

Griliches Lecture 3: Comparative Constitutionalism

James A. Robinson

University of Chicago

October 21, 2020

Introduction

- ▶ Yesterday I discussed Confucian notions which suggest, contrary to the Western tradition or Islam, there was no absolute rule of law but rather behavior was context dependent.
- ▶ That is not the only part of the world with a context dependent notion of the law.
- ▶ In *Justice and Judgment among the Tiv* Paul Bohannon notes of this Nigerian people (the *tar* is a local family group). *It is a serious offense to steal within one's minimal tar. On the other hand, mutual stealing is the normal relationship between some socially distant but neighbouring lineages. People who live on such borders expect those on the other side to steal from them, and they make plans to protect themselves accordingly, and perhaps steal back.*
- ▶ But to understand African constitutionalism you also need to understand that Africans share with westerners a deep scepticism of power, anticipating it will be misused.

Nigeria and Tivland



Why didn't the Tiv have a state?

- ▶ During the summer of 1939 the government and most social and economic activity came to a standstill in Tivland because of a cult called Nyambua.
- ▶ At the heart of the cult was a shrine and a man called Kokwa who sold charms to provide protection from witches.
- ▶ Tsav means “power”, particularly power over others. A person with tsav (it is a substance that grows on the heart of a person) can make others do what they want and kill them by using the power of fetishes and tsav can be increased by cannibalism.

A diet of human flesh makes the tsav, and of course the power, grow large. Therefore the most powerful men, no matter how much they are respected or liked, are never fully trusted. They are men of tsav - and who knows? (Bohannan, 1958)

- ▶ The people with tsav belong to an organization - the *mbatsav*.

The Mbatsav

- ▶ Mbatsav has two meanings:
 - ▶ Powerful people (it is the plural of tsav)
 - ▶ A group of witches organized for nefarious purposes (robbing graves to eat the corpses)
- ▶ People initiated into the Nyambua cult were given a leather covered wand and a Ifly whisk. The whisk allowed one to smell out 'counterfeit' tsav - created by cannibalism.
- ▶ In 1939 the whisks were pointed towards the âchiefsâ (essentially warrant chief) created by British indirect rule (the Tiv had no chiefs prior to the colonial period).
- ▶ But historical evidence shows this was much deeper
When the land has become spoilt owing to so much senseless murder [by tsav] the Tiv have taken strong measures to overcome the mbatsav. These big movements have taken place over a period extending from the days of the ancestors into modern times (Akiga, 1939).

A Tiv Diviner



Examining the Tsav

Examining the Tsav on the heart of a dead person



The Distrust of Power

- ▶ In essence these religious cults were a way of stopping anybody becoming too powerful
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)
- ▶ But to have a state someone has to become powerful, start giving orders to others who accept their authority.
- ▶ But that authority is likely to be abused. John Locke would have approved!

A Lockean Solution?

- ▶ If African's distrusted power why control it via witchcraft accusations?
- ▶ Why not use institutions instead the way that Locke suggested?
- ▶ To understand the answer to that we need to understand Africa society better and African's models of the world.

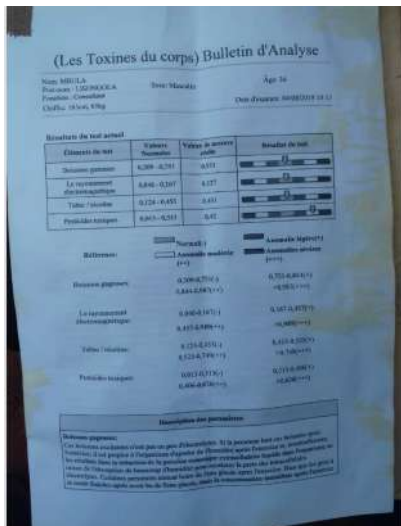
African Witchcraft

- ▶ Witchcraft is at base a theory of illness and miss-fortune.
- ▶ People get sick for no apparent reason and without having done anything bad. How can this be? In Africa (and other parts of the world) the theory developed that this was because someone had caused it to happen.
- ▶ As the anthropologist Lucy Mair (1969, p. 30) put it *An explanation of misfortune which lays the blame on the sufferer is too hard for most people to accept. It has to be softened by the possibility that some suffering is undeserved, and this is where the belief in witchcraft is invoked.*
- ▶ Why would someone make someone else ill? Jealousy often exacerbated by a “zero sum” model of the world.

Dealing with Witchcraft

- ▶ When someone becomes ill or suffers a misfortune then one consults a diviner who can try to establish what sort of supernatural power was used and how to combat it.
- ▶ Supernatural power can only be countered by supernatural power and historically Africans have looked to those with political authority to combat it.
- ▶ Moreover, supernatural power isn't just useful for making someone else ill, it can be used for good things too, if it can be controlled.

A Diviner's Toxicology Report



Toxicology report of our enumerator William in the Congo who accused the others in our survey team of using witchcraft to poison him last summer.

Back to Tivland

- ▶ Even the *mbatsav* could also be useful.
- ▶ Good ends concern *akombo* which “are magical emblems and magical forces” (p. 85). Particularly important is the *great akombo* which protects the community which the *mbatsav* have to “repair” (p. 90).
- ▶ But while the *mbatsav* can repair the *great akombo* they can also engage in cannibalism to increase their powers. They are a double-edged sword.

The mbatsav are greatly to be feared, but they are one's only protection, for only through tsav can these great and dangerous natural forces be manipulated for the good of man. (Bohannon and Bohannon, The Tiv of Central Nigeria, 1953, p. 91)

The Democratic Republic of Congo



Gemena

Bas
Kongo

Types of Witchcraft

THE RELIGIOUS COMMISSIONS OF THE BAKONGO

31

	<i>Public interest</i>	<i>Private interest</i>
Death	chief (<i>mfumu</i>)	witch (<i>ndoki</i>)
Life	prophet (<i>ngunza</i>)	magician (<i>nganga</i>)

MacGaffey, Wyatt (1970) "The Religious Commissions of the Bakongo,"
Man, Vol. 5, No. 1 (Mar., 1970), pp. 27-38

A Double Edger Sword

- ▶ So chiefs use witchcraft in the public interest, while witches use it in some private interest.
- ▶ But we've seen many times that chiefs are dangerous. In a sense witchcraft is power that is unstable.
- ▶ While "kindoki [supernatural power] is necessary to all effective leadership â it is also an instrument of evil" (MacGaffey, 2000, p. 2).
- ▶ MacGaffey points out that in KiKongo "The verb *dya*, to eat, refers both to killing by witchcraft and to the exercise of legitimate authority." (p. 33)

Python Power

- ▶ According to Monica Wilson, the Nyakyusa (*Communal Rituals of the Nyakyusa*) believe that a witch has a python in its stomach and attacks villages at night. Villages have to be protected by “righteous people” who have pythons in their stomachs too. When the head of a village is installed, part of the ritual that is performed to make him able to carry out his duties well is believed to give him mystical powers of defence against witches.
- ▶ Wilson notes that if a chief is given “too much” medicine, known as *inyifwila*, it *causes them to fly through the air at night, gleaming, and throttle the cows. This is the danger of inyifwila, that it may act like the pythons in the bellies of witches and kill men and cattle.*

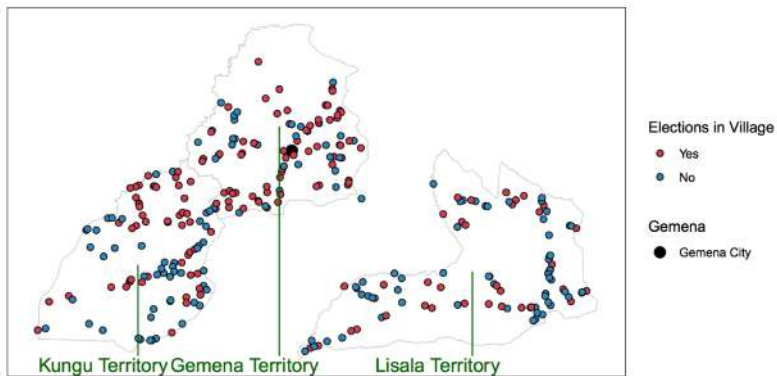
Research in Gemena

- ▶ Doing fieldwork in Gemena, DRC, for a different project we realized that the relationship between supernatural authority and politics was very similar to that described in many of these classic ethnographies so we decided to collect some data.
- ▶ In Gemena supernatural power is called Bokoko. Bokoko means “power of the ancestors” so this is clearly inherited or potentially so.
- ▶ Mair (1969, p. 47) says “Most African peoples believe that witchcraft ‘runs in families’, whether they suppose that it is an inherited quality, or that parents teach it to their children.”

Measuring Bokoko

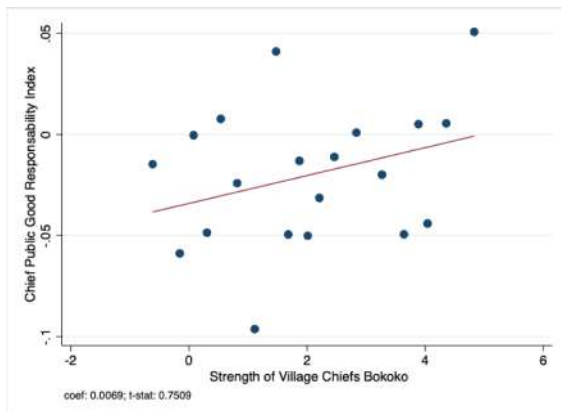
- ▶ We asked chiefs to rate their own Bokoko, but we also asked other people in the villages (including village ‘sages’) where we collected data to rate how strong the Bokoko of the chief was.
- ▶ There is also interesting variation in the extent to which chiefs are elected. In some villages they are, in others they are not.
- ▶ An interesting question is; if Bokoko is valuable to a village then if you can elect a chief, does that mean you are able to select someone with a lot of Bokoko?
- ▶ The answer seems to be yes!
- ▶ Moreover, chiefs with greater Bokoko are better able to provide the “invisible public good” of protecting the village.

Our study Villages around Gemena



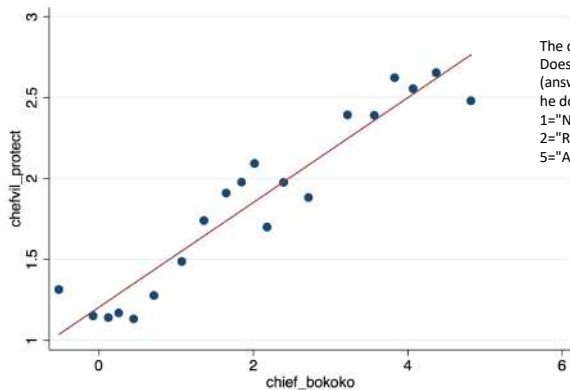
Elections and Bokoko

You give chiefs with more bokoko more responsibility for providing public goods (instead of clans, notables)



Protecting the Village

You expect the chief to protect the village the more Bokoko he has



coef: 0.3237; t-stat: 11.9902

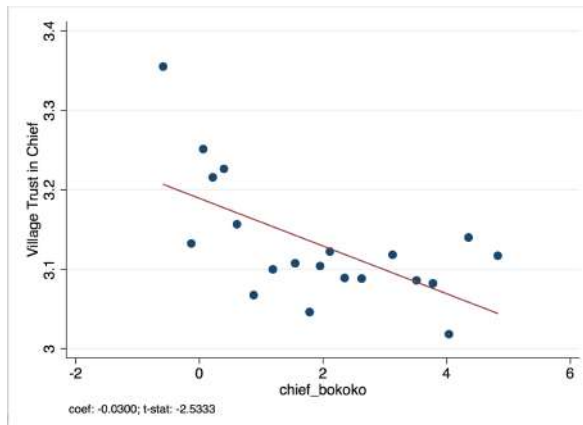
The question is:
Does the chief use Bokoko to protect the village?
(answers go from 0-5, where 0="Never, he does not have this ability",
1="Never, he does not use this ability",
2="Rarely", ...,
5="Always")

“They are men of tsav - and who knows?”

- ▶ But remember that witchcraft is not to be trusted.
- ▶ In a typical political economy analysis, a chief that did their job better would be more trusted. Is he?
- ▶ Moreover, people should be more content and protest less. Do they?
- ▶ Both natural hypotheses are wrong. Why? Because the better you are at your job, the more Bokoko you have so the more threatening you are.

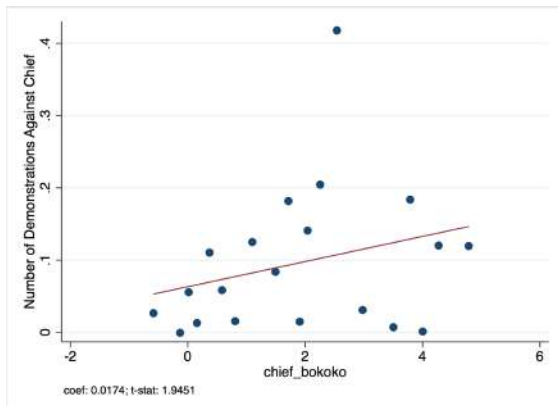
Inculcating Trust? No...

You don't trust a chief with Bokoko



Building Support? Not....

And you protest against him (actually this is where Prophets come in according to MacGaffey)

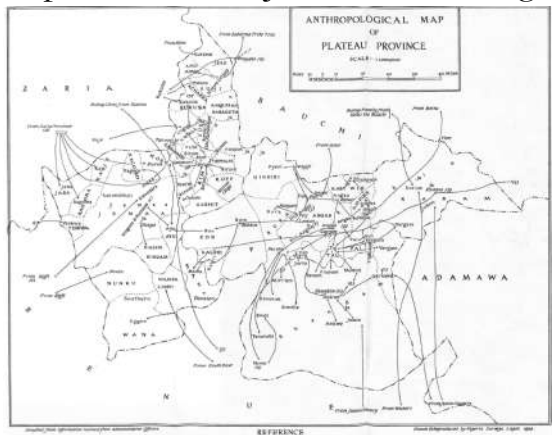


Returning to Locke

- ▶ Now let's turn to African constitutionalism and the question of why in Africa one could not adopt the Lockean solution - create hierarchy and state power and control it via institutions.
- ▶ Instead what they did was to give up on the benefits of scale.
- ▶ Just to re-affirm that this is what happened in Africa historically it is good to emphasize that the over-riding fact about African political development is the small scale of the polities.

The Jos Plateau, Nigeria

The 68 polities on the Jos Plateau in Nigeria



Ames, C.G. (1934) *Gazetteer of Plateau Province*, p. 358.

African Constitutions

- ▶ Of course Africans realized that there were benefits of having a state. In fact, exactly the same benefits that Locke saw - third party dispute resolution.
- ▶ As one oral history collected by the anthropologist Aidan Southall collected in Alurland, Uganda, has it *Amatho was a son of chief Nziri of Ukuru, who probably died about 1880. Awogo, a Lendu of Abetse sub-clan, went to petition Nziri for a son to rule them “because” say Abetse, “the people were scattering because of all the fighting.” So Nziri sent Amatho, saying “You go and break that land, you guard the subjects there.” (p. 200)*
- ▶ The Lendu invited the Alur to send a chief to rule them “because of all the fighting”. (Note the relation to Locke’s “inconveniences of the state of nature”!)

Alurland in Uganda



Based on Minority Rights Group International's Ethnic Groups and Tribes of Uganda, Uganda: The Marginalization of Minorities (2007). Boundaries are not definitive but are intended to show traditionally ethnically areas.

A Limited Solution

- ▶ The Lendu (and related groups: Okebo, Bendi and Lugbara) couldn't solve the problem of how to create institutions to provide order and control them internally. So they invited in the Alur to rule them.
- ▶ The Alur had two big advantages,
 - ▶ they were outsiders and were impartial third parties who could help mediate and resolve disputes
 - ▶ they had rainmaking powers so could provide useful supernatural services
- ▶ but they were intrinsically limited by being outsiders with "limited jurisdictions" (p. 234)
- ▶ they had no claim to land or taxes.
- ▶ they had no independent military forces or coercive power.
- ▶ No expectations (or desire) for a more invasive state (as Bohannon put it "They are men of tsav - and who knows?").

The Modernized Version



Ancient Symbolism in the Rainforests

16. Leopard: *-gɔyi, 1a/2, 9/10 CS 862, and *-gɔ, 1a/2, 9/10, CS 834. Universal distribution except for Ngombe, Doko, Lengola, Komo, Bira, Bali, and Tembo.

Comment: Proto-Bantu. The leopard is thoroughly identified with political leadership. The cult for its relics is greatest where the term is missing. The proto-Bantu term was replaced there by a praise name.

Vansina, Jan (1990) *Paths in the Rainforests*
pp. 276-277.

Beware the Kindoki!

A verse from the song “Mobutu Sese Seko” by Franco - **ndoki** is the Kikongo word for “witch/sorcerer”.



Tango boko retenir candidat Mobutu
Botalana bino na bino na miso
Mobutu, bandoki ba sili te

After you vote for him again
Look at one another in the eyes
Mobutu, sorcerers are still here

11:17 / 18:33

Mobutu Sese Seko translated Lyrics

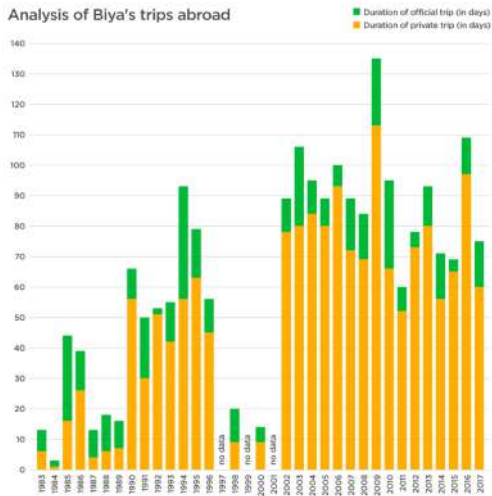
The Mysterious politics of the Cameroon

Paul Biya: The Absent President of the Cameroon



Nice work if you can get it?

Analysis of Biya's trips abroad



The Modernized Version again...

Friday, October 2, 2020

Cameroon Postline a dependable source for dependable people

Home Download E

News Money Columns Sport Living Blogs Science and Tech More

You are here: Home » News » Biya To Chair Secret Society

Biya To Chair Secret Society

Posted: 7:19 pm, October 16, 2012

By **Yerima Kini Nsom**

[CameroonPostline.com](#) — President Paul Biya will chair the closing ceremony of activities marking the commemoration of the Golden Jubilee of a Sect known as Free Mason, in Douala on Sunday, October 14.

The information is contained in the French authoritative news Magazine, La Lettre du Continent, in its number 643 of September 27, 2012. However, the civil cabinet of the Presidency has not yet confirmed the information. But, La Lettre du Continent says, President Biya will chair the 50th anniversary celebrations that will be attended by many other dignitaries of the sect in the world.

Locke Redux

- ▶ So what is it about Africa that stops the Locke solution being implemented?
- ▶ Here are a few ideas
 - ▶ Maybe the historical absence of writing in Africa made it difficult to use institutional solutions.
 - ▶ Very hard to use institutions when public goods are “invisible” and how to facilitate transparency in the presence of secret societies?
 - ▶ Very hard to use institutions in the presence of such relativistic and “local” legal notions - you can't coordinate to enforce them.
- ▶ How could the Chinese develop a centralized state with similar attitudes towards rules?
- ▶ Because they had a very different attitude towards political leadership. Rather than being sceptical about the use of power, they thought that the behavior of the powerful could be perfected through the *Way*.

Comparative Constitutionalism

- ▶ My main argument in these lectures is that one cannot think about comparative political economy only from the perspective of the western tradition.
- ▶ Such an analysis often thinks of the rest of the world as “failed versions of the west”. This perspective has powerful, and miss-leading policy implications - everyone would be better off if they looked more like the west.
- ▶ I have tried to bring evidence to show that this is a erroneous point of view. There are many axes of difference and I have focused on very few which perhaps one can sum up with a Table if you focus just on attitudes towards authority and the rule of law.

A Simple Taxonomy

		Abstract Rule of Law	
		Yes	No
Skepticism about rulers	Yes	The Western world	Africa
	No	The Islamic world	China

Latin America

- ▶ I started on Monday by discussing how Colombian constitutionalism rested on different attitudes to rules. What is the connection between this argument and what we've seen since?
- ▶ Latin America is a hybrid case. Attitudes towards rulers are closer to those of Islam or China. The Mexican historian Enrique Krauze wrote a seminal book on Latin America called *Redeemers*. Latin Americans want someone to come and redeem them.
- ▶ The type of “charismatic” populism seen in Argentina under Juan Domingo Perón, or in Venezuela under Hugo Chávez, or today in Mexico with AMLO is unimaginable in Africa. (I don't think it accounts for President Trump's support either).
- ▶ At the same time, the attitudes to rules is not unrelated to the type of relativism we've seen in China or Africa.

Fundamentals?

- ▶ Why is it that different parts of the world are in such different equilibria?
- ▶ I do not think this depends on whether they grew rice or wheat, what animals they could domesticate, how much it rained, or how close people were to the equator.
- ▶ For me the startling fact about human history is the extent of human creativity.

When ants got to Canada they speciated, when humans got to there they invented the Igloo and developed a taste for seal blubber...

[Main page](#)
[Recent changes](#)
[Random page](#)
[About AntWiki](#)
[Help](#)

[Topics](#)
[Species Accounts](#)
[Life History](#)
[Behaviour](#)
[Distribution & Diversity](#)
[Ant Societies](#)
[Morphology & Terminology](#)
[Biochemistry, Genetics & Evolution](#)
[Ecology](#)
[Human Culture & Ants](#)
[People & History](#)
[Extinct Ants](#)
[Table of Contents](#)
[Cargo Data](#)

[Tools](#)
[What links here](#)
[Related changes](#)
[Special pages](#)
[Printable version](#)
[Randomness help](#)

Canada

Every Ant Tells a Story - And Scientists Explain Their Stories Here

The following valid species and subspecies of ants are known to occur in Canada. Unidentified and undescribed species will be added to this list as identifications are verified and taxonomic revisions are published. This species list is based upon the effort of many ant collectors as well as myrmecologists who have published on the taxonomy of Canadian ants. Those who have specimen records that expand this list are encouraged to submit this information in the discussion section of the Canadian Ants web page. Please advise if any corrections are warranted.

List of ants of Alberta, Canada.

Aphaenogaster

- *Aphaenogaster occidentalis* (Emery, 1895)

Brachymyrmex

- *Brachymyrmex depilis* Emery, 1893

Camponotus

- *Camponotus herculeanus* Linnaeus, 1758
- *Camponotus laevigatus* (Smith, 1858)
- *Camponotus laevisimus* Mackay, 2019
- *Camponotus modoc* Wheeler, 1910
- *Camponotus nearcticus* Emery, 1893
- *Camponotus novaeboracensis* (Fitch, 1855)

Contents [hide]

- 1 *Aphaenogaster*
- 2 *Brachymyrmex*
- 3 *Camponotus*
- 4 *Crematogaster*
- 5 *Dolichoderus*
- 6 *Formica*
- 7 *Formicosenus*
- 8 *Harpagoxenus*
- 9 *Hypoponera*
- 10 *Lasius*
- 11 *Leptothorax*
- 12 *Manica*
- 13 *Monomorium*
- 14 *Myrmica*
- 15 *Nylandera*
- 16 *Pogonomyrmex*
- 17 *Polyergus*
- 18 *Proceratium*
- 19 *Solenopsis*
- 20 *Stenamma*
- 21 *Stigmatomma*
- 22 *Strumigenys*

Canada



Location

Region	Americas
Subregion	Northern America
BioRegion	Nearctic Region

Diversity

Subfamilies	6
Genera	26
Endemic Genera	0
% Endemic Genera	0.0%
Species/Subspecies	131

Multiple Equilibria

- ▶ But there are different ways to organize society.
- ▶ As we've seen there are common problems that humans have to solve. For example, Warre, dispute resolution and Locke's "inconveniencies" or the Lendu's "scattering" seem common. Mohammad was brought to Medina to resolve disputes.
- ▶ But the solutions are not because they depend on other aspects of society, for example
 - ▶ whether you believe that suffering is caused by witchcraft.
 - ▶ whether you think rulers tend to be absolutist "lions" or potentially virtuous.
 - ▶ your social norms towards rule breaking.
- ▶ Moreover, other problems are not common and are a result of different models of the social world that humans have created. Once the Qur'an had been revealed and the Shari'a created, the problems facing the construction of political institutions in Muslim society looked different.

What does this imply for economic development?

- ▶ I started by making the connection between western political institutions, incentives and development.
- ▶ Could the Islamic state be just as good for development? Or Biya's state of the Cameroon?
- ▶ My current answer is: probably no. But making that argument was not the point of these lectures.
- ▶ I think the experience of say, Japan, South Korea, Taiwan and Botswana, (and perhaps the United Arab Emirates?) shows that one can construct a modern capitalist economy out of very different norms and social models. My sense of why there are so few successes like this is that European colonialism undermined the ability of non-western societies to experiment and adapt institutions to their own specific contexts.