

**When the sum of the parts is less than the whole:
Community Justice and the Decay of State Legitimacy**
Evidence from Haiti and around the World

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The sovereign territorial state is widely assumed to have a monopoly on both the use of violence and legitimacy within its borders, but this consolidation is far from universal in practice. We explore how variation in the micro-dynamics of state legitimacy—defined as rightful rule—affects public perceptions around accountability, particularly the emergence and approval of “community justice,” local, extra-legal justice practices. We argue deviations away from state authority in favor of community justice constitute evidence of deteriorating legitimacy in contexts where state consolidation is most tenuous. We theorize that the practice of community justice emerges under conditions when which neither the state nor its challengers have a monopoly over authority, both parties are engaged in a bitter conflict—that can approach zero-sum—over public perceptions of legitimate governance. Additionally, because local justice practices emerge in situations where there is no ultimate authority, or authority is actively contested, “mass” authority over punishment is required, leading to punishments that are public, brutal and require broad participation, which gives weight and “collective” rightfulness to the act. As a lens on this conflict, we use original cross-national and local observational data to analyze a common—and widely supported—form of community justice in many weak states: lynching or community justice, in which groups of civilians mete out what often amounts to excessively violent capital punishment for a range of (often quite minor) crimes or perceived wrongs. Next, drawing on original survey evidence from Haiti, we first show that when the state lacks a monopoly on authority, gang governance (defined as security and social service provision) is closely associated with the decline of state legitimacy, as well as with greater support for alternative accountability mechanisms. Overall, these findings speak to broad questions in political economy about state formation and decay, as well as the sources of accountability and justice.

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Introduction: Justice, Legitimacy, and Accountability in Weak States

“Lynching is a necessary evil.”

– Focus group participant, Port-au-Prince, Haiti, May 2017

One of the most essential functions of the sovereign territorial state is ensuring accountability for violations of norms and laws. But what happens to dispute resolution, justice, and accountability when the formal state is illegitimate, weak, or even completely absent? The sovereign territorial state is widely assumed to have a monopoly on both the use of violence and legitimacy within its borders (Weber 1918). The notion that this authority is unable to be split among actors follows from Grotius, who writes “sovereignty is a unity, in itself indivisible” (quoted in Keene 2002, 43-4).

Since Westphalia, scholars of political authority have tended to treat sovereignty and legitimacy as analytically uniform, and constant. However, this consolidation is far from universal in practice.¹ Extensive scholarship has tracked the process of state formation within this model, with some more recent research seeking to understand the voluntary and involuntary cedes of state functions and authorities to other entities (e.g., Lake 2009; Krasner 1999; Keohane 2002). Much of this research is focused on transfers to other states in more and less hierarchical arrangements between similar entities, such as transfers between states in informal empires or protectorates (Lake 1999).

The current literature extends this lens to analyze transfers to dissimilar, non-state actor types, in which some functions of the state are shifted to an international entity or organization, such as in peacekeeping missions (Krasner and Risse 2014). Research over the past two decades has demonstrated that there are many instances in which challenges to state legitimacy and sovereignty come from a sub-state actor seeking to revise the current boundaries of state control (i.e., a violent challenge to the integrity of the state, as in a civil war). We build on this work to document the existence of violent actors who do not necessarily seek a revision of formal central control of the state but who nonetheless can and do locally govern. We argue these governance activities have substantial consequences for understanding the micro-foundations of legitimacy and sovereignty.²

¹ See, e.g., Krasner (1993).

² Risse and Stollenwerk (2018b) are among the first scholars to argue these revisions can happen outside of war.

A lack of state legitimacy is a very general context. It is one that has long existed in stateless societies and continues to exist today in cases where the formal state does not play the role it should. Indeed, the legitimacy of states *within* their borders is not always uniform (often, but not always, marked by non-state challenges to rule in the form of civil war, insurgency or terrorism).

States that are ineffective, particularly in security and justice provision, hamstring themselves in a range of ways. When states are ineffective or absent, citizens lose trust in many aspects of the state and may withdraw from democratic practices like voting and protesting. As performance or “output legitimacy” (Scharpf 1997) erodes, so too does core authority in and of the state. This necessarily means the state lacks a monopoly on the residual rights of governance. In such settings, citizens may turn to hyper-local actors, social organizations, and practices to manage daily challenges. Of course, the endogenous emergence of institutions and dispute resolution are neither new, nor unstudied (Leeson 2007; Anderson and Hill 2004; Ellickson 1994; Lansing 2006).

In its most extreme form, which we explore here, dispute adjudication and accountability can take the form of extra-judicial community justice in which ordinary people—organized or spontaneously—mete out (often lethal) punishment for minor interpersonal crimes. Available evidence suggests that the participants do not have faith in any political authority to hold the perpetrator accountable. We focus on the emergence and acceptance of what we term “community justice,” or local, extra-legal justice, and argue that popular support of community justice may affect or inhibit the formation and decay of legitimacy.

Community justice encompasses a range of violations, and is sometimes called lynching, group justice, neighborhood justice, or vigilante justice. We distinguish community justice from other forms of public violence like riots, anti-gay mobs and morality policing such as honor killings. In our conception of community justice, the purpose of the violence is to punish and deter perpetrators of petty interpersonal crime, such as theft and pickpocketing, as well as more serious violent crimes such as rape and murder. The emergence and persistence of this grisly form of justice is a key indicator that the state is no longer the only legitimate authority. It also speaks to the dangers and public ills that may come with incomplete legitimacy, and incomplete or weak challenges to state legitimacy.

In this project, we explore how variation in the micro-dynamics of state legitimacy—which we define as rightful rule—affects public perceptions around accountability. By accountability, we focus on the processes and form of the provision of justice.

A Theory of Accountability and Legitimacy

Our central argument is that a monopoly on political authority and legitimate governance is, inherently, indivisible. While states often delegate provision of services to other entities—such as the church, NGOs, IGOs, and INGOs—what distinguishes these situations from those in which the state’s legitimacy is waning is that the state is perceived as retaining a monopoly on the “residual” rights of control (Lake 1996). In short, the state can *rightfully* revoke this delegation. For example, private prisons in the United States always remain the agents of the state entity that delegates and can remove authority, with the state government ultimately legally responsible (Gunderson 2018).

In principle, some elements of the state may be delegated either upward (i.e., to an international organization) or downward (i.e., to a subnational organization). However, in weak states, where the hold on legitimacy may be most tenuous and the state is seen as the primary, and ultimate, locus of such delegation, authority is neither certain, nor universally agreed upon. As a result, pernicious practices may emerge to fill the gap in perceived public order neglected by the state. When no actor has a monopoly on legitimacy, others may engage in competition for legitimacy. We argue that under these conditions, when there is ambiguity over rightful rule, the practice of extra-judicial community justice and accountability is most likely to emerge.

The lack of a state monopoly can come from two sources: the state fails in some critical duty in the eyes of the governed, or some other actor works to challenge or supplant the state’s monopoly on governance, but does so incompletely. In either instance, the monopoly on legitimacy no longer holds. We will argue below that both situations give rise to the emergence of local accountability mechanisms.

Legitimacy, and the identity of the “rightful ruler” may vary significantly within the boundaries of the state. Most commonly, direct challenges come in the form of insurgent or rebel organizations, who seek to replace the state as the legitimate political authority within a territory. These rebel governors often establish elaborate institutions to facilitate governance and to establish legitimacy (e.g., Mampilly 2014; Arjona 2015; Jo 2014). With challenges of this type, there may emerge wholesale shifts in the identity of the rightful ruler, in which a non-state monopoly is consolidated. For example, a network of local courts enforcing Sharia law called the Islamic Courts Union often brutally governed large parts of Somalia for several years.³ ISIS is also reported to have effectively governed Mosul, with residents acknowledging the establishment of services and monopoly over law and order as an improvement over the uncertainty of a weak Iraqi state.⁴

³ http://seattletimes.nwsourc.com/html/nationworld/2003305401_somalia15.html

⁴ “The Caliphate” *New York Times* <https://www.nytimes.com/interactive/2018/podcasts/caliphate-isis-rukmini-callimachi.html>

However, what happens when this shift is imperfect, or incomplete? We hypothesize that local, community justice emerges in the interstitial spaces where legitimacy is imperfectly consolidated, either by the state or a non-state entity.

Moreover, we examine what happens when there is no direct *political* challenger, but there is a decay of the monopoly on legitimacy and a variety of governance providers. In such a setting, there are two possible reasons for the decline of the state's legitimacy, and therefore the emergence and acceptance of extra-judicial community justice.

First, the state may be failing to provide governance. "Bad" behavior on the state's part may be due to ineffectual institutions or abuses of power and may lead to a decline in legitimacy. We are agnostic about the path to failure, and focus instead on the implications for the institutions of accountability and the use of force. Support for and trust in those actors to whom a legitimate governor would delegate authority to use force, such as the police or army, are seen as ineffective or corrupt. Additionally, the mechanisms in place to enforce property rights and adjudicate disputes are no longer trusted, and therefore no longer used. If either (and certainly if both) the army and the judiciary---central to the use of force and dispute adjudication---are avoided, we take the state to lack legitimacy, for at least some subset of its citizens.

The second reason for the decline of state legitimacy is that non-state actors, such as rebel groups or gangs, may provide competing "good" governance, and they may gain legitimacy at the expense of the state (e.g., Stewart 2018; Arjona 2015). Any competition over who or what set of institutions rightfully rule means the state has lost its monopoly on ultimate legitimacy. (Naturally, multiple entities may be viewed as legitimate concurrently---the state, a religious institution---but here we focus on the *ultimate* political authority.)

This argument joins a growing literature on non-state governance. Illicit organizations such as rebel groups often set up local institutions. The primary driver of these institutions may be to enable them to control and structure their members more effectively to achieve their goals (Shapiro 2013; Berman 2011; Johnston et al. 2016; Shapiro and Jung 2014). However, these organizations also serve as competitors with the state in governance, through providing law and order (Loyle and Binningsbø 2018), elections (Cunningham et al. 2018), and basic services (Heger and Jung 2017; Wagstaff and Jung 2018).

Rebel, terrorist, and insurgent organizations are inherently political organizations. However, these organizations are not the only illicit organizations that govern. Others draw analogies between rebel and terrorist organizations and other types of violent organizations such as drug trafficking organizations and gangs (see Kenney 2007; Lessing 2015, 2017; Phillips 2015; Levitt and Venkatesh 2000; Cammett and MacLean 2015).

We depart slightly from those studying rebel governance and other violent political actors, in that the focus of our analysis is on primarily *criminal* actors who have taken on significant governance activities to facilitate their goals. Our intention with this focus is to allow us to isolate the decay of legitimacy, rather than competition for a population's support to replace or establish a new state by political actors. Exploring these dynamics can inform and complement work on rebel governance and institutions. Specifically, in Section 3, we focus on criminal gangs in Port-au-Prince, who provide services and govern many areas in Haiti. This type of organization is analytically useful in the context of this project because, while they undeniably have political *effects* on the Haitian state, they are not specifically political organizations. Isolating these goals allows us to hold constant political goals and the desire to control the formal state and to illuminate some of the more nettlesome situations involving competition between political actors.

Whether via state decay, gang governance, or another path, the lack of a single actor with a monopoly on the residual rights of legitimacy is particularly pernicious in the realm of provision of security and dispute adjudication. Indeed, our data suggest that when the state is weak and a non-state actor provides—and citizens accept—services typically expected to be provided (or delegated) by the state, these are clear indicators that state legitimacy and authority have withered. However, while non-state actors can (and do) step into the void, the quality and quantity of justice and accountability services provided may not be equivalently robust to what a state could provide (or has provided in the past). While governance may be zero-sum, the lack of a monopoly is all or nothing. Additionally, multiple providers in this area may create challenges in understanding who the “ultimate” authority is, creating ambiguity.

Ultimately, “cobbled” together, *ad hoc* governance is bad for social welfare. When citizens lack a single actor who has a monopoly on accountability, many social ills follow. Such situations can lead to psychological uncertainty, increased search costs for individuals who must get services (even the same services) from multiple actors, forestalls establishing trade and consistent enforcement of property rights, and may lead to human rights abuses and general instability, including abuses within the home.

When a state's legitimacy decays, whether due to its own actors “behaving badly” or another actor providing services and governance—particularly one who has the capacity for violence—the state's ultimate authority is irrevocably challenged. When divided, the sum of the parts may be significantly less than the whole; such a scenario may result in the emergence of practices that highlight the decay of the rule of law and also make the re-establishment all the more difficult. There are several implications of this theory, which we next describe in turn.

Hypotheses on decay of state support due to state violence or gang governance

Our argument about the paths for the decay of legitimacy leads to several hypotheses. If our theory about a loss of a monopoly on legitimacy is correct, we should observe this shift in legitimacy in several ways. We first hypothesize that exposure to violence committed by agents of the state results in a secular *decrease* in measures of the legitimacy of the government.

In many settings in the developing world, governance is not uniform within the territory. Some aspects of the state may work well for many, while others feel neglected. We expect to see a direct relationship between perceptions of government effectiveness (proxied by trust in the police, exposure to state violence) and attitudes about the legitimacy of the state.

Healthy State Hypothesis: *Reporting trust in the police and/or a lack of exposure to state violence will be associated with reporting of positive indicators of state legitimacy.*

Unhealthy State Hypothesis: *Reporting exposure to state or police violence will be associated with reporting of negative indicators of state legitimacy.*

Conversely, a monopoly on legitimacy can be eroded by another political actor offering itself up as the rightful ruler, outside the bounds of regular political competition. In the case of secessionist or irredentist movements, this happens wholesale. In instances of autonomy movements, criminal or other illicit governance, this may happen partially, or in stages consistent with the organization's first-order goal. Ultimately, non-state actors doing "good" things, particularly non-violent governance, should result in both decreased perceptions of state legitimacy, and positive indicators of that actor's legitimacy.

Our third hypothesis concerns whether the provision of services by another entity⁵ confers legitimacy on the alternative actor that provides them, and erodes legitimacy of state actors who fail to provide them.

Positive Alternative Hypothesis. *Reporting provision of services and security by actors and organizations other than the state will be associated with decreased indicators of state legitimacy.*

Alternate Provision Hypothesis. *Reporting provision of services and security by actors and organizations other than the state will be associated with positive assessments of these actors.*

⁵ In Section 3, we focus specifically on gang governance.

If legitimacy is indeed indivisible, provision of violent and non-violent services by gangs will *decrease* state legitimacy and *increase* gang legitimacy. We expect the effect of non-violent service provision by violent non-state actors will have a larger effect above and beyond the effect of security provision.⁶ Citizens who receive non-violent (that is, benign, non-security-related) goods and services from gangs are more likely to report gangs do positive things, and the state does negative things.

However, if monopoly over the rightful rule of the state and its agents (or an non-state entity with a monopoly over authority) is degraded, deleterious practices emerge. Specifically, we believe in a situation where either the state or the challenger pierces the legitimacy of the other, acceptance and support for practices that suggest the endogenous emergence of micro-governance around punishment and accountability.

Community justice: a lens to understand the decay of state legitimacy

The persistence of community justice is a horrific and puzzling practice, and a useful indicator of the breakdown of rule of law and ultimately the legitimacy of the state's (or any actor's) accountability and justice mechanisms.

In *Travesty in Haiti*, anthropologist Schwartz describes a series of lynchings:

“...the people of the Village came to understand that if the police got hold of the culprit he would in most cases buy his way free and maybe back again to steal or terrorize. They took to handling it themselves. A crowd often hacked, beat, or stoned suspects to death.” (Schwartz 2008: 22)

This practice is not unique to Haiti, nor is tension over the mismatch between perceptions of what are rightfully “just” punishments for crimes or social transgressions new. In *Utopia* (1850), More noted the practice of capital punishment for thieves. While done by agents of the state, he also notes,

...[I]t is plain and obvious that it is absurd, and of ill consequence to the commonwealth, that a thief and a murderer should be equally punished: for if a robber sees that his danger is the same--- if he his convicted of theft, as if he were guilty of murder--- this will naturally set him on to kill the person whom otherwise he would only have robbed, since, if the punishment is the same there is more security, and less danger of discovery... ; so that the

⁶ This extension is similar to the “hearts and minds” arguments in counter-insurgency theory.

terrifying thieves too much provokes them to cruelty. (More 1850, 24-25).

Why might this perception of unjust punishments be particularly pernicious to rule of law? Danger of lack of process can lead to false “convictions” and punishments. In many incidents of community justice, there is swift, often spontaneous, movement from accusation to punishment. For example, the US State Department’s 2009 Human Rights Report on Bolivia notes, “On April 7, police in Cochabamba broke up three separate lynching attempts to kill up to 10 persons for robberies. In one incident a crowd beat a group of six children ranging in age from 14 to 17, only to find hours later the children were not the thieves.”

The existence and acceptance of the practice of community justice can also lead to other negative outcomes: it can be manipulated and exploited to “target” individuals, or could lead to deaths that result from a rumor mill perpetuated through social media, as recently occurred in India⁷ The great majority of mob violence victims, who died by lynching, beating, or burning, were persons suspected of criminal activities, including robbery, cattle rustling, and membership in terror gangs. However, the social acceptability of mob violence also provided cover for personal vengeance under the guise of “mob justice.” Occasionally, social misfits and strangers unknown to the community were the targets of mob violence, including at least 16 women killed on suspicion of practicing witchcraft.”⁸ In Haiti, there have been cases in which politicians were killed via vigilante justice.⁹

Despite these many social ills, what might be most puzzling about the practice of community justice is its inefficiency: relatively minor crimes are often punished severely and disproportionately, frequently with capital punishment. One reason for the brutality of the incidents is that community members lack a sense that the state mechanisms that “should” hold perpetrators of crime accountable are able to function appropriately. In this analysis, we look at situations where there is popular agreement that the act must be punished, and a belief that the state is not going to do enough to perform its role in holding the criminal accountable. However, this mismatch can work in reverse as well: destructive practices can emerge when states are perceived as too lenient on perceived criminals. The estimated 4,743 lynchings of African Americans in the American South fall into this category.¹⁰

⁷ <https://www.nytimes.com/2017/05/25/world/asia/india-vigilante-mob-violence.html>

⁸ State Department Human Rights Report, Kenya 1998

⁹ Authors’ interview

¹⁰ “How white Americans used lynchings to terrorize and control black people” Jamiles Lartey and Sam Morris April 28, 2018. *The Guardian* <https://www.theguardian.com/us-news/2018/apr/26/lynchings-memorial-us-south-montgomery-alabama> Accessed September 7, 2018

Any ambiguity about the ultimate political authority in a territory can lead to the endogenous emergence of local solutions to impose order. Community justice is often accepted, but is also a sub-optimal, inefficient, parallel practice to the state's justice system. In other words, it is not that the state is (necessarily) completely absent, but rather that it is deeply mistrusted or ineffective.

Our theory can help resolve the puzzle of why, in Port-au-Prince, community justice is common in areas with a heavy police presence (rather than only remote, rural areas). Despite their proximity, residents of the slum areas have no expectation that the state will respond to calls for assistance, and little faith that even when they do, the perpetrator will face appropriate sanctions—largely due to agents and institutions within the justice system being vulnerable to bribery and corruption.

The role of state capacity

Our theory also suggests community justice emerges not only from a lack of state *capacity*, which is highlighted in the many instances that note the lack of police presence, but, critically, a lack of state *legitimacy*. We note several anecdotal cases of community justice that point to the more complicated interplay between the police, state capacity, and the practice.

To be sure, some reports of community justice point directly to an inability of the government to control crime. For example a 2007 State Department Human Rights Report on Guatemala notes, “Many observers attributed the lynchings to continued public frustration with the failure of law enforcement and judicial authorities to guarantee security.”

A purely state (and policing) capacity argument would predict the emergence of community justice in areas that are more remote and difficult to police. However, this form of justice is used in both urban and rural contexts, rather than solely rural contexts which might be more likely to be beyond the reach of the state.¹¹ A 1985 State Department report on Brazil notes, “Numerous lynchings have been reported in the press and the phenomenon is apparently increasing. The greatest incidence of lynching takes place in the slums on the outskirts of major cities, a result of perceptions that police and court protection is unavailable.”

The role of the police is complex. Should this practice emerge *only* in contexts in which the state and the instruments of state force (i.e., police, military) are absent or lack capacity, a clear policy remedy would be increased policing and a more robust police force. However, we observe some instances in which the police appear to be capable but illegitimate, or where police actions to

¹¹ This said, rural areas do appear to be especially difficult to police. In the Haitian context, Schwartz notes, “In general, the people, especially people in the rural areas, saw [the police] as outsiders who caused more problems than they solved and who were totally unreliable in the case of crime, indeed, inclined to save the criminal and persecute the victims” (2008: 22).

ensure accountability and punishment were not publicly accepted. For example, in Ecuador in 2002, a man was arrested for murder. Residents blocked the highway when the police attempted to move him to a different town. 3,500 residents surrounded the police station and threw the accused murderer off the second floor and shot him (US State Department 2002). There can also be strong resistance to police efforts to curb community justice; for example, residents in Guatemala “attempted to lynch two women suspected of kidnapping ... and burned patrol vehicles of police officers who intervened to prevent the lynchings” (US State Department 2007).

Beyond a theory of legitimate governance, we also explore the micro-dynamics of community justice, shedding light on a disturbing and understudied form of political violence to understand where it emerges and how it is sustained. We offer a (necessarily) concise history of the practice, and discuss what is known about its current prevalence. We also define the scope of community justice and distinguish it from other types of socially sanctioned killing, like honor killings and morality policing.

On the individual level, collective participation in killing protects participants from personal guilt, making it difficult for the state to prosecute individual perpetrators. Further, the method of punishment (for example, stabbing, stoning or beating while restraining the victim, called “cuffing” in Haiti) mean there is no single executioner. The use of modes of execution or punishment that require many participants is likely a critical factor in establishing broad support for the practice and in overcoming individuals’ personal reluctance to participate, in essence overcoming a grisly version of the “free rider” problem. A full accounting of perpetrators’ individual motivations is beyond the scope of this analysis, but will be explored in future work.

In our research in Haiti, respondents reported they support extreme violence as a punishment largely because it may serve as a deterrent to future criminals, again highlighting the lack of trust in state authority to curb crime.

Hypotheses linking contested legitimacy and approval of community justice

As above, if our theoretical intuition is correct, there are several empirical implications. We outlined how state malfeasance or illicit governance may erode the legitimacy of the state. In a sense, this is a second stage: community justice should meet with higher rates of approval in places where legitimacy has eroded from some actor’s monopoly (either state or another political entity). In short, we expect to see a negative association between state indicators of legitimacy and approval of community justice and a positive relationship between indicators of illicit

governance (which would indicate negative state legitimacy) and approval of community justice. Specifically we believe community justice will emerge as an accepted practice in the following conditions:

State decay and approval of community justice Hypothesis: Reporting negative indicators of state legitimacy will be associated with a greater likelihood of approval of community justice.

State strength and disapproval of community justice Hypothesis: Reporting positive indicators of state legitimacy will be associated with a lower likelihood of approval of neighborhood justice.

Illicit governance and approval of community justice Hypothesis: Positively assessing illicit actors or reporting illicit governance will be associated with a greater likelihood of approval of neighborhood justice.

In the next sections, we explore our theory of legitimacy and accountability in weak states, particularly around the practice of community justice. We first discuss the phenomenon globally, including patterns and puzzles surrounding the practice. We then explore the micro-dynamics of legitimacy, neighborhood justice and accountability in Port-au-Prince, Haiti.

Section 2: Contemporary community justice around the world: prevalence and description of the phenomena

Community justice is a surprisingly widespread practice. Here, we explore the prevalence and commonalities of this practice. Collecting systematic cross-national measures of community justice is challenging for several reasons. First, because these acts take place where the state and democratic institutions, like a free press, may be the least robust, they are unlikely to be regularly covered by newspapers. When they are, there may be strong incentives to misrepresent the facts surrounding the case, or to protect the perpetrators. Additionally, it is probably that the most extreme attacks are the most likely to be covered by newspapers. When selecting sources that report on community justice, careful attention must be paid to the potential for reporting biases. For these reasons, we urge caution about the precision of the cross-national measure we collected. In what follows, we code publicly available data to highlight the prevalence of this practice and describe the process and factors that seem to be associated.

Data Sources

To describe variation in reports of community justice around the world, we use a variety of sources. To underscore the scope and scale of the practice, and to show its use in contexts where legitimacy and accountability are relatively weak, we created an original cross-national measure of community justice using human rights reports from the U.S. State Department, a standard annual source in quantitative analyses of human rights (Fariss et al. 2015). To explore this practice sub-nationally in Port-au-Prince, we draw on 400 descriptions of community justice documented by a Haitian NGO (Cohen and Jung 2018).

Our first datasource is the U.S. State Department Human Rights reports, which are issued annually and cover the state of human rights in each country in the world for the previous year. Each report details physical integrity rights violations, such as torture, disappearances, abuses by state forces and in conflict zones, as well as labor, individual, civil, political, women's, sexual and religious minority and children's rights. These systematic reports, which are congressionally mandated and began coverage of human rights abuses in 1976, are seen as the most comprehensive, thorough, and impartial measure of rights and liberties detailed in the Universal Declaration of Human Rights (UDHR) and other integral human rights documents. Presently, the reports cover 196 countries, more than similar yearly reports by bodies such as Human Rights Watch or Amnesty International. Within each report from 1976 forward, we searched for mentions of the following terms: *lynching*, *vigilante*, *vigilante justice*, *vigilantism*, *mob justice*, *community justice*.

The second data source comes from a record of fatalities in Port-au-Prince. Starting in 2002, *Komisyon Episkopal Nasyonal Jistis ak Lapè*, or The National Episcopal Commission for Justice and Peace (JILAP) collected information about lethal violence in the greater Port-au-Prince metropolitan area using designated reporters in each major area of the city. Each quarterly JILAP report provides information about incidents of lethal violence, and from this we created a measure of the number of fatal casualties recorded per month. The reported deaths include homicides, as well as other causes of death (e.g., suicides, deaths due to traffic accidents, and community violence). In addition to consulting with designated observers in neighborhoods around Port-au-Prince, who meet with witnesses and/or independently investigate reported deaths, they also use newspapers to gather more information on reported deaths. We consolidated, translated and coded over 10,000 reports of deaths between 2002 and 2017. From this universe of cases, we isolated 400 fatalities that were reported as due to mob justice in the description; we then coded their descriptions for details about method, actors, and reason for the attack.

Prevalence of Community Justice

Perhaps the most surprising place to begin is to note how common community justice is around the world in recent decades. In Figure 2.1 (top panel), community justice (or another of the

community justice search term synonyms) are mentioned in State Department reporting in almost every region in the world. In the bottom panel, we aggregate all mentions of the phenomenon we count in these reports, pooled over time. We observe significant variation across the globe: Brazil and South Africa appear to be the most common locations, but the practice is also frequently reported in parts of South Asia, Latin America, and Sub-Saharan Africa.

Figure 2.1. Prevalence of Reported Community Justice Worldwide



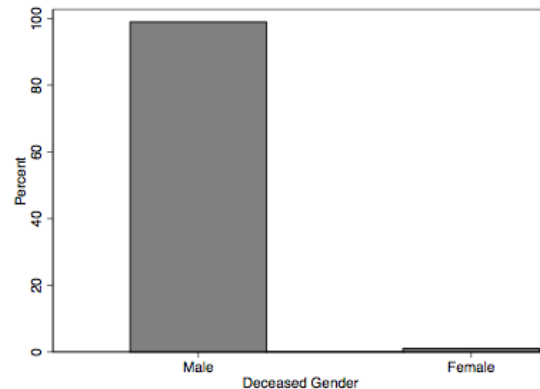
Source: Department of State Human Rights reports

Patterns and puzzles

We now turn to the JILAP reports from Haiti to examine more disaggregated patterns from a single context. Given how widespread the practice appears to be around the world, we urge caution about generalizability from a non-random sample from a single city; however, the patterns and descriptions from these 400 cases are both striking and informative. We note that the descriptions are in line with many of the descriptions of community justice practices from other localities around the world, as we coded from the State Department reports.

In the JILAP data, a remarkable trend is that those killed via community justice are overwhelmingly men. Figure 2.2 below displays the sex of the deceased by percentage where noted; the figure shows 97% of those who were killed by community justice were men. One possible reason for this imbalance may be that in many parts of the world, women face community justice for witchcraft or sorcery rather than theft or murder. However, young men make up the majority of victims and perpetrators for most acts of violent crime around the world and community justice appears to be no different. We discuss these dynamics more in the conclusion.

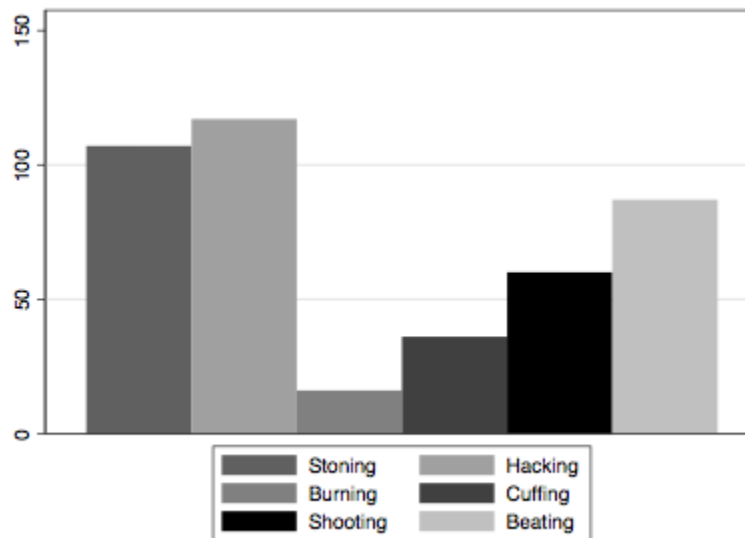
Figure 2.2 Sex of Deceased Target of Community Justice



Source: Cohen and Jung 2018

We next turn to the often grisly method of execution. When any the 400 instances of lynching contained any description about the method and process, we coded it. The results are displayed in Figure 2.3, though these categories are not mutually exclusive. For example, the deceased may be beaten and subsequently burned.

Figure 2.3 highlights a number of interesting patterns, ones that are consequential to how the practice is sustained. The four most common methods for killing via community justice are stoning, hacking (stabbing), beating, and “cuffing” (restraining the victim and then beating and/or burning him.)

Figure 2.3 Methods of community justice

Source: Cohen and Jung 2018

The common methods highlighted in Figure 2.3 are grisly. Drawing on previous research about public episodes of extreme violence, we speculate (but do not test directly) that there may be several, non-mutually exclusive reasons for this that follow from our theory of the decay of legitimacy.

In addition to serving as a direct punishment for the crime in question, the public “overkill” or “violent display” (Fujii 2017) could be for deterrent effect (in addition to lack of trust in the state’s extant processes to hold perpetrators accountable). Bodies are treated in horrific ways, and sometimes burned after the fact, serving as ominous warnings to those considering committing future crimes about how the neighborhood treats those who injure its members.

The common methods tend to require multiple participants, such that no *single* participant is likely to deal the fatal blow, nor would any one perpetrator be able to be identified as such. We speculate this common pattern may be for several reasons that give the practice local popular sanction and explain its persistence. First, it may be psychologically easier for participants. A similar logic underpins firing squad executions in which multiple shooters are used, potentially with only one rifle loaded with a bullet, and the others with blanks so it is unknown who the “true” executioner is.¹² Participants can be known to have done their grisly social duty, but not have to shoulder the psychological weight of having been an executioner.

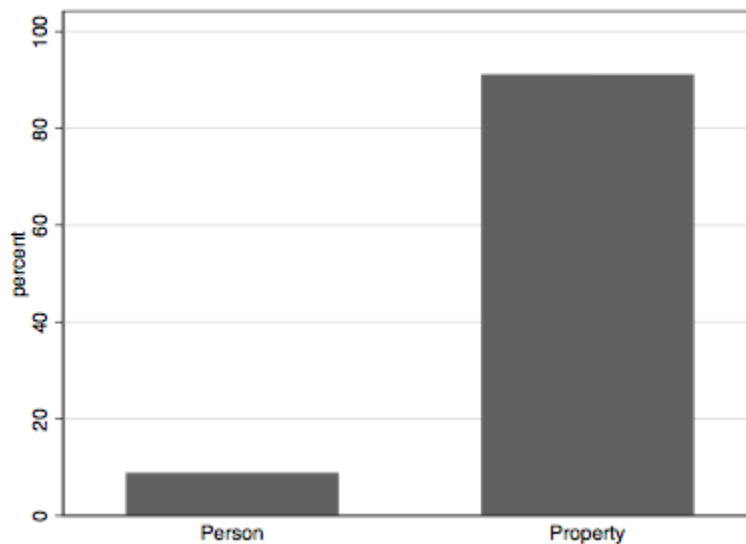
¹² <https://www.npr.org/2015/04/05/397672199/utah-brings-back-firing-squad-executions-witnesses-recall-the-last-one> Additionally, see an extensive literature on the Firing Squad Synchronization Problem following Myhill (1957) (Moore 1964).

Second, Requiring a large number of participants' involvement may decrease the likelihood any one person can be identified or can be turned over to the state for punishment. Anecdotal evidence from Haiti as well as the State Department Human Rights reports highlight that identifying, arresting, and trying participants in community justice are increasingly difficult tasks for state justice systems, particularly where they are quite weak.

Finally, in the absence of a single authority—which is where we believe these practices are most likely to emerge—methods that (require) group participation may increase the perception of mass support for the judgement of guilt and rightfulness of the punishment. This broad participation imbues the proceeding and rightfulness of the punishment with some measure of social legitimacy, similar to the way low turnout rates may signal a lack of a democratic or popular “mandate” in an election.

We also note many of the descriptions note the crime or type of crime with which the deceased was accused. Our prior intuition was that punishment by death would be reserved for particularly heinous crimes perpetrated against another human, such as rape and murder. We find evidence this is not the case, at least in Port-au-Prince. While only about 25% of the descriptions of community justice note the precipitating crime, of those that do, the overwhelming majority appear to be property crimes. This is consistent with what we know from experts and focus groups, and certainly not attributable only to reporting bias.

Figure 2.4 Type of crime punished by community justice



Source: Cohen and Jung 2018

Section 3: Lynching and Legitimacy in Port-au-Prince

We explore the implications of our theory in Haiti, which provides an ideal case and a stark setting to understand state weakness and the associated challenges to state accountability. Leveraging observational, focus group and survey data from Port-au-Prince, we employ a novel measurement strategy to analyze the decay of state monopoly on legitimacy as proxied by support for extra-judicial community justice.

Criminal gangs govern broad swaths of the poorer areas, or “popular zones,” in Port-au-Prince. Though they have no explicitly political aims, gangs provide a practical challenge to the Haitian state’s authority through controlling territory and by providing basic goods and services.

We show that goods and services provided by gangs are erosive to perceptions of state legitimacy (measured through questions about preferences over dispute adjudication, participation in democratic practices like voting and protests, and trust in the police and justice system), particularly when the services include physical security and social services (such as sanitation, road repair and access to water).

Case Selection: Port-au-Prince, Haiti

Although Haiti is woefully understudied by political scientists, Port-au-Prince is an excellent case to understand governance, and to test our theory of the competitive nature of legitimacy, because of the wide variety of types of actors on the ground that provide both governance and services to the population. In addition to the Haitian state and its agents (the Haitian National Police, or HNP),¹³ the UN has had a stabilization mission locally since 2004, numerous INGOs have large presences, and there are a large number of local NGOs.

As the site of the first and only successful slave revolt in history, the utility of violence for accomplishing the noble goals of independence and freedom is deeply embedded in Haitian culture. In addition, as the least developed country in the Western hemisphere, with recent periods of civil war and local unrest due to contemporary gang violence, Haiti presents a critical case to explore these issues.¹⁴ Although we do not in any way argue that Haiti is representative of the Global South, or the dynamics of governance elsewhere, it is a good case from which to build insights to a variety of contexts. Because multiple local, state, and

¹³ Until very recently, Haiti has lacked a military of its own, making the HNP the only state agents to use force legitimately.

¹⁴ The period of civil war in Haiti (1991-1995) ended over a decade ago (Fearon and Laitin 2003), and the slums in contemporary Port-au-Prince are regularly mired in gang violence.

international actors produce security and provide services, we use this case for an initial exploration into how governance by illicit actors causes state legitimacy to decay.

Port-au-Prince is an urban area, with many local gangs that operate throughout parts of the capital city. Gang governance in this context also provides evidence that nuanced governance settings can arise with violence *outside* explicit goals and efforts to replace the state. While illicit and rebel governance are not unusual, this case in particular has many different types of actors, including the UN, providing services on the ground in a place that has not experienced a civil war.

As in many highly unequal societies, particularly with an ineffective or untrusted security sector, the state may work best for those in the middle. The very wealthy bypass the state, fortifying and paying for private security (Edouard and Dandoy 2016), while the poorest are often outside the reach of the state and must turn to illicit organizations or self-policing. One focus group participant joked that gang policing goes by the nickname “le police.”¹⁵

Can vigilantism be organized? Even in a single city, where the practice is fairly common, there seems to be no single, regularized path by which neighborhood justice happens. Many accounts describe cases of truly spontaneous, quick justice. But there is also evidence of vigilante brigades as neighborhood protection agents to whom some legitimacy over accountability is delegated (Edouard and Dandoy 2016).

Survey Data Collection

We leverage an original household survey conducted in Port-au-Prince, including in gang-governed areas, to study variation in the perceptions and attitudes about security, the state, local gangs, and service provision. Our goal is not close causal identification, but rather to illustrate key dynamics in the micro-foundations of governance, sovereignty, and legitimacy. These dynamics have been largely overlooked in previous research, which has focused almost exclusively on the dynamics associated with conflict, generally to revise the boundaries and authority of the state. But these micro-foundations have significant implications for theories of legitimacy, sovereignty, and governance as well as for policies like counterinsurgency and state building.

To explore governance, legitimacy, sovereignty, and security, we fielded a survey with an embedded experiment of 1,066 adults in Port-au-Prince in July 2017. Levels of lethal violence

¹⁵ Authors’ focus group #2, Port-au-Prince, 5/15/17.

due to crime, gangs, and the police are high in some neighborhoods.¹⁶ Because violent street gangs go by a variety of names, and there is some interchangeability of terms in common parlance, we asked respondents about three types of groups: *baz*, *bandi*, and *brigades*. In Haitian Creole, *baz* means “base,” and roughly translates to gang, *bandit* refers to a violent criminal group, and *brigade* is a local vigilante/self-defense group. All three terms are used to describe types of extra-legal local armed organizations that operate on the neighborhood level in Port-au-Prince. We aggregated responses about these three groups into the single, simplified category of “gangs” in the following analyses.¹⁷ While gang leadership and core membership are almost exclusively young men, other men, women, and children in the community are recruited as critical support cadre to assist the gangs in their daily operations. The neighborhoods where gangs operate are relatively homogeneous on many dimensions that might complicate inference in other settings (e.g., ethnicity, religion, language, economic status).

Sampling strategy

Creating a sampling frame proved challenging. Because of the lack of a recent census—the most recent census data is from 2006, prior to the 2010 earthquake that caused massive displacement—there exists no method to assess accurately the representativeness of the data.¹⁸ Instead, we prioritized sampling on areas with exposure to violence rather than on representativeness in order to be able control for relative exposure to violence.¹⁹ By sampling on prior exposure to violence at the commune level (our best measure of violence exposure), we ensure that there are sufficient respondents in each commune with high exposure to violence. However, even in communes with relatively high levels of violence, there is significant diversity of actual exposure—meaning there are many relatively “safe” areas even in the communes that otherwise appear violent.

We contracted a local Haitian survey firm to administer our survey. We sampled respondents from 6 of the 8 communes in the Port-au-Prince arrondissement.²⁰ We apportioned clusters of 12

¹⁶ Based on deaths data compiled from a local NGO, homicides due to gang violence more than reached the equivalent of a low-intensity conflict (at least 25 deaths) on an annual basis between 2002-2016 (Cohen and Jung 2018).

¹⁷ One of the primary justifications for this is that the specific definitions for similar groups seems to vary quite locally: neighborhood to neighborhood.

¹⁸ See also Gordon and Young (2017), who faced similar sampling challenges in their survey study in metropolitan Port-au-Prince. Slough and Fariss (2018) another large-n study, sampled the prison population, and as a result, did not face analogous sampling issues.

¹⁹ We also collected data for several other projects that rely on measuring exposure to violence.

²⁰ The sample includes all major population areas in the capital city. We excluded two communes that are sparsely populated and far outside the city center for budgetary and logistical reasons. The sampled areas are the sites of most of the reported lethal violence in Haiti, much of which is perpetrated by gangs. For instance, a March 2016 MINUSTAH report concluded that

respondents to communes according to exposure to recent episodes of lethal violence; specifically, the probability proportional to violent death exposure in the previous two years (2015-2016). Within communes, we identified the universe of potential clusters by laying a 250m by 250m grid over a commune map, and removing obviously inaccessible clusters (e.g., in a ravine, on a mountain or in the ocean), as well as those that the implementing partner deemed logistically infeasible (e.g., too sparsely populated or populated only with businesses, not households).²¹ From that universe of “eligible” clusters, the number of clusters apportioned to each commune were randomly selected. Within each cluster, households were selected based on a random walk by each enumerator. Within each household, the enumerator selected the adult of the same sex who had the most recent birthday. Enumerator teams were comprised of equal numbers of men and women, ensuring gender balance within the sample.

We faced significant ethical considerations designing a survey instrument that elicited opinions about gangs, especially in gang-controlled areas, and employed several mitigation strategies to reduce risk to our team and to respondents, and to increase the veracity of responses. First, the Haitian survey firm employed enumerators from the specific neighborhoods where the survey was to be fielded. Based on previous experience, they felt this was especially important in gang-controlled areas, where any outsider—even a local person from a different neighborhood—would be regarded with immediate suspicion, and would be potentially prevented from fielding the survey—or worse, may be harassed or even beaten by gang members. Second, in pre-testing the survey, the enumerators expressed concern that the survey instrument on their tablets contained some questions about gangs (*baz*, *bandi* and *brigades*). They were afraid that in the case where a gang member asked to see the survey (apparently not uncommon), the enumerators would be made unsafe if the instrument included questions about *bandi* (bandits or criminals) in particular. Together, we innovated a solution: while the enumerator would orally ask respondents about all three terms for gangs, including *bandi*, the text in the survey instrument would read only *mét*, Haitian Creole slang for “chief,” a generic term similar to “dudes” or “guys.” Our training thus included substituting the word *bandi* whenever the word *mét* appeared. Finally, we asked respondents to share whether there were gangs operating in their neighborhoods. To determine the extent of underreporting, we also recorded whether the enumerator reported seeing a visible gang presence.²² To decrease reporting bias, we sought to destigmatize relationships with gangs through using objective, normalizing language in the preamble to the questions (e.g. “In some places, *baz* help people in the neighborhoods. For example, there are those that pay for

over 80% of reported homicides in Haiti during a given reporting period (September 1, 2015 to March 1, 2016) occurred in Port-au-Prince, and half of these were gang-related.

²¹ Our implementing partner preferred to work from “crosshairs” rather than within grid-squares, restricting distance from the starting point to 125m to ensure no overlap with another cluster even should the neighboring “crosshair” be selected.

²² We see no significant difference in respondent vs. enumerator reports of gang presence, suggesting that respondents accurately reported gangs in their neighborhood.

school, and those that give people access to water, electricity or food aid. Are *baz* around here that do that for this neighborhood?”).

Indicators of legitimacy

Legitimacy is a notoriously difficult concept to measure. Surveys offer advantages to studying legitimacy, in that they focus on measuring respondents’ perceptions. But surveys also have disadvantages, in that potential biases in reporting can create challenges in measuring the underlying concept. Because of these challenges, we asked several questions that help to illuminate different aspects of governance and legitimacy.

Our survey included several indicators of legitimacy and attitudes about the state, gangs, and other local, national, and international entities providing governance and services in Port-au-Prince. Importantly, we collected measures about state *and* non-state actors along parallel dimensions.

First, we asked a series of questions about attitudes of indicators of *state support* and *state health*, including attitudes towards tax collection, whether voting improves (state) services, whether the police make respondents feel safer, and opinions about the reestablishment of the Haitian Army (which was disbanded in 1995 and minimally reinstated in early 2018, a few months after the survey was fielded). Taken together, these questions suggest a sense of trust in key critical functions of the state, including the use and expansion of force, and links of accountability between citizens and government. (Note that the possible responses are in brackets and italicized following each question.)

- **Taxes:** In your opinion, how important is it for the Haitian government to collect taxes from people like you? [*Very; Somewhat; Not so; Not at all*]
- **Army Reinstatement:** Before I begin, I want to remind you Haiti has not had a military since 1995, and right now we just have a small corps of engineers.²³ Do you think Haiti should expand it to a full army, or should Haiti not have a military again, just the engineers? [*Haiti should have a full military again; Haiti should not have a full military*]

Second, we inquired about indicators of legitimacy, especially around issues of justice and dispute adjudication by both states and by non-state actors.

- **Dispute Adjudication by the State and by Gangs:** “If you had a dispute about property with a neighbor, and you cannot settle it yourself, who do you turn to to settle it? Tell me all that apply.” [*Local elders; Police; MINUSTAH;²⁴ ASEC;²⁵ CASEC²⁶; Courts;*

²³ The corps of engineers is understood to be used for relief and public works efforts, and is explicitly not a “full” army.

²⁴ The UN stabilization mission.

Religious leader; Baz; Bandi; Brigade; Neighbors/friends/family; Local organization; Other]

- We code State Dispute Adjudication = 1 if the respondent selected agents of the government or state. We code Gang Dispute Adjudication = 1 if the respondent chose any of baz, bandi, or brigade.

Finally we look at an indicator of gang legitimacy, by asking if, broadly speaking, they might do more good or more harm. Here we code gangs to be a positive if respondents do not reply “do more harm.”

- **Gangs Positive:** Do baz/brigades/bandi do more good for the people in this neighborhood or more harm? [*Do more good; do more harm; do equal amounts of harm and good*]

Evidence of gang governance

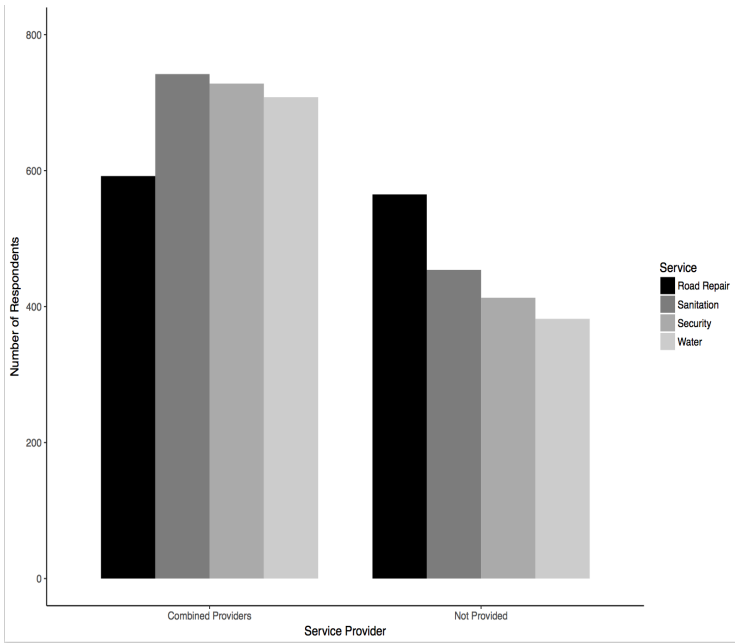
In light of the many development and security challenges, it is perhaps unsurprising that criminal gangs have emerged in Port-au-Prince, particularly in the post-Aristide era. Indeed many of these gangs control specified territory in the city and govern them, providing a range of services.

To highlight the diversity of service and governance providers, we asked respondents to attribute who, if anyone, provided to them any of four basic services: road repair, sanitation, water, and security. Figure 3.1 highlights two patterns: that many receive the same service from multiple providers (likely imperfectly provided), and that almost as many do not receive services.

²⁵ ASEC and CASEC are the local city and sub-city council representatives.

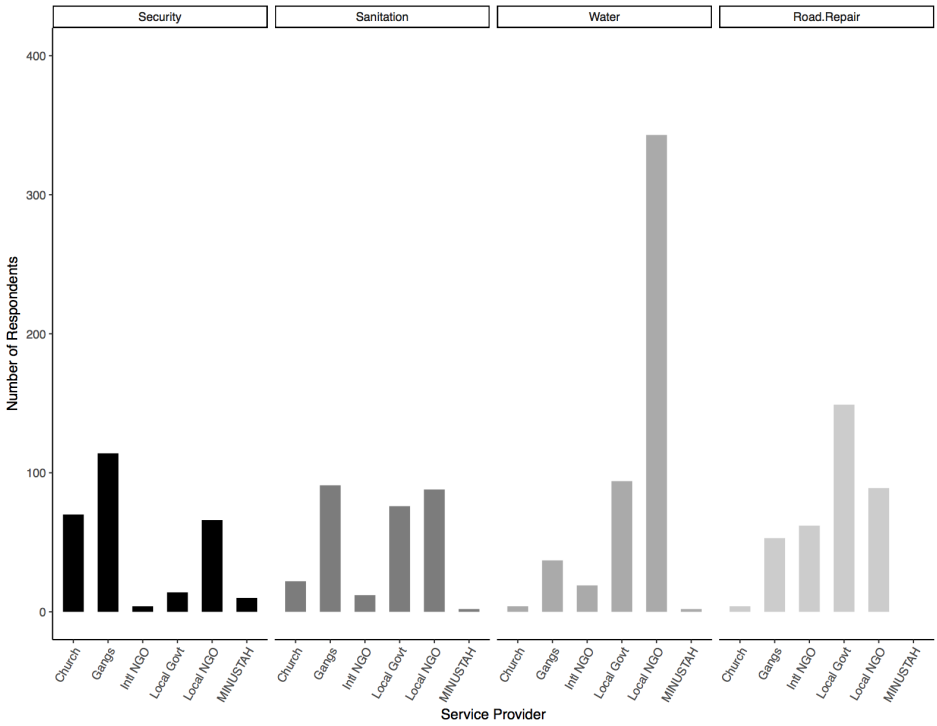
²⁶ ASEC and CASEC are the local city and sub-city council representatives.

Figure 3.1 Providers of Basic Services in Port-au-Prince



Next, we look at the picture of *which actors* provides each service (Figure 3.2). Across a range of potential providers, gangs are the modal, but not only, security provider. They also provide many of the non-security services in areas they control, but almost no respondents report getting all of their services from the gangs and none from other actors.

Figure 3.2 Service provision by provider in Port-au-Prince



Testing the central theory

We now turn to exploring how legitimacy decays, either by state failure or by competing governance by gangs. Our broader empirical strategy comes in two parts. First, we look at the relationship between state and gang governance and indicators of legitimacy. Next, we look at how those indicators of legitimacy are related to approval for community justice.

First, we look for indicators that the state is “working” as it should, for at least some of the population, in Table 3.1. In models 1-3 we examine the conditional correlations of indicators of a well performing state—having a formal bank account, reporting confidence in the police, and observing a link between voting and services provided²⁷—on three indicators of state legitimacy. With respect to the first indicator—willingness to pay taxes—we see a strong, positive association with each of our explanatory factors, as one might expect. In model 2 we look at who is likely to report using one of the state established mechanisms for dispute adjudication. We see that those who have confidence in the police and those who see a link between voting and the services they receive are more likely to report willingness to use a state agent, another indicator of legitimacy. Finally, in model 3, we see that those who have confidence in the police are more willing to support restoring Haiti’s military beyond a corps of engineers. Somewhat counter-intuitively, those who believe there is a link between voting and service provision are less likely to support restoration of the military. This is potentially because they do not see a need for the military. Taken together, models 1-3 indicate that the state works for some subset of the population, and does not work for another.

Next, in models 4-5 we turn to looking at how two indicators of state abuses—having experienced violence during the Aristide eras of instability and reporting exposure to police violence—relate to the same three indicators of legitimacy. As we might expect, we observe a consistent, negative association between each of these indicators and our indicators of state legitimacy.

²⁷ Questions on these were the following: Respondent indicated they had a formal bank account; Police Feel Safer: “When the police are in my neighborhood, I feel safer.” [Yes; Depends; No]; Voting Improves Services: In your opinion, does the opportunity to vote in the elections increase the quality of what the government should do for you (like sanitation, electricity, schools, health clinics) in your neighborhood? [Yes; No]; Respondent reported they or a member their family experienced injuries or death in relation to one of the periods of instability regarding Aristide; Police violence exposure: “Some people in this neighborhood may have experienced violence (injury or death) as a result of the police within the last five years. Have you or your family (mom, dad, sisters, brothers, and sons and daughters)?”

Table 3.1 Indicators of State Legitimacy

	(1) Taxes	(2) State Dispute Adjudication	(3) Restore Army	(4) Taxes	(5) State Dispute Adjudication	(6) Restore Army
Formal Bank Account	0.115*** (0.0350)	-0.0195 (0.0643)	-0.0117 (0.0268)			
Confidence in Police	0.182*** (0.0397)	0.245*** (0.0565)	0.0552* (0.0280)			
Voting Services Link	0.0294 (0.0345)	0.106* (0.0604)	-0.0463** (0.0184)			
Aristide Violence				-0.188*** (0.0614)	-0.213*** (0.0774)	-0.274*** (0.0486)
Police Violence Exposure				-0.0706 (0.0449)	-0.0262 (0.0701)	-0.0932** (0.0402)
Constant	0.564*** (0.0586)	0.536*** (0.0955)	0.866*** (0.0502)	0.761*** (0.0519)	0.810*** (0.0852)	0.939*** (0.0344)
Observations	871	871	836	912	912	872
R-squared	0.092	0.048	0.023	0.077	0.032	0.117

Robust standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Next we turn to testing our gang services hypothesis: *Provision of services and security by actors and organizations other than the state increase indicators of gang legitimacy*. Because gangs are, obviously, different than the state, we ask one analogous indicator and one that indicates general opinion about gangs to examine how “good” performance (measured in terms of service provision) relates to these indicators of gang legitimacy.

We find that gang and local governance are all strongly, positively associated with both indicators of gang legitimacy. We report these conditional correlations in Table 3.2. In Models 1-4 we examine the relationship of different types of service provision on those who report going to gangs for dispute adjudication. We see a strong, positive association between using gangs to adjudicate disputes when they provide security to the respondent, when services are provided by neighborhood or local actors, with the number of gang services, and with provision of benign gang services (meaning services excluding security: education, roads, water). In models 5-8, we look at the effects of different types of service provision on respondents’ likelihood to report gangs being a net positive. We see a very similar pattern as in models 1-4: respondents who are recipients of gang governance are significantly more likely to see gangs are a net positive force.

Table 3.2 Gang governance and legitimacy

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Gang Dispute Settlement	Gang Dispute Settlement	Gang Dispute Settlement	Gang Dispute Settlement	Gangs Positive	Gangs Positive	Gangs Positive	Gangs Positive
Gang Security Provision	0.173*** (0.0528)				0.180*** (0.0567)			
Local Services		0.0108*** (0.00408)				0.0760*** (0.0223)		
Gang Services			0.0804*** (0.0222)				0.0907*** (0.0174)	
Benign Gang Services				0.0933*** (0.0284)				0.111*** (0.0201)
Constant	0.0515** (0.0255)	0.0480 (0.0328)	0.0503* (0.0286)	0.0572* (0.0326)	0.287*** (0.0768)	0.135 (0.0922)	0.278*** (0.0765)	0.288*** (0.0779)
Observations	912	912	912	912	369	369	369	369
R-squared	0.123	0.032	0.160	0.127	0.246	0.260	0.259	0.254
Controls	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Community Justice in Haiti

Having highlighted both the link between ill state behavior and the decline of state legitimacy, and good gang behavior and positive views of gangs, we now turn to understanding where in this grey area of legitimacy—in which neither entity may have a monopoly on legitimacy—how and where support for the practice of lynching seems to emerge as an indicator of this breakdown.

We asked respondents a series of questions about their opinions on the practice of lynching or neighborhood justice:

- **Approval of Lynching:** Do you prefer neighborhood justice or turning criminals over to the justice system? [*Criminals should always be turned over to the justice system; Sometimes turn criminals over to the police, sometimes neighborhood justice to deal with criminals; Always neighborhood justice to deal with criminals*] Respondents were considered to “approve” of lynching if they responded that they preferred neighborhood justice sometimes or always.
- **Approval of lynching for property crimes:** Imagine your neighbors caught a thief in your neighborhood. He broke into a home, and stole something. The neighbors then caught and killed the thief as a punishment. Is this appropriate? [*Yes; Depends; No*] Respondents were coded as approving lynching for property crimes if they responded Yes or depends.

Our findings from Haiti suggest widespread support for lynching as a form of justice, even for relatively minor property crimes.²⁸ 50% of respondents believe it is appropriate for neighbors to kill a thief. Additionally, we find that women, who feel more vulnerable to theft, are more likely than men to support lynching in the case of property crimes (60% vs. 40% support among men; notably, women and men are equally likely to support community justice in the case of murder.)

These results provide evidence that those who feel the absence of robust state accountability mechanisms most acutely may also be more supportive of severe punishment for relatively minor crimes.

First we look at the breakdown of the state and opinions about the appropriateness of lynching. Respondents who have experienced police violence are likely to approve of lynching as a practice, including for those accused of being a thief. Conversely, those who report having confidence in the police are significantly *less* likely to respond that lynching is appropriate punishment. In short, as the state’s security apparatus is seen negatively, citizens approve of extra-judicial means to settle disputes and punish perpetrators.

Table 3.3 State breakdown and approval of community justice

	(1) Lynch Justified	(2) Lynch Justified	(3) Lynch Justified	(4) Lynch Justified for thieves	(5) Lynch Justified for thieves	(6) Lynch Justified for thieves
Police Violence Exposure	0.261*** (0.0578)			0.132** (0.0566)		
Confidence in Police		-0.0653* (0.0382)			-0.0966** (0.0397)	
Security (night safety)			0.0256*** (0.00762)			0.0243*** (0.00828)
Constant	0.270*** (0.0486)	0.361*** (0.0579)	0.0885 (0.0776)	0.506*** (0.0520)	0.607*** (0.0591)	0.317*** (0.0881)
Observations	895	873	862	904	879	871
R-squared	0.079	0.037	0.039	0.063	0.065	0.059
Controls	Yes	Yes	Yes	Yes	Yes	Yes

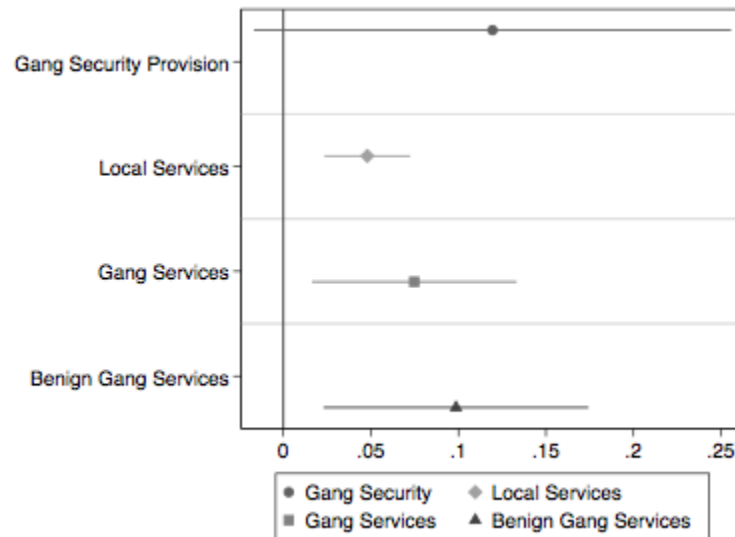
Robust standard errors in parentheses
 *** p<0.01, ** p<0.05, * p<0.1

Given the evidence in Table 3.3 that approval of lynching is closely related to respondent opinion and experiences with state security services, we now turn to look at how opinions on lynching vary by experience with gang governance. In Figure 3.3 we report the coefficients of regressions on approval for community justice. We see that while gang governance leads to

²⁸ We will discuss further in section 4, but we asked a very similar question in South Africa to more extreme results: In South Africa this number is 63% for thieves. When asked about if neighborhood justice is appropriate for killers, only 25% say it is never appropriate.

positive opinions about gangs, this governance is not *complete*. With the exception of when gangs provide security, in which case they may go to gangs for disputes, respondents who receive gang services are also (about 10%) more likely to approve of lynching.

Figure 3.3 Gang governance and approval of community justice



Having established these links between state decay, gang governance and lynching. We return to our first indicators of state and gang legitimacy and how they correlate with support for lynching in the case of property crimes in Table 3.4. The pattern here is stark: both state failure (Models 1-3)²⁹ and partial gang governance (Models 4-5) result in increases in support of lynching for property crime, offering a powerful picture of the wide set of conditions under which endogenous justice mechanisms emerge. Taken together, lynching emerges where legitimacy of any actor is incomplete.

²⁹ We note model 3 is inconclusive.

Table 3.4 Legitimacy and Lynching in Haiti

	(1)	(2)	(3)	(4)	(5)
	Lynch Support	Lynch Support	Lynch Support	Lynch Support	Lynch Support
Taxes Important	-0.164*** (0.0349)				
Army Restoration		-0.170*** (0.0530)			
State Dispute Resolution			0.00613 (0.0242)		
Gang Dispute Resolution				0.256** (0.100)	
Gangs Positive					0.142** (0.0658)
Constant	0.649*** (0.0538)	0.664*** (0.0675)	0.527*** (0.0591)	0.513*** (0.0510)	0.451*** (0.0878)
Observations	904	866	904	904	364
R-squared	0.079	0.066	0.055	0.060	0.170
Controls	Yes	Yes	Yes	Yes	Yes

Robust standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Section 4: Conclusions

Community justice is both more common, and the patterns around its practice more recurrent, than previously recognized. Indeed, the similarities in the mode and form of the practice across time and space point to a common social solution: to create and to provide community accountability and justice in settings where the rightful rule of the state is fundamentally degraded.

Our focus on this practice complements previous scholarship on the social aspects of extreme forms of political violence—including public gang rape (Cohen 2016), genocide (Straus 2008; Valentino 2005), witch trials (Leeson 2017), and “violent display” (Fujii 2017). We argue the adoption of modes that require broad local participation in the punishment are critical to sustaining the practice and imbuing it with community-level legitimacy and approval.

That community justice seems to be linked more closely to a lack of state *legitimacy* rather than merely a lack of state *capacity* is important for understanding the process of state-building and democratic consolidation. Our findings suggest that winning the “hearts and minds” of new citizens, and fostering their trust in the judicial system and police, is as important as establishing

the footprint and institutions of the state. It also suggests some challenges to curbing the practice of community justice once those institutions are well-functioning.

For policymakers, our focus on community justice is particularly timely. Recent news has highlighted an increase in mob killings in the developing world. In the context of Haiti in particular, despite the fact that an estimated 15% of homicides are the result of community justice, there has been only one UN report on the practice³⁰. If we are correct in tying this form of violence to the degradation of legitimacy, it is a tremendously common form of (indirect) political violence.

³⁰ The data used in the UN report are based incidents that were formally reported to the police, and are quite different from our dataset.

Bibliography

Anderson, Terry Lee and Peter Jensen Hill. 2004 *The Not So Wild, Wild West: Property Rights on the Frontier* Stanford University Press

Arjona, Ana. 2015. Civilian Resistance to Rebel Governance. In *Rebel Governance in Civil War*, ed. Ana Arjona, Nelson Kasfir and Zachariah Mampilly. New York: Cambridge University Press chapter 9, pp. 180 – 202.

Bahney, Ben, Radha Iyengar, Patrick Johnston, Danielle F. Jung, Howard Shatz and Jake Shapiro et al. 2013. "Insurgent Compensation: Evidence from Iraq" 2013. *American Economic Review* 103(3):518-522

Berman, Eli. 2011. *Radical, Religious, and Violent* Princeton University Press

Cammett, Melani. 2014. *Compassionate Communalism: Welfare and Sectarianism in Lebanon*. Cornell University Press. Cammett, Melani and Lauren Morris MacLean. 2014. *The Politics of non-state social welfare*. Cornell University Press

Cohen, Dara Kay. 2016. *Rape During Civil War* Ithaca: Cornell University Press

Cohen, Dara Kay and Danielle F. Jung. 2018. "Fatalities and Lethal Violence in Port-au-Prince (2002-2017)" [dx.doi.org/10.7910/DVN/KX5JRF](https://doi.org/10.7910/DVN/KX5JRF) Harvard Dataverse, V3

Cunningham, Kathleen G., Katherine Sawyer and Reyko Huang. 2018. "Voting for Militants: Rebel Elections in Civil War" *Working paper*.

Edouard, R., and A. Dandoy. 2016. *Vigilantism in Haiti. Manifestations of non- governmental forms of protection in urban environments undergoing humanitarian crisis*, Port-au- Prince, OXFAM-IIED, 46 p.

Ellickson, Robert C. 1994. *Order Without Law*. Harvard University Press

Fariss, Christopher J.; Fridolin J. Linder; Zachary M. Jones; Charles D. Crabtree; Megan A. Biek; Ana-Sophia M. Ross; Taranamol Kaur; Michael Tsai. 2015, "Human Rights Texts: Converting Human Rights Primary Source Documents into Data", <https://doi.org/10.7910/DVN/IAH8OY>, Harvard Dataverse, V3

- Fujii, Lee Ann. 2017. "Talk of the town": Explaining pathways to participation in violent display" *Journal of Peace Research* Vol 54, Issue 5, pp. 661 - 673
- Goldstein, Judith, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter, eds. 2001. *Legalization and World Politics*. Cambridge, MA: MIT Press.
- Gordon, Grant M. and Lauren E. Young. 2017. "Cooperation, information, and keeping the peace: Civilian engagement with peacekeepers in Haiti" *Journal of Peace Research* Vol 54, Issue 1, pp. 64 - 79
- Gunderson, Anna. 2018. Why Do States Privatize their Prisons? The Unintended Consequences of Inmate Litigation. *Working paper* available at: <http://www.annagunderson.com/uploads/1/5/3/2/15320172/jmpsept4.pdf>
- Heger, Lindsay L. and Danielle F. Jung. 2017. "Negotiating with Rebels: The Effect of Rebel Service Provision on Conflict Negotiations" *Journal of Conflict Resolution* 61(6):1203-1229
- Hobbes, Thomas. 1651. *Leviathan*. MacPherson (1968).
- Jo, Hyran 2018. Compliance with International Humanitarian Law by Non-State Armed Groups: How can it be improved? *Yearbook of International Humanitarian Law*. Vol. 19: 63-88.
- Johnston, PB, JN Shapiro, HJ Shatz, DF Jung, B Bahney, J Wallace and P Ryan. 2016. *Foundations of the Islamic State: Management, Money and Terror in Iraq, 2005-2010*. RAND Corporation.
- Keene, Edward. 2002. *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics*. New York: Cambridge University Press.
- Kenney, M. 2007. *From Pablo to Osama*. University Park, PA: Pennsylvania State UP.
- Keohane, Robert O. 2002. *Power and Governance in a Partially Globalized World*. London: Routledge
- Kolbe, Athena. 2013. *Revisiting Haiti's Gangs and Organized Violence*. Technical Report Working Paper 147 Households in Conflict Network.
- Krasner, Stephen D. 1993. "Westphalia and All That." In *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, edited by J. Goldstein and R. O. Keohane. Ithaca, NY: Cornell University Press.

Krasner, Stephen D. 1999. *Sovereignty: Organized Hypocrisy*. Princeton, NJ: Princeton University Press.

Krasner, Stephen D. and Thomas Risse. 2014. "External Actors, State-Building, and Service Provision in Areas of Limited Statehood." *Governance* 27(4):545–567.

Lake, David A. 1996. "Anarchy, hierarchy, and the variety of international relations" *International Organization* Vol. 50, No. 1 (Winter, 1996), pp. 1-33

Lake, D.A. 2009. *Hierarchy in international relations*. Cornell Univ Pr. Lake, David A. 1999. *Entangling Relations: American Foreign Policy in Its Century*. Princeton University Press.

Lansing, J. Stephen. 2006. *Perfect Order: Recognizing Complexity in Bali* Princeton University Press.

Leeson, Peter T. 2007. "An-arrgh-chy: The Law and Economics of Pirate Organization," *Journal of Political Economy* 115, no. 6 (December 2007): 1049-1094.

Lessing, Benjamin. 2015. "Logics of Violence in Criminal War." *Journal of Conflict Resolution* 59(8):1486–1516.

Lessing, Benjamin. 2017. "Counterproductive Punishment: How Prison Gangs Undermine State Authority." *Rationality and Society* 29(3).

Levitt, Steven and Sudhir Venkatesh. 2000. "An economic analysis of a drug-selling gang's finances." *Quarterly Journal of Economics* 115(3):755–789.

Loyle, Cyanne E. and Helga Malmin Binningsbø 2018. "Justice during armed conflict: A new dataset on government and rebel strategies" with Helga Malmin Binningsbø. *Journal of Conflict Resolution* 62(2)

Mampilly, Zachariah Cherian. 2011. *Rebel Rulers: Insurgent Governance and Civilian Life During War*. Cornell University Press.

Moore, E. F. 1964. "The firing squad synchronization problem" in "Sequential Machines, Selected Papers" Ed. E.F. Moore. Pp 213-214. Addison-Wesley, Reading, MA

More, Thomas, Sir, Saint. *Utopia, or, The happy republic : a philosophical romance in two books*. The Phoenix library. London, 1850. *The Making Of The Modern World*.

Phillips, BJ. 2015. "How does leadership decapitation affect violence?" *Journal of Politics* 77(2):324–336.

Risse, Thomas and Eric Stollenwerk. 2018a. "Legitimacy in Areas of Limited Statehood." *Annual Review of Political Science* 21.

Risse, Thomas and Eric Stollenwerk. 2018b. "Limited Statehood Does Not Equal Civil War." *Daedalus* 147(1):104–115.

Scharpf, Fritz W. 2007 "Reflections on Multilevel Legitimacy" MPIfG Working Paper 07/3 Max-Planck-Institut für Gesellschaftsforschung, Köln Max Planck Institute for the Study of Societies, Cologne July 2007.

Shapiro, Jacob N. 2013 *The Terrorist's Dilemma* Princeton University Press

Shapiro, Jacob N. and Danielle F. Jung. 2014 "The terrorist bureaucracy: Inside the files of the Islamic State in Iraq" *The Boston Globe* December 14, 2014

Slough, T and C Fariss. 2017. "Judicial System Organization and Human Rights." Working Paper .

Venkatesh, Sudhir. 1997. "The social organization of street gang activity in an urban ghetto." *American Journal of Sociology* 29(4):427–462.

Wagstaff, William A. and Danielle F. Jung. 2018. "Competing for Constituents: Trends in Terrorist Service Provision" *Terrorism and Political Violence* DOI: 0.1080/09546553.2017.1368494

Weber, Max. 1918. "Politics as a Vocation" From H.H. Gerth and C. Wright Mills (Translated and edited), *From Max Weber: Essays in Sociology*, pp. 77-128, New York: Oxford University Press, 1946.