



Rebel victory and constitutional change

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Received: 29 May 2024 / Accepted: 15 January 2025

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Abstract

How do rebel regimes consolidate power while staying true to their revolutionary goals? Though some studies have found that revolutions can be efficiency-enhancing, our analysis of victorious rebellions from 1946 to 2021 and case studies from Ethiopia and Afghanistan finds that successful rebels establish constitutions that involve selective enforcement of property rights. Rebel-led constitutions tend to include provisions for private property rights that simultaneously empower the government to suspend these rights and expropriate property under broad justifications. Governance strategies post-victory include property insecurity as a tactic for maintaining political authority.

Keywords Rebel victory · Revolution · Property rights · Constitutional change · Ethiopia · Afghanistan

JEL Classification B52 · H1 · K11 · N40 · P26

1 Introduction

While some revolutions, such as Czechoslovakia's Velvet Revolution, unfold peacefully, others involve the violent overthrow of elites following protracted violent campaigns. These events are categorized as "rebel victories" within the civil war literature. Such victories result in the fusion of military and political elites, often with former guerrilla commanders assuming key leadership roles (Levitsky & Way, 2022). This paper examines the institutional outcomes of these regimes, specifically the relationship between rebel victories and the establishment of property rights frameworks. We argue that rebel regimes,

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while incentivized to codify property rights protections in their constitutions, simultaneously preserve significant discretion to amend or redistribute these rights to consolidate political authority.

Following victory, rebel regimes face unique challenges, particularly in balancing revolutionary ideals with practical governance needs (Martin, 2021; Meng & Paine, 2022; Sharif & Joshi, 2023; Ashley, 2024). In conflict contexts, the way states address domestic challenges profoundly impacts the treatment of dissenting ethnic minorities (Quinn et al., 2023). Accountable constitutional governance is linked to greater political stability (DeRuen & Goldfinch, 2012), while creating legal accountability is critical for discouraging renewed armed conflict (Walter, 2015). Thus, many rebel regimes pursue constitutional amendments or draft new constitutions to consolidate power and establish new governance frameworks (Sharif & Joshi, 2023).

We argue that rebel regimes use constitutional governance strategically, selectively granting property rights to reward loyalty and suppress dissent. This approach co-opts rival factions while marginalizing ethnic minorities and other out-groups. Using data from the Comparative Constitutions Project (Elkins & Ginsburg, 2022), we compare constitutional provisions in rebel-reformed and non-rebel constitutions from 1946 to 2021. Our findings indicate that while rebel constitutions are more likely to include provisions for private property rights, they also frequently allow for their suspension and grant broad expropriative powers under ambiguous conditions. To illustrate these dynamics, we analyze constitutional reforms in Ethiopia and Afghanistan, two multi-ethnic countries where rebel victories led to significant changes in property rights frameworks.

Our analysis builds on Tullock's (1971) theory of revolutions, which challenges the assumption that revolutions yield broad public benefits. In the case of rebel victories, mass publics often derive minimal benefit, while minority groups face expropriation and marginalization. These findings align with Albertus' (2021) concept of "property without rights," wherein land transfers occur without robust protections, resulting in a property rights gap. We argue that rebel victories are a significant driver of these gaps. Our approach also connects to studies on constitutional rigidity. Versteeg and Zackin (2016) highlight the role of rigidity in shaping institutional outcomes, while Callais and Young (2021) find that rigid constitutions contribute to economic growth and freedom. In subsequent work, Callais and Young (2023) show that revolutionary constitutions are less rigid and more likely to foster democracy. By linking rebel victories to selectively enforced property rights, our analysis complements these findings, highlighting how revolutionary governance affects economic freedom.

We contribute to the public choice literature on constitutional reform, a field that examines how governance structures reflect political incentives (Brennan & Buchanan, 1985; Buchanan, 1975; Buchanan & Tullock, 1962), while also engaging with broader studies on the consequences of revolutions. Recent research highlights how ideological and institutional biases influence policy and governance outcomes. For example, Carvalho et al. (2023) argue that secular revolutions often falter due to the rise of extremist groups, while Monnery and Wolff (2023) show that biased representation skews resource distribution, affecting property protection. Similarly, Grijalva (2023) and Vahabi (2024) demonstrate how regimes, whether rebel or authoritarian, employ selective enforcement to consolidate power. These patterns resonate with the broader revolutionary context, where landmark events like the American (Weingast, 1997) and French Revolutions (Acemoglu et al., 2011) have historically spurred prosperity and institutional improvements. However, revolutions also carry risks, such as increased corruption (Ammons & Shakya, 2024) or violence by revolutionary leaders against rivals (Rouanet, 2024; Anderton & Brauer, 2023). By linking

rebel victories to the structure and enforcement of property rights institutions, we extend this body of literature, illustrating how selective property rights enforcement reflects the governance strategies of rebel regimes.

The paper is organized as follows. Section 2 develops our theory linking rebel victories to property rights. Section 3 presents quantitative evidence, while Sect. 4 provides two case studies. Section 5 addresses methodological challenges, and Sect. 6 concludes.

2 A theory of rebel victory and property rights

The conventional typology of revolutions differentiates elite from mass revolutions (Goldstone, 2014). Elite revolutions are typically gradual and led by individuals seeking to improve “old” institutional forms through new rules, processes, and procedures. These revolutions are often associated with institutional efficiency, as they recognize and build upon existing structures (North, 1990; Vahabi et al., 2020). In contrast, mass revolutions are explosive, aiming to replace or abolish prior institutions entirely. The participation of the masses often brings instability, increasing the likelihood of predatory institutions and authoritarian regimes, as evidenced by the revolutionary origins of many totalitarian states (Levitsky & Way, 2022). Communist regimes, for instance, implemented terror as a means of enforcing revolutionary change in the name of the masses (Gregory, 2004).

Rebel victory qualifies regime change based on whether elite-led or mass movements topple the *ancien* regime with sustained campaigns of violence or civil war. Rebel victories result in new regimes led by actors who gained power through conflict rather than negotiation or elite consensus. Wartime bonds and shared emotional hardships forge revolutionary subjectivities, shaping post-war politics and sustaining loyalty among rebel victors as distinct actors (Aldoughli, 2024; Sharif, 2022b). For example, the Iranian Revolution of 1979 began as a mass uprising against the Shah, but quickly escalated into a campaign of violence. Following the Shah’s departure, the revolution transitioned into a brutal civil war between revolutionary factions, including the Islamist forces led by Ayatollah Khomeini and leftist groups such as the Mujahideen and Marxist factions. The Islamist forces ultimately emerged victorious, consolidating power through violent purges of their rivals and establishing an ideologically driven regime. This example highlights how prolonged conflict can shape the nature of revolutionary victories, fundamentally influencing the resulting institutions for governance. This section develops a framework to understand the implications of rebel victories for property rights institutions, contrasting them with non-rebel regime changes.

The property rights literature in economics emphasizes efficiency in institutional change. Property rights govern ownership in society and typically fall into three categories: private property, common property, and state property (Ostrom, 1990). Early studies focused on behavior under open access, where property rights are absent, highlighting how resource competition leads to inefficient outcomes. Economists initially argued that such inefficiencies would prompt individuals to petition governments to establish private property rights (Alchian, 1965; Alchian & Demsetz, 1973). However, later research criticized this view as overly simplistic, noting that political incentives, rent-seeking, and bureaucratic self-interest often hinder the establishment and enforcement of private property rights (Eggertsson, 1990; Libecap, 1989).

Two contrasting scenarios emerge from this literature: open access and private property. When governments create property rights, they establish a system of private property

rights, which includes enforcement mechanisms. Such a system has features of a public good, much like any institutional infrastructure: once the government establishes a system of private property rights, everyone benefits from it, and no one is excluded from opportunities for ownership, even though the underlying system involves private and excludable rights. To the extent that everyone has opportunities to own property rights, and the government provides the infrastructure to define and enforce these rights as well as adjudicate disputes, the system of private property rights functions as a public good, akin to a system of national highways.¹

The public goods perspective above does not explicitly account for the fact that property protection can be provided selectively, a phenomenon known as selective enforcement of property rights (see, for example, Greif, 2006; Haber et al., 2003; Sonin, 2003). According to this perspective, property protection can be offered to individuals who support those in political power, often at the expense of others. It provides a rationale for land redistribution as a natural consequence in property rights systems (Cai et al., 2020). This perspective also suggests that, in some situations, when governments intervene to establish property rights, they may do so in ways that ultimately undermine property rights protection for large segments of society (Leeson & Harris, 2018; Leeson et al., 2020).

Linking the perspectives above, revolutions can produce one of two broad types of property regimes. In one scenario, property protection is provided as a public good, which requires two institutional features: (1) limits on government authority to ensure property rights are credible (Weimer, 1997) and (2) requisite capacity to define and enforce property rights (I. Murtazashvili & Murtazashvili, 2015). Without such guarantees, property rights may be subject to chronic uncertainty due to the threat of redistribution (Alston et al., 2021).

Most analyses of revolutions, such as the American Revolution or French Revolution, implicitly conceptualize the system of private property rights protection as a public good. The public goods view holds that property is provided to all with equitable opportunities. In contrast, the selective enforcement view posits that property rights are allocated to groups that benefit from them. This perspective informs analyses of disparities in property protection even in countries considered within Acemoglu and Robinson's (2019) "narrow corridor of liberty." For example, Native Americans have historically faced perpetual violations of their property rights (Alston et al., 2021). Systematic exclusions are also observed in countries with fragile governments, where state-building often involves the destruction of property rights (Murtazashvili & Murtazashvili, 2021). Selective enforcement also characterizes how the state has established private property rights in China while maintaining broad discretion to expropriate land to meet business demands, often at the expense of the property rights of rural dwellers (Ho, 2001). For these reasons, a key question is the extent to which governments include provisions to redefine and expropriate property rights, even in systems where some semblance of private property rights protection exists.

Post-victory governance raises questions about the redistribution of wealth and resources, as well as the constitutional protection of property. Albertus (2015) provides empirical evidence that dictatorships are more likely to redistribute land to serve the poor, while autocrats in many contexts withhold property rights to exert coercive control over rural populations (Haber et al., 2003). Leeson and Harris (2018) argue that the issue is not so much democratization but, more generally, the extent to which changes in property

¹ Public choice has long recognized that public goods can be privately provided (Candela and Geloso 2018; Powell and Stringham 2009). This includes private provision of property protection.

rights create social wealth, depending on the incentives of those enforcing these rights. Unless the government is a residual claimant in the property regime, privatization is unlikely to generate social wealth. This issue also intersects with legal scholarship. Hirschl (2000, 2009) refers to juristocracy, where constitutional reforms are often driven by political elites, economic stakeholders, and judicial leaders seeking to protect their interests from popular influence and democratic pressures. Post-reform constitutional politics frequently involve substantial strategic conflict over judicial institutions (Helmke, 2012).

What is needed, and what we provide here, is a theory linking rebel victory to the structure of property rights. Rebel victory represents a specific form of regime change, wherein actors who have engaged in prolonged conflict emerge with sufficient authority to establish new rules of governance. Rebel victories are likely to coincide with (1) the destruction of basic public infrastructure, (2) ongoing threats to political order (including insurgencies that may persist after rebel victory), and (3) strong incentives to prioritize government autonomy over limited governance. Each of these factors suggests that the resulting property regime will exhibit features of selective enforcement.

The destruction of public infrastructure means that, even if the government intends to provide property as a public good, it will face significant challenges in doing so. An effective property regime requires substantial bureaucratic capacity, including the ability to conduct cadastral surveys and maintain a repository of land ownership information (Arruñada, 2014). Ongoing threats to political order create additional incentives to weaken insurgents by targeting their property rights. In such contexts, governments often use property rights as a reward for loyalists and as a tool of punishment for dissenters.

The third challenge arises from the demands for expediency. Political regimes most effective at providing property protection as a public good are those that constrain their own authority. Rebel victories, however, often incentivize governments to maximize their autonomy, leading to “closed orders” that prioritize consolidation of power over inclusive governance. While limited government and inclusive rights are associated with long-term economic and political development (North et al., 2009), rebel victories frequently foster institutions that reinforce centralized control.

Effective rebel governance during conflict relies on resource endowments (Sharif, 2019; Weinstein, 2006), robust organizational capacity (Arjona, 2016), the ability to levy taxes on civilians (Sánchez de la Sierra, 2020), and a cohesive long-term political ideology (Mampilly, 2011; Stewart, 2021). Rebels do not assume power in entirely hostile environments. After capturing the capital, they monopolize the use of force across three distinct spaces: areas previously under rebel governance, areas never under rebel control, and areas where rebels had influence but lacked full control (Liu, 2024). Upon assuming power, rebels take control of state institutions, often with a support base rooted in areas governed by ideologically informed institutions. These institutions, along with their associated social laws and norms, frequently diverge from—or directly conflict with—state institutions (Sharif, 2022a). Rebels maintain coercive control in their strongholds through repression and intimidation (Liu, 2024). Centralizing power after rebel victory involves extending rebel institutions to the broader national territory or reforming them to create a more ideologically inclusive polity.

For these reasons, we expect rebel regimes to be associated with the selective enforcement of property rights. In such contexts, individuals excluded from the ruling coalition often rely on *de facto* institutions for property security (Basir et al., 2023). Our theory suggests that such insecurity stems from constitutional changes enacted by rebel regimes, driven by incentives to selectively provide property protection. This perspective aligns with Tullock’s (1971) theory of revolutionary uncertainty, which emphasizes how victorious

rebels use constitutional changes to maintain property insecurity as a strategy for consolidating power in uncertain environments.

3 Rebel victory and constitutional provisions for property rights

We find evidence for our theory in a comparative cross-national analysis of constitutional provisions regarding property rights in rebel and non-rebel regimes in the post-World War II period (1946–2021). We characterize rebel victory as the outcome of a civil war marked by the extra-legal acquisition of central authority, achieved either by non-state armed forces or factions within the state military apparatus. To identify instances of rebel victory since the end of World War II, we consulted the Uppsala Conflict Data Program (UCDP) Conflict Termination Dataset, specifically selecting cases where the rebel faction succeeded in “ousting the government, or comprehensively defeating or eliminating the opposition, who may succumb to the power of the other through capitulation or public announcement” (Kreutz, 2010). We added to the data cases of victory for non-government forces following intra-state war (Outcome=Side B wins) in the Correlates of War (COW) dataset (1816–2014), version 5.1 (Sarkees & Dixon, 2020).

Consistent with Kreutz (2010), our analysis encompasses two primary categories: (a) non-state armed groups that successfully overthrow an incumbent regime and assume control of the central state authority, and (b) coup d'états that follow periods of civil conflict. We omitted coup d'états characterized by military officers seizing control of the central government without a preceding violent campaign resulting in at least twenty-five battle-related fatalities. Given our focus on rebel incumbency, we further excluded cases such as the 2004 events in Haiti, where rebels made significant territorial gains but failed to capture the capital. We also excluded cases where rebels came to power through direct third-party intervention, with the regime remaining under foreign control (Afghanistan in 2001 and Libya in 2011). During the timeframe spanning from 1946 to 2021, 44 states experienced one or multiple episodes of rebel victory, encompassing 1175 rebel regime-years.

Next, we matched the rebel incumbency-years with information sourced from the Comparative Constitutions Project (CCP), an extensive database documenting the structure and substance of formal constitutional documents since 1789 (Elkins & Ginsburg, 2022). Notably, this dataset excludes informal texts regarded as constitutions, as well as those not formally promulgated into law. For example, it does not include the informal fourteen-page document crafted by the Taliban in 1998 after their initial triumph, which never attained legal status within the jurisdiction.

Victorious rebels have the authority to amend an existing government's constitution or implement a completely new one aligned with the ideology and governance objectives of the prevailing coalition. Rebel incumbents frequently employ unilateral constitutional amendments as a strategy to strengthen their authority, rather than fostering coherent institutional frameworks that could mitigate political discontent and diminish incentives for challenging incumbents through armed uprisings. For instance, in post-rebel victory Côte d'Ivoire, the administration led by Alassane Ouattara modified the constitution in 2015, enabling Ouattara to pursue an additional term in office (International Election Observation Mission, 2020). This constitutional revision reset the term limits as delineated by the Constitutional Council, thereby facilitating the incumbent's re-election bid.

Instances of constitutional change are coded in the CCP dataset as (1) amendment—where the constitution was modified according to specified amendment procedures; (2)

interim—denoting an explicitly temporary constitution; or (3) new—signifying the replacement of one constitution with another. The Appendix presents a list of these regimes from the end of the second World War through 2021 (1946–2021), indicating the group(s) that came to power, whether the regime initiated changes or revisions to the constitution, the nature of the constitutional alteration, and the corresponding date of this modification.

For each country-year, the CCP codes provisions present in the text of constitutions, allowing for comparative analysis across cases and time. For this paper, we examine four constitutional provisions governing the extent and nature of state control over private property. The variables encompass aspects related to property rights within constitutional frameworks. These include (a) private property rights, (b) expropriation of private property for general public purposes, (c) payment within specified time limited for expropriated private property, and (d) expropriation of private property only through legal process or court decision.

The first variable indicates whether the constitution guarantees the right to own property, while the second codes the conditions or purposes under which the state can expropriate private property, such as infrastructure development, redistribution, national defense, land and natural resource preservation, exploitation of natural resources, land reform, and general public purpose. We are interested in the conditions for expropriation of private property, since their ambiguity may allow states to take advantage of their constitutional power to expropriate property from dissenters. The last two variables evaluate whether the constitution places limits or conditions on the ability of the government to expropriate private property: payment within specified time limits and legal process or court decision.

We compared the 1175 rebel regime-years (1946–2021) with non-rebel regimes across the world over the same period (10,782 non-rebel regime-years). Table 1 presents summary statistics of the data. Rebel regimes are more likely to have constitutional guarantees for private property rights (70.6% compared to 65.6% for non-rebel regime-years). However, rebel constitutions allow expropriation of property for “general public purposes” at a higher rate (61.5% compared with 56.8% in non-rebel regime-years). Similarly, rebel constitutions are much less likely to require the government to pay for expropriated private property (17.6% vs. 22.3%) or require a legal process or court decision for expropriation (18.8% vs. 34%).

We then fitted logistic regressions to the binary indicators of our four outcome variables. In our analysis, we control for a range of variables to account for economic, institutional, and societal factors that could confound the relationship between rebel regimes and constitutional property rights. First, population size, gross domestic product (GDP) per capita, and GDP growth (sourced from the World Bank) capture the broader economic and demographic contexts of countries. Larger populations may influence the scale and complexity of governance challenges, while higher GDP per capita typically reflects institutional capacity and economic development, which could independently affect property rights provisions. GDP growth is included to control for the broader economic trajectory,

Table 1 Constitutional provisions of rebel and non-rebel regime-years (1946–2021)

Cases	Private property rights (%)	Expropriation of property for general public purpose (%)	Expropriation payment (%)	Legal process expropriation (%)
Non-rebel regimes	65.6	56.8	22.3	34
Rebel regime	70.6	61.5	17.6	18.8

as rapid changes in economic performance may shape a regime's approach to constitutional reforms.

Second, we include oil revenues as a percentage of GDP, also sourced from the World Bank, to account for resource wealth. States with significant resource rents often have distinct incentives for property expropriation and governance, as resource wealth may reduce the dependence on taxation and thereby alter the state's relationship with property rights. As an alternative specification, in some of the models in the Appendix, we replace oil with a binary measure of democracy to capture the regime type (Boix et al., 2013), since democratic institutions are often associated with stronger protections of property rights and a reduced likelihood of expropriation.

Third, we control for ethnic and religious fractionalization (Alesina et al., 2003; Fearon, 2003), as well as the number of coup d'états (Bjørnskov & Rode, 2020). High levels of ethnic or religious diversity can exacerbate governance challenges and shape the inclusivity of constitutional frameworks. Rebel regimes are coup prone, with coup attempts in roughly one-third of rebel regimes (Ashley, 2024). The frequency of coups serves as a proxy for political instability, which can influence both the likelihood of another rebel victories and the institutionalization of property rights. These variables are sources from the Quality of Government Standard Dataset (Teorell et al., 2024). The Appendix includes descriptive statistics for all variables. Due to the long time period under consideration, some missing values exist in the data, primarily for the control variables. In the Appendix, we address this issue through multiple imputations and present results with no missing values.

Table 2 presents logistic regression estimates for the effects of various predictors on private property rights and expropriation for general public purposes (GPP). Models 2 and 5 include control variables, while models 3 and 6 also include year fixed effects to account for time-specific sources of heterogeneity, since changes in the international system may impact regime stability (Meng & Paine, 2022). For private property rights (Models 1–3), the coefficient for rebel regime is significant and positive across all specifications. The coefficient value of 0.854 ($p < 0.001$) indicates that rebel regimes are associated with an 85% increase in the odds of recognizing private property rights compared to non-rebel regimes. For expropriation for GPP (Columns 4–6), the rebel regime variable is again positively associated, with a coefficient of 0.967 ($p < 0.001$), corresponding to a 96% increase in the odds of constitutions allowing for this kind of expropriation. Among the control variables, GDP per capita has a negative effect of private property rights and a positive effect for expropriation for GPP, suggesting that wealthier countries under rebel incumbency are more likely to experience expropriation for GPP.

Table 3 shows logistic regression estimates for expropriation requiring payment (Models 1–3) and requiring a legal process (Models 4–6). For expropriation requiring payment, the coefficient for rebel regime is consistently negative (-0.391 , $p < 0.001$), indicating that the odds of requiring payment decrease by approximately 32% in rebel incumbencies compared to non-rebel regimes. For expropriation requiring a legal process, the coefficient for rebel regime is negative (-1.147 , $p < 0.001$), suggesting that the odds of requiring legal checks for expropriation decrease by nearly 68% when rebel win. Ethnic fractionalization has a positive but modest impact (0.175), whereas other predictors, including religious fractionalization and coups, are not significant.

Finally, we compared rebel regime-years with non-rebel regime-years within the same country, thus excluding any country that did not experience a rebel victory. Table 4 shows that non-rebel regimes were more likely to guarantee private property rights (73.3% vs. 70.6%), while rebel regimes were more likely to expropriate property for general public purposes (61.5% vs. 56.2%). Rebel regimes were also significantly less likely to

Table 2 Logistic estimates of the effect of rebel regimes on private property rights and expropriation for general public purposes

	DV: private property rights			DV: expropriation GPP		
	(1)	(2)	(3)	(4)	(5)	(6)
Rebel regime	0.554*** (0.106)	0.854*** (0.152)	0.697*** (0.154)	0.372*** (0.095)	0.967*** (0.119)	0.993*** (0.119)
Population (log)		0.199*** (0.028)	0.197*** (0.028)		-0.278*** (0.023)	-0.282*** (0.024)
GDP per cap (log)		-0.068* (0.033)	-0.119*** (0.035)		0.276*** (0.031)	0.278*** (0.031)
GDP growth		-0.010 (0.007)	-0.008 (0.008)		0.003 (0.007)	0.003 (0.007)
Oil % of GDP		0.019** (0.006)	0.024*** (0.006)		-0.030*** (0.004)	-0.030*** (0.004)
Ethnic frac		1.329*** (0.190)	1.158*** (0.193)		1.924*** (0.159)	1.971*** (0.161)
Religious frac		-3.374*** (0.208)	-3.372*** (0.208)		-1.325*** (0.160)	-1.329*** (0.161)
No. of coups		0.217 (0.256)	0.458 (0.260)		0.007 (0.184)	-0.038 (0.188)
Constant	1.486*** (0.028)	0.009 (0.549)	-0.534 (0.780)	1.233*** (0.027)	3.198*** (0.479)	3.648*** (0.783)
Observations	9617	5488	5488	8768	4973	4973
Year FE	No	No	Yes	No	No	Yes
Log Likelihood	-4486	-2093	-2016	-4610	-2505	-2494
AIC	8976	4203	4152	9225	5029	5108

GPP general public purpose, *GDP* gross domestic product, *per cap* per capita, *frac* fractionalization

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

compensate property owners (17.6% vs. 29%) or follow legal processes during expropriation (18.8% vs. 43.8%). The Appendix includes multivariate logistic estimations, demonstrating that within the universe of countries with a history of rebel victory, rebel regimes are negatively associated with property rights, more likely to engage in expropriation for public purposes, and less likely to offer compensation or adhere to legal procedures.

The abuse of the constitutional provision governing expropriation for public purposes is a persistent legal and political issue with grave consequences for the affected populations. The expansive and vague interpretation of “public purpose” within Ethiopia’s legal framework, for instance, engenders arbitrariness in expropriation determinations (Gebremichael, 2016). This interpretive latitude, coupled with the absence of precise criteria delineating legitimate public purposes, raises substantial concerns regarding the potential misuse of expropriation powers. Furthermore, the limited avenues for aggrieved parties to contest such decisions within Ethiopia’s legal framework exacerbate the vulnerability to misuse.

In the broader African context, there is nuanced interplay between constitutional safeguards against arbitrary land seizures and the constraints imposed on expropriation (Wily, 2018). In the following section, we conduct a comparative study of constitutional reforms in two countries with multiple episodes of rebel victory—Ethiopia and Afghanistan. Our analysis reveals

Table 3 Logistic estimates of the effect of rebel regimes on expropriation requiring payment and legal process

	DV: expropriation payment			DV: expropriation legal process		
	(1)	(2)	(3)	(4)	(5)	(6)
Rebel regime	-0.429*** (0.084)	-0.391*** (0.103)	-0.441*** (0.104)	-1.074*** (0.082)	-1.147*** (0.105)	-1.138*** (0.105)
Population (log)		0.039 (0.023)	0.029 (0.023)		-0.022 (0.021)	-0.025 (0.021)
GDP per cap (log)		-0.239*** (0.029)	-0.276*** (0.030)		0.036 (0.026)	0.033 (0.027)
GDP growth		-0.014* (0.006)	-0.013 (0.007)		-0.022*** (0.006)	-0.026*** (0.006)
Oil % of GDP		-0.009* (0.004)	-0.008 (0.004)		0.001 (0.004)	0.001 (0.004)
Ethnic frac		0.433** (0.151)	0.305* (0.154)		0.175 (0.140)	0.191 (0.141)
Religious frac		0.288 (0.147)	0.253 (0.151)		0.016 (0.135)	0.021 (0.135)
No. of coups		-0.105 (0.164)	0.033 (0.171)		-0.091 (0.159)	-0.128 (0.162)
Constant	-0.677*** (0.025)	0.232 (0.475)	0.471 (0.773)	0.055* (0.024)	-0.055 (0.436)	0.667 (0.683)
Observations	7972	4747	4747	7972	4747	4747
Year FE	No	No	Yes	No	No	Yes
Log Likelihood	-5028	-2785	-2730	-5428	-3166	-3154
AIC	10,061	5588	5580	10,859	6349	6429

DV dependent variable, GDP gross domestic product, per cap per capita, frac fractionalization

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

Table 4 Constitutional provisions of countries in rebel and non-rebel regime-years

Cases	Private property rights (%)	Expropriation of property for general public purpose (%)	Expropriation payment (%)	Legal process expropriation (%)
Non-rebel regimes	73.3	56.2	29	43.8
Rebel regime	70.6	61.5	17.6	18.8

how constitutional reforms in these contexts, driven by rebel demands for land distribution to their supporters, is associated with expropriation that disproportionately impacts minority groups.

4 Case studies of rebel victory

To further substantiate our argument, we provide comparative studies of two rebel victory cases: Ethiopia and Afghanistan. Using a “least similar” case selection strategy, we compare these cases, which, despite similar outcomes and the same key explanatory variable, differ substantially in most other respects (George & Bennett, 2005). Both Ethiopia and Afghanistan are multi-ethnic societies that witnessed rebel victories over Communist regimes, leading to significant constitutional reforms and alterations in property rights. Yet, despite these reforms, the post-revolutionary periods in both countries were marred by ongoing civil conflicts and did not lead to immediate consolidation of power. Additionally, both countries exhibit substantial state ownership of land and have experimented with various land redistribution programs. This comparative analysis offers a unique lens to understand how rebel victories in diverse contexts shape constitutional reforms, particularly concerning property rights and the government’s constitutional right to expropriate private property.

4.1 Constitutional change and property rights in Ethiopia

Ethiopia’s political history illustrates a succession of rebel regimes that crafted institutions to entrench governmental authority, frequently undermining equitable and secure property rights in the process. At the start of the twentieth century, Ethiopia’s land tenure system was deeply unequal, mirroring the country’s feudal, religious, and aristocratic socio-political structure. Before the 1974 revolution, more than half of arable land in Ethiopia was owned by the nobility and the Church (Rahmato, 1984). Emperor Haile Selassie (1930–1974) had largely maintained this traditional land tenure system while attempting modernization in other sectors. The 1931 Constitution and its revision in 1955 did not significantly alter the existing feudal land relationships. Both constitutions recognized the traditional landholding rights but lacked provisions for addressing the inequities in land distribution or the rights of tenant farmers.

The revised 1955 Constitution, a significantly more extensive document than its seven-page predecessor, further entrenched property rights in the hands of the minority ruling elites.² Notably, it declared that properties held in the name of the Emperor and the Imperial Family were considered private property (Article 19), and therefore did not belong to the state. Second, it permitted the confiscation of property as a penalty for treason against the Emperor (Article 60). Third, it granted the state ownership over all land containing natural resources, including grazing lands, watercourses, forests, lakes, and rivers (Article 129). The absence of meaningful land reform in these constitutional provisions signaled the persistence of feudal structures and a preference for maintaining the status quo, which later became a central grievance fueling the 1974 revolution.

Ethiopia experienced two revolutionary episodes since the end of the Second World War, first in 1974 when radical factions of the army wrestled power from Emperor Haile Selassie during a mass uprising by large swathes of the population and established the Communist Derg regime. The Derg regime promised a new constitution approved by representatives of the people but only appointed a committee to revise the Constitution in

² The text of the 1955 Constitution can be found at <https://www.refworld.org/legal/legislation/natlegbod/1957/en/63603>.

August 1976, continuing to rule through a series of proclamations and campaign programs (Tiruneh, 1993). The First Congress of the Constitution Drafting Commission took place in 1986, with the new Constitution coming to force in 1987, fourteen years after the revolutionary victory of the Derg.

The second revolutionary episode took place in 1991, when a coalition of rebels representing multiple ethnic groups toppled the Derg under the umbrella of Ethiopian People's Revolutionary Democratic Front (EPRDF) emerged victorious at the end of a bloody civil war. Like the previous instance of rebel victory, the new state custodians promised land reform and major changes to the country's governance structure. The new Constitution, ratified in 1995, marked a pivotal shift in the country's previous governance structure by establishing a federal system divided into ethnically based regions known as "nations and nationalities," each granted a degree of autonomy and self-governance. The federal structure aimed to devolve political power to regional entities, empowering them to address local issues and promote cultural representation. However, it has raised challenges related to inter-ethnic relations, resource distribution, and potential tensions between regional autonomy and the authority of the central government (Kefale, 2013). Both rebel regimes capitalized on a highly unequal land tenure system, which they further entrenched through constitutional provisions.

4.1.1 Communism and land reform

The Derg regime nationalized all land and abolished private land ownership through the Rural Land Proclamation Act (1975) in an attempt to redistribute land more equitably among the peasant population and break the power of the traditional elite. The Proclamation aimed to garner support for the new regime among peasants and undermine opposition from landlords and provincial elites, whose power base was targeted (Brietzke, 1976). As in many other African countries, land reform was a crucial part of the constitutional order and a tool for maintaining state power (Markakis, 2011). Reforming the rules of land tenure is to "redefine relationships between and within communities, and between communities and the state" (Boone, 2007, 558). The Derg regime's reforms, part of a broader revolutionary movement, led to increased agricultural production and improved living conditions for peasants, but also caused social turmoil and economic challenges (Brietzke, 1976).

The third Constitution of Ethiopia in 1987 turned the country into a one-party socialist state, maintained state ownership of natural resources and extended it to key production, distribution, and service enterprises (Article 13), while identifying ownership of the means of production as socialist (Article 11). Compensation provisions for expropriation were notably restricted and vague. While no compensation was offered for land, forests, trees, or crops, vague assurances of "fair compensation" were provided for movable property (Articles 2–7). However, the term "fair compensation" lacked legal clarity. Determination of whether large-scale farms would be converted to state or cooperative farms or redistributed as plots for individual tillers rested with the Minister of Land Reform. Despite official government claims that land from large-scale farms would be allocated to peasant associations, only limited resettlement of landless individuals took place in practice. The resulting land market was marked more by political manipulation than economic competition, with government officials acquiring land through Imperial grants or through forced and fraudulent transactions involving peasants (Gilkes, 1975; Hoben, 1975).

The evidence from Ethiopia strongly supports our theory regarding the selective enforcement of property rights following rebel victories. The Derg regime's land reforms,

while framed as efforts to redistribute land equitably, were primarily designed to consolidate state control and marginalize political opponents, particularly landlords and provincial elites. By nationalizing land and abolishing private ownership, the regime selectively provided property security to groups aligned with its political interests, while simultaneously undermining the property rights of those outside its coalition. This aligns with our expectation that rebel regimes prioritize power consolidation, often at the expense of broader institutional efficiency and equitable property protection. The constitutional provisions under the Derg regime, especially the vague compensation terms and politically manipulated land markets, reflect the very features of selective enforcement we anticipate in post-rebel victory contexts.

4.1.2 EPRDF victory and ethnofederalism

After the fall of the Derg regime, the EPRDF administration embarked on a series of reforms heralded as significant steps towards a liberal transition. These reforms included opening the economy to private investment, implementing regular elections at various levels of governance, enacting a constitution with robust protections for individual and community rights, and undertaking comprehensive civil service reforms. However, despite these transformative measures, the ensuing political and economic framework fell short of embracing genuinely liberal principles. The formulation of the new Constitution of the Federal Democratic Republic of Ethiopia, ratified in late 1994, was largely influenced by the EPRDF, resulting in a document that predominantly reflected the Front's stance on contentious issues.³

Ethiopia's Constitution of 1995 granted the ruling party the authority to label political dissenters as threats to the established constitutional order (Article 31). While recognizing the ethnic and linguistic diversity of Ethiopia, the Constitution upheld the principle, established by the communist Derg regime, that land is the collective property of the nations, nationalities, and peoples of Ethiopia and cannot be sold or exchanged. The Constitution stipulated that the government holds land and natural resources on behalf of the people, utilizing them for collective benefit and development (Article 89). This stance was met with opposition from segments of the economic establishment, particularly economists associated with the Chamber of Commerce within the regime, who advocated for private land ownership as a fundamental pillar of a market-driven economy (Moreda, 2017). The EPRDF government leased state-owned lands mainly in lowland regions where the state historically had limited control to lease to foreign and domestic corporations for large-scale production of food and agrofuels. The government used acquisition of "unused" or "under-used" lands to enforce political authority, while threatening the land rights and livelihoods of ethnic minority Indigenous communities in these lowlands (Moreda, 2017).

The EPRDF government leveraged constitutional provisions for state powers to expropriate land for general public use, particularly catering to corporate farmers and industrialists (Gebremichael, 2016; Regassa & Korf, 2018). This strategy was observed both in the pastoral lowlands, where the government's actions have led to land dispossession and the suppression of dissent, and in urban areas, inducing displacement (Regassa & Korf, 2018). Moreover, the definition of the public purpose requirement for expropriation of rural land

³ The text of the 1995 Constitution can be found here: <https://www.refworld.org/legal/legislation/natle/bod/1995/en/18206>.

rights was construed in a manner that undermined the protection of private property rights and security of tenure (Gebremichael, 2016).

While the EPRDF promoted reforms as steps towards democratization, the selective enforcement of property rights and strategic expropriation of land reflected the very features of post-rebel victory regimes that our theory predicts. The regime's use of constitutional provisions to expropriate land for public use, particularly in politically sensitive regions, further exemplifies how land became a tool of political control, reinforcing selective property enforcement to the detriment of marginalized communities and economic liberalization. This continuity of selective property rights enforcement highlights how rebel victories tend to produce regimes focused on power consolidation rather than equitable institutional reform.

4.2 Constitutional change and property rights in Afghanistan

Our case study of Afghanistan illustrates how rebel victors can take an ineffective property system and make it worse and more exploitative. To provide a context to understand Communist reforms starting in 1978, we consider property rights historically, under Afghanistan's monarchy (which formally ended in 1973). While the reforms from Afghanistan's monarchs left much to be desired, most monarchs presided over gradual improvements in property relations. To be sure, there were exceptions, most notably Abdur Rahman, who during his rule from 1880 to 1901 established an exploitative system that privileged ethnic Pashtuns in the property regime, including by providing Pashtun nomads with essentially unrestricted rights to the lands of non-ethnic Pashtuns, including Hazaras in the central part of the country. In contrast, Communist-era reforms contributed to chaos and backlash because they involved redistribution and exacerbated selective enforcement of rights. These features of selective enforcement continued with the Taliban both in their first reign (from 1996 to 2001) and in their return to power (after 2021).

4.2.1 Gradual change under the monarchy

Afghanistan's monarchy was formally abolished in July 1973 with the coup led by Mohammad Daoud. Daoud was Afghanistan's first president, and his reign immediately preceded communist rule. Here, we consider some of the key features of property rights under the monarchy. Since our emphasis is on communist and Taliban rule subsequently, our analysis highlights some of the key features of land relations in history. One significant feature of this period is the progress toward a more effective property system. However, under rebel rule, the outcomes were explicitly shaped to establish a regime that addressed property rights while allowing the government ample constitutional provisions to expropriate property.

Land from the inception of the Afghan state was the province of the king (shah or amir). In that system, property rights emerged in a very specific form: land was exchanged for conscripts starting with the reign of Ahmad Shah Durrani (1747–1772), Afghanistan's first king. Tribal leaders were given authority over land under this system, which they then parceled out to individuals for use. This system of exchanging rights to land for conscripts would largely remain until the reign of Abdur Rahman, who implemented a more extractive system of conscription whereby one of eight men of each tribal or ethnic community had to serve in his army (Edwards, 2002). The property system was also more exploitative, as the king offered property and plunder opportunities to anyone who served in his

army, including declaring Hazaras and other groups in central Afghanistan to be infidels, which allowed Abdur Rahman to avoid applying Islamic laws of warfare to his internal conquests.⁴

Rahman's son, Habibullah, would rule from 1900 to 1919, with some emphasis on avoiding the policies of internal colonization. However, it was Rahman's grandson who earned a reputation as a reformer. King Amanullah (1919–1929) made efforts to introduce private property rights by stipulating that only property with legal titles would be recognized (Poullada, 1973). This move aimed at modernizing property rights, yet it clashed with the prevailing situation where many rural Afghans held land that they considered their own and which was documented with customary deeds. Amanullah's push for formal property rights, aimed at enhancing prosperity, resulted in a discrepancy between *de jure* and *de facto* property rights (Murtazashvili & Murtazashvili, 2016a). Perhaps most significantly, a movement or revolt arose in response to these reforms. One of the revolutionaries was a Tajik peasant known as Habibullah Kalikani, which translated as “water carrier's son.” This was to signify that he was, unlike all previous rulers, not of the ruling Pashtun class, nor of the royal clan.

Kalikani would succeed in overthrowing Amanullah, though he rules for only a short time—nine months, to be precise. He was eventually ousted by Mohammad Nadir Shah, a member of the Musahiban clan and one of the dynastic clans in Afghanistan. The Musahiban would rule until the presidency was established. Their reforms were consistent with Amanullah's with emphasis on public works and modernizing land. They also avoided for the most part the ethnic separatism of Rahman. The problem was that there was almost no economic development, which created pressure for revolutionary change.

Change came, albeit violent. In July 1973, following a coup d'état, former Prime Minister Daud Khan began a process of economic reform, which was sufficiently left leaning to earn him a reputation as the Red Prince (Barfield, 2010). There were property reforms, including efforts to modernize land relations, such as by formalizing property relations, but also by providing more equitable distribution of land. There was emphasis on overturning customary institutions, though there was not the outright hostility toward customary “middlemen,” as Rahman referred to the informal sources of authority. But the true rebel rule would be the communists, who would then be replaced by the second revolutionary group, the Taliban.

4.2.2 Communism and land reform

The Soviet influence was present in Afghanistan long before the Soviet Union invaded in December 1979. In the 1950s, Afghanistan had sought out the Soviets for military support, as well as to deal with challenges from Pakistan. In 1955, Afghans instituted with Soviet support the first of several five-year plans. This included establishing Soviet-style administrative institutions, including a highly centralized system of public budgeting and public finance where most financial decisions came from the central government (Dupree, 1973).

Communists seized power in late 1978 following the Saur Revolution. The country's communist party called itself the People's Democratic Party of Afghanistan (PDPA). It had two main factions: Khalq and Parcham. The Khalqis were the more extreme of the

⁴ This is described by Rahman himself in his autobiography, which was posthumously published in 1900 in English. Since he took pride in plunder, there is no reason to doubt his account of his promise to open land for his allies and his willingness to declare opponents infidels.

two, favoring radical change over the more gradual policies preferred by the Parchamis. The PDPA Constitution was modeled on Lenin's constitution, with an official Marxist-Leninist ideology and a centralized structure (Dupree, 1979). President Najibullah's reformed the Constitution in 1987, declaring Afghanistan an Islamic republic, increasing reliance on Islamic principles, and removing explicit references to communism.

The Khalqis promised land and elimination of traditional bonds, including debt. When President Taraki's government announced commenced land redistribution, the *Kabul Times* (the state-run newspaper) ran pictures of peasants marching with flags of their Khalqi leaders. The party line was that the government "liberated" ten million peasants from debt, established hundreds of cooperative farmers, and surveyed land for redistribution to thousands of farmers (Edwards, 2002). Reform was not implemented widely, but where it was, it was considered a failure because there was little discernible improvement in agricultural productivity (Dupree, 1989). Land reform directly contributed to the emergence of Mujahideen, including Jamiat-e Islami, a confederation of anti-Soviet Islamist militia groups.

As people abandoned land, they became landless and vulnerable; land that was not seized by the government was occupied by others. Thus, another consequence of land reform was the creation of refugee and internally displaced populations. Giustozzi (2020) argues that the plan, not redistribution, caused the problem, since people fled, resulting in chaos and vulnerability. Many left for Pakistan, only to return as the Taliban (Zaef, 2013), and state revenue declined as there were no more farms to tax (Edwards, 2002). The Communists did not appreciate the role of private property in Afghan society. Property is a social institution. In Afghanistan, there was a belief in sanctity of private property, which can be understood through sayings such as only mountaintops are unowned. There are also religious norms against taking property, including Islamic prohibition on taking property from one Muslim and giving it to another. People also understood problems caused by communists. In northern Afghanistan many residents were descendants of those who fled Stalin's collectivization (Murtazashvili & Murtazashvili, 2021).

There were many challenges with the Communists' approach to property relations. One was that expropriation of land created uncertainty about property. The Communists were largely unconstrained and unaccountable. For this reason, there are few reasons for people to believe that, even if they received property from the communists, that the government would respect those rights. Some of the general chaos included protests in Herat, the third-largest city, in 1979; attack on Soviet authorities; Amin assassinated; Soviets intervened in December 1979 by murdering Amin and installing a Parchami government led by Karmal. Each of this can be attributed, to some degree, to land redistribution. Land redistribution was also an issue with the shifting Mujahideen factions (Christia, 2012).

There were also specific challenges with the property regime. The government largely ignored both the customary system of property rights and the customary ways that people adjudicated disputes over land (Murtazashvili & Murtazashvili, 2016b). Afghanistan has since its inception had a gap between the *de jure* and *de facto* constitutions of the country. The *de facto* constitution includes a system of property rights that are based not on a legal title but on community-recognized deeds to land. The chaos that ensued during land expropriation is also as one expects from a theoretical perspective. Rebel governments, prioritizing centralization of authority, invested little in meaningful reform based on the preferences of local people. This was also institutionalized in the communist constitution, one which did little to protect individual rights and liberties. What the PDPA constitution did was provide a promise that land would be redistributed.

4.2.3 The Taliban victories

The civil war with communists has been described as Afghanistan's unending revolution (Dorransoro, 2013). Communists contributed to the emergence of Mujahideen, as well as to the Taliban. The Taliban were twice victors of civil war, once in 1996 and again in 2021. These two incidents present opportunities to further assess how victorious rebels govern in precarious contexts. Despite opposition from the Northern Alliance, the Taliban controlled much of the country by 1996. The Taliban's radical Islamic ideology did not include envision democratic rule. Rather, the new incumbents' priority was to establish control over the country with Islamic jurisprudence (Crews & Tarzi, 2009). They did so by elevating the role of mullahs in customary governance and attempting to rule through them. The economic situation was poor when the Taliban assumed power and it did not improve much during their rule. Drug trafficking was a central part of the Taliban economy, with the Taliban financing their government through taxes on opium and other agricultural taxes. Usually, these taxes were 10 percent, a severe burden for farmers who were already confronting substantial economic vulnerability (Nojumi, 2002; Rashid, 2010).

The first Taliban constitution, formulated in 1998, exhibited a strong Islamic ideological influence and a highly centralized executive authority under the Amir. Key provisions included (1) the Islamization of the legal system, aligning all constitutional principles with sharia and Hanafi jurisprudence as interpreted by high-ranking religious figures within the Taliban; (2) a three-branch government structure comprising executive, legislative or Supreme Council, and judicial branches; (3) centralization of executive authority under the Amir, who held roles as head of state, government, and commander in chief, with control over legislative, judicial, fiscal matters, and appointment power; (4) subjugation of individual liberty to Islamic standards; (5) and the introduction of Islamic versions of basic rights, where rights and liberties were framed within Islamic law's positive and negative rights frameworks (Qadam Shah & Rosenbaum, 2022).

There was, however, some progress in improving the property system. The Taliban issued a series of decrees to address property rights relations in the country. These proposed land laws included some recognition of customary deeds. The Taliban's government also prohibited redistribution of land and promised to return land that was expropriated by the communist government. The Taliban also had draft laws to address some of the conflict over pasture (Murtazashvili & Murtazashvili, 2021).

Despite some positive elements, there was not much incentive to establish a more credible and coherent property regime. First, the Taliban, while providing some recognition for customary deeds, did not recognize customary adjudication. Rather, the regime attempted to redefine customary governance relations by elevating religious leaders in customary governance and through violence directed against customary representatives, including landowners and elders. This is because the Taliban (correctly) recognized that these customary representatives had more legitimacy than the Taliban. Second, the Taliban did not invest any substantial resources to improve the quality of property governance administration. Afghanistan's cadastral system was largely nonexistent before the civil war, and the Taliban showed little interest in providing public goods, as their interest was mainly in establishing control. Third, there is no reason to expect any of these reforms would be credible in the sense that there was extreme centralization of authority and hence few would believe any promise of the Taliban to respect property rights.

The Taliban were in control until 2001, when the Northern Alliance, with support from the United States, removed the Taliban from power. Immediately, the Taliban

changed their role to insurgents. They were not defeated when the US-led coalition of Afghans came to power and began to establish a framework to establish a new. While some of the previous Taliban and other warlords became governors under the new constitutional regime established after 2001 (Mukhopadhyay, 2013), the Taliban regrouped as an insurgency. The difference from the previous civil war was that the Taliban were now fighting an Afghan government with tremendous military support from the US government though the Taliban did provide some collective goods and services locally, as well as impose a system of taxation, even though they had no formal authority to do so.⁵

The US-led state-building and reconstruction effort lasted for two decades. The successes including holding elections at the national level and providing opportunities for Afghans to live in relative freedom. It was not successful, however, as the Taliban were able to reclaim control of the government in 2021 and continue to hold power as of this writing. There are some similarities to previous regime. The second Taliban regime remains an extremely centralized, autocratic government, with radical Islam as the basis for any rights (Qadam Shah & Rosenbaum, 2022). The Taliban also continue to have little regard for the rights of those who are not Pashtuns. Afghanistan's ethnic minority groups, especially Hazaras and Tajiks, have already suffered confiscations of their land and property by the Taliban. In such situations, this is expected: the Taliban's priority is on shoring up support, as well as weakening potential opposition to its rule. Hence, the cycle of selective enforcement and associated incentives for violent conflict that emerged forcefully under the communists to capture the government continues. The cost is that there are few prospects for meaningful economic development under the current Taliban regime.

5 Discussion

Our analysis reveals an association between rebel victory and property insecurity. In this section, we consider several ways to address some of the limitations of the empirical strategy. The two points we emphasize—the need for causal quantitative studies and more attention to case selection—are each meant to offer clear suggestions for future research.

First, as our quantitative analysis is not causal and more work that can be done to identify the causal impact of rebel victory on property rights. This would address potential concerns about selection bias and endogeneity issues. Selection bias is a potential issue as countries experiencing rebel victories may differ systematically from those that do not in ways that independently affect property rights, including institutional quality, economic development, ethnic fractionalization, and culture. For example, Tarabar and Young (2021) find that individualistic cultures (which include more emphasis on innovation and risk-taking compared to collectivist cultures) are more likely to choose constitutional designs that are less rigid and less entrenched. Similarly, Ammons and Shakya (2024) find that violent revolutions differ systematically than those with revolts, even before revolts happen.

Testing for heterogeneous effects across different types of rebel victories, regions, time periods, and pre-existing property rights regimes would provide more nuanced insights. Endogeneity is a concern as the relationship between rebel victory and constitutional property rights may be bi-directional, with poorer property protection potentially contributing

⁵ The Taliban's governance during their insurgency period is exceptionally well documented by several accounts, especially Jackson and Amiri (2019), Jackson and Weigand (2020), and Giustozzi et al (2012).

to conditions that lead to rebel victories. Matching methods could be used to address these challenges (Callais & Young, 2023).

Second, a persistent challenge with case study research is that the cases are not generally selected randomly. Ethiopia and Afghanistan were selected because of their multiple episodes of rebel victory, which raises the issue of selection bias. Comparative analysis across diverse environments could advance the public choice literature on revolutions, rebel victories, and property rights. As Skarbek (2020) notes, large samples of case studies, with similar variables, unbiased sampling procedure, and more detailed studies of the constitutional process will help clarify how rebels develop platforms.

6 Conclusion

Revolutions are complex, and decision-making often undermines the ability to achieve all goals (Goldstone, 2023). Given this complexity, a significant area of inquiry is understanding the consequences of rebel victories following revolutionary upheaval. Looking at rebel regimes since the end of World War II, we find that such revolutionary forces use constitutional governance and state control over property to consolidate post-war power. Unlike previous studies focusing on constitutionality as a source of state stability, we argue that regime ruptures are opportune moments to revise national charters in favor of the state. The state then uses this power to reward supporters and coerce opponents, thereby sowing the seeds of ongoing conflict and rebellion.

Cases of rebel victories in Ethiopia and Afghanistan illustrate the link between rebel victory and property insecurity. Rebel victors in these two cases prioritized centralization of power over respect for private property rights. In each case, such selective enforcement did not originate with the rebels, as each has substantial inequities in property rights prior, but in each case, the rebels governed with specific tactics of property insecurity, thus exacerbating any previous imperfections with property rights. This dynamic is not simply ideological, as both communist and radical Islamist governments have emphasized political centralization. Each regime created institutions that allowed the government, regardless of ideology, to redistribute property to loyalists. This aligns with the historical trend of governments in precarious situations using property insecurity to suppress opposition. In both cases, the selective enforcement of property rights ensures that there will be grievances and hence pressure on the regime.

There is more work to be done in this area. This includes more emphasis on identifying the causal impact of rebel victory on property rights. The literature on constitutional entrenchment, which has focused on causal impacts, offers insight into how to proceed. Another is articulating and explaining variation in rebel victories, as there is substantial diversity in how rebel victors govern. That would also open opportunities for case studies that emphasize variation in rebel victory strategy, with an aim toward explaining such variation. Another avenue is to extend the case study approach by considering rebel victories with non-rebel victories to provide more evidence of the causal mechanisms explaining tactics after victory, thereby extending our illustrative case study approach.

With those provisos in mind, we have provided evidence of an association of rebel governance with property insecurity. Our quantitative analysis suggests differences in property rights in rebel and non-rebel victory, and the cases we present demonstrate an unambiguous emphasis on rebel victors to set up selective enforcement regimes. Such patterns demonstrate, as Ammons and Shakya (2024) emphasize, the need for empirically grounded

assessment of constitutions. An especially important avenue for future research is to examine the longer-term consequences of these property insecurities, particularly for economic prosperity and democratic development.

Supplementary Information The online version contains supplementary material available at <https://doi.org/10.1007/s11127-025-01261-w>.

Acknowledgements The authors thank the guest editors for their invaluable encouragement and insightful suggestions. They are also grateful to the two anonymous reviewers of the journal for their constructive feedback and to the seminar participants at the Public Choice Symposium on Constitutional Change, hosted by the Center for Public Law and Political Economy at the University of Virginia School of Law, for their thoughtful comments and engaging discussions.

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