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Traditional Institutions and Policy Reforms: A Review of RA4 Projects

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1 The emergence of new institutions and the persistence or adaptation of traditional institutions

A long tradition in economics tends to view institutional change as driven by environmental conditions. For instance, Marx (1859) insisted on the idea that material conditions of production determine social relations of production, which materialise in a 'superstructure' including cultural, political, and legal institutions, in particular property rights and contract law. More recently, Boserup (1965), in her critique of the Malthusian approach, described the evolution of rural societies, in particular property rights and technological change, as a response to land scarcity and population pressures. In the research projects presented below, the papers by Lambert *et al*. (2019) and, to a lesser extent, Corno *et al*. (2020) follow this tradition.

On the basis of an original survey in the Democratic Republic of the Congo, Lambert *et al*. (2019) address the fascinating question how the allocation of land use rights by land chiefs responds to the relative scarcity of land resulting from colonial plantations, among other causes. They highlight systematic variations in generational distance to the land chief across villages. Land scarcity 'increases the probability that older generation keep the control over land allocation and decreases the prevalence of the situation without land chief' (p. 15). They then argue that 'keeping the land allocation distant from the current generation limits the within family inequality, while oldest brothers use their power to their advantage when it is in their hands and land scarcity gives them incentives to do so' (p. 16). They interpret their main result as indicating that 'land scarcity did not lead to higher individualization of rights within families, suggesting, on the contrary, that lower margin of rights adjustment at the village level, due to the decrease in available, collective primary forest, lead families to keep a tighter control on the allocation of their land' (p. 15). In this framework, land scarcity translates into stronger collective control over land that mitigates within-family inequality.[1]

Note, however, that these empirical results are consistent with an alternative (opposite) interpretation of the measure of land individualisation. The elder brother's control over land may indicate that family land is not divided among the brothers by the father, but remains in joint possession. By contrast, when the land chief is declared to be the father, land rights may already be individualised among the brothers, who refer to their father as being the origin of this allocation.

In another context, Corno *et al*. (2020) show how female genital cutting (FGC) can be ascribed to the Red Sea slave trade that prevailed from the 15th to the 20th century, 'where [...] infibulation was used to ensure chastity and avoid pregnancies' (p. 3). 'This was due to the role of these slaves as concubines and domestic servants in the Oriental harems in the Middle East [...]. Men were mainly used as harem guards which is why the castration of male slaves was common practice' (p. 8). 'Once the practice of infibulation [...] became associated with virginity and purity, the adoption of the practice started spreading among non-slave populations' (p. 10), in particular among groups that stressed the value of chastity (adoption was lower in ethnic groups that allowed pre-marital sex). The causal mechanism highlighted here starts with an exogenous demand for concubines in Arabia; this encouraged a

[1] Unfortunately, their results about the disequalising impact of the elder brother control over land are not as robust as might be desired.

particular type of slave trade and the dissemination of FGC as a cultural practice signalling purity.

The story provided by Corno *et al*. (2020) leaves two questions open. First, why did the practice of castration did not spread in groups where some male sub-groups were hierarchically dominated? Second, why did female genital mutilation become universally adopted among entire populations (beyond potential slaves)? In particular, it is hard to understand why 'a practice associated with shameful female slavery came to stand for honor' (p. 10).

A large literature stresses the long-term persistence of institutions beyond their material determinants (see, in particular, Sokoloff and Engerman, 2000; Acemoglu *et al*., 2001) and highlights 'institutional inertia', whereby institutions which emerged as a response to particular environmental, material, and technical conditions fail to adapt to new conditions.[2] There is something paradoxical in the idea of institutions being the product of a given environment at a given point in time and yet persisting in the long run.[3] For instance, while the most extreme forms of FGC may have been a response to incomplete contracts on slave trade routes, we are not clear about the reason for their persistence long after the disappearance of slavery. Similarly, while the traditional role of clans among pastoralists in Kirghizstan (the management of open-access pasture) became obsolete under Soviet rule, which dismantled old modes of production, clan identity and the associated networks appear remarkably resilient and still play important roles today (Guirkinger *et al*., 2021a). It is as if once in place, institutions are able to persist even if their initial raison d'être has disappeared.

This leads to the questions why and when institutions change (or fail to change). In their seminal paper, Giuliano and Nunn (2021) show how institutional change is directly related to the benefits of flexibility for societies which were historically exposed to repeated environmental changes, and thus driven to frequently adapt their behaviour. This finding suggests that some societies are inherently institutionally flexible, whereas others, embedded in a more stable environment, display stable and long-lasting institutions. Employing a variety of empirical strategies, the authors find that

> *populations whose ancestors lived in locations with greater variability of the environment across generations will place less importance on following traditions and customs. When the environment differs significantly from one generation to the next, the cultural practices that have evolved up until the previous generation are less likely to provide information that is relevant to the current generation. By contrast, when the environment is stable, the cultural traits that have evolved up to the previous generation are more likely to be suitable for the current generation and, thus, maintaining tradition is relatively beneficial.* (p. 1578)

[2] The idea that institutions do not adapt to changing material conditions was already present in Marx (1859). In the Marxist view of institutional change, the superstructure fails to adapt and remains in place until its contradiction with current material conditions causes a major change, i.e. a revolution.

[3] An added difficulty comes from the fact that long-lasting institutions are easier to observe, while a very flexible institution may not even qualify as an institution. There are therefore two biases, one observational, whereby transient institutions are left unnoticed, and one definitional, whereby such institutions may be systematically ignored because the rules they embody evolve too fast.

Besides this explanation, based on a material determinism of institutional flexibility, another line of enquiry explores the role of power relations underlying given institutions (see Torvik, 2020; and Mahoney *et al*., 2010). A dominating group has the power to craft institutions designed to serve its interests. These institutions, in turn, may reinforce existing hierarchies in society by the rule of law or, for instance, by promoting, as leaders, individuals with traits that are best suited to ensure the institution's functioning and survival.[4] Institutional persistence emerges as a consequence of this vicious circle. Relatedly, a particular institution arising in an initially egalitarian society may create new, hierarchically ordered interest groups that will see to the preservation of the institution and their own interests.

As discussed by Sokoloff and Engerman (2000),

> *the initial conditions had lingering effects, not only because certain fundamental characteristics of New World economies were difficult to change, but also because government policies and other institutions tended to reproduce them. Specifically, in those societies that began with extreme inequality, elites were better able to establish a legal framework that insured them disproportionate shares of political power, and to use that greater influence to establish rules, laws, and other government policies that advantaged members of the elite relative to nonmembers – contributing to persistence over time of the high degree of inequality*. (pp. 223–4)

By supporting the particular interests of powerful groups, the resulting institutions are embedded in a deep-rooted political equilibrium and fail to adapt to new opportunities.[5]

In this respect, horizontal institutions that support networks of reciprocity and mutual help may better adapt to new opportunities and changing conditions. Following a line of research launched by Aoki (2001), Greif (1993), and Platteau (2015), Gupta *et al*. (2019) and Dower *et al*. (2021) illustrate the role played by old horizontal networks based on castes or clans in filling the gaps left vacant by market and state failures (even if inter-caste inequalities are large and follow a rigid hierarchy, intra-caste inequality is relatively moderate). Gupta *et al*. (2019) show that the development of a major import-substituting industry was initiated by Indian trading communities (based on caste and religion), whereby the community was the main source of capital and technical know-how. They stress that

> *legal institutions in the middle of the 19th century were weak [...] and Indian traders, creditors, and manufacturers largely continued to rely on pre-existing community norms and institutions that were outside the structure of formal British-Indian law. Community networks [...] were the primary means of contract enforcement in trade and industry for the caste and religion based communities. [...] Information and trust through the community network became a substitute for well-functioning public institutions.* (p. 9)

[4] One may argue that celibacy in the Catholic Church, initially motivated by patrimonial interests, allows the selection of religious leaders who have no competing allegiance and are entirely devoted to the institution, but who also display more conservative features that contribute to the preservation of the status quo.
[5] In this perspective, one may wonder whether the regularities highlighted by Giuliano and Nunn (2021) cannot be reinterpreted in this light. Insofar as societies in unstable environments tend to be more egalitarian, they may also be institutionally more flexible. By contrast, more stable environments generate more unequal societies, with more persistent institutions.

In a similar vein, Dower *et al*. (2021) describe how clans in Kyrgyzstan, which were previously organised around the management of common pastures in a semi-nomadic society, now provide financial services to private entrepreneurs. These services come with a cost, however: 'the intrafamilial implicit contract may impose certain obligations on a business owner [...] reciprocity implies that a business owner who chooses to access kin networks for business help will likely also face pressure to provide help in turn' (p. 13). Another example is provided by Lowes *et al*. (2021). Age groups in the Democratic Republic of the Congo, which were originally initiation groups of men entering adulthood, contribute to the successful implementation of development projects and the provision of public goods. This is because an age set forms 'a cohesive group of young men that counterbalances the power of the elders who hold political positions [and] provide a check on the ability of leaders to engage in corruption and theft. Thus, the presence of age sets may act as a social structure that facilitates grassroots monitoring of the community leaders that are in charge of implementing public goods projects' (pp. 2–3; see also Laurent, 2010). These traditional institutions, by fulfilling new roles, may end up reinforced and, by adapting successfully, persist even if their original function loses in importance.

Another mechanism of persistence relies on the internalisation of informal norms and their incorporation into individual preferences. This internalisation allows for the persistence of these norms and their transmission to future generations, even in the absence of an explicit policy or will to perpetuate them. In this regard, it is striking to observe the strong support among women for the practice of female genital mutilation, even though they are themselves the first victims of this practice. Using demographic health survey data from Africa, Corno *et al*. (2020) find that, while 58% of all female respondents have undergone genital mutilation, as many as 37% of all women support the practice and believe it should continue. Relatedly, Amirapu *et al*. (2020) report interesting evidence in Bangladesh of female support for gender-biased norms and discriminatory practices regarding child nutrition and education. Using implicit association tests among women in Pakistan, Khan *et al*. (2020) find a correlation between a measure of internalised gender bias and women's participation in household decision making. A possible interpretation of this finding is that disempowered women tend to hold more conservative and gender-biased views, as if being placed in a dominated position reinforces their support of patriarchal values.[6]

In their study of women's land rights in Tanzania, Genicot and Hernadez de Benito (2019) find that female members of the village councils hold more conservative views than their male counterparts when it comes to a widow's rights, particularly when they do not have a son. Even though a new land policy aims explicitly at fostering female land rights by encouraging female participation in village land councils, female members are unlikely to demonstrate particular support for women's land claims, thereby reinforcing traditional patrilineal practices. They conclude that 'the strong gender quota on village institutions put in place by the Tanzanian law would not suffice to enforce gender egalitarian views' (p. 37). This echoes the findings by Cassan and Vandewalle (2021), in their analysis of the consequences of female quotas in village-level councils in India, whereby upper-caste women tend to promote conservative policies.[7]

[6] Clearly, we cannot exclude the possibility that more conservative women choose to participate less in household decision making.
[7] Alternatively, this may result from the higher importance placed by women on the security and protection offered by customary norms over risky emancipation.

One mechanism underlying this internalisation process is provided by Genicot and Ray (2020) in their theory of aspirations. Aspirations are typically formed within a reference group and structure an individual's set of preferences and values. A natural implication of their framework is that when the group of reference is structured around a well-established hierarchy, aspirations may themselves reinforce the rigidity of that hierarchy. For instance, in such settings, dominated groups tend to develop low aspirations, which may trap them in a vicious circle of low aspiration and poverty.

2 The mixed success of public policies aimed at changing traditional institutions

In the papers reviewed, the general diagnosis is that state policies directly aimed at institutional change largely fail to alter existing traditional institutions. This failure is all the more striking when it comes to radical policies implementing drastic institutional change. A salient example is provided by the Soviet policies to eradicate clanic structures in Kyrgyzstan investigated by Guirkinger *et al*. (2021a). Several decades of Soviet rule imposed a prohibition on any reference to clanic identity, the massive expropriation of powerful clan leaders' wealth, and their systematic execution or deportation to Siberia. In addition, under the move to collectivisation, traditional productive assets (livestock) were systematically destroyed and the traditional management practices of the clans (collective pastures) were eradicated. The new collective farms were deliberately organised against clanic lines by incorporating members of various clans in the same structure. In spite of all this, clanic identity survived and after the fall of the Soviet Union, the clans regained their importance in social and political life in Kyrgyzstan, even though their main traditional functions, centring around nomadic pastoralism, have largely disappeared. In this regard, it is interesting to note that members of wealthier clans in the 19th century were able, under Soviet rule, to secure disproportionate representation in the Soviet Supreme and enjoy today a favourable socio-economic status.

The Village Land Act of 1999 in Tanzania provides an example of an ambitious policy aimed at changing traditional land property and inheritance practices in favour of women, following the formal gender equality provision of the country's constitution. Genicot and Hernadez de Benito (2019) show that, 20 years later, women still own little property independently of their husbands and are particularly vulnerable in cases of divorce or widowhood. They conclude that under the pressure of customary patrilinear practices, women's rights remain fragile against claims from male members of husband's clan.

These experiences seem to call for a more gradual approach to institutional change. A first argument in favour of gradualism is that radical changes may have large redistributive effects (in the broad sense), generate much uncertainty, and jeopardise established hierarchies. Large enough support in favour of the reform is therefore harder to secure and a majority prefers to maintain the status quo in which their private interests are not under threat. As shown by Fernandez and Rodrik (1991), the stability of the status quo may persist even if the reform, were it fully implemented, would be ex post supported by a large enough consensus. More gradual or stepwise policies, which only marginally affect established interests at a given point in time, may be easier to implement with popular support (Gulesci *et al*., 2021; see also Aldashev *et al*., 2012). Relatedly, reforms that have little distributional consequences are arguably easier to carry out, in contrast with those questioning established hierarchies. For instance, the success of community forest management in Nepal can be partly ascribed to the fact that the benefits of the reform were spread across all villagers and were, in a sense, Pareto improving (Libois *et al*., 2021).

Another mechanism in favour of gradualism lies in the theory of aspirations developed by Genicot and Ray (2020), whereby socially determined goals that are too distant lie outside the 'window' of aspiration and are thus ineffective or discouraging. Modern public policies promoting Westernised values, such as gender equality, may be too different from local

norms and thereby generate frustrations, conservatism, or scapegoating towards the Westernised elite. As illustrated by the recent rise of Islamic fundamentalism, reforms that are too radical may seriously backfire when a large share of the population feels disenfranchised (Platteau, 2017).

One problem with gradual reforms is that the changes they propose may appear too hesitant, with too many exceptions, with the result that the proposed policy does not credibly support a viable alternative. One illustration is provided by Amirapu *et al*. (2020), who investigate the consequences of a strengthening of the ban on child marriage in Bangladesh. The results of the policy are disappointing as they find few overall effects on beliefs and attitudes towards early marriage. Moreover, when informed not only about the progressive aspects of a new law, but also the potential exceptions, respondents tend to express more conservative views than the control group, as if the policy, once fully explained, goes against the stated objective of reducing child marriage. We interpret this outcome as the consequence of the ambiguity of the message carried by the new law. One possibility is that the provision of exemptions harms the credibility and the enforceability of the new policy. Alternatively, these exemptions may signal that the policymaker is actually more conservative than previously believed.[8] Interestingly, Amirapu *et al*. (2020) also show that the policy has no effect on beliefs about the attitudes and practices prevalent in the community, suggesting a strong resilience of traditional practices (even if individual opinions differ).

Another problem with gradualism is that reforms designed to preserve some of the traditional norms and practices may fail to change beliefs about the socially appropriate behaviour which constrains individual initiatives. This echoes the findings of Bursztyn *et al*. (2020), who show that the vast majority of young married men in Saudi Arabia privately support their wives working outside the home but substantially underestimate support by other similar men. These erroneous beliefs lead them to restrict their wife's participation in the labour market for fear of stigmatisation and social sanctions. This suggests that traditional institutions are particularly effective at shaping beliefs and constraining individual behaviour, thereby guaranteeing social practices in line with traditions. As a consequence, formal institutional reforms may be more effective if accompanied by policies targeted at collective beliefs and attitudes.

[8] This argument may explain the results obtained on the contribution to the non-governmental organisation fighting child marriage. The ambiguity of the law in Treatment 2 (the introduction of exception) makes the public discourse less credible, so that non-governmental organisation support would be ineffective. Alternatively, Treatment 1 may reveal a norm that people choose to support (and since Treatment 2 reveals a less progressive norm, people stick to their prior attitude).

3 Traditional institutions and female empowerment

Several papers in this programme investigate institutional changes aimed at female empowerment. A first difficulty is that female empowerment is conceptually unclear and economists tend to use this concept in an *ad hoc* way, without making rigorous references to the relevant literature. (A good reference in this regard is provided by Donald *et al*., 2020.) One difficulty arises from the multiple dimensions of empowerment. Donald *et al*. (2020) distinguish between three critical dimensions: goal setting; perceived control and ability to initiate action toward goals ('sense of agency'); and acting on goals.

Yet existing frameworks for measuring women's agency – both disorganized and partial – provide a fragmented understanding of the constraints women face in exercising their agency, thus restricting the design of reliable and valid interventions and evaluation of their impact. (p. 200)

Quantitative work in economics focuses either on formal rights, decision taking, or a set of selected outcomes, which are implicitly compared to a predetermined benchmark, such as gender formal equality or shared decision taking. These attempts offer a partial, and potentially biased, view of female agency, and typically fail to make explicit their reference point and justify its relevance.[9] In particular, both the existing economic literature and policy prescriptions tend to neglect the goal setting dimension, by ignoring 'what women really want'. They evade this difficult question and impose predetermined criteria that may be at odds with women's preferences.

In this regard, several interventions can be viewed as authoritarian and paternalistic, imposing norms perceived by women as contradicting their values and preferences. As a result, a conception of female empowerment as a right to self-determination may lead to disappointing choices and outcomes to the progressive observer. Women, in particular, may be more conservative than hypothesised by a well-meaning reformist, all the more so if they feel protected by the traditions. Thus, in West Africa, women's views on polygamy may be much more nuanced than expected (Guirkinger *et al*., 2021b). Similarly, the papers in this programme that deal with FGC or the age of marriage show that women may express very conservative views on practices that in the West are perceived as oppressive. The debate around wearing the veil in Western Europe provides a striking illustration of this tension. 'Veiling has become a focal point for debate about multiculturalism and religion. In 2004, France introduced bans on the Muslim headscarf in public schools. [...] The political interest, however, has outpaced our understanding of why women veil' (Carvalho, 2012: 337). Carvalho argues that veiling is a strategy for female empowerment that signals their attachment to tradition, while enabling them to take up new economic opportunities. Ironically, a ban on veiling can inhibit social integration and increase religiosity (for other examples of backlash effects of gender-equalising reforms, see Klasen, 2020).

Economics provides little guide on how to conceptually and empirically define 'real' preferences and to differentiate them from 'expressed' preferences. Women themselves may

[9] As we discuss in a related paper, the typical reference point of participation to joint decision making is probably misleading. Delegation, which involves no participation in the decision, may in fact indicate a greater level of cooperation and female agency (Baland *et al*., 2021b). Relatedly, in the Filipino context, entrusting women with the management of the household budget does not translate into enhanced perceived control over its use (Baland *et al*., 2021a).

not be aware of, or realise, all the possible options open to them. In a sense, these options lie outside of their 'windows of aspiration'. Moreover, these options sometimes require anticipating the long-run consequences of legal changes or the emergence of a 'new social equilibrium'. And social changes may require coordinated action that may be individually harmful if undertaken alone. In this respect, we can hypothesise that resistance to reforms is all the stronger as these reforms involve radical changes that destabilise the status quo and have consequences that are harder to visualise. Women may therefore appear to be resisting progressive social changes by failing to anticipate their consequences and focusing on the individual, short-run costs.

4 Concluding remarks

This programme provides several examples of traditional institutions, such as patriarchy or clan, caste or ethnic groups, that are remarkably resilient. We can hypothesise that these institutions are 'fundamental' because they constitute the basis of social identity. As has been shown, these fundamental institutions can persist, even when they are anachronic, or adapt to new opportunities or conditions, without being structurally transformed, as the example of clans in private entrepreneurship in Kyrgyzstan illustrates.

In terms of policy, reforms that directly target these institutions, such as proclaiming gender equality as a constitutional right or prohibiting reference to ethnic identity, are rarely successful. Instead, addressing some of their negative expressions or consequences may prove more effective. In particular, as these institutions filter the consequences of many reforms, ignoring them altogether may generate unexpected or undesirable outcomes.[10]

Policy-wise, a promising avenue is provided by two of the reforms investigated in this programme, whereby an existing informal institution is leveraged to implement a particular reform (see also Fafchamps, 2020). Thus, the paper on age set in the Democratic Republic of the Congo describes a carefully designed intervention in which age sets were used in order to improve the efficiency of public good delivery by providing checks and balances on traditional village authorities. Similarly, the new land law in Tanzania, aimed at improving women's access to land, gave explicit power to traditional village institutions to settle land conflicts, while strengthening female participation in the village council.

[10] Thus, under the recent land titling programme in Benin, women responded to this exogenous tenure security improvement by shifting investment away from relatively secure land towards less secure land to maintain their rights on these parcels (Goldstein et al., 2018).

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