, p. 177; Horowitz, 2004; Tung, 1970, pp. 19-21). The CMCS was a by-product of these treaties, providing alien control of the maritime customs service, which was responsible for collecting revenue derived from overseas trade.²⁹

With respect to foreign trade, Peking wanted to accomplish two principal tasks: to control smuggling and to maximize its tax revenue. By surrendering taxing authority to the CMCS, however, the Qing regime made itself vulnerable to exploitation by foreigners. Under normal circumstances (as discussed earlier), alien rulers should have responded by skimming off the bulk of the revenues they collected.

Why did the CMCS not take advantage of this opportunity? For at least two reasons. On one hand, because a good part of the Qing's revenue reverted to Western countries to pay for war debt, skimming the receipts would have been robbing Peter to pay Paul. More fundamentally, the CMCS was devoted to the Chinese because it was in their best interest to be (Chesneaux, Bastid, & Bergère, 1976). The treaties that the Western countries had signed with China were very advantageous to them. Because the Qing regime committed to these treaties, the foreigners had a stake in the success of the Qing. As the service's farsighted inspector general Robert Hart appreciated, any hint of corruption on the part of the CMCS would have created friction between China and the Western powers (Wright, 1950).

On the other hand, Hart instituted controls providing transparency to the Chinese government and deterring his own employees from corruption (Wright, 1950). In an era characterized by robust Western discrimination against the Chinese,³⁰ the CMCS employed both Chinese and Westerners. To facilitate their cooperation, it hired Chinese linguists. Customs stations were supervised by Chinese superintendents, who collected customs dues and duties, whereas Western commissioners acted as assessors and accountants of duties on foreign trade. Because the assessors of duties never collected them, they had no incentive to cheat, let things slide, or arbitrarily punish a trader. Commissioners were given an allowance for their port's operations, and expenditures had to be approved by the inspector general. The Chinese superintendents held the purse strings of local customs and were privy to the internal workings of the service. All funds (in theory, at least) were accounted for (Wright, 1950, p. 282).

In the service's early years, Hart traveled from port to port inspecting each one; an audit secretary also visited the ports on a regular basis to carry out inspections. Offenders were instantly dismissed and required to forfeit their pay and retirement allowance. These controls proved highly effective: During Hart's 50-year career, the cases of reported malfeasance could be counted on the fingers of one hand (Wright, 1950, p. 287).

Chinese nationalism first arose in reaction to the unequal treaties—and treatment—imposed on the country by the Western powers in the 19th century (Zhao, 2004). Following the revolution of 1911, the old state apparatus was destroyed and the new one had yet to solidify. Many regions fell under the sway of warlords; there was a profound disintegration of the political order (Fairbank, 1986). The CMCS's

gunboats policed the coastal cities, providing a haven from warlord conflict. And its capital provided the new government with sorely needed international credit. Despite the nationalist goals of the revolution, the CMCS prospered (Brunero, 2006; Hu, 1955, pp. 176-204). Indeed, this nationalist political transformation actually *increased* the influence of the CMCS (Clifford, 1965, p. 18; Hart et al., 1975, p. 31). In 1932, for example, the CMCS was generating 60% of central government revenues, a much greater proportion than before (Anderson, 1998, p. 30).³¹

In the midst of intense interclan conflict that threatened the economic development of Genoa—and under the pressure of an external threat—the Genoese elected to have an alien ruler. Because an Italian from another city-state could easily be made dependent on one of the two contending groups (for example, he could marry into either faction), thereby destroying the mutual deterrence equilibrium that provided the rationale for alien rule in the first place,³² the Genoese designed an elaborate series of incentives and constraints to motivate the podestà to provide social order in a bitterly divided polity.

As an imposed form of alien rule, the CMCS was initially greeted with hostility (Chesneaux et al., 1976). Despite this, however, the CMCS proved to be effective at collecting taxes, attacking piracy, and minimizing corruption (Fox, 1940, pp. 143-186; Morse, 1918, p. 63). On the heels of these notable successes, the CMCS soon began to provide a wide range of collective goods in coastal China. The institution persisted for more than a century, even surviving the nationalist revolution of 1911.

Given these conditions, the alien ruler was preferred to a native one because the alien could be relied on to be a neutral third party rather than a partisan who would upset the delicate balance between rival clans.³³ Note that this explanation differs from the old sociological bromide—made popular in H. G. Wells's *War of the Worlds* and countless other science fictions about alien invasion—that an external threat unites previously conflicting groups (Coser, 1956). In the present case, the external threat does not bring the parties closer together. Quite the contrary: The impetus for the election of an alien ruler hinges on the intractability of intergroup conflict.

Yet the mechanisms responsible for the adoption of alien rule do not explain its persistence. Alien rule is best able to persist in the long run when it provides subjects with efficient outcomes, those that maximize the key native groups' expected returns. By eliminating disruptive clan conflict, the podesteria fostered Genoese prosperity. Although it was established at the behest of a foreign power, the Genoese continued to use the podesteria long after it was demanded of them. By maximizing revenue from foreign trade and providing key collective goods, the CMCS provided similar returns for the Qing regime, if not for the Chinese as a whole.³⁴ Significantly, its influence actually increased after the nationalist revolution of 1911.³⁵

The institutions used to control the alien rulers and the rival subjects differ markedly in the two cases, however. Because they effectively elected alien rule, the Genoese could craft much greater constraints on the podestà than the Qing could on the CMCS.

Despite this key difference, this article therefore suggests that if it is both effective and conducted according to bureaucratic norms emphasizing merit-based allocation and procedural justice,³⁶ even imposed alien rule can gain legitimacy in time.³⁷

The Legitimation of Alien Rule

The concept of legitimacy was invented to help account for social order in large societies (M. Weber, 1978; Zelditch, 2001). Because it is usually assumed that it is too costly to attain order in the long run on the basis of sanctions derived from incentives or naked coercion,³⁸ political stability must also rest, in part, on some normative basis. Agents who have internalized the relevant norms can be relied on to control themselves. Legitimacy provides a means of referencing this normative basis of social order.

Yet there are no standard definitions of the term. For present purposes, a government will be considered legitimate to the extent that its rules conform to the group's social norms and can be justified by reference to beliefs shared by both dominant and subordinate members of the group, and subordinates' behavior demonstrates their consent with the regime (cf. Beetham, 1991, pp. 15-16). These are exceedingly demanding conditions to meet. Among other things, they imply that established rules will be honored even in the absence of sanctions for noncompliance. Acceptance of the rules because of the anticipation of sanctions may well yield compliance, but if so, this owes to considerations of power rather than legitimacy.

As so defined, the measurement of legitimacy poses a formidable challenge. Although compliance is often observable, the motivation driving it (that is, whether it is because of the anticipation of sanctions) is difficult to discern absent reliable subjective evidence. By the same token, anything less than full compliance with the rules reveals some decrement of legitimacy. Whereas compliance may be attributable either to legitimacy or to the threat of sanctions, noncompliance indicates some degree of illegitimacy.³⁹

What then determines the legitimacy of a government in a given society? There are two different views of the matter. In one view (Parsons, 1960), the principal determinant of legitimacy is a consensus among rulers and ruled about values, norms, and beliefs. Because aliens—by definition—do not share values, norms, and beliefs with natives, alien rule can never be legitimate in this view.

Opposed to this is an instrumental theory of legitimacy. In this view, a regime is legitimate to the degree that it provides collective goods—including procedures and outcomes—to the ruled. With respect to procedures, legitimation occurs to the degree that governments legislate and enforce the law fairly. In Western societies, at least, this means according to due process (Gamson, Fireman, & Rytina, 1982). As long as these procedures do not put any category of individuals at systematically greater disadvantage or risk than any other, rational people (acting, as it were, behind

a Rawlsian veil of ignorance) will grant legitimacy to the government (Coleman, 1990, p. 288; Rogowski, 1974).⁴⁰ The emphasis on procedure has a key strength, for it can account for compliance among both the losers and winners of particular government programs and policies. This is a defining characteristic of legitimate rule (Linz, 1978). Losers continue to grant legitimacy to the government because they believe that they might be winners in subsequent rounds of government activity. The importance of procedures is supported by a range of experimental (Tyler, 2006) and historical (Levi, 1997) research. From this perspective, the success of the CMCS probably owes in no small part to the existence of deeply rooted Confucian bureaucratic norms.

There is, however, another instrumental consideration. Substantively, governments are judged by the outcome of their policies as well as the procedures that generate them.⁴¹ This suggests that legitimacy is also a by-product of the government's effectiveness in producing collective goods (Beetham, 1991, pp. 109, 237; Lipset, 1960, pp. 38-71).⁴² Yet if legitimacy is nothing but the quo of some government quid, then every time a social group deems itself the loser from a given policy, it will withdraw legitimacy from the regime. Regimes can tolerate the withdrawal of legitimacy by small, socially isolated groups, but as the numbers and pervasiveness of the discontented grow, chances of political instability increase apace (although this is subject to the resolution of the collective action problem).

The substantive view of legitimation also garners empirical support. A new study reveals that the greater the relative income of ethnoregions, the less they demand sovereignty (Sambanis, 2006). The prevalence of immigration in the modern world provides further evidence: After all, immigrants voluntarily trade native but (presumably, in their eyes) relatively ineffective rule in their homelands for more effective rule by aliens.⁴³ The growing popularity of city managers in the United States, many of whom are alien to their communities and on this account perceived as less beholden to native interest groups, may also be a testament to the link between effectiveness and legitimacy (Nalbandian, 1991).⁴⁴ A study of 19th century American cities suggests that voters were willing to cede the political autonomy of their local governments to join larger metropolitan areas when the perceived costs of their existing sewers, water supply, and lighting and street systems exceeded their perceived benefits (Dilworth, 2005). There is even some evidence that an occupying power that rules impartially and effectively provides collective goods can win over subject populations.⁴⁵ Because there is no contradiction between the emphasis on procedure and that of substance, they can be combined to provide a more robust instrumental account of legitimation.

Implications

This discussion has implications for determining the source of the strong preference for native rule. By treating this preference as unconditional, the epigraphs at the

Table 1
Legitimacy of Government, by Type
of Rule and Fairness and Effectiveness of Rule

Fairness/Effectiveness	Type of Rule	
	Native	Alien
High	Type 1 <i>High legitimacy</i> Organisation for Economic Co-operation and Development countries	Type 2 <i>Intermediate legitimacy</i> Genoese <i>podesteria</i> , Chinese Maritime Customs Service
Low	Type 3 <i>Low legitimacy</i> Kibaki's Kenya Mugabe's Zimbabwe	Type 4 <i>Illegitimacy</i> Belgian Congo

beginning of this article imply that the source of the preference for native rule is universal (at least since the emergence of the norm of national self-determination) rather than instrumental and, hence, contingent. If true, then the future of an international market in governance services is bound to remain bleak. Yet this implication may not be warranted.

Consider the following relationship between legitimacy, the types of rule, and the fairness and/or effectiveness of governance (see Table 1).

In the modern world, the empirical prevalence of Types 1 and 3 is far greater than Types 2 and 4.⁴⁶ Why is it so difficult for alien rulers to attain legitimacy? People may prefer native to alien rulers simply because native status is an observable predictor of superior governance. In contrast to the noninstrumental explanations advanced earlier, the widespread antipathy to alien rule may derive from the weakness of alien rulers' incentives to govern fairly and effectively. Alien rulers generally have few incentives to provide fair and effective governance.⁴⁷ Absent such incentives, there is nothing to restrain rulers from outright predation. Because natives tend to be more accountable to the ruled than are aliens for the multiple reasons discussed earlier, they are likely to produce fairer and more effective governance than alien rulers.

The examples in this article, however, show that given the appropriate incentives, alien rulers indeed can be motivated to provide fair and effective governance—and, hence, to earn some measure of legitimacy. This outcome is least problematic in the case of elected alien rule. The Genoese provided these incentives themselves because they were able to design an institution that tied the podestà's compensation to his ability to secure social order in the republic. This provided him with ample motivation to rule fairly and effectively.

Imposed alien rule is quite another story. These incentives are usually weak, if not altogether absent, in the case of classical colonialism. Yet even imposed alien rule can become sustainable under some conditions. Alien rulers can be motivated to provide fair and effective governance when aliens impose rule on native territory to augment their own security (for which they are prepared to incur some cost) or share in the profits of increased trade and commercial activity. Thus it was in the vital interest of the CMCS to prop up a shaky Qing regime so as to profit from favorable foreign trade treaties. This similarly motivated the British inspector generals of the CMCS to exercise fair and effective rule. Profit from trade and commercial activity likewise provided an incentive for good governance in the case of British rule in Hong Kong. Many Hong Kong natives preferred alien (British) rule to Chinese rule at the time of the handover (I. Scott, 1989, p. 13).

Moreover, this analysis also reveals that alien rule need not be an all-or-nothing phenomenon. It can be partial as well as total. The CMCS did not usurp the role of the Qing emperor: Its rulership was confined to specific sectors of governance in China. Likewise, Christians and Jews in the Ottoman Empire who obtained the protection of Western representatives were free to do business under the laws of a Western country rather than those of the empire (Kuran, 2004).

An international market in governance services would offer alien rulers ample incentives to provide fair and effective governance. The role of competitive markets in disciplining the producers of goods and services is powerful. Moreover, the effects of market discipline are culturally universal. Contemporary exemplars of successful alien rule are likely to hasten the advent of such an international market. This is good news for those seeking to improve the performance of governments in an era in which cultural politics has attained exceptional salience.

Notes

1. The notion that indirect rule is a superior means of governing in multicultural societies is an old one in social theory. Thus, in *The Prince*, Machiavelli advises that “if one wants to preserve a city that is accustomed to living in freedom, it is more easily held by the means of its own citizens than in any other way” (Hörnqvist, 2004, p. 123). See also Althusius (1614/1964).

2. “There is no distinction between ‘policy’ and ‘administration;’ almost every administrative act has policy implications and may, indeed, *be* policy whether intended or not” (Wilson, 1989, p. 41).

3. For example, there are few such objective differences between the cultures of American southerners and northerners, Americans and Anglophone Canadians, northern and southern Italians, East and West Germans, or Czechs and Slovaks. Despite this, individuals on both sides of these respective divides perceive that these distinctions entail substantial cultural distinctions and behave accordingly.

4. For example, Thomas Schelling (personal communication) suggests that once Colin Powell became United States Secretary of State, he was considered to be alien by the Department of Defense.

5. The concept of alien rule must also be distinguished from that of problematic political representation. As has long been appreciated, democratic elections typically yield representatives who are different—more privileged, more educated—than the electorate (Manin, 1997; Michels (1912/1999)).

6. For a useful review of the literature on the cognitive bases of categorization with respect to group formation, see Brubaker, Loveman, and Stamatov (2004).

7. Alien rule entails alien rulers. Thus despite the heavy American influence on the constitutions of postwar Japan and Germany, neither of these countries is today subject to alien rule. I am indebted to Ning Wang for this distinction.

8. Broadly conceived, alien rule is widely scorned in groups as small as families and as large as international organizations. Fairy tales such as *Cinderella* portray stepparents as alien rulers who ill treat their stepchildren. Indeed, stepchildren are subject to greater parental abuse than genetically related children (Daly & Wilson, 1985, 1996). University faculty members react with dismay when their departments are relegated to academic receivership—a euphemism for alien rule (Dubrow & Friedman, 2005). Employees whose firms have been subject to corporate takeovers often fear their new alien rulers (Demeritt, 2008).

9. Thus in 1808, King Joseph of Spain, which had some of Europe's most wretched peasants, presented a draft constitution that for the first time offered an independent judiciary, freedom of the press, and the abolition of the remaining feudal privileges of the aristocracy and the church. However, because Joseph was Napoleon Bonaparte's brother installed by French troops a month earlier, he was rebuffed. Similarly, when liberals in Naples (supported by the French) sought to emancipate peasants and plebeians in 1799, they too were unsuccessful (Luttwak, 2005, pp. 27-28). According to most available measures, K-12 public education in the United States lags far behind its Finnish, South Korean, and Japanese counterparts. Yet it is hard to imagine that any American school district would ever consider hiring Finnish, South Korean, or Japanese experts to run their schools. In a *New York Times* op-ed article, Brent Staples (2005) makes just such a proposal, but doubts that it will come to fruition because "the United States will need a radically different mind set to catch up with high-performing competitors. . . . We will also need to drop the arrogance and xenophobia that have blinded us to successful models developed abroad."

10. This discontent occurs despite the World Trade Organization's explicit exemption of governance from its otherwise capacious view of free trade.

11. According to Proudhon,

To be governed is to be watched, inspected, spied upon, directed, law-driven, numbered, regulated, enrolled, indoctrinated, preached at, controlled, checked, estimated, valued, censured, commanded, by creatures who have neither the right nor the wisdom nor the virtue to do so. (Proudhon, as cited by Nozick, 1974, p. 11)

The desire for self-determination is hardly confined to anarchists: The protection of autonomy, or turf, is one of the principal goals of bureaucracies (Wilson, 1989, chap. 10).

12. Whereas differences in resource endowments were once thought to be necessary for the formation of intergroup boundaries, Tajfel (1982) showed that experimental participants would form self-conscious groups—exhibiting in-group bias—on the basis of a distinction between those who preferred paintings by either Klee or Kandinsky. Subsequent research in this vein demonstrated that such groups could even be formed after participants were randomly assigned to different groups by an experimenter. One possible explanation for the prevalence of homophily is that the social identities of "native" and "alien" are uncertainty-reducing mechanisms that act as a kind of "social radar" (Hale, 2004).

13. Thus at various times, the British authorities resisted attempts by their colonial subjects in India and Sudan to wear Western dress (Sharkey, 2003, pp. 47-48).

14. The lack of accountability is also an argument against the privatization of government services (Verkuil, 2007).

15. See Hechter (1987) for an analysis of the effect of dependence (that is, high exit costs) on compliance.

16. The *locus classicus* for this expectation is Max Weber's (1978, pp. 223-226) seminal analysis of monocratic bureaucratic organization.

17. The opposing principle—that is, selection on the basis of identity—is characteristic of Weber's (Weber, 1978) two other modes of organization, traditional and charismatic.

18. Even so, there is considerable evidence that gender, race, and sexual orientation are salient characteristics in the choice of physicians for some procedures. Thus, some women so strongly prefer a female colonoscopist that they are willing to delay the procedure for a month or pay up to \$200 extra to have a woman perform it. In one study (Menees, Inadomi, Korsnes, & Elta, 2005), nearly 50% of the women surveyed preferred a woman endoscopist. Seventy-five percent of these cited embarrassment as the primary reason; 50% thought a woman would have more empathy, and 36% thought they were better listeners. Whether these factors are equally salient in more critical procedures—such as the neurosurgery mentioned earlier—is questionable, however.

19. Despite this, there were, for instance, notable cases of resistance to Roman rule in Judea and to Manchu rule in China.

20. Thus, the American Declaration of Independence does not regard alien rule as a justification of the colonists' rebellion. The poor quality of British rule is what matters:

When a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them [the people] under absolute Despotism, it is their right, it is their duty, to throw off such government, and to produce new Guards for their future security. Such . . . is now the necessity which constrains them to alter their formal Systems of Government.

Thanks to Ronald Breiger for calling my attention to this example. Moreover, aliens have often been implicated in the founding myths of democratic institutions, especially the law (Honig, 2001).

21. Much, of course, depends on the meaning of *election*. Sometimes one faction in a divided polity summons a partisan alien ruler to join forces in subduing a common rival. Thus English Protestants invited William of Orange (in 1688) to assume the throne, thereby forestalling a Catholic succession. Needless to say, this outcome was far more popular in England than in the Catholic regions of Ireland and Scotland. Jean-Baptiste Bernadotte, a French Revolutionary general, was elected crown prince of Sweden in 1810 and king 8 years later; his is the dynastic line of the current Swedish monarchy. Bernadotte's election owed to political conflicts unleashed within Sweden during the chaotic period of the Napoleonic wars. In contemporary times, several small islands, including Bermuda (United Kingdom), Tokelau (New Zealand; see Parker, 2006), and Réunion (France), have opted to retain colonial status rather than independence because the former comes with hefty subsidies. Moreover, Westphalian sovereignty has sometimes been honored in the breach: Sovereign states have often been subject to externally imposed (alien) restrictions on their treatment of minorities, for example (Krasner, 1999; Sheehan, 2006).

22. "Faction, born of private hatreds, remained essentially war, cut-throat werra, and . . . war of increasing virulence and thoroughness, that turned communal annals into a lengthening and long-remembered record of devastation and slaughter, atrocity and public revulsion" (Jones, 1997, p. 605). Unlike Genoa and many of the other Italian city-states that experienced alien rule, Venice was not crippled by interclan feuding; the doge was a native Venetian who served for life (H. F. Brown, 1895).

23. Despite more than a century of political unification, cultural differences between Italian cities persist to the present day, maintained by low rates of geographic mobility and the exceptional resilience of the Italian family (Ginsborg, 2003).

24. As Barzel (2002, p. 143) observes, when rulers have a fixed-wage contract, they have an incentive to shirk.

25. As Clark (2007, pp. 739-740) points out, however, other Italian city-states also developed *podesterias* during this period, but these institutions had quite different outcomes from Genoa's. The Florentine *podesteria*, for example, was unable to quell violence between Guelphs and Ghibbelines, and Pisa's cemented the dominance of one clan over others. Further research is necessary to determine if these different outcomes reflect variations in the incentives provided by these various *podesterias*.

26. Until 1912, it was known as the Imperial Maritime Customs Service.

27. The origin of the Qing dynasty, which was established in the 17th century, was Manchu rather than Han and, as such, itself constituted an example of alien rule. Even so, the Manchus adopted nearly all of the governance institutions used in the preceding Ming dynasty, which had been dominated by the Han.

And Han filled the vast majority of government positions. “When ‘barbarian’ conquerors such as Mongols and Manchus adopted Confucian culture, the Chinese people could accept them because their primary loyalty was to a culture rather than to a particular nation” (Zhao, 2004, p. 42). Antipathy to the regime was based more on its ineptitude than its alien origins (Welch, 1980, p. 97). The notion that the Qing somehow tolerated the Chinese Maritime Customs Service (CMCS) because they too were alien rulers seems inconsistent with the persistence of the CMCS until 1950. Despite this, the ethnic boundary between Manchu and Han remained salient prior to the 1911 Revolution (Rhoads, 2000).

28. From the mid-18th century until 1830, China restricted imports and exports to the port of Canton; the Qing granted the Cohung (a group of private Chinese entrepreneurs) monopoly rights to trade (Chesnaux, Bastid, & Bergère, 1976; Morse, 1961).

29. China had a long tradition of employing aliens in government: “One secret of the efficiency of China’s imperial government had been its longstanding custom of co-opting alien chieftains on the frontiers to become servants of the empire” (Hart, Smith, Fairbank, & Bruner, 1991, p. 13). This was referred to as *i-i chi-I*, or “using barbarians to control barbarians.”

30. According to Wood (1998),

Many Chinese writers mention the public gardens laid out in the [treaty ports], with bandstands, flower-beds and notice-boards inscribed with regulations. “No dogs or Chinese” has become a stock phrase denoting the insulting existence of these municipal parks. Whilst it is not true that there was ever a sign bearing that bald prohibition—municipal councils in China were as long-winded as anywhere else—the hundreds of rules and regulations governing these tiny scraps of land did indeed exclude most Chinese people. (p. 2).

31. A strikingly similar story can be told about another key alien-dominated institution during this period of Chinese history: the Sino-Foreign Salt Inspectorate (Strauss, 2008). From 1928 through 1937, for instance, this British-dominated agency collected an average of 25% of Chinese central government receipts. It enacted rigorously fair and effective policies and, in so doing, generated legitimacy in an extremely nationalist environment.

32. Greif (2005) writes,

In mutual-deterrence equilibria, each clan is deterred from attacking the other by the self-enforcing belief that an attack will not pay, given the other clan’s military strength, the cost of the attack, and the implied loss from forgoing future joint piracy. (p. 225).

The podesteria is an example of what Gellner (1983) terms *gelding*—a practice that denies governors links with particular kin groups, “whose interests are then liable to sway the officers from the stern path of duty, and whose support is, at the same time, liable to endow them on occasion with too much power” (p. 15). Court Jews and Ottoman eunuchs were similarly gelded in their own societies (Coser, 1974).

33. In similar fashion, the first Swiss federation was established when the Habsburg Empire threatened to wrest control of the so-called Devil’s Bridge over the Saint Gotthard Pass, the key north-south trade route between German principalities and the Italian city-states, from the cantons who originally controlled this territory. This external threat provided an incentive for three previously autonomous cantons—Uri, Schwyz, and Unterwalden—to band together in hopes of retaining their control of the route and the revenue deriving from it (Finer, 1997, pp. 957-958). As is well appreciated, the same principle also came into play under colonialism. Perhaps the only thing that the various indigenous groups in the colonies could agree on was the desirability of self-determination. After this was realized, intergroup conflict, which had been submerged in the nationalist effort to end alien rule, resumed anew.

34. According to Fairbank (1953),

Given the Western domination of China after 1860, the Customs was useful both to Western traders and to Chinese administrators, enabling the Chinese government to meet some of its immediate problems and Western merchants to exploit their Chinese market more effectively. (p. 463).

Since Fairbank's assessment was based on the records of the CMCS rather than the Qing archives, which were unavailable to him, the possibility that this conclusion suffers from a pro-Western bias cannot be ruled out. The overall Chinese assessment of the CMCS remains to be determined (this will be a difficult task, indeed, in the absence of reliable survey data). Note that a similar kind of alien rule in Siam that was established in the same period has been held to have enhanced the monarchy there (Trocki, 1992, p. 93).

35. A European-run institution, the Ottoman Public Debt Administration (OPDA), played a similar role in the Ottoman Empire from 1881 to 1918 (Blaisdell, 1929; Clay, 2000). Like the CMCS, the OPDA was able to produce greater tax revenue for the central government by reducing bureaucratic corruption. Moreover, by raising the confidence of Western investors in the regime's fiscal responsibility, the OPDA also contributed to the development of the territory's infrastructure, especially with respect to railroads. Unlike the CMCS, however, the OPDA did not survive the rise of nationalism in Kemalist Turkey.

36. However, the CMCS was far from a perfect bureaucracy: It had no formal criteria for recruitment, no rules for promotion, little predictability of postings, and the inspector general ran the Service with virtually no accountability (Anderson, 1998, p. 7).

37. Of course, the same holds for the legitimacy of native rule.

38. In a challenge to this assumption, however, Liberman (1996) argues that the Nazi occupation of western Europe encountered little in the way of resistance and much in the way of collaboration.

39. Thus legitimacy implies an obligation to abide by established rules. If I accept the legitimacy of the Internal Revenue Service, then I will pay the taxes that are due even if I know I could free-ride with impunity. What if the rules themselves are deemed to be illegitimate in the eyes of the governed? Then—absent coercion—compliance will suffer apace.

40. Note that this conception of fairness does not imply that government policies must lead to an equality of outcome among individuals or social groups, but it does strive toward the attainment of equality of opportunity.

41. It has been argued that the legitimacy of democratic regimes rests on both procedures (which guarantee contestation of rule) and the effectiveness of public goods provision, whereas nondemocratic regimes must rely solely on the latter consideration (Huntington, 1991).

42. Thus, alien rulers may produce bundles of collective goods that natives regard as suboptimal. Because one of the requisites of effective governance is accurate information about the conditions and desires of individuals embedded in localities (J. C. Scott, 1998), alien rulers are likely to be too distant from natives to govern effectively. Even the native central rulers of large societies have difficulty attaining this kind of information; Hayek's (1973) attack on central planning is based on this premise, as are most arguments on behalf of federalism and decentralization. This informational obstacle is that much more severe for alien rulers, for they may be subject to the deliberate withholding of information by natives (J. C. Scott, 1985). Current conflict regarding immigration policy in the advanced societies reveals that cultural distance strongly attenuates voters' willingness to devote their taxes to provide for the welfare of others (Alesina, Baqir, & Easterly, 1999).

43. Thanks to Deven Hamilton for this insight. This statement presupposes that the higher level of economic development in immigration societies owes, at least in part, to their more effective governance. This is not to suggest that immigrants are indifferent to their native cultures, only that their desire for effective governance tends to trump the attachment to their native culture.

44. Whereas American city managers are formally no more than the agents of elected decision makers (e.g., city councils), in reality, these principals often fail to exercise much oversight (Selden, Brewer, & Brudney, 1999). Thus city managers—like Genoa's *podestà*—tend to exercise much independent authority and set policy (Svara, 1999).

45. See Gavrilis (2005) for an account of American rule in the Iraqi city of Ar Rutbah, Smooha (2004) on Israeli Arabs' acceptance of the state of Israel, and Lammers (1988, 2003) for a more general analysis. Commenting on the willingness of states to accept foreign troops on their native soil, Lake (2007, p. 76) notes that "countries subordinate to the United States in security affairs enjoy lower defense expenditures

as a proportion of national income” (p. 27). These countries therefore are willing to trade off some degree of military sovereignty for increased protection by an alien power. Need it be pointed out that the recent popular success of movements, such as Hamas and Hezbollah in their respective territories, also lends support to the idea that groups that provide effective governance often come to be regarded as legitimate? After all, this is what originally fuelled Mao’s Chinese Communist guerillas (Popkin, 1979).

46. As the history of western European state formation reveals, however, the empirical prevalence of Types 2 and 4 has often been self-canceling in the long run. Invariably, these states crystallized around core areas that expanded into culturally distinct peripheries. Core rulers initially were regarded as alien—they often met with armed resistance—but in the course of centuries, many of them were reframed as native. In peripheries that were consistently subject to unfair and ineffective rule, rulers from the core continued to be regarded as alien rulers.

47. Even if their desire to provide fair and effective governance is sincere, cultural differences between aliens and natives make it politically difficult for alien rulers to sustain the high level of funding necessary to promote social order and economic development in native societies. Such failures of political will have doomed both colonial regimes and contemporary peacekeeping operations alike: In both situations, aliens have a strong tendency to rule on the cheap (Doyle & Sambanis, 2006; Marten, 2004). Despite this, some have argued that there is a strong argument for the imposition of alien rule in the form of neotrusteeship in the case of failed states (Fearon & Laitin, 2004).

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