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Manipulating the State: Legal Evolutions and the Emergence of Corruption in Colonial and Independent Cameroon

ABSTRACT

This paper examines political and cultural change in Cameroonian society through the lenses of corruption and legal manipulation in the period of waning French colonial mandate administration to the early post-independence period in Africa. The private transactions, extensions of influence, and legal interchange that defined the private individual's interaction with the governing authority under colonialism and independence included litigious forms of wielding power as well as corrupt negotiations between individuals. The manipulation and transformation of French law and African custom throughout the colonial and decolonization periods perpetually redefined the process through which the everyday African could assert himself as a subject or a citizen and make demands on federal as well as local structures of control. This study seeks to understand the beliefs everyday Cameroonians hold and have historically maintained concerning the normative correctness and "legality" of government structures, officials, and processes. Further, it asks how African individuals came to reason such standards of political ethics and legal appropriateness in interacting with the legislative and judicial bodies that governed them. In analyzing Cameroon's history the historian can assess the extent to which the government meets "correct" legal and judicial standards in the contemporary period and, more importantly, how the legal conflicts of the decolonization process helped form the current state of "illegality" in which many Cameroonians live today.

PROJECT STATEMENT

This paper analyzes dilemmas of law, justice, and corruption in Cameroon, in the colonial and the decolonization periods.

The first section investigates the development of legal and administrative institutions in French mandate Cameroon in the colonial era. The establishment of "native tribunals" governed by customary law in the rural areas were instituted by the French government at the same time as the French Civil Code was brought to large cities for colonists and assimilated Africans. The growth and modernization of the judicial and

administrative branches in colonial Cameroon coincided with the explosive growth of civil society and participatory government in the populace.

The next section situates this changing judicial and administrative apparatus in three central contexts of the decolonization process in Cameroon: the independent government's experience in succeeding the imperial legal system and maintaining certain structures of privilege, authority, and a divided system of justice despite its own recognition of the ethical questionability of such acts; the individual Cameroonian citizen's relationship to the new government and his or her new ideas regarding ethics, rights, and liberty, as well as the development of new strategies of litigation, legal manipulation, and corruption in order to contend with the independent state's unethical laws and regulations; and lastly, the Cameroonian judiciary's position in the various political and legal battles that took place throughout the first years of independence, and its adjudication of the African population's demands for new legal and moral authorities that would do away with the bifurcated legal system that segregated rural and urban citizens and contributed to altered forms of justice and progress in the country.

My study bridges the French colonial period and the postcolonial era and ends in 1970.

This study is unique in that it addresses the limits of the state's influence on the everyday African's understanding of ethics, justice, and human rights. European laws that disrespected African individual choices, local traditions, or commonly understood ideas were relentlessly challenged and negotiated in the colonial as well as the postcolonial period. However, in addition to facing challenges, the Cameroonian government and judicial branch also forced compromise.

The notion of 'corruption' within the limits of this dissertation includes illegitimate political processes, self-interested economic decision-making, judicial manipulation, and the allocation of privilege. Research reveals that it also could be integral to the state's vision of administrative control as well as the central feature of individuals' actions taken to limit such domination. My work seeks to do more than assess the analytical properties of corruption. I wish to locate corruption's deeper roots in the history of public legitimacy in Cameroon and understand how nationalist agendas across Africa have historically created a culture of distorted development in the political or economic sphere.

This project addresses issues the techniques of governance and their engagement with individuals' own sense of Law and Right. African politics changed profoundly throughout the colonial period, and an individual's identification as a subject or a free citizen influenced his or her political, economic, and moral decisions.

This study will draw upon thousands of pages of correspondence, court filings, and judicial reviews that I have located in the Cameroonian and French archives to trace the growth and transformation of state bureaucracy and corruption between 1940 and 1970. My preliminary research introduced to me the characters, situations, and interactions that will form the source base of my dissertation. I spent this past year in the National Archives in Yaounde and the Archives of Douala in Cameroon, as well as in the Archives Outre-Mer in Aix-en-Provence, France on a Fulbright Fellowship and a Social Science Research Council Scholarship.