

# African chiefs: comparative governance under colonial rule

Liya Palagashvili<sup>1,2</sup> 

Received: 23 November 2017 / Accepted: 4 January 2018 / Published online: 11 January 2018  
© Springer Science+Business Media, LLC, part of Springer Nature 2018

**Abstract** This paper analyzes how British colonial rule altered the club-like and competitive features of chiefdoms and weakened the incentives of political leaders to be accountable to citizens. Political institutions in late pre-colonial West Africa aligned the incentives of the chiefs such that they were responsive to their people. Alignment arose because of a high degree of competition between governance providers and because political leaders were effectively the residual claimants on revenues generated from providing governance services. I identify the mechanisms by which colonialism severed the link that aligned the incentives of government with those of its citizens. British indirect rule did that by reducing political competition and softening the budget constraints of the chiefs. Toward the end of colonial rule, chiefs became less accountable to their people as evidenced by the widespread corruption and extortion by the chiefs and by their unprecedented constitutional violations and abuses of power.

**Keywords** Governance · Clubs · Political competition · Pre-colonial Africa · Colonialism

**JEL Classification** P48 · N0

## 1 Introduction

In the late pre-colonial era, West African chiefs were known to be accountable to their citizens and were one of the most respected members of societies. By the end of the colonial period, those chiefs engaged in unprecedented constitutional violations, extortion and abuse. Why?

---

✉ Liya Palagashvili  
liya.palagashvili@purchase.edu

<sup>1</sup> Department of Economics, State University of New York-Purchase, 735 Anderson Hill Road, Purchase, NY 10577, USA

<sup>2</sup> NYU School of Law, 110 West 3rd Street, D'Agostino Hall, New York, NY 10012, USA

In this paper, I examine the political structures of chiefdoms and the incentives they created for chief accountability in the late pre-colonial era. I then analyze how British colonialism impacted the political structures in chiefdoms, which led to a demise of chief accountability, a rise of more predatory government, and a decline in the quality of governance services. Many scholars have studied predatory and unaccountable governments as a cause of underdevelopment, especially in sub-Saharan Africa (Bates 1981; Deaton 2013; Easterly 2001, 2013; Sandbrook 1985; Wunsch and Olowu 1990; Young 1994). While I do not address the link between predatory governments and meager economic development, I do provide an account of how it is that unrestrained chiefs emerged in parts of West Africa. Chiefs in African societies are political and religious leaders who govern over their respective tribes and provide judicial services, raise taxes, and allocate land. Late pre-colonial West Africa was characterized by multiple chiefdoms that had much in common with systems of clubs. Those institutional structures aligned the incentives of the chiefs in ways that made them accountable and responsive to their citizens. Alignment emerged because of a high degree of competition between chiefdoms and because political leaders effectively were the residual claimants on revenues generated by providing governance services to the citizens. In the mid-to-late nineteenth century, the British began to colonize parts of West Africa and in doing so, altered the club-like and competitive features of the chiefdoms. Specifically, I identify the mechanisms by which colonialism severed the link aligning the incentives of tribal governments with their citizens. British indirect rule broke those links by reducing political competition and softening the budget constraints of the chiefs. Toward the end of colonial rule, chiefs became less accountable to their people, as evidenced by the widespread corruption and extortion by the chiefs and by their unprecedented constitutional violations and abuses of their power.

The contributions of this paper are twofold: (1) It provides a specific case study of how the institutional structures were altered in West Africa by the British that led to unaccountable chiefs. (2) It provides a general understanding and framework for how the mechanisms in club-like systems can break down.

My analysis complements several studies outlining the widely held belief that colonialism created unaccountable chiefs, which has negatively impacted economic development in Africa. Acemoglu et al. (2014b) find that chiefs who were elected in areas with larger numbers of ruling families have significantly better development outcomes today than chiefs elected in areas with fewer elite families. They ascribe the mechanism to the presence of political competition and constraints faced by the chiefs: more ruling families means more effective political competition constraining the chiefs in their quests to rent-seek and extort wealth from the citizens. Their investigation begins in the early twentieth century when the British colonized Sierra Leone. Thus, they analyze the differences between already-colonized chiefdoms in Sierra Leone, whereas my analysis is an event study of the chiefdoms across West Africa under both pre- and post-British rule. Gennaioli and Rainer (2006, 2007) and Michalopoulos and Papaioannou (2015) also investigate political institutions and chief accountability in pre-colonial Africa and find that more centralized rather than more decentralized (federalist) political organizations had better development outcomes in the post-colonial era.<sup>1</sup> These scholars speculate that the club-like features of chiefdoms made chiefs less accountable rather than more accountable. This paper adds a caveat to their conclusions. One reason these studies may not be so straightforward is that their measure of centralization captures chiefdoms that had multiple jurisdictional levels, which is evidence of a federated system. For example, the Asante (or

---

<sup>1</sup> See also, Acemoglu et al. (2014a)

Ashanti) confederation located in modern day Ghana and the Yoruba city-states located in modern Nigeria are considered in these studies as data points for centralized governments. However, both of these groups in the historical literature are considered as prime examples of federalism in pre-colonial West Africa.<sup>2</sup> The existing studies also illustrate the challenges in providing quantitative evidence with limited information on pre-colonial institutions.

Similar to this paper, Leeson (2005) conducted an event study of pre- and post-colonization in which he explained how colonists empowered local chiefs and destroyed many of the pre-colonial institutions that facilitated trade between various groups of people. They did so by imposing new sets of rules and limiting the individual's exit options between various chiefdoms and communities. Ashton (1947), Mamdani (1996) and Crowder and Ikime (1970) document how British colonialism strengthened the powers of the chiefs, weakened the influence of tribal opinion, and contributed to slow economic development.<sup>3</sup> These studies identify a number of different reasons as to why the chiefs began to abuse their powers—and some speculate that it was because of “government support” (meaning support of the British colonial administration). I add to these studies by introducing both a framework and empirical support for understanding exactly how external influence alters the incentives of chiefs to be accountable to their citizens.

In doing so, I am also extending our general understanding of the mechanisms operating in club-like systems of governance that constrain government actors. While Leeson (2011) identifies the features of government that makes them more club-like, I identify how these club-like features of governance can disintegrate with external influence. The analysis herein also complements the literature on federalism and how federal aid can undermine the institutional features that make a federal system work (Kornai 1986; Greve 2012; Boettke and Palagashvili 2015).

Unfortunately, insufficient quantitative information is available for appropriately measuring chief accountability to their citizens between pre- and post-colonial rule. That lack of data makes it difficult to perform an econometric analysis, and I therefore rely on historical accounts to investigate this question. These historical accounts—coming both from primary sources, such as field research or British colonial officers, and also from recognized West African historians—provide significant insights into pre- and post-colonial institutions, the structures of chiefdoms, and chief accountability. Furthermore, my analysis does not survey all of the tribes and chiefdoms on the African continent, but instead focuses on a number of chiefdoms that were located around the areas of modern Nigeria, Ghana and Sierra Leone. All of the chiefdoms surveyed in this paper were colonized later by the British. I do not address French colonization because French West African colonies were governed by different institutional mechanisms than were British colonies in that part of the African continent.<sup>4</sup> Even though my analysis is mostly focused on one particular region of British colonization, the framework and insights also can be applied to other regions of Africa where the British colonized the chiefdoms in similar ways. For example, Ashton's (1947) discussion of how the British colonized parts of South

<sup>2</sup> See Busia (1951, pp. 6–7; 1967, pp. 22–28), Ayittey (1992, pp. 49–50) and Asiwaju (1970, pp. 136–148). Rattray (1929, p. 7) describes the Ashanti government as federalist: “the heart of the whole success and wonder of this loosely bound confederacy was the practice of decentralization.”

<sup>3</sup> See also Crowder (1968), Hill (1963), Ayittey (1992, 2006) and Berry (1993) for more discussion of colonialism creating unaccountable chiefs and the negative consequences for development.

<sup>4</sup> The French engaged in direct rule, which effectively made the tribal chief an agent of the French administration and stripped him of his powers. That was the opposite of British indirect rule, which gave more power and discretion to the chief.

Africa and Botswana is very similar to what I find about British colonies in West Africa. This paper does not discuss all the nuances of colonialism and the problems of poverty and lagging economic development in many African nations. The literature on the causal links between colonialism and poverty in Africa is much too vast to be addressed here.<sup>5</sup>

Furthermore, I am not addressing all of the aspects of colonization in this paper, since it is not my intention to do a cost–benefit analysis of whether colonization was “good” or “bad” for economic development in Africa.<sup>6</sup> Instead, I offer insights regarding an important effect of colonial institutions on the governing structures of chiefdoms and therefore on chief behavior, which sheds some light on understanding the problems of unaccountable chiefs and Africa’s growth problem today. The paper proceeds as follows: Sect. 2 introduces the framework for understanding the underlying mechanisms and the means by which they can break down. Section 3 describes the political institutions in late pre-colonial West Africa and shows how the political environments and organizations of the indigenous African tribes aligned the incentives of the chiefs with those of their people. Section 4 introduces British colonization and analyzes how the mechanisms in the pre-colonial system were altered and the consequences it had on chief behavior. Section 5 concludes.

## 2 Self-enforcing mechanisms for governance accountability

How can government leaders be made more accountable to their citizens? An important starting point is to think about what incentives governments have to be accountable to their citizens. Leeson (2011) offers an analysis of how a ‘system of clubs’ providing governance services can generate incentives for leaders to be more accountable to their citizens, or customers.<sup>7</sup> The term ‘club goods’ was coined by Buchanan (1965) to explain how collective goods that are excludable and non-rivalrous can be supplied privately.<sup>8</sup> One of the defining characteristics of clubs is that membership is voluntary and non-members can be excluded from accessing the good or service (Sandler and Tschirhart 1997). Moreover, because groups can form clubs freely, clubs typically operate in a highly competitive environment.

Leeson (2011) discusses how a system of clubs can operate not only to provide classic examples of ‘gym services,’ but also governance services. In his framework, clubs are providers of governance and club owners become residual claimants on revenues generated by providing the governance services that members want. Because people pay fees to join the club, club owners’ interests become tied directly to satisfying customers and attracting more club members. If club governance providers renege on their promises to their members or provide a poor quality of governance, they will lose members, and club owners therefore must internalize the costs of poor governance.

<sup>5</sup> See, for example, Michalopoulos and Papaioannou (2016) on creating civil wars and political unrest, Acemoglu et al. (2001) for extractive institutions, Nunn and Wantchekon (2011) for a culture of mistrust. Countless other studies document the direct and negative consequences of colonialism.

<sup>6</sup> A number of studies document the beneficial aspects of colonization on economic development (Glaeser et al. 2004; Easterly and Levine 2016), on opening trade and providing access to European markets (Bauer 1954), and on creating water supplies, railroads and other important infrastructure (Colby 1938).

<sup>7</sup> Boettke et al. (2011) also suggest how local governance services provided through clubs can mitigate many of the problems associated with service provided by a more monopolistic government.

<sup>8</sup> However, one of the features of a club good is that it is non-rivalrous only beyond a certain congestion threshold (Sandler and Tschirhart 1997).

These mechanisms also work because of the competitive market within which clubs exist—a variety of governance institutions are available to citizens. The availability of alternatives means that the consumer’s threat of exit can constrain club owners’ behavior. Leeson’s discussions of the governance mechanisms in a system of clubs operate in a respect similar (although not perfectly so) to a polycentric system of governance and, to a lesser extent, in federalist structures.<sup>9</sup> Polycentric systems refer to multiple and overlapping jurisdictions and autonomous local governments (Ostrom et al. 1961; Ostrom 1972).<sup>10</sup> As in Leeson’s analysis, a polycentric system of governance is characterized by substantial Tiebout (1956) competition (‘voting with your feet’) that can help align public good supply with tax prices. The features that make a polycentric governance system work are its ‘club-like’ residual claimancy (of owners) and the threat of member exit.

Furthermore, what is important to emphasize in a system of clubs is the concept of a hard budget constraint that governance providers face. If the governance providers’ only source of revenue is from the payments for the services provided to citizens, then providers face a hard budget constraint. The implication of confronting governance providers with hard budget constraints is that they will provide better governance services. In other words, their incomes flow directly from citizens who want to purchase governance services—that link incentivizes governors to provide better services in order to collect more revenue, at least up to the point at which improved service balances the additional cost. Thinking about governance in that way is similar to McGuire and Olson (1996), who contend that governments view their citizens as the tax base, which incentivizes political leaders to provide better public goods and protect private property rights.<sup>11</sup>

The bottom line summarizing this line of work is that while such things as constitutions may stipulate how governments should interact with their citizens, whether political leaders abide by those rules and remain accountable to their people will depend on their incentives actually to do so. I discuss how the mechanisms identified by Leeson (2011) can break down or become severely weakened in two main ways, thus altering rulers’ incentives.

First, incentives can weaken when the link is severed between the providers of governance service, the customers paying for the service and the recipient of the payments. When governance providers are financed externally, their budget constraints are softened and their incentives to provide better quality governance are undermined. Kornai (1986) introduces the concept of a “soft budget constraint” and applies it to understanding how firms may be unproductive or unresponsive to consumer demands. If private firms receive bailouts or financial assistance from the government, they can act more “carelessly” (Kornai 1986, p. 22). Kornai offers that such moral hazard can be applied in understanding governments: “If a local government gets additional funds from a higher-level government budget, then a soft budget constraint situation may evolve” (p. 23). One of the main conditions of this model is for firms or governments must expect “with high subjective probability” that it will receive external assistance (p. 22). Consider, for example, a gym,

<sup>9</sup> Leeson (2011, p. 302, fn. 3) also writes that a “system of clubs may be seen as a more radical or extreme form of the polycentric political system.”

<sup>10</sup> Frey and Eichenberger (2001) offer a similar analysis of what is referred to as ‘functional, overlapping, competing jurisdictions.’

<sup>11</sup> In terms of understanding government accountability to citizens, though, tax revenues are not sufficient. That is because, as Leeson (2011) explains, responsiveness to citizens may include implementing minimal taxes or not implementing productivity enhancing policies. While a government may be a residual claimant on revenues from citizens, as in McGuire and Olson, it is not a residual claimant in supplying governance services.

which normally receives its payments directly from its members. External funds to the gym coming from, say, a local government, on a regular basis can break the link between the gym's owner and customers, thereby softening the formerly hard budget constraints. With external funds, the gym now has another revenue source, and this reduces the owner's incentive to cater to paying members. An incentive to provide gym services still exists, but the quality of the service may fall if the gym now has an external source of revenue—a "slush" fund.

The second way these mechanisms can be broken or weakened is by reducing political competition—i.e., the competitive environment within which governance services are supplied. Competition can be thwarted by limiting the number of suppliers of governance services and by removing the possibility of contestability between governance service providers. When consumers are able to choose between fewer and more homogeneous governance services suppliers, the limited options reduce the margins along which governance providers can compete with one another. Political competition likewise can be weakened if citizens are unable to coordinate opposition to or punishment of unpopular leaders.

In those ways, the competitive environment in which governance is supplied becomes weaker and the self-enforcing aspects of responsive government begin to disappear. It is important to note that competitive conditions and budget constraints interact with one another: strong political competition and soft budget constraints will compromise governmental responsiveness less than will coupling soft-budget constraints with weak political competition. In the remainder of this paper, I apply the framework summarized above to understanding the impact of colonial regimes on the institutional structures of chiefdoms and the incentives of tribal chiefs in West Africa.

### 3 Political institutions in pre-colonial West Africa

Pre-colonial West Africa commonly has been portrayed as isolated, primitive and uncivilized—i.e., the "Dark Continent."<sup>12</sup> But before European colonization,<sup>13</sup> tribes created their own political institutions and mechanisms of private ordering. The institutions of contract and property rights protection existed in various forms; systems and associations providing insurance, credit and facilitating trade among heterogeneous groups were in place (Crowder 1968; Cohen 1969; Leeson 2005; Gellar 2005; Ayittey 1992, [1991] 2006; Davidson 1965, 1970). Leeson (2007, 2008), and Leeson and Boettke (2009) provide substantial evidence and detailed analyses of effective self-governance in pre-colonial Africa, describing how various tribal groups (clans and villages) established institutions for engaging in trade, resolving disputes and enforcing contracts. This section is not meant to romanticize pre-colonial West Africa—as civil wars, the slave trade, and poverty were characteristic of the area for major periods of its history. Instead, I aim to describe the political organizations of chiefdoms and kingdoms in the late pre-colonial period and

<sup>12</sup> The following quote by a historian illustrates the perception of pre-colonial Africa: "Perhaps in the future there will be some African history to teach. But at present there is none; there is only the history of the Europeans in Africa. The rest is darkness ... and darkness is not the subject of history" (Hugh Trevor-Roper 1962, quoted in Crowder 1968, p. 10).

<sup>13</sup> European colonization spans the mid-to-late nineteenth century until 1950–1970, when African states gained independence. The pre-colonial period I study runs from the mid-eighteenth century until European colonization. I refer to that time as the late pre-colonial period.

provide an analysis of the mechanisms within the political organizations that have led historians to conclude that a vast majority of those political institutions were constrained constitutionally and responsive to their citizens (Davidson 1992, pp. 5–8; Mamdani 1996, pp. 40–48; Ayittey 1992, pp. 37–77, [1991] 2006; Crowder 1968; Busia 1967, pp. 27–31). Accounts from European colonial officers working in West African regions also document the awe with which traditional structures of governance constrained the powers of the tribal chiefs.<sup>14</sup> One political officer wrote as follows:

Our first administrators saw the chiefs they dealt with as little more than kings or political personalities; the sacral aspect of chieftaincy escaped them or else seemed to them to be of only minor importance. No more did they understand the somewhat constitutional quality of this royalty: the expression ‘negro-king’ in our language suggests an unbridled despot, whereas the most bloody and, to our eyes, the most barbaric Dahomey kings, for example, were in a certain sense far more subjected to popular control than Queen Victoria to say nothing of other contemporary European sovereigns. (Alexandre 1970, pp. 37–38)<sup>15</sup>

### 3.1 Overview of structure and organization

Throughout the continent (and West Africa, in particular), a vast number of “governments” existed with a variety of different organizational forms. Some were stateless societies, which were a collection of various tribes that existed as autonomous political entities without any one ruler at the head. Other tribes were organized into smaller or larger chiefdoms (large chiefdoms often were considered to be kingdoms). The main characteristic of a chiefdom or kingdom was some recognized leader or head of the tribal grouping. The chiefdoms, kingdoms and stateless societies all co-existed at the same time—providing a unique and rich historical example of a polycentric system of clubs: an environment of multiple providers of governance services.

Furthermore, the internal political organization of chiefdoms and kingdoms took two main forms: (1) federated or pyramidal governments and (2) centralized monarchies. The federated kingdoms (also known as constitutional monarchies) consisted of a recognized head of state with many subgroups that were given significant autonomy. Each subgroup consisted of a leader and those leaders formed an inner council that was the major decision-making body and chose the king (and likewise could dethrone him). This federated type of governance was the most common in the late pre-colonial era. The centralized monarchy featured an exceedingly consolidated political administration that ruled over various communities and gave them limited political autonomy. The king was the head of the state and was advised by an inner council that was chosen by him.

That type of political organization was adopted most commonly in Islamic regions, such as the Mandinka and Hausa empires.<sup>16</sup> For the purposes of this paper, I choose to narrow

<sup>14</sup> See, for example, the accounts of Pierre Alexandre (French colonial service) and John Smith (British colonial service) in edited volume titled *West African Chiefs: Their Changing Status under Colonial Rule and Independence* (1970).

<sup>15</sup> At the time of writing, Pierre Alexander was serving as an Administrator in the French Colonial Services. This essay is reprinted and translated from “La probl me des chefferies en Afrique noire Francaise—Notes et Etudes Documentaires, 2508, 10 Feb. 1959).

<sup>16</sup> However, even within specific kingdoms, the political organization changed over time. One kingdom may have been more centralized in the early pre-colonial period, but became more like a constitutional monarchy in the late pre-colonial time period.

my analysis to the chiefdoms and federated kingdoms. I do this for two main reasons: First, my interest is in how the role of the leader (king or chief) changed after colonization. Because stateless societies did not have a “leader,” they are not relevant for the specific analysis provided in the paper. Second, for the most part, I leave out the centralized monarchies because they were the least common form of political organization. But even with centralized monarchies, historians also have documented that over the period of colonization, the king became more corrupt than he was during the late pre-colonial period.<sup>17</sup> The focus on federated kingdoms allows me to provide a clearer picture of the incentives faced by the chiefs or kings and how colonial institutions altered these incentives within a federated system of political organization.

In African societies, political organization began at the lineage or village level. Each lineage chose a head; when different lineages came together to form a village (or tribe), they chose a chief to be the leader of the tribe. The heads of the various lineages in this tribe would then serve on the chief’s council of elders.<sup>18</sup> The chief was seen as tribe’s religious leader and the living representative of the ancestral spirits as well as the governance leader responsible for maintaining order and acting as the decisive authority in matters affecting the welfare of the tribe. The main function of the council of elders was to prevent the chief from abusing his powers and to assist the chief in governing the tribe. As Ayittey [1991] 2006, p. 163) puts it,

The Council was the representative body of the commoners. Without this council, the chief was powerless and could not make laws. Generally, the elders tended to be only interested in the welfare of their lineages.... Council approval or unanimity was needed on all matters affecting the community. The chief could not dismiss the councilors, since those officers were hereditary and restricted to non-royal lineages. In other words, the chief could not use family ties to suborn the councilors. The officers came from different lineages.

In addition to the council of elders, a group called the inner council also assisted the chief in governance. The inner council consisted of influential members of the community or relatives and friends of the chiefs. They did not have authority to override the chief, but acted as counselors and informed the chief about what was going on in the tribe. Lastly, the chief’s decision making was informed by the village of the commoners, which consisted of village meetings with the councilors, advisers and the people of the community. The village commoners served as a court of last resort when disputed issues could not be resolved by agreement between the chief and the council of elders. In the village meetings, community members and leaders would discuss the proposed compromise and the final decision would be made by majority. Chiefs could act contrary to the public opinion, but that was rare as such action could lead to conflict within the tribe and the removal of the chief.

When different chiefdoms came together, a federated kingdom was formed. In those kingdoms, the chiefs were still the leaders of their tribes and served similar functions. Just as the heads of each lineage served on the council of elders advising village chiefs, the various chiefs formed the king’s inner council. Historians have documented that the tribes

<sup>17</sup> See, for example, the discussion of the Fouta-Djalon kingdom in Suret-Canale (1970).

<sup>18</sup> Busia (1951, 1967), who later served as Prime Minister of Ghana from 1969 to 1972, observed this in his earlier fieldwork with the Ashanti people in 1940–1941. He describes this relationship between the chief and the council of elders: “The chief was bound by his oath to consult the elders on all matters, and to obey their advice. The government thus consisted of the chief and the elders” (Busia 1951, p. 14).



within a kingdom enjoyed significant autonomy and resembled the structure of chiefdoms discussed above. For example, in the Ekiti Confederacy of Southwest Nigeria, the king (referred to as the *qba*) stayed out of the day-to-day operations of subordinate units:

...Qba was supposed to approve the appointment of the bale [head of the clan], and each of his chiefs, but in fact, this was a formality observed only in the cause of the bale, although all serious succession disputes were referred to the qba's palace. The day-to-day- administration of the subordinate town was in the hands of the bale and his chiefs. (Akindoye 1970, p. 257)

This political structure was one of a confederacy wherein the smaller constituent chiefdoms of the larger kingdom retained significant power in decision-making for that tribe than did the center of the federation. Patton (1989, p. 277), for example, describes the chieftaincy systems of the Ibadan, Abeokuta, Mushin (all of Northern Nigeria) as “urban federations.” He continues, “The exercise of political functions and roles were spread out to a large extent among similar, parallel, and largely autonomous political structures.” Thus, in general, the tribes within the federated kingdoms governed themselves in a fashion similar to the smaller chiefdoms. In the Asante system, Busia (1967, p. 28) observes from his fieldwork that, “The first feature to note about the Asante system is that it was based on decentralization which gave a large measure of local autonomy to smaller units.” In such kingdoms, the role of the king is almost identical to the role of the chief in the smaller chiefdoms: to serve as the religious leader and the political head of the group. The king would also serve as the ultimate judicial appeal and as a military commander if needed at times of war. Most scholars note, however, that the king's role in local affairs was very limited. In discussions and interviews with the people of the Ashanti Empire, Casely Hayford, observes that there the king “never directly interferes in the internal government of a province...” (Hayford 1903, p. 23).

In essence, during that time in West Africa, various providers of governance services existed that resembled a system of clubs. Some governance providers were larger than others (larger kingdoms versus smaller chiefdoms). Smaller chiefdoms were free to contract with larger kingdoms. Even within the larger kingdoms, the internal structure mimicked clubs—chiefdoms within a kingdom were more or less autonomous and members (citizens) at each level could exit.<sup>19</sup>

### 3.2 Incentives for accountability

The chief's “salary” was in the form of the payments he received for the services provided to the people in his community. First, the chief served as judge in his respective village court. The chief's court could be utilized as a third-party arbitrator for smaller disputes or as a final court of appeal for disputes between lineages: “The lineage heads settled cases involving fighting, assault, petty theft, family disputes, adultery and even divorce. The village court handled inter-lineage cases over which the lineages involved could not reach agreement” (Nzewunwa 1985, p. 28). For disputes handled at the lineage level, “the right of appeal was widely respected in traditional Africa ... [groups] could have appealed the verdict to the village or the chief's court” (Ayittey [1991] 2006, p. 72). As Bascom ([1969] 1984, p. 44) recounts in his ethnographic study of the Yoruba people in northern Nigeria,

<sup>19</sup> Individuals rarely exited by themselves. They broke off as family units or as tribes from the chiefdoms or kingdoms.

any cases not settled within the clan “may be referred to the town chiefs, but every effort is made to reach a peaceful settlement within the compound.”

As the judge in the village courts, the chief provided residents with governance services and received payments for presiding over the courts. George Washington Ellis’ (1914, p. 83) observations in the early 1900s about the Vai people of Liberia and Sierra Leone are apt:

A person desiring to enter a suit calls upon the chief and presents him with a “dash” called “cold water.”—a much appreciated article in tropical Africa. This “dash” may consist of rum, gin, tobacco, and so on. After the dash the chief hears the statement of the case.

In addition to settling inter-lineage family disputes or public offenses, the chief is also called upon to resolve legal disputes regarding violations of contracts. Contracts in indigenous societies were not written, but were formed on the basis of social norms or customs. Customs governed marriage and bridal dowries as well as commercial contracts and agricultural credit schemes. The most common in West Africa was one of pledging of farms. Breaches of such contracts resulted in legal action:

Native African courts did not only resolve interpersonal disputes but also protected and enforced contracts as well as property rights.... When an agreement has been concluded, it is governed by the system of law that the parties had in mind when entering into the contract ... failure to deliver on any of these agreements could result in legal action. Often the parties would try to resolve the matter privately or informally. Unsuccessful resolution would bring the case before a chief. Chiefs usually held court at the marketplace ... the verdict may be the chief’s own decision or in consultation with advisers. (Aiyithey [1991] 2006, pp. 89 & 91)

Thus, each chief “derived much independent income from the gifts and fees incidental to receiving people in audience, settling disputes and judging cases” (Akintoye 1970, p. 256). Chiefs also received payments for allocating land. In traditional Africa, land was neither communal property nor private property—it belonged to the ancestors, but people who settled on it had use (usufruct) rights over the land. As part of his governance services, the chief had to distribute land fairly:

Although... the land legally belongs to the tribe, the people usually refer to the land as belonging to the chief.... Thus the chief was the final authority on matters pertaining to the use and possession of land. He had the right to distribute land not already occupied...” (Aiyithey [1991] 2006, p. 155)

While it was the chief’s duty to distribute land and use rights, that authority was supervised closely by the council of elders. As noted above, the chief had to consult the council of elders on important matters, especially the distribution of land:

Land in traditional Africa was nobody’s property until someone settled on it. Although the African chief exercised enormous powers over the distribution of land, much land was lineage owned. Further, the chief could not recklessly exercise his powers of appropriation and confiscation without the full consent of the Council of Elders. (Aiyithey [1991] 2006, p. 91)

Mamdani (1996, p. 45) similarly notes that the chief allocated land in consultation with the inner council, “but primarily in consultation with the wider community.” The chief was “the custodian” of the land and custody “could only be exercised through a consensus of the community as a whole”.

For services rendered in allocating land, the chief received “payments” from his people in the form of meat, fish, animal skin, or other goods (Busia 1951, p. 44). He also collected in-kind payments in the form of services from his citizens. Busia (1951, p. 51) explains, “The services and tributes which the chief received were to enable him to fulfill the obligations of his office.” It is important to note here that the chief had no other real means of income besides what he got from his citizens in exchange for his services as the political and religious leader of the tribe. In that way, the chief acted as a residual claimant on the governance services provided to this people in his community. In order to receive the payment, the chief must provide quality governance services to his citizens. If he fails to do so, he will lose the “members” of his community.

Chiefs were deserted and deposed if they did not fulfill their duties and roles:

In executing those policies and in running the general administration of the chiefdom, the paramount ruler constantly had to consult the elders. He was forbidden to do anything which affected the interest of the chiefdom without the knowledge, approval and concurrence of the council. Excepting emergencies, he acted only on the advice of the council. Without the authority of the council no new law could be promulgated. He could not even receive foreigners unless a member of the council was present. (Amoah 1988, quoted in Ayitsey [1991] 2006, p. 132)

What is most important, Amoah notes that the “council controlled the actions of the ruler and if he showed any disposition to make himself independent of the council, he was either deserted by the elders or deposed” (Amoah 1988, quoted in Ayitsey [1991] 2006, p. 132). Continuing on his observations of the Asante, Busia (1967, p. 23) explains that, “Those who elected (appointed) the chief also had power to depose him if he did not perform the duties of his office satisfactorily.” The chief therefore internalized the costs of bad governance. He earned his revenues directly from the members of his community and their ability of to overthrow him acted as a check on acting in a predatory manner. Mamdani (1996, p. 45) writes that, “The ultimate popular sanction against a despotic chief was desertion.” The chief rarely could engage in unpopular action because it could be ground for abandonment.<sup>20</sup> Robert Rattray’s (1929, p. 406; emphasis added) extensive ethnography of the Asante in the early 1900s explains the system as follows: “...the most important of these admonitions’ was, never to act without the advice and full concurrence of his councilors ... failure to accept such guidance or advice, or the least attempt to act upon his own initiative, *was always a legitimate cause for destoolment.*”<sup>21</sup>

The same was true at the kingdom level, where kings had similar functions, e.g., presiding over the court of last resort. If disputes had not been resolved at lower levels, they would go to the final court of appeal, presided over by the king. Those hearings were “held at the palace and included the town and palace chiefs, other Ogoni members, and the Oni [king] himself” (Bascom [1969] 1984, pp. 38–39). In addition to the revenue the

<sup>20</sup> Mamdani is relying on Transkei Land Service Organisation (TRALSO), “Rural Local Government and the Transkei Region.” In Note 14, p. 306: “This document has been prepared by Traloso researcher Andre Terblanche, who draws extensively from the communities that we work with.”

<sup>21</sup> In African societies, being “destooled” means to be “dethroned” because the chief or king sat on a stool as opposed to a throne.

king received from presiding over his kingdom's final appeals court, he received tribute for protecting his subjects in times of war. Boahen ([1965] 1986, pp. 97–99) describes how the king of the Mende had to protect his subjects in war and times of famine: he “judged cases as president of the court of elders. In return, his subjects were obliged to perform labour for the ruler, such as making a rice farm (manja) for him...”, from which “The ruler was entitled to a portion of the rice and palm oil produced in every extended family”. In the Ekiti Confederacy, Akintoye (1970, p. 257) writes, “the subordinate town acknowledged the qba as its king, paid him tribute, [and] sent him gifts during the festivals.”

Just as the chiefs could be deposed if they acted contrary to the wishes of the people, kings too were deserted if they acted out of line. For example, Arhin (1985, p. 85) details how the king of the Asante kingdom, the Osei Kwame, was dethroned (referred in the literature as “destooled”) in 1799 for “failing to perform his religious duties during the Adaye festivals” and how Mensa Bonsu (a later Asante king) was overthrown in 1883 for “excessively taxing his people.” Similarly, Asiwaju (1970, p. 137; emphasis added) writes:

As elsewhere in Yorubaland, the council of chiefs was supreme in all matters. Its role was decisive in the selection, coronation, counselling and burial of the king. The king, in effect, was a constitutional monarch. *He could not afford to rule absolutely without risking being forced to commit suicide or facing an open rebellion.*

Chiefdoms and kingdoms in pre-colonial Africa represented an environment that is much closer to a system of clubs than governments possessing monopolies over governance services. The mechanisms that facilitated chieftains' robust responsiveness to their citizens were enhanced by vigorous competition among governance services in late pre-colonial Africa. Migrations of stateless tribes, of lineages and families between chiefdoms and of chiefdoms between kingdoms was common in much of pre-colonial Africa (Davidson 1970, pp. 97–98; Gellar 2005, pp. 15 & 49; Ayittey 1992, p. 41).<sup>22</sup> The populations of African chiefdoms varied from a few hundred to several thousands. Lineages could break from chiefdoms and subordinate themselves to other chiefdoms or govern themselves independently (Davidson 1970, pp. 108–110). Ayittey ([1991] 2006, p. 108) explains that, “Through this process of abandonment, migration, conquest, and overlordship, numerous chiefdoms were created in Africa.”

Evidence of strong political competition also may be gleaned by understanding the importance of unanimous consent in collective tribal decisions. Unanimity among the council of elders in important decisions was required. If one of the members of the council of elders resisted a proposed change vigorously, he could move his lineage from the village to settle elsewhere. Villages wanted to prevent such breakups and, hence, incurred high agreement costs as evidenced by often days and days of discussions required to take major decisions (Ayittey [1991] 2006, p. 108).

Chiefdoms were perhaps more numerous as political entities than any other. Although the basic nucleus of a chiefdom was formed by the chief and his blood relatives, it could include people with whom the chief had no family links. Some chiefdoms were fully independent; some appeared to be in relations of overlordship or subordination to other chiefdoms; others might acknowledge superiority by one chiefdom, but at the same time subordinate themselves to another. Thus, various grades of independence and subordination existed.

<sup>22</sup> Some historians note that exit was made possible because families and tribes were not tied to the land.

The ability of citizens to move and exercise an exit option pressured chiefs and kings into providing better governance services and to be responsive to their communities. At the village level:

When the headman became autocratic or was not able to inspire sufficient confidence, a small group might hive off to start a new settlement elsewhere. Often, they were soon followed by others in the original community. Freedom of movement (or the exit option) often served as a check on despotism. A despotic headman soon found himself abandoned by some of his people (Ayittey [1991] 2006, p. 109)

To check the abuses of the king, chiefdoms or tribes could rebel or leave if the king was abusing his power or deviating from the rules. Kings also were tried and de-stooled if found guilty of not obeying the rules.

It is in court that the authority of the Shona chief is most often seen in practice, and the limitations on his power to judge reflect the limited political power of a traditional chief. Many old men say that in the past no chief could impose his own will on unwilling subjects; if he tried they would simply move elsewhere and the chief would be left without a following. Also, a chief needed supporters to protect him against jealous rivals. (Bourdillon 1976, as quoted in Ayittey [1991] 2006, p. 160)

Packard (1981, p. 3) concludes that chiefs would get their positions by competing with existing or neighboring chiefs—“In other words, they participate in competitive political activities.” Mamdani (1996, p. 45) argues that because tribes could break off from the chiefdom, the chief had an incentive to satisfy his citizens: “You [the chief] tried to increase your following rather than encouraging desertion to a neighboring chief”. Ayittey ([1991] 2006, p. 106) also explains that, “From time to time, a member of a ruling lineage would break away with his age-mates and other followers to establish his own chiefdom.”

In such a competitive political environment, citizens have a variety of governance supplier options available to them, including subordinating to different kingdoms or chiefdoms, breaking off entirely and governing themselves, or coordinating the overthrow of the incumbent chief in order to get a new one. Thus, chiefs were constrained by the threat of citizens’ exit and this incentivized them to be accountable to their people. Ashton (1947, p. 241) notes that chiefs who fulfilled their duties “were sure not only of keeping their position but of increasing their following: those who did not, found their followers dwindling or, in extreme cases, might find their position usurped by a popular rival”.

The large number of competing governance structures and the ability to exit puts competitive pressures on the chiefs and kings to provide better governance services in order to collect payments from these citizens. These mechanisms incentivize governments to provide “good governance” services because chiefs and kingdoms will lose their members, who are their only sources of revenue. Thus, the interests of the chiefs and kings were tied directly to the ability to satisfy their customers. As residual claimants in a competitive political environment, chiefs and kings thus faced incentives to remain accountable for their actions. As I will describe in the next section, those mechanisms broke-down with the introduction of colonial rule.

## 4 Colonial institutions and consequences

Western contact with Africa began centuries before actual “colonization.” Europeans settled in areas of West Africa, especially along the coast, as early as the fifteenth century. The impact of European settlement on the slave trade as well as the formation of other African institutions is beyond the scope of this paper. My narrow focus is on the actual efforts of Europeans to colonize West Africa, which informally began around the 1870s.

The “Scramble for Africa” movement began in 1884 on the heels of the Berlin Conference, which launched the official and formal movement to colonize the continent. My analysis in this section focuses on the period between official colonization until decolonization and independence of African states from 1950 to the 1970s. However, I rely more heavily on evidence beginning in the early 1900s since that is when the colonization efforts were initiated in full-scale. The chiefdoms and kingdoms that I analyze in West Africa are in the modern nations of Ghana and Nigeria,<sup>23</sup> which were colonized primarily by the British. British colonization efforts were through what is known as indirect rule.<sup>24</sup> common method of colonization. I first analyze the impact of British indirect rule in weakening and breaking down pre-colonial institutional structures. I then analyze the subsequent behavior of chiefs and the consequences of indirect rule throughout West Africa.

### 4.1 British indirect rule

The British colonization regime of “indirect rule” meant that the British governed through indigenous political institutions and traditional tribal chiefs. That approach does not mean that the British, in effect, left their colonies alone. Instead, the British played an active role in enhancing the traditional powers of the chiefs and, in doing so, modified certain local government institutions.<sup>25</sup> Indirect rule altered the institutional structures and the functions of existing tribal chiefs by (1) Paying the chiefs a salary, (2) consolidating smaller chiefdoms into larger areas and (3) removing the opportunity of citizens to “destool” bad chiefs—i.e., to coordinate his punishment. Those actions led to a breakdown in the mechanisms that previously were inherent in pre-colonial governance structures because they softened the chief’s budget constraint (receipt of a salary from the British administration) and they reduced political competition between chiefdoms and chiefs (consolidating and eliminating coordinated punishment). British colonial reforms removed the institutional constraints the chiefs faced and expanded their traditional powers.

#### 4.1.1 *Payment of salary*

One of the central notions of British indirect rule was to begin paying the traditional chiefs salaries—because they now were, in a sense, “working” for the British administration. Crowder (1968, p. 218) writes that, “The payment of a regular salary to its chief and

<sup>23</sup> Additionally, I have some reference to chiefdoms closer to areas surrounding Sierra Leone, which also were colonized under British under indirect rule.

<sup>24</sup> Although it was not the official policy of the British to engage in indirect rule since they altered the type of rule depending on where and which groups brought under their hegemony, it was their main and most common method of colonization

<sup>25</sup> Furthermore, to assist the traditional chief, the British administration appointed a district officer (known as the British Resident) to each chief, and that Resident assumed the role of adviser to the chief.

members became fundamental to the idea of Indirect Rule.” Asiwaju (1970, p. 149) explains the British colonial process in Southwest Nigeria:

What the British therefore did was to select a number of these chiefdoms—selected more for their geographical position than for any other considerations—and to appoint their chiefs as salaried headmen of administrative districts.

In the Northern Nigerian kingdom of Kano, Crowder (1968, p. 219) also notes, “The Emir [the king] ... now had a fixed salary...” The British paid the chiefs to both carry out British demands as well as to perform the traditional functions of governance. The British demands on the chiefs or kings primarily were to “maintain order” and collect taxes from the citizens. One of the ways in which the chiefs obtained extra money was by “sitting” in a court created by the British administration. Akintoye (1970, p. 259) explains that the king of Ekiti in Southwest Nigeria “received a salary of 60 lb per annum or ten shillings as sitting fees ... the qba [king] had a regular income as President of the court.”<sup>26</sup>

Chiefs also gained access to money because the British imposed a tax on the citizens living in their jurisdictions. In the Ekiti confederacy, the king (referred to as the qba) began to receive his salary directly in the form of tax receipts, as introduced by the British:

In the place of traditional tributes and gifts to the qba, his bale and chiefs, direct taxation was introduced.... Each qba began to receive a salary calculated as a percentage of all the taxes collected in his kingdom. (Akintoye 1970, p. 259)

In Meko of Southwest Nigeria,

Onimeko [king] Oyekan (1926-1938) was receiving a regular salary of 100 lb per annum in addition to the “gifts” in cash and kind offered him and his chiefs by men who sought their favours particularly in the Native Court (Asiwaju 1970, p. 154)

The same thing also occurred in other parts of Africa under British Colonial Rule. For example, in Sierra Leone, the British administration began paying chiefs “extravagant amounts of money for following government directives” (Lange 2009, p. 102). In the Asante Kingdom of Ghana, Busia (1951, pp. 196 & 199) observes that “Formerly ... he [the chief] received tribute from his subjects,” but now also receives payment from the “other sources”, namely the British administration. In his confidential October 1919 report on “The Amalgamation of Northern and Southern Nigeria and Administration, 1912–1919,” Lord Lugard<sup>27</sup> argued that the main purpose of his establishment of a “Native Treasury” was a fund “from which the salaries of Native Administration personnel would be paid” (Lugard 1919, pp. 14–15).<sup>28</sup>

Traditionally, tribute was paid to the king for the services that the king provided, such as presiding over the traditional tribal courts, or receiving new villages into his community. A fixed salary now separates the king or chief from payments received for supplying certain governance functions. External funds softened the budget constraints of the chiefs and kings—as they are now able to receive income independently of governance service provision. Thus, throughout West Africa under British Colonial rule, political leaders now no longer were compensated solely for services to their constituents. An incentive to

<sup>26</sup> Akintoye is drawing on unpublished reports from the British colonial office: N.A.C. Weir, The broad outlines of the past and present organisation in the Ekiti Division of Ondo Province, 13 Feb. 1934.

<sup>27</sup> Lord Lugard was the Governor-General of Nigeria, 1907–1912.

<sup>28</sup> Native Administration refers to the chiefs Lugard’s report available through the online National Archives.

provide such services remained, but their quality surely fell. If that were the only governance mechanism that changed with British colonial rule, widespread corruption and extortion by the chiefs may not have emerged. But the softening of the budget constraint was accompanied by other measures.

#### 4.1.2 *Consolidating the chiefdoms*

The second main feature of British colonial rule was consolidating various smaller chiefdoms and districts into larger jurisdictions and choosing one of the traditional chiefs to govern the now larger area. As a result, chiefs or kings who once governed smaller areas were propped up as chiefs or kings of larger regions; all of the chieftaincies within now larger jurisdictions were forced to subordinate themselves to artificial, British-appointed chiefs. Asiwaju (1970, p. 149) explains the process in Southwest Nigeria:

Once a chief had been selected as “headman” all the chiefs of other chiefdoms constituting his “district” became his subordinates irrespective of their traditional position in relation to each other.

In other words, a system of multiple governance providers was transformed into a consolidated form of government that encompassed one “district” headed by one chief. For example, the town of Meko, located in British Nigeria, occupied a rather small area that had been a segment of the larger Ketu kingdom before colonization. The French took control of the larger Ketu kingdom, while the British took over Meko. The chief of Meko (referred to as the Onimeko) saw his territory expand considerably during British colonization. During the colonization process, the Onimeko became chief, not only of Meko, but also of the neighboring towns and districts of Idofa, Iwoye and Afon, which all represented areas of Nigeria that had their own chiefs or had subordinated themselves to other kingdoms.

As a result of colonization, these other chiefdoms were forced to obey the rule of the Onimeko.

The Onimeko acquired a much greater area of jurisdiction.... As a member of this council, the Onimeko’s area of jurisdiction was extended beyond his own particular district to the whole of the Ilaro Division. (Asiwaju 1970, p. 140)

Similarly, in the Northern Nigerian area of Kano, the British brought together chiefdoms in the rural areas of the region that had not previously been subject to the rule of the Emir of Kano, thus vastly expanding the chief’s domain of governance.

In short, colonial rule seemed to reinforce the process of centralization in Kano, with the effect of extending the Emir’s direct influence over a larger number of rural districts (Paden 1970, p. 176). British colonization involved centralizing smaller government units and placing a traditional chief to rule over the area. Paden (1970, p. 167) explains that the power of the emir expanded in this way:

The executive powers of the emir, however, probably increased during the colonial period, both in the degree to which he could control territorial administrative appointments and in the actual number of functions to be performed.



Colby (1938, pp. 264–268) describes this centralization process throughout British Nigeria—stating that attempts arose “to unify the chieftaincies and thereby centralize the chieftaincy system”. That presented a problem because the selection of one chief to rule over the entire area would set precedent that could be used by chiefs to “claim seniority over others”.

Thus, in addition to softening the budget constraints of tribal leaders, the British administration also reduced competition among pre-colonial governance services significantly by consolidating traditional tribal homelands and eliminating competition between chiefdoms. Before colonization, when political leaders did not satisfy the desires of their citizens, citizens were able to exist from the system of governance and subordinate themselves under another ruler or govern themselves independently. Those options created pressure on the chiefs or kings to provide better governance services to their constituents in order to keep them as potential buyers of the service.

By artificially determining which villages were required to belong to larger chiefdoms (and in effect centralizing governance services), colonization reduced the supply of governance service providers significantly and weakened the competitive forces operating on chiefdoms. The competition among chiefdoms for citizens constrained political leaders in the pre-colonial era to abide by their constitutional contracts, but broke down under British indirect rule.

#### 4.1.3 *Eliminating coordinated punishments*

Lastly, political competition also was reduced because the British no longer allowed citizens to depose their chiefs and elect new ones. For example, Crowder (1968, p. 219) writes:

The emir’s courts ... were only subject in certain cases to appeal to the Governor. His prisons were inspected by the District Officers. He maintained his own police force. His election was by traditional methods, subject to confirmation by the administration, which sometimes made known its preference. But he could no longer be deposed by traditional methods.

British colonization created a monopoly of governance services where political competition once prevailed. Atanda (1970, pp. 218–219) describes how the king (Alafin) no longer listened to the council of elders (the Oyo Mesi) because they no longer could depose him. Recall that the council of elders represented the governing body of the people in the tribal community.

If the Oyo Mesi attempted to rise against the Alafin, the Alafin, with the backing of the Resident, could reduce the plotters to nought. Nor was it possible for such plotters to organise mass rebellion. Such a rebellion, if organised, had no chance of success as the Resident could suppress it with soldiers in the name of ‘peace, order, and good government.’

Atanda (p. 219) then describes how the Alafin deposed members of the council of elders on three different occasions, something that rarely ever happened in the pre-colonial period:

There had to be popular demand for such a step among the subjects of the chief to be deposed. Otherwise, the Alafin would run the risk of giving an order which he had no power to suppress. In the colonial period, however, what the Alafin needed for taking such a step was not the popularity of the demand but the support of the Resident.

The Alafin was able to do this because he no longer faced the threat of being de-stooled. In the colonial period, he needed only to satisfy the British administration to maintain his position as chief.

Similarly in Kano:

Occasionally when the enforcement of any law caused a rising, the political officer was prepared to bring the armed forces (the police and the army) of the central government to crush the rebellion and enforce that law. (Atanda 1970, p. 222)

Crowder and Ikime ([1978] 2012, pp. 216) summarized the same aspect of British Colonial Rule in West Africa, arguing that the only thing that mattered for the chief now was that he was “on good terms with the administrator”, who could provide support to the chief when citizens attempted to rebel.

Similar consequences also materialized in other parts of Africa under British colonial rule. Ashton (1947, p. 243) describes the experiences of a Bantu chief in southern Africa, where the British administration “gives him [the chief] all the support it can. This means that it tends to discourage any manifestation or demonstrations inimical and damaging to the Chief, lest these impair his efficiency and prestige, and to assist him to maintain his authority and bring recalcitrants to book”. Likewise in Sierra Leone, where “Because the colonial administration almost always supported chiefs, subjects had no alternative other than to accept chiefly rulings” (Lange 2009, p. 105). Lange continues on the same page that “...the imposition of colonial rule quite arbitrarily transformed the previous relations between rulers and subjects, freeing chiefs from previous forms of social constraint.”

Under the pre-colonial political institutions, chiefs were constrained by the citizens through the threat of being thrown out of power. Strong political competition existed for the position of chief and that rivalry incentivized the chief to “satisfy” and be responsive to his citizens. British support of the chief under colonial rule undermined the competitive mechanisms embedded in the traditional political structures and it was no longer necessary for the chief to try to “increase” the number of his followers.

## 4.2 Consequences

British indirect rule effectively altered the club-like mechanisms that constrained the behavior of chiefs in the pre-colonial era. Chiefs no longer were dully dependent on the citizens for their incomes because they received salaries from the British administration. And the political competition between chiefdoms was weakened by British consolidations of the chiefdoms. Political competition for the position of chief also was eliminated because the chief had access to the British Resident, who suppressed all efforts to overthrow him or to elect a new chief. Appeals for the Resident’s protection weakened the chiefs’ incentives to be accountable to their citizens and resulted in widespread extortion and blatant disregard of traditional constitutional checks. The same constitutional checks that were in place during the pre-colonial period were discarded in the post-colonial period. And even though the political leaders under British colonial rule were the same ones that the citizens had chosen beforehand and who had been constrained prior to colonial rule, chiefs and kings began to act in predatory ways to such an extent that corruption and bribery became the norm during colonization (Crowder 1968, p. 224). Atanda (1970, p. 218) notes this transition with respect to the Alafin (king) and Oyo Mesi (council of elders):

In the pre-colonial period, the Alafin, as has been pointed out earlier, ruled in conjunction with the Oyo Mesi. But during the colonial period, the Oyo Mesi neither ruled with the Alafin nor had the chance to act as a check on his power.

Atanda (1970, p. 219) continues:

All the traditional constitutional checks and balances virtually ceased to operate. Consequently, the Alafin emerged stronger than he ever had been. The administration testified to this unprecedented power of the Alafin when it declared that ... ‘the power of the Alafin was enhanced beyond custom or tradition.’

Paden (1970, p. 166) describes the transition thusly:

Limitations on executive appointments by the Kano emir were primarily imposed by the balance of power among various Fulani clans. By the late colonial period, the emir absorbed much of the power of the clan chiefs.

As a constitutional check on the headman, the council of chiefs was defunct by the end of the colonial rule. What is more important, widespread corruption and extortion began on the part of the chiefs, which never had existed to such an extent during the pre-colonial environment.<sup>29</sup> Asiwaju (1970, p. 141) describes how the Onimeko (king) of Meko became corrupt:

So powerful did [the Onimeko] become that the number of complaints made by the people in his district against him was one of the reasons why his authority was curtailed in the late 1940s.

British officers and residents often reported significant instances of extortion on the part of the chiefs, but all agreed to ignore it so long as it did not cause mass violence or attempted takeovers. British colonial officer John Smith (1970, p. 18) summarizes his personal experiences with the administration often turning a “blind eye” to corrupt chiefs. He proceeds on the same page to report the reactions of his fellow officers to the appointment of a new Emir of Kano in 1954 as: “There was not a single administrative officer with knowledge of Kano who thought the Ciroma would make a good emir”, and that it took “a decade of misrule,” combined with other factors, to “break him”.

In Ijebuland, residents routinely filed complaints to the British about the predatory king (the Awujale). In fact, in 1943, 2635 residents signed a petition to investigate a number of the Awujale’s corrupt practices, but the “allegations of bribery and corruption made against the Awujale were never investigated by the British administration” (Ayandele 1970, p. 249).

Ayandele (1970, p. 249) writes that it is clear from the records that the British had thought highly of the Awujale, in sharp “contrast to the view entertained of him by his people—that of usurper, an embodiment of venality, deceitfulness, cunning, and avarice, an oppressor and herald and chaos of Ijebuland.” In another instance, a British district officer describes witnessing an encounter with the Assistant District Officer to discuss deposing a chief who was involved in many instances of extorting his people. This chief not only “confessed to extortion, but to quite a few other crimes that Cary [Assistant District Officer] had not known about.” Needless to say, this particular chief was not deposed (as described in Crowder 1968, p. 212).

<sup>29</sup> The contrast has been documented by Crowder (1968), Crowder and Ikime (1970), Mamdani (1996), Lange (2009), Hill (1963), Migdal (1988) and Berry (1993).

Additionally, when the British introduced forced labor laws, chiefs began to abuse the laws for their purposes by sending their enemies to work camps or forcing the people to do such things as build palaces for the chiefs. One of the most notorious cases occurred when the Alafin of Oyo used forced labor in Iseyin to build a manor-style rest home for native authorities, the Resident and their friends (Crowder 1968, p. 209). Instances of chiefly misrule became the norm. Dorjahn (1960, p. 135) explains that, “Chiefs collected and pocketed excessive rent from the local population.” British Colonial officer Maurice Dorman summarized in 1957 some common examples of chiefly malfeasance: “widespread use of forced labour on chiefs’ farms, unpaid and often unfed...; beating up and manhandling complaints; fining people out of court and retaining the fines...; and straightforward embezzlement” (Dorman 1957).

Misrule also became the norm in Sierra Leone and other parts of West Africa. Sierra Leonean chiefs became so corrupt that it sparked massive rebellions against them. From November 1955 through March 1956, tens of thousands of citizens began revolting against their chiefs

in violent displays of defiance, promoting the colonial police and military to intervene on forty-six occasions and arrest nearly 1500 individuals. Such was the violence and scale of the uprising that a commissioner investigating the incident described the series of events as civil war between chiefs and subjects.... (quoted in Lange 2009, p. 103)

After the rebellions, the British District officers investigated the complaints against the chiefs, and in the ‘Cox Report’ of 1956 stated that,

Dishonesty has become accepted as a normal ingredient of life to such an extent that no one has been concerned to fight it or even complain about it. The ordinary peasant or fisherman seems originally to have accepted a degree of corruption which was tolerable; at a later stage he has been cowed into accepting it; finally[,] he rebelled. (Government of Sierra Leone 1956)

In another report investigating these rebellions, the colonial administration claimed that, “Disturbances were led by ordinarily law-biding people who were fed up with the extortions and tyranny practiced by paramount Chiefs and their underlings” (Government of Sierra Leone 1955). Such instances of widespread chiefly corruption in West Africa under British indirect rule also are documented by Boone (1994) and Migdal (1988), who conclude that colonialism empowered local chiefs in ways that never were common before the administration set in. They attribute the problems of economic development to unaccountable chiefs leading to institutionalized despotism. Crowder (1968, p. 197) puts it best when he summarizes the outcomes of British indirect rule on the chiefs as follows: “In adopting a system of indirect rule it buttressed up the authoritarian aspect of the power of the chiefs who frequently abused it in a way they could rarely have done in traditional society without deposition.”

## 5 Conclusion

Prior to British colonization, the institutional structures aligned the incentives of the chiefs in ways that made them accountable and responsive to their citizens. Alignment arose because chiefs were the residual claimants on revenues generated by providing governance services to the citizens and because chiefs were constrained by the competition among

other chiefdoms and by the threat of being thrown out of power. The British changed these institutional structures by providing a fixed salary to the chiefs (thereby softening the budget constraint of the chiefs), by consolidating districts and chiefdoms, and by eliminating the ability for citizens to overthrow their chiefs. These changes altered the club-like and competitive features of the chiefdoms, and thereby weakened the incentives of chiefs to be accountable to their citizens. This resulted in widespread extortion and disregard of traditional constitutional checks. The same constitutional checks that were in place during the pre-colonial period were abandoned in the post-colonial period, and chiefs began to act in predatory ways to such an extent that corruption and bribery became the norm during colonization.

Many scholarly studies have analyzed the broader relationships between unaccountable governments in Sub-Saharan Africa and the problems of underdevelopment and slow economic growth. This paper provides an account of how unaccountable tribal chiefs emerged in parts of West Africa after British colonization. One implication of that discussion is that the problem of predatory governments should be approached using an institutional analysis framework. Discussions of unaccountable government actors often advocate new leadership, but such recommendations overlook the lesson that political leaders and governments act in the manner they do because of the incentives they face. When the mechanisms that aligned the incentives of African chiefs with their citizens broke down, the chiefs acted in more predatory ways. They were constrained by the desires of the citizens when it was in their best interest to do so; they acted opportunistically when they did not internalize the costs of predatory behavior. If we understand the problems of predatory governments in Sub-Saharan Africa in terms of the incentives political leaders face and the mechanisms that align these incentives, we can shed further light on the importance of particular institutional arrangements that pave potential paths to development.

Second, while this paper presented specific case studies of how the institutional structures were altered in West Africa by the British, which led to unaccountable chiefs, the framework and mechanisms discussed herein can be applied in understanding a host of similar problems. Any type of external governmental aid can soften the budget constraints of local political leaders and alter their incentives in ways that lead them to be less responsive to their constituents. The same consequences arise in settings where a national government aids another government (as in foreign aid) and where the central government aids local governments. For example, how might federal aid to local police departments impact the incentives of local police to be more accountable to the federal government than to the citizens they are supposed to serve and protect? Furthermore, as discussed frequently in the foreign aid literature, political leaders can use external aid to weaken the competitive political environment by consolidating jurisdictions in the name of exploiting scale economies, thus allowing them to provide even worse governance services. Federal government aid to localities, aspects of colonial rule, and foreign aid to developing countries all are conceptually similar in the ways in which they can alter the institutional structures and the incentives of political and government leaders in power.

When the incentives that align the interests of tribal chiefs (or political leaders of any stripe) to their people change, so will the governance decision-making and the subsequent outcomes for society. This paper provided a specific case study of how British colonial rule softened the budget constraints of West African chiefs and weakened political competition between them by consolidating chiefdoms and eliminating coordinated punishments, which resulted in chiefs no longer facing the incentives and the pressure to be “good

leaders.” Instead, chiefs pursued personal interests in maximizing their own wealth by engaging in predatory tactics.

**Acknowledgements** I thank Pete Boettke, Pete Leeson, Chris Coyne, Don Boudreaux, Solomon Stein, Paola Suarez, Kyle O’Donnell, Ennio Emanuele Piano, and the anonymous reviewer for valuable comments. I also wish to thank the Mercatus Center and the Bradley Foundation for their support at various stages in the development of this research.

## References

- Acemoglu, D., Chaves, I., Osafo-Kwaako, P., & Robinson, J. (2014a). Indirect rule and state weakness in Africa: Sierra Leone in comparative perspective. In S. Edwards, S. Johnson, & D. Weil (Eds.), *African successes, volume IV: Sustainable growth* (pp. 343–370). Chicago, IL: University of Chicago Press.
- Acemoglu, D., Johnson, S., & Robinson, J. (2001). The colonial origins of comparative development. *American Economic Review*, 91(5), 1369–1401.
- Acemoglu, D., Reed, T., & Robinson, J. (2014b). Chiefs: Economic development and elite control of civil society in Sierra Leone”. *Journal of Political Economy*, 122(2), 319–368.
- Akintoye, S. A. (1970). Qbas of the Ekiti Confederacy since the advent of the British. In M. Crowder & O. Ikime (Eds.), *West African chiefs: Their changing status under colonial rule and independence* (pp. 255–270). New York: African Publishing Corporation.
- Alexandre, Pierre. (1970). The problems of chieftaincies in French speaking Africa. In M. Crowder & O. Ikime (Eds.), *West African chiefs: Their changing status under colonial rule and independence* (pp. 24–78). New York: African Publishing Corporation.
- Amoah, G. Y. (1988). *Groundwork of government for West Africa*. Ilorin: Gbenle Press.
- Ashton, E. H. (1947). Democracy and indirect rule. *Africa*, 17(4), 235–251.
- Arhin, K. (1985). *Traditional rule in Ghana: Past and present*. Sedco Publishing.
- Asiwaju, I. A. (1970). The Alaketu of Ketu and the Onimeko of Meko: The changing status of two Yoruba rulers under French and British rule. In M. Crowder & O. Ikime (Eds.), *West African chiefs: Their changing status under colonial rule and independence* (pp. 134–160). New York: African Publishing Corporation.
- Atanda, J. A. (1970). The changing status of the Alafin of Oyo under colonial rule and independence. In M. Crowder & O. Ikime (Eds.), *West African chiefs: Their changing status under colonial rule and independence* (pp. 212–230). New York: African Publishing Corporation.
- Ayandele, E. A. (1970). The changing status of the Awujales of Ijebuland under colonial rule. In M. Crowder & O. Ikime (Eds.), *West African chiefs: Their changing status under colonial rule and independence* (pp. 231–254). New York: African Publishing Corporation.
- Ayittey, G. (1992). *Africa Betrayed*. New York, NY: St. Martin’s Press.
- Ayittey, G. ([1991] 2006). *Indigenous African Institutions (2nd ed.)*. Ardsley, NY: Transnational Publishers.
- Bascom, W. ([1969] 1984). *The Yoruba of southwestern Nigeria*. Prospect Heights, IL: Waveland Press.
- Bates, R. H. (1981). *Markets and states in tropical Africa*. Berkeley: University of California Press.
- Bauer, P. T. (1954). *West African trade*. Augustus M Kelley Publishing.
- Berry, S. (1993). *No condition is permanent: The social dynamics of agrarian change in sub-Saharan Africa*. Madison: University of Wisconsin Press.
- Boahen, A. ([1965] 1986). *Topics in West African history*. Essex: Longman Group.
- Boettke, P. J., Coyne, C., & Leeson, P. T. (2011). Quasi-market failure. *Public Choice*, 149, 209–224.
- Boettke, P. J., & Palagashvili, L. (2015). Taming leviathan. *Supreme Court Economic Review*, 23(1), 279–303.
- Boone, C. (1994). States and ruling classes in post-colonial Africa: The enduring contradictions of power. In J. Migdal (Ed.), *State power and social forces* (pp. 108–140). Cambridge: Cambridge University.
- Bourdillon, M. (1976). *The Shona peoples*. Gwelo: Mambo Press.
- Buchanan, J. M. (1965). An economic theory of clubs. *Economica*, 32(125), 1–14.
- Busia, K. A. (1951). *The position of the chief in the modern political system of the Ashanti*. London: Frank Class and Company Limited.
- Busia, K. A. (1967). *Africa in search of democracy*. New York, NY: Praeger.
- Cohen, A. (1969). *Custom and politics in urban Africa*. Berkeley, CA: University of California Press.
- Colby, C. (1938). *Geographic aspects of international relations*. Chicago, IL: University of Chicago Press.
- Crowder, M. (1968). *West Africa under colonial rule*. Evanston: Northwestern University Press.

- Crowder, M., & Ikime, O. (1970). Introduction. In M. Crowder & O. Ikime (Eds.), *West African chiefs: Their changing status under colonial rule and independence* (pp. vii–xxviii). New York: African Publishing Corporation.
- Crowder, M., & Ikime, O. ([1978] 2012). West African chiefs. In M. Crowder (Ed.), *Colonial West Africa* (pp. 209–230). New York, NY: Routledge.
- Davidson, B. (1965). *A history of West Africa, 1000–1800*. London, UK: Longman Group United.
- Davidson, B. (1970). *Discovering Africa's past*. New York: Longman.
- Davidson, B. (1992). *The black man's burden: Africa and the curse of the nation-state*. Chicago, IL: Chicago University Press.
- Deaton, Angus. (2013). *The great escape: Health, wealth, and the origins of inequality*. Princeton: Princeton University Press.
- Dorjahn, V. (1960). The changing political system of the Temne. *Africa*, 30(2), 110–140.
- Dorman, M. (1957). *Letter to C. G. Eastwood, 16 February*. Kew: Public Records Office, CO554/1993. Referenced in Lange (2009), p. 104.
- Easterly, W. (2001). *The elusive quest for growth*. Cambridge, MA: MIT Press.
- Easterly, W. (2013). *The tyranny of experts*. New York, NY: Basic Books.
- Easterly, W., & Levine, R. (2016). The European origins of economic development. *Journal of Economic Growth*, 21(3), 225–257.
- Ellis, G. (1914). *Negro culture in West Africa*. New York: The Neale Publishing Company. Retrieved from <https://archive.org/details/negrocultureinwe00elliuoft>
- Frey, B., & Eichenberger, R. (2001). Federalism with overlapping jurisdictions and variable levels of integration: The concept of FOCJ. In J. von Hagen & M. Widgren (Eds.), *Regionalism in Europe: Geometries and strategies after 2000* (pp. 3–21). Boston: Kluwer.
- Gellar, S. (2005). *Democracy in Senegal*. New York, NY: Palgrave.
- Gennaioli, N., & Rainer, I. (2006). Precolonial centralization and institutional quality in Africa. In M. Gradstein & K. Konrad (Eds.), *Institutions and norms in economic development* (pp. 21–46). Cambridge, MA: MIT Press.
- Gennaioli, N., & Rainer, I. (2007). The modern impact of precolonial centralization in Africa. *Journal of Economic Growth*, 12(3), 185–234.
- Glaeser, E. L., La Porta, R., Lopez-de-Silanes, F., & Shleifer, A. (2004). Do institutions cause growth? *Journal of Economic Growth*, 9(3), 271–303.
- Government of Sierra Leone. (1955). *Protectorate disturbances: Sierra Leone*. Kew: Public Records Office, CO554/1329. Referenced in Lange (2009), p. 104.
- Government of Sierra Leone. (1956). *Sierra Leone: Report of commission of inquiry into disturbances in the provinces (Nov. 1955 to March 1956)* (the Cox Report). London: HMSO. Referenced in Lange (2009), p. 104.
- Greve, M. (2012). *The upside-down constitution*. Cambridge, MA: Harvard University Press.
- Hayford, C. (1903). *Gold coast native institutions*. London: Sweet and Maxwell. Retrieved from <https://archive.org/details/goldcoastnative00confgoog>
- Hill, P. (1963). *The migrant cocoa-farmers of Southern Ghana: A study in rural capitalism*. New York: Cambridge University Press.
- Kornai, J. (1986). The soft budget constraint. *Kyklos*, 39(1), 3–30.
- Lange, M. (2009). *Lineages of despotism and development: British colonialism and state power*. Chicago, IL: University of Chicago Press.
- Leeson, P. T. (2005). Endogenizing fractionalization. *Journal of Institutional Economics*, 1(1), 75–98.
- Leeson, P. T. (2007). Trading with bandits. *Journal of Law and Economics*, 50(2), 303–321.
- Leeson, P. T. (2008). Social distance and self-enforcing exchange. *Journal of Legal Studies*, 37(1), 161–188.
- Leeson, P. T. (2011). Governments, clubs, and constitutions. *Journal of Economic Behavior & Organization*, 80(2), 301–308.
- Leeson, P. T., & Boettke, P. J. (2009). Two-tiered entrepreneurship and economic development. *International Review of Law and Economics*, 29(3), 252–259.
- Lugard, F. (Oct. 1919). *Amalgamation of Northern and Southern Nigeria and administration, 1912–1919*. Confidential Report, Colonial Office. Retrieved from Empire Online.
- Mamdani, M. (1996). *Citizen and subject: Contemporary Africa and the legacy of late colonialism*. Princeton, NJ: Princeton University Press.
- McGuire, M., & Olson, M. (1996). The economics of autocracy and majority rule: The invisible hand and the use of force. *Journal of Economic Literature*, 34(1), 72–96.
- Michalopoulos, S., & Papaioannou, E. (2015). On the ethnic origins of African development chiefs and pre-colonial political centralization. *Academy Management Perspectives*, 29(1), 32–71.

- Michalopoulos, S., & Papaioannou, E. (2016). The long-run effects of the scramble for Africa. *American Economic Review*, 106(7), 1802–1848.
- Migdal, J. S. (1988). *Strong societies and weak states*. New York: Cambridge University Press.
- Nunn, N., & Wantchekon, L. (2011). The slave trade and the origins of mistrust in Africa. *American Economic Review*, 101(7), 3221–3252.
- Nzewunwa, N. (1985). Pre-colonial Nigeria: East of the Niger. In R. Olaniran (Ed.), *Nigerian history and culture*. London: Longman Group Limited.
- Ostrom, V. (1972). *Polycentricity*. Workshop archives, workshop in political theory and policy analysis. Bloomington, IN: Indiana University. Presented at workshop on Metropolitan Governance, American Political Science Association Meeting, Washington, DC, September 5–8, 1972.
- Ostrom, V., Tiebout, C. M., & Warren, R. (1961). The organization of government in metropolitan areas: A theoretical inquiry. *American Political Science Review*, 55, 831–842.
- Packard, R. (1981). *Chiefship and cosmology*. Bloomington, IN: Indiana University Press.
- Paden, J. (1970). Aspects of emirship in Kano. In M. Crowder & O. Ikime (Eds.), *West African chiefs: Their changing status under colonial rule and independence* (pp. 162–186). New York: African Publishing Corporation.
- Patton, A. (1989). An Islamic frontier polity: The Ningi mountains of northern Nigeria. In I. Kopytoff (Ed.), *The African frontier: The reproduction of traditional African societies* (pp. 1846–1902). Bloomington, IN: Indiana University Press.
- Rattray, R. S. (1929). *Ashanti law and constitution*. Oxford: Clarendon Press.
- Sandbrook, R. (1985). *The politics of Africa's economic stagnation*. Cambridge: Cambridge University.
- Sandler, T., & Tschirhart, J. (1997). Club theory: Thirty years later. *Public Choice*, 93(3/4), 335–355.
- Smith, J. (1970). The relationship of the British political officer to his chief in northern Nigeria. In M. Crowder & O. Ikime (Eds.), *West African chiefs: Their changing status under colonial rule and independence* (pp. 14–22). New York: African Publishing Corporation.
- Suret-Canale, J. (1970). The Fouta-Djalon chieftaincy. In M. Crowder & O. Ikime (Eds.), *West African chiefs: Their changing status under colonial rule and independence* (pp. 79–97). New York: African Publishing Corporation.
- Tiebout, C. M. (1956). A pure theory of local expenditures. *Journal of Political Economy*, 64, 416–424.
- Weir, N. A. C. (1934). *The broad outlines of the past and present organisation in the Ekiti Division of Ondo Province* (Ekiti Div. Office, unpublished, 13 Feb.); pp. 62–5, 153–160.
- Wunsch, J., & Olowu, D. (Eds.). (1990). *Failure of the centralized state*. Boulder, CO: Westview.
- Young, C. (1994). *The African colonial state in comparative perspective*. New Haven: Yale University.