

EXAMINING THE POST COLONIAL HANGOVER:
A STUDY OF BRITISH AND FRENCH
COLONIAL LEGACIES IN AFRICA

by
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ABSTRACT

This project seeks to explain the “post colonial hangover” a trend that claims former British colonies to be at an advantage compared to colonies controlled by other European nations. This project compares the former British colonies to former French colonies in Africa, and seeks to identify the main differences between the two powers and how these differences have impacted current state development. This project takes into special account the role of direct versus indirect rule and the role of civil versus common legal systems. Initially, base measures are taken for all former British and French former colonies in the areas of quality of life, governance, and economic measures. Following these initial measures, this project moves into a case study of Ghana (British) and Cote d’Ivoire (French), to further identify the major differences between the two colonial experiences and how these experiences are reflected in modern day politics of those countries. The biggest finding of this study was that the leadership style of both respective colonizing powers had huge influence on how local institutions were formed. The original colony governing structures also had a great influence on current government formation and processes today in relatively new African nations.

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INTRODUCTION

The overarching question that this project seeks to answer has puzzled political scientists for decades; what exactly is keeping the continent of Africa so overwhelmingly underdeveloped? Almost half a century after African countries gained independence after WWII, successful states in Africa are still extremely few, and seem to be experiencing a phenomenon dubbed the “Post Colonial Hangover”. An observation commonly made, however, is that a distinct group of African states seem to be less “hung-over” than their neighbors; many scholars have noted that countries formerly under the British Empire seem to be progressing at a quicker rate than their neighbors, namely countries that were formerly under French rule. Therefore, the narrowed down puzzle that this research seeks to answer is what is the margin of difference between former British and former French colonies, and to discover why such a trend exists. This study seeks to magnify this difference between French and British colonial legacies in Africa, and aims to uncover the historical factors that seem to contribute to current state progress.

This study contributes to the growing research on the impacts of colonial legacy, both in Africa and elsewhere. However, it also seeks to contradict the group of scholars who propose the idea that colonial legacy is not important in explaining state failure in Africa. This study aims to prove that an understanding of colonial legacy is crucial in solving the issues that keep Africa from achieving widespread development.

REVIEW OF LITERATURE

When examining the literature pertinent to my study of French versus British colonizing efforts, the pieces can be categorized into two distinct sections of research. The first section pertains to the styles that the French and British employed while colonizing, and how the differences in approach now shape post-colonial development. The second section involves the implications of civil law versus common law societies, and how the effects of each legal system impact the economic growth of a country

The guiding piece of literature for this research project is entitled *Comparing British and French Colonial Legacies: A Discontinuity Analysis of Cameroon* by Lee and Schultz¹. This study compares the French and British sectors of Cameroon, seeking to identify significant differences in the economic development between the two areas. In a thorough analysis of the historical, cultural, and governmental differences of each sector, the authors find that local institutions and “economic dynamism” are the two most influential factors in regards to British colonial legacies. They conclude that the British side of Cameroon has proven to be more successful because British authorities offered more autonomy within their territories, and did not employ the use of forced labor without wages. This is contrary to the French style of colonization, which sought to assimilate all Africans into French society through a rigorous education system rather than give partial authority to local leaders. Lee and Schultz also emphasize the point that the “hard legacies”, such as the presence of forced labor and direct rule, have greater influence on the success of a colony over “soft legacies”, such as religion and education systems left behind by colonizers. The inspiration behind this project grew largely out of

¹ Lee, A., K. Schultz. 2012. “Comparing British and French Colonial Legacies: A Discontinuity Analysis of Cameroon.” *Quarterly Journal of Political Science* 7:1-46.

Lee and Schultz's study, and I attempt to prove the colonial differences that this piece highlights on a broader scale in my own research.

The concept of direct versus indirect rule used by Lee and Schultz is actually taken from earlier work by Whittlesey. In his study *British and French Colonial Technique in West Africa*², he describes indirect rule as placing native rulers in powerful positions, which was standard practice in British colonies. This system seemed appealing because it respected native traditions, thereby reducing discontent and increasing governmental legitimacy, and proved to be in the best economic interest for Britain. The British offered paid wages for their workers, which in turn fed into the taxes they implemented on their colonies. This contrasts to the direct rule practiced by the French, where forced labor was common practice. Additionally, only Africans that passed through the French assimilation system called "Evoules" could participate in any form of leadership position. This form of forced assimilation seems to have weakened the local institutions of French former colonies in comparison to their British neighbors, which seem to have greater community-level participation.

To further exemplify the economic implications of different technique and leadership styles, many studies have been done to indicate that colonial influence, not ethnic background, determine economic outcomes. A small sector of scholarship is dedicated to comparing the same ethnic groups across artificial colonial borders. Studies of the Ewe between Togo and Ghana³, the Yoruba of Nigeria and Benin⁴ and the Hausa

² Whittlesey, D. 1962. "British and French Colonial technique in West Africa." *Foreign Affairs*. 362-373

³ Welch, C. 1966. *Dream of Unity: Pan-Africanism and Political Unification in West Africa*. Ithaca, NY: Cornell University Press.

⁴ Asiwaju, D. 1976. *Western Yorubaland under European Rule, 1889-1945*. Atlantic Highlands, NJ: Humanities Press.

of Nigeria and Niger⁵ all have similar results. Each of the groups studied straddle British and French colony borders, and therefore offer a unique perspective of the effects of colonial legacy on the same ethnic group. Each study finds that the portion of the group on the British side of the boundary has experienced a higher standard of living than the portion living in French territory. All three studies conclude that British colonial rule encouraged respect for traditional institutions and diversity more than their French counterparts, which therefore has enhanced living standards in the British sectors post independence.

In addition to the policies enacted during colonization, the examination of decolonization processes is also crucial to understanding the current status of former colonies. In his article “Comparative Study of French and British Decolonization”⁶, Tony Smith identifies factors that indicate that the exit strategies enacted by the British proved to be more beneficial for their colonies post independence than those enacted by the French. First, Smith illustrates that the British had planned their potential fading away from their colonies long before separation became crucial after WWII. They made concessions for more autonomy when discontent arose in their colonies, and made preparations for a slow exit starting in the early 1900’s. By contrast, the French consistently refused any requests for sovereignty in their territories, even when faced with the possibility of losing their empire post WWII. In fact, an official document from the “Ministere des Colonies” in 1944 states;

⁵ Miles, W. 1994. *Hausaland Divided: Colonialism and Independence in Nigeria and Niger*. Ithaca: Cornell University Press.

⁶ Smith, T. 1978. “A Comparative Study of French and British Decolonization.” *Comparative Studies of Society and History* 20(1): 70-102.
Public Economics 76: 399-457.

The ends of the civilizing work accomplished by France in the colonies excludes any idea of autonomy... the eventual constitution, even in the future of self-government in the colonies is denied (Smith 73)

Secondly, Smith cites the difference of domestic political institutions as a crucial influencer of decolonization procedures. The stability provided by Britain's strong executive and its two party system proved to be an element that added to the ease with which Britain organized its colonial policy following WWII. On the other hand, France was struggling with an inconsistent multi-party system and a weak coalition government after the war. The domestic inconsistency in France caused erratic colonial policy, and made the exit strategies employed by the French extremely uneasy. The differences in domestic government issues outlined in Smith's work seem to have given Britain's former colonies an advantage in their early efforts towards independence.

The largest amount of research on the British colonial advantage involves its implementation of common law, especially in comparison to the civil law systems used by the French. In Damaska's *The Faces of Justice and State Authority*⁷, distinct differences between the two systems are offered for clarification. In common law systems, much power is placed in the legal precedents and judicial procedures of the government. By contrast, civil law systems are based solely on the codified rule of law, and judges are given very little authority. Often, judges in civil law systems are considered mere "mouths of the law", with no real power of interpretation. From a historical approach, these differences are easy to trace. The British common law system was composed to please the aristocratic elites, who feared that democracy would strip them of their power and property. Therefore, common law systems are characterized by

⁷ Damaska, M. 1986. *The Faces of Justice and State Authority. A Comparative Approach to the Legal Process*. Yale University Press.

strong property protections. By contrast, the origins of civil law trace to the Napoleonic era, where the sovereign ruler used the legal system to extend his economic power. Based on the inherent differences of the two systems, many political scientists have worked to show that common law is more beneficial to societies in a number of ways⁸.

LaPorta's work regarding the comparisons of the two legal systems is especially critical of French civil law in particular. In his work "Law and Finance"⁹, LaPorta concludes that common law offers more protections for investors and owners of private property, and that common law systems are more efficient in their law enforcement efforts than civil law systems. LaPorta concludes that this combination of increased investor protections and the enforcement of said protections have positive impacts on the economic development.

As an expansion of LaPorta's work, Mahoney's "Common Law and Economic Growth"¹⁰ highlights the increased judicial freedom involved in common law. His cross-country regression analysis supports the hypothesis that common law systems, by way of their inherent property protections, tend to have higher levels of GDP per-capita, therefore speeding economic growth. It is also important to note that he deliberately accounts for colonial legacy in his research, expressly stating, "most countries obtained their legal systems through colonization" (Mahoney 523).

⁸ Merryman, J. 1969. *The Civil Law Tradition*. Stanford, CA: Stanford University Press.

⁹ LaPorta, R., F. Lopez-de-Silanes, A. Shleifer, and R. W. Vishny. 1998. "Law and Finance". *The Journal of Political Economy* 106 (6): 1131-1155.

¹⁰ Mahoney, P. 2000. "The Common Law and Economic Growth". *The Journal of Legal Studies* Vol. 30 (2): 503-525.

Common law is also seems to be a factor in reducing corruption. In Treisman's cross national study on the causes of corruption¹¹, he states, "countries with a history of British rule were robustly rated 'less corrupt'". Treisman connects this reduced level of corruption to the "legal culture" that is associated with British common law. He demonstrates that the intense adherence to judicial procedures and norms in former British territories is crucial, especially in contrast to civil law, which places a greater emphasis on the hierarchy of government and the interests of those in power. Treisman's data supports the conclusion that common law systems have reduced levels of corruption because they are stronger at promoting and procedurally enforcing the law.

Overall, the literature outlines two distinct differences between French and British colonial legacy that will play into the study of current development levels. The first is the distinction between French direct rule and English indirect rule, which scholars have shown has effect on the formation of institutions and community based organization in states long after their colonizers granted independence. The second and potentially stronger factor that sets the British and French apart is the distinction between common and civil legal systems. These European constructions are still in practice within the former colonies, and have not been altered in any major way since they were put in place in the 1800's. Since there is a direct link between colonial legacy and type of legal system, the literature insists that the differences between these two systems are essential to understanding the effects of colonial legacy on current development and state performance.

¹¹ Treisman, D. 2000. "The Causes of Corruption: A Cross-National Study" *Journal of Public Economics*. 76: 399-457.

RESEARCH DESIGN

The driving question of this research is the difference between British and French colonial legacy. Essentially, the question comes in two parts; first, by how much are British former colonies outperforming their French neighbors, and second, why does this difference exist? Since the guiding question is dual in nature, it stands to reason that the research design would also be split in a way that could answer both of these questions separately. This study is unique in that, unlike previous literature on the subject, it will combine both quantitative and qualitative data collection methods.

For the first portion, I develop a statistical comparison, which is comprised of two groups. The first will include former French colonies in Africa, and the second will include former British colonies^{12 13}. The second will be a case study of Ghana and Cote d'Ivoire that offer a useful comparison regarding colonial legacy. The inclusion of the case study portion adds a more in-depth look at the historical elements and colonization methods of each group.

For the initial measures, the countries selected for each group are counted based on their current status as countries, not by their status as colonies. For example, while under colonial rule, South Africa was split into many smaller British territories, but for the purposes of this study it is measured by its current status as a single state.

Additionally, states that are now unified but were split during their colonization period

¹² **British:** Botswana, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Nigeria, Sierra Leone, Somalia, South Africa, Swaziland, Tanzania, Uganda, Zambia, Zimbabwe.

French: Algeria, Benin, Burkina Faso, Central African Republic, Chad, Democratic Republic of Congo, Cote d'Ivoire, Djibouti, Gabon, Madagascar, Mali, Mauritania, Niger, Senegal, Togo, Tunisia.

¹³ Norris, Pippa. 2009. *Democracy Crossnational Data*. [Data file and Codebook]. Retrieved from <http://www.hks.harvard.edu/fs/pnorris/Data/Data.htm>

will be categorized based on the highest percentage of land belonging to the colonizing power. For example, Cameroon was 87% French and 13% British, so for the sake of this study, Cameroon is considered a French territory. This is the procedure that other qualitative studies on colonies have followed, and seemed to be the most logical way to categorize countries that experienced multiple colonial influences.

The scope of this study was limited to Africa because the continent offers similar numbers of cases for both colonizing powers investigated here. Due to time and information constraints, colonization endeavors by Germany, Portugal, and the Netherlands are not be accounted for in this study. England and France, while not singularly, played the largest roles in the colonization of the African continent, and thus are the two colonizing powers scrutinized in this research.

The hypotheses for this research are dual sided. This project aims to prove that if a country was colonized by the British Empire, it will perform better in comparison to a country colonized by the French Empire. Thus, my first hypothesis (H1) states that if a country was formerly a British Colony, its performance at the state level will be higher. Conversely, my second hypothesis (H2) states that if a country was formerly a French colony, its performance at the state level will be lower. There are two theories that follow from this set of hypotheses, based on literature regarding colonial legacy. The first is that the indirect rule practiced by the British during colonization provided more stability than the direct rule employed by the French. The second is that Common Law systems established by the British made development after independence easier than Civil Law systems established by the French.

The two independent variables that are expected to have the greatest impact on state performance are the use of direct or indirect rule and the legal system in place. The impacts of these two factors are examined in the case study portion of the project, which aims to answer the “why” portion of my research question. Within the case study, special attention was given to the impacts of these factors on the two countries examined in both historical and current contexts.

Overall, I have structured this dual sided research project with two goals in mind. The initial statistical analysis seeks to find a statistically significant measure of former British colonies outperforming the former French. It also aims to set a baseline for what types of institutional and legal trends are present in both country categories. The case study aims to identify the potential factors that would cause such a dramatic difference within the context of two specific countries. Within the case study, I hope to prove one of my two theories correct; that either leadership style or the legal system are the reason for this discrepancy in progress between the two groups of countries.

UNRESOLVED PROBLEMS

The biggest challenges this project are geographic elements, as well as the sheer complexity of the continent. First, the categorization of countries as either British or French is far from exact, and the map lines we see today are not precise matches to the colonial territories of the past. An example mentioned earlier is Cameroon, which was roughly 13% British and 87% French. For the purposes of the statistical portion of the research, however, Cameroon will be coded as “French”, even though there are British sectors of the country. The case selections for the statistical analysis section are taken from Dr. Pippa Norris at Harvard University, who’s 2009 dataset accounts for colonial

legacy based off percentage of land owned by the colonizer. Categorizing my samples based on this reliable dataset aids in the validity of my case selections, but the fact that the boundaries and histories of these two empires are so closely intertwined holds potential for misleading results.

The second challenge for this project regards the purposes each colony was used for. While trends arise across regions, colonizing powers approached each territory with different strategies and intentions; for example, it is logical to assume that the French employed different tactics in the northern country of Algeria than they did in the South Eastern island of Madagascar. Each territory was treated on an individual basis, and therefore broad statements made about colonizing powers can only go so far. Including a case study alongside the statistical analysis was a tactic devised to combat this issue, so that any overarching trends discovered in the statistical comparison can be expanded on based on what the individual cases reveal.

INITIAL MEASURES

To achieve a baseline appreciation for the types of differences in state performance amongst former British and former French colonies, the initial measures are divided into three categories. The first category, quality of life measures, includes life expectancy, percent of rural population with access to clean water, and literacy rates. The second category accounts for governance, and measures both the polity and Freedomhouse scores of each country. Here it is important to note that higher polity scores relay greater levels of freedom, while for Freedomhouse data lower numbers demonstrate higher levels of freedom, thus making lower numbers better for Freedomhouse data. The third category is economics, and is represented by GINI index

scores, poverty rates, and GDP per capita. The data used to create these tables was found in the World Bank country profiles, CIA Factbook profiles, the Freedomhouse Data Sets, and the Pippa Norris Dataset previously mentioned.

Table1: Quality of Life Measures

Colonizer		water source	Life Expectancy	Literacy Rates
UK	Mean	68.0556	57.167	71.7889
	N	18	18	18
	Std. Deviation	23.51588	7.5010	16.51804
France	Mean	58.1250	59.375	56.7313
	N	16	16	16
	Std. Deviation	16.29264	7.0415	19.24224
Total	Mean	61.3721	58.140	65.0558
	N	43	43	43
	Std. Deviation	20.79036	7.2361	17.96310

These Measures show important differences in access to clean water and literacy rates in my sample countries. These measures imply potential differences in social safety net formation, which has always been a major variance between the British and French at home, especially in terms of education. It is interesting to note that the life expectancies are similar, while the access to water and literacy rates are so far apart.

Table 2: Governance Measures

Colonizer		Freedomhouse	polity score
UK	Mean	3.900	3.833
	N	18	18
	Std. Deviation	1.6901	5.6177
France	Mean	4.469	2.533
	N	16	15
	Std. Deviation	1.5435	3.3566
Total	Mean	4.342	2.667
	N	43	42
	Std. Deviation	1.6033	4.7456

For the governmental measures, the results were as expected, but the margins were closer than expected. For polity scores, the British countries did have more favorable scores, but not in a statistically significant way. Both means are representative of what the source calls a “open anocracy”, which is essentially the middle ground between a fully functioning democracy and a dictatorship. Similarly, the Freedomhouse scores do not show enough difference to be significant, even though the British have slightly more favorable scores.

Table 3: Economic Measures

Colonizer		GINI Index	Population below poverty line	GDP Per Capita (in USD)
UK	Mean	47.5163	43.2647	3597.5439
	N	16	17	18
	Std. Deviation	9.70633	18.41090	4323.54199
France	Mean	40.1400	43.6156	3781.2500
	N	15	16	16
	Std. Deviation	5.51735	16.02633	4848.12249
Other	Mean	47.5250	42.3889	3125.0000
	N	4	9	8
	Std. Deviation	11.60672	19.70618	3046.19200
Total	Mean	44.3560	43.2107	3577.5188
	N	35	42	42
	Std. Deviation	8.92798	17.38478	4241.51992

The economic measures here go contrary to the original hypothesis. The French seem to be outperforming the British in terms of GDP per capita, which runs contrary to the quality of life measures indicating that the British had higher literacy and health measures. This chart also shows that the British seem to be slightly less “Equal” in terms of GINI scores compared to the former French. This presents an interesting issue, for usually higher GDP runs in tandem with higher qualities of life.

Implications for Case Studies

The initial measures present a number of questions that the case study acknowledges. First, the idea of social safety net formation as a colonial legacy could

explain the large gaps between French and British quality of life measures seen in the first chart. Secondly, there are questions surrounding the French GDP per capita, for the previous literature referenced earlier suggested that the French GDPs should be lower. However, it is important to note that, due to uneven amounts of resources for many of the African countries studied in the initial statistical analysis, many measures regarding resource endowments were unavailable due to conflicts within the countries. Therefore, this study does not account for any uneven resource endowments, which could explain the unexpected GDP per capita results.

CASE STUDIES

Ghana and Cote d'Ivoire were chosen by process of elimination using Mills Method of Similarity. I was looking for two countries that seemed to be equal in most aspects, with the only major face difference being their colonial legacy. Ghana and Cote d'Ivoire were colonized at roughly the same time, and gained independence within the same decade. They are both equal in size and resource endowments, and both have markets that focus on the same materials for export. In this instance, however, Ghana (British) shows higher measures for each category this study examines than Cote d'Ivoire (French). Thus for the terms of the case study, the goal was to find reasons for why Ghana would be achieving more success than Cote d'Ivoire by looking at colonial legacies.

Table 4: Ghana and Cote d'Ivoire Comparison¹⁴

Measure	Ghana	Cote d'Ivoire
GDP Per Capita	\$1,858	\$1,528
GINI	39.4	41.5
Population in Poverty	24.2%	42.7%
Polity Score	8	4
Freedomhouse	1.5	4.5
Rural Access to Water	81%	68%
Literacy Rates	71.5%	56.9%
Life Expectancy	61	50

Ghana

Introduction and Recent History

Ghana gained independence from Great Britain on March 6, 1957, making it the first African country to gain independence from its former colonial power. Interestingly, this region formerly known as the Gold Coast was the first area of West Africa to be settled by Europeans beginning with the Portuguese in 1471. With a population of 25.9 million, it is the second largest West African country after Nigeria. Today Ghana is seen as the most stable nation in the region, with a consistent record of peaceful elections and power transfers. Ghana is the second largest producer of cocoa in the world behind its neighbor, Ivory Coast, as well as the second largest gold mining country after South Africa¹⁵. Ghana is consistently posted as one of the fastest growing economies in Africa. Additionally, oil reserves were found off the coastline in 2007, with official oil production starting in 2010 that is expected to boost the economy further. Due to the resilience of high gold and cocoa prices, the economic shock of 2008 did not hit Ghana as

¹⁴ Data for this table is from the World Bank, UN Development Indicators, and CIA Factbook.

¹⁵ "Ghana Country Profile." BBC News. N.p., 5 Nov. 2014.

¹⁶ "Ghana." UNdata. United Nations Statistical Division.

hard as its other African neighbors. Ghana also serves a strong peacekeeping role in the region, with troops stationed in the Ivory Coast, Sierra Leone, Liberia and the Democratic Republic of Congo.

Colonial History

Portuguese colonists landed on the Gold Coast in 1471, setting up small merchant towns on the sea that hardly conflicted with the major empires in the interior of the country. By 1479, the English, Castilian, Italian and Flemish were also organizing small trading posts on the coast. The norm established amongst European countries was to either prove “discovery”, by claiming that the land was uncharted until they arrived there, or to sign treaties with the local African leaders, which were usually entered into with little explanation¹⁶. In this time period, slave trading amongst African merchants was especially profitable.

The first religious organizations in Ghana were catholic, encouraged by Portuguese settlers. The missionaries often did not last longer than a year due to disease and their efforts were largely unsuccessful. Additionally, most missionary efforts were seen as “incompatible” when used alongside forceful slave trading¹⁷. By the early nineteenth century, many Methodist missionaries took the place of the former Portuguese Catholics, and their efforts towards linking education and religion proved more successful; native tribes soon found that there was a benefit to being Methodist for it brought them education, and more education brought more commerce and increased profits.

¹⁶ Schraeder, Peter J. 2004. *African Politics and Society: A Mosaic in Transition*. Second Edition. Thomson Wadsworth.

¹⁷ Gocking, Roger S. 2005. *The History of Ghana*. Greenwood Press. P. 29.

The British expansion into interior Ghana was a response to the rapidly growing Asante empire that relied heavily on the steady supply of European firearms from the coast to keep outlying provinces under Asante control. The British feared that Asante leaders would soon hold a monopoly over goods such as gold, cocoa, slaves and ivory, and would be able to charge higher prices for their products. The competing growth of these two forces resulted in a series of battles starting in 1806. In 1808, the British formally abolished the slave trade in their territories, causing even more tension with the Asante. After roughly twenty years of fighting, the British finally claimed victory in 1826, and soon following a treaty was signed in 1831 that effectively ended the Asante domination of Ghana.

The British power steadily grew in Ghana from this point on largely under the rule of Captain George Mclean, who was widely known as an influential diplomat between the Asante and other major Ghanaian empires. He was later made “Judicial Assessor and Magistrate”, and created the Bond of 1844 with local tribes which officially recognized as the “power and jurisdiction” of British officials for the adjudication of serious crimes. This bond was an effort towards “molding the customs of the country to the general principles of British Law”¹⁸.

The Gold Coast became completely British in 1874, and subsequently the rest of what is now Ghana fell under British rule. While many native Ghanaians served in the British-organized government there, it was not until 1948 when the beginnings of potential independence started to grow after many men and resources were supplied by Ghana to aid in the British war effort (in WWII). While a British-made constitution had

¹⁸ Gocking, Roger S. 2005. *The History of Ghana*. Greenwood Press. P. 32.

been formed in 1946 granting Ghanaians a majority in the legislative council, British administrators knew it was flawed from the start. After the close of WWII, an all-African committee under the leadership of a British Justice was appointed to create a constitution granting more executive power to African ministers. This action by the British coincided with the rise of Kwame Nkrumah, a pro-independence activist who created the “Convention People’s Party” (CPP) that touted the slogan “Self-government now!” In the 1951 election for a new legislative assembly created by the reformed constitution, the CPP won a vast majority of the seats, prompting the British government to invite Nkrumah to lead the new administration. This led to an all-African assembly and by 1957 Ghana was officially recognized by the British Commonwealth as self-governing. Soon after, Ghana was established by the United Nations as an independent country.

Post-independence, Nkrumah appointed himself president for life, and soon corruption and massive debts overtook his administration. A coup in 1969 was the first of four overthrown governments in post-independence Ghana, and they are now currently in what is deemed the “fifth republic”. Ghana experienced its first legitimate presidential election in 1992, and has steadily held formal multiparty elections since. The last was held in 2012.

Indirect Rule

When colonized, the British as a whole employed indirect rule under the belief that it was far easier to enlist local leaders and chiefs to enact certain policies and regulations than it was to send in British men. The idea of indirect rule aimed for the colonization period to eventually lead into independence under fully African leadership, in

keeping with the popular concept of “white man’s burden”. It was assumed that Africans could never become British, nor would they have been desired even if they could do so. Additionally, the practice of indirect rule was more economical, for it required less men to be physically present in the colony to run the government, which meant fewer people being relocated to the rural areas of the country. This approach also made it easier to appear legitimate to the native peoples, and there was far less opposition to new statutes when they were passed down via local leaders. Thus, colonial rulers in Ghana and most other British colonies ruled via preexisting political figureheads. This strategy allowed for the many cultural institutions of Ghana to stay in place and strengthen over time past independence.

The British government in Ghana was highly decentralized, with decision making devolving to even the village level. In 1874, the Native Jurisdiction Ordinance established a policy of minimal involvement in the political affairs of Colony chiefs. This ordinance authorized the passing of bylaws, organization of community tribunals, and even the authority to administer binding verdicts in small court cases. In 1925, each portion of the colony was given a council of chiefs to govern over it. These chiefs were appointed by the British governor, but were allowed immense power at the local level.

Taxation was also, for the most part, “customary” through the chief’s management of whatever monies his area had access to. The only requirements set by British forces were periodical quotas for resources, but these quotas could be met in any way the individual chiefs chose. The chiefs were not required to tax their people to provide money for the colony, but they were also not given any extra budgets from the British administration either. Ultimately, it was up to the chief to decide where the money

for his people would come from and how it would be obtained. Direct taxation was not imposed on local Ghanaian chiefs until 1944, which coincides with the British participation in WWII. It is important to note that the implementation of direct taxation was implemented decades after it was in Cote d'Ivoire.

The influence of such a decentralized system of government is reflected in the early post-independent period of Ghanaian politics. When new president Nkrumah first came to power, his goal was to recentralize Ghana under a strong state government. His slogan was "The CPP is Ghana; Ghana is the CPP". However, his efforts to centralize were met with great opposition, and he was overthrown in 1966. Afterwards, no regime that replaced Nkrumah lasted longer than three years until authoritarian ruler Jerry Rawlings took power in 1981 until 1992. Throughout his time as ruler, Rawlings promoted self-government and grass roots participation. To date, Rawlings is the most consistent ruler Ghana has experienced and he ruled in a decentralized way. This decentralist agenda can be seen clearly in Rawlings' 1988-89 structural reforms, which created 110 district assemblies that met three times a year to discuss relevant issues to that area of the country¹⁹. These assemblies were elected by 70% popular vote, the rest by government appointment. Furthermore, in 1998, the government decentralized further by forming Unit Committees, which were again 70% elected by popular vote. Serving almost as an American city council, these units meet twice a month to discuss pertinent local issues, and they answer to the district assemblies²⁰. Many of these units still involve village chiefs, a position that still holds immense political power in communities.

¹⁹ Schraeder, Peter J. 2004. *African Politics and Society: A Mosaic in Transition*. Second Edition. Thomson Wadsworth. P. 48.

²⁰ "Ghana Country Analysis". United Nations Development Programme. September 2010.

Decentralization campaigns worked in these countries because it fit easily into the patterns of power established by British colonial rule.

This indirect style of governance also holds implications for the many social services that the Government still provides for Ghana today. While initially most social programs for schooling and healthcare in the early British years were supplemented by Methodist missionary efforts, the British also put much emphasis on enhancing locally created social provisions and those provided by the private sector, rather than create an entirely new social services infrastructure. The British often employed anthropologists and sociologists to observe local villages and report back on how best to supplement their preexisting system of social welfare. The public record office of 1943 reported that “an effective social security system exists under the custom of the village group... adapting and building upon this communal machinery for social security (thus) supplements the tribal and village organization”²¹. Additionally, the colony had to pay for its own social services via the revenues their chiefs or unit committees generated locally. Many documents reflect that the British encouraged collaboration between social welfare programs and the private sector, with organizations not limited to churches, volunteer groups, and local community leaders. Overall, the goal of the British was to provide a decent standard of living that allowed the local people to continue working in a manner that they did not have to fully organize; the goal was never to have a centrally run system of social services for the colony.

The implications of this type of grass roots social welfare system could be seen as a success story, since Ghana today has maintained many of the infrastructural elements

²¹ MacLean, Lauren M. 2010. *Informal Institutions and Citizenship in Rural Africa: Risk and Reciprocity in Ghana and Cote d'Ivoire*. Pg. 123.

that were fortified by the British. Today, Ghana is one of the more developed countries in the region, with some of the highest quality of life measures recorded in this study.

Common Law

Much like the decentralized administrations established by the British, the legal system was also incorporated in a pluralistic manner, meaning that customary tribal laws played into the implementation of a broader common law system. This was aided by the fact that many of the empires, such as the Asante, had hierarchical positions and rules by which the empire was governed that meshed well with common law processes. Over time, the British administration began to recognize Native Courts as effective administrators of laws. They served as the lowest court of the land that heard minor disputes regarding family, inheritance, land ownership, and even small criminal matters. This proved helpful, for the British often lacked understanding in religious and customary matters that dictated marriage, inheritance, etc. These courts also had regulatory powers for things such as suspending and granting licenses, market agreements and the like.

Over time, the laws and precedents coming out of these native courts were recorded and used in later cases, thus providing a large body of “native law”. Furthermore, the native courts were incorporated into the hierarchy of courts, meaning that anything decided in a native court could be appealed in more British oriented appellate courts. It became widely held that appellate courts could not overturn a ruling if the ruling proved to be in keeping with the native law in the initial court where it was heard. Essentially, the concept of *stare decisis* was applied to any native court decision, barring any serious miscarriage of justice or blatant violation of broader state laws. This

tiered incorporation led to what many scholars have named “Anglo-Ghanian law”, for it incorporates the British system with inherently native laws. Indeed, many of the laws that originated from this hybrid system are now recorded in the newest constitution created in 199²².

Cote d’Ivoire

Introduction and Recent History

Cote d’Ivoire gained independence from France in 1960. Upon the eve of independence, Felix Houphouet-Boigny appointed himself president, where he reigned for three decades with no major conflicts. During this time, the country was referred to as the “Ivorian Miracle”, for seemingly overnight Cote d’Ivoire had developed a strong agricultural economy in addition to many profitable international trade agreements.

The Ivorian Miracle proved to be temporary soon after the death of Boigny, when hand chosen successor Henri Bedie was overthrown in a military coup by Robert Guei in 1999. However, Bedie had instilled early on a xenophobic attitude toward his Muslim political rival, Alassane Ouattara, who had been banned from any kind of electoral participation in the highly rigged elections held by Guei a year after he forcefully took power. Guei held power for a short time before a popular uprising forced him from the country and unofficially placed Laurent Gbagbo as president. Once Gbagbo took control of the government, a civil war broke out between the rebel group “New Forces” in the North, led by Alassane Ouattara, and the military held south led by Gbagbo. In 2004,

²² Crook, Richard, Simplice Affou, Daniel Hammond, Adja F. Vanga, and Mark Owusu-Yeboah. *The Law, Legal Institutions and the Protection of Land Rights in Ghana and Côte D'Ivoire: Developing a More Effective and Equitable System*. Brighton, England: Institute of Development Studies at the University of Sussex, 2007. Jan. 2007.

French military and UN peacekeepers began to patrol the buffer zone between the two regions of the country; the French were adamant in their support of Ouattara from this point onward after observing the unfair elections that placed Gbagbo as president. The fighting continued until 2010, when elections were held that claimed Ouattara as the winner. However, these elections only caused more violence in the capital, and Gbagbo refused to concede. A forceful invasion of the south by Ouattara's forces drove Gbagbo from the capital, and he is currently awaiting trial in the Hague for crimes against humanity²³.

The current economy of Cote d'Ivoire is slowly improving. They are still the number one producer of cocoa in the world, and they are also competitive in palm oil and coffee markets. Currently two thirds of the population is involved in agricultural industries. Oil reserves were discovered off the coast in 2012, but there is no infrastructure for the production and exportation of oil as of yet. In 2014 the IMF granted Cote d'Ivoire a \$4.4 billion dollar loan as part of its "Highly Indebted Countries Initiative", with delivery set for June 2015. Due to its high dependence on agriculture, the economy of Cote d'Ivoire is constantly subject to economic and environmental fluctuations, making it still fairly unstable.^{24 25 26}

Colonial History

In the pre-colonization period, Cote d'Ivoire had several indigenous tribes, as well as frequent Islamic influence from the West. The Islamic center of culture and learning called "Kong" was extremely influential in the northern portion of the country until it was

²³ Klass, Brian. 2008. "From Miracle to Nightmare: An Institutional Analysis of Development Failures in Cote d'Ivoire". *Africa Today*. Volume 55, Number 1. Pg 109-126.

²⁴ "Cote d'Ivoire Country Analysis". United Nations Development Programme. September 2010.

²⁵ "Ivory Coast Country Profile." BBC News. 5 Nov. 2014.

²⁶ "Cote d'Ivoire" UNdata. United Nations Statistical Division.

destroyed in 1897. In comparison to Ghana there were far fewer tribes that militarized in the same way or that grew to the same size; most tribes were much smaller and isolated, and overall Cote d'Ivoire was more sparsely populated. In Ghana, the frequent wars of the Asante Empire drew many people to Cote d'Ivoire. The Asante spread their influence to what is now the eastern portion of Cote d'Ivoire when they conquered the Abbron kingdoms in 1730 until forceful moves by the French in 1875.

French and Portuguese merchants set up coastal towns as early as the 1400s in Cote d'Ivoire for trading slaves and ivory. However, because the coastline of Cote d'Ivoire was considered less profitable, the affect of early Europeans on the coast was not as impactful as in Ghana. Catholic missionaries landed in 1637, but in a much more limited capacity than the Methodist missionaries in Ghana. It was not until the 1830's that French military men began signing treaties with local chiefs to begin setting up their protectorate power in the area, due to the "scramble for Africa" phenomenon sparking competition with British and Dutch neighbors. Soon after, France officially declared Cote d'Ivoire as a protectorate, and in 1893 it was deemed an official colony under Captain Louis Binger. Complete military occupation of the area began in 1908 to put down the multiple native uprisings to French rule in the interior, but the colony was not officially considered "controlled" until 1918. Because of the decades of fierce fighting between the interior native people and the French, administrative expansion progressed at a much slower rate than it did in Ghana.

Many Ivoirians fought in both world wars for the French army, and in the aftermath of the Vichy regime at the end of WWII, many Ivorian elite called for reforms in working conditions. In 1946, the French Union was formed after consent from Paris,

granting free speech, association, and assembly rights to all colonies in West Africa. This union also saw the end to unlimited forced labor, even though all African plantation workers were paid far below what their work required. These unjust working conditions led to the formation of the only Ivorian political party, the “Parti Democratique de Cote d’Ivoire”, or the Democratic Party of the Ivory Coast. This party was led by future president Boigny, who came to his leadership position by successfully organizing peaceful negotiations with the French leadership. This non-violent approach resulted in many political and economic benefits from the French government, which led Cote d’Ivoire to be the wealthiest colony in West Africa. This steady stream of negotiations between Boigny’s people and the French government in Paris ultimately led to Ivorian independence in 1960, wherein Boigny assumed his presidency that would last for three decades.

Direct Rule

The French administration created in Cote d’Ivoire is characterized as being very centralized, with much emphasis put on strengthening central bureaucratic control in regards to governing and decision-making. Essentially, there was a strict chain of command flowing from Paris all the way to the more rural portions of the country. This strong sense of bureaucracy stems from the French philosophy of “evoules”, which essentially considered all colonial subjects to be potential bearers of French Citizenship. The French were willing to consider Africans as future citizens if they mastered the French language, culture, laws and customs. This philosophy explains why cantons in Cote d’Ivoire were drawn up based on measures of administrative efficiency rather than

by ethnic boundaries, for in their eyes everyone in the country would eventually be French. The French appointed captains and generals from France to govern the rural areas of the colony. In the coastal area, chiefs from the Agni tribe were put in position to be mouthpieces for the French administration, but other than this they held no functional power. They were seen as “representatives of French sovereignty”²⁷ In an account by Governor-General Van Vollenhoven, it is stated:

*“The commandant de Cercle alone gives orders; only he is responsible. The native chief is only an auxiliary instrument... for there are not two authorities in the cercle: French authority and native authority; there is only one... The native chief never speaks in his own name, but always in the name of the Comandant” (Circulaire au sujet des chefs indigenes” Dakar, August 15, 1917).*²⁸

The French Federation of West Africa was placed in Dakar, off the coast of Senegal, and any major decisions or policies were passed down from the leadership there. Therefore, not only was the power flow centralized within the state, but also outside of Cote d’Ivoire altogether. Dakar controlled issues of budgeting, economics, justice and military missions, but many of these policies were influenced by orders from the minister of the colonies based in Paris. The only method of representation allowed to native Ivoirians was through participation in the Superior Council of the Colonies, which was also held in Paris, and each colony was only allowed one delegate to be present. Chiefs were employed by the state only when the demands for forced labor by their people were not being met, and these chiefs were rewarded for their ability to provide the manpower

²⁷ French National Archives 1932-1947.

²⁸ MacLean, Lauren M. 2010. *Informal Institutions and Citizenship in Rural Africa: Risk and Reciprocity in Ghana and Cote d’Ivoire*. Cambridge University Press.

required. Chiefs were reduced to a role of “representative of the state”, and any authority formerly held as a cultural leader was lost.

The ideals of French assimilation are also seen in the types of social safety net institutions they designed. The French government in Paris created service assistance for the colonies through a separate fund called the Investment Fund for Economic and Social Development in 1928, created with the monies gained from colonial taxation. The French central government in Cote d’Ivoire, as well as Catholic missionary associations worked to implement the “Circulaire”, which was a unifying education system, designed for all French colonies. Public clinics were also built throughout the colony, with most medical care offered free of cost. Mainly French civil service workers staffed these education and medical institutions. Thus, native Ivoirians grew to see access to these services as a responsibility of the colonizer, and often wrote to the central government demanding more services in rural areas. To demonstrate the centralized nature of these social services, the Ivorian government did not produce its own textbooks for public schools until the 1980s; before this, they purchased all of their textbooks directly from France. This expectation of the state to provide social services is still seen in Cote d’Ivoire today, a list of expectations that Ghanaians do not share due to their heavy influence on a strong private sector.

While leadership was organized at a much slower rate in Cote d’Ivoire, the implementation of direct taxation occurred much sooner than in Ghana. All taxes were given to the central state representative, and this money was used to generate revenue for the colonial administration. However, these taxes were also increased motivation to up

the production of cash crops for exportation. This intense method of taxation is often seen as the cause for many Akan people on the French border to migrate towards Ghana.

In their endeavors for decolonization, the Ivorian effort was also highly centralized. Part of President Boigny's success in gaining French support was due to the fact that he eventually became a full French citizen, and Ivoirians admired him when he served as a deputy and diplomat in Paris, where all talks of independence were negotiated. Once independence was granted, Boigny's PDIC appointed party members at every level of government down to the smallest village, basically replacing all French leadership positions with PDIC members. The infrastructure for taxation, development, and agriculture did not change at all, which is part of why Cote d'Ivoire never met any serious issues post-independence. The bureaucracy did not decentralize at all, but rather just extended itself into more rural areas than the French administration had reached. Villages were not eligible for electoral representation; one native villager is quoted saying, "now [my village] belongs to the 'commune' of the regional capital"²⁹ Villages gain power by how closely tied they were to the state government. Cote d'Ivoire was a true one party state until President Boigny's death in the early nineties.

Civil Law

When Cote d'Ivoire was first colonized, there were over sixty ethnic groups practicing under unique customary law systems; some cultures were matrilineal, some incorporated Islamic influence, some were animist cultures, etc. Unlike the British approach in Ghana, where local institutions were allowed to govern themselves under the

²⁹ MacLean, Lauren M. 2010. *Informal Institutions and Citizenship in Rural Africa: Risk and Reciprocity in Ghana and Cote d'Ivoire*. Cambridge University Press.

umbrella of the appellate court system, customary law played no part in the French colonial administration of Cote d'Ivoire. French law was implemented in Cote d'Ivoire in 1896³⁰ and this seemed to establish a perverse kind of dual justice system. Any French citizen in Cote d'Ivoire (or any French colony) was subject to French code law. However, very few Africans were considered full French citizens, but they were on their way to citizenship. Therefore, they were not entirely bound by French law, but not unhindered by it either. Customary law was seen as tolerable, as long as it did not violate the French code law; for example, the French set legal marriage ages for males and females at sixteen and fourteen, respectively, and these laws were enforced throughout the colony. Customary law was never codified, but it was tolerated in most instances.

Upon independence, Ivorian law was codified in 1964. However, the laws that the new Ivorian government passed were almost entirely French. All civil, commercial, criminal and administrative laws are entirely derivative of the colonial French codes, with property law being the only area to incorporate some elements of customary legal tradition. This decision is seen as "the official African abandonment of African customary law"³¹. This decision to implement French over customary law was a deliberate move, and customary law was expected to "solidify ethnic differences within the country... national unity is best served by a single set of legal principles applicable to all citizens"³².

This desire to solidify any ethnic differences into one unified legal system mirrors the French drive to create a centralized, bureaucratic state in all elements of

³⁰ Salacuse, Jeswald. 1969. *An Introduction to Law in French-Speaking Africa*. Oxford University Press.

³¹ Ellovich, Rissa. "The law and Ivorian women." *Anthropos* 80 (1985): 191.

³² Salacuse, Jeswald. 1969. *An Introduction to Law in French-Speaking Africa*. Oxford University Press.

administration. Indeed, scholars have often noted the effect civil law has on bolstering state power. Economist Ross Levine states, in a general overview of civil law, “Indeed, the civil law can be viewed as a proxy for the intent to build institutions that further the power of the state”³³. President Boginy and his administration made an intentional move towards increasing a central state power when they codified the French laws as their own, and this sense of state cohesion is still an important factor in current Ivorian legal practice.

CONCLUSION

The biggest conclusion drawn from this study is that the ability for grass roots institutions to flourish is crucial for development in formerly colonized countries. While this factor is difficult to discern from the broader initial measures taken at the onset of the project, my two case studies show that the current political atmosphere in both Ghana and Cote d'Ivoire is influenced by the levels of grass roots participation for social and political issues in each country. Because the British allowed for greater cultural freedoms and strengthened the roles of chiefs and leaders already in place, the British presence in Ghana seemed more legitimate. Upon independence, the local institutions were crucial in securing a government that allows for great political participation from all areas of the country, which contributes greatly to its stability. In the case of Cote d'Ivoire, the opposite occurred; because they were rigidly ruled by an extremely centralized colonial system that had little regard for local processes and leadership, any type of local institutions were essentially prohibited from forming. Upon independence, Cote d'Ivoire

³³ Levine, Ross. 2005. “Law, Endowments and Property Rights.” *The Journal of Economic Perspectives*. Vol.19, No. 3: 61-88.

adopted an almost identical centralized system of governance with a single party. While the single party system was considered miraculous at the onset of independence, the first round of elections brought to light many cultural fault lines that had not been addressed under a single party government, and could not be addressed at lower levels of government because there were no local avenues with which to do so.

In regards to the impact colonial legacies have on current legal systems, it seems as though leadership style is a product of the kinds of direct or indirect leadership used, rather than being a variable on its own. The legal systems presented in the two case studies were implemented via the leadership style used. In the instance of Ghana, the decentralized methods of colonization that the British used made it possible for customary Ghanaian law to be written into British precedent, largely because the British had no stake in trying to make the people they colonized truly "British". However, in the case of Cote d'Ivoire, the strict adherence to "Evoules" is seen in how little allowances were made for customary law when compared to the laws that potentially made colonized people "French". Upon independence, the newly formed government chose to employ a fully French code of law rather than make allowances for traditional legal rules, again showing a preference to centralized government rather than accounting for differences of opinion in the population.

This study reflects only a small amount of the types of differences between British and French legacies in Africa, and also mainly reflects only one portion of the continent. However, focusing on these innate differences between the two former colonial powers and the countries they once ruled provide one explanation for the types of underdevelopment and government dysfunction plaguing many African nations today.

Paying attention to these types of distinctions in governing style could prove crucial to future aid and development.

APPENDIX A: T-TEST FOR INITIAL MEASURES

		Independent Samples Test									
		Levene's Test for Equality of Variances		t-test for Equality of Means						95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper	
GDP Per Capita (in USD)	Equal variances assumed	.001	.973	-.117	32	.908	-183.70611	1572.59764	-3386.98267	3019.57045	
	Equal variances not assumed			-.116	30.330	.908	-183.70611	1583.51479	-3416.19980	3048.78757	
Literacy Rates	Equal variances assumed	.336	.566	2.456	32	.020	15.05764	6.13204	2.56708	27.54820	
	Equal variances not assumed			2.433	29.803	.021	15.05764	6.18866	2.41520	27.70007	
Population below poverty line	Equal variances assumed	1.101	.302	-.058	31	.954	-.35092	6.02522	-12.63943	11.93759	
	Equal variances not assumed			-.058	30.823	.954	-.35092	5.99930	-12.58942	11.88758	
Life Expectancy	Equal variances assumed	.016	.901	-.882	32	.384	-2.2083	2.5045	-7.3099	2.8932	
	Equal variances not assumed			-.885	31.892	.383	-2.2083	2.4949	-7.2911	2.8744	
Freedomhouse	Equal variances assumed	.450	.507	-1.020	32	.315	-.5688	.5577	-1.7047	.5672	
	Equal variances not assumed			-1.026	31.970	.313	-.5688	.5546	-1.6985	.5610	
polity score	Equal variances assumed	3.949	.056	.786	31	.438	1.3000	1.6544	-2.0742	4.6742	
	Equal variances not assumed			.821	28.365	.418	1.3000	1.5825	-1.9398	4.5398	
water source	Equal variances assumed	1.469	.234	1.413	32	.167	9.93056	7.02652	-4.38199	24.24310	
	Equal variances not assumed			1.444	30.303	.159	9.93056	6.87842	-4.11116	23.97228	
GINI Index	Equal variances assumed	8.871	.006	2.577	29	.015	7.37625	2.86227	1.52225	13.23025	
	Equal variances not assumed			2.621	24.059	.015	7.37625	2.81384	1.56952	13.18298	
UN Human development	Equal variances assumed	.038	.846	1.077	31	.290	.043401	.040282	-.038755	.125557	
	Equal variances not assumed			1.074	30.102	.291	.043401	.040422	-.039139	.125941	

The results of this T-Test show that few of the differences found in the initial measures were significant. However, the sample size for this data is small.

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