Political Constraints in British Africa: Quantitative Evidence from Native Authority Institutions

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Abstract

The nature of African political institutions before and during colonial rule is subject to considerable debate. We provide a new perspective that stresses the historical prevalence of political constraints and their persistence under colonial rule. We assemble extensive new data on British colonial administration in Africa around 1950 and demonstrate two novel patterns. First, Native Authority institutions, the practical implementation of so-called "indirect rule," were quite heterogeneous and often characterized by influential councils. Second, we additionally collected new data on constraints on precolonial rulers to show that colonial institutions are highly predictable. Solo chiefs are mostly confined to the relatively few areas with precolonial unconstrained rulers. By contrast, most of the rest of British Africa was governed by councils (sometimes with a chief, sometimes not). Our evidence does not support the hypothesis that either pre-colonial or local colonial political institutions are the source of "despotism" in post-colonial Africa. More likely, the creation of arbitrary states made it very difficult to aggregate the many heterogeneous local institutions of accountability into legitimate national institutions which would have constrained potential dictators.

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1 INTRODUCTION

Between the late nineteenth century and the mid-twentieth century, European powers colonized and governed most of Sub-Saharan Africa. In thousands of localities across a vast region, colonial administrators confronted the question of how to organize political institutions to maintain peace, collect taxes, and provide basic public goods. Much existing research characterizes broad homogeneity in modes of governance and political institutions, and typically stresses their authoritarian orientation. For example, Herbst (2000) argues that the limited aims and capacity of the colonial states led them to perpetuate existing institutions, most of which were largely authoritarian given the absence of "tax bargaining" in precolonial Africa. Mamdani (1996) offers a distinct argument, but reaches a similar conclusion. He assumes precolonial societies were more egalitarian, but characterizes colonizers as working with a "single model of customary authority in precolonial Africa ... [that] presumed a king at the center of every polity [and] ... authority was considered an attribute of personalized despotism" (39). Consequently, in Mamdani's view, Britain and other colonizers routinely invented despotic chiefs where none previously existed. This perspective is consistent with well-known arguments from Ranger (2012) and Young (1994). Others debate whether British practices of "indirect rule" qualitatively differed from French "direct rule," while retaining the perspective that governance was largely homogeneous within these empires, at least among the non-settler territories.

We provide a new perspective on governance in colonial (and precolonial) Africa. We begin by documenting a striking fact about non-settler colonies in British Africa, which contrasts with existing characterizations. At the local level, colonial political institutions exhibited *considerable heterogeneity* and were largely *not despotic*. Rather than study decisions made in the metropole or variation among colonies,[1] we study finer-grained variation among Native Authorities (NAs). These served as the "practical application of indirect rule" (Cowan 1958, 14-23) on the ground. The following reflects data on NAs averaged across 460 Native Treasuries (NTs) in twelve colonies

[1]The most innovative existing measures of the directness of British rule, such as Lange's (2004, 2009) measure of court cases heard in customary vs. British courts (see also Gerring et al. 2011; Hariri 2012), are measured at the colony level (although see Müller-Crepon 2020; Bolt and Gardner 2020).

around 1950. Only 18% of NAs consisted solely of a chief, in contrast to the notion that this was the only model of governance that British administrators could understand. In fact, NAs that consisted *only of councils* were more prevalent (30%), and the plurality of NA institutions included both a chief and a council (36%). Overall, despite looking within a single empire, broad ideas of "indirect rule" provide almost no insight into political institutions at the local level.[2]

To explain variation within Native Authority institutions, we advance two arguments. First, a key determinant of both the scale and governance of pre-colonial political institutions in Africa was strong egalitarian norms and what Vansina (1990, 119) calls a desire to maintain "internal autonomy of the local community." We postulate that a consequence of these norms is that when states or larger polities emerged, institutions such as councils would tightly *constrain* rulers. Second, limited resources compelled British administrators to largely *reproduce* existing political institutions. Thus, where they confronted historical states governed by despotic rulers, we expect them to replicate these institutions. However, because most precolonial African societies were not despotic, we typically expect them to establish political constraints on chiefs, in particular by granting legal powers to councils. Areas without discernible state structures left more flexibility for "innovation." However, even here, the lack of extant despotic institutions and the desire to avoid costly local disturbances generally created incentives to constrain chiefly powers, even when these were to some extent "invented". Thus, we anticipate local colonial institutions to be heterogeneous and greatly influenced by pre-colonial precedent.

To test these hypotheses, we compiled extensive data on pre-colonial and colonial political institutions in British Africa. For the pre-colonial era, although Murdock's (1967) *Ethnographic Atlas* contains a variable which captures the "stateness of a polity" (levels of jurisdictional hierarchy), we are unaware of an existing, comprehensive, dataset that measures how these states were governed—in particular, the constraints that rulers faced. To measure pre-colonial constraints, we

[2]In a 1942 report, entitled *Native Administration and Political Development in British Tropical Africa*, colonial administrator Lord Hailey declined to use the phrase "indirect rule" at all. He argued that it had "no claim to precision" owing to the variety of ways it had been implemented. This report laid the groundwork for the surveys that we used to construct our dataset.

consulted the 50 volumes of the *Ethnographic Survey of Africa*, which cover close to 200 African societies, as well as hundreds historical and ethnographic monographs and articles. We coded a binary variable for whether pre-colonial political authorities, often referred to in the literature as "chiefs,"[3] were institutionally constrained by an effective council. To measure effectiveness we ask: Did the chief regularly consult a council? Did a council regularly influence policy decisions? Was the chief unable to regularly override the desires of the council? The scholarly literature suggests that there were many ways in which rulers could be constrained and made accountable, but we chose this definition because it is concrete and relatively easy to measure.[4]

For colonial-era institutions, we compiled information from extensive surveys of administration in British colonies around 1950. The primary sources for this are the five volumes of Lord Hailey's *Native Administration in the British African Territories* (Hailey 1950*a*,*b*, 1951*a*,*b*, 1953), and the source material that Hailey used to construct these volumes. We refer to the latter source as the "Hailey Archive," which is housed at the National Archives in London. These sources give a very detailed district-by-district account of the organization of colonial rule in British Africa. Unfortunately, such systematic information is not available earlier in the colonial period, although we have anecdotal evidence about changes over time.

In our dataset, the unit of analysis is the "Native Treasury" (NT), which was the level at which expenditures were decided. Each NT contained one or multiple "Native Authorities" (NAs), which were the basic administrative units in British Africa. In sum, we have data on 1,459 NAs in 460 NTs across 12 British colonies.[5]

We provide systematic data on numerous aspects of native administration at the local level. Our

[3]This term of course masks terrific heterogeneity in the character, rights, mechanisms of legitimacy and powers of pre-colonial rulers.

[4]We were not able to measure accurately the extent of participation in pre-colonial polities even though in some, for example the Tswana states of Botswana, it was clearly high (Schapera 1940).

[5]Unfortunately, Hailey's surveys do not cover South Africa or Zimbabwe, so we do not include them in the main analysis. However, we were able to use alternative sources to construct information about both the pre-colonial and colonial political institutions of these societies. In the Appendix, we discuss these cases and discuss how they fit into our theoretical framework.

primary variable concerns which actors were legally "gazetted" with the rule-making powers of a NA.[6] The main categories are solo chief (only a chief gazetted as NA), council only (only a council gazetted as NA), or chief and council (both gazetted). In some other cases, the NA was a federal council (solo-chief NAs combined into a district treasury that was itself a NA), confederacy (independent chiefs/councils gazetted as a single NA), or the District Officer/Commissioner himself. We additionally coded: how chiefs gained their position; the social composition of council members, including who was eligible for each seat, who selected members, and female participation;[7] literacy of the chief and council members; de facto powers of councils; and whether the NA participated in the setting of estimates or operation of the treasury, and (if so), whether the chief or council participated. Finally, we collected information about how each NT allocated its budget. We use the Hailey sources complemented with other reports on Native Treasury finances to construct several key variables. In particular, we measured the proportion of the budget spent on administration (such as salaries for officials) and on public goods (primarily health and education).

Our main findings demonstrate (a) the prevalence of political constraints both in the pre-colonial and colonial eras and (b) general patterns of colonial persistence. First, the preponderance of pre-colonial African polities did have constraints on their leaders. Indeed, 92% of them had some form of such constraints. Second, the same is true in the colonial period. Overall, 82% of all Native Treasuries had a legally recognized council and indeed 30% of them *only* consisted of a council—there was no legally recognized chief. Only 18% of cases featured a chief without a legally recognized council, and in most of these cases there was an informal Advisory Council that in some cases was quite influential. Third, matching NTs to pre-colonial polities using information from the Hailey books as well as from encyclopedias of states in Africa, we show that the presence of pre-colonial councils predicts the presence of colonial councils. As a corollary, places which had a solo chief in 1950 were almost exclusively places with an unconstrained chief in the pre-colonial period. Fourth, we show that the composition of councils was very hetero-

[6] This term refers to the official colonial gazettes.

[7] In a few cases, for example southern Nigeria or Sierra Leone, the British recognized women chiefs, see Achebe (2011) and Day (2016) for examples.

geneous. Traditional elites were represented in 69% of them, with a plurality in 52%. But only 7% had members appointed by chiefs and as few as 10% had members appointed by the colonial government. Importantly, the composition of the colonial councils depended significantly on the nature of pre-colonial institutions. For example, when the pre-colonial chief was constrained by a council, colonial council members were far less likely to be appointed by chiefs. Finally, we show that the councils mattered for spending. NTs with councils of any sort spent a significantly smaller proportion of their budget on administration and a significantly greater share on public goods.

We interpret these findings as consistent with our theoretical expectations. First, pre-colonial states and polities were in general not "despotic" and their small scale went along with many mechanisms of accountability (Beattie 1959; Vansina 1990), though of course we only measured one mechanism (councils). Second, the very heterogeneous practice of indirect rule largely preserved a key aspect of the institutional status quo. Unconstrained pre-colonial rulers, such as in the north of Nigeria, persisted in this state into the colonial period. Elsewhere, indirect rule was harder to implement and there were two main innovations by British colonial officials in response. Both involved creating chiefs where none existed, as in the famous warrant chiefs system of south-eastern Nigeria (Afigbo 1972) or the creation of "headmen" in Kenya (Berman 1990) (similar arrangements were imposed in northern and eastern Uganda). These authoritarian systems were not effective from the British point of view. The warrant-chief system was abolished in the 1930s after an intense attempt to understand better the nature of pre-colonial African political systems. In southeastern Nigeria, for example, this involved the collection of 200 Intelligence Reports on pre-colonial institutions. The latter was augmented by councils which effectively constrained the headmen (who usually ended up being called chief). In the warrant chief case, indirect rule institutions ended up closely resembling pre-colonial institutions by design and thus preserved their constrained nature. Although the position of headman in Kenya was an innovation and persisted (unlike the warrant chiefs), it was soon hemmed in by the creation of Local Native Councils. These bodies were predominantly elected and had more influence than headmen on the NTs which, like

the Councils themselves, operated at the level of the District.

In short, our evidence supports the notion that pre-colonial African political rulers were constrained and not despotic and British colonialism, whatever its intentions, ended up reproducing this pattern at the local level. Though we do not test these conjectures, our theory and evidence suggests that neither the nature of pre-colonial political institutions nor the impact of colonialism on local governance are likely explanations for the relative absence of democracy in post-colonial Africa. More likely, this relates to the creation of modern post-colonial national states with institutions uncoupled to the powerful systems of accountability present in pre-colonial and even colonial local political society.

Our evidence cannot rule out many of the other channels via which colonialism has been argued to adversely impact the political development of Africa. One salient argument due to Young (1994) and his metaphor of "Bula Matari" is that the autocratic nature of the colonial state provided a direct model for post-colonial elites. Alternatively, the fact that colonialism created arbitrary nation states (Englebert 2000; Michalopoulos and Papaioannou 2016) made it extremely difficult to agree on the social contract after independence. Other mechanisms via which colonialism may have impacted the political equilibrium of post-colonial Africa include the reification and intensification of ethnic identities and the creation of "tribes" (Vail 1991; Mamdani 1996; Spear 2003; Ranger 2012), and various other forms of path dependence, for example the argument of Cooper (2002) the colonial powers created "gatekeeper states."

Our account of pre-colonial African institutions and the impact of colonialism differs significantly from the two salient accounts in political science. Herbst (2000), for example, argues for the enduring nature of African states driven by the calculations of leaders deciding whether to "broadcast power" in the context of low population density. In his account, pre-colonial African states were weak and unaccountable (since accountability emerges as a result of "tax bargaining" in the process of state formation) and colonialism had little impact on this because it was too short and because colonial powers faced the same costs and benefits as pre-colonial African leaders. Young

(1994) and Mamdani (1996), on the other hand, argue that pre-colonial African polities were primarily democratic and "not grounded in the exclusionary hegemony that the colonial state was to introduce" (Young 1994, 222). These scholars argue that this was destroyed by colonialism which "swept away" the existing "shared political tradition commonly understood by rulers and ruled" (Young 1994, 222) and created everywhere a "decentralized despotism" (Mamdani 1996, 17) laying the seeds of the autocracy of post-colonial Africa. None of these scholars present systematic quantitative evidence on the organization of either pre-colonial or colonial political institutions.

Our evidence highlights problems with all of these accounts. First, detailed historical and ethnographic evidence does not suggest that the nature of pre-colonial African political institutions can be deduced from the cost benefit analysis of "leaders." As our evidence suggests, pre-colonial African rulers were constrained and the scale of their polities reflected plausibly not just such costs and benefits of leaders, but the preferences of individuals and groups over mechanisms of accountability and representation, like councils. If the states lacked "power" this was the outcome of a collective choice, not a consequence of the decisions of a ruler facing low population density. Yet although Herbst mischaracterized the nature of the institutional status quo in Africa, our evidence is consistent with his claim that colonialism largely preserved this status quo (see also Berry 1992).[8] Second, our evidence, while it is consistent with Young and Mamdani's arguments that pre-colonial institutions in Africa were largely democratic, does not support their central claims that British colonialism radically transformed this situation, except in the case of settler colonies such as South Africa or Zimbabwe. The overwhelming fact elsewhere is continuity. As we saw, in some colonies, particularly in parts of Uganda and also Kenya (where settlers again played a role), Britain did create political institutions which had not previously existed. The evidence does not suggest, however, that these were despotic.

[8]Other empirical claims in Herbst (2000) do not seem consistent with available evidence. Using data from the Standard Cross Cultural Sample, Osafo-Kwaako and Robinson (2013) show that in fact there is no correlation between population density and political centralization in Africa. The paper also finds no correlation between measures of the ease of "exit" and political institutions, a fact relevant for the thesis of Stasavage (2020).

Although Herbst, Mamdani, and Young provide the best known accounts of African colonialism in the political science literature, many of their arguments about despotism reflect earlier positions. As early as the 1920s, colonial officials and anthropologists debated the consequences of indirect rule and its impact on African societies.[9] Mair (1936, 128, 133, 169) noted that "the mere fact that a constituted native authority was not British did not necessarily make him the less alien to the population under his rule" and "Indirect Rule may mean the consolidation of a privileged oligarchy at the expense of the majority of the population." Moreover, "at its worst it can become a tyranny of despots." Perham (1937, 234) notes that "It is not surprising that men . . . unable to summon any traditional obedience . . . should have drawn entirely upon the strong alien authority of Government and become corrupt and overbearing." The debate continued after independence. Crowder and Ikime (1970*a*, xv) discuss how Indirect Rule removed the sovereignty of chiefs while at the same time "he was no longer restrained by the traditional checks and balances from below."[10]

There seem to be several reasons why our data do not support these arguments. First, despotic rulers tended to be ineffective. Crowder and Ikime (1970*a*) note how colonial authorities "were forced to realise that effectively to rule indirectly, one had to use an indigenous person or group of persons with real traditional claims to rule rather than a man who seemed capable of it" (p. xix) and to this effect "The instances of chiefs being appointed to thrones to which they had no traditional claim . . . were rare" (p. xii). The warrant chief system was ineffective at raising taxes because such chiefs lacked legitimacy. Confronting the high costs of local uprisings, Britain abandoned the system after the 1929 Women's War. Perham (1937, 216) notes that "their animus was directed against the Warrant Chiefs and the Native Courts." Therefore, many of these arguments apply to institutions which lasted only brief periods of time. Second, a lot of the discussion seems to

[9]See Richards (1959) and Crowder and Ikime (1970*b*) for collections of case studies about the impact of indirect rule on African traditional institutions.

[10]Generally, however, this literature is fairly inconclusive with contradictory arguments being made about the same institutions. For example, while Ashton (1947, 249) argues that the participatory institution of the *kgotla* had declined in Tswana society as a consequence of indirect rule and "government has become largely authoritarian and out of touch with ordinary tribesmen," Schapera (1940, 72), talking about exactly the same institution, argues "The Administration has contributed greatly towards the retention and present vigour of these assemblies."

be about the de facto power of chiefs, since it recognizes that many sorts of institutional checks and balances did exist and there were offsetting forces. Crowder and Ikime (1970*a*), for example, also note how establishing legitimacy was a key aspect of indirect rule (e.g., p. xxi) and the quote above balances loss of sovereignty, which weakened chief's power, with de facto erosion of checks and balances, which strengthened it. Ultimately, it is an empirical question which mechanism was more important.

Our paper also contributes to a growing quantitative literature on variation in colonial administration, often with an explicit focus on direct/indirect rule. Some compare the British and French empires by examining the termination of historical dynasties (Müller-Crepon 2020), the number of colonial administrators (Richens 2009), or comparisons across neighboring British/French colonies (Lee and Schultz 2012). We instead present data that facilitates a detailed comparison of institutions within British Africa. This is needed given the considerable, and often understated, variation within so-called British indirect rule. Our measures extend and improve upon earlier quantitative contributions to understanding variation within British Africa, such as Lange's (2004, 2009) measure of the fraction of court cases tried in Native Courts for each colony. Our more fine-grained measures greatly expands the sample and enables us to examine and explain within-colony variation (Acemoglu, Reed and Robinson (2014) do this in the case of Sierra Leone by exploiting variation in the number of ruling families within a chieftaincy). The most closely related contribution is Bolt and Gardner (2020), who analyze variation in taxation practices at the level of the Native Treasury in Nigeria, the Gold Coast, Kenya, and Nyasaland. Finally, we also contribute to existing quantitative studies showing that precolonial statehood can explain the form of colonial institutions, again using a much more fine-grained unit of analysis (Acemoglu, Johnson and Robinson 2002; Mahoney 2010; Gerring et al. 2011; Hariri 2012; Paine 2019).

2 Establishing the Native Authority System

British indirect rule is often conceived as a largely homogeneous set of political institutions for non-settler territories, underpinned by a coherent ideology of rule. The reality was much differ-

ent. British administrators relied on Africans less to apply a particular ideology of governance than because they faced resource constraints imposed by a metropolitan government struggling to convince many of its constituents about the value of African colonization. The following historical background establishes why British administrators needed to largely recognize facts on the ground. Although the Native Authority system emerged somewhat haphazardly in different territories, over time, colonial administrators came to recognize the governance advantage from relying on traditional authorities where they were hegemonic, and promoting educated and other non-traditional members of society where not, often organized as councils.[11] Combining this framework for colonial governance with our observation that pre-colonial African societies typically exhibited political constraints yields our main theoretical implications. Local-level political institutions should exhibit considerable heterogeneity and often include councils, and precolonial political institutions should largely persist.

2.1 Early Stages

To minimize expenditures by the British treasury, colonial administrations were required to raise sufficient funds to support local expenditures, including the salaries of colonial officials. These were generally set according to London salary scales and were thus very high relative to local per capita incomes and taxable surplus. One implication of this financial constraint was that each colonial administration employed only a small number of European administrators per colony. This, combined with the pace of territorial expansion during the Scramble for Africa, meant that colonial governments had little choice but to rely on local elites to do the lion's share of governance and administration. Iliffe (2007, 193) argues that colonial states were "mere skeletons fleshed out and vitalized by African Political forces." In addition to these material constraints, colonial governments hoped that they could minimize disruption "by integrating existing local authorities and social systems into the structure of colonial government" (Berry (1992, 329); Kirk-Greene (1980)).

[11] Although we of course do not want to take statements by colonial administrators at face value, this transcript evidence is valuable for demonstrating that (at least outwardly) they thought about their circumstances in similar terms as suggested by the objective lack of resources for colonial administration.

The first step in this process was identifying appropriate local elites. This represented a fraught process of political negotiation on both sides. While the presence of larger and more centralized polities could make this easier, that depended on the response of indigenous elites to approaches by colonial officials. Where existing states resisted such overtures, as in the cases of Asante or Ibadan, the British government tried to strengthen rivals through the allocation of territorial and political authority (Berry 1992, 332; Atanda 1970, 215f.; Vaughan 2003, 287). While such maneuvers were an explicit attempt to manipulate African power structures, they did so very much within the constraints of existing institutions. Africans, in turn, also used their connections to the military power of the colonial state to gain an advantage in their own local power struggles in ways that colonial officials may not always have understood fully. Vaughan (2003, 284) writes that "chieftaincy structures thrived because colonial administrators, obas, chiefs and modernizing elites adapted to the legitimating ideologies of traditional culture to shifting colonial imperatives." This jockeying for power by both Europeans and Africans during a period of political instability helps explain the emergence of cases like the warrant chiefs of Eastern Nigeria, which as we have noted was a temporary and highly ineffective system of local rule.

There were fierce divisions within colonial governments about whether chiefs, Headmen, and other Native Authorities could be considered civil servants acting at the behest of the colonial government, or political leaders in their own right with inherent powers of government. In a memo to the Secretary of State for the Colonies, Philip Mitchell (a former governor of Uganda who was then governor of Kenya) wrote that "administrative officers are prone to confuse local authorities, when they are African, with sovereign governments . . . It may be worthwhile to stress that, unless there is some sovereignty reserved by treaty (as in Buganda) all African units are tribal authority are local authorities deriving their powers solely from, and liable to revocation of powers by, the central government."[12] While this might have been the stated position, however, it did not always work in practice, and early concessions to indigenous authorities tended to have lasting impacts. In what became the Gold Coast, the Bond of 1844 established the initial cooperative relationship between

[12]P.E. Mitchell to Arthur Creech Jones, 30 May 1947, in KNA BW1/1/559.

British officials and indigenous rulers and gave explicit recognition to the inherent power of the latter. When, later, the colonial administration tried to redefine this relationship, it faced significant resistance (Hinden 1950, 96). Not all colonial officials held the view that Native Authorities possessed inherent power.

How much power was officially delegated to the chiefs and headmen named in the first decade or so of colonial rule varied between and sometimes even within different colonies. Early legislation laid out some of the ground rules, and often varied in terms of whether it was phrased as granting new powers or recognizing existing ones (Hailey 1951*c*; Hicks 1961, chs 7-8). The first laws outlining the structure of Native Administration in Northern Nigeria, for example, were phrased as recognizing the power of the Emirate jurisdiction over "natives" and matters of customary law. These ordinances were replicated in large part in other parts of Nigeria. The same was true in the Colony and Asante regions of the Gold Coast, owing to the legacy of the Bond of 1844. In other regions, like the Northern Territories of the Gold Coast and in Kenya and Nyasaland, Native Authorities were given specific responsibilities for the maintenance of law and order, construction and maintenance of local roads, the regulation of markets and resources, and similar powers.

Sometimes there were explicit divisions between types of Native Authorities rather than between regions. In Nigeria, Native Authorities were categorized into groups ranging from "unorganised" to "fully organised." The specific powers of the Native Authority—and, crucially, how much of its own revenue it controlled—depended on this categorization. Fully organised Native Authorities could pay higher salaries, reallocate expenditure between recurrent and capital budgets, and increase expenditure on certain budget items without consulting any European official.[13] Even in areas where greater authority was claimed by the colonial government, however, there was room for indigenous political voice. In Kenya, for example, the 1902 Village Headmen Ordinance enabled the appointment of headmen tasked with keeping order, maintaining roads and apprehending criminals. These powers were expanded in the Native Authority Ordinance of 1912 and other amendments which also expanded the role of Native Courts. While contemporaries generally de-

[13] See "Nigeria, Native Treasuries Estimates 1936-1937" in the UK National Archives CO 657/43.

scribed this as closer to a system of "direct" rule than existed elsewhere, in practice indigenous processes of consultation remained important. Hinden (1950, 127) noted that while chiefs and headmen were formally appointed by the district officer, "selection is made, except among the more primitive tribes, by a process of informal election in open 'baraza' (public meeting) ... It appears that in most areas the people show a preference for candidates who have some hereditary claim or who occupy some traditional position in the tribe."

2.2 Reliance on Councils

The dependence of colonial administrations on indigenous political structures did not fade as the colonial presence became more entrenched. Instead, from the interwar period, British officials adopted explicit policies of decentralization which made Native Authorities an increasingly important executive branch of government even as the size of the central colonial state increased. This period saw the establishment of Native Treasuries intended to manage the funds raised by new local taxes. According to Perham (1935, 14), a scholar of colonial administration and frequent advisor to the Colonial Office, "the treasury system has enabled the native administrations to make all kinds of new activity their own." She particularly mentioned "council halls, schools, roads, bridges and model farms" but this also included medical dispensaries and the management of local markets, among other services.

The reasons for this policy of decentralization were linked to growing African political organization and rising demands for increased provision of public services. Fearful of organized political opposition and lacking sufficient resources to meet these demands, colonial governments hoped to channel African political energies to the Native Authority level, granting both greater powers of taxation and responsibilities for service provision to Native Authorities during the 1930s and 1940s. As Secretary of State for the Colonies, Arthur Creech-Jones stated in a 1947 dispatch to African governors:

> "I believe the key to success lies in the development of an efficient and democratic system of local government ... local because the system of government must be close to the common people and their problems; efficient because it must be capable of

> managing the local services in a way which will help to raise the standard of living; and democratic because it must not only find a place for the growing class of educated men, but at the same time command the respect and support of the mass of the people" (quoted in Hicks 1961, 4).

This process of decentralization prompted numerous discussions in London and colonial capitals about what colonial institutions of local government should look like if they were going to cope with the new demands placed on them. One question was what role the Native Authorities established in the early colonial period should play in forming a more "modern" system of local government. In 1937, 155 officials from all over the empire gathered for a summer school in Oxford to discuss the problem. In a speech at the summer school, Tanganyika governor Donald Cameron argued that "it would surely be mere vandalism to set out to smash an organisation like this, such, for example, as the rule of the Alake of Abeokuta over the Egbas" (Cameron 1937, 5). This remained a running theme throughout the final decades of the colonial period. At another such conference held in Lusaka, Northern Rhodesia in 1959, a colonial official claimed that "we have aimed to adapt the Old to the New and not to substitute the New for the Old" (Billing 1959, 1).

According to officials in London, the ideal setup for a Native Authority was a chief advised by a council comprised not only elders and other "traditional" members but also the "growing class of educated men" (as Creech-Jones had put it), a treasury, and a court system. This structure was enshrined in legislation enacted across much of British Africa during the 1930s. However, as many contemporaries observed, the extent to which it was put into practice varied between Native Authorities, which also varied enormously in terms of their revenue and bureaucratic capacity (Bolt and Gardner 2020).

3 Quantitative Evidence on Political Constraints in Africa

In this section, we introduce our new datasets on political institutions in Africa at the local level. We also characterize the overall prevalence of political constraints during the precolonial and colo-

nial periods. We first discuss political constraints under the Native Authority system to substantiate our hypothesis about institutional heterogeneity, the prevalence of councils, and that councils were not mere mouthpieces for chiefs. We then substantiate a key assumption in our theoretical framework: based on original data, we show that the pre-colonial polities in our sample did indeed tend to exhibit constraints on the executive. Later, we present quantitative and qualitative evidence of institutional persistence under colonialism.

3.1 Political Constraints in Colonial Africa

Our dataset of local-level political institutions under colonialism is based on the Hailey surveys in London and published volumes (see also Bolt and Gardner 2020). Using colonial sources raises natural questions about bias. However, available evidence suggests that Hailey wrote truthful reports that attempted to accurately characterize local political institutions, even where such characterizations were inconvenient to local officials. For example, Hailey's 1942 report entitled "Native Administration and Political Development in British Tropical Africa" laid the groundwork for the Hailey survey used here. Proposals to make the 1942 report public were met with protests by some colonial administrations, about which the report had been critical. In Kenya, for example, colonial officials complained that the report was "out of date" and "will provide yet another stick to beat this Government." These protests led to calls for a more comprehensive update of the study.[14]

We classify each NA into one of six types. However, because our unit of analysis is the NT (which may contain multiple NAs), each NA institutional variable in the dataset equals the fraction of cases within the NT that have the specified NA institution. Table 1 summarizes the NA institutions by colony.[15] Across the entire sample, most NTs contained a gazetted council (78% across chief and council, council only, and federal council NAs). By contrast, solo chiefs are relatively rare (18% of the total), and most cases (49 of 87) are in Northern Nigeria.

[14] See Memorandum on "Lord Hailey's Report on Native Administration and Political Development," 7 November 1944, in Kenya National Archives BW1/1/559.

[15] The entry for the High Commission territories includes nine NTs for Bechuanaland and one for each of Basutoland and Swaziland.

These patterns are striking in contrast to the two accepted pieces of wisdom in the literature: (a) indirect rule required largely homogeneous institutions and (b) these institutions tended to be despotic. Instead, these institutions were highly heterogeneous and frequently empowered councils alongside, or instead of, chiefs.

Table 1: Summary Statistics for Native Authority Institutions

Colony	# NTs	# NAs per NT	Solo Chief	Chief & Council	Council only	Federal council	Confed-eracy	DO
Nigeria	199	1.8	0.24	0.15	0.59	0.00	0.01	0.01
Eastern	88	2.1	0.02	0.02	0.96	0.00	0.00	0.00
Northern	59	2.0	0.78	0.11	0.06	0.00	0.05	0.01
Western	39	1.3	0.00	0.56	0.44	0.00	0.00	0.00
Colony	13	1.0	0.00	0.00	0.92	0.00	0.00	0.08
Gold Coast	87	1.0	0.04	0.83	0.02	0.01	0.14	0.00
Tanganyika	52	7.1	0.37	0.05	0.13	0.46	0.02	0.00
N. Rhodesia	42	1.1	0.00	0.76	0.24	0.00	0.00	0.00
Kenya	26	15.1	0.00	0.00	0.00	1.00	0.00	0.00
Nyasaland	16	6.5	0.54	0.00	0.01	0.44	0.00	0.01
Uganda	13	4.9	0.00	0.31	0.00	0.62	0.00	0.08
Gambia	13	1.0	0.00	0.92	0.08	0.00	0.00	0.00
High Commission territories	11	1.6	0.00	1.00	0.00	0.00	0.00	0.00
Zanzibar	1	1.0	1.00	0.00	0.00	0.00	0.00	0.00
Overall	460	3.2	0.18	0.36	0.30	0.14	0.03	0.01

The NA is a solo chief if a chief but no council is gazetted as a NA, chief and council if both are gazetted jointly as a NA, and council only if a council but no chief is gazetted as an NA. For each, there could be either one or multiple NAs gazetted as such within a particular NT. Federal council NAs are hybrids of these types. In such units, multiple NAs are gazetted individually (typically, but not always, solo chiefs) and are federated into a council (in almost all cases, for the entire district) that is also gazetted as a NA. For example, the Cholo District of Nyasaland contained six solo chiefs that also belonged to the Council of Cholo Chiefs, which was gazetted for the entire district. By contrast, a chief and council NA is one for which the chief is gazetted alongside his council, for example, the "Ada Manche and the State Council" in the Gold Coast. These categories account for almost every case, although there are two additional types. In confederacies, no single entity is gazetted as an NA; instead, it is a collection of individual chiefs or councils. For example, the Tongu Confederacy in the Gold Coast consisted of ten chiefs that did not sit together in a council

(and hence it was not an NA with a council) but also were not gazetted individually as NAs (and hence was not an NA with solo chiefs). Finally, there are a handful of instances in which British rule was de facto direct because the District Officer or Commissioner was himself gazetted as the NA.

We also coded extensive information about the composition of councils. This enables us to demonstrate that members of local councils had independent bases of power, and were not mere mouthpieces of either Native Authority chiefs or the British administration. We classified every member of each council in Nigeria, the Gold Coast, and Kenya into four categories: chief-appointed, British-appointed, traditional elites, and non-traditional members. We code whether a council has *any* members of each type and which type of member was the *plurality*. Table 2 summarizes the patterns. Councils were typically dominated by either traditional elites or popularly selected members. By contrast, they were rarely dominated by members appointed either by the Native Authority chief or by British officials.

Table 2: Composition of Councils

	Traditional elite		Non-traditional		Chief appointed		British appointed	
	Any	Plurality	Any	Plurality	Any	Plurality	Any	Plurality
Northern Nigeria (N=53)	62%	62%	15%	4%	32%	32%	2%	2%
Western Nigeria (N=39)	95%	85%	80%	15%	0%	0%	5%	0%
Eastern Nigeria (N=78)	47%	1%	100%	99%	0%	0%	0%	0%
Gold Coast (N=87)	98%	98%	10%	1%	3%	1%	2%	0%
Kenya (N=23)	0%	0%	91%	79%	0%	0%	100%	16%
Averages	69%	52%	54%	38%	7%	6%	10%	2%

On the vast majority of councils, the plurality of members gained their positions by means other than appointment by the Native Authority chief or British officials. Some were dominated by traditional chiefs or other titled elites (52% of all councils). Typically, these council members gained their position ex officio, that is, by virtue of their traditional title. Other councils were composed primarily of non-traditional members (38% of all councils). They gained their positions by various means including direct popular selection in villages and selection by a lower-level council (usually either a Subordinate Native Authority or District Council).

By contrast, few councils (7%) contained any members appointed by a Native Authority chief, and such members were confined almost exclusively to Native Authorities without a gazetted council. These councils served only in an advisory capacity to the solo Native Authority chief without any formal discretion over policy decisions. Among such cases, 41% of Advisory Councils contained only members appointed by the chief (although 59% lacked any members appointed by the chief). By contrast, among chief-and-council and council-only Native Authorities, only in four cases total (out of 248) did the Native Authority chief appoint any members, and the plurality in only two.

These findings also show that whether or not a council was gazetted as a NA correlates with a factor of more obvious relevance. Where the council was gazetted as part of the NA, the NA chief almost never appointed members. By contrast, such appointments were common in councils that lacked the legal NA distinction.

Similarly, District Officers or Commissioners rarely selected members for the councils. Only 10% of councils had any members appointed by the administration, and these members were the plurality in only 2% of cases. For many cases, the surveys state that the District Officer wielded oversight of the choice of council members, but that they had never used that power.[16]

3.2 Political Constraints in Precolonial Africa

Political constraints did not emerge accidentally during colonialism. Instead, this reflected patterns of precolonial constraints. We first provide systematic evidence that pre-colonial African rulers were typically constrained by councils, before verifying hypotheses about persistence.

The primary reason for political constraints in pre-colonial Africa suggested by the ethnographic and historical literature is that the preponderance of African societies had strong egalitarian norms and what Vansina (1990, 119) calls a desire to maintain the "internal autonomy of the local community." He posits that

[16]For example, in the Ada Native Authority in the Gold Coast, the surveys state: "The names of members of Native Authority are approved by Government and therefore in theory intervention by the administration is possible. In practice, no intervention has in fact taken place."

> Africans grappled in an original way with the question of how to maintain local autonomy paramount, even while enlarging the scale of society (Vansina 1990, 101).

To square this circle, they innovated many types of non-state associations and organizations. Indeed, Vansina traces the creation of lineage and clan ideologies in Central Africa precisely to the search for ways to enlarge the scale of society while preserving autonomy, concluding that

> the ability to refuse centralization while maintaining the necessary cohesion among a myriad of autonomous units has been the most original contribution of western Bantu tradition to the institutional history of the world (Vansina 1990, 237).

This desire to "safeguard ... autonomy" is evident everywhere in the ethnographic literature, for example in Bohannan's study of the Tiv of eastern Nigeria. He tried to explain why centralized political authority did not emerge before the colonial period by studying a particular cult called Nyambua. He argued that this was an instrument which stopped people accumulating power:

> Men who had acquired too much power ... were whittled down by means of witchcraft accusations ... Nyambua was one of a regular series of movements to which Tiv political action, with its distrust of power, gives rise to so that the greater political institutions—the one based on the lineage system and a principle of egalitarianism—can be preserved (Bohannan 1958, 11).

In Bohannan's argument, power was distrusted because it threatened to disrupt the autonomy and egalitarianess of Tiv society. As he put it "The most powerful men, no matter how much they are respected or liked, are never fully trusted" (Bohannan 1958, 3). The connection between witchcraft accusations and autonomy is widespread. Vansina (1990, 96) notes in this context "witchcraft was an ideology of equality and cooperation." Power was constrained by depicting it as morally ambiguous and illicitly acquired and therefore basically illegitimate. In his study of politics of the Bakongo peoples, for example, MacGaffey (1970, 33) points out that in their language, KiKongo, "The verb *dya*, to eat, refers both to killing by witchcraft and to the exercise of legitimate authority."

Another well-studied case in Nigeria is Igboland. All the seminal studies of Igbo political institutions, for instance Meek (1937), Green (1947), and Afigbo (1981), illustrate out how political power was distributed throughout many institutions and councils (for both men and women) in such a way as to maintain the autonomy of the constituent groups and stop more centralized political institutions emerging. Villages themselves tended to be divided into two halves (Meek 1937, 88-89 calls them "kindreds") which were in "balanced opposition" to each other. In the part of Igboland studied by Green (see also Jones 1949), the Abaja village group, they were called Ama and Owerri.

> The working village affairs was considerably bound up with the system of checks and balances and of institutionalized rivalry introduced by this dualism (Green 1947, 16).

These basic norms and values in African society yield two implications. First, it was very difficult to create centralized political authority. As Southall (1970, 231) highlights, "before they were cut short by the nineteenth century onslaught of the Western imperial powers, the indigenous societies and autonomous polities of Africa had to be counted in the thousands." This was the fundamental reason why approximately 80% of Africans lived outside the scope of state authority at the time of the scramble for Africa (see the calculations in Henn and Robinson 2021). As Vansina puts it, sometimes changes such as population growth, trade or the innovation or diffusion of new technologies did lead to the "birth of some chiefdoms, and indeed kingdoms, but mostly it led to the emergence of new forms of association" (Vansina 1990, 119).

Second, and key to our argument here, more centralized polities that did emerge should typically be constrained. Indeed, these two expectations are intertwined. It was likely that states typically emerged only when the community had devised ways to constrain rulers. This would make them confident that rulers would not challenge "autonomy."

To measure historical political constraints in Africa, we compiled extensive original data on institutions in precolonial Africa. We show that constraints on chiefs (or the absence thereof) was the rule rather than the exception in Africa. Table 3 provides summary statistics, and the appendix

provides lengthy coding notes for each case.

Our precolonial institutions variable takes three values: chief with constraints, chief without constraints, and no chief. To distinguish between areas with and without chieftaincies, we primarily used the list of African states in the nineteenth century from Stewart's (2006) encyclopedia of African states and matched the location of the (last) capital for each state with the location of British districts and NTs.[17] We then consulted extensive historical and anthropological sources to code political institutions for each entry. This exercise enabled us to verify that each of Stewart's entries meets basic standards of stateness (e.g., ruling dynasty, some political authority above the village level), but more importantly to assess the degree of constraints on the ruler. Our primary source was the 50 volumes of the *Ethnographic Survey*,[18] although we consulted hundreds of additional books and articles as well about individual cases. Of course, given incomplete (and often primarily oral) source material as well as relatively low emphasis on territorial sovereignty creates considerable difficulties for classifying states in precolonial Africa (Southall 1974; Vansina 1990; Warner 2001; McIntosh 2005). However, our variables are based on the most extensive information available for our cases of which we are aware, which results in local-level measures of statehood with a high degree of face validity.[19]

In sum, 21% of NTs corresponded with areas that contained a chief, similar to the calculation

[17]For other recent uses of this encyclopedia in political science, see Müller-Crepon (2020).

[18]Note that the *Ethnographic Survey* is distinct from George Murdock's *Ethnographic Atlas*, which we discuss below.

[19]Our new data is uniquely suitable for assessing hypotheses about institutional persistence between the precolonial and colonial eras. Existing datasets that measure aspects of institutional constraints use the ethnic group units of analysis from anthropologist Murdock, either the *Ethnographic Atlas* for Africa or the Standard Cross-Cultural Survey (SCCS). Several scholars have amended the SCCS to code constraints on the powers of precolonial rulers and the influence of councils (Murdock and Wilson 1972; Tuden and Marshall 1972; Ross 1983; Ember, Russett and Ember 1993. For recent uses in political science of the council variables, see Baldwin 2015 and Ahmed and Stasavage 2020). However, these data are not suitable for our purposes. The SCCS contains only 186 polities across the world, and only six located within the African colonies in our dataset. By contrast, our dataset cover 460 NTs across our colonies. Other recent work has used the variable Succession to the office of the local headman (v72 in the *Ethnographic Atlas* and variable v276 in SCCS; see Giuliano and Nunn 2013 and Bentzen, Hariri and Robinson 2019). Succession in office, however, is distinct from our theoretical focus on councils. Furthermore, Murdock's ethnic units do not match closely with colonial district boundaries, and thus using this source would induce considerable measurement error for our units despite its broad coverage of Africa.

Table 3: Summary Statistics for Precolonial Institutions

Colony	# NTs	Unconstrained chief	Constrained chief	No Chief
Nigeria	199	0.15	0.10	0.76
Eastern	88	0.00	0.05	0.95
Northern	59	0.49	0.12	0.39
Western	39	0.00	0.18	0.82
Colony	13	0.00	0.08	0.92
Gold Coast	87	0.00	0.34	0.66
Tanganyika	52	0.04	0.00	0.96
N Rhodesia	42	0.00	0.05	0.95
Kenya	26	0.00	0.00	1.00
Nyasaland	16	0.00	0.00	1.00
Uganda	13	0.23	0.00	0.77
Gambia	13	0.00	0.00	1.00
High Commission territories	11	0.00	0.91	0.09
Zanzibar	1	1.00	0.00	0.00
Average	460	0.08	0.13	0.79

of Henn and Robinson (2021). Of these, the majority (64%) were constrained rulers. Absolutist states were confined to Northern Nigeria and the Great Lakes region (southwestern Uganda and northwestern Tanganyika, plus Zanzibar). The vast majority of observations lacked a chieftaincy. This group of societies include the Tiv and Igbo that we discussed above, the societies which Vansina focused on in Central Africa such as the Lega and many in East Africa such as the Maasai and Kikuyu. This category is very heterogeneous. The Tiv were organized through descent groups and lineages; Igbo villages had an elaborate structure of councils, though various sorts of societies were important politically in some areas and in the Cross River valley lineage groups and secret societies (Forde and Jones 1950 overview this variation); the Lega were governed by the *Bwami* society which was open to every adult male; finally groups like the Maasai were governed via age grades.[20] Constraints on "rulers," who might be interpreted to be elders, or the absence of chiefs entirely, was the norm in these areas.

Different regions of Nigeria illustrate the three types of precolonial polities. Western Nigeria contained several major states, including Benin, Egba, Ife, Ijebu, and Oyo. These cases illustrate

[20]Bernardi (1985) provides an overview of such societies arguing that their organization on the basis of ever rotating age grades was precisely a way to make sure that centralized authority did not emerge.

constrained chiefs. Although their rulers were "theoretically absolute," in practice, they were "controlled by the council of elders which has always existed in every state . . . all matters of routine are dealt with by the king in consultation with the council; for matters of unusual importance a tribal meeting would be convoked" (Burns 1929, 28; see also Temple 1922, 377; Usman and Falola 2019, 25; Ogundiran 2021, 191-192). These councils also played a role in the semi-hereditary method for choosing successors. For example, the Alafin of Oyo was "elected by the seven great nobles from those members of the royal family—usually of a different branch to that of the late Alafin—who had been nominated by the three 'Fathers of the King"' (Talbot 1926, 568; see also Law 1977, 62-76; Morton-Williams 1967). In extreme cases, the head of this nobility "had the right to demand the [king's] death if he proved to be a failure or a tyrant," which in fact occurred somewhat frequently (Talbot 1926, 571). Chiefs also lacked control over a standing military; instead, they raised soldiers as needed when threats arose (829). Though there was variation within the independent Yoruba states, the basically constrained nature of chiefs was a constant. Smith (1988, 91) notes how Yoruba rulers (obas) were "required to submit all business to councils of chiefs and officers, and only after consultation and deliberation by these bodies could a policy be decided upon ... Every oba had at least one council of chiefs who formed a powerful ... cabinet ... in most kingdoms." Smith (1988, 91) also notes how "these restraints ... sharply distinguished the Yoruba kingdom from the authoritarian monarchies ... like the Fulani emirates of northern Nigeria." Other Yoruba states had far more inclusive ways of selecting rulers than Oyo did. In Egba Alake and Oke Ona, all freemen were theoretically eligible to be chosen as oba (see Lloyd 1971 for a comparative picture of Yoruba states).

By contrast, rulers were far less constrained in the states that comprised the Sokoto Caliphate in Northern Nigeria. Hailey noted "The position of the Ruler was, as in other Islamic States, theoretically absolute. He was, as head of the State, the final judge in all causes, and had, subject to the accepted principles of Islamic law, final control over the disposal of lands within his jurisdiction" (Hailey 1951*a*, 46). Councils were relatively unimportant: "The Councils of the Emirates, for example, were not formally constituted bodies with any fixed allocations of seats. In theory,

therefore, the Emirs needed to summon to them only their own personal supporters" (Johnston 1970, 172). The only effective constraint on a ruler was that they were theoretically subservient to the ruler of Sokoto. Imoagene argues that "the Fulani system was one of autocratic kingship which rotated among four major dynasties ... His powers were limited only to the extent that he was subject to the Caliph at Sokoto. All major appointments and promotions derived from him" (Imoagene 1990, 43). This picture is re-inforced by studies of individual emirates. For example, on Zaria, Smith documents that "The Fulani state was a monocracy in which the king exercised absolute powers of rule, i.e. authority through his control of appointments to the offices of the state ... the king's authority was formally supreme within the administrative hierarchy" (Smith (1960, 107). He goes on to add that "there was no formal council" (125) and no institutionalized "checks and balances on the exercise of power" (125).

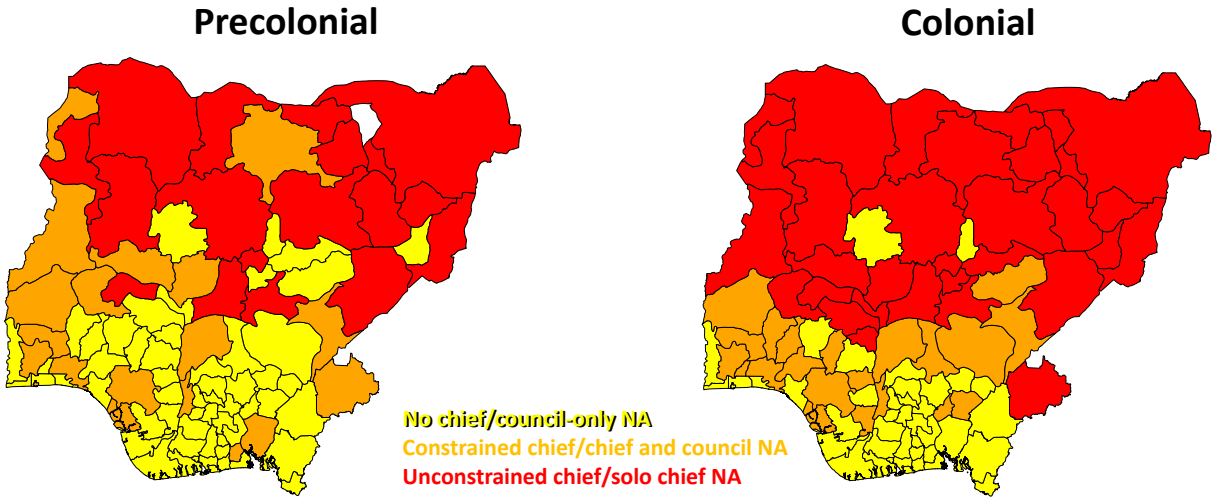
However, not all states in the north of Nigeria exhibited low executive constraints. Kano, although conquered by the Fulani in 1807, retained some pre-existing Hausa institutions, including a council. The Council was consulted on all matters of importance, including "alliances, defense, the siting and construction of new towns and walling of old ones, the administration of local Fulani, pagans, and other ethnic groups, harvest yields and levies of tithe and tax" (Smith 1997, 48). Moreover, "A Chief was not expected to overrule the joint advice of the four senior non-royal councillors ... Should the chief choose to ignore their joint opinions, the non-royal councillors ... could constitutionally proceed to depose him" (Smith 1997, 49). The Chief could not remove councillors "without the council's general assent," preventing "encroachments by the chief" on "the council's integrity" (Smith 1997, 50).[21]

Finally, as we have already seen in the examples of the Tiv and Igbo, Eastern Nigeria lacked political organization above the village level. We code such cases as lacking a chief. Although we do not directly measure the presence of councils for societies without a chief, we reiterate the general characterization by anthropologists and historians of African that constraints on power typically were considerable in such polities.

[21] See Hogben and Kirk-Greene (1966) for a comparative discussion of northern Nigerian states.

4 Quantitative Evidence of Institutional Persistence

Local political institutions were highly persistent in British colonies, contrary to the conventional characterization that European administrators frequently "invented" unconstrained rulers. Visual evidence from Nigeria supports this hypothesis. In Figure 1, we present maps of precolonial and colonial political institutions side by side, and each district is colored according to the predominant type of institution within. Northern Nigeria consisted mainly of unconstrained states prior to colonial rule, and primarily of solo chief NAs during colonial rule. Western Nigeria contained several constrained chieftancies before colonial rule, which engendered chief-and-council NAs under colonialism. Eastern Nigeria largely lacked chieftaincies before colonialism, and consisted almost entirely of council-only NAs under British rule.



We provide regression evidence to establish these patterns more systematically and to show that they hold across the broader sample. Specifically, we regress our Native Authority institutional variables on our precolonial institutional variables to demonstrate the persistence of political constraints (councils) and of chiefs. Similarly, we show that the members of councils are predictable based on pre-colonial political institutions. Finally, we show that Native Authorities with gazetted councils spent more on public goods.

4.1 Persistence of Political Constraints

We examine correlates of constrained NA institutions in Table 4. In Panel A, the dependent variable indicates whether any council was gazetted as a Native Authority (either the chief and council, council only, or federated council variable is greater than 0) in each NT. In Panel B, the dependent variable is the council-only NA variable described above. The estimating equation is:

$$\textit{NA Council}_i = \beta_0 + \beta_N \cdot \textit{No chief}_i + \beta_C \cdot \textit{Constrained precolonial chief}_i + \beta_X \cdot X_i + \epsilon_i.$$

Column 1 contains precolonial indicators only, one for constrained precolonial chiefs and one for no chief. Hence, unconstrained precolonial chiefs are the omitted basis category. We add different covariates, X_i, in the subsequent models. In Column 2, we control for colony fixed effects. In Column 3, we alter the original model by controlling for population, which restricts our sample to Gold Coast, Kenya, Nyasaland, and Nigeria. In Column 4, we additionally control for area and a cash crop indicator, which restricts the sample further because these variables have more missing values.[22] For each specification, we present robust standard errors without clustering (in parentheses) as well as robust standard errors clustered at the province level (in brackets) to account for the possible non-independence of NA institutions within provinces.

Panel A demonstrates that, compared to NTs with unconstrained precolonial chiefs, NT units containing either constrained precolonial chiefs or no chiefs were considerably more likely to have a council gazetted as a NA. Because all the variables are binary in Column 1, we can directly read off the percentages for each type of case. The intercept reports that 17% of NTs with unconstrained precolonial chiefs had a council gazetted as an NA. Adding the intercept to the coefficient estimates for each precolonial indicator demonstrates that 90% of units with a constrained chief had a gazetted council, with a corresponding figure of 85% for areas lacking a chieftaincy. Thus, the coefficient estimate is not only statistically significant, but substantively large in magnitude. This conclusion is unaltered across the columns.

[22] Bolt and Gardner (2020) provide the data and more detailed descriptions of the covariates.

Table 4: Persistence of Precolonial Councils

	Panel A. DV: NA includes a council			
	(1)	(2)	(3)	(4)
No chief	0.680***	0.685***	0.767***	0.679***
	(0.0666)	(0.0706)	(0.0498)	(0.0623)
	[0.0938]	[0.101]	[0.0639]	[0.0857]
Constrained precolonial chief	0.730***	0.708***	0.783***	0.726***
	(0.0745)	(0.0904)	(0.0772)	(0.0885)
	[0.0966]	[0.122]	[0.0937]	[0.111]
Logged population			-0.0306*	-0.0167
			(0.0183)	(0.0251)
			[0.0192]	[0.0324]
Logged area				-0.0384**
				(0.0179)
				[0.0257]
Cash crop indicator				-0.000136
				(0.0726)
				[0.126]
Intercept	0.171***	0.294***	0.403*	0.583**
	(0.0639)	(0.0865)	(0.225)	(0.268)
	[0.0854]	[0.116]	[0.226]	[0.291]
NTs	460	460	266	191
Provinces	61	61	36	32
R-squared	0.215	0.300	0.353	0.377
Colony FE?	NO	YES	NO	NO
Sample	Full	Full	GC/Ke/Ni/Ny	GC/Ke/Ni/Ny
	Panel B. DV: Council-only NA			
	(1)	(2)	(3)	(4)
No chief	0.349***	0.601***	0.420***	0.186***
	(0.0287)	(0.0469)	(0.0460)	(0.0472)
	[0.0813]	[0.0869]	[0.117]	[0.0856]
Constrained precolonial chief	0.0677*	0.374***	0.0616	-0.0168
	(0.0380)	(0.0685)	(0.0529)	(0.0511)
	[0.0629]	[0.116]	[0.0898]	[0.0646]
Logged population			-0.00622	0.0664***
			(0.0190)	(0.0221)
			[0.0352]	[0.0327]
Logged area				-0.0830***
				(0.0215)
				[0.0466]
Cash crop indicator				0.0698
				(0.0619)
				[0.0942]
Intercept	0.0143	-0.399***	0.0923	-0.0811
	(0.0141)	(0.0698)	(0.230)	(0.223)
	[0.0134]	[0.110]	[0.427]	[0.435]
NTs	460	460	266	191
Provinces	61	61	36	32
R-squared	0.076	0.451	0.137	0.179
Colony FE?	NO	YES	NO	NO
Sample	Full	Full	GC/Ke/Ni/Ny	GC/Ke/Ni/Ny

Notes: Robust standard errors in parentheses, and standard errors clustered at the provincial level in brackets.

Panel B demonstrates that only areas without a precolonial chief are distinguished on the council-only variable. The coefficient estimate for constrained precolonial chiefs is small in magnitude (in Column 1, demonstrating that only 8% of such cases had a council-only NA) and loses statistical significance when altering the sample and adding covariates.

4.2 Persistence of Chiefs

We examine the persistence of chiefs in Table 5. In Panel A, the dependent variable indicates whether any chief was gazetted as a Native Authority (either the solo chief, chief and council, or federated council variable is greater than 0) in each NT. In Panel B, the dependent variable is our solo-chief NA variable described above. The estimating equation is:

$$\textit{NA Chief}_i = \beta_0 + \beta_U \cdot \textit{Unconstrained precolonial chief}_i + \beta_C \cdot \textit{Constrained precolonial chief}_i + \beta_X \cdot X_i + \epsilon_i.$$

The order of specifications is identical to those in Panel A.

Table 5 demonstrates strong evidence of the persistence of chiefs. Compared to NTs without a chief, NT units containing a precolonial chief (either constrained or unconstrained) were significantly more likely to have a chief gazetted as an NA. In Column 1, the intercept shows that 61% of areas without precolonial chiefs had a chief gazetted as an NA, and adding each intercept show that this rises to 92% for constrained chiefs and 100% for unconstrained chiefs.

By contrast, Panel B shows that only *unconstrained* precolonial chiefs positively covary with *solo* chief NAs. Areas with unconstrained precolonial chiefs were nearly six times more likely that areas lacking a chiefdom to have a solo-chief NA, and this coefficient estimate is statistically significant across the specifications. By contrast, the coefficient estimate is negative for areas with constrained precolonial chiefs in the baseline specification, and it is not statistically significant in any model.

Table 5: Persistence of Precolonial Chiefs

	Panel A. DV: NA includes a chief			
	(1)	(2)	(3)	(4)
Unconstrained precolonial chief	0.393***	0.630***	0.469***	0.279***
	(0.0257)	(0.0452)	(0.0434)	(0.0504)
	[0.0741]	[0.0853]	[0.104]	[0.0951]
Constrained precolonial chief	0.311***	0.331***	0.421***	0.312***
	(0.0436)	(0.0569)	(0.0559)	(0.0634)
	[0.0694]	[0.0686]	[0.108]	[0.108]
Logged population			0.0256	-0.0364
			(0.0191)	(0.0229)
			[0.0361]	[0.0287]
Logged area				0.0720***
				(0.0226)
				[0.0506]
Cash crop indicator				-0.116
				(0.0720)
				[0.159]
Intercept	0.607***	0.706***	0.223	0.590***
	(0.0257)	(0.0648)	(0.210)	(0.223)
	[0.0741]	[0.0610]	[0.408]	[0.362]
NTs	460	460	266	191
Provinces	61	61	36	32
R-squared	0.089	0.400	0.177	0.209
Colony FE?	NO	YES	NO	NO
Sample	Full	Full	GC/Ke/Ni/Ny	GC/Ke/Ni/Ny
	Panel B. DV: Solo chief NA			
	(1)	(2)	(3)	(4)
Unconstrained precolonial chief	0.719***	0.721***	0.830***	0.778***
	(0.0623)	(0.0660)	(0.0358)	(0.0487)
	[0.0918]	[0.0973]	[0.0502]	[0.0705]
Constrained precolonial chief	-0.0253	0.0559	0.0543	0.0635
	(0.0417)	(0.0524)	(0.0544)	(0.0674)
	[0.0725]	[0.0732]	[0.0870]	[0.109]
Logged population			0.0452***	0.0441**
			(0.0152)	(0.0197)
			[0.0177]	[0.0208]
Logged area				0.0253*
				(0.0134)
				[0.0175]
Cash crop indicator				-0.0487
				(0.0549)
				[0.0717]
Intercept	0.124***	-0.0497	-0.393**	-0.522***
	(0.0167)	(0.0470)	(0.163)	(0.198)
	[0.0354]	[0.0651]	[0.183]	[0.225]
NTs	460	460	266	191
Provinces	61	61	36	32
R-squared	0.267	0.403	0.510	0.560
Colony FE?	NO	YES	NO	NO
Sample	Full	Full	GC/Ke/Ni/Ny	GC/Ke/Ni/Ny

Notes: Robust standard errors in parentheses, and standard errors clustered at the provincial level in brackets.

4.3 Composition of Councils

Above we introduced the various members that sat on councils. Most were either traditional elites or non-traditional members (sometimes directly elected), whereas a small minority of council members across Africa were either appointed by the NA chief or the DO. Furthermore, across different areas, colonies varied considerably in the composition of their councils. Traditional members dominated councils in the Gold Coast (plurality on councils in 98% of NTs), Western Nigeria (85%), and Northern Nigeria (62%). By contrast, non-traditional members pervaded councils in Eastern Nigeria (99%) and Kenya (78%). Only in Northern Nigeria did chiefs dominate a large number of councils (32%), and only in Kenya did British officials routinely influence the composition of the councils. Every Local Native Council contained at least one member appointed by the administration, and such members constituted the plurality on 15% of councils in Kenya.[23]

Differences in pre-colonial political institutions correlate highly with the composition of councils, as we show in Table 6. Each column contains an indicator for a category of council members. For Columns 1 through 3, the indicator is for whether a *plurality* of members belong to that category. In Column 4, we use the indicator for whether British officials appointed *any* members because only a handful of councils contained a plurality of British-appointed members.[24]

Areas without precolonial chiefs were significantly more likely to have a plurality of nontraditional council members or any British-appointed members, and significantly less likely to have a plurality of traditional members or members appointed by a Native Authority chief. We also anticipate that areas with constrained precolonial chiefs should be less likely than areas with despotic precolonial chiefs to have a plurality of members appointed by the Native Authority chief. We confirm this in Column 3, where we also include an indicator for constrained precolonial chiefs. Thus, in this column, the omitted basis category is despotic precolonial chiefs, whereas it is any chief (either

[23] Even in this case, the popularly dominated councils often acted independently despite the presence of administration-appointed members, as council members frequently criticized official policy (Hailey 1950*a*, 95).

[24] Richards and Kuper (1971) provides a series of case studies comparing pre-colonial and colonial councils.

Table 6: Precolonial Correlates of Council Members

	DV: Traditional	DV: Nontrad.	DV: Chief app.	DV: British app. (any)
	(1)	(2)	(3)	(4)
No chief	-0.306***	0.424***	-0.389***	0.0965**
	(0.0654)	(0.0612)	(0.0492)	(0.0402)
	[0.165]	[0.120]	[0.115]	[0.0581]
Constrained precolonial chief			-0.306***	
			(0.0713)	
			[0.102]	
Intercept	0.753***	0.0685	0.417***	0.0274
	(0.0565)	(0.0528)	(0.0467)	(0.0348)
	[0.120]	[0.0451]	[0.119]	[0.0221]
NTs	290	286	260	291
Provinces	33	33	33	33
R-squared	0.071	0.145	0.197	0.019

Notes: Robust standard errors in parentheses, and standard errors clustered at the provincial level in brackets.

despotic or constrained) in the others.

4.4 Public Expenditures

Finally, we provide systematic evidence that differences in local institutions actually affected political outcomes: NAs with gazetted councils devoted a greater fraction of spending to public goods. To assess this, we compiled data on public expenditures at the level of NTs. The colonial budgets distinguished expenditures on administration (which included the salaries of chiefs, counselors, and lower-level officials such as District Heads) from public goods such as education and medical expenses. We have a single year for a subset of colonies, determined by availability in the British archives: 1932-3 for Nigeria, 1947 for Kenya, 1947-48 for the Gold Coast, and 1951 for Nyasaland. Due to changes over time in the Native Treasuries, our coverage on expenditures in Nigeria is truncated relative to our main sample (only 68 of 198 Native Treasuries).

We expect that areas without gazetted councils should spend a higher fraction of expenditures on administration, given the discretion for chiefs to reward themselves. Conversely, we expect lower expenditures on public goods. The role of councils in budgetary considerations was not a formal power laid out in the Native Authority Ordinances. However, the information from Hailey's surveys in the Gold Coast, Eastern Nigeria, and Kenya suggest that councils influenced the budget

estimation process. In the Gold Coast, we have information on the budget-setting process for 33 of the 87 NTs. The vast majority of these, 31, report some form of council involvement in setting budget estimates. This could take the form of giving final approval to estimates drawn up by a finance committee with support from the district officer, as described for Mampong District: "Preparatory drafts are now, in most cases, drawn up by Finance Boards and Area Committees. These are then discussed with the District Commissioner before being placed before the Chiefs. The final draft is approved at a full meeting of the Divisional or Sub-Divisional Council." In other cases, the council elected a committee of mostly literate members as the Finance Committee to work on the estimates.

Similarly, we have information of council involvement for Eastern Nigeria and Kenya. In Eastern Nigeria, 28 of 88 NTs report direct involvement of councils, with no details on the process in the remaining cases. In Kenya, we have information on budget estimations in 16 of 26 NTs, of which 12 report direct council involvement. Most commonly, the councils had the Finance Committees report to them, or set up the estimates themselves (with district officer involvement) in the absence of Finance Committees. Elsewhere, the surveys do not describe the budget setting process in detail. Since this was not directly asked in the questionnaire, councils may have been involved even when they were not mentioned, so we take this as a lower bound, supporting our expectation that the presence of councils constrained chiefs in their spending decisions.

We compare NT units in which at least half of the NAs had a gazetted council to NT units in which at least half of the NAs were solo chiefs. We exclude units that were primarily District Officer NAs or a confederacy of chiefs because we do not have clear theoretical expectations for these cases.

Table 7 contains four columns. The fraction of expenditures on administration is the dependent variable in the first two, and the fraction of educational plus medical expenditures is the dependent variable in the last two. The odd-numbered columns are bivariate regressions, and the even-numbered columns control for population to account for economies of scale in expenditures. As

expected, NTs with councils spent significantly less on administration and significantly more on public goods. The magnitude of the latter effect is particularly large. In Column 3, the intercept term tells us that solo chief Native Authorities spent on average 11.6% of their budget on public goods, whereas Native Authorities with gazetted councils added 11.3% to this amount.

Table 7: Gazetted Councils and Public Expenditures

	DV: Administration %		DV: Public goods %	
	(1)	(2)	(3)	(4)
Gazetted council	-0.152***	-0.0800***	0.113***	0.109***
	(0.0251)	(0.0277)	(0.0217)	(0.0273)
	[0.0483]	[0.0408]	[0.0291]	[0.0477]
Logged population		0.0298***		-0.00596
		(0.00950)		(0.00937)
		[0.0135]		[0.0140]
Intercept	0.585***	0.229**	0.116***	0.187
	(0.0198)	(0.115)	(0.0171)	(0.113)
	[0.0260]	[0.163]	[0.0182]	[0.168]
NTs	156	141	156	141
Provinces	26	26	26	26
R-squared	0.191	0.212	0.150	0.156

Notes: Robust standard errors in parentheses, and standard errors clustered at the provincial level in brackets.

5 Qualitative Evidence of Institutional Persistence

The preceding results show that the nature of precolonial political institutions (unconstrained precolonial chiefs, constrained precolonial chiefs, no chiefs) influenced the subsequent NA institutions and the composition of councils. Here we provide qualitative evidence disaggregated by precolonial institutions.

5.1 Unconstrained Precolonial Chiefs

Northern Nigeria provides the majority of instances of unconstrained precolonial chiefs as well as of solo-chief Native Authorities (see Tables 1 and 3). Although Britain had implemented similar practices earlier in other areas, Frederick Lugard first articulated and implemented what became the standard set of Native Authority institutions in Northern Nigeria, and explicitly used the remnants of the Sokoto Caliphate to organize the provinces and divisions. In every historical emirate, which as we noted above were typically characterized by unconstrained precolonial institutions,

the NA was a solo chief. In total, 78% of NAs in Northern Nigeria were solo chiefs (see Table 1). In many cases, the NT consisted of a single NA that exercised some control over the treasury, which provided the financial means to potentially govern despotically. Additionally, chief-appointed councils were more prevalent in Northern Nigeria than in other regions of Nigeria, the Gold Coast, or Kenya.

Yet even chiefs in Northern Nigeria faced some constraints. Almost every solo chief had an advisory council. Although few of these councils were gazetted as an NA, in 27% of cases, the surveys indicate considerable de facto constraints on the ruler.[25] For example, in the Kano Division, the surveys assert: "The NA is influenced to a great extent by the opinions of his council members and their opinion is sounded before any major action is taken. In the whole, the NA is dependent on the support and the cooperation of the council for this is the basis of his efficiently ruling the community." The considerable de facto power of the advisory council in Kano in fact reflected persistence from the precolonial era. Kano was a historical Hausa state, which tended to have greater constraints on the ruler. Despite becoming a vassal of the Sokoto Caliphate, Kano retained many of its ancient institutions throughout the nineteenth century as we saw earlier.

Emirs of Sokoto also lost important autocratic privileges under colonialism, in particular over armies and slaves. Although the armies of the Caliphate were decentralized and essentially feudal, most emirs maintained a permanent corps of titled officers that commanded enslaved persons, and the emirs had considerable discretion to call up reserves to pursue war (Smaldone 1977, 39-41). "The Sokoto Caliphate could call on a total cavalry of some 25,000 to 50,000, with an infantry force of from five to ten times that of the cavalry ... The average size of the emirate army was about 10,000 men" (Smith 1976, 64f.).

The only other instances of unconstrained precolonial chiefs were in the Great Lakes regions, including Uganda (Buganda, Ankole, Bunyoro, Toro), Tanganyika (Karagwe, Nyamwezi), and

[25]The surveys and volumes do not consistently provide commentary on the de facto powers of councils. Among the 59 NTs, we have this information only for 27 observations. Of these, in 16 (59%), chiefs were constrained by their council. However, it seems plausible that the council was weak in most cases for which the DOs do not explicitly state that a non-gazetted council had strong de facto powers.

Zanzibar. Britain signed separate agreements with each of the Ugandan states, and accorded their chiefs considerable internal autonomy (in particular the Kabaka of Buganda). However, they conferred power on local councils as well. The Agreement of 1900 in Buganda "was to be interpreted as conferring on the Kabaka *and Lukiko* [the historical council] the power to make, with the consent of the Governor, laws which were to be binding on natives in Buganda" (Hailey 1950*a*, 6; our emphasis.). After 1945, British administrators in consultation by demands from Africans added 36 non-traditional members to the Lukiko (out of 94 total members). In Tanganyika, formerly unconstrained chiefs were merged into larger federations that diluted the power of each chief individually, and they also gained gazetted federal councils. Overall, in these examples, chiefs remained powerful during the colonial era—as they were beforehand. However, some degree of greater constraints and popular participation emerged within the NA system, which rejects the idea that colonial "innovation" necessarily implied more despotic political institutions.

5.2 Constrained Precolonial Chiefs

Constrained chiefs emerged in various parts of Africa: Western Nigeria, the Ashanti area of the Gold Coast, and Northern Rhodesia. The major states in Western Nigeria were Benin, Egba, Ife, Ijebu, and Oyo. As of 1939, the organization of the Native Authority system distinguished these five polities, which were the only five solo-chief NAs in Western Nigeria.[26] However, colonial administrators became aware of the mismatch between the de jure Native Authority institutions and the de facto institutions: "though the term 'Sole Native Authority' has an autocratic sound [,] that was in fact divorced from the realities of the situation. No action which was going to affect the local community would normally have been taken by a Sole Native Authority without full consultation with the Council" (Brown 1950, 17). Extensive reorganization occurred in the late 1940s that gazetted a council alongside all five of these chiefs, and our dataset reflects the absence of solo chief NAs in Western Nigeria by 1949.

Traditional elites were the plurality on most councils in Western Nigeria, as shown in Table 2

[26]By contrast, in other areas of Western Nigeria in which political institutions were historically centered on the family group or village community, the NA was council only.

and reflected in the persistence results from Table 6. However, the reforms in the 1940s introduced more popularly selected and literate members onto the councils. Of the 39 Treasuries in the region, we code that 64% experienced reforms to broaden participation during this period. In the Egba Native Authority in the Abeokuta Province, the solo chief (the Alake) abdicated in 1948 and the Egba Central Council became the Native Authority. In the past, the Advisory Council for the Alake consisted of titled members and members selected by Sectional Councils. Following the reform, 73 of 86 members were directly "elected by taxpayers, at elections supervised by Administrative Officers, voting being by show of hands" (Hailey 1951*a*, 113-4). The majority of these members were literate, and four women also joined the council.[27] Across the five precolonial states, the composition of the newly gazetted councils also reflected their independence from the chief, as a significant portion of each consisted of elected members, ranging from 35% in Ife to 85% in Egba.

Political constraints also persisted in the Ashanti region of the Gold Coast. Prior to colonialism, the council (Mpayimfo) was a group of elders that were 'the successors of the senior members of the kindred group who had always acted as advisers of the 'house-father"' (Rattray 1929, 77). Chiefs regularly consulted their council: "In reality every move and command which appeared to emanate from his mouth had been discussed in private and been previously agreed upon by his councillors, to whom every one in the tribe had access and to whom popular opinion on any subject was thus made known" (82). The sanction for deviating from this norm, or otherwise behaving badly, was destoolment. A Chief could be destooled for disregarding the advice of the Elders, "habitual drunkenness, gluttony, cruelty, or if he became blind, impotent, mad, etc." (Manoukian 1950, 36). During colonialism, chiefs in Ashanti were gazetted alongside their State Councils, and the practice of destoolment persisted in many areas as well.

Traditional members dominated the councils in the Gold Coast, and unlike in Western Nigeria, this trend remained unchanged in the 1940s. The Kwahu Native Authority was a typical elite-dominated council in the Gold Coast. "The chiefs within the Native Authority are traditional rulers

[27] At least one woman joined the council in four other Native Authorities in Western Nigeria as well.

inheriting their position in the matrilineal line." The surveys list every member of the council, which is "mainly composed of traditional members of the State Council but is leavened by number of selected intelligentsia from various walks of life." From the list, we code 75 percent of the council members as traditional elites, as they are listed as titled individuals or chiefs. The surveys also emphasize the degree to which the council and other popular elements constrained chiefs: "In practice the President has only one vote and though his personal influence and hereditary position go a long way towards producing decisions, these factors can only be exercised in a direction in which he considers his councillors likely to follow."

5.3 No Precolonial Chief

Many parts of Africa did not develop chieftaincies before colonialism began. In Eastern Nigeria, 84 of 88 NTs consisted of council-only NAs. This is perhaps surprising considering that Eastern Nigeria is usually touted as emblematic of arbitrary invented institutions because of its warrant chief system (Afigbo 1972). The warrant chief system, which lasted until the 1930s, closely resembles Mamdani's (1996) characterization of arbitrarily choosing chiefs among acephalous societies, potentially putting them in position to exert despotic powers. However, local dissatisfaction with and opposition to this system resulted in an anti-tax war in 1929. Women, who had lost certain traditional political prerogatives, led the revolt against chiefs that lacked traditional legitimacy. British officials reacted to the revolt by acknowledging their " insufficient knowledge of the indigenous institutions and life of the people," and the British governor commissioned over 200 Intelligence Reports to learn more about traditional institutions (Hailey 1951*a*, 159). As we observed, in societies such as the Igbo, local authority was small scale, but highly complex. Each village contained councils that balanced the power of local factions and enabled collective decision making. The reorganized NA institutions in Eastern Nigeria sought to replicate these traditional institutions.[28] We do not attribute this development to the benevolence of British administrators, but instead to the practicality of satisfying local demands to prevent costly revolts in the future.

[28]The Southern Province of Tanganyika provides another example in which British officials originally used local authorities that lacked traditional status as agents of local rule, but subsequently replaced them with appointed authorities (Hailey 1950*a*, 299).

Nearly every council in Eastern Nigeria consisted of a plurality of non-traditional members. In the Cameroons Province, the council-only Native Authorities were "constituted by Village or Quarter Heads who are appointed by public consent" (Hailey 1951*a*, 161). In the Ogoja Province, "The Councils consist of men selected by the clans or villages on personal grounds, but include some traditional titleholders or priest kings who have hereditary rights." Similar to the absence of chiefs as NAs, this reflected the general absence of hereditary traditional elites in the region. In the 1940s, further reforms occurred to broaden the popular electoral basis of these councils (African Studies Branch 1949).

Many parts of East and Central Africa also lacked chieftaincies prior to colonial rule, including Kenya, Eastern and Northern Uganda, Tanganyika (excepting the Lake Province), and Nyasaland. British administration in these areas undoubtedly engaged in considerable "innovation" in the sense of delimiting territorial borders where none had previously existed and by promoting individuals that lacked traditional authority (or possessed it only at the very local level) into higher-level Native Authority positions. The Southern Province of Nyasaland contains several examples in which chiefs match the characterization of British-invented. For example, in the Blantyre District, "Only a few of the chiefs, such as Kapeni and Mpama are really important traditional chiefs in native eyes. Chiefs Kadewere, Machinjili, and Ntaja are of comparatively recent recognition as chiefs. And most of the other NAs were originally sub-chiefs who have in recent years become recognized as independent NAs" (Hailey 1950*b*, 53). During 1930s, when Britain was reorganizing the NA system in Eastern Nigeria to make it less despotic, it moved toward bestowing chiefs in the Southern Province of Nyasaland with greater powers despite their lack of traditional prerogatives.

Yet the chiefs in the 91 NTs in these parts of Eastern and Central Africa were still constrained in various ways. The predominant form of NA was solo chiefs with a gazetted federal council (62%). Most chiefs lacked hereditary status (59%) and instead were typically chosen by local election. In Kenya, the Local Native Councils collectively contained 358 elected members compared to 227 nominated members (which included 132 Chiefs or Headmen). Elections featured "a popular

choice between candidates" (Hailey 1950*a*, 95), sometimes chosen by public acclamation and sometimes by ballot. The importance of the federal councils varied, and exerted greater influence in Kenya and Northern/Eastern Uganda than in Tanganyika or Nyasaland. Hailey describes Local Native Councils in Kenya as follows:

> "The development of local government institutions, in the form of the Local Native Councils, has also taken a course which distinguishes it from comparable institutions in the territories which rely mainly on the use of traditional native authorities as the agencies of local administration ... there can be no doubt that the Kenya Local Native Councils have now attained a position as representative and consultative bodies which is more independent and more progressive than the institutions of a comparable character in most of the East of Central African countries ... In the Local Native Councils as now constituted the tendency is, not unnaturally, to regard [Chiefs] as the representatives of official not of popular opinion. These bodies have in some Districts developed a growing attribute of criticism if not opposition to the Administration and its establishments, and where this has occurred, the influence enjoyed by the 'Chiefs' has been greatly diminished" (Hailey 1950*a*, 94-95).

Nor did chiefs control the Native Treasuries. Most chiefs were federated into a joint NT: 88% NTs consisted of more than one NA, with an average of 8.7 NAs per treasury. In most cases, the NA played no role in setting estimates for or in the operation of the treasury, often because of illiteracy.[29] Furthermore, when the NA participated in the treasury, it was almost always the *district council* rather than than the chiefs acting individually. Among the fourteen cases in which the NA participated in the treasury and we have disaggregated information on exactly who participated, there is only one instance in which a chief, but not a council, operated the treasury.

6 Conclusion: Toward a Alternative Explanation of Post-Colonial Despotism

In this paper, we have provided a new perspective on the nature of African political institutions and the impact of colonialism on them. In doing so we documented two new facts about political institutions in former British colonies in Africa. First, contrary to the perceptions in much

[29] Among the 72 observations for which we have data, this figure is 64%, and rises to 71% under the plausible assumption that the NA did not operate the treasury for cases in which we lack data.

contemporary social science, British colonial administrative institutions were extremely heterogeneous. Second, these institutions overwhelmingly feature executive constraints in the form of various types of council. We also showed that the dominant explanation for this heterogeneity was the form of pre-colonial political institutions. Places with unconstrained chiefs in the colonial period typically had such chiefs in the pre-colonial period. Places which had constrained executives before colonization tended to still have them in 1950.

Our conclusions are not consistent with a great deal of conventional wisdom in political science. Mamdani's influential book argues that British colonialism "presumed a king at the center of every polity, a chief on every piece of administrative ground" (Mamdani 1996, 39). In fact our data suggests that solo councils were far more common than solo chiefs. He further suggests that "there is no question of any internal check and balance on the exercise of authority, let alone a check that is popular and democratic ... the person of the chief signifies power that is total and absolute, unchecked and unrestrained" (Mamdani 1996, 54). Our evidence shows that the vast majority of chiefs had councils. Though one could argue that these were a powerless facade, this seems unlikely to be the case. Neither chiefs nor British administrators were able to appoint a majority (or, often, any) of council members, who often had independent traditional legitimacy. Additionally, when councils existed, NAs spent significantly more of their revenues on public goods, which suggests they had real authority.

Mamdani is certainly correct that the British "gave to the chiefless people chiefs" (Mamdani 1996, 79). However, they did so only briefly because the Africans revolted against it. Thus, although not an end in its own right, recovering more legitimate traditional institutions helped to minimize the costs of governance. As we discussed, the infamous warrant chiefs were removed in the 1930s and replaced by council-only NAs, which attempted to match pre-colonial institutions. Clearly, many institutional changes (relative to the pre-colonial period) occurred in such areas. The number of NAs in eastern Nigeria, for example, was undoubtedly fewer than the number of independent pre-colonial polities. In Kenya and northern Uganda, the British also brought in headmen and chiefs

where none had existed before, and unlike the warrant chiefs they persisted. But they were soon constrained by councils. Our conclusion is that whatever the implications of these innovations, an exciting subject for future research, the evidence does not suggest that such headmen were unconstrained and despotic.

The thesis of Herbst (2000) is also not consistent with our data. Though our evidence does not speak directly to the capacity of the state, his main explanation for presence of post-colonial despotism is because it is state formation itself that creates institutional constraints via "tax bargaining" (Levi 1989 is a classic exposition). But in fact both pre-colonial and local colonial African rulers were constrained, and thus the empirical premise of his argument lacks support. Our argument for why this was so emphasizes that the existence of constraints had nothing to do with tax bargaining, but were a reflection of the egalitarian nature of African society and the concern for "autonomy." By focusing on the cost-benefit calculation of rulers, Herbst missed this critical mechanism.

Though the argument that Mamdani proposed is not supported by systematic evidence, British colonialism likely created other highly pernicious effects that could have contributed to why African countries have been primarily undemocratic since independence.[30] Our evidence does not rule out many of the other mechanisms that have been proposed which we discussed in the introduction, for example the main argument of Young (1994) which is more about how the colonial state itself operated, rather than how it organized local government. Nevertheless, the mechanisms underlying the persistence of 'Bula Matari' are not very clear. Hopefully a richer empirical understanding of the organization of colonial states will help to identify variation which will allow even such more aggregate theories to be tested.

We conclude by suggesting an alternative hypothesis for post-colonial authoritarianism which we believe is consistent with our data. Changes at the national, rather than local, level constituted the most important transformation of and perversion of political institutions in Africa during colonial rule. Traditional constraints on local chiefs that worked effectively could not usually be scaled up

[30] See Heldring and Robinson (2018) for a broad overview of the likely negative consequences of colonialism on development in Africa.

successfully to the national level in new, artificially created states. This was particularly so given how heterogeneous they were. For example, in the Nigerian case we have discussed, the methods of accountability amongst the Yoruba, Tiv, and Igbo were all very different. Indeed, different parts of Igboland had different mechanisms of accountability and constraints. At the same time, these societies were merged with those of northern Nigeria which, as we saw, had few such constraints on rulers. We conjecture that the sheer difficulty of forging a social contract over new institutions which would impose accountability and constraints at the national level gave post-colonial elites a large amount of freedom for acting despotically. In this they were able to exploit internationally created ideas about sovereignty and the colonial centralization of institutions, such as the fiscal system and the army, which local institutions could not discipline. Thus, the roots of modern African authoritarianism are largely centralized rather than decentralized.

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