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The mature limited access order at the doorstep: Imperial Germany and contemporary China in transition

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Abstract A basic premise of the limited/open access orders framework of North, Wallis, Webb and Weingast is a variant of the Hayek–Friedman hypothesis that economic and political freedom sustain each other. Keys to this framework are the specific “doorstep” conditions that enable a transition from limited to open access, which the authors draw from the historical experience of Britain, France and the United States. This essay analyzes the transition process of Imperial Germany to reveal that maintaining economic competition did not depend on democracy and that the middle classes became stakeholders in authoritarianism. It then explores the specific challenges posed by this large, mature limited access order as it was integrated into an international system sustained by a declining liberal hegemon, Great Britain. The refinements of the framework suggested by the case of Imperial Germany allow for a better understanding of some of the parallel transition processes in present-day China and its evolving relationship to both the United States and the current international order.

Keywords Development · Transition · Limited/open access order · Hayek–Friedman hypothesis · International order · Germany · China

JEL Classification F02 · F15 · F50 · F51 · F63 · N13 · N15 · P16 · P26

1 Introduction

There have been few more momentous events in modern history than the rise of new, powerful industrial societies whose size and influence had the potential to alter

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the balance of power and change the rules and institutions of the international system. The failure of such societies to democratize and open their economies to full competition has likewise had massive repercussions. One need only mention Tsarist Russia, Meiji and Taishō-era Japan and Wilhelmine and Weimar-era Germany to understand what was at stake for the rest of the world. Similar questions might be raised about Brazil, Russia, India and China (the so-called BRICs) in the early twenty-first century. Looming especially large among these is China, whose transition to democracy and open economic competition (or failure to do so) is likely to have enormous consequences for the rest of the world. In Douglas North, John Wallis and Barry Weingast's conceptual framework for understanding economic and political development over recorded human history, the transition process has been dubbed the "holy grail" because it is nothing less than the key to modern social development, and fully understanding it promises to transform the heretofore failed approaches sometimes taken in development policy (NWW 2006, 6; NWW 2009, 25, 263–267). This conceptual framework is deeply informed by historical examples of the transition process, and the value of these historical insights to the ongoing improvement of the framework has been repeated in a recent book of case studies from the developing world by the above authors and Steven Webb (NWWW 2013, 19–21). The historical record shows that transitions from so-called limited to open access orders have usually been rapid, and in no known cases have they ever been reversed (NWWW 2013, 19).

While this may be true in most cases, Imperial Germany offers an interesting exception to this rule worth investigating more closely. Looking at Imperial Germany as a large and geopolitically significant industrial society, what can its history tell us about the transition to democracy and open economic competition? Is the framework developed by North, Wallis and Weingast adequate for grappling with it? What other refinements to this framework are warranted based on Imperial Germany's history? In what follows, specific areas where problems arise in applying the transition framework to the historical record of Imperial Germany will be identified with a view to how this might offer insights into the transition of present-day China, and by implication, the other large limited access orders Brazil, Russia and India.

2 Doorstep conditions and closing doors

North et al. (2006, 2009) have developed a framework for understanding the complex interactions between political and economic forces in social development centered on the problem of violence. Violence has been used by powerful individuals or groups in all human societies over time to secure wealth or resources. According to these authors, in order for societies to develop beyond a basic level referred to by them as both as a "natural state" and "limited access order" (LAO) to what the authors call an "open access order" (OAO), incentives and institutions must be created for those elites wielding violence to cooperate rather than fight to secure resources (NWW 2009, 18–27). Limited access orders are subdivided by the authors according to the following developmental typology: (1) the fragile LAO

(where economic and political organizations are not clearly distinguished and civilian and military violence capacity is not clearly separated); (2) the basic LAO (where economic organizations are linked to the political elite, most political organizations are controlled by the state, and significant nongovernment organizations retain violence capacity); and (3) the mature LAO (where there are many private firms but entry still requires political connections, multiple political organizations still depend on elite permission, and the government controls most organizations with violence capacity) (NWW 2013, 14). Central to this framework is the so-called “double balance”: “open access and entry to organizations in the economy support open access in politics, and open access and entry into politics support open access in the economy” (NWW 2009, 24). This is a version of the Hayek–Friedman hypothesis that societies with high levels of political freedom must also have corresponding levels of economic freedom (see here Lawson and Clark 2010).

In the cases of England, France, and the United States, four transition mechanisms allegedly played roles in their transition from limited to open access: (1) fiscal mechanisms (opening access increased state revenue, so ever more access was granted); (2) regulatory mechanisms (regulation of one economic activity generated access to other areas), (3) representational mechanisms (the creation of representational bodies gradually increased the franchise over time); as well as (4) international competition. International competition opened access in two ways: (a) competition with other states stimulated economic development; and/or (b) new military technologies arose in that competition that required more open political processes (NWW 2006, 64–66). Over time, these mechanisms brought about so-called “doorstep” conditions that allowed a transition to an open access order. The three doorstep conditions of so-called mature limited access orders are: (1) rule of law for elites; (2) perpetually lived organizations in the public and private spheres; and (3) consolidated control of the military (NWW 2009, 26, 151).

Central features of this historical process as observed in Britain, France and the United States included the profusion of impersonal exchanges within the elite enforced by a third party. Rule of law developed for elites in which individuals had recourse to law and access to courts that made impartial and binding decisions. Likewise, political privileges become formal offices. Under these conditions, the state also became a perpetually-lived legal entity bearing rights and duties, and political control was extended over a more consolidated military. Military power was gradually circumscribed by convention defining how force could be used legitimately and subject to civilian control. Additionally, the rights of citizenship were extended to non-elites, and elites ceded access to the political system, allowing any group to form parties and participate in competitive elections defined by constitutions. Finally, the ability to form economic organizations was extended to all citizens and economic processes come to be defined by open access, open competition, and capitalist creative destruction (NWW 2009, 190–243). In the framework, the transition to OAO occurred with the 1844 Act regulating joint-stock companies in Britain, republican control of parliament in France after 1877, and the introduction of general laws of incorporation in the United States by 1850 (NWW 2009, 218–219, 227, 240).

Since the LAO/OAO framework focuses on three transition cases where democratization and economic openness went hand-in-hand and the process was largely endogenous, questions are raised about the ability of the framework to account for transition cases whose narratives are less straightforward. Before 1918 there were a handful of mature, large and potentially powerful LAOs that appeared to be near or at the doorstep; in addition to the three already discussed, Imperial Germany, Austria-Hungary, Tsarist Russia, and Meiji-era Japan began to reach doorstep conditions to openness in that time.

Country	Transition years	Transition
England/Britain	1642–1844	Yes
France	1789–1877	Yes
USA	1776–1850	Yes
Imperial Germany	1871–1918	No
Austria-Hungary	1866–1918	No
Tsarist Russia	1905–1917	No
Meiji-era Japan	1867–1912	No

The international dominance of Britain as the leading OAO in the nineteenth century was arguably conducive to the successful transitions of France and the United States as well as some of the others reaching doorstep conditions. The preeminence of the Royal Navy on the high seas by 1805, the introduction of the gold standard (1821) and repeal of the Corn Laws (1846) ushered in the Pax Britannica of free trade, from which France and the United States benefitted and to which they adapted their own laws and institutions. While a number of smaller states also made the transition to OAO peacefully before 1918 (The Netherlands and Scandinavia), it is an interesting fact that Germany and Japan would only make their ultimate transitions following military defeat and occupation after 1945, while Russia itself has still not managed a successful transition. As these cases suggest, large mature LAOs without strong liberal-democratic traditions were difficult to integrate into an existing system of international rules and norms largely defined by liberal Britain.

Both Imperial Germany and Meiji-era Japan also suggest that the interdependence and inseparability of open politics and open economies may not be as strong as North, Wallace and Weingast believe (NWW 2009, 24–25). Germany and Japan show that sustained economic changes resulting in an open access economic order were successfully accomplished in political systems that were less than open and democratic, and the “imbalance” between competitive economic institutions and more restrictive but also highly-developed political institutions that managed to protect property rights, enforce contracts and the rule of law, and create a civil society did not necessarily make these societies less stable (Blackbourn and Eley 1984; Berman 2001; Grimmer-Solem 2005). It may well be that sustaining a

competitive democracy depends upon economic competition, but sustaining economic competition does not necessarily depend on democracy.¹

In Imperial Germany, the overall cultural dominance of the bourgeoisie and their values of secularism, competition, merit, and law and order were secured by political reform from above by bureaucratic elites and a silent bourgeois revolution from below, which established the institutions that allowed a meritocratic civil society, modern capitalism, and industry to flourish (Blackbourn and Eley 1984, 176–237). This entailed national economic integration, freedom of trade, a shared currency, common weights and measures, and a codified commercial code with liberal laws of incorporation. The rule of law was very well established throughout Imperial Germany with a remarkably independent judiciary. There were also considerable civil and political liberties in Imperial Germany, not least formal legal equality and freedom of religion, as well as considerable freedoms of speech, press and association. The Federal Diet (Reichstag) was elected on the basis of universal and equal manhood suffrage with secret ballots and had full powers of appropriation (Hucko 1987, 128–130). And after the lapse of the Anti-Socialists Laws in 1890 there were few restrictions on political organization in Imperial Germany. What is more, the Imperial German state rarely obstructed the interests of the industrial bourgeoisie (Steinmetz 1996). Indeed, it could be argued that Imperial Germany was in important respects a more bourgeois society than Britain if one considers the public influence of the educated middle classes and industrialists in German society and the importance of urban life to the Wilhelmine elite and its high culture. If one were looking for a place where agrarian values and landed aristocrats predominated, it would be as much to Victorian and Edwardian Britain as anywhere else one could look: British middle class industrialists, merchants and bankers were particularly keen to imitate the habits and way of life of the landed aristocracy (Mayer 1981; Wiener 2004).

All of that said, Imperial Germany's political system was less a constitutional monarchy than an example of "monarchical constitutionalism" in the way that traditional monarchical power was preserved and legitimated with the aid of new representative institutions (Prutsch 2013; Congleton 2011, chap. 16). It thus retained key features of a limited access order. Reichstag majorities could not form governments or call the leadership to account, and they could only propose—but not initiate—legislation. The chancellor and secretaries of state (ministers) were appointed and dismissed by a quasi-absolute hereditary monarch, the Kaiser, who was simultaneously President of the Federal Council (Bundesrat) representing the federal states of the empire (Hucko 1987, 126–127). There was also only very limited civilian control of the military. While declarations of war required the consent of the Federal Council, the Kaiser was its president, and Prussia held no fewer than 17 of its 58 votes, with the president giving the casting vote in equal

¹ This conclusion is supported by empirical tests of the Friedman-Hayek hypothesis. For example, in the country case studies examined by Lawson and Clark (2010)—Chile, Israel, Venezuela, Taiwan, and Singapore—Singapore and Taiwan were exceptions: "The experiences of these two countries show that economic liberalism can be maintained with or without political liberalism. While it might be comforting to believe that economic liberalism leads toward greater political liberalism, examples like Singapore perhaps suggest otherwise." (237).

divisions and decisions made by simple majority (Ibid., 124–25, 126). Prussia exercised such an outsized influence over the German military—the smaller states had ceded control of their armies to Prussia, the Prussian military code applied in all the federal states, and all members of the German armed forces swore an unconditional oath of loyalty to the Kaiser (Ibid., 139–141)—that in declarations of war Prussia was practically assured the votes of the other states. Moreover, the Kaiser alone determined the effective strength and organization of the army, and he retained significant discretionary emergency war powers within the territory of the Reich (Ibid., 140, 142). At the level of the federal states, plutocratic suffrage prevailed, restricting the representation of the working class, particularly in the single largest state, Prussia, which also retained an absolute veto right within the Federal Council over any changes to the imperial constitution (Ibid., 145; Clark 2006, 501). In terms relevant to the LAO/OAO framework, then, in Imperial Germany the rule of law did not fully extend to the Kaiser, and the organizations controlling the military and police were neither subject to effective civilian control nor open to political competition.

While some members of the German bourgeoisie were critical of these authoritarian political arrangements before 1914, most found them acceptable; in any case, it was not obvious to the German middle classes that they had an interest in full parliamentary democracy given how their dominance would potentially be challenged by the rapidly-growing Social Democratic Party, which after the February 1890 elections had become the single largest party in the Reichstag (Blackbourn and Eley 1984, 118–126). Middle class people in Germany and elsewhere, then—as now—were prudent, cautious, and deliberate; they had an instinctive distaste for disruption and upheaval, and the Wilhelmine federal state, as well as and even more importantly, the state and municipal governments in which the Wilhelmine middle class reform milieu was particularly active, responded in quite effective ways to the socialist threat and other challenges of modernity. Examples of that response are the development of a system of social insurance, the heavy investments in primary, secondary, vocational and higher education, and the extension of municipal public services like housing, sanitation, health and transportation systems, and other modern infrastructure (Grimmer-Solem 2003; Repp 2000; Steinmetz 1993). Indeed, government was often more effective at the state and municipal level because plutocratic suffrages assured liberal dominance and consensus (von Strandmann 1992; Retallack 1996). Moreover—and this was very important in comparisons—the German government and administration were comparatively free of graft and clientelism, and Wilhelmine politics were seemingly not as corrupted by money, party bosses, and demagoguery as some of the democratic systems to the west appeared to be (Anderson 2000, 377). Before the First World War, the industrialist and intellectual Walter Rathenau, later Foreign minister of the Weimar Republic, noted in a political article entitled “The New Era” (1907) that the reasons why access to leading positions in the administration and army in Germany were closed to non-noble talent was the indifference of the middle classes to the matter (Kessler 1928, 217). Rathenau, who was a fierce critic of Germany’s aristocratic elite and the vestiges of autocracy in Germany’s politics, also claimed that it was the middle classes who accounted for Germany’s retarded

political development (Rathenau 1919). There is some truth to that assertion. Under certain circumstances, then, middle class people can become stakeholders in authoritarianism.

3 International competition and relative decline of the dominant OAO

As noted earlier, international competition is one of the transition mechanisms in North, Wallis and Weingast's theory of transition. Competition, they argue, may induce a country to open political access because new technology requires mass mobilization or because military spending stimulates economic development (NWW North et al. 2006, 65–66). But as history shows, international competition can also have the opposite effect of reducing the appeal of the model offered by the dominant OAO, especially if a mature LAO at the doorstep appears more successful than its OAO competitor. In the case of Imperial Germany, successful economic competition with Britain before 1914 brought Britain's form of capitalism and parliamentary democracy into negative light.

Germany was undoubtedly modernized in its unrelenting competition with other European states, most notably during the French Revolution, the Napoleonic occupation, and Prussian reform eras. Germany's rapid industrialization and liberalized trade were likewise unthinkable without the influence of Britain. Yet in the two decades before the First World War, Germany began to assert itself outward to the rest of the world. By 1900 Britain was rapidly ceding leadership to Germany (and the United States) in many of the industries it had once dominated, revealing the antiquated nature of its system of technical and vocational training (Landes 2003, 326–358). There was at this time also a growing awareness among the British elite that in many areas of life Britain appeared rather backward and that Germany had made significant strides owing to superior organization and administration. The German education system was one such area about which observers from Britain were nearly uniform in their praise. They envied the elementary, vocational and high schools, and even more importantly, the technical colleges and research universities, which were avidly emulated in the United States and Japan (Rodgers 1998; Grimmer-Solem 2005, 2010). Another area was the field of social reform and labor law. William Harbut Dawson, one of the most astute British observers of Germany in the Wilhelmine period, noted in his *The German Workman: A Study in National Efficiency* of 1906:

...at every turn German statesmen and philanthropists have endeavoured—and with unabated zeal are still endeavouring—to ensure and to safeguard the conditions of physical efficiency, leaving as little as possible to chance, covering as far as may be the whole range of life and action, and doing it with the thoroughness and system which are so characteristic of the German mind, and which, if English people would but believe and understand, are the key to all Germany's progress in those practical and material concerns which nowadays increasingly engross the attention of nations. (Dawson 1906, viii)

His American colleague, Frederic C. Howe, who was never reticent in his critiques of Germany's authoritarianism, was nevertheless similarly impressed by the progress that had been made in urban planning, sanitation, public health, municipal public services, and public housing, all of which compared favorably with less salubrious conditions in the United States (Howe 1915).

Britain's imperial policy also came under increasing international criticism. Britain was roasted in world opinion as a bully during the Second Anglo-Boer War (1899–1902), which also revealed that Britain was diplomatically isolated and militarily ill-equipped, dealing a major blow to British self-confidence (Ferguson 1999, 51). Britain was then rocked by a series of domestic crises during the Edwardian period, which witnessed deep acrimony over Irish Home Rule, Suffragette militancy, the formation of the Labour Party in 1906, a succession of strikes (1910–1914), a constitutional crisis over the House of Lords' veto of House of Commons money bills, and the rapid disintegration of the Liberal Party (Dangerfield 1935). At the same time, Britain's relative economic decline vis-à-vis Germany was a growing source of additional domestic unease that began to call into question such British holy cows as free trade, as witnessed by the hysteria generated by Ernest Edwin Williams' book *Made in Germany* in 1896 and then Joseph Chamberlain's campaign for tariff reform and an imperial customs union (Minchinton 1975; Kennedy 1980, chap. 15). Britain thus entered the twentieth century with an acute new sense of vulnerability that came to inform its prewar diplomacy, which was much exercised by fear of German continental hegemony, geared increasingly toward German containment, and relied ever more heavily on its much weaker French and Russian allies (Ferguson 1999, 56–81; Strachan 2001, 93–98; Clark 2013, 200–214). All the while Germany and Britain traded blissfully and in fact deepened their economic integration in the years before the war, prompting Norman Angell to proclaim in 1909 that this growing economic interdependence made Britain's very real tools of imperial coercion effectively unusable. (Angell 1913 [1909], 380). Britain's naval blockade of Germany in 1914 would show just how mistaken Angell was.

4 “Third Way” ideology

Economic success of the large mature LAO in competition with a dominant OAO can and did stimulate thinking about a “Third Way” as an alternative to open access to politics and economics. The significance of “Third Way Ideology” for the OAO/LAO model is that it shifts focus toward the role of agents in the transition: ideas can shape, influence or justify policies, and “Third Way” thinking can slow or inhibit a transition, even if structures are in place otherwise encouraging one. While the notion of a negative German *Sonderweg* (special path of historical development) will be most familiar to readers, before 1945 a powerful internal German discourse had posited a positive German special path uncorrupted by British and French liberalism and democracy (Faulenbach 1980). This special path was articulated and justified by Wilhelmine and Weimar-era thought leaders who offered arguments against open political competition and democracy, appealing to an allegedly

successful model of modern authoritarianism. This idea was bound up closely with notions of German cultural peculiarity growing out of Nietzschean *Zivilisationskritik* and was disseminated by Imperial and Weimar Germany's cultural elite—Paul de Lagarde, Julius Langbehn, Thomas Mann, Oswald Spengler, Ernst Jünger, among many others (Martynkewicz 2009). It is worth noting here that most of these critics came from the ranks of the educated bourgeoisie, not preindustrial elites as might be implied by the LAO/OAO model. An example of a view explicitly critical of Western democracy published shortly before the First World War was Wilhelm Hasbach's *Die moderne Demokratie* (1912). Hasbach posited the superiority of a uniquely German blend of strong political authority, social reforms, efficient administration, and a highly dynamic economy, which together avoided the Scylla of democratic populism, revolution, and class tyranny and the Charybdis of despotism. Democratic polities to the West were taken to task for their moneyed corruption, their clientelism, their instability, their evasion of public responsibility, and their sheer incompetence (Hasbach 1912). The crux of this “positive” German *Sonderweg* was that good administration in the general interest is more important to public happiness than the specific constitutional or political form of a state. Building a functioning, technocratic state insulated from class and moneyed interests in the end allegedly created greater real freedom than a democratic polity. For purposes of refining the LAO/OAO framework, “Third Way” thinking in Germany legitimated the LAO political status quo and made a transition to greater political openness and competition (and thus ultimately democracy) more difficult than it might otherwise have been. Such thinking persisted into the Weimar Republic and was disseminated by “conservative revolutionary” intellectuals, stoking the bitter opposition of the political Right which ultimately helped bring down the Republic in the early 1930s (Weitz 2007 331–341).

5 The international order and derailed transitions

The LAO/OAO framework analyzes the development of rules, institutions and organizations within states, but for some reason it ignores the construction of international rules, institutions and organizations in integrating states within an international system. As Harold James has noted, the illusion that commerce must lead to peace inexorably is one entertained by economists who nevertheless see the advantages of rules over discretion in their models of optimal economic behavior (James 2006, 26). The rules and institutions of international economic order were critically important in reinforcing openness and thus the transition process, but as already mentioned, large LAOs at the doorstep are more difficult to integrate into such rules and institutions than smaller countries because of their size and influence, especially if those large LAOs have stronger traditions of authoritarianism. As the case of Imperial Germany reveals, when these rules and institutions lose legitimacy or become more fragile due to the relative decline of the leading OAO, international conflict becomes more likely, which can in turn utterly derail transitions.

As the historical record shows, a willingness to submit to the rules of open trade and commerce is not inevitable; it must be accompanied by the perception that

dominant powers are not abusing their discretion in administering those rules for their own advantage. In the years leading up to the First World War, new up-and-coming powers such as Germany and the United States increasingly chafed at Britain's naval supremacy and its ability to bend the rules of open maritime commerce. For example, Great Britain refused to offer neutral ships greater protections or constrain its unilateral right to impose blockades—the London Declaration of 1909 was never ratified by the House of Lords (Davis and Engerman 2006, 13). That said, Britain's status as hegemon was tested by these newer powers. In the Venezuela Crisis of 1895, Britain initially refused international arbitration in a border dispute between Venezuela and the British Guiana until the United States—with an upgraded navy—invoked the Monroe Doctrine and threatened Britain with war. Britain uncharacteristically submitted to US threats, entered international arbitration, and in subsequent years moved most of its naval assets out of the Caribbean (Humphries 1967). Observation of these and other great power contests, new naval doctrines emphasizing the threat of blockades, and the dynamism of German economy (with its heavy reliance upon overseas trade) motivated the construction of a much larger German navy after 1897 (Holmes 2004; Bönker 2012). So did a desire to use an expanded German navy as a bargaining chip with Britain to gain colonial concessions and to secure an Anglo-German alliance (Clark 2013, 148–150).

During the Boer War, Britain threatened Germany with blockade if it supported the Boers, seized neutral ships, and violated neutral ports to search for contraband, in clear violation of the law of the seas. Relations with Imperial Germany—whose ships were among those seized and searched—reached new lows and further reinforced the logic of an expanded German navy, sparking an Anglo-German arms race and hardening European alliance blocs (Anderson 1969, chap. 6; Kennedy 1980, 410–431). Flashpoints in Morocco and the Balkans added to a climate of distrust and unease, further motivating British policies to contain Germany. This in turn made German policymakers more prone to risk-taking and helped lead Europe and then much of the rest of the world into a catastrophic conflict and the collapse of the international economic system that had until then been dominated by Britain (Clark 2013).

Whatever promising signs of growing political openness and open economic competition in Germany were snuffed out under conditions of total war between 1914 and 1918. Total war in Germany was accompanied by unprecedented censorship, silent military dictatorship, and far-reaching state intervention in the economy (Chickering 1998). While it is true that in the war's immediate aftermath Germany was forced to adopt parliamentary democracy, the Weimar Republic's association with a lost war and the Versailles Treaty undermined its legitimacy (Bessel 1993). That, coupled with the disintegration of the world trading system under rising protectionism and a collapse in international banking due to the financial dislocations of the war and the Great Depression, undermined the Weimar Republic from without (Findlay and O'Rourke 2007, chap. 8; Kindleberger 1986; Boyce 2009, chap. 7). More than any other single factor, the First World War derailed Germany's transition to OAO. Similar international pressures arising from the legacy of the war (exclusive imperial trade blocs and protectionism) undermined

the experiments in democracy under Emperors Taishō and Shōwa in Japan and led to militarism and aggressive imperial expansion into China, Southeast Asia, and the Pacific. The First World War also destroyed the Tsarist regime and led to the rise of Bolshevik rule which utterly destroyed what limited steps had been taken toward open access in Russian politics and economics before 1917.

6 China at the doorstep

As the previous discussion of Imperial Germany and the prewar Pax Britannica make clear, it is doubtful that the “double balance” in the LAO/OAO framework—that open access in the economy reinforces open access in politics—is as strong as the authors claim in large LAOs without liberal-democratic traditions, especially if an authoritarian political system manages to secure internal reforms that create the legal and institutional framework that assures the dominance middle class values and material interests. That is, middle class people can become stakeholders in authoritarianism, especially if the leading model of openness, the dominant OAO, appears in relative decline. This, as was seen, can in turn be reinforced by the development of “Third Way” thinking, which legitimates an authoritarian path to modernity. And while international competition can reinforce openness and transitions to OAO, the dynamics of that competition with the dominant OAO and the legitimacy of the existing international order matter a great deal in determining the outcome of that competition. The historical example of Imperial Germany reveals that accommodating a large LAO into the existing international system generated tensions that ultimately led to conflict and a derailed transition process.

Contemporary China suggests that these dynamics are hardly isolated to Imperial Germany and the prewar Pax Britannica. Like Imperial Germany, the political economy of the People’s Republic of China has been shaped by reform from above, which has effectively preserved authoritarianism while encouraging economic liberalization and the formation of a Chinese middle class. The Chinese political system is marked by two parallel hierarchies of state and party, which operate at all administrative levels of the country from the political center in Beijing down to the provincial, prefectural, county, and township levels. While the executive, judiciary, and legislative branches of government are nominally independent and fairly decentralized, the Chinese Communist Party (CCP) operates at every level with parallel committees and maintains a monopoly over all strategic decision-making by determining who is eligible for leadership posts in the state apparatus. Similar dualism is apparent in the organs controlling the People’s Liberation Army, though here the dualism is only formal, as the state and party military commissions are identical in membership, controlled by the Politburo of the CCP, and chaired by the CCP’s General Secretary. This means that nearly all decision-makers in the administration, judiciary, and legislature, particularly at the higher levels and in the military, are senior Communist Party members. While the National People’s Congress is nominally sovereign and elects officials at each level of government, the People’s Congresses are dominated by CCP members determined by and

accountable to the CCP's Politburo and General Secretary. Moreover, China's senior executive body, the State Council, is empowered to submit bills to the National People's Congress and has significant discretion over politically sensitive legislation. Though non-Communist political parties were restored in 1978, the CCP's control of the political system is effectively absolute. Freedom of assembly, speech, and religion are restricted in China, and politically sensitive information is subject to heavy censorship. Mass organizations such as trade unions, youth and women's groups, and professional associations only exist as sanctioned by the CCP (Dreyer 2012; Florini et al. 2012).

Beginning with the Household Responsibility System in 1978 and the creation of Special economic Zones in 1980, the Chinese state has retreated from central planning and implemented market-based reforms. Many Township and Village Enterprises and State Owned Enterprises (SOEs) have since been privatized, but the state retains some ownership and offers SOEs privileged access to bank lending, which is still under heavy state control. Since the formal legal status of private property is unclear, the rule of law is weak, and political patronage is still important in gaining access to investment capital and regulatory approval in China, many large private Chinese firms are legally domiciled in Hong Kong and listed on the Hong Kong stock exchange (Huang 2008). While the Chinese leadership took a decisive step toward the rule of law in 1979 with the passage of a Criminal Code, judges have no real power, and the judiciary is marked by considerable corruption at the local level. Moreover, the administration of justice is heavily politicized at all levels, with extensive reliance on confessions and decisions usually made before cases come to trial—the CCP's powerful Central Politics and Law Commission oversees all police enforcement and legal activity. The rule of law is particularly weak as it pertains to China's political elite, whose patronage has been important in approving investments, as the corruption case of the Politburo member Bo Xilai revealed (Balme 2013; Cheng and Chen 2013).

In terms relevant to the LAO/OAO framework, then, the rule of law does not extend to the Chinese Communist Party and the senior state administration, and the ability to form political and economic organizations requires formal and informal political approval—it is not defined by open access, open competition, and capitalist creative destruction. Finally, the organizations controlling the police and military are not open to political competition.

While there are obviously profound differences in the political systems and political economies of Imperial Germany and Contemporary China, China's recent rapid economic development and enhanced power status have been compared directly with the experience of Wilhelmine Germany a century prior. Drawing parallels between Germany's economic resurgence after centuries of division and decline, its reactive nationalism fed by historical grievances, and the threat it posed to neighboring powers and the European balance of power, some have even argued that China poses very similar set of challenges, ones without easy solutions to avoid conflict (Pinkerton 2005; see also Leeden 2002). Such arguments have been lent credibility by the rise of a much more assertive Chinese nationalism since the mid 1990s, fuelled by the flood of "say no" books spearheaded by the popular Chinese bestseller *China Can Say No: A Choice of Politics and Attitude in the Post-Cold*

War Era in 1996. At that time American experts in international relations began positing new theories about the relationship between economic interdependence and war, suggesting that rising great powers that are highly dependent on trade for their resources and export markets—Wilhelmine Germany then and China now and in the future—can be drawn into conflict if they fear being cut off from that trade (Copeland 1996). Others warned, likewise drawing on the parallel of Wilhelmine Germany, that democratizing states not grounded by liberal constitutions are often prone to hyper-nationalism and belligerence and resort to war when “embattled remnants of the old authoritarian order... realize that to succeed... they must rally the masses behind a national cause” (Zakaria 1996, 38).

“Third Way” thinking has also gained traction in China. The discourse on Asian Values—previously relevant primarily in Burma, Indonesia, Malaysia and Singapore, but gaining significance in China—has served as a means of legitimating authoritarian rule and bears more than a passing resemblance to German *Zivilisationskritik* (Thompson 2000, 2001). The discourse on “Asian Values” emphasizes the role of family over individualism, extols the virtues of consensual government over political individualism and pluralistic democracy, admonishes economic, social and political discipline, and articulates the notion of an organic state and society in which the individual is subordinate to the community. It involves rejecting Western notions of political democracy as alien to China and justifying the retention of authoritarian traditions even while undergoing full-scale economic modernization. It also aims at co-opting and depoliticizing the middle classes in order to shore up an authoritarian regime (Thompson 2000, 653). The flirtations between Chinese officials and Singapore’s Lee Kuan Yew, elected director of the International Confucian Association created by the Chinese government, revealed official sanctioning of such “Third Way” thinking in China (Thompson 2000, 677). Since then the discourse on Asian Values has evolved into a blend of Neo-Confucianism and Chinese nationalism that is self-consciously anti-Western and taps into historical traditions that long predate Communist rule (see Fan 2011; Yan 2011). Traditionally, the bearers of Chinese high culture have valued uniformity, frowned upon conflict, and emphasized one Han Chinese culture, language, and empire, with those at odds with that high culture and its claims seen as deviant (Jenner 1992). As Andrew Nathan has pointed out, many influential contemporary Chinese actors and thinkers, while frequently invoking “democracy,” view Western-style democracy as an inferior and dysfunctional system, and the reforms they are offering would actually support and strengthen the authoritarian aspects of the Chinese political order (Nathan 2008; see also Chai and Song 2013).

The growth of popular nationalism and rise of “Third Way” thinking in China has coincided with the emergence of an external American enemy fueled by a narrative of national humiliation that has been periodically exploited by the CCP to bridge the fissures and salve the tensions that have emerged in China at a time of profound economic and social change (Dai 2001). The social dislocations that have attended China’s aggressive policy of urbanization and industrial modernization have led to grave internal tensions that have in turn served to justify the retention of the Communist Party’s political monopoly, which in any case has shown few signs of loosening its grip on Chinese politics. Indeed, as Pranab Bardhan has argued, the

Chinese leadership has shown itself to be remarkably adaptive in maintaining its legitimacy under changing circumstances over the last quarter century, forging new coalitions of supporters through the close relationship between “red hat capitalists” and state officials, as well as through the state’s control of bank lending and regulatory approval, thereby successfully coopting private entrepreneurs, professionals, and much of the Chinese intelligentsia (Bardhan 2010, 157–158). Moreover, many members of Chinese middle class are employed by the state or participate in the Communist Party, with recent research routinely showing that most are not supportive of democratic values, oppose a change of regime, and support the party-state (Goodman 2013; Chen 2013).

A glance across the Pacific to the United States has not offered many Chinese observers with a very compelling image of liberal democracy: a political system corrupted by money, bitter partisanship and gridlock in Congress, dubious and costly foreign military interventions, crumbling infrastructure, persistent budget and balance of payment deficits, deficiencies in educating and training the American workforce, and relatively high unemployment. Not surprisingly, since the economic crisis of 2008 a new “Beijing consensus” has emerged from Chinese officials and intellectuals offering a model of modern authoritarianism to developing countries that is allegedly superior to Western liberal democracy in delivering both economic growth and political stability: a party-dominated judiciary, updated censorship and police monitoring, and restricted political freedoms combined with heavy public investments in literacy, development of modern infrastructure, and foreign direct investment in special economic zones to secure strategic industries (Kurlantzick 2013, chap. 7).

China has pursued an active industrial and distinctly mercantilist trade policy, and it has become outwardly expansionist in its investments to secure raw materials in Africa, South America, and the Middle East. It has also come to chafe against US naval hegemony in Asia and the western Pacific, which it views as a policy of military containment. Likewise, the Chinese leadership has questioned the legitimacy of the postwar territorial status quo in east and southeast Asia, leading to territorial disputes with the Philippines, Vietnam, Taiwan, South Korea, and Japan (Nathan and Scobell 2012). As early as 1996, faculty at the Naval War College gave testimony before US Congress on the emerging threat to American interests posed by a rising China, again drawing on historical parallels between China and Wilhelmine Germany (U.S. Congress, House 1996). More recent observers, such as Robert Kaplan, have asserted that China today, as Germany in the early part of the twentieth century, represents “the principle conventional threat to America’s liberal imperium” (Kaplan 2005). Scenario based planning for a conflict with China is now well underway, and the basic contours of an emerging power struggle in the western Pacific have emerged, fuelled more recently by an ambitious program to expand the Chinese navy and Chinese brinkmanship in its territorial disputes with Japan (Weitz 2001; Windybank 2005; Chinese Navy’s New Strategy in Action 2010; Saunders 2011). Despite these tensions, economic integration between China and the United States has deepened over the last decade, though this has also been accompanied by growing American criticism of China’s export-

oriented growth strategy, its theft of intellectual property, and the persistent trade imbalances between the two countries (Fordham and Kleinberg 2011).

The parallels between China and Germany should neither be taken too far nor obscure the significant differences of context, much less imply any inevitable outcomes. Nevertheless, the German and Chinese cases suggest that transitions of large, mature LAOs are not always placid. Economic modernization and trade integration do not by themselves lead to political openness, and middle class people can become stakeholders in authoritarian systems, with “Third Way” thinking lending them credibility. Moreover, relative economic decline, unilateralism, and loss of international standing of the United States weakens the liberal democratic political model and undermines the legitimacy of a liberal international order that an up-and-coming power like China may develop the means to challenge. Finally, there are genuine dangers in militarily containing China; conflict could totally derail its transition and lead to something potentially far worse, as it once did in Germany.

7 Conclusion

One of the powerful insights offered by studying German history is the realization that modernity is not a one-way path to freedom, that a modern dynamic economy does not necessarily guarantee liberal democracy, and that open commerce and trade do not by themselves assure peace. While these are sobering insights, they can also liberate us from a dangerous complacency when it comes to China’s transition. Applying the history of Imperial Germany to North, Wallis and Weingast’s framework suggests refinements and additions that will make it more robust and capable of dealing not just with the smaller (and geopolitically less influential) limited access orders of the developing world, but also mature limited access orders whose size and influence could challenge dominant open access orders and alter the international system. The preceding discussion has highlighted that the transition process involving large, mature limited access orders was usually highly disruptive, not only to those societies, but also to the international system. While dominant open access orders influenced the transition process, they were also challenged, sometimes militarily. Transition came as a result of a process that was accompanied by conflict and upheaval, but conflict could also completely derail transitions.

The case of Imperial Germany also reveals that some qualifications of the “double balance” are in order. Sustained economic changes resulting in an open access economic order were successfully accomplished in a political system that was less than open, and this imbalance did not make Imperial Germany more unstable per se. Imperial Germany also reveals that middle class people became stakeholders in authoritarianism because the system delivered the legal and institutional framework that assured the dominance of their values and material interests; they perceived further democratization as potentially threatening that dominance. Another refinement to the framework is to consider both the relative decline of the leading open access order and “Third Way” ideology in reinforcing antidemocratic thinking and thus slowing, hindering or even reversing transition. Finally North, Wallis and Weingast’s framework should take into account the

international system, which can facilitate or hinder the transition process. The challenge to open access orders is to encourage mature limited access orders to become stakeholders in a system conducive to their transition. To some degree that depends upon the actions and policies of the dominant large open access orders just as it does on the legitimacy and durability of the laws and institutions of the international system.

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