Legacies: Kinship and Change in Kumasi, Ghana

By

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Abstract

This study situates current kinship and inheritance practices among the matrilineal Asante within an analysis of cultural and legal change. Based on 18 months of fieldwork in Kumasi, Ghana, I analyze matrilineal kinship and marriage by considering the ways in which ongoing kin relations influence inheritance decision-making in conjunction with broadly shared notions of custom or law. I critically examine a supposed schism between “traditional” and “modern” inheritance to show various points of convergence between past and present notions of inheritance and kinship. I show that people incorporate the principles of both state inheritance law and local custom in multiple ways, not just to distribute property during decision-making about inheritance, but to assign responsibility for the care of the sick or of children and to distribute the funeral debts. In contemporary Ghana, the period of inheritance decision-making is a time when profound ethical ambiguities in kinship and social relations become apparent. To understand how inheritance is changing, I argue that analysts need to discard assumptions that matrilineal kinship and marriage is inherently harmful to women as well as assumptions about the progressive nature of social change. Instead, I argue that inheritance is an emergent process that combines both general cultural knowledge and the particular knowledge of a deceased individual’s life and relationships to produce decisions that assign responsibility and reform relations that have been disrupted by death. From this perspective, both the significant social changes to and ongoing vitality of matrilineal kinship and marriage become apparent.
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**Introduction**

Recent literature has accumulated evidence to show that under economic changes brought about by contact with Western industrial nations, matrilineal descent groups gradually disintegrate. In their place, the elementary family eventually emerges as the key kinship group with respect to residence, economic cooperation, legal responsibility, and socialization.

—(Gough 1961: 631)

One could expect a traditional ritual, centred around the extended family and around beliefs about death and ancestorship, to reduce in importance under the influence of individualisation, urbanisation, the market economy, and Christianity. The opposite scenario is taking place in Ghana.

—(De Witte 2003: 532)

It got to a time when matrilineal inheritance had to be cancelled, but it is not possible for that to happen.

—Enoch, Interview 2008

I came to Kumasi to investigate the problem of Asante widows being “sacked,” that is, driven out of their marital homes upon their husbands’ deaths. This problem had been related to me by a woman I met on my first trip to Ghana in 2002 as a matrilineal problem in which the members of a husband’s lineage drove a widow and her children from the marital home and took possession of all of the property; the practice appears in the anthropological literature as a common fact (Fortes 1969; Okali 1983; Dolphyne 1991). In 1985, the Ghanaian government passed a law intended, in part, to address this problem by making spouses and children the primary recipients of intestate property. This law, known as the PNDCL 111 or Intestate Succession Law, acknowledged “customary” lineage-based inheritance practices in Ghana, but attempted to intercede and alter them in favour of an equitable distribution among dependents and co-contributors to property acquisition. Thus when a man died in patrilineal groups, it would not be only the eldest son who inherits, but also the wives and younger children, and in matrilineal groups, it would not be only the brother or nephew who inherits but also the wives.
and children. In general, the law has not had the sort of widespread effects that its creators presumably hoped for, and women’s and social equity groups have continued to advocate for changes.

I began my fieldwork in a Kumasi neighbourhood which I call Asasepa¹, which is where I met Enoch. He sold lottery tickets at a stand close to the dry goods shop run by my friend and helper Linda, and I saw him almost daily. We always exchanged friendly greetings and occasionally chatted. He, like the others who lived and worked around the store, knew of my research goals and of my interest in attending funerals. In the late stages of my fieldwork, I had become known for attending many neighbourhood funerals, and a group of neighbours invited me to join them in travelling to his hometown for his niece’s funeral. We travelled for about 2 hours, jammed tightly into one of the private minibuses (tro-tros) that are the common means of transportation within and between cities in Ghana. In Enoch’s village, several funerals were taking place at once; we spent the day wandering around the village, eating fried fish, and greeting people, and paying our respects at his niece’s funeral. Enoch introduced me to some of his family members, and in the late afternoon we travelled home to Asasepa again.

A few days later, after he had returned from taking care of the final business of the funeral, I interviewed him about it. It was during this interview that he made the statement “it got to a time that matrilineal inheritance had to be cancelled, but it is not possible for that to happen.” His statement immediately stood out to me, and has remained a touchpoint in my thinking ever since. He was referencing the PNDCL 111, and the ongoing debates of the 20th and 21st century about marriage and inheritance, prompted first by the colonial government and

¹. Asasepa is a pseudonym. I have chosen to obscure the location of the neighbourhood because the people with whom I worked varied in their desire to be identified.
their moral objections to Asante matrilineal kinship and inheritance. It struck me as a contradiction—that it is both necessary and impossible to “cancel” matrilineal inheritance—and stands out both for its resonance with anthropological thinking and as a synopsis of the ethnographic situation I had come to investigate.

He made the comment reflectively, having paused after explaining that despite the two different systems of inheritance in Ghana (matrilineal and patrilineal), mothers and fathers in each system both love their children. I pressed for further explanation, and he indicated that J.J. Rawlings had seen the problem of women being “sacked” and sought to legally cancel matriliny as a solution. But although Enoch suggested that it was not possible to cancel matriliny, he did feel the law had worked. As we continued talking, he indicated that in fact, the old matrilineal practice had been much more like the new law, with some property shared with the wife and children, and some shared with the successor. A time came when the abusua, the lineage, would no longer share with the wife and children, and the now the PNDCL 111 attempted to redefine inheritance such that almost all went to the wife and children. Enoch suggested that in fact, the current law was closer to the older practice, with some property going to each side.

Enoch’s interpretation of the law and its historical context suggests the importance of Asante kinship and social change to both the social and legal interpretations of matrilineal inheritance. Enoch describes a non-linear, non-progressive type of social change, and in doing so, suggests that an analysis of non-linear change and kinship is necessary to understanding the

2. J.J. Rawlings was twice a military dictator and twice an elected president of Ghana. When he passed the Intestate Succession Law, he was the leader of the PNDC, the Provisional National Defense Council of Ghana, which took control of the government in a military coup d’état on December 31 1981.
contemporary Ghanaian situation. Indeed, the demise predicted by Kathleen Gough has failed to materialize and in fact anthropologist Marlene DeWitte suggests matrilineal funerals, which are key rituals at which the matrilineal abusua is defined as a social entity, are flourishing and expanding. The current practices and laws surrounding kinship and inheritance are the product of a complicated “entanglement” (Thomas 2003: 17) of concepts, categories, laws, and practices that have their origins in very different systems, and which have both changed over time. In order to understand both why the PNDCL 111 has not achieved its goals, and what effects it has had, I argue that we cannot simply contextualize inheritance within a progressive story of historical change; rather, we have to theorize change in a way that accounts for entanglements, and for the incomplete and often unexpected ways in which differences are resolved.

**Kinship, law, and social change**

During the colonial period, struggles to define and authorize the state were carried out in part by defining its subjects, a process that involved many state interventions into the relationships the British identified as kinship, including marriage. This process continued in the post-colonial period, a time when the problem of widows and their children being driven from the marital home upon the death of the husband became rampant. In 1985, the Provisional National Defence Council (PNDC) passed a series of laws regulating inheritance and the management of family property.³ PNDCL 111 stated that the bulk of intestate property should go to the spouse and child(ren). A small portion was left to the “customary successor,” which for the Asante was the matrilineal successor: commonly a same-sex sibling or younger lineage

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³. These laws have generated considerable reflection in social sciences and legal literature. For a legal discussion, see Daniels (1987) and for a more sociological discussion, see Awusabo-Asare (1990).
member—a daughter for women, or a sister’s son for men.

Many saw the main purpose of the law as addressing the sacking of widows. However, the law had a second goal: to create one inheritance law for all Ghanaians (Kom 1993). At the time, customary law governed inheritance, meaning that different Ghanaians had different inheritance laws and laws concerning family property. Not only was this problematic for Ghana’s goal of being a unified state with a singular set of laws based on citizenship rather than localized laws based on “tribal” or “ethnic” affiliations, but there were cases of inter-marriage in which children of a patrilineal mother and a matrilineal father were seen as particularly disadvantaged (Awusabo-Asare 1990: 12; Kom 1993: 3). In this sense, the laws were a nation-building exercise, attempting to unify Ghana and its principles and laws as the paramount authority for defining citizenship rights for all Ghanaians. Previously, inheritance laws had heavily relied on “customary” law, which varied according to both locale and (for lack of a better term) “ethnic” association.

While the law sought to rectify both problems by giving categorical rights of inheritance to wives and children, it has not been particularly successful at addressing the precariousness of widowhood. At the time of my first trip to Ghana, in 2002, the PNDCL 111 had been in effect for 17 years, yet many Ghanaians felt it had not made the kind of significant difference to the welfare of widows that they had hoped for. When I returned for preliminary fieldwork in 2006, I interviewed lawyers working in NGOs and Legal Aid about the law. Although the law gave a strong basis for making claims in court, many lawyers worried that people were not dividing property according to the law, and that widows were not bringing their cases to court. The reasons lawyers gave for why women might not bring their cases to court ranged from lack of resources to not knowing that the law existed.
In order to understand why the law has not had the hoped-for impact on the lives of Asante widows and their children, we need to better understand the Asante kinship and inheritance system with which the law articulates. Although Fortes mentioned the practice of “sacking” widows in his work, it did not become a major national issue until after his research was complete. By the time I arrived in Ghana, however, it was not uncommon for Ghanaians to describe the practice of sacking of widows as one that emerged from “traditional” matrilineal practices and the PNDCL 111 as a “modern” response that utilized Western and Christian notions of marital co-production, ownership, and equality. However, as Enoch’s interview hinted, this interpretation does not stand up well under investigation. Legal changes over the course of the 20th century emphasized particular parts of customary law, sometimes at the expense of others. What was labeled “law” and what became “custom” was a contingent and contextual process, one which was heavily influenced by colonial perceptions of gender, property, and status (Berry 2000; Archampong 2006). These legal changes affected not just formal law, but also the definitions of husband and wife, and the differentiated capacity of women and men to make claims on each other, on their own and their spouse’s extended families, and on the government.

The matrilineal “tradition” to which people referred is linked to the pre-colonial Asante state law and culture, which I discuss in greater detail in Chapter 1. The Asante state (Asanteman) emerged during the 17th century in what is now Kumasi, Ghana. It was one of a number of related, matrilineal, Akan-speaking polities of the region. It expanded through military conquest and economic dominance, until it covered much of the central part of modern

4. I use “matrilineal” here because this translation is in very common use by Asante people.
Ghana, as well as some areas of modern Côte d’Ivoire and Togo. The state, as a sovereign polity, was conquered and dismantled by the British colonials and incorporated into the British Gold Coast in 1896. In the pre-colonial state, each citizen derived their citizenship from their membership in a socio-spiritually defined group of related people called an *abusua* (translated as lineage, which is the common Ghanaian-English term in contemporary Ghana). This membership was conferred through birth, and conceptualized as a continuous, shared blood passed from woman to child in the womb. It was, in anthropological terms, matrilineal. The Gold Coast won its independence as the state of Ghana in 1957. Since then, the Asante structures of state authority have been partially perpetuated by and incorporated into the Ghanaian state, especially with respect to property rights.

Membership in an *abusua* is lifelong, thus husbands and wives remain members of their own respective *abusua* after marriage. This is often made literal in their separate residence after marriage: although less common now, it was historically common for wives and husbands to remain in the compound houses of their own *abusua* rather than move in with each other. Marriage involved a number of exchanges between the married couple which extended to include their *mmusua* (sing. *abusua*). Productive activities were divided up between husbands and wives, and balanced through ongoing reciprocal exchanges which were necessary for maintaining the legitimacy of a marriage. In the precolonial Asante state, married couples could not legally co-own any property, and a woman who accumulated property kept it “in her house,” which is to say with her *abusua* members. In this context, if a wife were living in a husband’s compound when he died, it would not be uncommon nor particularly difficult for her to return to her *abusua* home, and indeed, she had no direct claim on—but also no investment in—the property that her husband had accumulated.
The sacking of widows became a serious social problem that had new and potentially devastating implications for widows over the course of colonial rule. Although the practice itself was not new per se, it existed in a new context, defined by the imposition of British law and the reification and codification of what has come to be known as “customary law,” as well as by a changing economic and social context in which women were increasingly co-investing in their husband’s cash-cropping and other capital-producing activities. During the half a century in which they governed the Asante, the colonial government spent considerable effort researching and codifying Asante laws and political organization. However, they selectively prioritized who they asked and what information they developed, going so far as to invent “customary” law intended to address the current problems of their governmental endeavours (Berry 2000; I will expand on this in Chapter 2). To this more purposeful manipulation can be added the distorting imposition of their own notions of natural law, gender, social hierarchy, and so on. They did not recognize men and women as equal property producers or holders, for example, and they enforced this within their courts (Allman and Tashjian 2000). “Customary law” was sometimes only loosely connected to actual practice, and it was used to serve the present-moment needs of the British colonial government; it was not an attempt to formalize or document the Asante past in a neutral or empirical sense.

The customary practices that had protected against the mistreatment of widows were translated through this selective colonial recognition into optional “customs” rather than codified “customary law.” Ghanaian anthropologist Takyiwaa Manuh draws on the early records of customary law produced by Fanti lawyer J.M. Sarbah to explain that “the children and their

5. Fanti is a coastal Akan group; they are also matrilineal and share many customs with the Asante.
issue had a life interest in such a house [that the father had built] and were entitled to live in it subject to good behaviour, but this condition has been the topic of much debate for matrilineal Akan and for scholars during the twentieth century” (2003: 212). Although in Sarbah’s account the rights of widows and children are not unknown, they received little emphasis in the formalization of customary law. Ghanaian lawyer Christine Dowuona-Hammond gives some explanation in her discussion of the various Ghanaian legal writings on this subject, concluding that the vague definition of “good behaviour” made this custom easy to ignore: “In practice, therefore, widows and children of the deceased were often ejected from the matrimonial home on dubious allegations of misconduct, thus curtailing the little protection offered under the customary law” (1998: 140). The relationship between a woman and her husband’s family is a tenuous one, which depends a great deal on their good will and recognition of her as a “moral” woman. This sentiment was repeated to me many times during interviews and over the course of my fieldwork, and I shall return to its historical emergence in Chapter 3, as well as explore the contemporary ethnographic implications in Chapters 4-6.

The bureaucratic and authoritative practices of the colonial state led to a complicated post-colonial legal system, which combined British Common Law, “customary law” from different localities which did not apply to every Ghanaian citizen, and the laws and case precedent that had accumulated during colonial rule. Typically, this is termed a “plural” legal system; however, in the post-colonial context, various post-colonial governments have worked to synthesize these differing legal systems into a singular state law.6 Thus, while the term “plural” certainly makes sense in Ghana’s legal history, Ghana’s current state legislature has

6. For a detailed look at the Ghanaian legal system and its various sources, see Asante (1987).
formalized and integrated “customary” law into its body of common law.\(^7\)

In order to incorporate customary law, governments and courts rely on historical and contemporary accounts of customary law, which may change and come to resemble something rather different as they are translated from public to court settings (Woodman 1996). These changes are not always the result of misunderstanding (intentional or not), but also of translating process-oriented practices like consensus-building arbitration into normative laws. Thus, Ghanaian social and legal scholars have critiqued the ongoing ways in which “customary law” has been redefined and reified in post-colonial judicial processes that create a division between the practice of customary law and the judicial interpretation of that law (for example, Kludze 1987).

The post-colonial era saw state legislators adopt British-based rules of equity with respect to marital property in divorce cases (Archampong 2006), while female-led households and women in the wage-labour and trade economies increased (Oppong 1974; Okali 1983; Clark 1994; Mikell 1989). The PNDCL 111, the Intestate Succession Law, passed in 1985 grew out of an increasing consensus that widows’ rights needed to be secured in law. But, although it succeeded in creating a unified inheritance law for all Ghanaians, it did not bring the hoped-for dramatic changes to women’s equality or to inheritance practices. This raises the important question of what did the PNDCL 111 do?

Both Enoch and Ghanaian legal scholars point to the historical depth of debates about inheritance, and these debates indicate a concern with more than distributions of property. Central questions in these debates have to do with the categorical meaning of kinship relations

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7. Woodman (1996) terms this “state law pluralism,” (158) which fits within his broader definition of legal pluralism “as involving the coincidence of two or more bodies of legal norms” (ibid.).
like *wife* or *child*: what does it mean to be married, what rights and obligations does that bring? Thus, in order to better understand the effects of the PNDCL 111, I have taken a different approach from that of many other scholars. Rather than a gendered analysis that asks what happens to widows, I focus on claims-making and ask how men and women in multiple roles make decisions about inheritance and how they convince one another to agree. To do this, I take a broad look at how social relations are conceptualized and practiced in contemporary Kumasi, and tease apart the categories of “widows” and “husbands’ families” into more specific relationships. I examine how people draw on different values, and on different interpretations of the past to assert claims about interpersonal relationships, rights, and responsibilities, especially during events at which the relationships between people and property are reconfigured after a person’s death. I argue that kinship is constituted in a process of action and recognition, which can produce both change and categorical knowledge that is, at times, formalized in custom and law.

An account of the PNDCL 111 and its effects on women’s rights and matrilineal kinship relations requires attention to how these rights and relations have changed leading up to as well as after the passage of the law. In the following section, I discuss the common approach to change which posits a progression of types, and I outline a non-progressive theoretical alternative using recent anthropological theories of ethical processes. Using this approach throughout the thesis, I show that, as is suggested by Enoch’s historical account, the PNDCL 111 gives a legal structure to a set of inheritance practices that began to emerge far earlier, in response to the changing circumstances in which people conducted their relationships. The PNDCL 111 has strengthened and clarified these practices (I expand on this in Chapter 5), and it is part of an ongoing struggle to define, or redefine, rights and responsibilities that extend far
beyond the period during which inheritance decisions are made (Chapters 5 and 6). Thus, the effects of the PNDCL 111 are not immediately understandable by looking solely at inheritance decisions, or by looking at “women” categorically. Rather, to understand the PNDCL 111, it must be understood in terms of social change and kinship.

**Claiming inheritance, claiming kinship**

I found that the sacking of widows was a common way of describing the problems that widows faced, but I did not encounter many contemporary cases of women actually being driven out of their homes. Thus, I treat the problem of sacking widows as a rhetorical and symbolic way of talking about a particular set of socio-legal hardships that have had a disproportionate effect on women—it has become a story that acknowledges gendered inequality and discrimination against women. When Ghanaians use the story of sacking in this way—as critique rather than as a description of lived events—they make a link between family and society that echoes Christian and colonial judgements about the immorality of matriliney (Mikell 1989: 69). This link between family and society is even more developed in modernization theory, which predominated in African development schemes in the post-WWII and decolonization era, and which contributes significantly to the construction of “modern” (and “tradition”) as “native” African categories (Ferguson 2006: 177).

Modernization theory is based on the notion that all cultures are on a single evolutionary path from “traditional” to “modern” forms; therefore, any differences between cultures can be understood as placing those cultures in a temporal relationship, with less developed cultures “behind” more developed cultures (Ferguson 2006; Leys 1996). The progression along this path is therefore envisioned as natural, a “universal historical sequence” (Ferguson 2006: 178). James Ferguson argues that this envisioning of development and history created a sort of promise for
Africans: that if their country were not where they wanted it to be, it was because it was not there “yet” and a combination of time, and adopting the right “modern” social forms, policies and so on could effectively transform nations from poor to rich (ibid.). A key element of “modern” societies was monogamous marriage and nuclear families (Wardlow and Hirsch 2006). Thus, Ghanaians (and other Africans) have undertaken efforts to transform the “family” as a part of their development schemes. In this sense, the PNDCL 111 was a development or modernization project, an effort to effect a particular kind of social change, with a broader set of hoped-for outcomes than simply addressing women’s suffering.

The promise of modernization has failed radically and repeatedly in Africa (Ferguson 2006; Mbembé 2001), making the contemporary Ghanaian categories of “modern” and “traditional” complex terms that can carry different meanings. When talking to me about the law, people often described matrilineal “traditions” in negative terms: nephews’ greedy desire for inheritance was given as the cause of wives’ impoverishment, for example, and matrilineal inheritance was considered “bad” because it encouraged nephews to wait for an inheritance rather than work on building their own wealth. On the other hand, people often spoke of the value of traditional knowledge or critiqued the “modern” as the results of colonial or post-colonial systems of exploitation. Other scholars studying in Ghana have also found that “traditional” and “modern” are complex local categories (see Birgit Meyer in the comments on Englund and Leach 2000: 241-242; Yarrow 2011). Thomas Yarrow studied social and kinship relations in a state-designed village that was resettled as part of the Akosombo Dam development, built in the 1960s. He shows that both villagers and planners use traditional/modern categorizations in their discourses on kinship, but in different ways (2011: 105). He argues that although these discourses can obscure practice, and can be used in both positive and
negative ways, they constitute “an important intellectual resource that is drawn into the imagination of different relational possibilities” (ibid.). This approach focuses on the ways in which Ghanaian people use these concepts intentionally and creatively in the process of asserting positions or solving problems.

Yarrow’s approach to the tradition/modern categories as an intellectual resource draws attention to two key points, which are developed throughout this thesis: first, that while these categories are ways that Ghanaians themselves talk about and analyze their world, they cannot be taken to be simple descriptive categories that mark temporal relationships. That is, “tradition” is not simply about what was in the past and “modernity” is not simply what is in the present; asserting such categorizations is purposeful, and the categories can be constructed differently by different actors. Second, when people categorize things as traditional or modern, they are making their own analysis of current social relations, and they are doing so by thinking about history and the future; that is, these are often claims to what has happened in the past, what is desirable in the future, and how future goals can be achieved. While these points are not particularly new to anthropology, I emphasize them here because the issue of Asante inheritance is one that involves different systems of inheritance that have come into contact through colonial rule, and change over time. As a result, people—within academia and outside of it—often use traditional/modern categories to mark both temporal and systemic distinctions. Yet, because the colonial and post-colonial periods have involved an entanglement (Thomas 2003) of categories and ideas rather than the replacement of one system with another, traditional/modern distinctions can obscure as much as they reveal.

When the sacking of widows is framed as a negative effect of “traditional” matrilineal kinship, and the solution as the adoption of more progressive “modern” family forms, it implies
a larger theoretical connection between family and state, as is suggested by modernization theory. This analysis posits the move from tradition to modernity as entailing a progression of family types, from “lineal” to “nuclear” (also at times called “elemental” or “conjugal” in anthropology, and strongly linked to “Christian” for Ghanaians). The progressive end-point in this frame—the monogamous, cohabitating, coproducing nuclear family—prioritizes conjugal-parental relationships over lineal ones, and narrows the scope of kinship responsibility considerably. The nuclear, monogamous family is implied in the PNDCL 111 and frequently used rhetorically to criticize the inequalities of Asante so-called “traditional” matrilineal relationships. But importantly, the nuclear family is not itself neutral or necessarily equitable. Thus, the symbolic or rhetorical use of the story of “sacking” widows asserts a particular analysis of social relations, kinship, and the state that reveals some types of injustice or inequality while occluding others.

The problem of the sacking of widows and its solution was formulated using a theory of linear, progressive social change that links family form to gender equality and state prosperity. In order to understand why the PNDCL 111 has not had the desired effects, then, it is not enough to ask whether or not the law has been adopted, or what the barriers are, as do many of the cross-disciplinary researchers interested in this question. Instead, it is necessary for researchers to question the assumption that matriliny is the problem and wives’ rights are the solution. In order to do this, researchers must be attentive to Ghanaian claims about modernity and tradition while understanding such claims as purposeful tools—or intellectual resources. Given the ongoing significance of customary law, classifying something as “traditional” or “modern” can

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8. For examples, see anthropologist Victor Gedzi (2009), legal scholars Jeanmarie Fenrich and Tracy Higgins (2001), and economists Edward Kutsoati and Randall Morck (2012).
be a claim to legitimacy or authority, and making such a claim is about social relations in the present. In order to understand how present relations influence inheritance decisions, greater attention must be paid to how they emerge as the entanglements of the competing systems through which social relations can be ordered and decisions can be authorized and legitimated.

In contrast, much of the cross-disciplinary research on widows and inheritance in Ghana relies either explicitly or implicitly on modernization theory’s assumed connections between family form, women’s equality, democracy, and law. For example, most assume that gender inequality is greater in “traditional” family types than in “modern” ones. The significance of the nuclear family as the telos of modernization makes wives and daughters the primary focus of investigation, while mothers and sisters are relegated to the background, subsumed by references to undifferentiated groups of husband’s relatives. It is commonplace for such studies to assume that the rights granted to widows and daughters by the PNDCL 111 represent “progress” in finding solutions to women’s mistreatment under customary law and practice. Given this assumption, these studies usually organize their investigations around the questions of how well the law is enacted and enforced, what impediments exist to women exercising their rights under the law, and how the law might be further improved.

While these studies have certainly provided useful information about gendered experiences in marriage, and with inheritance and law, I found that such approaches left much of my own data on inheritance out of the picture. I encountered many stories of women pitted against their brothers or sisters, and of polygamous wives on opposite sides of a dispute. And so, while questions of gender, inequality (or injustice), and widowhood all remain important in this thesis, I have also engaged in a broader investigation, one which asks how to approach the question of inheritance such that the assumptions implicit in the discourse of sacking widows
become clear. To do this, I spend much of the first five chapters unpacking Asante social relations, expectations, and practices as they relate to a variety of interpersonal relationships. I then return to the cross-disciplinary research on widows and the law in Chapter 6 to argue for a different approach to the discussion of gendered inequality. Instead of asking how well the law is understood and enforced, I suggest that we ask how expectations that are codified in both customary and state law are drawn into the claims-making process of the funeral and akontabuo, the events at which inheritance decisions are made, and where disputes, if they arise, are instantiated. This involves a broad examination of what “kinship” means to the Asante, and how matrilineal and other kinship expectations contribute to inheritance claims.

As I will show in chapters 4-6, people may assert claims by drawing on different but widely shared notions of kinship that employ different categories or emphasize different values (which I describe in chapters 1-3). Throughout the thesis, I treat “kinship categories” as categories that are recognized by Ghanaian law or Asante custom as having particular relational definitions and associated rights and responsibilities. So for example, abusuafoo (members of an abusua) have categorical kin relationships to one another as do fathers and their children, and husbands and wives. For Ghanaians, “kinship categories” are a broader set of relationships than can be defined by any one kinship system, because of the legal interventions of the colonial state. Inheritance claims may be “categorical,” that is, based on a relationship that is recognized to exist in law or custom regardless of a person’s actions. People may also draw on specific elements of their own past and present actions with respect the deceased, the properties, and the people in question. What I will show in the coming chapters is that in Kumasi, the different practices that are associated with “traditional” and “modern” family forms are the emergent responses to the entangled history of kinship categories produced through laws, events,
particular arrangements, and practices. This is not a progression of family forms, but the simultaneous and ongoing production of and interaction between different systems of knowledge about what it means to be related.

While I am concerned with the categories of “tradition” and “modern,” I am not primarily engaged in a project of describing a particular Asante “alternative modernity.” Instead, I am interested in developing a non-progressive understanding of change that contextualizes the present-moments of inheritance decisions. My approach treats both structure and practice as important to change. I conceptualize structure as “emergent,” which is to say that in a given present moment, there are constraining structures, including law and custom, produced by past knowledge and action. These structures are emergent because while what is possible in any given moment is not infinite, the structures of the present cannot determine the future. People’s collaborative efforts, varied knowledge, and different goals mean that there are multiple potential outcomes to any situation. Drawing on the work of recent theorizations of ethics and values, I suggest that structure and practice are drawn into a dynamic relationship through the processes by which people judge other’s claims and actions, assign responsibility, and envision “the good.”

Anthropologists are increasingly re-imagining social structure as an emergent process that links historical context and expectation with the future through the enactments of the present (Kapferer 2010; Ingold 2009). James Laidlaw and Michael Lambek’s focus on the ethical theorizes a way in which this happens: through processes of recognition, judgements, and attributions of intent and responsibility. Laidlaw (2010) argues for a reconsideration of agency

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and structure in which agency can be understood not as an internal capacity of the individual, but as the product of situations; people conceptualize and attribute agency in a given situation by analyzing responsibility, which is an ethical practice. This comes about as people in specific situations make judgements about the intentions and actions of others within the context of a situation. Lambek (2010; 2011) has developed the concept of judgement as a critical element of “ethical acts.” Acts are ethical when they can be evaluated by both actors and observers according to widely shared ethical criteria. These criteria are not determinate, but they do influence both how people form their intent and how they interpret their context (2010: 42-43).

These theorizations of structure intersect with recent reconsiderations of “what is” kinship and how it can be studied, which draw on ethnographic and theoretical concepts of ontology, knowledge, and emergent structure (Lambek 2011; Leach 2009; McKinley 2001; Sahlins 2011a, 2011b). Lambek in particular has argued that ethical acts are a critical part of what kinship “is” (Lambek 2011). He argues that rites of passage and other formal rituals of kinship are ethical acts that establish kin relationships by making public the commitments of the participants to a particular set of relationships and ethical criteria (2011: 3). These formal acts are transformative, as when a wedding ceremony creates a marriage. Once such an act has taken place, future acts, including informal ones, are judged according to the new status: Lambek points out, for example, that “adultery” is only meaningful in relation to the “prior act, and therefore the fact, of marriage” (ibid.). If we understand social structure as an emergent process uniting past knowledge and future expectation, then “kinship” can be understood as a continually produced, structuring configuration of knowledge, assumptions, beliefs, and criteria by which people and actions can be sorted into relational categories.

This approach has much in common with the “constructivist” model of kinship, which
focuses on practices and processes, and seeks to discard “biology” as the universal starting point of kinship (for example, Carsten 1995; Bodenhorn 2000; Galvin 2001). However, practice cannot explain some aspects of Asante kinship, such as the intrinsic aspect of abusua membership. As Lambek suggests, “practice by itself is unpredictable and ambiguous; it needs to be articulated with respect to something more certain and lasting” (2011: 3). He argues that kinship is constructed not only in the ongoing practices of daily life, but in punctuated, purposeful moments when particular relations are asserted, made visible, and sometimes changed (ibid.). He defines kinship as “a set of commitments, played out in practice and publicly articulated,” which can be formally constituted through a variety of ritualized ethical acts (ibid.). Lambek makes a strong case for investigating the ethical as the source of the “more certain and lasting” aspects of kinship; ethical acts are emergent processes that blend structuring, widely-shared knowledge of social relations with practices in particular situations. Social structure, from this perspective, is non-universal and changing.

Eduardo Viveiros de Castro is similarly interested in accounting for structure without relying on universals. In a critique of the constructivist model of kinship, he argues that kinship requires that some aspect of the world must be assumed, or “given,” (2009: 258). In his critique, he argues that in going to great lengths to show that consanguine relations are constructed while continuing to assume that affinal ones are constructed, anthropologists have maintained an implicit assumption that groups the “‘biological’, ‘given’ and ‘non-negotiable’” as distinct from the “‘social’, ‘constructed’, and ‘optative’” (2009: 258). This serves to background but retain the notion that biological relations are given in ways that affinal ones are not. Instead, he suggests an alternative approach, in which he “assume[s] that what is prehistorical and generic is that something is always presupposed as given, not its specification. What is given is that something
has to be given—that some dimension of human experience must be constructed (counterinvented) as given. And that is about it” (ibid., emphasis original). Key to this approach is ungrouping the connection between the idea of given or non-negotiable elements of people’s social worlds and biology. While Lambek provides a compelling suggestion of how practice and structure interact to produce change, Viveiros de Castro’s critique pushes us to consider how such a process could result in very different kinds of fundamental, categorical knowledge in different places.

This position suggests that from the perspective of a particular group of people, there may be aspects of kinship that are “natural,” not in the sense of being biological or universal, but in the sense of being “given,” being outside of human action or intervention. Using an assumption that what is “given” is not linked to biological universals broadens what should be considered as the “more certain and lasting” elements of kinship, suggesting that not all aspects of kinship may need instantiation through formal ethical acts. It is useful for considering, for example, the importance that the Asante give to blood, reproduction, and parent-child relationships. It would be hard to argue that the unified blood of the abusua is for the Asante a “set of commitments” rather than, simply, one of the given facts of life. Yet, what Asante people know about shared blood—that is, what is “given” in the meaning of blood—is different than what Euro-Americans know about it. Although both Americans and Asante conceptualize “blood” as “natural,” their knowledge cannot be reduced to a singular set of “natural” laws that exist outside of human meaning. Viveiros de Castro’s approach allows the anthropologist to give serious consideration to subjects’ views on “natural” or otherwise given relationships while at

10. I elaborate on this in Chapter 1.
the same time overcoming the problems of assuming a universally uniform set of “natural” laws.

However, Viveiros de Castro’s “multinaturalism” raises another problem which is particularly apparent in the issue of Asante inheritance: significant difference can exist within as well as between cultures. His emphasis on radical alterity can seem to preclude the fluid movement between the every-day plurality of Asante life. This plurality is the sort of difference that people use the categories of “modern” and “traditional” to address. Plurality in Ghanaian social life comes up repeatedly, in different ways throughout the thesis. Chapter 2 shows that neighbours can—but do not always have to—define their relationships as “family.” In Chapter 3, I discuss Christian Asante people’s “three times” marriages, which incorporate fundamentally different ideals of marriage into singular relationships. In Chapter 4, I show that funerals are sites at which that which is not-Asante can be transformed into that which is, a process which allows things to exist as simultaneously Asante and not-Asante. And in Chapters 5 and 6, I show that the distinct approaches to inheritance defined in law and custom produce an ambiguous context of practice. The plurality of Ghanaian life contributes to the conditions of social change, creating the possibility for people to draw on multiple, potentially conflicting values when engaging in ethical acts. Thus, some account needs to be made for the ways in which what is “given” can also be, for the same people, optional.

David Graeber (2013) suggests an alternative way to understand this sort of plurality and difference by drawing a parallel between “games, narratives, and cosmos” to suggest that the ontological claims that define cosmologies (that is, the sort of difference that Viverios de Castro is concerned with) need not be the “very definition of reality” (2013: 231); rather he argues that cosmologies are creatively imagined “universes” that act as arenas in which people can pursue different sorts of value. He suggests that “This, in turn, is what makes it so easy, in contexts
characterized by complex and overlapping arenas of values, for so many actors to simply stroll back and forth between one universe and another without feeling any profound sense of contradiction or even unease” (ibid.). Considering different “arenas” or “totalities” in which people pursue different sorts of value allows an approach to within-culture differences that emphasizes the givens of a particular moment or context, and does not assume that such givens always apply. It also cautions the anthropologist from granting too much meaning to some claims about what is given, and the arenas they describe. As I show in Chapter 2 (with the resolution of a neighbourhood dispute), and in the discussions of inheritance in Chapters 5 and 6, people can draw selectively on the values they espouse, invoking various values and associated ethical acts in practical assessments of their position of greatest advantage.

Increasingly, anthropologists are finding that “kinship” relations have significance in the kinds of complex, state societies where it was previously assumed they would fade away (McKinnon 2012). What the Asante case demonstrates is that many such indigenous practices are bounded by categories or criteria that may be defined as “natural” according to one or more systems of knowledge; boundaries may also be defined in state (and sometimes customary) law. Often, that law is, at least in part, the legacy of colonial rule, and increasingly it incorporates international treaties (Gedzi 2009) and negotiations with multi-national entities (Gilberthorpe 2013). Given this complex legacy, and the ongoing global flow of people and ideas, we should question any theory of change that assumes, explicitly or implicitly, a linear progression of social forms rather than the complicated and unpredictable entanglements of ideas and categories. Also questionable, given the history and current global flow of both laws and ideas, is an assumption that British kinship is idiosyncratic to “Western” people (Schneider 1984; see Viveros de Castro 2007 for a similar critique). The recent anthropological work outlined above
on ethics, values, and kinship brings together a way to envision change as arising out of, but not determined by, what has gone before. In doing so, it offers new ways to approach old questions in kinship studies, in particular questions about how expectations (structure) affect people’s actions, how “kinship” might encode “jural” rights or in other ways shape and interact with political identities, power, and actions, and what “kinship” means in a “complex” and “modern” state.

**Chapter summaries**

In Chapter 1, I begin to disentangle the overlapping meanings that anthropologists and Ghanaians give to matriliny. I begin by reviewing some of the major debates and critiques of matriliny and kinship that emerged over the late 20th century. I argue that the critique of kinship that emerged in the 1970s and 1980s and the subsequent response in kinship theory has served to obscure the realities of social life among the Asante. Both the *Asanteman* (the precolonial Asante state) and the colonial and post-colonial governments have drawn Asante concepts of relatedness and “family” into their purview by imposing constraints and obligations, and enforcing laws that create structural boundaries to the mutable practice of everyday interpersonal relationships. Critics of colonial-era anthropology have argued that Fortes imposed British kin categories, concepts of “natural” relations, and divisions between “domestic” and “political” on anthropological “others.” However, I show that this position is insufficient in light of the Ashanti Social Survey, the collaborative project through which Fortes gathered his ethnographic data. I argue that in order to understand the differences between “matriliny” as an anthropological concept and as an Asante one, we must look at the ways in which Asante construct the “natural” and the “given” through their notions of matriliny and personhood, and
how those constructions give shape to the field of possibilities that people navigate in the present.

In Chapter 2, I situate my research by describing Kumasi and my methodologies. I describe some of the relationships and experiences that informed my research process. I then explore the concept of “ethical acts” by investigating the ways in which people conceptualize and practice “family” in the close quarters of Kumasi’s highly migratory urban neighbourhoods. I show that the concept that “people from one place are one family” creates an *a priori* category of relatedness among otherwise unrelated neighbours in Kumasi, Ghana. Through interviews and the resolution of a neighbourhood dispute, I show that the assumption that co-residents are family can precede—and instantiate—the practices that indicate shared family. This exploration of ethical acts in small everyday practices gives a conceptual context for the expectations that are brought to bear on the marital and inheritance negotiations discussed in the following chapters.

Having developed a general picture of kinship and change in Kumasi, Chapter 3 begins my investigation of the problem of sacking widows with an in-depth focus on marriage. The PNDCL 111 favoured monogamous marriage and nuclear families over polygamous marriage and extended families. The reasoning links marital type to notions of “progress” and I frequently encountered claims that women are harmed or that they benefit based on their type of marriage. Yet in my experience, women suffered across all types of marriage: economic insecurity and domestic abuse were common and marriages which were supposed to be “progressive” were as susceptible as any other. To further complicate the situation, a single couple can be married in multiple systems simultaneously. In order to deal with this, I focus on the ethical dimension of marriage, and distinguish the ethical criteria of instantiating marriage (type of marriage) from
the ethical criteria by which married people are judged (ideal of marriage). I find that despite the apparent differences between the various marriage alternatives, there are key areas in which the ethical criteria of marriage overlap, and are different for women and men. I argue that wives in all types of marriage are vulnerable, economically and socially, because all marriage alternatives in Ghana construct a similar hierarchy that affords the husband greater power in his marriage, and fewer responsibilities should it end.

Funerals are enormously important, both in defining Asante kinship and in structuring the particular outcomes that widows and their children face. In Chapter 4, I argue that funeral practices create a defining and transformational context in which relationships within but also outside of the *abusua* are asserted, made legible, legitimated and given power. Funerals are the grounds where Asante kinship is most explicitly and materially asserted, and thus they are a significant part of the process by which new or altered categories of social relationships are recreated as part of Asante sociality. At funerals, participation is more than symbolic: it can legitimate marriages, make social relations visible, and define unified social groups. At funerals, social groups that have no definition through customary *abusua* membership or alliance can nevertheless assert a place in Asante; by this same process, the legitimacy of *Asante kinship* is recreated and reproduced.

Chapter 5 expands the discussion of funerals’ transformative impacts on social relations by focusing on the way in which inheritance decision-making and claims are made, particularly at the *akontabuo*, the final day of the funeral. What emerged over the course of my fieldwork is that succession and inheritance operate somewhat separately, and that this separation has increased since the early colonial period when it was common for a successor to also inherit the bulk of the property. I show that inheritance is negotiated in the context of ethical ambiguity that
emerged from the conditions of the 20th century and has been formalized in the form of different inheritance rules. I question the common assumption that the PNDCL 111 is opposed to “traditional” inheritance, and show instead that it formalized a particular set of values, categories, and criteria that have been a part of official decision making since the early colonial period. Through descriptions of akontabuo decisions and interview materials, I show that the decisions that result from akontabuo are not rigidly defined according normative law (customary or state), but contextually negotiated through moral and categorical claims to relationships and rights. I argue that understanding matrilineal kinship as something that remains coherent to its practitioners yet significantly altered over time is best done by considering inheritance not as a set of rules about fixing rights in an unambiguous way, but a set of ethical principles and values that assert relationships between people, their past actions, and their future responsibilities.

In Chapter 6, I return to the question of widows and inheritance as a question about gender specifically. Although social scientists and activists often focus on inequalities between women and men when explaining negative outcomes of inheritance decisions, I find that a focus on claims-making allows a more nuanced analysis that de-emphasizes the categories of “wives” and “successors” and focuses instead on the ways in which various actors construct the legitimacy and authority of their claims. I draw on a wide range of inheritance stories from my data to show the ways in which the “widow” focus of inheritance research leaves a great deal out of the picture. By allowing Asante framings of individual inheritance claims to come to the fore, I show that kinship is not an external structure of rules through which people negotiate their access to property, but a contingent system of claims through which people define their relationship to property and to other people. This calls into question many of the basic assumptions about why widows are disadvantaged, specifically by showing that when women
are excluded from inheritance, it is frequently through the acts of women or siblings (or other abusua kin). I argue that the disadvantage women experience stem not from a particular type of marriage or family structure, but from men’s systematically stronger ability to make claims, which is supported jointly by the assumption of male ownership and the legal treatment of property produced during marriage as individually owned.
Chapter 1: Being and Belonging in Kumasi

Matrilineal kinship has long posed a difficulty for anthropologists concerned with questions of continuity and change—a difficulty that has been more set aside than resolved. In the mid-20th century, it was assumed that matrilineal kinship would breakdown and transform into something different. Yet, throughout the late 20th century and into the present, this has not happened. Asante matrilineal kinship has undoubtedly transformed in significant ways, but it remains for the Asante quite an important way of defining relationships, organizing responsibilities, and expressing cultural values.

The basic conclusion of these facts must be that mid-century anthropologists were wrong about some significant aspect of what matriliny was, or how it was practiced, or what it did. This is not a new conclusion; the problems with the predictive value of early lineage models emerged early and were part of what led to the significant critique and re-evaluation of kinship theory in the 1970s and 1980s. However, in rejecting rather totally the ethnographic and theoretical explanations of mid-century kinship theorists, that critique offers little with which to address the inescapable ethnographic fact that there is in Ghana something that can meaningfully be called “matriliny” that seems to be changing while remaining “matrilineal.”

In order to better understand matriliny as a mutable but coherent way of being related to people, I argue that we need to consider the history of matriliny using a non-progressive theory of change. In order to do this, the chapter is divided into two sections. The first reviews, briefly, early theories of matriliny and their critiques. I argue that the early kinship critiques of the 1970s and 1980s did not solve the problem, which is central to this thesis, of interpreting matriliny through a progressive theory of change. Furthermore, new approaches to kinship that have
emerged since the critique have not provided sufficient tools for addressing this issue. I argue in this section for a renewed attention to structure in kinship studies—not the “universal laws” that were the focus of structural functionalists, but the significant ways in which possibilities are constrained by the expectations, laws, and knowledge that people carry forward from their past experiences (Lambek 2011; Ingold 2009). Drawing on Eduardo Viveiros de Castro’s (2009) notion that kinship must be constructed against a “given,” I argue that the constructivist model of kinship needs to incorporate a notion of different time scales, such that analysts can distinguish between that which has emerged over a longer time period to appear “natural” or “given” on the one hand, and the negotiable and mutable practices of a particular moment on the other.

In the second part, I re-evaluate Fortes’ work on the Asante to show how what appeared “natural” to him can be understood, through historical analysis, to have emerged historically with the formation of the pre-colonial Asante state. I begin by making an argument that Fortes’ work is a better picture of Asante kinship than it is generally given credit for. This is, I suggest, due in no small part to the Ashanti Social Survey, a surprisingly large and collaborative project that involved many Asante research assistants who contributed to data collection, interpretation, and in some cases the direction of the project. I then review many of his specific statements about the meaning and structure of abusua kinship and its relation to the Asante state. I use my own fieldwork experiences and data to show that what he viewed as “natural” (particularly the domestic and politico-jural domains) was not fundamentally in conflict with what the Asante view as “natural.” This overlap between what is recognizable to Fortes’ Western readers and what is recognizable to Asante people and ethnographers requires a better explanation than that of “ethnocentrism” levied by David Schneider (1984). In order to provide such an explanation, I reconsider Fortes’ concept of “domains” using the historical analysis of T.C. McCaskie, to show
that the Asante understanding of *abusua* as a “natural” set of relationships was produced over time, as the Asante state expanded and consolidated its power.

The arguments of this chapter expand my position on a non-progressive theory of change with specific reference to the history of the Asante. In doing so, the historical analysis of this chapter gives some sense of Asante “tradition”: both what kinds of relations, beliefs, or practices might be included in such a category, and also why it is important to consider statements about tradition as intentional statements that assert particular power relations and possibilities. In scholarly analysis, Fortes’ work (along with that of other anthropologists and scholars of the colonial era) is frequently employed to give some contextualizing content to the notion of “traditional” matrilineal kinship, a basic schematic outline of broad rules and practices that historically defined matriliny until some point in the relatively recent past, and to which the present can be compared. Against such a picture, matrilineal change will almost inevitably appear as a “breakdown,” and “tradition” as description of some historical period of stability. However, I argue throughout the thesis that “tradition” cannot be taken simply as a descriptive historical category; rather it is a mutable and political category produced through people’s claims to present-moment relations. Thus, I reconsider Fortes’ work to provide a different sort of historical contextualization, one that supports this understanding of “tradition” and shows that change did not begin with the colonial era.

**Part 1: Matriliny, kinship, and anthropology**

**The concept of “matriliny”**

One significant distinction between Asante and anthropological conceptualizations of matriliny is in the prominence given to “descent.” Unilineal descent as an anthropological concept was first developed by Radcliffe-Brown (1934), who argued that it was a way to secure
exclusive rights to inheritance and succession in either a husband’s or a wife’s family, and thus prevented the families from fighting. But Asante people rarely spoke to me about “rights” in relation to inheritance or anything else. Rather, the most common answer to my question “what is inheritance for?” was that it was to take care of what the deceased had left behind: property, businesses, and people. Inheritance, for the Asante, is a responsibility to carry on what the deceased has begun, to care for anything the deceased has created; the purpose of inheritance is to allow the successor to continue contributing to the abusua and community on behalf of the deceased. Matrilineal inheritance and succession create continuities in relationships and responsibilities, and are a significant part of the reproduction of the abusua as a meaningful socio-cultural entity.

From this view of responsibilities, the importance of matrilineal descent is not in granting individual rights, but in enabling a process of succession that has the capacity to continue the social relations of the deceased. Matrilineal succession and inheritance allow the transfer of responsibility to be seamless: in pre-colonial Asante, a man’s successor would inherit responsibility for the man’s property, his marriage, and his children. The successor, being an adult from the deceased man’s matrilineage, stands in the same potential relationship to the deceased man’s wife and children as the father did, and if he and the widow choose to continue the marriage, then minimal changes are required in the broad reciprocal relations that have been established between the mmusua of the husband and wife. A wife could continue living on property that belonged to her husband, for example, in a house that he had built. A successor would have the means to care for the children that had been left behind, using the deceased’s farms or businesses. These circumstances would vary, of course, depending on both the relationships of the various people involved and the property left behind, but the conceptual continuity of both relationships and responsibilities is a significant part of what gives Asante
matrilineal inheritance, succession, and descent its meaning to Asante people.

Despite numerous changes over the past century, the *abusua* continues to be a profound and meaningful category of kinship for the Asante. People’s most common responses to hearing about my research were replies (in English) that began with some variation on “you see, we the Asante are matrilineal.” These statements were sometimes contrasted against Ghanaian patrilineal groups, and other times were used to begin an explanation of *abusua* membership (“the children belong to the mother’s side”) and matrilineal inheritance rules. Frequently people explained the importance of matriliney in terms of the security it provided. Spiritual and affective discussions were more rare, and usually arose among people I knew better. In these discussions, people spoke of the love (*do*) among *abusua* members, a love that combined feelings of affection, closeness, mutual responsibility, respect and obligation. While the seamless passing of responsibility and the maintenance of relationships is not a common aspect of contemporary matrilineal inheritance (as I will discuss in detail in Chapter 5), the *abusua* continues to be valued by Asante people as a profound way of belonging to others, one that orders their own and others’ responsibilities.

While, unsurprisingly, the Asante do not find matriliney to be a confusing or inherently contradictory way to be related to others, this has not always been a perspective that anthropologists have shared. In fact, matriliney has long proven a difficult concept for anthropologists. In his 1996 review of kinship theories, Ladislav Holy identifies several debates and theoretical problems that arose as anthropologists grappled with the implications of their matrilineal models. Debates were strongly defined by the way in which matriliney was framed as an imperfect mirror image to patriliney. Schneider (1961) uses this framing in his introduction to the edited volume *Matriline*, and Holy suggests that his elaboration of “the characteristic features of matrilineal systems set the agenda for their subsequent discussion” (1996: 102).
Schneider (1961) argues that there are three constants to unilineal descent that make matrilineal and patrilineal descent seem as though they are mirror images: women care for children, adult men hold authority, and descent groups are exogamous (6). Following from this, he argues that there is a significant structural difference that arises from the coordination of authority and group “placement” (based on exogamy) in patrilineal systems and the separation of authority and group placement in matriliney (7). This is, in essence, a restatement of the “matrilineal puzzle” proposed by Audrey Richards (1940). Richards suggested that “the problem in all such matrilineal societies is similar. It is the difficulty of combining recognition of descent through the woman with the rule of exogamous marriage” (246) which dislocates either the husband or the children from the immediate vicinity of their matrilineal kin. This problem is further complicated, she claims, by the fact that men hold both household and political authority in “most societies” (ibid.). Richards’ (1940) and Schneider’s (1961) formulation of the matrilineal puzzle had a great deal of influence on how anthropologists viewed matrilineal systems, particularly their durability (or lack thereof). The husband’s potential dual loyalty, and often dual locality, in his own and his wife’s lineage was considered to be of great significance in the cross-cultural variations of kinship systems that anthropologists observed, from conflicts over inheritance to the frequency of divorce.

This focus on the structural contradictions implied by the matrilineal puzzle was one of three main focuses in debates over matriliney that Holy (1996) identifies as shaped by the implicit and explicit comparisons of matrilineal systems with patrilineal ones. The other two were questions about the meaning and extent of men’s authority and women’s subordination and the effects of social change. Although concerns over the supposed structural problems of the matrilineal puzzle have faded since the critiques of kinship and structural-functionalism, both gendered inequality and social change have remained an ongoing interests for anthropologists.
working with matrilineal people.

Much of the study of Asante kinship in the 1970s to the present has shifted from studies of the “kinship system” that include topics of descent, lineage customs, chieftaincy, inheritance and succession, domestic groups and cycles, and ritual practices (Rattray 1929; Fortes 1969; Busia 1951) to more narrowly focused studies in which women or domestic groups are the primary focus (Oppong 1974; Okali 1983; Clark 1994, 2010; Mikell 1989). Oppong (1974), a student of Fortes, conducted interesting ethnographic studies on marriage among the educated elite, but her interests have developed in more demographic than anthropological directions, and her work is not widely known in anthropology. Anthropologists Gracia Clark and Gwendolyn Mikell both focus on women’s economic activity and while they do not accept Fortes’ model in its entirety, they develop their objections in relation to women’s power, economic activities, and equality (or lack of equality) rather than in relation to a “kinship system” as a whole. Thus, matriliny is treated more as context than subject, and often appears somewhat unquestioned in their work.\(^{11}\)

The structural model of Asante kinship is most questioned in relation to social change, both by these anthropologists and others such as de Witte (2003) whose research focuses on Asante funerals and van der Geest (1998; 2000) whose research includes focus on Asante funerals and aging. Rapid, massive change over the course of the 20th century and into the 21st is a world-wide phenomenon. In Ghana, change has captured the attention of most ethnographers, one way or another, in part because of the assumption that matrilineal systems were inherently less stable than patrilineal ones. Indeed, Fortes (1949; 1969) acknowledged the heterogeneity of Asante society, and included in his work details of Asante history and change,

\(^{11}\) Although Clark (1999) does seek to engage more directly with questions of kinship.
which were incorporated into broader debates about matriliny and change.

The debate about matriliny and its potential demise was rooted in an evolutionary model of change that linked family types to other socio-political forms.\textsuperscript{12} Both sides focused on the increasing effects of industrial capitalism, and conceived of these economic effects as externally produced and acting upon kinship structure. For example, Kathleen Gough (1961) argued that the large groups defined by matrilineal ties would be unsustainable under increasingly capitalistic conditions, which favoured individual acquisition, whereas Mary Douglas (1969) suggested that economic expansion and contraction might be linked to how expansively people reckoned their kin. Douglas’s interesting analysis drew on Polly Hill’s (1963) research on Ghanaian matrilineal cocoa farmers to argue that in times of economic prosperity, matrilineal people defined their relatives broadly and shared matrilineal property while conditions of economic contraction and uncertainty led to contractions of both kin reckoning and property sharing\textsuperscript{13}.

In Ladislav Holy’s post-critique review of kinship in anthropological theory, he returns to the question of the demise of matriliny, and points out several logical flaws in the debates (1996: 106-109). In brief, he demonstrates that the argument that changes to economic conditions would automatically result in changes to matrilineal inheritance relies on poor assumptions about the (presumably universal) nature of the father-son relationship. He argues

\begin{quote}
\textsuperscript{12} As discussed in the introduction, this was a key element of modernization theory. However, in anthropology such theorizations preceded mid-century modernization theory; arguably the most significant example being Lewis Henry Morgan foundational work on kinship, \textit{Systems of Consanguinity and Affinity in the Human Family} (1870). Ferguson notes that the 19th century theories of social evolution were the direct precursors to modernization theory (2006: 179).

\textsuperscript{13} Clark (1999) has explored this suggestion somewhat in her work on Asante market women. She argues that “kinship obligations” define a flexible and negotiable system of support, within which people actively negotiate, drawing on a variety of kinship concepts with various origins. She argues that the ability to rely on these extended, reciprocal obligations diminished sharply under the increasingly difficult economic conditions between the 1970s and 1990s.
\end{quote}
instead that matrilineal inheritance will only change if there emerge “previously non-existent conditions which bring fathers and sons into close cooperations and into the formation of joint productive teams” (108). He goes on to point out that “matriliney” is not encompassed by a single practice (inheritance) but rather is an ideology that defines social categories of belonging through descent, and so a change in the system of inheritance need not result in a change in the system of descent. Therefore explanations of the demise of matriliny cannot rely exclusively on examinations of the inheritance system (109). In reviewing the literature and in reference to his own fieldwork, he finds that residence has a significant effect on the ways in which kin relations are defined, and is the major factor that determines whether (how/when) matriliny will begin to change (ibid.).

While Holy (1996) is critical of many assumptions on which the supposed demise of matriliny is predicated, he seems to accept the overall interpretation that matriliny is in many places changing into something quite possibly unrecognizable. Holy points to Aberle’s (1961) cross-cultural comparison of matrilineal systems as confirming “Goody’s claim that wide distribution of wealth through a matrilineal system of inheritance to close as well as distant kinsmen is compatible only with a poor, egalitarian economy” (1996: 108). Yet the Asante, one of the structural-functionalist “ideal cases” of matriliny, had not been a “poor, egalitarian economy” for two hundred years preceding colonial rule. To put it another way, as long as anthropologists have been studying them, the Asante have never been poor or egalitarian. Defining the Asante this way, even indirectly, creates a false correlation between inheritance distribution patterns, political organization, and economic systems.  

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14 Arguably, Goody can be assumed to have understood this, given that he was likely drawing on Fortes’ work which claimed that the Asante tightly restricted inheritance to within the uterine sibling (yafunu) group (1969: 175). However, Holy was writing in the post-critique era, well aware of Douglass’s analysis of Hill’s work as well as the general critiques of the ethnographic present, which gives “timeless” historical depth to practices which were located in historically, economically, and politically particular moments. The claim that the Asante
Of the various anthropological positions on matriliny, some arguments are more interesting, nuanced, or well-argued than others, but what few of them do is take into account the ways in which intention and action contribute to social change, and indeed to social systems at any given point. There was a tendency, when change was considered at all, to view it as something that happens to colonized (or previously colonized) peoples, a view that is facilitated both by models that posit society or culture as bounded wholes, and also by a focus on universals, which must be, by definition, unconscious or at least unalterable. Fortes (1949, 1969), for example, argued that there was rapid and expansive change in Asante society, but primarily attributed it to colonial, and therefore “external” factors. The implication of change as externally produced supports the notion of change as “breakdown” or “demise.”

However, Gracia Clark (1999), who has worked with Asante market women since the 1970s, argues that instead we should consider people’s actions and intentions as a part of social change. Clark shifts the focus of Asante kinship studies from lineage and descent as predictive models to agency, social action, and change, arguing that Asante women mobilized different notions of kinship at different times to best position themselves in family negotiations. She argues that active, intentional change and negotiation are an important part of Asante social practice. She draws our attention to the ways in which multiple views of “family” originate in various places, and are taken up in different contexts by different actors to achieve certain aims. From this perspective, we can better understand why “matriliny” might continue to be a meaningful category to Asante people even as it begins to look quite different from what came before. If people experience change as an intentional (although not necessarily predictable)
process in which they are actively engaged, the implied association between “change” and “demise” is considerably weakened.

Clark’s (1999) article on family negotiation makes clear the importance of kinship in the lives of Asante women, and makes a strong case for developing anthropological engagements with matriliny that go beyond the structural-functionalist lineage models. She draws our attention to agency in kinship, noting that Fortes dealt with agency and change, but in a limited way: he described kinship as exerting various “pulls” on women and men through their various kinship obligations. While this view of a “stable set of options creates significant space for flexibility and ambiguity in individual choices,” Clark argues that it is limited because “such negotiation has the capacity to resist but not to generate historical change, which [Fortes] attributes entirely to external colonial influences.” (1999: 68). Clark, on the other hand, is engaged in a project of exploring Asante as change-makers rather than as merely resisters or as more passive recipients of change. But although Clark’s article invites further engagement with matrilineal kinship as a central focus for understanding social change, few anthropologists have followed her lead (c.f. Boni 2010).

Part of the difficulty facing Clark, and other ethnographers of the Asante, is that Fortes’ theorizations, and descriptions, of lineal kinship have been widely rejected by the 1970s and 1980s critiques. This has made it difficult to talk about Asante kinship, because Fortes’ work remains far more explanatory than the critiques of it allow for. One reason for this is because of the Ashanti Social Survey, the collaborative project through which Fortes gathered his ethnographic material. I will return to that below, but first I will briefly review the critiques of kinship which have largely informed the shifts away from studying Asante kinship.
The critique and the new kinship studies

In the 1970s and 1980s, a number of disciplinary critiques were made, including many which focused on the models and methods of kinship. Those critiques that focused on kinship came from two main trajectories: one from increasing dissatisfaction with the “structural-functionalist” lineage model and its applicability outside of Africa (Strathern 1973), which led to critiques such as Adam Kuper’s (1982) critique of “lineage theory” and David Schneider’s (1984) wider critique of kinship. The second was from feminist anthropology, which paid increasing attention to the ways in which gender, reproduction, and the “domestic” (or “familial”) domain relied on notions of a “natural” mother-child bond (Yanagisako and Collier 1987).

Schneider is commonly associated with the rejection of a biological basis for kinship, but as Sarah Franklin and Susan McKinnon (2001: 2-3) point out, his claim was a broader one that suggested the a priori models anthropologists used to “discover” kinship also produced it; his argument was that anthropologists were ethnocentric. In Critique of the Study of Kinship, he argues that anthropologists held common assumptions about kinship, primarily that kinship is the foundation—the “base”—of the polity in “primitive” societies. This assumption supported the supposed division between “simple” and “complex” societies, which posited that simple societies were organized by kinship and complex societies were not. He identifies three axioms of kinship that were used in various ways to support vague claims to “kin-based” societies and “kinship as an idiom”(1984: 187-188): first, that kinship is a distinct and irreducible thing—whether it be conceived of as a domain, an institution, or some other thing—and that this kinship-thing is one of four building blocks of society and the necessary prerequisite to the other three building blocks (economics, politics, and religion). Second, that kinship has to do with reproduction, and reproduction was always defined as sexual and biological. And third, that
biological relations are distinct from other relations, and this distinction is independent of any culturally or socially constructed overlays.

In general, then, Schneider (1984) argues that anthropologists used kinship theory to describe societies in which there is (supposed to be) a relative lack of differentiation in the institutions, processes, norms, or structures that organized economic activity, property holding and rights, religious activity, and political activity. In these societies one “unit”, such as the lineage, might be the basic unit through which all of these activities are carried out, or around which these structures are constructed and so on. The definition of “base” was not always well-articulated by any given scholar, but when taking kinship literature as a whole could be broken down into the three inter-related concepts: kinship as an “idiom;” kinship as a “web” or a relational set (based on genealogy); and kinship as a psycho-biological base of literal biological relationships that are more or less “recognized” by a given society (45-56). He suggests that this last definition had undergone some transformations since its inception around the time of Morgan, but that it persisted in the assumption that there were literal, “natural” biological ties as the basis of every “real” kin relationship, and that these ties were the measure against which “fictive” kinship was defined. This assumption that equated biological ties with “real” kinship, Schneider argues, continued to inform all other aspects of kinship.

Schneider termed this *a priori* kinship model a “translation machine,” which took indigenous ideas and reconfigured them in terms of British kinship. He identified this issue of cultural translation as central to his work, stating: “This is the problem that this book is about. How does one properly translate not just the single words, but the sentences, acts, the states of affairs?” (1984: 38). But his focus on translation is hampered by one of the major shortcomings of his critique: the absence of any real acknowledgement of the interactions between British/European culture and the cultures of their colonial states. This is not an anachronistic criticism.
Schneider equates American and European kinship (broadly) in his critique, arguing in the conclusion that a more rigorous study of kinship might show it to be a quaint English practice, a specific elaboration of European culture. But this view of kinship only makes sense as a result of colonialism; and the anthropological critique of colonialism was already developing by the time Schneider began critiquing kinship theory (see Apter 1999). There is no reason to have supposed that an elaboration of British culture made possible in America could not also have been made possible in other British colonies.

Furthermore, Schneider assumes that only the anthropologist is engaged in cultural translation, but arguably all colonized people were engaged in complex processes of translation as they navigated the new demands and possibilities of life under colonial rule. Interactions between colonial powers and indigenous peoples produced a number of cultural translations that, while they may have been influenced by anthropologists, were also actively produced outside of the anthropological enterprise.¹⁵ This issue in his work reveals his own assumptions about bounded cultures, and limits his discussion of cultural translation.¹⁶

The second strand of critique emerged from the feminist anthropology of the 1970s, which drew attention to assumptions in anthropological theory about the “nature” of women, women’s work, and women’s functions. These critiques began to question universals about both gender difference and kinship, especially through reconsiderations of “domestic groups” and marriage.¹⁷ The kinship studies that drew on this position were increasingly critical of key

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¹⁵. Such native translations may well have had an influence on anthropologists; this was almost certainly the case for Fortes, as I will discuss in the following section.

¹⁶. Similar criticisms and as well as other critical perspectives on the limitations of Schneider’s position can be found in the collected works in The Cultural Analysis of Kinship: the legacy of David M. Schneider edited by Richard Feinberg and Martin Ottenheimer (2001). While generally acknowledging the importance of Schneider’s work to the study of kinship and anthropology, these authors outline some of its significant limitations.

¹⁷. See the collected works in the volume Women Culture and Society, in particular, Michelle Rosaldo’s (1974)
features of kinship theory, in particular the premises on which the different “domains” of society were based, and the ways in which gender and kinship intersected with other dichotomies of difference to produce assumptions about the “natural” differences between women and men and the “natural” categories of the genealogical model of kinship (Yanagisako and Collier 1987). This line of critique developed Schneider’s criticisms about the privileged position of reproduction and biology in kinship theory by further interrogating how sex, birth, and mother-child bonds were figured as “natural” categories and facts (Yanagisako 1987; Franklin and McKinnon 2001).

The post-Schneiderian feminist critique has been particularly concerned with the anthropological construction of analytic “domains” and the naturalized assumptions on which they rest. Yanagisako and Collier credit Fortes with developing the “politico-jural” domain as a way to “challenge Western assumptions about the biological basis of kinship by claiming that kinship has a jural, political dimension” (1987: 4), but they consider him to have failed in that endeavour. They argue that his notion of a domestic domain rests on “the affective ties and moral sanctions of the mother-child bond” (ibid.), which I show in the final section of the chapter is something of a misreading of his argument as it relates to the Asante ethnographic data. Following such critiques, there has been a large shift away from considering the rights and obligations that are organized through kin relationships, replaced by a greater focus on power and politics in kinship (Franklin and McKinnon 2001).

The processual or “constructionist” model of kinship that has emerged from the critique rejects the notion that kinship is founded on “natural” facts and scholars working with this model have investigated how native categories are built over time, through socio-cultural overview.
processes. Two important ideas are brought together in this model: one, the idea that categories are always constructed, always built through historical processes of knowledge, recognition, power, and action. The other is that social actors always build their own relationships in a similar process over time. Thus, Franklin and McKinnon argue that “kinship must always be created, negotiated, and brought into being in practice…. [and that] the lines between kinship and other forms of relationally are fluid” (2001: 13).

But while I agree that the categories of kinship are cultural constructs and that people’s actions are integral to their actual kin (or other) relationships, I want to draw attention to the issues of time scale and structural boundaries. Categories come to be meaningful over time, as people both learn from and teach others based on their experiences, knowledge, and belief (Ingold 2009). Such a process may or may not be evident at the scale of interpersonal dynamics, which is where Franklin and McKinnon’s focus on practice and negotiation places the work of kinship studies. Some categories, learned within a person’s lifetime, may appear immutable, “natural” to that person. Yet, historical and cross-cultural analysis can reveal the mutable and changing quality of even these categories. Because the construction of meaning can happen on both historical and interpersonal time scales, relationships in any given present-moment may be defined by knowledge and belief that is fixed into either “natural” or “structural” categories.

In a given present-moment, structural constraints on kin relations can restrict or define boundaries that limit what can be achieved through practice. For example, inheritance and marriage laws create structural boundaries that can be changed by human action over time, but which limit practice in particular moments (that is, it is not possible to simply decide that a law does not apply to oneself, even if that law may be changed at some point). Authoritative regulations of social relationships, what Fortes identified as the “jural” aspect of kinship, can have deep significance in people’s lives. The distinction between a fully legitimate marriage and
a marriage-like arrangement between individuals may be unnoticeable in everyday practices, and acting as a married couple might “construct” the relationship such that it is accepted in casual contexts as a marriage (I describe just such a scenario in Chapter 3). However, should a couple want to immigrate, should a partner die, should a custody dispute come up—these are circumstances in which categorical definitions and jural status become significant. These legal categorizations are significant structural constraints against which practice is defined.

Asante kin categories are not simply constructed in law; they are also connected to Asante constructions of “natural” categories. For example, in the precolonial Asante state, the abusua was both the source of political rights and an essential component of personhood and reproduction. Although scholars disagree on some of the specifics (and there are also variations among different sub-groups and localities), Akan notions of personhood have some widely agreed-upon elements. Persons are born of complementary and agreeing male and female elements which through coitus come together to form a baby. These are the mother’s mogya (blood) and father’s ntoro (spirit) which along with a God-given element kra (sometimes translated as soul) come together to form the person. Asante abusua membership is conceptually produced by the shared mogya of the mother and child.18 Children learn about the significance of mogya and ntoro—and “mother” and “father”—as “natural” categories of kinship, as givens that extend beyond their own or others’ practices.

The Asante give great significance to reproductive relationships, parental relationships,

18. For various elaborations of these generalities from Akan scholars, see: Gyekye (1987), Wiredu (1996), Chukwukere (1982), Akwabi-Ameyaw (1982), Awusabo-Asare (1990). I have deliberately used the English terms “mother” and “father” here to highlight the overlapping definitions of the English and Asante kin categories. Asante people use the categories of “mother” and “father” and their associated terms (like “mama” or “daddy”) when referring to the relationships that convey mogya and ntoro. Although “mother” and “father” as Asante kin categories can include a more broadly defined set of relationships for Asante than for native English speakers, the two people whose act of coitus imparts mogya and ntoro are always assigned the category of “mother” and “father” respectively.
and “blood” in defining the givens of their kinship. Among the people that I knew, Asante knowledge about the role of the mother and father in creating the person and Western scientific knowledge about the biology of reproduction fit easily together. People told me, for example, that women who had difficulty conceiving sometimes “washed” their wombs—which meant having a medical professional flush their cervix with antibiotics. People used English designations like “real” to let me know when they were speaking of the mother or father who belonged to the exclusive English category, as well as to distinguish relationships instantiated through abusua membership and paternity from those instantiated through shared residence or other forms of practice. The elements that link personhood with reproduction are elements that are given at birth and which do not change as the result of practice: for example, “blood” is as “natural” a category for the Asante as it is for the British; however, the “blood” that defines Asante kinship operates quite differently that British/American “blood.” It is the woman’s particular contribution to the creation of the person, and it is understood to be a singular, indivisible substance which unites every person through which it flows. The logic of this indivisibility supports the conceptual unity of the abusua.

Exploring the “givens” (Viveiros de Castro 2009) of another culture has the potential to create some confounding overlaps with our own concepts of “nature,” but this does not necessarily indicate an ethnocentric bias. By considering both the interpersonal and historical time scales, we can consider how categories emerge from knowledge and practice over time, while acknowledging the ways in which they appear “natural” in the present. For the Asante, like the British and Americans, knowledge of what blood is has been produced through history and practice, but blood can appear timeless and “natural” at a particular point in time. That the

19. See Carsten (2011) for a cross-cultural comparison of “blood”.
category is constructed can be seen in comparison, however: For both the Asante and Americans, “blood” is something that is present at birth, that defines certain categorical relationships, and that does not change over a person’s lifetime. But, in America, “blood” is a divisible substance that links children’s bodies in equal parts to their father’s and mother’s bodies. Thus, for Americans, “blood” is not just a substance of reproductive (kinship) relations, but also of how race is embodied and inherited (Bodenhorn 2012). In both the American and the Asante case, what blood is—divisible, indivisible—helps constitute knowledge about what people are, how they are related, and what they can do. The knowledge about the divisibility of blood helps constitute racial subjects in America; among the Asante, knowledge about the indivisibility of blood constitutes the unity on which matrilineal kinship is premised.

In reviewing the anthropology of kinship and matriliny, I have suggested that the Asante consider blood, reproduction, and “parents” to be significant features of their kinship. I have also suggested that matrilineal inheritance and succession organize a (potentially) continuous set of responsibilities between the lineages of a husband and wife that extend beyond the death of either. These explanations of matriliny, though not identical to Fortes’ explanations, have more in common with his claims than with his critics’. In part two of the chapter, I will review Fortes methodology in detail, and then reconsider the history of Asante matriliny to give a somewhat different critical picture of Fortes’ work than was produced in the critique of kinship.

**Part 2: Asante reconsidered**

**The Ashanti Social Survey and some implications**

As Schneider duly notes, his critique condenses a wide and sometimes contradictory set of sources into an over-arching “kinship theory” that is necessarily simplified and homogenizing (1984: 43). This version of pre-1980s “kinship studies” has become the background against
which post-1980s kinship studies are often positioned. When Sarah Franklin and Susan McKinnon suggest that “kinship is not a preexisting thing” (2001: 13) they refer to the kinship assumptions that Schneider critiqued. When, in her seminal article on feeding as critical to the production of both personhood and relatedness, Janet Carsten suggests that an alternative to abandoning kinship is “to show, first, how people… define and construct their notions of relatedness, and then what values and meanings they give these notions” (Carsten 1995: 224-225), she implies that this is not something that anthropologists prior to Schneider did. Schneider justified his simplifications because he felt that he was accurately representing a fundamental problem in how anthropologists studied “kinship.” He argues that “the question is not whether Fortes, for example, did a finer, more productive analysis than some lesser craftsman. The question is whether the assumptions and presumptions about kinship that both Fortes and the lesser craftsman shared are tenable in the first place” (1984: 5). However, I argue that Fortes’ work on the Asante was considerably more attentive to Asante categories, knowledge, and practice than Schneider allowed for, and that Schneider’s simplification has created a distortion that impedes anthropologists’ ability to produce new theorizations of Asante kinship.

In order to understand Schneider’s distortion of Fortes, it is useful to look at some criticism that arose from Asante anthropologists about the specifically Asante ethnographic record. What is clear is that there are in fact many examples of other anthropologists using imposed categories and assumed logic in ways that distort the record on kinship, but that there is a difference between Fortes and these “lesser craftsmen.” Kofi Akwabi-Ameyaw (1982) uses his

20. Joel Robbins (2004: 330-331) suggests that processual rejections of the concept of “culture” rely on a similar simplification and homogenization of past anthropological thought. Joost Fontein (2011) describes this as a practice of theoretical “ruination” in which past theoretical paradigms are set up as the antithesis of current trends, though the ethnographic justification for such ruination is often not strong.
native fluency in Twi and his own Asante relationships to highlight some of the distorting ways in which anthropologists have used concepts like “family,” “grandfather,” “aunt,” and “cousin,” which do not have direct correlates in the Twi language, nor in Asante kinship categories. He also criticizes several non-fluent researchers for having significantly mistranslated a number of the Twi statements they used to make their analysis. In this, he is joined by Maxwell Owusu (1978), who similarly uses his native fluency in Twi to draw attention to significant mistranslations of Asante statements. Owusu does this as an example supporting a disciplinary-level critique of the ethnographic project, particularly as it relates to translation problems.

But Fortes is a somewhat ambiguous figure for both these Asante critics. Neither Akwabi-Ameyaw nor Owusu criticize Fortes’ translations of kin terms, nor his construction of Asante kin categories. In fact, Owusu limits his specific criticisms of Fortes to his more reflexive remarks about producing ethnography made in reference to his Talensi studies. Owusu refers to Fortes’ Asante work only in passing as “later stimulating work on the Asante” (Owusu 1978: 80). Akwabi-Ameyaw notes that Fortes is the only researcher to have correctly identified in published work the tonal distinction between nana (an up-tone for people in the grandparent generation) and nana (a down-tone for people in the grandchild generation). Akwabi-Ameyaw does criticize Fortes for imposing theoretical constructs drawn from Malinowski’s Trobriander work when dealing with Asante residential patterns; however, he does so by pointing out Fortes’ own contradictory statements and evidence. This is not to say that Akwabi-Ameyaw’s critique is not trenchant, but to point out that Fortes’ work is detailed and accurate enough to provide the source for its own critique. I suggest that the reason that Fortes was the only researcher to grasp the tonal differences in the two kin terms “nana,” and the reason that he escapes the more scathing criticisms levelled by these two against other ethnographers, is because of the Ashanti Social Survey.
The Ashanti Social Survey was a two year data-gathering project that produced a large collection of varied materials—interviews, surveys, maps, demographic data—that are now housed in an archive at the Cambridge University Library. It is described in detail by historian T.C. McCaskie in the introduction of *Asante Identities* (2000: 1-23), a book whose data was drawn from the previously unanalyzed qualitative Survey data that McCaskie received from Robert Steel. The Survey was a well-funded project that took place with the support, but not direct involvement, of the colonial government. Fortes and two other scholars, geographer Robert Steel and economist Peter Ady, conducted a survey in Kumasi as well as among a number of surrounding Asante towns and villages (many of which are now part of Kumasi). In order to do this they hired Asante assistants who were fluent and often literate in English. Although the project did not track the assistants precisely there were at least 53 recorded, and probably more than 60 total, over the course of the 2 years of data collection. Many of these assistants were given considerable freedom to pursue their own interests in interviews. The interviews were conducted in Twi, and transcribed in a mix of Twi and English. McCaskie reports that the Asante field staff of the Survey worked both with the British researchers and independently in 18 different districts in and around Kumasi (2000: 5).

The conditions of the survey could not be more radically different than the image of the lone colonial ethnographer and his guide struggling to communicate in a remote and sparsely populated land across significant language and cultural divides. Kumasi was—and is—the populous capital of its region and a significant economic, political, and cultural centre for the Asante people, who had engaged in trade with Europe for more than two hundred years. Additionally, the assistants of the Ashanti Social Survey were members of the communities in which they conducted their interviews. McCaskie reports that evidence in the interview material produced by people working independently in their home neighbourhoods showed the
familiarity and comfort that interviewer and interviewee often shared:

It is known from traces in the texts produced from such encounters—the forms of address, the naming of mutual acquaintances, the sharing of familiar knowledge of locale, the joint presumptions about the things understood by one another—that the interlocutors were often at ease in their talking. The result was conversation rather than interrogation, a confiding disclosure rather than a submitting of evidence. This was close fieldwork carried out in colloquial exchanges. (2000: 5).

Many of the assistants were given considerable discretion to pursue their own interests, and McCaskie suggests that many stand out for their in-depth research that goes well beyond the scope of the quantitative survey questions they collected for the primary researchers. He names seven research assistants whose contributions had broad influence on the project. These seven “were remarkable researchers in their own right. They worked for the project, but also shaped it in creative and important ways” (2000: 4). Other researchers had less influence on the overall project, but made significant research contributions on particular topics or in particular locales. The assistants were fluent in both Twi and English, and the number of them lends additional credence to the quality of their translations. While Fortes used considerably more of the quantitative data than the qualitative in his subsequent writing, it is apparent to those familiar with the area that his knowledge of custom, symbol, belief, and practice went well beyond what the quantitative data could show. This reflects his close work with the Asante researchers who were involved in the more qualitative side of the project. It is hard to know the extent of their influence on his interpretive framework, but important not to conclude that they had none.

The Survey’s Principle Research Assistant, T.E. Kyei, was an Asante man who had considerable influence on the project. He produced an ethnographic monograph on Asante marriage based on his research for the Survey, and he later published the first of a four-volume memoir, *Our Days Dwindle*. In her introduction to the memoir, historian Jean Allman, who helped bring the book to publication, suggests that he was particularly important to both the
interpretation and much of the collection of the Survey data (in Kyei 2001, xii). She suggests that “Kyei’s work on marriage and divorce has been absolutely critical to scholarly understandings of kinship in twentieth century Asante.” She argues that his analytical role in the Survey raises questions about the “ways in which [cultural translators like Kyei] have actively shaped the contours and content of the ethnographic and historiographical record on Africa” (xv). To accept Schneider’s critique as simply discrediting Fortes’ ethnographic account without reviewing and reassessing it occludes the work of these important Asante contributions. This is problematic for the quality of the ethnographic record, for anthropological theory, and for ongoing important discussions within anthropology around the ethics and practice of collaborative anthropology. Rejecting Fortes’ claims about the Asante because they feel too familiar, too much like “our” kinship makes the important work of these Asante ethnographers invisible, and does nothing to address the question of why, beyond an ethnographer’s own bias, such similarities might exist.

Fortes’ specific, ethnographic claims about the Asante are often glossed over in the critiques of his theoretical positions21, but in this section I have suggested that these claims cannot be simply set aside from his ethnographic work. The collaborative and wide-ranging research that informed Fortes’ positions on the Asante raises important questions about how to interpret his claims—particularly for researchers, like myself, who do not have access to the archive of Ashanti Social Survey materials. In the next section, I use a combination of my own experiences and historian T.C. McCaskie’s work to reinterpret Fortes’ claims about lineage as a “bridge” between the jural and domestic spheres of kinship.

**Fortes and McCaskie**

Much of what Fortes said about the Asante remains observable today, and his work is often used to provide a quick picture of Asante “traditional” kinship and authoritative categories against which anthropologists can discuss the present and its changes (c.f. de Witte 2001). However, this can create an overly schematic and static picture of the Asante past, and does little to address my claim that people use discussions of “tradition” strategically based on their analysis of the present and their goals for the future. In order to avoid a schematic “tradition” against which to judge contemporary practice, in this section I first review Fortes’ claims about lineage and kinship and then use historian T.C. McCaskie’s work to reinterpret those claims. I contrast Fortes’ and McCaskie’s theorizations of the law “no one shall reveal the origins of another,” which marks an observable distinction between Asante social contexts in which there are different modes of authority and possibilities of action.

I do so both to provide a picture of Asante “tradition” that acknowledges and incorporates a non-progressive model of change, and to suggest that “structure” need not rely on universal principles. Rather, I argue that structure continuously emerges through interpretations of the past and actions in the present. I demonstrate how domains, lineage, and the distinction that Fortes attributed to a political/domestic divide can be understood on the one hand as categories that define for the Asante what is in the world—elements of what is “given” or “natural”, while on the other hand can be shown to have historical depth and to have changed over time. The ways in which claims to “nature” and “tradition” can serve the goals of the powerful are quite clear in McCaskie’s analysis, and this insight demonstrates the importance of interpreting claims about “tradition” as intentional tools when addressing issues, such as wives inheriting property from husbands, that deal with contentious social changes.
Key to Fortes’ theorizations of lineage are his understandings of the pre-colonial Asante political structure, and its continuities in the colonial and post-colonial era. He begins his 1969 ethnographic descriptions (contained within the larger theoretical volume, *Kinship and the Social Order*) of the Asante by focusing on the historical emergence of the Asante state. Among anthropologists and historians of the Ghanaian region, the precolonial Asante state is a subject of some debate. Certainly over the course of the 17th and 18th centuries there developed a complex, hierarchical social system in the region that included, among other things, a lucrative international trade, an organized military, and a wealthy elite that engaged in both violent and non-violent power struggles over the control of people and resources (for example McCaskie 2007). Fortes, along with other scholars, chose to refer to the precolonial polity as a state, but he qualified it, suggesting it was

not a territorial polity in the determinate sense postulated by Morgan and Maine.... It was primarily a constellation of stools—a union of political communities bound to one another by chains of interlocked allegiances to eminent office within a framework of law and of fiscal, religious, and military organization, reinforced by a network of clanship, dynastic kinship, and marriage ties. (Fortes 1969: 154)

In the founding myth of the nation, a priest (Kofor Anokye) brought forth the Golden Stool that became the seat of the first Asantehene Osei Tutu’s power and authority. Each chiefdom had an associated stool that acted as a material symbol of power and as a metonym that referenced the office of the chief much as “crown” does in the English monarchy. The Golden Stool gave the Asantehene “mystical pre-eminance… it symbolized the unity and identity of the nation” (142). The union that became the Asante was formed by a confederation of nine founding political communities (chiefdoms) that united under Osei Tutu’s leadership to fend off aggressions by the dominant Denkyire (another Akan polity). Thus, Fortes suggests

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22. Fortes describes this founding myth of the Golden Stool and the historical war with the Denkyire, but both are widely recounted in the historical literature and in the oral histories that I encountered in the field (primarily...
that “the Ashanti state was created and maintained by war and a military ideology remained a central feature of its structure to the end” (140), a claim which I encountered frequently in Ghanaian renditions of the formation of the Asante as well, and which is reflected in the fact that the names of the positions in a chief’s council are the names of military positions. The councils of paramount chiefs and of the Asantehene are essentially military in their organization.

The closest Twi word that the Asante have to “kinship” is *abusua*. Fortes’ discussion of *abusua* is quite clearly drawn from Asante categorizations and meanings, and it closely relates to my own findings of the term’s meanings. He defines *abusua*—commonly translated by Ghanaians and anthropologists alike as “lineage”—in three ways. First, he defines it in terms of descent, and the specific social group that descent creates: as an “exclusive group of persons of both sexes who are known, by Ashanti criteria of genealogical connection, to be of commonly matrilineal ancestry” (158). This is a fairly straight-forward claim that there exists an observable “thing” that is “lineage,” and is probably the most common use of both *abusua* and lineage among anthropologists and Asante alike. When Asante people use English, they also often use the terms “family” or “extended family” interchangeably with the terms “lineage” and “matrilineage.”

He also defines *abusua* in terms of a descent or lineage system: “it connotes matrilineal descent as a principle of social alignment” (ibid.). This definition takes us more into the territory of theoretical arguments about principles of social structure and descent. The Asante also use the term in this way; however, the contemporary Asante use has broader connotations than simply “matrilineal.” *Abusua* in Twi can connote a way of composing family or kinship that need not refer to Asante culture, much as English-speaking people use the term “family” in non-culturally given by chiefs and educated Asante).
specific (albeit frequently problematic) ways. When speaking in English, Ghanaians also use the term “extended family” this way; the term can indicate a broader “lineal” principle than simply matrilineal and another translation in this context is “extended family system.” This is what is meant when, for example, a church group paints “Christ abusua” on their van. Stephen Boni suggest an even broader use, that abusua refers to an “unspecified closeness” (2010: 388) having additional meanings ranging from households to friends to school groups living together (but see Chapter 2 for an explanation for this broad use that does not suggest an “unspecified” meaning, but rather a conceptual equivalence between living in a place and being a “family”).

The third definition Fortes gives for abusua is in relation to the state, in a “topographical” or territorial sense: “considered in the context of the nation or, more precisely, of the Ashanti as a people, the abusua denotes a dispersed, named clan made up of localized sections, all of which are believed to be connected by common matrilineal ancestry” (1969, 158). This links abusua not only to the concept of state and territory, but also to the historical processes of the region.

While Fortes defined the corporate lineage as the important political unit within the state system, he did not, as is commonly assumed, define the lineage as belonging to the politico-jural sphere. He argued that the lineage was a bridge between the two domains, its “external” structure in the politico-jural domain, and its “internal” structure in the domestic. The ethnographic basis for this internal/external division was in the contextual application of the law that no person must reveal the origins of another. The pre-colonial Asante were very hierarchical, with significant status distinctions based on whether a person was born of free

23. An illustrative example is Yanagisako’s (1979) “Family and Household” in which she states: “In unilineal descent societies like Ashanti, the family and interpersonal relations among kin and affines belong to the domestic domain, while the lineage belongs to the politico-jural domain” (187).
parents, either royalty or commoner, or whether they or their ancestors were “war captives, refugees, and others from slave or alien status. So powerful, however, was the ideology of common civic status that the incorporation of these alien elements into the descent groups of the freeborn was regarded as a binding moral as well as legal duty” (141). It was a serious crime—potentially a capital offence—to discuss the ancestry of another person, one that applied equally to the Asantehene as to any other citizen.

This law was so strong that it has outlived the independent Asante state by more than a century. For example, I encountered a case in which a chief fought with a woman over a house her father’s mother had willed to her. In support of his claim, the chief argued in the Asantehene’s court that an ancestor of his had owned an ancestor of the deceased woman and thus he had a right to the house. Evidence was produced by abusua members of the deceased woman to falsify this claim, and, according to the granddaughter, the Asantehene was so incensed that he banished the chief from the community in which the house had been built, saying that he might not even drive on the road in front of the house again. While the crime is now significantly less than a capital one, it remains the case that “revealing” (i.e., making claims about) the ancestry of another person is both socially repugnant and punishable within the context of customary courts.

However the law did not apply in the context of abusua meetings held to choose a successor to a chieftaincy or “head” position. Here, the ordered relationships among members of the lineage eligible for the position could become quite important. The process of succession combined notions of an ideal order to succession and the quality of the candidate (I will expand on this in Chapter 5), and in the case of powerful positions, the succession process could be quite contested. Fortes argues that “a candidate must have the proper credentials. This means that he must produce a pedigree that links him by named matrilineal forbears in each generation
to a previous incumbent of the office, and this pedigree must be accepted as correct by the lineage assembly” (168). In support of this claim, he discusses the “elaborate” and “meticulously preserved” oral genealogies that T.E. Kyei gathered from his own community in Agogo from the Asona clan (ibid., note 34). By interviewing various members of the lineage, Kyei assembled a genealogy that “embraces thirteen generations inclusive of the latest current generation. It records the matrimonial and matrilineal connections of 755 persons of all ages, of whom 614 belonged to the lineage. These included 324 living and 290 dead members” (167). Fortes reports a high degree of agreement between the various elders about the splits within the lineage, and that individual elders were able to recount large portions of the genealogy, although no one person could recount the whole (one man could “enumerate 252 persons, living and dead, with whom he had matrilineal, patrilateral, and affinal connections stretching across eight generations” (ibid.)).

The public-context law that no one must reveal the origins of another contrasted quite explicitly with the private-context “genealogical exactitude” that people employed when making significant decisions about succession and inheritance. For the Asante there was a strict delineation between when and with whom they could discuss their specific abusua relationships, and when and with whom such discussions were illegal and carried severe penalties. This boundary marked for Fortes the internal, domestic, and private sphere of the lineage from the external, politico-jural, and public sphere of the lineage. Thus, the “domestic” or “kinship” sphere was not defined exclusively by the reproductive relations of the husband and wife or the potentially co-habiting relationships of the “elemental” family. The kinship sphere was, for Fortes, defined by specific, interpersonal relationships oriented to the individual, and its defining

24. Kyei incorporated much of this work into his four volume memoir. Unfortunately, only the first volume has been published.
moral content was the “axiom of amity” (1969: 219-249), whereas the political-jural sphere was the context in which unity prevailed and the lineage acted as “one person” (167). Lineage membership gave its members an authority and a legitimacy to act as citizens in public political and economic contexts. They acted in these contexts not as individuals but as one “jurial person” with their lineage, which meant that an individual’s actions were consequential for the whole lineage. By contrast, actions in the “domestic” sphere did not involve the entire lineage but were between individuals or small groups; disputes could be settled by lineage heads, for example, and need only involve the particular disputing parties.

The legitimacy provided by the lineage was perhaps most evident for Fortes in that membership in the lineage was the source of Asante citizenship, and conversely people who were not full members of an Asante lineage were not full citizens of the Asante state. He elaborated this as a universal structure, suggesting that people require “politico-jural status” in order to engage in any sort of economic activities, and that “In tribal societies a person must very frequently be a kinsman, or a member of a descent group, by politico-jural status” (1969: 229) in order to have the ability to make a livelihood or exercise any economic power or claims. This is the kind of articulation between politics and kinship that Fortes argued defines the lineage and Schneider argued was part of the fallacy of kinship theory. But, while its universal validity is certainly questionable, significant ethnographic evidence underlies these claims in the Asante case. For example, a person could not be banished from their lineage except by the Asantehene (king). Fortes suggests:

From the point of view of the individual, what is crucial is that his jural status and capacities, both as citizen and as kinsman, are fixed unequivocally by his matrilineal descent....

Externally, his lineage membership binds him so irrevocably that he could not in the pre-colonial period renounce it and remain in the society as a free citizen. Even today... it is unthinkable.... Formerly, it could however be forfeited.... A person could be expelled from the lineage for outrageous misconduct or sacrilege, for example, incest or
witchcraft, inimical to the norms of lineage morality and solidarity.... like capital
punishment, to which it was virtually equivalent, [banishment] required the assent of
the king. (185, footnotes excluded)

The Asante had several partial citizen statuses that included forms of slavery and a type
of indentured or bonded status called “pawn,” in which a person was partially alienated from
their abusua. Pawns were often given in exchange for a loan, their obligations and the profits of
their labour belonged to the lender and acted as guarantee and interest on the loan. There were
also types of slavery that could apply to an Asante person. In Fortes’ comments about
citizenship, it is clear that if a person renounced their lineage, they would assume one of these
partial statuses. Thus, his contention that one needed a lineage affiliation in order to function in
the society as a person is founded on the facts of Asante pre-colonial society. However, there is
also a suggestion of a historical process—an emergence of particular ideas both about being
Asante and political authority—that he ignores. Rather, the emphasis is on the way in which
these defining boundaries of the lineage create its jural unity, its political existence as “one
person."

Fortes emphasized the way in which people’s membership and position in a lineage
deﬁned their social statuses and social capacities. Because each Asante person remained in the
lineage they were born in, female members contributed both productively and reproductively to
their lineages while male members contributed productively. Male members “belong to” the
lineage, so although their reproductive capacity was separated from the lineage, Fortes
suggested their productive and political capacities were considered to be “‘owned by’” the
lineage (164). Men were not “owned” in the sense that slaves were owned, but men had a
limited ability to act independently, productively or politically. Lineage members might object if
a man were to consider giving too much of his self-acquired property to a child because of the
notion that even when a man acquired a property for himself, it was ultimately for the lineage.
The importance of lineage membership and position was evident during my fieldwork. In relation to inheritance, it is reflected in the understanding that the support of a lineage provides the essential conditions for a person’s success. Because of this, the inheritance of “self-acquired” property can be contested on the grounds that the capacity to acquire property was derived from the help of the *abusua*. The degree of control an *abusua* can assert over a member’s productive activities and choices has undergone significant change over the 20th and 21st centuries, but I frequently encountered the notion that a man “belongs to” or “comes from” an *abusua*. Historically, this meant that extra-lineal gifts, such as land given to wives or children, had to be approved by the lineage and formalized through an official ritual of thanks (*aseda*) before they were considered to be legitimate (I expand on this in Chapter 5).

Because Fortes saw the lineage as a bridge, he saw it as also part of the domestic sphere, and for him “family” or “kinship” within the domestic sphere had multiple configurations. There were the relationships that obtained between a reproductive couple and their children, but there were also important domestic/internal lineage relations. Fortes identifies the *yafunu* group, or the siblings of one mother, as the “building block” of the lineage. He states that “the core and paradigm of its constitution, as they see it, consists of a woman, her bother, and her children of both sexes,” and the “internal” view of the lineage from the Asante perspective is of an “extended and expanded *yafunu* group” (1969: 171). Conceptually, the *yafunu* group was “one blood” which came from “one mother,” but Fortes points out that when a person spoke of being from one mother, they could be referring to either the mother who gave birth to them or an ancestral mother of the *abusua*.25 Following from this, he argues that the lineage was not

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25. I would add that they could also be speaking of a living *abusua* woman of an older generation, especially the sister of the mother that gave birth to them. I frequently experienced the inverse of this when people questioned me about myself: a common question (in English) was “have you given birth?” The question was almost never phrased as “do you have children,” to which an Asante woman might answer yes if she had not given birth but
conceived of as a collection of individuals linked through descent, but as “uterine sibling
groups” (ibid.). He uses Twi proverbs to illustrate Asante perspectives on these relationship, and
in general, his description remains a recognizable and insightful one. Given T.E. Kyei’s close
involvement in collecting and interpreting genealogical information, this seems a likely example
of strong Asante influence on Fortes’ interpretive framework.

Debates over the stability of matrilineal systems and over matrilineal inheritance
specifically have often turned on concepts of “structural tensions,” defined most succinctly by
the matrilineal puzzle in which a man is torn between his obligations to his lineage and his
obligations to his children. Fortes discussed tensions within Asante kinship at length, but these
tensions drew more heavily on Asante concepts (and claims) than is frequently acknowledged;
furthermore, he discussed tensions experienced by all adults, not just men. The root of the
tensions Fortes discussed emerged from the multiple moral entailments of kinship, in particular
within the *yafunu* group and in the generational distinctions in structural relationships. Within
the *yafunu* group, people felt both “mutual affection and identification, [and] a bond of
inescapable moral obligation to support one another against outsiders regardless of
idiosyncrasies of personality and character” (1969: 172). This sense of “inescapable moral
obligation” was given a political/legal reality in the law that prohibited banishment, and in laws
that held lineage members mutually responsible for each other’s wrongdoings. Generational
divides brought with them issues of succession (between the elder and younger adult
generations), obligations entailed in production and reproduction (between adult siblings), and
obligations to provide care (between the adult parental and dependent child generations).

Tensions in kinship were, Fortes suggests, the result of this combination of individual

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had a *yafunu* sister who had.
desires and inescapable abusua obligations. People could neither voluntarily leave nor be
banished from their lineage, leaving little recourse for those who found their lineage members’
demands onerous or overwhelming, or who simply did not like particular lineal kin with whom
they must act in solidarity. Fortes did consider lineal tension to emerge from the combination of
social obligation and personal desire, but his perspective drew on a wider range of social
expectations and personal desires than those produced by the “matrilineal puzzle.” Of women
Fortes says:

> every woman, as a wife and mother, is at times torn between her loyalties to husband
> and children on the one hand and to her siblings and uterine kin on the other. She can
> leave her husband if he neglects her or her children; she cannot opt out of the corporate
> sibling group even if she suspects her brother’s intentions with regard to her beloved
> sons. (1969: 178)

Much of what Fortes wrote about the “internal” relations of the lineage is still widely
recognizable as being a part of, if not the whole of, what people expect from their lineal
relations. The yafunu group is quite significant, the tensions between the profound obligations
and self-sacrifice to one’s yafunu group on the one hand and personal desires on the other is
readily observable. These came out most clearly to me in cases where people I knew quite well
had to care for a sick parent, in one case a mother and the other a father. People were caught
between conflicting desires and expectations to selflessly provide for that parent, to continue
meeting all of their ongoing obligations to their own children and other dependents, and to do
this “as one” with their other siblings who may not be contributing equally. There are strong
social conventions that judge harshly people who complain about or criticize their siblings, but
at the same time, some siblings clearly give more of themselves and their resources than others.
At these times also, parents’ perceived favouring of one child over another can become
infuriating. In one of the cases I observed, a son accused his father’s daughter of being a witch
because he felt she was using spiritual means to gain his father’s favour and thereby be released
from her obligations to care for him. In anger, the son refused for some weeks to take his father to any doctor’s appointments or to be involved in his care.

Fortes links the tensions created in kin relations with “witchcraft syndrome,” a term which he uses to define the belief that people could use supernatural powers to harm members of their *abusua*, and which he interprets as a rejection of kinship and the obligations that attend kin relations. Fortes argues that witches were a threat to the social order and because of this, accusations were resolved in the politico-jural rather than domestic domain. Although witches were always individuals and could only harm their own matrikin, their actions impugned their whole lineage because the lineage members are of one blood and witchcraft (*bayi*) is passed through blood. Witchcraft was classed as “a public delict and sin” (182) and its trials were public, conducted by state courts rather than lineage elders. This, he argues, is because lineages must respond “externally” to the threat that they posed to the social order and because in pre-colonial times, the accused’s life was at stake. Fortes suggests that the public nature of witchcraft accusations and trials helped prevent “wanton accusations and persecution” (182). Accused witches had a right to swear an oath at a chief’s court, a way of initiating a public trial. These trials were “traditionally… by ordeal regulated by jural and ritual precepts and carried out

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26. To my knowledge, he only made this accusation to me, in the presence of another friend who was also quite separate from his family. We three sat talking one afternoon, and knowing his father was ill, I asked how he was doing. His expression changed to anger, and he made a dismissive gesture, telling me he was done caring for his father because no one—father or siblings—appreciated what my friend was doing for them, how much time he was spending taking him to the hospital, getting him medicines and so on, at which point he complained about his sister (he used the English term “sister” to describe her, but clarified that she was not his mother’s daughter but his father’s). He reconciled with his father shortly after, and I heard no more about the sister.

27. This is one point on which my own experiences differ quite significantly with Fortes’ descriptions. While I did encounter people who said that witchcraft was only possible within the *abusua*, I also encountered much broader accusations. For example, in Chapter 6, Mary suggests that her sister’s husband used sorcery against her. However, since witchcraft and sorcery were not the focus of my research and only came up occasionally, I do not know if this represents a change in belief and practice, or if it is a change in translation (that is, if various Asante concepts articulated differently in Twi have been collapsed into a singular English-translated category of witchcraft/sorcery).
with the consent and under the surveillance of the chiefs and elders” (182-183). But, his reasoning about why witchcraft accusations were dealt with publicly is among some of his least convincing analysis of the Asante, and demonstrates the limitations of his theorization of structural domains.

In both witchcraft and banishment, Fortes assumes that state claims of authority over things deemed a threat to the social order are legitimate and self-explanatory. He glosses over the historical emergence of these authoritative claims and the ways in which they were legitimated. Instead, he paints the picture of a benevolent state that operated to limit the potential abuse of witchcraft accusations or banishment. Although Fortes’ theoretical division between the “internal” and “external” composition of the lineage makes a certain intuitive sense and genuinely marks out some distinct practices and concepts, his theorization of this division does not make clear what justification the state could have for claiming authority over some—but not all—“internal” lineage practices. Fortes treats the division between the external/internal, politico-jural/domestic spheres of Asante social life as natural and universal, which puts the socio-political production of the division and its change over time outside of his analysis. This is an important aspect of the critique of his work (Yanagisako 1987), but importantly, the Asante themselves construct many aspects of this division as “natural” and given. To better understand how the divide came to be, and came to be “natural,” I turn to the historical work of T.C. McCaskie.

Like Fortes, McCaskie (2002) uses a heuristic distinction between the political and the social to understand Asante (precolonial) society, but there are two key differences between his distinction and that of Fortes: first, he sees this distinction as emergent and contingent, one that changed in definition and practice over time as the military and economic elite consolidated and expanded their power and developed a functioning state polity. Second, he argues that the
distinction between the political and social was also a part of a specifically Asante heuristic epistemology, employed by the elite as an intentional tool to legitimate the authoritative claims of the state. An important part of this heuristic epistemology was the distinction between what was essential—that is, what was “natural,” fixed, or given—and what was contingent. The principle of the “jural corporateness” of the abusua was essential—which is to say that to intervene in this principle would be to radically undermine the concept of abusua. However, McCaskie argues that

on the other hand, the state constantly intervened in the definitions and rights accruing to individual cases and kin networks within the facts of jural corporateness. It continually adjusted the parameters of legal status in relation to its own project, recasting people in a succession of more or less privileged roles inside jural corporateness, while at the same time retaining final rights of arbitration over the boundaries of incorporation and expulsion. (90; emphasis original)

The heuristic distinction McCaskie describes is superficially similar to Fortes’ theorizations. Fortes conceptualized the distinction between political and domestic in terms of “the concomitant demarcation—in some respects, indeed, opposition—of their respective domains by conceptual, by institutional, and by topographic criteria” (155). Fortes posed parallel conceptual and institutional structures between “kinship” and “polity” which were organized in complementary opposition to one another, each defining its own domain in negation of the other: the political on the one hand and the domestic on the other were conceptually divided in terms of law and custom, crime and offence, and institutionally they were separated by the institutions of chieftaincy in the political domain and headship (of both house and lineage) in the domestic. Matters adjudicated by chiefs were political, and chiefs’ courts represented judicial and legal processes that produced law (mera). On the other hand, house matters and interpersonal disputes were adjudicated by elders, including household and lineage heads, according to “norms of virtue, honor and propriety, and to ritual prescriptions sanctioned
primarily by conscience and public opinion,” which “literates” translated as “custom” 
(\textit{amammre}) (ibid.). Although these differences did exist in Asante society, Fortes assembles 
them into dichotomous bundles that are taken as the self-explanatory product of universal 
structures.

In contrast, McCaskie shows that this mirroring of matrilineal custom and political 
practice was intentional and an important part of the process of legitimizing the precolonial state 
elite’s increasing claims of authority over people, land, and practice. McCaskie argues that the 
distinction between the social order and the state was formulated by the state elite as one 
between that which was essential and that which was contingent. This distinction was expressed 
in the difference between \textit{aman mmu} which was “immemorial custom that ordered a 
community,” and \textit{aman bre} which was “jural custom that might be changed or adjusted by 
legislation” (87). The “jural corporateness” of the lineage was \textit{aman mmu}, an essential condition 
that defined personhood—even humanity—and was the sole avenue through which the 
individual could gain access to the state or to any rights of citizenship. In the table below, I show 
how McCaskie’s and Fortes’ terms and definitions are related:

<table>
<thead>
<tr>
<th></th>
<th>Domestic / Essential</th>
<th>Politico-jural / Contingent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fortes</td>
<td>\textit{amammre} translated as “custom”</td>
<td>\textit{mera} translated as “law”</td>
</tr>
<tr>
<td>McCaskie</td>
<td>\textit{aman mmu} translated as “immemorial custom that ordered a community”</td>
<td>\textit{aman bre} translated as “jural custom that might be changed or adjusted by legislation”</td>
</tr>
</tbody>
</table>

Note that “domestic” and “essential” are not simply different names for one another. 
Fortes argues that the “domestic” is “a relatively discrete domain of social structure founded on 
principles and processes that are irreducible” (1969: 250). Among the Asante, he suggests, this 
domain has a name—\textit{amammre}—and is apparent in the distinct oppositions between domestic
and politico-jural institutions and processes: the house as opposed to the state, the head as opposed to the chief, custom as opposed to law, moral obligations as opposed to jural rights. Fortes sees in these oppositions a fundamental and universal structure that distinguishes the domestic “realm of custom, belief, and social organization” (ibid.), in which behaviour is governed by moral precepts, from the political realm, in which behaviour is governed by legal precepts.

McCaskie, on the other hand, stays firmly with the specificity of the Asante pre-colonial state and argues that the production of these domains was a project of state formation. He shows that as state power expanded, the state made exclusive claims to the regulation of matters that were *aman bre*, those jural customs that could be legislated. At the same time, “Asante” was constructed as an essential state of being that could be achieved only through birth into a matrilineage; in other words, as *aman muu*, a category of being that could not be altered through human action. This was linked to pre-existing ideas about jural corporateness, in which the matrilineage was seen literally “as a single, indivisible ‘jural person’” (86). McCaskie argues that to contravene the conditions of jural corporateness would have threatened the legitimacy of the state. Instead, the state became the guarantor of jural corporateness, expressed most clearly in the law that one must not reveal the origins of another (88-90). In this role, the state claimed authority over the many different statuses within the lineage, as well as inclusion or exclusion from the lineage and state, making the boundary between the essential and the contingent a project of state authority and power. In doing so, the state reified boundaries between Asante and not-Asante by making that which was constructed as contingent (rights within the socio-political context) based entirely on that which constructed as essential (being Asante through membership by birth in a matrilineage). McCaskie points out that “in the entire historical record, the only unequivocal reported instance of the abrogation of *aman mmu* was the severe restriction
placed by the the *Asantehene* Kwaku Dua Panin” on banishment, which made exile from an *abusua* illegal\(^{28}\) (87). McCaskie argues this served to “reinforce” the concept of the jural corporateness “by clarifying its boundaries and so underscoring its central, non-negotiable integrity” (88).

McCaskie’s historical work shows how the divisions that Fortes observed emerged and changed through the expansions of the Asante state. As it expanded, the state exercised increasing power over the conditions of life; but the need to uphold *aman muu* (the essential) meant that state power was circumscribed in ways that created the domestic-political oppositions that Fortes observed. The political division between *aman muu* (the essential) and *aman bre* (the contingent) created a political sphere in which the state could enact coercive power and strip its citizens of status, property, rights, and life. But this coercive power had limitations that helped maintain the legitimacy of state claims and gain the consent of the populace to be ruled. McCaskie argues that the Asante state’s coercive power was manifested in both large and small acts, and that the agents of the state developed, over time, a “structured implementation of coercion” (83), that set the limitations of state coercion in two important ways. First, the coercive potential of the state was not equally available to all state agents. The ability to enact particular coercive potentials was restricted according to the hierarchy of state authority, so, for example, only the Asantehene could sentence a person to execution, and only when he was “seated” with his council (82). Short of death and banishment, other forms of coercion were vested in chiefs’ authority at various levels, for example: mutilation, confiscation of property, and the right to levy fines (ibid.).

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\(^{28}\) An interesting indirect comment on this comes from Fiskesjo (2012), who, looking at the meaning of *homo sacer* in its historical context, argues that banishment and state formation are linked. He argues that banishment is a form of self-policing in pre-state communities. As states form and become more powerful, they assert their sovereignty by claiming exclusive right to banishment.
Second, there was a commitment to what McCaskie terms “due process” (ibid.). He gives multiple examples of corpses that were brought to court and tried for crimes against the Asantehene, found guilty and then beheaded (82-83). State authorities wielded considerable power over state citizens, but that power was carefully circumscribed and limited by the different legal capacities of state agents, and by the state-wide commitment to due process. Even the Asantehene could not, as a person, sentence another to death. To do so required that he first undertake the proper jural process, sit with his council, try the case, pay his fees, and only then sentence the person to death (ibid). In this sense, even when the outcome was predetermined (as in the cases of dead rebels on trial), the coercive power of the state was tightly regulated and conceptually vested in the state authoritative process rather than its agents. This conceptual distinction between the person and their political role remains: it was made clear to me by chiefs and “commoners” alike that the power of a hene (chief) is in the stool, not in the person. Stools persist while stool-holders come and go; stool powers and properties are held by the stool, not by the stool-holder.

McCaskie also argues that many small acts of coercion, both legitimate and illegitimate, were practiced by various agents of the state. These acts included things such as physical bullying, stealing, and threats to invoke the formal power of the state (85). He argues that the small “subjective inequities” that minor agents of the state engaged in acted as a “basic pedagogy” that “clearly implied the inequalities that stemmed from inclusion in or exclusion from the state” (85). The partial statuses of slaves and pawns, then, were particularly subject to the inequalities perpetuated by state agents, and the lives of such partial-status people were in every way more vulnerable.

Thus, for McCaskie, what was classified as aman muu (essential) was a profoundly political process involving claims to the authority and legitimacy of the state and of its
boundaries. His arguments are made particularly clear in the case of the assimilation of slaves to
a contingent jural status in the mature state. A foreign-born slave had no rights nor even a human
status in the Asante state; slaves were treated as property. They could be designated as
sacrificial, which meant that no matter what freedom they had in their day-to-day lives to do
things like farm, marry, and raise children, they could be taken for ritual sacrifice at any time. If
they lived out their lives naturally, their status as potential sacrifices extended to their children
and grandchildren and so on as long as their descendants remained so-classified (2002: 98-99).
McCaskie argues that “a degree of assimilation to jural corporateness was the only realistic hope
for a slave” (99). This is alluded to by Fortes when he discusses the differentiation in status
between “freeborn” Asante citizens and those incorporated into matrilineages through “ideology
of common civic status [which was a] binding moral as well as legal duty” (1969: 141-142). But
what appears in Fortes’ analysis to be a way to assimilate people non-violently through the
incorporation, however circumscribed, into a legitimate Asante matrilineage instead appears in
McCaskie’s analysis to have become, through the manipulations of the state, a tool of structural
violence and oppression. Once assimilated into a lineage “direct public statements about the
slave origins and antecedents of lineage filiates were actionable and punishable in law”
(McCaskie 2002: 99). People thus incorporated into the lineage thereafter had a recognized
social status and limited rights within the state and abusua, and thus a limited “jurial” status or
personhood. The hope of achieving this limited jural status operated as a powerful control on the
actions of slaves, who as a group worked at achieving jural status rather than rebelling or
making what appeared, to outsiders, to be a relatively effortless journey to the Gold Coast where
they would be technically “free” (99-100).

The law that defines public and private contexts where speaking of ancestors is
actionable or acceptable supports the state’s ability to strip citizens of rights or grant rights to
non-citizens. Just as Fortes suggested, the law is a key Asante concept that marks an important
distinction between public and private spheres, but what is clear through McCaskie’s analysis is
both why and how this boundary was constructed. The Asante domestic sphere is not “naturally”
composed in opposition to the public; the oppositions between the two both support the
structures of authority, the concentration of power, and the legitimacy of the state. The pre-
colonial Asante state explicitly used the existing matrilineal system to justify and legitimate its
rule. The pre-Asante social order in which small groups of siblings and spouses struck out into
the forest and founded farming villages was discursively adopted by the elite as they
consolidated and expanded their power. By making membership in a matrilineage through birth
the only means by which a person could achieve full citizenship rights, the state ascribed an
essential (aman mmu) and inalienable quality to being Asante—it became a “natural” category.
Conversely, the state supported many partial statuses by which Asante people could be
marginalized and by which non-Asante captured people could be partially incorporated. These
 statuses of partial jural personhood with partial rights were contingent on the actions and
dictates of the state which legitimated them. Slaves could aspire to some degree of belonging to
the Asante state, which would afford them partial rights and the protection enforced by the state
law that no one must reveal the origins of another, and Asante citizens were restricted by the
knowledge that their being in Asante could be partially or fully stripped through the dictates of
the state.

McCaskie’s reconfiguring of Fortes’ distinction of domestic/politico-jural to essential/
contingent is one that brings both power and intent to the fore. He does not look at why and how
witchcraft trials specifically came under the jurisdiction of the state, but his analysis provides a
better context for understanding how public and private, external and internal were constructed,
related, and perpetuated. From McCaskie’s argument, we can see that “Asante” came to be
synonymous with “being” in the fullest human sense. The state’s control over death sentences and banishment acted as an authoritative claim to the exclusive right to strip Asante people of their being. From this perspective, witchcraft is a repudiation of unity—the fundamental condition of being a member of a matrilineage—and therefore is simultaneously a repudiation of being Asante. Thus, the intervention of the state does not so much seem a regulation on frivolous claims but rather an assertion of its position as the sole arbiter of being within Asante. The punishment of death or banishment could be seen as a manifestation in action of what has already been done in spirit, or alternatively as a punitive reclaiming of control over the power to strip a person of their being. In any case, the state’s claim of jurisdiction over witchcraft appears far from neutral when viewed through McCaskie’s analysis.

**Conclusion**

For the Asante, “*abusua,*” in the sense that it denotes matrilineal kinship, is not simply a “system of decent” or an identity or an ideology. It encompasses a combination of practices and categories that incorporate knowledge about what is, fundamentally, in the world: the “immemorial customs that order a community” and the basic conditions of humanity. Neither Fortes’ focus on human universals and structures, nor the post-critique focus on processes and the rejection of “natural” categories fully explains Asante kinship and change. In this chapter, I have argued that attention to particular “givens” (Viveiros de Castro 2009) allows for a reincorporation of some notion of “structure” into studies of practice. I suggest that by analytically separating present-moments as different from historical processes, we can incorporate into theories of kinship and change people’s own understandings of what is fixed in relation to their practice: “natural” categories as well as laws, customs, and expectations that, though they may be contested or may change over time, form the boundaries of possible action.
at particular points in time. This does not require that “nature” or any fixed category at a given point of time be understood as universal; in fact, we would expect that fixed categories would vary depending on the histories through which they have emerged. This is exactly what we find when looking at “blood,” which is both “natural” and different for Asante and Euro-American people.

Using this approach I have re-examined some of Fortes’ central claims about lineage and its domains. While critics have argued that his work is Eurocentric, I have shown that Fortes’ descriptions of Asante lineage concepts and practices have a strong basis in ethnographic evidence. This raises the question of how to interpret his claims, which closely unite ethnographic details with theoretical interpretations. In order to do this, I have drawn on the historical analysis of T. C. McCaskie to show that the distinctions Fortes found between the public and private contexts of the lineage were dynamic and changing divisions that emerged as a part of Asante state formation. This approach allows Fortes’ valuable work to be incorporated into an analysis of social change that does not assume breakdown, demise, nor the inevitable progression of different forms. “Matriliny” appears as a shifting collection of practices, beliefs, and knowledge that are configured in present moments by present actions and historical processes. By analyzing historical process rather than simply acknowledging historical events, social change and matrilineal kinship become a much less problematic pair. Asante matrilineal kinship is the knowledge through which people know themselves to be—and belong to—Asante, both as a polity and as a system of interpersonal relationships. This knowledge helps configure the potentials for action in particular moments, but it is not deterministic; it is emergent and always carries the possibility of change.

In the beginning of this chapter, I suggested that matrilineal inheritance makes sense to Asante people in part because it orders relationships into a continuous system of responsibility.
A successor stands in the same potential relationship to all of the people in a deceased person’s life as the deceased person did—as parent, as *abusua* member, as spouse. Conceptually, if not always practically, this allows the extended relationships and responsibilities that were ordered through a particular person to be continued with little disruption after his or her death. This refocuses the meaning of matriliny on its ethical dimension, as a value system that allows for actions to be judged and responsibilities to be assigned. In the following chapter, I will build on the ideas introduced here about this ethical dimension and about the importance of “fixed” categories. In doing so, I will develop a more detailed, ethnographic account of how fixed categories operate in present moments to define potential action.
Chapter 2: Living and Working in Kumasi

I located my fieldwork in Kumasi for a few reasons. As the former centre of the Asante state, it is the city most strongly associated with Asante culture, history, and law. Furthermore, it is the current capital of the Ashanti region, making it a significant centre of Ghanaian state bureaucracy. The regional courts, Legal Aid offices, and regional Ministry offices are all located within blocks of one another in the heart of Kumasi. Kumasi is a teeming and expanding metropolis of over a million people, making it a somewhat unusual site to study kinship (particularly African kinship); however, I wanted to study kinship in the context of a state policy, and as such, Kumasi was the ideal location.

Kumasi attracts migrants from all over Ghana, as well as from Western Africa more generally. There are a few small pockets of more international immigrants, although for the most part my impression is that many of these people were semi-permanent, in Ghana for long-term work but not to settle. The majority of migrants in Kumasi are from Ghana. Despite its popularity as a regional destination for those searching for work or education, there is a sense of coherence to Kumasi’s cultural identity that is perhaps not so distinct in Accra, the even larger and more diverse capital city of Ghana. There is a distinct sense of Kumasi as an Asante place. Twi is the most common language spoken, although the national language and the official language of government and education is English.29 However, even things as official as government court proceedings often lapse into Twi, which, in Kumasi, is often the language

29. Asante Twi is one among many “mutually intelligible” dialects of Akan languages. The Akan make up roughly half the population of Ghana; it was my experience that even non-Akan Ghanaians spoke Twi more commonly in Kumasi than English, although the amount of English-language education a person had influenced this considerably.
most fluently spoken even by non-Asante Ghanaians. The presence of the Asantehene, other chiefs, and customary courts is part of life both symbolically—in media and in festivals—and also in the system of land tenure in which land is “leased” from chiefs rather than bought outright.

In this chapter I will provide a setting for the following chapters by describing Kumasi and Asasepa, the neighbourhood where I first lived, and I will outline some of my key relationships as well as my methods. In the second half of the chapter, I will consider the relationship between lineage and neighbourhood solidarity by investigating the saying “people from one place are one family.” Using the analytical framework of ethical acts (see introduction), I will discuss some of the common shared criteria of neighbourhood behaviour, which in following chapters I will show influences expectations about marriage, kinship, and inheritance. These criteria focus around the unity of “family” and respect for the hierarchies defined by abusua or political authority and age. The solidarity indicated by the idea of “one family” is significant in how people define their interpersonal problems and the solutions to those problems, in the often low-stakes disputes of neighbours, but also in the higher-stakes disputes of inheritance.

**Kumasi and change**

Kumasi has grown through several eras of political governance that have affected its political and physical structure in broad ways, as well as in more specific ways within the distinct neighbourhood districts into which it is divided. Kumasi’s metropolitan boundaries have undergone several expansions, and what used to be outlying villages—like Asasepa, where I stayed—are now a part of the city proper, while once-distant villages are now in the peri-urban areas on the outskirts of the city, undergoing their own intensification and development. Large,
busy roads link these areas, and major investments in the city’s transportation infrastructure were underway during my time there. Although there are some distinctive eras in the architecture of the buildings or the design of the neighbourhoods, the initial sense of the built environment is one of much repetition. This is due in part to the rapid expansion that has happened in the last half century.

Kumasi’s current built form has been largely shaped by the political and economic potentials that emerged during the colonial and post-colonial eras. Colonial rule began in 1896, when military forces from the Gold Coast colony arrested the Asantehene (king) and occupied Kumasi. The occupation initiated a period of turmoil, in part because in the decades preceding colonial rule there had been considerable internal strife in the Asante state. Shortly before the colonial government occupied Kumasi, the Asantehemaa (Queen Mother) Yaa Kyaa had promised that land seized by a previous Asantehene would be returned to its prior owners should her son be elected as Asantehene, which he was. Thus, at the time of occupation, there were ongoing disputes over rights to land among various members of the Asante elite (Berry 2000: 2-3). These land disputes were further complicated by the fact that elite ownership of land was not necessarily concentrated in particular locales, and chief-subject relationships could entail multiple alliances as subjects migrated for economic opportunities. It was in this already fraught context that the colonial government removed the Asantehene, leaving “senior officeholders scrambling to protect or advance their positions within the new order,” (ibid.). Because of the complexity of these internal struggles and because they were carried out through competing claims to land, Berry (2000: 5-6) argues that it was the British who redefined land as inalienable from the stool (office), in order to limit the number of land disputes and shore up customary authority.

The chiefly grappling for power and land took place during a rapid expansion into
international capitalist markets, particularly through the development of a thriving cocoa industry, which changed farming practices and also the possibilities and implications of owning land. During the early 20th century, Ghanaians rapidly became the largest producers of cocoa in the world, and Kumasi became the regional hub of Asante cocoa production. The fees the government collected from export went primarily to coastal authorities, however, and in this context land taxes became the main source of local government revenue in Kumasi (Berry 2000: 66). This made urban land extremely valuable, and colonial administrators and chiefs often came into disputes over it. Commercial activities in Kumasi expanded, along with the land use to accommodate these changes (ibid.). In the centre of Kumasi, the open-air Kejetia market is now one of the largest in West Africa.

Ghana’s economy has gone through several cycles of expansions and contractions. Despite strong beginnings, the new post-colonial state of Ghana led by the Soviet-influenced president Kwame Nkrumah soon faced both civil unrest and international opposition. His government was overthrown in 1966, launching a period of dropping quality of life and repeated alternating democratic governments and dictatorships. After a period of severe economic hardship in the 1970s and 1980s, Ghana was subject to structural adjustment programs in the 1990s. Berry (2000: 73) suggests that these “successfully stimulated trade, but the gains in income were concentrated at the upper ends of the scale,” an opinion documented ethnographically in many of the gender studies produced during that period (Clark 1994, 1999).

It is in this context of increasing international trade, increasing capital value in farms and in land, and struggles over political power, including the authority to claim the profits of emerging capitalist expansions, that widows’ struggles over inheritance emerged as a particularly vivid social problem. Perhaps not surprisingly, given these upheavals and changes, scholars have often attributed changes in kinship practice to economic and political factors.
However, Fortes (1969) argues against economic determinism in explanations for changes to kinship, and Clark (1999) argues for an understanding of kinship and social change that draws more fully on Asante intent. I take these points as an orienting position in my analysis of kinship and change throughout the thesis; in this chapter, I focus on the everyday experiences of Ghanaians, looking at how the active interpretive processes of ethical acts produce a sense of shared kinship in diverse neighbourhoods. In the following section I describe Asasepa, the neighbourhood where I first lived, and my methods. In the last two sections of the chapter, I use details from interviews in several other neighbourhoods around Kumasi and a case study of a dispute to give a sense of the shared ethical concepts that make Asante matrilineal kinship a coherent and relevant part of everyday life in an ethnically diverse city. I argue that these shared concepts allow people in Kumasi to act in intentional ways towards the goals of close, harmonious living.

Asasepa

I began my fieldwork in Asasepa,30 one of the more recent neighbourhoods of Kumasi, formerly a village on its outskirts. I lived with an Asante family, a short walk down a dirt road from a large paved road that connected several former villages in the outer metropolitan area of Kumasi. My landlady lived in a house that was built in a Western style, which is to say that all of its interior space was connected and there was indoor plumbing and an indoor kitchen. It was centred on a plot of land that was surrounded by a high wall which one could not look over from the street, and it had two large steel gates which were kept closed at all times and locked at night. We had many neighbours on this side road, but I did not get to know them well, as all of

those houses were also walled and gated, and each house stood alone on its generous plot of land. When I spent time socializing in Asasepa, it was among the houses and shops that lined the main street.

The main street of Asasepa was a large, busy paved road, and this street was lined with small shacks and repurposed shipping containers that held small businesses: tailors, butchers, hair-dressers, household wares shops, dry goods shops, bars, food kiosks (chop bars) and more. Smaller dirt roads, including the one I lived on, lead off from this main road. These were more (although not exclusively) residential. Most of the Western-style gated properties were on these side roads, although there was also a mix of other types of housing.

Asasepa was similar in its built form to many, although not all, of the other neighbourhoods on the outskirts of Kumasi. Over the 20th century, neighbourhoods developed in different ways due to different eras of governmental approaches to housing policy (Sarfoh 2010). During the colonial period, housing policy was narrowly focused on the immediate bureaucratic needs of governing and, in Kumasi, resulted in segregated neighbourhoods that separated Asante from other (migrant) groups (Sarfoh 2010: 131; these neighbourhoods are described in Fortes, Steel and Ady 1947; Schildkrout 1970). Historian Sara Berry suggests the segregation of residential from commercial neighbourhoods as well as the segregation of residential neighbourhoods by ethnic and racial divides had to do with colonial “concerns over sanitation,” which blended practical ideas such as providing accommodations for sewers with ideological beliefs about race, ethnicity, and class (2000: 66-69). This segregation has had lasting impacts on the ethnic and economic diversity of the neighbourhoods, although they are no longer restricted. Policies shifted away from this segregation to a more nationalistic focus in the post-colonial era (Sarfoh 2010). As a result, Kumasi still has many distinctly defined neighbourhoods like Asasepa, with specific names and well known boundaries, but there is more
variation in who lives where, as well as what kinds of housing is available within these
neighbourhoods. Asasepa was a case in point: primarily Akan, there were also several people
from different parts of Ghana renting rooms in Asasepa’s houses. Some, like my landlady, were
Asante but from different hometowns, often quite distant from Asasepa and outside the modern
boundary of Kumasi. Others were Akan people from different parts of Ghana entirely, and there
were some Northerners or other non-Akan people. There were very few foreigners from outside
of Ghana during my time there: my landlady was attempting to start a hostel and so a few
Europeans and Americans stayed with us for days or weeks and one Western-style house on our
street was rented briefly by two European women. But most migrant residents were like my
landlady: Asante, or Akan, but from somewhere outside of Kumasi.

There are several typical styles of dwellings in Kumasi, including compound houses and
compound-style row houses; high-rise buildings with compound-style or self-contained flats;
and Western-style single family dwellings. On the side road on which I lived in Asasepa, the
houses were separated by exterior yards and high brick walls surrounding the yards, and they
were built either as large compound houses or as large Western-style houses. The houses
adjacent to the main road, and on several of the other side roads, were predominantly compound
houses without exterior yards or privacy walls. There were a few apartment buildings; one was
incomplete and home to squatters. Compound-style housing usually has no interior plumbing,
and often the group of people who live together within a compound-style house share only one
or two rooms out of the whole. These rooms often have a porch or “hall” that is semi-enclosed.
Actual compound houses have interior courtyards, and many have no external yard, or a very
minimal one, while compound-style houses are often in rows built too closely together for
courtyards. Self-contained flats and Western-style houses have interior plumbing and usually
interior kitchens, and they have multiple rooms which are connected to each other. Western-style
houses often have exterior yards and no courtyard, and most newer ones have high walls and gates. Some older ones have low walls. The wealthiest families employ guards to sit at the gates, but I did not know of any families employing guards in Asasepa.

Compound houses are very common throughout Kumasi, although not much research has been done that distinguishes renters from rights-owners (Sarfoh 2010: 128; see Pellow 2002 for a notable exception). Similarly, while “single family dwellings” are being built in increasing numbers, there has not been much research on whether and to what degree these are inhabited by “nuclear” families (Sarfoh 2010). In my experience, such “single family” houses were often rented by migrants or occupied by additional household members (extended family and/or live-in servents). Similarly, the compound houses built by people with abusua land rights in a certain Kumasi neighbourhood are often occupied by a mix of that person’s abusua members and migrant-renters, or sometimes entirely by migrants. Migrant married couples usually co-reside on rented or bought property rather than family land, and pursue various forms of wage labour or petty trading rather than farming. However, there is a lot of variation among the different people of the neighbourhoods. People who belong to local mmusua in a particular neighbourhood are more likely to have ready access to family land that they can occupy or use for income-earning activities, and I knew several married couples in Kumasi that resided separately. Migrants may have rights in family properties that are distant, but they may feel that they are better off financially to rent in Kumasi than to live rent-free in a small town or village.

**Doing Research**

Setting my research in Kumasi presented some particular challenges. The large, urban setting and the nature of my interest in inheritance processes and widows’ experiences meant that while I was immersed in “the field” in the sense that I was far from home, the questions I
was asking could not be answered by simply observing the quotidian activities of my hosts. Although I lived with a Ghanaian family, they themselves were fairly segregated from Asasepa. My landlady, a nurse, left the neighbourhood every weekday to go to work, as did her husband, a doctor. Their children went to school outside the neighbourhood as well, and the family’s social activities revolved around their church, also outside Asasepa, and their relatives some of whom lived in Asasepa, but most of whom did not. The market where they bought their food and many of their other small items was in the same community as their church, and several of their family members worked out of that market. They spent time with family and church members, engaging in only the minimum of polite interaction with neighbours—a minimum of interaction further reduced by the fact that their yard was behind a high wall and they drove their private cars to most activities. Although I engaged in many conversations with them, and sometimes joined them in errands or socializing, their daily activities scattered them around the city, and I had to look elsewhere for insights into widowhood and inheritance.

Given that “widows” do not exist as a distinct social group that one can find by going to a particular place, I spent the early months of my fieldwork interviewing people who might regularly encounter women trying to solve problems related to their status as widows. I used my existing small social network from previous visits to begin interviewing Christian clergy from various denominations, as well as lawyers. As my social network expanded, these interviews also expanded to include several lawyers, police, politicians, and chiefs, as well as various community members.

I interviewed several lawyers, who I met through various channels. I had a prior relationship with the Legal Aid Board, and I did both interviews and observations there. I met some lawyers who worked for NGOs by approaching the NGOs, and found that several lawyers held multiple positions in private firms, and two worked at the law department at Kwame
Nkrumah School of Science and Technology. For lawyers, I gave structured interviews. In
general, they saw me during their regular work day and although I went to Ghana hoping to
engage people in collaborations, I quickly discovered that lawyers (and to a lesser degree, most
other people I interviewed) did not want to engage in a process of mutual discovery: they
wanted to assist me as they had promised in a timeframe that was not disruptive to their day. In
these cases, I gave structured interviews out of respect and in appreciation for the time they gave
me. I always left a question at the end for them to add their own thoughts, but they rarely did.

In June 2008, I conducted two focus groups to develop a semi-structured survey
interview on inheritance, and that survey was the source of about one third of my approximately
150 interviews. I also developed a second, shorter semi-structured survey in the spring of 2009,
which I discuss in detail in the next section of this chapter. In addition to interviewing, I did
participant observation in a variety of contexts, many of them outside of Asasepa. I observed
two proceedings at government courts. I abandoned my efforts to see these proceedings because
the duration of a given court case typically exceeded my field period by years, and the inches by
which they progressed on particular days was not particularly useful. I had attempted to follow
the court experiences of one person I met during the inheritance interviews, but from the time I
met him until I left Ghana (about 9 months), every court date he had was adjourned without
convening. I attended funerals, both as a guest making a brief appearance, and at times in more
involved ways (these are discussed in detail in Chapters 4 and 5).

In September of 2008, I began attending the Asafohene’s court with a man who lived in
Asasepa and who had become interested in helping me with my research, Nana Owusu. Nana
had moved from where he was working in Accra to Kumasi to be an assistant to his uncle, while
his wife, a trader, continued to live in Accra. Nana’s work in Kumasi involved helping his uncle
manage the properties and duties associated with the stool. The uncle’s stool was in Nana’s
hometown, which was a short drive from Kumasi, in the territory of the Asafohene. Nana’s role as an assistant to his uncle was part of a settlement reached after Nana and his brother protested his uncle’s nomination to the stool. Now, Nana worked closely with the uncle, and regularly attended the Asafohene’s courts, both to be up to date on issues he might have to help his uncle with, and also to learn more about the workings of the chief system. Nana was instrumental in introducing me to the court, ensuring that I had permissions, and scheduling me an interview with the Asafohene’s chief linguist (some of which is included in Chapter 3). The Asafohene is a paramount chief, with authority to settle significant disputes in a wide area, and people from Kumasi and the surrounding areas brought their cases to his court in the Asafo neighbourhood of Kumasi. Most had to do with land disputes, issues with chieftancy, and family headship. While I was there, the court did not hear any cases to do with inheritance.

English is the official language of the Ghanaian government, and is also the language of education. Thus, many people spoke English, and I also made efforts to learn Twi, the Akan language spoken by the Asante. Most people who had been educated through high school or beyond preferred their English to my Twi, and so my interviews with educated people—which included lawyers, politicians, and most ministers—were in English. Nevertheless, I hired a research assistant, Stella, who had spoken Twi in her home and in many of her social relations her whole life, but whose household members were fluent in English and who herself was taking a Masters degree in English. Stella translated for me during interviews, and assisted during some of my participant observation as well. I recorded all interviews, during which Stella would translate orally as needed. Later, Stella transcribed the interviews, re-translating the original Twi comments into the transcripts.

I have used Stella’s written translations where I have included interview excerpts, although I have made minor clarifications to grammar and corrected spelling and punctuation. In
these excerpts, I use quotation marks to mark the common practice of speaking as a generic other, ellipses to indicate where I have removed sections of the interview, and semi-colons to end incomplete sentences that the speaker did not finish. I have left the translated Twi primarily in the idiomatic Ghanaian-English dialect that Stella used. I did this because some phrasings, grammar uses, and words have particular meanings, and I wanted to leave those intact for readers familiar with the Ghanaian dialect; I also wanted to avoid compounding the inevitable compromises of translation. Stella helped with my language learning, and we discussed many aspects of my research together. At times, especially during interviews, she would ask questions to clarify or expand on a person’s answers during the interview. I have included her questions and comments in some of the interview segments.

The place in Asasepa from which I did most of my observation was my friend Linda’s small dry-goods shop. Linda was a trader who I had met as I walked along the main road. She greeted me, and like many Ghanaians, wanted to know where I was from and what my purpose was. On hearing about my interest in learning about Twi and Asante things, she offered to help me, and I began visiting her store fairly regularly in May of 2008. Linda’s store was at the intersection of the main road and a short, dead-end dirt road that gave access to a number of compound houses set back from the main road. In the area immediately around Linda’s store there were three or four compound houses built with narrow spaces between, and several rows of rooms that would never be compound houses because there was no space for a courtyard, but whose rooms were of equivalent design.31 Several of these houses could only be approached on foot, they did not directly face either the main or the dirt road. The compound house directly

31. While information about housing in Ghana is somewhat limited, in 1990, 75% of the people living in Kumasi lived in 1 or 2 story compound houses (Sarfoh 2010: 128). 10 years later, the Ghanaian average was 50% living in compound houses (ibid.), but it’s hard to infer from that what the actual change in Kumasi might be.
behind Linda’s store, set back from both the main and the dirt roads, was the main abusua house of the local royal lineage, the Smith family. Linda’s store and the Smith abusua house were on either side of a large yard, which was bounded on the other two sides by the dirt road and the rows of rooms. Linda, a migrant to Kumasi, rented one of the rooms in the row houses near her store. She lived with her husband, stepson, and her two children and rented both her home and her store from the Smith family, who owned most of the property in the immediate vicinity of the store. The compound and row houses were occupied by many members of the Smith family, as well as many renters, and some “patrilateral” relatives (ex. sons of brothers) and Smith affines.

As with any city so large, there were many different situations, livelihoods, and practices, and so it would be difficult to generalize a “typical” day. While I was in Ghana, a newspaper article claimed that a recent study had found that many taxi drivers worked 20 hours a day, a very different lifestyle from the accountant I knew at the post office. Some people had an extended family that lived mostly within walking distance and had well established social networks in Kumasi. Other people had migrated from the north part of Ghana or from Burkino Faso, Mali, Togo and other surrounding countries and spoke very little English or Twi, and worked as contingent labourers in markets, carrying shoppers’ heavy purchases for the equivalent of a few cents a load, or hawking jewelry. The range of livelihoods, wealth, capital, religions, health, and any other measure was very broad. In Asasepa, the Smith abusua was a wealthy one; many members owned businesses and property, and there were several chiefs and some politicians among them. Some of the migrants who lived in Asasepa, such as my landlady,

32. Individual Smiths varied in the degree of anonymity they wanted and as a result, I have decided to obscure their name, as well as the name of the neighbourhood I lived in. I chose “Smith” because their name in Twi was difficult for me to pronounce and so they used the English translation of their name with me. “Smith” is similar in tone to the English name.
were in the educated professional class and earned salaries which paid for their comfortable houses. Many others rented small rooms and were in relatively precarious situations, surviving well enough from day to day but without the resources to weather significant setbacks.

But despite the variation in individual lives, there was some rhythm to the city. The chickens and cocks that roamed the streets and gutters began to stir around 4 a.m., and the first sounds of people waking generally followed within an hour. The sun came up without much variation around 6 a.m., and by that time many people had begun their day. Women who sold breakfast foods had to be available for the commuting crowds, and the commuters had to take into account the traffic. Traveling around the city, particularly if one had to enter the central part, either as a destination or to get across to the other side, almost always involved multiple traffic jams. The city was very active by 9 a.m.

Most days Linda would get up early in the morning, go to her store and begin a combination of personal chores and work. When she opened in the morning, she would sell bread, drinks and hot drink mixes to the early morning customers. At the same time she would cook breakfast for her children (and sometimes for me, or other friends who were around), get the children bathed, dressed, and ready for school. Soon the school bus would come and pick up the neighbourhood children (most of whom attended the same private school). After that, business would slow down for several hours.

During this time, there were several options. Sometimes Linda relaxed, or even returned to her room to sleep (although not very often). Often she did more chores, such as laundry and washing the floor of her store. If business was slow-but-steady, she would might simply sit in the store, chatting with fellow traders and local residents, perhaps babysitting a local baby while the mother did her own chores in the hot sun. Other times, Linda would go to the baker’s to buy fresh bread, which she sold in both loaves and slices, or to town to buy supplies for her store. As
we got to know each other, she sometimes asked me to watch the store while she did these
errands, which I did, much to the amusement of the locals.

Just as the day started quite early, the business day wound down early as well, and by 5
p.m., the central part of Kumasi was closed for business, other than the restaurants and bars.
This was the time when neighbourhoods became quite lively. Small shops and “spots” that
operated out of repurposed shipping containers on the side of the road did brisk business for the
supper crowd. Women who specialized in evening foods and men who grilled kabobs set up
their cook fires and began to serve customers as darkness fell. Children, home from school, had
changed from their uniforms and now played, finished up their homework, did chores, and
helped their mothers pound fufu or prepare other evening meals. Stereos played music loudly,
and evening services at church began as darkness fell. Some church services lasted all night (or
started at midnight), and these were often amplified loudly enough to hear for blocks around.

On days when she had been to market, Linda would restock her shelves before the late
afternoon and evening crowd began to pick up. She would also begin her dinner preparations
sitting outside her store on a low stool, and later she and her family would eat on stools, sitting
around inside or outside the store, depending on the weather. On weekends her brother would
stay with her and help out, and on these days, she often pounded fufu with him in the afternoons.
To make fufu, one boils plantains and casava, or other root vegetables, and then pounds them
into a glutenous ball. This ball is served with a rich soup, and is a favourite dish for many
Ghanaians. Pounding fufu is labour intensive and requires two people. Unmarried men, such as
Linda’s brother, and children of both sexes help with the pounding, but husbands do not pound
in public. Linda told me once that if a situation arose in which her husband would need to help
her pound fufu, they would do it in the porch of their home, whereas when her unmarried
brother or her sons helped her, they did it in the courtyard next to her store, in full view of the
neighbouring houses and the street.

Customers and friends would continue to visit the store into the night, and Linda rarely closed before 10pm. Most working people (although single young men were more of an exception) wound up their evening socializing between 10 and 11 p.m., or even earlier. The cocks would begin to crow again at 4, and the new day would be underway within a few short hours.

Like many people in Kumasi, Linda had a very reasonable standard of living when I met her. It was not luxurious, but most of her and her household’s needs were reasonably met: they had plenty to eat, school for the children, nice clothes, and a few small luxuries. But the comfort in which Linda lived when I met her was a tenuous one: they did not have the stability in income or savings to weather any serious income-compromising event. Linda and her husband did not have the kinds of education that made it possible to quickly switch employment strategies in a difficult economic climate, and they lived in a country with high unemployment and high availability of unskilled labour. The global food crisis and later the economic slowdown of 2008 had a noticeable impact on Linda and other people in the neighbourhood: as food prices soared and the value of the Ghana Cedi dropped, tight margins got even tighter. To truly escape poverty, a person needs to have a reasonable degree of long-term security. I met many people like Linda and her family, who lived comfortably when I met them, but who could not weather any serious loss of income. This constant background of insecurity meant that the practice of forging relationships and large social networks upon which one could draw in times of trouble was a key element of their livelihoods.
Finding kinship in everyday life

Much of people’s social life, including my own, took place outdoors, in the community spaces delineated by the built environment of the neighbourhood. The fully enclosed courtyards of compound houses are private, “interior” spaces in compound houses, but the paths and small open areas created by row houses or exterior compound walls are less fully so. People gather most socially in open yards that are fully exterior to compound houses, or around stores and food stands along the roadside. Thus, the area around and behind Linda’s store was an active social space, where many neighbours came to socialize.

From Linda’s store I met many people, some casually and some whom I got to know better. I watched women make food and take care of their children while they worked. I watched men chatting with each other, with women, and playing with children while they worked or relaxed. I saw how people related to each other in the more public spaces of the small storefronts as well as in the more private spaces of houses and courtyards. Benches, stools and chairs were readily accessible outside of most stores and in the courtyards or on the exterior porches of compound houses, making it easy for groups to come together for a few moments or hours of socializing or other shared activity. It was in this closely defined local setting, rather than my more scattered interviews or explorations of the city, that I began to understand what it meant to belong in a Kumasi neighbourhood.

In these moments of daily living, people rarely distinguished the members of the founding abusua from other long-term resident mmusua or from renters with few or no local abusua kin. Although people certainly knew who was who in the local hierarchies of power, a generalized respect based on age (and to some degree gender) was the prevailing mode of social interaction. People greeted each other politely, generally using either Twi or English kin terms, and those who were close might pause for longer interactions. People helped each other in
general ways, and again, those who were close might find more ways to help each other. Here I am deliberately vague when I say “close.” There was no simple, obvious way for an outside observer to know who was in whose *abusua* by observing these interactions; “close” might be a matter of affect, relatedness, or some other factor.

During my early fieldwork, “kinship” as I then understood it was not obviously an important part of these social relations. I observed friendships among unrelated tenants, commercial relations between vendors and people around them. People spoke to me of Christianity, local politics, international development policies, and showed an unrelenting curiosity about my origins and way of life in *aburokyre* (abroad). In 21st century Kumasi, nearly everyone knows someone “abroad,” and there is no shortage of access to global commodities, mass media, and migrants from every continent. But as I came to know the various regulars—those who lived there and those who regularly shopped and visited there—I became increasingly aware of the ways in which social life was infused with Asante categories, meanings, and expectations.

The social relations in these various neighbourhood interactions were connected to matrilineal kinship, which became more clear to me as I began to understand the meaning of a common saying, that “people from one place are one family.” The saying can at times be a literal one; when I asked people (particularly older people, or people who were not migrants) how they knew who their *abusuafoo* (lineage members) were, they often said that their lineage members were the people they grew up with, who lived in the same house. But importantly, while this shared residence was key to knowing who belonged to the smaller *yafunu* groups of an *abusua* segment, people did not suggest that *abusua* membership could be gained through shared living. When I asked Stella’s grandmother how she knew her *abusua* members, she said they were those who she grew up with. But she distinguished this “growing up” from a period of
about 6 years during her youth that she had spent living with her father—those relations, although they produced important emotional bonds, were not *abusua* ones. When I asked her how a younger lineage member like Stella, who had grown up away from her “hometown” and lineage house, would know who was in the *abusua*, she replied bluntly that Stella would not know, unless she was told. Spatial relations and *abusua* relations are conceptually connected, but they do not produce one another over time. Thus place and lineage (*abusua*) are distinct but importantly connected ways of understanding family (*abusua*) and this connection produces a sense of authenticity and legitimacy to the conceptual equivalence made in the saying that people from one place are one family, even as people extend it metaphorically into new and different contexts.

In migratory urban neighbourhoods, the place/family equivalence helps construe dynamic and contingent social relations as kin relations. Sometimes it is used to invoke unity and cooperation, such as at the Asafohene’s court, when he begins each case reiterating that he, his advisors and the various sides in dispute are all one. At other times it can be used between neighbours to invoke mutual responsibility for shared space or the cooperative settlement of disputes. The saying can be invoked for any relationship within a place in order to commit the participants to the criteria of kinship. This is particularly clear in the construction of local authority.

The extended authority of the *fie panin* (household head) in the area around Linda’s store, and an explanation of authority by the local assembly man were two quite distinct examples I encountered of the place/family equivalence in constructing local authority. The local assemblyman told me that because people from one place were one family, if he saw anyone doing something wrong he could approach them as a brother and correct them. He could invoke this frame even though his office was a Ghanaian political office rather than an Asante
one. “Place” in these instances is a loose concept that indicates proximity, but not necessarily something as clearly defined as a “household” or even a neighbourhood. The assemblyman told me that he could approach anyone in his district; because of his political office the district was legitimately a single “place” for him. However, it was comprised of three distinct neighbourhoods, and it would be unlikely that the people in the different neighbourhoods of his district would invoke the place/family equivalence with each other, even if they accepted it from him.

The authority of the *fie panin* (household head) in the area around Linda’s store became apparent more gradually, as I learned more about the Smiths. In Asasepa, the Smiths are the founding family. This means that their family holds several local stools (chief positions), owns much of the local property, and some of the members of the family have large, successful businesses. Members of the Smith family are landlords to many of the people living in the area, and the assemblyman I spoke to is a member of the Smith family. Their houses are clustered in a few areas around Asasepa, which itself, Auntie Smith explained to me one day, was once three different villages founded by three different branches of the Smith lineage. Stella and Linda both rented from members of the Smith family. Linda’s room had a very small porch, but no courtyard or kitchen, and she did most of her cooking and laundry outside of her store.

In the cluster of dwellings around Linda’s store, the role of *fie panin* (household head) was held by a man we called “Honourable.” He lived in one of the compound houses, but was *fie panin* for all of them. Fortes (1950) defined “household” as a dwelling run by either a male or female head: He defines the “domestic group” as

... the individual household occupying an independent dwelling. The household may be under a male head or a female head. If it is under a female head, it is normally a segment of a matrilineage consisting of the head and her children, her sister, and her children, and perhaps her own and her sisters’ uterine grandchildren. The household of a male head, on the other hand, may be either a parental family, consisting of a man and
his wife or wives and their children, or it may include the head’s sister and her children as well as his wife and his own children, with, sometimes, the children of his children or of his nieces. (261)

In Asasepa, unlike in Fortes’ description, there was not a household head for every “independent dwelling.” Honourable was *fie panin* for several houses, including the various rows of rented rooms in which Linda lived. His authority was based on the premise that “people from one place are one family,” and thus he was *fie panin* for anyone living in rooms of the adjacent houses built by his close family members, be they lineal kin or not. These included his house, as well as several other adjacent compound houses and the rows of rooms that did not form compound houses. If a dispute arose in or among any of his houses, he would try to settle it. People would also go to him for advice and maybe help. This was not inconsistent with other people I spoke with who described the “house” they were from as including a few adjacent houses built by a group of siblings, or a mother and her children.

*Fie panin* could be literally translated as “house elder,” where elder (*panin*) implies a certain authority. The question that arises when thinking about the physicality of the neighbourhood I have described in relation to the social network and authority within it, is what does *fie* imply? Fortes took *fie* to mean a single physical structure, and he described the lineal relations that commonly existed within that structure. However, the neighbourhood I observed contained many connections between houses as well as within them, exemplified by the fact that Honourable was the *fie panin* for a large number of houses, and that those houses could operate at times like a single household, but did not by any means always operate that way.

Complicating the picture was the fact that people in different dwellings might be members of the same *abusua* and act together in many ways while some rooms within each of these dwellings might be rented out by strangers of the lineage who did not necessarily act as a single household with the rights-holding *abusua* residents.
Kobena Hanson (2004) questions the validity of considering an Asante compound house structure to represent a household, pointing out that the *bokyea*, which is the term for both the hearth and the group of people fed from one hearth, represents a more socially significant group than the one which is bounded by the physical structure of the house. There can be more than one *bokyea* in a house (indeed, most compound houses I visited had at least two), and eating groups are more fluid and contingent than the groups defined by shared compound walls.

Although his point is well taken in considering the limitations of the physical house structure as the appropriate designator of social boundaries, I found that there were also many interconnections between people living in different houses and between members of different *bokyea*. In the everyday interactions of the neighbourhood, the configurations of belonging formed by the Smiths and their renters varied in different contexts: at a Smith family funeral, the extended Smith *abusua* would form one group and the renters another; at local non-Smith funerals, renters, Smiths, (and I, while I was there) together formed a single neighbourhood representative group. When disputes arose in the neighbourhood, Honourable could act as *fie panin* or an elder, even for those who did not live in his house and/or were not his lineal kin. However, there were limits to the degree that proximate living created shared relationships. For example, when a Smith family elder died, the neighbours generally did not know the details of a brief dispute between his children and his *abusua* (I will discuss his funeral in chapters 4 and 5)—although that did not stop them from providing their own guesses and opinions.

Neither Hanson nor Fortes provide a particularly compelling account for why Honourable is *fie panin* to people in multiple dwellings, many of whom are unrelated to him either by *abusua* or *bokyea*, nor to the larger questions of how groups come together or apart in

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33. Hanson’s analysis does, however, give insight into Fortes’ famous anecdote of children carrying food from their mother’s dwelling to their father’s in the evening. In providing food for a husband, a woman makes him a member of *her* *bokyea* even if he lives in a different dwelling. In this light, the significance that anthropologists
different contexts, and what it means that these mutable solidarities are understood in terms of *abusua*, an essential concept that defines Asante being (Chapter 1). Honourable’s authority over people who are not part of his *bokyea* or *abusua* as well as the multiple, contextual configurations of Smiths and renters raises questions that are of significance not just to neighbourhood relations, but to understanding Asante kinship more generally. How do people become “family,” what does that mean, and how are family relations maintained? Rather than focusing on the composition of particular groups, which both Fortes’ and Hanson’s explanations do, I consider how groups are formed conceptually through the identification and pursuit of shared values and ethical expectations. In the next section, I use my investigation of the common saying that “people from one place are one family,” to develop this ethical analysis.

**Neighbourhood solidarities**

During the summer and fall of 2008, I had an increasing number of conversations with the Smiths and the renters around Linda’s store that related directly to my research; some conversations were interviews and others occurred more spontaneously. During this time, I repeatedly heard people talk about parents “taking” their adult children as siblings. This could happen within an *abusua*, as when a mother took one of her children as a sibling, or outside, as when a father did. Around the same time, I also heard people use the phrase “people from one place are one family,” which expressed oneness and unity with both within and outside of a person’s *abusua*. This was not always a positive thing: I first heard it described as a “village” belief that was responsible, in one woman’s opinion, for a local community’s decision to protect a child rapist from the police. But over time, I heard it used in multiple contexts, most times in

have given to the Asante practice of separate marital residence may be overstated.
much more neutral or positive terms. It became clear that the idea, far from being a relic of “village” mentality, was common in the city.

Over these same months, I had some personal experiences with the expectations of proximate living that made the question of how people enact the “kinship” of place quite personal: I had increasing difficulties with my landlady, who wanted to redefine my room as a shared rather than a private one. These disagreements culminated in September of 2008, at which point I moved away from Asasepa. At the beginning of our residence together, my landlady had “taken” me as a daughter and introduced me regularly as her “first born.” Shortly after I moved out, Linda comforted me about the loss of this relationship by telling me what the teachers at her boarding school had told her when she was getting in trouble with her fellow students, that these are not your “real family,” they are not the ones who will be there for you if you are in need. When you move, that family is done. So, Linda suggested, this family had always been temporary. I should think of my more permanent family at home in Canada and not mourn too deeply the loss. This combination of personal experiences and conversations with people from Asasepa caused me to wonder about what being “one family” among unrelated people entailed, what it accomplished, and what the boundaries of “family” expectations were.

In this section and the next, I will focus on the ethical acts (Lambek 2010, see introduction) to better understand the various meanings of “family” among people who are not necessarily related matrilineally. By attending to ethical acts, it becomes clear that when people invoke the notion of “one family” in Kumasi, they invoke common expectations about what constitutes good ways to live with other people—an ethical framework of established criteria by which they can judge their own and others’ actions. This seems relatively straightforward. But importantly, place-based and abusua-based relations remain separate for their participants: one does not transform into another. The separation is particularly clear in English: In Asante Twi,
the word *abusua* means both “family” and “lineage.” But while the English word “family” can refer to both lineal and neighbourhood relations, the English word “lineage” is never used to mean neighbourhood relations.34 The expectation that living with people for extended periods of time does not transform non-*abusua* relationships into *abusua* ones was a common one that I did not encounter any ambiguity about. Consider the following interview segment, from an interview conducted in October of 2008 with a man, Kwasi, who told me about what happened after his grandmother died. His comments on his mother and her siblings’ inheritance experiences are in Chapter 5, but here I include an excerpt of the interview where he spoke of the caretaker who continues to operate his grandmother’s farm. In this excerpt, it is clear that the caretaker has a position that can be described as “one” with the *abusua*, but it is also clear that this is not the same as being an *abusua* member:

C- Do each of the children have a portion of the original farms that they are taking care of?
K- It’s one stretch of land and it has been given to a caretaker. He has a percentage in it so at the end of the year, he gets something from the proceeds.
...
K- He makes the children aware of what he got out of it. So before it goes to the market, they know how much is going to be sold and hence the expected money.
C- Is this man a member of the family?
K- No.
C- How did your family members find someone to take care of the farm?
K- The woman [K’s grandmother] used to work with him when she was alive. So if she is no more, they [her children] will not drive him away. He ought to continue working. But if he becomes unfaithful, the children could drive him away and find someone else. But if he is good and is with the family throughout the funeral process and all, he will continue to work there.

34. As mentioned in Chapter 1, Stephen Boni (Boni 2010) suggests that the world *abusua* has a very generalized meaning that can extend to almost any relationship. However, I suggest that this extended meaning actually has to do with the place/family equivalence. When it is used in such expansive ways it is in the sense of “family” as a set of ethical expectations and commitments that obtain between people who are involved in each other’s lives through proximate relations of living or significant shared activity such as being members of the same church or students of the same school.
C- Did this man attend all of the funeral celebrations?

K- He did everything like he was a family member. He was the one who revealed a certain secret about the woman for the children and the family to know. He said he was not going to keep those secrets any longer.

C- What kind of secret?

...  

K- After the woman’s death he came to say that they put some money away; not for any of them but to care for the farm and protect. So [he said,] “because of how good the woman has been to me, [I am] able to let you know about it.” That made us see he is a good person and that is why he is still working on the farms. It were to be any other person, he would not have said it. He would have just taken it.

Kwasi describes a relationship between his grandmother and the caretaker that was built over time, and which has extended past her death, carried on with her successors. In some ways, this is strongly reminiscent of anthropological work that suggests kinship or kin-like relations are built by processes over time (Bamford 2004; Carsten 1995; Weismantel 1995). Not only did the caretaker build a strong relationship with the grandmother, but their good relationship was the foundation of the ongoing relationship he built with her successors. The caretaker acted as one with the family in putting on the grandmother’s funeral, which implies contributing financially or materially to it, and he let the family know about the money set aside for the farm. Because no one knew of this money, he could have simply kept it for himself. Letting the family know about it was an act of kinship and unity: it was an act that acknowledged the right of the abusua to the property, and that asserted the man’s commitment to Asante moral values. In doing so, he demonstrated his honesty and commitment to the family, and they now reciprocate that by allowing him to stay at the farm and continue working and earning a portion of the profits.

However, it is also clear in this interview that such relationships remain distinct from abusua relationships. No matter how long the caretaker works on the farm, nor how many generations of abusuafoo he establishes relationships with, “if he becomes unfaithful, the
children could drive him away and find someone else.” When I asked if he is a member of the *abusua*, the answer was quite simply “no,” without any need for further explanation. As Linda had advised me about my landlady, and as Stella’s grandmother had explained about the patrilateral relatives she had lived with while growing up, there was no question about whether time and practice could create *abusua* bonds in the lineal sense: they could not.

These conversations and experiences suggested to me that same people who expressed flexible neighbourhood solidarities in terms of *abusua* or “family” also maintained that *abusua* (lineage) membership was by birth and could not be changed: these were mutually understood concepts and practices, expressed by the same people. To better understand what neighbourhood solidarity and *abusua*-as-lineage had to do with each other, in May 2009, I conducted, with Stella’s assistance, a series of short interviews with people from around Kumasi to investigate what the saying “people from one place are one family” meant to them. I wanted to know what it meant to be family in this sense, how far that definition might be stretched, what its boundaries were. To do this, I went outside of Asasepa—where I had first encountered the saying—mainly to Adum, one of the core neighbourhoods of Kumasi, near the centre and the location of banks, ministries, courts, and many of the higher-end restaurants; and to Bantema, also an old part of the city with a variety of business and residential mixed use, but not with as much state activity and international commerce as Adum. I did this because the people in Asasepa from whom I had first learned the saying presented it as a common Asante idea and I wanted to know if people I had never met would give me similar explanations. In these neighbourhoods, I approached houses and businesses and asked people if they would mind answering a few short questions. The interviews took on average 8-15 minutes, and generally I interviewed people in clusters: several adjacent houses and/or businesses along a road or pathway.
The saying that people from one place are one family was familiar to everyone I encountered, although the degree to which people saw it as true in their own situations varied. The degree to which unrelated people became like family was linked to acts, or as the Akan philosopher Kwame Gyekye (1987) puts it, deeds. In investigating what the saying meant, an Asante moral framework emerged, in which the values of unity, order, and peace can be enacted in ways I have summarized as acts of sharing, greeting, and solidarity. Gyekye has investigated what it means to be “good” and from this different question produced a very similar picture of Asante values. He suggests that the Akan notions of “good” (or “goodness”) and “evil” are understood in terms of humanistic principles, and that “in Akan moral thought the sole criterion of goodness is the welfare or well-being of the community” (Gyekye 1987: 132). He goes on to list a number of “deeds, habits, and patterns of behaviour” that his interviewees had listed as examples of what is meant by “good” (ibid.). These included, among other things, kindness, compassion, hospitality, and “that which brings peace, happiness, dignity, and respect” (ibid.), which I refer to in my own data as acts of solidarity. Drawing on this, Gyekye argues that Akan morality is fundamentally social and humanistic, and that it is enacted through deeds. Thus, every person has a capacity for moral action. This understanding of Akan moral thought suggests that Lambek’s performative model, which analyzes action and the criteria by which actions are judged, is a similar model to how Akan people themselves understand morality and ethical behaviour.

35. Configurations of place and proximate living are not incidental to people’s abilities to engage in ethical acts, but integral to them. However, my small survey discussed here, and my more general focus on inheritance, did not allow me to delve deeply into the relationship between the materiality of place and the ethical acts that create families within places. I have, for example, wondered to what extent the courtyards and open, unfenced areas around some houses facilitate the ethical acts that produce the solidarities discussed here, whereas possibly the self-contained apartments and high-walled, single-family houses might disrupt such acts. In this survey, I asked people what kind of houses they lived in, but I did not have enough variation (most lived in compound houses) to draw solid conclusions. This would be a potentially rich area of study for further explorations of urban kinship practices among the Asante.
What emerged through my neighbourhood interviews was that although people maintained an important conceptual distinction between *abusua* membership and the relations engendered by place, the family of place could offer a powerful alternative belonging in which the familiar criteria of kin relations remained the defining criteria of informal everyday acts. While the place/family equivalence does not require ongoing acts in order to be established or claimed, there are acts that people clearly associate with the equivalence. People may reference these acts as evidence that they are “one family” with their neighbours, but they can also claim that they are “one family” as a way to instantiate such acts in their own or others’ relationships, as when landlords insist that their tenants are one another’s siblings.

The primary acts that emerged from my household survey as indicating a “family” relationship focused broadly on the importance of greeting, sharing, and solidarity. People mentioned, in different combinations: the sharing of personal objects such as sandals or cookware; the sharing of cooked or uncooked food; sharing chores and settling disagreements over them with reference to treating each other “like siblings”; not fighting, or avoiding angry speech and accusations; attending funerals together; being able to enter one another’s rooms freely; helping each other with small gifts, money, or advice; and in one case a person mentioned sharing utility bills. These were all ethical acts that were defined by Asante as being of a kind with family; by engaging in these acts, unrelated people could engage in relationships that they experienced as family and that were interpreted by others as family, and which created important modes of belonging in urban communities. Over time, these bonds could become particularly strong: in several interviews people said that outsiders would assume they were members of the same *abusua* as other residents of a house. Even in cases where clear distinctions remained public, these acts and their attendant meanings could evoke positive affective relationships, peaceful living situations, and the resolution of disputes.
In one particular case, I interviewed a man who had rented a room in a compound house comprised mainly of family members\textsuperscript{36} for many years. When I asked him what he thought of the saying that people from one place are one family, he responded:

It is possible for that to happen because I have lived in the house for about 15 years with family members, and the other renter. We are all family. Even when I go outside, I tell people that’s where I live. Unless people investigate it for themselves, they won’t know that they aren’t my family (abusua).

Because of the association between abusua and a family house, whenever he told people that this is where he lived, he was implying that these were his abusuaf\textsubscript{o}o, his lineage members. Intrigued by this particularly strong sense of belonging to this house, I pressed for more details about what it means to call the residents of a house “family” and how those residents would go about resolving small disputes:

Anybody can enter anybody’s room. When you need money you can ask anybody at all. You can even wear each other’s slippers. And they are all like that. So that is what makes me see them as family.

... Because we’ve all become like family, when someone does something to you, you just keep it to yourself. You don’t blow it out of proportion. You just ask the person calmly, ‘why did you take this or that’ and when the person tells you and you understand, that is it. And if you don’t, you just don’t make an issue out of it because of the family.

These comments point to a trust and comfort with each other that allows personal spaces and items to be shared without fear or discomfort, the kind of generalized reciprocity that allows people to ask for money or help, and the acts of solidarity that promote peace, happiness and respect. Many people told me over the course of my fieldwork (not just during these interviews) that they knew others were their family because they did not fight. In this interview, the man was more explicit than most about how to refrain from fighting: you keep things to yourself and in proportion, you approach people calmly, and you accept their explanation of what happened.

\textsuperscript{36} All of the rooms in the house except his and one other were occupied by members of the same abusua.
It is an act of kinship to accept people’s explanations for their actions and let go of one’s anger. To do anything else is to negate the relationship as a kin relationship, and require formal resolution (as we shall see in the last section). This can be true even within an abusua. People commonly told me that widows avoid courts because litigation destroys family relationships, and anthropologist Stefano Boni (2010) explores how fights and disagreements can be expressed in funeral donations, which in turn can solidify divisions and redefine relationships within an abusua. Fighting certainly happens, both between neighbours and between kin, but it is understood as a having the power to change and even end relationships, and people often spoke of it as the antithesis of kinship.

The man in this interview had abusua members living in Kumasi, but he did not see them very often, maybe twice a year or on occasions where they traveled to his village. The family he lived with were his first resort for the small problems of everyday life. The house family provided a different configuration of belonging: going to the house-family instead of his abusuafoo with small problems protected him from possible gossip among his abusua members by giving him options for who to involve in different parts of his life. His abusua was unaware of the small, everyday troubles that arose; but the house family did not completely replace his abusua members, nor was he completely integrated into their abusua activities:

The normal [familial] relationship is there. But it’s not every matter that you can tell them. For instance, they could have a private issue that they discuss in their room without me. Or I could have a family issue or a secret in my family that I wouldn’t inform them about. So it is possible for us to be like family but at the same time it’s not every detail that we share.

For this man, the family of place operated through and across abusua: the criteria that guide everyday interactions, and the affectionate bonds of his household, were recognizable to him and to others (including myself and to Stella) as “kinship”: the mutual acts of the household and the relationships they implied were indistinguishable to people who did not know his
origins. He points out at the beginning of the interview that people would have to investigate to know that he was not a member of the house’s lineage. But because he was not in fact an abusua member, the bonds in this household gave him an alternative membership from his own abusua. Without renouncing his abusua or avoiding his abusua obligations, his dual belonging relieved the sense of “inescapable obligation” that Fortes noted (1969: 172). The man need not be drawn into all of their problems nor share all of his with them. On the other hand, he had a network of relationships he could rely on if he did not want to bring his personal problems to the scrutiny of his own lineage members.

Not all experiences of place/kinship equivalence were this pronounced; many people I interviewed wholeheartedly agreed that people from one place were one family while others were less convinced. Nearly all people suggested that there were limits to the relationships that living together engendered when compared to abusua relationships. One of the strongest such limits was that in absence of the ongoing acts of daily living, the family that is formed by place will cease to exist. In the following interview, the woman first thought that I mean when people live together they become literally of the same abusua. When Stella re-explained what I meant, that they become like family, she agreed that this was the case. In her misunderstanding, she made clear the limitations of place in engendering kinship, in particular she felt these were relationships that will not persist when she leaves:

Interview AD090406-5

W- I don’t know the other renters. When I move out, I move out, I don’t know them. But maybe the other person living there or renting the other room is a family member, even when I move out I will go and visit them, but the other people I don’t know them.

Although this woman had strong friendships in her house, she did not see these bonds as ones likely to persist after she left. Once Stella re-explained the question, she agreed that these bonds were “like” family—she gave the example that if someone in the house were sick, the
others would care for them as though they were family. As our interview continued, I asked her about conflict, and she explained that the landlady tells them that they “are sisters” when arguments or conflicts arose, which mean they should refrain from fighting; in other words, the landlady asserts that their shared living creates a categorical relationship of *nuanom* (siblings), and then judges them according to the criteria of ethical behaviour in such a relationship:

C-Okay. So, then, if there is some conflict in the house, how do you go about solving the conflict?

W-When there is disagreement or some conflict about maybe the sweeping, or the scrubbing

[S pauses in translation to explain—you know there are schedules, when you live in a compound house, it will say that maybe this person will sweep on Monday, this person will sweep on Tuesday. Sometimes some people might travel and it creates a whole lot of (heh); because the person is not there and someone does it when she comes and she is supposed to do it she can create a lot of conflict, so if something like that arises] [continuing W] the landlady will call us and tell us that oh, we are all sisters. We shouldn’t let this thing bring any fight. Whoever has to sweep should sweep, and then you cut this thing short.

Notice that to act as “sisters” means to do what is expected of you without complaint, and to “cut this thing short,” in other words, to maintain peace and avoid fighting. This is a theme that came up repeatedly. Stella translated these interviews into Ghanaian idiomatic English, and in this one we can see a clear example of the way in which agency can be conceptualized as distributed among different actors and aspects of a situation (rather than residing within the individual) and linked to individuals through the assignment of responsibility (Laidlaw 2010). Whereas a native English speaker would say “we shouldn’t fight” an Akan English speaker says “we shouldn’t let this thing bring any fight.” The distinction is, in this case, a meaningful one: in the Ghanaian dialect, fighting is positioned as something that arises from a combination of the situation and people allowing the fight to happen. It is not something you *do*, it is something you *allow to happen* and each person has a responsibility to prevent fighting from happening. Among those renters who disagreed that the people they lived with were like
family, they often mentioned that home-owners invoked the family of place in settling disputes, prompting them to care for one another as siblings. Landlords held their tenants to the criteria of kinship, even when those tenants did not feel such bonds, and even when they did not judge themselves or others in their compound to be acting as kin. The place/family equivalence is not simply about affective relationships: it also structures the moral boundaries of behaviour, the distribution of responsibility, and the hierarchies of power and authority.

The shared space of the compound and compound-style houses and apartments often contains the *bokyea* (hearth), and it is also a place where laundry and other chores are done, where some personal items might be stored (or accessible), and it is a space that gets dusty, and depending on the plumbing arrangements, dirty. Regardless of how many *bokyea* are in one house, the members have a social responsibility to share in the maintenance of the shared space, and to do so with a mutual respect for and investment in each other. Thus, the actions one takes to participate in cleaning routines or contribute to the comfort and cleanliness of shared space are particularly important criteria by which shared living relations are judged. Acts conducted in the shared space express whether one sees oneself and one’s neighbours as family, or in other terms, usually as strangers or renters.

In some cases, the obligations incurred by shared space extend beyond the shared space of the house. Stella told me that her house’s shared bathroom plumbing leads to an open street gutter outside of the confines of the house. After being confronted by an angry neighbour tired of cleaning other people’s mess, her mother became part of the scheduled rotation of neighbours who cleaned the gutter. Stella suggested her mother did this out of a strong sense of solidarity with and obligation to her neighbours, but that none of the other renters in their compound contribute to this work. The place/family equivalence can be a powerful way of forging relationships and asserting various claims, but it is also limited. People with equal status, as here
where the relationships are all among renters, have to agree to participate in order to be held to the obligations of kinship-like relationships.

While not everyone I interviewed felt that the place/family equivalence pertained in their situations, those who disagreed used the same criteria as those who said it did. Compare the following statements, the first from a woman who lived in a self-contained apartment and, as in the first interview, suggested that people would have to investigate to learn that she was not a member of her landlady’s *abusua*, and the second from a woman who had rented a room in a compound house for two years but emphatically disagreed that she was family with her fellow renters or landlord:

Interview AD090406-4
W-When we wake up in the morning, we greet each other. And when we go back to the house in the evening too, we greet each other. And then we also ask about each other, when one has not seen the other, we say “oh, I’ve not seen you today. How are you?” or that. And then when you cook, you can give somebody [some of the food]; like for instance when I cook, I give some to the landlady’s children, and at the end of every year, we give each other gifts. The landlady has a farm and when she goes to the farm, sometimes she can bring me cassava or plantain from the farm. That’s what shows we are family.

Interview AD090406-3
W-If it were a family, we would all cook together, eat together. But everyone cooks his own food, cooks her own food and we eat separately. But when we greet the person and just pass, that kind of family thing is not there. That’s why I’m saying that.

In the first interview, the woman and her landlady exchange both cooked and uncooked food. Sharing food is a contextually significant activity. It is not significant for two people to eat food from the same vendor, but to give or receive food that someone had prepared for a shared meal is a powerful act; those who share cooked food belong to the same *bokyea* (hearth/eating group), at least for that meal. Sharing food in this way is an act of trust, and an act of kinship. In the second interview, each person cooked at a separate *bokyea* and ate their food.
separately; this lack of sharing was one of the most significant factors in the woman’s assessment that the people she lived with were not family.

These two interviews both emphasize the importance of a particular kind of greeting, that makes clear the way in which a greeting can become an ethical act of kinship. It is not enough to greet and pass, one has to take the time to show an interest in the other’s welfare, in what has happened to that person and among the people in their social network as well. Greeting in this way provides opportunities for people to engage each other in the reciprocal exchanges of kinship: to ask for help, to share, to let one another know of funerals or other events that they might attend. A simple greeting demonstrates that one harbours no ill-will towards the other and is the minimum of polite interaction; an extended greeting invites the other into a shared relationship and a sense of belonging.

Over time, ethical acts can intensify relationships both in an abusua and in a place, but breaches of kinship criteria have dramatically different effects (I explore this within the abusua in detail in Chapters 5 and 6). If two people who live together move apart, or if one is judged to have breeched ethical expectations, it can result in a loss of the place/family relationships. On the other hand, the same things do not result in a loss of abusua relationships. There are distinct limitations to what time and process can establish, and what it can undo.

Furthermore, some neighbours never choose to engage in place/family equivalences; my landlady was polite to her neighbours and she was not disliked, but no one of her neighbours counted her as family. The only circumstances in which the place/family equivalence might come up for her would be in the sorts of situations in which an authoritative third party invoked the family/place equivalence to resolve an issue. It is to this sort of situation that Linda found herself in with Akos, and I now turn to a more detailed investigation of the fight and its resolution.
Linda’s dispute

Fighting, as the inverse of peace and respect, is a profoundly disruptive act that requires active resolution; that is, fights, when witnessed publicly, require formal resolution in order to restore peace and unity. Fighting can be seen as symptomatic of disunity that extends beyond the emotions of the moment: if two people allow a thing to bring a fight, then there is a problem between them that preceded the fight. This was demonstrated in the resolution to a dispute between Linda and her neighbour Akos.37

One Friday afternoon in 2008, I arrived at Linda’s store to find the neighbours in turmoil and Linda distraught. She quickly explained to me that two women had been fighting, and she and another neighbour had rushed to stop them. In doing so, Linda removed her sandal and hit one of the women with it. One of the fighters, whom I call Akos, complained to her mother that Linda had hit her with a sandal. This was a taboo action with spiritual consequences, and Akos’s mother was furious. Further arguments erupted in the neighbourhood, with women coming to yell at Linda and threatening to take her to court. That night we went out for drinks, but Linda could not relax. She was distraught; she was a Fanti migrant to Kumasi and had no idea that to hit someone with a sandal was such a terrible thing for the Asante. Akos, like most residents of Kumasi, was Asante and Linda was not sure what to do next. She could not afford a court case, either at a local Queen Mother’s customary court or especially at a state court. She and Akos were not friends, not even polite to one another in local terms. They ignored each other when they passed on the street, and Akos did not shop at her store. Linda felt sure that this long standing animosity could cause the issue to escalate into a difficult and nasty dispute.

37. Akos and all her family’s names are pseudonyms.
By Sunday, Linda had called Akos’s father, and arranged a meeting to settle the issue. At the meeting, she and Akos became “one family,” and then resolved the dispute as a family dispute. Although the act of becoming “one family” seemed to mean little more over the long term than that Akos and Linda started behaving more politely to one another, at the time it had a profoundly transformative effect, resolving the dispute quite abruptly and completely, and redefining Linda and Akos’s relationship. On Sunday she returned home in a joyful mood, and filled me in on all of the details.

The meeting followed the format of a formal family gathering or visit. Linda’s party consisted of herself, her husband, her sister, and a friend from the neighbourhood. They went to Papa’s neighbourhood and met him and Akos’s mother, Maame, who invited in Akos and her brother Kwasi. After the formal exchange of water and welcome, Linda explained why she had come to visit. Then Maame and Akos explained their side, accusing Linda of conspiring to start the fight in order to find the opportunity to hit Akos with her sandal. After this exchange of stories, they asked Linda to apologize, which she did on her knees, stating it would never happen again.

The elders involved said that when there is a fight, it is rarely about what has happened in that moment, but rather what has gone before. And so after they accepted the apology, they asked some questions to discover if there was some animosity between Linda and Akos. They asked questions to determine if there was an affair going on between Akos and Linda’s husband, or if any of them felt that there had been improper behaviour between the two. No accusations were made; they all agreed there was no affair nor any efforts to start one. The elders noted that the two women had not been talking even before this argument, but they concluded that now everything was all right. They said that everyone had become one family, and so there should be no more ignoring, and no more fighting. If one woman failed to greet the other, she should be
reported to Papa.

The issue of the sandal remained to be resolved, because the act of hitting a person with a sandal can cause spiritual damage, but now that they had become one family it was resolved as a family dispute. Linda was told that she should bring some food for the woman to eat that would “cool her soul.” She and her husband offered to bring a chicken and a crate of eggs. Papa responded with a proverb (“if you cut off your tongue to eat, you haven’t eaten any meat”) and explained that since they were all one family now, the offended parties could not take too much: the chicken would be enough, and there was no need for the eggs. Linda was instructed to take the chicken to Akos, who was instructed to cook a soup from it.

I visited Linda throughout the weekend. Her mood on Sunday after the meeting was one of profound relief, and she appeared relaxed and happy for the first time since Friday. Her appetite returned, and although there were things about what had happened that were not resolved specifically, like the fact that she had not known about the sandal taboo, or that (as she remembered it) she had not actually hit Akos with her sandal but the other woman fighting, she felt the underlying problem was resolved. She explained that Akos and her mother used to hate her, and that is why they blamed her. I asked if they still hated her, and she replied “no, we are all one family.” I asked if this process had changed how everyone feels, and she responded that it had.

About a week later, Linda told me that she had brought the chicken and they ate it. She also told me that Akos had not greeted her since that time, although she had been sick in her room, so Linda was not sure what would happen when the woman got better. When I asked again a few months later, Linda told me they now greeted each other, and Akos regularly came to her store to buy things. Although the strong sense of relief, and the feelings of familial closeness dissipated over time, the underlying tension was resolved and further issues did not
arise in the time that I was there.

In this case, the meeting was an ethical act that produced a “family,” albeit a temporary one, which provided the context for a transformative resolution of both an immediate and an underlying problem. These problems were defined differently: the immediate problem was the spiritual damage caused by the sandal’s blow, the underlying problem was the lack of unity and respect which caused these two women to transgress normal neighbourhood behaviour of greeting each other. In defining the problem as produced by both Akos and Linda’s behaviour, the elders also defined a solution that was premised on the unity of kinship; the settlement confirmed a particular version of events and then Akos and Linda signalled their acceptance through the giving and accepting of the chicken. For Akos to fail to greet Linda after eating her chicken would have been a transgression of what had been accepted as the correct history of events and their resolution, opening her up to new accusations of wrongdoing. Thus, the elders laid a responsibility on both women to treat each other as family would. This did not mean that they would have to treat each other with affectionate closeness or provide for each other in times of need, but it meant that they had to acknowledge each other with the respect that family members are expected to give to one another; in other words, it held them to the criteria of being “one family” in the broad, neighbourhood sense.

Linda’s dispute has always stood out to me as needing particular explanation because of Linda’s insistence that the resolution of the dispute was in becoming one family. When I questioned her about it, it was clear that she was not treating this as a metaphor or allegory of the resolution. It was the reason she gave—rather than her apology or her gift of a chicken—for the fact that Akos and her mother no longer hated her. It was the foundation for the new, albeit not particularly close, relationship that she had with Akos; the knowledge that they were one family was now the criteria through which they judged each others’ actions. Yet, the transformation of Akos and Linda from antagonistic strangers to kin was clearly limited, it had what David Graeber calls an “as-if quality” (2013: 232). No one involved expected any of the
others to claim that they were of the same *abusua*, nor that this family was “real” beyond the limited meaning it had in terms of settling the dispute. Rather, the family they formed during the resolution was the sort of arena that Graeber argues people create in order to pursue value. It did not matter whether the “family” they created at that gathering was the same as their *abusua* or marital families. What mattered was that in their agreement to be one family, they defined both the problem and the solution in ways that allowed them to judge one another’s actions and assign responsibility according to shared knowledge about what it means to be family, what it means to fight, and how family fights can be peacefully resolved.

Linda’s dispute demonstrates quite explicitly the way in which the assumption of kinship conveyed in “people from one place are one family” creates an arena in which disputes between non-kin can be settled without recourse to courts, either customary or state. This, on its face, suggests the “structural opposition” that Meyer Fortes claimed was key to the division between the domestic and political domains (1969: 155). But, two things stand out in contrast to Fortes’ formulation of the domestic and the political: first is the intentionality of the transformations from strangers or neighbours to “family,” and second is the ability of people in positions of authority, such as landlords and politicians, to impose the ethical standards of kinship on those with less power. While the difference between court and family settlement was quite significant to Linda, settling it as a family was not a structural effect of the relationship between her and Akos existing in one domain or another; rather the ability of Linda and Akos to settle their dispute as “family” was the product of an intentionally invoked method by which people gloss their differences and enter into a mutually agreed relationship of respect and reciprocity. Furthermore, this process does not put the “family” in opposition to the “political”: “family” in Kumasi is defined by Asante concepts and expectations, and the place/family equivalence integrates migrating adults into existing local hierarchies and structures of power. While extending a sort of belonging to all sorts of strangers, this belonging is one whose terms are profoundly Asante.
Conclusion

When first working with the material of the neighbourhood survey and Linda’s dispute, I thought about the relationships in terms of “fictive” kinship and metaphor. But, the ways in which “becoming one family” can be transformative and temporary, as in Linda’s dispute, suggests a need for a more thorough explanation than what Janet Carsten has called “the rather flat anthropological trope of ‘fictive kinship’” (2011: 26). While many claims to being “one family” are mutual, people can also find themselves subjected to the expectations of “one family” by people who hold positions of authority over them: landlords can insist that their renters are “sisters” to one another and must treat each other accordingly; a local politician can claim the role of older brother in order to extend his authority to the minutia of another’s behaviour.

In this chapter, I have shown that solidarity, expressed in varying ways as commitments to “oneness” or “unity,” is conceptualized in terms of Asante kinship, even when that solidarity is between people who are not members of the same lineage or clan, and are not related by marriage. The conceptualization of neighbourhood unity is prior to, and in some ways separate from, the specific relationships within the neighbourhood. The expectation that “people from one place are one family” operates as a “given” aspect of neighbourhood relationships, that links the ethical criteria of shared living to the ethical criteria of abusua membership. As I argued in Chapter 1, matrilineal inheritance is a system that allows the (conceptually) seamless continuity of responsibility between various abusua and married relatives after a person’s death. Similarly, in this chapter I suggest that the significance of extending kinship to neighbours in urban neighbourhoods is in creating shared expectations about mutual responsibilities and values that produce harmonious living in close quarters. I have focused on the “family” as an ethical
concept rather than as a structural one; in other words, I have shown that “family” can define a set of responsibilities and commitments rather than a particular configuration of people or relationships.

From this premise, new questions arise about what kinship means and how it is practiced, such as how changes in kin status occur and last, what they mean, and the ways in which hierarchy and power can be produced or asserted through such transformations. In the following chapters, I explore these questions in relation to marriage and inheritance, drawing on Asante values of unity and ethical acts to make clear the expectations, assumptions, and practices that allow kinship to come into being, change, last, or end.
Chapter 3: Marriage, Morality, and Change

The story of widows being sacked, as it was most often told to me, is similar to the classic anthropological matrilineal puzzle, although with a different focus. Ghanaians tell a story not of individual tensions, but of marital relationships opposed to abusua ones, in which men are mediating background figures in disputes between women. It is the story of what happens when that supposedly conflicted matrilineal man dies and his sisters fight with his wives over what is left of his life. Central to both the anthropological puzzle and the Ghanaian story of sacking is the evolutionary assumption that matrilineal customs are inherently less stable, and that they are “behind” on the evolutionary scale of cultural time (Ferguson 2006). This assumption does not hold up well to investigation. For example a comparative study from the 1970s showed that women with resources—either abusua land and support in rural settings, or education and high-status jobs in urban ones—fared better than those without, regardless of their conjugal status (Oppong, Okali and Houghton 1975). Yet, it persists implicitly in the approach that academics (Bond 2008; Kutsoati and Morck 2012) and activists (Dolphyne 1991) take towards investigating and describing women’s experiences with inheritance.

In order to understand the story of sacking, and the realities of inheritance practices, we must discard the assumption that there is something inherently problematic about matrilineal social organization. This done, the issue of marriage becomes one that requires investigation. In contemporary Ghana, there are many ways to become married: by custom, religiously, and by registering with the state. Customs and religions vary, meaning there are many differences even within these categories. Further complicating the issue, people can—but need not—be married in more than one of these three categories. In this chapter, I focus on Asante customary marriage and Christian marriage, by far the most common marital types among people I knew. Customary
marriage is the most common type of marriage, and many people are married by custom alone. However, people can also then be married in their Christian church. All church weddings are also registered with the state, and so people who are married as Christians are married in three different ways.

In this chapter I consider “marriage” as a set of ethical expectations, as well as a practice. Ethical expectations allow judgment, and what stands out particularly in the case of multiple marriage alternatives is that some judgements carry more weight than others, and that this is contextual. “Marriage” as ethics, then, shapes the actions and claims of both subjects (i.e. husbands and wives) and authorities (ex. lineage heads and ministers). The claims of authorities about what marriage entails are often very different from the observable practices of married couples. In order to sort out these various factors, I distinguish between types of marriage (customary, religious, and state registered), and ideals of marriage (extended and companionate), and I look at how these distinctions operate between husbands and wives on the one hand, and with third parties (such as counsellors or elders) on the other. The second section of the chapter expands on these distinctions in detail.

Ghanaian marriages do pose a puzzle for me, but rather than in the structural relations of marriage, I find it in the claims that one type of marriage (particularly Christian companionate marriage) is best. Despite the fact that Christians marry customarily first, ministers and church-based marriage counsellors describe Christian marriage as better than customary marriage. Christian authorities’ insistence that Christian marriage is better echoes earlier colonial claims, as well as the modernization paradigm: Christian marriage is better because it is monogamous, because it unites husbands with their wives rather than their *abusua*, because of the ways in which it focuses wealth and labour in the nuclear family. Similarly, the story of sacking describes a problem rooted in *abusua*-marital relations, and assumes in particular that *customary*
marriage is an inherently vulnerable type of marriage that is damaging to women. The PNDCL 111 grants increased rights to wives as a solution to sacking, thereby treating the type of marriage as the primary causal factor in women’s impoverishment.

However, in my everyday experiences with various married women I found that the type of marriage they had did not predict their experiences as wives. Ghanaian women, like me, could easily observe the patent falsity of a claim that, for example, Christian marriages are monogamous, and they often endured or observed significant domestic abuse across all types of marriage. Despite this, many Christian women agreed with their ministers that Christian marriage was better than customary marriage. By considering the ethical ideals and types of marriage in relation to marital practice, I find that despite the apparent differences between the various marriage alternatives, there are key areas in which the ethical criteria of marriage overlap, and are different for women and men. I argue that wives in all types of marriage are vulnerable, economically and socially, because all marriage alternatives in Ghana construct a similar hierarchy that affords the husband greater power in his marriage, and fewer responsibilities should it end.

Serwaa's dilemma

I begin this chapter with a detailed look at the partially estranged marriage of a couple I knew, Serwaa and David. Their marriage demonstrates some of the complex ways in which official distinctions between marital types are blended in everyday life. During a minor crisis in her marriage, Serwaa’s worries were shaped both by her particular past relationships and also by her sense that her status as a wife was tenuous—despite the fact that theirs was a “three times”

38. Serwaa and David are pseudonyms; I have changed some identifying details of their marriage.
marriage legitimated by custom, church, and state. In this section, I present the crisis and discuss some of the surrounding marital assumptions that led Serwa to interpret it as a crisis. This story grounds the subsequent discussion of the competing marital ideologies that are drawn into both authoritative claims and women’s everyday experiences. In Serwa’s story, a number of important points are implicit: that the material reciprocations of marriage are entwined with both personal affective experiences and cultural values; that Serwa’s marriage cannot be neatly classified as a particular marital type; and that ideals, while they may not be realized in practice, can inform both the perception of a situation and the decisions and acts by which people navigate it.

Serwa lived in a single family house with her husband David and their two youngest children. They were a professional couple, she a teacher and he lawyer, living by all outward accounts a successful life. But, as I got to know Serwa and her family, I seldom saw Serwa and David together. She often complained bitterly of his withheld affections, that for years there had been “no talking, no money, no sex,” and as I got to know them better it was clear that he spent the majority of his time with a girlfriend. David was Ewe, a patrilineal man, making this marriage the type that is seen as particularly “beneficial” to children at the time of inheritance (Kom 1993). However, the marriage had always been tumultuous, and David’s withdrawal of affection over the last few years was linked to a deepening rift between Serwa and her children on one side, and David’s siblings on the other. David himself never spoke of his marriage to me, except in the broadest terms, and never acknowledged his girlfriend nor the amount time he spent apart from his household. He did, however, talk to me about my research at times, and I came to know him through these conversations as someone who put little stock in lineal obligations. He had distanced himself from his extended family by moving to Kumasi, and according to his children, did little to stay in touch with those of his relatives, including his
parents, who did not live nearby. The exceptions were his siblings, with whom he remained quite close.

When I had known Serwaa and David for some months, an uncle of David’s died. This was a close uncle, a sibling of his father who had cared for David as he was growing up. David would have to travel to his hometown for the funeral, which would take a few days, and he told Serwaa that he had informed his family members that she would not be coming. This triggered a personal crisis for Serwaa. Their marriage, despite the loss of affection, was in many important respects still a marriage. Although they barely spoke, they shared property, child care responsibilities, and household expenses. Serwaa saw the suggestion that she not attend his family funeral as a fundamental threat to the integrity of her marriage, to her future, and to her children’s future.

To understand why Serwaa experienced this suggestion as a threat, one has to understand the context of marriages as “between families” and funeral attendance as a particularly explicit point of inter-family obligation. Throughout my interactions with people in Ghana, it was always made clear that Asante customary marriage is between two mmusua (or in English, usually, “between two families”) not two individuals. At its most symbolic and general, this means that a couple cannot get married without their parents’ consent, and that the exchanges that establish a marriage link several mmusua and include a variety of kin. These exchanges are not fully completed until the end of a marriage through death or divorce; indeed, if a husband dies, his abusua must continue to provide for his widow until the funeral, at which time the marriage either continues with the husband’s successor or is dissolved (see Chapters 4 and 5 for more details). There are ongoing ritual roles that in-laws must fulfill in one another’s funerals, and the mothers and siblings of the spouses continue to have a strong influence on decision making within the marriage (I will expand on the details of customary marriage in the following
Serwaa had been accepted by David’s family many years ago during their customary rites, which combined her family’s Asante rites and his family’s Ewe ones. However, over time, the relations between her and her in-laws had broken down to the point that, according to the children, it was one of David’s siblings who had been the one to introduce David to his current girlfriend. Serwaa struggled to interpret David’s intentions in telling her not to come to his uncle’s funeral, and what the consequences of staying home would be. She felt, very deeply, that it would be wrong for her not to attend, and that David’s siblings would be offended by her absence. She worried that her absence would give grounds for further alienation between her and David’s family, and possibly between her and David as well.

I did not talk to David about this, so I do not know if Serwaa’s absence would have had the same sort of implication at an Ewe funeral as it would at an Asante one. I suspect, however, that whichever way his family might expect an Ewe woman to act, they knew that Serwaa was Asante and would judge her absence according to what they knew of Asante funeral obligations. I also know that Serwaa was worried about how she would be judged by her own community and family members if she stayed home. Going to the funeral was her responsibility as his wife, and to stay home would make public a significant failure in her marriage. She consulted with male church elders, with those of her women friends who were special confidants, and with her sisters and mother, and she even asked me for my advice.

It was during this crisis that Serwaa told me that she had transferred the property she owned to David’s name, in hopes of drawing him back into their marital relationship, and in hopes that he would contribute more financially to the development of the property. It was also during this time that, in a rare shared conversation between David, Serwaa, and me, Serwaa told a story of a widow who had lost her house after a husband had failed to write a will. The story
had been of a matrilineal woman married to a patrilineal man, who had been driven out of her
home by his patrilineal kin. She insisted that this was a practice that patrilineal people were
adopting from the Asante, but David was dismissive of the idea. She repeated the story over and
over, drawing my attention to it, and later confessed that she had been using the conversation to
try to convince David to write a will giving her the house.

During the period while she was working out what to do about the funeral, her moods
oscillated between angry, sad, and worried; but the topic of conversation rarely strayed from the
state of her marriage. While David had presented his goal as a straight-forward effort to spare
her some time and hassle, Serwaa experienced it as a heightened period of insecurity, during
which time her current and future status as his wife and her associated rights to the property they
shared and the support he gave her and their children were all drawn into question. The facts of
his girlfriend and Serwaa’s poor relationship with his extended family meant that the stakes of
this decision extended beyond the immediate judgements of the moment: at some point, from
Serwaa’s perspective, it was likely that she would come into conflict with one or more of his
relatives and/or girlfriends. Her position as a wife, although fully formalized, could still be made
vulnerable in this potential future if she failed to live up to her responsibilities in the present.
She was keenly aware that in order to maintain any power as a wife, she had to maintain a
legitimate status as wife, and that meant meeting her marital obligations.

Serwaa’s different confidants gave her different advice. A man from her church
suggested calling David’s family to explain why she would not be attending, which was in
keeping with the general sentiment I found among male church elders, that the man is the head
of the family and the decision maker. Her sisters insisted that she must protect her position no
matter what, and told her she should rent a car and drive to the funeral alone if David refused to
let her go. In the end, she decided to simply tell him that she was going with him. He accepted
her decision cheerfully—as far as I know, he was unaware of her anxiety and of her consultations with various people. They went to the funeral and, by all accounts, had a fine time. Serwaa returned more relaxed and happy, although their fundamental conflicts over affection and support did not change in any significant observable respect. She continued to complain about his partial absence from their marriage as long as I knew her.

In Serwaa’s story, it is difficult to see what, if any, difference her church wedding and state registration had to her security or equality in her marriage. This is a more complicated picture of marriage than is suggested by either the normative claims that people make about marriage, or by research that divides marriage types into discrete demographics in order to investigate the effects of the PNDCL 111 on women’s lives. Yet, this is not to say that the difference is meaningless; different types of marriage do exist, along with discourses that rank them in relation to one another on issues such as women’s rights and economic prosperity. In the following section, I propose treating Ghanaian marriage types as being shaped by, but not the same as, two opposing ideologies of marriage: companionate and extended. Following that, I will show how these ideologies are constructed by church authorities and chiefs, and finally I will return to the everyday experiences of wives to show how marriage is lived “in the middle,” between these ideals.

Marriage entanglements

“Marriage” is a complicated concept because it is at once a deeply personal and intimate relationship between particular people, and a public relationship that is recognized and judged by people and institutions outside the marital relationship; it encompasses many significant ethical criteria. To further complicate the matter, marriage has an “entangled” history in post-colonial states like Ghana. The regulation of marital and family relationships was a significant
part of colonial governance, tied to socio-moral theories about family, marriage, and the
evolution of “civilized” society. But, what is clear in a situation like Serwaa’s is that one type of
marriage has not simply supplanted another. As Lynn M. Thomas argues about Kenyan struggles
over reproductive policies, the changes to marital practice, expectation, and law involved
uneven “mixing and reformulation” of local and colonial concerns, which continued into the
post-colonial period (2003: 19). In order to tease apart some of these entanglements, in this
section I begin by returning to Serwaa’s comment that she had put David’s name on the deed to
her house as a way of encouraging him to invest financially and emotionally in their marriage.
She feared that she had given up too much in doing so, and that after he died she would have to
fight with his family over ownership of the house. So, why had this seemed like a good idea
when she did it?

Serwaa’s decision reflects a widespread belief among Ghanaians and academics alike
that a companionate marriage—in which individuals choose one another based on love, and then
live together monogamously in a single economic unit—is the kind of marriage in which women
fare best. It is the assumption by which Christians can claim monogamous marriage is better for
women; and it is reflected in the PNDCL 111’s focus on changing marital rights as the solution
to the sacking of widows. The writers of the law assumed that Ghana was in a state of transition
from polygamous, customary marriage to monogamous Ordinance (state registered) marriage
(Daniels 1987; Fenrich and Higgins 2001). Both the construction of sacking as a specifically
matrilineal problem, and the assumption that customary marriages were rapidly becoming a
thing of the past draw on a progressive model of change that positions African customs as
“behind” Western ones on a linear road to progress (Ferguson 2006). One thing which this
model of change does is create a false equivalence between all things which are considered
desirable, “progressive” or “modern.” Thus, improved gender relations and women’s “equality”
are assumed to occur in combination with other aspects of “modernization,” such as companionate marriage.

One result of this conceptual pairing of “progress” and marriage type is a widespread assumption that women automatically benefit (or suffer) according to the type of marriage that they have. In their comparative analysis of companionate marriage, Wardlow and Hirsch (2006) make clear that this connection between types of marriage and narratives of progress and gender equality is not unique to Ghana. They suggest that

Love and marriage have been easily elided into such narratives about gender and progress; companionate marriage and gender equality are often assumed to travel hand in hand, the former impossible without the later. On the surface, one might assume that companionate marriage is automatically beneficial for women: most (although certainly not all) contemporary Western conceptualizations of companionate marriage presuppose partners who respect each other as equal individuals. (21)

Wardlow and Hirsh’s comparative analysis of companionate marriage links changes in marriage to changing economies. They argue that companionate marriage can be understood as an increasingly common global ideology with particular local expressions, an ideology which is related to “modernity,” and in particular to individualism, consumptive practices in self-fashioning, and “progressive” gender norms (2006: 14). But theirs is not a progressive, linear theory of change: what is significant about the global spread of the companionate marriage ideology is not that it is everywhere replacing other forms of marriage with some homogenizing force, but that “the companionate ideal has grown in prominence as a part of the repertoire of concepts on which people draw when crafting their complicated lives…” (2006: 6).

The notion of a “repertoire of concepts” draws attention to the ways in which different married couples may engage in a creative practice that selectively incorporates some shared notions of marriage, making their marriages recognizable but not identical to other marriages. It is also quite a useful way of thinking about how women like Serwaa deal with the everyday.
When she had a problem she consulted church elders, friends, and her sisters to gain a sense of possibilities—to develop a repertoire of solutions—which included quite different suggestions based on quite different ideas of marital expectation and responsibility. Similarly, in her decision to change the deed of the house, she was drawing on the marital concepts—and ideals—of Christian companionate marriage, which strongly encourage conjugal sharing and co-investment. Her story of patrilineal families driving out widows similarly asserts that known practices of one group can become a part of the repertoire of another.

As Wardlow and Hirsch point out, companionate marriage is part of a global ideology that interacts with other marriage concepts in particular locales such that it takes on a variety of local expressions. Thus, “companionate” marriage is not a type of marriage in the way that “Christian” or “customary” marriage is. In Kumasi, both Christian and customary marriage are particular types of marriage that are recognized by the wider society according to the formal ritual acts that transformed the couple’s relationship into a specific marital one. One cannot get married as a “companionate” couple per se, rather the term is used to distinguish an emergent constellations of values, beliefs, and practices that cohere into a perspective—as I will show, an ethical one—about what marriage is and what it should or could be. Companionate marriage, then, expands the repertoire of marital concepts, particularly in people’s aspirations for marriage, but this is not simply a broadened spectrum of possibility. Rather, Ghanaians construct and talk about companionate marriage ideals in opposition to another set of ideals, one in which marriage is incorporated into a larger set of reciprocal matrilineal relations. I call this second ideal “extended” marriage. While the ideals of extended marriage are most clearly expressed in customary marriage, making this distinction between “types” and “ideals” allows for a greater

39. Primarily by academics, but in Ophelia’s interview in section three of the chapter, she makes considerable reference to the concept of “companionship” in relation to Christian marriage.
acknowledgement of change over time and shifts between the categories.

My use of ideals is not what Susan McKinnon critiques as the false distinction between the “ideal and the really real” (2000: 74). McKinnon argues that anthropologists have accounted for the inconsistencies of Evans-Pritchard’s treatment of the Nuer as a division between the “rules” and “actual practices,” (ibid.). She argues that “most analysts then attempt to account for this analytic tangle by differentiating Nuer ideals, principles, and norms from Nuer reality, behaviour, and action” (75), and consequently they have applied categories that are their own in order to understand why the Nuer do not follow their own ideals—for example, they focus on economic advantage and individual choice (76). McKinnon argues that rather than an inconsistency in Nuer ideals and practice, the “analytic tangle” that Evans-Pritchard presented was produced in his theoretical distinction between the political domain and the domestic one.

The Asante situation is quite different from the Nuer, however. Evans-Pritchard was not describing a situation in which multiple systems of kinship had become entangled. But Asante marriage is entangled by a history in which both colonial and post-colonial government have tried to re-write marriage in service of broad social and political goals; these projects have been taken up unevenly by multiple, invested groups (Awusabo-Asare 1990; Allman and Tashjian 2000; Archampong 2006). Like Serwaa, many Christian Asante now solemnize their marriages in their church (and consequently register them with the state) after having performed customary rites. These marriages incorporate both extended and companionate ideals and are subject to both customary and Christian ethical judgements, which means there are situations in which the actualities of an individual marriage can contradict one ideal while conforming to another. My distinction between marriage type and ideal does not represent a supposed schism of Asante belief and behaviour; rather it is part of an effort to deal systematically with a category (marriage) that includes varied individual and institutional practices, laws, customs, and
contested ethical criteria. My use of the “ideal” positions it as a part of the ethical and draws on the theoretical view of “ethics” as a third element of social situations that cannot be reduced to either individual actions or structure (Laidlaw 2010; Merlan 2010).

An important aspect of marriage anywhere is that there are two different ways in which the ethical is enacted: there are those formal acts that instantiate a marriage, and those, both formal and informal, that apply to already married couples. Michael Lambek makes this clear in his argument that marriages are initiated by formal ethical acts, which change unrelated individuals into married couples; after this initial act, a couple’s future actions, including “non-ritual or reactively unmarked ones,” will be judged according to the criteria of their newly defined relationship—thus a judgement that someone has committed adultery becomes meaningful only after the initial formal act of marriage has taken place (Lambek 2011: 3). Although the focus of Lambek’s point is on defining the ethical as “a dimension, function, or modality of action” (Merlan 2010: 209), it also clearly illustrates that marriage “rules” entail two distinct elements: one is in the criteria that establish how the transformation from individuals to married couple can take place; the second is in the evaluative criteria against which future actions of so-married people are judged. This is the distinction that I draw between “type” of marriage, which generally indicates how a marriage is recognized and legitimated (especially through formal, transformative ritual acts), and “ideal,” which indicates what is expected after a marriage has begun.

The formal rituals and transformative ethical acts which differentiate Christian, customary, and state-registered marriage in Ghana remain quite distinct; however, once married there are multiple criteria, with different origins, which people can use to define the “good” in marital relations, or interpret and solve problems such as David’s exclusion of Serwaa from his funeral plans. These multiple criteria are at times contradictory. In some contexts, the ideals
appear as polarized opposites—which I have termed extended and companionate—while in others they are blended. I find it necessary to distinguish these ideological poles as a way of approaching the fact that Ghanaians’ statements about marriage are not neutral: when a minister claims that customary marriage is detrimental to women and Christian marriage promotes equality, it cannot not be taken as a descriptive statement; it is a situated and invested claim. By analytically separating the customary, religious, and state marriage types from companionate and extended ideals, I am able to question the assertions made by differently invested people about what is different or the same about customary and Christian marriages.

**Extended and Companionate marriage**

I use the term “extended” marriage to indicate the ways that people talked about contemporary customary marriage in the abstract, when they spoke of how it “should” be conducted, or about the “traditions” of customary marriage, and to distinguish the values and expectations that are most closely associated with the idea that marriage is “between two families.” In the precolonial period, customary marriage was not legitimated in a single act, but required multiple formal acts conducted over time. During the significant changes of the 20th century, extended marriage ideals were contested in conflicts over the responsibilities of husbands and wives, as people made explicit claims about how the new situations they encountered should be interpreted according to existing expectations of marriage (Mikell 1989; Allman and Tashjian 2000). Importantly, though, the most common type of marriage during this time was still customary. Thus, the development of opposed extended and companionate ideals (not to mention the conflicts that instantiated them) preceded the widespread adoption of Christianity and state-registered marriages. In the rest of this section, I sketch out some of the historical expectations of, and changes to, customary marriage, and how these changes relate to
the contemporary ideals of extended and companionate marriage.

Scholars have often treated Asante customary marriage as “a material structure of reciprocity” (Bochow 2012: 124). While this focus certainly leaves much about the affective and moral relations of marriage out of the picture, it is also understandable in light of the way that marriage and lineage structured connections between Asante labour, production, wealth. Anthropologists and other scholars have shown that the Asante social and cultural system arranged labour obligations and land claims in such a way that there was a large pool of “free” labour and access to “free” abusua-held land that was critical to the rapid development of cocoa farms in the early 20th century (Austin 1987; Grier 1981; Mikell 1989). While abusua-held land was free to any member to cultivate, it is also the case that marriage allowed men access to their wives’ abusua land, and marriage could also obligate wives to work on husbands’ land.40

Rights and obligations organized through the abusua system and its associated form of marriage were linked to the larger social organizations of land, labour, and politics. As I showed in Chapter 1, the abusua system was integral to the Asante state’s claims to legitimacy and to the organization of state authority. Thus, marriage practices were quite explicitly connected to state rights, as they organized claims within abusua, status in the state, and inter-abusua obligations. In the pre-colonial period, husbands’ claims on wives included sexual exclusivity, labour for the farm, and the products and benefits of women’s labour. Wife’s claims on husbands included sexual satisfaction (which included having children), men’s protection, both physical and spiritual, and maintenance in the form of fresh farm produce from their husband’s productive labour and “chop money” as wage labour increased (Allman and Tashjian 2000). When

40. The particular configurations of access to land and demands on conjugal labour shifted considerably over the colonial period, particularly for wives and husbands who migrated in order to develop cocoa farms away from the places in which each had family land (Okali 1983; Allman and Tashjian 2000: 60-70).
agriculture was focused on subsistence crops, women’s investments of labour were seasonally returned to them in the foodstuffs their husbands provided. Their ongoing relations (and often ongoing residence) with their abusua kin and their limited investments in their husband’s property accumulation contributed to an interdependent rather than dependent status between wives and husbands 41.

But the abusua system was much more than a way to organize labour or confer rights and obligations. Marital exchanges were made sensible—and flexible to the variations of particular circumstances—by their being premised on Akan values, in particular those of of male/female complementarity and interdependence, which emphasized the need for both men and women in the production of children, social groups, and sustenance. The significance of women in production and exchange has been discussed in terms of the equalizing force that it gave to gender relations (Allman and Tashjian 2000), but gendered complementarity extends beyond giving women significant roles and values in exchange practices: it linked individuals to multiply configured groups that always included, minimally, a man and a woman. 42 Virtually all tasks—subsistence, political, and religious—were divided to some degree between men and women, and needed multiple people to complete. Thus, in addition to giving value to women’s contributions, gender complementarity also made actual the philosophy that the individual relies on the community. Interdependence was continuously recreated in ritual, in political and religious formal positions, and in the everyday activities of maintaining a community and sustaining life.

41. In this statement I refer to the ideal, which describes harmonious marriage between full status Asante citizens. Marriages involving slaves and pawns were characterized by dependence on the free spouse, economically and for security and status within the state. I return to a brief discussion of pawn-marriage later in the chapter.

42. Within the abusua, the most obvious gender complementarity is in the parallel authoritative roles such as chief (hene) and Queen Mother (hemma). Both men and women were required in various roles for rituals like marriage and funerals, in choosing successors and so on.
Gender complementarity thus provides a somewhat different perspective on the significance of the marital bond than the one developed through structural and functionalist theories of descent and kinship (Chukwukere 1982), which tend to look at the apparent ease of divorce or neo-local residence as evidence that marriage was “of little social function” and a relatively insignificant part of life (Bochow 2012: 127). As many people put it to me in Kumasi, customary marriage is “between families.” This fundamental definition of marriage was repeated to me often; an interview with Father Peter, an Asante man and Catholic priest, went into more depth than most:

[Marriage in] the matrilineal system... is a bit complicated. It is easier or very flexible with the patrilineal.... Like, let me take the European system, two people want to marry, their parents are not in agreement: “I want to marry whoever. I have that freedom to marry this man” and that sort of thing— that theology or philosophy—does not exist in this matrilineal system. You can go away [live together], but it is not marriage. You can even go... to have a church wedding, but it is not marriage. In the Akan system, a marriage is between two families. Such that it brings the social aspect together. Like A marries B. If somebody dies in B's family, A will have to go there as part of the family, responsible for certain things there. The same thing applies when A family dies, B will also come.

So the married life, it has more complex[ity than your kind of marriage]; not as individuals getting married but as families getting married. That is the abusua we talk about, so it is the abusua which is getting married not the individual.... It is not easy for [an Asante person] to get married, so when you take a decision and they ask you “do you accept it?” you will accept these responsibilities and whatnot. Having accepted these responsibilities, you will go [into the marriage]. When you are talking about divorce, then your uncles and nieces will all turn their back to you. It is you who went and brought that man or that woman, so we have no problem with such here, and that is your choice.

But the duty of the abusua is to take care of you and your children and whatnot. That is your mother’s side. So if there is a wofa [mother’s brother] there he will take care of the children. If the marriage is well, the relationship between the family is ongoing, very nice, then even if there is divorce my family will put pressure on me [the husband] that because of the children I should be able to give you [the wife] some property. But then

43. Father Peter’s interview was conducted in English. Where Twi words appear, these are the words that he used. I have edited the interview for clarity. Father Peter, like all Ghanaians I met, considers Euro-American kinship to be patrilineal.
when you are not a “woman,” (let me put it in quotes) then, even the property that I want to give to you, my abusua will block it.

Father Peter speaks in very ideal terms here. He draws a clear distinction between the European “theology or philosophy” that allows individuals to marry whomever they choose (a key element of the companionate ideal) and the Asante philosophy according to which the families must first agree. The extended marriage ideal described by Father Peter involves reciprocal responsibilities between husband and wife, and also between and within mmusua. A husband and a wife have accepted responsibilities to each other and responsibilities that involve their abusuafoo, and in turn, their abusuafoo have also accepted some responsibilities in maintaining the relations of the marriage. This is why Father Peter suggests that marriage is not easily contracted, and once it is, divorce is not easily accepted when the relationship between the in-laws is good. According to Father Peter, if the extended family feels the wife is meeting her responsibilities as a wife, and if she has a good relationship with them, they will not support an end to the marriage. When in-laws and wives are on good terms, they may even insist that a husband provide property to his wife in support of the children. On the other hand, if a woman is seen as immoral or not a proper “woman” by her in-laws, then even if she and her husband have a good relationship his abusua may interfere. Just such a situation was related to me by Mary, whose unusual inheritance case appears in Chapter 6. She told me that she would not have divorced her first husband, but that his sister did not like her and caused the marriage to end.

The full implications of marriage as “between families” are sometimes understated in kinship studies, where the involvement of extended families is understood primarily in terms of parental or lineage participation in the contracting and legitimization of a marriage. The focus tends to remain strongly on the individual, for example, by discussing how the potential suitor responds to the demands of his potential in-laws. Anthropologists’ focus on the aspect of
“divided loyalties” (i.e., the matrilineal puzzle) similarly posits that there is a difficulty for men in matrilineal societies at an individual level. But historically, Akan perspectives on gendered interdependence and complementarity produced in both thought and action the basic premise that individuals rely on their communities. Both men and women were embedded in their abusua, their local community, and their spouse’s and father’s mmusua through multiple ties of mutual aid and moral responsibility that produced interdependence. The extended marriage ideal describes two abusua brought together into a mutually beneficial relationship mediated by and focused on, but not limited to, the married couple.

In contemporary Kumasi, the marital expressions of gendered complementarity are an important part of the extended marriage ideology. In extended marriage, husbands and wives are each other’s yonko (counterpart): they do not share, blend, or become one; rather, they take on mutually complementary roles and engage in exchanges which support each other and their extended families. The abusua remains the focus of unity in the lives of each spouse, and their mmusua are implicated in their marriages through the criteria of Asante kinship.

That said, major changes in virtually every aspect of society over the course of the 20th century led to significant changes in the expectations and processes of marriage. Two significant sources of “free” labour—slavery and pawnning—were outlawed, while cash crops like cocoa became common. With cash cropping and reduced sources of unpaid labour came migration and wage labour. Women began investing their labour in husbands’ crops that produced profits rather than food, and which might take years to come into full production. This disassociated their labour from the foodstuffs they received and left them vulnerable to major losses should their husbands die or divorce them, or simply deny them a share of the profits they had worked for. The interdependence of husband and wives was challenged and changed as new forms of property and exchange emerged, and new laws recognized men’s and women’s claims.
differently.

The first colonial Ordinance introduced the written will to the Gold Coast in 1876, and marriage was first legalized less than a decade later with the Marriage Ordinance of 1884 (Crabbe 1998). The Marriage Ordinance radically altered the relationship of husband and wife by making monogamy the only legal form of marriage and by granting inheritance rights to the children and spouse (Awusabo-Asare 1990). Chiefs objected to the Marriage Ordinance, and changes were then introduced to Ordinance marriage laws throughout the 20th century, but significant differences between Ordinance and customary marriages persisted: persons in Ordinance marriages were subject to English law rather than customary law during the colonial period, and women were found to be differently entitled to their self-acquired property in the post-colonial period (Crabbe 1998). Ordinance marriage disputes were tried in High Courts and customary marriage disputes in local ones (Vellenga 1974). Under this pluralistic legal system, a marriage defined one’s subject position in the state as well as personal and inter-\textit{mmusua} relationships.

The contemporary companionate marriage ideal emerged in this context, growing out of a combination of new labour and economic relations, new political power relations, and the moral and political concepts introduced by the British through both colonial policy and Christian missions. British colonialists hated polygamous marriage, seeing polygyny as tantamount to slavery and an impediment to economic development (Mikell 1989: 69). The longstanding belief that polygamy is bad for women was part of a colonial/Christian belief that Asante marriage was immoral. Christian missionaries tended to see customary marriage practices (which allowed a

\footnote{44. As discussed in the Introduction, one goal of the PNDCL 111 was to create a unified law for all Ghanaians. Thus, it has eliminated these sorts of differences between types of marriage: women in customary and Ordinance marriages are now equally entitled to the same share of their husbands’ properties, for example.}
period of pre-marital courtship that could include sex) as “permissive” and immoral, rather than as a different moral scheme that permitted different activities (Wiredu 1996). British regulations of marriage drew on these moral assumptions, and the colonial period was marked by struggles between colonial governments to eliminate polygamy, and Asante resistance to such laws (Awusabo-Asare 1990). While polygamy has persisted, these attempts have affected how Ghanaians perceive (and enforce) the roles of husbands and wives, and have helped produce the Ghanaian ideal of companionate marriage.

While the contemporary companionate ideal is strongly influenced by both liberal and Christian notions of marriage, the specifically Ghanaian notion of companionate marriage took time to emerge. The more immediate effects of colonial and Christian efforts to reform marriage were a period of what Allman and Tashjian (2000) have called “gender chaos,” which was evidenced by “some women’s refusal to marry, by chiefs in several towns ordering the detention of unmarried women, by contentious child custody cases, and by the dramatic upsurge in the number of divorce, adultery, and inheritance cases—the later often pitting wives against deceased husbands’ matrikin in struggles over ownership of cocoa farms” (2000: xxvi). During this period, the shift to cash cropping radically changed the relationship between labour, production, and wealth, creating new situations, particularly ones in which women were more economically invested in their husbands’ properties than ever before. New situations demanded new evaluations, and people drew complexly and unevenly on Akan and British values and ethical criteria in order to argue their positions or render their judgements.

Courts were particularly important in redefining marriage during this period. Colonial courts and Native Tribunals responded to the emerging crisis in gender relations in uneven and ambiguous ways. Both colonial and chiefs’ courts favoured men, particularly men of status (Berry 2000). Colonial courts refused to hear women’s cases on property rights, instead referring
these to Native Tribunals, which were run by chiefs (Mikell 1989: 116). Mikell argues that this exclusion from colonial courts led women to frame the claims they brought to colonial courts in terms of kinship rather than property (ibid.). Mikell notes three main categories of such cases in the late (post 1940) colonial era, including complaints against *abusua* or in-law relatives, cases applying traditional law to new economic circumstances, and divorce cases based on lack of support (ibid.). Similarly, Allman and Tashjian argue women used adultery claims—which had historically been made between men—to frame claims to their economic rights, for example, by asserting that a man who failed to meet his customary material obligations of support was not entitled to a woman’s sexual exclusivity. These were not very successful, however (Allman and Tashjian 2000: 177). In general, in the shifting balance of power between women and men through the colonial period, women lost much of their ability to claim reciprocal rights in their marriages, while also failing to gain court-supported independent control over property.

The issue of changing gender and marital relations is not reducible to a single factor like economic change, nor did the gender conflicts of the 20th century involve distinct and continuous “sides” (such as women against men, or colonials against Asante). There was no consensus about how women fit into the new structures of economic and political power and opportunity available under the colonial government and the emerging vistas of global capitalism. Thus, the early 20th century period of “gender chaos” resulted in changing marriage ideals, in which women’s roles continued to be contingent on their ongoing acts as “good” wives and women (as expressed by Father Peter), while men’s roles became more essential or categorical, contingent only on the transformational act of the marriage ceremony. Men’s ability to demand labour, sexual exclusivity, and ownership of all marital property was not new, but it was transformed in this period in part by the changing configurations of labour and property that increased wives’ obligations to support their husbands’ productive activities, and in part by the
ways courts differentiated between the claims of men and women.

This history is significant to understanding contemporary Ghanaians’ (and scholars’) claims that customary marriage is detrimental to women. The marriage type practiced during the colonial period was almost exclusively “customary,” even though significant changes to marital expectations and practices drew unevenly on both Asante and British ideals of marriage and morality, not to mention gender relations. As I will show in the next section, when people define what “traditional” customary marriage entails, they often refer to values and practices that emerged during this period. Claims that customary marriage disadvantages women must be considered against this entangled history of gender relations. Women’s experiences of marriage and the exclusions that they faced cannot be simply attributed to “traditional” marriage rules envisioned as distinct from the context of increasing migration, economic dependence, and male power in which these rules were challenged and changed.

Marriage ideals in opposition

The distinctions between the different ideals of marriage are more emphasized by people in their roles as marriage mediators and authorities than in their practices as husbands and wives. In the following interviews, I examine in detail some of the ways in which Christians construct the Christian companionate marriage ideal as distinct from, and opposed to, the extended marriage ideal. I focus on three interviews with Christians who were in positions to advise people on their marriages: Ophelia, a church-based marriage counsellor; Reverend Bernard, an Anglican minister; and Father Osei, an Anglican priest. Through these interviews, it becomes clear that while many people may draw on the multiple marriage alternatives in a process of “self fashioning,” institutional claims to authority also draw on marriage concepts in the fashioning of subjects. The ideological poles, as they are constructed in these interviews,
define not just Christian marriage but also the Christian authority to make such definitions.

While Christians challenge some of the fundamental aspects of extended marriage, they generally attempt to redefine rather than negate Asante values. This is particularly apparent when looking at the value of unity. Extended marriage conceptualizes unity as remaining with the *abusua*, and the husband and wife as each other’s *yonko* (counterpart). Christian ministers emphasize the value unity as well, but they express it in terms of a companionate ideal in which the conjugal bond has the greatest unity. This serves to create a religious and social valuing of the conjugal pair, and translates into an expectation that Christian married couples be permanent, monogamous, and co-resident. So, while Christian marriage ritually incorporates customary marriage, it also poses significant challenges to the extended marriage ideal and to matrilineal social organization. In the extended marriage ideal, the primary loyalty of each spouse remains with their own *abusua*. But Christians take the biblical view that man and woman must become one.

This was quite clear in my interview with Ophelia, a church marriage counsellor. She arrived at the interview with a book she and other counsellors used to instruct couples planning to marry in their church. She went through it in detail, reading out the different points and elaborating on their meanings, or explaining how couples responded. The emphasis on conjugal unity was first apparent in her discussion of the different purposes of customary and Christian marriage:

And then we ask about the purpose of marriage. We will have to know why they are getting into that marriage. At times, people will tell you ‘oh, I’m grown up so I have to get married’ but we will want them to know the real purpose of marriage. As it’s designed in the bible. And we know the real purpose of marriage is for companionship. And you know, we Africans, we do make a mistake thinking marriage is for procreation or for bringing up children. But that is not the main purpose of marriage. So we have to let them know. Because we’ve had a lot of problems with married people who are not able to... bear children. The parents of the, most especially, the men, their parents will tell them, ‘oh, go and marry another person and get children for us’ and it creates a lot of
problems. So we’ll have to let them know the real purpose of the marriage that they are going into. That is, the main purpose is for companionship and not child bearing.

Several things follow from the shift on the focus of marriage from the production and raising of children to companionship. The husband-wife pair is prioritized over the *abusua* membership, unity shifted from *abusua* to marriage. This shift was obvious in many of Ophelia’s later statements about the advice they give to the couple: that they should be independent of friends, family, and extended family in matters ranging from finances to accommodation to general advice or the sharing of various items, which she clarified “does not mean you don’t have anything to do with your friends or relatives, but you shouldn’t be dependent on them.”

Ophelia’s statements set up a hierarchy in which Church marriage is more legitimate and better than customary marriage. She describes companionship as the “real” or “true” purpose of marriage, and she suggests that divorce and polygamy are problems that arise when a couple that prioritizes procreation experiences infertility. She also describes this as a fundamentally “African” problem, a frame that implicitly invokes the notion of African cultural practices as “backward” and causally related to Africa’s position in a global hierarchy.

In the interview Ophelia made it clear that her church’s official position was that a couple maintain a kind and generous relationship with their parents and in-laws, but that they not give their extended family any role in the major decisions or activities of their married life. She advised that couples live separately from parents and *abusuafoo*, hold joint bank accounts, get life insurance, write wills, cooperate in household chores and expenses, and make decisions together. Under no circumstances, and especially not the condition of infertility, should the couple consider a divorce. Ophelia explained:

Even if there are no children, you have to stick to the marriage. Or if, even, after marrying you see that your partner does not meet your expectation, that doesn’t call for
divorce. You have to stick to it. So we have to explain all these things to them.

Us Africans as I’ve already told you, we are so interested in the children that after one, two years, if there is no child, then we will go to complain. So we have to make that one clear too, to them. That the main purpose of marriage is for companionship. As is stated in the bible. That God said it’s not good for the man to stay alone, so he made a companion for the man, so your wife is your companion, that is the main purpose of the marriage.

... the type of marriage we counsel is Christian marriage. So, we make it known to them that that marriage they are going to get into is a monogamous marriage. That is one woman, one man, without any concubine or things like that. So they have to know that once they get into that marriage, they don’t have to look anywhere else. So we have to make that one too clear to them.

Ophelia’s marriage ideal is constructed in opposition to a particular view of “customary” marriage as the root of many of the problems that women face in marriage. In Ophelia’s description, men and women owe each other fidelity (something that is only true for women in customary/extended marriage), putting them on more conceptually equal ground. This equality is supported by the view of the couple as unified, which is expressed in the sharing of tasks, decision-making, and finances. What is also clear is that the problems she attributes to “African” ideas are ones that became especially significant in the 20th century. Women’s marital insecurity and dependance is implicit in her construction of marital problems as men’s infidelity (through reference to concubines) and men leaving their infertile wives, as well as in the need she found to instruct men to participate in housework and sexual foreplay. She positions Christian marriage as addressing these issues by creating unity in the marriage bond and asserting the primacy of the marital relationship over all others. Christian marriages, by her account, are ones that women can depend on to last, and in which they have an equal footing in decision-making and financial planning.

Ophelia’s presentation of marriage, designed for instructing an engaged couple in the ethical responsibilities and expectations of their upcoming marriage, was certainly appealing.
However, the equality espoused by Ophelia was hard to find in discussions with male church authorities, especially when discussing a husband’s authority or issues related to divorce. The husband is seen as the “head” of the marriage, which does not afford the kind of equality that Ophelia describes, and the prohibition on divorce leaves little recourse when a man abuses his position.

In my early fieldwork, I encountered comments about the husband as “head” of the family frequently, and in a follow-up interview with Reverend Bernard, I asked how the term “head of the family” differed in reference to Christian and customary marriage. At first he responded that there is no difference, the man is the head in both Akan and Christian views. But then, he began to elaborate differences based on the idea that the Akan husband “lords it over” his wife in a master/servant type relationship, while in Christian marriage, it merely indicates an “order” to the family:

Christian marriage, no we don’t accept that. We emphasize on the fact that the man is the head of family. But we are not saying that you make the woman a slave. You have to assist the woman. You have to assist the woman in every way.

But Reverend Bernard was considerably more vague about what “assisting the woman in every way” means than Ophelia. Primarily he seemed to suggest it means that the man must consult his wife in some decisions. Earlier in the interview he had suggested that Christian men could help their wives with housework, which he contrasted with a customary husband, who would be mocked by his peers for doing so. In making this distinction, he did not speak to the obvious fact that every Christian marriage is also a customary one, nor to the question of whether men who were not in Christian marriages might mock those Christian men who did housework, regardless of the fact of their Christian marriage. Instead, Reverend Bernard emphasized the unity of the couple, arguing that this leads to a different sort of marriage than the customary marriage, in which a woman labours in fields and at home for her husband while he
orders her around. He describes the customary concept of husband-as-head as part of the “maltreatment that used to be given to females in the Akan system in the olden days,” which no longer affects women because of education and Christian teachings. I continued the interview by asking about who provides for the family in a Christian marriage:

C - So, in terms of providing for the family, if in the Christian model you have the man is the head of the family, but the man and the women are equal, are the man and the woman equally supposed to provide for the family?

RB - Still, the responsibility lies on the man. Greatly. But if for instance the woman is earning more than the man, if the woman is well-to-do, because in the Christian point of view, the two have become one, you have to, the woman will have to assist the man.

In the Akan for instance, in the Akan culture: when a lady is going into a marriage, the mother or the relatives can advise her, “when you go and you get wealth, bring it to the house, bring it to the family. When there is debt, give it to the man.” That is the sort of counselling they give to females. But in the Christian point of view, you don’t do that. So the woman is somehow prepared to assist the man.

And because of the Christian aspect of it, some relatives, some parents or because of lack of education, elders, they don’t want their male children to go into the Christian form of marriage. It’s just very very recently that things are changing. Because they feel that the moment you enter the Christian point of view, you cut yourself away from the larger family. Any decision you say “oh, let me go and consult my wife.” But in the [Akan system] it’s rather, “let me go and consult my mother.” So previously some of the parents were not very keen.... If on the other way round, their daughters are going for the Christian form of marriage, they are happy.

Reverend Bernard asserts that in Christian marriage, it is the husband and wife who have become one, but his efforts to show that the Christian concept of male authority promotes equality begins with the assertion that it is still most commonly men who bear the greater responsibility to provide for the wife and children, and then slips into a critique of wealthy women. He brings up a saying, which he had also mentioned in our previous interview, to contrast the concept of unity in an extended ideal of marriage (“Akan culture”) with a companionate one: when a couple marries customarily, the wife is advised to bring her wealth to her abusuafoo and her debts to her husband, emphasizing the unity of the abusua. In the first interview, I asked whether it was a proverb or a customary law, or something else. He replied
that “you can’t say it in public, actually…. But you advise your daughter indoors.” From these
comments, it seems a piece of mildly scandalous advice.

Although Reverend Bernard implies that the saying is not publicly acceptable, quite a
different explanation was given by T.E. Kyei (1992), who produced a monograph on Asante
marriage from his work as Principle Research Assistant on the Ashanti Social Survey. He
describes the saying as “the time honoured Asante marital pledge” (1992: 31) told by the bride’s
father to the groom with the question “do you agree?” and to which he must reply “yes” in order
to continue with the marriage. Kyei suggests that the pledge is also the foundation of the
husband’s authority in marriage:

He assumes full responsibility for her behaviour, for her actions and in accordance with
the [pledge] he is legally and morally bound to pay any and all debts she may incur when
she is with him as a wife. In consequence, he has full authority to disapprove of any
action or undertaking from which he has reasonable grounds to anticipate trouble. For
that reason, it is the wife’s bounden duty to respect his authority unquestioningly. (54)

What stands out in this pledge is how closely it resembles precolonial pawn-marriages
rather than free marriages. In a pawn marriage, a man gave a loan to his bride’s abusua and in
exchange he had an increased claim on her labour and authority over her activities, which acted
both as security and interest on the loan. Allman and Tashjian (2000: 70-73) argue that in the
early colonial era, pawning (which had not been limited to marriage) was “feminized” and
blended into marriage, beyond the colonial purview. Taking on the wife’s debts gave her
husband a claim to her labour, which was a crucial aspect of changing labour and gender
relations. The blurring of the line between pawn and free marriage during the colonial period
made the customary marriage of that era unequal, and contributed to the high rates of divorce
found by Fortes (1949). But these are not features of matriliney per se, rather they are a
consequence of the entanglements of Asante and British marriage laws and civil practices.

Reverend Bernard suggests that the shift of unity from abusua to marriage is better for
women, but in his rhetorical strategy, he also recasts customary marriage as morally inferior to Christian marriage, promoting greed and secrecy between women to the detriment of men. In emphasizing the wife’s financial responsibility to her husband, Reverend Bernard demonstrates that his position on the husband as the “head” is not as different as he would like to suggest from the sort of “unquestioning respect” that Kyei suggests was key to customary marriage. The perspectives I gathered from Christian ministers on divorce and domestic abuse also suggest that the authority of the husband as “head” remains largely unchallenged in Christian marriage, and that the difference between a man’s marital role as fully legitimated by his initial transformative act of marriage and a woman’s as continually contingent on her ethical behaviour remains a significant part of Christian marital practice.

Ophelia’s insistence that there is no acceptable reason to divorce was quite common, and I encountered it frequently while at the same time learning about many cases of domestic abuse. With these cases in mind, when I interviewed ministers45, I often asked about divorce in cases of abuse, which they all unequivocally opposed. Even when I (or Stella) brought up conditions under which a woman or her family might fear for her life, the adamant response was that a separation, preferably temporary, was all the church would advocate. This absolutist position was justified in various ways that all drew on how divorce disadvantaged women: ministers insisted that women’s moral standing in the community might become suspect should she divorce. Women also have little recourse in divorce should problems arise; they bear the greatest burden of these severed ties. Especially for a couple with children, divorce disrupts important reciprocal relationships that are defined by the marriage. As an Anglican priest, Father Osei, put it to me:

45. I interviewed ministers or elders from Catholic, Anglican, Methodist, and Charismatic churches.
And if the woman is the one aggrieved, we normally make the woman know that African men, most African men... will never think good about the kids because especially in the Akan, we have the matrilineal inheritance so some men will think... “the children are yours, so you leave and you leave with your children. I don’t care for them again.” And there is no law here which will compel the man.... Some men will not at all take care of them. They won’t think about the children.... because he knows the children are for the woman.... “So if the children are for you and then you go, you go with the children. And I will be free.” Most men will do that.

Like Reverend Bernard, Father Osei constructs the matrilineal system as the source of women’s problems, a morally inferior system in which men are able to walk away from their responsibilities as parents because the children are “for the women”—even though these are Christians he is counselling. He always advised women to continue their marriage, in part because of his Christian perspective on marriage, but also because he saw marriage as a woman’s best option for retaining her husband’s support for his children.

Customary marriage and the extended ideal emerge from these descriptions as a rather grim option for women. Church authorities construct ideological oppositions when talking about customary and Christian marriage that create a picture of marital injustices deriving from extended ideals and equality from companionate ones. Yet, as I mentioned in the introduction to the chapter, ethnographic work in the 1970s showed that women in rural areas who had access to *abusua* land and support fared well in measures of their success and well-being, regardless of their conjugal status (Oppong, Okali and Houghton 1975). Furthermore, stories like Serwaa’s suggest that practices among marital couples cannot be neatly segregated according to type of marriage. In the next section, I return to an ethnographic consideration of these entangled marital practices.
Marriage in the middle

While the Christian marriages promoted by the devout were distinct from customary marriage, the Christian “three times” marriages I observed did not exhibit the same sharp distinctions. Household chores were not shared, and wills were rare. Most husbands and wives did not merge their money into a joint account from which to pay for everything: calculations of exchanges and financial obligations were quite common among the women I knew, who considered it the father’s responsibility to provide school fees and much of the children’s upkeep, as well as small amounts of money to run the household. In conversations with me, most men acknowledged these responsibilities but they did not discuss their personal experiences in the way that women were apt to. It was clear, however, that it was easy for a husband to withhold “chop” money and children’s maintenance money and difficult for a woman to leverage anything other than social disapproval in her favour.

Although both Reverend Bernard and Ophelia emphasized the value of marital cohabitation, among the married couples I met, there were a wide variety of residence combinations. Many Ghanaian couples live separately, for a variety of reasons, including because they both live in their own family houses, because they are in polygamous marriages, or because their work is too far apart. Others live together in “nuclear” units despite not being married by Church or state. I was not able to conduct the kind of detailed survey of residence that informed Fortes’ (1949) *Time and Social Structure*, but my impression based on the different configurations of people I knew conforms with many of his observations: that there are many different ways in which married people organize themselves into residence, that the “domestic cycle,” that is, the age of the children—and, I would add, the security and source of the adults’ incomes—affects how people reside. Transnational marriages are also increasingly common, as one partner emigrates to find work (Bochow 2012). Ultimately, there is not a strong
cultural expectation that cohabitation is required for a “good” marriage, which allows Asante people to prioritize other practical issues in choosing their residence. Among Ghanaian married couples I knew who lived together, many did not fit the most exclusive definition of “nuclear family.” It was still common to have extended kin in the mix: a parent, a sister or grandparent, a niece or nephew, or some mix of these. Many men who lived with their legal/customary wives had quasi-marital relationships—often including children—outside the nuclear family with one or more other women.

As I got to know more women in Kumasi, what stood out to me was not any distinction between extended and companionate marriages, but the insecurity and difficulties that faced women no matter what their type of marriages. I heard frequent stories of abuse. Serwaa’s eldest child, a daughter who was herself married and living nearby with a husband and a young daughter, told me that her father used to beat her mother, at times hospitalizing her. Serwaa later confirmed this account. I wondered why Serwaa did not leave her husband, and indeed, at times she threatened to do so. Over time I became accustomed to these threats, on which she never followed through. When I first asked why, Serwaa’s daughter told me that it was because the church would not let her mother preach in the villages if she were divorced. In light of this, Reverend Bernard’s claims that Christian marriage was better for women seemed ludicrous.

Serwaa and her husband no longer attended the same church. All Christian churches I encountered espoused fully monogamous marriage, and they discouraged both polygamy and informal extra-marital relationships by withholding various positions and activities from those who engaged in them. Serwaa’s husband had responded to this, as had other men, by leaving the church he had attended with his wife and attending a different one with his girlfriend. He did not care much about being an elder in the church, although he attended regularly, and he simply removed himself from the situation in which he had been criticized and found one where he was
not. Meanwhile, as he withdrew increasingly from Serwaa’s life, she found new companionship and purpose in her church activities, joining a fellowship, preaching in villages, and becoming an elder. Her participation in these groups and activities would be more difficult—in some cases impossible—if she divorced David. At the time, it struck me as a cruel policy in the church, and I wondered why women would prefer Christian marriages that circumscribed their options so sharply in comparison to customary marriage, which allowed divorce and regulated men’s multiple relationships through legitimate polygamy.

Serwaa herself rarely gave the church as the reason she stayed with her husband. Her explanations to me changed over time, but they resonated with Father Osei’s statements: sometimes she said she stayed because of the house, which was no longer in her name alone. Sometimes she said it was because David would not care for her younger children if she left, and she also told me she feared for their spiritual safety if she left. Later I asked Serwaa directly about some details of her marriage, and I learned that although she had told me that David contributed nothing to the development of her property and the daily expenses of the house, in fact he frequently did contribute a small amount—less than she wanted and usually after she had already paid for something in full—but nevertheless, enough that leaving would probably constitute a significant increase in financial insecurity.

Although my early experiences with Serwaa and the church ministers gave the impression that restrictions on divorce were relatively recent, and quite detrimental to women, over time I have come to understand Serwaa’s (and other women’s) difficulties in marriage as a result of the contingency of their status as wives rather than as a particular outcome of one or another type of marriage. Even if the process of divorce is relatively simple (as it is for customary divorce), it is not an easy choice for women because of the compromises that it entails. This was highlighted for me in a brief interview with Wanda, a woman I knew who was
with an abusive man. Wanda was not technically married by any type, meaning that restrictions on divorce were not an issue for her. Her father wanted her to leave the man, with whom she had several children, because he had not performed the customary marriage rites. But a combination of poverty, social expectations, and the small security she gained through living with her husband’s relatives (her residence reinforcing her quasi-marital relationship through the place/family equivalence) kept her with him:

C: Do you live with your husband?
W: Yes.
C: How long have you been married?
W: We have lived together for about 12 years but my father says he is not my husband because he has not performed any marriage rites. So I should find money to get my own place and move out for them to see I am not living with him. But it’s because my business is not good that I am still here.
C: Are you considering following your father’s advice?
W: For me, it’s in my mind doing that because I find no happiness in it, and also he doesn’t care for me, so I have made up my mind that if I get a room, I will leave. Even recently when we were fighting and he threatened to stab me, I decided to come and ask [a wealthy friend] whether I would get any small room so I can move there....
C: Is he violent?
W: Oh, we fight especially when I ask him to give money to the children. We fight till people come to separate us and it is during such times that he pulls out a knife and threatens to stab me. He sometimes throws my belongings out.
C: What has kept you there until now?
W: When you decide to leave some people try to stop you, telling you the children are young. And even now if I decide to go [to a relative’s house], I would go with the children and that will increase the number of people there. As for me, I have decided to find a place of my own, and that is why I am still here.

I had known Wanda for most of my stay in Kumasi. This interview took place about midway through. In the remaining 9 months of my stay, she did not go to live with the wealthy friend nor find a place of her own. Wanda’s reluctance to leave the man with whom she lived was predicated on her poverty and dependance; but the counsel given to her that she should stay also had an effect. Although she did not specify in the interview, because I knew her living
situation I am sure that the people giving her this counsel were the man’s father’s abusua relatives (that is, the man’s patrilateral relatives), most probably the elder women. Although Wanda’s relationships with these relatives were often strained, when Wanda’s daughter became involved in a situation that could have escalated to criminal charges, the elder women—and all the patrilateral relatives—united “behind” Wanda to support her daughter. Wanda would risk losing such support if she no longer lived on their property or if she severed her ties to their relative.

The fears that kept women like Wanda and Serwaa from ending their relationships are not abstract; despite disapproval from various sources, many men and women make the decision to divorce, meaning that women have many examples among their friends and relatives of what a divorced women experiences. The experiences of Stella’s grandmother Nana Adwoa, a woman in her 70s who had married customarily and then divorced in the 1970s, illustrate some of the potential difficulties of such experiences. Her husband, who wanted the divorce, had to come and request it from her abusua panin (lineage head), who required them to try to settle things before he would consider it. After the divorce, Nana attempted to enforce her ex-husband’s promise of ongoing child support both by visiting his abusua panin and by going to the Social Welfare Office to make a complaint. Neither attempt was successful, and in the end she raised her six children with the help of her mother and siblings. Nana believes that the ease of divorce is different for men and women (note that when Nana says “settled” she is referring to a resolution in which the marriage continues):

N A- ... When the decision to dissolve the marriage comes from the man, it is difficult for it to get settled, but if it is the woman who says she can’t marry the man, but the man still wants her, they sit down and have it settled. The women don’t like ending the

46. Nana’s interview was conducted in a mixture of English and Twi. Nana understood English, but answered in Twi.
marriage.

What happened with mine was that I wasn’t present when my husband went to see the abusua panin and told him he didn’t want to continue with the marriage. So the abusua panin sent for me and I went there. When I went they asked him why he wanted to end the marriage. He told them I had done nothing wrong to him and he had no reason for wanting to leave me. They asked us to go back and think about it. We were given a date to come back.

S - Who gave you the date?

N A - The abusua panin; the man. Anyone can set a date. When the time came and we went he insisted that what he had said was final. And so he wanted his drink back. So the abusua panin gave him back his drink. So the abusua panin asked him what he was going to do about our six children and he said he will look after them. But he didn’t. Because he didn’t mind them God helped me to look after them till they grew and now they are doing well. When he was asked what he would do about the children, he just said he will care for them and that is all he could have said, that is what they say when they are asked that but there was nothing like that. He was lying. No chop money [to pay for the children’s food or clothes].

C - After the marriage is dissolved is it possible to take the man to his abusua panin to ask him to take care of the children?

N A - Some people would do that. I even decided to report him to the social welfare. The man in the office I went to was from my hometown. He told me the office of the social welfare for [my neighbourhood] was in Adum and so I should go there. Just when he took a pen and was about to write a letter for me to go and see his colleague at Adum with, he said to me “Adwoa, just let it go. Even if it is grass that you will eat, your children can also eat some. This issue will become litigation and they will keep postponing it. It is better for you to look after your children with the money you would be contesting with.” And I stopped.

...

C- When was this?

N A - 1974

C- Do you think he was giving you good advice?

N A - I think it was a good advice because I know that the social welfare were at time to my knowledge, interested in taking money without actually making sure that what you wanted them to do was done. So when he said I should stop, I listened and I stopped. After all, it is God who takes care of children. I went to inform his abusua panin about it. He told me if that is the case, I should forget about it and that human beings are not candles so that as time goes on, they depreciate and so by all means they will grow to take care of me some day.

C- Hmm!

S- I never knew this story. So you make me learn so much about my own family.
C: I'm glad. [to Nana Adwoa:] So it seems that there wasn’t much help for you if he didn’t agree.

N A: [describes how her siblings helped with school fees and other aspects of childcare]

C: Is it still difficult for a woman to get her children’s father to care for them after a divorce or have things changed?

N A: It is still happening.

S: But mine was not like that. Because I remember I used to go to my father’s office for my fees.

C: He was still living in Kumasi then?

S: Yes and he brought or sent money and a crate of eggs, sometimes, a live chicken. And even now he is still taking care of me.

C: That’s good.

S: It depends. Sometimes it’s the person involved.

Nana Adwoa’s personal account gives us a different view than Father Peter’s description of the extended marriage ideal: customary divorces are easy for men to obtain, but less easy for women. It is when women bring a case that there is successful mediation, she claims. Her story illustrates why a woman might prefer to solve a marital problem rather than end a marriage.

Once a man is divorced, there is little recourse for a woman to ensure that he carries through on a promise to help with the children. Interestingly, Stella (who was not with me at Father Peter’s interview) echoes his sentiment that it depends on the people involved; she tells us that her father provided for her after her parents’ divorce. Indeed, Stella had an ongoing relationship with her father even though he had left Kumasi; she went to stay with him frequently, and attended his family funerals, and he paid her university tuition and helped her in other ways.

Nana’s story demonstrates one element of what people meant when they said that it was the mmusua that married rather than individuals. Nana and her husband did not come to the decision to divorce between themselves, indeed, her abusua panin heard her husband’s intention to leave the marriage before she did. The abusua panin is a central figure in a customary marriage, both in carrying out elements of the symbolic exchanges, but also in acting as
mediator and advisor to the married couple. But there are limitations to the role: the *abusua panin* cannot force a solution, he cannot insist that a man follow through on his responsibility to care for his children. That it is an acknowledged social expectation is clear. Father Peter states it as a general principle, and Stella’s comments demonstrate that some fathers indeed continue to provide for their children after divorce. But equally clear is that while the man will certainly know what is expected, he also must willingly comply; Nana Adwoa tells us that when her *abusua panin* asked her husband “what he would do about the children, he just said he will care for them and that is all he could have said, that is what they say when they are asked but… he was lying.”

Nana and Serwaa each had a different type of marriage, and Wanda was not legitimately married at all. But each of them faced similar problems: domestic violence and men’s failures to meet their responsibilities are tolerated and excused by family members, by *abusua* heads, and by church officials. The sorts of distinctions and oppositions that are drawn between extended and companionate marriages do not address two key assumptions that affect women in marriage: male authority, and the assumption of male ownership.

**The status of wives**

The responses of the Christian ministers I interviewed to the question of divorce seemed to confirm my initial sense that the Church’s approach to marriage was cruel to women. The ministers I spoke to generally did not accept violent behaviour or even threat of death as a reason to end a marriage. Their descriptions of how they approached dispute settlement prioritized men’s status over the specifics of their behaviour, and emphasized the necessity of wives accommodating husbands. However, much later in my fieldwork when I began to go to customary courts and interviewed the Asafohene’s chief linguist, I learned that this emphasis

47. The Asafohene is a paramount chief, a member of the Asantehene’s court. During my fieldwork, I attended
on the hierarchy of husband and wife drew on broader Asante practices of dispute settlement that prioritized finding resolutions that allowed relationships to continue rather than seeking justice for individuals. When I interviewed the Asahfohene’s chief linguist, he was quite explicit in suggesting that apologies were always made from lower status to higher status person, not from offending to offended party. I opened this part of the interview with the observation that settlements of family affairs seemed to focus more on compromise than unilateral applications of rules:

AL: Yes, it’s always like that. Especially when it comes to matrimonial cases. We [may] know very well that the man must be at fault. But pronouncing that may break the marriage. Maybe both of them still love each other; then we have destroyed [the marriage]. So we make sure we come to compromise, so that, this one will not get hurt, this one will not get hurt. We try that where [a marriage] didn’t go well, we’ll find something [for a wife] to beg [her] husband for forgiveness also, then we settle the case for you. Rather than we say “Ah! You didn’t do well” [to the husband], then divorce happens. No we won’t do that.

And when it comes to family matters, maybe father and son, the son will never be judged right. He is your father. Whatever it is, he is your father. So we make sure we sit it in such a way that the son will be good. Maybe [the son] is right, but how can you destroy the family? So we find an amicable way, so that the son may not be quite happy, but he’s your father, so what can you do? So just approach your father and “oh, father, I’m sorry” and then father and son will go home peacefully. Instead of destroying the family. This is how we don’t go “bang! you are at fault.”

But when we are talking to them, we make the father know that he is also at fault. By talking in a different way to the father, for him to know that what he did is not good. But we won’t say he’s at fault.

S- So that means, the father will not apologize to the son?

AL- No, always the son will apologize to the father.

S- Even if he is not guilty.

AL- Yes. Yes, but you can’t break up the family. If you [make the father apologize], it means you have broken the family up. We don’t do that. We find an amicable way to settle it. Even if the son was right; but who are you to challenge your father...? We settle it peacefully so that the father can take his son home, or daughter home and they leave

several sessions of his court and also interviewed his chief linguist. The linguist speaks for the chief in court; he declares the judgements and makes official proclamations. But in this interview, the linguist spoke for himself, from his own knowledge. This interview was conducted in English.
as one, together. But if you say [to the father] “No! You didn’t do well, you should have done that, you should have done that” then when the daughter goes home or son goes home, then: at his father’s throat.

S- Doesn’t respect him.

AL- We have caused it. We find another way. So that when they go they can leave peacefully. That’s how it is.

In this interview, the Asafohene’s linguist prioritizes relationships and the hierarchies in which husbands and parents are always “right” over publicly acknowledging the actions that caused the rift. To resolve a dispute means to make sure that the relationships continue. Thus, when a husband has done something wrong, they will find something for the wife to also apologize about. Once each party has acknowledged a wrong-doing and begged the other for forgiveness, the resolution process will proceed. In this hypothetical case, the fact that the wife has not really contributed to the immediate problem does not matter; her willingness to beg forgiveness for some other wrongdoing demonstrates a commitment to her marriage and husband that allows for a common ground from which to resolve the dispute. However, it also entrenches the hierarchy that suggests that the husband is the “head” of the wife, and that his status is higher than hers. It communicates to all participants an attachment to status quo power relations. The Asafohene’s linguist points out that they cannot undermine the hierarchy of respect in a family by having a father apologize to a son or daughter; even so, they can talk to the father in a certain way that suggests to him he is in the wrong.

Although the Asafohene’s linguist does not go into details about what the “certain way” of communicating wrongdoing to the higher status person is, other mediators I talked to, including Reverend Bernard, suggested that an important element of these settlements was to talk to the offending parties privately, drawing their attention to the morally correct behaviour and engaging them in empathetic discussions of the situation that allowed them to come to the “right” choices without public acknowledgement of their own wrongdoing. The approach taken
to these types of complaints tried to maintain and promote unity, respect, and the continuity of relationships:

C— How do you generally advise people?

RB—Normally... if one of them reports an issue to me I try to listen to that person’s view. Then I call the other person. Seek his or her ideas. Then after that I sit both of them down. And most of the cases the way I try to solve it is to apply scripture. Some may be so much of the view that whatever happened they were right. They hold tenaciously to their stand. I just bring in the view that they need to forgive. Whatever wrong one may have committed against the other.

And, for instance, if I find out clearly that one was at fault, I normally don’t try to condemn him or her in the presence of the other party. I can call you separately and let you know where you were at fault. Because in our culture, our cultural issues come in. You have something like when there’s an issue, it’s a rift between an elderly person and a younger person you don’t normally have to say in the presence of the younger person that the elderly person was wrong. You don’t do it! It’s a taboo.

So if the elderly person is wrong at all, you have to try to make sure that you don’t say it openly. So after that you can call the elderly person and let him or her know where he or she might have gone wrong.

And if there’s need; for instance, if the younger person was at fault and there’s the need to render the apology, then you know what to do.

... If you erred, you were wrong, and depending on the nature of the mistake, I may have to tell you privately. More especially if the one who made the mistake is an elderly person. You have to. It’s not in our culture. In our culture you can’t tell your elderly person that “you are a liar.” It’s unheard of. You can rather say “I don’t agree with you.” But to say “you are a liar” or what you are saying is not true. You can’t say it. “I don’t agree with you:” it’s a simple way of telling a person that “what you are saying is not true.”

Although here Reverend Bernard is talking about an elderly and a younger person, I include his description, as well as the Asafohene linguist’s discussion of disputes between children and fathers, for two reasons. First, it demonstrates the connection between the values and expectations of marriage and those of the broader social hierarchy. The same issues of respect and unity are brought to bear on marital disputes as with other disputes. Second, it demonstrates that in always affording the man the “cannot be wrong” status, this type of dispute settlement constructs women as perpetual minors. They are marginalized in their relations with
men and elders, and importantly, this does not differ between customary and Christian settings—neither setting affords women an equal status to men. This point will become important in later chapters, as I turn to issues of inheritance and women’s ability to make claims on marital property.

That customary courts and church elders both conduct their settlements in ways that place women in the role of inferior suggests a reason for why women did not reject the Christian position on divorce and why many women even seemed to embrace it. Serwaa, for example, would rather find a way to draw her husband back into his responsibilities—and into a caring relationship—than divorce him; the church’s prohibition on divorce means that she has more opportunity to attempt that. He cannot simply walk away as easily as did Nana’s husband. Nana’s experience suggests that divorce can leave a woman vulnerable, with little recourse to help from her children’s father once the marriage is dissolved. Nana’s efforts to involve the state in supporting her claims to childcare went nowhere. Fortunately, she had enough resources in her abusua to help raise the children, although they did struggle to get by in the first years after the divorce, but not every woman has such resources. Both Christian ministers and women like Serwaa, Wanda, and Nana felt customary marriage provided little protection for children after divorce. Thus, the Christians’ prohibition on divorce could be seen as an attempt to “solve” the problems of customary marriage. Asante Christian marriage values are contrasted with customary marriage values, and with Asante kinship more generally.

However, in the daily lives of women like Serwaa and Wanda the distinctions between Serwaa’s “three times” marriage of custom, state, and church, and Wanda’s informal marriage-like relationship were less obvious than the similarities. They both worried about their husbands’ affairs, they both fought over resources, they both worried that their husbands would not do right by their children. As women were increasingly marginalized under colonial rule, their
conduct as wives became increasingly important to their security and access to resources. When first encountering marriages like Serwaa’s, I wondered why women would want to marry in the Church, but as I observed more marriages and learned about the authoritative constructions of marriage ideals and the history of marriage, it became clear that no type of marriage offers women a clear advantage. Although women are valued and their labour and claims are reciprocally paired with men’s in the extended ideal of marriage, women’s ability to make reciprocal claims has eroded over the course of the 20th century, or, when considering the new situations which arose during that period, such an ability was never fully established. Women in customary marriages are often separated from their abusua (through migration) and economically dependent on their husbands, and the blending of pawn- and free-marriages established many of the inequalities which are now treated as the inevitable product of the matrilineal system.

Christian and customary authorities treat women as the lower status person in a marriage, and state authority is expensive and difficult to enlist.\textsuperscript{48} Marriage ideals appear oppositional, but arguably, many of the current gender relations which position men as the “breadwinning” head and property owner derive from the multiple entanglements of the colonial era: Christian/colonial changes to marriage and labour laws as well as their views of gender relations interacted with Ghanaian concepts of marriage, gender, and pawnage in emerging political-economic circumstances that redefined customary marriage. Contemporary customary marriage includes ideals and practices introduced through colonial courts and law, as well as from the ways in which pawning was incorporated into marriage. However, these changes are

\textsuperscript{48} I attended one \textit{in camera} divorce proceeding. During the time, one side interviewed one witness. All records were made by hand, and the process was exceedingly slow. At the end of two hours, a new session was scheduled that was weeks away. The slow and expensive process of the courts make them of limited value to women in crisis.
now often treated as a part of “traditional” customary marriage, and by upholding the configurations of male authority that were established during this period, Christian churches ensure that women’s choices are circumscribed by their disadvantage in both systems.

Conclusion

When people discuss “marriage” as a socio-legal practice, they often collapse the formal act that initiates marriage and makes public its commitments with the criteria by which post-marriage acts are judged. Thus, Reverend Bernard’s statements that “customary” marriage involves a sort of master-servant relationship, or Father Peter’s statements that divorce is difficult in “customary” marriage. The merging of formal and informal expectations also allows researchers to categorize Ghanaian marriages according to type and then draw conclusions about how these marriages are practiced. In particular, it is common to assume that women in customary marriages suffer more than women in state-registered (Ordinance) marriage (Bond 2008), an assumption that is based on a progressive model of change and the theory of modernization. When I first began writing about Asante marriage, I tended to make a similar assumption that “Christian” marriage encompasses “companionate” ideals, whereas “customary” marriage does not. This also recreates the division between traditional and modern forms of marriage, and suggests distinctions that my ethnographic evidence does not support.

The experiences of women do not bear this neat division out. Serwaa’s experiences cannot be analyzed according to type of marriage, not least because her marriage entailed multiple formal commitments. By considering marriage as not only an ethical act, but as entailing different ethical criteria that can change independently, both the issues of contemporary plural marriage categories and historical change as a non-progressive, undirected process can be addressed. The different Asante and British ideals of marriage which were
brought to bear on both customary and Ordinance marriages have intermingled as people made ethical judgements about marital relations in new situations. By separating the ethical criteria of marriage into “type” and “ideal,” I have been able to address an issue that troubled me since early in my fieldwork experiences: what people like Reverend Bernard described as “customary” marriage seemed to have much in common with Christian and British traditions, and it seemed likely to me then that what people attributed to “customary” marriage had been strongly influenced by colonial law and practice.

The changing forms of both customary and Christian marriage are not simply the product of a “modernizing” force of companionate ideology originating in the colonial enterprise, however. The British ideals of monogamy, and the nuclear family as the focus of production and reproduction have interacted with the specific economic, labour, and legal circumstances of the 20th century that radically changed the availability of free labour in the Gold Coast. The pre-colonial Asante practice of “pawning” was one that, when combined with marriage, isolated a pawned wife from her abusua and gave her a far more dependant status vis-a-vis her husband than customary free marriages. Asante pawning practices and British ideologies around gender, marriage, and labour interacted to produce changes in customary marriage expectations and practices even as the formal “type” of marriage and its transitional ceremony remained relatively consistent.

Claims that one type of marriage is better than another are unconvincing in the face of ethnographic evidence; but what is clear is that such claims are not limited to academic endeavours. Asante people make such claims, and actively invoke “marriage” and its ideals as a part of their practices. Differences in marriage certainly exist; but how they are evaluated and ranked is never neutral. Married people interpret their lives or define their marital “repertoire of concepts” (Wardlow and Hirsch 2006) as Serwaa did: by investigating their options during
crises, by invoking moral tales, by advocating particular ethical criteria such as monogamy. Similarly, those authorities and institutions that legitimate different types of marriage invoke their own “repertoire of concepts” that may draw on certain values (such as unity) but reinterpret them.

In the remaining chapters, my focus turns to the period of the funeral and inheritance decisions. Marriage type is often given a great deal of significance in studies of inheritance outcomes, but as this chapter has shown, every-day marriage expectations are less distinct than the initiating ceremonies that legitimate different types of marriage. Funerals are also significant formal ceremonies that define marital relations—in particular, the end of a marriage. In these chapters, I will show that the issues which were introduced in this chapter as creating difficulties across all types of marriage can become especially significant during inheritance.
Chapter 4: Funerals

During my fieldwork, a well-connected person in Kumasi could go to multiple funerals every weekend, plus some week days besides. Funerals comprised a large part of daily life in Kumasi, and in the Ashanti region more generally. Funeral posters announcing funerals with pictures of the deceased, dates of the funeral, and lists of official mourners were everywhere around the city. It was not uncommon for people to extend invitations to me after only a short acquaintance. A significant goal of an Asante funeral was for it to be well-attended. This goal was both symbolic and practical: a well-attended funeral reflects well on all who are associated with the deceased, as well as on the deceased themselves. But also, because of the practice of giving donations at funerals, the high cost of a large funeral will, people hope, be offset by the money given by guests.

Over the course of the 20th century and into the 21st, funerals became more and more extravagant, in the aggregate at least, and by the 2000s they represented a dual burden that many people often commented on to me. I had not been settled in Kumasi for more than a few weeks when my landlady’s daughter began to tell me that her parents—both healthy and neither elderly—would not want big funerals, but that it would be hard to avoid giving them ones because of their prominence in their churches and community. As the children, she and her siblings would have a large financial burden for each parent, and they would have difficulty avoiding this because of pressure from family members and community members to throw a large funeral that everyone could attend. As I became more familiar with people in my neighbourhood, I found that some felt obligated to go to funerals of people outside of their family or immediate acquaintance, but at the same time worried that they could not afford the
donation or the time it took away from their other obligations, including work. While Girish Daswani has reported that young men sometimes treat funerals as an opportunity for a free party (Daswani, pers. comm.), Arhinful (2001) reports findings among Ghanaian migrants in Amsterdam similar conflicted feelings over the strong sense of social obligation and financial burden that putting on a funeral created.

Yet, despite these feelings that funerals can be a burden, funeral practices continue to expand in terms of both who is given a funeral, and in expense. In this chapter, I argue that funeral practices create a defining and transformational context in which relationships within but also outside of *abusua* are asserted, made legible, legitimated and given power. Funerals are the grounds where Asante kinship is most explicitly and materially asserted, and thus they are a significant part of the process by which new or altered categories of social relationships are recreated as part of Asante sociality. At funerals, participation is more than symbolic: it can legitimate marriages, make social relations visible, and define unified social groups. At funerals, social groups that have no definition through customary *abusua* membership or alliance can nevertheless assert a place in Asante; by this same process, the legitimacy of Asante kinship as an ontology of social relations is recreated and reproduced.

**Asante funerals and change**

There is a broad consensus among both Asante people and anthropologists that Asante funerals have undergone much change over the last century or so, much of that driven by the “commodification” of the funeral (De Witte 2003; van der Geest 2006; Arhin 1994). During my preliminary fieldwork in 2006, I had a long discussion about funerals with my friend and helper, Joe. We had seen a funeral parade in downtown Kumasi, a huge number of people marching through the streets in red and black, with drums and celebration. I did not immediately recognize
this as a funeral because of the festive mood, and Joe began to explain to me some of the elements of funerals. He told me that in the past, only elders were given funerals, that is people who had made significant contributions to their communities and who would be remembered (Joe did not talk about ancestor worship, or any element of non-Christian religious belief with me). These days, he suggested, even a child could be given a funeral, and the funerals themselves were becoming larger, more elaborate and expensive.

Joe’s comments were confirmed by other people living in Kumasi when I returned for my extended fieldwork, and a similar (although more in-depth) argument is made by Ghanaian anthropologist Osei-Mensah Aborampah (1999). There were mixed feelings about whether this was a good or bad thing. Other changes were also evident. For example, the use of black and white cloth for clothes worn to a Sunday event was on the rise. Previously, black and white was not a common funeral cloth, although it was a formal cloth it was often used for more joyful celebrations. But black and white was also becoming a cloth associated with Christian events, and thus Christians were frequently wearing the cloth to Sunday funerals. When I spoke to young women in their 20s about it, they thought that this had always been the case, but when I spoke to older adults, they noted it as something that was changing and becoming more and more common.

Joe felt that the commercialization of funerals is a bad thing because of the way in which it extends funeral celebrations to the death of any person. This dovetails with a widespread belief that many families can become rich from the donations at a funeral, and that the motivation for putting on a funeral is to make money from it. De Witte (2003) notes that the commercialization of funerals and death has been controversial among Ghanaians, and a public discourse around the connection of death and money has arisen that “echoes a common critique of global ‘MacDonaldisation’, in which money is supposed to have the power to destroy social
relationships, ritual practices, and cultural difference” (532). Indeed, several people told me
during my inquiries into inheritance that people would save their money for the funeral rather
than spend it to save a dying person. I never encountered a case where medical treatment had
been withheld in anticipation of death; I interpret these statements as primarily symbolic ones
which reference moral arguments on varied subjects, including on the obligations of kinship; the
responsibilities of individual, family, and state; and the commodification of death (through
funerals) but also illness (through medical bills).

De Witte (2003) and van der Geest (van der Geest 2006) both argue that new
technologies have contributed to the expansion of funeral services and the integration of funerals
into the capitalist economy. In particular mortuaries have allowed the body to remain unburied
until the 40th day ceremony which is the main ceremonial day of the funeral, leading to a whole
new set of rituals of “lying in state.” Van der Geest suggests the mortuary preservation creates a
liminal period in which the deceased is physically but not socially dead. The mortuary period is
a period in which those putting on the funeral engage in a frenzy of activity to prepare for the
large public event, including renovating and even building new buildings. He gives two
examples of people doing renovations on a house, and erecting a new building “which served
during the funeral as an ‘exhibition hall’ with pictures and stories about their father’s life”
(2006: 496). I also found very similar examples of this type of creation of property during the
preparation for the fortieth day, both the refreshing/renovating of existing property and in one
case the building of a new building.

De Witte suggests that although kinship is changing in Ghana, the funeral is the
“domain” of the abusua, and that it is “the most important life event” (2003: 533). The funeral is
an expression of unity, mutual dependence, and communality which is enacted through the
reciprocity which governs the funeral organization. She describes funerals as events through
which children acknowledge the care they received from a dead parent and *abusuafoo*
acknowledge financial and reproductive contributions to the *abusua*; but just as importantly,
“the funeral is the main event from which the *abusua* can gain prestige as a family and therefore
funerals have also become large public displays where families show off wealth and unity in
important aspect of funerals; that putting on a grand funeral that celebrates a good life (or
creates the illusion of one) is something that increases the reputation and status of those that
give the funeral. This extends to relatives “abroad”, who shoulder the largest portion of the cost
of the funeral. Because Ghanaian funeral practices are being exported to Ghanaian migrant
communities abroad, he argues, Ghanaian migrants are able to to “reap admiration and respect
from their fellow expatriate community and recover the costs they made at home” (van der

Many acts take place at funeral events: kin relationships are asserted and defined; unity
and community are asserted as values and performed in a multitude of ways; and far-flung
relatives, community members, and acquaintances are incorporated into a named and defined
social network. The complex work that funerals do has been theorized in different (but primarily
complementary) ways. Stephen Boni (2010) argues that intra- and inter-relations between the
grieving *abusua* and its community are given specific form through the process of choosing a
specific donation type or amount. The donation clarifies what relationship obtains between the
donor and the deceased (and by implication with their extended *abusua*) which is then recorded
in donation record books. De Witte (2003) argues that funerals are “a field of strategic
interaction” in which memory, identity, and social values are negotiated, and that “within the
framing narrative of respect for the dead and guiding the spirit to the next world, funerals are
much about life” (2003: 533). Van der Geest (2006) contends that funerals are “for the living”
(496), and that “beliefs about the status of the dead, ancestorhood, life after death and reincarnation… do not conflict with the commercialization of funeral rites” (2006: 487, references omitted). DeWitte argues that “the money economy and the social significance of the funeral tradition do not contravene, but rather reinforce each other” (2003: 533). All of these authors suggest the important ways in which funerals are “about” the living, whether their focus be identity, respect, or kinship. Both de Witte and van der Geest find that the commercialization of funerals is not contradictory to but rather an expression and integral part of the processes of creation and display in which the living are engaged.

These views contradict somewhat the more death-oriented analysis of funeral rites in the broader anthropological literature (for example, see Bloch and Perry 1982). Van der Geest (2000) explicitly takes issue with with the centrality of death in understanding Ghanaian funerals, arguing instead that funerals are more social than religious, centred on a politics of reputation. For van der Geest, this is most evidenced in the fundamental paradox between people’s claims that the funeral is the deepest form of love and care they can show to their elderly kin, and people’s lack of practical care for living elders. For van der Geest, this lack of care for the living is evidenced not just in that people did not spend money on hospital bills (as it was often expressed to me), but in the fact that elders were given little help in the regular needs of daily life and were also frequently alone. Despite the lack of elder care, people still spent lavishly on funerals. Van der Geest finds it surprising that the funeral is able to maintain its prominence “as the top social celebration” (2000: 113) despite all of the changes that have affected Asante society, noting that not only does support for funerals continue but that “the ‘victims’ of today’s funerals, the elderly, seem firmly attached to them” (ibid.). Van der Geest concludes that funerals are for the “self glorification” of the hosting family rather than what is more commonly stated by Ghanaians and what is more often reflected in the anthropological
literature, that the funeral is about “the glorification of the deceased” (124).

While I think that van der Geest’s (2000) observations that funerals are for the living are quite apt, I also think that the apparent contradiction between lack of elder care and lavish funerals is overstated. For one thing, as Arhin (1994) points out, unless those who plan the funeral grossly overestimate the statuses and popularity of the hosting *mmusua*, or unless they incorrectly assume that the deceased’s property holdings will cover the debt, funerals are likely to come out fairly evenly after the donations. It is true that funerals do not always break even, or when they do they may still be burdensome for a few of the individuals involved. However, those people for whom a large expense represents a significant burden may find that the potential reciprocations of a funeral are a better risk than the potential reciprocations of elder care. An impoverished elder, or one with many people to lay claims on his or her estate, may not have the chance in life to reciprocate a person’s sacrifices to their care and the potential for reciprocations after death has become increasingly uncertain. I will develop this argument in more detail in Chapter 5.

Van der Geest (2000) joins previous perspectives such as those expressed by Arhin (1994) and Aborampah (1999) that emphasize the decline of pre-Christian Asante religious beliefs about death and the afterlife, arguing that there has been both an increasing secularization and Christian influence on funeral events. Ahrin’s (1994) work makes clear that funeral events have been undergoing changes since the end of the independent Asante state. He suggests that it is primarily the scale of the funeral that has changed, and that “the changes in scale were noticeable back in the first phase of colonial rule, 1896-1930, and in the late 1940s and ‘50s both the Ashanti and one of its constituent units, the Kumasi Traditional Council, proposed regulations for the performance of funeral rites.” (1994: 313). Ahrin locates these changes primarily in economic, educational, productive, migrational, and aspirational changes.
However, the simultaneous ending of the Asante independent state and increase in funeral scale suggests that it is somewhat beside the point whether the Asante funeral is better understood through a perspective focused on death and mourning or one focused on social status and the living: Asante funerals constitute a significant means by which Asante as a meaningful social and political group was and continues to be transformed in the aftermath of the fall of the independent Asante state, both during and after the colonial period. Thus, understanding what funerals mean and why they are so powerfully compelling despite the ambiguous feelings of generations of participants requires attention to what funerals accomplish beyond the immediate players in any given funeral.

**A note on the traditional/modern and ontology**

The problematic use of “traditional” and “modern” categories in anthropology is particularly apparent in the literature on funerals. Understandably, people want to draw a distinction between funeral rituals, which are culturally “Asante” and the broader socio-economic and cultural context of modern Ghana, which incorporates many things—in particular, commercial products and capitalist relations—that seem outside of what is “Asante.” But, I argue that this way of dealing with changes to funeral practices draws an untenable line around what is “Asante” and obscures the processes by which things become “Asante” considering the plural conditions of post-colonial Ghana and its integration into a global economy.

For example, “modern” material objects influenced by or procured from European sources have been a part of Asante so-called “traditional” culture for a long time. McCaskie, writing about the pre-colonial odwira yam harvest ritual in which objects were ritually purified, notes that “some of the paraphernalia … seemed exotically incongruous to European eyes” (2002: 232). This paraphernalia included various “modern” items of the times, including
mirrors, fancy silver teapots and other silver items, pictures, and champagne glasses (ibid.).

These were displayed to “impress onlookers with the wealth and power of the state” (ibid.), but these items familiar to European eyes were displayed alongside other objects of Asante wealth, not instead of them. The Asante have always been willing to include any fine object that is present in their society as an object of their own. Given this history, it is not surprising but absolutely expected and even ordinary that as the economy is increasingly commodified this will be represented both in the practices and the material wealth included in funeral rituals. The incorporation of these things is, and always has been, a claim to the legitimacy and authority of Asante culture and its associated socio-political structures.

Although De Witte criticizes the limitations of the traditional/modern frame, she continues to work within it, suggesting that we go from a rigid understanding of the opposition between traditional and modern to one that “acknowledge[s] the open, flexible nature of tradition that makes it so vibrant in modern African life” (De Witte 2003: 533). Although I agree with de Witte’s problematization of these terms, I do not agree with her approach. I find problematic the conflated meanings that simultaneously distinguish the multiple cultural origins of objects or ideas on the one hand, and imply that they are the objects/ideas of different eras, past and present, on the other. Rather, all elements of Ghanaian culture are at work in the present, embedded in ongoing processes of action, interpretation, and the development of sedimented histories and expectations.

Nevertheless, it is not the case that all things in Kumasi are simply a part of “Asante” culture in some undifferentiated way; there is a sense of a broader Ghana that includes non-Asante people, things, and ideas, as well as a wider world that exerts influence on (and brings products, ideas, and people to) Asante culture. What I suggest is treating the funeral rituals as the sorts of “total universes” that David Graeber argues people create in order to pursue value.
Such universes are often, he suggests, a sort of “cosmological play” that need not be “the very definition of reality” (230-231), rather they take on an “as-if quality” (ibid.). He goes on to suggest that any assertion of ultimate truth (ontology) is a political claim that originates within one value-arena when it comes into competition with another, something he calls the “ontological gambit” (232).

It is just such an ontological gambit that I suggest Asante funerals perform when I argue that they assert Asante kinship as an ontology of social relations. By this, I mean to suggest that funerals are a significant ritual at which the wider and different categories and relationships of Ghana are reconfigured according to the orderings, categories, and values of Asante culture. The particular ontological gambit that is made through funerals, though, is not precisely to an absolute truth; an element of the playful, “as-if” quality remains in many aspects of the funeral. Rather, I suggest that the ontological gambit made through funerals is one that accepts and orders the plural spheres of Ghanaian life: it is not that Asante kinship is the only legitimate arena but that it is the best one.

**Unpacking “funerals”**

As a fieldworker, my experiences at funerals left me feeling closely connected to the first generations of Africanist anthropologists, and their work on ritual, symbol, and even structure and function. Funerals are highly structured events, rich with symbolism and they are sites where people establish status and reputation, practice reciprocal exchanges and lay their claims to inheritance. From my earliest funeral experiences, I wondered to what extent funerals merely *display* these things, as in Geertz’s (1972) deep play, and to what extent one could argue that what happens at funerals has material consequences, that outcomes are changed by the actions of hosts and guests, by the symbols and ritual exchanges. As my experience in Kumasi grew, I
came to the conclusion that while many individual elements of the funeral might be primarily symbolic display, funerals on the whole have transformative power that has both material and ideological outcomes.

Anthropologists and Asante alike tend to use “funeral” to gloss a wide range of activities surrounding the death of an Asante person. The specifics of funeral practices have been elaborated by a variety of anthropologists, and my fieldwork focused more on participating in funerals as a community member than in documenting all the various events, rituals and interactions of the main month-long process. De Witte (2001) has produced a detailed ethnography of funerals in Kumasi, and her contribution is one of many that explore various elements of Akan funerals at various locations and times (Arhin 1994; van der Geest 2006; De Witte 2003). Funeral attendance is commonly seen as the obligation of responsible adult members of a community, and thus my goal in attending funerals was to understand funerals as part of the fabric of daily life for those who attended them.

One of my earliest encounters with funerals shaped much of my further involvement: one spectacularly unproductive day, I rallied early in the evening and went to Linda’s store to practice Twi. I had just recently met her, and did not know many members of the extended Smith family from whom she rented her room and store. Her store was on the street, in front of a compound house set several metres back from the street, and which did not have a walled exterior yard. When I arrived, all of the local shop keepers and renters engaged in their daily activities were dressed in black, but not in formal cloth. In the open front yard of the Smith compound house behind Linda’s store, chairs had been set out, and several other people were gathering, dressed in black and brown finery.

I learned that an elder in the Smith abusua, Opanin Smith, had died that day, and the abusuafoo were gathering to grieve, and to plan for the next month and a half of funeral
activities. I was invited to come the next week for the one week celebration; at that celebration Linda suggested that I donate money for a crate of drinks, a more symbolic amount than if I had donated a little more or less. This marked the beginning of a greater involvement in the neighbourhood, as well as the beginning of participation in many neighbourhood funerals. I will return to the events of Opanin Smith’s funeral throughout this chapter and the next.

Funerals included both formal events—the one week, “laying in state” which involved the exchange of burial items and preparation of the body, the fortieth day, the akontobuo (accounting) day—and informal meetings, arrangements, and coordinations by those who host the funeral. Late in my fieldwork, the father of my friend and helper Nana Owusu died. He and his brother took on much of the responsibility of the funeral, and nearly all elements of his normal routine were suspended for over a month as he planned, prepared, and arranged for the various formal events.

During these processes, but particularly during the formal events, there were many exchanges and ritualized activities. Some of these were highly symbolic displays that did little more than maintain a person’s or group’s reputation. For example, during a fortieth day ceremony, a deceased person’s sons- and daughters-in-law may present their spouses with large gold necklaces to mark them as the grieving children. When I saw this happen at a particularly large funeral, my landlady explained that the gifts were not “permanent” and that they also were not required; the necklaces, which could be rented, would be returned to the in-laws after the funeral. My landlady explained that it was a gift that combined “love, respect, and showing off.” Similarly, when a chief’s body was laid in state for display at a funeral, it might be adorned with elaborate gold jewelry that represented his office, but which did not belong to the stool and rather was rented from the Cultural Centre in Kumasi.

However, there were many events and practices surrounding the funeral, and at some of
the roles and responsibilities that people or groups take on could have a significant impact on their ongoing relationships, the shape of their social/kin network, and the claims that they could make on people, groups, and property in the future.

In the past, the *fie* (house) was a significant place where the *abusuafoo* would come to know each other. As national and international migration has risen, funerals now provide a significant physical gathering of *abusuafoo*. This emerged in my interview with Enoch (mentioned in the Introduction), as I was trying to find out how the younger and more dispersed members of an *abusua* came to know each other, and how the boundaries of an *abusua* were defined. Enoch told me:

That is why when there is a funeral, we make sure everyone comes with their children to the family house. So if I don't know you, your mother will introduce you to me that “this is your uncle, this is your aunt” and so on. Otherwise, siblings could meet and get married to each other. But when there is a problem and we go home, we are shown.

Note that Enoch means “siblings” in the Asante matrilineal sense of same-generation *abusua* members, not in the English sense of children of the same parents. In a dispersed *abusua* it is possible to have siblings one has never met. Funerals are key rituals in which “*abusua*” as a social group is asserted as a meaningful and tangible concept, and where the specific existence of several particular *mmusua* are made manifest. Materially, they are gatherings at which members become familiar with each other and at which property claims are made, disputes are aired and settled, and the hierarchy and authority of the *abusua* is recreated, asserted, and given form and context. These facts, and their real material outcomes, give the *abusua* an ongoing and meaningful role in the lives of its members, and serve to establish Asante kinship as a significant ontology of social relationships in Kumasi and its surrounds.
Public funeral events

Although there are many elements to the funeral, they primarily focus around the planning for and hosting of a few public gatherings. The funerals I attended ranged in size from quite small, with fewer than 50 guests at any given time, to one so enormously large that I could not see the entire grounds from one vantage point. That funeral was for a Ghanaian statesman, and it was filled with a veritable who’s-who of Ghana’s most powerful people including then-President Kufor who came to greet the widow and donated GhC 10,000 (at the time the Ghana Cedi and the US dollar were approximately at par). Although few funerals reach such scale, many guests are desired at any funerals. Describing funerals of “senior lineage members”, Clark says “An impressive crowd of hundreds of kin, friends, and associates in elaborate mourning clothes…remains a source of family pride for years to come” (2003: 98). The funeral is the largest event marking a person’s transition through life; as an ethical act it is an acknowledgement of the person’s life, of their deeds, and of their influence. Each person who attends contributes a public judgement through that attendance that this person was a good and worthy person. Thus a large funeral is a public display of the moral and ethical achievements of the person and his or her closest kin.

The public funeral events—the one week celebration and the larger Saturday and Sunday “Fortieth day” celebrations—often take part in the midst of everyday public space: in yards or parks, in town squares or public school grounds. Yet, they are set off from the everyday in an embodied, multisensory way for all participants. The colour scheme, which is always expressed in the clothes people wear, often continues to the chairs and tents. The colours are earth tones: black, brown, rusty reds and orange, with vibrant red cloth for those who were closest to the deceased. At every funeral I attended, these colours blended with the exposed red earth of the grounds, creating a visually coordinated experience that connected the spacial and human
elements of the funeral as apart from the cacophony of daily life going on all around it. The various *abusuafoo* involved in hosting often buy special co-ordinated cloth to have their funeral clothes made. For example, Opanin Smith’s children all wore an orange and brown patterned cloth to his funeral events: the men a tailored shirt paired with black pants and the women formal dresses. Each person had their clothes made to their own taste, but the pattern of the cloth made them all instantly recognizable as Opanin Smith’s children. The exception to the earth-tone pallet is the Sunday of the Fortieth Day ceremony. A growing number of Christians would wear black and white to Sunday ceremonies, but some guests also wore the darker colours customary to funerals, leading to a mixed Sunday pallet that was as distinct but not as co-ordinated as other days.49

During the one week and forty day ceremonies the funeral space was also marked by sound. On the day of Opanin Smith’s funeral, I could hear the music from from my house, a five-minute walk away. At every one week or fortieth day funeral I saw (attended or passed by), recorded music played over stacks of enormous speakers. Live bands are less common but still relatively frequent at larger funerals, and occasionally families hire professional dancers. The volume of the music means that it is experienced both as sound and as touch, the beats vibrating through the body, reminding a person on a subconscious level that they are at a funeral, even as they get caught up in socializing, catching up with long-missed friends and acquaintances, and other friendly interpersonal interactions. Much like I was, many of the guests at funerals might be brought there by lose ties to the deceased and might not have known him or her personally. These embodied experiences of immersive segregation through spacial re-ordering, visual cues,

49. The one Akan—but not Asante—funeral I attended in Accra had a distinct lack of the pallet associated with Asante funerals. People wore fine clothes, but the colour scheme was much broader and not as easily distinguished from any other formal event.
sound, and vibration help to define the experiences of even the most loosely connected guest as ones that are related to death and mourning, and ones that are defined by Asante kinship.

Guests (as opposed to hosts) are not expected to stay for the duration, and there is much coming and going throughout the day. Everyone enters the grounds the same way: they stand at a designated entry point and wait to be announced, either as an individual or a group, and then proceed around the entire front row of seats shaking hands before going and selecting seats of their own in an appropriate area. How many seats there are and how they are arranged depend on the size of funeral, but the underlying organizational principle of seating is a recreation of the compound house, with banks of seats around a perimeter facing inwards toward a central ground. At mid-sized funerals there are usually four to six banks of seating, creating a square or rectangle. At large funerals the seats take on the shape of the grounds, lining the outer limits, facing inward. At small funerals there might be only one or two banks of seats; where there are two they face each other.

How a person chooses a seat depends to some degree on how large a funeral it is. Some seats are always reserved for various relatives, some for the abusuafoo of the deceased and some for their spouse and his/her abusuafoo. If chiefs or politicians attend, they sit in the front row, generally close to the reserved family seating (whether the person’s abusua or their spouse’s depended on how the chief was linked to the deceased). At mid and large sized funerals in Kumasi, sometimes banks of seats are designated with banners for certain groups or clubs; it is not prohibited to sit in these seats, but when members of that group arrive, they generally sit in those seats together.

Leaving is a less prescribed affair. Frequently, a donation is made shortly before leaving the main grounds of the funeral. In this case, the individual or a representative of the group goes and made a donation and receives a receipt. Then they wait for the donation to be announced.
The announcer states who the giver is, their relationship with the hosts and/or the deceased, and praises them in various ways. Sometimes at that point they play a specific song for the individual or group to dance to (this is common, but by no means does it happen with every donation). After the dance, the group or individual leaves the funeral grounds and goes to designated areas where drinks and often food are served. It is not necessary to take a drink or food, although most people do at least take a drink. Once the drink and its associated socializing in the (by comparison) quiet areas of the funeral are done, people generally disperse and go back home or on to other errands (or funerals).

Although there have been many changes to funerals, there is widespread agreement among anthropologists and Asante alike that the funeral is a ritual that is put on in terms of *abusua*. It continues to be the most significant event at which “*abusua*” as a social entity takes explicit and public shape. For the casual attendee, as I often was, this is most clear in the seating arrangements and the distinctive cloth worn by the widow/er and *abusuafuo* and their immediate attendants. There is a discrete visual and spacial arrangement that signifies to all participants the hosting *mmusua* and the connections between them. For those fluent in Twi, which is most of the participants, the announcements also make *abusua* relations explicit: donations are generally made to a specific hosting person or *abusua*. Thus, the announcer describes the person making the donation and who they are making the donation to, meaning the audience hears a description of all participants in terms of their *abusua* relations. This extends even to people like me, whose status as a foreigner was nevertheless reinterpreted through *abusua* ties by my donation: who I donated to, and later who I donated with, enmeshed me in specific *abusua* relations, even though I belonged to no actual *abusua* of my own. Every donating individual and group was connected to the funeral and to the deceased through the recipient(s) of their donation. In this way it was not required nor even expected that every person there knew the deceased: funerals
were to support, emotionally and materially, the living. These ties between the living were explicit, public, and defined by the Asante kin relationships between the donation recipient(s) and the deceased.

At these public events, the *abusua*’s defining and symbolic role gives it a meaningful place in the rapidly changing social landscape of Ghanaian society. In a post-colonial era of international trade and migration, capitalist labour relations, and liberal-democratic political governance, funeral practices give an Asante context for and an Asante interpretation of things which might otherwise be seen as conflicting or challenging to Asante values, beliefs, ideals, and practices. Funeral practices have evolved to seamlessly incorporate statues, relationships, technologies, and exchanges that originate outside the “horizons of experience” (McCaskie 2002) that described the historical boundaries of “Asante”: thus, the liberal-democratic politician is given the same type of respect accorded to the chief in seating and announcement, and he (or she) reciprocates in the same symbolic system of donations according to status. Christian and community groups can take on the role of particular family members and provide elements of the related symbolic exchanges: for example, a person who is the child of the deceased and expected to provide the coffin may be supported in the purchase by a non-*abusua* group of which they are a member. A labour migrant who is not Akan or not from Kumasi is recognized by and establishes connections within the local framework of *abusua*-defined relationships by attending and donating to co-workers’ *abusuafou’s* funerals. This capacity of the funeral to give legitimacy and place extends to all manner of things: thus megaphones, speakers, gospel music, photographers, Christian church groups, politicians, anthropologists, and more are all claimed as legitimately Asante categories and things.

These legitimating effects are necessary to the ontological gambit of the funeral. In order for “Asante” to continue to be an important arena in the context of the many different, at
times competing, arenas which are present in Ghanaian society, Asante arenas must be able to acknowledge and incorporate any social forms and ideologies that become relevant to Ghanaians. Thus, funerals simultaneously legitimate Asante kinship and non-Asante formations of belonging, authority, and power. While the *abusua* and Asante kinship is recreated, reasserted, and made relevant at funerals, this is accomplished by asserting it as the best rather than the only form of social belonging, one which has the capacity to incorporate and make (more) meaningful belonging that is created by alternative arenas.

The emerging practice of wearing black and white cloth on Sundays gives an example: this change was part of ongoing efforts by Christians to redefine at least some elements of the funeral on Christian terms. For Christians with funeral obligations that are routed in a pre-Christian ideology, wearing black and white is a way to announce their presence as Christians, and claim funerals as legitimate spaces for Christian belief and practice. The black and white cloth disrupts, although respectfully, the visual aesthetic of the *abusua* ceremony. Sometimes church members, particularly members of groups (for example, a Women’s Fellowship group within a particular church), wear co-ordinated dresses or shirts all made from the same black and white pattern, further asserting the unity and belonging derived through church membership. Without challenging the fundamental role of the *abusua* in the funeral, Christians asserted through dress and through types of donation the importance of the church and Christianity as a locus of meaningful social relations. In this interaction, both sides change, but they do not merge. This does not produce a meaningfully “Asante-Christian” hybrid funeral, but rather displays and resolves a potential tension between Asante and Christian values by creating space and roles for both.
**Less public funeral events**

Public funeral events are highly ritualized spaces where ideologies of social order are asserted and displayed. Many of the less public funeral events are also highly ritualized, but they are less about display and more about the transformations of particular social relationships: whereas public funeral events are, on some level, about *society* in a broadly conceived sense, the less public events were about the particular *mmusuafoo* who had been affected by one person’s death.⁵⁰

There are two basic types of less public funeral events: the informal planning and preparation meetings, and some more intimate gatherings primarily of *mmusua* related by birth or marriage to the deceased, such as the burial gift ceremony and the *akontabuo*. These events are not necessarily small, if the *mmusua* involved are large, but they are relatively intimate in that only the hosts and people with a purpose attend these meetings, and generally all participants knew the deceased and/or know their spouse quite well. I went to one burial gift ceremony, and many *akontabuo*. It is at these smaller events where the most long-lasting and transformative decisions and practices occur.

I was not party to any informal meetings at which decisions were made, although people did reference these moments in interviews. Decisions made at these times include the budget for the funeral, whether to seek out a loan, who will pay for which items and what those items should be, and what roles and responsibilities particular individuals will take on. Funerals also

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⁵⁰ There is a potential answer in this distinction to the question of whether Asante funerals are more social or more about managing death and grief. The public events are certainly more social and it is at those events where prestige is most important. However, the private events are different, in tone and in what they accomplish. I did not investigate funerals with these distinctions in mind, but I suspect that such an investigation would find that the small private gatherings of funerals do not sit neatly into an either/or categorization that divides up belief, death and mourning on the one side and sociality, prestige, and life on the other.
need to be announced, and one common way to do so is to have funeral posters made. Posters
list Official Mourners, and usually the widow(s)/widower and at least some children if there are
any. Inclusion in this documentation can be significant for widows and children, whose
relationships to the deceased can be brought into question should disputes over property and
inheritance arise.

If a man dies, there are many considerations to be made around his widow(s) and
children. A man’s *abusua* is expected to provide housekeeping money to the widow(s) for the
period between his death and the fortieth day ceremonies. A widow is expected to provide burial
gifts and potentially some other elements of the funeral, such as food offered to guests,
particularly to out-of-town travellers\(^51\). Generally, I believe that people are expected to host the
guests that come on their behalf, so, for example, a widow would be expected to make
arrangements for members of her *abusua* who travel to attend the funeral. Specific customs and
rituals during this period vary between *ntor* (clans), according to several informants.

Anthropologists who are Asante or who have done several different periods of fieldwork in
Ghana have also noted that mourning customs have changed considerably, especially around
Kumasi (Aborampah 1999; Clark 2003; van der Geest 2006).

I have argued that we can see in the public events of the funeral a sort of mutually
inclusive space opened up to multiple forms of social belonging, in which Asante kinship is
recreated and asserted as the primary and best ontology of social relationships. While this
happens primarily on a symbolic level of display at the public events, it takes on more material
forms in the less public events. Changing practices particularly surrounding the roles and
responsibilities of widows and children clearly illustrate that the effects of funerals are more

\(^{51}\) This is also true for widowers.
than symbolic.

**Funerals and customary marriage**

The widowhood rites themselves vary widely, depending on a variety of things including whether the couple lived in an urban or rural environment, how old they are, their religious practice, to which group (Akan, Fante, Ewe, Lodaga, etc.) they each belonged, and if they were Akan, to which mmton (clans) they belonged. My impression was that many widowhood rites were becoming less practiced, and even less well-known. This is confirmed by van der Geest (2006), who reports that practices of head shaving and fasting during funerals are no longer practiced. Among my informants, there was a distinct discourse of widowhood rites as negative “cultural” or “traditional” practices of the kind that had to be rooted out. This perception was intensified by the practice of equating all variety of widowhood rites by all the peoples of Ghana, some of them quite demeaning to women. The practice of driving women out of the marital home and confiscating all of the marital property had never been a “rite” of widowhood, but it was conceptually linked for at least some of my informants. This suggests to me that the decrease in widowhood rites is at least somewhat linked to the identification of driving out widows as a problem and the highly publicized attempts to solve that problem.

Children also have special roles at their father’s funerals. Adult children have long been expected to buy the coffin for their father—to provide a house for him as he provided one for them. In the past, they have not been required to pay for any other element of the funeral, although according to Fortes it was their special duty to take care of the mourning members of his abusua during the period between his death and the fortieth day (1969: 203). However, van der Geest (2000: 107) argues that when a person has led an exemplary life, the various abusua with claims to him or her may fight to provide more of the funeral. In the case of my friend
Nana Owusu whose father had died, there was some conflict between his father’s *abusua* and his own. I do not know all of the details of infighting, negotiations, or claims; however, he told me that his family, which is to say his mother’s *abusuafou*, took on all of the cost and arrangements of the funeral because his father’s *abusua* was, in short, unwilling and unable to provide the funeral that his father deserved. This was confirmed for me at the *akontabuo* where it was Nana Owusu’s *abusuafou* who balanced and announced the accounts rather than his father’s. It was unusual for the wife/children’s *abusua* to have such a large role in the funeral as Nana Owusu’s did, to the extent that it was not even fully acknowledged in the displays of the fortieth day ceremonies or in the *akontabuo*; however, a large involvement of the children and of the wife’s *abusua* is by no means uncommon.

Ultimately, what a widow and her adult children are asked to provide and what they choose to give is a decision made at the level of interpersonal interactions between *mmusua*. An interview with Widow Yaa demonstrated the sort of interpretation of custom that could be made in these interpersonal interactions. She was a poor woman who worked as an orange seller in the bustling commercial centre of Kumasi. She had young children and a good relationship with her husband’s mother. When her husband died, his mother and siblings left his personal items (which probably included clothes, a radio or television, and other small household items) to his children. They provided housekeeping money for the period between his death and the funeral, but they did not ask for burial items as part of the widowhood rites, thus considerably lessening the burden of the funeral expenses. They gave Widow Yaa a portion of the funeral debt, but the man’s mother took that debt from her and paid it herself. While the man’s mother was able, she continued to provide school fees for her son’s children, and both mother and sisters continue to visit with Widow Yaa and her children. In all of their actions, they considered what was, within their means, best for Widow Yaa and her children. These many small acts together made this
family what Opanin Smith’s widow described to me as a “good” family. This story demonstrates that the amount of potential inheritance is not by any extent the only significant factor in the experiences a widow has after her husband dies:

C- What happened after your husband died?
WY- His family, siblings and mother came to see his property after his death and said the children and I could take his belongings. We rented a room at the time. His mother often comes to see us. She sells cosmetics over there. For about a year now, she has not been well and so has not been able to bring the children money. But God being so good, I am able to care for my children with this job I am doing. [describes children’s activities]

C- Did your husband have a successor in his family?
WY- It was his brother but he died recently. One sibling died before and my husband succeeded him and he died and the one succeeding him too is dead.... His mother too is now old and is being taken care of by his sisters. Whenever I am going to visit her, I pack some of the oranges for her.

C- Do they help with your children’s [school] fees or anything?
WY- At first his mother was bringing it but now she is weak and I cannot force her. Life is hard for everyone so if you look after your own it will be well with you. I will do well to see the younger ones through school.

C- Did your husband’s family do what a family should do towards a widow?
WY- When he died, they gave me upkeep money and they did not make the rites extravagant; they did not ask me for any burial items. It was the woman [his mother] who took it upon herself. He was drinking and I often complained to his mother. They knew I provided for the children when I had the means.

C- When your husband was alive were you the one mainly providing for the children?
WY- He was a driver and there were times that his vehicle was taken away from him. So whenever we were in need I was providing and when he was doing well in his work he also helped.

C- How was the [funeral] debt divided?
WY- It was divided and I was to pay part but my mother-in-law disagreed and took it upon herself to pay.

Because Widow Yaa rented a room, her husband’s abusuafoo were not in a position to drive her out even if they had been so inclined. However, they could have fought over his
possessions, or made the funeral difficult for her. Instead, they helped her both before and after the funeral, to the best of their ability. Widow Yaa and her mother-in-law had an ongoing good relationship, despite the difficulties both had in getting by. Although Widow Yaa’s relationship with her in-laws was no longer one that provided material support, their ongoing companionship was a positive part of Widow Yaa’s life, one that made it easier for her to approach her difficulties in a positive way: “Life is hard for everyone” she tells me, but not with bitterness or anger, simply a matter of fact, an acknowledgement that intentions may exceed ability.

In describing her experiences, Opanin Smith’s widow told me that the Smiths were a “good” family. They acted as a good family in a number of ways. When planning for the funeral, everyone agreed that his three widows could act together with the abusua in their preparations and hosting, because they had a very good relationships both with each other and with their inlaws; in one interview a woman said:

At the one week celebration, we gave each of them GhC 20, making GhC 60 for the three women. So when finished we decided to join the women, and so we gave each woman GhC 200 to cook for her people, we were all doing it together. Truly, we all prepared one table on Saturday.

The initial money, the GhC 60, was “housekeeping money” intended to cover what Opanin Smith would have given them had he been alive (because the women were still married to the abusua, which I will discuss in greater detail in Chapter 5). But the woman goes on to say that the abusua decided to give the wives additional money, and all of them hosted the guests together.

The experiences of both Widow Yaa and Widow Smith represent the types of decisions that can be made when the people involved are invested in each other’s well being. In the first case, Widow Yaa’s responsibility to provide for her husband in the afterlife was deemed less important than her need to provide for his living children. Her status as a widow was accepted
and legitimated by the husband’s *abusuafoo* (in particular his mother) without her having to perform the full social rites. In the second case, the distinctions which could be made between each of the different *mmusua* were blended away, in favour of a unity that told the widows they could expect their inheritances to go unchallenged and their relationships with their husband’s *abusua* to continue to go well.

On the other hand, sometimes the relationships between the *mmusua* are contentious, and then the rites can be quite onerous, either expensive or difficult or both. Some widows have to fight to be acknowledged as widows, or they have to agree to take on a degree of responsibility that is almost sure to produce debt when the costs and donations have been accounted for. This was what happened to Obaa Serwaa when her husband died, 5 years before I interviewed her.

Obaa Serwaa was married to a man who worked for the Kwame Nkrumah University of Science and Technology, and they had 3 young children. He was hypertensive, and one night he began vomiting for no apparent reason. His condition quickly deteriorated, and she asked a friend to drive them to the hospital in the night. He died later that day. He was married to another woman with 5 children. At the funeral, many people gave donations to Obaa Serwaa, and she shared it all with the *abusua* because they had decided to do it all together:

> So many people came to the funeral simply because of me and they all gave me some donations which were all sent to the family side [husband’s abusua] since they said we were doing everything together. After the funeral they would know what to do. And that was all. I had a debt of almost GhC 2200, because they made me provide the needed items for the burial and I also had to serve my visitors and these amounted to the GhC 2200. I got a loan and have been working little by little to pay for the debt. I am not even done with the payment as I sit here talking to you.

Here we see an example of the burden created by extravagant burial items and providing drinks and food for one’s visitors. The visitors who came for Obaa Serwaa would have donated on her behalf, with the general understanding that one’s donation offsets the expense of one’s host. However, since they had all decided to do it together, Obaa Serwaa allowed these
donations to be lumped together with those made to her husband’s *abusua*. However, at the time of the funeral, people began to accuse her of killing her husband, because he had died in her presence. At the *akontabuo*, things began to change and problems began to arise with the funeral debt:

OS: After the funeral, all the wives were called on the Monday morning. We were asked questions. They asked me if the man’s property was with me. I told them there was nothing else besides the one they came to take from my house. Apart from the children, I don’t have any property with the man. Then they told me the family used GHc1000 for the funeral but got about GHc 2300 meaning they had profit of about GHc1300. they said some of the mineral bottles were missing and so they have taken that money to pay for ten crates of the bottles. They didn’t even tell me “collect this for the children,” never!

C- So they gave you nothing from the profit?
OS-Nothing

C- And they said that all that money was for the ten crates\(^52\)?
OS-Yes, so they have taken the money.

While the particular form of the widowhood rites and the general funeral preparations are conducted at an interpersonal level between members of specific *mmusua*, these decisions can have far-reaching impacts beyond these specific relationships. The case of customary marriage illustrates these far-reaching impacts, and also demonstrates the ways in which the funeral ensures that claims on the state are contingent on the relations of *abusua* and Asante kinship.

Most Asante marriages are not registered with the government. PNDCL 112, passed at the same time as PNDCL 111 in 1985, originally required that all customary marriages be registered, and all existing customary marriages be registered within three months of the law (for a brief discussion see Daniels 1987: 100-102). During an interview conducted in 2008 I

\(^{52}\) At the time, ten crates of minerals (soft drinks) cost about GhC 60. While the deposit for the equivalent in missing bottles was likely more, all of us (Obaa Serwaa, Stella, and I) found it unlikely to have approached GhC 1300.
asked Lawyer Ernest Owusu-Dapaan whether he had found registration to be a problem in settling intestate inheritance cases under PNDCL 111. In response, he looked up 112, and read me a clause that was added, stating that where the judiciary finds evidence of customary marriage, the couple shall be found to be married regardless of whether the marriage was registered. He explained that if a widow can show she participated in the widowhood rites and/or was recognized as the widow at the funeral, she is considered married by the state. The widowhood rites offer significant proof of marriage because of the practice of publishing funeral announcements which include the widow(s)’s name(s). This documentary evidence is less subject to dispute than oral evidence. Dapaan explained:

The non-registration of customary marriages under PNDC law 112 has not per se deprived surviving spouses of their entitlement in the estate of the deceased husband.... the courts have devised a very clever and a sensible way of trying to determine whether somebody was actually married to the deceased or not. For example one of the easiest or one of the most simplest ways of making a determination which the courts have devised over time is that: let’s suppose that a man dies and the woman is claiming a share in the estate. And let’s suppose that the family of the deceased man or the husband are trying to challenge the capacity or the competence of the woman to seek a share in the estate of their deceased relative. The court will for example ask, did the woman perform what we call the widowhood rites during the funeral?

Usually, for example among the Akans, when funerals are held, you have what they call the widowhood rites. And if for example during the funeral celebration you will perform widowhood rites. And there is what they call the adeseade. Adeseade is you present a special gift which will be used for the interment of the deceased husband. And that is also explained by our anthropological belief and also our cosmology. I’m talking about traditional cosmology that life does not end on this earth. I’m even talking about before Christianity came here, our traditional cosmology that after the person has died, he goes to what you call asamando where our forefathers and sisters are.

And this person who has died, he’s making a journey. Into the world of the dead, where they also live a normal life. So he may need certain things on his way, or when he goes. So usually the wife or the husband who is doing the widowhood rites will present something, present some things in public, while the body or the corpse is laid in state and just before the corpse would be put in the casket.

Now the court will do an investigation. If the woman or the man who is claiming to be the widow or the widower [performed the rites] then the court will say that the fact that the person was allowed to perform these rites is enough for us to conclude that the family of the deceased and in fact all other people recognize the person as having been
married to the deceased before his death. Because those things are performed by only lawful wives or husbands. So if you don’t recognize the person as such, why did you sit down for him or her to do [the rites]?

As mentioned in Chapter 3, customary marriages are not legitimated in a single act; rather, they involve a series of ritual exchanges that culminate at the akontabuo, where the marriage is either ended or continued with the successor. In every akontabuo I witnessed except one, the marriage ended (the one exception was Nana Owusu’s father’s funeral; he explained to me after that it was just a sort of joke to show affection and would not actually result in his mother marrying his father’s successor, nor did it mean his father’s abusua would not fight them over the inheritance). While marriage ceremonies are not as elaborate as funerals, they are as distinct from everyday life and as ritualized. They are, in every sense, formal ethical acts that produce a change of status for the two main participants and their families. Witnesses to customary marriages can be left with no doubt of what has taken place.

Contracts such as customary marriage are marked by clear proceedings that are differentiated from conversational exchange. There are many witnesses, and explicit statements about the changes in the relationship; however, if a marriage occurred many years ago and if circumstances allowed a significant number of witnesses to deny that it had taken place—for example if a number of the deceased’s abusua decided to claim, together, that the marriage had not taken place—it is possible that confusion and doubt could be created. I did encounter several stories in which it appeared that some number of relatives of a deceased man agreed to publicly lie about his relationships. For example, in one case the abusuafoo together with a man’s former lover presented her to the bank as his widow and cleared out his account before his actual widow knew what had happened (I will expand on this story in Chapter 6).

Another case illustrates both the fact that people are willing to lie about marriages, and the importance of the documentation that funerals provide. A deceased man’s abusua member
(George) was contesting a woman’s (Ama’s) inheritance rights. He claimed Ama, who had performed the widowhood rites, was not actually married to the deceased because she had been divorced shortly before his death. The “divorce” was orchestrated by George, who, on the day before her husband’s death, delivered a bottle of Schnapps to Ama and declared her divorced. This act was not sufficient to achieve a customary divorce, since divorce, like marriage, is a formal act that must be acknowledged. The Schnapps must be formally accepted by the wife’s abusua, and it cannot be done unilaterally by a single member of the husband’s abusua. Ama performed the widowhood rites, signalling that neither she nor her husband’s abusua considered the “divorce” to have occurred. She had the funeral poster to prove her participation, and the lawyer on the case had been dismissive of the George’s ability to move forward with his claim in light of this evidence.

It is widely held that it is “impossible” for a woman to perform widowhood rites if all of preceding rites of customary marriage have not been held. All of the marriage acts that transition a couple from having an undefined personal relationship into having a marriage must be complete before widow rites can take place. I brought the preceding case up in an interview with Reverend Bernard (with whom I also discussed marriage in Chapter 3), asking if he had ever heard of cases where the marriage was disputed after the widowhood rites had been performed. This was such a bizarre suggestion to him that at first he did not even understand that I was speaking of a real instance: he thought I was making a hypothetical suggestion that illustrated my foreigner’s misunderstanding of Asante marriage. “It could never happen, it could never happen” he repeated, and when I explained that I had seen evidence of such a case, it left him speechless.

The state’s reliance on widowhood rites as a legitimating practice of customary marriage makes women’s claims on the state as citizens contingent on their relational claims and practices
within the context of Asante kinship. The ability of a person to make claims based on rights granted by the state is heavily influenced by their ability to negotiate the claims and obligations of Asante kinship and *abusua* relations. This was evident even in situations where relations are relatively uncontentious and there are no outright, ongoing disputes between the different individuals and groups involved.

As described above, Opanin Smith’s funeral was one marked by co-operation and unity. Although there were a few disputes at the *akontabuo*, these were settled quickly and to the satisfaction of all interested parties (I describe his *akontabuo* in detail in Chapter 5). Opanin Smith had had 3 wives (plus one divorced years ago), and close to 30 children. He had never built his own house, one which would have been classed as “self-acquired property” in Ghanaian law. Instead, an uncle had gifted him and his brother a large, multi-story house in a nearby town. He had lived in this house with his senior wife, and managed it for the family. It had many rooms, a few occupied by family members, but most rented out. He also had farms in the surrounding countryside, and his other two wives stayed in villages close to these farms.

His farms were cocoa farms, one was “a family land”; that is, he had been given the rights to work on and profit from a cocoa farm that belonged to the *abusua*. From his profits and his work, he had bought other cocoa farms; these were self-acquired. This distinction is an important one in Ghanaian law and also in the social distribution of land and property. Of these cocoa farms, Opanin Smith gave the family land back to the *abusua*, and divided the self-acquired land between his wives and children. He did this during his lifetime, marking out the farms and showing each wife which portion was hers. He continued to work the whole land himself after doing this, but it was widely known and accepted that these plots had been given to each wife and her children.

When I asked, in various interviews, if he divided his land in the right way, the
consensus among his abusuafoo was that he did. Two elder women told me:

He divided the property the right way, because first he started working on the family land, the one that he inherited before he went on to make more cocoa farms with the women. So, before he died, he fenced the farm: he divided it so that ‘you and your children, you and your children, you and your children, this is what I’m giving you.’ And then he gave what belonged to the family to the family.

The accounts given by Opanin Smith’s family members were presented to me with a sense of authority and long-standing tradition. Taken alone, a number of things seem self-evident: the division between family property and personal property; that family property stays in the family but that individual property can be divided however the person desires. It was also presented to me as obvious and right that the wives and children share the debts of the funeral, and that the proceeds from their cocoa plantations should go towards paying the debts. But when I interviewed lawyer Eudora Oppong, who worked with FIDA (International Federation of Women Lawyers) and often represented women in inheritance cases who were fighting for control of properties their husbands left behind, she called each of these assumptions into question:

Now [according to PNCDL 111], when the person dies, the bulk of the estate goes to the spouse and the children. So you find out that the [matrilineal] family who stood to benefit have found an ingenious way of going around it by saying that, then, well, his property is a family property…. Or since they realized that they don’t really have any interest in the property they will ensure that the spouse and the children run up huge bills when it comes to the funeral preparation and the expenses. Yes. ‘So we must pledge the cocoa farm before we can have [the profits]’—for some number of years, to pay off whatever debt has been incurred, you see. So it’s one of two things: that they are telling you that it’s family property, or they are creating all kinds of difficult scenarios for you, when it comes to the performance of the funeral. [Eudora Oppong]

Oppong implies what anthropological research on funerals has shown: that the “customary” obligations of the different people involved are changing dramatically. She shows us that the funeral is a site where obligations and rights are redefined within an Asante kinship construct. The deceased husband’s abusua can require that in order to complete the widowhood
rites, a widow must provide extravagant gifts including many commercial items, which becomes a major expense for the widow. Although demanding extravagant widowhood rites does not directly contravene the PNDCL 111, it leverages the need that customary widows have to legitimize their marriages through participation in the funeral and creates a situation for the widow in which her claims to her inheritance are countered by the obligations of an enormous debt. In this way, while a widow’s state-defined rights to her deceased husband’s property are not directly contested, new kinship obligations severely constrain her ability to assert those rights.

In the case of Opanin Smith’s senior widow, she considered herself lucky to have been a part of a “good” family whose members would not hassle her; but she also was unable to benefit from the farm that she had been given. She had no one to work it, and no other way to pay the debt that she had incurred for the funeral. In coming together and presenting “one table” and generally acting as one, the Smith family had brought the widows into a position of mutual obligation for the costs of the funeral. The Smiths need not dispute the widows for their farms; effectively the funeral proceedings granted the farms back to the Smiths for long-term use without any dispute ever taking place. Widow Smith was not sure whether they would make these claims, but it was clear that she saw it as their right to do so. She did not see any option for herself besides agreeing to the terms and hoping to be treated well.

**Becoming local**

The stakes are not as high for other members of the community as for widows and *abusuafoo*; however, the funerals of extended social circles and communities can still have important effects. Funerals operate to create local ties in highly migratory neighbourhoods. Next to greetings and avoiding fighting, attending funerals together was the most common act of
solidarity that establishes the place/kinship equivalence as the defining category of a non-
*abusua* social relationship (see Chapter 2). I experienced this directly, as my participation
changed from individual to group participation. I will highlight my own changing position as an
illustration of how participation in funerals can shape an individual’s experiences in a locale and
their ability to build a social network.

By participating in the different stages of Opanin Smith’s funeral I signalled to the
Smiths that I would like to become a part of their community. They began to invite me to more
funerals, including one in which they were the widow’s *abusuafu* rather than the deceased’s. It
was for this funeral that I attended the single burial gift ceremony of my fieldwork.

The widow herself was living in England and unable to return due to immigration and
visa issues, and so one of her *nua* (an *abusua* sister) acted as a widow in her place. I arrived at
the ceremony intending to observe, but was cajoled into becoming part of the presentation. The
reader may enjoy the picture of me, as the Asante crowd did, poorly dressed in black yoga pants
and a beige t-shirt because my single funeral dress was being washed, nervously holding a small
urn upon my head containing the least of all the offerings—sticks that had been used to clean the
teeth before toothbrushes became common. We were gathered in the courtyard of a large
compound house, the gift-presenters lined up against one side. As each gift was described, the
woman carrying it moved forward and displayed it by turning around a few times. I did so with
my hand on the urn, unable to balance a toddler’s burden on my head. The crowd cheered and
laughed at my presentation.

My inclusion in the ceremony can be interpreted in several ways: on the surface of it, it
was both friendly and for the amusement of the crowd. My status as a white woman was cross-
cut in amusing ways by my inappropriate dress and lack of skill in carrying things on my head.
But the amusement was friendly and inclusive, my willingness to participate appreciated and
matched by their willingness to let me belong.

There was another level to my participation, however. In announcing my role, I was represented as being from England (which was deliberate, not a misunderstanding) and my presence was described in terms of a sort of exchange, representing the widow-in-England, as it were. This was impromptu, as far as I know, and this symbolic re-interpretation of my role and participation did not in any way replace or conflict with the woman who was actually conducting the widowhood rites on her nua’s behalf. Rather, I think that this was akin to the ways in which donation announcements redefine relationships in terms of abusua: I might be there for my own purposes of research, but that did not preclude the participants giving me a role and and my presence a meaning that was thoroughly Asante and mediated by abusua relations. This was a moment of playful creativity, in which my kinship with them took on a very “as-if” quality. Yet, at the same time, they asserted Asante kinship as the primary ontology of the event and as a legitimate way of interpreting any social relationship.

Later, I attended the 40th day ceremony with the Smiths. I was asked to contribute 2 Ghana Cedis to the donation along with each of the other abusuafoo. The amount was chosen as one that was fair to everyone: enough to make a reasonably sized donation but not so much that those with less money would find it a hardship. That I was asked to join in this was significant; it signalled to me that, at least for this funeral, I was being treated as a member of the abusua-defined group (not a member of the abusua, but definitely part of the group designated by the abusua to represent it at the funeral). Members of the Smith abusua were just as willing as other Ghanaians I met to assume that I was a rich Westerner and ask for money, gifts, and favours that they thought were within my means. So the fact that I was asked only for the amount that the other members were asked for was, for me, one of the strongest statements of inclusion that I had ever experienced in Ghana.
When I first began attending funerals, I donated individually. But as my participation in
the neighbourhood increased, I was increasingly included as a member of the group. This meant
that I became part of groups announced as Asasepaafoo (people from Asasepa), and from that
time forward, I was only asked to give a set amount equivalent of what each other member of
the group gave. Through my repeated participation in the funerals of people in Asasepa, and at
other funerals as a representative from Asasepa, I became socially recognized as a part of that
group. Without wanting to overstate the significance of my incorporation (which certainly had
limits), my experience demonstrates the potential for a person to use funerals as a way to forge
connections, and of people to define particular, non-abusua social groups such as Asasepaafoo.

Conclusion

In arguing that Asante funerals are transformative events that reassert and redefine
“Asante kinship” as the best arena in which to realize Ghanaian social relations, this chapter
extends research on Asante funerals in a few ways. David Graeber’s (2013) concepts of arenas
in which people pursue different forms of value and the ontological gambits that assert their
hierarchies offer an alternative to the traditional/modern dichotomy. Instead of treating the
distinction between what is “Asante” and what is not as arising from differing time periods or
origins, it addresses meanings, categories, and value. From this perspective, the value that can
be created is existential: through the acts of the funeral, anything which is present in Kumasi can
become a part of what is “Asante.” This approach broadens the perspective from which we can
question why Asante funerals are changing, and why they are so elaborate.

I have suggested that funerals are events at which the abusua is both symbolically and
materially recreated. This happens through prestige-oriented displays and spending, but also in
other important ways. Funerals are the primary gatherings at which dispersed members of an
abusua physically come together and present themselves to each other and their society as a unified whole. Funerals are also important in laying the groundwork and negotiating the claims that culminate in inheritance and succession decisions. How these claims are managed has important ramifications for individuals, but also for the categories of belonging and the structure of power and authority that constitute the plural Ghanaian state and the Asante polity within that state.

Asante kinship mediates between the individual and his or her community, and also between the individual and the state. The obligations incurred during a funeral shape the conditions of possibility for widows and children in quite stark ways; access to their state-defined rights is mediated by their funeral participation. For members of the community who are not part of a funeral’s hosting mmasua, the stakes of a funeral are quite a bit lower. Nevertheless, for both individuals and extra-abusua groups, the legitimacy and acknowledgment that funeral participation produced could be a powerful motivator.

While my arguments largely support van der Geest’s (2000) assertion that funerals are about the living, they suggest a more complex answer to the conundrum of why Asante are willing to spend so much more money on a funeral than on the care of the elderly. In short, what emerges is that funerals are very much about the living, but they are high-stakes events at which much more can be lost than prestige. The production and division of debt, as well as the social connections that are established or maintained through donation, have long-lasting ramifications that can affect an individual’s access to their livelihood, their home, and the reciprocal relations of their community. In making this argument, I more closely align with broader anthropological arguments that funerals are about the recreation of the social order, and that they are important both ideologically and politically in the (re)creation of authority (Bloch and Perry 1982).

In the next chapter, I will further explore the high-stakes elements of funerals by
examining more closely how inheritance claims are made and acknowledged.
Chapter 5: Inheritance

The idea that the purpose of descent groups was to avoid conflict between the families of husbands and wives by creating exclusive rights of inheritance and succession vested in only one side has been an influential idea in anthropology (Radcliffe-Brown 1934; see Fox 1993: 132 for discussion). But, as anthropologists observed more societies and inheritance practices, this interpretation of the relationship between descent, inheritance, and succession seemed less explanatory. In many cases, even where there are clear rules of unilineal descent, inheritance does not seem to be clearly exclusive in the unilineal descent group. In Korea, Soo Ho Choi (1995) found that even in a community where the eldest son is the expected successor and heir, actual inheritance outcomes are shaped by factors like who has contributed to a property and who has been dependent on it. In India among the Santal, Nitya Rao has suggested that even as patrilineal inheritance becomes more fixed, women find considerable “room to maneuver” between customary and state laws (2005: 732). Both of these authors point to property as something that is a part of social and kinship relations; inheritance is not simply a matter of assigning rights in property, but of negotiating larger social and political issues that are mediated by the creation and control of property. Inheritance, then, is often not matter of exclusive individual rights, but of relational rights and responsibilities.

In this chapter, I argue that understanding matrilineal kinship as something that remains coherent to its practitioners yet significantly altered over time is best done by considering inheritance not as a set of rules about fixing rights in an unambiguous way, but a set of ethical principles and values that assert relationships between people, their past actions, and their future responsibilities. The processes by which people come to inheritance decisions (be they carried out at the akontabuo—accounting day—or in courts) are ethical process during which people
make multiple value judgements about the past, present, and future relations that are ordered through a piece of property. These judgements are ethical in the sense that Michael Lambek (2010; 2011) proposes, in that they are evaluations made according to widely held criteria about what constitutes good or right ways to live. As discussed in Chapter 1, the continuities achieved through matrilineal inheritance are in responsibilities rather than rights or ownership, and thus the ethical acts of the akontabuo are also very much about acknowledging and distributing responsibility (Laidlaw 2010). Inheritance rules, in this view, do not fix exclusive rights, but rather provide an evaluative framework through which people can come to agreements about the specific circumstances of their lives.

This theoretical approach reflects Asante approaches to matrilineal inheritance. Early in my fieldwork, my Twi teacher Mr. Obeng went through the Asante rules of inheritance with me. They were strikingly algorithmic: a man dies and his eldest younger uterine brother succeeds. If this brother is unavailable, the succession proceeds down the line of uterine brothers according to their age until all those in his same generation are exhausted. If there are no successors from his generation, his eldest sister’s eldest son is next, and so on in the same manner as the brothers. If the eldest sister has no sons, the next sister’s sons are eligible; this formula can be repeated until all sisters are exhausted. For women the process is the same, except with sisters and daughters inheriting rather than brothers and nephews. Mr. Obeng illustrated this with a diagram familiar to any anthropologist, segments designated with triangles and circles, nested according to generation and parentage. He was quick to explain, however, that while these were the principles by which priority was given to potential successors, position in this hierarchy alone was not enough to ensure succession: a person must be judged fit by the elders, and must also accept the position.

In the first two sections of this chapter, I discuss the question of what is inheritance, and
how can we understand the changes that have occurred and the distinction between matrilineal inheritance and the PNDCL 111. In these sections, I suggest that while distinctions between matrilineal and state inheritance can be made, they are made as post-hoc analysis rather than observable as normative categories of practice. In the first section, I demonstrate the fluid way in which people negotiate actual inheritance decisions by examining in detail the akontabuo of Opanin Smith’s funeral, in particular looking at the disputes that arose on that day. In the second section, I trace the historical changes to inheritance. I argue that Asante inheritance is conceptually about responsibility (not rights), and that changes to inheritance have been produced through negotiations over the meaning of husbands’ and wives’ responsibilities in the context of changes to labour relations and property acquisition. Thus, while a traditional/modern frame to inheritance can be used to make distinctions between matrilineal and PNDCL 111 rules of inheritance, it obscures the ways in which Asante inheritance practices have changed and continue to change.

In the third and fourth sections, I suggest that the Asante now see inheritance as deeply ambiguous. The struggles to value wives’ contributions to husbands’ properties, which began in the early colonial period, have led to a separation between succession and inheritance. This separation has led to a disassociation between property rights and kinship responsibilities that creates an ethical ambiguity, particularly in the role of the customary successor. I show that while the contemporary outcomes of inheritance are not uniformly “bad” for wives, the ambiguity that is most evident at the time of inheritance extends to kinship and marital responsibilities throughout people’s lives. In the third section, I analyze contemporary inheritance decisions, expanding in particular on the distinction between succession and inheritance and showing a range of “good” inheritance outcomes. In the final section, I discuss how the separation between succession and inheritance leads to an ambiguity in kinship
responsibilities that extends well beyond the event of the akontabuo, and contributes to the “bad” inheritance outcomes that women can experience.

**Akontabuo**

The *akontabuo* is the final day of the funeral: the event at which the funeral costs and donations are tallied up, the debts or profits are shared, outstanding debts owed or held by the deceased are collected, any marriages are resolved, a successor is appointed, and any properties are inherited. The will, if there is one, is read out (or announced in the case of an oral will). In cases where there was no will, the inheritance is decided by the *abusua panin* in consultation with other *abusua* members and potentially the *abusua* members of the deceased’s spouse(s) and children. The decisions and rearrangements made at the *akontabuo* have lasting effect in the relations between people, the ownership and management of property, and the care of dependents. All of these elements are changed through the process of the *akontabuo*, by the necessity of the fact that they were previously ordered around someone who has died. And once the *akontabuo* is over, the new arrangement has a structure that is both consequential and not easily changed. Thus, this is the day at which stakes are highest for the various people whose relationships and livelihoods are drawn into the rearrangement.

The *akontabuo* is a process that is emergent; its outcomes are not forgone conclusions. Despite the algorithmic nature of the selection of the ideal successor, there are factors such as illness and “character” (that is, a person’s perceived moral capacity) that could alter the choice of successor. In the *akontabuo* I witnessed, those in charge of making the succession decision would remove themselves from the proceedings at some point and discuss briefly the issues at hand. When they returned, the decision would be announced to the wider audience. Although when asked, people insisted that the actual succession decisions were made during these short
meetings, my impression was that there was often a fair amount of informal discussion and a degree of consensus reached before the actual *akontabuo*. The settling of debts and distributions of property, however, varied much more from event to event, the discussions drawing on specific circumstances, and often prompting arguments and intense discussions.

The claims made or positions taken during the *akontabuo* fall into some broadly predictable categories based on commonly shared knowledge about law (customary and state), and about the specific past arrangements and practices of the particular people and groups involved. In particular, who paid for what in the funeral can establish claims both to its profits (should there be any) and also to specific relationships and statues ordered through the deceased. Because of the interplay between formal categories and expectations on the one hand, and the particular past relations of the people involved in the funeral on the other, the outcome of any particular *akontabuo* is not predetermined. Many people come together to make a new arrangement, meaning there can be many different claims to the best arrangement. Unexpected claims may arise: unknown children may become known to widows and *abusua* members alike, unexpected debts may be brought up. Although many *akontabuo* proceed with relatively little drama and widely agreed upon outcomes, it is important not to assume that therefore these events utilize a rigid notion of “custom” or “tradition” in creating their rearrangements.

Several unexpected claims arose leading to disputes at the *akontabuo* of Opanin Smith, whose funeral I discussed in Chapter 4. I arrived at the *akontabuo* after it started, having

53 Stephan Boni (2010) has provided an interesting insight into this process by analyzing funeral donation record books. Certain categories of kin and marital relations have special donation obligations. To donate, or not, according to these widely understood criteria can assert belonging to that category, and status within it. Boni notes that this is not something that is infinitely flexible: such positioning is only effective insofar as it is accepted as legitimate, and people’s choices are constrained by specific knowledge among funeral participants about their relationships, social status, and past actions, and by general knowledge of kinship criteria.
received a call from Linda telling me I should come while I was at my Twi lesson. The
akontabuo was taking place in the open area behind her store and in front of the Smith abusua
fie, where the one week ceremony had taken place. Chairs were set up, similar to other funeral
days, in canopied banks that lined the open area and faced inward to a central “courtyard.”
When I arrived, I estimated that there were about 70 people there, most of them arguing. What I
gleaned at the time from Linda and the other the neighbours was that the Smith abusua wanted
to separate the funeral debt into quarters and give one quarter to the children, but that the
children did not want to accept it because they said their father did not care for them well, and
had not sent them to secondary school. This, I was told, meant that the children were not in a
position to pay. A short time after I arrived, Stella also came and we went to sit under one of the
canopies. Linda told me that I could sit in the akontabuo area because I had donated to the
funeral and was “one of them.” This seemed to be a common sentiment about my presence:
when Stella and I sat down, we met with a man I knew from the neighbourhood, Wofa A, and he
mentioned my donation to the people sitting around me, who told me I had “done well” (wo ade).

Wofa A was one of Opanin Smith’s 30 children, and he spent some time explaining what
the fight was actually about, which was not, it turned out, what the neighbours thought. It was
about the accounting: a number of crates of drinks had not been consumed, and would be
returned. The children wanted to know whether the cost of the drinks were calculated in the
debt; they argued that since they were helping with the funeral costs that they had the right to
see and agree on the accounting. Eventually the account books were brought out, and an
agreement was made to exclude the unconsumed drinks from the total.54 Things began to calm

54. Wofa A’s version of the fight was essentially the same as later accounts given to me in interviews with one of
the successors and with Widow Smith.
down, and they began to divide up the debt, sharing out among the groups of people small
texts of paper and engaging in quiet conversations that we could not hear. Wofa A told me that
he thought the children should have gone for a loan before the funeral, because had they done so
they would have kept closer tabs on the spending.

The debt was split into two unequal parts, the smaller for the *abusua* and the larger
divided into three equal parts for each widow to take with her children. During the process of
dividing up the debt, a second dispute arose, this one involving only the children (not the Smith
*abusua*). The children actually had four different mothers: the three widows and a woman that
Opanin Smith had divorced many years ago. Wofa A explained that the children of the divorced
mother had been left a cocoa farm (each wife and her children also received a farm, as discussed
in Chapter 4). The argument turned on what constituted a responsibility for the debt. The
children of the divorced mother were arguing that since the Smith *abusua* had not given their
mother housekeeping money before the funeral, they should not have to pay the debt. It is
expected that the *abusua* of a deceased man pay what he would have paid in housekeeping
money to his wives until the funeral. But since Opanin Smith had long ago divorced the fourth
wife and ceased paying housekeeping money, the children of the widows argued that it was not
owed. They took the position that since the children of the divorced woman had received a
cocoa farm, they should have to pay some of the debt. This fight was eventually resolved by the
two children of the divorced woman joining with the youngest widow (who had only one child
herself) to share one third of the widows’ portion of the debt.

Since the widows and children could not pay all of the debt at once, the Smith family
head (*abusua panin*) announced that he would harvest from the widows’ farms until the debt
was paid. Then the widows were asked to declare any debts or properties they had with Opanin
Smith, which began the portion of the event at which the successors were appointed\textsuperscript{55}. It was during this time that Widow Smith, the senior widow whose interview appears in Chapter 4, became embroiled in an argument with some of Opanin Smith’s family members. An increasing crowd gathered around the widow, but it was difficult to hear what they were saying. Stella moved to the crowd to listen, and came back to report that the widow had said “I don’t owe anybody and my children don’t owe anybody. Anybody who says we owe 8000 Cedis is trying to disgrace us like they did last Saturday. It is only 20 Cedis remaining.”

To this, a Smith woman responded “I don’t have any problem with you. I’ve been mentioning your name and saying you’ve really suffered with this man until he died.”

In an interview with Widow Smith, about a month later, I asked her about this part of the \textit{akontabuo}, which had been difficult to follow in person. I began by asking about the \textit{abusua} \textit{panin}’s plan to use the farm profits to pay the debts:

\textbf{WS}- The family (abusua) made that decision to use proceeds from the farm to pay and afterwards give it back.

\textbf{C}- Do you think they will do that?

\textbf{WS}- The successor did not say it. It was the people around who were saying that. The successor himself was quiet. The women are greedy and were saying if that was the case, the proceeds of the farm would be used to cater for the debt.

\textbf{C}- What is the relation of those women to your husband?

\textbf{WS}- They are members of my husband’s family. One of them was saying that when my husband was alive, one of my children went to him for money and that my son has not paid and so he should go and bring the money. And my son asked if it was wrong for his own father to help with money for a business. [My son] bought a car with the money and even paid it back [to his father] and so there is no accounts for that. That was why the women were saying that…. But everything is calm now.

... 

\textbf{C}- How were you and are you with those who were saying those things to you at the funeral?

\textbf{WS}- Now they are ashamed. I don’t even know what to say. When they did that, I also

\textsuperscript{55} Because Opanin Smith had several properties in different places, the \textit{abusua} appointed three successors.
explained that [my son] returned the money and it is left with GhC20, and whenever
[my son] comes here, he gives me money for his father and that is even more than what
he owes [his father]. So the elders understood and did not make an issue out of that. The
men said it was not lawful and that he is [Opanin Smith’s] son: if [Opanin Smith] had
money and gave it to [his son], that is nobody’s business. So if your father gives you
money, won’t you collect it? You will. So if he gave his son money that is not a concern of
any of [the abusua members] and so they should stop talking about it. And they stopped.

C- Have they apologized or changed?

WS- You don’t listen to the women. It was the men who succeeded; and if I die it is the
men who will perform my funeral, that “our brother’s or uncle’s wife is dead.” So if you
say these things, it is not lawful. And if anything happens to the children, it is the men
who will be informed. If they can help, they will and if not and it is a court case, the men
will be with them. But the women will just leave and that will be all. So they are just
saying it. No need paying attention to them.

In this brief dispute the specific obligations between Opanin Smith and his son had been
questioned, but in the resolution, Widow Smith made claims about the rights and responsibilities
that obtain between father and son—that is, about what it means to be a father and a son—and
these were accepted by the group. Opanin Smith had helped his son buy a car, and the son had
also helped support the father when he was sick. These amounted to the normal reciprocations of
kinship, and not an unpaid debt as the Smith women wanted to claim. Thus, in resolving a
specific question about a specific relationship, knowledge was produced about the general
meanings of a categorical relationship. Widow Smith makes this link explicit in her assertions
that the position of those who said her son owed a debt was “not lawful;” she did not distinguish
customary from statutory law in these statements. Rather, her assertion is one that links her
claim about the reciprocations of father and son to a shared body of knowledge about the
categorical definitions and responsibilities of that relationship. Because the akontabuo is an
event at which binding decisions are made and material arrangements of property, debt, and
other obligations are ordered, the general knowledge produced here can be carried into the
future as part of a history of meaning when other specific father-son relationships are called into
question. That does not mean that every future decision will follow this one, but that this decision has confirmed certain meanings that will continue to influence future decisions.

Once these decisions about the debt had been made, the successors were announced and the successors each declined the ritual offer to continue in marriage with the widows. At this point, the widows were formally divorced with bottles of schnapps that signified the “return” of the drink their mmusua had given the Smith abusua at the initiations of the marriages. Then, the widows were shown the successors and informed that “these are your husbands, so bring them any problem you have”: the successors’ relationships to the widows were ongoing, but limited. In a later interview, the woman who had made the announcements explained that the widows could bring any problem they were having, especially with the children, to the successors for help, but that it was not a marriage. The successors had no obligation to provide housekeeping money or other regular maintenance and there was to be no sexual relationship between them. The children could consult the successors as they would have their father, and the successors would take Opanin Smith’s place in rituals, such as marriages, that required a father’s presence. The ongoing role of the successor in the widows’ and children’s lives is one of the most ambiguous relationships to come out of the funeral; I will return to it in detail later in the chapter.

As the successors were presented, the mood of the akontabuo began to change, becoming more joyful and marked by humour. The first widow was told “The husband we are going to give you is 25” to which everybody laughed. Libations were poured, and the successors were lifted up by the crowd, covered in powder, and carried around as people clapped and cheered. At the end, glasses of schnapps were poured and shared, and the announcer spoke on behalf of the abusua panin, saying that he wanted to thank everyone, and that if anyone had any misgivings, fights or anything else, they had been resolved. She then said, “If you still feel that
way, you should look at the man who died and forgive, because you will one day end up like him.” Finally, she closed by advising women not to stop their husbands from having sexual relations, and advising husbands to divorce bad wives—a poorly received joke she quickly revised to advice that husbands should take care of their wives. With that, people stood up and began to go their separate ways. In all, the akontabuo took more than three hours to complete.

The negotiations of the akontabuo may be vexed, or may proceed easily with little disagreement. Either way they are emergent in the sense that what comes out of them does not necessarily proceed linearly from what came before. Opanin Smith’s children were mostly unaware of the children of the divorced wife, and the incorporation of these children into division of the funeral debt was not a forgone conclusion. Notably, the three widows and their children made three very different sized groups of people, but each group was given the same amount of debt. This was justified by the fact that each group had received a farm, that fact was held to be more significant than the number of people potentially contributing to each debt. But, the inclusion of the divorced woman’s children with the youngest widow did acknowledge that a larger group might have an easier time paying the debt. Rather than split the debt in four, with two large groups and two small groups each having an equal portion, the solution was to add the two smallest groups together. Thus, the resolution of that disagreement brought together two different notions of what was fair and ordered them into a particular arrangement, the smallest group having two separate properties to help make payments, the larger groups having more people to help.

Akontabuo are important events at which knowledge about the social world, both generally and particularly, is “fixed” into well-defined categories and obligations. But it is important to note that while akontabuo establish the conventions that in turn shape practice, the processes of social life continue to interact with what the akontabuo established in ways that
may either support or undo its arrangements. For example, Widow Smith is unsure whether the Smith _abusua_ will follow through on any claim to her farm’s produce. At another _akontabuo_, the much more contentious one for my friend Nana’s father’s funeral, the distinction between established obligations and actual practice was also made clear. Despite great tension within Nana’s father’s _abusua_ and between Nana’s and his father’s _mmusua_, there were only very minor negotiations over the debt. But in discussing it with me afterward, Nana told me that while his father’s _abusua_ had said they would pay a portion, he thought they would not. An arrangement had been made, a certain order had been agreed upon, and parties had entered into agreements against which their future actions could be judged. The order of things had been changed, and this agreement could not be contested outside of another family meeting—that is, the father’s family could not say that they should not have to pay now that they had agreed that they would. But, at the same time the actual payment of debts and other implications of these arrangements were ongoing. The family might fail to pay the debt without disputing whether it was their obligation to do so. This would be judged against the arrangement made at this _akontabuo_, but their future actions also could trigger new potentials, new instances at which people would have to choose to accept or dispute the family’s actions, which in turn might fix relations and obligations into new configurations.

Opanin Smith had distributed all of his self-acquired property before his death as gifts to his wives and children, and also formally declared which properties were family properties. These were _in vivo_ gifts but they functioned as an oral will, a distribution according to his own choice. The wives had accepted and formally thanked his family for the gifts through the ritual of _aseda_, which effectively transferred the ownership of the properties before his death. The _akontabuo_ acknowledged and reaffirmed these distributions; thus, what was distributed at this _akontabuo_ was not property but debt, and debt was then translated into claims to property.
Opanin Smith distributed his property in a way that was consistent with the distribution laid out in the PNDCL 111, but since he did it prior to his death, and since no claims were made in direct relation to the PNDCL 111, it is difficult to see what part it had in the *akontabuo*. However, if we look at the historical emergence of the law, it becomes clear that *in vivo* gifts such as Opanin Smith’s have not always been upheld, and that the implicit rights of the wives and children that support decisions to give such gifts have been deeply contested. In the next section, I consider how inheritance changed over the 20th century, and suggest that in fact, the PNDCL 111 articulates in law a set of ideas that have been affecting inheritance practices since the early colonial period.

**PNDL 111 (1985)**

The PNDCL 111, with its normative kin-categorizations based on Christian/British kin categories and rights, seems at odds with the more dynamic, contextual claims-making practices of the *akontabuo*. But, although the law does not allow for ethical evaluations, it is itself a product of a particular ethical stance on the value of marital relationships and the meaning of parenthood. In a discussion of the PNDCL 111 shortly after its passage in 1985, the Ghanaian lawyer and professor of law Ekow Daniels suggested that the law’s rationale for granting “special treatment to surviving spouses and children” was based on a conceptualization of the nuclear family and the joint role of parents in raising children that was inaccurate:

> It needs to be said that the pious assumption by the draftsmen of the fact that there is a growing importance of the nuclear family in a society which is predominantly polygamous is a conclusion which is more imaginary than factual. To use legislation to impose monogamy by the backdoor on a largely polygamous society is a device which begs rather than solves the question at issue (Daniels 1987: 97)

Daniels’ language suggests that the law is founded in Christian and/or European (colonialist) values—“piously” asserting the primacy of the nuclear family and the monogamy
on which that family is predicated. Throughout the article, he is critical of the PNDCL 111 and several other laws (PNDCL 112-114) passed at the same time to address various perceived problems within Ghanaian lineal family structures. Daniels argues that they are poorly articulated and defined. For the intestate succession law, he anticipates a complaint which I found was a common concern at the time of my fieldwork: that if the law is followed, a woman might be forced after the death of her husband to share her house with his children by another woman and possibly even his other wives. Further, “child” is not defined, meaning that adult and dependent children have equal claims to a man’s estate. In many ways, the law does seem to support a fantastical notion of family rather than address the conditions in which Ghanaian men and women live their lives.

It is tempting to look at the PNDCL 111 as creating a new form of inheritance (and trying to create the family structure that goes with it) that bears little resemblance to existing customs. Such an interpretation suggests that “tradition” is a body of knowledge and set of norms that are relatively stable and unchanging, and poses this against the “outside” influences of the colonial period. But while there was certainly a period when two very different systems came into contact, the ways in which these two systems were taken up and developed in the Gold Coast/Ghanaian context is not so clearly delineated. Applying a traditional/modern frame to a law written by Ghanaians in the post-colonial period obscures the ways in which both customary and colonial regulations of kinship, marriage, and inheritance changed in relation to the changing demands and circumstances of Asante men and women. It is a post-hoc

56. The laws applied to both matrilineal and patrilineal people; all people in Ghana are legally recognized as being one or the other.

57. This is an issue which is addressed in changes to the law, which now states that each wife has the right to stay in any house she lived in with the deceased.
classification that people often use to highlight distinctions between an “authentic” Asante custom and the changes that have come about through colonial rule. It can be used, as Daniels has used it, to question the core values and motivations of a particular law, but it is limited when it comes to understanding how inheritance decisions are made, and who benefits or suffers from those decisions.

Over the course of the 20th century, Native Tribunal Courts (i.e., those chiefly authorities recognized and legitimated by the colonial government) were debating and changing inheritance based primarily on contextual considerations of moral claims. Thus, they considered factors such as contributions to the development of the property and payment of *aseda* (thanks) for *in vivo* gifts like Opanin Smith’s (Allman and Tashjian 2000). These debates were conducted very much in terms of ethical principles, a practice that remains a significant feature of contemporary inheritance decisions and disputes. During this period, existing shared knowledge—the norms, laws, customs, categories, and expectations of “tradition”—was articulated with ethical principles and values as people made judgements about how to proceed with inheritance claims produced in new circumstances. The PNDCL 111, which was not written until the 1970s and did not become law until 1985, formalizes an existing ethical approach to inheritance that separates succession from inheritance and gives categorical rather than negotiated rights of inheritance to wives and children. While this is strongly associated with the colonists (and certainly emerged in relation to colonial rule), various Asante people have asserted this approach as a means of interpreting many of the changing circumstances of kinship, labour, and property that emerged over the course of the 20th century.

As discussed in Chapter 3, social change in Ghana is most commonly interpreted in terms of property, and emerging capitalist relations and modes of production; discussions of historical kinship expectations and practices are usually incorporated into this economic focus.
Forms of unpaid labour and access to *abusua*-owned property structured the conditions under which the Asante entered global capitalist markets in the 20th century (Austin 1987; Berry 2000; Mikell 1989; Grier 1981). As the cocoa industry developed, the political decisions of both the colonial government and Asante chiefs created changing circumstances of property ownership and production: slavery and pawning were prohibited, and the colonial government increasingly regulated how property might be bought and sold, by whom and to whom (Berry 2000; Mikell 1989). During this time, the colonial government did not recognize equal property ownership rights between women and men, relegating women’s property claims to chiefs’ courts (Mikell 1989).

In order to strengthen their claims, women brought their claims to court in terms of their kinship rights rather than their property rights (Allman and Tashjian 2000; Mikell 1989). Women made strategic use of existing values in bringing claims about new economic circumstances to both colonial and customary courts. The Asante have a “humanist” philosophy in which all human life is valuable, deserving of dignity and people are conceived of as having both the obligation and the capacity to help one another (Gyekye 1987). Several more specific values follow from this perspective, one being that those who have benefitted from the efforts of a particular person have the greatest responsibility to reciprocate in their care as they age or become more needy. In kinship terms, this is the value expressed in the reciprocal expectations of parents to care for their children when they are young and children to care for their parents when they are old. As a part of these expected reciprocations between parents and children, it was a longstanding expectation that men provide a foundation for their children by educating their sons and providing both sons and daughters with money or property as they reached adulthood (Awusabo-Asare 1990; Mikell 1989).

Customary marriage obligations created an interdependent network of labour and
production, with wives and children contributing labour to a man’s farm and the man reciprocating with subsistence farm products. The values that gave meaning to this organization of labour, property, and relationships provided an ethical framework for interpreting interpersonal claims in new circumstances; but this was not simply a linear progression of change. Over the course of settling new claims in light of new circumstances, people challenged both fundamental values and how various contributions and relationships should be valued in relation to one another.

For example, Allman and Tashjian describe a case (2000: 111-113), brought in 1936 by Adjua Agyako who had been married 42 years and was claiming a share in her husband’s property based on her labour and contribution. She framed her claim in terms that were recognizable within the customary system, in particular by asking for a “share” of the property rather than ownership or succession rights. On its face, her request contravened normal expectations of matrilineal inheritance, but the court explicitly noted that she did not bring a claim of succession, rather, she asked for a share of the total property as an acknowledgement of her significant labour and financial contribution to her husband’s wealth (112). Her claim was made more compelling by the fact that her husband’s nephews—the successors—had not given him the assistance in life that was expected of them (ibid.).

We can interpret the widow’s request as one that acknowledges the values of matrilineal unity and succession, but asserts that the value of her direct and significant contribution superseded the value of exclusively matrilineal inheritance in absence of significant abusua contributions. Although granting the wife a share of property was not a long-standing “custom,” neither was working for 42 years on a man’s cocoa farms a long-standing marital practice. Her claims were accepted by the Asante-run court, the ethical judgement reflected directly in its findings, which were not only that a woman who grows old helping her husband has a legitimate
claim to some share of her husband’s property, but also that the family should have acknowledged this and behaved accordingly in the first place (Allman and Tashjian 2000: 112-113). In other words, the court asserted that while the claim was unusual, it was one that the existing system of matrilineal kinship was already capable of acknowledging and resolving. This was a period in which women’s responsibilities to their husbands were increasing; after the outlawing of slavery and pawning, wives and children became an increasingly significant source of “free” labour to their husbands. However, men’s responsibilities to their wives and children became ambiguous as labour and economic changes altered what was needed by and available to men, women, and children. Men’s historical responsibility to provide an education for their children as well as to provide for their material needs was one that increasingly relied on money rather than skills or the materials of subsistence. Some men objected to the burden of providing increasingly expensive educations for their sons (Mikell 1989). Women’s and children’s labour obligations to husbands and fathers increasingly produced the means of acquiring capital—both income earning property and businesses—as well (Mikell 1989; Allman and Tashjian 2000).

Money took on significant kinship meanings through its role in the reciprocal relations of kinship; the sayings “sika ye mogya” (money is blood) and “sika fre mogya” (money calls blood) are commonly noted in studies of Asante (Allman and Tashjian 2000; Hasty 2005). Allman and Tashjian found a limited number of people who described the relationship between the father and children in terms of a “blood” relationship. Similarly, when the Asantehene tried

58. mogya is a singular substance, shared by the entire abusua that links and binds the members together; it is because of this that the abusua is “one.” The first saying links money conceptually to that which sustains life, family (see chapter 2), and community. The second saying I heard most often used cynically in relation to funerals, hoped-for inheritances and requests for aid. It indicated that people would come to the most distant of relatives to make a claim on their wealth.
to pass a new law in 1941 that gave inheritance rights to wives and children he stated that that men’s children were “blood of our blood and bone of our bone” and that men were given children by God and thus accountable to “both God and our country” for them (2000: 119). Instances like these suggest that not only was the role of the father changing, but that the meaning of “father” and the associated implications for kinship and personhood were being challenged and changed as well.

On the one hand, the changes suggested by the Asantehene’s attempt to redefine inheritance and in the occasional claims to shared blood between father and child suggest dramatic changes to kinship at a very fundamental level over the course of the 20th century. But on the other hand, cases such as Adjua Agyako’s did not contest the relationships or categories of matrilineal kinship, but the ways in which those relationships and categories should be valued and ordered in the (then) unusual circumstances of a wife’s lifetime of labour on a husband’s cash-cropping farms. In fact, the Asantehene’s proposed law followed very closely the settlement that Adjua had received, giving wives and children rights to a portion of a man’s self-acquired property. Both Adjua and the Asantehene drew a distinction between inheritance and succession, and this distinction is also key to the way in which the later PNDCL 111 reframes Asante inheritance. The PNDCL 111 treats inheritance as separate from succession (which it does not regulate), a functional redistribution of property arising from categorical kinship rights, broadly divided into: spouse (singular), children (all “natural” and legal children), parents, customary successor, and “family” (the family of succession, i.e. the lineage). It creates a hierarchy of categorical rights, and divides property according to this hierarchy.

I suggest, then, that asserting a traditional/modern distinction between matrilineal and PNDCL 111 inheritance rules occludes a significant aspect of what the law tried to accomplish and how. The law is an articulation of a particular position in the contested meanings of various
kinship categories, responsibilities, and rights. It acknowledges the responsibility of the
husband/father to his wife/children, but it does so in a very particular way. The PNDCL 111
treats the “spouse” as an essential—and ungendered—category, that is, it is a category that is not
contingent on moral behaviour. If a marriage is legitimate, then a spouse has particular rights.
Similarly, if children are recognized, then they have a given set of rights. By using categories
defined solely by their legal instantiation (marriage or legal parenthood) rather than by their
ongoing legitimacy produced through ethical actions, the PNDCL 111 has the potential to
eliminate the exclusion of wives and children based on their subjectively established moral lack.
The law eliminates or at least reduces the degree to which claims can be put forth or countered
on the basis of the moral character of one of the participants. This, in theory at least, puts
women on more equal footing to men.\(^59\) However, this has had many indirect ramifications in
the social practice of inheritance decision making and of kin relationships more generally. I
discuss how the law has contributed to an unintended increased ambiguity in kinship
responsibility in the rest of the chapter; and in Chapter 6, I develop the implications of this
ambiguity to argue that because women occupy many different kin-roles, a law that seeks to
advantage women by granting rights to wives and daughters is necessarily limited.

One thing which the 1985 version of the law does not do is establish any clear guidelines
by which property should be considered co-owned by spouses. That is, it does not create a
legitimate, legal category of “marital property” that is not intestate upon the husband’s death
because the wife is co-owner. In not recognizing a category of marital co-ownership, the
PNDCL 111—much like Adjua Agyako’s argument for a share of her husband’s farm and the

\(^{59}\) But see Fenrick and Higgens (2001) for an explanation of how polygamy and the assumption of male property
ownership mean that the gender neutral language of the law produces very different effects for men and women
when their spouses die.
Asantehene’s proposal to give wives a portion of a husband’s self-acquired property—can be seen as maintaining the value of *abusua* unity. Self-acquired property is *de facto* individually owned, meaning all of a spouse’s self-acquired property is subject to dispersal according to the criteria of inheritance, whether those criteria be established in customary or statutory law. In maintaining the assumption that property acquired in marriage is owned individually and separately by wife and husband, the PNDCL 111 maintains the Asante matrilineal assumption that the *abusua* is the sole category in which kin can co-own property, and fails to create a position in which women have a strongly articulated right to their co-produced marital property.

In practice, inheritance decisions draw together the particular past relationships of people and jural categories of kinship. Thus in an *akontabuo* like Opanin Smith’s, the PNDCL 111 creates a legal, formal definition of kinship rights and obligations that supported Opanin Smith’s choice to give all of his self-acquired property to his wives and children. The law was not drawn specifically into the decisions of the *akontabuo*, but it, together with the formal *aseda* given by the wives for the farms, defined the criteria against which objections would be judged. Should the *abusua* challenge the distribution, the PNDCL 111 might come into effect. And so, claims and disagreements centred around the distributions of debt that went with the property, rather than the property itself: the widows and children received a significant share of the debt, justified by their share of the inherited property.

**Succession and inheritance**

I have suggested that there is an increased separation between succession and inheritance, and that this contributes to ambiguity in inheritance decision making and kinship relations. In this section, I will tease apart some of the implications of this distinction, and the complicating effect it has on defining kinship roles and responsibilities. This is an important
because, as Michael Lambek suggests “acts of succession can be understood as reproduction no less than those that surround procreation” (2011: 5). The *abusua* is reproduced both by descent, which adds members, and by succession, which (re)creates the *abusua* as a coherent social entity whose existence extends beyond the length of an individual life.

Asante kinship norms suggest that the bulk of the inheritance go to the successor, but it is by no means essential or expected that all of it should—and these norms have been considerably contested over the 20th century. The distinction between succession and inheritance is particularly evident when taking into consideration Goody’s (1969) argument that inheritance includes property passed during a person’s lifetime: an Asante person has the right to gift or will their property before their death, but they do not have the right to appoint or nominate a successor. This distinction has been upheld by the Ghanaian legislative courts (Berry 2000: 110). Property can be divided and shared among a greater number of people, in a wider variety of relationships, than succession. There is also a greater issue of justice, in that property is often produced through the joint efforts of the deceased and one or more people. Acknowledging the different ways in which others have contributed to the acquisition of individual property can be tricky even when everyone involved has the best of intentions; when there is additional interpersonal strife, it can become deeply problematic.

Although the relationship between succession and inheritance is a changing and ambiguous one, there remains a strong conceptual link between the two. I found this link is most explicitly expressed in the opinion often given in response to my survey questions about the meaning and purpose of inheritance: that a successor is nominated to care for what the deceased has left behind—be it people, properties, or businesses. For example one person stated: “The property would be given to the successor since he will be taking care of the children.” Successors might gain personally from the property, but their responsibility is to continue to
build on what their predecessor had built, and use that to care for any dependents. One reason why the disassociation of succession and inheritance creates ambiguity is because of this dual nature of inherited property: it is both part of what a successor is responsible for and the means by which a successor’s responsibilities can be achieved. Asante people see inherited property as the ideal means of support for the children and other dependents of the deceased. This creates a continuity of responsibility—a property used by a man or woman to care for their dependents is inherited by a successor who seamlessly takes up that care using the same property.

There are two types of succession: the first is the succession of a person, in which every adult person who dies is appointed a successor who takes on certain of their responsibilities and obligations. This type of succession creates continuity in the abusua, and is exclusively matrilineal. The second type of succession is the succession of an office, in which a person is appointed to succeed the deceased in a particular authoritative position, such as abusua panin (lineage head) or hene (chief). This succession is predominantly matrilineal, although exceptions exist. The distinctions between these two types of succession was made particularly clear to me at the akontabuo of a chief. At this particular akontabuo, a man stood and made it clear to all present that the succession under discussion that day was only to do with the deceased as an individual, not in his role as a chief. The succession to the stool would be decided at a later date; consequently, no one in the family should treat the person announced on this day as the chief,

60. In one fascinating case a deceased woman had belonged to the Men’s Association in her Christian church. After her death, her daughter succeeded her, and the Men’s Association asked the daughter to take up her mother’s place in their association. At the time I interviewed her, she was still undecided.

61. It is beyond the scope of this thesis to discuss the succession of stools and the instances of patrilineal succession, but there are a few positions, particularly closer to the Asantehene, that were created as patrilineal positions. See McCaskie (2002) for a more detailed description of the historical establishment of these positions. It is also sometimes possible for a patrilateral relative to hold a stool “in trust” for a matrilineal successor should there be no matrilineal person of an age to succeed. I heard of a few of these cases, and they were all contentious. In each case I encountered, the paternal abusua held the position long enough that they disputed the claim it had ever belonged to the other family and/or that it should go back to them.
and the property associated with the stool could not be claimed by this successor.

Of the two interrelated acts of succession and inheritance, inheritance is by far the more potentially contentious issue when ordinary people die. Inheritance is a point at which reciprocations can be made to those who have helped the deceased, and debts can be repaid. As several of the following interviews show, the decisions of the surviving members of the *abusua* can contribute to ongoing reciprocal relations, rather than sever them. Thus, inheritance as well as succession is integral to constituting the ongoing relations among kin and between *mmusua*.

In the following interview, Kwasi describes his grandmother’s successor. His explanation of succession tracks between the practical need for someone to manage the property and look after the children of the deceased and the spiritual beliefs that establish succession as a link of continuity between the past, present, and future generations of the *abusua*. He also expresses the importance of reciprocal care in his statement that this successor took good care of her sister’s children secure in the knowledge that when she dies her successor will similarly take good care of her children. In this case, reciprocation is generalized in the *abusua*: it is not within a single relationship, but within a constellation of mutually implicated relationships that are connected through time by the *abusua*. This view of reciprocity is central to understanding the reciprocations of inheritance and succession, as well as the effects of those reciprocal practices on the criteria of specific future kin relations. That successors do not always live up to the ideal Kwasi describes is less important here than the fact that Kwasi makes clear the criteria by which one can recognize successors who are good, and who understand their roles:

C- Tell me about the inheritance in your family.
K- My grandmother, my mother's mother died and her sister who comes after her was made the successor. The deceased left 6 children who had to be cared for by the successor.
C- Were they young?
K- Some were young and others were old.
According to the Asante custom, a successor whether young or old is the one that the children of the deceased should go to with their problems. Because the problem of the children becomes the problem of the successor. The successor must know the property of the deceased so that she or he can use some to help the children when something happens to them. [My grandmother] had a house, a plantain farm and a cocoa farm. She was living with a man who had died earlier and his things were given to her because of the children he had with her.

S- Was the man her husband?

K- Yes, and they acquired the property together. And so when he died the family gave her the property so she could care for the children with it. The [grandmother’s] successor after discovering these [facts] did not hide anything from the children, but kept looking after them till now. The one who could go to school she made sure to see through school and the one who wanted to marry she gave her support and now the person has a [spouse].

According to the Asante custom, if a woman dies, it is not a man who succeeds but a woman. If there is no one in the family to do it and her daughter is there, she could be made to succeed. So currently the successor is doing what she has to do for the family and the children of the deceased and there have been no problem between her and the family and they are all on good terms and whatever problem anyone sends to her she solves it for the person.

C- So in this case there was no disagreement at all.

K- No one has had any disagreements with her because when her time comes and she is called by God, another person will be made to take over and that person will care of her children just as she is taking care of the children of the deceased. So there haven’t been any problems. And this is what I could tell you about that.

C- Did your grandmother ever tell anyone or write down what she wanted done with her property?

K- She didn’t say that this person or that person should be given this or that. But since the children are in the family, [she knew that] there would be a meeting and the elderly would say that since the deceased had children, the property cannot be given to her sibling’s children and there should be a replacement for her in the family. “You will look after your sibling’s property. She has children, the children must consult you on all issues.” And so she did not say that the children or siblings should take anything. Because when she came into the world, someone died and she inherited the person and now she also died and another person is succeeding.

In this case, the link between the control over the deceased’s property and the responsibilities to the deceased’s children are made quite clear; first the grandmother’s husband’s abusua gave her the husband’s “self-acquired” property (which they had produced
together) in order that she use it to care for his children. Then, when the grandmother died, the successor was given the same property in order to continue caring for those children. Kwasi suggests that his grandmother did not make any sort of will because she knew that her *abusua* would uphold its obligations to appoint a successor and that the successor would continue to care for her children. The role of the successor is one of caretaker, to both property and children, and eventually as the children age, they also get shares in such properties.

Although it is common in the literature to treat matrilineal inheritance, like matrilineal marriage, as intrinsically discriminatory to women (I expand on this in Chapter 6), I found many cases in which that was not the outcome. Kwaku’s grandmother had been given the farm she had cultivated with her husband when he died; and her successor had used the properties to care for the children. In Chapter 4, Widow Yaa’s mother-in-law had paid Widow Yaa’s portion of the funeral debt, and the two had maintained a very positive relationship after the funeral. The Smith *abusua* did not challenge the widows and children’s inheritance, gave Widow Smith a room in their house, and the elders supported her in her minor dispute with one of the Smith sisters. When *akontabuo* negotiations go well for widows they are, in a sense, the best of both worlds. A widow and her children might be given a different sort of settlement than they would under a court-enforced distribution, but they get that settlement while maintaining good relationships with their husband’s kin.

Stories like these are relatively common in my data. In the following brief comment, the person did not specify how much property there was, but she did explain that the reasoning behind the decision was the acknowledgement of the wife’s shared “struggle” with the man for the property:

ED0723-1: An uncle of mine died without a will, but our abusua panin sat down and thought about the fact that the man struggled with his wife to get the property. So he gave all the property to his wife and children.
In this short description, we can see the same ethical principles that informed the courts in Adjua Agyako’s colonial-era case, described in the previous section. The saying that a husband and wife “struggled” together to get property was a common way of acknowledging a wife’s hard work done for her husband’s benefit. A wife’s struggle is valued, and a wife who struggles with her husband is generally judged to be a good wife, deserving of acknowledgement.

In a longer explanation of a similarly uncontentious situation, a man explained to me how he and his abusua had decided to share property and provide ongoing support for their brother’s widow and his children. In this case, much of the property was legitimately family-owned property, which the abusua did not share directly with the widow. However, they made a commitment to the ongoing support of her children, and their choices around the property and incomes were motivated by that commitment:

ED0722-1: When my uncle died, we later sat down on the Monday after the funeral and did the accounts. We came to the agreement that whatever property he has is for the family—abusuafoo—and his children. He didn’t write a will. We decided that the things in the room were for his children. His wife and children. The children could take those things, but the building itself was for his family, his extended family, or his siblings. So they also decided that they would give the room out for renting, so that whatever comes out of it, they will give part to the wife to care for the children. The wife and children agreed to that.

Since I was the one who inherited, the family agreed that every month they would give me something to go and give to the wife and the children. The woman agreed to that. That is the course we are continuing, that we are going on right now. So every two weeks I go to visit them. So that’s what happened.

...[on why the house was for family and not children] The land belonged to the family, and he is not the one who built the house. The house actually belonged to my mother. You can see that there are supposed to be three rooms there [gestures towards an empty area of the partially-enclosed courtyard], that is where my uncle should have built so that

62. This is in accordance with the PNDCL 111, which states that all household chattels belong to the spouse and children.
when he died, that portion could have been given to his children, but he didn’t do that.

In this case, if the uncle had built rooms onto the house, they would have given at least one to the widow and his children. But since he had not done that, they rented out the room the uncle had lived in, and they contributed to the children’s upkeep and education from part of the profits of that room. While this may not have been the specific settlement his widow was entitled to under the law, the situation was certainly of benefit to her, since she maintained a number of supportive social relationships in addition to ongoing financial support.

I was a witness to one such non-contentious property distribution myself: at the akontabuo for a chief (whose burial gift ceremony I had attended, see Chapter 4). During the debt-settlement portion of the akontabuo, the husband’s family asked whether the husband had loaned money or resources to his wife to build the house where the children were living. The two mmusua came to the conclusion that whatever the husband had given was part of the mutual effort made for the couple’s children. The house was built on the wife’s abusua property, and the widow’s representative said that the two had been living together “as brother and sister,” implying a solidarity and co-operation in the marriage akin to that of an abusua relationship. The husband’s abusua agreed with this testimony, concluding that whatever resources the husband had put into building the house were made cooperatively with his wife, and did not constitute a debt that the wife had to repay. The house was given to the children without further discussion.

Note that while this decision would be easy to classify as based on the ideals of the nuclear family, it actually also fits easily with “traditional” matrilineal ideals as well: the customary marriage vow has a man take the wife’s debts, and the comment that they lived as “brother and sister” evokes the unity of matrilineal kinship rather than of Christian (or secular-companionate) marriage. Thus, any classification of this as either one type of kinship or another
is a post-hoc classification, much like the discussion of Widow Smith’s son and his exchanges of money and care with his father, which was considered “lawful” in an unspecified way that did not draw directly on any explicit system of law or custom.

Although there are many cases in which good relations do not continue after a death, it is important to include such experiences in analysis of inheritance because they contribute to Asante people’s common knowledge about what inheritance and succession mean, what responsibilities they involve, and what kinds of outcomes are likely. These sorts of good experiences must be included as part of the reason that customary inheritance “persists,” along with the more commonly cited “illiteracy,” “belief,” “lack of resources” and so on (for example in Kutsoati and Morck 2012; Gedzi 2009). The Ghanaian state is not a welfare state; there is no social safety net beyond a person’s own social network. Through their experiences as witnesses and participants at akontabuo, Asante people learn that when people and mmusua meet their responsibilities, the interconnected and interdependent relations of kinship and marriage can provide a degree of security and wellbeing. This knowledge, confirmed in lived experience, exists along side the knowledge of changing social expectations and injustices that are produced through experiences of conflict, loss, and contested obligations.

Succession, then, creates a continuity in the abusua and in other relationships that the deceased had to people and things. But the separation of succession and inheritance has created some ambiguity in the roles and responsibilities that successors have; the ongoing conceptual link means that when a successor does inherit, there is a widely held expectation that they support a deceased’s dependents, as happened with Kwasi’s grandmother’s successor. While women’s succession and inheritance is not without its difficulties and ambiguities (as I will show in Chapter 6), the separation between succession and inheritance, which has been formalized into law, is particularly ambiguous in men’s relationships. It is to this ambiguity that
I turn in the next section.

**Ethical Ambiguities**

By 2008, the people of Kumasi generally viewed the PNDCL 111 as a positive and necessary law, a legacy of J.J. Rawlings—whether or not they accurately knew its content. Despite its popularity, many problems persisted in inheritance that were not addressed by the law. As described in Chapter 4, funerals can create ways in which family members can side-step the law, or make it difficult for widows to bring a case to court. Widow Smith emphasized that it is the family you marry into and not the law that protects a woman in her widowhood. Opanin Smith had not built his own house, and so although she was given use-rights to a room in the house she had lived with him, it would go back to his *abusua* when she died; his family had given her children who had rooms in the same house a year to find other accommodations. They had not provided rooms for the other two widows, who lived in villages near Opanin Smith’s farms. Widow Smith, who considered her husband’s family to be a “good family” told me:

> In some cases, the family will not agree to release the farm to the widow, they will struggle with you. They know you worked with your husband to acquire the property before you even had children and yet when the man dies, they will disturb you. When you find yourself with a good family then you will not have a problem.

In the context of widows and inheritance, “good” families are those who recognize the efforts and value that a woman has brought to the marriage. The notions of struggling, suffering, working, or toiling together are important: women who had toiled with their husbands had, in most people’s minds, a moral right to benefit from that toil. In fact, the recognition of that mutual toil is a significant factor in the popularity of the Intestate Succession law.

Historically, when relations between the two *mmusua* were good, levirate marriage—where a successor marries a widow—was the way in which a “good” family provided for a
widow and her children; it was seen as an ideal way to provide for the children without disruption to their lives, as well as to continue in positive reciprocal relationships between mmusua. This decision was made at the akontabuo: first the successor and then the widow were asked if they would continue in marriage. If one refused, the marriage would be severed by that person ritually presenting a bottle of Schnapps to the other, signifying a “divorce.” There was a taboo on sexual relations between a man and a woman thus married for one year, to give the woman adequate time to mourn the loss of her personal relationship and after that the relationship expectation became one of normal marital exchange. This was a part of what succession meant, and how it produced continuity and unity in the abusua. That a marriage contract is between mmusua rather than individuals means that a person’s successor can replace their role, either as spouse (more common for men’s successors than women’s) or as caregiver to children produced in the marriage (for both men’s and women’s successors). This relationship between a man’s children and his abusua is reflected in basic kinship terms: the term for father (agya or papa) can be used for all his nuanom mmarima (same generation male abusua members, commonly translated as brothers) and adult wofaasenom (younger generation male abusua members: nephews). In other words, the kin term for a father and all his potential successors is the same.

But by the time of my fieldwork it was very rare that a widow would marry her husband’s successor. In only one case did I see a successor say he would marry the widow. It was at the tense akontabuo of Nana Owusu’s father, mentioned above. The question had been almost forgotten in the hubbub, but someone remembered and it was quickly asked. The successor and widow were both very old, and the successor’s acceptance was greeted with uproarious laughter and applause. However, Nana Owusu explained to me after that it had been a joke to show affection; not only would the widow and successor not get married, he told me,
but he expected that his father’s *abusua* would continue to fight with them in the coming weeks and months over various details of the funeral and property.

More common, especially among younger people, is that the custom of the levirate has faded into obscurity, a ritual question asked at a funeral with a ritual response and thought no more of. One young man, Kwaku, described to me his surprise at and unequivocal rejection of the offer to marry his brother’s widow:

K- My brother died in 2003 and I was the eldest brother after him so was told that because I am the second in line I will inherit him. He had rented a one room apartment with his wife. He didn’t have any children so when he died it was just a matter of ... his personal property. He didn’t have a bank account. He was a driver.

The next important thing which involved me was that according to tradition, the wife and the property would go to the one who inherits and you have the option as to whether you want to marry her or you can set her free. So I was called, she and her family. We sat down the customary style and I was asked that because I was next in line I have inherited the property, so the wife is part, so I can choose to marry her or let her go. And being the good man that I am, I let her go.

... 

C- It came as a surprise to you, or? 

K- Yes. I didn’t know. There is a scenario like that in the Bible... but I didn’t know that it applied in our system so I was surprised. So I was there and I was called, one of my aunts told me before the time the family gathered. So that was the first time I heard that. I didn’t know I had a wife in waiting. 

C- What did you think when your auntie told you? 

K- I was surprised, very surprised. I was like, why? Because I know that you only inherit the property, what he had excluding the wife, because I know that the wife is not part of your inheritance. I think it was good to hear that you could marry. 

Both Kwaku and his brother had been young when his brother died, and his brother had not owned much property. There were no children to take care of, no business or farms to take over, and thus Kwaku had little real responsibility in his role as successor. Kwaku viewed his role as little more than symbolic. His response to the prospect of inheriting a wife demonstrates the increasingly limited role and changing meaning of the successor within the *abusua*. Kwaku had never heard of or known anyone who had married as part of succession; when he was asked
at the funeral, he related the practice to Christian teachings rather than Asante ones. But his interpretation that the levirate meant a wife was part of the property to be inherited was not common among Asante who were familiar with the practice, who emphasized that the wife was equally able to reject the marriage as the husband, and discussed the practice in terms of *mmusua* relations, the wife and her children’s ability to continue living on the husband’s (now successor’s) property, and ongoing care for the wife and children.  

As the levirate becomes less common and conjugal inheritance becomes more so, the separation between succeeding a man’s role and taking on his responsibilities on the one hand, and inheriting his property on the other has made his obligations unclear. This was made particularly explicit in an interview with Nana F. about his mother’s funeral, which I had attended. After talking about the specifics of the funeral, we spoke of some of the interpersonal dynamics that emerged during the *akontabuo*. In the interview, he links the successor’s responsibility to care for the children directly to the successor’s inheritance. Without it, he suggests, there is no particular meaning to the position of the successor vis-a-vis the deceased’s children:

NF- When someone dies and chooses you to inherit his property without giving his children some, it is your responsibility to give some to the children. Sometimes the deceased may have given something to his children. [At my mother’s akontabuo], one of my brother’s daughters stood up during the gathering and said one of her sisters was in school and the man was taking care of her, but I told her their father left me no property. He left his house to them and so it isn’t what my mother left me that I am going to use to care for that child. Such issues bring division in the family. I told her she was capable of taking care of her young sister being the eldest of them and up to now, she is not on good terms with me.

C- So because all of your brother’s property went to his children and there is none left

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63. In cases where the wife was pawned to the husband, or where her *abusua* was poor, she may have been pressured to accept such a marriage. Nevertheless, this is different from the Christian interpretation that Kwaku made. I suspect that the decrease in the levirate has much to do with changing views of polygamy, especially within Asante-Christian churches which disallow polygamy to the best of their ability, as discussed in Chapter 3.
for you to take care of his children for him;

NF- That is it, because he didn’t leave me anything with which to take care of his children.

C- Was someone appointed to be the father figure for the children?

NF- I succeeded him and so I had to take care of his children. Because, that is the custom of Asante. But their father left me with nothing. The children do not even talk to me.

C- Has that been the case since your brother died?

NF- That had been the case even before my brother died. Some of them are married. They didn’t even come to my mother’s funeral.

C- If a brother inherits from a brother, then did you inherit from all your brothers?

NF- Since all four of them are dead, I am the only one left and so the man succeeding them. Each of them gave his property to his children but I didn’t go to any of them for anything.

C- You are the only one acting as father to all of your brother’s children?

NF- It is right I am succeeding them but none of my brother’s children is fine with me and so when I go, I do not ask about them. Everyone stays at their place. When they have problem, they do not inform me.

I knew Nana F. quite well, and he was very candid with me in his interview. His statements suggested that much of a man’s responsibilities to extended kin derived from his control over the property on which they depend. The daughter had framed her request specifically in terms of the responsibility of a father (and therefore a father’s successor) to provide education for his children. However, Nana F. asserted that the responsibilities of kinship come in some part from the way in which property is held, who controls it and on whose behalf. Since he did not have his brothers’ property, he felt he was not responsible for their children’s education. The changing control that men have over property can make their obligations murky and unclear.

The ambiguities produced in the conflicting values given to the contribution of the wife and categorical rights and obligations of the successor were also apparent in responses to a semi-structured standard interview that I conducted with people living in Kumasi. One of my standard
questions on inheritance was “why might someone accept a lesser share of the inheritance than
they were entitled to?” While many people talked about Christian morality and greed or its
absence, this was often contextualized with the fact that a person with a claim to a property may
not have actually helped to build the wealth that was now at stake. I also asked why people
might fight over the inheritance that they had been given, with many of the same themes
occurring in these answers:

Q: Why accept a lesser share?
A: They agree to take the little given to them because, some people do not want any
trouble, and they are not the ones who struggled for the property. So if their brother or
relative is dead and has given them anything then they should accept it as it is, because
they did not struggle for it.
-ED2007-2

Q: Why fight over the share they’ve been given?
A: Some people struggle with their husbands to acquire the property. The woman may
have made a bigger contribution to the acquisition of the property. During that struggle,
no extended family member was there. And then when the man dies, they [the extended
family] might come and say they want to take everything. In that sense, the woman is
not going to agree because she knows that she is the one who has struggled to get the
property with her husband. That is why these things lead to misunderstandings.
-ED2007-1

In both these answers, the assumption is that the wife is the one who struggled for the
property with the husband rather than the successor. They construct the wife’s struggle as
creating a moral claim to a husband’s “self-acquired” property: she has a right to claim it
because she helped create it. In cases where men create property with their brothers, or other
abusua relatives, this property is considered “family” rather than “self-acquired” property. This
puts it outside of the claims of wives and children; such property is not subject to dispersal by
the PNDCL 111. But, in practice, the mutual contributions of siblings and wives can make such
categorizations difficult, and cases that go to court often turn on decisions about whether a
property was self-acquired or acquired with *abusua* members.\(^{64}\)

However, it was not simply the case that people thought wives struggled with husbands and *abusua* members benefited unjustly by making customary claims to that property. *Abusua* members are generally understood to have contributed significantly to the initial stages of a person’s life, and they also have the greatest responsibility to care for a person when they are sick and dying, often at personal cost. The *abusua* is understood to have contributed to an individual’s properties by building their capacity to succeed, even in cases where the *abusua* members did not contribute labour or money directly. Thus, related to the struggle for property is the concept of inheritance as a reciprocation of help. One woman, who had stated the reason for inheritance was to have someone to take care of the deceased’s property and businesses, later in the interview told me about a situation she had witnessed in which a grandmother of hers had cared for a granduncle (that is, a sister had cared for a brother):

> It could be that while he was alive and sick, you were taking care of him and he never told you he wasn’t going to give you any property. And when he dies, the will would state that the property is for his children and then you who cared for him would be left with nothing. [You] would have wasted [your] time for nothing. A granduncle (nana) of mine did that. When he got sick, my grandmother was caring for him and she used her money for his funeral. Not knowing his will said all his property was for his children. He didn’t even give my grandmother the kitchen\(^{65}\). This means it is of no use. If possible one should know if one’s name is in the will a person writes or not before helping him.

In this comment, and the two above, a clear moral responsibility is linked to mutual investments and help: inheritance should rightfully benefit either those who struggled together in life to build the inheritance, or those who gave help in time of need. The categories and criteria of Asante kinship are continually reinforced and recreated through such exchanges.

\(^{64}\) See Chapter 4 for Eudora Oppong’s comments that claiming a property is a family property is a strategy used to avoid the PNDCL 111.

\(^{65}\) The kitchen in a compound house is generally a covered but unenclosed space shared by all those with rooms in the house. To have given the grandmother the kitchen would be to have given her very little.
From this perspective, inheritance is not set apart from reciprocal kin relations, but an integral part of them. Inheritance is the final exchange in both marital and abusua relationships. It is part of a process of reordering relationships after a death, and in this process, both categories of kin and the content of those categories is asserted and defined. Key here is that this reciprocation need not be direct, the recipient of help giving or willing directly to the giver of the help. Rather, people expect that the abusuafoo who stand to gain from an inheritance have the capacity to—and indeed sometimes do—recognize that they “did not struggle” for the property with the deceased, or that someone else’s aid supersedes their merely categorical claim. In this sense, the abusua can continue act as one with the deceased, and reciprocate what has been given to him or her.

The reciprocity of inheritance is projected into the future as well as negotiated in the present: to extend reciprocal help or aid, one has to be able to anticipate the possibility of return. The expected direction of inheritance could influence the expectations of particular kin. The woman whose grandmother’s help went unacknowledged concluded that “it is of no use,” that one should know the will before sacrificing to help a man, even if he is your brother. However, when I went on to ask what reason someone would take care of another when they are sick (I did not specify any particular relationship), she equivocated, unable to frame a clear response to her grandmother’s situation:

If the person is your sibling you can’t just look on. You can stop your job for a while to take care of him even if he has children. It is not because of what he may give you. You do that willingly.

Her two statements, that her grandmother’s sacrifice was of “no use” but also that “you can’t just look on” when a sibling is sick, highlight the heightened risk and profound ambiguity created in the shifting field of different kinship values and expectations, and hint at the ways in which women might suffer from this ambiguity to a greater degree than men. This woman had a
sense that sacrificing for a brother might represent a heightened risk—especially if that sacrifice meant giving up a job—yet the unity of the *yafunu* group was a responsibility she could not easily set aside. One does not sacrifice in order to reap a reward, but the unity of the *abusua* and especially the *yafunu* group promises that sacrifices are mutual and care flows to where it is needed most. Inheritance is only one way in which this happens, but the ambiguity created by conjugal inheritance creates an increased risk in such sacrifices.

This sense of ambiguity and risk in relationships that were once well-defined was common among the people I talked to. In a focus group I held to develop questions for my semi-structured inheritance interview, two comments spoke directly to this ambiguity in relation to PNCL 111:

1: Before the law was instituted family (*abusua*) members cared for a deceased person’s children but since the law caters mostly for the nuclear family, the extended family members leave the responsibility of caring for the children with the mother.

2: The law sometimes puts the wife in trouble. She may be left to care for her [dying] husband single-handed. This is due to the fact that the family [husband’s *abusua*] knows that since the law caters mostly for the nuclear family, there is no need to care for the man who is dying.

In both of these comments, the people felt that by making the wife and children the categorical recipients of inheritance, the PNDCL 111 changed the specific responsibilities of the *abusua* and successor to the man, his wife, and his children. The first comment suggests much the same sentiment as expressed by Nana F: that the responsibility of caring for the children goes to the person who inherited the property. It is assumed that the property is the source of the children’s maintenance, so changing the category of ownership changes the attendant configuration of responsibilities. In the second comment, we see the way in which anticipated future reciprocation alters present help. If family (*abusua*) members know that the wife will receive the inheritance, they will see a man’s care as her responsibility rather than theirs. Implicit here, given the limited effectiveness of the law, is a pernicious potential manipulation of
customary and statutory rights and obligations: an unscrupulous abusua could refuse help while a man was alive, but still assert their claim on his property, either directly or through the sorts of manipulations discussed in Chapter 4, after he is dead.

Distributions of property can confirm kinship values and roles, but they can also obscure and confuse them. When dependent children inherit, it can confirm a man’s obligations as a father, but, as in Nana F’s case, it can also create a ambiguity in his successor’s ongoing relationship with them. When abusuafoo, siblings, or elderly parents are excluded, it can leave people wondering with whom they should invest their limited resources, and it can produce a sense of injustice, inequality, and unpredictability in their kin relationships. Anthony Osei Poku, a lawyer I interviewed who had years of experience settling inheritance cases, expressed the deep ambiguity he felt about the PNDCL 111’s categorical distribution. He was not at all opposed to wives and children receiving a share of a man’s self-acquired property, but when I asked him if he thought the PNDCL 111 was able to achieve equitable settlements, he did not think it did. He expressed deep concern that the PNDCL 111 failed to account for the importance of the abusua and other relatives in helping a man get to adulthood:

T- No. I mean, it isn’t fair. That’s why at times I get hurt. And I tell people, whenever I give a talk I ask them to prepare their wills. You know, personally if I can use my example, my father, my parents were alive, but it was my sisters who kept; when I was in university, they were sending me money, sending me so and so, and so on. Until I completed my schooling. So it’s not a question of just my parents. My sisters helped. So I cannot just imagine me dying and they not getting anything from my, whatever I have achieved in life. And most of my parents who toiled all their lives for me maybe from their resources. And then the law does not even think about them. No. So even the one house.... I’m thinking about a situation in which the parents for their life can have at least one room or two rooms, where they can live, even for life. You know? C-So, you would say that the law is especially not fair to parents? T- No, it’s not fair to parents. It’s not fair to the families you’re coming from. Our societies are not individualistic. It is a group kind of thing. I have my uncles who took me to school. Who actually, I mean went for school. My father was a farmer, he had no idea about schooling. It was them who impressed upon him to take me, and send me to
school. So I can trace back my uncles, I can trace back my sisters and my parents. So the law should have had the community or the extended family thing in mind, somehow. You see you cannot just divest a person completely from the extended family. No we are born into the extended family, we are grown into the extended family, and we achieve whatever we achieve. We still have connections. Through funerals, when there are funerals, the family head, the uncle, the elders will all be there. I mean, if it happens that I die, they will handle my funeral things. It’s not my wife and children. So why do you cut them from inheritance?

For Poku, the PNDCL 111 asserts an individualistic focus that does not acknowledge the multiple kin relationships and lifetime of contributions that lead to a man’s success; it excludes too much of what is essential about how a person comes to have property in the first place. Yet Poku, who had a deep knowledge of the Ghanaian legislature as well as years of practice working on specific cases, did not have any easy answers for how to achieve more equitable settlements. While he expressed it more explicitly than most, the sense of inheritance as embodying an irresolvable moral dilemma extended to many of the people I talked to. Towards the end of our interview, he gave voice to a thought I had been having as my research progressed, that in many inheritance cases, there is simply more need than resources to meet those needs: “the law presupposes everyone is rich,” he said.

Succession and inheritance are acts that effect change in individual lives: these decisions represent a final turning point in the transition of the funeral, where the socio-material remains of a person’s life and responsibilities are divided among the living according to newly asserted and established kin relationships. But they are also decisions that recognize some criteria as more or less valid than others, and as such they are productive acts that define kinship and its responsibilities. The ambiguity in the successor’s role means that women cannot count on any particular expectation when helping men—husbands or brothers. This ambiguity is not simply felt by women, but by all adults as they try to navigate the different configurations of kinship and responsibility in the various circumstances of their lives.
The PNDCL 111 is well-regarded, because people value women and feel that their contributions need to be acknowledged. By supporting the categorical, essential claims of women as *wives* rather than the moral and contingent claims that afford recognition only to *good* wives, the law attempts to strengthen the position of women in inheritance disputes. But the law narrowly construes women as wives and daughters, and does little to address their multiple kin roles and claims. The law defines and legitimates a particular perspective in historical inheritance debates that separates inheritance and succession, and treats properties developed during marriage as owned by men individually. In doing so it contributes to the ethical ambiguity that surrounds inheritance decisions. The expressions and experiences of ambiguity in my research make it clear that the shifts in marital responsibilities, property ownership, and inheritance do not translate into an “improving” situation for women in the early 21st century. Rather, the lack of clear responsibilities creates an ethical ambiguity that can result in unclear expectations about the obligations or rights inherent in any given relationship.

**Conclusion**

As Micheal Lambek has pointed out, acts of succession are constitutive of kinship (2011: 5). In this chapter, I have taken up that idea, and considered how inheritance of property as well as succession of position can create both particular kinship relationships and also knowledge about what kinship *is*. The decisions made at an *akontabuo* rearrange relationships to people and things, but they also assign responsibility and assert the criteria by which ethical acts can be judged. The *akontabuo* is an event at which people learn what it means to be Asante and be related to people through Asante kinship: the many people at Opanin Smith’s *akontabuo* were witness to disputes that established the legitimacy of unaccounted exchanges between father and son, and of all those who have a share in paying for the funeral to review the accounts and
participate in accounting decisions. Wofa A came to the conclusion that when one’s *abusua* is going to carry a portion of funeral debt, they should be involved in the accounting from the beginning. Several *akontabuo* confirmed that the successors have a responsibility to the wives and children, but how that responsibility was interpreted varied. In some cases, as at the *akontabuo* Nana F described, the ongoing responsibility of the successor to his brother’s children was directly linked to property.

Even when the story of an event is wrong, it creates a moment in which ethical evaluations can be made and particular criteria established as significant: the neighbours of Opanin Smith drew together their own past experiences with general knowledge about kinship (a father’s obligation) and their specific knowledge about his children (that most had not gone to secondary school) to interpret the fight as the children’s dispute over funeral expenses as being about Opanin Smith’s failure to meet his fatherly responsibilities. Although this was not what had happened, these stories were told amongst neighbours to each other, including by wives to husbands, as a story about what can happen if a man fails to send his children to school.

Although there are clear trends—and areas of ambiguity—which emerge from comparing these various *akontabuo* decisions, it is also clear that these are not normative applications of law or custom. Rather, *akontabuo* days are contexts that allow people to learn, and change, what it means to be Asante, and what “matrilineal” entails. What people learn is uneven, and the changes that arise from these events are non-linear and undirected. Situations arise that were not anticipated—like Opanin Smith’s children from a long-divorced wife disputing the reasoning behind their portion of the debt. These situations are dealt with by using ideas about what is right or good to solve the problem—by judging responsibility through an existing framework of ethical criteria.

Much like the marriage practices described in Chapter 3, then, the decisions made at the
akontabuo may draw on a “repertoire of concepts” (Wardlow and Hirsch 2006) that do not belong neatly to one “system” of inheritance or another. The notion of a “traditional” customary inheritance that is opposed to a “modern” PNDCL 111 does not stand up—not to an analysis of the historical struggles which gave rise to the PNDCL 111 nor to the processes of decision-making which are evident at various akontabuo. In the next chapter, I return to the question of widows, and women more generally, to ask how we can better understand the issue of women’s exclusions from inheritance.
Chapter 6: Gender inequality

With the complexities of changing kinship structures, marriage, and inheritance well-elaborated, I turn to the central question of gender. In this chapter, I look at women’s experiences of inheritance that emerged during my inheritance survey. These experiences were not limited to their roles as wives and daughters, nor was contentious inheritance always a man’s inheritance. By considering a wide variety of situations that arise in the context of inheritance, two significant, orienting assumptions in the cross-disciplinary literature on the PNDCL 111 and its effects come into question: one, that inheritance decisions are made by applying either customary or statutory laws to a question of property distribution; and two, that monogamous marriage and conjugal inheritance are fundamentally and categorically better for women than polygamous marriage and matrilineal inheritance. The narrowly construed problem of widows’ inheritance rights is part of a much larger set of issues around the meanings and obligations of marriage and kinship, the production of property, and the moral obligations that stem from labour, help, and co-investment.

Both of these assumptions fit neatly into progressive theories of change and in particular modernization theory. In the first section, I elaborate on the assumptions that have directed many studies of Asante inheritance, and I review and expand on the reasons established in the preceding chapters for why these assumptions should be considered distorting. In the second section, I analyze a wide variety of inheritance experiences, drawing out some themes which can better be used to understand women’s systematic, although uneven, exclusions from property ownership. In the final section, I return to the question of widows, and show that the issues which face widows in inheritance are produced by the same issues that disadvantage women in a variety of roles, including as sisters and mother’s daughters—not by marriage or marital rights,
per se. In these sections, I make a three-part argument: first, that kinship is not an external structure of rules through which people negotiate their access to property, but a contingent system of acts and claims through which people define their relationship to property and to other people; second, that although gender emerges at macro-level interpretations of “social issues” as a significant factor affecting inheritance, no negotiations are made based on claims of being a woman or a man, rather, people frame their claims through their relational statuses; third, that exclusions, insofar as they can be represented as between individuals at all, are frequently between women, rather than between women and men.

“Custom” and kinship in the study of inheritance

In the legal and activist literature (and to some degree in the anthropological literature), matrilineal inheritance is seen as obviously discriminatory to women. Ghana is acknowledged to have a variety of different peoples with different “cultural” practices but on the questions of women’s inheritance and property ownership there is a tendency to broadly distinguish these into “matrilineal” and “patrilineal” groups, outline a few key differences, and then treat all of Ghana as a “patriarchal” society in which women’s inequality is assumed. For example, Bond (2008) describes “the notion of ‘family’,” summing up all of Ghana’s diverse family practices in a few short sentences and ending with the claim that “In both patrilineal and matrilineal systems, however, it is the male descendants who are entitled to the rights that flow from lineage” (403); a statement that is patently false for Asante women. An overarching and coherent patriarchy is assumed throughout her analysis. Women are the “bearers and reproducers of cultural identity” (410) over whom “tight hold” is consequently exerted by the community (411). She regards the PNDCL 111 as “certainly… afford[ing] Ghanaian women greater rights protection” as compared
Bond’s (2008) analysis does not allow for any evaluation of inequality between women, and it implicitly puts men and women in different frames of social action, with men as the producers of inequality and women as the products of it. This is strongly reminiscent of Laidlaw’s argument that practice theory problematically conceptualizes agency as an intrinsic capacity of the person to act as an individual in pursuit of particular goals, such as “empowerment, liberation, equality, and so on, these ends being imputed as values and interests to all members of the human race as such” (2010: 144). These goals are treated as the universal desires of humankind, and the evidence that people “have” agency is given in their ability to assert their individual intentions, particularly “against” structures that constrain them (ibid). Laidlaw suggests this does not allow for the study of agency in people whose goals and values align with structural norms. This is precisely the problem that arises when assuming that matrilineal inheritance is necessarily damaging to women, and that men have the agency to enforce this bad situation over women who lack the agency to resist it: women who seek to “inhabit” matrilineal inheritance and kinship norms and pursue Asante values such as interdependence and unity cannot be accounted for in this analysis. Thus, the concerns and actions of sisters and mothers are subsumed into the category of (male) “successors” and ignored, and wives who settle their inheritance according to “custom” are assumed to be acting against their own interest and their actions explained as “attachment” to custom or ignorance of the law.

66. This is especially noticeable in Bond (2008), but the broad grouping of matrilineal and patrilineal groups as well as the assumption that exclusion of wives from inheritance is a root cause and/or evidence of women’s inequality is a common framing in research into PNDCL 111, including in the important, direct research of Fenrich and Higgins (2001) and in the two volume Women and Law collected works edited by Akua Kuenyehia (1998, 2003).
Bond’s analysis is based on secondary research; to make her case, she has relied extensively on the work of Ghanaian feminist legal scholars and activist literature. As such, her interpretations demonstrate the overall direction and framing of the issues of gender and family law in Ghanaian academic discourse. In this literature, there is a tendency to bracket customary law and kinship as “traditional” norms or practices that “persist” despite modernizing changes. In the worst cases, “tradition” is assumed to encompass all practices that create gendered injustices and then gendered injustices are shown to be perpetuated by the persistence of “tradition.” For example, Kutsoati and Moark (2012) use a problematic generalization of “tradition” and “custom” to organize their (otherwise quite important) survey data. Their research was designed to investigate how women’s knowledge of the law affected “ownership structure of the family assets” (20). When they find that a surprising number of matrilineal women who knew about the law nevertheless settled their inheritance according to “traditional lineage or religious customs,” they conclude that “presumably much or all of the estates passed to the lineage in both cases” (22). However neither my nor others’ ethnographic research supports such a conclusion: counter-examples can be found in the contemporary situations I discussed in chapter 5, as well as in Ghanaian anthropologist Victor Gedzi’s (2009) comparative study of matrilineal and patrilineal Ghanaian widows’ inheritance, and Allman and Tashjian’s (2000) historical work (discussed in chapter 5). All of these studies show that in particular settlements, decisions that are conducted according to “customary” practices cannot be assumed to exclude widows, nor can such exclusions be assumed to be “traditional.”

At the time of my fieldwork, the rights of the husband’s abusua to his property were the most widely and uniformly acknowledged; however, people made frequent reference to the assumption that wives and children who had worked with a man had a moral right to some compensation in property and security that was recognized in “traditional” custom, as well as to
the rights granted by legislation such as the PNDCL 111. One such comment came from Joseph. I met him at the market one day, and arranged for an interview at his home later. He was embroiled in a dispute over a building that had been willed to his mother by her father. It had gone to a Queen Mother’s court\(^67\), but after an unsatisfactory result there, he and his siblings had decided to take it to the state court. He invited me to come with him to watch the proceedings, but their court dates were continually adjourned and rescheduled during my fieldwork (a common difficulty with cases brought to the state). In our first interview, he told me:

> The tradition requires that once the wife and the children have been with the man for some time, and they have toiled throughout their lifetime before the man passed away, something should be given to the wife and the children.

Joseph’s comments specifically assert that giving some property to the wife and children is “traditional.” He links “toil” and time to these rights, themes which appeared throughout my discussions on Asante kinship. This comment gives some insight into why, in general terms, most people feel the PNDCL 111 is good in its intention, if not its actual execution. Giving property to the wife and children fits with both values and actual practices of Asante matrilineal kinship, specifically with the notion that kin relations are made stronger through time by mutual struggle, help, respect, and reciprocal exchanges. Joseph’s historical claim suggests that the socio-moral conflict over the rights of wives is not in the question of whether wives have the right to benefit from their husband’s property after his death; it is in the weight that their mutual toil and the passage of time is given compared to the weight of implied and unalienable mutuality in the abusua; in the standardization of that recognition; and in the complications created by the joint acquisition of property by husbands and wives.

In another interview, Ennoch Manu makes a similar historical claim that the rights of a

\(^67\) He did not specify which Queen Mother.
wife and children to a man’s properties did not originate in the post-colonial legislature, but are in fact a long-standing part of the moral and social practice of Asante kinship. He suggests that the PNDCL 111 solves a recent problem of a man’s *abusua* protesting against the legitimate sharing of property between a man’s wife and children and his *abusua*:

That used to be the practice in the olden days: the nephews got some and the children also got some. But it got to a time that the family (abusua) always protested when some of the property was given to the children. So since that [PNDC] law was passed, when you share your property, the greater part goes to the children...so they [the lawmakers] wanted to take everything from the parents and give to the children. But now you, the one with the property, ought to realize you are from a family and it was the family that brought you up so you should let both parties enjoy your property.

While both of these speakers assert the historical legitimacy of granting the widow and children a share of a man’s property, they and most other people I interviewed saw the granting of these property rights as something that is, in practice, most often decided by the involved *abusuafoo* rather than enforced as law. The counter-assertion that a man’s *abusuafoo* and particularly his successor have historically had the primary and most significant right to his property was widespread at the time of my fieldwork; but in light of the historical evidence presented in Chapters 3 and 5, both of these positions can be understood as describing the contested terrain of kinship and marriage over the 20th century, and acknowledging the historical variations that this contested “tradition” produced. In light of both the historical evidence and the contemporary diversity in claims to what “tradition” and “custom” are, statements that an inheritance settlement was done “customarily” cannot be taken as evidence of any particular outcome. If anything, an inheritance settled “customarily” suggests the inheritance decisions were made and finalized at the *akontabuo*. “Custom” here is a process, not

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68. Note that, as discussed in Chapter 5, granting a wife or children property was usually done through *in vivo* gifts. Goody (1969) has argued that we should treat such gifts as inheritance, an argument that is bolstered in the Ghanaian case by the fact that such gifts have frequently been the subject of disagreement at the point of inheritance, despite the fact that they were made during the owner’s lifetime.
Kinship is not simply the “cultural context” or a set of backgrounded beliefs about inheritance and property holding; it is integral to the claims-making process. Although, as I showed in chapter 5, there are relational acts such as help, service, and reciprocal exchange that form the substance of many claims, these acts are framed in terms of kinship, and kinship is reconstituted and changed through the process of claims-making. The aggregated acts of kinship form a history that then becomes the context on which claims-making can draw. Similarly, “custom” and “tradition” are dynamically created through the making and recognition of claims, through the outcomes of these claims, and in the subsequent classifications of certain claims or outcomes as representative of “tradition” or “custom” or some other category. Claims to “tradition” are claims to legitimacy, and they are situated and intentional, as Joseph’s comments suggest. He invokes “tradition” to support his position, asserting that reciprocating a wife’s toil with a part of a husband’s self-acquired property is a legitimate and long-standing practice.

In the following section, I will discuss the range of inheritance claims and issues that I encountered as they relate broadly to Asante matrilineal kinship categories and practices, and to the ongoing production of different types of property. I will show that women struggle to make their claims from many different positions, not just as wives, and that the categorical rights and assumptions associated with matrilineal kinship can offer some women the basis of their claims. In the final section, I will look at the stories of widows to ask what, if not the type of marriage or matriliney *per se*, contributes to the undeniable difficulties that women as a group have in asserting and maintaining their ownership of property.
Negotiating inheritance

Polarizing the frame between “traditional” gender-oppressive versus “modern” gender-progressive modes of inheritance obscures one of the most important facts about inheritance disputes: that they are often between women. It was quite common in my research for people to tell me that the problems that widows faced originated in relations between women. Several people claimed to me that sisters and mothers were the ones who, before the PNDCL 111, had descended upon a man’s room and cleared out his belongings, driven his wife and children from the compound, and locked the door. Most of the disputes of widows I encountered personally involved co-wives on opposite sides: one wife had the support of the husband’s family and the other did not. While none of this contradicts the argument that women are disadvantaged compared to men with respect to property rights, it has important implications for understanding both the causes of and changes to this inequality.

The fact that inheritance disputes are often between women brings up an interesting and difficult question: do women ejected from their homes at the time of their husbands’ deaths turn around and eject their brothers’ wives? Perhaps not surprisingly, I gathered no stories from the perspectives of “ejectors.” No one came forth with discussions of how and why they had driven people out of their homes, although one woman (whose story appears towards the end of this section) described how her grandmother had successfully ejected her brother’s wife and children after his death. Although the story of sacking describes disputes as being between women, mediated by their relationships with men, when women spoke to me about their experiences within their own mmusua—that is, about their experiences from the position when they could have “sacked” a brother’s widow—most often their stories were of sisters and mothers who had to struggle to maintain their property rights among siblings; in these stories of actual experiences, wives were often tangential.
Inheritance is negotiated primarily between groups of people, rather than individuals, meaning that women’s position within their inheritance-negotiating group can be as important as which group they are in. In fact women who are disadvantaged as wives may also be disadvantaged within their *abusua*, depending on the power and status of their *abusua* and their own place within it. Allman and Tashijain (2000) argue that the changes in marriage over the 20th century have resulted in married women becoming more isolated from their *abusua*, something which I found was often apparent in the stories women told me. Women experiencing such isolation might have difficulty engaging *abusua* support when they themselves were widowed, and were also unlikely to be in a position to eject their brothers’ wives. In the rest of this section, I explore women’s experiences within their own *mmusua* to give a sense of the range of inheritance and property disputes that can affect women in a variety of roles beyond “wife” or “father’s daughter.”

**Types of property and categorical claims**

What property *is*, what meanings it is given and what consequences those meanings have, is important to interpreting inheritance claims. In her study of Asante property and customary law over the course of the 20th century, Sarah Berry argues that property is a type of social relation (Berry 2000, xxii). Similarly, Deborah Pellow argues that spatial and social relations are co-productive, and that the built environment “does not just exist as a background or setting” (2002: 3). As discussed in Chapter 2, “place” is a significant social concept which helps define both belonging and authority. The “place” of the neighbourhood can be somewhat nebulous, its boundaries and social relations contextual, as in the cross-cutting ways that the Smith family and their renters formed singular and multiple groups in different contexts. In *abusua* and marriage, place and property are connected as houses, farms, and buildings that are
formed by a variety of social factors, including initial investments and purchases, labour that develops property (whether it be a house, a farm, or a business), and labour that sustains those who invest in and develop property.

Together with the concept of property as co-produced by the social, I consider David Graeber’s (2013) concept of “value” as having different meanings in different social universes. Graeber has argued from a Marxist perspective that for most of human history, wealth has been a means by which life is realized, rather than the other way around. Thus, life rather than wealth is the product of labour—not just the individuals, but the social life that they create together. When “life” is the value that people pursue, wealth is part of the means to produce both people and their lives, but it is not itself the goal. From this perspective, the problem of inheritance is in the potential separation between wealth and the lives it has supported. Thus, as I suggested in Chapters 1 and 5, matrilineal inheritance and succession are a means by which all of the interrelations between productive groups of people and wealth can be potentially maintained even after an individual’s death. The different value-objectives of life and wealth contribute to the ambiguity of property and inheritance. The coproduction of property and social relations is not limited to one type of value, but what meaning is given to these interconnected factors varies, as described in Chapter 5.

While people certainly also conceive of wealth in more capitalist terms, as an ends in itself, the idea that labour produces people is clearly expressed in the common assertion that people’s capacity to obtain wealth is produced by those who cared for them first: parents, sibling, abusuafoo. Family property, in particular, is seen more in the terms Graeber describes, as the means to producing value as life rather than value as wealth. This is particularly clear in looking at inheritance claims, which construct property almost entirely in terms of kin relations. Property is both produced by and productive of kin relations: the group efforts of one’s parents
and siblings, one’s *abusua*, and one’s spouse and children can contribute to property both
directly and through capacity building. So, if a man purchases a property and then develops it,
he does so because of the care given to him by his *abusua*, the education given to him by his
father, the labour and care provided by his wife, and so on. Property comes into being and
constantly changes, then, as the product of kin relations. And because property is also an
important source of income and security, a well-produced and well-managed property helps
produce the capacity of the people it supports, generating a new cycle of capacity and wealth.
Thus, property and kinship become inextricably wound together in mutually productive and
emergent relations.

These ideas about inheritance came up in a multitude of contexts, and were shared by
women and men. While interviewing Auntie Ama and Auntie Mary, two of the Smith sisters,
about Opanin Smith’s funeral, they reflected on their own roles as both wives and sisters. They
felt that their brother had divided his farms “the right way” (see Chapter 4) and that it was right
of him, and the *abusua*, to give the senior Widow Smith a room in their house until she died or
decided to leave. The children who had been living in the *abusua* house had been given a year to
find new accommodations, a decision that both the sisters and the widow agreed was not the
same as “sacking” them.

During this interview, Auntie Ama reflected on marriage and *abusua* relations, and
inheritance:

> The man, it’s not right for him to give everything to his wife and children. He was given
> birth to by a woman, and he belongs to a family. For instance, my husband is married to
> me. He has brothers. He has other family members. If he decides to give me all his
> property, I would tell him to give some to his extended family members.

> I believed her; she specified that he should give “some” property, not all, and her
> comments reflected the common understanding that one’s success in life does not begin in
adulthood but at birth, with the care and opportunities that one’s parents and other kin give. Asante people value this contribution, and in general, few accept a construction of property or inheritance rights that assumes an adult individual acquires or produces property independently of their kin and marital relationships, statuses, and circumstances.

When a property owner dies, however, these relations are disrupted in a way that requires repair. To some degree the multiple, co-productive relations of kin and property must be unwound into discrete relationships and specific claims so that they can be remade. Customary and statutory law are tools which can be used to this end: they provide relational categories and attendant rights that can be used to classify relations between people, production, and property.

There are two legal types of property—self-acquired and family—which are subject to different categorical claims. Family property can only be inherited within the abusua, and is, in theory, for the benefit of all members (although in practice some members often benefit more than others). Self-acquired property is that which a person acquired, through gift or purchase, in their own lifetime, without the aid of any family members; it is self-acquired property that the PNDCL 111 applies to. But what became clear over the course of my fieldwork is that classifying property as either “self-acquired” or “family” is not always a clear or uncontested process. Later in the interview, Auntie Ama stated that a wise man builds one house for his mother and one house for his wife. The house the sisters themselves lived in had been given to their mother by their uncle (wofa), and now belonged to the children of their mother jointly. During this interview it became clear that although property in Ghana is legally divided up into the two broad categories of “self-acquired” and “family” (abusua) property, there is a sort of intermediary property created as people jointly develop property with their siblings, mothers, and uncles within the abusua. This sort of property does, over time, become “family” property as people inherit it, but how that transition proceeds can cause conflict. I had many stories in
which it was property co-owned by *abusua* members, usually a *yafunu* group, that was contested.

I was witness to an emerging dispute over this type of property (although not in an inheritance setting) once when I went with my friend Nana to his home town in the outskirts of Kumasi. He and two brothers, along with two mothers began an animated argument, mostly between Nana and one of the brothers. He explained to me later that his mother and her sisters owned some property together with their children. One of the children was also the *abusua panin*. He was trying to reclassify his interest in the property from one of joint *yafunu* ownership (individual property, jointly held) to one of *abusua* ownership (family property) in which he, in his role as *abusua panin*, would be the full custodian. Nana was disputing his right to do so, saying that this was a property they all owned together before his *nua* became *abusua panin*, and thus his *nua* was no more authorized to make unilateral decisions about it than any of them.

I have several stories about attempts to reclassify property. Although I was first introduced to the concept through the lawyer Eudora Oppong (see Chapter 4), who suggested it was common for *abusua* members to claim that self-acquired property was in fact *abusua* property, in my interviews I also heard several stories of men trying to treat family property as self-acquired. In the following two stories, the two women I spoke to give some indication of how this might happen within a particular *abusua*. It was early in my inheritance survey, and I sat in a compound courtyard with two women and a few other onlookers who listened to the interviews and occasionally interjected. Both women told stories from their own *mmusua*, the first a dispute between siblings, and the second of a man who tried to reclassify the family property he had been given as an individual property and will it to his children. In both these stories, male *abusua* kin asserted their claims over female *abusua* kin, and in both cases they attempted to transfer the property they had taken from their *abusua* kin to their children. In the
first case, the woman who succeeded was not able to prevent her brothers from claiming a portion of the land she inherited, but she was able to stop them from willing it to their children.

In the second case, no one had disputed the man’s right to the family land during his life, but it was a group of women who successfully stopped him from willing the property to his children:

W- My grandmother died and my mother was made to succeed her. She had no will.
C- Were there people who were protesting to it?
W- My uncle said he was going to share my mother’s inheritance with her because he is the first son, but my mother is the first born.
C- Did all the people agree to the way the property was settled?
W- After my mother had been the successor my uncles said my grandmother said wherever any of them could weed to, the person should take that portion. So some ended up getting bigger portions than others and that led to conflicts.
[Later] my uncle said he would write a will for his children to cover his portion. The women did not agree and so sent them to court.
S- So they all accepted their portions in the first place?
W- Yes but the men decided to give their portions to their children. So the women disagreed and sent the men to court for that. The court ruled that the land is a family land and so belongs to the women, because of the matrilineal inheritance system.

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Historically Asante normative inheritance is same-sex—that is, a son should not inherit from a mother when a daughter is available. However, both Mikell (1989) and Okali (Okali 1983) have found that over the course of the 20th century, women have had difficulty keeping control over valuable property, particularly farms, they inherit. Mikell (1989: 122-127) found that women are less likely to divide their property during their lifetime (as Opanin Smith did) thus making it more likely to be claimed as abusua property after their deaths. This seems similar to the case here: the mother had no will, and her son tried to use his position as the eldest male to claim a portion of the inheritance. When that did not succeed, the brothers collectively (and successfully) claimed that their mother had given an instruction about how to divide up the property.
In the same compound, a second woman told us a story of a property that had been contested in her abusua. The interview is convoluted, so I will summarize the story: Yaw succeeded his uncle, who had owned considerable self-acquired property, and also managed family property. Yaw’s uncle willed his self-acquired property to his children, and Yaw succeeded his uncle in caring for the family property. There were no disputes at that time about the will or the succession (notice that in the background of this story are children who received a man’s self-acquired property without dispute). The woman telling us the story defined the family property as being that which “someone else acquired… and he was taking care of,” which was a common definition of the relationship between family property and succession—the “someone else” in her statement is an ancestor, and the “he” is a successor that referenced both Yaw and his uncle. The relationship here is one of abusua property and caretaker rather than individual property and owner.

But, although Yaw had inherited this family property from his uncle, he wanted to give it to his children. In order to do this, he had gone to a chief and was trying change the documents associated with the property, presumably to make it appear as an individually owned rather than family property. When the woman got to this part of the story, another person in the compound courtyard who was listening interjected “Can you give a family property to your children? That would not work.”

But, the woman explained, her mothers found out and the case was sent to court (she did not specify customary or state). The mothers were able to bring documents to show that the property was a family property, and so it remained in the family. At the time we were told the story, Yaw had recently died, and it was unclear whether his attempts to give the family property had come to light and been resolved before or after his death. Since his akontabuo had not been performed, however, it was clear that it had been resolved in time for the women in the abusua
to assert their claim before the final distribution of property.

It is not clear in either case whether the widows and children of the men who were trying to reclassify the land received anything; it is possible these men did not have self acquired property of their own. Particularly when considering the positions of these backgrounded wives, the ways in which property, kinship, and marriage are configured into complex arrangements of relationships, rights, and responsibilities is apparent. In such cases, the wives may have helped the husbands on the family properties only to be left with nothing if they do not receive self-acquired properties. Yet, the sisters owned these properties with the men, and they themselves had also worked on them; potentially, these may have been the sisters’ only properties, if they did not have their own self-acquired properties, or have access to husbands’ properties. Neither of these cases break down into the sort of clear-cut “inequality” that is assumed in assertions that the PNDCL 111 offers women a “clear” advantage over matrilineal inheritance. In both these cases, sisters’ abusua rights offered an advantage, and they successfully maintained at least some control over the land through the system of matrilineal inheritance.

The problems that women face at the time of inheritance are not created by inheritance rules or particular categorical claims, but by an entire context of meaning, values, categories and processes that begin before they are born and continue after they die. In the cases of both the sisters and the wives above, their unequal position in relation to men may be evidenced by the distributions of family and self-acquired property, but it was not created by it. Their potential conflict with each other, and the sisters’ conflicts with their brothers, were configured not by inheritance rules, but by the larger context of values, “customs,” law, history and particular interpersonal relationships—all of which put sisters and wives into situations where they labour on land that only one group can continue to own after a brother’s or husband’s death. In these stories, the sisters’ struggles to maintain control over family property were shaped by the
assumptions of male ownership, the expectation that family property is for the benefit of all and the consequent ways in which it is developed and maintained, and the obligations of labour that flow from sisters and wives to brothers and husbands. When sisters claim a property as a family property such claims reflect not an “attachment” to customary practices or values, but lived realities that have shaped women’s (and men’s) opportunities and lives since they were born, and which have constructed the very properties in question.

**Siblings, past relations, and righting wrongs**

In fact, difficulties between siblings, or within *abusua* relations, were quite common in my inheritance interviews, and these cases could as easily involve an inheritance from a deceased woman as from a man. In the following story, an elderly man described his role in his sister-in-law’s *akontabuo* and the strife caused by her informal will. The woman had three daughters, and two rooms in a compound house. Before she died, the man’s sister-in-law had been clear that the daughters who had helped her should get the two rooms. He had been a witness to her statements, and had a “simple note” to read out at her funeral. The eldest daughter objected, on the grounds that she was the eldest, but she was unsuccessful:

M- My wife’s elder sister died last year 27th December. She had two rooms and three children. She considered the younger two. They were trying to help her when she fell sick. So she made it known. Without a will she made it known to all the people in this area that if she dies, everybody should see to it that the two rooms go to the two children and left behind the elder one. So she took me as a witness and just wrote a simple note. On the 40th day, the family members gathered. They called me to read it. In fact, still I am one of the enemies of that elder child. Although I was not the one who did it but because I was the one who read it, I’ve now become an enemy to her.

C- And this eldest child, she argued about?

M- Completely, she was not satisfied because she was the elder.

C- So she said she should get because she was the eldest, or?

M- The mother said she didn’t help her so there was no need to give her part of the room.
C- And then [the eldest daughter] said what?
M- She said she was not satisfied. But the witness came and testified that the woman said it and so it came to the point that they gave the properties, the two rooms, to the two children, exactly what the woman said before she died.
C- But now the oldest daughter is angry.
M- She has found a way out.
C- Is she also angry at her two siblings?
M- They are enemies.

... 
C- So it’s caused a permanent thing in the family.
M- Yes.

... 
C- Do you remember what she said, what her objection was specifically?
M- She told me that she was the eldest, so she is supposed to take it. And according to the meaning of the will, it is my own will that I’m giving you. So if [the person who wrote the will] had any favourite, she can give it to her, even your servant, you can give your properties to your servant provided she helped you before you died. This is how the eldest stood and judged it before they gave it to the two;
C- And was it decided at that meeting, well everybody said this is the will and this is the way it should go so;
M- Once the woman had said it, they had to abide by it.
C- So it never went outside the 40th day [the akontabuo]?
M- No, that was the end. Although she did not agree, that was the end.

In this case, a mother had decided to reciprocate the help that her two younger daughters had given her, and leave the oldest out. By doing this, the woman asserted that the moral claim her younger daughters created through their help was greater than the claim of the older daughter based simply on her status as eldest. The deceased woman’s informal will was supported by the her abusua at the gathering, and the eldest daughter was unable to gather any support in asserting her hierarchical status-based rights in light of her failure to provide help during her mother’s illness.

69. Here I am leaving Stella’s transition intact, but I understand the man to be saying that the definition of a will is that one can distribute one’s property however one wants (according to one’s own will).
The following interview suggests the ways in which disputes between siblings can have ongoing and future ramifications. In this case Afia and her father’s sister were in disagreement. The disagreement came from the fact that the man who mediated their relationships, the deceased father/brother, had taken his sister’s share of an inherited property. Afia was a middle aged woman who was struggling to get by after her father’s death. She remained in the room she had grown up in, in her father’s family house (abusua fie). Although his abusuafoo had not asked her to leave, she had not been able to keep the portion of a farm that her father had inherited from his parents (this is the type of intermediary property that is not clearly either “abusua” or “self-acquired”). After the interview she asked me to give her start-up money to sell used clothes, which was more than I could afford. Later she began selling fried yams, but within 3 years of this interview, she had died.

A-My father’s parents gave birth to only two. My father is the elder. The farm was given to the two of them, but at a point in time, my father took everything. Then, when my father died, his sister went and realized that my father had taken everything. And then she said that was cheating, so she decided to take everything, but I did not try to fight or protest to that, because she has given me a room in which I’m living now.

C: And she did that because you have a good relationship?

A-I’m still living in that house because that is where I was born and raised. So if my father is dead, they will not sack me from the house. That is why I am still there. She didn’t decide to drive me away.

C: So it’s better to keep peace and keep the room than fight over the cocoa farm?

A-If I had money, I would have left the house to go and rent my own place, and then summon her before court on the farm. In order to get my farm back. But I don’t have any money, so I just have to stay quiet and stay there, as I am.

[After I stop the tape, I tell her I can put her in touch with people who might be able to help her bring her case to court, and she refuses, saying it was too long ago, and she just needs to move forward and start a business now.]

In this short interview, we can see several things: although Afia does not go into detail about what had happened between her father and his sister, it is clear that in this sibling relationship, he had taken more than what was allotted to him. Had her father shared the farm
properly in the first place, it is still possible that his sister would have claimed it as her rightful inheritance and tried to take it over; but it is also possible that the abusua that had never threatened to evict Afia from her lifelong home would have given her continued use-rights or even ownership of her father’s portion of the property.

It is significant that the daughter’s loss was precipitated by her father’s “prior act” (Lambek 2011: 4) of seizing the entire property, in which his sister had a half-share. As Lambek suggests, acts which are ethical are constitutive of kinship relations, not because they are “good” but because they have “consequences for the future borne by what is accomplished, as the act casts itself forward onto subsequent practice” (ibid.). The father’s seizure of the property had consequences at the time of his death, when his sister was able to assert her claim on the farm as a sister and abusuani (lineage member)—and as someone wronged by the deceased—over Afia’s claim as a daughter. Many elements were at play here: the active control of property in asserting ownership or rights in it, the differential claims asserted in the kin categories of sister and daughter, the relative power and dependance between the particular sister and daughter involved, and the invocation of reciprocal exchange in the righting of wrongs (her brother had taken all, so now rather than merely reclaim the half that was hers, the sister should take all). By looking at these different claims and the considering the prior acts which, like in Afia’s case, carry consequences into the future, we can see that the practices by which people settle inheritances are not simply property rights asserted and acknowledged against a background of kinship, a “playing out of the law” (Lambek 2011: 11). Rather, they are acts which constitute kinship and property relations themselves; once accomplished, they become the “prior acts” that enable new relations, and carry consequences that will affect future akontabuo.
Tacit approval and enforcing claims

In his consideration of acts of succession, Lambek (2011) draws attention to how kinship can be constituted through acts of betrayal and theft; he includes as constitutive of kinship “promises and breaches of promises, acts and violations of intimacy, and acts of forgiveness and revenge” (4) and later, “frustration and violation” (ibid.). He argues that the study of kinship must include the ways in which people end their relationships (5). At the akontabuo, one of the ways in which such ethical breaches take place is through tacit support, that is, when people refuse to intervene to prevent one person (or a small group) from an act of betrayal or theft. Such tacit support is perhaps implied in Afia’s story, since her father’s abusua did not intervene to protect her claim in her father’s farm. In the following stories, it is quite explicit.

Women’s ability to inherit as daughters and sisters is influenced by their power and position within the abusua (or other claims-making group) as well as by their gendered status. In the following case, Abena’s mother had died. Although we typically assume that it is men’s children who are disadvantaged by matrilineal inheritance, this case suggests that other factors are also significant. Perhaps not surprisingly, the economic value of the estate and capacity of the children to assert their rights can also have an effect on how they are treated. In this case, a sister of the Abena’s mother had stolen a number of her mother’s clothes before she died; and then after her mother’s death, the abusuafoo had sold off the mother’s properties and kept the profits. The dynamics of this case are not simply a matter of gender inequality; rather, Abena’s position as both a very young sibling and as a woman limited her ability to make claims on her mother’s property and relatives.

I met Abena while she was visiting in Kumasi from a nearby village. We chatted extensively, sitting at an egg-seller’s stand on a residential street lined with compound houses and small vendors. She was one of the only people I interviewed to identify her religion as
“Akumfo,” which Stella translated as “traditional.” She said that she had no job, but in the
period before the interview, the other women suggested that she was becoming a priestess
because since her sister’s recent death, her sister’s dwarf spirits had begun to “attach”
themselves to her. She did not speak to this claim directly, but focused on the events surrounding
her mother’s death instead.

A-When my mother died, she left three children. Three of her children, me and then the
two after me, are all very young and we all don’t have children. The one who inherited
my mother, before my mother was buried, she was always so good with us, around us.
After my mother was buried, she sort of washed her hands. She doesn’t care about us
anymore, so now we are just walking around.

...

C: Did [your mother] have an oral will?
A- She had a farm, a big farm, which the family has taken. But she also had a house, and
that house is where my other sisters are living, and that one she said that when she was
alive, no one should touch it, it is for my children. So it’s a part of an oral will.
C: Does she have three children?
A-No, ten. But they are all grown up, but from myself to the last, we are the youngest.
C: Has the mother’s sister taken the house?
A-No.
C: Do you live in the house now?
A-No. I don’t live in that town, but my two younger sisters live there with the eldest
brother.
The woman, my mother’s sister, took all my mother's clothes.
C: Was this what the family agreed to at the meeting?
A-My mother’s sister started stealing from her while she was alive. She was the one
sitting with her and taking care of her, and anytime she said that she was going to meet
her husband, she took one of the clothes and stuck it in her armpit and went to sit in the
car. So she started taking it one after the other until everything was gone, and we
wondered who had come to steal.
It was on the fortieth day that they called her to be the one to succeed, because she
comes after my mother. But it was some of my own mother’s sisters who said that she
should inherit. Then the farm wasn’t given to anyone, but the elders in the family started
dividing portions and selling out.
C: Did they share the money?
A-Nothing, nothing was given to us.
C: would you ever want to take this case to any kind of court?
A-I’m not the eldest child, so I don’t plan to take the case to court. It’s the eldest who should have made a move for us to support him. But since he hasn’t, I’m also just a [she trails off with a gesture].
C: Have you yourself wanted to?
A-No, I wouldn’t want to fight over it.
C: What would happen if you fought over it?
A-They will kill me!!
[I talk to her about her legal rights]
A-I know that is possible, but I don’t want to fight over that, I just want to focus on getting my own for my children.

This interview highlights several ways in which both position and relationships within an abusua can result in poor inheritance outcomes. Abena and her two younger sisters were still dependants when their mother died, rendering them among the least powerful members of their abusua, with the least basis for making claims. Their lack of power is reflected in the fact that their mother’s sister’s pilfering was tacitly accepted, in Abena’s inability to make claims on her mother’s farm land, and in her unwillingness to bring a case to court, which she sees as the responsibility of the eldest (perhaps not coincidentally also a brother).

Abena’s fear that her abusua would kill her if she pursued the court case was rooted in her understanding of her own power and position, socially and spiritually. This understanding was based on the concepts and expectations of kinship. She did not conceptualize herself as a woman having independent rights and claims, but as a sister and a daughter whose rights and obligations were configured by her position in her family. Her mother’s sister had stolen from her mother, and then had failed to meet her obligations as the mother’s successor in the care of her young children. The successor’s theft and failure to care for the children had been tacitly accepted by the abusua, suggesting that Abena was unlikely to be supported if she complained or tried to redress these actions. Her vulnerability vis-a-vis her abusua had been
made quite clear in the successor’s bad deeds and her abusua’s acceptance of them, leaving her unwilling to risk herself by protesting against the sale of her mother’s farm. While the young woman’s marginalization is not unrelated to her gender, it would be a mistake to summarize these dynamics as the simple result of “patriarchy” or to suppose that they were somehow defined by “traditional” customs and social values that were segregated from those of the “modern” state. The successor’s actions were breaches of kinship—both her theft and her failure to care for the dependent children who had become her responsibility—not traditional customs, for example, and the abusua sold the farm and kept the profits because of its economic value in the contemporary capitalist market.

In fact, the tacit acceptance of bad deeds or unethical actions was a repeated theme in stories of women who were disadvantaged during an inheritance. At the egg seller’s stand where I interviewed Abena, I also interviewed Kate, the egg seller herself. Her story was astonishing, one of the few in which I heard of a widow being “sacked,” although that detail was momentarily lost on me in the larger story of a grandmother who contravened all succession and inheritance norms to claim her grandson’s property. Kate’s grandmother had successfully claimed to be her grandson’s successor, threatening to kill any who disagreed with her:

C- Can you tell us your story?
K- My brother is deceased. He died intestate. So when he died, the old woman, my grandmother seized all he left behind, even his underpants. She claimed that she was the successor. She evicted the man’s wife and children from the house.
S- So how did it end?
K- Well, she’s taken over everything.
C- Did your extended family agree to your grandmother’s actions and why did they agree to this?
K- Yes they did. Because the woman threatened to kill whoever challenged her actions.
C- Did she say why she should inherit?
K- She said she was staying with my late brother. And because she was living with him, she had to succeed him.
C- Was this decided at [the akontabuo]?
K- Yes.
C- What was your relationship like with your brother’s wife?
K- We were cordial, very cordial. Even till now.
C- Has the extended family, other than the grandmother, done anything to help take care of your late brother’s wife and the children since your brother died?
K- Nobody minds them. They are all in the village.
C- Does his daughter live with you?
K- Yes, there are many children. So I brought her here to live with me so I could take care of her.
C- What is your opinion of what happened concerning your grandmother?
K- I have no thoughts on this. Whether she is a witch or not, I don’t know. After all, we all will die and leave behind these material possessions so she can go ahead and keep everything to her.

After I turned off the recorder, I told her that I had never heard of such a thing happening. “No one has!” she exclaimed in reply. She was incensed about the incident, but hesitant to talk more about it. I followed up with her, hoping to learn more about her grandmother. She avoided talking about the actual things that had happened at the akontabuo, though, and focused instead on how her uncle was failing to follow through on the agreement that had been reached. She explained that her brother’s funeral had a profit and it was agreed at the akontabuo that she should receive it because she had been the one caring for him. However, her uncle had failed to give her the money:

C- How did the family gathering of your brother’s funeral go?
K- We sat on the Monday to make accounts. We got some profit and someone got away with it.
C- When it was announced that you had profit, what happened, how did people respond?
K- Everyone was happy. When you organize a funeral and you don’t incur any debt, everyone would be happy. So they said I should be given the money to work since I was the one who cared for him. [My uncle] agreed to give me the money but he did not give it to me there and then and we did not see him the following day. He had run away with the money.

...
C- How did he run away with the money? Was it physically or he convinced other people to let him take it?

K- He told me he was leaving and that he was going to bring me the money the following day. And he did not come back. When I went to him for it he said there was a mix up with the money but I should take my time and that he would give it to me.

C- Did you ever try to bring this up at any family gathering or with anyone else in your family who had witnessed the agreement?

K- They are all aware. I told them.

C And how have they responded?

K- They said I should be patient and I have been patient and I have waited but I saw that nothing was going to come out of my being patient. One woman gave me some items on credit to start this business with. I have been managing with this.

C- Has this affected your relationship with your family?

K- I am not on very good terms with them because of that.

Kate clarified that she was on good terms with her yafunu siblings, two bothers and two sisters. She cared for one of her deceased brother’s children, and her siblings were trying to help her with the situation that had arisen with her uncle.

In this case, the grandmother was able to acquire the property left by her grandson, not because of either “traditional” or “modern” custom, but because she used a combination of claims about her residence and threats to kill those who disagreed. In the background of this story is the widow who was sacked and left without access to her husband’s estate. But, although Kate did not want to risk herself by opposing her grandmother (and has little power in the abusua as evidenced by her inability to get the uncle to pay the money he owes her), she maintains a good relationship with the widow and helps her in the small ways that she can, such as by taking on the care of one of her children.

One conclusion of these varied stories is that in particular cases, some women experience exclusions while others are able to maintain or increase their control over property. When researchers focus exclusively on widows to understand women’s experiences of inheritance, these dynamics among women are far less visible. Here we can see that the tacit
approval of the *abusua*, frequently manifested as an unwillingness to intercede in a dispute, can significantly affect the outcome of a claim or dispute. But tacit approval does not necessarily mean that “custom” is followed; in Kate’s case, the custom is that one of her living brothers inherit her deceased one (and that the widow would be helped in some way), and that the agreements of the *akontabuo* would be upheld. In this case, tacit approval had the effect of leaving the property with the person who was currently in control of it: the brother’s house with the grandmother living there, and the funeral profits with the uncle who had collected them.

**Understanding the “barriers” to women’s legal claims**

In Kate’s story, both she and her brother’s widow were denied their share, one by an uncle, the other by a grandmother. In both cases, the larger *abusua* tacitly approved by refusing to intervene. It might be tempting to account for this refusal as “superstition” or “belief” about the ability of the grandmother (and perhaps the uncle as well) to cause spiritual harm to the other members of the *abusua*. When assuming that the PNDCL 111 is, despite its flaws, obviously better for women than matrilineal inheritance, people’s fears that their relatives will kill them in disputes seem like superstitious barriers to taking claims to courts. This assumption gets incorporated into the analysis in terms of “attachment to” or “persistence of” “traditional customs” that impede the progression from matrilineal to conjugal inheritance (Kutsoati and Morck 2012; Fenrich and Higgins 2001). In his ethnographic research comparing matrilineal and patrilineal widows’ experiences in Ghana, Victor Gedzi summarizes the barriers women face as related primarily to

the fact that many people... are either ignorant of or have virtually refused to use PNDC Law 111 on intestate succession. In addition, poverty, high service fees, fear of spiritual reprisals from the family, family, community pressure and the strong moral sense not to air family issues in public pressure many women... not to take their deceased husbands' family members to formal court when the latter infringe on their inheritance rights.
While I also heard many of these reasons not to pursue a claim, these factors in and of themselves were not generally enough to keep women (or men) from pursuing cases. The people who were least willing to take a case to court were those who had been least supported by the decision-making mmusua at the akontabuo. By looking at the multiple subject positions of women and men in inheritance decisions, and at the ways in which people construct and support their claims, it becomes clear that fears about spiritual attacks emerge when the members of an abusua are behaving unethically, either through their direct actions or through their refusal to intercede which gives tacit support to another’s unethical act (as in both Kate’s and Abena’s cases). People do not want to go to court as individuals, and any indications that they do not have their abusua’s support to go will often be expressed in terms of any of the causes that Gedzi listed.

This became particularly clear to me in two extended interviews with a woman named Mary, who had succeeded her very wealthy sister Eunice. Eunice’s life and marriage were quite unusual: she had several businesses and properties, she supported her husband who did not work, she had excellent relationships with his children by other women, and she had written a will, which, baring a few tokens to namesakes and a gun to her husband, left her extensive properties soley to her adopted son. Since her death, Eunice’s husband had taken control of the property, and was rapidly dismantling the businesses and selling the assets. Mary, in her role as successor, felt a strong obligation to protect the interest of Eunice’s son, but although she had been planning to pursue the case when Stella and I first met her, at our follow-up interview about a month later she informed us that she had abandoned her plans. In her explanations of why, she touched on many of the issues which are commonly listed as barriers. However, her multiple, overlapping reasons for not pursuing the case reveal an analytical process rather than
simple barriers, one that considers the consequences of Eunice’s prior acts and Mary’s current relations.

In the first interview, Mary had mentioned in passing falling on the roadside on her way back from visiting Eunice’s husband and son, explaining that she had been recovering from the fall and that was why she had not returned to see the man or talk to her nephew. In the follow-up interview, that fall had taken on new significance. She had reflected on it and other events, and come to the conclusion that the man was attacking her spiritually. This was, initially, the reason she gave for not pursuing the case, but as the interview continued, she also explained that her *abusuafoo* were not supportive:

C- What about the uncle you said you would see?

M- I went to my nana and we both went to see the man with the will. My mother has only one male child but he is abroad. And when you are in a family and you get into trouble and you have no man, that is a brother from your mother’s side who will to defend you and it happens that you have only your grandparent’s brothers, they are not interested in the matter. When I went with my nana to the man with the will, he suggested we take the man to court. And my nana keeps postponing it. That is why I have stopped perusing it.

One of my sisters told a lawyer about this case and he said [Eunice’s husband] has cheated us and so we should take the matter to court. I would have to testify but I will not. You know how some Asantes are, they will let me testify and fight with the man, there is nothing that I will say that will not go to prove his guilt. It is after the whole case is over that my siblings [mmua] will kill me so they take everything and then all my toil will be in vain. So I will not go.

S- Who did you say you went to see your nana with?

M- After my sister wrote her will, she made her father’s friend sign it. He is the one I went to see and he told me, “oh! I have searched for you so long and not found you. I want to help you to take the case to court because the man has taken what is not his. Everything he has taken is not his and so he has stolen.”

But when I think about [the roadside fall] then it scares me what might happen when I decide to contest the case. If God doesn’t help me, he [Eunice’s husband] will just take my life. Also since he is now in charge of my sister’s work, he could easily bribe the magistrate or the lawyer and they will spend the money and keep telling you to go and come. And I also do not have money. Right now I am not even working. I am at home. It is God who makes my children send me money so I use to care for myself. If I am going to litigate this case when even the property doesn’t belong to me or any child of mine;
[to Stella] ask her for me if it is good for me to fight over it. Ask her for me.

C-No

M-So I have stopped following it. If it is for my child, then I know he or she will take it if I die in the process. But this is not for my child, so what is the need in fighting for it?

Mary’s narrative is important because it reveals her decision as one that is not easily reduced to fear of spiritual retribution, economic hardship, lack of education, or any of the other factors that are often sited as reasons why women do not bring cases to court. She tracks between gendered explanations (she needs a brother’s help), spiritual explanations (either Eunice’s husband or her own siblings will attack her), and economic explanations (Eunice’s husband has de facto control of the property and can use it for bribes and legal expenses; she doesn’t have her own source of income or money to pursue the case). These back and forth explanations of why she should not pursue this case reflect a process of interpreting her position vis-a-vis the various agents and the relationships in which she was involved. Although Mary felt the will was clear, the husband was in breach, and her case was right and just, the ways in which Eunice’s marriage and will disrupted norms of kin relations left Mary feeling insecure about the potential outcomes of litigation.

Mary insisted that she needed a man’s help to bring the case to court. But as I continued the interview, she explained that she had advised her brother (who had emigrated from Ghana) not to get involved with the case, which seemed a contradiction, since his help would be a man’s help. It became increasingly clear that having a man to bring a case to court was a social norm that would help her feel secure in her case, but more importantly that it was not simply “a man” that she needed. The nana (grandmother’s brother) in her abusua with whom she had initially consulted was now refusing to see her. Thus, “not having a man to go to court with” was the way in which Mary represented the lack of unity in her abusua towards pursuing this case. While having “a man” would have provided some practical advantages in helping navigate a
bureaucracy that expected men, as well as in the additional resources he could bring, having her
*nana* or other senior men would have meant that the *abusua* was coming together, unified, on
the case. Her brother’s help would have been a man’s help, but would not have signified a truly
unified *abusua* in the way that a *wofa, nana*, or ideally, the *abusua panin* would have\(^70\). Thus,
Mary had advised her brother not to pursue the case because, she said, their siblings would kill
him over it.

Mary’s beliefs in spiritual attack were genuine and profound, but it would be a mistake
to interpret this as a merely superstitious, rooted in misunderstandings of cause and effect, or
ignorance of the law. Mary’s spiritual concerns make sense in light of her knowledge about
Asante kinship. She feared the consequences of pursuing a large amount of property that in the
end would not be shared with the people who supported her in court, but given into her trust
alone for the sole ownership of one person. Although she experiences this knowledge in a way
that is easy to label as “belief,” or “superstition,” her basic concern that pursuing this case would
make her vulnerable is a valid one. Eunice’s will was an ethical act, one which has had
consequences in the relations among her son, her successor, her husband and her *abusuafoo*. In
her will, Eunice refused to recognize the value of the contributions people made to her person
and her success, she thanked no one for any service or respect, real or imagined, and she
provided no mechanism for her adopted son to form mutual attachments with her *abusua*.
Eunice’s will could be easily interpreted as a betrayal of her kin relationships, and it effectively
severed ties between her son and her *abusua*.

When I asked Mary if she would have been able to pursue the case if there had not been

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\(^70\) Gedzi (2009: 172-177) provides a particularly clear example of this in his account of brothers who took their
sister to a customary court accusing her of cursing them. The court found that, among other inconsistencies, the
absence of their *abusua panin* signified that their claim was not widely believed or valid.
spiritual issues, she reiterated the dual danger posed by Eunice’s husband and her own kin, and
made clear the breach that Eunice had made in leaving her property to a single person:

M- That is why I am saying that, I can pursue the case if there was not a spiritual
problem. But after everything has come to my side, my siblings, my mother’s children,
would start fighting me spiritually and all my toil will be in vain. I think if I sat down
and prayed for my children for them to make it in life, it would be better for me than
fighting for my sister’s son’s property with my blood. So it is not necessary. I have
forgotten about it.

You people have a different system. When your father dies and leaves you with his
property, no one would say anything. But here, we the Asantes have the matrilineal
system so when something like that happens, we say it is mine but it is for the whole
family so when you are doing something and you are not careful, the family could stand
and fight against you and kill you.

It is no longer in my mind to fight over the property. I have forgotten about it.

Her reference to my system of inheritance draws a distinction between the notion of
individual and family property, rather than in the direction of inheritance. She is not suggesting
that the reason people would not fight me if my father gave me property is because we have
“patrilineal” (as it is referred to in Ghana) inheritance, but because we have an expectation that
property is given by individuals to individuals. The problem with this case was not just that
Eunice’s husband had seized the property, but that Eunice had not shared enough of it among her
family members for it to be uncontentious within the abusua. Thus, Mary sees claiming the
property in the name of the son as shifting the problem from one side to another: first the
husband tries to control it, then her abusua will, and either way she and Eunice’s son would be
captured in the middle. Mary expressed the issues of the “individual” inheritance and lack of unity
in terms of “needing a man” and spiritual attack but her concerns were rooted in a broader
evaluation of the relationships and claims that would be affected by the process. In the end, there
was little justification for her to engage in a lengthy and costly court battle that would isolate her
from her abusua for property that would remain contentious even if she won.

Mary’s ways of expressing her decision fell into a pattern that is recognizably related to
Gedzi’s list of “barriers,” and that others have glossed as problems arising from “traditional” customs and beliefs. Her *reasoning*, however, was produced complexly through her knowledge of both her specific relationships and general knowledge about kinship categories and responsibilities, the meaning of property, and from her evaluations of the ethical actions of the people involved: her *nana*’s refusal to see her, Eunice’s husband’s verbal threats to her, Eunice’s failure to reciprocate her *abusua* for her success and reproduce her extended kin relationships for her son by acknowledging them in her will. To these evaluations of the particular situation, she added an evaluation of the state and court processes: the court case would be long and costly, and subject to corrupting influences; the property in question was controlled by Eunice’s husband, which would make her investment in the case a risk—she would have to get a loan to pursue it, and hope the case resolved quickly in her favour and that the property was intact by the end. To pursue the case she risked time and expenses for which she would have no help, but more importantly, she risked isolation from her *abusua*. These were not simply “barriers,” but the whole fabric of her social life.

Both Mary and the young woman Abena, whose *abusua* had sold her mother’s farm and kept the profits, said that they would need a man to go to court. But such comments tend to express an assessment about the unity and capacity of the *abusua* (or a group within the *abusua*) rather than some sort of “external” issue of gender relations or supernatural intervention.

Women can and do take cases to court when they feel that it is necessary and when they can act in unity with some number of their *abusua*, as was the situation with the sisters in the first two cases of this section. In both of those cases, groups of sisters used litigation as a means to assert their joint ownership of properties that their brothers sought to control.

Both these stories and the widow’s stories of the following section show the ways in which people are connected to one another through their joint uses of and responsibilities
towards property and people. Thus, while inheritance can be crucially important for people’s livelihoods and certainly large inheritances are desirable as wealth, it is also the case that people’s relationships are defined through these settlements. Sometimes “good” siblings are rewarded and “bad” ones punished, which can permanently change the relationship between them. More broadly, the actions which people take leading up to a death and during the funeral and akontabuo, as well as the ways in which they make their claims, are ethical actions; these actions are consequential, subject to judgement, and have the capacity to define or alter the relations between people. Kate and her siblings were distancing themselves from their rural abusuafoo; Mary knew that she would not be supported in her efforts help her nephew and therefore abandoned those efforts; several groups of siblings had difficult relationships after a litigious fight. These losses, not just of property but of relations, were a significant part of the reason that people gave me for treating litigation as an absolute last resort. Once an issue is litigated, people said, the relationships will never recover.

Widows’ experiences

An important insight from the material of the last section is that the actions of others in supporting particular claims can be quite significant to whether a person’s claim is successful, and whether they feel they can continue to contest an unsuccessful claim. When some of Opanin Smith’s sisters had argued that Widow Smith’s son owed a debt, the men had been dismissive of the sisters’ claims and thus she knew that nothing would come of them. But, as is quite clear in the next case, if the men had supported the women in their complaints, they could have made things quite difficult for Opanin Smith’s widows. This support is sometimes tacit rather than explicit, as with Abena’s abusua in the previous section, who had let the successor’s stealing go by without comment. While the sacking of widows is often rhetorically presented as something
that happens between women, there is as much significance in men’s inaction as there is in their action when choosing to observe or participate in inheritance disputes.

In Chapter 5, I introduced Kwaku, the young man whose brother had died and who had been surprised to hear that he had the option to marry his brother’s widow. After describing his surprise and rejection of the potential marriage, he told me about a disagreement that came up between the women of his abusua and his brother’s widow. Although Kwaku himself was just as uninterested in his brother’s property as he had been in his brother’s wife, he stayed out of the disagreement as did others who he describes as “passively supporting” the most vocal women of his abusua. He suggests that the main reason they made these claims on the brother’s property was because of the abusua connection, but he also claims such disagreements would not arise should he be the one to die. He attributes this difference to the fact that while he grew up with his mother, his brother grew up in the village where the most vocal women also live. Thus, although he locates the justification for the abusua women’s claims in their shared abusua membership, this connection is made stronger by the fact that they lived in the same place.

S-What was your auntie’s interest in the property?
K-Her interest was that, “He is my sister’s son and these things are for him, so they are ours so I will take what I want.” She is the very aggressive type…. that is her personality: aggressive, aggressive. There were some who supported her passively. She was the main.
C-Would she claim your property if you were to die?
K-No. Because my mother would be the one who will take charge.
C-Your mother didn’t take charge in your brother’s case?
K-No. She supported [her—the aunt] in some ways. Maybe there were certain things which; especially this spin table. She was actively supporting the fact that they [the abusua] should have that and they [the widow] can have the rest.
C-Did any family member help your brother to purchase this spin table or anything like that?
K-As far as I know, he did it himself but I think he informed some of them that this is what he was going to do. I think some of them knew that he had started. So they came knowing that he had this. So I think during that time, that kind of business fetched a lot of money- funerals, parties. There was some economic benefit to taking the equipment.
So when they knew about the; they wanted that. I think the economic aspect to it was more of the influencing thing. Because they were not as aggressive of the other things like furniture, they didn’t fight over that. It was the money-making property that was really contentious.

As was the case with most disputes highlighted in the previous section, this one was primarily fought over income-earning property. Such properties are often contentious, both within and between *mmusua*, with or without a will. This calls into question the contention that the solution to women’s social difficulties can be found in a better inheritance legislation, or that the fundamental problem lies in issues like polygamous marriage or customary inheritance norms. In the remainder of this section, I will examine in detail the cases of two widows, the common subjects of studies focused on the PDNCL 111. Taking the different inheritance scenarios of this and the previous sections together, I argue that the assumption of male ownership of property which is held both by families and state agents is a more significant issue than intestate laws: once a property is assumed to belong to the husband, a wife has already been denied ownership of it.

When disputes occur between affines, it is commonly a situation where multiple wives are divided, with one wife/girlfriend aligned with the husband’s *abusua* against another wife/girlfriend. I encountered one senior wife who sided with her junior against the *abusua* because the junior wife had young children she felt should be cared for by the husband’s family. She explained that she did not need anything from the husband’s *abusua* herself because her children were all adults, but it was their obligation to help with the young children. However, the most common situation I encountered was of two widows, one with the *abusua* and one alone. I did not hear about enough cases with more than two wives to notice any particular pattern among them.

The following two cases make explicit the ways in which women’s claims-making is
fundamentally done from their positions as kin rather than as “women.” In these cases, it becomes very clear that while there are gendered inequalities that affect inheritance disputes, the disputes themselves are not simply between “women” and “men,” but between various alignments of interested actors. In the first case, I interview Widow Mavis who sold used clothes in a local market near where I lived. Several women in the market suggested that I talk to her. When she heard about my research, she hesitantly agreed to tell me about her story, which she did over two interviews. She and her husband had moved to Kumasi from another town, following employment. Her husband had a son with a former girlfriend. One day, after they had moved to Kumasi, the son became involved in a fight with another boy, which escalated to the fathers, and her husband was stabbed and killed by the other boy’s father:

> It was the children who fought, and that brought the adults to also fight. But I had tried to separate them and taken my husband aside, so I didn't even realize it when the other person came to stab him with a knife.

> He was taken to Komfo Anokye hospital for four days. When that happened, the man’s family fought and struggled with me. The child whose fight caused it, the mother came to take him away, and now I am the one caring for my two boys. (Int. 1)

Her story is dramatic and sad; she explained to me in the second interview that the problems had arisen the day that her husband died—the family blamed her:

> When the man died, they came here that day to fight me. His death was caused by someone. I was with him in [the other town] and he was transferred here. So they said, he wouldn’t have died if he were in the [other] town. I have brought him here, where he has died. But it is a man who takes a woman along when he travels and not a woman who does that. So they were just blaming me. So they were angry with me because he had died. They did a lot of things to me but it is by some grace that I was delivered of them all. They even wanted me to die too, but because of Jesus, they always got exposed. And that is why I am still alive. (Int 2)

Over the course of the two interviews, Mavis explained two different conflicts with her husband’s parents and *abusua*, one over a taxi that the couple had owned, and the other over the money left in his bank account and SSNIT account. SSNIT accounts are a form of social security savings account that people in various professions can hold. These are increasingly
common as significant property in inheritance disputes: many people who did not own land or much property to speak of nevertheless had a few thousand Ghana Cedi’s in a SSNIT or other bank account. Unlike land or personal items, however, SSNIT accounts have a sort of built-in will, in the form of the “next of kin” designation that determined to whom the account would pass.

Widow Mavis was listed on the papers for her husband’s bank account and SSNIT account as the next of kin. Shortly after her husband’s death, his parents and former girlfriend (the mother of the son who had fought) had conspired to present the ex-girlfriend as Widow Mavis and had taken all the funds from his bank account. When they attempted this with the SSNIT account, they were prevented by a woman at the SSNIT office who knew Widow Mavis and, while reviewing the paperwork, realized that the ex-girlfriend was not her. Although they were prevented from taking the SSNIT funds, Widow Mavis was unable to recover the stolen funds from her husband’s bank account. These patently illegal and fraudulent actions were outliers in the stories that I gathered. Most people were more covert in their attempts to gain control over property, as in the disagreement Widow Mavis and her husband’s family had over the taxi:

They fought with me over a taxi. He left behind a taxi, and there was a fault with the taxi that had to be paid. I put four million (400 GhC) into the repair of the taxi. My husband’s family reported to the police that my husband’s friend had stolen the car when they couldn’t find it (the car was with him for safe keeping). When he said he wouldn’t give the car to the family, it was reported to the Police Station that the car had been stolen.

The car was with my husband’s friend because he was supporting me. The family should have given me my 400 GhC before taking the taxi. But they didn’t agree to that and then they sent the case to the police station and said that my husband’s friend stole the car. The friend was looking after the car because my husband was away a lot. He was not driving it.

So when [the family reported it stolen] the police took the car from me and gave it to the family. “Okay, we’re giving the car to the family so whichever way you deal with it is up
to you.”

Then the car is now with them, and [they haven’t paid me the money that I spent on the repair.] (Int 1)

Having migrated recently to Kumasi, Mavis lived apart from her parents and her abusuafoo. Her father tried to help her with the situation by discussing it with the family, but she told me it only resulted in arguments, and so her father decided to stop. Mavis had no recourse to reclaim the money she had invested in the car, nor to reclaim the car itself. Even if the law would have supported her in that, the police had sent her a powerful message by confiscating the car and returning it to her husband’s abusua. Although the law sometimes recognizes the co-contributions of husbands and wives to the acquisition of property, there has been a strong reliance on evidence of women’s contribution in the form of ownership documents or receipts for payment for things like repairs or building materials, which can be difficult for women to provide given the informal nature of much of the Ghanaian economy (see Gedzi 2009 for inheritance cases; Archampong 2006 for divorce cases).

The PNDCL 111 has limited effectiveness in helping women because it maintains the definition of marital property as individually owned, which in turn supports a cultural assumption of male ownership. In this case, the husband’s family was able to leverage a widespread assumption of male ownership to assert their claim to the car. Because the husband had owned the car and marital property is not automatically assumed to be co-owned by spouses, the police resolved the complaint by returning it to the abusua and leaving it to the parties to figure out among themselves. Here, the link between “jural” kinship statuses and state processes is clear: the police regard the abusua’s claim as the most legitimate one, and the

71. I believe it would have, as small estates are supposed to go entirely to the widow. However, I do not have a lawyer’s opinion on these details.
family as the appropriate authoritative structure for settling disagreements.

Ghanaian law does not have a clear category of spousal co-ownership for self-acquired property acquired during a marriage, and this ambiguity is increased in precedent-setting judicial decisions. Ghanaian legal scholar Elizabeth Archampong points out that the judicial ability to switch between customary and common law “enables judges who hold the view that men, and not women, should own matrimonial property to implement this view in their decisions” (2006: 133). A Property Rights of Spouses bill that will afford legal recognition to wives as co-owners of property acquired during marriage has recently passed the Cabinet and been sent forward to the Parliament (GNA 2013). However, the actions of the police in this case call into question how effective this change will be should it become law: because small estates and household chattels are supposed to automatically go to the wife, Widow Mavis had a strong legal claim to the taxi. Fenrich and Higgins (2001) similarly found that the police enforced the assumption of male ownership, and did not pursue criminal charges based on the PNDCL 111 even when they were justified.

In addition to the assumption of male ownership, the law assumes monogamous relationships and does not account for the variety of kinship relationships in which property owners are often providers. When I asked lawyers what concerned them about the law (if anything), they often brought up the inability of the PNDCL 111 to account for the many kinship relations in which a man was embedded. Lawyers and other Ghanaians generally thought that the intentions of the law were good, but pointed to the problems of dependent elderly parents and to a lesser extent to the lost investments by siblings and older relatives who helped send a person to school or start their business but could not make claims on that person’s estate. These were most often expressed conceptually as a man having come from a place or having come from a family: the PNDCL 111 was seen as unable to account for these important origins of a
man’s wealth. The PNDCL 111 was also unable to deal with a socially accepted male prerogative that disadvantaged women by positioning men not only as owners, but as those with the most access to court, education, capital, state rights, etc. This was alluded to in the many comments and demonstrated in the experience of conflicts and collaborations between multiple wives, girlfriends, and children of different mothers.

Although I did not find much evidence of widows being driven from houses, what I did find was that the exclusions widows experienced were shifting. Valuable personal items that might be used for business could become the source of conflict, as in Widow Mavis’s case above. SSNIT and bank accounts had become important sources of inheritance, and their dynamics were different from other properties because of the paperwork attached. Some people who had yet to invest in physical property felt that this meant there was no need to write a will: the next of kin paperwork would ensure that all of their actual wealth went where they wanted it to.

In Chapter 4, I described the difficulties Obaa Serwaa experienced, which began at her husband’s funeral. Her husband’s successor had taken everything he had owned from Obaa Serwaa’s house, leaving “not even a pair of socks.” At the funeral, they accused her of killing her husband, and then at the akontabuo they refused to share a profit of GhC 1300—nearly GhC 1000 less than her personal debt—because of 10 crates of missing soft drink bottles, for which

72. My research cannot be taken as statistically representative, but I do have the impression that there was a greater problem in the rural areas than in the city, perhaps in part because of the large number of people in the city who lived separately from their kin and/or who rented rooms not owned by their kin.

73. Kutsoati and Moark (2012) included some detailed analysis of SSNIT accounts and interviews with SSNIT officials in their study, which concurred largely with my less systematic findings about SSNIT. The accounts can be left to anyone with a conjugal or lineal relationship to the holder of the account, and multiple beneficiaries can be named. 60% must go to any children under the age of 18, regardless of listed beneficiaries (which is why Obaa Serwaa’s children in the following case have a claim despite not being listed). Beneficiaries must make claims to SSNIT, and thus people who do not know that they have a claim may not do so. For more details, see Kutsoati and Moark (2012: 26-29).
they would have to pay the deposit.

Obaa Serwaa’s husband had left behind a SSNIT account, but his older children by his first wife were required to pay back their student loans before the funds would be released. She had consulted a lawyer, but things were moving slowly.

OS-About his social security, he signed it for four people, two of his older children and two of his nephews. So they were told to pay the student loan signed for them before I will be given his social security benefits. But till now, none of them has paid. His successor too was not caring for the children.

...

C- The social security money has not been paid?
OS- No
C- Because of the student loan?
OS-Yes. They should come and pay before they start working on it.

In the meantime, the successor was unwilling to speak to her or provide in any way for her children, and her relationships with the abusuafoo in general had broken down:

C- Have you asked his younger brother for help?
OS- Oh, several times, but nothing.
C- What does he say when you ask him?
OS-He didn’t tell me anything. He just told me I should go. Oh, he hasn’t been there since five years now. He hasn’t been there to see if the children have had food to eat or their schooling.
C- Has he done anything for the other children?
OS- They were staying with their mother and they are older than my children. They have finished their university education.
C- Do you have any relationship with the other members of your husband’s family besides that younger brother?
OS- They are not on good terms with me at all. Because when the man died, I suffered a lot. They were accusing me of killing the man. Still they don’t talk to me and the kids.

She was in consultation with a university lawyer who was acting as her intermediary with the family, but they were simply not repaying the student loans and thus the social security money was not being released.

There are several interesting and important elements to this case. First, although this is a
story of exclusion in which a widow and her children were put into a very difficult situation, it is not addressed at all by the PNDCL 111. Obaa Serwaa lived in her mother’s house, and her husband stayed with her there, thus there was no risk of her being driven from the home when her husband died. Although the family took possession of his small items, which they were not entitled to under the law, this was not the true hardship that his widow endured. The excessive funeral costs, the shady accounting at the *akontabuo*, the accusations of murder, and the subsequent loss of social and material support from her husband’s family had a much more significant impact on Obaa Serwaa’s conditions of life. Her inability to retrieve the money from the SSNIT account was due to a state policy that treats the children as an undifferentiated group. This meant that her children’s portion was being held because of the loans granted to the first wife’s children, whom Obaa Serwaa had no relationship to or authority over. While this situation could certainly be manipulated by the first wife and her children, it was not caused by them.

We can also see the way in which the funeral practices and the expectations of Asante kinship structured Obaa Serwaa’s potential courses of action and her ability to make claims through the state. At first, the husband’s family told Obaa Serwaa that they would do things together (much like the Smith family), but then later they denied her a share of the funeral profits. This turnaround left her with a debt that ensured she would not be in a position to fight the family. The accusations of murder created social difficulties for her—although she does not go into detail in the interview, she was notably saddened in her speech and manner. She told me that she had had good relations with his family before he died, and she was left wondering what she had done to them.

Obaa Serwaa told me that her husband’s first wife and his sisters “were one” in their accusation that she had killed her husband, a theme that recurred with many widows. It was often not simply husband’s *abusua* against wife, but a combination of some wife or wives and
the husband's abusua. While it is apparent that although those who fare the worst in contentious inheritance situations are most likely to be women and children, it is not the case that being a woman or child determines one’s outcome. In Obaa Serwaa’s case, the man’s sisters, elder children, and first wife were united; although her husband did not have much property to inherit, they all benefited from their ongoing relationships, the funeral profits, and the education that the elder children had received. For both Obaa Serwaa and Widow Mavis, the disputes in which the widows found themselves were not caused by a particular set of marital or inheritance customs, but the ethical breaches—acts that did not strictly adhere to either the norms of Asante matrilineal kinship (and polygamous marriage) nor those norms and customs encoded in the PNDCL 111.

While Obaa Serwaa suffered a financial burden from her funeral debts, it does not seem likely that the monetary value of the confiscated personal items or even of the small funeral profits explain the motivations of her husband’s abusua or first wife. Instead, for an explanation, I consider David Graeber’s notion of different arenas in which people pursue different forms of value, and James Laidlaw’s work on agency and responsibility. David Graeber (2013) has argued from a Marxist perspective that for most of human history, wealth has been a means by which life is realized, rather than the other way around. This makes life the product of labour—not just people themselves, but the social life that they create together. Wealth is part of the means to produce both people and their lives, but it is not itself the goal. From this perspective, the problem of inheritance lies not in control over the property as wealth that has been produced, but in the potential separation between wealth and the life it has supported. Thus, as I suggested in Chapter 1, matrilineal inheritance and succession are a means by which all of the interrelations between productive groups of people and wealth can be potentially maintained even after an individual’s death. So, while wealth, and access to it, is certainly part of what
makes inheritance contentious, wealth is not the only issue at hand. In Obaa Serwaa’s case, the capital value of the property and funeral money has little explanatory power. However, in her case, and in Widow Mavis’s case as well, the deceased man’s family blamed her for her husband’s death. Here, we are firmly in the arena of kinship and life-value, as well as the issue of responsibility.

Laidlaw (2010) suggests that agency is an aspect of situations that is distributed among different the causal relationships that bring a situation into being. Through an assessment of what a situation is and how it can be resolved, people draw a causal picture of the relationships that come to bear on a situation. This causal picture can include the sorts of inanimate or non-human agents described by actor-network-theories, but it also includes an assessment and distribution of responsibility. Thus, Laidlaw reconsiders the issue of witchcraft accusations, arguing that these are ways that people recognize unseen relationships and hold others accountable. He compares this to statistical analysis, which allows for new kinds of relationships to be “seen” and new entities to be held to account. The key aspect of both witchcraft accusations and statistical analysis is that social entities with the capacity to be held to account are drawn into situations through the attribution of responsibility.

Both Obaa Serwaa’s and Widow Mavis’s husbands died unexpectedly, one from sudden illness, and the other violently murdered. When considering property as wealth, and wealth as value (i.e., wealth in the capitalist arena), these factors have no meaning or bearing on how property should be distributed. Thus explanations of inheritance decisions that rest on such considerations get classed as “traditional” or “customary” and are considered to inexplicably “persist” despite their irrelevance. But, if considering an arena in which property is a means to achieve life, and life is the value, then the sudden loss of these lives demanded an accounting. Claims of witchcraft and fault were, as Laidlaw suggests, ways of assigning the responsibility
for the men’s deaths to these wives. While property was implicated in both widows’ disputes, the petty confiscations and trouble-making that Obaa Serwaa’s opponents engaged in, and the more serious thefts and seizures of Widow Mavis’s opponents seem to be at least as much about retribution—and about reconfiguring kinship in ways that end certain relationships—as about gaining access to wealth. From this perspective, assigning responsibility and demanding redress is not irrelevant to inheritance proceedings, but the very purpose and meaning of them.

Conclusion

Many of the stories I gathered on inheritance did not fall neatly into the story of widows being sacked, or even into a general pattern of widows in conflict with husbands’ successors. This, by itself, is a significant answer to the question of why the PNDCL 111 has failed to achieve better outcomes for widows; for one, as in the cases of Widow Mavis and Obaa Serwaa, widows often take opposite sides of a dispute. The PNDCL 111 does not define a category of marital property that is co-owned by husband and wife, it poses no challenge to the assumption of male ownership, and it weakens the potential claims of the abusua, thus weakening the position of women as sisters and mothers. As I showed in the first half of the chapter, women may experience negative inheritance outcomes in disputes between matrilineal siblings, and when inheriting from women. It is simply not possible to improve the lives of “women” by protecting “wives.”

While it is true that the problems that people encounter at times of inheritance take specific shapes that can often be understood as “matrilineal,” the causal relationship between matrilineal kinship rules and the mistreatment of widows is over-stated. In fact, the picture of inheritance that emerges from these stories is one that links acts of inheritance to acts that reconstitute kin relationships and groups after a person’s death. These are not simply normative
redistributions of property, but decisions which acknowledge the past, and anticipate the future. Among people who care for one another, who get along and respect one another, creative solutions are often found for difficult situations. In practice, matrilineal kinship allows for diverse claims, both about the history of matrilineal rules and practice, and about the meaning of matrilineal relations in the present.

Matriliny is not inherently discriminatory to women. Cases in which women suffered almost all involved what Michael Lambek has referred to as “breaches” of kinship: acts of betrayal, lies, broken promises, violations, thefts, threats. Particularly significant, given the collaborative and semi-public form of the akontabuo, is the legitimacy given to these breaches when abusuafio tacitly stand by, observing and refusing to intervene. Some of these breaches are justified through witchcraft accusations, or accusations that wives caused husbands’ deaths; such accusations cast the wife as the first to betray her kinship, and make the accusor’s own breaches reciprocal, reactionary, rather than aggressive and first. But, while these breaches are defined in terms of the matrilineal relations they betray, there is no reason to suppose that they are somehow caused by or limited to matrilineal kinship.
Chapter 7: Conclusion

I went to Ghana to try to find out what effects the PNDCL 111 had on women’s ability to inherit from their husbands. What I found was that women’s difficulties with inheritance were not limited to their experiences as wives, and that wives’ experiences often did not reflect the common story about “sacking” widows. This story describes widows being evicted from their homes by their in-laws, and while it no longer describes the most urgent or common issues surrounding women and inheritance, it is a vivid and important story that people tell about social change and ethical ambiguity. This is not to say that there are not real women and real suffering at the heart of these stories. But as I have shown throughout this thesis, the story is embedded within a context of shifting, contested meanings and practices. It persists as a story about what happens to wives, despite the fact that relatively few women continue to experience the particular form of “sacking” that the story describes. It persists as a story about women’s vulnerabilities vis-a-vis men, even though those who fight are often not “men” versus “women,” but groups configured through kin relationships.

The story persists and resonates in important ways because it describes the heightened risks that women face as the meanings of categories like “wife,” “sister,” and “daughter” are questioned and changed, and as the reciprocal obligations integral to those categories come into question. The story of widows being sacked implies what most Ghanians recognize implicitly or explicitly: that the shifting contours of kin and social relations and the ethical ambiguities produced over the 20th century have privileged male statuses and categories over female ones in most cases. It has meaning that extends beyond the specific situation it describes, and articulates not only a moral problem, but an ethical position. Thus, the story of widows being sacked from their marital homes is one that Ghanaians tell to each other not to tut-tut over the state of society,
but to articulate the shifting meanings of *abusua* and wife in particular ways, to acknowledge the value of a wife’s contribution to a marriage, and to reconfigure the legitimacy of claims on property by wives, successors, and extended family members.

The stories that people tell about inheritance and the claims that they make do not articulate simple problems or solutions. My interviews and experiences were marked by shifting positions and ambiguities. Few people thought the *abusua* should have no share of an inheritance, but there were also few who thought that a wife or children should have no share. Nearly all acknowledged the difficulties in making decisions about inheritance, tracking between the legitimate moral claims of those who brought a person to a place where they could succeed and those who struggled with them from that place.

Although I went to Ghana to try to better understand the workings of the law in people’s lives, much of this thesis has focused on a broader look at kinship and social relations. In much of the literature on the PNDCL 111, the ethnographic details and analyses of Chapters 1-5 take up a few sentences or at most a few pages of “background” scene-setting before the authors move on to their central arguments or data regarding inheritance outcomes. I substantially shift the focus by taking a much closer look at the intricacies of kinship and claims-making that surround inheritance decisions than at the decisions themselves. In doing so, I have addressed anthropological questions about kinship, inheritance and social change.

**Social change and emergent structure**

Structural-functionalist descriptions of the Asante have supported the ongoing tendency in academic discourse to background kinship into a normative “tradition” that is posed against a changing present. While this is clearly problematic, one reason this tendency continues is because processual approaches to kinship and practice theory also have limited ability to explain
Asante kinship and inheritance. Asante treat many of their kin categories as “natural,” self-evident and given by the relations into which a person is born. There is, then, a tension in theorizing Asante kinship between acknowledging the obvious structural constraints and cultural reality of *abusua* and the ways in which people creatively engage in relationships that are not explained by that structural reality. This is a theoretical (rather than ethnographic) tension that is not limited to the case of Asante kinship, and scholars engaged in developing “ethics” as a subject of anthropological study have devoted some attention to it (Lambek 2010, 2011; Laidlaw 2010). Work on ethics and value shows how the “rules” of structures are put into a dynamic relationship with actions and intentions. This has important implications for work on kinship, not just in the ethnographic analysis that it enables but as a way to draw together the insights of both structural and processual kinship studies, which I return to below. But it also opens an interesting possibility for considering how social change occurs.

The PNDCL 111 was both a response to change, in particular the economic and kinship changes that have brought wives and children into more shared productive activities with husbands and fathers, and an effort to create change. I have argued throughout the thesis that claims about “tradition” or “traditional customs” are contextual and political. They are, as Thomas Yarrow says, intellectual tools (Yarrow 2011: 105). When a Christian minister makes a statement about “traditional marriage” this is a statement that situates different types of marriage in a moral hierarchy, not simply a statement about how people have done things in the past. When a person claims that giving a wife who has worked on a property with her husband a portion of that property is “tradition,” they are asserting the legitimacy of their claim by arguing that there is long-standing precedent, and further that this precedent is constitutive of Asante social life and culture. By attending to how “tradition” is employed by different people, in different situations, it becomes clear that categorizations of particular practices as “traditional”
are about relations in the present, rather than the past.

Thus, a central theoretical question of this thesis has been how can we discard a teleological theory of social change that envisions it as a progression from “tradition” to “modernity” and instead envision it as a non-directed, unpredictable process? I have approached this by considering the “ethical” as an element of situations that brings social structure and action together into a dynamic and emergent process, and through considerations of how people define and pursue “value” in different contexts. The concept of structure that I develop, then, is of “emergent structure.” An emergent structure constrains the possibilities of the present, but it is not determining. Changes are built through unpredictable present-moment processes that can have future consequences, leading to uneven or unexpected changes.

In support of a non-progressive analysis of social change, I have highlighted the uneven changes to inheritance that have been ongoing since colonial rule. The PNDCL 111 was not simply the product of a “modern” sensibility arising from liberal-democratic, “Western” notions of gender and property. Key aspects of the PNDCL 111 can be found in colonial court cases and in debates among Asante chiefs that predate the law by decades, in particular the segregation of succession and inheritance and the categorization of “self-acquired” property as the only property subject to changing inheritance laws. People such as Enoch and Joseph (Chapter 6) asserted that giving some of a man’s self-acquired property to wives was a long-standing tradition, a position that is supported by the findings of historians Jean Allman and Victoria Tashjian. In 1936 Adjua Agyako took her husband’s abusua to court to argue that her 40 years of labouring with him and helping him acquire property entitled her to a share of it after his death (Chapter 5). 38 years before the PNDCL 111 was written and 48 years before it became law, the Native Tribunal that tried the case chastised her husband’s abusua for failing to meet its clear ethical responsibility towards her (Allman and Tashjian 2000: 111-113).
different sources, I have rejected the assumption that there is a coherent system of “traditional” matrilineal inheritance that stands opposed to a newer “modern” system. I have instead argued that inheritance is an ethical system for interpreting past actions, present relations, and future responsibilities, and that the continuity that people experience in “Asante kinship” is in its capacity as an ethical system that can provide answers about good and right ways to resolve new situations rather than in the continuity of particular practices, customs, or beliefs.

Systems of inheritance (and kinship more broadly) produce emergent structures: past expectations, disputes, and resolutions produce a constraining context that limits present-moment possibilities in certain ways, but as new or unique situations arise and are resolved, what constitutes “the past” is changed, which in turn can change the possibilities inherent in future situations. As Micheal Lambek (2011: 4-5) suggests, acts of succession (and inheritance) constitute kinship because they are consequential, they change things in ways that are irreversible. Thus, looking at inheritance as an ethical practice provides significant insight into how ethics relates not just to kinship but also to social change. An ethical act brings “structure” and “action” into a dynamic synthesis. Situations constantly arise which require that people interpret, evaluate, and craft solutions to them. Such situations are frequent in all sorts of social relations and arise in many different contexts; I have touched on several throughout the thesis: Linda’s fight with Akos, David’s exclusion of Serwaa from his funeral plans, Widow Smith’s son’s monetary exchanges with his father, the division of debt at Opanin Smith’s akontabuo, and Mary’s decision about whether to take her brother-in-law to court for contravening her sister’s will. Each of these situations caused people to evaluate their own and other’s acts, and the resolutions of these situations produced or reconfigured social relationships and tensions.

I have drawn together these small moments of ethnographic observation with a broader discussion of historical change, particularly in the colonial era, to suggest how such intimate
interpersonal situations can generate larger social change. Categories, relationships, and expectations were changed as the colonial government, the changing global economy, and the reconfiguration of Asante chiefly power articulated over issues such as ownership of land, labour and marital relations, and inheritance. These changes were not a matter of colonial governments imposing new laws, categories, or practices that then replaced Asante ones. The historical work discussed here shows that colonial efforts to enforce change created new possibilities, and as new situations arose, people engaged in new relations, and used new venues such as colonial courts and Native Tribunals to settle disputes. People’s ongoing interactions with authorities and their ongoing efforts to resolve new situations drew on existing ethical criteria, and also produced both new criteria and new orderings of old criteria.

The changes produced in court cases, marriages, and negotiations between *mmusua* were not—and are not—sweeping changes that alter everything all at once. But resolutions to emergent situations create a context of social learning: people learn about what is good and what is possible through the process of solving their problems and living with the outcomes. It is through the process of learning from the past in order to resolve situations in the present or anticipate ones in the future that small changes can have large effects. Asante kinship events can be expansive, and the events which define it are arenas in which, as I argued in Chapter 4, “Asante” as an existential way of being is pursued. Funerals are sites of social reproduction, but it is a type that, as Tim Ingold (2009) has argued, is rooted in experience, learned and changed in process, rather than “transmitted” in its entirety from one generation to the next. *Akontabuo* combine a context in which many witnesses are present during a marked period when relationships to people and property can be changed, and when relationships, responsibilities, and prior ethical acts are drawn into specified claims based on explicit criteria. Thus, these are events where *both* specific relationships and general criteria are confirmed or created, and where
many people can learn about what criteria others find legitimate and what resolutions are “good.” People draw on their wide range of past experiences with funerals and *akontabuo*, as well as with other kinship relationships and events, in order to interpret and participate in present-moment events, or anticipate future ones. This is also the knowledge that is drawn into defining social issues such as the “sacking” of widows.

**Kinship and Inheritance**

Throughout the thesis I have argued that inheritance is not separate from other aspects of kinship or kin relations, but an integral part of them. It is not possible to understand Asante inheritance, nor the types of disputes and resolutions that arise around it, without understanding the broader context of relations that define responsibility, interdependence, and property. But in order to understand this context, it has been necessary to grapple, at least somewhat, with the theoretical question of “what is” kinship.

In order to address this question, I have developed some of Michael Lambek’s ideas about how ethical action and kinship specifically come together. Lambek has contributed to an increasingly wide anthropological discourse on values and ethics, developing his ideas about ethical actions into a model he terms “the performative model” (Lambek 2012). Much of the anthropological attention to ethics treats kinship somewhat tangentially, but Lambek (2011: 3) has argued that ethical action is integral to the question of what kinship is. Specifically, he argues that kinship practices can be both continuous, as in the everyday “stream of practice” that constitutes “the daily labour of nurturance or care” (3), and punctuated, particularly by the ritual moments of transition that make certain commitments public and render them open to

74. See Dider Fassin’s (2012) introduction to *A Companion to Moral Anthropology* for some discussion of the emerging anthropological focus on ethics, morals, and values.
judgement (3-4). In this way, Lambek bridges classic structural approaches and later practice approaches: the formal, punctuated, ritual acts of kinship that make explicit a publicly known “set of commitments” form the knowledge that structural-functionalist anthropologists often treated as normative and structural, while the more informal, mutable “daily labour” of kinship is often the focus of practice theorists. The “structural” rules of marriage, for example, are strongly linked to the public, formal commitments made through the marriage ritual. However, particular marriages are constructed as individual husbands and wives negotiate their commitments in everyday practice, and their categorical status as a married couple allows the public to judge a variety of everyday acts not specifically defined in the formal marriage commitments.

Lambek argues that “the natural ‘facts’ are never sufficient for kinship but always subordinated to the social ‘acts’” (2011: 4). But, while I think Lambek’s focus on action is a very useful way to approach kinship, I also think it is useful to consider what different people consider to be “natural facts,” and how such concepts might motivate or make sensible certain commitments. Viveiros de Castro’s (2009) argument that there must be some “given” but that this given need not be universal draws attention to the way in which “natural” facts are themselves constructed, sometimes through knowledge that is quite different from standard Western ideas about biology and birth. Marshall Sahlins takes up this concern by pointing out that “birth relations,” far from being “primary” are, in fact, “secondary formations, derivative of the schemes of social order” (73), and he goes on to argue acerbically that assuming the primacy of birth in kinship relations reduces the parents’ identity to a merely “genital” one, as though the reproductive couple were generic and unconnected to any broader system of meaning (74).

These arguments taken together with feminist critiques such as Collier and Yanagisako’s (Collier and Yanagisako 1987) deconstruction of Western “natural facts” suggest that anthropologists
must be careful about conflating their own idea of what constitutes the “natural facts” of kinship with those of their subjects.

In light of these arguments, Lambek’s assertion about the insufficiency of “natural facts” to kinship is somewhat unclear (“our” natural facts, or anyone’s natural facts?), and is perhaps a premature conclusion. While Asante kinship taken broadly can certainly be understood in terms of actions and commitments, it is also the case that certain relations seem “given” in ways that others are not. Inheritance and succession are good examples of how kinship is constructed through public commitments and ethical practices; but it is far less clear how membership in an abusua might rely on such commitments. No formal act of recognition is required to establish membership: being one’s mother’s child is sufficient (this contrasts with the naming ceremony, at which the father’s commitment is made public). This is closer to Sahlins’ argument, that kinship is prior to birth, constituted by the relations that give meaning to the birth. What abusua membership means is produced and changed through acts, but abusua membership itself is, for the Asante, outside of human action: it is “natural,” or “given.”

Thus, I have argued that kinship is fundamentally an ethical framework that allows people to know and interpret social relations; but I have also suggested that categories are constructed in different time scales (Chapter 1). Some kinds of knowledge, like abusua membership, can be less mutable in a given present-moment, reified into “given” or fixed categories. While Viveiros de Castro (2009) draws our attention to how this can create different concepts of what is “natural,” I have extended this to include both things which are given as “natural,” and things which are fixed in laws and customs that, while conceptually produced by humans, are not things that individuals can alter with their practice.

This approach to kinship, like Fortes’ approach, acknowledges distinctions in kinship rules and practices; the differences between what is constructed and fixed by people (laws and
customs) from what appears “natural” is reminiscent of the political and domestic domains of kinship. But, I have tried to show the ways in which kinship works across such divides, the political and the “natural” both influencing present-moment possibilities as emergent structures. The significant distinctions between Asante kinship and other aspects of Ghanaian life I have approached by drawing on David Graeber’s (2013) value theory. Graeber argues that different forms of value can be pursued in different arenas; these arenas have ontological (which is to say, “given”) rules that define both value and the means to achieve it, but he points out that people do not need to believe in these arenas as the definition of everything. Using this approach to understand kinship does not necessarily separate “kinship” from politics and power; as I pointed out in Chapter 2, migrating adults are given an opportunity to form social networks and resolve disputes within a kinship arena, and within what Fortes would have labelled a “domestic” domain, but this form of sociality is defined by Asante kinship and is a part of Asante politics and power. Rather, as I argued in Chapter 4, the concept of “arenas” provides a way of understanding how things can be understood as both “Asante” and “not-Asante” simultaneously.

This approach to kinship enables an analysis of inheritance that takes into account the multiple and somewhat conflicting meanings of property. Traditional Western approaches to inheritance treat it as wealth, and inheritance as a redistribution of rights or access to that wealth. Radcliffe-Brown’s (1934) interpretation of inheritance as fixing exclusive rights is a classic example, but most of the cross-disciplinary literature on inheritance in Ghana (which I discussed in Chapter 6) treats property in a very similar way. This approach to property implies that the social problem of impoverished or ill-treated widows is one that can be treated by granting women increased rights to property, and by their subsequent successful control of that property. Yet, the results of my inheritance survey, which looked at people’s experiences broadly, not just as widows, suggests that property relations are not so simple as wealth and
people’s rights in it; property is implicated in more than one arena, in relation to different sorts of value. In the final section of this conclusion, I return to the question of widows and inheritance.

**Women, equity, and inheritance**

The PNDCL 111 and its effects on women have generated cross-disciplinary interest. Scholars and activists both are interested in questions of why the law has not had as significant effects as had been hoped, and how the law can be improved. Some of my research supports the same broad issues pointed to by others, in particular, that of the assumption of male ownership. In many cases, men’s claims are supported by this assumption. In the within-*abusua* inheritance stories of Chapter 6, brothers often successfully claimed property over sisters or daughters. In Mary’s case, a deceased wife’s property was held by her husband in contravention of her will; a situation that reflected the greater ease of a husband in controlling a wife’s property than vice versa. In Widow Mavis’s case, her husband’s *abusua* was able to gain access to the taxi through the same cultural expectation of male ownership, which was enforced by the police giving the car to the deceased’s *abusua* and treating the issue as a “family matter.” But, far from being an unchanged “tradition,” male ownership itself has emerged in relation to the regulation of property ownership that began in the colonial era and has continued into the present.

“Male ownership” as a cultural assumption has been produced in relation to contemporary configurations of “individual” property that emerged during the colonial period as land disputes produced a precedent of successful claims that favoured men, and that constructed property itself in terms of individual ownership and in relation to the capitalist market in which it was produced and given value. Any attempt to reduce the assumption of male ownership or particular inheritance outcomes into categories of “traditional” or “modern” outcomes occludes
these historical processes in ways that make it difficult to understand the systematic difficulties that women face, and the ways in which the story of widows being sacked operates as a rhetorical and symbolic claim about the dangers of devaluing women’s contributions to their husband’s live and property.

Instead of focusing on “barriers” to women’s control of property, I have focused on the decision-making processes of the akontabuo. Because inheritance decisions are made at this funeral event, they draw together multiple arenas of value but assert Asante kinship as the best arena for interpreting social relations. Thus, the inheritance of property is as much about reconfiguring kin relationships and assigning responsibility—both for property and dependents, and sometimes for the cause of death—as it is about distributing rights to wealth. Both men and women are committed to the kinship arena as one that produces value, and so inheritance disputes often do not break down into simple gendered divisions. When inheritance goes badly, it often involves breaches of kinship: either the dramatic thefts and seizures that are perpetrated in the moment (such as the eggseller Kate’s grandmother who evicted her grandson’s widow), retributive breaches that seek to right past wrongs (such as Afia’s aunt who claimed the entire farm when Afia’s father died, after he had stolen the aunt’s half during his life), or retributive breaches that impute previous breaches such as accusations that widows have killed their husbands, through witchcraft or other failures of responsibility.

Many scholars have approached the question of inheritance as one of women’s equality or women’s rights, and the government has intervened in inheritance as a way to try to achieve the commitments it has made both through the signing of international treaties and in its own constitution (Gedzi 2009). But I suggest that it is not that women have fewer rights in the system of matrilineal inheritance, but that women’s claims are more tenuous than men’s in the dynamic context of the akontabuo and its process of ethical evaluations and assigning of
responsibility. Responsibility is assigned through an assessment of situations and the agency that is distributed among the different causal relationships that bring a situation into being (Laidlaw 2010). Women are not simply “empowered” or imbued with new agency when laws support new rights. Laws change situations, by changing the emergent structure, by enabling some new present-moment possibilities and constraining others. In doing so they allow for new interpretations of responsibility. But in a context men often have more potentials than women, these laws can have quite unanticipated effects.

Thus, I found that as wives are perceived as having more rights under the law, there is a changing notion of their responsibilities to husbands (during their lifetimes) and children (once a father dies). The PNDCL 111 has clarified and legitimated a particular claims-making position, but it is one that can be employed by abusuafoo as well as wives and children: for example, to divest themselves of obligations for a man’s care in his lifetime, to insist on increased contributions from wives and children at the funeral, and to challenge and limit the successor’s obligations to wives and children after a man’s death. These various ways in which the law supports claims making on all sides are important to understanding the limitation of the law in achieving increased “rights” or better outcomes for women.
Glossary

A

aburokyre: abroad. This is a general term applied most commonly to Europe and America, but which can apply to any country outside of Ghana.

abusua: most commonly translated as lineage, or matrilineage, this word has several other connotations, discussed in greater detail in Chapter 1 (pages 30-31).

abusuafoo: The multiple members of a lineage. Foo means “people.”

abusuani: A singular member of a lineage. Ni means “person.”

aseda: a formal exchange that acknowledges and accepts a gift. The receiver of the gift “pays” aseda in some agreed upon form to the gift-giver. This may be an animal which will be slaughtered and eaten; or some other agreed upon exchange. If the giver accepts the aseda payment, they have relinquished their rights or claims over whatever they are giving. The payment of aseda is often made to an abusua head, which means that the gift of self-acquired property has been acknowledged and accepted by the whole abusua. Thus, when self-acquired property is given, aseda formalizes a severing of abusua claims to that property.

adeseade: gifts given at burial to accompany the deceased into his/her journey into the afterlife.

Akan: A broad term that is used when talking about several closely related groups of people who speak one of the Akan group of languages. Many Asante will speak of themselves and their practices as “Akan,” especially when the conversation includes practices, categories, or beliefs that are common among multiple Akan groups.

akontabuo: The final day of the funeral. Akonta means brother-in-law, and is also the root of the word for arithmetic. The akontabuo is the day on which the accounts for the funeral are settled, and the successor is named.

amammre: custom (translated by Fortes, see page 37).

aman bre: jural customs that can be changed by legislation (translated by McCaskie, see pages 37-38).

aman mmu: the immemorial customs that order a community (translated by McCaskie, see pages 37-38).

Asafohene: The title of a paramount chief in the Asantehene’s council.

Asante vs. Ashanti: “Ashanti” is the Anglicized version of the Twi word Asante. It is used
somewhat interchangeably by Asante people when they are speaking in English. “Ashanti” is also the spelling used for the Ghanaian political region. I use Asante unless referring to the region or to someone else’s speech or writing.

Asantehemama: Queen Mother of Asantehene.
Asantehene: King.
Asanteman: Asante state (oman means state; Asanteman is a compound word: Asante + oman).
Asasepa: The pseudonym of the neighbourhood I conducted much of my participant observation in. It combines “asase” (land) and “pa” (good). Within Kumasi, the former villages that have been incorporated into the city retain their former names as neighbourhood names.

B
bako: one
bayi: witchcraft
bokyeya: this word means both “hearth” and the group of people who eat from the same hearth.

C
cedi: The pre-2007 currency of Ghana. In 2007, the currency was revalued and renamed “Ghana Cedi.” 10 000 cedis = 1 Ghana Cedi. In everyday language, people commonly referred to Ghana Cedis as cedis, and references to amounts of money sometimes used one system of valuation and at other times another. This is why, for example, Widow Mavis in Chapter 6 claims she spent “4 million cedis” on fixing a car (see pages 158-159). This is equal to 400 Ghana Cedis, but people tended to switch back and forth frequently during the period of my fieldwork (2007-2009), when the change was quite new. At the time of my fieldwork, the Ghana Cedi was approximately on par with the American (and Canadian) dollar, although it began to drop in the fall of 2008.

D
Denkyire: An Akan group that was dominant prior to the formation of the pre-colonial Asante state.

F
fie: house

fie panin: house elder. This is a role with limited formal authority, the person with whom people might first consult should a difficulty arise among those living together.

**G**

Ghana Cedi (GhC): the post-2007 currency of Ghana. See “cedi” for conversions.

**H**

hemma: A political role for women that is parallel to the male political role hene. Typically translated as “Queen Mother.” The power of the Queen Mother depends on the power of her abusua and its associated stools. A hemma may hold a customary court, and has a role in selecting the hene in her abusua. Like hene, it can be used alone or appended to other terms to add specificity.

hene: A political role for men, parallel to hema, but given more power in the colonial and post-colonial era. Typically translated as “chief.” The word is often appended to the place or lineage name; together with “Asante” (Asantehene) it is translated as “king.”

**K**

kra: “soul”; a spiritual component of the person received from the Supreme Being, Onyame.

kra din: name given to a person based on the day they were born. See chart below.

Kumasi: The capital city of the Ashanti region, second largest city in Ghana. Kumasi contains many smaller named neighbourhoods (see Asasepa).

**L**

linguist (okyeame): a person who “translates” for the chief. In court contexts, the linguist interprets between petitioners to the court and the chief.

**M**

mera: law; this is the term that Fortes gives for “law” (see page 37); it was also the common term for law when I did my fieldwork and was a term that I used to describe my research to people when speaking in Twi.

mogya: blood

mmusua: plural of abusua
nana (up tone): as an abusua kinship term, this word indicates any member of the abusua who is two generations older than the speaker, and as a term of address in everyday speech it can include anyone who is older than the parent generation. It is also a term used to address patrilineal elders, neighbourhood elders, and chiefs. It can also become part of a child’s name, when that child is named after a specific person who was commonly called “nana.”
nana (down tone): the term for any child in the abusua who is two generations younger; also the term a man would use for his child’s child.
nton: clan. There are seven or eight named clans (there is some disagreement on this), which all Asante mmusua and therefore all Asante people are members of.
ntoro: spirit from father (distinct from “soul”; see kra)
nua: sibling; see kin terms, below
nuanom: siblings; see kin terms, below
nuanom marima: brothers; see, kin terms below

O
Onyame: The Supreme Being of the Asante/Akan cosmology. Often translated by Christians as “God”
(o)panin: elder

P
PNDCL 111: Provisional National Defence Counsel Law 111, the Intestate Succession Law.

T
tro-tro: private vans that have been converted to busses and have a very cheap fare.
Twi: The Akan language spoken by the Asante

W
wo ade: literally “you have done it;” used to tell someone they have done well, to indicate approval of a person’s actions.
wofa: mother’s brother
wofaase: literally, “under the uncle;” matrilineal nieces and nephews; see kin terms, below.

Y

yafunu: literally “womb;” when used the text in reference to siblings (yafunu siblings, yafunu sisters, etc.), it means the children of one mother. When used in the text in reference to “groups,” it usually includes two or three generations defined around the core sibling relationships: a mother and her children; or a grandmother, her children, and her daughter’s children.

yonko: friend, counterpart, companion. A term that can be used in general, but is also often applied to a spouse.
Appendix A: Names and Abusua Kin Terms

Names

Each Akan person has a name that comes from the day they were born (these names vary a bit regionally and in different Akan languages). The name is called a *kra din* in Twi, which translates literally as “soul name” but which I more commonly heard translated as “day name.” The names have meanings that relate certain attributes that are connected to the days, but people did not speak to me about this very much. Throughout the thesis, where I have changed people’s names, I have randomly given day names as well as English names in common use at the time of my fieldwork.

There are variations by region, and spellings also vary (especially in the historical record), but the common Asante Twi versions of the *kra din* are as follows:

<table>
<thead>
<tr>
<th>Day</th>
<th>Female name</th>
<th>Male name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday (Dwoada)</td>
<td>Adwoa</td>
<td>Kwadwo</td>
</tr>
<tr>
<td>Tuesday (Benada)</td>
<td>Abenaa</td>
<td>Kwabena</td>
</tr>
<tr>
<td>Wednesday (Wukuada)</td>
<td>Akua</td>
<td>Kwaku</td>
</tr>
<tr>
<td>Thursday (Yawoada)</td>
<td>Yaa</td>
<td>Yaw</td>
</tr>
<tr>
<td>Friday (Fiada)</td>
<td>Afua / Afia</td>
<td>Kofi</td>
</tr>
<tr>
<td>Saturday (Memeneda)</td>
<td>Amma</td>
<td>Kwame</td>
</tr>
<tr>
<td>Sunday (Kwasiada)</td>
<td>Akosua</td>
<td>(A)Kwasi</td>
</tr>
</tbody>
</table>

Abusua Kinship terms

<table>
<thead>
<tr>
<th>Generation</th>
<th>Neutral term</th>
<th>Male term</th>
<th>Female term</th>
</tr>
</thead>
<tbody>
<tr>
<td>two older</td>
<td>nana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>one older</td>
<td>—</td>
<td>wofa</td>
<td>maame / ena / eno</td>
</tr>
<tr>
<td>own</td>
<td>nua</td>
<td></td>
<td></td>
</tr>
<tr>
<td>one younger</td>
<td>(o)ba (female speaker)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td>-----------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>wofaase (male speaker)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>two younger</td>
<td>nana</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:

**One younger generation:** within the *abusua*, the terms differ based on whether a man or a woman is speaking. A woman refers to all members of this generation as “oba” (child), but a man refers to the same people as “wofaase” (lit, under the uncle, the reciprocal of “wofa”). A man refers to his own child as “oba” but this child is not a member of his *abusua*. His own children and his brothers’ children refer to him as “papa” or “agya” which both are translated as “father.”

**Gender:** The neutral terms can be modified to indicate gender by adding the words for man (barima) and woman (baa) to the end. However, all the neutral terms were very common, and I did not hear people adding gender to the two “nana” terms.

**Plurals:** Except for oba, all kin terms can be pluralized by adding “nom” after the main kin term, and pluralizing the male/female modifier by changing the “b” to a double “m” (nananom; nuanom mmarima). Oba follows the “b” to “m” form of pluralization: omma (children), omma mmaa (daughters).

**Tone:** The two terms “nana” are tonally distinct. The older generation has an up-tone, the younger, a down-tone.
Appendix B: PNDC Law 111, Intestate Succession Law (1985)

PROVISIONAL NATIONAL DEFENCE COUNCIL DECREE

INTESTATE SUCCESSION LAW, 1985 (PNDCL 111)

As amended

ARRANGEMENT OF SECTIONS

Section
1. Application of Law
2. Intestacy and partial intestacy
3. Devolution of household chattels
4. Spouse or child or both to be entitled to one house
5. Intestate survived by spouse and child
6. Intestate survived by spouse only
7. Intestate survived by child only
8. Intestate survived by parent only
9. Devolution of residue where customary law is inapplicable
10. Where customary law provides for succession by family
11. Intestate survived by neither spouse, parent nor child
12. Small estates
13. Secretary may alter value of residue, etc.
14. Sharing of portion of residue by two or more persons
15. Presumption against survivorship
16. Grandchildren of intestate
16A. Prohibition of ejection of spouses under certain circumstances
17. Offences against an entitled person
18. Interpretation
19. Repeals
20. Statutes and laws ceasing to apply
21. Transitional provisions

IN pursuance of the Provisional National Defence Council (Establishment) Proclamation, 1981, this Law is hereby made:

Section 1—Application of Law.

(1) On the commencement of this Law, the devolution of the estate of any person who dies intestate on or after such commencement shall be determined in accordance with the provisions of this Law subject to subsection (2) of this section and the rules of private international law.

(2) This Law shall not apply to any stool, skin or family property.
Section 2—Intestacy and Partial Intestacy.

(1) A person shall be deemed to have died intestate under this Law if at the time of his death he had not made a will disposing of his estate.

(2) Any person who dies leaving a will disposing of part of his estate shall be deemed to have died intestate under this Law in respect of that part of his estate which is not disposed of in the will and accordingly the provisions of this Law shall apply to such part of his estate.

Section 3—Devolution of Household Chattels.

Where the intestate is survived by a spouse or child or both, the spouse or child or both of them, as the case may be, shall be entitled absolutely to the household chattels of the intestate.

Section 4—Spouse or Child or both to be entitled to one House.

Notwithstanding the provisions of this Law:—

(a) where the estate includes only one house the surviving spouse or child or both of them, as the case may be, shall be entitled to that house and where it devolves to both spouse and child, they shall hold it as tenants-in-common;

(b) where the estate includes more than one house, the surviving spouse or child or both of them, as the case may be, shall determine which of those houses shall devolve to such spouse or child or both of them and where it devolves to both spouse and child they shall hold such house as tenants-in-common:

Provided that where there is disagreement as to which of the houses shall devolve to the surviving spouse or child or to both of them, as the case may be, the surviving spouse or child or both of them shall have the exclusive right to choose any one of those houses; except that if for any reason the surviving spouse or child or both of them are unwilling or unable to make such choice the High Court shall, upon application made to it by the administrator of the estate, determine which of those houses shall devolve to the surviving spouse or child or both of them.

Section 5—Intestate Survived by Spouse and Child.

(1) Where the intestate is survived by a spouse and child the residue of the estate shall devolve in the following manner:

(a) three-sixteenth to the surviving spouse;

(b) nine-sixteenth to the surviving child;

(c) one-eighth to the surviving parent;

(d) one-eighth in accordance with customary law:
Provided that where there is a child who is a minor undergoing educational training, reasonable provision shall be made for the child before distribution. [Repealed and substituted by The Children's Act (Act 560), sch. to s.125].

(2) Where there is no surviving parent one-fourth of the residue of the estate shall devolve in accordance with customary law. [As inserted by The Childrens Act, 1998 (Act 560), sch. to s.125]

Section 6—Intestate Survived by Spouse only.

Where the intestate is survived by a spouse and not a child the residue of the estate shall devolve in the following manner:

(a) one-half to the surviving spouse;

(b) one-fourth to the surviving parent;

(c) one-fourth in accordance with customary law:

Provided that where there is no surviving parent one-half of the residue of the estate shall devolve in accordance with customary law.

Section 7—Intestate Survived by Child only.

Where the intestate is survived by a child and not by a spouse the surviving child shall be entitled to three-fourths of the residue and of the remaining one-fourth, one-eighth to the surviving parent and one-eighth shall devolve in accordance with customary law:

Provided that where there is no surviving parent the whole of the one-fourth shall devolve in accordance with customary law.

Section 8—Intestate Survived by Parent only.

Where the intestate is survived by a parent and not by a child or spouse, three-fourths of his estate shall devolve to the surviving parent and the remaining one-fourth shall devolve in accordance with customary law.

Section 9—Devolution of Residue where Customary Law is Inapplicable.

Where no customary law is applicable to the devolution of that part of the residue which by virtue of sections 5, 6, 7 or 8 of this Law shall devolve in accordance with customary law such part of the residue shall devolve in equal shares to those beneficiaries otherwise entitled to share the residue under the relevant provisions of this Law.

Section 10—Where Customary Law provides for Succession by Family.

Where the rules of succession under customary law applicable to any portion of the estate provide that the family of the intestate shall be entitled to a share in the estate:—
(a) that family shall be the family to which the intestate belonged for the purposes of succession in accordance with the customary law of the community of which he was a member;

(b) in the case of an intestate who, being a member of two customary law communities belonged to two families for the purposes of succession, that family shall be the two families;

(c) in the case of an intestate not being a member of any family, that family shall be the family with which the intestate was identified at the time of his death or, failing that, to the families of his parents or failing that to the Republic.

Section 11—Intestate Survived by neither Spouse, Parent nor Child.

(1) Where the intestate is not survived by a spouse, child or parent his estate shall devolve in accordance with customary law.

(2) Where there is no customary law applicable to the devolution of the estate of an intestate who is not survived by a spouse, child or parent in the circumstances referred to in subsection (1) of this section the estate shall devolve to the Republic.

(3) Where the estate of an intestate devolves to the Republic under subsection (2) of this section, if upon an application made to the High Court the Court is satisfied that any person who was maintained by the intestate or with whom the intestate was closely identified, should be maintained out of his estate or that a portion of his estate or the whole of his estate should devolve to him the Court may make an order that such person is maintained out of the estate or that a portion of the estate or the whole estate devolves to him.

Section 12—Small Estates.

Notwithstanding the provisions of sections 4 and 5 to 8 of this Law—

(a) where the total value of the residue does not exceed €10 million the residue shall devolve to any surviving spouse or child of the intestate or where both the spouse and child survive the intestate to both of them;
(b) where the intestate is survived only by a parent and the total value of the estate does not exceed €10 million the estate shall devolve to the surviving parent.[As amended by The Children's Act (Act 560), sch. to s.125]

Section 13—Secretary may Alter Value of Residue, Etc.

The Provisional National Defence Council Secretary responsible for Justice may by legislative instrument vary the maximum value of the residue or estate prescribed under section 12 of this Law.

Section 14—Sharing of Portion of Residue by Two or more Persons.
Subject to the rules of customary law relating to a member's interest in communal property, where two or more persons are entitled to share a portion of an estate under this Law they shall divide it among themselves in equal shares.

Section 15—Presumption against Survivorship.

Where spouses die in circumstances—

(a) in which it appears that their deaths were simultaneous; or

(b) rendering it uncertain which of them survived the other,

the older shall, for the purposes of this Law, be presumed to have predeceased the younger.

Section 16—Grandchildren of Intestate.

Where a child of the intestate who has predeceased him is survived by a child (being of the grandchild of the intestate) the grandchild shall, if he is dependent upon the intestate at the time of his death be entitled to the whole or a portion of the estate which would otherwise have devolved to his parent if he had not predeceased the intestate.

Section 16A—Prohibition of Ejection of Spouses Under Certain Circumstances.

(1) No person shall before the distribution of the estate of a deceased person whether testate or intestate eject a surviving spouse or child from the matrimonial home—

(a) where the matrimonial home is the self-acquired property of the deceased;

(b) where the matrimonial home is rented property, unless the ejection is pursuant to a court order;

(c) where the matrimonial home is the family house of the deceased, unless a period of six months has expired from the date of the death of the deceased; or

(d) where the matrimonial home is public property unless a period of three months has expired from the date of the death of the deceased.

(2) For the purposes of this section "matrimonial house" means—

(a) the house or premises occupied by the deceased and the surviving spouse, or the deceased and a surviving child or all as the case may be, at the time of the death of the deceased; or

(b) any other self-acquired house of the deceased occupied by the surviving spouse or child or both at the time of the death of the deceased. [As inserted by the Interstate Succession (Amendment) Law, 1991 (PNDCL 264), s.1]
Section 17—Offences Against Spouse and Entitled Persons.

Any person who before the distribution of the estate of a deceased person whether testate or intestate—

(a) unlawfully ejects a surviving spouse or child from the matrimonial home contrary to the section 16A of this Law;

(b) unlawfully deprives the entitled person of the use of—

(i) any part of the property of the entitled person;

(ii) any property shared by the entitled person with the deceased to which the provisions of this Law apply; or

(iii) removes, destroys or otherwise unlawfully interferes with the property of the deceased person,

commits an offence and is liable on summary conviction to a minimum fine of €50,000.00 and not exceeding €500,000.00 or to a term of imprisonment not exceeding one year and the court or tribunal shall make such other orders as it considers necessary for the re-instatement of or reimbursement to the person thus ejected or deprived. [As substituted by the Intestate Succession (Amendment) Law, 1991 (PNDCL 264), s. 2]

Section 18—Interpretation

In this Law, except where the context otherwise requires—

"child" includes a natural child, a person adopted under any enactment for the time being in force or under customary law relating to adoption and any person recognised by the person in question as his child or recognised by law to be the child of such person;

"estate" means self-acquired property which the intestate was legally competent to dispose of during his lifetime and in respect of which his interest has not been terminated by or on his death;

"household chattels" include jewellery, clothes, furniture and furnishings, refrigerator, television, radiogram, other electrical and electronic appliances, kitchen and laundry equipment, simple agricultural equipment, hunting equipment, books, motor vehicles other than vehicles used wholly for commercial purposes, and household livestock;

"parent" includes natural mother and father and any person recognised by law to be the mother or father of the intestate;

"residue" means all that part of the intestate's estate that does not devolve according to sections 3 and 4 of this Law;
"rules of private international law" include such customary law rules of private international law for the time being in force;

"will" includes samansiw and any other form of will recognised at customary law.

Section 19—Repeals.

The following enactments are hereby repealed—

(a) section 48 of the Marriage Ordinance (Cap. 127); and

(b) section 10 of the Marriage of Mohammedans Ordinance (Cap. 129).

Section 20—Statutes and Laws ceasing to apply.

(1) The Statutes of England relating to intestate succession applicable in Ghana immediately before the coming into force of this Law shall cease to apply.

(2) Notwithstanding subsection (1) of this section and subject to section 21 the provisions of this Law shall not affect the validity of any act done under any law in force in Ghana relating to intestate succession immediately before this Law comes into force.

Section 21—Traditional Provisions.

(1) Notwithstanding the provisions of section 1 of this Law or any other enactment the provisions of this Law shall be applicable in the settlement of any claim or adjudication pending before the Court or a Chief or Head of Family under customary law at the commencement of this Law in respect of the administration or distribution of the estate of an intestate who died before such commencement, and for the purposes of this section the provisions of the Customary Marriage and Divorce (Registration) Law, 1985 (PNDCL 112) and the Administration of Estates Act, 1961 (Act 63) as amended by the Administration of Estates (Amendment) Law, 1985 (PNDCL 113) shall be deemed to be applicable to such claim or adjudication.

(2) For the avoidance of doubt the provisions of subsection (1) of this section shall not apply to any claim that is statute-barred by virtue of the Limitations Decree, 1972 (NRCD 54).

Made this 14th day of June, 1985.

FLT.-LT. JERRY JOHN RAWLINGS
Chairman of the Provisional National Defence Council
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