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# Beyond War and Contracts: The Medieval and Religious Roots of the European State

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## Keywords

state, religion, Catholic Church, sovereignty, institutions, medieval

## Abstract

Where does the state come from? Two canonical answers have been interstate wars and contracts between rulers and the ruled in the early modern period. New scholarship has pushed back the historical origins of the European state to the Middle Ages, and focused on domestic institutions such as parliaments, universities, the law, inheritance rules, and cities. It has left open questions of the causes of territorial fragmentation, the structural similarities in state administrations, and the policy preoccupations of the state. One answer is a powerful but neglected force in state formation: the medieval Church, which served as a rival for sovereignty, and a template for institutional innovations in court administrations, the law, and the formation of human capital. Church influence further helps to explain why territorial fragmentation in the Middle Ages persisted, why royal courts adopted similar administrative solutions, and why secular states remain concerned with morality and social discipline.



## INTRODUCTION

Where does the state come from? This question is fundamental to our understanding of economic growth, good governance, regime stability, and democratic success. The historical rise of the state matters as a way of understanding both how our contemporary polities are organized and how they function.

There are two canonical (and related) answers to the question of the development of the European state: war between rival rulers and contracts between rulers and the ruled. Competing for territory and authority, rulers of fragmented territories had to wrest resources from their subjects to fight wars—and the resulting institutions allowed states to extract more efficiently. These taxes were then reinvested back into the machinery of the state, allowing rulers both to expand the administrative roles and offices of the state and to consolidate its power. Larger and more capable rivals dominated smaller and less centralized entities, and medieval fragmentation gave way to state consolidation.

Resource extraction also gave rise to domestic contracts among the ruling elites. No monarch could obtain assets without the compliance of at least some of the wealthy (and armed) elites—and so kings entered into explicit agreements with nobles, merchants, and clergy. In these accounts, representative assemblies limited the discretion of rulers in exchange for the income to fight wars, build states, and thus promote growth and state development.

These canonical accounts have left several questions unanswered. First, for example, what is the source of the medieval fragmentation of territory and authority? Conversely, how could small states survive the bloody and unrelenting conflict that favored large and powerful states? Second, why do states take on the institutional forms they do—why the similar institutions of chanceries, judiciaries, and treasuries? Why, for that matter, did representative assemblies develop as they have? Third, why do states *do* what they do? States provide contract enforcement, conflict resolution, security, and public goods; but why do they also concern themselves with public morality and social discipline?

To answer such questions, a new wave of scholarship has pushed back the rise of the state to the medieval period, and focused increasingly on domestic forces rather than international competition. I examine these shifts, and the new emphases on the growth of parliaments, universities, cities, and inheritance institutions. These new approaches owe a considerable debt to an earlier literature that saw the Middle Ages as central to the uniqueness of European development [Hintze 1975 (1906), Moore 1966, Wood 2002)]. Scholars are now reexamining this period, armed with more precise conceptual tools and sophisticated empirical strategies.

Yet all these explanations largely neglect the fundamental rival for authority and an essential source of domestic state institutions: the medieval Church. In an era of weak coercive power and low human capital, the Church had the wealth, spiritual authority, and expertise to fundamentally mold politics. Precisely because the Popes had little coercive capacity, they instead wielded doctrine, law, literacy, and administrative innovations to shape nascent states. Not only was the Catholic Church the most powerful, wealthy, and pervasive force in medieval Europe—but also, as earlier scholars [Hintze 1975 (1906), Strayer 1998 (1970), Berman 1983a] stressed, it directly influenced state formation.<sup>1</sup> Nonetheless, much of the literature on state development has either

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<sup>1</sup> A recent literature in economics also examines the impact of early religious institutions on economic growth, focusing on patterns of rule (De Long & Shleifer 1993), representative assemblies (van Zanden et al. 2012), international banking (Padgett & Powell 2012), legitimation (Rubin 2017), and inheritance (van Zanden et al. 2012, Ekelund et al. 2002). The Reformation is seen as a shock that led to differential patterns of urbanization (or not; see Cantoni 2014), of trading networks (Blum 2001), and of literacy and human capital (Becker & Woessmann 2009, Becker et al. 2016, Dittmar & Meisenzahl 2020). The long-run impact of the dissolution



ignored the role of religious actors or dismissed them as “small-scale authorities” alongside chieftains and petty officials (Acharya & Lee 2018, p. 956). Explanations focusing on war also neglect religious actors—even though it was the Church that mandated the spectacular military build-up of the Crusades (Blaydes & Paik 2016; see Mitterauer 2010, ch. 6). Canonical works on the formation of representative assemblies, such as Marongiu’s (1968) and Stasavage’s (2011), largely neglect religion. Examining medieval and domestic forces thus entails a renewed focus on the religious actors crucial to medieval state formation.

This review, therefore, examines the early historical and religious roots of European state building. The European state is a well-ploughed intellectual territory—and yet it is fundamental to our understanding of the state, precisely because its templates diffused globally. There is also enormous variation in the rise, development, and frequent collapses of European states, both over time and across territory. Even if the lessons are limited, “a serious student of state formation, regardless of the geographic area of interest, should take European state formation as its referent point” (Spruyt 2011, p. 569).<sup>2</sup> I focus on the period between the fall of the Carolingian empire in 888, which saw the fragmentation of political authority, and the end of the Thirty Years’ War in 1648, which traditionally marks the Westphalian institutionalization of states (however incomplete).

## THE DEEP ROOTS OF THE STATE

The dominant view in the literature is that “the state” was invented as a corporate or personalized entity only in early modern Europe. Other practices of rule-making and enforcement may have existed, but the idea of the state before this time period is anachronistic (Anderson 2018, Skinner 2018). Consequently, scholars from Hintze to Tilly date state formation to the early modern era, from the mid-sixteenth to mid-eighteenth centuries (Tilly 1975, p. 170; Ertman 2017, p. 54; Spruyt 2017, p. 81). Such periodization relies on the Treaties of Augsburg (1555) and Westphalia (1648), both of which have been argued to establish the principle of state sovereignty in international relations.<sup>3</sup> Others go further and claim that the sovereign state (marked by a formal monopoly of authority over a distinct territory) dates only to the early nineteenth century (Gorski & Sharma 2017, p. 103; see also Teschke 2003).

Yet sovereignty over territory was not simply an invention of Augsburg or Westphalia. Well before, “all over Western Europe the feudal nobility became subordinate to the central governments—the process being largely complete by 1500 A.D.” (Bean 1973, p. 220). Spruyt (2002, p. 130) locates the origins of territorial concepts of rule in the late eleventh century. By the thirteenth century, “the notion of territoriality [was] best exhibited by the claims of rulers, the kings of Sicily and of Leon, the king of France. . .[and] they found support in the work of late twelfth-century canonists. Even [Pope] Innocent III in his decretal *Per Venerabile* of 1202 confirmed that the king of France admitted no superior in temporal matters” (Genet 1992, p. 124).

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of English monasteries is examined by Heldring et al. (2017). Cantoni & Yuchtman (2014) review the broader research on economic medieval change.

<sup>2</sup>State development in other contexts has been the focus of recent reviews in the *Annual Review of Political Science*, including the long-run continuities and historical determinants in the development of the states in the Middle East (Blaydes 2017) and the divergence in state development in China and in Europe (Dincecco & Wang 2018). Spruyt (2002) examines how the modern state has retained its international sovereignty even as its internal autonomy has been undermined, and Muhll (2003) contextualizes Finer’s (1997) analysis of the historical development of governance.

<sup>3</sup>See Morgenthau (1985), Watson (1992), Held (1995), and Philpott (2000). Others dispute the idea that Westphalia marked the rise of state sovereignty (see Krasner 1993, Osiander 2001, Teschke 2003). Augsburg established the principle of *cuius regio, eius religio*—a ruler’s right to choose the religious denomination for his people. As De Carvalho et al. (2011) note, this principle was retracted at Westphalia.



Borders had emerged and customs offices attempted to control the flows of people and goods, as princes asserted their power within these territories.

It is also increasingly apparent that medieval institutions became the building blocks of the European state as we know it (Genet 1992). In a series of works, Møller (2014; 2015; 2017a,b; 2018) argues that the roots of the modern state stretch back to the Middle Ages; he finds the institutional origins of the democratic state and the rule of law in medieval communalism and the papal reforms of the twelfth century, respectively. These origins help to answer why we observe constitutionalism and legalism in Europe but not elsewhere (Møller 2018, p. 297). Ertman (1997, p. 77) points to the early twelfth-century growth of chanceries and secretariats, with the expansion of judges, revenue officers, royal clerks, and notaries. The concurrent resurgence of Roman law meant that private property replaced possession, written contracts took the place of oral agreements, and formal courts replaced ordeals (Spruyt 2002, p. 132). This development of European legal systems in the Middle Ages set the stage for Europe's political and economic development (Cantoni & Yuchtman 2014, p. 828). The Crusades, which began in 1096, facilitated the rise of the modern state through the institutions of crusade taxes, sales of feudal land to finance the Crusades, the reintegration of Europe into global trade networks, and the demise of elites who could have competed with monarchs otherwise (Blaydes & Paik 2016). As a result, war and urban capital accumulation occurred considerably earlier than previously thought.

The critical starting condition for this early and gradual state development was the fragmentation of territorial authority in Europe after the collapse of the Carolingian dynasty in 888 (Mitterauer 2010; Wickham 2016; Ertman 2017, p. 63; Gorski & Sharma 2017, p. 99). Underlying medieval governance was a disjointed system of feudal authority and incomplete territorial control. No empire arose in Europe that could compare to the Roman one;<sup>4</sup> it was simply too difficult to sustain (Scheidel 2019). The plausible causes of this fragmentation vary. Scholarship points to the uneven emergence of urban life (Abramson 2017) and the low levels of religious legitimization that made European rulers weak (Rubin 2017). Christianity also loosened lineage ties, making possible the very system of feudalism and the mutual obligations between vassal and lord (Mitterauer 2010, ch. 3).

The prevailing circumstances, then, were fragmentation and semiautonomy.<sup>5</sup> Feudal banal lords<sup>6</sup> controlled their military forces and fortifications (including castles) but did not become independent sovereigns. Bishops served as feudal vassals and papal emissaries, dependent in complex ways on both emperors and popes—yet also exercised territorial lordship as ecclesiastical princes. The granting of sovereign rights to bishops over cities also led to towns asserting the right to govern themselves (Mitterauer 2010, p. 135). By the twelfth century, self-governing cities carved out their own spheres of governance (notably the maritime Italian republics of Venice and Genoa) and affiliated in “communes of communes,” such as Lega Lombarda, which banded against Frederic Barbarossa in 1167.

The fragmentation of both authority and territory meant that state development would be highly heterogeneous, with city-states and city leagues surviving for centuries, and it meant continued resistance by lords and towns to the ambitions of the Holy Roman Empire. Fragmentation was the precondition for the constant warfare that characterized European state making. It created the geopolitical context for competition among authorities over territory, offices and

<sup>4</sup>The Holy Roman Empire was neither Holy nor Roman nor an Empire, in Voltaire's famous dictum.

<sup>5</sup>I am grateful to Gary Cox for this formulation.

<sup>6</sup>Banal lords not only owned land but also had military authority, jurisdiction over violent crimes, and the right to raise taxes within their territory. Both secular and ecclesiastical lords could hold these rights, which were specified by the Carolingians in the ninth century (see Duby 1974).



sovereignty—and that rivalry is at the core of the canonical explanation for state development, the bellicist tradition.

## BEYOND WAR: RELIGIOUS CONFLICT AND STATE BUILDING

In the bellicist account, military conflict forced states to create new institutions of extraction and eliminated those that could not. Beginning with Otto Hintze in 1906, scholars such as Tilly (1992), Downing (1992), Mann (1986), and Anderson [2013 (1974)] emphasized that military competition winnowed out weaker states and led to vigorous new efforts to tax and extract resources, which then allowed these states to wage war with greater force and success. In this feedback process, state boundaries consolidated and internal state institutions developed.

Warfare also led to urbanization, as people sought refuge from conflict in the safe harbors of the cities. The resulting “warfare to welfare” effect consisted of economic agglomeration, the accumulation of human capital, and the establishment of local privileges including self-governance and property rights protections (Dincecco & Onorato 2016). Warfare also spread disease, depleted the labor supply (and thus raised wages), increased the demand for urban manufactured goods, and facilitated trade (Voigtländer & Voth 2013, Saylor & Wheeler 2017).

These explanations predict the formation of larger consolidated states, thanks to gains from trade from a larger area and the fall in per capita defense costs. Warfare was constant, both because rulers poured enormous amounts of money into conflict and because they did not lose their thrones after defeat in war from 1498 to 1715 (Hoffman 2015, pp. 26–27). These relentless pressures eventually meant fewer and bigger states, a change from as many as 500 independent states in Europe in the year 1500 to 30 four centuries later (Tilly 1992, pp. 45–46; Bean 1973, p. 204).<sup>7</sup> In short, “war made the state and the state made war” (Tilly 1975, p. 42).

## Challenging the Bellicists

Yet research on medieval state formation provides important correctives to this powerful and widely accepted account. First, external conflict may have spurred state formation, but internal peace and stability allowed it to flourish, enabling state institutions to arise and consolidate [Strayer 1998 (1970), p. 59; Genet 1992]. Thus, the period of medieval stability from 1100 to 1300 allowed units to stabilize and begin to form proto-states. In contrast, war set back the processes of state making. It led rulers to postpone structural reform and the creation of new agencies, led to solving problems on an ad hoc basis, and sacrificed efficiency for immediate results [Strayer 1998 (1970), p. 60]. War ended intensive growth in both ancient Greece and medieval northern Italy (Ober 2015, Fouquet & Broadberry 2015). Similarly, for Ertman (1997), early onset of military competition translated into a primitive and patrimonial administration, as in France, while belated military rivalries made it possible to establish a bureaucracy with new administrative techniques developed in the interim. Wars produced fiscal crises: *Ancien regime* France was exhausted by its military ventures, as was eighteenth-century Poland, leading one analyst to conclude that “precapitalist states made war and war unmade these states” (Teschke 2017, p. 45). In short, war may have provided the incentives to build states—but peace and stability provided the capacity to do so.

Second, competition between states could take other forms. In modern state building, state-building elites compete over policy-making authority, not just territory (Grzymala-Busse & Jones Luong 2002). In medieval state building, would-be states competed in markets for protection and

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<sup>7</sup>Another vein in this literature emphasizes the role of military technology (see Bean 1973, Downing 1992, Hoffman 2015).



governance. Konrad & Skaperdas (2012) argue that early states were not simply protection rackets, as Tilly (1975) had argued, that shielded their citizens from the very threats they themselves created. Rather, they were participants in markets for security, a desirable public good. Acharya & Lee (2018) also argue that the territorial state system emerged out of competition for governance. Economic expansion led to demand for governance, or “the package of state-provided services that are necessary for supporting increasingly complex decentralized economies” (Acharya & Lee 2018, p. 1). Where rulers overlapped, their marginal revenues dropped—and so rulers cooperated to agree on borders.

Third, the domestic balance of power may matter more than international warfare for state formation. Where nobles could threaten to withhold arms, men, and wealth from the monarchy, they were able to impose constraints on the executive and secure their property rights in the medieval era (Blaydes & Chaney 2013). Levi (1988) argues that predatory rulers were constrained by their institutional context, including their bargaining power vis-à-vis other societal actors, and by the costs of achieving quasi-voluntary compliance from the ruled. In a seminal work, North & Weingast (1989) contend that the English Parliament’s new powers after the Glorious Revolution of 1688 restrained the rapaciousness of the monarchs and made credible their commitments to upholding property rights. While several scholars have questioned the timing and impact of these reforms, there is considerable consensus on the effects of executive constraint.<sup>8</sup>

## Conflicts Between Popes and Monarchs

Above all, the bellicists neglect the most fundamental rivalry of all in the medieval era: the struggle between the papacy and the rulers. The papacy helped to fragment Europe after the collapse of the Carolingian empire in the ninth century, and it claimed authority over people, territory, and rulers alike. The conflicts between the Church and various monarchs in the early medieval era were recurrent and unrelenting. Both sides had relatively weak coercive capacity: Neither could fully enforce laws, rights, or agreements, nor claim full control of territory. As a result, the conflicts were rarely resolved decisively. Further, spiritual and secular authorities were intermingled, as were morality and the law—and this meant these conflicts were not the familiar interstate rivalries, but rather personalized struggles over authority within territories and over souls.

The signal event in this struggle was the Investiture Controversy. This conflict, which peaked from 1075 to 1122, was nominally a series of disputes over the naming of bishops, who served both as spiritual emissaries of the pope and as vassals to monarchs. Because their offices carried considerable wealth and privileges (benefices), the bishops’ loyalty was of paramount importance to both monarchs and popes. Matters came to a head when Henry IV, the Holy Roman Emperor, asserted his naming rights over the Bishop of Milan in 1075—and Pope Gregory VII responded by excommunicating him. For the next 50 years, conflict ensued, and the Concordat of Worms in

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<sup>8</sup>Clark (1996) argues that protections of property rights, executive constraint, and the credibility of financial policy began before the Glorious Revolution. Sussman & Yafeh (2006) argue that institutional reforms did not have the expected effects on financial markets: Interest rates remained high and volatile. Cox (2012) shows that the real transformation occurred in the realm of parliamentary rights rather than property rights protections. Pincus & Robinson (2011) argue that the changes associated with the Glorious Revolution occurred thanks to a *de facto* shift in power between king and parliament, rather than *de iure* changes. Pincus & Robinson contend that the one clear formal innovation, the exclusion of Catholics from the throne, had no real consequences. However, Carruthers (1990, p. 697) argues it was King James II’s support for Catholicism that turned Parliament against him. Further, it was the shift in parliamentary power (and the rise of the Whigs and Tories, with the Bank of England strongly Whiggish and opposed to the king) that accelerated the development of public finance and capital markets.



1122 was a pragmatic compromise: The Pope selected the bishops, and the kings could veto these choices.

In one interpretation, the Investiture Controversy was resolved at Worms, and it made secular rulers into more powerful bargainers (Bueno de Mesquita 2000). Since the rulers could reject bishops, they could retain control temporarily over the benefices and gain their income. As a result, the Catholic Church had incentives to limit economic growth, while rulers had incentives to increase it. Yet this account misinterprets the historiographical consensus, in three ways. First, Worms was a compromise—but not a resolution. The conflict between the papacy and the monarchies continued [Hintze 1975 (1906), p. 312; Tierney 1988 (1964); Rabb 2006, p. 3; Hoffman 2015]. Second, Worms handed more power to the papacy, rather than to the monarchs: 50 years of struggle eroded imperial authority and the papacy “remained master of the field” (Bryce 1978, p. 89. See also Nexon 2009, p. 80; Ertman 1997, p. 234). If anything, the Investiture Controversy was a sharp assertion of Church autonomy [Strayer 1998 (1970)] and an emancipation of the Church from the authority of the Holy Roman Emperor (Mitterauer 2010). Third, it is unclear why the Church would not want to ensure that the benefices remained lucrative, since it too stood to gain revenue. If anything, Christianity may have encouraged trade and economic growth by providing a common moral framework and greater trust (Hoffman 2015, p. 134; see also Greif 2006).

The conflict between the papacy and the monarchs persisted well beyond the Investiture Controversy. The Church continually pitted monarchs against each other and precluded the consolidation of any larger territorial or authority claims. It recognized the conquests of allied monarchs (such as the Normans in Italy) but not the conquests of its foes, and urged “powerful vassals to abandon the emperor’s cause” (Hoffman 2015, p. 132). Well into the fifteenth century, popes tried to establish their primacy over secular rulers by both military and spiritual means and met with vigorous resistance from emperors and kings. Thus, the Holy Roman Emperor Otto IV and Pope Innocent III quarreled openly in the early thirteenth century, and Innocent not only excommunicated Otto in 1215 but also put France, England, and Norway under interdict.<sup>9</sup> Emperor Frederick II (1194–1250) and Pope Innocent IV launched armies against each other, and Pope Gregory IX excommunicated Frederick in 1227 and again in 1239. These conflicts were less about investiture than about jurisdiction and, by the early fourteenth century, about sovereignty itself [Tierney 1988 (1964), pp. 97–99; Spruyt 1994, p. 98].

This struggle helps to explain the fragmentation of medieval and early modern Europe [see Hintze 1975 (1906), p. 350; Blaydes & Chaney 2013; Møller 2017a, p. 67]. Popes assiduously worked to keep any one ruler from getting too strong and reassembling Charlemagne’s empire (Hoffman 2015, p. 132). Throughout this period, the Church actively hindered the Holy Roman Emperor (and other rulers) from achieving hegemony through ideological means as well, by actively promulgating the doctrine of *rex in regno suo imperator*, which meant monarchs were not beholden to emperors or other secular authorities [Ullmann 1965 (1955)]. Rubin (2017) claims that Europe was fragmented because rulers were weak, the result of the religious legitimization of monarchs by relatively weak religious “propagating agents.” But this has the historical consensus backwards: It is not that the Church failed to legitimate monarchs—it is that the Church deliberately sought to balance them against each other and precluded any from gaining too much authority.

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<sup>9</sup>Excommunication excludes an individual from the sacraments and the religious communion. An interdict excludes an entire community. Between 888 and 1648, popes excommunicated rulers for political reasons nearly 70 times. The record holder was King Henry IV, who was excommunicated five times by three different popes.



## BEYOND CONTRACTS: DOMESTIC INSTITUTIONS AND RELIGIOUS INFLUENCE

The roots of the state are thus deeper, and more entangled with the Church, than previously thought. Yet even as a new wave of state formation research has shifted focus from international to domestic factors, it has overlooked the role of religion in shaping these institutions. This new literature builds on earlier studies that emphasized domestic constraints on the executive [Hintze 1975 (1906), Levi 1988, North & Thomas 1973, North & Weingast 1989, Williamson 1985]. It emphasizes domestic institutions that built the state, such as parliaments, the law, universities, inheritance rules, and cities. They provided the contract enforcement, gains from trade, human capital, and territorial consolidation that were central to state formation—but they also demonstrate a powerful, if uneven, influence of the Church.

### Parliaments

Parliaments were the principal site where monarchs were constrained, taxes raised, and states legitimated. They began as councils to kings and only acquired representational roles later in their existence. Beginning in 1188 with León, these assemblies spread across France, Flanders, the territories of Spain, Piedmont, Naples, Sicily, and nearly all German territorial states. Over the course of 1250–1350, assemblies became institutionalized, in strikingly similar form: divided into three estates, which represented the nobility, clergy, and eventually the towns, all of which deliberated and voted separately (Ertman 1997, p. 68). Their role was to provide both advice and financial support to the monarch's foreign alliances and war efforts (Ertman 1997, p. 68). In Rubin's (2017) analysis, parliaments served as secular "propagating agents," legitimating monarchical rule once the clergy no longer served that purpose in Europe. By the late medieval period, they were everywhere in Europe: in Italy, Spain, and southern France in the thirteenth century, and in England, northern France, and Germany 50–100 years later [Strayer 1998 (1970), p. 65].

These representative assemblies were facilitated by legal advances of the Catholic Church and the new interpretations they offered. By the mid-thirteenth century, Roman and canon law made "possible the effective representation of larger groups or corporate bodies by delegates armed with *plena potestas* or full powers of decision" (Ertman 1997, p. 69; see also Möller 2017b, p. 278). Among these norms and institutions, another important notion was "that which affects all people must be approved by all people" (*quod omnes tangit ab omnibus approbari debet*), which became widely accepted by the end of the twelfth century and transmitted to assemblies once "canon lawyers redeemed [it] from oblivion" (Genet 1992, p. 126). The rule legitimated the raising of revenues by the popes—and then justified royal taxation, substituting for the weak coercive capacity of both ecclesiastical and lay rulers (see Isenmann 1999). Royal councils and assemblies followed the form of ecclesiastical synods, called by archbishops to assemble high-ranking clergy. Bishops and other Church representatives widely participated in the early royal assemblies, with nobles even offering theological advice to the ecclesiastics (Mitterauer 2010, ch. 4). Finally, if secular councils emulated the religious, the Church expanded its influence by making sure clergy were represented collectively in the assemblies (Möller 2017a, p. 67).

Parliaments further expanded the role and stability of the state, and "the advent of Parliamentary supremacy following the Glorious Revolution enabled a dramatic increase in state capacity" (Johnson & Koyama 2017, p. 4). They provided the ruler with the revenue to invest in the state. Stasavage (2011) demonstrates that under some conditions (powerful merchants and smaller territorial units), parliaments could not only monitor expenditures by vetoing royal proposals but also modify them, expanding the credit available. More broadly, by the High Middle Ages we also see a rise of urban merchants and burghers, who became a powerful force in parliaments,



demanding rules and rights that would protect their interests—and promote trade and economic growth (Rubin 2017, Salter & Young 2018). It was only with the rise of war, and the need for unified command and ability to tax immediately, that monarchical rule became increasingly absolutist, and many parliaments declined from the mid-fifteenth to the late eighteenth century.

## Papal Templates for Royal Administrations

Royal courts and administrative norms, solutions, and institutions also reflected the influence and templates of the Church. Courtly administrations became the kernel of subsequent state bureaucracies in three respects.

First, the Church was a template for sophisticated administration. From the twelfth to the fourteenth centuries, the papal court, known as the Curia, “was infinitely better organized and had more ramifications than its royal counterparts” [Ullman 1965 (1955), p. 319]. The division of labor in the royal courts mirrored that of the papal administration, with distinct offices in charge of finances, judicial tasks, and correspondence that first arose in the eleventh century—and the same template was adopted across Europe. Papal administrations were both extensive and refined: With over 700 bishoprics across Christendom (Hay 1995, p. 289), the Church developed “a sophisticated financial, judiciary, and administrative apparatus capable of overcoming distance and time” (van Creveld 1999, p. 60). By the thirteenth century, the Curia had over 1,000 officials in the treasury, its own courts of justice, and the chancery—and “became the model for the beginnings of state bureaucracies” (Mitterauer 2010, p. 150).

Second, the Church provided experts. Clergy served at royal courts as administrators, from clerks to notaries to high-ranking officials. In the late eleventh to twelfth centuries, the careers of many bishops began in the royal chancery as well-educated clerks of humble origins were promoted (Cantor 1958, p. 33). The clergy also transmitted institutional norms. With the royal chanceries in ecclesiastical hands, for example, “procedures and ideas. . .passed from country to country, from court to court, and. . .in this way a certain uniformity of thinking about politics and administration was established” [Hintze 1975 (1906), p. 318]. Bishops served as judges, as in England. Not surprisingly, religious discourse and ideas dominated the political advice given in medieval “mirrors for princes” literature (Blaydes et al. 2018).

Third, with the sixteenth-century religious reformations, the early modern state received an enormous boost in revenues and wealth, as Catholic churches were summarily expropriated and their wealth turned over to the state. Both Catholic and Protestant rulers exchanged protection for Church revenue. “[T]o be saved from competition, churches had to pay a high price to their princes. They lost not only autonomy, but estates and revenues, too” (Reinhard 1989, p. 402). Perhaps the most notorious example of this process was in England, where over 1,000 monasteries were dissolved and expropriated in 1536–1541 and their resources funneled into the many new state institutions funded by Church wealth (Eire 2016, p. 326).

## Church Influence on Legal Frameworks

A related development is the legal renaissance that took place in Europe in the eleventh century. The Church’s canon law was based on Roman law (*ecclesia vivit iure Romano*, “the church lives by Roman law”), and the papal reform movement rediscovered the “pure” Justinian version of Roman law in the eleventh century (Ertman 1997, p. 55). The result was that canon law, and the Roman law it was based on, fundamentally shaped legal understandings in Europe (see Berman 1983a, Finer 1997). These legal advances altered conceptions of politics and power: For example, until the twelfth century, the defense for papal or imperial rule was theological. Afterward, these justifications were secularized (Clark 1986).



The conflicts with the papacy relied not only on spiritual warfare and allies but also on the law, and a series of legal arguments put forth by both sides. In foundational analyses, Berman (1983a,b) argued that the ecclesiastical rediscovery of Roman law and the increasing development and sophistication of legal systems influenced the development of European states by introducing new ways to resolve conflict among lords, clergy, and merchants. Moreover, the Church's legal jurisdiction was extensive and well respected (Wieacker 1995, pp. 51–53). Both secular rulers and the Church set up their respective court systems, yet cases were often voluntarily brought to Church courts because of their perceived independence and better ability to enforce sanctions (Kroeschell 1973, p. 23). As a result, some analysts conclude the European notion of the rule of law stems from the Church's legal advances in the Middle Ages (Fukuyama 2017).

The adjudication of property rights, contracts, civil disagreements, and criminal proceedings required judicial experts. Bishops served as judges, as rulers of their own dioceses. Their role in administering justice also meant fundamental changes in the law. For example, common law in thirteenth-century England abolished the trials by ordeal introduced in the Norman conquest, since clergy were forbidden to participate in the spilling of blood—and most of the judges were clerics (Jordan 2001, p. 210). Not until the mid-fourteenth century did lay officials begin to replace clerics in the administration and judiciary in earnest.

## Universities

Universities were another domestic driver of state formation, as a source both of legal frameworks and human capital. There were no universities in Europe before the commercial revolution began in the tenth century; by 1500, there were more than 50 (Cantoni & Yuchtman 2014, p. 827). The pioneers were the universities of Bologna (founded in 1088), famed for its teaching of law, and Paris (founded in 1150), the center of the study of theology and the liberal arts (Clark 1986, p. 654). Medieval universities trained experts in canon and civil law and made them literate in Latin, the *lingua franca* of medieval scholarship. If universities promulgated legal knowledge, much of that expertise in turn came from the Church. Early universities were founded in areas where Roman law prevailed—and nearly all taught theology and law (Verger 2003a). They were often founded spontaneously, by groups of scholars, but obtained papal (and eventually royal) charters. By the thirteenth century, the papacy protected the new universities by granting charters and exemptions against the attempts by local cities and nobles to restrict university freedoms and privileges (Verger 1999, p. 263).

University-trained experts and clerks were vital both to economic growth and to the rise of the state. They served as notaries and legal experts, and markets flourished close to universities (Cantoni & Yuchtman 2014). Universities thus also encouraged the formation of legal, scientific, and trade networks, and allowed written contracts and property rights to replace oral agreements. As a result, the ready supply of university candidates after 1450 allowed “bureaucratic” state building in several Western European countries (Ertman 1997).

Church politics also led to the proliferation of universities. Religious factions founded rival universities during the Papal Schism (1378–1417), which saw rival popes (backed by competing rulers) in Avignon and in Rome. The university of Paris remained loyal to Avignon; the towns and princes of Germany, to Rome. The split reinforced nascent national loyalties in the new states and reinvigorated the formation of new universities in northern and eastern Europe (Verger 2003b, p. 71). Because the Schism closed off German students' access to French universities, the Roman pope set up German universities (the first one in 1386), transforming Germany from a land with no universities into one increasingly populated by university students. The result was the expansion of German markets and economies closest to these new universities (Cantoni & Yuchtman 2014).



Some elements of this story may need further explanation: For example, what were the Roman pope's incentives and where did he find the capacity to found German universities? Moreover, the exogenous effect of the Schism is essential to the story (Cantoni & Yuchtman 2014, p. 842), yet it was the prior alliance between popes and monarchs that led to the Schism in the first place—the same popes that would then set up the universities.

## Inheritance and Succession

Inheritance and succession helped to consolidate states. Heirs were paramount to ensuring stability through orderly succession once political office and authority became a form of private property that could be divided and transmitted (over the course of the tenth century; see Sharma 2015, p. 165).

The Church changed the laws regarding succession, primogeniture, monogamy, and female inheritance (Gorski & Sharma 2017, p. 99). Primogeniture meant that territories were inherited by one successor rather than fracturing among the many sons of the ruler. The Church also allowed for the disinheritance of younger sons. Further innovations that led to the consolidation of territorial control were changes to the marriage law and the insistence on monogamy, as well as female inheritance. After the demise of Salic law, women began to inherit both property and the titles and power that came with it.

As a result, areas of medieval Europe with primogeniture experienced greater political stability and thus growth (Acharya & Lee 2019). Shortages of heirs led to instability and difficulties in early state building. Wang (2018) argues that a multiplicity of heirs led to even greater stability and growth in China from 1000 to 1800 than in Europe. Yet it was the *institutions* of inheritance, not the number of heirs or their surplus, that mattered; where primogeniture existed, the number of heirs had a more limited impact (Acharya & Lee 2019). This is consistent with the argument of Kokkonen & Sundell (2014) that transition to primogeniture should increase both leader tenure and political stability. Moreover, the Church had autonomous wealth and patronage powers, and the competition for benefices enhanced family prestige. As a result, the Church became an attractive option for the younger sons of the nobility—the “excess” sons (Sharma 2015, p. 166). The Church thus legitimated primogeniture and made it possible for would-be rivals to thrive without challenging their eldest brother's claim.

With these changes in inheritance laws, dynastic unions could now form, uniting territories and rule through marriage. The emergence of the Habsburg Empire, for example, is a story of dynastic and territorial consolidation, not of war. As a result, the number of dynasties ruling Latin Europe decreased from a dozen in 1300 to five in 1610 (Gorski & Sharma 2017, p. 111). Curiously, small states may have survived because of these dynastic practices. While Abramson (2017) sees small states surviving thanks to urbanization, Sharma (2015, p. 172) argues that where partible inheritance persisted, as in the Holy Roman Empire, the result was an archipelago of tiny principalities: The “Kleinstaaterei, as they would be contemptuously called by German nationalist historiography, were devoid of economic or military logic and can be only explained by dynasticism.” New research could specify when, why, and how the fragmentation of territory and authority declined.

## The Rise of Cities

Medieval cities were another site of state formation, hosting parliaments and creating new institutional claims, notably in the “city belt” of former Roman cities that stretched from northern Italy to southern Germany and Switzerland (Rokkan 1999, p. 71ff). In Italy, the presence of a bishop in a town could help to gain it greater autonomy (Guiso et al. 2016), though in Germany the cities had to first liberate themselves from their ecclesiastical lords.



The communal revolution of the twelfth century meant a new balance of power, with growing urban populations and increasing claims of the towns and their citizens vis-à-vis the monarchs (Møller 2014; Reynolds 1997, 2004). Thus, German state formation from the twelfth century onward took place on two levels: imperial authority on the one hand, and the territorial level of cities and princes on the other (Moraw 1989, p. 633). Princely territories gained in power relative to the empire, which was enormous, inadequately administered, and prone to dynastic accidents that repeatedly led to short-lived and contested imperial rule. The cities, distrustful of the territorial princes, initially sided with the empire but changed sides after 1470, when imperial taxation demands grew (Moraw 1989, p. 645). Urbanization led to the formation of small and independent states over the seven centuries between 1100 and 1790—and allowed them to succeed (Abramson 2017; see also Bosker et al. 2013). Contra Tilly (1992), small political units not only thrived in the age of the territorial state but were more likely to survive than their larger counterparts. They did so because new wealth allowed urban social groups to buy access to coercion, project force, and assert themselves as independent states (see also Spruyt 1994).

The growth of cities also meant executive constraint and the growth of new legal and administrative apparati. As cities gained new rights and privileges as corporate entities, so did their citizens. In the free city-states in medieval Italy, the source of the power was the people, not the Church or dynasty, and rules and laws applied to all. The executives were more constrained, and several institutions, including courts, protected personal freedoms. The original pacts of cooperation and mutual help (*patti giurati*) in some cities, as in Pisa, were guaranteed by the bishop (Guiso et al. 2016, p. 1406).

The rise of self-governing cities may have contributed to the rise of parliaments. Van Zanden et al. (2012) argue feudal territorial units and communes together made parliaments possible. Specifically, with the communal revolution, “cities became to a large extent self-governing, and were able, as corporate bodies with rights and privileges, to gain access to what had previously been often a rather informal assembly” (van Zanden et al. 2012, p. 847). The growth of the merchant class meant that parliaments changed from a small gathering of elite peers into a more formalized meeting of representatives of different estates (van Zanden et al. 2012, p. 847). That said, the relationship may be curvilinear: Stasavage (2014) argues that self-governing cities had negative long-run consequences for urbanization due to the rise of oligarchic structures. Further, the causal relationship between urbanization and the rise of parliaments is contested. On the one hand, Van Zanden et al. (2012) show that historical activity of assemblies may support urbanization. On the other, Dincecco & Onorato (2016) argue that urbanization led to the growth of parliaments and the checks on executive power they provided, and Abramson & Boix (2016) agree. Others note that “correlations cannot discriminate between assembly-urbanization and urbanization-assembly causation” (Salter & Young 2018, p. 174).

### States’ Concern with Religious Morality

Finally, clergy and princes worked hand in hand to regulate societal beliefs and behavior. In the medieval era and beyond, the Church prosecuted heretics, sinners, and clerical offenders alike, both through its system of ecclesiastical courts and through ad hoc institutions such as the Inquisition. (Sin and crime were not distinct in the early Middle Ages, as they offended God and man alike.) In the mid-thirteenth century, Thomas Aquinas elaborated a concept of a divinely ordained “natural law” that delineated true morality and trumped man-made rules—and which was subsequently used by the Catholic Church to justify policing public behavior. Modern churches used these claims of natural law and their own moral authority to influence public policy in areas such as abortion, marriage and divorce, reproductive technologies, and education (Grzymala-Busse 2015).



In the sixteenth century, churches and states worked together to regulate sexuality, education, bureaucratic norms, consumption, and poverty relief (Gorski 1999). Calvinist discipline permeated both state and society, transforming bureaucracies and shaping social behavior (Gorski 2003). Church and state again grew interdependent: in Protestant countries, church building required state support—and the creation of territorial churches enhanced state power. In Catholic lands, rulers expanded control over clerical appointments and established agencies to oversee Church administration.<sup>10</sup> And in ironic echoes of medieval state development, the flood of legislation on everything from poverty relief to sumptuary laws required that the state turn to ministers and priests to monitor and discipline conduct (Gorski 1999, p. 159).

In short, many of the domestic factors identified as central to state formation in the Middle Ages and beyond have religious roots. The medieval Church had its own impact on state formation through the struggles between popes and rulers, the export of legal and administrative templates, and the service of clergy in the roles of judges, lawyers, chancellors—and feudal vassals.

## CONCLUSION

The literature on state building has increasingly made two significant shifts: from war to domestic institutions, and from the early modern to the medieval period as the foundational moment. Revisiting domestic medieval institutions such as parliaments, the law, inheritance rules, and universities has generated new understandings of the common threads of state development.

Yet pushing back the rise of the state to the Middle Ages also necessitates that we give credit to a powerful political force of the time: the Church, with its challenge to secular rule and its provision of human capital and administrative resources. Its clout explains the persistence of territorial fragmentation in the Middle Ages, the similar division of labor within state administrations, and the concern of secular states with morality and social discipline.

The Church was not omnipotent, and it continually struggled with secular rulers over authority, revenues, and legitimation. Yet its relatively high stores of human capital in the form of literate clerks and legal archives meant that it was an administrative, legal, and moral innovator—and that nascent states could follow its templates and benefit from its expertise. Indeed, the Church eventually became a victim of its own success, as secular states coopted these innovations, accumulated coercive and institutional power, and overwhelmed the Church's political authority after the Protestant Reformations. New assertions of secular supremacy were made possible by the medieval "wholesale transfer of structures and effective juridical skills from the Church. . . to the state whose structures were still feeling their way" (Rigaudiere 1995, pp. 19–20).

This exciting new research also prompts caution, given the difficulties in establishing the continuity of causal effects. Arguments that rely on historical legacies need to specify a clear, consistent, and sustained mechanism of reproduction. Yet the very processes of state formation mean that there is little continuity between the kingdoms and principalities of the medieval era and today's nation-states. The nature of authority has changed from a divinely granted appointment to a hard-won and constrained executive power. Causal claims have to contend with enormous disruption and transformation. For example, Paris may be so prosperous today because it experienced uninterrupted rule by a single Capetian dynasty from 987 to 1316 (Acharya & Lee 2019). This is a strong claim, and a plausible one; over 300 years of history surely left their mark. Yet this legacy would have to survive shifting alliances and regimes, vast institutional changes (including

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<sup>10</sup>The papacy fought against the Reformation both by engaging with monarchs and by revitalizing mass faith. The Catholic Church imposed more rigorous and homogeneous standards of religious practice and parochial conformity, enforced by local bishops (see Bossy 1970).



the French Revolution of 1789 and the institutional deconstruction that followed), the waves of plague and deurbanization that began in 1346 and lasted well into the seventeenth century, and, above all, the cycles of war that began with the Hundred Years' War of 1337–1453 and lasted through the slaughter of World War I and World War II.<sup>11</sup>

In the end, then, despite the new analytical shifts, the irony here is that war continues to matter in explaining state development—by disrupting the long-run historical development of the modern state, characterized by domestic forces and religious initiatives.

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<sup>11</sup>These included the various Italian Wars (1494–1559), the French Wars of Religion (1562–1622), the Dutch Revolt (1568–1648), the Nine Years' War (1688–1697), the War of Austrian Succession (1740–1748), the Seven Years' War (1754–1763), the French Revolutionary Wars (1792–1798), the Napoleonic Wars (1803–1815), and the Franco-Prussian War (1870–1871).



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