THE INTERNALIZATION OF LAW IN A DEVELOPING COUNTRY

The Ivory Coast's Civil Code*

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The literature on the effectiveness of law points to three principal factors in public acceptance of new legislation. The first of these is the degree to which the law conforms to social mores (Sumner, 1906; see Kutchinsky, 1973:102). The second is the extent to which the state enforces the law. Individuals may accept legal change out of fear of the sanctions for non-compliance, although there are limitations on the use of coercion as the basis of law enforcement (Skolnick, 1968; Schwartz and Orleans, 1967).

This inquiry looks at the third factor influencing effectiveness, the legitimacy of the lawgiver, and of "law" itself (Berkowitz and Walker, 1967). An individual may act in compliance with a law because, once aware that given behavior is a subject of law, he learns to conform to it "in situations that arouse impulses to transgress and that lack surveillance and sanctions." This is the definition given by Kohlberg to the process of internalization (1968:483). The task of the researcher is to determine the degree to which awareness of a law changes public perceptions of behavior under its purview.

Most discussions of social legislation, and all attitude surveys on the subject, have been set in the context of western, economically advanced societies; one study (Van Houtte and Vinke, 1973:15-18) even suggests that such research is useful only in industrial societies.[1] Yet, some of the most dramatic contrasts between "stateways" and "folkways" appear in those less-developed societies experiencing rapid and abrupt changes in social and economic relationships. Also, many governments in these countries

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have severe limitations on the resources they can use to enforce legislation that fosters economic or social change, while paradoxically they are embarking on massive efforts for change.[2] Internalization is more critical for compliance with such legislation in these countries than in the industrial world. Abrupt departures from folkways and weak coercive capabilities would seem to render developing countries particularly appropriate locations for studying the capacity of law to induce attitude change.

This study looks at new family law in the Ivory Coast. It examines the level of attitudinal congruence with, and awareness of, the law among a student population. The various features of this body of law have greater relevance to some individuals than to others because of differences in culture, religion, age, and sex. Our first effort is to see whether greater "stake" in a provision, as predicted by such characteristics, results in better knowledge of that provision, and better-defined attitudes toward it. Scores on awareness of the law, and on attitudinal congruence with it, are than aggregated to see whether there is a relationship between them. Finally, to return to the principal hypothesis outlined above, the attempt is made to order the awareness and attitude variables causally, and to control for likely intervening variables, to determine whether awareness of the law has any independent effect on the students' attitudes toward law-relevant subjects.

We surmise that, for those provisions showing the hypothesized relationships, there exist potential "client groups" whose interest in the law will result in an impact of the law on behavior. Where there are no such relationships, we seem to have a case of "fantasy law,"[3] enacted without reference to social dynamics in the country concerned and unlikely, in the absence of state coercion, to have any impact on them.

The Context of the Inquiry: Custom and Law Related to Family Relationships in the Ivory Coast

Traditionally, marriage in tropical Africa was an exchange between two families. The interests of the spouses were subordinated to the benefits accruing to their kin groups.[4] The spouses could influence the choice in varying degrees, but their socialization placed great stress on the paramount importance of the extended family's well-being. The European ideal of the primacy of the nuclear family was introduced in the colonial period, and was emphasized in missionary education; it has been most attractive to those individuals whose education or whose involvement in the modern economy increased tension in their roles vis-à-vis the extended family, but has fully supplanted the traditional model for only a small fraction of the population (Goode, 1963:168-174). A 1967 survey indicated that forty-three percent of the population of Abidjan (capital of the Ivory Coast) lived in conjugal family arrangements, but in an estimated two-thirds of these cases, nuclear families lived in isolation because of the constraints of urban life, and not by choice (Ivory Coast, Commission Interministérielle, 1967:32).

The nature of marriage and family relationships in the Ivory Coast is best seen in an examination of some specific institutions and practices, each of them an element in a complex structure of values and norms governing family roles in the recent past.

Polygyny: It has been estimated that there are 143 married women per 100 married men in the Ivory Coast. Within the country, the prevalence of this practice varies widely, from an incidence of near 100 (that is, virtually no polygyny) in some coastal villages to about 150 in the north and west of the country (Ivory Coast, Ministère du Plan, 1967a:109; Auge, 1969:116). Incidence is roughly inversely proportional to variation in modernization indices, which generally register decreasing values as distance increases from the capital, Abidjan. Polygyny is commonly felt to disappear with urbanization and industrialization (Goode, 1963:187); however, Clignet's study cautions that the urbanization/polygyny relationship is complex, with a considerable lag in attitudinal adjustment to a situation where plural marriage loses its economic rationality (1970:102-03). Among other factors affecting attitudes toward polygyny, post-primary education for women seems to be by far the most significant; educated women, then, can be expected to form the most reliable client group for legal efforts against the practice of polygyny.

Age, Consent, and Bridewealth: African men are generally older at first marriage than are women. In the past, girls in most African cultures married soon after puberty, while marriage for boys depended on their ability, or that of their fathers or

uncles, to pay bridewealth. The average age for girls at first marriage in the Ivory Coast was estimated by Raulin at fifteen, while that of men seems to be about thirty (1968:226). While the general effect of modernization is not entirely clear, secondary schooling necessarily forces up the marriage age of girls. A drop in average male marriage age seems to depend on the acquisition of independent means to pay wedding expenses and support a household.

A related question concerns the degree of discretion allowed to an individual in the choice of a marriage partner. Since marriage was traditionally a contract between kin groups, such discretion often had to be subordinated to the interests of the groups as defined by their elders. Nevertheless, even traditionally it was normal in betrothals to consider the feelings of the parties involved. Now the situation seems to be that young men have the initiative in a decision which concerns them, as do many young women; and young women can at least veto pre-arranged family choices. But, if the initiative has shifted to the partners themselves, all studies which mention this stress the continued necessity of obtaining family approval for the choice made. In all areas of the Ivory Coast kinship ties are still sufficiently strong to render unthinkable any action that risks family ostracism (see, e.g., Allusson, 1967:250; Lystad, 1959: 191).

A factor impinging on young people's independence in marriage, and on the very cohesion of African kin groups, is the importance of monetary or material inputs involved in bridewealth, i.e. marriage payments. Some material consideration was required in most African societies, "to legitimize and stabilize a marriage, to recompense the bride's parents for the loss of their daughter, and to serve as a guaranty that the husband will fulfill his obligations" (Murdock, 1959:24-25). The value of the exchange seems generally related to the importance of the rights acquired by the husband's family; thus, it has usually been higher in patrilineal than in matrilineal societies, since children in the former would belong to the father's kin group. Payment may be in goods, services, or kind, but in all cases the practice leads to development of a system of exchange, in which the "debit" transactions of a family in marrying its sons are balanced off by "credit" transactions concerning its daughters. To the degree that the medium of exchange is under the control of kin-group elders, their authority over the timing of marriages and the choice of partners is enhanced (Goody and Tambiah, 1973:5; Nimkoff, 1965: 43).

The effect of the increasing economic independence of the young in a growing monetary economy should be to weaken the control of kin-group authorities over marriages, since goods previously under their exclusive control are now distributed more widely. In some cases, however, concomitant changes in the bridewealth system have reduced, and sometimes even negated, the inde-

pendence of young people in marriage. A complex pattern of factors is involved: The money economy has expanded the market of potential suitors for an available bride, while--as larger scale social organization becomes more meaningful--her family has felt less need to use marriage in cementing ties with local families (Allusson, 1967:226). Money has replaced goods and services as the medium of bridewealth, and the sum involved has risen as the cash economy has expanded (Terray, 1969:325-332; Schwartz, 1968:18). The inflation of bridewealth has not affected all societies uniformly; it is directly related to the level of economic development in a region, but is also closely tied to the traditional material worth of the exchange. Thus, in the Ivory Coast, the highest levels of exchange are found in the more economically developed south, and in the patrilineal west. In some areas, the material value of bridewealth has remained nominal, and is of no great concern; but where factors of development and patriliny are combined, as among the Kru peoples of the western-central region of the country, figures are truly astronomical, reaching the equivalent of four to five hundred dollars in an area where the average per capita income is about thirty-six dollars per year. Bridewealth is never paid in a lump sum, of course, and may be stretched out over the life of the marriage; but the control over marriages that thus remains in the hands of the kin groups is considerable (Ivory Coast, Ministère du Plan, 1967b:98; Clignet, 1964:212, 1970:74; Paulme, 1962:77; B. Coulibaly, 1967:433, 435-436).

In the value systems prevalent in Ivoirian rural society, this inflation has not produced client groups in favor of the abolition of bridewealth. The young man who might refuse to pay would soon lose his bride-to-be to another; the payment obligation is not on him, in any case, but on his family. Consequently, a "modern" attitude is likely to favor decreased control by the elders over family resources, while leaving the onus of payment on the father or uncle. The elders are willing to accept this responsibility to the degree that it maintains their authority. The young woman who agrees to marriage without bridewealth finds herself taunted by her comrades because her husband and her own family value her so little. It is only those imbued with the western ideal of conjugal love as the basis for marriage (as a result of educational or religious experience) who object to the continuation of bridewealth. For others, bridewealth, like the western marriage ceremony, is important in legitimizing the cohabitation of a man and a woman, and it is not to be expected that a public exchange of vows will soon come to be a satisfactory replacement.

Divorce: In western practice, there have characteristically been "grounds" for divorce, explicit listings in legal codes of types of behavior for which a wronged spouse may be granted a divorce. Grounds were much less explicit in most Ivoirian societies; still, the types of behavior on which marital disputes

were based, and their relative gravity, seem to have been quite similar in most Ivoirian communities. The sterility of the spouse seems universally recognized as a sufficient cause. Other generally serious offenses include adultery (only by the wife), mistreatment, insulting the spouse's family, and sorcery (Ivory Coast, Ministère du Plan, 1967b:99; Allusson, 1967:247-8). Divorce normally entailed the return of bridewealth; in areas of high bridewealth, then, a woman whose family would find it difficult to reimburse her husband's marriage payment might find herself in virtual bondage if her marriage were unhappy. This, and the double standard as regards marital infidelity, put the wife at a considerable disadvantage in access to divorce.

Inheritance: Although it is sometimes useful to distinguish between the transmission of status, or succession, and the transmission of property rights, or inheritance, the rules of inheritance in the Ivory Coast have generally remained closely correlated with succession rules, themselves tied to the mode of reckoning kinship.

In western practice, descent is usually traced bilaterally; that is, relatively equal importance is attached to paternal and maternal ancestors. In most African societies, however, and in all those of the Ivory Coast, descent is--or was until recently--unilineal. But, as we have had occasion to observe previously, unilineal reckoning may be either patri- or matrilineal, and the culture areas that meet in the Ivory Coast are different in this respect.

Patrilineal descent and succession is similar to European primogeniture, and thus seems familiar to the western reader. Matrilineal succession is complicated by the fact that, although based on maternal descent, the parties who succeed to authority roles are men. Thus, whereas in patrilineal societies an eldest son will inherit from his father or his father's brother, in a matrilineal society the eldest son looks to the last of his mother's brothers for his inheritance. It must be remembered, however, that in either case inheritance is usually adelphic; that is, it is the deceased's oldest brother who stands first in line of succession, then his other brothers. Only after his entire generation is gone would either son or nephew, as the case may be, come into line for his inheritance (see Kobben, 1956:52, 1964:77-80; Holas, 1962:36; Terray, 1969:146).

It has been suggested (Goode, 1964:60-61) that a close father-son interaction in matrilineal societies--as occurs in the spread of a family-unit plantation economy--creates a "natural" desire in the father to bequeath his possessions to his sons. Since father-son interaction is equally close among patrilineal peoples in the same work situation, the same "natural" forces should presumably be at work promoting the son's interest at the expense of his father's brothers. It is hypothesized here, then, that the potential for conflict is more closely related to the

level of economic modernization than it is to the mode of descent reckoning, and will be in greater evidence in the Ivory Coast in the southern forest area than it is in the less-developed northern savanna.

The Subject of the Inquiry: the Ivoirian Civil Code

Parallel to the clash of western and traditional values in the definition of family relationships in the Ivory Coast is the uneasy co-existence there of two legal traditions. Colonial authorities brought European law to urbanized Ivoirians but allowed traditional chiefs to continue applying customary law in rural areas. Thus, the Ivory Coast and other African states came to independence with dual legal systems (Rheinstein, 1963:222–223).

Many independent African governments have not felt it possible to apply a single body of law to both the urban, western-educated "bourgeoisie" and the subsistence farmers of isolated areas, and they have continued the dualism. Others hope to bring common principles of traditional African legal systems together in a unification of African law by means of "restatements" applicable to the whole country, or at least to the entire rural population (Cotran, 1968:27–31). In African experience, the Ivoirian approach to the problem is paralleled only by that of Ethiopia: The governments of these countries have adopted a uniform body of law that is foreign to the traditional values of any indigenous culture. For this reason, the Ivoirian legislation is a particularly useful object of analysis-an extreme case - in determining the degree to which, and under what conditions, law can promote social change through its impact on the attitudes of various segments of the population.5

On October 7, 1964, the National Assembly of the Ivory Coast enacted a set of ten laws, which treated, respectively : (1) names, (2) the collection of vital statistics, (3) marriage, (4) divorce and judicial separation (5) paternity and filiation, (6) adoption, (7) inheritance, (8) gifts between living persons and testaments, (9) implementing provisions, and (10) regulations concerning the obligation to register births, marriages, and deaths. These laws constituted the most important block of legislation thus far in what the government intends to be a comprehensive civil code on the Napoleonic model, a rationally organized compendium of civil law. It has been commonly referred to, officially and unofficially, as the "Ivoirian Civil Code," even though it includes, as yet, only the civil law relating to marriage and the family. By an executive decree, most of these laws were made effective as of December 8, 1964 (6 Journal Officiel, 10/27/64, 12/17/64).

According to official rationales, the new Code was designed to strengthen the nuclear family, and to foster acceptance of it as the form of social organization most appropriate to modern life (see Abitbol, 1966; L. Coulibaly, 1967). The institutions that are the target of the law were generally singled out for attack

long before the formulation of the Code, as practices opposed by the colonial administration and by westernized Africans. These include polygyny, arranged marriages, bridewealth, the inferior position of the wife in marriage and in divorce, and adelphic inheritance; in other words, the behavior patterns considered most incompatible with the western, Christian, nuclear-family ideal.

The Code is largely drawn from the French Civil Code, especially as modified by the laws of February 18, 1938, and September 22, 1942, but excluding more recent reforms of French family law (see Decottignies, 1965:267). The choice of the French model was not surprising: Most of the Post-Independence leadership came from that portion of the country's population which had met French standards for "assimilation" in the colonial period.

The principal points on which the Civil Code diverges from prevailing norms are as follows:

(1) The practice of polygyny was seemingly abolished by the provision that "No one may contract a new marriage before the dissolution of the preceding" (6 Journal Officiel 1440, 10/27/64). The effect was softened, however, by the transitional provision that marriages contracted in conformity with customary law previous to the enactment of the Civil Code remained valid, provided they were registered with the administration. Still, a polygynous husband could thenceforth contract no valid marriage until all previous marriages had been dissolved. There is no provision for sanctions, however, in case a man does take another wife according to custom, and does not register the marriage; the state simply withholds recognition of such marriage, and in its eyes the marriage does not exist[6] (6 Journal Officiel 1464, 10/27/64).

(2) Marriages can no longer simply be arranged by the families concerned. Rather, each of the partners must declare personal consent[7] before the official performing the marriage. The possible impact of this provision is reduced by the fact that violation has no effect on the legitimacy of the marriage, unless one of the spouses subsequently takes action to have the marriage annulled.

(3) The Ivoirian Code set a minimum age for marriage of eighteen years for women and twenty years for men, thus departing both from custom and from the French model (fifteen years for women and eighteen for men) (6 Journal Officiel 1440, 10/27/64). The drafters seemed to be concerned here with internal consistency in the implementation of the Code. Given the emphasis on the expressed consent of the partners as a condition of marriage, a high minimum age for the marriage of women was seen as necessary to ensure that they would have the maturity and independence to make a truly voluntary choice (see Raulin, 1968:226-227).

(4) The payment of bridewealth is forbidden. One of the few provisions for criminal prosecution in the Code subjects anyone who solicits, accepts offers of, or promises bridewealth, to six months to two years in prison and a fine of double the value of bridewealth involved (but not less than 50,000 francs). Furthermore, bridewealth payments for marriages contracted previously can no longer be the basis for civil claims (6 Journal Officiel 1464-65, 10/27/64).

The criminal provision is less clear-cut than it might seem at first, however, because a "gift" is not considered bridewealth unless it is a necessary condition of the marriage. The bridegroom is not prevented from showing his generosity to the bride's parents, unless it can be shown that they would not otherwise have allowed the marriage; thus, the prosecutor would have to determine whether a suitor was rejected because of the insufficient value of his "gift," or for some other reason.

(5) The only allowable form of property relationship between husband and wife is joint ownership or community property. Common ownership extends to the salaries and income of either spouse, and all goods acquired by them as a result of their efforts as well as to gifts or bequests acquired by them conjointly. Excluded are whatever goods they possessed at the time of marriage, and gifts or bequests received by one of them individually. All such property is administered by the husband; provision is even made for him to collect his wife's salary (6 Journal Officiel 1444, 10/27/64). Traditional marriage was generally characterized by separate ownership, in that goods acquired by either spouse would remain the property of that individual and his or her extended family upon dissolution of the marriage. The change is fundamental, and represents a key aspect of the drafters' design to shore up the conjugal family as an independent unit. The hierarchy of authority that characterized the traditional extended family is replaced by a new arrangement that is equally as hierarchical, for the husband is established as undisputed head of the household.

(6) There is an enumeration of explicit grounds for divorce or legal separation. They are (a) adultery; (b) violent behavior, ill treatment, or serious insult; (c) (criminal) conviction for activities reflecting adversely on the other spouse's honor or esteem; and (d) the abandonment of the family or the family home. Any of these may be the basis for divorce if such behavior "renders intolerable the maintenance of the conjugal tie or life together." (6 Journal Officiel 1445, 10/27/64). Although the court is given a considerable range of discretion in determining whether the alleged behavior renders continuation of the marriage intolerable, the range of relevant behavior is clearly more restricted than was the case with customary law. What is more, the law departs sharply from custom in making no distinction between husband and wife as to appropriate grounds.

(7) In inheritance, the Civil Code broke with tradition in giving precedence to the deceased's children and descendants over members of his own generation. In the absence of a testament, the children of the deceased inherit in equal parts, without distinction of sex or order of birth, to the total exclusion of all other claimants. It should be remembered, of course, that because of the community property provision, a surviving spouse automatically receives one half of the couple's property and wealth before the estate is opened to claimants. Parents, brothers and sisters, surviving spouses, and relatives enter into the picture only if there are no children or direct descendants. The automatic operation of these rules may be modified only to a limited degree by testament.[8]

The new succession law also eliminated the customary distinction between personal and family property; family or lineage property administered by the family or lineage head will now be considered part of the latter's personal heritage upon his death (see Ivory Coast, Ministère de l'Information, RTI, 1968:690).

These marked departures from customary lines and distinctive types of inheritance are compounded by the rigidity of shares prescribed by the Code. Customary law was much more flexible in considering such elements as the relative needs of the various claimants, for example, and a given claimant might have been totally excluded if he had already received a substantial inheritance from another estate. In the Civil Code, on the contrary, there is no allowance (in the absence of a will) for the discretionary consideration of such extraneous factors as might have influenced the division of inheritance previously.

Client-Group Hypotheses

The purpose of this discussion has been not just to provide background information for the information on attitudes that follows, but rather to analyze the social setting of each of these practices for factors that would cause some sectors of the population to be more interested than others in taking grievances to the courts. Concerning polygyny, we have identified women with post-primary education as one such potential client group. On the subject of bridewealth, young people from the high-bridewealth western-central region of the country have been so distinguished; particularly young men, who must either make such payments themselves, or bear the family interference and control that accompany kin-group assumption of the financial burden. Married women (at least those who have unsatisfactory marriages) would be expected to have the greatest interest in the divorce provisions. The regulation of inheritance would be most likely to affect young people from the economically developed southeast. Age and consent requirements would seem to affect girls more than boys. We will test at least some of these hypotheses against the attitudes and awareness of a student population.

The Congruence of Attitudes with the Civil Code

Ivoirian attitudes toward family roles were evaluated here through a sample survey conducted among secondary students. In 1971 the author administered a French-language questionnaire to 1114 students in the troisième année--the tenth year of formal education. This sample, which included roughly fifteen percent of Ivoirian students at this level, was obtained through the deliberate selection of twelve schools of various size in the different sections of the country, including four girls' schools.[9] The student population is particularly important in an assessment of the attitudinal impact of the Code, and of the chances of diffusion of those attitudes in Ivoirian society as a whole, because it is an elite element, one most exposed to the stimuli toward changing family relationships. The congruence of student attitudes with the provisions of the Code may be seen as a sine qua non for internalization of these legal changes among the general population; if this group is not receptive to the changes embodied in the Civil Code, it is likely that their less-educated counterparts are even less inclined to approve them.

On the other hand, one should not construe our usage of the term elite too narrowly. Although they comprise only about five percent of Ivoirians at their age level, and are thus appropriately labeled "the fortunate few" (Clignet and Foster, 1966), these secondary students are not drawn from any long-established elite category. While there are serious inequalities among ethnic groups and socio-economic categories in the recruitment of secondary students, two-thirds of their fathers received no formal education, and only nine percent of the fathers went beyond primary school (Clignet, 1967:368). This is not surprising when it is realized that there were no secondary schools in the Ivory Coast until after World War 11, and that as late as 1951, less than eleven percent of school-age children received any primary education (Staniland, 1971:34). The sudden expansion of education after World War II introduced a large part of an entire generation, drawn from an illiterate rural background, to formal education. Seventy-six percent of the 737 male respondents and thirty-two percent of the 377 female respondents in this study said their fathers were farmers, about two-thirds of the total sample. Whatever divergence may be found, then, between the values expressed by secondary students and those expected in the general population, is the result of a socialization that has only recently separated them from their cultural origins. Their experience is thus quite relevant to the likelihood of wider acceptance of the new legal norms.

Of central importance here is the students' evaluation of the nuclear family model on which the Code is based. The evidence points to a dissonance of beliefs that young Ivoirians have not resolved. Respondents were presented with the following description of western family life:

> You have probably seen in the movies or have heard about the manner of life in a European or American family. Usually the husband, wife, and children live together in their own house. Most husbands and wives live together all their lives, and they never live with other men and women. Most families have just one, two, or three children. Most families spend quite a lot of money on their children. Very often for entertainment the whole family goes for a drive in the country or they picnic at the beach.[10]

They were asked to indicate the good aspects of this life style, and then to state what they thought was bad about it. Although the response format was open-ended, answers generally fell in clearly definable categories comparable to those constructed by Caldwell for his married Ghanaian respondents (Table 1). In enumerating good aspects of this style of life, the Ghanaian and Ivoirian samples were also quite similarly distributed; there is a striking contrast, however, in the distribution of responses to the question, "what do you think is bad?", in the greater impression of isolation and selfishness that the description made on Ivoirian youths, and the corresponding lack of "nothing bad" responses. The fact that almost half the Ivoirians described the European life style as isolated or egoistic is all the more remarkable in view of the fact that no mention was made in the question of the amount of contact, or the nature of contact, with the family's relatives. The high incidence of this type of inference suggests that these students already had some ideas as to the nature of European family life,[11] or that the life style described suggests something of their own experience in changing family relationships. The difference between the two samples is not surprising, for the Ghanaian elites were living in cities, in single-family units, and many had grown up in such an environment, in contrast to the generally rural, agricultural backgrounds of the young Ivoirians.

The fact that most (73 percent) of the Ivoirian students cited both good and bad aspects of the European family-life model reflects the ambivalence of their attitudes on the subject. To quote directly from the students' responses:

> It is an excellent way of life, especially the affection shown the children, but I would accept any member of my large family who found himself in difficulty. (boy, 17)

> (good) One is not disturbed by other people, the family can easily meet its needs, there are not many children and they can be cared for. (bad) If the parents die while the children are still very young

Table 1. Evaluations of the European-American family life style by Ivoirian secondary students and Ghanaian married adults

Ivoirians			Ghanaians	
		(Females)		
Good in this type of life:				
All good	6%		More closely knit, happier family	56%
Happy	15			
Permanent, intimate	19	53		
Conjugal family	19		Better for childrens' development	23
Good for children	24		Such families are cheaper	3
Economic advantages	1		Other responses	10
Other responses	3		Nothing good	4
Nothing good	1		No response	4
No response	12			
Totals	100% (378)			100% (331)
Bad in this type of life:				
Isolation, "egoism"	36		Dull, selfish, unsociable	18
Bad for children	11		Lack of mutual help	18
Not enough children	8		Bad for childrens' characters	8
Other responses	9		Other responses	8
Nothing bad	16		Nothing bad	38
No response	20		No response	10
Totals	100% (378)			100% (331)
		(Males)		
Good in this type of life:				
All good	6%		More closely knit, happier family	56%
Happy	16			
Permanent, intimate	15	46		
Conjugal family	15		Better for childrens' development	25
Good for children	32		Such families are cheaper	3
Economic advantages	6		Other responses	6
Other responses	2		Nothing good	5
Nothing good	3		No response	5
No response	5			
Totals	100% (736)			100% (296)
Bad in this type of life:				
Isolation, "egoism"	55%		Dull, selfish, unsociable	18
Bad for children	10		Lack of mutual help	17
Not enough children	3		Bad for childrens' characters	6
Other responses	16		Other responses	8
Nothing bad	8		Nothing bad	43
No response	8		No response	8
Totals	100% (736)			100% (296)

they will be unhappy, because before, their parents didn't want others around. (boy, 17)

The uncertainty expressed here is in marked contrast to the generally unequivocal statements made by respondents against particular "traditional" practices. Large majorities of the students gave negative evaluations of polygyny, arranged marriage, and bridewealth. Moreover, there is a degree of consistency in respondents' opinions on various specific practices, as indicated by the fact that it was possible to construct a Guttman scale on the basis of answers to the following three questions:

1. Might you (your husband) have several wives?

2. Is it good that bridewealth is paid?

3. What would you do if you had chosen a mate and your family opposed that choice?

An affirmative answer to either of the first two questions, and an indication of compliance with the family will in response to the third were considered to show "traditional" attitudes toward marriage; they were chosen by 5.5 percent of the sample for question one, 25.2 percent for question two, and seventy percent for question three. Responses were cumulative, in that virtually all those choosing the traditional response on question one did so on question two, and those choosing the traditional response on question two did likewise on question three.[12] Thus, scores along the underlying dimension of "marriage attitudes" could be assigned based on the number of non-traditional responses given by each person, ranging from 0 for no such answers to 3 when all were in the non-traditional category. The scores were distributed as follows:

16 respondents (1.4%) scored 0
193 respondents (17%) scored 1
488 respondents (44%) scored 2
236 respondents (21%) scored 3
181 (16%) did not answer one or more of the questions, and were not scored.

Discounting errors, we can say that, of those who answered all three questions, a miniscule 1.7 percent indicated acceptance of polygyny, twenty-one percent disapproved of polygyny but approved of bridewealth, and an additional fifty-two percent disapproved of both polygyny and bridewealth but said they would accept a family decision against the spouse chosen by them, and the final twenty-five percent combined disapproval of polygyny and bridewealth with the feeling that they would not abide by such a family decision. Three fourths of the respondents, then, fell in the latter two categories.

To what degree does disapproval of polygyny, bridewealth, and family interference in choosing a mate correspond to a positive evaluation of the European family model? When scores on the evaluation of the European family life-style are matched with those on the marriage attitude scale, there is a relationship in the expected direction, but that relationship is not strong (Kendall's Tau C = .05, significant at the .02 level). One must conclude that, although there is a high level of rejection of the principal practices associated with customary marriage among this elite sample, that rejection does not lead automatically to the acceptance of the western alternative.

There is one element of a marriage model which appears quite consistently in student responses regarding the inequality of the marriage partners, the dominance of the husband over his wife. This preference was measured by the following series of survey questions:

> In your opinion, is it important that a man be older than his wife?
> Yes_____ No_____
>
> What would be the best difference in age between husband and wife?
> 0 years_____; 1-4 years_____; 5 years or more_____.
> Why do you believe thus?

This rather indirect approach to the question of male dominance was suggested by Clignet, who proposes that the difference in the average age of spouses is an excellent indicator of the degree to which the relationship is cooperative or authoritarian (1964:215). If women marry young, and seek an older husband, this indicates a general acceptance of the authoritarian model of marriage. It also derives from the generally accepted view that age is the most legitimate criterion of authority in many African societies.

Educated young men demonstrate general support for the traditional view on this subject. What is more surprising is the acceptance of an unequal role in the marriage partnership by women. Clignet found women generally tolerant of their husbands' infidelity, with one-third of those in his sample indicating that their own infidelity would be more serious than that of their spouses (1964:218-19). But he found less tolerance of this sort among educated wives, and those married to government officials. Although one might expect some relationship between these varied dimensions of attitudes toward inequality, there is no statistically significant relationship between the sex of the respondent and attitude on the age difference (Table 2). There is even a larger majority of females than males believing the husband should be older, and this is true for respondents from both urban and rural origins. Most respondents of both sexes chose one to four years as the best age difference between spouses, although here again, thirty-six percent of the females chose "over four years," com-

pared to only twenty-four percent of the males. When students were asked in an open-ended question why they believe as they do in this point, 49.5 percent of the females and fifty-eight percent of the males explained that some age difference is necessary if the woman is to respect her husband.

Table 2. Responses to the question, "In your opinion is it important that a man be older than his wife?", by sex.

	Yes, important	No, not important	Total
Males	87% (631)	13% (92)	100% (723)
Females	91 (339)	9 (33)	100 (372)
Total	89 (970)	11 (125)	100 (1095)

(nineteen respondents did not answer)

$X^2 = 3.24$ (not significant at the .05 level)

There are, then, two assumptions in this widely shared attitude toward married life: that there should be an asymmetrical relationship based on "respect" for the husband by the wife; and that such a relationship is impossible if the husband is not older than his wife. Answers to the age-difference question showed no statistically significant relationship to response patterns on the marriage attitude scale described earlier; there is no way to assign a "traditional" or "non-traditional" value to the preference for a hierarchical marriage relationship. Such a relationship describes quite well, of course, the thrust of the Civil Code and is compatible with norms in most western countries as well, at least as they have been formulated until quite recently. We have identified a point at which the thrust of the "revolutionary" new Code is in agreement with both traditional African values and recent western practice.

Table 3. Breakdown of respondents on marriage attitude scale, by sex and father's profession (in percentages).

FATHERS IN AGRICULTURE

Attitude Scale:	0	1	2	3	Total (N)
Males	2.5	27.5	52	18	100 (483)
Females	2	13	48	37	100 (93)

(significance based on X^2 = .0001; Pearson's C = .19)

FATHERS IN TRADES OR COMMERCE

Males	0	26	45	29	100 (42)
Females	0	13	54	33	100 (55)

(not significant at .05 level; Pearson's C = .17)

FATHERS IN PROFESSIONS OR CIVIL SERVICE

Males	0	19.5	49	31	100 (77)
Females	0	4.5	62	34	100 (133)

(significance based on X^2 = .005; Pearson's C = .24)

In spite of their continued acceptance of a subservient family position, educated young Ivoirian women have rejected many of the institutions associated with their inferior status in traditional society. For example, Table 3 shows the marriage attitude scores of male and female respondents, controlling for social origins (as measured by father's occupation). In all three social categories, females tend to have higher scores than males, although the difference is much less among students from urban-professional than from rural-farm origins. There is also a consistent relationship between sex and the student's appraisal of the European family-life style, with girls generally more favorably disposed toward it--although a large majority of either sex showed the ambivalence discussed earlier (see Table 4).

Table 4. Attitudes toward the European family life description, by sex and father's occupation according to composite categories of response patterns to the question, "What is good in this type of life?" and "What is bad in it?"

	Males	Females
FATHERS IN AGRICULTURE		
No good, or specific bad	5%	5%
Specifics for and against	79	63
Specific good, no bad cited	16	32
	100 (542)	100 (106)
FATHERS IN TRADES OR COMMERCE		
No good, or specific bad	6	1
Specifics for and against	71	71
Specific good, no bad cited	23	28
	100 (52)	100 (69)
FATHERS IN PROFESSIONS OR CIVIL SERVICE		
No good, or specific bad	7	4
Specifics for and against	75	67
Specific good, no bad cited	18	29
	100 (85)	100 (144)

(For combined tables: N = 1059; other responses or no answer, 55. $X^2 = 43.26$, significant at .0001 level. Pearson's C = .20.)

An additional set of attitudes that should be explored here are those concerning inheritance patterns. A question comparing matrilineal to patrilineal inheritance would not have been of equal relevance to students of various ethnic groups; they were questioned instead concerning the generational conflict inherent in succession disputes throughout the country, and the distribution of an inheritance among the claimants of the same generation.

> Jean has worked for years on the plantation of his father. The latter died recently. Jean would like to have the plantation, but the family has turned it over to the brother of his father. What should Jean do?

This question allowed the following options:

1. Nothing. He must accept the family's decision.
2. He should show his discontent, but only within his family.
3. He should speak to the village elders about it.
4. He should speak to the sub-prefect about it.
5. He should take his case to the court.
6. Other ways of acting (describe).

The responses not only indicated attitudes toward inheritance, but also propensities toward various courses of action. Here we will distinguish only between those who chose to take action and those who would counsel Jean to accept his lot. A mere ten percent of the students surveyed would have advised acceptance of the family decision, with little variation according to father's occupation (X^2 = 23.17 with 24 degrees of freedom; significance = .51). If there is a difference between urban and rural youth in this respect in the wider population, it is eliminated by ten years of formal education. Nor was there much difference between boys (11 percent) and girls (8 percent) on this question.

The second question, on distribution among siblings, read as follows:

> Victor is the second son of his father. At the death of the latter, Victor's older brother (i.e., the eldest son of his father) received his father's entire inheritance. Victor believes that this is not right. Do you agree with Victor? Why are you of this opinion?

The results from this question are not nearly so one-sided as in the case of intergenerational disagreement. Only fifty-six percent of those surveyed agreed with the second son in his claim to any part of the inheritance,[13] a fifth of whom sympathized with his need for an independent income, or expressed their doubts that his needs would be adequately taken into account by the eldest. On the other hand, thirty-nine percent did not support his claim, and ninety-three percent of these explained their attitude in terms of the eldest's rightful authority over the family holdings, adding the assurance that the eldest would recognize his responsibility to provide for all the others.

Attitudes on inheritance, then, are closely compatible with the law for about half of this elite population. Ten percent still accept the traditional view of inheritance, even as concerns cross-generational conflicts. For the remaining forty percent of the sample (including six percent who would allow Victor a less-than

equal share of the inheritance) we could say that they are in a position midway between "traditional" and "modern" attitudes toward modes of allocating inheritance, i.e., congruent with the Civil Code's provision for direct inter-generational inheritance as opposed to the traditional adelphic system, but not in sympathy with the Code's division of inheritance into equal parts among all descendants.

In summary, we see a congruence of attitudes with modern law provisions among these secondary students, as concerns specific traditional practices. However, although the students have been much more exposed to modernizing influences than the general population, even their rejection of custom is not based on acceptance of the western nuclear family ideal that is the guiding principle of the Code; it is not clear, then, that rejection of traditional family patterns leads necessarily to acceptance of the practices encouraged by the law.

Students' attitudes seem congruent with one aspect of the Code's ideal family structure: a hierarchical relationship between husband and wife is accepted by both male and female respondents. This, of course, is a point in which the Code does not depart from custom.

Respondents' attitudes on inheritance may be seen as midway between custom and the new law. They are highly congruent on the desirability of inter-generational over adelphic inheritance priorities, but not necessarily favorable to the rigidly equal division of estates according to the Code.

Awareness of the Civil Code

Research concerning public opinion on law seems to have neglected awareness of relevant law as an intervening variable, although its potential importance seems obvious.[14] Descriptively, the evidence from this research shows (1) that the general public has a low level of knowledge of the contents of specific laws, and particularly of changes in laws (Walker and Argyle, 1964); and (2) that "quite often knowledge about specific laws is rather poor in those specific groups for which the laws were made" (Kutchinsky, 1973:103). These conclusions can serve as a background against which to assess the Ivoirian students' general awareness of the Civil Code, and their knowledge of its specific provisions.

General awareness was measured through the following pair of questions:

1. Have you heard the expression "Civil Code"?

2. If yes, what does it mean in your opinion?

Forty-six percent of the students claimed to have heard the expression, while another forty-six percent said they had not; the remaining eight percent did not answer. Of those who claimed awareness, forty-three percent (20 percent of the total sample) correctly identified it as law pertaining to marriage and/or the family, and another 7.5 percent (3.4 percent of the total) identified it with a particular provision: bridewealth elimination, inheritance, the "abolition" of polygamy, or vital registry. Another thirty-five percent (18 percent of the total) gave a description that was too vague or general to determine whether or not they had any real knowledge of the Code (example: "the elementary laws of society that the citizen must respect"). The remaining 14.5 percent of those who claimed to have heard of the Code did not answer the second question, or stated that, although they had heard of it, they did not know what it was about.

We may say, then, that slightly over one-fifth of this elite population demonstrated some awareness of the content of the Civil Code, and were able to connect it with the title of this body of law. The survey instrument also contained questions concerning the principal provisions of the law with respect to inheritance, bridewealth, the minimum age for marriage, polygyny, free consent to marriage, and civil registry (Table 5). These questions were in multiple choice format, with from three to five substantive alternatives plus, in each case, an "I do not know" option. Thus, although a respondent who did not know the law on a certain point but who guessed among the substantive choices had a one-in-three to one-in-five chance of being correct on the item, the percentage of correct guesses was reduced by the "I do not know" option. A correct answer to most of the questions required quite accurate knowledge of the law; thus, a student who knew that inheritance now passes directly from father to children still had to choose between the following alternatives:

1. the sons divided the inheritance, with the greatest part going to the eldest son;

2. the inheritance is divided among all the children of the deceased, in equal parts.

Table 5. Results of survey questions on awareness of the Civil Code (in percentages).

Item	Correct	Near-Correct*	Wrong**	Don't Know	No Respor
Bridewealth (4)	23	22	15	37	3
Marriage age (4)	40	--	29	29	2
Polygyny (5)	21	14	34	29	2
Marriage consent (3)	43	--	30	23	4
Inheritance (5)	24	--	45	27	4
Vital registry (3)	47	--	19	30	3

(in parentheses under items is the number of multiple-choice alter natives offered on the questionnaire)

*On two questions, alternatives were posed that differed only sligh from the correct answer.

**Includes multiple responses.

If one assumes that there were no important sources of co sistent misinformation, then, presumably, the wrong answers can be attributed to guessing; by averaging the percentages of respondents choosing each of the wrong answers to a question, we can obtain a rough estimate of the percentages of correct answer obtained through guessing (the alternatives were all designed to seem plausible). By subtracting that average from the percentag who chose the right answer, we could say that the following percentages of the total sample approximately represent the level o students' knowledge of each provision:

vital registry:	39%
minimum marriage age:	29
consent to marriage:	28
inheritance:	13
polygyny:	13
bridewealth:	11

The high proportion of respondents who correctly identified the vital registry law (births and deaths must be declared within fifteen days) is not surprising, for a birth certificate is now required of all students, which fact is likely to bring them into contact with the relevant regulations. It is more surprising that the law concerning bridewealth is less known than are the other laws of marriage--although besides the twenty-one percent who answered that "the bridewealth obligation is forbidden," another 19.5 percent replied that "bridewealth is neither required nor forbidden," which might be interpreted to allow for the provision of "voluntary gifts". Similarly, as concerns the law on polygyny, in addition to the nineteen percent who correctly indicated that "polygamous marriage is forbidden, but polygamous marriages contracted before the new law became effective remain valid," twelve percent of the respondents chose the simpler (but technically incorrect) "polygamy is abolished in the Ivory Coast."

Finally, besides the twenty-one percent who identified the inheritance law by its provision for equal division among all children, another twenty-four percent accorded the entire inheritance or a disproportionate share of it to the eldest son--while only four percent identified the law with traditional practice by according it to the deceased's younger brother.

Earlier, we estimated that about one-fifth of the students could identify the term "Civil Code" with the content of this body of law; here we find that the mean of the estimated levels of knowledge of particular provisions is twenty-two percent (i.e., excluding those who guessed or chose approximately correct answers). By cumulating correct answers to the individual knowledge questions, it was also possible to "grade" the respondents as to their overall knowledge of individual provisions; however, because of the high probability that a respondent who tried to guess on all six questions would have at least one correct answer ($p = .84$) or even two ($p = .50$), it was only possible to be confident that correct answers showed a degree of knowledge of the Code for those who scored 3 ($p = .2$), 4 ($p = .06$), 5 ($p = .02$) or 6 ($p = .0003$).[15] The percentage of respondents obtaining each score is compared to the percentage which would have been expected to attain that score through random guessing in Table 6. The level of actual scores is

Obviously, no precise meaning can be given to uncoordinated comparisons of survey results in several cultures, on different types of legislation, and among various population categories. Until more research has been done on the subject, we can, at most, use the existing body of data to make order-of-magnitude judgments on the diffusion of knowledge concerning new legislation. In their survey of a general population in Britain, Walker and Argyle found that only sixteen percent of the respondents knew that attempted suicide was no longer a criminal offense (as of the previous year), while seventy-five percent believed it still to be a criminal act, and nine percent were unsure (1964:572). In a case concerning a law of specific interest to the categories questioned, Aubert found that about eighty percent of Norwegian housemaids and housewives claimed to have heard of the Housemaid Law two years after its enactment, although only sixty-four percent of the housemaids and seventy-four percent of the housewives were able to identify one or more clauses in the law (1966:101). In the Ivoirian study, six years after enactment forty-six percent claimed to have heard of the Civil Code, and twenty-six percent could in some way identify its content. When the subject of specific provisions were stated, identification levels ranged from thirty-nine percent in the case of vital registry to eleven percent for bridewealth. Since these are adolescents from predominantly rural backgrounds, who are not likely to have had direct experience with activities covered by the law, the above results compare rather well with those cited from studies in industrial countries. Educationally, however, the population sampled here is an elite; it is likely that diffusion is much more limited in the general population.

Relationships Between Background Variables, Awareness of the Law, and Attitudes

Thus far, this study has treated the student sample as if it were homogeneous, generally disregarding such background characteristics as ethnic group, religion, father's profession, and geographical region. The differences one would expect along these lines in the general population are difficult to discern in the student sample, because they have been reduced by long and equal doses of formal education--and may even be reversed under the effect of differential selection into secondary education. Attitudes show little consistent variation according to background variables, with some exceptions to be discussed. Levels of awareness, on the other hand, seem in some cases to be tied quite di-

seen to exceed that expected in a random distribution of responses only at the level of three or more correct. Thus, about 16.5 percent of the students surveyed showed a knowledge of the Code beyond the number who attained high scores through guessing (actual scores of 3 or better = 37 percent; expected scores of 3 or better = 20.5 percent; actual minus expected percentage = 16.5).

Table 6. Expected and actual distribution of scores on knowledge-of-Civil-Code examination.

Score	Expected percentage	Actual percentage
0	15.7	16.5
1	34.0	21.1
2	30.2	25.4
3	14.5	20.9
4	3.6	10.5
5	2.4	4.6
6	0.0	1.0
	100.4%	100.0%

rectly to the likelihood that one would encounter problems relevant to these legal provisions.

Thus, awareness of the provision on inheritance was strongly related to region of birth, with those born in the southern, most economically developed region of the country more knowledgeable about the law than those born in the northeast, north, or west of the country (Pearson's C = .2, significance based on X^2 = .0001). This held true independently of ethnic affiliation in most cases; there was no consistent or statistically significant contrast between patri- and matrilineal peoples, either in the sample as a whole or within any geographical region. Attitudes toward inheritance showed a similar relationship to region of birth, with sixty-nine percent of those from the southeast approving the division among siblings, compared to 52.5 percent in other areas (Pearson's C = .16, significance based on X^2 = .0001). Our failure to find differences in attitude or legal awareness concerning inheritance between the two descent-reckoning groups supports the contention that inter-generational and sibling conflict in inheritance matters are universal as people enter the cash economy.

In the case of the law on bridewealth, awareness seems related to western, patrilineal ethnic origin. Of those students born in the center-west and western (patrilineal) region of the country, the percentage of correct responses was 45.5, compared to twenty-three percent for the sample as a whole. It will be remembered that this region has the highest level of bridewealth payments in the country. Male respondents from this area also showed the lowest level of approval of bridewealth (17 percent, as opposed to 31 percent among all male respondents). Girls in all regions demonstrated the disapproval of bridewealth found among western-region males; only seventeen percent of all females in the sample indicated approval of this practice. As concerns awareness of the law on bridewealth, the difference between females born in the high-bridewealth area and those from other regions was not statistically significant. The significant and marked difference in the total sample comes from the higher awareness of male respondents in the center-west and western regions. It is only for males, then, that there is a relationship between the likelihood of encountering a bridewealth problem and legal awareness.

The new age and consent requirements did not produce such clear-cut patterns of information. It is not surprising that more females (48 percent) than males (38 percent) could identify the minimum legal ages for marriage, since the new requirement impinges much more frequently on the existing practice of women than of men. Still, the difference, although significant (at the .05 level), is not great. There was no difference in awareness of the consent law by sex. Since these students will probably marry late, after many years of formal education, they are not likely to be

forced into unwanted marriages. Thus, there are no situational factors likely to predict the level of attention to law on this subject.

Clignet and Foster (1966) found that about one-half of Ivoirian secondary students came from polygynous family backgrounds. Very few of those surveyed here, however, would admit to considering formal polygyny as a style of marriage for themselves. Only seven percent of the boys said they might contract a polygynous marriage, and only 2.4 percent of the girls said they would consent to such a marriage. Since the practice of polygyny has been quite common in all parts of the country, and since it is now looked upon with almost uniform disfavor by these student respondents, one would not expect to find high "interest-based" differences in awareness of the law except, perhaps, on the basis of sex. In fact, boys showed a greater awareness of the polygyny law, although by a mere one percent. There was no consistent variation according to father's occupation or ethnic group.

In summary, roughly one in five among our elite sample demonstrates some level of awareness of the Civil Code, with considerable variation among its specific provisions. Awareness seems related to "objective" condition--that is, to the degree to which one's situation is likely to bring him in contact with the law. There was not such a strong relationship between attitudes toward various traditional practices and this same condition, although both attitudes toward bridewealth and awareness of the law concerning it were found related to ethnic group. Respondents from cultures in which high bridewealth payments are the norm were more likely to be aware of relevant law and have attitudes congruent with it; those from cultures where bridewealth is more nominal tended to approve the practice and be unaware of the law forbidding it.

The Effect of Legal Awareness on Norms

Thus far we have examined attitudes relevant to the Civil Code, and awareness of the Code, in their relationships with certain background variables that might help explain variation in either. Aubert has proposed that, in order to test whether "perceptions of norms derive more from customs than from laws," we should correlate "perception of norms to acquaintance with the law" (1966:102). He found knowledge of the law to be "significantly related" to behavior, even controlling for age, the most likely intervening variable in the situation he examined (Id.:117). Because none of the Civil Code provisions correspond with existing custom in the rural Ivory Coast, but rather to the "imported" values of the western ideal family type, it was not possible to replicate Aubert's distinction between "new law" and law that formalizes existing practice (Id.:102). We can however, replicate his distinction between the norms of respondents who were acquainted with the relevant laws, as opposed to the norms of those who were

not. Because background characteristics (ethnic group, father's profession, geographical region, etc.) are related to acquaintance with at least some aspects of the law, and because such characteristics may also influence attitudes toward the law, we must control for those characteristics in measuring the law-acquaintance/attitude relationship (as Aubert did in treating housewives and housemaids separately and in dividing them by age groups).

Aubert points out that it is difficult to test the relationship between law-awareness and norms in such a way as to avoid the possibility of finding a spurious correlation. It is quite possible, for example, that different exposure to law-related activity might explain variation both in norms and in awareness. In this study it was found that one-third of the respondents who felt that siblings should share an inheritance also correctly identified the law on inheritance. Of those who supported the primogeniture model, only one-eighth correctly identified the law (significant at .0001 level, based on X^2; Pearson's C = .22). But we have already pointed out that both attitude and awareness are related to region of birth, i.e., whether or not the student came from the more highly developed southeastern region. To control for the possible independent effect of this factor, the awareness-attitude relationship was examined in various regions: the capital city, the surrounding developed region, and two concentric zones covering the rest of the country. Table 7 reveals that, although the "sharing" attitude and correct identification of the law are found less in the up-country zones than in the capital region, the relationship between the two is significant in all regions. Although there is always the possibility that further unconsidered variables are at work, we are led to the tentative conclusion that awareness of the law has an independent effect.

Table 7. Attitudes toward sibling division of inheritance by correct identification of the inheritance law.

	Brothers should share equally	Eldest should inherit all
ABIDJAN		
Correct response	48%	13%
Incorrect responses	52	87
(Pearson's C = .32)	100 (44)	100 (23)
SOUTHEAST REGION		
Correct response	44	23
Incorrect responses	56	77
(Pearson's C = .20)	100 (167)	100 (78)
CENTRAL REGION		
Correct response	23	12.5
Incorrect responses	77	87.5
(Pearson's C = .13)	100 (224)	100.0 (216)
NORTHWESTERN REGION		
Correct response	34	9
Incorrect responses	66	91
(Pearson's C = .28)	100 (65)	100 (55)

Total N = 943; relationships in all tables significant at .005 level based on X^2.

Will this effect of the law on attitudes produce any propensity to action? Here we can return to the earlier question concerning Jean's course of action against his uncle's acquisition of his father's farm. Table 8 shows the proportion of those recommending each course of action who correctly identified the law. It is seen that knowledge of the law is one factor, albeit a modest one, in pushing respondents toward the more extreme, modern-system responses.

Table 8. Effect of awareness of inheritance law on respondent's advice to youth in hypothetical situation where family has given his deceased father's farm to his uncle.

	Percent who correctly identified the law of those recommending each course of action
1. Nothing. He must accept the family's decision.	14% (14 of 101)
2. He should show his discontent, but only within his family.	16 (23 of 142)
3. He should speak to the village elders about it.	19 (21 of 111)
4. He should speak to the sub-prefect about it.	30 (39 of 130)
5. He should take his case to the court.	30 (137 of 461)

(significant at the .0005 level based on X^2; Pearson's C = .15; N - 945)

A parallel relationship holds concerning bridewealth. Only eleven percent of those who correctly identified the law expressed a favorable opinion of this practice, compared to favorable responses from thirty percent of those who did not identify it correctly. The relationship was relatively constant in areas of low, medium, and high bridewealth, although as mentioned above, disapproval of this institution is greatest among male students from the high-bridewealth area.

In a study carried out at a single point in time, there is, of course, no way in which the direction of causality can definitely be determined. Does awareness of the law lead to conformity of one's attitudes with it? Or, conversely, is the student with "modern" attitudes about family relations more likely to be aware of the law--might, in fact, the student with attitudes contrary to the law simply manage not to become aware of the law? Kaupen, finding that German respondents who disapproved of given behavior were more likely to find it illegal, saw this as an indication that "the 'knowledge' itself (or more correctly, the supposition) of legal prohibition depends on the moral judgment" (1973:48). Either explanation of the relationship seems plausible, and, as in most complex social relationships, there is probably some degree of reciprocal effect between attitude and awareness.

There are deductive arguments for the effect of awareness on attitudes. In his study of the Norwegian housemaids' law, Aubert reasoned that "some contact with the text of the law seems almost to be a prerequisite of correct perception of norms, which would follow from the assumption that these clauses lack support in old customs and attempt to reform the state of affairs" (1966: 102). In spite of the fact that some of the reforms embodied in the Ivoirian Civil Code had been under discussion for some time, that discussion was limited to the Abidjan area and involved only a small westernized elite. The existence of the awareness-attitude relationship in all geographical regions, even in those still free from serious tensions over inheritance or bridewealth, indicates that the law has been instrumental in suggesting "appropriate" attitudes on these subjects. Also important in determining directionality is the manner in which knowledge, or awareness of the law is tested. In Kaupen's study, respondents were asked whether they thought a given action was illegal; the answer could very likely be tied to respondents' attitudes toward the action. In the study reported here, however, respondents not only had a "don't know" option, but also had to choose between specific wordings of the law under review. A correct answer, then, does indicate empirical knowledge, for attitude would be insufficient to inform a correct choice. The supposition here, then, is that ceteris paribus, a relationship between awareness and attitudes indicates an effect of the former on the latter, although this does not negate the possibility of there being a reverse effect as well.

This difficult problem does not arise concerning the law on polygyny, for there was no relationship between awareness of the law on this subject and disapproval of plural marriage; 15.5 percent of those who knew polygynous marriages were prohibited disapproved of polygyny--but so did 14.9 percent of those who did not know the law. Nor did controls reveal any such relationship in any sub-sample of the population. One must conclude that polygyny is a less salient legal issue among the student sample than were inheritance and bridewealth, and that for them, at least, the law on polygyny falls in the realm of fantasy.

Conclusion

Some appraisals of the role of legislation in social change, especially in developing countries, seem not to have progressed beyond Sumner's dictum that "law-ways cannot change folkways" (1906:77,94-95). It is sometimes forgotten that there are tensions in the most static of societies, and that a proposed change in personal relationships will never be received the same way by all individuals. As rural villages experience the throes of modernization, opinions will be sharply divided as to its benefits, for the accompanying redistribution of values inevitably takes from some as it bestows on others.

The success of a legal reform can derive, then, not only from its correspondence with folkways, but--to the degree it departs from folkways--from the aspirations of those who are traditionally disadvantaged by the folkways. This was precisely the role of federal legislation providing voting rights to the black population of the American South (Wirt, 1970). It is not necessary that the whole population accept the legitimacy of the law and the law-giver, but only that the combined action of the law-giver and those who benefit by a new legal situation be sufficient to prevail. In such a case, even if the coercive power of the legislator is weak, as in the Ivory Coast and other third-world countries, the law may still have an impact.

In the above study, we have attempted to identify such disadvantaged groups, to verify that their attitudes in fact differ from the population in general, and to determine whether they have a greater-than-average awareness of the law. Such relationships were found to exist for at least two areas of the law, the abolition of bridewealth and the regulation of inheritance. We cannot, of course, tell from the student survey whether there now exists the critical mass of opinion necessary to implement this legislation; that determination must come from another form of evidence, concerning actual reference to and use of the appropriate judicial and administrative machinery.

There is cause to be sanguine about the likely impact of the Code upon the specific practices it attacks; optimism is less warranted as to the Code's effect in promoting acceptance of the western nuclear-family model. It is clear from the students' responses that the often-assumed relationship between rejection of old customs and acceptance of the officially-sponsored ideal family may be a myth. If a stable transition from the extended to the nuclear-family pattern is taking place, it most likely rests on the continued inequality in the husband-wife relationship. Although they certainly fail to meet the most recent ideals of sexual equality in the West, attitudes support the law in the transfer of authority from the patriarch to the husband-father.

We have tried to identify an independent effect of law upon attitudes. The relationships described here, even when highly significant statistically, are only moderately associated; we can assume that they do not often "explain" much of the variance in the respective attitudes. Nothing here counters the conclusion of Walker and Argyle (1964) and Berkowitz and Walker (1967) that "peer influence was more important than the mere knowledge about law" (see Kutchinsky, 1973:106). Furthermore, the long exposure of these students to their European or European-trained teachers has undoubtedly been an important part of their socialization concerning family relationships. And yet, the fact remains that the law seems to play a comparable part in shaping attitudes among Ivoirian students as among the English students studied by Berkowitz and Walker. The Code is not the "revolution" in social conditions it is claimed to be by high government officials in the Ivory Coast; but neither can some parts of it be dismissed as "fantasy law." Hopefully, these findings will suggest the Ivoirian Civil Code as an experiment in social legislation that merits further observation.

NOTES

[1]Empirical studies concerning mass attitudes toward social legislation in developing countries include Nicholson (1973), Luschinsky (1963), Chekki (1969), Massell (1968), and Deng (1971).

[2]Of course, statements of revolutionary intent by third-world leaders are no more worthy of acceptance at face value than are those of other political leaders. Whether such statements are more than symbolic can only be determined by measuring, in each case, the level of resources--time, money, prestige, publicity, etc.--applied to their implementation. See Mundt, 1972, for a further discussion of this problem as it involves the salience of family law reform to the political leaders of the Ivory Coast.

[3]According to Schiller (1966:200), a term first used by van Vollenhoven to describe the attempted introduction of a model civil code into the Dutch East Indies in 1920.

[4]Whether benefits were perceived as alliance for political or military advantage, or as the strengthening of the kin group as an economic unit, they derived principally from the "product" of the exchange, children, and secondarily from the wife's own contribution of labor to her husband's family. See Meillassoux (1964:213). General descriptive statements on African kinship structures and prevalent kinship patterns may be found in Goode (1963:164-202), Bohannan and Bohannan (1949:188-200), Radcliffe-Brown (1950), Cotran (1968), Phillips (1953), Mair (1953:1-8).

[5]The Ethiopian Civil Code seems to most observers to represent an almost pure case of fantasy law, at least in the area of personal law. See the detailed description of the provisions of, and rationale for, the Ethiopian Code in Sedler (1967). Allott (1965:265) notes that most Ethiopian jurists have been trained in English-speaking countries, and that there was a British legal adviser in the Ministry of Justice "until recently," so that even the personnel trained in European law were unfamiliar with the French code.

[6]Sedler (1968:239) calls this approach to polygyny "the gentle persuasion of the law," pointing to its "positive effect in Turkey, where during the Korean War, it was realized that only a 'legal' marriage would justify marriage allowances and widows' pensions."

[7]If both are over twenty-one years of age, their consent is sufficient; if either is under that age, he or she must also obtain the approval of the parent "exercising the rights of paternal authority" (6 Journal Officiel 1440, 10/27/64).

[8]If there are surviving children or descendants, no more than one-fourth of the estate may be bequeathed by testament (6 Journal Officiel 1452-63, 10/27/64).

[9]The sample is not strictly representative, for it would not have been feasible to compile the necessary list of the 7541 students, or to administer a questionnaire to randomly selected students in the country's 112 secondary schools. Also, a random sample would have had to be very large to include a sufficient number of female students for independent analysis of their responses, since girls constitute only about fifteen percent of students in the upper years of secondary schooling (thirty-four percent of the respondents in this study were female). However, a comparison of background characteristics with those of the universe of Ivoirian secondary students, as described by Clignet and Foster (1966), shows that this selection roughly approximates the characteristics of the total population as concerns ethnic affiliation, father's occupation, and religion. Because the sample is approximately representative on such important dimensions, the results can probably be extrapolated in a descriptive sense with some degree of accuracy to the whole population of troisième année students, expecially when controlling for sex. For this reason, tests of significance have been reported where appropriate in this study. For further information on the survey, see Mundt, 1972:284-293.

[10]This item, with minor alterations, was taken from Caldwell, who used it in a survey of young urban married adults in Ghana (1968:65). As he explains, "this description is obviously something of an overstatement and in some features, such as the stability of marriage, describes European and American aspirations rather than practices. However, the description did highlight the features of the Western family which differ most from the traditional Ghanaian family and so served to focus the respondents' comments."

[11]Such preconceptions may be derived from media portrayals, as the question suggests, and they may reflect the diffusion of opinions expressed by Africans who have visited Europe. N'Diaye asked 162 African students in Europe what differences between Europe and Africa first struck them upon their arrival; eighty-six percent gave such answers as "individualism," "every man for himself," "lack of communication," etc. N'Diaye concluded that "the individualistic manner of Europeans and of European society constitutes, without a doubt, the first shock of the discovery of Europe" (1969:70-72).

[12]The coefficient of reproducibility was .95; given a minimum marginal reproducibility of .80, the percent improvement was .15; the coefficient of scalability was .76. In other words, for 2799 responses pairs, there were 136 which did not fall in the predicted order, but much of this reproducibility is inherent in the proportion of respondents passing and failing each item. For a discussion of Guttman scaling and its application here through computer analysis, see Nie, Bent, and Hull, 1970:196-207.

[13]Five percent did not respond. In order to eliminate the possibility of a "self interest" factor, male respondents were asked elsewhere in the questionnaire whether or not they were their fathers' eldest sons. Fifty-six percent of those who were not eldest sons agreed with Victor, compared to fifty-three percent of those who were the eldest in their families; but this difference was significant (X^2 = .63; significance = .43), and this factor showed little relationship with attitudes on the subject (C and Phi both = .03).

[14]The ground-breaking study by Cohen, Robson and Bates (1958) asked for respondents' views as to what the law should be concerning various aspects of parental authority without going into respondents' ideas on the actual content of relevant legislation. In his survey of research on knowledge about law, Kutchinsky (1973) cites only Walker and Argyle (1964), Aubert et al. (1952) and Aubert (1966) on the Norwegian Housemaid Law, Aubert (1950) on businessmen's knowledge of price controls, Schmidt et al. (1946) on regulations concerning agricultural labor, and his own study of general knowledge of criminal provisions (Kutchinsky, 1968) as studies descriptive of public awareness of particular provisions. In addition, one laboratory study evaluated the effect of belief that a given action is or is not illegal on attitudes toward that behavior (Berkowitz and Walker, 1969). At an analytical level, the above research has focused on a single general hypothesis concerning knowledge of law, which is that knowledge of a legal provision tends to induce attitudinal and behavioral conformity with it.

[15]The probability of guessing correctly was calculated based on the number of substantive alternatives in each question: .2 for five alternatives, .25 for four alternatives, and .33 for three alternatives. Thus, the probability of getting none correct was:

.8 x .75 x .75 x .8 x .66 = .157

The probability of getting exactly one correct was:

2(.2 x .8 x .75 x .75 x .66 x .66)

+2(.8 x .8 x .25 x .75 x .66 x .66)

+2(.8 x .8 x .75 x .75 x .33 x .66)

= .34

etc.

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