

How do Domestic Legal Institutions affect Public Support for Judicial Power? Evidence from Sub-Saharan Africa

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Abstract

Courts' maintenance of judicial power over the executive and citizenry is critical for the survival of democracy. Lacking the tools of enforcement, courts are often reliant on public support for the exercise of this power. In contrast to existing explanations that emphasize endogenous government-court relations and partisanship, we argue that this support may derive from the design of judicial institutions themselves. We test this argument using Afrobarometer data from 32 countries over seven rounds and original data on *Conseils d'État* (councils of state). We find that countries with a *Conseil d'État* have lower support for courts' *vertical* power over people but find no differences regarding *horizontal* power over the president. These lasting effects of historical institutional design on support for judicial power have implications for present-day separation of powers politics.

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Introduction

Whether courts can effectively protect citizens against the state can be a critical determinant for the survival of modern liberal democracy. Since courts lack the formal tools to enforce their decisions, they are frequently reliant on public support – manifested through the public’s ability to punish politicians at the ballot box – to realize their judicial power (e.g., [Carrubba 2009](#); [Vanberg 2005](#)), which [Staton \(2010, 9\)](#) defines as a court’s ability to “cause by its actions the outcome that it prefers.” In some contexts, however, courts also serve as *agents* of the state by enabling the executive to meet its policy objectives. Having some courts protect citizens from the state while others empower the state raises an important question: how does institutional design affect citizens’ support for judicial power?

Theories of institutional support suggest that individuals’ experiences and political culture can shape citizens’ attitudes toward their institutions (e.g., [Almond and Verba 1963](#); [Mishler and Rose 2001](#); [Norris 2011](#)). Applied to courts, scholars argue that such diffuse support for the institution is developed through childhood socialization in democratic values and exposure to judicial symbols (e.g., [Cheruvu 2022](#); [Gibson and Caldeira 1992](#); [Gibson, Caldeira and Baird 1998](#); [Taber, Lodge and Glathar 2001](#)). Citizens, furthermore, have these attitudes reinforced when they believe the process through which courts adjudicate disputes (e.g., [Boateng and Adjorlolo 2019](#); [Murphy and Tanenhaus 1968](#); [Tyler 2006](#)) or select judges (e.g., [Arrington 2021](#)) is fair, even when outcomes may seem unfavorable. Such diffuse support, thus, is thought to be a “fundamental commitment to an institution [...] relatively resistant to change over time” ([Nelson and Gibson 2019, 1513](#)). As “guardians of judicial power,” citizens supposedly value the institutional legitimacy of judicial institutions over any political gain (e.g., [Stephenson 2004](#); [Vanberg 2015](#)).

Recent scholarship, conversely, argues that such attitudes of institutional legitimacy do not properly map onto preferences for judicial power, as citizens may see courts as instruments for partisan political gain and support judicial power when it is in their interest (e.g., [Bartels and Kramon 2020](#)). Moreover, the attachments to democratic values that bolster

diffuse support for courts do not necessarily attenuate politically-motivated shifts in citizens' preferences for judicial power (e.g., [Bartels, Horowitz and Kramon 2021](#)).

Nonetheless, substantial gaps remain in these explanations. First, the scholarship on institutional design largely asks about individuals' attitudes towards a court as a whole, as opposed to specifically asking about its exercise of judicial power. These studies tend to use the standard legitimacy battery or ask about perceptions of fairness, confidence, or trust (e.g., [Baird 2001](#); [Baird and Gangl 2006](#); [De Micheli and Taylor 2022](#); [Salzman and Ramsey 2013](#)). Although they point out experimental factors that lead to increases in institutional support and cross-national evidence that a correlation exists between institutional quality and institutional support, it is unclear what these relationships mean for judicial power.

Second, newer scholarship that does conceptually distinguish between diffuse support and judicial power (e.g., [Bartels and Kramon 2020](#); [Bartels, Horowitz and Kramon 2021](#)) largely eschews considerations of institutional design and procedure when explaining public support for judicial power. These studies take advantage of variations in partisan political power to draw causal inferences about how such shifts may lead to changes in citizens' support for judicial power but do not make any claims regarding institutional design factors that may affect baseline support for judicial power. Whether institutional design affects public support for judicial power may *precede* partisan differences in who is in power. That is, if support for judicial power is already sufficiently low because of courts' institutional design, citizens may not support courts' exercise of judicial power irrespective of who is in power.

We address these gaps by shedding light on how specific institutional configurations within the judiciary can affect public support for judicial power. From courts' size, appointment mechanisms, organization, and functioning, these factors vary from one country to another. These differences are often a product of legal traditions (e.g., common law v. civil law) and historical factors (e.g., [La Porta, Lopez-De-Silanes and Shleifer 2008](#); [Powell and Mitchell 2007](#)). We investigate the effect of a specific institutional feature – the existence of a *Conseil d'Etat* (council of state) – on public support for judicial power. Rather than having

one court responsible for adjudicating all disputes, fragmented judiciaries have a system of parallel courts that have jurisdiction over specific matters. For instance, judiciaries can have one or more exceptional courts, like a military tribunal or a constitutional court, to deal with war crimes or constitutional review (e.g., [Moustafa 2014](#)).

We argue that the divide between the judicial and administrative order within the judiciary affects how individuals perceive judicial power. As a result of the specific organizational features of *Conseils d'État* and their proximity to the executive branch, these administrative courts are less likely to be neutral arbitrators. We hypothesize, thus, that the public is more likely to reject the judiciary's authority in countries with a fragmented judicial and administrative order within the judiciary. In countries with a *Conseil d'État*, citizens should have lower support for *vertical* judicial power – or judicial power over the people. Since the presence of a *Conseil d'État* does not have clear implications for courts' exercise of *horizontal* judicial power – or judicial power over the president – citizens' support for horizontal power is unaffected. To estimate the relationship between *Conseils d'État* and support for judicial power, we leverage Afrobarometer data from 32 African states across seven survey rounds with over 222,000 respondents. As a result of its colonial history, the African continent is the region where we can observe the most variation between unitary and fragmented judicial systems. Out of 32 states, 10 have a judiciary with a separate judicial and administrative order. We find that the presence of a *Conseil d'État* causes a decrease in citizens' support for *vertical* judicial power but has no effect on *horizontal* judicial power.

This article makes several important contributions. First, it deepens our understanding of what shapes public support for judicial power. In addition to variables like political partisanship, socialization, and culture, institutional configurations can explain why we observe cross-national variation in individuals' attitudes toward the judiciary. By showing how the existence of a *Conseil d'Etat* affects public support for judicial power, we highlight the role of institutional configurations and the need to identify more institutional variation that may shape people's attitudes towards the judiciary. With the judicialization of politics we cur-

rently observe in the African continent, these findings are important because they highlight the conditions under which individuals may refuse to abide by the courts' decisions and use an alternative, potentially informal, channels to resolve their disputes instead.

Second, our findings improve our knowledge about African courts, their functioning, and their relationship with the public. Despite an important literature on comparative courts, the study of African courts remains marginalized. Our article provides important descriptive statistics and findings about courts' functioning and organization. Furthermore, this article contributes to the emerging literature on the role of formal institutions in African politics (e.g., [Gerzso and van de Walle 2022](#); [Hassan 2020, 2022](#); [Meng 2020](#); [Opalo 2019](#); [Shen-Bayh 2022](#)). In addition to helping incumbents to remain in power and foster elite cohesion, we show that institutional configurations also shape people's attitudes towards the judiciary.

Finally, this paper contributes to the literature on historical institutionalism by showing how colonial institutions, like the *Conseil d'État*, still play an important role in African politics today ([Akyeampong et al. 2014](#); [Sokoloff and Engerman 2000](#)). Despite numerous changes in African constitutions since independence, the fragmentation between judicial and administrative courts still exists in a number of countries and affects how Africans perceive and interact with their judiciaries.

We organize this paper as follows. First, we theoretically specify the relationship between public support and judicial power. Next, we explain the functions of a *Conseil d'État* and how it may affect support for judicial power. Then, we detail the data we use from Afrobarometer. Next, we provide our empirical analysis and results, providing evidence that the presence of a *Conseil d'État* affects public support for *vertical* judicial power. We conclude by providing implications for future studies on judicial power and the nature of separation of powers politics.

Concepts: Horizontal and Vertical Judicial Power

Gibson, Caldeira and Baird (1998, 343) appropriately summarize the tension of courts within the separation of powers in the following way: “with limited institutional resources, courts are therefore uncommonly dependent upon the goodwill of their constituents for both support and compliance. Indeed, since judges often make decisions contrary to the preferences of political majorities, courts, more than other political institutions, require a deep reservoir of goodwill.” Lacking the ability to directly enforce their decisions, courts require tools to incentivize political actors and citizens to obey their rulings, and exercise their judicial power.

Scholars argue that public support for a court’s decision-making can serve as a useful tool for courts in this regard. To properly spell out these arguments, it is first imperative to make a distinction between *horizontal* judicial power and *vertical* judicial power (e.g., Bartels and Kramon 2020).¹ We understand *horizontal* power as a court’s exercise of judicial power over politicians in the executive and legislative branches. In particular, if the court makes a ruling that invalidates a government policy, the government will comply with the ruling. *Vertical* power, alternatively, is judicial power over the public. Specifically, if a court makes a ruling that regulates the behaviors of the public, the public will comply with the ruling.

The logic underlying existing explanations for the exercise of *horizontal* power is as follows: if the public values an independent judiciary and believes that the government should obey their rulings, policymakers will be reluctant to disobey the court. Fearing a public backlash that may result in electoral losses, policymakers would rather accept the cost of complying with an adverse decision. One scholarship largely theorizes public support to be endogenous to judicial-government interactions, with courts as strategic actors using various tactics to increase the efficacy of the public enforcement mechanism (e.g., Carrubba 2009; Krehbiel 2016; Staton 2010; Staton and Vanberg 2008; Vanberg 2005). This relationship may be further conditioned by the public’s preferences over *horizontal* power, dependent on which

¹Our conceptualization is distinct from Hall (2010), who examines the Supreme Court’s hierarchical power over lower courts with regard to “vertical issues.”

policymakers hold political power in the government (e.g., [Bartels and Kramon 2020](#); [Bartels, Horowitz and Kramon 2021](#)), or their prior expectations over acceptable rates of compliance (e.g., [Carlin et al. 2022](#)). Another scholarship largely focuses on exogenous factors – such as childhood socialization in democratic values, perceptions of fairness and norms, general knowledge of the courts, and exposure to judicial symbols – as determining the public’s support for the judiciary (e.g., [Cheruvu 2022](#); [Gibson, Caldeira and Baird 1998](#); [Tyler 2006](#)). Nonetheless, the precise link between these exogenous determinants of judicial legitimacy and whether courts can exercise judicial power is not specified in these accounts. As [Gibson and Caldeira \(2009a, 41\)](#) state, “the decision to obey or not obey a law is conceptually independent of whether an institution is judged to have the authority to make a decision.” Although procedural fairness and institutional design may have an effect on broader ideas of legitimacy, their effect on public support for judicial power is unknown.

The logic underlying existing explanations for *vertical* power is largely one regarding citizens’ legal socialization, particularly with regard to trust in and relationships developed with authorities. Support for vertical power can be affected by the tactics authorities use in punishing citizens (e.g., [Tyler 2006](#)) – whether in childhood or as adults – historical injustices governing these relationships (e.g., [Gibson and Nelson 2018](#)), or by general trust in those that wield political power (e.g., [Bartels and Kramon 2020](#); [Bartels, Horowitz and Kramon 2021](#)). Other endogenous explanations exist, however, whereby citizens can come to accept a court’s rulings that deviate from their preferences because they observe that the court’s rulings over time are making them better off (e.g., [Carrubba 2009](#)). Although some explanations do analyze connections between institutional design and procedure and compliance behaviors, they mostly examine regulatory and criminal justice contexts (e.g., [Jackson et al. 2012](#); [Murphy, Tyler and Curtis 2009](#)). Broadly speaking, scholars have yet to provide a clear link between institutional design and support for *vertical* judicial power.

Given institutional design varies considerably across contexts, its effect on judicial power implicates the very foundation of governance. We argue that the judiciary’s composition,

organization, and functioning can shape public support for judicial power. For example, people’s interactions with and access to the court system might differ depending on the judiciary’s organization. To establish clear scope conditions, we focus on one specific institutional feature: the *Conseil d’Etat*.

Theory: *Conseils d’Etat* and Support for Judicial Power

Designed to prevent the bureaucracy from adjudicating its own disputes, the *Conseil d’État* – an administrative court of last resort – was introduced during the Napoleonic era and is still present in numerous European states and their former colonies. In these countries, the judiciary is divided into two branches: the judicial and the administrative branches. Each branch has its own organization and court system. The administrative branch is responsible for adjudicating most disputes between the state and individuals. The *Conseil d’Etat* serves as the apex court dealing with appeals of lower administrative courts (administrative tribunals and court of appeals) and specific matters for which it has sole jurisdiction (e.g., arbitrary use of power, appeal against administrative acts, electoral disputes for territorial collectivities, and administrative personnel). Given this jurisdictional scope, *Conseils d’Etat* deal with a wide range of disputes on very different topics. They, for instance, regularly rule on cases related to urbanism, health, education, tax, public procurement contracts, and public liberties. Although some cases can be high-profile, *Conseils d’Etat* adjudicate many mundane disputes between private individuals and the administration.

Conseils d’Etat have attributes that distinguish them from traditional apex courts. We argue that these specific institutional features affect public support for judicial power. More specifically, we posit that the public is less willing to abide by courts’ decisions – i.e., lower support for *vertical* power – when a *Conseil d’Etat* exists for several reasons. First, given the specific organization and functioning of the *Conseil d’État*, the public is unlikely to perceive the courts’ bench similarly to professional magistrates. The administrative order has its

own rules regarding the training, appointment, and promotion of its judges. In other words, the administrative branch of the judiciary functions as an independent entity. In states like France or Algeria, administrative court judges do not attend the magistrate school.² To join the *Conseil d'État*, judges need to graduate from the Administration School.³ Simply put, judges from the *Conseil d'État* are trained as bureaucrats rather than magistrates.

Second, as a result of the dual functions of the administrative branch of the judiciary, the public may not *perceive* it as a neutral arbitrator. In addition to adjudicating disputes between the state and citizens, the administrative branch also serves as a legal advisor for the government in most states. This proximity with the executive branch often raises suspicion from the public (e.g., [Terneyre and de Béchillon 2007](#)). Litigants have repeatedly asked the European Court of Human Rights (ECtHR) whether this dual function of the *Conseil d'État* undermines the independence of the judiciary and the right to a fair trial. For instance, in *Kleyn v. the Netherlands* and *Sacilor-Lormines v. France*, plaintiffs accused the administrative branch of being biased and not independent. In both cases, the administrative judges who adjudicated the dispute between the plaintiff and the state were the same judges who advised the government on the issue at stake in the dispute.⁴ Although the ECtHR dismissed both cases, these lawsuits are symptomatic of how litigants *perceive* the *Conseil d'Etat*. Even in states where the separation of powers is upheld, and legal mechanisms exist to guarantee the independence of the judiciary, private citizens may be wary of the *Conseil d'Etat* because of its functions and organization.

Finally, the proximity between the *Conseil d'Etat* and the executive branch can incentivize governments to use it to advance their political agenda. If judiciaries with a parallel

²Ecole de la magistrature

³Ecole Nationale de l'Administration

⁴*Kleyn v. the Netherlands*, ECtHR, May 6, 2003; *Sacilor-Lormines v. France*, ECtHR, November 9, 2009.

court system⁵ can administer justice more effectively by having judges specializing in a specific area of the law (e.g., Moustafa 2014), governments can also weaponize the *Conseil d'Etat* to engage in forum shopping. By having multiple courts with overlapping jurisdiction, scholars find governments exploit variation in procedural laws to obtain their preferred outcome (e.g., Toharia 1975; Moustafa 2003). Given the aforementioned institutional features, the *Conseil d'Etat* can be an appealing forum for a government eager to obtain a favorable decision. In the *Urba Gracco case*, for example, the French *Conseil d'État* helped the government draft a decree that would prevent the judicial branch from having jurisdiction over a case dealing with embezzlement of public funds (e.g., Mentré 1992). In Gabon, the opposition accused *Conseil d'Etat* of colluding with the ruling party after the court upheld the government's decision to dissolve opposition parties (Agence France-Presse 2011).

We argue that these characteristics likely color people's attitudes towards the judiciary's exercise of *vertical* power. Since administrative courts adjudicate a wide range of disputes (e.g., property law, health, education, civil liberties), interactions between the public and this branch of the judiciary are common. Furthermore, decisions from the *Conseil d'État* are often more visible and debated than the general court's rulings, as they deal with important political questions. In other words, even if not all individuals have litigated a case before the *Conseil d'Etat*, it is likely that most citizens have heard about its work and reputation. Hence, we formulate the following observable implication:

Hypothesis 1 *Citizens in countries with a Conseil d'État will have lower support for vertical judicial power relative to citizens in countries without a Conseil d'État*

We do not expect the same relationship to hold, however, between *Conseils d'Etat* and support for *horizontal* judicial power. Although fragmented judicial systems often enable

⁵As opposed to judiciaries with a unitary court system with only one apex court (e.g., the United States Supreme Court), judiciaries with a parallel system have multiple parallel courts with different specializations.

the executive branch to undermine the judiciary’s authority (e.g., [Moustafa 2014](#)), a *Conseil d’Etat* is unlikely to shape people’s views on whether *the president* should obey court decisions for several reasons. First, questions about public support for *horizontal* judicial power relate more to the relationship between the executive branch and the judiciary than the composition and functioning of the judiciary itself. The judiciary’s design, simply put, will not affect whether individuals believe that the judiciary should constrain the executive branch. In this case, factors such as political partisanship (e.g., [Bartels, Horowitz and Kramon 2021](#); [Bartels and Kramon 2020](#)), or other general normative views about the rule of law and the functioning of the state unrelated to institutional design itself, are more likely to shape people’s perceptions of horizontal power. Second, other courts within the judiciary have the prerogative of exercising judicial review. Constitutional courts, for instance, also have the power to limit the executive’s power by declaring its actions unconstitutional (e.g., [Vanberg 2005](#)). In sum, a *Conseil d’État*’s existence does not provide clear implications as to whether and how the judiciary will constrain the executive branch as a whole. Citizens’ perceptions of *horizontal* power, as a consequence, should not change because of the presence of a *Conseil d’État*. This theorizing leads to the following hypothesis:

Hypothesis 2 *Citizens in countries with a Conseil d’État will have similar support for horizontal judicial power relative to citizens in countries without a Conseil d’État*

While support for judicial power is a more “diffuse” evaluation of the role of courts, we also do not expect that the presence of a *Conseil d’État* alone should necessarily affect “specific” support – or public approval of the judiciary’s performance. Given the fragmentation between administrative courts and ordinary courts, one may simultaneously dislike the performance of the *Conseil d’État* but approve of the performance of their constitutional court. A citizen, for example, may both believe that the *Conseil d’État* has wronged them in a property dispute and that the constitutional court has protected their fundamental rights in a case on free speech. Citizens’ weighting of such evaluative perceptions of one branch of the judiciary against the other is unclear. A common measure used to evaluate specific support

is trust (e.g., [Gibson 2011](#); [Gibson, Caldeira and Spence 2003](#)), as it can tap into both individual’s specific experiences with the courts as well as their evaluations of the courts’ current performance and their future expectations (e.g., [Staton 2010](#)). The conceptual grouping of administrative and ordinary courts together when asking about trust in the judiciary as a whole may mask meaningful variation in vertical and horizontal power – suggesting scholars should be cautious when drawing conclusions regarding the efficacy of judicial power from questions regarding trust. This logic leads to our third hypothesis:

Hypothesis 3 *Citizens in countries with a Conseil d’État will have similar trust in courts relative to citizens in countries without a Conseil d’État*

Conseils d’Etat in Africa: A Colonial Legacy

Although *Conseils d’État* originally appeared in Europe, they are now mostly present in the African continent. Out of 32 African states in our dataset, 13 states have, at some point, had a Conseil d’Etat as the apex court of the administrative branch of the judiciary. This feature is a legacy of the continent’s colonial history. [Figure 1](#) shows that most states with *Conseils d’Etat* are located in former French, Belgian, and Portuguese colonies.⁶

When negotiating independence, colonial authorities often designed constitutions and institutions based on the ones they had domestically. Upon independence, most former colonies inherited constitutions that were almost word-for-word identical to the French, Belgium, and Portuguese ones (e.g., [Hatchard, Ndulo and Slinn 2004](#)). While some of these constitutional features disappeared quickly after independence, others, like the *Conseil d’État*, survived. This resilience can be explained by former colonizers encouraging African states to preserve the duality between the judiciary’s judicial and administrative branches (e.g., [du Bois de](#)

⁶Former french colonies are Benin, Burkina Faso, Cameroon, Côte d’Ivoire, Gabon, Madagascar, Mali, Niger, and Senegal. Former Belgian colonies are Burundi, Democratic Republic of the Congo, and Rwanda. Mozambique was a former Portuguese colony.

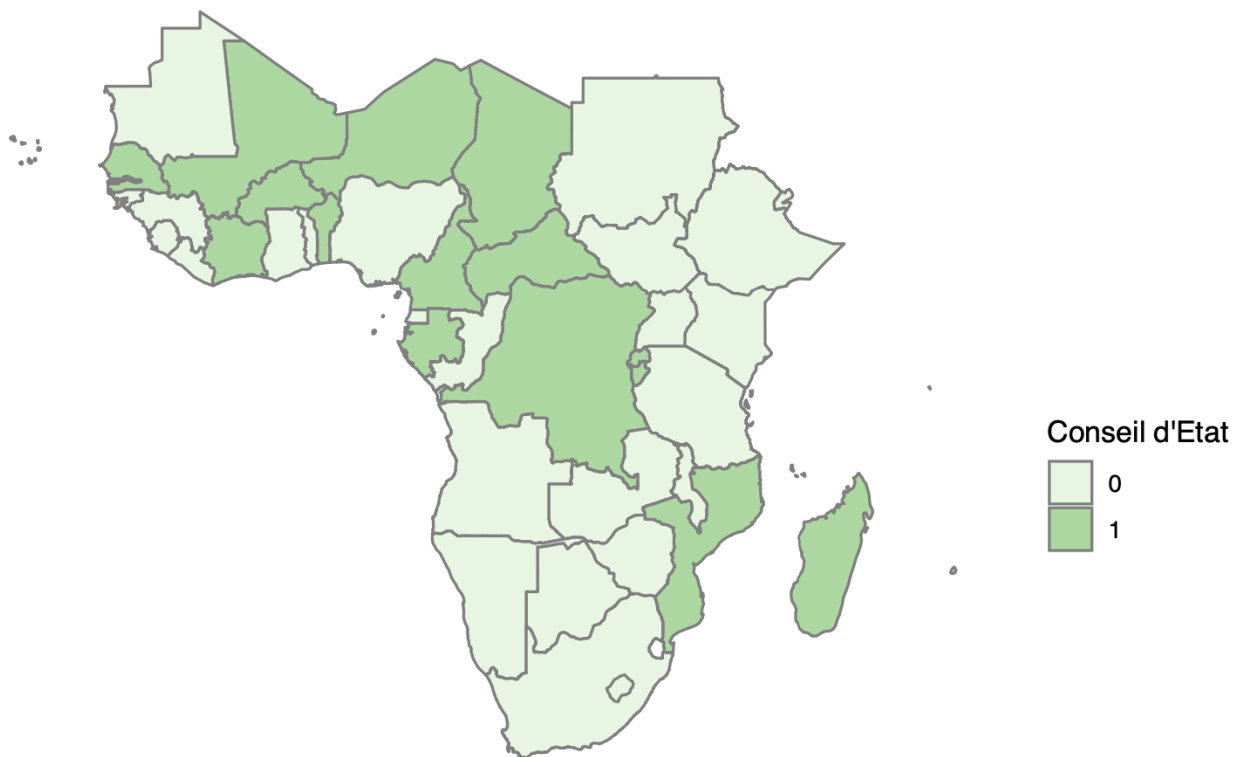


Figure 1: African states with a *Conseil d'Etat*.

Gaudusson 2014). Since the *Conseil d'Etat* is composed of magistrates trained to solve administrative issues, former colonizers thought that this institutional feature would enable the judiciary to be more efficient.

The high level of variation in the presence of a *Conseil d'Etat* across the continent allows us to investigate whether such institutional features affect public support for judicial power. Given the nature of African regimes and their reliance on institutional weaponization, we expect to see even less public support towards courts in states with a *Conseil d'Etat*. Since the introduction of multiparty politics in the early 1990s, African incumbents have increasingly relied on constitutional, legal, and legislative lawfare to remain in power (e.g., Gloppen, Gerzso and Walle 2022). For instance, African leaders have manipulated cabinet appointments (e.g., Meng 2020), term limits (e.g., Posner and Young 2007; Reyntjens 2016; Dulani 2019), and legislatures (e.g., Opalo 2019; Gerzso and van de Walle 2022). Courts

Table 1: Contact and Involvement with Courts (Afrobarometer Round 6)

	No Conseil d'état (N=34758)		Conseil d'état (N=13179)		Diff. in Means	Std. Error
	Mean	Std. Dev.	Mean	Std. Dev.		
Court contact (Prev. 12 months)	0.1131	0.3167	0.0977	0.2969	-0.0155	0.0031
Court involvement (Prev. 5 years)	0.1121	0.3155	0.1136	0.3174	0.0016	0.0033

are no exception, as incumbents have leveraged courts to prosecute dissenters and promote regime legitimacy (e.g., [Shen-Bayh 2018, 2022](#)).

Due to its composition, organization, and functions, the *Conseil d'Etat* appears as an attractive instrument for an incumbent eager to use the judiciary to consolidate their power. It is particularly attractive, as Table 1 shows from round 6 Afrobarometer data, given that 10% of citizens report they were in contact with courts in the last 12 months⁷ and 11% actively involved (or their family actively involved) in litigation as a claimant, respondent, defendant, or witness in the last 5 years.⁸ In fact, anecdotal evidence from several African states suggests that these *Conseils d'Etat* have been powerful allies to the government. In the Democratic Republic of the Congo, President Joseph Kabila was accused of packing the new *Conseil d'Etat* with his supporters, thus making the court completely obsolete ([Jeune Afrique avec AFP 2018](#)). In Gabon, the executive branch has leveraged this divide between the judicial and administrative branches of the Gabonese judiciary to engage in forum-shopping and influence the outcome of most disputes adjudicated by the *Conseil d'Etat* ([Tchapnga 2008](#)). Given this proximity between the *Conseil* and the executive, litigants tend to avoid all administrative courts. This trend is exacerbated by the fact that Gabonese administrative

⁷The question asks “In the past 12 months have you had contact with the courts? [If yes] How easy or difficult was it to obtain the assistance you needed from the courts?” We code all respondents that reported “no contact” as 0 and all other responses as 1 after removing those that answered “don’t know.”

⁸The question asks, “In the last 5 years, how often, if ever, have you or anyone in your family been directly involved in a administrative, civil or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness?” We code all respondents that reported “no contact” as 0 and all other responses as 1 after removing those that answered “don’t know.”

courts have experienced an important backlog that has disrupted the functioning of the justice system. Citizens, thus, prefer to use the Constitutional Council or arbitration to resolve their disputes with the state.

Even in Senegal – which is far more democratic than Gabon – the opposition relentlessly criticized the *Conseil d'État* for its “privileged” relationship with the executive branch. The opposition accused the *Conseil d'État* of favoring the government by refusing to annul a decree aiming to reorganize the legislature’s seat distribution. Per the opposition, the decree was only introduced to help the incumbent deal with intra-party conflicts (e.g., [Thiam 2007](#)). In 2007, the *Conseil d'État* was accused of lacking neutrality after sanctioning a telecom company. The decision allowed the President’s son and some political advisors to have the upper hand in negotiating a new contract with the said company (e.g., [Thiam 2007](#)). The resulting backlash led Senegal to remove its *Conseil d'État* in 2008.

These examples suggest that most *Conseils d'Etat* in Africa do not behave like neutral arbitrators. This lack of impartiality can make citizens warier of the *Conseil*’s decisions but also of the judiciary as a whole. If the *Conseils d'Etat* are so easily manipulable, citizens may assume that similar manipulations can occur in other courts. Similarly, we do not expect the presence of a *Conseil d'État* to influence the public’s support for *horizontal* judicial power. Given the presence of other avenues that can check the executive’s power, such as constitutional courts, that are present in many African states, it is unlikely a *Conseil d'État* independently affects perceptions of *horizontal* power.

Data and Empirical Strategy

To test our hypotheses, we require data on whether a country has a *Conseil d'État* and measures for support for judicial power that, specifically for our outcomes of interest, conceptually distinguish between *vertical* and *horizontal* judicial power. We also require cross-national data at the individual level that allows us to appropriately compare citizens’ opinions

in states with a *Conseil d'Etat* to those that do not have one. Furthermore, given Senegal removed their *Conseil d'Etat*, multiple rounds of surveys would allow us to account for this change.

To acquire data on *Conseils d'Etat*, we examined the constitutions for each sub-Saharan African country from 1990 to 2020. The divide between the judicial and administrative branches goes beyond the mere existence of an administrative court within the judiciary. To determine whether such fragmentation exists, we relied on the following criteria: (1) does the judiciary have an administrative branch, and (2) does this branch function independently with its own set of procedural rules? We code countries that met these requirements in a given year with a 1 and 0 otherwise.

For measuring our dependent variables of interest, Afrobarometer data meet our aforementioned criteria. First, the survey makes a clear distinction between vertical power and horizontal power (Bartels and Kramon 2020) by asking respondents two separate questions:

- **Vertical Power (rounds 2-7):** “Please tell me whether you disagree or agree: The courts have the right to make decisions that people always have to abide by.”

“Responses coded as follows: 1 = Strongly disagree, 2 = Disagree, 3 = Neither agree nor disagree, 4 = Agree, and 5 = Strongly agree.”

- **Horizontal Power (rounds 3-7):** “Which of the following statements is closest to your view? Statement 1: Since the president was elected to lead the country, he should not be bound by laws or court decisions that he thinks are wrong. Statement 2: The president must always obey the laws and the courts, even if he thinks they are wrong.”

“Responses coded as follows: 1 = Agree very strongly with statement 1; 2 = Agree with statement 1; 3 = Agree with neither; 4 = Agree with statement 2; and 5 = Agree very strongly with statement 2.”

The vertical power question asks whether *people always have to abide by* court decisions and the horizontal power question asks whether the *president* should obey the courts, pro-

Table 2: Countries from Afrobarometer Data included in Analysis

Country	Conseil d'État	Survey Rounds	Observations
Benin	Yes	7, 6, 5, 4, 3	5998
Botswana	No	7, 6, 5, 4, 3, 2, 1	8398
Burkina Faso	Yes	7, 6, 5, 4	4800
Burundi	Yes	6, 5	2400
Cameroon	Yes	7, 6, 5	3584
Cape Verde	No	7, 6, 5, 4, 3, 2	7396
Côte d'Ivoire	Yes	7, 6, 5	3599
Gabon	Yes	7, 6	2397
Gambia	No	7	1200
Ghana	No	7, 6, 5, 4, 3, 2, 1	12801
Guinea	No	7, 6, 5	3594
Kenya	No	7, 6, 5, 4, 3, 2	11175
Lesotho	No	7, 6, 5, 4, 3, 2, 1	8335
Liberia	No	7, 6, 5, 4	4798
Madagascar	Yes	7, 6, 5, 4, 3	6300
Malawi	No	7, 6, 5, 4, 3, 2, 1	10815
Mali	Yes	7, 6, 5, 4, 3, 2, 1	9448
Mauritius	No	7, 6, 5	3600
Mozambique	Yes	7, 6, 5, 4, 3, 2	10990
Namibia	No	7, 6, 5, 4, 3, 2, 1	8382
Niger	Yes	7, 6, 5	3599
Nigeria	No	7, 6, 5, 4, 3, 2, 1	17118
São Tomé and Príncipe	No	7, 6	2396
Senegal	Removed in 2008	7, 6, 5, 4, 3, 2	7200
Sierra Leone	No	7, 6, 5	3581
South Africa	No	7, 6, 5, 4, 3, 2, 1	16029
Sudan	No	7, 6, 5	3599
Tanzania	No	7, 6, 5, 4, 3, 2, 1	13119
Togo	No	7, 6, 5	3600
Uganda	No	7, 6, 5, 4, 3, 2, 1	15502
Zambia	No	7, 6, 5, 4, 3, 2, 1	8395
Zimbabwe	No	7, 6, 5, 4, 3, 2, 1	10552

viding a clear conceptual distinction in types of judicial power. For ease of interpretation, we rescale these variables from 0 to 1, with higher values indicating greater support for judicial power. The Afrobarometer also asks, “How much do you trust each of the following, or haven’t you heard enough about them to say: Courts of law?” and provides the options “Not at all”, “A little”, “Somewhat”, and “A lot.” We rescale this variable from 0 to 1 with higher values indicating greater trust. This question has the most observations as it was asked in all 7 survey rounds. Second, these data are nationally representative and cross-national. Third, these data have seven rounds spanning from 1999 - 2019, with the number of countries covered by each round varying. Table 2 provides information on the countries

included in our analysis. We removed north African countries (Morocco, Algeria, Tunisia, Libya, Egypt) and Swaziland from these data, but our results are robust to their inclusion.

Fourth, these data include a number of theoretically relevant survey questions that may also broadly affect political attitudes and be related to attitudes towards judicial power. These include age, gender, education,⁹ residence in a rural area, and poverty.¹⁰ The Afrobarometer also asks questions about support for democracy¹¹ and trust in the president/prime minister.¹² Democratic value orientations are widely understood to affect attitudes towards judicial institutions (e.g., [Cheruvu 2022](#); [Gibson and Caldeira 1998](#)) and recent scholarship has found that one’s partisanship affects support for judicial power (e.g., [Bartels, Horowitz and Kramon 2021](#); [Bartels and Kramon 2020](#)). To supplement the Afrobarometer data, we also include *Freedom House’s* regime type variable for each country-survey year in these data, as regime type may influence the design of judicial institutions and individuals’

⁹The Afrobarometer asks each survey respondent their highest level of completed education. We follow [Bartels and Kramon \(2020\)](#) and recode the variable as 0 = no formal schooling, 1 = some or completed primary schooling, 2 = some or completed secondary schooling, and 3 = some or completed post-secondary schooling.

¹⁰The Afrobarometer asks: “Over the past year, how often, if ever, have you or anyone in your family: Gone without enough food to eat?” The permissible responses are 0 = Never, 1 = Just once or twice, 2 = Several times, 3 = Many times, 4 = Always.

¹¹The Afrobarometer asks: “Which of these three statements is closest to your own opinion? Statement 1: Democracy is preferable to any other kind of government. Statement 2: In some circumstances, a non-democratic government can be preferable. Statement 3: For someone like me, it doesn’t matter what kind of government we have.” We follow [Bartels and Kramon \(2020\)](#) and code *Support for democracy* as a dichotomous measure that takes a value of 1 if the respondent agrees with Statement 1, and 0 otherwise.

¹²The Afrobarometer asks: “How much do you trust each of the following, or haven’t you heard enough about them to say: The President/Prime Minister?” The response options are 0 = Not at all, 1 = Just a little, 2 = Somewhat, or 3 = A lot. We recode this variable between 0 and 1, with 1 = “A lot”, for ease of interpretation.

Table 3: Descriptive Statistics for countries with and without a *Conseil d'État*

	No Conseil d'état (N=179185)		Conseil d'état (N=54718)		Diff. in Means	Std. Error
	Mean	Std. Dev.	Mean	Std. Dev.		
Horizontal Power	0.6923	0.3531	0.6734	0.3398	-0.0189	0.0019
Vertical Power	0.7060	0.2921	0.6512	0.3001	-0.0548	0.0015
Trust Courts	0.6083	0.3586	0.5635	0.3708	-0.0448	0.0019
Age	36.6927	14.7192	36.8688	14.1985	0.1761	0.0705
Gender	0.5004	0.5000	0.5017	0.5000	0.0013	0.0024
Rural	0.5913	0.4916	0.6397	0.4801	0.0484	0.0024
Democracy Support	0.6892	0.4628	0.6892	0.4628	0.0000	0.0024
Education	1.4754	0.8552	1.1320	0.9161	-0.3434	0.0044
Poverty	0.9633	1.1544	1.2289	1.2681	0.2656	0.0061
Trust President	0.5824	0.3717	0.6488	0.3682	0.0664	0.0018
Regime Type	0.4481	0.2098	0.4961	0.1877	0.0480	0.0010

attitudes toward the judiciary (e.g., [Moustafa 2014](#)).¹³ Table 3 provides descriptive statistics for these data separated by countries with and without a *Conseil d'État*.

Formally, we estimate a regression model of the following form using ordinary least squares to analyze the relationship between *Conseils d'État* and the public's support for judicial power for each individual i in country c during survey round t :

$$\mathbf{Y}_{ict} = \beta_0 + \beta_1 \cdot \text{Conseil d'État} + \delta \mathbf{X}_{ict} + \lambda_t + \epsilon_{ict} \quad (1)$$

with \mathbf{Y}_{ict} a vector of the dependent variables (*Vertical Power*, *Horizontal Power*, *Trust Courts*), $\delta \mathbf{X}_{ict}$ a vector of the aforementioned control variables (*Age*, *Gender*, *Rural*, *Democracy Support*, *Education*, *Poverty*, *Trust President*, *Regime Type*), λ_t survey round fixed-effects, and ϵ_{ict} standard errors clustered by country and survey round. The survey round fixed effects control for time trends that may affect public support for judicial power and for any idiosyncratic factors related to Afrobarometer's administration of each survey round. For specifications with *Vertical Power* as the dependent variable, a negative and statistically significant β_1 would be evidence in favor of hypothesis 1 – citizens in countries with

¹³The Freedom House coding ranges from 1 (consolidated democracy) to 14 (consolidated authoritarian regime). We recode this variable between 0 and 1 for ease of interpretation.

a *Conseil d'État* will have lower support for vertical power. Alternatively, for specifications with *Horizontal Power* as the dependent variable, an estimate for β_1 that is statistically indistinguishable from zero would be evidence in favor of hypothesis 2 – citizens in countries with and without a *Conseil d'État* will have similar support for horizontal power. Lastly, for specifications with *Trust Courts* as the dependent variable, an estimate for β_1 that is statistically indistinguishable from zero would be evidence in favor of hypothesis 3 – citizens in countries with and without a *Conseil d'État* will have similar trust in courts.

Results

Table 4 presents our results. Models 1 and 2 have *Vertical Power* as the dependent variable (asked in survey rounds 2-7), models 3 and 4 have *Horizontal Power* as the dependent variable (asked in survey rounds 3-7), and models 5 and 6 have *Trust Courts* as the dependent variable (asked in survey rounds 1-7). For each pair of models, we first run a linear regression on the *Conseil d'état* variable with survey round fixed effects and then include our battery of controls. In model 1 with *Vertical Power* as the dependent variable, the coefficient for *Conseil d'état* is negative ($\beta = -0.0558$) and statistically significant ($p < 0.05$). Substantively, this result represents a 8% reduction from the mean. Model 2 demonstrates that this result is robust to the inclusion of controls ($\beta = -0.0597, p < 0.05$) with a 9% reduction from the mean. In tandem, these results provide evidence in favor of hypothesis 1 – citizens in countries with a *Conseil d'État* will have lower support for vertical power. Alternatively, in models 3 and 4 *Horizontal Power* as the dependent variable, the coefficients for *Conseil d'état* are statistically indistinguishable from 0. Similarly, in models 5 and 6 with *Trust Courts* as the dependent variable, the coefficients for *Conseil d'état* are statistically indistinguishable from 0. These findings provide evidence in favor of hypothesis 2 – citizens in countries with and without a *Conseil d'État* will have similar support for horizontal power – and hypothesis 3 – citizens in countries with and without a *Conseil d'État* will have similar trust in courts.

Table 4: Models with Senegal

	Vertical Power		Horizontal Power		Trust Courts	
	(1)	(2)	(3)	(4)	(5)	(6)
Conseil d'État	-0.0558** (0.0195)	-0.0597** (0.0172)	-0.0211 (0.0195)	-0.0161 (0.0189)	-0.0276 (0.0389)	-0.0499 (0.0336)
Age		0.0001 (0.0001)		0.0004*** (0.0001)		-0.0003 (0.0002)
Gender		0.0001 (0.0016)		-0.0204*** (0.0024)		0.0003 (0.0040)
Education		-0.0125** (0.0036)		0.0141*** (0.0029)		-0.0166** (0.0066)
Poverty		-0.0053** (0.0018)		0.0031 (0.0016)		0.0005 (0.0042)
Rural		0.0098* (0.0045)		-0.0085 (0.0042)		0.0339** (0.0104)
Support for democracy		0.0223*** (0.0054)		0.0557*** (0.0114)		0.0075 (0.0059)
Trust in president		0.0840*** (0.0107)		-0.0494** (0.0110)		0.3751*** (0.0208)
Regime Type		0.0067 (0.0195)		0.0034 (0.0505)		-0.0791 (0.0508)
R ²	0.00737	0.02245	0.00417	0.01481	0.07127	0.22491
Observations	205,783	173,153	180,976	153,470	222,060	185,830
Survey Round fixed effects	✓	✓	✓	✓	✓	✓

Notes: Standard errors clustered by survey round and country. *p<0.1; **p<0.05; ***p<0.01

Across all of the model specifications with controls *Trust in president* is a significant predictor of *Vertical Power* and *Horizontal Power*. Similarly to [Bartels and Kramon \(2020\)](#), we find that as citizens' trust in the president increases, their support for *Vertical Power* increases while their support for *Horizontal Power* decreases. In the *Trust Courts* models, we find *Trust in president* is very strongly correlated ($\beta = 0.3751, p < 0.01$), providing more support for the scholarship that regards trust measures as indicative of specific support (e.g., [Bartels and Kramon 2020](#); [Gibson 2011](#)). We also find that as education increases, citizens have less support for *Vertical Power*, but higher support for *Horizontal Power*. Higher educated citizens may be less supportive of their government's vertical power over

Table 5: Models without Senegal

	Vertical Power		Horizontal Power		Trust Courts	
	(1)	(2)	(3)	(4)	(5)	(6)
Conseil d'État	-0.0590**	-0.0632**	-0.0204	-0.0156	-0.0301	-0.0538
	(0.0199)	(0.0176)	(0.0200)	(0.0195)	(0.0401)	(0.0350)
Age		0.0001		0.0004**		-0.0003
		(0.0001)		(0.0001)		(0.0002)
Gender		-0.0001		-0.0204***		-0.0007
		(0.0017)		(0.0024)		(0.0040)
Education		-0.0134**		0.0138***		-0.0160*
		(0.0037)		(0.0029)		(0.0069)
Poverty		-0.0051**		0.0036*		0.0005
		(0.0019)		(0.0017)		(0.0045)
Rural		0.0095*		-0.0081		0.0363**
		(0.0043)		(0.0045)		(0.0102)
Support for democracy		0.0232***		0.0561***		0.0052
		(0.0057)		(0.0118)		(0.0058)
Trust in president		0.0861***		-0.0497***		0.3768***
		(0.0105)		(0.0108)		(0.0209)
Regime Type		-0.0015		0.0063		-0.0710
		(0.0190)		(0.0514)		(0.0517)
R ²	0.00810	0.02420	0.00404	0.01472	0.07387	0.22804
Observations	199,654	167,645	175,225	148,313	216,120	180,449
Survey Round fixed effects	✓	✓	✓	✓	✓	✓

Notes: Standard errors clustered by survey round and country. *p<0.1; **p<0.05; ***p<0.01

them and, thus, have higher support for horizontal checks and balances on the government's power. Like [Bartels and Kramon \(2020\)](#), *support for democracy* is also a consistent predictor of support for *Vertical Power* and *Horizontal Power*. Furthermore, regime type does not exhibit any relationship with citizens support for vertical or horizontal power.

Although our empirical model presupposes that the presence of a *Conseil d'État* affects citizens' attitudes towards judicial power, it does not allow us to establish causality. A very realistic possibility is that a country removed its *Conseil d'État* because of citizens' attitudes toward the judiciary. In fact, as we discussed earlier, Senegal's *Conseil d'État* was removed

specifically to restore public confidence in the judiciary. In order to provide evidence in support of our theory, we require a means to overcome this reverse causality problem.

We provide two solutions to this problem. First, within our data, as we show in table 3, Senegal is the only country that removed its *Conseil d'État* and no country within our data added a *Conseil d'État*. Since *Conseils d'État* have been relatively durable as an institution since independence across the continent, a simple solution is to run our model and remove Senegal from the data. We present the results from this exercise in table 5. Our results are robust to this alternative approach and provide coefficients of similar magnitude and statistical significance across our variables.

The second approach we take is an instrumental variables strategy. Given the presence of *Conseils d'État* are largely a historical artifact of colonization, we use French colonization as an instrumental variable and provide results in the appendix tables A2 and A3. Our results are robust to this alternative specification. We also run a number of checks as suggested by the scholarship (e.g., Lal et al. 2021) such as the zero-first-stage test (appendix table A9), the weak instrument test, and running our model on alternative dependent variables (appendix tables A4 to A8). Despite providing these empirical justifications, we interpret these results with caution given the well-documented exclusion restriction violations inherent with using colonization as an instrument (e.g., Fuchs-Schündeln and Hassan 2016).

Conclusion

What shapes public support for judicial power? In this paper, we demonstrate the existence of a causal link between institutional features, like having a *Conseil d'État*, and public support for judicial power. Looking at the African continent, we find that citizens are less willing to abide by courts' decisions because of the divide between the judicial and administrative branches within the judiciary and the existence of a *Conseil d'Etat*. This defiance towards the judiciary is due to the organization and functioning of the judiciary's

administrative branch. Because of its proximity to the executive branch, *Conseils d'État* are not considered neutral arbitrators. Since the administrative branch adjudicates disputes related to everyday life cases but also salient political questions, we argue that individuals' attitudes towards the administrative branch are likely to extend to the judiciary as a whole.

This paper addresses the existing gaps in the literature and provides a more nuanced account of what shapes public support for judicial power (e.g., [Staton and Moore 2011](#); [Vanberg 2015](#)). First, our findings highlight the importance of institutional factors as we show that the organization and composition of the judiciary affect how people perceive and support the judiciary. The findings complement existing theories of public support for judicial power. Depending on how the judiciary is organized, individuals can have different levels of access to information and knowledge about the court system (e.g., [Gibson and Caldeira 2009b](#); [Taber, Lodge and Glathar 2001](#)). Second, our paper explores what shapes the relationship between public support and judicial power outside of Western liberal democracies (e.g., [Bartels and Kramon 2020](#); [Bartels, Horowitz and Kramon 2021](#); [De Micheli and Taylor 2022](#)). By testing our theory in sub-Saharan Africa, we are able to test the external validity of existing theories. Furthermore, our data sheds light on the functioning and organization of African courts, thus improving our knowledge about these understudied courts.

In addition to addressing the gaps in the literature on public attitudes towards courts, this paper makes additional important contributions. First, this paper contributes to the literature on judicial politics by (1) identifying a new type of court fragmentation (e.g., the divide between the judicial and administrative branches) and (2) showing that this institutional configuration shape people's attitudes vis-a-vis the judiciary. Our results suggest that people are aware of the instrumentalization of court fragmentation and tend to be warier of the judiciary when such a divide exists. Hence, we need to pay more attention to institutional factors. Court fragmentation is only a subset of the institutional configurations that currently exist (e.g., [Moustafa 2014](#)). An avenue for future research would be to explore how different institutional rules affect people's attitudes toward courts.

Our paper also provides evidence of how colonial legacies still play a role in African politics today (e.g., [Akyeampong et al. 2014](#); [Sokoloff and Engerman 2000](#)). Imposed by the French during the colonial era, the fragmentation between the judiciary’s judicial and administrative branches has managed to survive in most former French colonies. This institutional legacy is not anecdotal, as it has shaped the relationship between the public and the judiciary. These findings have important implications since low support for vertical judicial power can incentivize the public not to use courts as a way to resolve conflicts.

It is important to highlight that the existence of a *Conseil d’Etat* is not the only institutional factor driving public support for judicial power. In other words, other institutional factors might also shape how individuals perceive and support judicial power. Hence, this paper offers an avenue for future research. As a result of the difference between different legal traditions and the rise of hybrid legal regimes in many regions, the organization and the functioning of judiciaries vary immensely from one state to another (e.g., [Mitchell and Powell 2011](#)). Courts have different sizes, structures, or composition requirements (e.g., [Tiede 2022](#)). Some jurisdictions also have a different understanding of the role of the judge (e.g., interpretation of the law vs. strict application of existing legal provisions). All these institutional configurations shape how individuals interact with the judicial system and potentially affect how they perceive courts (e.g., [Gibson, Caldeira and Baird 1998](#)). A need, therefore, exists to leverage these institutional variations to determine whether further institutional factors affect public support for judicial power.

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How do Domestic Legal Institutions affect Public Support for Judicial Power? Evidence from Sub-Saharan Africa

Appendices

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A Instrumental Variables Robustness Check

Instrumental Variables Specification. Although the model in equation 1 presupposes that the presence of a *Conseil d’État* affects citizens’ attitudes towards judicial power, it does not allow us to establish causality. A very realistic possibility is that a country removed its *Conseil d’État* because of citizens’ attitudes toward the judiciary. In fact, as we discussed earlier, Senegal’s *Conseil d’État* was removed specifically to restore public confidence in the judiciary. In order to provide evidence in support of our theory, we require a means to overcome this endogeneity (reverse causality) problem. A historical artifact that can serve as a source of exogenous variation is patterns of European colonization within sub-Saharan Africa. As we discussed earlier, colonial rule substantially impacted institutional configurations throughout the continent. Specifically concerning the fragmentation between the judiciary’s judicial and administrative branches – since they were an integral part of the French legal tradition – their presence in the modern day is highly correlated with French colonial rule. Table 2 displays the countries in these data with a *Conseil d’État* and whether the country was a former French colony.

Formally, we use a country’s colonial history as an instrumental variable (IV) in a two-stage least squares (2SLS) specification – with the variable *French Colony* taking the value of 1 if France colonized the country and 0 otherwise – of the following form:

$$\mathbf{Conseil\ d’\acute{e}tat}_{ict} = \pi_0 + \pi_1 \cdot \mathit{French\ Colony} + \delta \mathbf{Z}_{ict} + \lambda_t + \nu_{ict} \quad (2)$$

$$\mathbf{Y}_{ict} = \beta_0 + \beta_1 \cdot \mathbf{Conseil\ d’\acute{e}tat}_{ict} + \epsilon_{ict} \quad (3)$$

with equation 2 the first stage estimator, $\delta \mathbf{Z}_{ict}$ a vector of control variables (*Age, Gender, Rural, Democracy Support, Education, Poverty, Trust President, Regime Type*), λ_t survey round fixed-effects, and ν_{ict} standard errors clustered by country and survey round. Equation 3 is the second stage estimator in which we regress our outcomes of interest \mathbf{Y}_{ict} (*Vertical Power, Horizontal Power*) on the coefficients generated from equation 2, with ϵ_{ict} standard errors clustered by country and survey round.

We require several assumptions to have valid inferences using observational data with instrumental variables and 2SLS estimation. The first assumption is the stable unit treatment value assumption. This assumption is easily satisfied as surveys were administered individually in isolation, reducing the concern that the responses of one individual may have affected another individual’s responses. The second assumption is that our instrument is not weak. Given the IV coefficient is a ratio between the second stage and the first stage, a weak instrument in the first stage can lead to a “divide by zero” problem (e.g., Lal et al. 2021). An empirical test of this assumption is that the first-stage partial F statistic is sufficiently large, with some of the most recent scholarship arguing it should be as large as 104.7 for a conventional t-test to be valid (Lee et al. 2021). Columns 1 and 3 in tables A2 and A3 provide the F-test for the first stage regressions, each of which easily clear this benchmark.

The third assumption is monotonicity, specifically that – while the instrument may not have any effect on some people – all of those that are affected are affected in the same way (e.g., Angrist and Pischke 2009). For our purposes, this assumption means that although French colonization may have had no effect on the probability that a given country has a divide between the judiciary’s administrative and judicial branches, French colonization did

not make any country *less* likely to have a *Conseil d'État*. This assumption in our IV setup is reasonable, as we have no reason to think that French colonization made the existence of a *Conseil d'État* *less* likely for any given country.

The fourth assumption is the *exclusion restriction*, which claims that the effect of the instrument on the outcome is only through the endogenous variable (e.g., Angrist and Pischke 2009). For our purposes, this means that French colonization *only* affects support for judicial power through the presence of an administrative branch of the judiciary. This assumption is empirically untestable and requires theoretical justification. An extensive scholarship examines the effect of colonization on modern-day outcomes ranging from political attitudes to economic growth (see Fuchs-Schündeln and Hassan (2016) for a review). One of the primary mechanisms through which these scholars explain their theoretical arguments is the effect of colonialism on historical and modern-day institutional configurations (e.g., Banerjee and Iyer 2005; La Porta, Lopez-De-Silanes and Shleifer 2008). A potential problem with these arguments is that the importation of a given colonizer's values, culture, and civic capital may potentially affect outcomes in the present day – such as support for judicial power.

Recent scholarship provides some confidence that such imposed and inherited values are not determinants of support for judicial power in the present day. Bartels and Kramon (2020) provide evidence that incumbent supporters have higher support for vertical judicial power but lower support for horizontal judicial power, with this relationship changing when the incumbent is no longer in power. Furthermore, Bartels, Horowitz and Kramon (2021) provides evidence that attachment to democratic principles does not attenuate partisan differences in support for judicial power. In conjunction, given this variability in citizens' preferences for judicial power based on partisanship and the relative lack of variation in these preferences due to inherent value commitments, it seems unlikely that historical colonization has an alternative pathway outside of its influence on institutional configuration (the presence of a *Conseil d'État*) to directly affect citizens' attitudes towards judicial power.

We empirically test this potential exclusion restriction violation with 25 questions from the Afrobarometer designed to tap into various civic values. We run regressions using the survey question as the dependent variable and *French Colony* as the independent variable, with demographic controls in Appendix tables A4, A5, A6, A7, and A8. In the vast majority of specifications, we do not find a statistically significant relationship. Additionally, we run a zero-first-stage test as a placebo exercise in Appendix table A9 (e.g., Lal et al. 2021) and demonstrate that a statistically significant relationship between vertical power and french colonization does not exist among countries that never had a *Conseil d'État*.

The fifth assumption is that the instrument is as good as randomly assigned, or, formally, it is independent of the vector of potential outcomes and potential treatment assignments (e.g., Angrist and Pischke 2009). While the determinants of which European countries colonized which African territories itself was not a randomly determined process, plenty of historical evidence exists suggesting that the drawing of state borders themselves was arbitrary (e.g., Michalopoulos and Papaioannou 2016). Groups of people systematically similar on a host of demographic characteristics, as a result, were arbitrarily separated by borders dividing colonial territory, leading to exposure to different sets of institutions. For our purposes, a border may determine whether similar people live under a government with or without a *Conseil d'État*. Table 3 provides some descriptive evidence, as no differences exist between the age and gender of individuals living in countries with a *Conseil d'État*

compared to individuals living in countries without one. Remarkably, the difference in *Democracy Support* between individuals in the two categories is exactly 0.

One final point worth mentioning is the potential direction of the bias that the IV estimation is addressing – in other words, does the endogeneity problem in the “naive” OLS lead to a downward or upward bias in the coefficient estimate? In their replication study of political science papers that use an IV approach, Lal et al. (2021, 20) find that in 92% of studies they analyzed – similar to Jiang’s (2017) study of IV approaches in the finance literature – 2SLS estimates were larger than the OLS estimate and state, “While this is theoretically possible when the omitted variables bias biases towards zero, it is difficult to evaluate whether this is a valid explanation because researchers seldom state their beliefs regarding the sign of the bias in OLS.” Within our models, we expect the naive OLS coefficient estimate to be biased towards zero and, thus, expect the magnitude of the 2SLS coefficient estimate to be larger. The plausible reverse causality mechanism here is that a country may turn to a unitary judicial system *because* citizens have low support for vertical judicial power. If a country with citizens that have low support for vertical judicial power removes its administrative branch, the mean support for vertical judicial power across countries that do have a *Conseil d’État* will increase. Put simply, the *difference* in vertical power between states that do have a *Conseil d’État* and states that do not have *Conseil d’État* will become smaller. Therefore, the coefficient on the *Conseil d’État* variable will be closer to zero in the naive OLS specification than in the IV 2SLS specification, as countries with citizens that have very low support for judicial power may remove their *Conseil d’État* altogether, as in the Senegal case.

A.1 Results

We first present the results of our naive OLS estimation followed by the IV results. Table A1 presents these results. Models 1 and 2 have *Vertical Power* as the dependent variable, while models 3 and 4 have *Horizontal Power* as the dependent variable. For each pair of models, we first run a linear regression on the *Conseil d’état* variable with survey round fixed effects and then include our battery of controls. In model 1 with *Vertical Power* as the dependent variable, the coefficient for *Conseil d’état* is negative ($\beta = -0.056$) and statistically significant ($p < 0.05$). Model 2 demonstrates that this result is robust to the inclusion of controls ($\beta = -0.61, p < 0.05$). In tandem, these results provide evidence in favor of hypothesis 1 – citizens in countries with a *Conseil d’État* will have lower support for vertical power. Alternatively, in models 3 and 4 *Horizontal Power* as the dependent variable, the coefficients for *Conseil d’état* are statistically indistinguishable from 0. These findings provide evidence in favor of hypothesis 2 – citizens in countries with and without a *Conseil d’État* will have similar support for horizontal power.

Table A2 presents the results for the 2SLS estimates with *Vertical Power* as the dependent variable. Models 1 and 3 provide coefficients for the first stage estimates, and models 2 and 4 provide coefficients for the second stage estimates. All models include survey round fixed effects, with models 3 and 4 including additional controls. In model 2, the coefficient for *Conseil d’État* is negative ($\beta = -0.104$) and statistically significant ($p < 0.05$). This result is also robust to the inclusion of controls in model 4 ($\beta = -0.114, p < 0.05$). For the IV estimation, the coefficient for *Conseil d’État* is larger in magnitude relative to the naive OLS

Table A1: Horizontal Power and Vertical Power models without Instrument

	Vertical Power		Horizontal Power	
	(1)	(2)	(3)	(4)
Conseil d'État	-0.0558** (0.0195)	-0.0597** (0.0172)	-0.0211 (0.0195)	-0.0161 (0.0189)
Age		0.0001 (0.0001)		0.0004*** (0.0001)
Gender		0.0001 (0.0016)		-0.0204*** (0.0024)
Education		-0.0125** (0.0036)		0.0141*** (0.0029)
Poverty		-0.0053** (0.0018)		0.0031 (0.0016)
Rural		0.0098* (0.0045)		-0.0085 (0.0042)
Support for democracy		0.0223*** (0.0054)		0.0557*** (0.0114)
Trust in president		0.0840*** (0.0107)		-0.0494** (0.0110)
Regime Type		0.0067 (0.0195)		0.0034 (0.0505)
R ²	0.00737	0.02245	0.00417	0.01481
Observations	205,783	173,153	180,976	153,470
Survey Round fixed effects	✓	✓	✓	✓

Notes: Standard errors clustered by survey round and country. *p<0.1; **p<0.05; ***p<0.01

estimation as we predicted. Additionally, the first stage F-statistics are substantially large (174,684 in model 1, 130,141 in model 3), easily clearing the bar for consideration as a weak instrument (e.g., [Lee et al. 2021](#)). These results provide evidence in favor of hypothesis 1. Table A3 presents the results for the 2SLS estimates with *Horizontal Power* as the dependent variable. The coefficient for *Conseil d'État* in models 2 and 4 demonstrates a precise null effect. These results provide evidence for hypothesis 1 and 2.

Across all of the model specifications with controls *Trust in president* is a significant predictor of *Vertical Power* and *Horizontal Power*. Similarly to [Bartels and Kramon \(2020\)](#), we find that as citizens' trust in the president increases, their support for *Vertical Power* increases while their support for *Horizontal Power* decreases. We also find that as education increases, citizens have less support for *Vertical Power*, but higher support for *Horizontal Power*. Higher educated citizens may be less trusting of their government's vertical power over them and, thus, subsequently, have higher support for horizontal checks and balances

Table A2: Vertical Power models with Instrument

	Conseil d'État (1)	Vertical Power (2)	Conseil d'État (3)	Vertical Power (4)
French Colony	0.6860*** (0.1321)		0.6428*** (0.1465)	
Conseil d'État		-0.1036** (0.0331)		-0.1156** (0.0329)
Age			-0.0011 (0.0008)	0.0000 (0.0002)
Gender			-0.0138 (0.0090)	-0.0016 (0.0022)
Education			-0.0349 (0.0199)	-0.0185*** (0.0040)
Poverty			0.0001 (0.0066)	-0.0046* (0.0020)
Rural			-0.0058 (0.0183)	0.0072 (0.0041)
Support for democracy			-0.0453 (0.0229)	0.0197** (0.0057)
Trust in president			0.0741 (0.0445)	0.0881*** (0.0115)
Regime Type			0.1547 (0.1689)	0.0222 (0.0129)
F-test (1st stage)	174,684.5		122,897.7	
F-test (1st stage), Conseil d'État		174,684.5		122,897.7
R ²	0.46546	0.00259	0.46260	0.01650
Observations	205,783	205,783	173,153	173,153
Survey Round fixed effects	✓	✓	✓	✓

Standard errors clustered by survey round and country. *p<0.1; **p<0.05; ***p<0.01

on the government's power. Like [Bartels and Kramon \(2020\)](#), *support for democracy* is also a consistent predictor of support for *Vertical Power* and *Horizontal Power*.

Table A3: *Conseil d'État* Models (Horizontal Power)

	Conseil d'État (1)	Horizontal Power (2)	Conseil d'État (3)	Horizontal Power (4)
French Colony	0.6718*** (0.1387)		0.6265** (0.1542)	
Conseil d'État		0.0029 (0.0234)		0.0044 (0.0257)
Age			-0.0011 (0.0008)	0.0005** (0.0001)
Gender			-0.0122 (0.0081)	-0.0198*** (0.0023)
Education			-0.0332 (0.0188)	0.0163*** (0.0032)
Poverty			0.0009 (0.0073)	0.0028 (0.0018)
Rural			0.0015 (0.0141)	-0.0077 (0.0039)
Support for democracy			-0.0489 (0.0245)	0.0567*** (0.0111)
Trust in president			0.0715 (0.0425)	-0.0507** (0.0121)
Regime Type			0.1697 (0.1844)	-0.0028 (0.0529)
F-test (1st stage)	151,303.7		104,800.9	
F-test (1st stage), Conseil d'État		151,303.7		104,800.9
R ²	0.45722	0.00329	0.45203	0.01422
Observations	180,976	180,976	153,470	153,470
Survey Round fixed effects	✓	✓	✓	✓

Standard errors clustered by survey round and country *p<0.1; **p<0.05; ***p<0.01

B Values robustness question wording (Round 7)

Below are all the variables included as dependent variables in ols regressions on whether a country was a french colony, inclusive of demographic controls. All variables are rescaled from 0 to 1 for ease of interpretation.

1. **Religious Group member:** Let's turn to your role in the community. Now I am going to read out a list of groups that people join or attend. For each one, could you tell me whether you are an official leader, an active member, an inactive member, or not a member: A religious group that meets outside of regular worship services? *Value Labels:* 0=Not a Member, 1=Inactive member, 2=Active member, 3=Official leader,
2. **Community Group Member:** Let's turn to your role in the community. Now I am going to read out a list of groups that people join or attend. For each one, could you tell me whether you are an official leader, an active member, an inactive member, or not a member: Some other voluntary association or community group?
Value Labels: 0=Not a member, 1=Inactive member, 2=Active member, 3=Official leader
3. **Community Meeting Attendee** Here is a list of actions that people sometimes take as citizens. For each of these, please tell me whether you, personally, have done any of these things during the past year. If not, would you do this if you had the chance: Attended a community meeting?
Value Labels: 0=No, would never do this, 1=No, but would do if had the chance, 2=Yes, once or twice, 3=Yes, several times, 4=Yes
4. **Raised Issue:** Here is a list of actions that people sometimes take as citizens. For each of these, please tell me whether you, personally, have done any of these things during the past year. If not, would you do this if you had the chance: Got together with others to raise an issue?
Value Labels: 0=No, would never do this, 1=No, but would do if had the chance, 2=Yes, once or twice, 3=Yes, several times, 4=Yes, often
5. **Voted:** Understanding that some people were unable to vote in the most recent national election in [20xx], which of the following statements is true for you?
Value Labels: 0=All other Responses, 1=You voted in the elections
6. **Attended Campaign Rally:** Thinking about the last national election in [20xx], did you: Attend a campaign rally?
Value Labels: 0=No, 1=Yes
7. **Work for Party:** Thinking about the last national election in [20xx], did you: Work for a candidate or party?
Value Labels: 0=No, 1=Yes
8. **Contacted Local Government:** During the past year, how often have you contacted any of the following persons about some important problem or to give them your views:

[A local government councilor]?

Value Labels: 0=Never, 1=Only once, 2=A few times, 3=Often

9. **Contacted MP:** During the past year, how often have you contacted any of the following persons about some important problem or to give them your views: [A Member of Parliament]?
Value Labels: 0=Never, 1=Only once, 2=A few times, 3=Often
10. **Contacted Government:** During the past year, how often have you contacted any of the following persons about some important problem or to give them your views: An official of a government agency?
Value Labels: 0=Never, 1=Only once, 2=A few times, 3=Often
11. **Contacted Political Party:** During the past year, how often have you contacted any of the following persons about some important problem or to give them your views: A political party official?
Value Labels: 0=Never, 1=Only once, 2=A few times, 3=Often
12. **Contacted Traditional Leader:** During the past year, how often have you contacted any of the following persons about some important problem or to give them your views: Traditional Leaders?
Value Labels: 0=Never, 1=Only once, 2=A few times, 3=Often
13. **Contacted Religious Leader:** During the past year, how often have you contacted any of the following persons about some important problem or to give them your views: Religious Leaders?
Value Labels: 0=Never, 1=Only once, 2=A few times, 3=Often
14. **Request Action with Others:** Here is a list of actions that people sometimes take as citizens when they are dissatisfied with government performance. For each of these, please tell me whether you, personally, have done any of these things during the past year. If not, would you do this if you had the chance: Joined others in your community to request action from government?
Value Labels: 0=No, would never do this, 1=No, but would do if had the chance, 2=Yes, once or twice, 3=Yes, several times, 4=Yes, often
15. **Contact Media:** Here is a list of actions that people sometimes take as citizens when they are dissatisfied with government performance. For each of these, please tell me whether you, personally, have done any of these things during the past year. If not, would you do this if you had the chance: Contacted the media, like calling a radio program or writing a letter to a newspaper?
Value Labels: 0=No, would never do this, 1=No, but would do if had the chance, 2=Yes, once or twice, 3=Yes, several times, 4=Yes, often
16. **Contact Official for Help:** Here is a list of actions that people sometimes take as citizens when they are dissatisfied with government performance. For each of these, please tell me whether you, personally, have done any of these things during the past

year. If not, would you do this if you had the chance: Contacted a government official to ask for help or make a complaint? *Value Labels:* 0=No, would never do this, 1=No, but would do if had the chance, 2=Yes, once or twice, 3=Yes, several times, 4=Yes, often

17. **Refuse Taxes:** Here is a list of actions that people sometimes take as citizens when they are dissatisfied with government performance. For each of these, please tell me whether you, personally, have done any of these things during the past year. If not, would you do this if you had the chance: Refused to pay a tax or fee to government? *Value Labels:* 0=No, would never do this, 1=No, but would do if had the chance, 2=Yes, once or twice, 3=Yes, several times, 4=Yes, often
18. **Attend Protest:** Here is a list of actions that people sometimes take as citizens when they are dissatisfied with government performance. For each of these, please tell me whether you, personally, have done any of these things during the past year. If not, would you do this if you had the chance: Participated in a demonstration or protest march? *Value Labels:* 0=No, would never do this, 1=No, but would do if had the chance, 2=Yes, once or twice, 3=Yes, several times, 4=Yes, often
19. **Reject one-party rule** There are many ways to govern a country. Would you disapprove or approve of the following alternatives: Only one political party is allowed to stand for election and hold office? *Value Labels:* 1=Strongly disapprove, 2=Disapprove, 3=Neither approve nor disapprove, 4=Approve, 5=Strongly approve
20. **Reject Military Rule:** There are many ways to govern a country. Would you disapprove or approve of the following alternatives: The army comes in to govern the country? *Value Labels:* 1=Strongly disapprove, 2=Disapprove, 3=Neither approve nor disapprove, 4=Approve, 5=Strongly approve, 9=Don't know, 8=Refused to answer, -1=Missing
21. **Reject one-man Rule:** There are many ways to govern a country. Would you disapprove or approve of the following alternatives: Elections and Parliament are abolished so that the president can decide everything? *Value Labels:* 1=Strongly disapprove, 2=Disapprove, 3=Neither approve nor disapprove, 4=Approve, 5=Strongly approve
22. **Government Accountable:** Which of the following statements is closest to your view? Choose Statement 1 or Statement 2. Statement 1: It is more important to have a government that can get things done, even if we have no influence over what it does. Statement 2: It is more important for citizens to be able to hold government accountable, even if that means it makes decisions more slowly. *Value Labels:* 1=Agree very strongly with Statement 1, 2=Agree with Statement 1, 3=Agree with neither, 4=Agree with Statement 2, 5=Agree very strongly with Statement 2,

23. **Use Elections:** Which of the following statements is closest to your view? Choose Statement 1 or Statement 2. Statement 1: We should choose our leaders in this country through regular, open and honest elections. Statement 2: Since elections sometimes produce bad results, we should adopt other methods for choosing this country's leaders.
Value Labels: 1=Agree very strongly with Statement 1, 2=Agree with Statement 1, 3=Agree with neither, 4=Agree with Statement 2, 5=Agree very strongly with Statement 2
24. **Many Political Parties:** Which of the following statements is closest to your view? Choose Statement 1 or Statement 2. Statement 1: Political parties create division and confusion; it is therefore unnecessary to have many political parties in [ENTER COUNTRY].
 Statement 2: Many political parties are needed to make sure that [ENTER NATIONALITY] have real choices in who governs them.
Value Labels: 1=Agree very strongly with Statement 1, 2=Agree with Statement 1, 3=Agree with neither, 4=Agree with Statement 2, 5=Agree very strongly with Statement 2
25. **President Accountability:** Which of the following statements is closest to your view? Choose Statement 1 or Statement 2. Statement 1: Parliament should ensure that the President explains to it on a regular basis how his government spends taxpayers' money. Statement 2: The President should be able to devote his full attention to developing the country rather than wasting time justifying his actions.
Value Labels: 1=Agree very strongly with Statement 1, 2=Agree with Statement 1, 3=Agree with neither, 4=Agree with Statement 2, 5=Agree very strongly with Statement 2
26. **Obey Government:** Which of the following statements is closest to your view? Choose Statement 1 or Statement 2. Statement 1: It is important to obey the government in power, no matter who you voted for. Statement 2: It is not necessary to obey the laws of a government that you did not vote for.
Value Labels: 1=Agree very strongly with Statement 1, 2=Agree with Statement 1, 3=Agree with neither, 4=Agree with Statement 2, 5=Agree very strongly with Statement 2

C Values Robustness Check Regressions

Table A4: Values Robustness OLS 1

	Religious Group Member	Community Group Member	Community Meeting Attendee	Raised Issue	Voted
(Intercept)	0.229*** (0.016)	0.114*** (0.027)	0.362*** (0.034)	0.269*** (0.028)	0.421*** (0.047)
Age	0.002*** (0.000)	0.002*** (0.000)	0.003*** (0.000)	0.002*** (0.000)	0.008*** (0.001)
Education	0.010 (0.007)	0.011* (0.007)	0.001 (0.009)	0.030*** (0.006)	-0.016* (0.009)
French Colony	-0.109*** (0.026)	0.006 (0.030)	0.004 (0.034)	0.066** (0.026)	-0.076** (0.036)
Poverty	0.002 (0.005)	0.004 (0.005)	0.017*** (0.006)	0.021*** (0.006)	-0.002 (0.005)
Rural	0.023** (0.010)	0.071*** (0.014)	0.133*** (0.017)	0.089*** (0.013)	0.064*** (0.015)
Num.Obs.	43165	43018	43141	43022	43053
R2	0.031	0.016	0.060	0.037	0.080

Standard errors clustered by country. *p<0.1; **p<0.05; ***p<0.01

Table A5: Values Robustness OLS 2

	Attended Campaign Rally	Work for Party	Contacted Local Government	Contacted MP	Contacted Government
(Intercept)	0.318*** (0.050)	0.148*** (0.028)	-0.023** (0.009)	-0.006 (0.007)	-0.009 (0.011)
Age	0.001 (0.001)	0.001** (0.000)	0.003*** (0.000)	0.001*** (0.000)	0.001*** (0.000)
Education	0.000 (0.012)	0.004 (0.006)	0.028*** (0.004)	0.017*** (0.002)	0.031*** (0.004)
French Colony	-0.008 (0.055)	0.041 (0.042)	-0.015 (0.016)	-0.022*** (0.007)	-0.025* (0.015)
Poverty	0.017*** (0.007)	0.005 (0.004)	0.007** (0.003)	0.005*** (0.002)	0.002 (0.002)
Rural	0.068*** (0.017)	0.040*** (0.010)	0.044*** (0.007)	0.016*** (0.003)	0.024*** (0.006)
Num.Obs.	43223	41966	42953	42887	42901
R2	0.008	0.006	0.025	0.013	0.020

Standard errors clustered by country. *p<0.1; **p<0.05; ***p<0.01

Table A6: Values Robustness OLS 3

	Contacted Political Party	Contacted Traditional Leader	Contacted Religious Leader	Request Action with Others	Contact Media
(Intercept)	0.000 (0.009)	0.000 (0.027)	0.159*** (0.020)	0.226*** (0.014)	0.214*** (0.011)
Age	0.001*** (0.000)	0.003*** (0.000)	0.003*** (0.000)	0.001** (0.000)	-0.001*** (0.000)
Education	0.030*** (0.003)	0.008 (0.008)	0.024*** (0.007)	0.012*** (0.004)	0.025*** (0.004)
French Colony	-0.005 (0.016)	-0.028 (0.034)	-0.024 (0.034)	-0.011 (0.020)	-0.017 (0.017)
Poverty	0.005** (0.002)	0.016*** (0.005)	0.018*** (0.005)	0.013*** (0.004)	0.006** (0.003)
Rural	0.020*** (0.005)	0.128*** (0.017)	0.064*** (0.011)	0.051*** (0.008)	0.004 (0.006)
Num.Obs.	41769	38332	42994	42926	42653
R2	0.013	0.057	0.018	0.013	0.016

Standard errors clustered by country. *p<0.1; **p<0.05; ***p<0.01

Table A7: Values Robustness OLS 4

	Contact official for help	Refuse Taxes	Attend Protest	Reject one-party Rule	Reject Military Rule
(Intercept)	0.200*** (0.010)	0.111*** (0.012)	0.128*** (0.017)	0.489*** (0.017)	0.457*** (0.023)
Age	0.001*** (0.000)	0.000 (0.000)	-0.001*** (0.000)	-0.001** (0.000)	-0.001*** (0.000)
Education	0.020*** (0.003)	0.003 (0.004)	0.022*** (0.004)	-0.043*** (0.004)	-0.022*** (0.007)
French Colony	-0.042*** (0.015)	-0.021 (0.014)	0.017 (0.018)	-0.060*** (0.018)	0.050** (0.025)
Poverty	0.009*** (0.003)	0.011*** (0.002)	0.009*** (0.003)	0.008** (0.004)	0.006 (0.003)
Rural	0.022*** (0.006)	-0.011* (0.005)	-0.009 (0.007)	0.021*** (0.006)	-0.006 (0.010)
Num.Obs.	42804	41770	42505	42139	42009
R2	0.016	0.005	0.015	0.033	0.018

Standard errors clustered by country. *p<0.1; **p<0.05; ***p<0.01

Table A8: Values Robustness OLS 5

	Reject one-man Rule	Government Accountable	Use Elections	Many Political Parties	President Accountability	Obey Government
(Intercept)	0.403*** (0.027)	0.656*** (0.024)	0.447*** (0.018)	0.719*** (0.019)	0.541*** (0.027)	0.353*** (0.019)
Age	-0.001*** (0.000)	0.001*** (0.000)	-0.001*** (0.000)	-0.001** (0.000)	-0.001 (0.000)	0.000** (0.000)
Education	-0.022*** (0.005)	0.014** (0.006)	-0.005 (0.004)	0.016*** (0.005)	-0.007 (0.005)	-0.004 (0.004)
French Colony	-0.011 (0.023)	0.022 (0.028)	-0.019 (0.021)	-0.009 (0.027)	-0.034 (0.026)	0.000 (0.018)
Poverty	0.007** (0.003)	-0.002 (0.004)	0.015*** (0.004)	-0.004 (0.004)	0.007** (0.003)	0.008*** (0.003)
Rural	0.006 (0.007)	-0.011 (0.009)	-0.002 (0.010)	0.002 (0.009)	0.011 (0.009)	0.002 (0.007)
Num.Obs.	40384	42445	42675	42527	42245	42849
R2	0.012	0.003	0.006	0.004	0.006	0.003

Standard errors clustered by country. *p<0.1; **p<0.05; ***p<0.01

D Zero-First-Stage Test

Another test of the exclusion restriction is the zero-first-stage test (e.g., Lal et al. 2021). It is a placebo test in which the first-stage effect of a subsample of the data is zero – in other words, “never takers.” In our application, we rerun the first stage of our IV analysis only including data from Afrobarometer countries that never had a *Conseil d’État*. We can run this regression because there are countries within these data that were french colonies, but never had a *Conseil d’État*. In other words, variation exists in the dependent variable. The results of this placebo test demonstrate that there does not exist a statistically significant relationship between french colonization and vertical power in this subsample. Similarly, no statistically significant relationship exists between french colonization and horizontal power either.

Table A9: Zero-first-stage test

	Vertical Power		Horizontal Power	
	(1)	(2)	(3)	(4)
French Colony	-0.0739 (0.0486)	-0.0773 (0.0434)	-0.0146 (0.0081)	-0.0165 (0.0185)
Age		0.0001 (0.0001)		0.0003** (0.0001)
Gender		0.0011 (0.0023)		-0.0205*** (0.0032)
Education		-0.0114** (0.0043)		0.0116** (0.0028)
Poverty		-0.0042 (0.0021)		0.0038 (0.0024)
Rural		0.0049 (0.0040)		-0.0032 (0.0048)
Support for democracy		0.0255** (0.0072)		0.0596** (0.0155)
Trust in president		0.0740*** (0.0098)		-0.0518** (0.0118)
Regime Type		0.0150 (0.0144)		0.0039 (0.0727)
R ²	0.00423	0.01856	0.00433	0.01439
Observations	150,887	127,272	130,611	111,118
Survey Round fixed effects	✓	✓	✓	✓

Standard errors clustered by survey round and country. *p<0.1; **p<0.05; ***p<0.01