Chapter Two
The Model: Chieftaincy as Rival Governance

A state is a set of institutions that provides public goods. Public goods have two defining characteristics, *nonrivalry* and *nonexclusivity*. If a good is *nonrivalrous*, then one's use does not reduce the amount available to anyone else: consumption of additional units of the good has zero social marginal costs of production. If a good is *nonexclusive*, then one cannot be prevented from enjoying that good. Public goods are therefore those goods that, once supplied, are enjoyed by all. National defense is a commonly used example: once the state's defense is secured, a citizen living within the borders cannot be excluded from protection. Likewise, by enjoying national defense, that citizen does not reduce its availability for other citizens.

In reality, few goods meet this pure definition. Public highways, as we all know, are increasingly rivalrous, even clean air. I therefore define public goods more loosely by focusing on the high fixed costs of producing them, which generally lumps together public *and* quasi-public goods. Fixed costs are those costs that do not change as the level of output changes. With respect to public and quasi-public goods, this means that a large percentage of the total cost of supplying the good is independent of the number of people paying for and using the good (Alesina and Spolaore 2003, p. 18). A highway, for example, has a high fixed cost to construct, regardless of the level of use. Likewise, I define public education as a public good in the sense that the supply of public education involves high fixed costs, even though at high levels of use education is not purely nonrivalrous or nonexcludable.

Due to high fixed costs, (quasi)nonrivalry and (quasi)nonexclusivity, public goods are difficult to produce in the private sector and are thus often supplied by the state. The advantage to the taxpayer is that the state possesses the resources (via taxation) to pay such high fixed costs, ensuring a level of supply greater than private production. Moreover, these public goods are produced on a scale large enough to reduce overall costs. As the number of taxpayers increase, per capita costs for the public good declines (Alesina and Spolaore 2003, p. 18).

In short, a state produces public goods through its claim monopolies of order, jurisdiction, definition, decision-making, permanent administration and the centralization of coordination. National defense, policing, legal adjudication, property rights definition and enforcement, monetary and financial institutions, public infrastructure, public health, national parks and ecological protection are all examples of public goods supplied by the state. In a non-corrupt government, the vast bulk of the state's budget is utilized to provide these goods. State authority primarily derives from its ability to supply public and quasi-public goods: citizen compliance, especially tax paying, is exchanged for public goods.

However, Sub-Saharan Africa's traditional institutions are also capable of providing many of these goods on a smaller, more limited scale: local policing and defense, customary legal adjudication, definition and enforcement of property rights (especially land rights), local-public infrastructure (wells, unpaved roads, schools, village infrastructure, fire protection), ecological protection, and last but not least, religious functions such as ancestral offerings, witchcraft identification and prosecution, etc. Thus,

traditional institutions *may* serve as rivals to the state's authority by undercutting citizen compliance from the state.

In this chapter I devise a model of state-chieftaincy relations to explain state weakness in Sub-Saharan Africa. Conditions under which traditional institutions theoretically *should* rival the state's authority are first examined. From this theoretical model, observable hypotheses are developed. Later chapters will test these hypotheses to determine whether traditional institutions *actually* rival the state's authority according to the model's predictions.

The core theoretical logic of the model is that a rival government exists on a scale smaller than the state when three necessary and sufficient conditions are met:

A. The rival's local-public goods are preferred to the state's provision of public goods
B. The rival provides local-public goods on a scale large enough to meet societal preferences.
C. The rival must be able to thwart attempts at control by state.

In other words, traditional institutions generate state weakness if and only if they generate preferred public goods, operate on a sufficient scale, and are able to thwart the state's attempts to control them.

Condition A. is modeled to explain when traditional institutions are capable of producing local-public goods that are preferred to the state's provision of public goods. I argue that when ideological and geographic preferences over the type of good supplied co-vary, traditional institutions are better-able to provide local-public goods that more-closely match the median preference of a local community.

Condition B. is modeled by initially dividing traditional institutions into two types: acephalous (stateless) institutions and hierarchical institutions (chiedfoms). I argue

that chiefdoms are able to generate local-public goods on a scale larger than acephalous institutions. Hence chiefdoms should generate more state weakness that stateless institutions.

Condition C. is modeled through a dual-principal, single-agent model of state-traditional relations. I argue that the state, though hegemonic, is unable to fully integrate and control traditional institutions. This is because the traditional institutions are agents of two principals: the state and the local community. Dual-principalship generates incentives for traditional leaders to act contrary to the state's preferences. In short, states cannot fully control traditional leaders.

Observable hypotheses derived from this model are:

H1:   State weakness increases as the number of hierarchical ethnolinguistic groups within a state increases.

H2:   (Converse of H1): If a state contains a single ethnolinguistic group, it should experience less state weakness.

H3:   Men are more likely than women to support and/or solicit traditional institutions.

H4:   Urban Africans are less likely to solicit traditional institutions than rural Africans for public goods.

H5:   Solicitation of traditional institutions increases as the level of democracy increases.

I.   The Preference for Governance by Traditional Institutions

We begin with a simple model of individual preferences with respect to public goods provision. The model identifies the conditions under which the public goods provided by a rival institution are preferred to the public goods provided by the state. It predicts that when preferences over public goods are bimodal or multimodal, then

individuals prefer the public goods provided by traditional institutions over those of the state, conditional upon the scale provision of those goods.

This model is very similar to the more formal ones of Alesina and Spolaore (2003 and 1997), and Alesina, Baqir and Easterly (1999). Alesina and Spolaore (2003 and 1997) examine the tradeoff between state size and heterogeneous preferences for public goods provision. Large states benefit with respect to greater scale in the provision of public goods, which benefits individuals because of lower per capita costs. However, the larger the state size, the greater the preference heterogeneity with respect to public goods, and thus the greater the number of individuals whose preferences over the type of public goods provided differ from those of the state. Therefore, certain individuals prefer to secede from the state when the costs of heterogeneity (non-optimal public goods) become greater than the benefits of state size. Moreover, when those individuals are geographically concentrated, that is to say when preferences vary geographically, regions within a state will prefer to secede and provide public goods that more closely match their preferences. Hence democratic states, where individuals may vote to secede, tend to be smaller.

Alesina, Baqir and Easterly (1999) construct a similar model and examine taxpayer preferences with respect to funding public goods. They find that as ethnic diversity increases (the distance between the ethnic group's median preferences and those of the state median increase), taxpayers choose to underfund public goods.

Where my model conceptually differs from these two is in the assumption of pre-existing, potentially rival governments. This assumption is historically warranted for Sub-Saharan Africa because the colonial state was imposed onto pre-colonial polities. More

importantly, the colonial metropoles relied on a policy of nesting indigenous institutions into the colonial administrative system to minimize governance costs[1]. Each colony was expected to be self-financed and minimally staffed.

With respect to finance, metropolitan treasuries were skeptical of the material benefits colonial rule would bring. They thus insisted on economic self-sufficiency. For Britain, self-sufficiency dates from 1815 but became more pronounced following conquest. For France, self-sufficiency dates from the fiscal law of 1900, when colonies were conceptualized as distant collectivities with control over finances. Only Italy violated the self-sufficiency principal in Eritrea, Somalia and Libya (Young 1994, Chapter Four).

With respect to staffing, the colonial state was minimally administered. Kirk-Greene (1980) has dubbed this the "thin white line." From 1900 to 1910, most of Africa was undergoing a "pacification" period of colonial rule. Political staff was miniscule in relation to the military, and "occupation was by no means yet synonymous with administration" (1980, p. 26). Northern Nigeria, for example, had 9 political officers. From 1913 to 1950, recruitment of colonial administrators was rather small, and quite sporadic. Only in the post-war boom did recruitment significantly expand, at a time when colonialism was waning rather than waxing. Crowder (1970) estimates the following ratios of colonial administrators to the indigenous population:

Kenya:	1 : 19,000
French West Africa:	1 : 27,000
Congo:	1 : 35,000
Nigeria:	1 : 54,000

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[1] The situation is slightly different for colonies in East and Southern Africa, where greater administrative infrastructure was provided to settlers. Such infrastructure, however, was not provided to the indigenous population, who largely faced administration under a traditional institution.

In short, the colonial state in Africa relied on traditional institutions to provide most of the aspects we associate with governance, with national defense being an important exception. The colonial state grafted its set of governance institutions onto those of indigenous institutions and delegated authority to traditional leaders. Certainly, colonial governments used their hegemonic power to modify the structure and scope of traditional government, as well as to control traditional leaders (see Section III). Yet traditional polities remained and are possible rivals to the colonial and post-colonial state. Individuals thus have a choice with respect to which governance institution they will solicit and comply with.

The model assumes that preferences for public goods vary with respect to ideology and geography. The geographic assumption is warranted by two factors. First, most public goods, while (quasi)nonrivalrous and (quasi)nonexcludable with respect to supply, are not so with respect to production. Even though all citizens may prefer the same public good, they may differ with respect to where the production of that public good should be geographically located. Producing national defense, for example, entails the construction of facilities that are geographically rivalrous and excludable. A weapons plant in California excludes New Yorkers from a number of defense jobs while at the same time reducing the overall number of defense jobs available throughout the country. Thus the preferences for defense production tend to be geographically arrayed, with each region vying for military facilities. Another example of this geographic variation is the provision of waste dumps. All citizens prefer the public good of trash collection and storage, yet the preferences for the location of the trash dump vary geographically (not in

my back yard!) because the production of trash storage entails rivalrous and excludable characteristics.

Secondly, while supply of the public good may be nonrivalrous and nonexcludable, geographic access is (Alesina and Spolaore 2003). The greater the distance from a school, airport, or highway, the greater the cost an individual pays for using that public good. Thus individuals have preferences as to *where* the public good should be produced and supplied.

If ideological and geographic preferences over public goods co-vary, then we can utilize a unidimensional spatial model. Alesina and Spolaore do so on three assumptions (2003, pp.. 19-20). First, individuals with similar ideological preferences sort themselves into geographic niches. "Individuals with similar attitudes, ideology, preferences, income, religion, and race tend to live close to each other" (2003, p. 19). Second, preferences tend to become geographically homogenous over the long run due to shared history, language, culture, etc. Third, government policy may increase preference homogeneity over the long run.

With respect to Africa, the assumption of covariance of ideological and geographic preferences is justified. Because sub-Saharan Africa is a set of developing countries, the demand for public goods thoroughly outpaces the state's financial ability to supply them. Therefore, preferences for public goods tend to be geographically concentrated as neighbors have incentives to collectively vie for scarce public goods. Moreover, because ethnic groups are geographically concentrated, ideological preferences tend to vary with geographic preferences. Hence ethnic politics and ethnic conflict (Bates 1983a). For example, not only do the Hausa in Northern Nigeria have

similar preferences for the geographic location of public goods, they also have similar ideological preferences for the type of public goods supplied. They want public goods (roads, bridges, schools, etc.) produced and supplied in the North, and they want public goods that reflect their cultural, religious, and linguistic preferences. An example of an ideological preference is that of the legal system. Ethnic groups in Northern Nigeria tend to be Muslim, and many ideologically prefer the legal system to be based on Islamic Sharia law. Conversely, The Yoruba of Southwest Nigeria and the Igbo of Southeast Nigeria have a different set of preferences caused by the covariance of ideology and geography. Most of Southern Nigeria is not Muslim, and their ideological preferences over the public good of a legal system thus differ. Our model, therefore, arrays preferences along a single dimension.

Figure 1 shows a unidimensional policy space over the interval [0,1]. S_j represents the State's policy preference for the provision of public good j. T_{ij} represents a traditional institution of the ith ethnic group's policy preference with respect to the provision of public good j. I assume median voter logic for both the state and traditional institutions. The literature on traditional institutions emphasizes at least some form of election for the selection of chiefs, and perhaps an even greater median logic with respect to elder-council decision making in stateless societies (Busia 1958, Gbikpi-Bénissan 1976 and 1985, Goldschmidt 1981, Illiffe 1987, Ladouceur 1979, Ogot 1964, Ottenberg 1971, Kgosi Seepapitso 1989). And, as I explain in Section III of this chapter, traditional authority is at least partially beholden to its members.

Figure 1 shows a unimodal preference distribution of individuals' single-peaked preferences living under both the state and traditional institutions 1 and 2. This means

that Ethnic Group 1 and Ethnic Group 2 have the same preference distribution with respect to provision of public good j. An example of this would be a state in which ethnic groups are not geographically concentrated, and there is little ideological difference across ethnic groups. Due to the median logic of both the state and the traditional institutions, S_j, T_{1j} and T_{2j} are located at the same point on the policy space, indicating identical preferences with respect to the provision of public good j. In this case individuals prefer state provision of public good j due to scale benefits. The state can satisfy both ethnic groups 1 and 2 by minimizing the per capita costs of providing public good j.

Figure 2, on the other hand, shows a bi-modal preference distribution, in which the geographic and ideological preferences of Ethnic Group 1 and Ethnic Group 2 co-vary. In this case the state locates itself at the median of Ethnic Groups 1 and 2, while the traditional institutions locate their policy preferences at the median of their respective ethnic groups. Individuals now face a tradeoff. If they choose to solicit the public good from their respective traditional institution, they forego the benefits of scale production and must pay higher per capita costs. However, they obtain a public good closer to their ideal preferences. The further the median preference of the ethnic groups, the greater the distance between T_{ij} and S_j. At some point, the distance becomes great enough such that individuals of ethnic group i will prefer to forgo per capita cost minimization in order to receive the jth public good that is closer to their ideal point. In short, individuals will choose the traditional institution for governance over the state, thus weakening state authority.
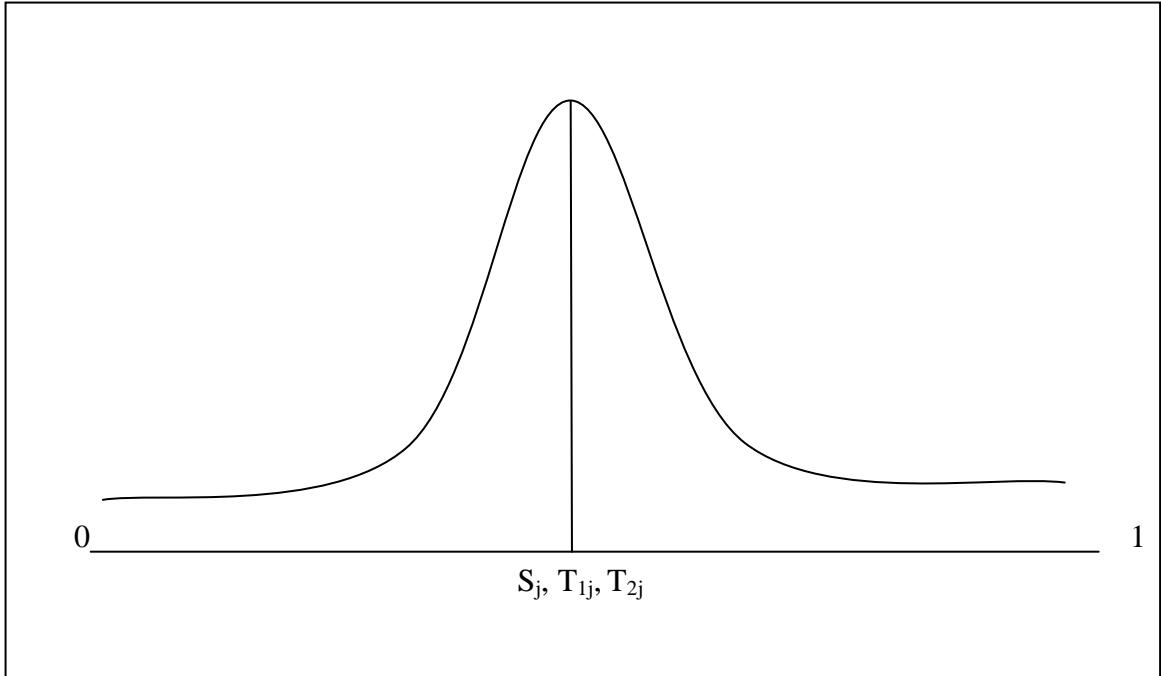
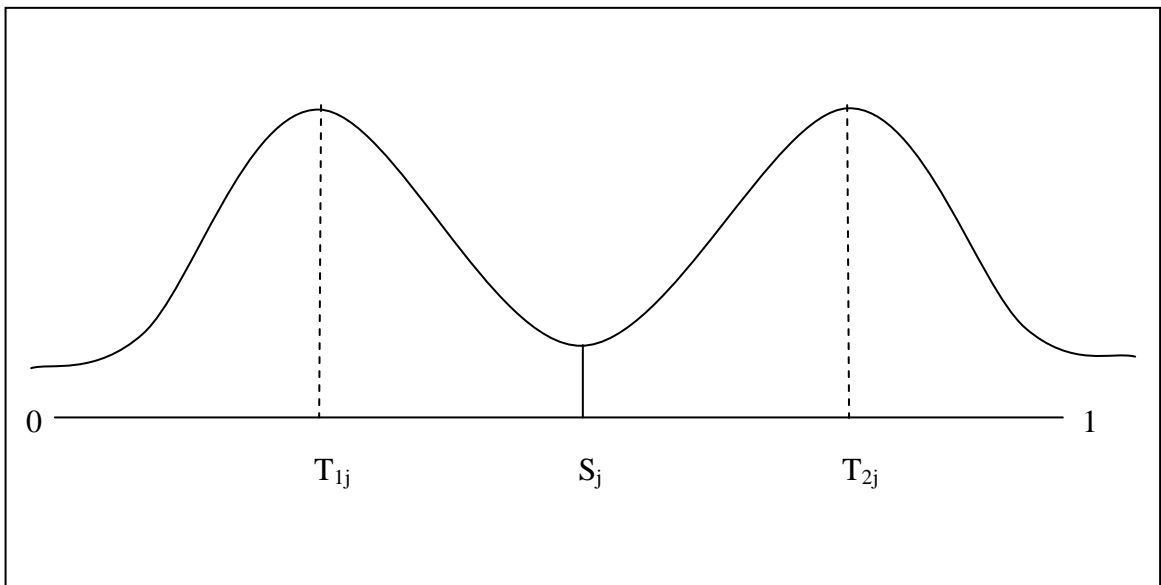Figure 1: Unimodal preference distribution

Figure 2: Bimodal preference distribution

From this model, I derive three hypotheses. The first is:

H1:   State weakness increases as the number of ethnolinguistic groups within a state increases.

From the above model, we can predict that greater ethnolinguistic diversity will generate greater preference divergences due to the covariance of ideology and geography, thus increasing the likelihood that an individual will solicit traditional institutions for governance rather than the state.

I have chosen the measure of ethnolinguistic diversity because it is an adequate proxy for ideological and geographic preferences. Recently, the literature has increasingly criticized the measure of ethnolinguistic diversity, most commonly operationalized as ethnolinguistic fractionalization (ELF), as suspect for several reasons[2]. First, ELF is unable to measure the diversity present within ethnic groups, at the clan or sub-clan level, for example. Second, measures of ELF often amalgamate differing groups into one linguistic cluster. Third, as noted by Posner (2000, see also Posner and Laitin 2001), ELF can only serve as a proxy variable for the actual number of politically organized, competing groups. Fourth, people do not "map one-to-one onto ethnic or linguistic groups" (Laitin 2000, p. 143), nor do their preferences. I agree with many of these criticisms, however I argue that ethnolinguistic diversity does serve as an adequate measure of ideological and geographic preferences with respect to public goods. Moreover, as I argue in Section II, combining a measure of ethnolinguistic diversity with

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[2] ELF is the probability that two randomly selected persons from one country will not speak the same language. Formally, $F = 1 - \sum[(n_i/N)][(n_i - 1)/(N-1)]$, from $i = 1$ to $i = n$, where n_i is the number of speakers of the ith language, and N is the total number of people in the population. It is adapted from Ray and Taylor's index of party fractionalization (see Taylor and Hudson, 1972, pp. 214-217). The most common measure of ELF comes from the Atlas Narodov Mira (1964). I am grateful to Phil Roeder for providing me with this data.

a measure of the institutional hierarchy of those ethnolinguistic groups is a good proxy variable to test my model of when individuals solicit the state or traditional institutions for governance.

The measure of ethnolinguistic diversity is the broadest measure of a bounded set of culturally similar characteristics, the two most important elements of that set being a mutually intelligible language and common religious beliefs, both of which condition preferences over a large range of public goods, including education, the legal system, citizenship definition, and property rights definition and enforcement, especially with respect to land.

When public goods, such as education, do not match one's language repertoire, the costs of access are high (Laitin 1998, 1994; Alesina, Baqir and Easterly 1999). Language also conditions cultural preferences (Laitin 1977). Thus, a measure of ethnolinguistic diversity serves as a useful proxy for ideological and geographic preferences. Granted, the measure of ethnolinguistic diversity does not take into account the structural differences between languages, and hence the degree of cultural difference between linguistic groups or sub-groups within an ethnolinguistic group (Laitin 2000, Greenburg 1956). However, I argue that with respect to Sub-Saharan Africa, it is an effective proxy when we take into account the fact that ethnolinguistic groups often serve as boundaries of shared cultural preferences, which in the case of Sub-Saharan Africa are rooted in traditional religious beliefs.

Traditional religious beliefs form another essential element in the set of culturally similar characteristics. Beliefs in the supernatural, such as the role of ancestors in sanctioning one's actions through reward and punishment, and witchcraft, are near-

universal to all societies in Sub-Saharan Africa. Idowu (1973) inclusively defines

Africa's traditional religions as possessing five characteristics: the belief in a

high/supreme god; belief in divinities; belief in spirits; belief in ancestors; and the

practice of magic and medicine. These universal beliefs, however, are bounded by

variance in the actual expression of those beliefs (specific gods, spirits, priests, rituals,

etc.). And the variance of expression tends to be bounded by the ethnolinguistic

community. Thus ideological preferences derived from religious beliefs coincide with the

ethnolinguistic group.

Moreover, such traditional religious beliefs condition cultural preferences over a large

range of public goods. With respect to land rights, Ayittey (1991) writes:

> Westerners consider land as something that can be cut up
> into parcels and traded on a market with property rights
> attached to them. In indigenous Africa, land was an
> important aspect of the social group and its use was
> governed by social relationships (kinship, ancestral
> descendancy) and religious beliefs. In most indigenous
> African systems, as we noted in an earlier chapter, the earth
> was regarded as belonging to the ancestors. It was from
> them that the living inherited the right to use it. The spirits
> of the ancestors constantly kept watch and saw to it that it
> was used properly and fairly. (p. 285)

Thus cosmological views, especially with respect to spirits and ancestors, condition

preferences over property rights and land tenure systems.

With respect law and the legal system, Ayittey again stresses the importance of

African religion and philosophy:

> Most native Africans believed wrong-doing strained social
> relationships and displeased the ever-present spirits of the
> ancestors. Thus, while the concept of justice was clearly
> known, it was pursued within certain parameters or with
> additional objectives: repairing frayed social relationships
> and pacifying the ancestral spirits. (1991, p. 63)

The system of kinship and descent, which is also rooted in these religious beliefs, also has an effect on preferences over citizenship definition, at least with respect to citizenship in the local community and *jus sanguinis* citizenship (citizenship marked by descent regardless of location of birth) at the national level, of which 26 out of 40 Sub-Saharan states (all francophone countries and five anglophone) maintain (Herbst 2000). Preferences over matrilineal or patrilineal descent stem from the kinship system of ethnolinguistic groups.

Certainly, African societies have undergone tremendous social, economic, cultural, linguistic and political change from the colonial period to the present (and even in the pre-colonial period). However, many of these religious beliefs survive. Because Africans acknowledge a supreme, creator God, a great deal of monotheistic doctrine, both Christian and Islamic, has been assimilated into traditional religious cosmology.

Finally, traditional religious beliefs are also very important with respect to the legitimacy and the territorial boundary of traditional institutions. There is an intimate relationship between religious beliefs and the organization of traditional institutions. Elders, for example, command respect because due to their age they are closer to their ancestors. Chiefs, too, command respect because their lineage is either traced to the founding member of the community, or the office of chieftaincy itself is the custodian of the community, both past, present and future. According to Horton:

> What we can say is that there is a constant dialectic between religious ideas and principles of social organization. Not only do social forms exert a profound influence on religious ideas. They themselves are defined in terms of religious ideas and are even molded by such ideas. (Horton 1971, p. 107)

A measure of ethnolinguistic diversity does not necessarily measure the territorial bounds of traditional institutions, as these most often operate over a smaller geographic space than the ethnolinguistic group (see Section II). However, a measure of ethnolinguistic diversity does measure the upper bound from which traditional institutions can operate. In other words, it is rare for a traditional institution to exercise authority over a geographic area outside the bounds of an ethnolinguistic group. In short, the measure of ethnolinguistic diversity is a useful proxy to measure a bounded set of ideological preferences.

We can use the Yoruba of Southwestern Nigeria as an example to clarify these issues. The Yoruba are classified as an ethnolinguistic group, comprising roughly 21% of Nigeria's population. This measure, however, is suspect because it amalgamates subgroups and does not measure the degree of diversity among them. Bascom, whose writing reflects events in the 1930's, mentions at least 23 subgroups, and "there is dialectical variation in the Yoruba language, so that a man from Owo[3] has difficulty understanding a Ketu man at first, and there is considerable local variation in customs and institutions" (1969, p. 6). Even the term Yoruba is alien: it was coined by the Fulani or the Hausa, and refers to the Oyo Yoruba. Only in the 19th century did Christian missionaries begin applying the term Yoruba to all sub-groups (Smith 1988, p. 7).

With respect to institutions, the Yoruba were never centralized under a single polity. Rather, they organized themselves into a number of kingdoms. Smith describes at least 14 and refers to "some twenty or more... formerly distinct and independent states."

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[3] I have chosen to eliminate the diacritical marks of Yoruban terms due to differences across my sources, and due to the inability of my word processor's fonts to reproduce several of them.

(1988, p.6). While the kingdom of Oyo was hegemonic in the 17th and 18th centuries, each kingdom was basically autonomous (Law 1977).

Nevertheless, "there is sufficient underlying cultural and linguistic unity to consider [the Yoruba] as a single ethnic group, large and diverse as it may be" (Bascom 1969, p. 6). The reason for this unity largely derives from a mutually intelligible language, even considering dialectical variation, and from shared religious beliefs. Briefly, the Yoruba acknowledge Ife as the place where the Creator Olodumare (the high/supreme God according to Idowu's classification) sent the divinity Oduduwa to colonize the earth (Smith 1988, p. 14). Thus Ife is widely acknowledged as the cradle of the Yoruba.

This foundation myth, along with other aspects of religious belief, is central to the organization of traditional institutions:

> Nearly all Yoruba were (and are) townspeople in the sense that they belonged to a town, even though they might spend most of the year on farms up to 20 miles distant... at the center of each (with one or two relatively recent exceptions) dwelt an oba in his afin or palace... The oba's office and person were sacred; he was the priest and protector of his people, and they naturally wished to live in his shadow... transcending the town was the kingdom or state. (Smith 1988, p. 87)

The hierarchy of chiefs culminated in the king, and most of the royal houses trace their descent to Ife, and thus to the divinity Oduduwa. The primacy of the kings entitles them to wear a beaded crown, whereas lower-level chiefs cannot. Additionally, the king of Ife (the location where Oduduwa descended), the Oni, claims seniority over other kings. These claims were widely acknowledged. "Letters written to the Oni by other Yoruba

kings in the 1920's and 1930s addressed him as 'Father' and were signed 'Son,' and he replied reciprocally" (Bascom 1969, p. 6).

Yoruban society has undergone tremendous social, economic and political change since the pre-colonial and colonial period. British indirect rule initiated structural changes that affected both chiefs and cult priests (Andrew Apter 1992). Native courts centralized legal adjudication within kingdoms, which strengthened the powers of the king over lower-level chiefs. Alien "Customary law" was administered, though many bypassed the courts for a "more traditional settlement, a practice which continues today" (Andrew Apter 1992, p. 167). Christian missionaries created new opportunities for economic and social advancement due to their linkages with the colonial administration, and as a result respect for gerontocratic and chiefly authority eroded among the more educated, professional classes (Andrew Apter 1992). Conversion to either Christianity or Islam was widespread. Those holding *orisa* (traditional religious) cult offices are generally associated with rural, low social status individuals, including the farmers, petty tradesmen, and craftsmen (Andrew Apter 1992). The term "pagan" is widely used by Christians and Muslims alike to indicate such low status (Andrew Apter 1992).

However, traditional religious beliefs still underpin Yoruban society. "Yoruba Christians who were commanded to forswear the religion of their ancestors have 'rewritten' Christianity into *orisa* worship by revising myths of origin" (Andrew Apter 1992, p. 3). A proliferation of independent churches provides forms of Christianity that are compatible with traditional religious beliefs (Andrew Apter 1992). High-status professionals, Muslims and Christians still consult cult-tile holders "when modern medicine and prayers to the Christian or Muslim God fail" (Andrew Apter 1992, p. 170).

A person referred to a sub-town in the Ayede kingdom as "90 percent Catholic and 100 percent pagan" (Andrew Apter 1992, p. 171). Finally, according to Olupọna (1991), "because the king's 'sacred' status has an immediacy in civil affairs, rather than a strictly 'cultic' focus," kingship and *orisa* worship have developed into a "civil" religion (p. 83).

Likewise, such religious beliefs still underpin the legitimacy and territorial boundary of traditional institutions. Andrew Apter writes:

> Like all Yoruba kings, the Ata of Ayede is sacred, tracing his dynastic pedigree back to ancient Ife. His sacred powers derive from special *juju* medicines, from installation ceremonies, from his privileged position 'second to the gods,' and from ritual sacrifices and annual festivals which ensure stability on the throne and good fortune in the town. These sociopolitical patterns and religious beliefs have persisted to the present day, responding to the incorporation of kingdoms into the wider structures of indirect rule; to the impact of Islam, Christianity, and formal education; to the new opportunities provided by cash cropping and occupational mobility; and to the dramatic vicissitudes of postcolonial party politics and military rule... Yoruba kings still meet regularly with their chiefs, and the *orisa* cults still regulate ritual power in their towns (1992, p. 183).

Moreover, the primacy of the king of Ife (the Oni), continues. A German TV documentary explained:

> Okunade Sijuwade Olobuse II is the Oni of Ife and a descendant of the god Oduduwa. He is 54 years old, a wealthy businessman who studied at London, saw the entire world, and at the moment of his coronation, was shareholder in more than 100 enterprises... For fifteen million Yoruba he is an unquestionable chief and a representative of God on earth. (Passage taken from a German TV Documentary, *Alte Völker Junge Staaten*, aired May 1984. Taken from van Rouveroy van Nieuwaal, 2000, and translated from the French).

However, as villages and small towns expand, they are increasingly regarded as an *ilu* (hometown) rather than the capital of the kingdom (Peel 1983, p. 75). Thus claims to

kingship by chiefs, with the right to wear a beaded crown (thus marking descent from the god Oduduwa), have greatly expanded. In 1903, the Oni of Ife recognized 21; in 1966, 41; in 1977, no fewer than sixty (Smith 1988, Appendix I).

In fact, traditional institutions remain focal points for local politics. Trager (2001) mentions that social-class conflict and town-district conflict in Ijesa is "less overt" than chieftaincy conflicts, which involve various factions vying to install and remove chiefs and kings, as well as gain access to resources (Chapter 9, see also Laitin 1986). Even for members of the community who have migrated to urban centers such as Lagos, traditional institutions still heavily affect them. Hometown associations, under the coordinative management of the chiefs/kings, tax *all* citizens for local development projects (Targer 2001, Chapter 8). Thus "in a society [Nigeria] where there is very little successful taxation (Guyer 1992), the ability of a community to essentially tax its members on a regular basis for a succession of projects is significant" (Trager 2001, p. 201).

The measure of ethnolinguistic fractionalization is a thus an overly simplified measure of linguistic, cultural and religious diversity when applied to the Yoruba of Southwestern Nigeria. However, I argue that it serves as a useful proxy for ideological and geographic preferences that stem from shared religious beliefs as well as from a mutually intelligible language. Though religious, social, economic, linguistic and political changes have most definitely affected the Yoruba, traditional religious beliefs still condition local preferences and traditional institutions still remain the focal points for realizing many of those preferences. Thus, the measure of ethnolinguistic diversity is an adequate measure of ideological preferences.

What the measure of ethnolinguistic diversity cannot do, however, is measure the scale of governance by traditional institutions in these local communities. Yoruban communities, as we have seen, are typically integrated into traditional institutions (kingdoms) on a scale smaller than the ethnolinguistic group. According to Peel, these communities retain "the same [colonial and precolonial] political culture which enjoined actors to look for external sources to forward their ambitions within it" (1983, p. 252). In other words, the traditional institutions remain as focal points for local governance and collective action. As I argue in section II below, the scale of the traditional institution conditions whether or nor an individual will choose it rather than the state for governance. We must, therefore, alter our proxy measure of geographic and ideological preferences to take into account the scale of the traditional institution.

My second derived hypothesis is:

H2: (Converse of H1): If a state contains a single ethnolinguistic group, it should experience less state weakness.

The logic behind this hypothesis is explained by Figure 1. When preferences are not bimodal, as I argue they are likely to be across ethnolinguistic groups, then individuals should prefer state provision of public goods rather than provision by traditional institutions. Preferences may vary geographically as well as across the subgroups of the ethnolinguistic group, yet compared to the bimodal distribution represented in Figure 2, these should be comparatively small. Again, consider the Yoruba. Cultural preferences may differ by subgroup, yet this ethnolinguistic community has enough commonalities such that a Yoruban state, on average, would be more likely to supply public goods acceptable to all Yoruba than a Nigerian state.

The third derived hypothesis is:

H3:   Men are more likely than women to support and/or solicit traditional institutions.

I acknowledge that preferences do not uniformly vary according to language and shared religious beliefs. As I have argued above, they serve as useful proxies for preferences over the type of public goods supplied, due to the costs of access, whether geographic, linguistic or cultural. Another cost of access is gender-based, due to the fact that Africa's traditional institutions are almost uniformly patriarchal. Even in societies with matrilineal descent, and even in societies with traditional offices held by women, the public goods supplied by traditional institutions are almost uniformly male-centered and male-biased. Land rights, for example, are asymmetrically biased towards husbands and male members of the descent group. On average, therefore, women should prefer state-level provision of public goods.

II.   The Variance in Scale of Traditional Institutions: Chiefdoms Versus Acephalous Institutions

In this section I address an aspect of traditional institutions that the above model does not account for, scale. The scale on which a traditional institution provides public goods greatly affects its capacity and efficiency. Therefore, scale should affect an individual's choice concerning whether to solicit the state or traditional institutions for the jth public good. I argue that an effective measure of scale is the institutional hierarchy of the traditional institution, and I illustrate the argument using three ethnic groups, the Meta, the Igbo and the Zulu. Then I modify my first hypothesis to incorporate a measure of the

hierarchy of traditional institutions within the ethnolinguistic group. Finally, a fourth hypothesis concerning urban/rural preferences is advanced.

If the rival's claims to order, jurisdiction, definition, decision-making, permanent administration and the centralization of coordination are not on a scale large enough for the efficient and cost-effective provision of the jth public good, then given a choice, people will chose to comply with the state over the traditional institution in exchange for public goods provision. The scale of the jth public good is thus an important variable, independent of ideological and geographic preferences, that affect's an individual's choice. It is also a difficult variable to measure.

We know that not all public goods are effectively or efficiently provided on the same scale. National defense, for example, is best-supplied on a national scale while fire protection can be efficiently provided locally. However, we have yet to come up with an adequate measure of the efficient scale of specific public goods, given a specific level of technology. This is problematic because I cannot directly test my theory of scale by examining the provision of specific public goods. The hypotheses I develop in this section thus test my theory by measuring the scale of the potential rival to the state and by making a broad distinction between urban and rural preferences. My case studies will also take into account a broad ordering of public goods, from local to regional to state-level infrastructure.

First, I argue that institutions require a *minimum level of scale* in order to meet basic efficiency and cost-effectiveness. For example, imagine a set of autonomous villages, each capable of only adjudicating disputes involving the members of a single village. If the majority of disputes are between members of different villages, then the village is not

providing legal adjudication on a scale large enough to generate societal compliance. Villagers will prefer governance on a scale that encompasses the entire set of villages. This logic is widely recognized in the literature (Spruyt 1994, Richard Posner 1980, Popkin 1979, Haas 1964). As the transactions of individuals grow beyond the local, regional or national level, so does the demand for governance on a larger scale. Therefore, I argue that in order for a traditional institution to serve as a rival to the state's governance, it must supply a minimum level of scale in its local-public goods.

A minimum level of scale is also necessary because any governance institution tends to provide a set of public goods, each with varying optimal levels of scale, in order to reduce transaction costs. If public goods were provided only according to their optimal scale, then a set of governance institutions with overlapping jurisdictions would exist, each institution providing public goods at differing scales conditional on the level of technology. Such an arrangement, however, trades off efficiencies of scale with the transaction costs generated by overlapping jurisdictions.

In fact, the emergence of states (hierarchy) and nested levels of government is explained as a response to these tradeoffs (Alesina and Spolaore 2003, Williamson 1981 and 1975). The state centralizes administration and coordination of public goods provision to reduce transaction costs across overlapping jurisdictions, while nested, lower-level governance units are delegated the tasks of local-public goods provision. Policing, for example, is supplied at a local or regional level, and national defense at a national level, but each is subject to national laws to enhance coordination and reduce transaction costs. The state thus minimizes the tradeoff between transaction costs and

efficient provision of public goods by supplying public goods at appropriate scales while maintaining overall administrative oversight.

A similar logic exists with respect to traditional institutions. Those operating on a larger scale – over a greater geographic range and with a hierarchy of nested institutions – are more efficient and cost-effective producers of a set of public goods because they minimize transaction costs. Moreover, greater scale generates increasing rivalry with the state because the traditional institution is able to provide public goods that the state has delegated to lower-level administrative units that more closely resemble ideological and geographic preferences. If the jth public good, for example, can be efficiently and cost-effectively provided by both the traditional institution and by the state, my theory predicts that covariance of ideological and geographic preferences will advantage the traditional institution. In other words, as the scale of the traditional institution increases, the authority of the state decreases with respect to a set of public goods, including the jth. State-traditional relations are thus zero-sum with respect to public goods provision and compliance.

Additionally, greater scale advantages traditional institutions with respect to state-level bargaining and collective action. As I explain below in Section III, African states have attempted to control traditional institutions by nesting them into the state's administrative hierarchy. Traditional institutions operating on a greater scale were and are advantaged in this relationship. Greater scale means that the traditional institution can generate compliance by a greater number of individuals. Combined with the greater scale of the traditional institution's administrative organization, it can mobilize a greater number of individuals, which advantages the traditional institution when bargaining with

the state. This is a useful bargaining chip in state-local interaction, and it advantages the traditional institution in terms of retaining independence with respect to the state, as well as extracting resources from the state. Additionally, resource extraction generates greater incentives for compliance by individuals under the jurisdiction of the traditional institution because it can deliver state, and even international, patronage. In short, the traditional authority is not just a focal point with respect to public goods provision, but a focal point with respect to extracting external resources.

Not all traditional institutions are the same with respect to their scale of governance. Over a hundred years of Anthropology and ethnographic investigation has yielded a rich collection of data on the political and social organization of Africa's tribal, ethnic and ethnolinguistic groups (See Murdock 1967 and 1959 for a dated but comparative overview). Despite the great deal of variety in political and social organization, anthropologists have focused on a bimodal ideal-type model of political and social organization by dividing groups into state-based chieftaincies/kingdoms and acephalous or stateless societies. Below I outline the characteristics of each mode of organization, explaining why acephalous societies are, on average, less likely to serve as rivals to the state's governance. All else being equal, we should expect chiefdoms to be more effective rivals to the state than acephalous societies due to these scale concerns.

Fortes and Evans-Pritchard first distinguished between state and stateless African societies in their 1940 landmark work, *African Political Systems*. In examining and generalizing across a set of African polities, they created two ideal-type groups:

> One group which we refer to as Group A, consists of those
> societies which have centralized authority, administrative
> machinery, and judicial institutions – in short, government
> – and in which cleavages of wealth, privilege and status

correspond to the distribution of power and authority... The other group, which we refer to as Group B consists of those societies which lack centralized authority, administrative machinery and constituted judicial institutions – in short, which lack government and in which there are no sharp divisions of rank, status or wealth. (p.5)

Subsequent ethnographic and anthropological work on Africa has utilized this distinction, though not without criticism. Many view the dichotomy as racist because colonial powers incorporated it into evolutionary models of development (band → tribe → chiefdom → state), thereby justifying colonization of "primitive" societies (Skalník 1987). Marxists such as Coquery-Vidrovitch prefer to examine all pre-colonial African societies as similar with respect to a "tributary mode of production" (1980, p. 148). Others argued for a more "continuous typology," one that takes into account intermediate forms (M. G. Smith 1956, p. 51). Still others criticized the entire structural-functional approach to anthropology, and argued for more dynamic models incorporating historical processes, agency, negotiation, ideology, performance, and symbolism (Kuper 1982).

I agree with the above criticisms, yet I have chosen to retain the basic structural-functional approach while replacing the dichotomy with a more nuanced, ordinal variable of jurisdictional hierarchy. Because such an approach is subject to widespread censure, especially among Anthropologists who largely think that structural analysis is theoretically dead, first let me explain my reasoning before I explain the measure. I am not a structural-functionalist, I am an institutionalist utilizing micro-analytic analysis. The critiques of structural-functionalism with respect to African societies are valid in that the theoretical approach neglects dynamic processes, and thereby reifies Africa's traditional institutions as deterministic and non-contestable. However, the new institutionalism widely recognizes institutions as rules that individuals adhere to in order to maximize

their preferences. Thus institutions, in this case traditional institutions, affect individual decisions and thus outcomes. Such an approach means that I am examining the organization of Africa's traditional institutions, and arguing that their scale affects individual choices with respect to state or traditional compliance. Therefore, I retain the basic distinction between state and stateless, because the scale on which these institutions operate affects individual choices.

Moreover, in accordance with M. G. Smith's (1956) criticisms, I argue that the dichotomous distinction between state and stateless can be replaced with a more nuanced, ordinal variable of jurisdictional hierarchy. Middleton and Tait's work on acephalous (segmentary) societies developed the notion of the jural community:

> The widest political unit in these societies we call the jural community... it is the widest grouping within which there are a moral obligation and a means ultimately to settle disputes peaceably... It is the largest autonomous grouping in political contexts. (1958, p. 9)

In other words, the jural community is a rough measure of what political scientists would term sovereignty, or the jurisdictional boundary of an autonomous polity. Though shared culture and certain institutions would often extend relations beyond the jural community, each of these jural communities would have a "constitutional" structure (Ruel 1969). A useful analogy can be drawn from the city-states of ancient Greece, which shared a common culture and religious beliefs, making them an ethnolinguistic group. Certain institutions, such as the Oracle at Delphi, exerted authority across the entire ethnolinguistic group. Yet each city-state was autonomous (disregarding the Delian League and the Peloponnesian League), with its own "constitution," and thus the jural community would be defined as the city state.

George Peter Murdock's *Ethnographic Atlas* (1967) included a measure of the jural community, which he termed "jurisdictional hierarchy beyond the local community," and hereafter referred to by its acronym, ICJH. Subsequent revisions of Murdock's coding were published in the journal *World Cultures* (Grey 1991). ICJH measures the number of levels of legal hierarchy beyond the local community (village or sub-clan). It is an ordinal variable ranging from 0 (no political authority) to 3 (three levels of legal hierarchy; for chiefdoms this would correspond to three administrative levels of chieftaincy, with a king or paramount chief at the apex). I shall illustrate this measure by giving three examples.

The Meta are an ethnic group living in the Cameroon Grassfields, who in pre-colonial times occupied an area of approximately 335 square kilometers, with a population of roughly 20,000 (all information on the Meta is from Dillon 1990). They were organized into 30 villages, each with a population ranging from 100 to more than 1,000. Individuals were grouped into progressively wider kinship organizations, from the lineage to the clan segment to the clan, which extended kinship beyond the village level. The clan "did not have a precisely defined structure, and its members engaged in cooperation and mutual support only on an individual basis, as the appropriate circumstances arose" (Dillon 1990, p. 89). Some residual rights to property and marriage were vested in the clan.

For an individual, however, the village was most important for governance. The minimal lineage "controlled marriage and property rights most directly" (Dillon 1990, p. 89), and "the internal [within the village] relations of clan sections were formally structured, with various segments cooperating in important descent group activities on a

regular basis" (p. 89). Village government was a federation of clan segments. The heads of the clan segments ("senior village notables") formed a village council, and the preeminent notable held the title of chief, thus forming an executive. Each village had its own "constitution."

The jural community of the Meta thus resides at the village level (ICJH = 1). "In a fashion quite analogous to modern state-level legal systems, a number of specific offenses came under the jurisdiction of the local authorities" (Dillon 1990, p. 236). While a complex network of shard norms, clan relationships, markets, ritual specialists, periodic assemblies of all villages and collective ceremonial activities occurred, governance was centered on the autonomous village. Other aspects of sovereignty, such as a monopoly of the coercive use of force, were similarly located in the village. Wars often occurred between villages, and "...no centralized system for military planning encompassed the entire polity" (Dillon 1990, p. 242).

The Igbo (Ibo) are an ethnolinguistic group residing in Southeastern Nigeria (all material on the Igbo are from Ottenberg 1971). They comprise roughly 18% of Nigeria's total population, and despite a population density that can reach over 1,000 people per square mile, they have never been organized into a central state. Rather, the Igbo are organized into 200 separate village-groups, "each having a name, internal organization, and a central market" (Ottenberg 1971, p. xi). The size of each village group, according to the 1953 Nigerian census, ranges from several thousand to over 75,000. Moreover, there is cultural variation across these groups as well.

One of these village-groups, the Afikpo, covers an area of 103 square kilometers and includes roughly 26,000 people living in 22 villages. Unlike "most" Igbo, individuals

in the Afikpo village group are organized into both matrilineal and patrilineal descent groups. While the heads of the matrilineages retain authority over roughly 85% of land rights, the heads of the patrilineages form a council of elders that makes decisions at the village (not the village-group) level. Males are also organized into age-grades, and the grade below that of the elders acts as an executive branch of village government in that it implements decisions made by the council of elders.

At the village group level, the seniors of the senior age-grade of each of Afikpo's twenty-two villages are organized to form a second tier of government. These seniors are again divided into age grades based on their seniority. The junior grade contains elders in their fifties and sixties, and forms the executive branch of the village group, again in the sense that it implements decisions made at the village-group level. Legislation is made by the middle grade. The senior grade, composed of elders who are often very weak, acts as an advisory body: "their knowledge is treated with great respect, though their advice is not necessarily followed" (Ottenberg 1971, p. 231).

Legal adjudication occurs at sub-village, village and village-group levels. While "elders attempt to resolve matters within their own descent groups and in [village] wards and villages," certain cases, especially land disputes, are adjudicated at the village-group level. "When the elders of the groups concerned cannot settle a matter through friendly negotiation, or one party does not wish to do so, a special court is created by each side calling in individual elders, who together form a judges' group to try the case" (Ottenberg 1971, p. 246). Most elders selected for this court are from the middle grade (legislative branch) of the village-group.

The jural community of the Igbo thus resides at the village-group level (ICJH = 2). The authority structure is "almost antihierarchical" in the sense that patrilineage and matrilineage heads exercise greater authority over an adult than higher-level village governance, and likewise with respect to village and village-group governance. Yet the village-group, the second level of jurisdictional hierarchy beyond the local community, is the upper-bound of the Afikpo polity. Like the Meta, other aspects of sovereignty are also located at the village-group level. "Trade and intermarriage occurred between neighboring units, and sometimes rituals common to different groups were performed jointly, but fighting between these village-groups over land, slaves, and other matters was also frequent" (Ottenberg 1971, p. xii).

The kingdom of Buganda emerged in the 14th or 15th century around the Northwestern shore of Lake Victoria. Before the 14th century, society was organized into a number of clans (Reid 2002 mentions roughly 50 by the 19th), each with a head or *mutaka* (plural, *bataka*) (Kiwanuka 1974). Clans were politically autonomous and territorially concentrated.

Why political organization changed to one of kingship is subject to much debate. Early European explores and authors maintained the view that Africans were incapable of forming sophisticated, centralized institutions, and thus attributed the source of kingship to the migration of Hamites (the 'Hamitic hypothesis'). Recent explanations still emphasize migrations that occurred from roughly 1300 to 1500, but disagree as to whether kingship was introduced by migrants (the 'Luo hypothesis'), or evolved out of the clan institutions themselves for security (Kiwanuka 1972) or other reasons.

Whatever the cause, kingship emerged, and from the 16th to the 19th century, the "single most important theme of Ganda political history" was the extension of the authority of the *kabaka* (king) over the *bataka* (clan heads) (Reid 2002, p. 3). Initially the *kabaka* (king) was a *primus inter pares*, a first among equals with respect to the *bataka* (clan heads). Yet a period of constant warfare with the neighboring kingdom of Bunyoro reinforced the *kabaka*'s position as military leader, and innovative kings began to extend their authority. Kateregga (reigned before Mutebi in the late 16th, early 17th) pursued a policy of direct rule by appointing those successful in military campaigns to chiefships, while "Mutebi [17th] was the first king to interfere effectively with the hereditary principle [of clan and lineage head succession] in the administration" (Kiwanuka 1972, p. 100). Centralization rapidly advanced in the 18th century, beginning with the reign of Mawanda (late 17th/18th), who established the administrative unit of the *ssaza* (county) to extend direct control beyond the royal court. "Any assessment of Mawanda's policies must, therefore, recognize that they boldly led to the creation of a new type of chiefs known as the king's men" (Kiwanuka 1972, p. 115). These chiefs were appointed and dismissed at the pleasure of the king.

By the mid-19th century, on the eve of European contact and conquest, the kingdom was organized into ten *ssaza*s (counties) (Reid 2002). The *kabaka* appointed all except three which remained hereditary (Fallers, Kamoga and Musoke 1964). While royal authority varied from *ssaza* to *ssaza*, the trend was indisputably one of "progressive strengthening of central control by the Kabaka and a concomitant decline in the political importance of descent groups" (Fallers, Kamoga and Musoke 1964, p. 97). Mobility throughout the kingdom reduced the geographic concentration of lineages and clans, and

'national' religious rituals, centered on kingship, advanced against rituals centered on the totemic clans and lineages (Fallers, Kamoga and Musoke 1964).

Circa 1900, the Buganda kingdom governed 28,700 square kilometers and roughly one million people (Chrétien 2003, p. 473). A complex system of taxation maintained the administration, and an elaborate system of well-maintained roads extended throughout the kingdom (Reid 2002, chapter 5). While probably exaggerated, Stanley estimated a military of 125,000 strong in an attack he witnessed, including a navy of 16,000 to 20,000 men and 230 war canoes, the largest being 72 feet in length (1878 Vol. I, pp. 305-06, 314). In fact, there is evidence that the kingdom was close to obtaining the monopolies we associate with statehood. In an indirectly-ruled province where it was "impossible to get much further from the metropolitan centre," inhabitants still responded to calls for public work at the capital (Reid 2002, p. 104).

Administration of the kingdom, however, was not thoroughly bureaucratized. According to Fallers et al., "there apparently was traditionally no conception of levels of organization" beyond the *ssaza* (county):

> ... there were simply superiors and subordinates with ranks
> and titles... The *ssaza* chiefs were ranked according to this
> scheme, as were their subordinates and, in turn, their
> subordinates' subordinates... The traditional view saw men
> as being arranged, not in levels or ranks, but simply in
> dyadic relations of subordination and superordination.
> (Fallers, Kamoga and Musoke 1964, p. 73)

Legal adjudication was also conducted according to these dyadic ties. Disputes were taken to one's superior, and if the litigants were unhappy with the judgment, they could appeal to their superior's superior. Appeal proceeded according to this method until reaching the court of the *katikkiro* (an office analogized as Prime Minister). Then one

could appeal to the *kabaka*, and finally to "the ordeal of drinking an infusion of an intoxicating herb (*madudu*), the successful litigant being the one who could withstand the effects" (Fallers, Kamoga and Musoke 1964, p. 109).

Amidst this profusion of subordinate relationships, there was at least one level of jural organization between the *ssaza* (county) and the smallest political unit, the *kyalo*. *Kyalo* is often translated as "village," or "estate," and is "a stretch of land, often a hill but sometimes a part of a hill, divided into holdings, on each of which the dwelling of the holder is located" (Fallers, Kamoga and Musoke 1964, p. 88). On each holding would inhabit a monogamous or polygynous family. Each *kyalo* would have a chief, be he a clan or lineage head (*muluka*) or a chief appointed by a superior. While *ssaza* chiefs and other officials would control their own *kyalos*, they would often appoint chiefs to manage them.

Measuring the jural community of the Buganda kingdom is thus difficult because of the emphasis on dyadic ties rather than levels of administrative organization. Yet it clearly resides at the kingdom-level, with an ICJH of at least 3 (*kabaka* → *ssaza* chief → *kyalo* chief). After 1900, when Buganda came under British control, the administration was rationalized into four levels – the capital, *ssaza*s (counties), *magombolola* (sub-counties), and *miruka* (parishes). In 1956, the Buganda Government employed 2,598 people in territorial administration, covering 20 counties, 133 sub-counties and 923 parishes (Fallers, Elkan, Kamoga and Musoke 1964). Each parish would incorporate as many as a dozen *kyalo*s (Southwold 1964).

These three examples illustrate the measure of ICJH, and several conclusions can be drawn from them. First, the measure of ICJH is an adequate proxy for the

jurisdictional boundary of an autonomous polity. Though the measure is one of legal hierarchy, other aspects of sovereignty tend to coincide with this measure, such as a monopoly on the legitimate use of force. We are therefore measuring a bundle of institutions that collectively make up an autonomous polity.

Second, because ICJH measures the jurisdictional boundary of an autonomous polity, it is therefore a measure of the scale on which the polity operates. From the village to the region to the chiefdom/kingdom level, ICJH is an adequate proxy for the increasing geographic reach and population size of an autonomous polity. While the Meta village encompassed a very limited geographic reach and maintained a maximum population of a little over a thousand, the Afikpo village-group encompassed approximately sixty-four square miles and 26,000 inhabitants, and the kingdom of Buganda maintained a jurisdiction over 28,700 square kilometers and roughly one million people.

The Igbo demonstrate that this measure is not perfect with respect to scale, as the population and geographic extent of each village-group varies considerably. Yet the minimum bound (a village-group of several thousand) is on a scale greater that the largest Meta village (over a thousand). In Table I, Chrétien (2003, p. 473) has compiled data on the interlacustrine kingdoms circa 1900. Though the *Ethnographic Atlas* has ICJH measures for only four of these polities (Rwanda, Burundi, Bunyoro and Buganda, all ICJH = 3), they should all have measures of at least 3. While six out of fifteen of these kingdoms have populations smaller than the largest Igbo village-group (75,000), none of them have a jurisdiction over an area smaller than the Afikpo village-group (103 km^2).

Additionally, there is considerable variation in the institutional structure of these polities, which has given rise to a number of classifications and typologies in the

literature (Fortes and Evans-Pritchard 1940, Middleton and Tait 1958, Vansina, Horton 1971). Despite such institutional diversity, ICJH is an adequate proxy of the scale on which these various institutions operate, be it on a village, regional or chiefdom/kingdom level.

Table 1: Interlacustrine Kingdoms, c. 1900

Kingdom	Population	Area (km^2)	Population Density (per km^2)
Buganda	1,000,000	28,700	35
Bunyoro	110,000	13,800	8
Nkore	400,000	9,200	45
Rwanda	1,500,000	26,000	58
Burundi	1,500,000	27,000	55
Buha	200,000	25,000	8
Bushi	250,000	20,000	12
Bushubi	10,000	2,000	5
Kiziba	35,000	1,100	32
Kyamutwara	23,000	350	66
Kyanja	80,000	2,200	36
Bugabo	16,000	250	64
Karagwe	26,000	8,700	3
Ihangiro	60,000	3,000	20
Rusubi	300,000	7,800	38

Source: Chrétien 2003, p. 473

These are the polities the colonial powers encountered and incorporated into their administrative systems. Certainly, colonial and post-colonial states have attempted to remove or exert control over these polities, and therefore Murdock's measure and Grey's revision are not reliable as contemporary measures of the jural hierarchy of an ethnolinguistic group. In fact, the date from which the codings were made (publication date of the ethnographic work used to obtain the measure) have an average date of 1919

and a standard deviation of 20 years. Therefore, I utilize the numerous ethnographic and anthropological literatures to re-measure this variable as close to the present (2004) as is possible for all ethnic groups that are at least 10 percent of the total population in a given state. The sources used for measurement are listed in Appendix One.

We can now modify our first hypothesis:

H1 (modified):   State weakness increases as the number of hierarchically organized ethnolinguistic groups within a state increases.

From section I above, I argued that a measure of the ethnolinguistic group is an adequate proxy for geographic and ideological preferences over public goods provision. Yet if the median preference of the ethnolinguistic group diverges significantly from the state median, individuals may choose not to comply with the traditional institution if it operates on an insufficient scale. The costs of supplying the public good would be too great, especially with respect to regional and national public goods. Figure Three graphically presents this argument. On average, as the scale of the traditional institution increases, compliance with it should increase as well.

Finally, I develop a fourth hypothesis:

H4:   Urban Africans are less likely to solicit traditional institutions than rural Africans for public goods.

The logic of this hypothesis rests on the difference between urban and rural preferences over the scale of the public goods provided. Urban Africans are more likely to be involved in commercialized activity, which often utilizes a greater scale of public goods provision.
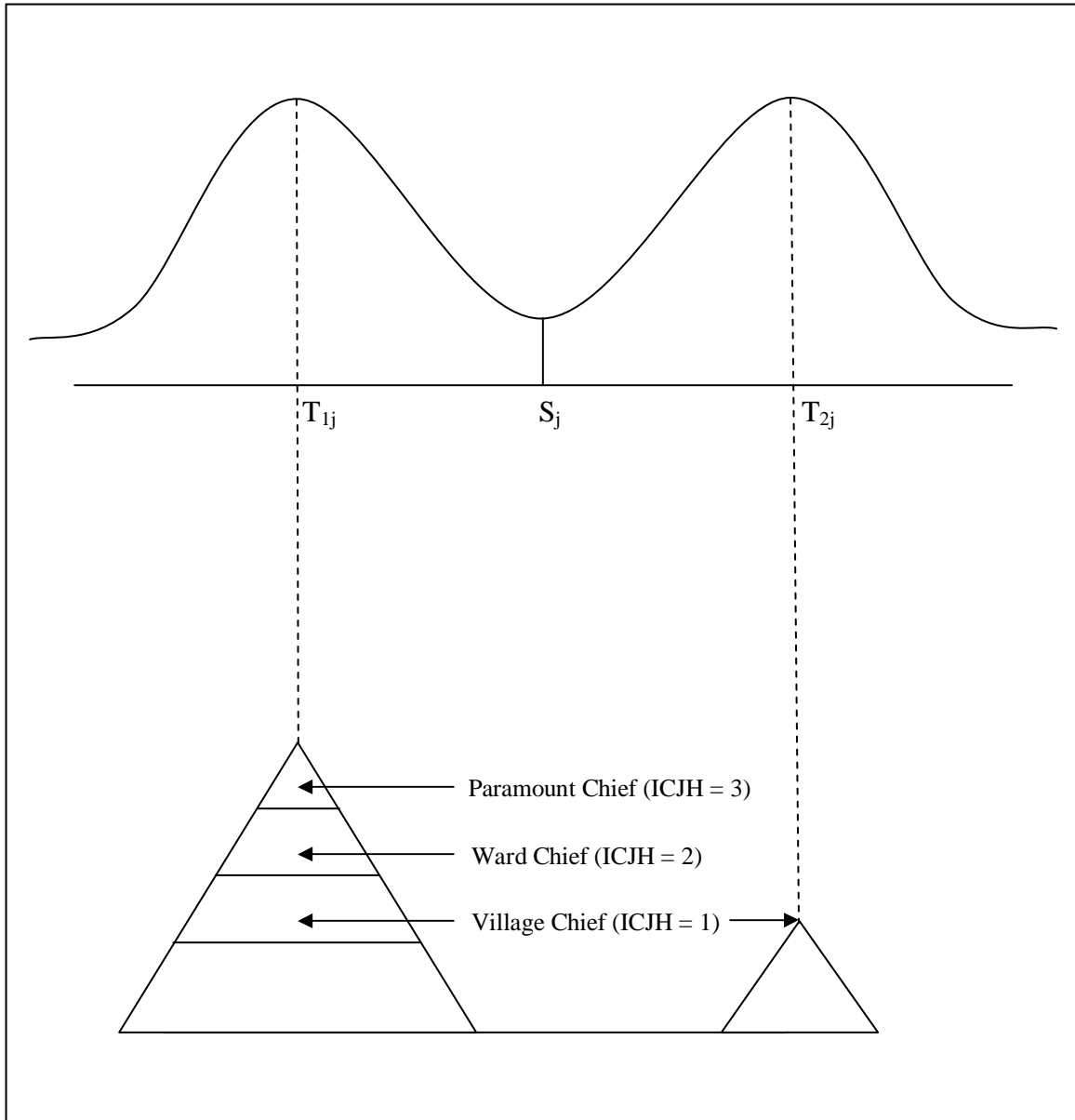
Figure Three: Bimodal Preference Distribution and Scale of the Traditional Institution

III.   Dual Agency and the Ability to Act Autonomously

This final section addresses attempts made by the colonial and post-colonial state to control traditional institutions. First I review the literature on delegation, especially that literature pertaining to multiple principals and a single agent. Then I utilize a dual-principal, single-agent model of delegation to examine the relationship between traditional institutions and the state. This model recognizes that traditional leaders are subject to two principals, the state and the local community they have jurisdiction over. I argue that though the state is often hegemonic, dual-principalship generates incentives for traditional leaders to act contrary to the state's preferences. Thus, states cannot fully control traditional leaders. I illustrate this claim with the least-likely case of Eyadéma's single-party regime in Togo. Finally, I develop a fifth hypothesis concerning democracy and state weakness. Paradoxically, the hypothesis predicts that state weakness should increase as democracy is initially adopted in Sub-Saharan Africa.

The pre-colonial polities mentioned above in Section II were incorporated into the colonial state to minimize governance costs. In other words, the colonial powers choose to nest traditional institutions into the colonial state rather than replace them. Nesting most certainly meant modification of the institutions themselves, perhaps most especially with respect to acephalous societies, where the colonial powers attempted to create chiefs where they did not exist[4]. Yet because they were explicitly nested into the colonial state,

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[4] This is another reason why the historical measure of jurisdictional hierarchy beyond the local community, in both Murdock (1967) and Grey (1991) is inadequate. Again, I utilize the numerous ethnographic and anthropological literature to re-measure this variable as close to the present (2004) as is possible for all ethnic groups that are at least 10 percent of the total population in a given state. The sources used for measurement are listed in Appendix One.

traditional institutions survived through the colonial period and in most cases into the present (see Appendix One).

From the state's perspective, the presence of these institutions is advantageous, provided they are controllable. The central government can minimize governance costs – most especially the fixed costs of building lower-lever administrative units and institutions – by delegating authority to traditional institutions. I therefore utilize principal-agent theory to construct a model of state – traditional institutions relations.

There exists a large and diverse literature concerning principal-agent theory and its application to economics and political science (see especially Fama 1980, Moe 1984, Kiewiet and McCubbins 1991, Miller 1992, Firmin-Sellers 1996, Lupia and McCubbins 1998, and Strøm 2000). Moreover, principal-agent theory is closely related to the theory of collective action (see especially Olson 1965 and Hardin 1984) and theories of firm organization and hierarchy (see especially Williamson 1985, Miller 1992, and Putterman and Kroszner 1996). The core conceptual framework of principal-agency involves the *delegation of authority from a principal to an agent who then acts on the principal's behalf*. Delegation is a near-universal phenomenon. Almost every individual engages in some form of labor division. Principal-agent theory is concerned with examining the consequences of that division.

With the delegation of authority comes the possibility that an agent may not act on behalf of the principal's interests. The agent and principal are assumed to be rational individuals, seeking to maximize their preferences. In a principal-agent relationship, therefore, "the agent seeks to maximize his or her return subject to the constraints and incentives offered by the principal. The principal, conversely, seeks to structure the

relationship with the agent so that the outcomes produced through the agent's efforts are the best the principal can achieve, given the choice to delegate in the first place. There is, then, a natural conflict of interest between the two" (Kiewiet and McCubbins 1991, p. 24). Examination of a principal-agent relationship is thus concerned with the incentives and constraints principals employ to induce agents to act on their behalf. Conversely, delegation relationships examine the ability of agents to take actions that deviate from the principal's interests, otherwise known as *agency loss*.

Both principal and agent possess resources that they may employ to further their interests. The agent is advantaged with *hidden information* and *hidden action*. Because the agent is performing the task(s) delegated by the principal, (s)he acquires specialized information that the principal may find too costly to obtain. Moreover, the agent possesses information about himself/herself which the principal may again find too costly, if not impossible, to acquire. This presents the principal with the problem of *adverse selection*, or the choice of an agent whose interests are adverse to those of the principal (laziness, incompetence, etc.) Finally, the agent is in an advantaged position with respect to action. (S)he is performing certain tasks that the principal may find too costly, if not impossible, to uncover. A particular type of hidden action the principal must contend with is *moral hazard*, where due to the inefficient nature of contracts, an individual has incentives to undertake riskier action. Automobile insurance is a good example of moral hazard: one whose automobile is insured has incentives to drive more recklessly.

Often, an agent will be subject to more than one principal[5]. The literature distinguishes between a *collective principal*, where multiple principals design a single delegation contract over the agent, and *multiple principals*, where no single contract is collectively negotiated (Kiewiet and McCubbins 1991, p. 26-27; Lyne, Nielson and Tierney ???). The two produce differences with respect to types of agency loss that may occur. For example, when a collective principal can agree over the agent's actions, agency loss is minimized through collective enforcement. Collective principals, however, often have conflicting interests and agency loss can arise from within the bargaining institution. Bargaining failures can lead to incomplete contracts, social choice instability, and collective enforcement failures which allow the agent to act autonomously.

If bargaining completely fails and no negotiated contract emerges, or if bargaining is absent in the first place, then the agent is subject to multiple principals, each seeking to exercise control over the agent. Compared to a single contract generated by a collective principal, the potential for agency loss with respect to at least one principal is greater because collective enforcement is lacking.

Lyne, Nielson and Tierney (???) provide an excellent discussion and illustration of this which I slightly modify for brevity. Assume an agent is subject to three principals and is deciding to take an action with a range of one to five. If principal X prefers the agent take action 1, principal Y action 1, and principal Z action 3, then the principals have conflicting interests. A bargaining institution based on majority rule will generate a collective contract[6] in which X, Y and Z enforce the agent taking action 1. In the absence of a bargaining institution, however, principals X and Y will compete with principal Z

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[5] A principal also may delegate to multiple agents.
[6] Assuming no strategic manipulation by principal Z

over the agent's action. From the agent's perspective, "any action he or she might take to benefit one principal injures another" (Kiewiet and McCubbins 1991, p. 27). Taking action 1, for example, injures principal Z; taking action 3 injures principals X and Y; and taking action 2 injures all three principals.

In such a situation, it is not entirely clear what action the agent will implement. The analysis of multiple principals by Bernheim and Winston (1986a and 1986b) and Dixit, Grossman and Helpman (1997) posit multiple equilibria even under the conditions of perfect information, and their analysis thus focuses on sets of conditions yielding Pareto-optimal equilibria. The theoretical method by which the agent chooses which action to undertake was initially formulated by Bernheim and Whinston (1986a), developed further by Dixit, Grossman and Helpman (1994 and 1997), and applied by Grossman and Helpman (1994), and Lyne, Nielson and Tierney (???). The game consists of two stages. In the first stage, principals participate in a "menu auction," where "bidders name a 'menu' of offers for the various possible actions available to the auctioneer" (Bernheim and Whinston 1986a, p. 2). Bids are simultaneously and non-cooperatively offered.

In the second stage, the agent (the auctioneer) maximizes his payoff by weighing the compensation offered by each principal. This is a vector-sum result: the principals who offer greater compensation have more influence over the agent's action. If principal Z, for example, offers more compensation than principals X and Y, then the agent will take action closer to 3 than 1 in order to maximize his payoff. In short, "principals with more power and resources have a greater impact on agent behavior" (Lyne, Nielson and Tierney ???, p. ???).

This method of determining an agent's action is adopted here with modification. I agree that the more powerful the principal, the greater the influence over the agent's actions, yet we should define and model principal power in a more nuanced way when analyzing the political phenomena studied here. Compensation offered to traditional leaders by states and individuals under their jurisdiction are often non-monetary in nature, involving coercion, social sanctions and use of kinship relations to influence agent behavior. I therefore take the approach of examining each principal's power through its ability to structure the delegation relationship. This means analyzing the institutional structure generated by competing principles in order to control their agent. That structure with its associated rules largely defines the authority of one principal over another, as well as the ability of the agent to act autonomously.

Principals maintain the ability to structure the delegation relationship. It is the principal who *selects* an agent and *defines* the action an agent is to perform. Kiewiet and McCubbins (1991) identify four measures that principals may undertake to prevent agency loss:

1. *Contract Design*. The principal defines an incentive scheme for the agent, which at a minimum must cover the opportunity costs of the agent.
2. *Screening and Selection Mechanisms*. The principal incurs costs to screen and select the best agent suited for a delegation relationship.
3. *Monitoring and Reporting Requirements*. Once engaged in a delegation relationship, the principal may incur the costs of monitoring the agent, or subject the agent to reporting requirements that identify if agency loss is occurring. Moreover, the principal may specify reporting requirements that allow third parties to convey information about the agent to the principal. (McCubbins and Schwartz, 1984)
4. *Institutional Checks*. Following the logic of Madison in *Federalist 51*, a principal may utilize multiple agents to counteract ambition with ambition. By defining the actions of these agents, the principal can empower one agent with the ability to check unwanted actions by another agent.

The power of a given principal over an agent, therefore, is observed by the degree of control it has over the selection of the agent, the definition of its actions and the monitoring of its activity. I am thus assuming that *the institutional structure of the delegation relationship reflects the relative power and resources of each principal.*[7] A powerful principal will be able to select and unilaterally fire an agent, fully define its actions, and regularly monitor its activities. Likewise, competition between principals is manifested as competition over the selection, definition and monitoring of the agent.

We can now apply this approach to the relationship between the state and traditional institutions in Sub-Saharan Africa. I model the relationship of the state to traditional institutions as a dual-principal, single-agent delegation relationship. The basic framework of such a model is not novel as the literature on traditional leaders recognizes their position as an intermediary between the state and the local community (Crowder and Ikimẹ 1970, van Rouverory van Nieuwaal 2000, Keuldar 1998). However, beyond Firmin-Seller's (1996) single principal- single agent model of colonialism in the Gold Coast, no one to my knowledge has developed such a delegation model to examine state-traditional leader interactions.

Both the state and the local community exercise the four measures identified by Kiewiet and McCubbins (1991) in an attempt to control traditional leaders. I will examine some general aspects of the institutional structure of the delegation relationship across Sub-Saharan Africa, accounting for general colonial and post-colonial developments. Though there is tremendous variation of this delegation structure across and within

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[7] Such an assumption is similar to the analysis of Knight (1992), who explains institutional arrangements as the outcome of a bargaining situation involving strategic conflict between players.

states[8], I argue that two common features of the delegation relationship exist. First, even though the local community is a weak principal vis-a-vis the state, it can nevertheless generate powerful incentives inducing the agent to act contrary to the state's preferences. Second, the greater the hierarchy of the local community, the greater the control over the agent.

The state is hegemonic, with the ability to levy targeted coercion against non-complying agents. However, the use of coercion is costly, and thus the use of it is often a last resort, when other incentives are inadequate. I thus assume that violence is not control, and that its use may even serve as a marker of state weakness (Forrest 2003, Herbst 2000, Schatzberg 1988).

Moreover, a state's ability to exercise coercion is reduced if noncompliance is endemic across all local traditional leaders. African militaries are too small to consistently levy coercion across the entire geographic area of the state. Table 2 presents some statistics on the military capability of African states. Comparing the average of Sub-Saharan Africa over the period 1985 to 1997 with world averages from 1997, we see that African militaries are significantly understaffed. The average number of personnel is 27,690, versus a world average of 172,908 and an upper middle income to low income average of 184,886. As a percentage of the labor force, African militaries are again significantly understaffed, with an average of 0.79 percent, compared to the world average of 1.69 percent, and a upper-middle-income to low income average of 1.65 percent. Using all upper middle, lower middle and low income countries in 1997, I regressed the area of the country (km^2) on the total number of military personnel. The

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[8] My case studies will examine specific aspects of the institutional structure of delegation pertinent to each country.

resulting equation is: 56195 + .1043682*Area = Total Military Personnel. Note in Table 2 that only four Sub-Saharan countries – Angola, Ethiopia, Nigeria and South Africa – have a total military personnel that exceeds the constant of 56,195. In other words, the regression equation predicts that a country with zero area will have a military personnel of 56,195, and all but four African countries have militaries smaller than this prediction. In short, African states cannot simply coerce agent compliance.

Table 2: Military Capability of African States, 1985 – 1997

Country	Military Expenditure (% of Central Government Expenditure)	Military Personnel (% of Total Labor Force)	Military Personnel (Total)
Angola	35.97	2.31	104,231
Benin	10.28	0.29	6,462
Botswana	10.90	1.01	5,923
Burkina Faso	15.31	0.19	9,000
Burundi	14.35	0.50	15,385
Cameroon	10.71	0.36	16,923
Cape Verde	1.83	1.79	2,154
Central African Republic	12.52	NA	4,538
Chad	13.39	1.21	35,154
Côte D'Ivoire	4.09	0.27	13,091
Democratic Republic of Congo	20.72	0.32	50,000
Djibouti	16.88	NA	5,846
Equitorial Guinea	6.17	0.87	1,308
Eritrea	16.40	2.86	51,000
Ethiopia	22.59	0.83	183,846
Gabon	10.02	1.73	8,154
Ghana	4.31	0.14	9,769
Guinea	6.97	0.59	16,462
Guinea-Bissau	8.08	2.07	9,769
Kenya	8.12	0.18	21,538
Lesotho	8.88	0.28	2,000
Liberia	11.10	0.61	5,875
Malawi	4.42	0.19	8,077
Mali	8.15	0.24	10,308
Mauritania	12.84	1.54	14,462
Mozambique	24.06	0.58	44,077
Namibia	5.84	1.29	8,000
Niger	7.06	0.12	4,769
Nigeria	11.41	0.25	98,462
Republic of Congo	10.18	1.24	11,538
Rwanda	19.59	0.58	21,308
Senegal	8.67	0.49	16,231
Sierra Leone	17.15	0.33	5,000
Somalia	30.00	1.52	47,333
South Africa	10.68	0.62	84,769
Sudan	54.89	0.80	74,769
Swaziland	6.05	1.12	3,077
Tanzania	10.68	0.32	43,077
The Gambia	14.62	0.26	1,231
Togo	11.41	0.53	8,154
Uganda	25.78	0.53	46,231
Zambia	7.87	0.51	16,692
Zimbabwe	12.78	0.99	44,692
Average	**13.57**	**0.79**	**27,690**
World Average, 1997, Minus Sub-Saharan Africa	**10.99**	**1.69**	**172,908**
Average of Upper Middle, Lower Middle, and Low Income Countries, Minus Sub-Saharan Africa, 1997	**11.36**	**1.65**	**184,886**

Note: Values for African Countries are Averages of the Period 1985 to 1997
Source: World Bank, *World Development Indicators*, 2000

Even if it could coerce agent compliance, African states would still face the high costs of monitoring agent actions. During the colonial period, effective monitoring was quite difficult. Table 3 presents the ratios of administrative, military and judicial personnel for a set of British colonies. The Civil Service compensated for such low ratios by decentralizing its administration: roughly ninety percent of all civil service positions were "in the bush," at the District Officer level or the Assistant District Officer level (York 2000, data from Kirk-Greene 1980). However, District Officers were almost entirely dependent on chiefs for local information. While the Colonial state conducted anthropological studies by commissioning scholars such as R.S. Rattray, M.J. Field and Margery Perham, these were of a limited number and hence were inadequate in supplying the colonial state with information concerning the diverse and heterogeneous character of indigenous African society. Colonial officers therefore relied upon traditional rulers to define what was customary about indigenous society. Salamone's analysis the *Yauri Day Book*, a diary which logs the day-to-day interaction between the *Sarkin Yauri*, Emir of the Yauri Emirate in Northern Nigeria, and the British District Officer, from 1928 to 1931, emphasizes the Emir's manipulation of the District Officer because of information asymmetries (1987). Chiefs, therefore, were privileged information providers, thus able to strategically manipulate colonial authority (Firmin-Sellers, 1996, p. 22). John Smith, a former British Political Officer, nicely sums up the situation:

> Indirect Rule was a matter of practical decentralisation. Not even the most rigid of bureaucracies could have applied rules of conduct in this kind of situation – and the British officer in the bush was seldom by nature a bureaucrat. His colleague in the Secretariat – the Freddy Beggs of the

twenties and thirties, however, was divorced from day to
day contact with any human beings let alone chiefs. In the
Welwyn Garden Cities of Ikoyi and Kaduna he saw certain
patterns emerging from policies which were forced from
below far more often than imposed from above. (1970, p.
20)

Table 3: Ratios of Administrative, Military and Judicial Personnel by Size and Population, Circa 1939

	Administration to Territorial Size Ratio (sq. miles)	Administration to Population Ratio	Police and Military to Territorial Size Ratio	Police and Military to Population Ratio	Population to Judiciary Ratio
Nigeria	1 : 966	1 : 53,049	1 : 1,984	1 : 108,920	1 : 553,432
Gold Coast	1 : 1,010	1 : 40,703	1 : 920	1 : 37,040	1 : 161,044
Sierra Leone	1 : 700	1 : 48,000	1 : 824	1 : 56,471	1 : 320,000
The Gambia	1 : 364	1 : 18,182	1 : 400	1 : 20,000	1 : 66,667
Kenya	1 : 1,372	1 : 20,329	1 : 1,372	1 : 20,329	1 : 144,957
Tanganyika	1 : 1,962	1 : 28,011	1 : 3,025	1 : 43,183	1 : 215,917
Uganda	1 : 1,133	1 : 447,114	1 : 1,306	1 : 51,542	1 : 195,316
Zanzibar	1 : 50	1 : 11,800	1 : 125	1 : 29,500	1 : 29,500
Somaliland	1 : 4,250	1 : 21,688	1 : 3,238	1 : 16,524	1 : 347,000
N. Rhodesia	1 : 2,661	1 : 12,642	1 : 3,187	1 : 15,143	1 : 81,059
Nyasaland	1 : 941	1 : 32,137	1 : 1,297	1 : 44,297	1 : 273,167
Basutoland	1 : 375	1 : 17,563	1 : 750	1 : 35,125	1 : 187,333
Bechuanaland	1 : 13,750	1 : 13,300	1 : 5,392	1 : 5,216	1 : 33,250
Swaziland	1 : 467	1 : 10,533	1 : 269	1 : 6,077	No judicial personnel

Source: A. H. M. Kirk-Greene. 1980. "The Thin White Line: The Size of the British Colonial Service
in Africa." *African Affairs*, vol. 79, pp. 25-44.

Such information disparities have been greatly reduced by independent states.

Indigenous civil servants have a supple knowledge of society. Nevertheless, obtaining

information can be quite costly. Due to poor roads (Herbst 2000) and poor

communications, travel to rural areas is intermittent at best. Thus even if the state

pursues a strategy of indirect (fire alarms) rather than direct monitoring (police

patrols), acquiring information about agent behavior can be difficult for the state

(McCubbins and Schwartz 1984). Especially since a fire alarm in this context can be

the outbreak of rebellion. Moreover, traditional leaders often use the difficulty of

communication to their advantage with respect to the local community. Van

Rouverouy van Nieuwaal illustrates this with the case of Zambia:

> The chiefs do their best to conceal the meager political role
> of the House of Chiefs. When returning to their home areas,
> they blow up its role and tell their people – and I quote here
> literally from an interview with Van Binsbergen [member
> of the staff of the Africa Studies Centre, Leiden, who
> conducted research in Zambia] on the theme – that 'they
> have just been to Lusaka, the capital of Zambia, to govern
> the country, and that it is now going a deal better again.'
> (Van Rouveroy van Nieuwaal 1987, p. 22)

In extreme cases, the civil service is incapable of obtaining information about local

conditions. Schatzberg, for example, graphically analyzes the inability of Zaire's civil

service to regularly report to the capital (1988, chapter three). Information on local

activities was thus obtained from the Centre National de Documentation (CND),

Mobutu's secret police force. Though it "[stood] out as a beacon of efficiency in a sea of

disorganization and mismanagement," Schatzberg emphasizes its relative efficiency

(1998, p. 49). Callaghy observed unreliable reports by the CND, further supporting this

claim (1984, p. 266).

Faced with high costs of monitoring and coercing, African states' best strategy is

to carefully select an agent, and use its superior wealth to offer positive incentives for

compliance. During the colonial period, both the French and the British quickly moved to

exercise control over the selection of chiefs[9]. The French Marines (Troupes de Marine)

who largely conquered and "pacified" French speaking Africa, were anti-clerical and

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[9] Here I only address British and French administrative systems. These two systems cover the bulk of Sub-Saharan Africa, and as I explain below, the greatest variation in selection mechanisms is not by colonial power, but by ethnolinguistic hierarchy. Variation in colonial administrative systems is thus accounted for in Appendix One, where I measure the contemporary hierarchy of the ethnolinguistic group. Compared to the colonial hierarchy, we can look for colonial as well as post colonial, patterns with respect to appointing chiefs.

generally Republican, meaning that they were anti-royal and egalitarian in the sense of preferring uniformity. They sought to impose an administrative structure that reflected the pyramidal hierarchy of the military, to an extent even greater than Napoleon in France (Alexandre 1970a and 1970b). The Navy had concluded individual treaties with traditional leaders, setting up "internal protectorates," that at least in theory would be administered indirectly. Yet as the authority of traditional leaders was increasingly impinged upon, resistance forced France to uniformly impose direct administration, in which traditional leaders were to be selected by French administrators and were to serve as administrative functionaries. Vollenhoven's circular of 1917[10] wrote that 'the indigenous chief is only an instrument, an auxiliary" (Alexandre 1970a, p. 4).

Three levels of indigenous authority were envisioned: *chefs supérieur* (Paramount chiefs) at the level of the *province*; *chefs de canton* at the level of the *canton* or *groupement*; and *chefs de village* at the level of the village or *fraction*. These indigenous positions were conceived of as corporals (*chefs de village*), sergeants (*chefs de canton*), and adjutants (*chefs supérieur*) in the military hierarchy, attached to *subdivision* or *district* companies, and *region* or *cercle* battalions (Alexandre 1970b). Instructions from the *commandant de cercle* were to be directly obeyed. The Marines' preference of egalitarian uniformity meant "rapid normalization or standardization" of the institutional diversity across ethnolinguistic groups "by the very simple method of retaining only the characteristics which were common to all of them. These, as far as traditional government was concerned, were the administrative aspects, which were in most cases, relatively or absolutely foreign to the spirit of the institution" (1970b p. 38). Anti-royalist

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[10] Circular of 15 August 1917, no. 2508, reproduced in Notes et Documentation: le problème des chefferies en Afrique d'Expression Française, 1959.

inclinations, for example, meant that the administration ignored traditional leader's religious functions.

Selection of chiefs ignored customary institutions, such as noble or notable councils, royal clans, etc. "This was the period when a retired sergeant of the *Tirailleurs* [Africans serving in the French army] could easily be nominated chief of a canton in a strange or even hostile tribe" (Alexandre 1970a, p. 4). With no customary selection mechanisms, and an agent with little interests rooted in the local community, local control over agents was weak.

In the years following conquest, however, direct administration increasingly became indirect, partly due to bargains struck with traditional leaders and local communities (Robinson 2000), and partly due to a shift in French policy. The era of "ethnologist administrators," is marked, according to Alexandre (1970a) by three famous circulars. The first, issued by Vollenhoven in 1917, acknowledged that even though France conceived of a chief as an administrative instrument, his authority is recognized even if formal delegation and investiture have not occurred. As resistance to colonialism heightened in the 1930s, French policy shifted to accommodate selection of traditional leaders in accordance with local customs and constitutions. Brévié in 1932 concluded that the chief "will no longer be only an instrument but also the accredited representative of the indigenous collectivity" (cited in Alexandre 1970a, p. 4). Finally, Eboué remarked in 1941 that "there is but one chief, consecrated by custom: the thing is to recognize them" (cited in Alexandre 1970a, p. 4). Thus, local communities acquired greater influence over the selection of traditional authorities. The selection mechanisms were often distorted from what existed pre-conquest, the most common being an emphasis on patriarchical

selection, and selection based on primogeniture. Yet local influence over agent selection continued, even into the present, as we shall shortly see.

The British also retained customary selection mechanisms in modified form. The policy of indirect rule, developed initially by Lord Lugard, and first implemented in the Emirates of Northern Nigeria, sought to retain local customs and constitutions, provided they did not offend British morality, or threaten British hegemony and economic interests. By the 1930's, indirect rule was the dominant pattern of British administration, emphasizing "the use of an indigenous political agency for local government" (Crowder, 1968, p. 211). The British therefore tried to choose chiefs with legitimate indigenous authority:

> The archives... are full of "Assessment Reports," records of
> oral tradition, special enquiries into dynastic history, trying
> to establish the rules of succession to chieftancies… in
> most chieftancies several candidates presented themselves
> to the kingmakers, on whom the Resident or District
> Officer could put pressure in favour of the candidate in
> whom he most felt confidence as a potential executive
> agent of the government in local administration. (Crowder
> and Ikimẹ,1970, p. xii)

However, the British, like other colonial powers, utilized a single model of customary authority to construct the colonial apparatus. "That model was monarchical, patriarchical, and authoritarian. It presumed a king at the center of every polity, a chief on every piece of administrative ground, and a patriarch in every homestead or kraal" (Mamdani 1996, p. 39). The consequences of this singular model applied to the institutional heterogeneity of Africa again meant distortion of traditional selection mechanisms. Matriarchal power and the diversity of traditional leaders were neglected through the emphasis on a single,

male leader, selected through primogeniture. Yet again, the local community retained some form of control over the selection of traditional leaders.

Communities most disadvantaged by these colonial policies were acephalous societies, or societies with a low jural hierarchy beyond the local community (ICJH). Their institutions did not readily fit the colonial model of a single, male leader who holds office through descent. Consequently, the colonial powers created offices, known as the Warrant Chiefs in British colonies, to link the local community with the administration. Such offices neglected traditional selection mechanisms, and disadvantaged the local community with respect to the traditional leader, whose position and authority was solely dependant upon the colonial administration.

The Maka, for example, is an ethnic group in southeast Cameroon that was institutionally organized as "autonomous family villages under the authority of family elders" (Geschiere 1993, p. 153). Conquered by the Germans and later administrated by the French, the colonial administration was faced with the task of building a hierarchy of chiefs on a regional scale. Colonial policy thus forced small groups to live in villages along the roads, headed by a *chef de village*. Groups of villages were then administered by a *chef superieur*. This artificial hierarchy violated the institutional rules of Maka society. Younger appointees were preferred over elders, and France preferred to select French speaking, non-indigenous *chefs* who were considered slaves by the Maka. Without any form of institutional recourse, and because the *chefs* were often of a different ethnic group, execution of French policy among the Maka was particularly brutal. The *chefs* utilized their position as an agent of France to materially enhance themselves, especially by appropriating wives without paying bridewealth. Geschiere

notes how under the polygamous system of the Maka, "prestigious family heads… had, in rare cases, up to ten wives… *chefs superieurs* were reputed to have had more than a hundred wives" (1993, p. 155).

Firmin-Sellers' (1996) study, and Kwame Ninsin's critique (1998), of the Ga and Akyem Abuakwa ethnic groups under British rule in the Gold Coast, again illustrates the advantages citizens of hierarchically organized ethnolinguistic groups had with respect to exerting control over traditional leaders. Whereas the Akyem Abuakwa had organized themselves into a hierarchically organized chiefdom in pre-colonial times, the Ga had not (Ninsin 1998). Consequently, the British retained much of the traditional institutions in Akyem Abuakwa while imposing an administrative hierarchy on the Ga. Leaders from both ethnic groups sought to advantage themselves by vesting property rights over land in their hands. Citizens of Akyem Abwakwa resorted to the institution of *asafo*, which mobilized all non-royal commoners into different companies, to destool chiefs who were selling land and pocketing the revenues. The imposed Ga hierarchy, on the other hand, did not have an *asafo* mechanism, thus disadvantaging Ga citizens with respect to their leaders. Moreover, elite and commoner Ga alike sought to appropriate Akan (Akyem Abuakwa is part of the Akan ethnolinguistic group; the Ga is not) institutions to their advantage. The elite families sought to implement the institution of *dsase*, which mandated that only paternal descendants of royal stool houses could initiate destoolment proceedings, while traders, market women and fishermen sought to implement the institution of *asafo*. Adoption of non-customary institutions, however, was inconclusive, resulting in continuous struggles amongst Ga factions. Firmin-Sellers' (1996) study, and Kwame Ninsin's critique (1998), illustrate two important facets of traditional leaders.

First, traditional leaders are quite capable of asserting their own interests, even when constrained by multiple principles. Second, non-hierarchically organized ethnolinguistic groups are disadvantaged with respect to controlling traditional leaders because the structure of delegation created by colonial administrators did not vest them with adequate selection mechanisms.

Even acephalous communities, however, are able to exert pressure on traditional leaders through non-formal means. Geschire mentions numerous instances in which the local community effectively reduced the authority of an unpopular chief, or a chief's unpopular command (1982). Since the chief resides at the local-level, social pressure is often an effective instrument of control. Southwold writes with respect to the Buganda:

> A really unpopular chief may be effectively prevented from
> visiting his neighbors. As he walks along the road doors are
> closed; when he sets off for a beer party, he may find that it
> has quietly been removed to another house; when he goes
> to a wedding feast or a funeral ceremony, he may find that
> no one talks to him and that the beer never seems to
> circulate in his direction." (1964, p. 237)

In extreme cases, the Buganda will burn down the house of an unpopular chief (Southwold 1964). Such weapons of the weak (Scott 1985) often convince chiefs to at least partially "go native" (need cite), thus representing the community's interests.

In the years preceding and following independence, colonial and African governments sought to control traditional leaders through coercion, legislation and administrative replacement. The 1953 debates in the French Assembly affirmed that chiefs were only administrators, subject to the center through the civil service (van Rouveroy van Nieuwaal 1987). However, their functions continued to extend into the

administration of justice, local-level policing, local-level executive leadership and distribution of property rights over land. The independence constitutions, however, made no mention of the position of the chief in the Francophone states (van Rouveroy van Nieuwaal 1987). Central legislation and formal non-recognition, though, often does not reflect the realities at the local level. Both Anglophone and Francophone African states rarely implement and enforce their laws, and to this day a general disjuncture exists between the authority of traditional leaders and the center's paper claims over them.

British constitutions tended to "make respectful mention of the institution of 'chieftaincy.'" (van Rouveroy van Nieuwaal 1987, p. 14). Yet a series of reforms were initiated to replace the Native Authority System with Local Government. Chiefs were, at least on paper, now members of local and district councils. Yet again, they retained authority over customary law, local-level policing, local-level executive leadership and distribution of property rights over land. Even today, local-level development initiatives by councils can be ground to a halt if the chief chooses not to comply (need cites).

During the post-colonial period, traditional leaders were not passive to this process of change. Many fought back against the state's attempts to reduce their authority. Agitation for federalism is common, and was most acute during the decade before and after independence. In extreme cases, such as the Mogho Naba (king of the Mossi) in Burkina Faso, coups were plotted to oust political opponents (Van Rouveroy van Nieuwaal 1987). Politicians suspicious of chiefs often compromised with traditional leaders by granting them some form of regional autonomy, and then sought to reduce their authority through coercion, as in the cases of Uganda and Ghana. Another common form of resistance was collusion. Traditional leaders organized themselves into unions

and national organizations to collectively pursue their interests. Such collusion, as Lyne, Nielson and Tierney explain, enhances the position of weak principals (???).

Ultimately, therefore, the independent states of Sub-Saharan Africa realized that traditional leaders could not be fully controlled through coercion, circumvention or even selection. Van Rouveroy van Nieuwaal's review of chieftaincy in Africa provides numerous examples (Chad, Côte d'Ivoire, Mauritania, Niger, Nigeria, Senegal, and Tanzania) where the state has not been able to eliminate traditional leaders as agents of administration (1987). Moreover, local communities continue to exert control over traditional leaders through selection mechanisms and social pressure. Furthermore, collusion by traditional leaders has enhanced their position vis-à-vis the state.

While the structure of the delegation relationship is by no means uniform across – and within – states, I argue that two features generally apply to Sub-Saharan Africa. First, states cannot fully control traditional leaders. Due to the residual control by local communities, incentives are generated that can induce traditional leaders to act contrary to the state's preferences. In short, a necessary condition for rival governance generally applies throughout Sub-Saharan Africa. Even weak principles, especially when they collude, can influence agent behavior (Lyne, Nielson and Tierney ???).

Second, hierarchically organized ethnolinguistic groups exert greater control over their traditional leaders than non-hierarchically organized ethnolinguistic groups. Because institutional mechanisms of selection were retained in modified form by the colonial and post-colonial administrations, local communities are advantaged by the delegation relationship. Moreover, as explained in section 2, hierarchically organized ethnolinguistic groups exercise jurisdiction over a greater range of territory and

population. They therefore possess more power vis-à-vis the state. In essence, this reinforces my modified first hypothesis:

> H1 (modified): State weakness increases as the number of hierarchically organized ethnolinguistic groups within a state increases.

As the level of hierarchy increases, traditional leaders face greater incentives, due to the structure of the delegation relationship, to act contrary to the states preferences. Moreover, the state is comparatively disadvantaged as increasing hierarchy translates into greater power on behalf of traditional leaders and the community they exercise jurisdiction over. A state facing a set of powerful agents, who have incentives to act on behalf of their community's interests, is most likely to be weak, especially when those agents collude.

Finally, we can add a fifth hypothesis:

> H5: Solicitation of traditional institutions increases as the level of democracy increases.

The logic of this hypothesis rests on the fact that democracies are less coercive than non-democracies. As the level of coercion exercised by the state decreases, local communities are advantaged with respect to the structure of the delegation relationship. In short, traditional leaders are less subject to control by the state and more responsive to the preferences of the local community.