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UNIVERSITY OF CAPE COAST

THE ROLE OF INDIGENOUS ASSIN RELIGION IN THE PRACTICES OF
INHERITANCE AND SUCCESSION OF THE ASSIN

BY

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DECLARATION

Candidate's Declaration

I hereby declare that this thesis is the result of my own original work and that no part of it has been presented for another degree in this university or elsewhere

Candidate's Signature: Date:

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Supervisors' Declaration

We hereby declare that the preparation and presentation of the thesis were supervised in accordance with the guidelines on supervision of thesis laid down by the University of Cape Coast.

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ABSTRACT

This thesis examined the influence of the Indigenous Assin Religion (IAR) on the inheritance and succession practices of the Assin. The purpose was to establish the link between the IAR and the inheritance and succession practices and find out whether the presence or absence of the influence of the IAR has affected these practices. The research was conducted in four selected towns. Using an interpretative paradigm mainly semi-structured interview guide and focus group discussions, the study was intended to investigate the role of IAR on the inheritance and succession practices of the Assin. The study revealed a strong link between IAR and inheritance and succession practices of the Assin. The study, however, revealed some changes in the inheritance and succession practices. The practice whereby the spouses and their children were considered not part of the lineage of the deceased person and thus were denied a share of the self-acquired properties of the deceased person no longer holds. Also, on the succession practices, a key finding was that the enactment of the Chieftaincy Act (Act 759) and the process started to codify the lines of succession to stools and skins could lead to succession disputes being settled amicably. The study recommended that traditional authorities be encouraged to remove those cultural practices that are inimical to the wellbeing of widows. Also, it was recommended that the codification of lines of customary rules of succession be expedited to cover the whole country since this study believe would help in dealing with any succession dispute that may arise.

KEY WORDS

Assin

Indigenous

Inheritance

Matrilineal

Religion

Succession

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DEDICATION

To My Parents, Osofo Kobina Assanful and Oheneba Mfumwaa Assanful

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LIST OF ACRONYMS

ASDA	Assin South District Assembly
ATR	African Traditional Religion
BDPA	Beijing Declaration and Platform for Action
CRHC	Central Regional House of Chiefs
FGD	Focus Group Discussion
GNA	Ghana News Agency
GSS	Ghana Statistical Service
IAR	Indigenous Assn Religion
MCTA	Ministry of Chieftaincy and Traditional Affairs
NHC	National House of Chiefs
PRAAD	Public Records and Archive Administration Department
PNDC	Provisional National Defence Council
UDHR	Universal Declaration of Human Rights
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Program
WiLDAF	Women in Law and Development Africa
CEDAW	Convention on the Elimination of all forms Discrimination Against Women

GLOSSARY OF ASSIN (TWI) WORDS

<i>Abusuapanin</i>	Head of lineage
<i>Abusua</i>	clan/ lineage
<i>Adae</i>	ceremonies marked to propitiate the departed members of the community
<i>Adedie</i>	Transmission of property
<i>Adehyepanin</i>	Head of the royal family
<i>Adɔntenhene</i>	Commander of the ɔmanhene's army
<i>Amanhene</i>	Several Paramount Chiefs
<i>Ankɔbeahene</i>	Head of the ɔmanhene's royal bodyguard
<i>Akofena</i>	State sword
<i>Asamandow</i>	Ancestral land
<i>Aseda nsa</i>	Thank you drink
<i>Benkum</i>	Left wing division
<i>Duabɔ</i>	Grievance imprecation
<i>Gyase</i>	Royal household
<i>Gyasehene</i>	Head of the Royal household
<i>Kontihene</i>	Commands the Chief's army in the absence of the Chief
<i>Kyidom</i>	Rear guard division

<i>Mogya</i>	Blood
<i>Nsee</i>	Self-imprecation
<i>Nifa</i>	Right wing division
<i>Ntam</i>	Reminiscential oath
<i>Nton/Ntoro</i>	Father's deity
<i>Nsamansew</i>	Customary will
<i>Nyame/Onyame</i>	Supreme Being
<i>Nyame dua</i>	Tree of God. Symbol of God's presence and protection
<i>Nananom Nsamanfo</i>	Ancestral spirits
<i>Sanaahene</i>	Head of the Royal treasury
<i>Sunsum</i>	Character forming element
<i>Suban</i>	Character
<i>Suman/ Aduro</i>	Medicine
<i>Tri nsa</i>	Head wine
<i>Ɔbaapanin</i>	Elder woman
<i>Ɔbaahemaa</i>	Queen mother
<i>ɔbosom</i>	Minor deity
<i>Ɔkomfo</i>	Traditional priest
<i>ɔkra</i>	Soul

Ɔmanhene Paramount chief

Ɔmanhema Paramount queen mother

CHAPTER ONE

INTRODUCTION

This thesis examines the place of the Indigenous Assin Religion (IAR) in the inheritance and succession practices of the Assin. The problem of the thesis argues that if the IAR is allowed to play a major role in the inheritance and succession practices, the numerous challenges that plague the practices of inheritance and succession may be minimised. This problem is important because it helps me to establish the importance of the IAR in the inheritance and succession practices of the Assin. Though this study relates to other studies of the same subject, it is different from such works as they considered the subject from the sociological and anthropological point of view while this study does so from the religious point of view. The practical implication of this thesis is that it helps throw more light on inheritance and succession practices of the Assin, in particular, and Ghana, in general. Policy makers will find it a good companion as they fashion new ways of dealing with the numerous problems that confront the administration of inheritance to properties and succession to traditional political offices in Ghana.

Background to the study

Until their encounter with colonialism and its key appendage—Christianity and other impinging religious traditions such as Islam—indigenous Assin (the people understudy) and for that matter, the Akan people were guided by their indigenous worldview in the conduct of their everyday activities. This worldview is noted to be hugely underpinned by their indigenous religion which is, today, referred to as African Traditional

Religion. By worldview, I am referring to what Bauman, Bohannon and O'Brien (2011) see as "a set of basic assumptions through which one views reality, usually shared among members of a community and often heavily influenced by religion" (p. 235).

As noted above, Ghana is now a pluralistic religious society with many religious persuasions planted among millions of Ghanaians. These religions, notably Christianity and Islam have largely succeeded in supplanting the indigenous religion and have become the main religions most Ghanaians adhere to today (GSS, 2013). What this means is that the norms and codes of inheritance and succession which are underpinned by the indigenous religion have also been affected. It must, however, be pointed out that, in spite of the fact that the indigenous religion appears to be relegated to the periphery of the religious community of Ghana, it still has a strong hold on the worldview of many Ghanaians. For instance, the indigenous religion is still used by the people to either reinforce or deny the rights of people to inherit a property or succeed to a traditional political office.

There is the general notion among the Akan that the nephew always inherits his uncle if the uncle dies intestate. This notion is meant to drive home the idea that, in a matrilineal society such as the Assin, the right of inheritance first lies with a nephew. It appears such a notion is, however, not backed by customary practices among the Assin. This is supported by a popular saying among the Assin which is *wɔfa wɔho nti me nnye edwuma* meaning 'since my uncle is alive, I will not work.' It is important to note that the disputation of this notion is not only seen among the Assin. Rattray (1923) has noted this among the Ashanti long ago. He supported his thesis with an Akan proverb:

Nuanom nsa a wɔfase nni adeɛ meaning if ‘siblings are not exhausted nephews do not inherit.’ This proverb, according to Rattray, makes nonsense the generally held notion of the nephew being the first in line to inherit an uncle on the occasion of the uncle dying intestate.

Though this proverb cannot be used to describe inheritance practices across the country since inheritance practices differ from community to community, this proverb, as posited by Rattray, is important to understand the idea of the indigenous religion in the inheritance practices of the Assin. Even though Rattray’s work is on the Asante, the proverb is equally applicable to the Assin since the Assin has a similar culture as the Ashanti as they migrated from the Amakom area of Kumasi, capital of the Asante state (Nana Kwantwi Barima, personal communication, June 19, 2016). I have also relied on Rattray since there is little or no information on inheritance practices of the Assin in the literature.

In the context of this thesis, inheritance is explained as the process of taking possession of the properties of a deceased family member. This process of inheritance known by the Assin as *adeɛ di* that is ‘one inheriting someone,’ takes the form of transfer of economic rights between consanguineal kin to the exclusion of the spouse and children.

The Assin, being a matrilineal society, makes provision for the customary successor to take care of the widow and children of the deceased. Children, by custom and tradition of the Assin, cannot inherit the properties of their father but can inherit from that of their maternal uncles. Awusabo-Asare (1990) makes a similar observation where he says:

If a man dies intestate, a uterine brother is the first in line to inherit his self-acquired property, in some cases including his wife, family property in his care, and his office if he held one. The next to be considered if there is no uterine brother, is the son of a uterine sister (p. 7).

Quisumbing, Payongayong, Aidoo and Otsuka (2001) in a study among an Akan ethnic group in the Western Region of Ghana also argued that traditionally, Akan households practice uterine inheritance which allows transfer of land from the deceased man to his uterine brother or nephew. They contend that the practice of uterine inheritance among the Akan disallows children from inheriting land from their fathers but encourages them (children) to inherit land from their mothers. It can, however, be argued that since the Western Region is not a homogenous region this conclusion by Quisumbing, et al (2001) may not be accurate. For example, among the Assin, from my interactions with the people, provision is made for the customary successor to take care of the widow and children of the deceased (Field work, 2016).

Implications of the matrilineal inheritance practices mean that the widow and children of the deceased are not considered as part of the man's uterine family, and as such, are not considered when the self-acquired property of the man is distributed. The inheritance practices of the Assin are seen as part of their cultural practices which are reinforced by their indigenous religion. Implications of the influence of the indigenous religion on the inheritance practices of the Assin are numerous and these have been analysed in chapter four of this thesis.

Again, in the context of this study, succession is explained as the process by which a royal qualified to occupy a vacant stool,¹ is enstooled after going through all the necessary customary practices. Succession is a political as well as a religious process. Politically, the new chief and his female co-ruler, the *ɔbaahemaa*, are the head of the community and see to its administration. There is very little information on the Assin political system as indicated in my literature review, yet, it can be assumed that it may have similar political arrangement as the rest of the Akan since they are part of the Akan.

The Assin political institution has at its base the lineage political set up with a lineage head, the *Abusuapanin*. At the apex of the political structure is the traditional area headed by a chief, assisted by her female co-ruler, the *ɔbaahemaa*. The Assin political institution is a religious one. This is because IAR is seen right from the commencement of the enstoolment processes. The chieftaincy institution² is the pivot of the Assin political system. In this thesis, the chieftaincy institution is used synonymously with political institution. Before a new chief is nominated by the *ɔbaahemaa* who, by custom and practice of the Akan, has the right to nominate a new chief when the stool becomes vacant, some consultations are done. Aside the consultation with the kingmakers before the final selection is done, the *ɔbaahemaa* in consultation

¹ Among the Akan, stools are symbols of political authority. Every chief (*ɔhene*) and queen mother (*ɔbaahemaa*) is required to carve for himself or herself after ascending to the stool of his or her people. It is this stool that is blackened and placed in the stool room when the chief or queen mother dies (cf Sarpong, 1971; Assanful, 2012b; Awuah-Nyamekye, 2014).

² The chieftaincy institution is the body recognised by law to regulate the activities of chiefs and their female co-rulers in Ghana.

with the *Adehyepanin*³ sends emissaries to some selected powerful diviners and shrines to consult and ascertain which of the candidates will be suitable for the position (Awuah-Nyamekye, 2009).

The stool on which the new chief sits is not only a political one but a religious one as well. As Akrong (2006) observes, the stool serves as a link between the chief and his revered ancestors. The stool therefore becomes the symbol of the ever presence of the ancestors in the daily lives of the people. The implication of the sacredness of the person of the chief is that he does not only become a representative of the ancestors but his person also becomes sacred. He is protected with a lot of taboos. This position of the chief means he cannot be insulted or attacked, walk barefooted and, even in some instances, he cannot eat in public (Busia, 1968). All these general taboos and others, specific to the stool the chief sits on are meant to protect the sanctity and sacredness of the stool.

The practice of inheritance and succession in Ghana is fraught with some challenges. These challenges have to do with the manner in which customary successors treat the spouse(s) and children of their deceased family members and, also, how succession disputes have marred the peaceful succession to political offices. In the context of this study, the changes that have occurred in the inheritance practices of the Assin in particular, and Ghana in general, have to do with the various laws passed by the Provisional National Defence Council (PNDC) during its rule to regulate marriage and inheritance in Ghana (Awusabo-Asare, 1990). Of the various laws—the one that is pertinent

³ The Adehyepanin is the head of the Royal Family responsible for providing a candidate to sit on a vacant stool. He is considered as the principal kingmaker who presents the chief-elect to the people for approval after the nomination by the obaahemaa.

to this study—is the Intestate Succession Law (PNDCL 111). This law was promulgated by the PNDC in 1985 to establish a uniform intestate succession practice applicable to all types of marriages in Ghana. The law was promulgated in response to the many allegations of customary successors and the matrilineal family at large treating the widows and children of their deceased uterine brothers badly and denying them a share of the deceased's self-acquired properties on their death. It must be underscored that though the PNDCL111 was put in place to bring uniformity in the inheritance practices in Ghana, it was not meant to replace the customary matrilineal inheritance practice of the various ethnic and religious groups in Ghana. On the contrary, the law gave recognition to the customary inheritance practices of the various communities. Section 10 of the law states that “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.”

Awusabo-Asare (1990), however, argues that the law undermines the Akan customary worldview on property and production relations since family properties at the disposal of members of the matriline were once an individual's self-acquired properties of a remote ancestor which became vested in the lineage. The argument of Awusabo-Asare may not be tenable. The reason being that, the law did not abolish the matrilineal inheritance practices of the Akan. This customary practice of matrilineal inheritance allows that the self-acquired property of a deceased is reverted to his or her uterine family and is administered by a named customary successor. This is because as Kuenyehia (2006) articulates, "customary law treats customary family's rights of inheritance as paramount. Because a wife is not considered a part of her husband's family, ... any claims she may purport to make to marital property is met with opposition" (p. 392). It is for reasons such as these that the PNDCL111 was enacted to right an 'injustice' done to spouses in most cases widows and the children of the deceased who in most instances would have toiled with the deceased only to be denied a share in the property they would have contributed to acquire. The law, I want to reiterate, did not abolish the customary matrilineal inheritance practice but only came to recognise the place of spouses (women) and children in the inheritance of a self-acquired property of a deceased spouse.

The judiciary has also intervened to bring changes to the practice of inheritance in Ghana. The courts have had the cause to interpret and rule on cases that bother on joint ownership of properties by spouses; the interest of widows and children in the properties they helped their husbands and fathers to acquire during the life of the man taking into cognisance the changing

economic order; and the economic empowerment of women. The courts have also had the need to intervene and review the practices of *nsamansew*⁴, customary will which hitherto has required the family of the man to be notified and their consent obtained before a man can alienate his self-acquired property to another person.

The National House of Chiefs (NHC), noting the numerous disputes that have occurred in the events of a succession to a traditional political office has also put in place measures to mitigate this destructive tendency that tends to put the chieftaincy institution in a bad light. In furtherance of the Chieftaincy Act, 2008 (Act 759), the NHC has set, in motion, the process to codify the “procedure for installing a chief, the kingmakers, those who are qualified in the families and the order of rotation (where there are two or three gates)” (Daily Graphic, 2016, p. 48). Since this is an ongoing process, it is difficult to tell its impact on the chieftaincy institution relative to disputations on the enstoolment processes. Despite this, the codification process is worth analysing as it will help to show how the traditional authorities are helping to codify the customary succession rules of the various traditional areas in order to help minimise the succession disputes with its attendant destruction that has bedevilled the succession processes.

Motivation for the study

The present study is an investigation into the role of Indigenous Assin Religion in the inheritance and succession practices of the Assin. This study

⁴ Nsamansew is the customary will made by a person to give part of his or her self-acquired properties to any one of his or choice with the prior knowledge and consent of his family members and in the presence of witnesses.

became necessary because by careful scrutiny, I observed that a lot of the literature on inheritance is based largely on sociology and anthropology. Very little, if any at all, is devoted to the role of the indigenous religion in the inheritance practices of the people. In instances where the role of the indigenous religion is mentioned in the discussion of inheritance practices, it is done with less detail (Rattray, 1923; Busia, 1968). The discussions on the matrilineal inheritance practices that underpin the inheritance practices of the Akan, for example, is done purely on the basis of social construct without any regard to religious underpinnings. If the African is truly religious as posited in the literature by various scholars (Idowu, 1973; Mbiti, 1989; Parrinder, 1974; Opoku, 1978), then any discussion of their inheritance practices cannot be complete without a mention of the indigenous religion. It is this seeming lacuna that has motivated the current study to find out the role of the indigenous Assin religion in their practices of inheritance.

Though there is some considerable amount of literature on the subject of succession in Ghana, my motivation in this study is to bring, to the fore, the story of the Assin and its indigenous religion in their succession practices. Even though the Assin are an Akan ethnic group and their succession practices will not be too different from the rest of the Akan ethnic groups, I found the Assin case worth investigating as very little, if anything at all, is known about succession practices of the people.

Another point of consideration in selecting the Assin for investigation is the few disputes that has characterized their succession practices. The only dispute that came to my notice during my field work has to do with the succession to the Assin Afutuakwa stool. Could it be that the Assin has

allowed their indigenous religion to play its rightful role in the selection processes of a new chief which is why there is some quite on the front of the chieftaincy institution? These and other reasons have motivated this study to ascertain the extent of the role of the indigenous Assin religion in the succession practices of the Assin.

Statement of the Problem

Interactions with respondents in the study areas and analysis of same revealed that the Assin have put in place rules and regulations to ensure smooth operation of matters pertaining to their inheritance and succession practices during the pre-colonial era. These regulations were aimed at ensuring that the right persons inherited a property or succeeded to a political office causing disputes regarding their inheritance and succession practices of the Assin to be kept at the barest minimum. But of late, some disputes have occurred when it comes to issues of inheritance and succession among the Assin. An example in the study area is the dispute currently before the Central Regional House of Chiefs (CRHC) on the nomination of a new Omanhene for the Assin Afutuakwa Traditional Area. The judicial committee of the House is adjudicating on the matter to settle the dispute. On the question of inheritance, the government of Ghana, in 1985, enacted the Intestate Succession Law (PNDCL 111) to ensure that women whose husbands died intestate are not denied access to the properties of their husbands.

The Chieftaincy Act (Act 759) of 2008 was enacted by the Parliament of Ghana to give a legislative backing to the institution. The Act has put in place procedures one would have to go through in order to deal with any

succession disputes. The Act has made the NHC original jurisdiction in matters of chieftaincy disputes. An appeal from the rulings of the House can however be made to the Supreme Court of Ghana. The Ministry of Chieftaincy and Traditional Affairs of Ghana (MCTA) in collaboration with the NHC have also set, in motion, processes to codify succession to stools and skins across the traditional areas of the country. The legislative instruments (LIs) of eleven traditional areas detailing their succession rules have been passed by Parliament (Ghanaian Times, 2010). This move according to the former Minister of Chieftaincy and Traditional Affairs, Dr. Henry Siedu Daanaa, is to help address the numerous disputes that have characterised the chieftaincy institution in the country (Daily Graphic, 2014).

As I have already pointed out, a lot of studies have been conducted on inheritance and succession among the various Akan societies in Ghana (Busia, 1968; Gedzi, 2009; Goody, 1962; Gyekye, 1997; Kuenyehia, 2006; Nukunya, 2003; Rattray, 1923; Sarpong, 1974; Wilson, 2011). Many of these studies have focused on the concept of inheritance and succession from the point of sociology and anthropology (Goody, 1962; Nukunya, 2003). Those literatures that touch on the subject of inheritance and the influence of the traditional African religion have not done so in detail (Busia, 1968; Rattray, 1923). A major feature of these works is that not much attention was given to the role indigenous religion of the Akan played in their inheritance and succession matters. Therefore, building on these works, the present thesis seeks to investigate the role IAR plays in the inheritance and succession practices of the Assin. The problem of the thesis is whether the disputes that follow inheritance especially where spouses, notably widows, are denied share in the properties of

their deceased husbands and disputes that may occur in the event of succession to a stool can be minimised if the IAR is allowed to play its rightful role in the inheritance and succession practices of the Assin. This I believe can be achieved if some aspects of IAR such as the invocation of spirits, *nseε*, *ntam*, etc are harnessed by the people to help bring sanity to the inheritance and succession practices of the Assin.

Aims and objectives

The following are the aims and objectives that guided the thesis:

- (1) To understand the role of Indigenous Assin Religion in the inheritance and succession practices of the Assin.
- (2) Examine how the IAR has affected the position of spouses especially women and children in Assin inheritance practices.
- (3) Examine whether the adhering or non-adhering to the IAR on succession is a factor in the succession disputes in the study area.
- (4) Assess the impact of legislations on the inheritance and succession practices of the Assin.

Research Questions

In order to achieve these aims and objectives, the following four questions are put forward to guide the research.

1. What is the role of IAR in the inheritance and succession practices of the Assin?
2. In what ways has the IAR affected spouses especially, widows and their children in the inheritance practices of the Assin?

3. How does the adhering or non-adhering to IAR account for some of the succession disputes in the study area?
4. What does the impact of legislations bring to the inheritance and succession practices of the Assin.

Purpose of the study

The purpose of this study is to find out the role of IAR in the inheritance and succession practices of the Assin. Among other things, this study is purposed to describe the Assin's views on the concept of inheritance and succession; find out their mode of inheritance and succession practices; evaluate the role of the traditional religion on the inheritance and succession practices of the Assin; analyse the role of the matrilineal kinship system in the inheritance and succession practices of the Assin; and to access the changes that have taken place in the inheritance and succession practices of the Assin.

Significance of the study

This research work is significant for several reasons. Since very little literature exists on the subject of inheritance and succession in the study area, this thesis, it is hoped, will be significant for a number of reasons. This study, in adding to the existing body of literature on inheritance and succession, sheds new light on the transformations that have occurred with regards to inheritance and succession rights of the Assin. This thesis is also significant in helping students of religion and related disciplines, researchers, policy makers, widows, NGOs to appreciate the role of the indigenous religion in the succession and inheritance practices of the Assin in particular and Akan in general. Again, policy makers will find the work beneficial as the thesis will

show the need to take, into consideration, the religio-cultural practices of the people whenever policies regarding inheritance in the country are being formulated. Researchers, students, women's right groups and other stakeholders will also find this thesis as an important point of reference in their studies on inheritance practices.

Delimitation

The study was restricted to four communities randomly selected from the four traditional areas within the Assin South District and Assin North Municipality. The thesis is also delimited in terms of the scope of study. The study recognises the fact that issues of inheritance and succession range from traditional religious practices such as the priesthood, the abusua inheritance and succession (including family deities) to other forms of professions within the indigenous communities such as gold smiths, carvers, diviners, and healers who bequeath their properties, spiritualities and positions to others. This thesis, not oblivious of these facts, has delimited the scope of study to the specific issue of the role of indigenous Assin religion on the inheritance and succession practices of the Assin.

Limitation

The study was conducted in four selected towns from three of the four traditional areas that make up the Assin. The distances between the towns are such that they made accessing data a bit tedious and time consuming which tended to affect the quick completion of the study. The situation of distance had serious financial constraints on the resources available for the study.

Theoretical framework

In view of the fact that this thesis sought to discuss inheritance and succession as two important phenomena among the Assin, and that the subject of study could be investigated by anthropologists, sociologists as well as indigenous African religious scholars among others, I settled on two theories that I believed could be used for both social science research and religious studies research. These theories are the property rights theory and the postcolonial theory (Besley, 1995; Childs and Williams, 2013; Feder and Feeny, 1991; Joireman, 2006; Rukundwa and van Aarde, 2007; Segal and Whinston, 2010; Young, 2003).

Using two or more theories in research falls within the purview of triangulation. Triangulation is the use of multiple methods or data sources in qualitative research to develop a comprehensive understanding of a phenomena (Patton, 1999). The use of triangulation helped in validating the data from the field. Using triangulation in this study does not suggest a hybrid. The two theories were used to complement each other and help me evaluate how properties were acquired and utilised. The theories also helped me to understand how succession took place in the study area. In using triangulation, postcolonialism was used to examine the call for resisting status quo which tend to satisfy the whims and caprices of some individuals and property right theory as setting the ideas around the basic rights of an individual that sets the tone for the resistance.

Though both the property rights theory and postcolonialism theory fall squarely within social sciences, they could still be seen to be relevant for a

religious study such as this current study since religion is equally a social phenomenon. It is this consideration that made me select these two theories for my study. These theories are important in trying to understand the need for people to own property either collectively or privately; to investigate how European conquest of Gold Coast, now Ghana has impacted on the Ghanaian culture and political life, and how Ghanaians responded to it. I explain briefly the two theories.

property rights theory

Property right theory posits that the owner of an asset has the right to put the asset to use and derive benefits from it as well as the right to exclude others from using the property (Segal and Whinston, 2010). Property rights define the uses which are legitimately viewed as exclusive and who has these exclusive rights (Feder and Feeny, 1991). The issue of inheritance is very important in Ghana and until 1985, issues of inheritance were determined under the rules governing the various types of marriages such as customary, ordinance and Islamic. One's ability to inherit a property was dependent on one's lineage system. The state of Ghana in 1985 intervened with a legislation to regulate the practice of inheritance among the various ethnic and religious groups. In the management of property rights, the state has an important role to play in ensuring that appropriate regulations are put in place to ensure the protection of the rights of vulnerable people such as widows and children. This led the state in 1985 to introduce PNDCL 111 Intestate Succession Law to regulate the practices of inheritance in Ghana. The choice of property rights theory helped me to assess the impact of the Intestate Succession Law on the inheritance practices of the Assin.

postcolonial theory

Postcolonial theory investigates and develops propositions about the cultural and political impact of European conquest upon colonised societies, and how these societies responded (Wilson, 2011). Young (2003) also states, “Postcolonialism claims the right of all people on this earth, to the same material and cultural well-being” (p. 2). Postcolonialism, he continues, “Has been concerned with the elaboration of theoretical structures that contest the dominant ways of seeing things” (p. 4).

Postcolonialism as a theory was popularised by scholars such as Spivak (2006), Said (1995) among others. Spivak, in her essay, *Can the Subaltern Speak*, “exposes the irony that the subalterns have awakened to a consciousness of their own rights by making practical utterances against unjust domination and inequality” (Ambesange, 2016, p.48). Spivak deals with the question of the ‘Other.’ She argues that women are treated as the ‘other’ since they are subordinated to men and exploited in the society. In dealing with the unjust domination and inequality in the society, scholars such as Fanon (2004) has called for the use of violence to counter what he terms as violent behaviour of the oppressor. Said (1995), on the other hand, in his work *Orientalism*, argues that postcolonialism deals with the problem of discrimination in the society.

Postcolonial theory, according to Rukundwa and van Aarde (2007), “is a means of defiance by which any exploitative and discriminative practices, regardless of time and space, can be challenged” (p. 1171). From the descriptions of Rukundwa and van Aarde of postcolonial theory, it can be

realised that postcolonial theory is a tool used to protest the dominant structures of the society and calls for changes as to how things are done in the society. It is this understanding of postcolonial theory as posited by Rukundwa and van Aarde (2007) that has informed my choice of postcolonialism theory to assess the inheritance and succession practices of the Assin. In using the postcolonial theory to understand succession, my aim is to establish how the colonial domination undermined the traditional political institutions. In the same vein, my use of the postcolonial theory is to investigate whether traditional authorities collude with or challenged the dominant colonial order.

Thus, the use of postcolonialism theory has helped to denote the quest by the traditional leaders to challenge the status quo and take decisions that will benefit the present generation without denigrating the past or compromising the future. Postcolonial theory again helped me to understand the subordination of women in the Assin society. Women were expected to help their husbands make a living and not be entitled to any properties that she would help the man to acquire by right. What she was entitled to was her upkeep by the man.

Research Methodology

This section discusses the research methods used for the study. Qualitative research methodology guided the study in the areas of the research design, data collection procedure; research instruments, the sample population and sampling procedures /techniques.

qualitative research method

The research is qualitative in nature. Qualitative research is a method concerned with understanding why people behave the way they do, their knowledge, attitudes, beliefs and fears (Kumar, 1999). The method allows respondents to give valuable answers to questions posed to them (Kumar, 1999). The qualitative research method, according to Creswell (2003) is one in which the inquirer often makes knowledge claims based primarily on constructivist perspective. Qualitative approach allows the researcher to collect open ended, emerging data with sole purpose of developing themes from the data collected (Creswell, 2003, p. 18). Qualitative research describes the worldviews of the participants from their own perspectives (Kusi, 2012). Yin (2011, pp. 7-8) has given five features of qualitative research. These are:

1. Studying the meaning of people's lives under real-world conditions
2. Representing the views and perspective of the people in a study
3. Covering the contextual conditions within which people live
4. Contributing insights into existing or emerging concepts that may help to explain human social behaviour
5. Striving to use multiple sources of evidence rather than relying on a single source alone

These features according to Yin are important for the researcher as he or she is able, through the method, to understand the people under study from their real-world experiences. The researcher he continues, will be able to make assumptions and generalisations where appropriate from the data gathered. The

qualitative method, finally, helps the researcher to cross check facts given by one source which would help to strengthen the reliability of the data gathered.

Qualitative research method was adopted for this thesis since it is meant to study the Assin and their real-world experience of their inheritance and succession practices. To be able to undertake a qualitative research on the real-world experiences of the Assin, the phenomenological method of enquiry was adopted. Phenomenological method of enquiry has been described by Husserl as a descriptive theory of knowledge (Cox, 2010). The phenomenological method, Cox (2010) asserts, begins from within the person, the subject, and seeks to move outside the person into an objective description of the world.

Phenomenological studies allow a researcher to bracket common sense beliefs while focusing reflectively on the phenomena of experience, analysing the traits of these phenomena and their implications and reporting the results to others for further confirmation or disconfirmation (Twiss and Conser, Eds., 2006). Phenomenology enables the researcher to identify the essence of human experiences concerning a phenomenon as described by participants in a study (Creswell, 2003; Lester, 1999).

To add to the above, phenomenology situates itself and relates to key disciplines such as ontology, epistemology, logic and ethics to give meaning to an individual's experiences of the world through their senses. Phenomenology allows human beings to revisit their consciousness to understand their experienced lives and world by making meanings through personal

interpretations; as well as presenting the phenomena under question through personal lenses (Gibson, 2010).

However, in spite of the above advantages of phenomenology, the approach has its own challenges. Some scholars have argued about the limitations of the phenomenological method as an acceptable method in the academic study of religion. Lester (1999) makes the point that “pure phenomenological research seeks essentially to describe rather than explain and to start from a perspective free from hypotheses or preconception” (p. 1). This position of Lester is in tandem with *epoche* as postulated by Edmund Husserl where the student of religion is to begin his or her enquiry into any religious phenomenon without any biases or preconceived notions.

According to Lester (1999), humanist and feminist researchers refute the possibility of starting without preconceptions and bias. These researchers emphasise the importance of making clear how interpretations and meanings have been placed on findings, as well as making the researcher visible in the ‘frame’ of the research as an interested and subjective actor rather than a detached and impartial observer. Despite these criticisms, the phenomenological method has proven to be a reliable partner in the academic study of religion. The use of phenomenology as a method of enquiry in this thesis helped me to go to the essence of the study by interacting with my key informants on how IAR has influenced the practices of inheritance and succession in Assin. This study shares the position of Cox (2010) who contends that phenomenology is “relevant to the study of religion as a subject in its own right” (p. 151), hence, the decision to adopt the phenomenological

method in a qualitative study such as this to help me understand the subjects of inheritance and succession as practiced by the Assin.

research design

The research design refers to the overall strategy that a researcher chooses to integrate the different components of the study in a coherent and logical way, thereby, ensuring he or she effectively addresses the research problem; it constitutes the blueprint for the collection, measurement, and analysis of data (De Vaus, 2001). In selecting a research design, Crotty (as cited in Gibson, 2010) has outlined four questions a researcher must answer. These are:

1. What methods do we propose to use?
2. What methodology governs our choice and use of methods?
3. What theoretical perspective lies behind the methodology in question?
4. What epistemology informs this theoretical perspective?

These questions guided the present research and helped in the selection of the appropriate research design for the study. This led to the selection of the case study as the research design for the present study. This design helped me to appreciate the case in depth in its natural setting, while recognising its complexity and its context. It also helped to have a holistic focus, aiming to preserve and understand the wholeness and unity of the case (Kusi, 2012). This design is important for this study as it enabled me to conduct an in-depth study into the indigenous religion on one hand, and inheritance and succession practices among the Assin, on the other hand. It also helped me decide what I wanted to find out, identify the study population, and select a sample size and

respondents in order to provide the appropriate information. The bulk of the information for this study came from the study area, though the available literature was also relied on for my analysis.

research instruments

The research instruments that I used for this thesis are the semi-structured interview guide and focus group discussion (FGD). The semi-structured interview guide is an interview structure that enables a researcher to formulate questions, spontaneously, during an interview. This approach to data collection is helpful in situations where in-depth information is needed or little knowledge is known about the study area (Kumar, 1999). The semi-structured interview guide gives a researcher the opportunity to probe deeper and ask follow-up questions to clarify any thorny issue (Kumar, 1999; Kusi, 2012). I used the semi-structured interview guide during my one-on-one interviews with my respondents. Thus, I was able to ask the pertinent questions being guided by the semi-structured interview schedule and was also able to ask follow-up questions to get more clarity on the issues under study.

An FGD, according to Arthur (1994), “is a guided in-depth exploration facilitated by a moderator and recorded by a note-taker and tape recorded in which members of a target audience (6-8) discuss their feelings, beliefs and behaviours relative to a specific topic” (p. 7). Arthur (1994) has given some advantages and disadvantages of FGD. In terms of advantages, Arthur (1994) notes the following about FGD:

1. It provides insight into the attitudes, emotions, beliefs, fears, aspirations and behaviours of people

2. The moderator has the opportunity to probe further
3. While encouraging participation, the moderator takes note of all the non-verbal group feedback such as frowns, laughter, and tone of voice.

FGD however is not without disadvantages which may include:

1. Nature of the exercise is expensive
2. Control of the exercise is also less
3. Special skills are needed to conduct the exercise
4. Difficulty exists in assembling the interviewees
5. Conducive atmosphere needed for discussion

The FGD, according to Bloor et al (2001), provides an opportunity for the public to participate in a research process: it is a sociable event; it is time limited; and it requires no technical skills of the group members. It can also be convened at any point of the research process. The use of FGD in this study was important as it afforded me the opportunity to bring a number of widows in Assin Ochiso and Assin Kumasi, respectively, together to deliberate on issues of inheritance and the state of widows and children in the event of the husbands dying intestate. It would have been impossible to reach all these widows individually. FGD gave my respondents the opportunity to share their concerns and worries as widows in the study area. The views of the widows were important as I was able to analyse the effects of the matrilineal inheritance practices of the Assin on the fortunes of the women and their children. Their views also helped me to assess the role of the IAR on the inheritance practices and how it has been used by the Assin to deny or assist the widows and their children.

sampling procedures/techniques

Sampling is the procedure through which we pick out from a set of units that make up the object of study (population), a limited number of cases (sample) chosen according to criteria that enable the results obtained by studying the sample to be extrapolated to the whole community (Corbetta, 2003). I relied on the purposive and the snowball sampling techniques in selecting the respondents for interview likewise the sampling technique to select the communities that formed the study areas of this current research.

The purposive sampling technique, also called judgment sampling, is a deliberate choice of an informant due to the qualities the informant possesses (Kumar, 1999; Tongco, 2007; Twumasi, 2001). The purposive sampling technique was helpful in enabling me locate and select the people who were in the position to provide the needed information for the achievement of the objectives of the study.

Snowball sampling involves identifying subjects for inclusion in the sample by referrals from other subjects. The process begins with a small number of subjects who have the desired requisites, through whom further individuals with the same characteristics are identified (Corbetta, 2003; Kumar, 1999; Kusi, 2012). Snowball sampling helped me to reach other members of the community for further information. This technique was key in reaching some respondents who could not have been reached through the purposive sampling technique.

The random sampling technique was also used to select the communities that served as the study areas for the research. In order to give

equal chance to every community to be selected, the fishbowl technique was used to pick the communities. The fishbowl technique according to Kumar (1999) helps a researcher to select his/her sample if the population is small. Putting the names of some of the communities making up the four traditional areas of the Assin in a bowl, I drew out the four communities I used for the case study giving equal opportunities for every community to be selected. This technique helped me to select the four communities from the study area. These are: Assin Kumasi, Assin Ochiso, Assin Kushea and Nyankumase Ahenkro.

population and study sample

The population for the study is the entire Assin people who are found in the four traditional areas making up the Assin. These are Assin Afutuakwa Traditional Area, Assin Attandasu Traditional Area, Assin Apimanim Traditional Area and Assin Owirekyi Traditional Area. From the population, a sample size of Forty (40) persons was selected. They comprised chiefs, *Abaahemaa* (Queen Mothers), *Abusuapanin* (head of the lineage), *Adehyepanin* (head of the royal family), *Ɔbaapanin* (elder woman), widows and staff of the Houses of Chiefs and traditional council at Nyankumasi Ahenkro.

In selecting the sample for my study, I took into consideration the qualities my informants will bring to bear on the study. Since the study was on inheritance and succession, I selected, for interview, the sample I deemed most appropriate for the study. I selected, for interview, chiefs and queen mothers in the study area. These were selected since they were directly involved in the practices of succession. I also selected *Abusuapanin* and *Adehyepanin* for my

study. The Abusuapanin as the head of the matrilineal family is responsible for the administration of the properties of a uterine family member on the demise of the member. Also, the Adehyepanin as the head of the royal family is responsible for approaching the Obaahemaa to nominate a new chief on the event of the stool becoming vacant.

The study also made use of spouses especially, widows. Widows were specifically targeted since, in the inheritance practices of the Assin, the matrilineal inheritance system does not allow the widows and their children to benefit from the self-acquired property of the deceased husband and father. The widows were selected to seek their views on the interventions of the state by way of legislations that have been put in place to deal with this seeming 'injustice'. The widows were also selected to find out how they were coping together with their children after the demise of their husbands and fathers. I deliberately used widows in this study not because they were no widowers in the study area. My emphasis on widows was for the simple reason that there are more widows than widowers (Wilson, 2011) and studies have shown that widows tend to suffer more than widowers in the Akan society (Awusabo-Asare, 1990; Kuenyehia, 2006; Quisumbing, Payongayong, Aidoo and Otsuka, 2001).

In order to understand the administration of chieftaincy succession and the need to appreciate the current changes such as the codification of succession rules that have affected the succession practice—a change that is meant to bring more respectability to the chieftaincy institution—I interviewed respondents from the traditional council at Nyankumasi Ahenkro and the Regional House of Chiefs in Cape Coast and National House of Chiefs in

Kumasi. I interviewed these people because they are directly responsible for the administration of chieftaincy in the country. The traditional council and the Houses of Chiefs both at the regional and national levels are responsible for matters that bother on the sanctity of the chieftaincy institution and for matters of adjudicating on succession disputes. The inputs of respondents in these specific instances were of importance to the study. The table below shows the breakdown of the sample population:

Table 1

Breakdown of Sample Population

Group	No of Persons	Location of Respondents
Traditional leaders Assin	15	Assin Kushea, Assin Ochiso, Kumasi, Nyankumasi Ahenkro
Widows	20	Assin Kumasi and Assin Ochiso
Central Regional House of Chiefs	3	Cape coast
National House of Chiefs	1	Kumasi
Assin Attandasu Traditional Council	1	Nyankumasi Ahenkro

Source: Field work, 2016

fieldwork method

The period of my field work span between January –June, 2016. I had to undertake some validation interviews later in the year to clarify some of the issues discussed. The field work took me to some of the communities in the Assin area. My initial intention in this thesis was to select two towns from each of the four traditional areas making up the Assin area. I however had to reduce this to four. My decision was based on the fact that the Assin constitute a homogenous group and as such have a common cultural practice. The essence of my thesis was also not to compare the four traditional areas. The four towns were randomly selected and informants purposely approached for interview. The towns studied as mentioned earlier are Assin Kushea, Assin Ochiso, Nyankumasi Ahenkro and Assin Kumasi. As tradition demands, I met the chiefs and elders of these communities, presented the customary drinks, introduced myself and told them of my mission. I had a recorder with me and with the permission of my respondents, recorded the interviews. Secondary sources such as books, articles etc on the subject were also used.

I visited the Assin North Municipal Assembly at Assin Foso and the Assin South District Assembly at Nsuem/Kyekyewere for information on the two Assemblies. I also visited the Central Regional House of Chiefs for information on the efforts of the Judicial Committee of the House in dealing with succession disputes to stools. My interest was in the cases being handled by the Committee from the Assin area. The field work afforded me the opportunity to have a one on one interview with my informants and also to conduct focus group discussions. The focus group discussions allowed me to interact with widows who shared their experiences on the question of

inheritance and how they have been denied or helped to the estate of their deceased husbands.

data collection methods

Using the research instruments discussed earlier, the data for the study were collected using the primary and secondary sources of data collection. While the field work provided the bulk of the primary data, the available literature and archival materials from the Public Records and Archival Administration (PRAAD) and proceedings from the sittings of the judicial committee of the Central Regional House of Chiefs constituted the secondary sources of data.

data analysis

Data analysis forms an important aspect of any research as it helps the researcher analyse raw data and put them in themes as derived from the field work so as to draw conclusions from the information. This aspect of research helps the researcher to make valuable contributions to his/her chosen field. Data analysis is the range of processes and procedures whereby we move from the qualitative data that have been collected into some form of explanation, understanding or interpretation of the people and situations you are investigating (Nigatu, 2009). Taking into cognisance the qualitative nature of the study and in order to effectively analyse the data, the qualitative content analysis technique is employed for this research. In describing qualitative content analysis, Nehlin, Nyberg and Oster (2015) explained that it may be executed in an inductive manner by which themes are created without the use of theories or concepts or in a deductive manner whereby themes are pre-

defined. I applied the deductive manner of doing qualitative content analysis as I moved from a general view of the issues under study to more specific themes as derived from observations and interactions with my interlocutors.

The goal of qualitative content analysis is “to provide knowledge and understanding of the phenomenon under study” (Downe-Wamboldt as cited in Hsieh & Shannon, 2005). I found qualitative content analysis a useful technique for my research as it helped me to understand the role of the IAR in either marginalising or protecting women and children in inheritance matters. Also, on the question of succession, the technique helped me to assess the role of the religion in dealing with succession issues in the chieftaincy institution.

Qualitative content analysis lends itself to analysing literature and data collected from the field (Onwuegbuzie, Leech & Collins, 2012). In order to fully discuss the data from the field, coding was used to help me sort and organise the volume of data. According to Gibbs & Taylor (2010):

Coding is the process of combing the data for themes, ideas and categories and then marking similar passages of text with a code label so that they can easily be retrieved at a later stage for further comparison and analysis (p. 1).

Coding, according to Corbin and Strauss (2008), involves interacting with data while using techniques such as asking questions about the data and making comparisons between data. Doing these, they argued, would lead the researcher to derive concepts on which the data can stand.

Coding does not end the data analysis process. From coding, I sorted the information gotten to identify patterns, similarities, differences and relationships. Adopting coding enabled me to assemble the data acquired and put them in reader friendly text. After listening to the recorded interview on the tape, I transcribed them into the English Language. I then read them several times. This enabled me to place the data under appropriate themes. Through the coding and sorting of the data, I was able to confirm the themes that have informed this study. These themes are:

inheritance

1. Indigenous Assin Religion in the inheritance practices of the Assin.
2. Widowhood rites and the place of widows in the matrilineal kinship system.
3. Treatment of widows and children after the death of their husband and fathers respectively
4. Knowledge of legislations on inheritance in Ghana by the widows.

succession

1. The nomination of Odehyee (royal).
2. Processes and enstoolment rites (secret and public rites)

The themes generated from the data formed the basis of my analysis in chapters four and five of the thesis.

Ethical Consideration

In modern research, the researcher must bear in mind ethical issues in dealing with his or her respondents. In the course of my field work, I had to

take into consideration ethical demands of field research. Not being oblivious of the sensitive nature of inheritance and matters of succession, I took care not to hurt the sensibilities of my informants. During the in-depth interviews, I sought the consent of my respondents before I recorded the interviews. I also explained to them that it was to help me recall the interview so as to transcribe them later.

Fortunately, none of my respondents objected to the recording. During the focus group discussions with the widows, I assured them that nothing said would be passed on to others. This is important in ensuring the confidentiality of respondents. To ease their worries, I assured them that their names would not be mentioned in the thesis.

Literature Review

This section discusses the relevant literature for the thesis, noting also their relevance to the study. The review follows these thematic areas: African traditional religion, what is inheritance?, matrilineal kinship system and rights of inheritance, African traditional religion and inheritance practices, laws on inheritance, changes in inheritance practices, succession to political office, types of political offices and qualifications, procedures for selecting a political office holder, political offices to be occupied, processes of occupying political offices, succession disputes during enstoolment processes, place of African traditional religion in political offices, taboos of political office holders and changes in succession practices.

African Traditional Religion (ATR)

This thesis is aimed at discussing IAR and its influence on the inheritance and succession practices of the Assin. Since there is no noticeable literature that deals exclusively with IAR, I used ATR in reference to IAR. It is, however, believed that this study would be used as an opportunity to collect field data that can help address the question of the what constitutes IAR. I believe this thesis will serve to address the lacuna in the literature on the religion of the Assin. Despite the fact that the literature is silent on the religion of the Assin, I reviewed the literature based on the beliefs and practices of ATR since they are not very different from IAR. Discussing ATR to reflect or act as reference to IAR is deemed appropriate.

ATR has attracted a lot of attention from scholars both Africans and non-Africans. Several of the early literature painted the ATR in negative light (Parrinder, 1974; Opoku, 1978). Negative words such as fetishism, paganism, idolatry among others were used in describing the religion of indigenous Africans (Smith, 1950; Idowu, 1973; Opoku, 1978). These descriptions were repudiated by Africans and some non-African scholars who rejected these tags as not representing the facts on the ground (Idowu, 1973; Opoku, 1978). For example, Idowu (1973) challenges the description of African traditional religion as pagan. According to Idowu, the term was sociologically used to describe a group of persons who were unpolished, unsophisticated and uncivilised to distinguish them from those who were considered enlightened, civilised and sophisticated. This description was also used for persons who were neither Jews nor Muslims and further stretched to mean those who had no religion. To describe the people of Africa as lacking religion was to deny the

African of his or her identity. For the African, religion is life and life is religion (Mbiti, 1989). This idea of the importance of religion to the African is captured in a Yoruba proverb, *iwa ni csin*, “character is religion.” This proverb of the Yoruba tells of the fundamental truth about the character of the African. When the African is in need he or she turns to the superhuman for help (Lugira, 2009). Parrinder (1974) commenting on the negative depiction of ATR by the early writers makes this point:

It is probably true to say that African Religion has been more misunderstood, and has suffered more at the hands of early writers, than any part of African life. Unhappily, old misconceptions linger with us still (p. 13).

What then is African Traditional Religion? Several scholars have attempted a definition of ATR. Awolalu (1976) has described ATR as the indigenous religious beliefs and practices of the Africans. The religion, he asserts, came about as a result of the sustained faith held by the forebears of the present generation. Mbiti (1991) on the other hand, describes ATR as the product of thinking and experiences of the forebears of Africans. These experiences led to the formulation of religious ideas, beliefs, ceremonies and rituals.

These definitions of the ATR are apt as they show the religion of the African as being a living religion which is constantly evolving to make its existence relevant to its people. The religion of the indigenous African suffered a jolt when it came into contact with Christianity in the 15th century. This encounter with the Christian missionaries and European explorers led to a

plethora of literature on the African traditional religious heritage. The African according to Idowu (1973) was said to be:

barren of culture or any form of social organisation. If anything in her could be called religion at all, it could only be because in Africa the Devil in all his abysmal, grotesque and forbidden features, blackest of aspect, armed to the teeth and with horns complete, held sway (pp. 86-87).

It is some of these unfounded representations that led these early European writers to erroneously conclude that the African had no knowledge of God and for that matter, had no religion. Emile Ludwig, in a conversation with Smith (1950), asked: “How can the untutored African conceive God? ... How can this be? ... Deity is a philosophical concept which savages are incapable of framing” (p. 1). I agree with Opoku (1978) when he argues that the idea of God as the creator of the universe was known to the people and not foreign as was asserted by some of the early writers. Opoku (1978) asserts that the knowledge of God may be regarded as fundamental to indigenous African religious beliefs.

According to Mbiti (1989), “God is the origin and sustenance of all things ... He is outside and beyond His creation ... He is personally involved in His creation, so that it is not outside of Him or His reach” (p. 29). Africans knowledge of God has been variously expressed in proverbs. Gyekye (1996) has given several proverbs in his discussion of the belief in God among indigenous Africans. Using proverbs from the Akan, Gyekye dilates on the idea of God:

Obi nkyere obofra Nyame (no one teaches the child about the Supreme Being).

This proverb according to Gyekye, suggests that the existence of God is inherent in a child, thus, the child does not need to be told of the existence of God. Another proverb used by Gyekye to support the idea of the belief in God is:

Wopɛsɛ woka aɛm kyɛɛ nyame a, ka kyɛɛ nframa (If you want to say something to God, say it to the wind)

This proverb suggests the immanence of God in the world of humans. God is like the wind. The wind is everywhere, blows in all directions; and, even though it is intangible, its effects are felt everywhere. This idea is also seen in the everyday sayings of the Akan such as: *wo ne Nyame nkɔ* (may God go with you), *Nyame nka woho* (may God be with you), *se nyame pɛ a* (if it is the will of God), *me de nyame gya wo* (I leave you in the hands of God). It is for reasons such as these that Sarpong (2013) contends that the Supreme Being is central to African life and that everything revolves around, and refers back to Him.

There is some unanimity among scholars that, aside the belief in the Supreme Being by the indigenous African peoples, there is also the belief in the minor deities, believed to be the children of God, the ancestors, and impersonal spirits that manifest as witchcraft, sorcery, charms, amulets and talisman (Dzobo, 2008; Evans, 1950; Eriwwo, 1998; Idowu, 1973; Mbiti, 1989,1991; Nkansa-Kyeremanteng, 1999, 2010; Opoku, 1978; Parrinder, 1974; Rattray, 1923; Smith, 1950; Warren, 1986). These sacred entities are arranged

in a hierarchical manner with the Supreme Being at the apex as the people of Africa believe that the Supreme Being is the creator of the universe and everything in it.

Inheritance

The subject of inheritance has received some amount of attention in the literature. The available literature on inheritance, however, is important to our understanding of inheritance and this thesis will draw from these works to set the stage for a religious analysis of inheritance. The literature on inheritance was reviewed along the following themes: what is inheritance, matrilineal kinship system and rights of inheritance, African traditional religion and inheritance, and laws on inheritance. The section ends with a review on inheritance with a discussion of some articles of the 1992 constitution of Ghana that dealt with matters of inheritance and some court cases on inheritance disputes.

what is inheritance?

Inheritance is the transmission of rights of a property of one person to another and not necessarily the goods themselves (Goody, 1962; Nukunya, 2003). Nukunya (2003) identifies two types of properties that can be inherited. These are the lineage property and the self-acquired property. The customary practices that inform the inheritance of the two sets of properties, according to Nukunya (2003), “differs from place to place, the general rules in respect of ancestral or lineage property are fairly uniform” (p. 27).

Goody (1962), discussing the concept of property, makes the point that “the term property has been applied to the material objects said to be owned as well as to the rights held in such objects” (p. 284). In matrilineal societies such as the Assin the self-acquired properties of family members revert back to their uterine family on the demise of the person. It is the family that decides who should inherit what property, and how self-acquired properties of uterine family members are put to use (Awusabo-Asare, 1990).

One important property that is of great economic importance to the Akan is land. Lasatarria-Cornhiel and Frais (as cited in Quansah, 2012) describe land as a cultural resource which is an important productive and capital asset. Those with control over land are more powerful than those with no control especially, in rural agrarian communities. In a similar study, Duncan and Brants (2004) put forth the observation that “access to land determines one’s access to income-generating activities as well as one’s access to food” (p. 19).

The Women’s Manifesto for Ghana (2004) on the chapter of women and land stated, “Those who control land and its resources also gain social and political power and authority” (p. 17). The Manifesto also made a number of demands on land reforms. Among these are:

1. That as part of the land tenure reform, customary laws of access to land and inheritance which are discriminatory and unconstitutional be reformed by 2015
2. That women’s contributions to the development of the household be recognised and compensated at divorce or on the death of their spouses

One's access to and use of land are critical to the welfare of the poor in many communities (Ubink, 2008). Among the Akan, one's access to land through inheritance is governed by the matrilineal kinship system.

matrilineal kinship system and rights of inheritance

Inheritance cannot be discussed without discussing the systems that underpin it. Kinship systems are a network of unilineal families sharing common cultural traditions, ethnic identity and, often ancestors (La Ferrara, 2006). In every part of Ghana, inheritance depends on whether one comes from a matrilineal or patrilineal family (Kuenyehia, 2006; Nukunya, 2003;). Kuenyehia (2006) highlights that:

The right to succeed and enjoy rights to property is determined by membership in the family, and such membership is traced through females from a founding female ancestor (matrilineal) or through males from a founding male ancestor (patrilineal). Therefore, an heir must necessarily be related to the deceased through such a male or female ancestor (pp. 391-392).

Among the Akan ethnic groups, inheritance is derived through the matrilineal kinship group (Fortes, 1963; Nukunya, 2003; Rattray, 1923). The matrilineal practice of inheritance of the Akan is rooted in their customary laws. Kuenyehia (2006) defines customary laws "as a body of rules and norms whose legitimacy is rooted in tradition and is claimed to have existed since time immemorial" (p. 3). The matrilineage rules do not allow anyone outside the group to inherit properties of members of the group. This idea of the matriclan not allowing people outside the group inheriting properties of group

members is confirmed by Awusabo-Asare (1990) who argued that the transfer of intestate property and office is through members of the matriclan.

A wife and children may not be allowed to inherit properties of the deceased husband and father (Gedzi, 2009; Kuenyehia, 2006). This notion of a wife and children not being able to inherit the property of the husband and father is gleaned from the generally held notion that the uterine family of the man is responsible for the burial of deceased and it is they who must succeed to the property of the deceased (Moodley, 2012). This idea is confirmed by a Ga proverb according to Moodley which says *moni fuo kpitiyelo le le enoo etokota* (he, who buries the leper, is entitled to the leper's sandals). This proverb, though coming from a patrilineal society, is important for this study as it suggests that since the family is responsible for the burial expenses of the deceased, the family is entitled to the property of the deceased to defray the cost of the funeral expenses. Customary law according to Awusabo-Asare (1990) makes no provision for widows. The system, he contends, makes the matriclan responsible for everyone. A man, Awusabo-Asare argues, may however, give to his wife and children part of his self-acquired properties through a written or oral will (nsamansew). It is for this reason that a former Asantehene made a passionate appeal to his Council for a man to be allowed to make donations to his wife and children whilst alive (Adinkrah, 1980). One important resource whose inheritance leads to lot of problems is land. In the area of land inheritance, women have been denied the use of land they cultivated on with their husbands, in most cases, when they lose their husbands (Quisumbiung et al., 2001). Even though women are entitled to land from their uterine family to farm, since these women would have left their uterine to their

marital home they would have spent all their adult economic lives helping their husbands to farm and obtain properties. These women would have left their uterine families for such a long time that, for some of them, they virtually would have no portion in the properties of their uterine family. These women would suffer 'double jeopardy' if they are denied a share of their husband's properties on the basis of the matrilineal inheritance system while they lose out on having a share in their uterine family's property on the basis of being away for such a long time helping their deceased husband build his home.

african traditional religion and inheritance practices

A look at the available literature does not reveal a detailed discussion on the question of African traditional religion and its influence on inheritance practices of the Akan. Suffice it to say that this review sought to glean, from the available literature, discussions on the subject. Rattray's (1923) discussion of the influence of the Ashanti religious beliefs on inheritance was not too explicit. He alluded to the fact that, in Ashanti, it is only through the transmission of blood by the female that one can inherit a property. The blood which Rattray describes as synonymous with the Abusua (clan), and which is transmitted by the female in the Akan society becomes the basis for the inheritance.

Busia (1968) also alluded to the role of the African traditional religion in matters of inheritance practices when he tells a story of a man who on his dying bed made a declaration giving one of his cocoa farms to his son and swore an oath requesting his brother who was to succeed him to honour his wish. After the death of the man, his brother, having succeeded him failed to

carry out the dead man's last wish. The man, brother of the deceased, fell from a roof while helping to put out a fire in the village and injured himself. Before he died from his wounds, 'he told his family that he believed his deceased brother was summoning him to the spirit world to answer for his conduct in not honouring his brother's death-bed declaration' (p. 43). The essence of this story is that the ancestors had intervened to ensure that properties bequeathed to other members of the family were given to them. This implies that the ancestors have a role in the inheritance practices of their people.

laws on inheritance

The inheritance laws in Ghana are made up of customary laws and the Intestate Succession Law. Customary inheritance laws are based on traditions and have been observed by the people since time immemorial (Duncan, 2004; Ezer, 2006; Gedzi, 2009; Kuenyehia, 2006; Tebbe, 2008; WiLDAF, 2002). Swiderska et al (as cited in Cuskelly, 2011), have defined customary law thus:

Customary 'laws' include customary worldviews, principles or values, rules and codes of conduct, and established practices. They are enforced by community institution, and can have sanctions attached. They are derived from natural resource use... They are locally recognised, orally held, adapting and evolving (p. 1).

While customary law regulates family and allied relations, statutory law regulates other aspects of life (Kuenyehia, 2006). Customary law according to Kludze (1988), is a dynamic and evolving system of jurisprudence which develops within the prevalent social milieu.

According to Owusu-Mensah (2014), the scope of customary law in Ghana includes: chieftaincy, access to and ownership of lands, marriage rites, spousal rights, and succession rights. Each traditional area in Ghana has a form of customary law that are applicable to communities in the area. The complexity of the application of customary laws has given rise to forms of adjudication that focus on the interpretation of traditional laws and norms. Customary law, from the descriptions above, can be said to have legitimacy in the cultural practices of the people backed by their religion. As a body of law, customary law is enforced by the abusua which has the power to sanction any family member that goes against it and chiefs and elders.

Intestate succession laws have been enacted by a number of African countries to make it possible for surviving spouses to inherit the properties of their deceased spouses. In countries such as Ghana and Tanzania, intestate succession laws have been enacted to protect surviving spouses especially widows from harassments by the family of their deceased husbands (Ezer, 2006; Gedzi, 2009; Kuenyehia, 2006). The Intestate Succession Law PNDCL 111 of Ghana was promulgated by the Provisional National Defence Council (PNDC) to guide the right of inheritance in the event of a deceased dying intestate. In the accompanying memorandum to the law, the law was promulgated to “provide a uniform intestate succession law that will be applicable throughout the country irrespective of the class of intestate and the type of marriage (statutory or customary) contracted by him or her” (PNDCL 111).

1992 constitution of Ghana

A close look at the 1992 constitution of Ghana reveals an attempt by the framers of the constitution to bring equity in the acquisition and utilisation of properties by Ghanaians. Article 18 of the constitution gives every person the right to own a property alone or in association with others. The clause two of the same article makes it unlawful for anyone to interfere with the privacy of others in the enjoyment of their home or property with the exception of enforcing the law. This article is important in ensuring that every Ghanaian has the right to enjoy the fruit of his or her labour. Spouses, according to this article, must not be denied access to the properties they acquired alone or with the help of their spouses. Article 22 of the constitution is even clearer on this subject. Clause one of the article states:

A spouse shall not be deprived of a reasonable provision out of the estate of a spouse whether or not the spouse died having made a will.

Parliament was enjoined by the constitution to enact a law to regulate the property rights of spouses. The property rights of spouses in the constitution grant spouses equal access to property jointly acquired during marriage, and the property acquired shall be equitably distributed between the spouses upon the dissolution of the marriage. Article 22 is important in appreciating the need to provide cover for spouses especially widows who many a time are left at the mercy of the customary inheritance practices. Article 28 of the constitution guarantees the rights of children to be provided with care, assistance and maintenance by their parents. Every child according to the constitution whether born in wedlock or not shall be entitled to reasonable provision out of

the estate of his or her parents. This clause is important as in Ghana the idea of illegitimate child does not really exist. Every child has a father whose duty it is to take care him or her.

The constitution, again, in article 36 (7), states that the “State shall guarantee the ownership of property and the right of inheritance.” What this article seeks to do is to make it possible for everyone to be able to own a property of his or her choice and have the right to pass on the property to any person of their choice. The right to inheritance is guaranteed and every person whether widows or orphans have the right to inheritance and must not be denied by others. The review of the 1992 constitution is important as it helped to put the issues on the right to inherit and the changes that have happened pertaining to inheritance practices in proper perspective. The review of the constitution helped in appreciating the laws on inheritance.

changes in inheritance practices

Inheritance practices of Ghana have seen some changes as a result of decisions reached by the judiciary. This section reviews some of the court cases and draw their relevance for this study. The courts of Ghana have, in many times, intervened to address issues regarding the inheritance practices of Ghanaians. Many court decisions have seen to inheritance disputes being settled to the advantage of spouses especially women and children. I review some of these cases and show their relevance for this study. Ghana’s judiciary has responded to the customary practices of inheritance where the contributions of the wives and children were evaluated and value placed on them. In *Quartey v. Martey*, Ollennu J. (as he then was) held that any property

acquired by a man with the assistance of his wife and children were by customary law the individual property of the man and not a joint property of the man and his wife and children. The wife and children were only entitled to maintenance by the man. Thus, Ollennu set the stage for the judiciary to give blessing to the age old customary practice of side lining wives and children from benefiting from properties they would have helped the man to acquire.

The courts have, however, taken into cognisance the changing economic roles of Ghanaians and the economic empowerment of women, made changes to the customary inheritance practices. The courts, now, are of the opinion that there is no customary law that prohibits the creation of joint interest by people not related by blood. In *Yeboah v. Yeboah* Hayfron-Benjamin J. (as he then was) ruled that the substantial contribution of a spouse to the acquisition of property during subsistence of the marriage would entitle the spouse to an interest in the property. The ruling by Hayfron-Benjamin brought a new dimension on the rights that a spouse would be entitled to in the event of the dissolution of the marriage either through divorce or death.

In *Mensah v. Mensah*, the Supreme Court of Ghana on the 22 February, 2012, ruled on this case on appeal. The fact of the case was that Mrs Mensah and Mr. Mensah got married under the customary law and later converted the marriage to one under the Ordinance. The marriage later broke down after Mrs Mensah accused the husband of infidelity. Mrs Mensah filed for divorce and for all asserts jointly acquired to be shared equally. The High Court upon evaluation of the evidence ruled in favour of Mrs Mensah. Mr Mensah appealed against the judgement of the High Court which was subsequently dismissed. He then appealed again to the Supreme Court. The Supreme Court

found that Mrs Mensah contributed equally in economic terms to the acquisition of property through her earnings at their stores. The Court therefore decided that all the properties that were bought during the marriage should be split equally amongst the two parties.

The courts have also had the cause to intervene in the cases of customary will, nsamansew. In the making of nsamansew, one major criterion that guarantees its validity is the consent and approval of the family of the deceased man which was advanced by Rattray (1923), Danquah (1928) and Sarbah (1968). This position has, however, been altered by judicial decisions. In *Quashie v. Baidoo*, Akuffo-Addo, C. J. made the point that with the changes that have occurred in the concept of absolute ownership of property, the traditional process of disposing of personal properties has also been affected. In the case mentioned above, the learned judge concluded that, in present day Ghanaian society, the requirement for the family to be informed before a person can dispose of his self-acquired property is no longer tenable and has therefore ceased to have any juridical significance (Crabbe, 1998). This position was confirmed by Edward Wiredu, J. in *Abadoo v. Awotwi*, and Francois, J. in *In re: Ohene (Decd), Adiyia v. Kyere* (Crabbe, 1998).

The judicial decisions are important for understanding the changes that have occurred in the inheritance practices. The cases cited in this review led to the understanding that the customary law of inheritance has gone through reforms with the judiciary taking into cognisance the changing economic order and the new economic empowerment women enjoy. This new economic order means that women are now better placed to make substantial contributions to

the acquisition of wealth. This, the judiciary believe, should not be glossed over when determining the cases of joint ownership of property by spouses.

Succession to Political Offices

This section takes a look at the available literature on succession to political offices in indigenous Africa. The literature reviewed cover areas such as types of offices and qualifications to occupy the offices, procedures for occupying these offices, political offices to be occupied, taboos covering the office, and the place of traditional religion in running the political offices. For the purpose of this study, most of the examples would be cited from the Akan people but where necessary, examples from other ethnic groups would be cited.

types of political offices and qualifications

Among indigenous African people, one must hail from the appropriate lineage or royal house if he or she is to become a political head such as a chief or queen mother. In the case of the family, he or she should be a member of the particular family he is to head. Qualification to occupy any traditional office will require the candidate to hail from the appropriate lineage. According to Nukunya (2003), a lineage may be regarded as a group of people, male and female, who are descended through one line only from a common ancestry. In indigenous African societies, there are offices that must be occupied by persons whenever that office becomes vacant. With respect to the Akan, Arhin (1985) has identified two types of such political offices. These offices consist of the royal stools, *adehye nnwa* and the service stools, *som nnwa*. Arhin (1985) opines that the first sets of offices are occupied by the royal family

groups while the second sets are by appointees. Among the Akan, to qualify to occupy a stool, one must hail from the royal family. A royal family from which a chief is selected to occupy a stool is the one recognised by people as the lineage whose ancestors and ancestress founded the town or led the people to their present location (Arhin, 1985). Gyekye (1997) has made a similar observation among the Akan saying:

Every Akan town or village is made up of several clans. A lineage from within one of these clans, probably the one whose forefathers founded that town or village constitutes the royal lineage from which the chiefs are elected or chosen. The royal status of the lineage is recognised as accepted by the people (p. 121).

What the scholars are saying is that for one to be eligible to be made a chief the person must hail from the lineage that has the right to produce a chief to sit on a vacant stool. What they do not indicate is the fact that some people may be made chiefs even though they may not hail from the royal lineage. This study would seek to explore and investigate this practice.

procedures for selecting a political office holder

Arhin (1985), in his discussion on the procedures for the selection of a royal (*Ɔdehye*) to occupy a vacant political office, makes the point that the process begins with a spokesman of the traditional council, asking the *Gyaasehene*⁵ upon the death, destoolment or abdication of the stool by the

⁵ The *Gyaasehene* is the head of the *Gyaase* who being assisted by other sub-chiefs, have been assigned the responsibility for the upkeep of the Omanhene. In the enstoolment and destoolment processes, they are customarily required to accept or reject a nominee for a vacant stool (cf Arhin, 1985; Odotei and Hagan (ed), 2002, Awuah-Nyamekye, 2009; Assanful, 2012)

present chief to make a request to the Omanhema to present to the traditional council a new Omanhene. The Omanhema, according to customs and traditions, has three opportunities to make a choice. In making her choice, the Omanhema, according to Arhin, is guided by three considerations. These are:

1. That the eligible candidates of the generation of the deceased stool-holder should succeed before members of the next, younger, generation
2. That where the family group was clearly divided on the basis of descent from several women, the succession should rotate among the descendants of those women
3. The male and female stool-holders should belong to different sections of the family (pp. 32-33).

These views of Arhin contradict the data from the study area. The choice of royals to occupy stools does not follow seniority. A royal who meets the qualification criteria is selected regardless of age. In the nomination and enstoolment of a new Omanhema of Assin Attandasu Traditional Area, the nominated royal, Nana Gyamfua II was not the most senior person available. In the same traditional area, the late Omanhene and the Omanhema all hail from the same lineage, the Gyamfua Royal Lineage, the other family being the Eku Royal Lineage.

According to Muller (2013), a person may be qualified to be made a chief if he has proven record. The person should be of good character by staying away from the wives of his clansmen and should not exhibit any drunken behaviour or have a criminal record. The person, according to Muller, should not have any form of deformities. The Gyaase, by customs and

traditions of the Akan, has the right to reject the choice of the *Ɔbaahemaa*. If this happens, she has two more chances to make a choice. If all three choices are rejected, the onus will now fall on the kingmakers to make a choice of their own (Arhin, 1985; Odotei and Hagan, 2002). It is however rare for the choice of an *Ɔbaahemaa* to be rejected since a lot of consultation would have taken place before the choice is made.

Gyekye (1997) acknowledges that, in choosing a chief, “it is necessary that the person chosen be acceptable not only to the councillors, who represent their clans, but also to the *Asafo* company of young men or “commoners” who are, in effect, the body of citizens” (p. 121). With the nomination of a royal, processes are set in motion to enable the chief-elect occupy the stool he has been so nominated.

The literature reviewed in this section is important in understanding the causes of succession disputes in the study area. Though all the literature reviewed reveal the customary qualifications of a royal, they are silent on new qualifications that have emerged in the nomination of a royal. It emerged from the field work that educational qualification and financial strength of the interested royals were equally considered together with the customary qualifications when a person is being considered for nomination.

political offices to be occupied

The Akan have various offices to be occupied by people who are from the appropriate lineage and have the necessary customary qualifications. The Akan political system is a hierarchy that consist of a paramount chief, divisional chiefs, sub-divisional chiefs and chiefs at the various villages. At the

head of the Akan political system is the Amanhene, paramount chief, who is assisted by his female co-ruler, the Amanhemaa, to govern the state. As the Amanhene, he is responsible for administering the entire Aman. He is also responsible for the maintenance of peace and stability of their communities (Busia, 1968; Arhin, 1985). Atiemo (2013) also observes that the “Akan society is hierarchically structured, with the chiefs occupying the highest position, followed by the *mpaninfoɔ* (elders), and made up of sub-chiefs and then lineage and clan heads” (p. 116). Atiemo’s observation is correct but what he conspicuously left out was the obaahemaa who has been described by Muller (2013) as the female co-ruler and her stool described by Rattray (1923) as *akonwa panyin* (senior stool).

The Paramount Chiefs in modern society are also responsible for ensuring that development comes to their traditional areas. Judicially, each of the Amanhene has his own traditional courts where community members bring issues to be adjudicated. Nkansa-Kyeremateng (1999) explained this role of the chief thus:

He is recognised as the Chief Justice, in the dispensation of justice to his subjects. At any arbitration, the chief’s judgements are taken as decisions reflective of the ancestors (p. 70).

Religiously, the Amanhene are responsible for the maintenance of a good relationship between the community and the ancestors, and, ultimately, the Supreme Being (Arhin, 1985; Busia, 1968; Nkansa-Kyeremateng, 1999). This, they accomplish by regularly going to their stool rooms to offer libations to the ancestral spirits during celebrations such as the Adaye of the Akan. It is in the

performance of this role, according to Busia (1968), that the chief serves as an “intermediary between the tribe and the ancestors” (p. 27).

The position of the *Obaahemaa* in Akan political system is very important. Muller (2013) describes the *Obaahemaa* as the co-ruler with the *Manhene*. It is the responsibility of the *Manhene* to nominate a suitable candidate in consultation with the kingmakers to occupy the female stool whenever the stool becomes vacant as a result of death, destoolment or abdication (Brobbey, 2008). The *Manhemaa* is considered the ‘mother’ of the chief (Busia, 1968). She may be the chief’s biological mother, grandmother, sister, aunt or niece (; Arhin, 1985; Brobbey, 2008; Busia, 1968).

The *Obaahemaa* is expected to advise the chief about his conduct. She may scold and reprove him in a way none of his councillors can (Busia, 1968). When the stool of the chief becomes vacant, it is the *Obaahemaa* that the elders turn to for a replacement (Arhin, 1985; Busia, 1968; Odotei and Hagan, 2002). This duty of the *Obaahemaa* in selecting a successor to a vacant stool is so important that it could not be performed by anyone else unless she is incapacitated and is unable to perform her duties (Assanful, 2012b; Bimpong-Buta, 2012; Gibson, 2010). The *Amanhemaa* also have their own courts where domestic issues that are related to women and marital problems are settled. The courts of the *Amanhemaa* and the arbitration processes are not only judicial activities but religious in nature as the *Amanhemaa* also enforce the tenets of the ancestors in the adjudicating of cases. Manuh (1988), discussing the *Asantehemaa*’s court makes the point that the court is responsible for matters affecting women especially on matters concerning marital issues

bothering on divorce and child maintenance. The court is equally responsible for settling cases that may arise from the market.

The Omanhema can also, in the absence of a substantive Omanhene, in rare circumstances, take charge of the stool as the acting Omanhene until a new person is selected (Gibson, 2010). During the course of the research, it emerged that the Omanhema of Assin Afutuakwa, Nana Afransie IV, was acting as the head of the traditional area in the absence of a substantive Omanhene after the demise of the previous occupant.

processes of occupying political offices

For one to formally occupy a political office in an Akan society such as the Assin, he/she will have to be taken through certain processes. The individual must observe both public and secret rites before he/she will be confirmed as a political leader. These rites are important because they act as a link between the chief and his ancestors and gods (Arhin, 1985; Busia, 1968; Kwadwo, 2000; Parrinder, 1974; Warren, 1986).

The process of enstoolment is activated with 'capture' of the royal nominated by the Obaahema and his subsequent confinement for a period of time. This, immediately, is followed by the secret rites of enstoolment in the stool room. Busia (1968) describes this rite clearly:

The esoteric rite of the chief's installation is when the chief elect is led to the stool-house where the blackened stools of his ancestors are kept. There, more than in any other place, the spirits of the ancestors are believed to be present. Upon the blackened stool of the more renowned

of his ancestors the chief is lowered and raised three times. He is then enstooled... Thenceforward, he becomes the intermediary between his royal ancestors and tribe without whose aid misfortune would befall the community. From the moment that the chief is enstooled his person becomes sacred (p. 24).

The secret rites ensure the legitimacy the new chief enjoys as the direct representative of the ancestors. The chief is thus clothed with taboos to protect his image and stool (office). These taboos are to remind the chief of the sacredness of his person and tell his subjects that the stool he occupies is a sacred one and as such must be respected. He represents his ancestors on whose stool he sits (Awuah-Nyamekye, 2009; Busia, 1968; Gyekye, 1996;).

Aside the secret rites, the new chief will have to swear a public oath to his people assuring them to rule with fairness and justice. This oath signifies the importance of the people in the whole nomination processes of the chief. To establish that bond between the chief and his people, he must make a public declaration to be faithful to his oath as a chief. According to Gyekye (1997) the political significance of the words in the oath is enormous. The oath is a means by the people to remind the chief of how they would want him to govern them. Gyekye asserts that “the declarations are, in one way, an unambiguous assertion of the people’s right to participate in running the affairs of their community or state...” (p. 122). As Rattray (1929) indicated, the most important of the declarations of the chief “is the admonition never to act without the advice and concurrence of his councillors, who included the Queen Mother” (p. 82). This injunction places a burden on the chief as he does not sit

on the stool of his ancestors as a right but as a privilege and must use his position for the good of his people.

The swearing of the public oath completes the enstoolment processes and the new chief begins life as the political head of his people (Arhin, 1985; Gyekye, 1997; Odotei and Hagan (eds), 2002; Rattray, 1923). He sees to the development of his community. During the pre-colonial period, the military duty of the chief was the most important as the people engaged in many inter-ethnic battles (Busia, 1968). At present this duty has given way to a more developmental orientation where chiefs are encouraged to lobby governments and NGOs to help bring development to their communities. The chieftaincy institution is not only a political institution but a religious one. The institution is heavily dependent on the African traditional religion for its legitimacy.

succession disputes

This study deals with the succession practices of the Assin and one important issue that has bedevilled the succession practices is the incidents of succession disputes. Lack of consultation in the nomination processes has been identified as one main cause of succession disputes. The Ghana News Agency (GNA) quoted the Paramount Chief of Dwenem Traditional Area in the Brong-Ahafo Region as urging queen mothers to do extensive consultation before candidates are nominated for enstoolment so as to prevent succession disputes. Nana Bofo Bene IV continued:

Lack of proper and transparent consultation by queen-mothers and king-makers in the installation of royals had been a major contributory

factor bedevilling the nation's chieftaincy institution, particularly in the region (GNA, 2010).

The views by the chief are important if succession disputes are to be minimised or eliminated. Many chiefs have had their legitimacy challenged because they were seen to have been imposed on the people by the queen mothers or the king makers without recourse to the laid down customary rules. Discussing the issues of succession disputes further, Tonah (2012) has laid the blame at the door of several royal gates or houses laying claim to the skin or stool. Such succession disputes may also "involve determining who is the best qualified person to occupy a particular position; which traditional rituals constitute the enskinment/(enstoolment) process and whether the individual selected has gone through the appropriate rituals administered by the traditional designated persons" (p. 2).

place of african traditional religion in political offices

Scholars have assessed the place of the ATR on the political offices of the African. Akrong (2006) in his discussion on the place of religion in traditional leadership, opines that, in traditional society, the authority of the leader is based on the idea that the leader mediates between the community and the divine, and indeed leadership is legitimised by its relationship with the spiritual realm. As the representative of the ancestors, the chief, according to Akrong, must jealously guard the moral values that regulate the life of the society with appropriate punishment and sanctions that will enforce the moral law and deter law-breakers as these moral values emanated from the ancestors.

Busia (1968) also asserts that the Akan chief is only occupying the stool of the ancestors (“*ote nananom akonwa so*”). The chief’s person becomes sacred and as such is surrounded by a number of taboos. The chief acts as an intermediary between his subjects and his royal ancestors leading his people in worship especially during the *Adae* and *Odwira* festivals⁶ of the Akan. Mbiti (1991) makes a similar observation on the person of the chief. He stated thus:

The idea is that their office is believed to be chosen and approved by God and in holding it, they are like God’s earthly representatives. Therefore, they are in effect religious leaders (p. 162).

Awuah-Nyamekye (2009), in making a case for the role of religion in the institution of chieftaincy among the Akan, argued that, before a candidate is selected to fill a vacant stool, trusted emissaries are sent to some selected powerful diviners and shrines for consultations to ascertain which of the interested royals is the choice of the ancestors. Oku (2013) makes a similar observation among the Chamba of Northern Ghana. He posits that “religion is an indispensable element in the chieftaincy institution and that the institution cannot exist and function effectively if religion is taken out of the equation” (p. 48). According to Oku, before a chief is enskinned by the people, the kingmakers consult diviners, soothsayers, imams and mallams to determine the next king to be enskinned.

The indigenous religion does not only feature in the selection and enstoolment processes but also in the administration of the state. Muller (2013)

⁶ *Adae* and *Odwira* festivals are two important festivals celebrated by the Akan people as a sign of reverence to their ancestors. The festivals are celebrated within the traditional Akan nine cycle calendar of forty days each

stresses the importance of offering of libation and the relationship between the Asante Indigenous Religion (AIR) and the persistence of Asante chieftaincy.

She states:

...there is a strong correlation between the resilience of AIR and ‘the persistence of Asante chieftaincy’ because the invocation of local spirits including ancestors during pouring of libation ritual is how the Asante royal rulers continue their relationships with the deceased royal rulers on the basis of whom they legitimate their religious-political power (p. 178).

Muller’s arguments go to show why the institution of chieftaincy has survived despite the challenges it has faced. As she emphasises, religion helps to legitimise the powers of the political leaders. To emphasise the sacred nature of chieftaincy in Africa, the institution is regulated by taboos. The next section reviews some literature on taboos and their influence on the political office holders.

taboos of political office holders

Taboos govern the lives of all its political office holders in indigenous African societies. Chiefs, Mbaahemaa (plural of obaahemaa) and Abusuapanyin and every office holder have taboos that they must observe if they are to maintain their office. Taboos are prohibitions societies impose on themselves. According to Sarpong (1974), taboo is derived from the Polynesian word, *tabu*, which means forbidden. Anyone who commits a taboo becomes a danger to the community (Sarpong, 1974). The individual according

to Sarpong (1974) can only be restored to ritual purity through rites of purification. Webster (as cited in Magesa, 1997) says of taboos:

As a system of prohibitions with regard to certain persons, things, acts or situations. The objects considered as taboo are perceived to contain within them certain assumed danger that always have repercussions against anyone who transgresses them (p. 75).

Taboos are believed to have the backing of the Supreme Being, minor deities and the ancestors (Parrinder, 1969). Abotchie (1997) has identified two types of taboos: these are the general and specific. A general taboo may be imposed on the whole community if for example, “repeated experiences of a mysterious nature such as death or shipwreck encountered by farmers or fishermen on specific days, lead to the general prohibition of farming or fishing on these days after diviners had established the days in question to be sacred to some deities” (p. 89).

Taboos cover all aspects of the African life. From economic, social, religious to aspects of life such as birth, marriage, death etc (Mbiti, 1989; Parrinder, 1969; Fisher, 1997). Brempong (2006) asserts that:

Taboos or sacred prohibitions are implicitly attached to every stool or skin and the system of such prohibitions is common to traditional priesthood, chieftaincy and leadership institutions in Ghana...” (p. 213).

Political office holders are required to keep taboos specific to their offices. According to Busia (1968), when a chief is enstooled his person becomes sacred and as such must observe certain taboos.

He may not strike, or be struck by, anyone, lest the ancestors bring misfortune upon the tribe. He may never walk bare-footed, lest when the sole of his foot touches the ground some misfortune befalls the community. He should walk with care lest he stumbles. If he does stumble, the expected calamity has to be averted with a sacrifice. His buttocks may not touch the ground: that again would bring misfortune (pp. 26-27).

These taboos, according to Gyekye (1996), act as injunctions submitted by the people to the chief who publicly acknowledges them. The injunctions thereby constitute a contract between him and the people. In this thesis, my emphasis on taboos are the political taboos as they relate to political office holders.

changes in succession practices

The succession practices of the Assin in particular and Ghana in general is evolving and to make the succession practices more acceptable and reduce disputes, some changes have been proposed and are being implemented by the traditional authorities. The succession practices of the Akan were affected by colonial rule and the various ordinances passed between 1874 and 1941, and their subsequent amendments placed the chiefs under the colonial administration (Brempong, 2007). These changes, according to Brempong, led to the abolition of the sovereignty of the traditional states and their subordination to the colonial authorities. Abotchie (2006) also, makes a similar

point where he argues that in the wake of both colonialism and the political independence of Ghana, most of the chief's functions are taken over largely by new and modernised institutions.

The post-colonial period did not return the succession practices to the earlier periods. Further changes have taken place with the enactments of new legislations and the publications of guidelines to regulate the conducts of the traditional office holders. The enactment of the chieftaincy Act, 2008 (Act759) to regulate the chieftaincy institution has brought changes to the succession practices. Tonah (2012) discusses the role of the judicial committee of the House of Chiefs in dealing with chieftaincy disputes in the country. Relying on the provisions of the Act 759, Tonah discusses the role of the Houses of Chiefs through the judicial committee in using formal proceedings and arbitration to deal with chieftaincy disputes. What Tonah's article fails to deal with is the role of the judicial committee in dealing with the problem of succession disputes. This study dealt with this aspect of the role of the judicial committee in dealing with succession disputes.

Summary of literature review

This section has reviewed the key concepts that this thesis sought to address. These concepts are African traditional religion, matrilineal kinship system and inheritance, political succession, processes of occupying a political office and African traditional religion and succession practices. The main aim of the review was to provide a solid theoretical basis for this study. It was to situate the study within the main arguments of inheritance and succession studies. The review revealed how the African traditional religion was

misunderstood by the early European writers and in some instances contemporary scholars. These scholars described the African traditional religion in terms that were considered negative. Pejorative terms that were used to describe the religion were considered inappropriate and rejected by contemporary scholars.

The literature reviewed has helped in understanding the place of African Traditional Religion in the life of the Assin. Despite the fact that the literature reviewed did not speak directly to IAR, the literature reviewed, however, revealed the Assin basic religious beliefs. The belief in the Supreme Being, Minor deities, ancestors and the belief in impersonal spirits such as witchcraft and sorcery are all basic to the Assin. This thesis in chapters two and three attempted to fill this lacuna in literature by discussing the Assin and their religion as revealed in their worldview.

The literature on inheritance discussed the notion of property and the two types of properties that can be inherited. The review also discussed the idea of property especially land which is an important economic resource. The discussion on inheritance centered on how spouses especially widows have less access to and control over land. The discussion centered on the fact that one's access to land and control over its use guarantees one's access to social and political authority. The review, in discussing the right to inheritance, linked it with the matrilineal system of inheritance. What came out from the review was that in the matrilineal system of inheritance, surviving spouses are not allowed to share in the properties acquired by the spouses when one of them dies intestate.

The review also showed that on the question of religion and inheritance practices, very little has been done on the subject. From the available literature, not much attention was paid to the influence of African traditional religion on the inheritance practices of the Akan. The literature was mainly skewed towards sociological and anthropological considerations with some also dealing with legalisms. In this regard, this study fills an important lacuna in both literature and research on the role of African traditional religion on inheritance practices of the Akan.

The literature reviewed on succession to political offices was helpful as it touched on the role of African traditional religion in the succession practices of the Akan. The review showed how the traditional religion plays a role in succession practices. From the nomination through to the enstoolment processes, the literature showed a close affinity between the traditional religion and succession practices. What the literature failed to establish was the role the traditional religion had to play in succession dispute resolution. What was dominant in the literature was on destoolment disputes. But this study added to the literature matters of succession disputes.

Definition of Terms

indigenous religion

The term ‘indigenous’ has received a lot of scholarly attention. The term has become highly contested in academic circles (Nrenzah, 2015) because of the pejorative connotation many have ascribed to it. There has been the debate as to the use of ‘traditional’ and ‘indigenous’ to describe the religion of the African. Many scholars are moving away from the use of the term

‘traditional’ to describe the religion of Africa with the argument that ‘traditional’ connotes stagnation and backwardness. They, instead, would prefer the term ‘indigenous’ in describing the religion of Africa.

I used the term ‘indigenous’ in describing the religion of the Assin in the sense that the religion is known to the people and is not considered an imported one. The Assin brought their religion with them on their way from the Amakom area of the Ashanti Region when their forbears migrated to their present locations. The notion of indigenous religion as used in this study is derived from Cox’s description (as cited in Nrenzah, 2015) which highlights that:

Indigenous religions refer to its being bound to a location; participants in the religion are native to a place, or ... belong to it. The single and overriding belief shared amongst indigenous religions stems from kinship-based world-view in which attention is directed towards ancestor’s spirits as the central figures in religious life and practice (p. 15).

In Cox’s opinion, what makes a religion indigenous is the presence of the two key features of kinship and ancestors. This can be said of the indigenous Assin religion which is kinship-based and has at its root in ancestral veneration. Even though the Assin are not native to the place they now occupy as they moved from the Amakom area of Kumasi as stated earlier, the religion they practice is native to them as they came along with it. In this study then, indigenous Assin religion can be said to be the religion of the people that is based on their kinship system and ancestral beliefs. It is this religion that Nrenzah (2015)

would refer to as '*Nananom som.*' Nananom refers to the ancestors and som, means worship.

traditional area

'Traditional area' was used in this thesis to denote the geographical area that delineate an autonomous political region comprised of several communities with one common head. A traditional area has as its head, the Omanhene who is assisted by his female co-ruler, the Omanhemaa and the divisional chiefs.

inheritance

I used the term 'inheritance' in this study to refer to the long-held tradition of passing self-acquired properties of a deceased person to uterine family and a customary successor. This long held practice of passing a self-acquired property to the family and customary successor is known as *adedie* in the Akan language. I must emphasise that, in this study, inheritance refers to the transmission of self-acquired property of a deceased family member. Inheritance practices of the Assin also involves the transfer of responsibility and roles as well. When a person inherits a deceased family member, the customary successor is expected to take up the role of a parent to the children of the deceased and take up the responsibility expected of a parent. These may include providing for the financial needs of the children, ensuring that the children who have reached the age of puberty or marriage are assisted by the customary successor to go through the needed rituals. In this study, inheritance is also used in the religious sense. Even though much of the discussions in the literature on inheritance are devoid of religion, this study takes the position

that ancestral spirits are interested in the welfare and prosperity of the kinship group. The kinship group determines who is entitled to inherit the self-acquired property of a deceased kinship member. This role, they discharge, knowing that the ancestors are there to deal with any kinship member who fails to comply with the wishes of the ancestors (Moodley, 2012).

succession

‘Succession’ has been used in this study to denote the succession to a political office in the Assin traditional area. Succession has to do with a person succeeding to the status of a deceased person. The offices that could be succeeded may include that of the chief, Obaahemaa and family head (Abusuapanyin). Succession, as has been articulated by Moodley (2012), has to do with “assuming the role of the deceased or taking his position and obtaining authority over the people and property over which the deceased exercised authority” (p. 1).

Organisation of the Study

The thesis is structured in seven chapters. Chapter one deals with the introductory section of the thesis. This comprises the background to the study where I set the tone for the thesis. The chapter also addresses my motivation for the study, statement of the problem, theoretical framework, objectives, purpose, research questions, significance and methodology of the study. Another key section in chapter one is the literature review.

Chapter two gives a brief history of the Assin, the research area. Since this is not a historical work, historical method of reconstruction is not applied.

The chapter also discusses the history of the four traditional areas that makes up the Assin area. These are Assin Attandasu Traditional Area, Assin Apimanim Traditional Area, Assin Afutuakwa Traditional Area and Assin Owirenkyi Traditional Area. The chapter traces their movement from the Ashanti Kingdom to their present location. The political, social, economic and religious lives of the people are also discussed.

Chapter three presents a discussion of the Assin worldview and her socio-religious institutions. It highlights the main Assin religious beliefs such as the belief in the Supreme Being, ancestors, minor deities and other spirits such as witchcraft, magic and sorcery. The chapter ends with a discussion of the Assin idea of the person, lineage and kinship groups.

Chapter four discusses the Indigenous Assin Religion and its influence on inheritance practices in the study area. The chapter assesses the main data from the field and establishes the place of the indigenous Assin religion on their inheritance practices.

Chapter five also discusses the Indigenous Assin Religion and succession practices. The chapter then takes a look at the nomination and enstoolment processes of the Assin.

Chapter six assesses the changes in inheritance and succession practices of the Assin in particular and Ghana at large. The inheritance and succession practices have seen changes of late. These changes have called for the enactment of legislative instruments (LIs) to manage the succession of candidates to stools and skins. The same changes to inheritance practices have been seen with the promulgation of the PNDCL 111 intestate succession law in

1985. This chapter assesses these changes to inheritance and succession practices of the Assin in particular and Ghana in general.

Chapter seven concludes the thesis. The chapter reviews the research objectives, summarises the research findings, draw conclusions and make recommendations to guide future research.

Chapter Summary

This introductory chapter has enabled me to highlight the main thesis of my research which is the place of the IAR in the practices of succession and inheritance among the Assin. The introductory chapter afforded me the opportunity to present the objectives, motivation, significance and the review of related literature of the thesis. The outline of the thesis concluded the chapter.

CHAPTER TWO

ORIGINS AND THE RELIGIO-SOCIAL INSTITUTIONS OF THE ASSIN

Introduction

This chapter seeks to reconstruct a brief history of the four traditional areas that make up the Assin. The chapter discusses their origin, the people and their land. It also discusses their political, social and religious institutions.

Origins of the people

This section discusses the history of the Assin from their humble beginnings to their present location. Since this is not purely a historical work, what this section seeks to do is to give a brief historical account of the people without applying historical methods in the account. I relied on available literature and personal interviews with chiefs and elders in the study area for the reconstruction of the history of the Assin people. The Assin originally comprised of two autonomous traditional areas, Attandasu and Apemanim. Later, two additional traditional areas were created out of Attandasu. These were Afutuakwa and Owirenkyi to bring the total number to four.

Assin Attandasu

The Assin Attandasu Traditional Area comprise of Nyankumasi Ahenkro also known as Fante Nyankumasi, established by the royal Asene clan under Kwadwo Tibu and Assin Nyankumasi founded by the Jyoko clan from Adanse Aboabo under Kwaku Aputae. Oral history has it that the people

originally lived at Dompouse under Tibu Odiahenkan, but fled to Amakom in Kumasi after they were oppressed by the Denkyira under Boa Amposem.

During one *Akwasidae* festival, legend has it that Okomfo Anokye invited the elders in and around Kumasi for a performance the next day at Adwabrem. At the gathering, Okomfo Anokye is said to have thrown an *akofena* (a mystical sword) into the sky and instructed the elders to struggle for it. In the ensuing struggle, Nana Tofa of the Asene clan held the handle of the *akofena*. Okomfo Anokye thereupon advised the Asantehene to always deploy the Asene clan in the Adonten (vanguard division) of the Asante army during their battles. This deployment led to the Asante army emerging victorious in the numerous battles they fought. In the Asante-Banda battle of 1752, as a result of the heroic deeds of Nana Tibu, he was nicknamed *Otibu-Kore-Banda* in recognition of his bravery that led to the defeat of the Banda people (personal communication, Abusuapanin Kwesi Intsiful, May 15, 2016).

The Asene clan later left Amakom and founded Nimiaso, named after the Nimia stream, a tributary of the Pra River. An attempt by the Asante to bring them back to Kumasi was not successful. They crossed the Pra River and joined the Oyoko clan under Kwaku Aputae who had moved from Adanse Aboabo. Finding themselves in the war path of the Asante, they moved to Ntensu Akropong, now known as Owan. Later on, Nana Tibu broke off and moved southwards where he built a new settlement under the Nyankuma tree, calling it *Nyankumase*.

The name, Attandasu, is the corrupted form of *Tano-nsu* (water from the Tano River). Legend has it that, when the people moved from Amakom,

they left their wives and children behind. At Tenemanso, they sent for their wives and children. Mortality rate among them became so high that their leader sought help from the Tano deity where he was told to fetch water from the Tano River into a pot and place it on the *Nyamedua*, a three-forked tree planted in front of the chief's house as a sign of protection. The mortality rate was reduced by the spirit of the Tano River and by corruption; Tano-Nsu became Attandasu (personal communication, Abusuapanyin Kwesi Intsiful, May 15, 2016). Nyankumasi Ahenkro is the capital of the state with Odeafuo Tibu Asare II as its Omanhene. The Omanhene, Nana Tibu Asare II, passed on during my field work and the Adontenhene, who is also the chief of Assin Ngeri, Nana Kwantwi Barima, acted (at the time of my field work) as the President of the Traditional Council.

Assin Apemanim

Assin Apemanim was founded by the Royal Asona family who trace their ancestry to an undisclosed place in Asante from where they moved to Kwaman (now Kumasi) under the leadership of Nana Abu Brafo, a very powerful chief who commandeered thousands of troops. The Assin Apemanim contingent was constantly drafted into the Asante army to fight in the numerous wars of the Asante. According to Abusuapanyin Kwame Affum, Assin Apemanim were part of the Asante contingent that fought in the Gyaman war of 1818 where the king of Gyaman, Adinkra was captured (personal communication, February 13, 2016). This has been confirmed by Ampene (2010) where he added that the Assin army did not join the Asante army again to fight their battles after the Asante-Gyaman war.

After they had stayed for a prolong period at Ansa, they moved southward after a misunderstanding between an Assin trader and an Asante buyer led to the Asante invading the Adanse area and inflicting heavy casualty on the people. They left after this attack and encountered the Etsi and Akosontire, and chose to settle at Dansoman before they moved to old Apemanim between Breku and Assin Nyakumase. They assisted the Etsi to ward off attacks from the Fante and, in gratitude, the Etsi offered them a vast virgin forest for a settlement. They moved to their new permanent settlement and built a new home they named Manso which, till today, is the traditional capital of the Assin Apemanim traditional area.

Assin Afutuakwa

The Afutuakwa of present-day Assin Foso were believed to have migrated from Adanse Afutuakwa where they moved to Adrofo near Praso. They moved under the leadership of Anim Kuma of the Royal Asakyiri clan. At Juaso, the Afutuakwa met the Akosontire who were under the leadership of Nana Asiedu Munduo. They later came into contact with the Asene clan of Fante Nyankumase under Kwadwo Tsibu near the Kokon River where they entered into an agreement sealed with a vow to assist each other whenever each came under some kind of distress. Before the creation of the Afutuakwa traditional area in the 1980s, the Afutuakwa chief was the senior divisional chief and the Benkumhene (left wing chief) of the Assin Attandasu Traditional Area. Assin Foso is its capital with the Opanhemaa, Nana Afransie IV, as its acting head (Opanin Ennin, personal communication, April 7, 2017).

Assin Owirenkyi.

Assin Owirenkyi, before its elevation to paramount status in 2007, was part of the Assin Attandasu state. Its present Omanhene was the Nifahene of the Assin Attandasu Traditional Area. The traditional area has Assin Kushea as its capital. The people of Assin Owirenkyi were part of the larger Assin group that moved across the Pra River to their present settlement. According to Nana Ohemeng Awere (personal communication, June 5, 2016), the people first settled at Moforkrom. From there, they moved to Kwesiaso and finally, to Kushea. Kushea, is pronounced *akoshyia*, (war meeting place). This was the place where the warriors met to strategise on the battles they fought on their way to their present location. Assin Kushea eventually became the capital of the newly created Owirenkyi Traditional Area.

According to Nana Ohemeng Awere, Owirenkyi is a traditional name which means “one who is difficult to defeat” (personal communication, June 5, 2015). With Assin Owirenkyi’s elevation to paramount status, it has to re-organise its paramountcy with the creation of divisions to help with easy administration of the new state.

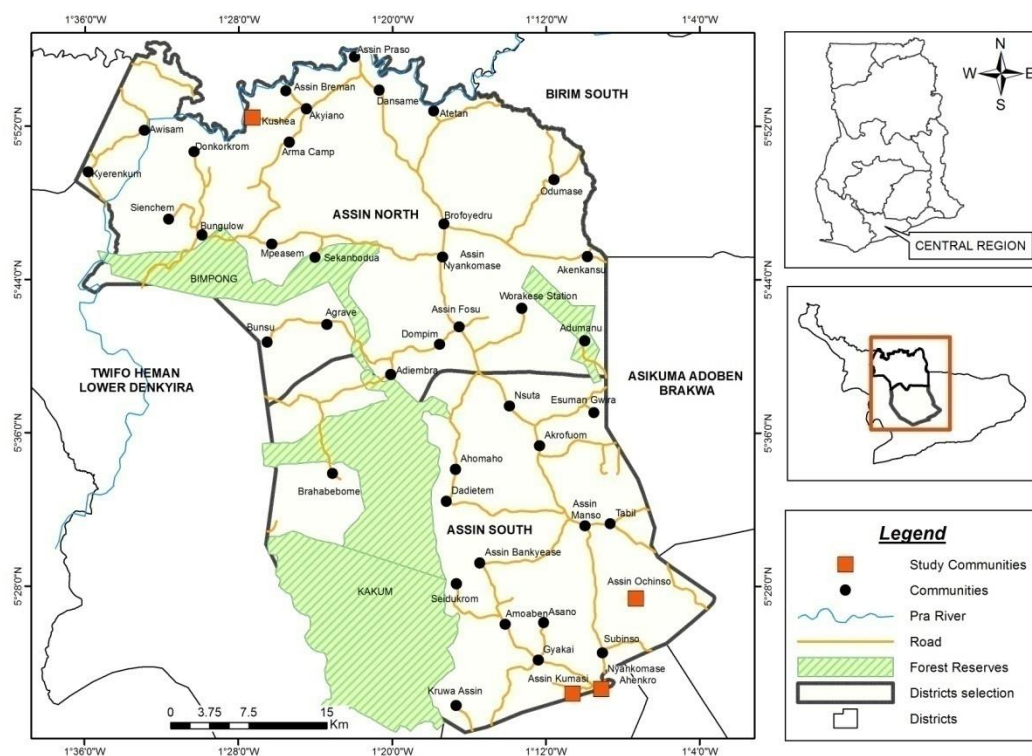
Six divisional chiefs have been appointed as at the time of my interview. These are Gyaase, *Nifa* (Right Wing), *Benkum* (Left Wing), *Adonten*, *Kronti* and *Akyimpem*. There are also two other chiefs who are not of divisional status. These are *Ankobeahene* and *Sanaahene*. There are five of the eight Akan clans in Owirenkyi. These are *Aduana*, *Bretuo*, *Agona*, *Kuona*, and *Asakyiri* (personal communication, June 8, 2016).

Language

Although the Akan people of Ghana share common customs, cultural practices and religious beliefs, they are divided into several ethnic groupings. Each ethnic group speaks its own dialect or version of the Akan language, most of which are, however, mutually intelligible. The Akan language is divided into two main variants. These are the Twi and Fantse variants. The Twi speaking Akan are the Asante, Ahafo, Akuapem, Akyem, Akwamu, Assin, Bono, Nzema, Sewhi and Adanse. The Fantse dialect is spoken by the mainly coastal and non-coastal Akan communities. Among these communities are Cape Coast, Elmina, Winneba, Abakrampa, Anomabo, Apam, Mumford, Agona Swedru, Mankessim, Sekondi, Takoradi, etc. There is also the Gomoa Fantse dialect. The Assin speak mainly the Twi dialect but those close to the Fantse; speak the Fantse dialect as well. The Assin society is populated by 51.9% indigenes and 49.1% migrants (GSS, 2012). The high migrant population is attributed to the rich fertile land which supports the cultivation of cash crops such as cocoa, oil palm and food crops such as cassava, maize, plantain etc (ASDA, 2007).

Fig 1

MAP OF ASSIN NORTH AND SOUTH DISTRICTS SHOWING THE STUDY COMMUNITIES



Source: Cartography, GIS and Remote Sensing Section, UCC

Geographical Location of the Assin

The Assin occupy the rain forest belt of Ghana. The Assin administratively is made up of the Assin South District and Assin North Municipality respectively. They share boundaries with Adansi South and Obuasi Municipality to the North; Birim South, Asikuma-Oboben-Brakwa and Ajumaku-Enyan-Esiam Districts to the East; Twifo Hemang Lower Denkyira District to the West; Mfantseman and Abura-Asebu-Kwamankese Districts to

the South (GSS, 2014). The 2010 Housing and Population Census puts the population of the four traditional areas making up the two administrative districts of Assin North Municipal and Assin South District at 161,341 and 104,244 respectively (GSS, 2012).

Important towns in the four traditional areas making up the two administrative districts include Assin Fosu, Assin Akonfudi, Assin Breku, Assin Praso, and Assin Kushea for Assin North Municipality (GSS, 2014). For Assin South District, some of the important towns that can be found are Assin Anyinabrem, Assin Adiembra, Assin Asamankese, Assin Darmang/Nsuaem, Assin Ongwa (Aworoso), and Assin Jakai, Nsuta, Ongua, Assin Achiase and Assin Ngresi (GSS, 2014).

Physical Characteristics of the Area (Climate and Vegetation)

The Assin South District and Assin North Municipality fall within the evergreen and deciduous forest belt of Ghana. The districts have an annual rainfall between 1500 and 2000 mm. The annual temperature is high and ranges between 30° C from March to April and 26° C in August. Average relative humidity is high ranging from 60% to 70% (GSS, 2014). The favourable weather condition allows for a variety of food, cash and non-traditional export crops to be grown.

The districts are subjected to both the cool and moist South-West monsoon winds from the Atlantic Ocean and the dry harmattan winds from the North-East. The vegetation cover is evergreen, made up of thick virgin forest in the forest reserves, interspersed with residual rainforest and swampy vegetation predominated by raffia palm and bamboo groves (GSS, 2014).

The Assin area is characterised by undulating topography and has an average height of 200m above sea level. The area is drained by numerous rivers and streams. The main rivers in the area are the Pra, Kakum, Ochi, Kyina and Wanko. These rivers and streams serve as potential water bodies for fish farming and dry season vegetable farming (GSS, 2014).

Local Economy

The geographical location of the Assin helps to support an agricultural economy. Agriculture employs about 68.52% of the population (GSS, 2014). The population is engaged in both food and cash crops production. The food crops produced comprise mainly plantain, cassava and cocoyam. The cash crops are cocoa, citrus and oil palm. Due to its rainforest belt location, lumbering has become another important economic activity in the Assin area. There are a number of sawmills in the area.

The BRM sawmill is the largest in the area processing sawn lumber for both domestic use and export. Aside the BRM sawmill, there are a number of small-scale sawmills and agro-processing centres scattered in the area. There are important trading centres located in various parts of the Assin area where traders converge on days set aside by the local people for trading activities (ASDA, 2007).

Social Structure of the Assin

Every society has some set of norms acceptable to the society that help to govern the behaviours of members of the society. These norms and patterns of behaviours are what constitute the social structure of a society. The social

structure of a society consists of those human relations which have achieved a certain definiteness of outline or form and relative permanence (UNDP, 2007). The next section discusses the social structure of the Assin and how they function to establish the patterns of succession and inheritance among the people. The section takes a look at the social institution, religious institutions and political system.

social institutions

The social institution of the Assin, as with all Akan, has at its base, the *abusua*. The *abusua* which is loosely translated as ‘family’ refers to the matrilineal descent group, a group of people who can trace their descent from an ancestress. *Abusua*, according to Abusuapanyin Kobinah, is made up of all the children of a common ancestress. He continued:

Normally women make the *Abusua* among the Assin as well as the other Akan people. This is because any time they give birth they help to expand the *Abusua*. When we need someone to sit on a stool, we select one of the children of the women to sit on the stool (personal communication, May 20, 2016)

From the above it be inferred that the *abusua* consist of the members of the same blood since they are all descendants of one woman. *Abusua* can also refer to a much larger group of people, the matriclan, those who believe themselves related through women to a mythical ancestress. The *abusua* is important as it helps in establishing personal status as a royal or commoner. It also supports claims to political office as well as the right to use lineage properties.

Members of the abusua share rights and responsibilities as they form a unified group. As the base of the Assin social structure, it is the responsibility of the abusua, led by its head, *Abusuapanin* and assisted by his female counterpart, the *Ɔbaapanin*, to intercede on behalf of the members of the abusua for spiritual and material blessings from the ancestors. The abusua also forms the basis for the kinship system in the Assin society.

religious institutions

The Assin, as with all of the Akan, have their religious institution which is indigenous to them. The religious institutions of the people help us to understand the importance of the indigenous religion to the people's existence. These religious institutions are seen in priesthood, Ancestral cult, festivals and chieftaincy.

priesthood

The priesthood is an important religious institution among the people of Assin. The institution plays an important role in the worship life of the people. The traditional priests and priestesses, according to one of my interlocutors, serve as intermediaries between the people and the divinities (Safohene Awere, personal communication, May 20, 2016). Idowu (1962), confirms the functions of the priests and priestesses. He stated that they serve as mediators between the world of humans and the world of the spirits.

According to some of my informants, traditional priests and priestesses take part in ceremonies leading to the celebrations of their annual festivals. I was informed of the role played by one Ɔkomfo Tote who takes part in the

ceremonies leading to the celebration of the Tutu festival of the people. According to my informants, before the celebration of the Tutu festival, Okomfo Tote moves into the sacred forest where she performs certain rituals for a week. These rituals are to ensure that, if any calamity would befall the community, it is revealed to her. When the people go before the gods, she leads them in prayers. When the gods and the ancestors are to be fed, she leads in this endeavour. She also performs the role of herbalist in the community. As a herbalist, people go to her with all manner of illnesses for healing. There are other priests/priestesses in other parts of Assin who act as mouth pieces of the divine as well as traditional health practitioners in their communities.

ancestral cult

According to Abusuapanyin Kobinah (personal communication, May 20, 2016), the ancestors are the members of the family who have departed to the ancestral world and called upon by the people for help in times of need. The Assin, as other Akan groups, call the ancestors, *nananom nsamanfo*, which means ‘grandparents who have become spirits.’ The Assin show respect to their ancestors by celebrating the *Adae*. *Adae*, according to Safohene Awere, are days set aside for the celebration and propitiation of the departed members of the community. Rattray (1923), in his study of the Ashanti, confirms this when he says “the *Adae* refers to those ceremonies at which the spirits of departed rulers of the clan are propitiated, their names and deeds recalled, and favours and mercy solicited” (p. 92). The *Adae*, according to Safohene Awere, is celebrated twice during the forty-day Akan calendar and is made up of the *Awukudae* (Wednesday *Adae*) and *Akwasidae* (Sunday *Adae*). Safohene Awere relates that the celebration involves the chiefs and his elders who go to

the stool room to feed and give water to the ancestral spirits. Opoku (1978) confirms this when he says that, during the *adae* celebration, the ancestral stools are offered food and drink by the people led by the chief.

festival

The institution of festival is an equally important one among the Assin as with the rest of the Akan states. It is during the celebration of these festivals that the people express their total dependence on the Supreme Being through the agency of the ancestral spirits. Among the Assin, the *Tutu* festival is celebrated by both the people of Attandasu and Apemanim. 'Tutu', according to Abusuapanyin Kwesi Intsiful (personal communication, May 15, 2016), means 'flying'. The name, he said, came about when the people migrated from the Ashanti region to their present settlement. On their way to their present settlements, they fought many battles and, in the course of these battles, their deity, *Bosomfo*, would always fly in front of them as a ball of fire illuminating their way.

The people became successful in their battles and, on settling at their present locations, they instituted a festival to honour the heroic deeds of their ancestors. They chose the name *Tutu*, which depicted the way their deity, *Bosomfo*, flew in front of them like a ball of fire, during their battles. During the celebration of the festival in Assin Attandasu traditional area, the role of the deity in the victories of their ancestors is re-enacted with the lighting of a bonfire on the Friday of the celebration (Assanful, 2012a). *Tutu*, as an ancestral festival, is celebrated to mark the last *Adae* which is the end of the ninth cycle of the Akan calendar.

political system

The Assin has a centralised political system that vests administrative, religious and judicial authority in an institution headed by a chief and his female co-ruler. At the base of the political system is the lineage or clan unit headed by the Abusuapanin who is assisted by the Ōbaapanin to administer the affairs of the lineage. At the apex of the political system is the Ōman (state), headed by the Ōmanhene, who rules his people in consultation with his female co-ruler, the Ōmanhemaa and a council of elders. The political administration in the present Assin states is no different from their pre-colonial times. There is still the military formation that symbolically protects the chief. In an interview with Nana Kwantwi Barima, the Acting President of Assin Attandasu Traditional Council (personal communication, December 2, 2016), he gave the political structure of Assin Attandasu State thus:

Ōmanhene (Commander-in Chief)

Ōmanhemaa

Adonten

Gyaase

Benkum

Nifa

Kyidom

Akwamu

In the case of Assin Attandasu, the Gyaase functions under the Adonten Division with the Gyaasehene reporting to the Adontenhene who is next in command to the Omanhene. This war formation, as indicated above, is confirmed by Rattray (1929), Busia (1968), and Nkansa-Kyeremanteng (2010).

The chief, upon his enstoolment, is expected to provide political and religious leadership for his people. Before the advent of European rule, the chief together with the Obaahemaa and his elders, saw to the general development of their area and fought to protect their subjects as well as territorial jurisdiction. As a judge, he presided over his court which is the highest traditional tribunal in his chiefdom. He enacted laws upon the advice of his councillors and could punish criminals. He was solely responsible for the provisions of social amenities and security for his subjects. As the political head, he was the commander-in-chief of his army, leading them into battles. The chief, according to my respondents was bound by his oath to consult his elders on all matters and heed to their advice.

The political system gives the chief and his female co-ruler the authority to engage in religious activities since the office they occupy is a religious office (Busia, 1968). The religious role of the chief is informed by his status as the direct representative of the ancestors. The chief is the occupant of the stool of his ancestors and, thus, must be treated with the greatest veneration (Busia, 1968). The chief, as a religious person, has his person regulated by taboos. The religious significance of these taboos, according to my respondents, is indicative of their quest to see their chief rule according to the wishes of the ancestors.

The political system also clothes the chief and his female co-ruler with the judicial powers to adjudicate on matters that are brought to their attention. Matters that bother on their customs and traditions are tried in the courts of the Omanhene and Omanhema respectively, and guilty parties fined or punished. In the pre-colonial days, the chiefs had absolute powers and could even impose the death penalty on an offender. Though much of the judicial powers of the chief have been whittled, he still can deal with offences that go against the customs and traditions of the land. The 1992 constitution also gives the chiefs exclusive powers to deal with chieftaincy matters. Their judgements, are however, subject to judicial reviews.

The political system gives the Omanhene together with his Omanhema the responsibility to see to the socio-economic well-being of their subjects. It is their responsibility to ensure that social amenities such as schools, clinics, potable water and hygienic environment are provided the people by lobbying government and NGOs. As earlier noted by the Asantehene, the mandate of a chief today is to ensure that poverty and disease are fought on all fronts. They lead their communities in clean up exercises to rid the town of filth. In an earlier study of the Assin, Nana Abena Gyamfua II, Omanhema of Assin Attandasu Traditional Area, described the role of the chiefs in mobilising their people for communal work. She remarks:

If the town is dirty, it is our duty as leaders to organise clean-up exercises to keep the community clean. The clean-up exercises included desilting gutters, and clearing of weeds (Assanful, 2012a, p. 56).

The Obaahemaa also ensures that economic activities under her domain are carried out without any problem. All the markets are under her care and together with the market queens, she sees to the administration of the markets. The markets, according to Manuh (1988), 'belongs' to the Obaahemaa and she has jurisdiction over all disputes arising from the markets. All quarrels, extortionary acts or behaviours that may affect order and stability conducive for trading activities are dealt with by the Obaahemaa.

Chapter Summary

This chapter has discussed the Assin with regards to their history and religious and social institutions. The social institutions discussed revealed the Abusua as the most significant social group in the Assin society. Its importance was seen in how the Abusua was responsible for regulating the affairs of its members in terms of their rights and responsibilities. Understanding the Assin religious institutions were also important if I was to fully explain their worldview. The religious institutions discussed were found to help the Assin relate to the sacred world. The discussions also touched on the political system of the Assin and their system to be no different from the other Akan people. The political system was also found to be religious as the people considered the ancestors as the source of the power and authority of their political leaders. Having explored the Assin and their social and religious institutions as well as their political system, the next chapter discusses the Assin world view, customs and institutions that impacts on their inheritance and succession practices.

CHAPTER THREE

WORLDVIEW, CUSTOMS AND INSTITUTIONS OF THE ASSIN

Introduction

The focus of this chapter was to assess the world view, customs and institutions of the Assin and how these affect the practices of inheritance and succession of the people. The Assin worldview being a theistic one, helped to understand the influence of their religion on the life of the people and practices such as inheritance and succession. In addition to the discussion of the Assin worldview, I sought to expatiate the Assin concept of the human person. This was to expose the spiritual and material aspects of the human person. The chapter concluded with a discussion of the social institutions of the Assin. The discussion of the social institutions helped to unveil the inheritance and succession practices of the people.

Worldview

The idea of worldviews, generally, has to do with the manner people perceive the world in which they live. Worldviews serve as a map that people make use of in order to make sense of the social landscape and to find their ways to achieving their goals (Hart, 2010). What then is worldviews? Scholars have given their understanding of worldviews and I discuss a few of such descriptions. Ikenga-Metu (1985) describes worldview as “the complex of a people’s belief about the origin, structure and organization of the universe, and

the laws governing the interaction of beings in it” (p. 37). From Ikenga-Metu, worldview gives us the opportunity to understand how the universe came into being and how, as a people, we relate to one another. Redfield (as cited in Assimeng, 1999) also describes worldview as:

The way a people characteristically look outward upon the universe ... It suggests how everything looks to people, the designation of the existent as a whole (it also refers to) the nature of things as made aware of them (p. 42).

Worldviews, according to Hart (2010), are developed throughout a person’s lifetime through socialisation and social interaction. They are encompassing and pervasive in adherence and influence. The views expressed above show how worldview shapes the outlook of a group of persons. Worldview allows us to study the people’s perception of life and how they are able to make meaning out of their belief systems.

African notion of worldview according, to Sackey (2013), refers to the manner a particular society or people understands the world in which they find themselves. The worldview embodies the ideas and beliefs which humans have about the origins of the world. African worldviews, Sackey argues, are significant for the reasons that they help Africans to make sense of the world in which they live. The worldviews help to make sense of inexplicable phenomena in human society and give people a way of understanding their world.

African worldview, Sackey again asserts, reflects two distinct worlds. These worlds are the material, visible world and the spiritual and invisible

world that are interdependent and constantly interacting. The spiritual world consists of the sacred beings while the material world consists of human beings and nature. Sackey's description of the African worldview is true of the Assin who see their worldview as consisting of the material and spiritual worlds.

Assin worldview

The Assin worldview is theistic. The belief in the Supreme Being, the minor deities, ancestors and other spirit beings make up the Assin worldview. To properly understand and appreciate the Assin worldview, an analysis of a libation text of the Assin is done.

<i>Nyame yɛkyerɛ wo nsa na yemma</i>	God we show drink but
<i>wo nsa</i>	do not give you drink
<i>Asaase Yaa yemma wo nsa</i>	Earth Goddess we give you drink
<i>Kwaku Bosomfo yɛma wo nsa</i>	Kwaku Bosomfo we give you drink
<i>Tote yɛma wo nsa</i>	Tote we give you drink
<i>ɔbuoso yɛma nsa</i>	ɔbuoso we give you drink
<i>Nana Tibu Darko yɛma wo nsa</i>	Nana Tibu Darko we give you drink
<i>Nana Aputae yɛma wo nsa</i>	Nana Kwaku Aputae we give you drink
<i>Nana Kwaku Amoaben yɛma wo nsa</i>	Nana Kwaku Amoaben we give you drink
<i>Nana Tibu Asare yɛma wo nsa</i>	Nana Tibu Asare we give you drink
<i>Nananom nneɛma nkɔ so yie</i>	Our ancestors, things

<i>mma yen wo</i>	are not going on well
<i>ɔman yi mu</i>	for in this our state
<i>Yesre mo mommo ɔman yi ho ban</i>	We are asking you to come and
<i>ma yen</i>	protect our state for us
<i>Biribiara a ebeha yen no, monyi</i>	Anything that would disturb us,
<i>mfiri ho ma yen</i>	remove them from our midst

Source: Fieldwork, 2017

From the libation text above, it can be seen that the Assin worldview is a theistic one. The prayer begins with the mentioning of Nyame, the Supreme Being. The Supreme Being is always mentioned first in their prayers. The reason being that He is the source of all being. The libation text also reveals their belief in the minor deities and the ancestral spirits. The libation mentions the three principal deities of the Assin: *Kwaku Bosomfo*, *Tote* and *Jobosuo*. Aside these, there are other deities all over Assin. Some of the ancestors who were former chiefs of the people are also mentioned.

The worldview can also be seen if an analysis of requests made during prayer is done which would reveal the Assins' dependence on the sacred for their sustenance. The libation text above shows how the people rely on the sacred to help them in their time of needs. In this example, the libation revealed the people's desire to call on the sacred to help protect the state from any mishap. Safohene Awere (personal communication, May 20, 2016) confirmed the type of requests made during libation:

We offer libation to our ancestors because we believe they are capable of helping us solve our problems. We also know they are behind us in our activities and these are the reasons why we pray and call their names. Every libation we offer we ask for wellbeing for the people. Those who have travelled, those who need children and those about to be delivered of their babies are prayed for. At the end of the libation, we commit any evil person who does not want the good of the community into the hands of the gods and ancestors for action.

The ancestors are seen as a veritable source of help in times of crisis. The people depend on the ancestors for protection, children, travelling mercies and for expectant mothers to be delivered safely of their babies. Safohene Awere's explanation buttresses the point that the Assin worldview is a religious one.

The Assin worldview is also seen in their attitude towards the land as seen in the reverence they give to it. In Assin Kumasi for example, Wednesdays are their day of rest and no member of the community is expected to go and till his or her farm. Members of the community are however permitted to go and harvest their palm fruits to be sold to an oil processing company that comes to buy their produce after the elders of the community performed sacrifices to the gods to seek their permission to go to their farms on Wednesdays.

Apart from the land, their worldview is also seen in the relationship towards water bodies which they consider as sacred. Several water bodies in the Assin communities are considered as deities and the necessary rituals are always performed for these rivers, periodically.

The worldview of the people is also revealed in their practice of sacrifices. During enstoolment rites, the people offer sacrifice to the ancestral spirits and deities in the community. Nana Ampomah (personal communication, 13 February, 2016) stated in an interview that when a new chief is enstooled, as part of the rites of enstoolment, a “sheep is slaughtered for making rituals for the stool. It is a blood covenant to the stool signifying that a new chief has been enstooled.” The slaughtering of the sheep and the blood covenant speaks to the people’s worldview which is theistic. The ritual of sacrifice reveals their dependence on the sacred and the ancestral spirits as the source of their political power.

Understanding the Assin worldview helps to appreciate why their inheritance and succession practices are influenced by their religion. The Assin, being a very religious society as with all other indigenous African societies, has a religious reason for the practices of inheritance and succession. The world view of the Assin also revealed their belief system. This belief system has been described by scholars as the sacred hierarchy. The next section discusses the sacred hierarchy of the Assin.

Sacred Hierarchy of the Indigenous Assin Religion

Interactions with my respondents and analysis of the worldview of the Assin revealed their belief as seen in what scholars have described as the sacred hierarchy (Rattray, 1923; Parrinder, 1961; Idowu, 1973; and Opoku, 1978). The structure of the sacred hierarchy of the IAR as analysed is similar to what Opoku (1978) found in his study of the Akan religious sacred hierarchy. From the libation text analysed above, the sacred hierarchy of the

IAR is made up of the Supreme Being, the divinities, ancestral spirits and impersonal spirits.

The Supreme Being

One important belief that is common to all indigenous Africans, that which Idowu (1973) would refer to as the 'Africanness', is the belief in a Supreme Being variously called by the people. The Assin calls the Supreme Being, Nyame. Nyame is considered as self-created and pre-eminent in all things. The idea of the belief in Nyame is indigenous to the Akan in general and Assin in particular, and not of foreign origin as some early European writers asserted.

The Assin attitude towards Nyame is seen in the attributes they accord Him. The Assin has several attributes for Nyame. One of my respondents, Ɔpanin Yaw Amoako (personal communication, December 2, 2016) described the Supreme Being as: "dependable, the creator of the universe and everything in it and the most powerful."

The attributes given by the Assin of Nyame shows their total dependence on Him. The Assin, as other Akan ethnic groups, usually thinks of Nyame as both male and female. As a male, Nyame is considered as a disciplinarian which is symbolised by the sun and as a female, Nyame is said to be caring, nurturing and kind which is symbolised by the moon. The attributes the Assin speaks of Nyame reveal their total dependence on Him as they see Nyame as the source of their being and existence. Ɔpanin Yaw Amoako remarks:

We depend on God for our sustenance. Without God we are nothing. We see God as the giver of life, rain, good health and prosperity. God is everything to us. We owe our lives to Him (personal communication, December 2, 2016).

I agree with Pobee (1976) that a discussion of Nyame cannot be complete “without a note about the consort of the Supreme Being, namely Asaase Yaa, as the Asante calls her, or Asaase Efua, as the Fantse call her” (p. 7).

Asaase Yaa

Among the Assin, the earth is considered a spirit and is known as Asaase Yaa. Yaa is the Akan name given to a female born on Thursday. As a result, her day of rest is supposed to be Thursday. However, interactions with some of my key interlocutors in Assin Kumasi revealed that, unlike other Akan communities, the day of rest for the community is Wednesday. Anyone who violates her day of rest is severely punished. No work is expected to be done on the soil on that day.

According to Nana Afikurah III of Assin Kumasi, it is a taboo for members of the community to visit their farms on Wednesdays (personal communication, April 29, 2016). On enquiry, as to why it is Wednesday but not Thursday as it is widely observed by other Akan societies, Safohene Awere gave the reason for the choice of Wednesday as the day of rest for the Assin Kumasi community. He remarked:

It is a taboo to go to the farm on Wednesdays. It is the day the elders have set aside for a reflection on the state of the community. Every

community has its day of rest which may not be on Thursdays the day of the earth goddess. Some communities may select Saturdays. For us in Assin Kumasi, Wednesdays are our day of rest. You cannot however, go to the farm to weed your farm but can only go to the farm to harvest your produce. If you are found weeding your farm on Wednesdays you would be made to pay a fine (personal communication, May 20, 2016).

It is worthy to note that the day of rest is not Thursday or Friday as it is most widely acknowledged in the literature as the day of rest for the Akan. What this means is that for the Akan, any day of the week can be negotiated for the community to be observed as their day of rest. This goes to show that the traditional religion is not static and can evolve to meet contemporary challenges.

Among the Assin, as with other Akan ethnic groups, there are no shrines or priests dedicated to *Asaase Yaa* since everyone has access to her. She is also not an oracle to be consulted in time of crisis. The Akan would say, *asaase nnye bosom, ankyere mmusu*, ‘the earth is not a goddess, she does not divine’ (Opoku, 1978). Her power, however, is solicited through libation and sacrifice before making a new farm, planting, harvesting, building, digging a grave, felling a tree or when purchasing or leasing a land (Abusuapanyin Kwame Affum, personal communication, February 13, 2016).

As has been noted earlier, the land cannot be cultivated without first seeking the permission of *Asaase Yaa* and the ancestors, who are believed to own the land. *Asaase Yaa* taboos murder. Whenever a murder occurs, she must

be propitiated with a sacrifice or appeased else untold hardship will befall the community. Asaase Yaa, according to Opanyin Amoako, taboos incestuous practices, burying a dead pregnant woman without an operation to extract the unborn baby from her womb and, above all, sexual relation in the bush (personal communication, December 2, 2016).

divinities

The Assin worldview has a place for the belief in divinities. The divinities are believed to be the creation of Nyame who has placed them on earth to meet the needs of the people. These deities are present in the forest, rivers and rocks. There are male as well as female deities, though most of the deities are males. The Assin calls their deities' *abosom* (plural) *obosom* (singular). Pobee (1976) refers to these deities as *Nyamemba*, children of Nyame. These divinities are so called as Nyameba "because they are believed to have been sent by God to receive honour from men and confer benefits on men" (Pobee, 1976, p. 11).

The idea that the deities are referred to as the children of God is not only peculiar to the Assin and for that matter the Akan. The Yoruba of Nigeria holds a similar view. Their arch-divinity *Orisa-nla* also known as *Obatala* is said to be the offspring of *Olodumare* (Lugira, 2009). It was Obatala, according to the Yoruba creation myth, who was commissioned by Olodumare to create the world and equip it with everything that humanity may need (Opoku, 1978). The Edo of Nigeria also **have** the belief that *Olokun*, their arch-divinity is the eldest child of *Osanobua*, their Supreme Being.

These deities have wide powers to act for the benefit of the Assin. Interaction with respondents revealed that two main types of divinities are recognised by the Assin. There is the idea of nature gods which are communally owned in addition to the understanding of individuals contracting ritual specialists to make, for them, personalised gods for their own protection. Opoku (1978) makes a similar observation in his study where he classifies divinities in West Africa as two. The first being the “ancient titular divinities who are communally owned and who have been worshipped from time immemorial”, and the second category being ‘medicine’, “for they are physical objects or instruments used in the practice of magic which have been elevated to the status of gods” (pp. 55-56).

Assin Attandasu state has three principal deities. These are Nana Kwaku Bosomfoɔ who is the head of the deities, Nana Tote and Nana Obuoso. In Assin Kumasi also, there are four nature deities. The head of the nature deities is *Nana Ofee Amponsah*, the rest are *Akyisu Afua*, *Nana Bawari* and *Wiredu Abena*. While Nana Ofee Amponsah is located on a mountain, the rest are all river deities. These deities play important roles in the life of the people of Assin Kumasi. According to Abusuapanyin Kobinah (personal communication, May 20, 2016), Nana Ofee Amponsah is celebrated during the Easter period. Sacrifices are offered and the people use the occasion of the festival to plan for the development of the community. Akyisu Afua is also an important river for the people. This river did not only serve as a source of water for the people before the introduction of tap water in the community, but also plays important role in the religious life of the people. Members of the

community are not to visit the river on Fridays which is its day of rest. Menstruating women were equally forbidden from visiting the river.

Fig. 2

Akyisu Afua River in Assin Kumasi



Source: Field Work, 2016

The second category of deities according to my respondents is very new and is normally requested by individuals for their own personal use. These personal deities may be acquired, according to Safohene Awere (personal communication, May 20, 2016), for one's protection from evil spirit attacks. He describes such deities as '*suman*' which are made by specialists for those who may need them.

ancestral spirits

The belief in ancestors is strong among the Assin. The Assin, as with the rest of Akan, calls their ancestors, *Nananom Nsamanfo*. In an interview with the Abusuapanyin of the Kona Asokore Abusua of Assin Kumasi, Abusuapanyin Kobinah, he described the ancestors as departed members of the community such as chiefs and queen mothers who were propitiated through

prayers (personal communication, May 20, 2016). Pobee (1976) confirms this view of ancestors by my respondents when he says of the ancestors as “those of the clan who have completed their course here in the land of the living (*atseasefo*) and are gone before the living to *asamandow* or *asamande*, the place of the dead, the spiritual waiting place” (p. 7). Mbiti (1989) will simply refer to the ancestors as the ‘living-dead’. In other words, though they are physically dead, they are still believed to be alive and still show concern for the wellbeing of their family or community.

Safohene Awere (personal communication, May 20, 2016) described the ancestors as departed members of the community whom the living looks up to for the provisions of their needs. He explained further:

A niece of mine came to me with a bottle of schnapps to intercede for her to the ancestors. She asked the ancestors to help her get a child and promise to give a sheep and Ghc 20.00. I reminded the ancestors on every Aday until she became pregnant and delivered. She later brought her pledge and I presented the child to the ancestors for their blessing on the child (personal communication, May 20, 2016).

The views expressed by Safohene Awere are important as they show the people’s dependence on the ancestors to carry their requests to the Supreme Being for answers. Danquah (as cited in Opoku, 1978) makes a similar comment about the ancestors. The ‘ancestors’, he says, “act as friends at court to intervene between man and the Supreme Being and to get prayers and petitions answered more quickly and effectively” (p. 37). Opoku (1978) again posits that it is from this belief of the close relationship between God and the

ancestors “that libation, the specialised method of communicating with the ancestors, originated; through libation, prayers are directed to the ancestors and ultimately to God” (p. 37).

categories of ancestors

In my studies, I have identified two categories of ancestors. These are the family ancestors and the community ancestors. The family ancestors belong to each individual family, and it is only family members of those ancestors who can appeal to their ancestors for help. You cannot appeal to ancestors of someone’s family other than yours. The community ancestors, on the other hand, belong to the entire community and can be accessed by every member of the community. The community ancestors are made up of the former leaders of the community. Notably among these are the former chiefs and *Mbaahemaa* who reigned and died on the stools of their communities.

qualifications for becoming an ancestor

Among the Assin, as with the other Akan, the status of an ancestor is conferred on distinguished members of the community who have fulfilled certain conditions. According to Nana Afikurah III of Assin Kumasi, a chief who is destooled or has abdicated the stool cannot become an ancestor when he dies. He will not be mentioned in their libation offerings. The reasons he stated was because the deposed chief did not complete his duty as a chief. It is when a chief finish his task, he asserted, that he will be honoured as an ancestor (personal communication, April 29, 2016).

According to my respondents, others such as Abusuapanin, Obaapanin (senior women) and elders of families who have passed on are recognised by the people as ancestors. There is the general belief among the Assin that the ancestors could be called upon and petitions sent through them to Nyame. Abusuapanyin Kobinah tells of how, during funerals, family members meet to offer libation and mention names of family elders such as Abusuapanin and Obaapanin who have died (personal communication, May 20, 2016). During marriage ceremonies, according to my interlocutors, ancestors of the family are called to witness their grandchild being given into marriage. They may be addressed in these words: “your grandchild is being given into marriage so take this drink and protect the marriage and bless it” (Abusuapanin Kobinah, personal communication, May 20, 2016).

In the Assin society, it can be deduced from the discussions above that the status of an ancestor is earned by one’s position in the community and family. Aside these, my interlocutors were also of the opinion that one’s lifestyle is considered by the people in recognising a departed member of the community as an ancestor.

functions of ancestors

Ancestors perform various functions in the community. During my interaction with key informants as part of my field work, my respondents enumerated some of the functions of the ancestors. The ancestors are responsible for giving a stamp of approval of a new chief as part of his enstoolment rites. All my respondents were unanimous in establishing a link between the ancestors and the enstoolment processes. The role of the ancestors

in the enstoolment processes of an Assin chief would be discussed in chapter five.

The ancestors are not only involved in the enstoolment of a new chief. They are also responsible for meeting the other needs of the community. Abusuapanin Kobinah (personal communication, May 20, 2016) confirmed the interventions of the ancestors when he told me in an interview that, during funerals, family members would give messages to the deceased member asking him or her to send them children or some other material gifts. The whole idea behind these petitions are that, though the person may be dead, there is the general held belief that he or she is still alive in the spirit world and was capable of intervening in the affairs of the living. These views expressed by my respondents confirms what Parrinder (1974) says of the functions of the ancestors, thus, “everything that concerns the family, its health and fertility are of interest to the ancestors, since they are its elders and will also seek rebirth into the family” (p. 59). Aside the ancestors, the divinities play important roles in the affairs of the Assin.

Impersonal spirits

There is a strong belief in the existence of other spirits that are considered to be bad in nature. The Assin recognises the activities of witches and sorcerers in the community whose actions may bring untold hardships on the community. I described these spirits as ‘impersonal’ as they always require an object or a human person to inhabit in order to be operational. In this section, I discuss two of such spirits, witchcraft and sorcery.

witchcraft beliefs

One belief that is very pervasive among the Assin is the belief in witchcraft. A witch, according to Ɔpanin Yaw Amoako (personal communication, December 2, 2016), is “a person who has spiritual powers and can use the powers to cause harm to others in the spiritual world which will manifest in the physical.” Asked how one can get witchcraft spirits, he stated that a person can acquire the spirit from:

1. The mother at birth
2. Another person through food
3. An older person through inheritance

Ɔpanin Ennin (personal communication, April 7, 2017) confirmed the strong belief in witchcraft among the Assin. He remarked:

There is a strong belief in witchcraft in Assin. We believe that witches who cause a lot of havoc to the society exist. One Ɔkomfo Beyanka was well noted for arresting witches in the community. Somewhere in 1967, I was returning from the house of one of my teachers around 1:15 am to the palace where I was then staying. When I got close to a big tree that was then close to the palace, I saw the priest of Nana Bosomfo who complained to me that I had come to disrupt his work of trying to catch some witches. It was believed then that the witches come to the tree so he was coming to catch them there.

Upon a visit to the palace of the Ɔmanhene of Attandasu traditional area, I met the chiefs in session at the customary court of the Omanhene. One

of the cases that came up for settlement was a witchcraft accusation levelled against a woman from one of the villages under the traditional area by a male resident of the same community. According to the woman, the man accused her of being a witch and also being responsible for the death of her rival. The woman did not take kindly to the accusations and petitioned the Omanhene for redress. After the deliberations, the chiefs found the accusations to be baseless and imposed a fine on the man who accused the woman of witchcraft.

In African societies, witchcraft accusations are believed to be motivated by jealousy, hatred and envy as well as fear (Bannerman-Richter, 1982; Evans-Pritchard, 1976). The accusations may also be caused by necessity to account for the unexpected or undeserved misfortune where it is not recognised that such misfortunes can happen by chance or natural causes. Any of these reasons might have accounted for the accusation levelled against the woman since the man could not account for the unexpected death of the other woman.

Among Assin, the belief in witchcraft is not limited to only those who still hold on to the indigenous belief. The belief is so strong and pervasive that those who have converted to other faiths such as Christianity and Islam are still ceased with the fear of witchcraft. It is a common reality on local television to find most church services devoted to exorcism, deliverance from the power of witchcraft. Witchcraft is a harassing reality among Africans.

sorcery

Sorcery is distinct from witchcraft. The Assin has no specific word for sorcery. The closest word to sorcery, according to some of my respondents, is

‘medicine’ commonly referred to as ‘*aduro*’ or ‘*suman*.’ Sorcery is described as offensive or bad magic which is much feared and repugnant to the Assin. A sorcerer, according to my respondents, is any person who uses his or her powers to inflict pain on the community. This view of sorcery is confirmed by Parrinder (1974) when he posited that a sorcerer, “deliberately tries to harm his enemies or those of his clients who have paid him, by evil magical means” (p. 117). According to Nukunya (2003), aside physical manipulation of objects, other essential elements of sorcery are incantations or spells and the condition of the performer. To effect a correct result, the three elements must be correct in all respect—the objects must be of the correct quantity and quality; the performer must conform to all rules and taboos necessary to maintain his correct (or holy) state; and finally, the spells must be recited in the appropriate order, fully and correctly (Nukunya, 2003, p. 61).

Sorcery is never condoned in Assin as perpetrators are severely dealt with. One type of sorcery that the traditional authorities in Assin have outlawed is *duabo* (imprecation). *Duabo*, according to Agyekum (1999) “is a type of religious verbal taboo which involves the employment of spiritual and supernatural powers to cause harm to one’s addressee” (p. 357). Nana Ampomah (personal communication, February 13, 2016), Regent of Assin Ochiso stated that:

Because of the destructive nature of *duabo*, it is an offence to invoke the name of the river in the community to curse anyone. Anybody who flouts this taboo is severely dealt with.

Nana Afikurah III of Assin Kumasi also made a similar comment on the destructive nature of duabo and, whilst the community taboos it, the belief system puts the Assin in a religious world. This worldview of the Assin is seen in the concept of the person. In the next section, I will discuss the Assin concept of the person and try to show its importance in the inheritance and succession practices of the people.

Assin concept of the person

The Assin recognises the fact that the human person is made up of physical and spiritual parts which come together to form the person. Opoku (1978), writing about the Akan, opines that the physical is the part which perishes when a person dies, but the immaterial (spirit) survives, and links him or her with the creator. This understanding was also seen among the Assin during my interactions with them. The understanding of the Assin concept of the person helped in my appreciation of their social institutions, practices, and judgments about personal identity, moral responsibility, and the proper relationship both among individuals and between individuals and community.

The composition of the human person given me by my interlocutors was similar to what Opoku (1978) and Sarpong (2013) had earlier given. I will analyse the Assin concept of the human person and draw its implication for inheritance and succession among the Assin. The human person among the Assin is made up of *ɔkra*, *sunsum*, *ntɔɔ* and *mogya*.

ɔkra (soul)

The ɔkra, according to my respondents, is directly derived from God. It is the part of God in every human person which makes the person a living being, for its departure from the body implies death. The ɔkra is one of the parts of the human person that continues to live even after the death of the person. ɔpanin Yaw Amoako (personal communication, December 2, 2016) stated that:

The ɔkra originates from God and does not die. When a person dies, the ɔkra leaves the person and goes back to its source with God. It is the ɔkra that shows that we were created by God.

The idea of the immortality of the soul, according to Opoku (1978, p. 95), is couched in proverbial Akan language, *Onyame nwu na mawu* or *Onyame bewu na mawu* meaning “God will not die; therefore, I will not die or if God dies, I will die, but since God does not die, I shall therefore not die.” The ɔkra, according to some of my interviewees, is the part of man which obtains permission from Onyame before descending to the world. This permission is believed to contain his or her *nkrabea*, destiny.

The ɔkra is such an important element among the Assin that they have a name for each of the ɔkra. The Assin call it *kra din* (soul name). Opoku (1978) confirmed this when he said that the *kra din* denote the names of akra (plural) born on specific days. The ɔkra does not act only as the soul of the person but, also, as his guardian spirit or protector which guards the person and gives him good or bad advice. Upon the death of the individual Akan, the ɔkra leaves the body and returns to Nyame, the creator to give account of its stewardship on

earth (Opoku, 1978). The presence of the *okra* is what makes the Akan a religious being. His or her religiousness is derived from the fact that the individual has part of the Supreme Being in him or her.

mogya (blood)

The *mogya* is derived from the mother. The *mogya* received from the mother entitles the child to be a member of the matrilineal family and clan. It is the *mogya* that enables an Assin to either succeed to a vacant stool or entitles the one to inherit a deceased family member. Pobee (1979) says of the *mogya*:

The *mogya* he inherits from his mother; symbolises his material aspect.

The blood makes him a biological being: it gives him status and membership within a lineage, and obligation as a citizen (p. 39).

Mogya establishes the physiological bond between mother and child and forms the basis of the clan system. Sarpong (1993) describes the *mogya* as the:

Visible part of the person that can be seen, felt, touched, smelt and held. It is the conviction that this physical part of the person originates from the mother that forms the basis of the social structure of the Ashanti as a matrilineal people.

For the matrilineal Akan, the *mogya* becomes the basis of their existence. It is the *mogya* that entitles one to inherit a property or succeed to a political office.

Apart from *okra*, *sunsum*, *ntoro* and *mogya* that I discussed above, Sarpong (2013) has added three more elements; *saman*, *honhom* and *sasa* as constituting the human person. *Saman*, he explained, is the ghost of a dead person who is believed to be residing in *asamando*, the place of the dead. The

sumsum turns into the saman when the person dies and moves to asamando, the ancestral home. The honhom is closely tied to the okra. At creation, the Akan believes Nyame breaths into the nostrils of the created being imparting in him or her honhom, the breath of life and, the okra, His essence. Death sets in when the honhom ceases.

sunsum

The second component of the human person is the sunsum. The Assin considers the sunsum as the element that moulds the character (*suban*) of the individual person. The sunsum is derived from the father. Safohene Awere (personal communication, May 20, 2016) says of the sunsum as that “part of the human person which determines the child’s personality and how the child should behave which the child gets from the father.” The sunsum, according to Opoku (1978), is alluded to similar characteristics of sunsum as “an intangible element which accounts for the character (*suban*), disposition, and intelligence of a person” (p. 96). The Assin has the belief that a child cannot thrive if his father’s sunsum is alienated from the child. Hence, a traditional priest sometimes traces the cause of a child’s illness to the grief of its father’s sunsum.

nton

The fourth element that makes up the Human person is the nton which is also called ntoro (Rattray, 1923; Opoku, 1978). This study adopted the ‘nton’ as my respondents alluded to the nton when I asked them the question on ‘ntoro.’ The nton just as the sunsum is also derived from the father. The

nton according to Safohene Awere (personal communication, May 20, 2016), is:

Agya bosom (father's deity). The deity may be a dog, for others they taboo *afasiabayere* (water yam) on Wednesdays. The nton is inherited from the father not from the mother. That is why when you meet someone and you exchange greetings he says my father says I should respond by saying *yeyaado* or *ahenewaa*. My father's greeting is *yeyaado* and he taboos water yam on Wednesdays so that is also my greetings and I also taboo water yam on Wednesdays. So, the nton is the father's deity. It is like a spiritual force following the father who inherited it from his father and who in turn passed it on to his children.

Safohene Awere's response shows the importance of the belief in the nton among the people. His description also shows a close affinity between a father and his children. The views also describe the features of nton. The nton (i) has a totem, (ii) has taboos connected to it. This is also confirmed by Rattray (1923, p. 46) who also made the point that ntoro has well-defined characteristics. These, he stated, are:

- (i) The special day set aside for 'the washing' of the ntoro
- (ii) A taboo or series of taboos in connexion with each ntoro
- (iii) A totem and what may be 'associated totems'

Nton, as stated earlier, is inherited from the father and, like the sunsum, gives the child his or her personality. This view is confirmed by Rattray (1923) when he made the point that the ntoro is transmitted by and through the male and cannot be transmitted by the female. As Rattray (1923) puts it, the belief in

the ntoro is a further proof that it is the husband's ntoro that is instrumental in making and building up any offspring that may result from any sexual activity of Akan adults. Opoku (1978) makes a similar claim when he opines that the ntoro is transmitted from the father to his children, and helps to account for the inherited characteristics.

The nton transmitted to a daughter is not transferrable to her children. Her nton returns to its source at death. The nton makes one a member of the Assin exogamous groupings traced through only the father's line. The nton is a spirit which is a part and parcel of every Assin child. Despite the fact that the Assin society is organised around the matrilineal kinship group, the father still has a strong influence on the life of the children through the nton they inherited from him.

Assin concept of the Person and its Implication for Inheritance and Succession

The concept of the person makes the Assin a religious being and, thus, has an important bearing on their inheritance and succession practices. The Assin, as has been noted earlier, is a matrilineal group with the mogya serving as the basis of one's link to the family. Mogya is not only a physical means of tracing one's ancestry, but is also a religious symbol. It is for this reason that when two people of the same lineage engage in a sexual relationship (*mogyafra*), it is considered a taboo and rituals would have to be performed to restore ritual purity (Opanin Yaw Amoako, personal communication, December 2, 2016). The sumsum equally puts a person in a social unit called ntoro that is linked to a specific *ɔbosom* (deity) which the Akan believes

sanctions their behaviour within the unit (Atiemo, 2013). Understanding the significance of the mogya and the sumsum is important as one is able to place the Assin in a religious milieu. While the mogya qualifies an Assin to either inherit a property or succeed to a vacant stool, the sumsum is responsible for the character formation of the individual Assin. The type of character received which is transmitted by the sumsum through the father is important in determining the choice of the matrilineal kin in the time of selecting the member of the abusua who would be required to inherit and administer the estate of a deceased uterine family member. It also becomes the basis for the selection of a person to sit on a vacant stool.

For the Assin, inheritance and succession are reckoned through the female line. Abusuapanin Kwame Affum of Assin Ochiso made this position clear:

For us Assin, as an Akan ethnic group, we inherit through our lineage and the wife is not a member of the lineage so it is not possible for her to inherit the husband. That is why if you have no male sibling your nephew may be considered to inherit you (personal communication, April 19, 2016).

The Regent of Assin Ochiso, Nana Ampomah, corroborated the comment of Abusuapanin Affum. According to Nana Ampomah, children born in the matrilineal Assin abusua belong to the abusua of their mothers and not of their fathers (personal communication, April 19, 2016). The concept of the person helps the Assin in placing the individual in the right lineage that gives him or

her privilege in either inheriting a property or succeeding to a vacant political office in the community.

Social Institutions

The Assin have put in place social institutions to regulate their relationships ensuring mutual co-existence among their members. A social institution is a network of shared meanings, norms, definitions, expectations and understandings held by the members of the society. It is what guides and governs them, what is socially desirable and legitimate, and what they should be striving for. (Family Watch International, n.d).

This section discusses the various social institutions that help to shape the Assin attitude towards the system of inheritance and succession. The social institutions to be discussed include the abusua, kinship, marriage, festivals and rites of passage. The discussion of these social institutions will put, in perspective, some of the reasoning underpinning the practices of inheritance and succession of the Assin.

abusua (clan)

The foundation of the Assin social structure is the abusua. The abusua consist of every member of the lineage who traces his or her ancestry to one common ancestor or ancestress. The abusua, in practice, is a chain of complex relationships consisting of both maternal and paternal relations such as parents, brothers, sisters, uncles, nephews, nieces, grandparents and grandchildren. The abusua, like a military force, is collectively responsible for the material and

spiritual well-being, the physical protection and the social security of its members.

Within the abusua, it is generally acknowledged that the care and well-being of the child should never be left exclusively to the genetic mother. Instead, it should be shared by the entire abusua in a system of inter-generational dependency and solidarity in which co-mothers and grandmothers assist the mother with the upbringing of a child. This idea of support given to the genetic mother is captured in an Akan proverb, “it takes a village to raise a child.”

The Assin, as with the other Akan, has eight abusua. Each abusua has a totemic animal they relate with. The abusua and the animals are in some kind of sacred alliance. The animals are believed to have helped the founding ancestress and ancestors of the abusua (Warren, 1986; Nkansa-Kyeremanteng, 1999). Discussion with my respondents in Assin revealed that the eight abusua recognised by the Akan are present. The table below presents the various abusua and their totems:

Table 2

The Eight Assin Abusua and their Totems

<i>Abusua (Clan)</i>	<i>Totemic Animal (Akyeneboa)</i>
<i>Aduana</i>	Dog
<i>Agona</i>	Parrot

<i>Asakyiri</i>	Eagle
<i>Asenie</i>	Bat
<i>Asona</i>	Crow and Snake
<i>Bretuo</i>	Leopard
<i>Kona</i>	Buffalo
<i>Oyoko</i>	Hawk

Source: Field work, 2016

Each abusua is united in the mythical fact that they are all descendants of the same ancestress. Members of the same clan see themselves as brothers and sisters and as such marriage among them is prohibited. In my interaction with some of my respondents it was revealed that, in the study area, there arose a situation where some of the clan had to be split up so as to avoid the members of the community falling foul to the exogamous rule that prohibits marriage between members of the same abusua.

The head of the abusua is the Abusuapanin, clan head. The Abusuapanin is an important person in the Assin society and is the pivot of the abusua system. The Abusuapanin, assisted by the *Ɔbaapanin*⁷ is responsible for the management of all ancestral properties belonging to the family and he decides, in consultation with the *Ɔbaapanin* and other elders of the family, one who is entitled to inherit a property. The position of the Abusuapanin is an

⁷ *Ɔbaapanin* is the senior woman (*Aberewatia*) whose duty is it to help the *Abusuapanin* in the management of family affairs.

appointed one. The person is so appointed by the other members of the family to see to the effective administration of family properties. On the processes of the appointment of an Abusuapanin, one of my respondents, Abusuapanin Kwame Affum had this to say:

When the current Abusuapanin dies the whole abusua meets since the Abusuapanin is selected from among all the eligible male adults of the family. The abusua selects a person from amongst them who is considered reasonable and knowledgeable, has patience and can provide leadership for the group. When the abusua meets, the senior women, Mbaapanin (singular *ɔbaapanin*) will advise as to who should become the next Abusuapanin (personal communication, February 13, 2016).

The selection and confirmation of an individual as an Abusuapanin follows the same principle of selecting a leader in the Akan society. Abusuapanin Kwame Affum's explanation gives credence to the Akan idea of consultation and participatory nature of the selection process. The senior women of the abusua would be required to advise on the appropriate member of the abusua who was best suited to be made the Abusuapanin. The Abusuapanin, when selected and installed, is expected to see to the wellbeing of the abusua.

As the head of the abusua, the Abusuapanin, is responsible for ensuring the total well-being of every member of the abusua. Abusuapanin Kwame Affum explained the functions of the Abusuapanin:

The main function of the Abusuapanin is to organize funerals in the abusua. Whenever someone dies in the family, not even the chief has

control on the organisation of the funeral over the Abusuapanin. He is also responsible for the whole abusua, acting as the chief mediator in family crisis. He is also informed when a family member is getting married. If he cannot come, he may send a representative (personal communication, April 13, 2016).

The Abusuapanin, he continued, is also responsible for the general welfare of members. He also sees to the settlement of any disagreements among members of the abusua. Warren (1986) and Arhinful (2003) confirm the views above when they make the point that the Abusuapanin is also the administrator of the abusua property, custodian of its traditions, arbitrator of disputes among lineage members and their representative to the chief's council.

The notion that the Abusuapanin is responsible for the administration of all family properties was confirmed by some of my respondents. In accordance with customary practices, when a man dies, all his personal properties become the property of the abusua if he did not already distribute the properties before his death. Abusuapanin Kwame Affum made the point clear when he said:

When a member dies the whole properties come under your custody as the Abusuapanin. The whole abusua will meet and under the leadership of the Abusuapanin to take inventory of the properties of the deceased. The Abusuapanin would be required to give directions as to who should have such and such property and to ensure that the directions are carried out in order not to bring about any confusion (personal communication, February 13, 2016).

The views expressed above confirms the principle of property rights theory where properties are put to use by those who wield economic powers over the properties. It ensures that holders can put to use the scarce resources to which these rights refer.

Assin kinship and family system

In an interview with one of my respondents, Nana Ampomah (personal communication, February 13, 2015), he intimated that the Assin society is organised along the kinship lines with the abusua as its basic unit. The Assin has, at the base of the family system, the matrilineal family system which ascribes kinship rights to individuals through consanguinity, affinity and fostering. He explained that a person is reckoned to be a member of the family through birth, affinity and fostering. A person is naturally considered to be a member of a family if he or she was born into that family. He or she becomes a member by right of birth. Marriage becomes an avenue for family ties to be established. When marriage is contracted, the two families involved becomes affine, kin by marriage. This is so because among the Assin, marriage is not just a union between a man and a woman but also a union between the families of the man and those of the woman. Fostering or adoption is another means by which one can become a member of a family. A child may be adopted into an Assin family according to Nana Ampomah when such a person comes to your custody as a child and you take care of the person for a long time and the child becomes part of your children and is recognised as such by your family. Before your death, you can give a gift to the child as you will do to your biological children since he or she has become your child (personal communication, April

13, 2016). Asked whether any special ritual is needed to make the adoption customarily legal, he responded thus:

There is no special custom. Everybody recognises the child as your own since you lived with him or her. You took the child in when the person was young so he or she has been integrated into your household and is entitled to be given part of your property when you die.

The importance of kinship ties can also be seen in the religious arena. As Atiemo (2013) has intimated, every human being is believed to be in a continuous, unbreakable relationship with the kinship group and to be a member of the wider community, which is said to include the gods and the ancestors. The kinship group, as postulated by Atiemo, does not just consist of the living members only, but also the gods and ancestors. This makes the kinship group a religious one as well. This is important if the inheritance and succession practices are to be appreciated. It is the kinship system which, according to my respondents, determines those who will worship at a given ancestral shrine, the person who will officiate, which ancestral spirits should be invoked and where the rituals should be performed. Kinship also gives recognition as to who has the right to ascend to a political office, and inherit a property as well as determines who can marry who and where to stay after marriage

Another respondent intimated that the matrilineal descent allows the Assin to trace his or her direct genealogical connection between an individual and his or her forebears through their mothers (Abusuapanin Kobinah, personal communication, May 20, 2016). Fortes (1963) makes a similar

observation among the Asante when he suggests that a person belongs to his matrilineal lineage by right of birth and this is formally sufficient to confer all the rights of legitimate lineage membership on him or her.

The Assin idea of the family is also seen in their attitude towards the abusua. My respondents were unanimous in stating the importance of the abusua as the basis of the family in the Assin society. Abusuapanin Kobinah (personal communication, May 20, 2016) intimated that the abusua is made up of all the children of the women. Anytime the women gave birth, they helped to expand the abusua. According to Warren (1986), the abusua is emphasised as it has its own benefits. This is seen in the kind of mutual help and cooperation that are extended to other members of the family.

The abusua acts as a social security or economic insurance to members of the family who are old or may be poor or disadvantaged. These are members who have been seen to have made efforts but were not successful. It is the responsibility of the wealthy members of the family to help children of such unfortunate family members. The abusua provides a comforting family atmosphere for its members. A respondent noted how the Abusuapanin who controls all properties of the abusua including lands make some of them available for members of the abusua who may have a need for them (Abusuapanin Kwame Affum, personal communication, February 13, 2016).

matrilineal descent

The Assin as an Akan ethnic group are matrilineal. This means the line of inheritance and succession are always passed on from the mother's line (Busia, 1968). This notion of the matrilineal descent is traceable to the Akan

idea of procreation. Rattray (1923) alluded to the fact that the father provided the semen that helped to fertilise the egg. The mogya is never from the father. Assimeng (1999) confirms the position of Rattray stating thus:

This theory is to the effect that, during mating, it is the mother who provides the blood (biologists call this the ovum), while the father provides the ntoro or spirit (that is to say, the biological sperm) (p. 76).

Matrilineage places a lot of emphasis on the woman. Virtually, all discussions among the Assin on the matrilineal system begin and end with the *Obaapanyin* (*aberewatia*, elderly lady). The belief is that the living abusua emerged from her womb. On her death, she would be succeeded by, first, the maternal sisters in order of seniority. If any of her brothers died, he too would be succeeded in order of seniority, by his brothers.

In theory, it is when the generational line is exhausted that nephews (that is to say, sister's sons) of the males would be reckoned or considered. A respondent Nana Ampomah (personal communication, February 13, 2016) commented on the line of succession stating: "If your brother dies the surviving siblings will inherit him till they all are exhausted before the nephews can inherit." Busia (1968) made the same point when he stated:

A man's potential successors are his brothers in order of age, his mother's sister's son, his sister's son, his mother's sister's daughter's son, his sister's son, his mother's sister's daughter's son, his sister's daughter's daughter's son, or his mother's sister's daughter's daughter's daughter's son, in that order of preference (p. 1)

The matrilineage exercises corporate rights over its individual members as well as its properties. A person belongs to his matrilineage by right of birth and this is formally sufficient to confer all the rights of legitimate membership on him or her (Fortes, 1963). Matrilineal system places children in the lineage of their mothers and requires that the child is entitled to some status in his or her matrikin (Rattray, 1923; Dolphyne, 1991; Arhin, 2002; Nukunya, 2003).

The head of the lineage, the Abusuapanin, has control over the group and exercises some authority over it. The authority of the head of the lineage is supported by the spiritual order (Twumasi, 2005). In matrilineal societies, the role of the father is limited. The main people responsible for the children as noted by Nukunya (2003) are his *wofa*, his mother's brother. The idea was that in the matrilineal societies such as the Assin, the *wofa* had a considerable influence on the upbringing of the children of his sisters since he shares the same *abusua*, blood with them. The *wofa* had a say in whatever his *wofase*, nephews and nieces did.

This notion of the father not having direct responsibility for his children in the matrilineal society as noted by Nukunya (2003) is not tenable today. This position became clear during my field work. Several of my respondents were of the view that the customary notion of the Assin father not having direct responsibility for his children is not strictly observed. Nana Ampomah (personal communication, April 13, 2016) explained that:

Nowadays, it is not the case that children cannot be catered for by their fathers. When I was suffering to put up my properties, where were my nephews? It was my children who toiled with me. I can leave

instruction for the distribution of my properties and leave substantial part for my children and my family would have no say.

From Nana Ampomah, it is obvious that the Assin father of today, unlike his ancestors, sees the contributions of his children in his life and does not owe his family any explanation if he decides to leave a substantial part of his estate to them. This position is in tandem with the property rights theory where the owner of a property has the right to appropriate the property he has acquired as he deems fit. He or she does not need to account to anyone as to who benefits from his or her self-acquired property.

Despite the fact that the modern father has more responsibility over his children than it used to be previously, in Assin, it can still be said that the child has close affinity with his or her mother and her abusua than with the father and his abusua. Abusuapanin Kwame Affum (personal communication, April 13, 2016) shared his opinion on this practice:

For us Assin, when you give birth, the children are not for you but for your wife. Since your wife is not a member of your family, you do not belong to the same family with your children also since they belong to their mother's family.

The views of Abusuapanin Kwame Affum goes to buttress the strong hold of the matrilineal kinship system on the life of the Assin. This confirms the literature where in the matrilineal family system, a wife and her children were not considered part of the abusua of their husband and father. The matrilineal kinship system also determines the type of marriage that is acceptable in the

Assin society. The next section discusses marriage as a social and religious institution and its role in inheritance and succession practices of the Assin.

Marriage

Marriage in the Assin society is exogamous. By exogamous marriage, I refer to the type of marriage practice which forbids two people from the same abusua getting married. Respondents made it clear during my interactions with them that one cannot marry from the same abusua. This relationship is referred to as '*mogyafra*', literary meaning 'mixing of blood.' Opanin Yaw Amoako (personal communication, December 2, 2016) described this sexual relationship thus:

Any sexual relationship between two members (male and female) of the same abusua is unacceptable and forbidden. Such sexual intercourse between two people of the same blood descent is *mogyafra*.

This notion of exogamy is gleaned from the idea that the Assin are a matrilineal group and since it is the mother that contributes blood at the point of conception and birth, they trace their lineage through their mothers. Consequently, it is not acceptable to marry someone of the same blood. Sarpong (1974) made a similar view when he posited that, since members of a clan descend from one ancestress or ancestor, they are forbidden from marrying.

This notion of abhorrence for incestuous relationship is not limited to the Assin alone and, for that matter, the Akan. In a similar study conducted among the Ga, Azu (1974) observes that incest is also severely punished by the

Ga people and expiatory sacrifices are performed to appease the gods at the occurrence of such mishap. One must find his wife outside the abusua. Marriage within the same abusua is tantamount to incestuous relationship, a grave sin among indigenous Akan societies.

The people of Assin Kumasi found themselves in this situation and had to create a new Abusua from the existing one to solve the dilemma. This position was revealed in my interaction with Nana Afikurah III and ɔbaahemaa, Nana Dokuaa of Assin Kumasi. On enquiry, as to how that was possible, I was informed that when their ancestors first settled on the land, all the various groups that came were of the Kona Abusua. This situation meant that they could not marry among themselves since this would breach the exogamous rule. In a bid to overcome this dilemma and prevent the community from becoming extinct, their elders decided to create a new *Abusua* from the existing Kona Abusua. Nana Afikurah III explained the reasons for the creation of the new abusua:

This land does not really belong to us. It was the various wars our ancestors were fighting that led to the stools relocating to this place. Each group came along with its stools and we met and decided to look for a land to settle. Our ancestors were given this land by the ɔmanhene of the Abura State where we have been living up to this day. All the groups that met to form this community were all from the Kona Abusua. In the olden days, it was a serious breach of the exogamous rule for one to marry from the same clan even if you hailed from different parts of the country. Our ancestors decided to ‘break’ this rule

by dividing the town into Kona Abusua and Kona Asokore Abusua. This arrangement was to enable our people to be able to marry from each other so as to help maintain the community in order not to become extinct (personal communication, April 29, 2016).

While Nana Afikurah III is the *Kona* chief of Assin Kumasi, his wife Nana Dokuaa, is the *Ɔbaahemaa* of the Kona Asokore Abusua (field work, 2016) and also, the *Ɔbaahemaa* to the Odikro of Assin Kumasi, Nana Kwa Awere IV who is also the *Kontihene* of the Benkum division Assin Attandasu traditional area. A similar situation arose in Assin Ngeresi where the elders had to divide the existing Assinie Abusua to enable them marry among themselves in order to avoid breaking the exogamous rule (personal communication, Nana Kwantwi Barima, December 2, 2016).

The exogamous rule however, does not suggest that there are no marriages to close relatives. This is known as *efie aware*, literary ‘house marriage.’ This type of marriage has been sociologically described as cross-cousin marriage. This is a type of marriage in which a man takes, as his wife, his mother’s brother’s daughter or his father’s sister’s daughter. By the matrilineal kinship system, though the married couple are closely related since their parents are of the same abusua, the couple are not of the same abusua. The mother of the wife does not come from the same abusua as the mother of the husband. Since they do not share the same blood, their children can marry and would not be breaking the exogamous rule. Opanin Yaw Amoako (personal communication, December 2, 2016) explained this further:

Efie aware is not incestuous. There is a saying among our people that every daughter of your *Wofa* (mother's brother) is your wife. In the olden days, it was established that your *Wofa's* daughter is your wife and his wife is your mother-in-law. This was done to ensure that the children remain part of the family to help expand the family. In those days, it was even discouraged for one to move to the next town to look for a wife. They were encouraged to marry from within the family to help enlarge the family.

Cross-cousin marriage, as I understand from my interaction with Opanin Yaw Amoako, is not considered incestuous in the Assin society for the reason that the society, being a matrilineal one, recognises children as being part of their mother's lineage. This means that a man and his cross-cousin wife, *efie yere*, do not share the same blood since they are not from the same lineage. Why this type of marriage is most desirable among some of my respondents is that it helps to keep family properties within the family. The relationship between the young man and his father-in-law is an interesting one. Since the man is a potential successor to his father-in-law as his nephew, the father-in-law is also happy to give his daughter to his nephew knowing that his nephew who is a potential successor would take good care of his daughter. Sarpong (1974) confirmed this type of marriage and argued that it entails enormous advantages. He continued:

The same is father to one of the spouses and an uncle to the other, and can therefore wield considerable influence over the marriage. Quarrels and discussions are kept at a minimum and when they do arise, are dealt with authoritative ease (p. 79).

The Assin society having encountered Christianity and Islam, now have their marriage practices affected by the two religions. Unlike the period before these two religions reached the Assin community, there was only but customary marriage practiced by the people. Interactions with my respondents revealed that, aside customary marriage, the people have now embraced marriage as regulated by ordinance and Mohammedan ordinance. Customary and Mohammedan marriages are polygynous while ordinance marriages are monogamous.

Even though customary marriages are potentially polygynous in nature, the economic realities of today have compelled most men to stick to one wife despite contracting their marriage under the customary laws. A large number of marriages in Assin were contracted under the customary marriage practice. This was confirmed during my focus group discussion with widows from the study area. Of the twenty (20) widows I interacted with, eighteen (18) of them contracted their marriage through the customary marriage practice. Only two (2) had their marriage contracted under the marriage ordinance (Focus group discussions, February 20 and May 3, 2016).

Marriage is such an important institution in the Assin society that as stated earlier, it is seen as both a social and religious institution. By being a social institution, marriage is the medium through which children are socialised into the corporate society and it is religious because marriage was established by the ancestors and as it shall be established later in the study, the ancestors and deities in the community are part and parcel of the marriage ceremonies. The institution is also regulated by a wide range of taboos and the ancestors and gods must be appeased in the event of any violations of such

taboos if the conjugal family and the abusua are to know any peace. The importance of marriage is also seen in the fact that it is the only institution that guarantees society perpetuating itself. As Magesa (1997) puts it, “the survival of kinship in the social structure of Africa depends on marriage” (p. 111). The collapse of the institution of marriage in any society may lead to the complete extinction of such society. It is for this reason that Mbiti (1989) describes marriage as such an important institution that that anyone who fails to get married under normal circumstances would have rejected society.

In the Assin society, marriage does not constitute a union between two individuals only but between two families. Marriage to the Assin as with other indigenous Africans is such a serious business that steps are taken to protect it. As part of the preparation towards marriage and family life, initiation rites are performed especially for the women. Initiation rites are like the birth of the young people into the state of maturity and responsibility.

As an important religious ritual that also has social importance, the puberty rites unfortunately are no longer being performed in the study area. Puberty rites were used by the Akan to prepare their girls for marriage. This important ritual has ceased to be performed and the omanhema of Assin Attandasu, Nana Gyamfua II, in an interview said that she was making preparations to re-introduce the ritual in the traditional area. My interaction with Nana Dokuaa of Assin Kumasi also revealed that the puberty rites that used to be performed in the community when her mother was the obaahemaa, is no longer being performed. Puberty rituals, I must emphasise, do not necessary qualify one for marriage. It only prepares the woman to be physiologically ready to become a mother. A woman’s right to have sex was

linked with her performance of the puberty rituals. It was for the reason that sex before initiation was strongly disapproved of and punished, requiring a ritual cleansing (Sarpong, 1974).

Marriage rites among the Assin places the children from the union in a better stead to either succeed to a vacant stool or inherit a property upon the demise of the owner. One is entitled to succeed to a vacant stool if the individual was born into the appropriate lineage. The seriousness that indigenous Assin attaches to marriage is seen when one has to choose a marriage partner. Before a family will accept a potential partner for their child, they will have to see certain qualities and have some conditions met. The processes of contracting marriage in Assin are in phases. These are the contracting stage and concluding stage.

Processes of contracting marriage in Assin

The process of contracting marriage begins with a search by the man for a potential spouse. The Assin community expects a man to make the first move. A woman may be deemed to be 'promiscuous' if she initiates the move to make the marriage proposals. When a man has found the woman, he informs his father of his intention to marry. The process is activated with the formal approach to the family of the woman. Interviews with respondents in Assin Kumasi revealed that the process begins with the payment of *apon-akyibo sika*, 'knocking fee.' In a focus group discussion with some widows in Assin Kumasi, this is what one of them said of the payment of 'knocking fee':

The payment of the 'knocking fee' is the official approach a man would make to the family of the woman he intends to marry. When a man has

seen a woman, and is in love with her, after a while, if he intends to marry her, the process begins with the giving of the knocking fee. After the giving of the knocking fee, he is then given time to come and perform the customary rites of marriage. The knocking fee also signifies that you have expressed interest in their daughter and the man is making a statement with the giving of the knocking fee that whenever the family is looking for their daughter, they can ask him for her whereabouts (Focus group discussion, Assin Kumasi, 2016).

These views are also corroborated by Safohene Awere (personal communication, April 29, 2016) who said:

The knocking fee precedes the actual marriage ceremony. It is used to ask the woman's hand in marriage and it allows you the man to now declare your intention to marry the woman. If we meet to talk about marriage and the knocking fee is not presented, the discussion cannot come on. The knocking fee is the master key that opens marriage negotiation doors.

The knocking fee as it can be deduced from the discussion with my interviewees, is significant in kick-starting the marriage process. Without it, the marriage negotiations will not start. It is indeed the 'master key' that opens the door for marriage. The idea of the knocking fee, I contend, is gleaned from the Akan practice that before you enter anybody's home, you must first seek permission to enter by announcing your presence and declaring your intention to enter the home. It is only when permission is granted that you may enter the home. The knocking fee serves as a symbol of respect to the family of the

woman. It shows that the woman is from a home and was not picked from the street. The man must properly come for the hand of the woman from the home in which she was brought up.

The knocking fee consists of a bottle of schnapps, a crate of minerals and some amount of money which may range between 100 to 200 Ghana Cedis, depending on the financial strength of the man. According to my respondents, the payment signifies the man's intentions to the family of the woman to marry her. It also serves as a testimony that both would-be couple have entered into a relationship and the parents can ask for the whereabouts of their daughter from the man if they are unable to find her.

The presentation and acceptance of the knocking fee begins the process of the marriage arrangement as already stated. The man is formally informed and the required customary marriage list is negotiated and presented to his delegation. Safohene Awere (personal communication, May 20, 2016) explained that, these days, there is no longer protracted negotiations over the marriage list. He intimated that when the list is presented and the man fails to perform the rites on the agreed date or unduly delays in the performance of the rites, the list presented earlier may be declared redundant and a new list would be prepared if the man eventually comes for the hand of the woman.

The giving of the list sets the stage for both families to investigate the background of their respective in-laws to be. Abusuapanin Kobinah (personal communication, May 20, 2016) gives the reasons for the investigations:

The family would agree to investigate to find out if the man is worthy of their daughter. Previously our elders used to do that investigation

thoroughly but these days there are some changes. All these are meant to study the man and even investigate his family background. What kind of character has the father of the man exhibited in the community?

It is whatever character the father has that he would transfer to his son.

The investigations are used by both parties to ascertain that their children are taking the right decisions and also finding a partner from the appropriate family. Since the Assin community is a close one and everybody knows everybody, it was very easy for both families to find out about the background of their prospective in-laws. No family would want their children to marry into a family that may have a character that may be considered undesirable. The investigations serve as a ‘diagnostic tool’ by both families to ascertain the suitability of their children’s choice. Both families look out for what Nukunya (2003) refers to as “serious diseases such as lunacy, epilepsy, and leprosy.” (p. 42). The prospective in-law must also not be seen to be quarrelsome or lazy. If the investigations revealed that the man is related to the woman, however remote, the marriage would be cancelled. This is to avoid breaking the exogamous rule which prohibits marriage of persons of the same abusua. The family gives the go ahead for the union when they are satisfied of the outcome of their investigations and sets a date for the formal ceremony of the marriage to be contracted.

the marriage ceremony

On the day agreed upon by both families for the performance of the marriage rites, the two families meet to complete the marriage process. The man and his family arrive at the place designated by the woman’s family for

the marriage rites. Having been told the customary items to be presented earlier after negotiations, the items are made available to the family of the woman. Safohene Awere explained the ceremony:

When the day of marriage arrives, the man together with his family would come and perform the marriage rites. The father would then call the daughter in public and ask her three times if she would want the items to be received from the man. If the answers are positive, the father would receive the items. The money is shared among the father, mother and family of the woman. The drink presented is also shared and prayers offered to the ancestors for the success of the marriage (personal communication, May 20, 2016).

The presentation of the *tri nsa* (head drink) seals the marriage contract. The *tri nsa* consist of a bottle of schnapps, crates of soft drinks and some amount of money. The *tri nsa*, according to my respondents, is significant because it is used as an evidence of the marriage contract. The drink is used to offer libation for the success of the marriage and the rest shared among all who witnessed the marriage ceremony. The payment of the *tri nsa* guarantees the man exclusive sexual access to the woman. According to Opoku (1978), the *tri nsa* “forms part of the final ceremony to bind the couple in legal wedlock” (p. 128). Kallinen (2004) also says that the payment of *tri nsa* guarantees the husband exclusive sexual rights over his wife, legal paternity of the children born within the marriage, and rights to essential domestic and economic services. The *tri nsa* according to my respondents is also important, because its return by the family of the woman in a case of marital conflicts, constitutes a formal dissolution of the marriage. In other words, no marriage can be said to

have been dissolved if the *trinsa* has not been returned by the woman. The *trinsa* is the only single rite that can make a marriage when it is accepted and unmake the marriage when it is returned.

Marriage as a religious institution

Marriage has earlier been described as a religious institution. The marriage ceremony is an opportunity for the *abusua* which consist of the ancestors, the living and the unborn to partake in the union. This means marriage is an opportunity to recognise the ancestors as they are members of the *abusua*, and their blessings are sought for the success of the marriage. The role of the ancestors in marriage is very important. It is through the conjugal family that an ancestor will return to his or her *abusua*. It is for this reason that their presence is required in the process of contracting marriage. Before any marriage ritual is completed, the *Abusuapanin* of the woman's *abusua* offers libation to the ancestors and the gods of the land. An example of libation during a marriage ceremony as translated goes like this:

Nana Nyame yekyerε wo nsa Grandfather God, we show you drink

na yema wo nsa but do not give you drink.

Asaase Yaa yemma wo nsa Earth Goddess, your drink,

Akyisu Afua yema wo nsa Akyisu Afua your drink

Nana Ofee Amponsah yema wo nsa Nana Ofee Amponsah, your

Drink.

Nananom Nsamanfoɔ mo gye nsa Our great ancestors accept your drink,

Se anapa yi ye fre mo a mo ba If we are called you this morning it is
bae yi be ware because one of your daughters is about to
be married,
Ye sre mo se mo ma no nkwa We ask you to bless her with
tintin ne nkwadaa pii long life and many children,
Nananom se obi mpe awarefoɔ yie, Our ancestors, if anybody does not wish
mma won nye ahotɔ the couple well may they know no peace,
Ye bo mpae ma obibiara ɔwɔ ha. We pray for everyone here,
Ye bo pae ma ɔman no nkunim na asomdwe pray for the success and peace of
our community

(Abusuapanin Kobinah, personal communication, May 20, 2016).

The libation offered reveals the people's worldview and the fact that they see their marriage institution as not just a social one and a means to socialise their members but also as a religious one with the sacred as its cornerstone. It can be seen also from the libation how the people expect the deities and the ancestors to be the guiding forces behind their marriage. The idea is that no marriage can succeed without the protection and intervention of the ancestors and divinities. The ancestors are implored many a time to help married couples have children. As was alluded to earlier, when a niece of Safohene Awere needed a child, he offered libation to the ancestors on behalf

for a child. The ancestors, according to him as was noted gave the niece a child.

It can be inferred that the ancestors are a veritable source of help for married couples in times of need such as a need to have children. Ancestors are always able to intervene in the affairs of the community and ensure that members are protected and marriage, for example, comes out successful. The idea is that, if marriages break down, there is the possibility of the community becoming extinct. The community has put in place taboos as a means of ensuring the survival of the marriage institution. An important taboo that has been in place to make marriage work and sustained is the taboo that forbids husbands from refusing to eat food prepared by their wives. This taboo was meant to ensure peace and stability in the marriage. No wife would be happy if her husband refuses to eat food she has spent hours preparing. She may suspect her husband of seeing another woman who may be cooking for him. This action would obviously lead to conflict in the marriage and may threaten its sustenance.

Respondents were of the opinion that refusing to eat food prepared by one's wife would lead to disharmony within the marriage and is, therefore, not encouraged or forbidden. Safohene Awere, however, gave a religious reason for this prohibition. He remarked that the earthenware cooking stove on which the food was prepared is considered a deity. Rejecting food prepared on it means rejecting the deity. The deity would have to be pacified by the sacrifice of a chicken before the man can eat food prepared on the stove again (personal communication, May 20, 2016). From Safohene Awere, it is obvious that the deities also have a role to play in the stability and sustenance of marriage.

Marriage, as far as the Assin are concerned per the analysis done is not only a social institution but also a religious one.

Chapter Summary

This chapter was to enable me discuss the worldview, customs and institution of the Assin and to see how they help to influence the conduct of the Assin as well as their practices of inheritance and succession. Understanding the worldview of the Assin was important because it helped to reveal the religious underpinnings of their customs and institutions. The attitude of the people reveals their worldviews on marriage. The libations offered during the marriage rites coupled with the taboos put in place to sustain the institution all go to show that, for the people, they cannot see their marriage institution surviving without the help of the sacred.

The sacred hierarchy discussed firmly puts the Assin worldview in a religious realm. An analysis of the sacred hierarchy showed that, as with other Akan ethnic groups, the Assin places *Nyame*, the Supreme Being at the apex of the hierarchy. The worldview also revealed the people's relationship with the ancestors and the divinities. The worldview, I argued equally, helps to put the Assin concept of the human person in a religious perspective. The human person, I emphasised, is both material and spiritual. I asserted that the composition of the human person as understood by the Assin emphasises their matrilineal kinship system. The mogya and abusua form the basis of the Assin matrilineal kinship system and entitle an Assin to inherit a property or ascend to a stool whenever the stool becomes vacant.

CHAPTER FOUR

INDIGENOUS ASSIN RELIGION AND INHERITANCE

Introduction

The Assin, as with the other Akan societies, have put in place systems of inheritance to regulate how properties are passed on from one person to the other. In this society, the inheritance practices are informed by the matrilineal kinship system. In this chapter, I will focus on the inheritance practices of the Assin. Using the property rights and postcolonial theories as my theoretical framework, I report the key findings from my research on the inheritance practices of the Assin.

Inheritance Practices of the Assin

The Assin have developed their own inheritance practices that govern the transfer of properties in the event of a man dying intestate (without leaving a will). The Assin inheritance practices are governed by their customs and traditions. The Assin, as has been noted earlier is by customs and traditions, matrilineal. As would be seen in the analysis, the Assin matrilineal inheritance practice places the children in the family of their mothers. The women and their children are not considered as part of the man's uterine family. The woman does not lose her membership of her lineage as a result of her marriage. She still remains a member and when she dies it would be the responsibility of her family to bury her. She, however, was required by customary law and practice to assist her husband in his life endeavour. She cannot however lay claim to any property she helped her husband to acquire.

This means that any property acquired by a man in his life becomes the property of his lineage on his demise. The foregoing has established that the matrilineal inheritance practice does not favour women and children. In the matrilineal society relationship between the father and children are somehow weaker than in the patrilineal societies. Since the father does not belong to the same matrikin as his children, some of the responsibilities naturally assigned to fathers are taken up by the child's mother's brother, who is the closest male kinsman of the child (La Ferrara, 2006).

In the discussions that follow, I present my findings from interactions with my principal respondents on the inheritance practices in the study area. The discussion covers the main themes that I established during my field work. These themes include: Indigenous Assin Religion in the inheritance practices of the Assin; widowhood rites and the place of widows in the matrilineal kinship system; treatment of widows and children after the death of the man and knowledge of legislations on inheritance by the widows.

Indigenous Assin Religion (IAR) in the Inheritance Practices of the Assin

Interactions with respondents on the field revealed aspects of the IAR that has impacted on the inheritance practices of the Assin. This should not be surprising if the assertion by scholars that the African is very religious is true. An assertion I also hold as the worldview discussed in chapter three showed clearly that the Assin have as their basis of existence, the sacred. The Assin, as with all Africans, have the belief that the sacred is responsible for the sustenance of their society. One social transaction that has also been influenced

by their religion is the inheritance practices. The inheritance practices of the Assin is organised around the matrilineal kinship system.

The matrilineal kinship system ensures that properties of uterine members are administered by the family to the exclusion of others who are not recognised as members of the family. It was the customary practice of matrilineal societies such as the Assin that in the event of a member dying, his or her self-acquired properties would revert to the control of his or her family. A respondent, Abusuapanin Kwame Affum explained this practice:

When a member dies the whole properties come under your custody as the Abusuapanin. The whole abusua will meet and under the leadership of the Abusuapanin to take inventory of the properties of the deceased. The abusua will then decide which part of the properties should go to which member of the abusua. As the Abusuapanin, it is your responsibility to give directions as to who should have such and such property and to ensure that the directions are carried out in order not to bring about any confusion (personal communication, February 13, 2016).

What this means is that anybody who is not recognised as member of the matrilineal kinship group would not have automatic share in the self-acquired properties of a deceased person unless such property was given to the individual before the person died or the uterine family that has taken possession of the properties agrees to give a part to the individual. This customary practice was underpinned by the indigenous religion. What this meant was that the Indigenous Assin Religion supported a system that did not

give recognition to the contributions of spouses and children to the acquisition of self-acquired properties of deceased people in the Assin society. Ollennu (as cited in Daniels, 1988) made this position clearer when he stated, “therefore upon the death [intestate] of a person control of his property and person vest absolutely with his family” (p. 94).

Interactions with my respondents again revealed that one way in which the indigenous Assin religion has influenced their inheritance practices is the practice of oral or customary will making. This practice is called ‘*nsamansew*.’ A respondent explained this practice:

Nsamansew is the last testament of a person as to the distribution of his or her property after their death. For example, I will say when I die give this property to my nephew. When I die my family will say when I was alive I said it. When a person makes such a wish as to who to inherit his or her property, it cannot be changed. Someone can say when I die send me to my home town for burial or bury me in this town. Nsamansew is the last wish of a person before he or she dies (Nana Ampomah, personal communication, February 13, 2016).

The views of Nana Ampomah revealed that *nsamansew* is used by a person to have his properties distributed before his or her death. Sarbah (1968) confirmed this practice when he described the *nsamansew* as the death-bed disposition which is given a lot of weight by the people as it is considered the last wishes of the deceased and must thus be respected.

The practice of *nsamansew* involved a person summoning his or her family members and some elders within the community and giving specific

instructions as to what to do when he or she dies with regards to the distribution of his estate. The summoning of the family members and some community elders according to my respondents is significant as they serve as witnesses to the making of the nsamansew. The witnesses would be required in the future to ensure that the last wishes of the deceased as contained in the nsamansew were carried out.

According to my informants, before one dies, the person can call some of the elders and point out to them the persons he or she will want to bequeath his or her properties to. When that is done the elders do not alter the decision of the deceased. This is the last testament of a person as to the distribution of his or her property after death. The process of nsamansew would be considered customarily to have been valid if the recipient of the gift presents an *aseda nsa*, (thank you drinks) to his or her benefactor. Failure to present the *aseda nsa* could lead to the revocation of the gifts by the family of the man when he dies. When the *aseda nsa* is presented, no one can, in the future, deny the beneficiaries of the properties given them by the deceased (Nana Appiah Nuama II, personal communication, January 16, 2016). Busia (1968) confirms this view of my respondent saying:

A man was permitted by custom to make a gift of part of his farm to his son. This was valid if it was made in the presence of witnesses, and if the gift was acknowledged by the offer and acceptance of *aseda* (token of thanks) in money and drinks (p. 43).

The practice of nsamansew buttresses the property rights theory's perspective that a person can decide to give his self-acquired property to whosoever he or

she pleases without seeking the permission of any other person and to exclude others from using the property. In an answer to a question as what may happen if the family fails to carry out the last wishes of their departed member, my informants gave me mix responses. Abusuapanin Kwame Affum was not sure of the likely implications though he was quick to add that the last wish of a dying person should not be changed. He explains further:

Elders are of the strong belief and conviction that you do not change the wish of an ancestor. I personally do not know what will happen but as long as you decide who should inherit you before you die because of the fear and respect for the ancestors, it will not be changed. Our elders have said that what an ancestor has said should not be changed (personal communication, February 13, 2016).

Nana Afikurah III, however was of the view that, “if the customary successor fails to follow the instructions of the deceased he may come back to haunt the person” (personal communication, April 29, 2016). It can be seen from the two responses that the fear of retribution by the departed family member as to the failure of the family to carry out his last wish is the driving force behind the implementation of the nsamansew.

What makes nsamansew a serious issue which the people would not want to down play is the fact that they would not want to violate the last wish of an ancestor thereby incurring his or her wrath. From the foregoing, it may be said that, the idea that ancestors would punish members of the family who disregarded their instructions is a strong motivation to ensure that the nsamansew was carried out according to the dictate of the deceased. Though

my respondents could not tell of a specific case of the ancestors punishing any customary successor for refusing to carry out his or her last wish as contained in his nsamansew, Busia (1968, p. 43) has given examples of customary successors who have been punished for refusing to heed to the last wishes of their deceased family members.

Apart from nsamansew, a man may alienate his self-acquired property to his wife or children while still alive. According to my respondents despite the fact that the matrilineal inheritance practices does not have a place for women and children who are not considered a part of the abusua of the man and thus not entitled to any share in the self-acquired properties of the man, the man can make available to his wife and children parts of his property to his wife and children while alive. Abusuapanin Kwame Affum of Assin Ochiso (personal communication, February 13, 2016) gave reasons for this practice:

For us the Assin like other Akan people, when you give birth, the children are not for you but for your wife. Since your wife is not a member of your family, you do not belong to the same family with your children also since they belong to their mother's family. The father can however give part of his property to his children and no family member can challenge him.

This was corroborated by Abusuapanin Kobinah (personal communication, May 20, 2016) when he remarked that:

In the olden days if you wanted to give a gift, you will call your family and inform them that you intend giving this property to your children and no one should disturb them after your death. The children are

expected to present their father with a thank you gift signifying the transfer of the property to the children.

The two responses showed that the customary practice of the Assin man towards his wife and children is a way the widow and her children have in benefiting from the self-acquired properties of the man. This idea of a man gifting his self-acquired property is confirmed by Busia (1968). Having made the gifts to his wife and children, the transaction is sealed with the offering of libation to the ancestors. This was to serve as a witness to the formal transfer of the properties to the beneficiaries. Libation as religious act is the means by which the people communicate with their ancestral spirit. The offering of libation tends to reveal the people's worldview in the belief and intervention of the ancestors in their daily lives.

Widowhood Rites and the Place of Widows in the Matrilineal Kinship System

Widowhood rites are important religio-cultural practice whereby people who have lost their spouses in the Assin society are made to go through certain rituals to formally sever the relationship that once existed between her and the deceased husband. Martey (2005), writing on the religio-cultural importance of widowhood, states:

Widowhood in traditional African context is a religio-cultural symbol that can communicate and have profound spiritual implications and consequences on the widow (p. 130).

This position was confirmed during focus group discussions I had with some twenty (20) widows in the study area. Widowhood rituals have been put in

place by traditional societies to help integrate widows back into the society after the demise of their husbands. Widowhood may be a traumatising event for most women. It does not entail only losing a husband, but also, the widow may be made to go through rituals that, in some instances, may be considered humiliating. I discuss the widowhood rituals as told me by my respondents during the focus group discussions with some widows in Assin Ochiso and Assin Kumasi and draw out its implications for inheritance practices.

widowhood rituals of the Assin

When a woman loses her husband, she begins the process of widowhood rituals to break the coital relationship she enjoyed with her husband while he was alive. The widow is confined for forty (40) days during which period she would not be allowed to go out of her house. According to some widows I engaged in a focus group discussion, the only time they were allowed to step out of their rooms was when they had to take their bath but could not leave the house (Focus group discussion, Assin Ochiso, February 20, 2016). A widow during one of the FGDs at Assin Ochiso had this to say on what a widow goes through as part of the rituals:

As a widow, you will be given a new plate and even a new cloth to wear. You can only have the freedom to go wherever you wish from the house after the 40 days' confinement. You will be required to wear the mourning cloth for one year. Even though these days, some people remove the black cloth before the one-year anniversary (Focus group discussion, Assin Ochiso, February 20, 2016).

This view was corroborated by another widow during a second FGD with some widows in Assin Kumasi. She remarked:

As a widow, you will not be expected to leave your house. Any time you wake up you will take your bath and remain in the house. You cannot do anything during the forty-day period. What happens is that even after the forty days, it may take you some time before you can engage in an economic activity. It may also be that the funeral of your husband may delay and not until the final rites of your husband are performed, you will not be able to undertake any economic activity (Focus group discussion, Assin Kumasi, June 3, 2016).

It can be inferred from the views above that the widow in Assin is denied some basic freedom during the period of the widowhood rituals. Aside her movement being curtailed, she was also denied her economic freedom. She could not engage in any economic activity during the forty-day period of confinement. This she could do only after the funeral rites of her late husband. What happens is that in the event of dispute, especially if the deceased was a chief, the widows tend to suffer as the dispute may lead to prolong confinement thereby denying them their rights to economic activities. A widow in Assin Kumasi confirmed this fact saying “My husband was a chief so not until his funeral was done I was not able to carry out any economic activity” (Focus group discussion, Assin Kumasi, June 3, 2016).

I was informed by the widows during the focus group discussion at Assin Ochiso that certain aspects of the widowhood rites are no longer being observed strictly. One such practice which is no longer observed is the practice

of taking the widows to the river side for a ritual bath. Another of such practice is the requirements for widows to wear mourning clothes for a stipulated length of time. It was noted by the widows I engaged that some of them no longer wear the black mourning clothes for the stipulated one-year period as customarily required. This, they attributed to mainly the influence of Christianity and modernity.

The widowhood rituals, I must emphasise, were not geared towards dehumanising the widows. Aside the period of confinement, there was a general consensus on the part of the widows I engaged that they were not treated harshly. One of the widows in Assin Kumasi commenting on this said: “we are not treated badly in this community. Apart from being asked to stay at home during the period and not allowed to go outside your home, you are not subjected to any other treatment” (Focus group discussion, Assin Kumasi, June 3, 2016). Nana Dokuaa of Assin Kumasi⁸ (personal communication, April 29, 2016) corroborated the views of the widow above. She stated:

For most of the widows they are allowed to reside in their matrimonial homes. They are not driven from their homes. I have a sister who lost her husband. She and her husband had built a house and were living together in the house. It was during the wake-keeping that she was brought in to mourn her husband. After the funeral, the family did not take the house from her. She is still living in the house. A land she acquired with her husband was also given to her. In this community, we do not maltreat the widows.

⁸ Nana Dokuaa is not a widow but as the Obaahemaa of Assin Kumasi, she facilitated the meeting with widows and since the FDG took place in her palace, she took part in the discussion and contributed.

Widows in the study area it can be inferred from my respondents are fairly treated. Though the confinement may be considered unfair treatment, compared to other ethnic communities studied across Africa, widowhood rituals are less harsh in Assin.

Fig 3

**The Researcher in a Focus Group Discussion with some Widows at Assin
Kumasi**



Source: Field work, 2016

The treatment of widows during widowhood rituals has been discussed in similar studies among other ethnic groups in Africa. In similar studies, scholars have studied the widowhood rites in other African societies and its debilitating effects on the widows (Oduyoye, 2002; Korang-Okrah, 2011; Afolayan, 2011; Atindanbila et al, 2014; Dery, 2016). In their studies, these scholars have discussed the effect of widowhood rites on the widows. Oduyoye (2002) explained that, the essence of this ritual, is to free the widow from the hauntings of the deceased husband since it is assumed that the soul of the man

“will not rest until the widow has completed elaborate mourning rites and has been purified” (p. 82).

Widowhood rites as a religious symbol have a strong influence on inheritance practices of the Assin. A woman may be deemed unclean and thus, must be purified before she may be considered fit enough to share in any property left behind by her deceased husband. If she fails to undergo these religious rites, she is denied any hope of a share in her husband’s properties. A widow, during the focus group discussion in Assin Ochiso, made this point:

As part of the widow rituals, you will be required to wear the black cloth for one year even though, these days, some people remove the black cloth before the one-year anniversary. Previously, before you remove the black cloth, you will be taken to the river side for ritual bath. After that, the family of the man and the widow will meet and you will be asked if you owed the man. After that, the marriage will be dissolved, and if there are any properties, they would be shared for the children and the widow (Focus group discussion, Assin Ochiso, February 20, 2016).

This view by this widow is important. The ritual bath, though no longer being strictly adhered to, was seen as a way of ritually restoring the widows to purity. The rites, as she articulated, were to precede any claim the widow may have over the self-acquired property of the deceased husband. It was only after the widow had gone through the rites that she can take part in any discussion toward the distribution of the husband’s self-acquired property. Atiemo (2013) confirmed this position when he remarked that “in certain cases, the

widowhood rites become the basis of the woman's claim to her share of the deceased husband's estate" (p. 185).

The matrilineal inheritance system defines the relationship of the widow with the abusua of her deceased husband. It was the responsibility of the man's abusua to take care of the widow until the widowhood rituals were over, according to Akan customary practices. There were mixed reactions from the widows on the question as to how the matrilineal abusua of the deceased man treated them? One of the widows stated thus: "For the Kona Abusua of Assin Kumasi, we still give the widows house-keeping money during the forty-day period." Another widow, however, stated that:

Previously, the family would provide house-keeping money for the widow during the forty-day period but, these days, the family, after about a week, would stop and the widow would have to take care of herself and her children (Focus group discussion Assin Kumasi, June 3, 2016).

Another widow also stated:

Previously, you were assigned somebody to attend to you. She follows you to take your bath, carry your bucket and cook for you. After the 40 days, you will give her the cloth you wore during the forty-day period. These days so many things have changed (Focus group discussion, Assin Kumasi, June 3, 2016).

The responses of the widows show the present attitude of the matrilineal kinship group towards the widow of their uterine brother. Though the

matrilineal family recognises the widow as a member of the conjugal household of their deceased brother, and are customarily required to provide for her during the period of the rituals, it can be inferred that economic pressures of the day have compelled the matrilineal abusua to shirk this responsibility. The behaviour of the matrikins of the deceased towards the widow and her children feeds into the kind of treatment they met out to them. The next section discusses this phenomenon.

treatment of widows and children after the death of the man

I have noted that widows in the study area do not suffer the kind of harsh treatment widows in some other African societies suffer. This does not suggest that widows in Assin do not suffer some challenges of their own. One major area of concern to the widows in the study area was their access to farm lands. I was not surprised that access to farm lands became a major topical issue during the FGDs. This was understandably so since the Assin, as earlier indicated, is found in the rain belt region of Ghana with farming as their main economic activity. Access to farm lands by widows is a thorny issue in Ghana. In many communities across the country, widows have been denied the use of the farm lands they cultivated together with their husbands when the men were alive. Access to and control over land in a rural area such as Assin is highly valued as it gives the land owner power and courage to participate in group discussion and decision-making process. By 'access', I refer to the right to use for benefit from a productive resource while 'control' refers to the effective exercise of such rights (Kotey and Tsikata, 1998). Respondents reported of some challenges they faced in their quest to access farm lands. A widow during one the FGDs at Assin Ochiso had this to say:

If you the woman has some funds and is able to get a land to cultivate on with your husband, you must let your husband know that the land was obtained by you. If the woman fails to tell the family or register the land or even gets a witness, the family will seize the farm from her upon the death of her husband (Focus group discussion, Assin Ochiso, February 20, 2016).

Though women can own land on their own, these lands are seen as belonging to their husbands, and upon the death of their husbands, these women tend to lose the lands to the customary successors. As was noted by this widow, a woman may lose the right to even farm on a land she bought herself if she did not disclose the ownership of the farm land to the husband's family before the death of the man. It must be noted that these are not lands acquired by the women from their husband's family lands. But as has been noted earlier, for the family of the man, any property acquired by a couple is deemed to be the property of the man regardless of who, among the married couple, acquired the property.

The reason for the fear of these widows losing their farm lands to the customary successor is not farfetched. As has been articulated earlier, since the main kinship system that underpins the inheritance practice of the Assin is the matrilineal inheritance system, the widows are considered as outsiders and not eligible to inherit farm lands. Quisumbing, Payongayong, Aidoo and Otsuka (2001), in a study in the Western Region of Ghana, made a similar observation. They remarked: "...although land could be allocated to women for their use by the matrilineal kin or by their husbands, they were, except in unusual cases, completely excluded from land inheritance" (p. 160). Though Quisumbing et al

may be right in their view of women exclusion from land inheritance, it can, however, be argued that women can inherit land from their own mothers. As members of their mother's matrilineal kinship group, they are entitled to land from their matrilineage. A woman does not sever her ties with her matrilineage as a result of marriage. She still belongs to her mother's lineage, and even still, carries her father's ntoro. She is entitled to all the privileges of being a member of her mother's lineage which may include land inheritance.

Among the Assin, customary law ensures that family lands are vested in the family head (Abusuapanin) who controls and decides who should utilise the land. Lack of access to farm lands could render the widows, in some cases, paupers. A widow explained this challenge:

In this community, what I have come to realise is that if the man did not make a will and specify the share of the widow, she would be denied her share of the inheritance. The toils of widow may be in vain. In the situation where you are a young widow and decide to remarry, your children alone will be given a share of the inheritance and you will be left with nothing. If you do not get anything or a property from your new marriage, you would have lost out (Focus group discussion, Assin Ochiso, February 20, 2016).

This view expressed by the widow speaks to the frustrations of some of these widows who may be left with nothing and made to suffer in the event that their deceased spouses did not make provisions for their upkeep before his demise. Another widow corroborated this with a personal experience she had from the family of her husband when the man died. She narrated:

My husband married me under the Marriage Ordinance. He was staying at Assin Fosu while I reside in this community. He died suddenly and, when I was informed the night of his death, I went to Assin Fosu the following morning only to find that his room has been ransacked by the man's family. They took all his valuables including his bank note. They opened his big bag and searched through it. I confronted my sister-in-law who confirmed that they searched through the things and that they were looking for some papers. Almost one year now, I am unable to trace the bank note. I am waiting for the one-year anniversary to raise the issue together with my children (Focus group discussion, Assin Ochiso, February 20, 2016).

This widow's response shows the level of frustrations widows undergo at the hands of their husband's family. Family members of deceased men are of the belief that they have unfettered access to the properties of their deceased brother without recourse to their widow.

Another major concern for widows who mostly stand disadvantaged has to do with the problem of the inheritance of properties jointly acquired with their deceased husbands. The family of the deceased in most cases would confiscate the properties thereby denying the widow and her children rights to the use of these properties. In discussions with some of the widows in the study area, they expressed misgivings about the manner they are treated by the customary successors to their husbands with regards to the properties they jointly acquired with their deceased husbands. In a response to a question as to the owner of properties acquired by a married couple, one of the widows in the focus group discussion in Assin Ochiso had this to say:

Normally the property should belong to both of you but in some cases when the man dies his family may deny you and your children the farm you cultivated with your deceased husband on the pretext that the land belongs to the family of the man (Focus group discussion, Assin Ochiso, February 20, 2016).

The reason underpinning the fate of widows is the matrilineal customary practice which, as has been noted earlier, does not consider the woman and her children as part of the man's family. Every property acquired is deemed as self-acquired property of the man and must revert to the deceased matrilineal family on his demise.

As I noted in chapter one, inheritance comes with roles and responsibilities on the part of the customary successor towards the children of the deceased kinsperson he or she has inherited. Failure by some customary successors to adhere to this long-held practice has compelled the people of Assin Kumasi to adopt a new way of dealing with the problem. In a bid to ensure that children are not cheated out of the estate of their deceased mothers, informants told me that a new practice of making children of deceased women inherit their mother has been introduced among some families in the study area. One of the widows shared this story, justifying the current practice. She remarked:

Nowadays, we let the children inherit their mothers. One of my sisters died and we selected a customary successor to inherit her. At the time of her death, her children were very young. The customary successor did not take care of the children and used the property she has inherited

to take care of her own children to the neglect of the children of her deceased sister. My family decided that even if you are a child, when your mother dies we will make you to inherit her so as to maintain the properties of your deceased mother and not let it be lost to her children (Focus group discussion, Assin Kumasi, June 3, 2016).

This position taken by some members of the community against the perceived injustice of customary successors is a direct challenge to the long-held custom of a sibling inheriting his or her dead sibling. A child customarily was not eligible to inherit her mother. This new way of dealing with the problem of neglect is in tandem with what Rukundwa and van Aarde (2007) said of postcolonialism theory as a means of challenging the status quo in order to correct any perceived exploitative and discriminatory practices. In an interview with Nana Abena Gyamfua II, the Omanhema of Assin Attandasu Traditional Area, she expressed her disquiet about this practice. She noted:

There is currently the practice of making the children of a deceased inherit their mother instead of a sister of the deceased. When this happens, what it may lead to is a total breakdown of the family structure. The sisters of the deceased would refuse to cater for the children of their deceased sister since they would expect her daughter who has inherited her mother to play that role (personal communication, May 20, 2016).

This practice is contrary to the Akan practice of a customary successor to a woman. The customary practice makes the successor mother to the children of the deceased woman and does not necessary inherit the deceased properties.

She is required to select the deceased daughter, often the eldest to administer her deceased mother's properties. This is what ought to happen. But some respondents were of the view that this customary practice is not being strictly observed, and that some customary successors use the properties of their deceased sisters to their own advantage. They justified the current practice as necessary if the children of a deceased woman are to be made to benefit from the estate of their mother.

Even though the concerns of Nana Abena Gyamfua II may be legitimate, the attitudes of some of the customary successors toward the children of the deceased as expressed by the respondent above make the new and emerging practice tenable. It helps to ensure that the children of deceased women are not made to suffer at the hands of customary successors. The new practice must not be seen as an affront to the old practice of customary succession but may be seen as complimenting the practice and making children better off.

This notion that the women and children in the matrilineal system are not members of the man's family has been well articulated in the literature (Kuenyehia, 2006; Daniels, 1987). Even though this was the case under Assin matrilineal inheritance practice where the children have no share in the properties of their father, the situation is not the same today. The regent of Assin Ochiso, Nana Ampomah, asserted that the customary practice of nephews or brothers taking over the properties of a deceased family member to the neglect of the widow and children of the deceased is no longer, largely, being observed. Even though my interactions with some widows at Assin Ochiso revealed that some of them still suffer from the customary practice of

nephews and brothers taking over the properties of their deceased husbands, the widows also confirmed that this practice has reduced considerably.

In the olden days, the man was required to give a gift of his self-acquired property to his children and the children were expected to present to their father *aseda nsa* (thank you drink) to seal the formal transfer of the property to the children. These days, the practice, according to Nana Ampomah (personal communication, February 13, 2016), has changed and fathers can now bequeath their properties to their children without recourse to their family. What a father cannot do as stated earlier is to give family properties under his care to his children.

This idea of moving away from the customary practice of denying women and children a share of the man's property when the man died intestate is wide spread in the study area. The days when *wɔfasefoɔ* (nephews) and siblings of a man would wait for their *wɔfa* (uncle) and brother to die in order to take over his properties are long gone. My male respondents were clear that their primary responsibility is to their wife and children. This is not to suggest that they do not make provisions for their kinship members. This new practice of fathers not strictly adhering to the customary practice of gifting properties to their wives and children without recourse to their family is not an affront to the IAR which underpins the customary practice. It only goes to show how accommodating and tolerant the IAR is. The IAR is able to adjust to ensure that the people have meaning in life.

Knowledge of Legislations on Inheritance by the Community and Widows

The foundation of inheritance of the people under study before the coming of the colonial powers was their customary law which was underpinned by their indigenous religion. Even with the advent of colonialism, what changed was the adoption of the English common law in addition to the customary laws that prevailed in the then Gold Coast. This led to legal pluralism— a situation where more than one legal system operates in a country. In Ghana, legal pluralism is reflected in the existence of customary and statutory laws (Manuh, 1988; Kuenyehia, 2006).

One institution that is now operating under legal pluralism is the institution of marriage. The main marriage type practised by the Assin is the customary marriage. Others have however, contracted marriage under the Marriage Ordinance. In my interaction with the widows during the focus group discussion at Assin Ochiso, only 2 out of the 14 widows said they married under the Marriage Ordinance. Women, especially widows and children, tend to suffer a lot under the customary marriage system because they are denied of a share of their husband's and father's properties such as farm lands and houses by their customary successors.

Attempt by the state to reform the inheritance practices of Ghanaians dates back to 1884. Before then, the transfer of self-acquired properties was solely by customary law (Awusabo-Asare, 1990). Customary practice requires that each Ghanaian and the property he or she own belongs to the lineage and on death, intestate, the whole properties revert to the lineage (Awusabo-Asare, 1990). What this meant was that women and children were denied an

opportunity to have a share in the self-acquired properties of the man they would have helped.

In an attempt to put a stop to this practice against widows and children, the PNDC in 1985 enacted the Intestate Succession Law, PNDCL 111. Despite the fact that my male respondents, as stated earlier, claim they no longer strictly adhere to the customary practices of inheritance, the coming into force of this law was important since some of the women still complained of harassment from the family of their deceased husbands. The Law was enacted to ensure that widows and children are not denied their legitimate share in the estate of their deceased husbands and fathers. After operating this law for over 24 years, government, in 2009, initiated moves to amend the law. A full discussion of the Law and the amended bill is discussed in chapter six.

Discussions with my interlocutors revealed that they are aware of the existence of the Intestate Succession Law passed by the PNDC in 1985. What came out of my interactions is that, for some of the women who still face harassments from the family of their deceased husbands, they could not take advantage of the Law due to poverty. One of the widows, during my focus group discussion at Assin Ochiso, made this remark:

Even though we know the law, this is a very poor community and most of us do not have the money for litigation so even when you complain you are unable to do anything (Focus group discussion, Assin Ochiso, February 20, 2016).

In my interview with Nana Afikurah III, he noted the importance of the Intestate Succession Law, PNDCL 111 to the welfare of his people. He remarked:

In Assin Kumasi community, the Law works here. There is a lot of enlightenment as a result of education. Now, everybody is aware that when a man dies, these are what will go to the wife, the children and family. It is only that which belongs to the family that cannot be given to the wife and children. Under the customary law, you may have the situation where a nephew may forcefully take over a cocoa farm of the deceased. These days in this community, everybody agrees that when you marry whatever properties you acquire, your wife and children have a substantial share (personal communication, April 29, 2016).

The views expressed above show the level of knowledge of the law. What came out from Assin Ochiso was the inability of widows to take advantage of the law to seek redress in the event of a seemingly miscarriage of justice. These concerns were not surprising as the community is a very poor one and most of the widows are peasant farmers with very little financial muscle. In a similar study in Zimbabwe, Dube (2008) made the point that most widows suffer the unfortunate experience of having their properties stripped off them when their husbands die intestate despite the enactment of the Intestate Succession Law in Zimbabwe.

Dube (2008) cites instances in Zimbabwe where respondents confirmed to have been stripped off their properties by the families of their husbands when the men died intestate. In one instance, a widow was chased from her

matrimonial home because she refused to marry her late husband's younger brother. I must, however, state that despite the similarity that may exist in the Assin and Zimbabwe situations, the idea of forcing widows out of their matrimonial homes for refusing to marry a sibling of their husbands was absent in the Assin society.

This notion of widows being stripped of their properties based on the customary law practices in most African societies stem from the fact that the women are not considered part owners of their husband's properties. This notion Kuenyehia (2006) asserts is because customary idea of marital rights did not consider the contributions of the women as anything worth noting.

This idea of the wife not being recognised as a contributor to the acquisition of family wealth, as alluded to by Kuenyehia (2006), has made several widows lose out on their life-long investments. A widow commented during my focus group discussion in Assin Ochiso that "If the man did not make a will and specify the share of the widow, she would be denied her share of the inheritance. The toils of the widow would be in vain" (Focus group discussion, Assin Ochiso, February 20, 2016).

In the instance where the woman acquires a land on her own for cultivation, she must, according to my informants, let the family of her husband be aware that the piece of land under cultivation was bought from her own resources. If she failed to disclose her interest in the land before the husband dies, the family of her husband can take over the land on the pretext that it belonged to their deceased brother (Focus group discussion, Assin Ochiso, February 20, 2016).

The effect of depriving women of the toils of their labour on the basis of the matrilineal inheritance practice has led to most of them becoming destitute and living miserable lives. For some of the young widows, they are able to remarry and start life afresh. The fate of the older widows is sealed if they do not get support from their children who themselves are at the receiving end of the same matrilineal inheritance practice that does not recognise them as part of their father's family. Most of the widows interviewed during the focus group discussions lamented how the customary practice of inheritance was denying them the benefits of their labour. It became apparent from the interactions with the widows that the mere knowledge of the existence of PNDCL 111 was not enough. What the widows who had been denied the estate of their deceased husbands expected was some help from government to enable them enjoy the benefits the enactment of the law was meant to accomplish.

Chapter Summary

This chapter has dealt with the Assin inheritance practices and how the indigenous religion influences the practice. The chapter analysed the data obtained from the field supported by pertinent literature relevant for the discussion. In my analysis of the data and the subsequent discussions, I noted that the inheritance practices are informed by the Assin customary law practice of matrilineal inheritance which vests control of the property of a deceased who died intestate in the family to the exclusion of widows and children who are not considered members of the deceased man's family. The widows and their children were left on their own and, in many situations, became destitute.

The widows, in some situations, are denied access to farm lands they had cultivated with their deceased husbands. These are farm lands that may not belong to the man's lineage but was acquired by the man and his wife for farming. This practice is prevalent in rural areas of Ghana such as the Assin. As indicated in my field work, if a woman even bought a piece of land to cultivate with her husband and did not make that known to the family of her husband, should her husband die intestate, the family of the deceased husband can strip her of the property.

Despite the enactment of the Intestate Succession Law, PNDCL 111 in 1985, several widows still report being unfairly treated by the family of their deceased husbands. In most cases, these widows are handicapped and are unable to seek redress under the Intestate Succession Law because of poverty. This came out clearly in my interaction with the widows from Assin Ochiso. Despite the existence of statutory laws such as the Intestate Succession Law of 1985, PNDCL 111, among the Assin, customary law, as underpinned by the IAR, still continue to have a place in their inheritance practices. In the next chapter, I take a look at the role of the IAR in the succession practices of the Assin.

CHAPTER FIVE

INDIGENOUS ASSIN RELIGION AND SUCCESSION

Introduction

This chapter discusses the position of the IAR on the succession practices of the Assin. As clarified earlier in the thesis, ‘succession’ is used in reference to the political structure of the Assin. The Assin political structure is seen in the lineage and chieftaincy institution. At the base of the political structure are the various heads of the abusua that make up the Assin society as alluded in chapter three. The various lineage heads, Abusuapanin, are the political heads of their lineages and are also, members of the traditional council which assists the chief to administer the community. The chieftaincy institution in Assin which is the basis of their succession practices is very religious. The institution is at the apex of the political structure headed by a chief and his female co-ruler, the obaahemaa. The indigenous Assin religion is seen in their succession practices right from the point of nomination to the final enstoolment rituals. The discussions in this chapter follow the themes that were derived from my interactions with respondents in the study area. Guided by the theory of postcolonialism, the chapter discuss the nomination of Odehyee (royal), processes and enstoolment rites that comprise the secret rites, and the public rites. In the discussion of these themes, the role of the IAR was pointed out. The Assin is a homogenous group, and as such, this discussion sampled views from the four towns selected for my field work.

The succession practices of the Assin has been influenced by their indigenous religion. The processes that culminate in the choice of a royal to sit

on the stool of his ancestors may not be complete without the stool elders and the *ɔbaahemaa* sending emissaries to powerful diviners to find out the preferred choice of the ancestors. The king makers, in enstooling a new chief, recognise the fact of the religiousness of the institution and so begin the rituals in the stool room. The next section discusses the nomination process.

Nomination of an *ɔdehyeɛ* (Royal)

The processes leading to the succession to a vacant stool among the Assin begins with the nomination of a royal. As was noted previously, a person was qualified to be a chief if he hailed from the appropriate lineage and has been validly nominated by the *ɔmanhemaa* if the vacant stool is the paramount stool or the *ɔbaahemaa* if the stool is below the paramount stool. Unless otherwise stated, the term ‘*ɔbaahemaa*’ would be used in the discussions. I must emphasise that the processes of nominating a chief are also followed when his female co-ruler is to be nominated. It is for this reason that the same definition given in the 1992 constitution of Ghana for a chief is given for his female co-ruler, the *ɔbaahemaa*.

The process of selecting a new chief is triggered when the sitting chief dies, is destooled or abdicates the stool. The process begins with the *Abusuapanin* of the Royal Family approaching the *ɔbaahemaa* to ask for a royal to occupy the vacant stool. In the event where there is more than one royal house, the *ɔbaahemaa* is required to select from the royal house whose turn it is to provide a candidate for the stool. *Abusuapanin Kwame Affum* (personal communication, Friday February 13, 2016) explained the process thus:

On the death of the chief, the Abusuapanin is formally informed by the state that they would want him to appoint for them one of the royals to sit on the vacant stool. The Abusuapanin then goes to the Obaahemaa who is regarded customarily as the mother of the stool. The Abusuapanin will then request of the Obaahemaa for a new chief. It is the Obaahemaa who will nominate a new chief. When the state council meets, the Abusuapanin will then present the nominee to the council saying “this is the royal that the Obaahemaa has nominated for us’.

In an interview with the Abusuapanin of the Royal Assinie Abusua of Assin Attandasu Traditional Area, Abusuapanin Kwesi Intsiful, corroborated the views shared above:

When a chief die, the Obaahemaa, Abusuapanin and some elderly women meet and deliberate on which of the royals to nominate as a chief. When the choice is made, as the Abusuapanin, I then present the candidate to the *Gyaase*⁹ and if the chosen royal is accepted by the *Gyaase*, the preparation for his enstoolment is put in place. The Assin state would meet and the candidate would be carried by the Asafo group and paraded around to meet the chiefs and formally be introduced as the new chief of the traditional area. Later on, he is put in confinement for one week where he is taught all the customs and traditions of the stool. Previously, a person nominated, was confined for forty days. After the one-week confinement, he is paraded again in

⁹ The *Gyaase* constitute members of the royal household whose primary duty is to see to the needs of the King. In the nomination and enstoolment processes, they are customarily required to accept or reject a nominee for the vacant stool.

town. He is later made to take an oath before the state (personal communication, May 15, 2016).

The views of my respondents' point to the central role of the *Obaahemaa* in the nomination process. She alone is customarily qualified to point to a royal to occupy a vacant stool. Any choice would be customarily void if it did not have the blessing of the *Obaahemaa*. This view was confirmed in a Supreme Court ruling on the Wenchi chieftaincy succession dispute. In that ruling, the Supreme Court averred that it was only the *Obaahemaa* who had the capacity to make nominations and any other person who makes such nominations without the consent of the *Obaahemaa* renders such nomination void (Bimpong-Buta, 2012). The views expressed also show that the process of nomination is done in a consultative manner. This consultation is important if the royal so chosen is to be accepted. This view has been confirmed by Gyekye (1997) and Arhin (1985) who argue that, in the Akan states, a chief is never imposed on the community.

In an interview with the Acting President of the Traditional Council, Nana Kwantwi Barima, at Nyankumasi Ahenkro, he corroborated the statement expressed by Abusuapanyin Intsiful on the processes leading to the enstoolment of a new chief (personal communication, June 19, 2016). Abusuapanin Kwame Affum of Assin Ochiso also shared similar views as Abusuapanin Intsiful of Assin Attandasu. He agreed that, on the death of a chief, the Abusuapanin would have to go to the *Obaahemaa* to ask for a new chief. When the choice has been made, the Abusuapanin would then present

the nominee to the Gyaase for evaluation and approval or rejection (personal communication, April 13, 2016).

The Obaahemaa, in selecting a new chief, does so in consultation with the kingmakers. Nana Afikurah III had this to say on the consultative processes of the nomination:

Before a chief is enstooled, first the Abusuapanin, the Obaahemaa, and the elders meet and decide on the suitable candidate for the stool. Among other things they look for in a chief is his character or his behaviour before one may be accepted as chief. When they are satisfied with the candidate, then, they begin the arrangement for his enstoolment (Personal communication, Wednesday April 29, 2016).

The views expressed by my respondents tell the democratic manner in which a new chief is nominated. The person so nominated is not an imposition but the product of a long process of consultations and compromises. These views as expressed by my respondents are confirmed by the literature (Odotei and Hagan, 2002; Bimpong-Buta, 2012; Muller, 2013). Another point worth commenting on is the acceptance of the nominee. As was stated by my respondents, it was important for the nominee to be accepted by the Gyaase. The Gyaase act as the conscience of the community and seeks to approve or disapprove the choice of the Obaahemaa on the advice of her elders (Arhin, 1985; Odotei and Hagan Eds, 2002; Assanful, 2012b).

In Assin Attandasu for example, the kingmakers are made of those divisional chiefs from the Assinie Abusua together with the Abusuapanyin of the Assinie Abusua. The Assinie Abusua is the Royal House from which a

Ɔmanhene and Ɔmanhema are selected. In Assin Attandasu, the Assinie chiefs are made up of chiefs of the following towns: Assin Ngeresi, Assin Kwaataa, Assin Adubiase, Assin Akonfedi and Assin Adiembra. These chiefs constitute the council of kingmakers who assist the Ɔbaahema in her nomination duties (Nana Kwantwi Barima, personal communication, December 2, 2016).

As part of the nomination processes, the kingmakers may send emissaries to any of the priestesses of the three principal deities to confirm the choice of the ancestors for the position of Ɔmanhene. Opanin Ennin (personal communication, April 7, 2017) explained this:

The kingmakers normally would approach any of the priestesses of the three state gods to ask them to enquire from the deities which among the eligible candidates is the preferred choice of the ancestors. The deities can tell the Ɔbaahema whom she should nominate to be made a chief. The kingmakers would always offer libation to the deities for their opinion on the choice to be made. We do not send people outside the traditional area to solicit the views of other deities for the choice to be made.

The selected royal must meet certain stringent requirements to qualify as a chief. In an interview with Nana Kwantwi Barima (personal communication December 2, 2016), he listed the qualifications a new chief must meet to be nominated by the Ɔbaahema. The candidate must not have any physical deformity. The person so selected must also have an unblemished character. He must be well mannered and cultured. These are important requirements

since the community would not want to enstool any chief who would exhibit insulting behaviour towards his elders and members of the community.

I have alluded to the role of the Gyaase in the nomination processes of a new chief. Gyaase means *nana ne gyaade*, literally, ‘the kitchen of the chief.’ The Gyaase is in charge of managing the palace and sees to the wellbeing of the chief. The head of the Gyaase, *Gyaasehene* is the administrative head of the palace and sees to proper upkeep of the chief. He has people under him who see to the various needs of the chief, physically and spiritually. In the nomination processes, the Gyaase has an important role to play. Abusuapanin Kwame Affum explains this role:

The Gyaase represents the *Ɔman* in the nomination processes and speak to approve or disapprove of any nomination. If the nominee is rejected, the Abusuapanin will have to go back to the *Ɔbaahemaa* for a fresh nomination. Custom demands that he goes back to her for a new nomination. If it so happens that the people are not happy with her choice, they can point to a royal of their choice to be enstooled as a chief saying that such a royal has a good character and they would want him to be their chief (personal communication, April 13, 2016).

Ɔbaahemaa Nana Dokuaa, commenting on the possibility of a rejection of her choice, said:

If the choice is rejected because the people do not like the nominee as a result of his character, I have to nominate a new person. The Gyaase has the right to suggest a royal of their choice for me to nominate to be

enstooled as a chief if they are not satisfied with my choice (personal communication, April 13, 2016).

The responses of Abusuapanin Kwame Affum and Nana Dokuaa shows how important the views of the Gyaase is as they represent the people are in the selection processes. A chief is expected to rule over his people and the input of the Gyaase as to who should rule them are important. Even though rejection by the Gyaase of a choice is rare, the fact that the people are involved in the whole nomination processes is worth commenting on. A similar view is expressed by Odotei and Hagan (2002) in their description of the processes that led to the nomination current Asantehene in 1999. The position of the Gyaase in the nomination processes also buttresses the view that a person cannot be made a chief if he does not enjoy the support of his people. In other words, it is the people that make a chief. (Gyekye, 1996). Having been nominated and accepted by the Gyaase, the chief-elect is prepared for the enstoolment rites.

According to Nana Kwantwi Barima (personal communication December 2, 2016), three new qualities have strongly emerged in the selection of a new chief. These qualities are the educational background of the new chief, the financial strength of the candidate and the age of the candidate. He explained the rationale for these three considerations:

Nowadays, three important qualities are taken into consideration when an Omanhene is to be selected. These are, your educational background, financial status and age. The financial status is important because chieftaincy nowadays is a very expensive enterprise. Unlike the olden

days when a chief could order his subjects to provide him with food and other items to sustain him and serve his guests, it is not so these days. In the olden days, when a hunter caught his game, he would send a part to the palace, when the women went to the farm, they would send food stuffs to the palace. If it was in those days, you would have come to meet so many servants in the palace because the chief would be able to feed them. These days that is no more possible. So, if the chief is not financially solvent, there would be problems. Even the clothing of the chief is very expensive and if you are a poor chief you would not be able to purchase these clothes. A chief should also be presentable. If you have a chief who cannot afford to buy new clothes—and if the Oman cannot also purchase clothes for him—it would be embarrassing to appear in public with old clothes. Education is also important because if you are a Omanhene and you cannot express yourself in the English Language that would be embarrassing. Another issue that is now emerging in the selection of a new chief is the age factor. This is now being strongly considered. If you select a new chief who is 70yrs and above, then as someone said ‘you have postponed the funeral of the late chief.’ In other words, an old chief may not have many years ahead of him to be able to rule his people.

The educational factor confirms what Brempong (2007) said about the transformations that have taken place in traditional rule in Ghana where there is a new trend for highly educated people to be selected by the kingmakers to be enstooled as chiefs. The financial strength of the royal is equally important. The Assin communities are poor and the stools are not very well financially

resourced. The stools, not being financially resourced, are unable to cater for a chief and his court. As Nana Kwantwi Barima of Assin Attandasu indicated, there was a time when the community was expected to provide for the upkeep of the chief. Everybody brought some produce to the palace and hunters brought game as well. But these provisions have ceased and the chief is now expected to provide for the maintenance of the palace from his own resources.

A poor chief would not be able to cater for his person and his palace. When I went to Assin Ochiso for my field work, my assistant who was my past student took me to his uncle, Nana Ampomah, the regent of the community. We drove past what is meant to be the palace of the chief of the village but it was left in ruins. When I enquired from my student why that was the case, he told me that the family that was expected to produce a chief are unable to do so because the people are poor and no one is ready to shoulder the burden of repairing the palace and occupying it as a chief. His uncle is forced to be the regent in the absence of a substantive chief and he operates from his home which he uses as the palace.

The educational qualification is equally important. For a paramount chief, the need to be educated and be able to speak the English Language was desired and sought for. As Nana Kwantwi Barima indicated, a chief who could not speak the English Language was embarrassing. The paramount chief was to be the chief liaison officer between his people and the rest of the world. With the changing trends in chieftaincy institution of today, a chief was to be an agent of development travelling far and near to interact with potential investors to visit his community to help develop the area and bring prosperity to the people. A paramount chief who could not speak the English Language

may find it difficult to fulfil this important function of serving as a development agent. These new changes supported the postcolonial theory that seeks to contest the dominant ways of seeing things. The chiefs, noting the changing times, have challenged the status quo by moving away from the old practice of nominating any royal who was deemed to have met the time tested traditional qualifications to adding the new qualification so as to be abreast with the modern times.

Another issue that came up for discussion was the possibility of selecting a non-royal as a chief. Even though Nana Kwantwi Barima was of the view that this would not be possible since the Obaahemaa who would be making the nomination knows all the royals, it emerged from my discussion with him that in some rare circumstances, a non-royal, who may be the son of an elder, may be considered. He explained the rationale that may influence such a decision:

In our tradition, it is the Obaahemaa who nominates and presents the choice to the Abusuapanyin who in turn presents the person to the kingmakers. The Obaahemaa, in making the nomination, would definitely select someone from the royal family. But it does happen that a time may come when the royal family may not have a suitable person to sit on the stool. In a situation like this, a child from one of the elders in the royal house may be selected if he meets all the qualities they want in a chief. In such situations, the processes are documented and agreement signed to the effect that no descendant of the chief can come and claim the stool in the future. An example in Assin Attandasu is the

Assin Jakai chief who is not a royal but a son of one of the elders who has been made a chief (personal communication, December 2, 2016).

Nana Kwantwi Barima's response shows the desire by the people not to leave a stool vacant and allow it to fall in the hands of undesirables. A non-royal so chosen, according to Nana Kwantwi Barima, is clothed with all the powers of a chief and is entitled to perform all functions of a chief including the stool room rites. What is important is the documentation that is put in place to facilitate the selection of the non-royal to sit on the vacant stool. This is to prevent any misunderstanding and to forestall any future conflict as to the place of the abusua of the non-royal chief to sit on the stool. Having completed the nomination process and the suitable royal acceptable to the people has been chosen, the succession process moves to the next stage where the royal is formally enstooled to succeed his departed ancestor.

Enstoolment Rites

The enstoolment rites of a chief in Assin is highly influenced by their indigenous religion. The discussions that follow show the central role of the IAR in the enstoolment processes. The processes of making one a chief in an Assin community continues with the period of confinement. This is then followed by the stool room rituals and finally the public oath swearing ceremony.

period of confinement

On the nomination and acceptance of a royal as being legitimate to sit on the stool of his ancestors, the processes of enstoolment would continue. The

new chief-elect would be confined for a number of days. In the olden days, it was customarily required for the chief-elect to be confined for 40 days (Odotei and Hagan, 2002). The period of confinement according to my informants has been reduced to one week. The reasons my respondents gave for the shortening of the period of confinement was because some of the royals so nominated may be working and they cannot afford to stay out of the work for such a long period. Abusuapanin Kwame Affum (personal communication, February 13, 2016) explains further:

Some time back we used to confine a chief for forty days. These days we put a new chief under confinement for a week. During this period, the elders will come to the nominee and teach him about the history of the stool. He is taught how to carry himself as a chief. It is expected that when one is enstooled, the chief will continue to learn more about his stool. The Abusuapanin will continue to be close to you and teach you about the rest of the customs you were not taught during the one-week confinement.

This period of confinement was used by the stool elders to educate the chief-elect on his functions as a chief, to spiritually purify and fortify him (chief-elect), and also to teach him the social and behavioural graces of his office. The reduction of the period has not in any way affected the essence of the ritual of confinement. According to Abusuapanin Affum, during this period, the elders will come to the nominee and teach him about the history of the stool. The chief-elect is taught how to carry himself as a chief (personal communication, April 13, 2016). Abusuapanin Kwesi Intsiful also corroborated the one-week confinement of the new chief where the chief-elect

is taught everything he needs to know about the stool he is about to occupy (personal communication, June 26, 2016).

secret or stool room rituals

On the completion of the confinement period, the chief-elect would be sent to the stool room (*nkonwafieso*) where the blackened stools of previous office-holders are kept. It is in the stool room, as Busia (1968) puts it, that the esoteric rites begin where the chief is introduced to his revered ancestors and on the stool of the famous of his ancestors he is placed thrice. The chief-elect, taken to the stool room, is placed three times on the stool of his ancestors. One of my informants, Abusuapanin Kwesi Intsiful, described the stool room rites of a chief:

The chief-elect is then sent to the stool room at midnight. As the Abusuapanyin, I am present, the *Obaahemaa* and *Okyeame* are all present. The black stools our ancestors brought on our way here are kept here. We have the male stool and the female stool. We bring the stool and I hold the chief and the *Okyeame* also holds him and we place him three times on the stool. We then slaughter a sheep. After that he makes the public swearing of oath (personal communication, June 26, 2016).

The slaughtering of the sheep according to my informants has a religious significance. Abusuapanin Affum said:

The sheep is slaughtered for making rituals for the stool. It is a blood covenant to the stool signifying that a new chief has been enstooled (personal communication, April 13, 2016).

The slaughtering of the sheep is significant as it reveals the people's belief in the power of the blood. Blood covenant unites a group of people and its place in an enstoolment ritual shows the resolve of the people to enter into a kind of relationship with the sacred. Blood serves as the symbol of that relationship and reference to it compels the sacred to come to the aid of the community in times of crisis. It is no wonder, among the Akan, that slaughtering of a sheep completes the ritual of removing a chief from office. The blood brings the stool and the sacred into a bond and unites the stool with the sacred.

On the reasons, why the chief-elect is placed thrice on the stool, Abusuapanin Affum explained that "three means complete. There is power in the number and it signifies confirmation" (personal communication, April 13 2016). This confirms a saying by the Akan, *obosom anim yekɔ no prensɔ*, one goes thrice before a deity. Safohene Awere of Assin Kumasi also corroborated the views of Abusuapanin Kwame Affum on the significance of placing the chief three times on the stool. He said:

That custom is like when you are naming a child you are told to seat the child thrice to tell the child to live and not die. You place some money on a stool and place the child thrice on it. You will say "we are seating you, we are seating, and we have seated you. Since you have arrived, please stay." It is the same reasoning behind the seating thrice

of the chief on the stool. It is to tell him that if he has come he should stay (personal communication, May 20, 2016).

The views expressed by my respondents show the people's desire to see their new chief live long and succeed. Just as a new born child would be expected to live so is a new chief expected to live long and serve his people. Every new chief is allowed to select a stool name he would be identified with when he ascends the stool.

The person of the chief-elect becomes sacralised when he is put on the stool of his ancestors three times. He is then reminded of the taboos that he must observe as a result of his new status. Nana Kwantwi Barima remarked that the taboos a chief is expected to observe are a lot. The chief, he opined, is not expected to show disrespect to his elders, must not sell stool properties, must not sleep with wives of his subjects, and must not prevent the Abusuapanyin from accessing the stool room to feed the ancestral spirits on an Adae (personal communication, June 19, 2016).

From the views expressed by Nana Kwantwi Barima, it is apparent that taboos are integral components of the succession practices of the Assin. As Busia (1968) notes, taboos ensure that the person of the chief becomes sacred and the taboos are to emphasise the fact the chief occupies a sacred position. Taboos have been used by the Assin to ensure that the actions of their chiefs are not capricious. The chief is expected to act within the confines of his oath and in order to ensure that he did, taboos have been put in place to remind him that his powers are not absolute.

The chief-elect, as part of the enstoolment rituals, is expected to select a name from among his predecessors with which he would wish to be called after the enstoolment rituals. Abusuapanin Affum explained this practice:

What happens is that the names of your predecessors are mentioned to you and you select the name you will want to be known and called. You may want to select the name of your uncle who would have also become a chief and had died. So, the choice is yours (personal communication, February 13, 2016).

Names are important in the Akan society and the name you bear tells of your person. The choice you make defines your character and tells the people the type of chief you may want to be. What, I, however, noticed from my interactions with respondents during the field work was that stool names of the paramountcies were fixed. Abusuapanin Kwame Affum (personal communication February 13, 2016) explained this:

Every stool I have served there is only one stool name. In Assin Attandasu, the name of the stool is Tibu. Every new chief adds his name to the stool name. From the well-known Tibu Darku IX to the late Omanhene, Tibu Asare II, they all added their personal names to the stool name, Tibu. In Assin Apimanim the stool name is Kwame Nkyi.

From what Abusuapanin Affum said, it can be deduced that every stool has a name peculiar to it and a new paramount chief would choose a personal name and add that to the stool name which becomes his name as the new chief. This name can be that of a former chief or the chief may select a name of his own

which has not been used by any former chief. With the conclusion of the stool room rituals, the new chief would be presented to the whole community for the final part of the enstoolment processes.

Aside the ancestors, the deities are also involved in the succession practices of the Assin. In Assin Kumasi, respondents told me of the role played by one of the deities in the succession practices. A new chief, as part of his enstoolment rituals, was sent to the river, Akyisu Afua, where according to Nana Dokuaa, the new chief is given a ritual bath. Abusuapanyin Kobinah, in corroborating the comment of Obaahemaa Nana Dokuaa, remarked:

The chief-elect is sent to Akyisu Afua for bathing. Akyisu Afua is a flowing river known to the community which was used by the people long before the construction of pipe water. The chief-elect is sent there believing that any prayer said there would be heard by the deity. What is done is to introduce the new chief to the river deity that this is the new chief the community has selected (personal communication, May 20, 2016).

The views expressed by Nana Dokuaa and Abusuapanyin Kobinah reveal the people's belief in the help of the deities and the ancestors in succession practices of the Assin. As the custodians of the people's heritage, their place in the enstoolment rituals is important. The people rely on the deities for protection and sustenance.

public oath swearing rites

The processes leading to the enstoolment of a new chief culminate in a public rite. This public ritual is to allow the new chief take an oath before the whole Oman and is also used as an occasion for the chief to tell his people his vision for their welfare and wellbeing. The oath signifies a relationship between the living and the dead. Every chief was required to swear the oath before enstoolment was completed (Muller, 2013). Before a sub-chief's enstoolment is completed, he has to swear an oath before his superior chiefs. For example, in Assin Attandasu, a new chief of Assin Kumasi would first swear an oath to his divisional chief at Assin Nkran before swearing to the Omanhene. According to Nana Dokuaa,

The public rite takes place on Saturday morning where the chief is carried in a palanquin and paraded on the streets and later sent to the park where he would then take an oath before the Oman (personal communication, April 29, 2016).

This public declaration is in the form of an oath which he takes before his elders, chiefs and subjects. The chief is called upon to make the following oath which would define his political authority and the political relationship that would be expected to be maintained between the chief and his subjects. Using an example from Assin Attandasu, a new Omanhene holding the *ɔkofena* (state sword), is expected to say the following words:

Me ne Nana Tibu

I am Nana Tibu...

Adere bu a wɔpoma

If the machete breaks, it is replaced

<i>De ε me mpanyimfoɔ dii kan beyeeε no</i>	That which my elders came to do
<i>Eno na me nso merebetao soo</i>	I promise to come and continue
<i>Se ɔman frε me anpa, awia anaa anadwo</i>	Any time you call me, be it in the morning, afternoon or night
<i>Me suae yi yare</i>	Save for being sick
<i>Se mamma a</i>	I will respond
<i>Meto ntam</i>	Else I break the oath.

The oath is repeated thrice and the chief then touches the ground with the tip of the sword. The ɔkyeamehene, senior state linguist, on behalf of the ɔman swears the same oath to the new chief (Madam Rose Buckman and ɔpanyin Ennin, personal communication, April 7, 2016). These oath or injunctions are to remind the chief that he is not an absolute ruler. He sits on the stool of his ancestors at the pleasure of the people and must, thus, serve their interests at all times. The chief promises to be faithful to his people and respond to their call any time he is needed. Failure to observe these oaths could lead to his destoolment. The oath reminds the chief of his obligations not only to the living but also to the ancestors on whose authority he sits on their stool as he promises to continue the good works of his predecessors. The public oath swearing rites mark the end of the enstoolment processes and the chief, from then on, begins his reign as the legitimate chief of his people.

Chapter Summary

The chapter has attempted a discussion of the role of the IAR in the succession practices of the Assin. The chapter discussed the succession practices by assessing the nomination process which begins the succession rituals. The discussion showed that the nomination process was done by the obaahemaa in consultations with the kingmakers. In making the nominations the obaahemaa with the advice from the king makers looked out for a royal who met the required customary qualifications. The chapter also revealed that the Assin not being oblivious of the current position of the modern chief has added additional qualifications to have in their chief a person who was not only acceptable to the ancestors but also fit to represent the community in both national and international fora. These new additions confirmed the postcolonialism theory that calls for a contestation of the dominant ways of seeing things.

The discussion on the enstoolment rituals both in the stool room and the public revealed the strong influence of the IAR on the succession practices of the Assin. The religious significance of the stool room rituals was discussed where I showed that the succession practices of the Assin are underpinned by the IAR. The lowering of the chief on the stool of his ancestors makes the person of the chief sacralised. This means his actions are governed by taboos which he has to obey if he is to continue as a chief.

The public rituals show the importance of the IAR in the succession practices as the new chief was expected to make solemn declarations to, not only his people, but also the ancestors on whose stool he has been nominated

to sit. These oaths are important as they establish a sacred bond between the new chief and his community. The sacredness of the oaths is such that if the new chief goes against them, he would have been deemed to have disrespected the ancestors on whose benevolence he sits on their stool.

CHAPTER SIX

CHANGES IN INHERITANCE AND SUCCESSION PRACTICES OF THE ASSIN

Introduction

The inheritance and succession practices of the Assin have been influenced by contemporary realities. This chapter discusses the changes that have occurred in the practices of inheritance and succession of the Assin. Although my focus is on the Assin, the discussion touches on such changes at the national level as well. The chapter assesses the relevant legislations that have been enacted by the various governments to deal with the problems related to issues of inheritance in Ghana. The NHC, in its efforts to deal with disputes, has also set, in motion, efforts to codify customary succession rules in the various traditional areas of the country so as to deal with the contentious issues of succession. Among the legislations I assessed are the intestate succession law, the Wills Act, Statutory provisions, court cases, international laws and the 1992 constitution of Ghana. The Chieftaincy Act and legislative instruments on succession to stools and skins are also discussed bringing out their influences on the succession practices.

These changes are discussed with the theoretical framework in mind and likewise the problem of the thesis which is to ascertain whether the presence or absence of the IAR has impacted positively or negatively on the inheritance and succession practices of the Assin. This chapter is structured in two parts to reflect the structure of the thesis. The first part discusses the

changes in the inheritance practices while the second part discusses the changes that have affected the succession practices.

Changes in the Inheritance Practices

Inheritance practices of the Assin were regulated by the customs and practices of the people before the advent of European Christian Missionary (ECM) activities and finally, colonialism. Before I discuss the changes that have affected the inheritance practices of the Assin, I discussed the inheritance practices in the pre-colonial period before the Assin encountered ECM and colonialism.

pre-colonial Assin inheritance practices

My interlocutors were of the view that the Assin had their own way of managing inheritance matters when a family member died. As was stated in chapter three, the basis of the Assin matrilineal society is the abusua. According to one of my interviewees, Abusuapanin Kwame Affum, when a member of the family dies, his properties come under the control of the abusua. Under the Assin matrilineal inheritance practices before the advent of ECM and colonialism, the abusua had absolute control over the properties of a deceased family member.

According to Abusuapanin Kwame Affum (personal communication, February 13, 2016), it was the duty of the *Abaatan* (elder women) of the abusua to advise the Abusuapanyin as to who was entitled to what property of the deceased. This arrangement is done without making provision for the wife or wives and children of the deceased. This practice of denying the surviving

wife or wives and children of the deceased according to my interlocutors, was because the women and their children, under the Assin matrilineal inheritance practice, as has been stated earlier, were not considered part of the man's matrilineal family and were, thus, not entitled to inherit him or have a share in the man's self-acquired properties when he died.

Nana Afikurah III of Assin Kumasi described what used to pertain in his community before the advent of colonialism with regards to inheritance practices. He remarked:

In the olden days when the government had not brought any measures to regulate inheritance our ancestors put measures to regulate inheritance. It is painful at times for a woman to work hard with her husband and when he dies, the elders chase away the widow and lock the house and ask the widow to go to her family until the burial rites of her husband. Even if you need a cloth you will need to see the elder who has the keys to the house before you can have access to the room. It is only after the funeral that the elders will sit down and see whether the wife helped her husband. Depending on their judgment, the family then decide what to give to the widow and her children (personal communication, April 13, 2016).

The views of Nana Afikurah summed up the frustrations of widows and their children when their husbands died. This view was shared by some of the widows during my focus group discussions. The general view of my key interlocutors was that women and children in a marital relationship suffer under the customary practice of inheritance. This view has been well

articulated in the literature as some scholars have described the practice as discriminatory against women and children in African societies (Daniels, 1988; Quisumbing et al, 1999; WiLDAF, 2002; Kuenyehia, 2006; Archampong, 2007/2008; Korang-Okrah, 2011; Ndulo, 2011). The Assin customary practice of inheritance became a subject of the customary law during the colonial era. In the next section, I discuss the changes in the customary law and its effect on inheritance practices of the Assin.

Changes in the Customary Law and Inheritance Practices

With the advent of ECM and Colonialism, the Assin inheritance practices changed considerably. As more and more Assin became Christianised, their attitude towards the inheritance practices, as informed by the customary practices, changed. As a result of the Christian influence on the worldview of the Assin, the people's attitude towards the IAR has waned. Abusuapanin Kwesi Intsiful (personal communication, May 15, 2016) described the attitude of the Assin towards the IAR with the advent of ECM. He remarked:

Today Christianity has permeated everywhere and this has reduced the power and awe the people had towards the indigenous religion. We used to have a lot of traditional priests but today we do not have most of them again. Most people now turn to the Christian priests to help them with their spiritual needs.

The views expressed by Abusuapanin Kwesi Intsiful revealed that the coming of Christianity to the Assin area has greatly influenced the people's attitude towards the indigenous Assin religion. This has in turn affected their

inheritance practices as some of my respondents revealed that they no longer adhere to the customary practice of inheritance which does not allow the wife and children automatic share in the self-acquired properties of the man.

In chapter three, I discussed the institution of marriage and brought out its social and religious importance. The main marriage type that is prevalent in the study area is the customary marriage. There is a fundamental principle of customary law that a wife is a dependant of the husband, and customary law requires that the wife should work with or for her husband, and the property acquired with such assistance is the individual property of the husband. The basic assumption is that the husband is the head of the family and the principal provider and that a wife is duty bound to assist the husband in whatever he undertakes. However, whatever property he acquired with her assistance belongs, exclusively, to the husband. The wife was considered to have a vested interest in the property if she could show proof of having made substantial contribution to the acquisition of the property. Her mere assistance to her husband in the acquisition of the property was not sufficient proof to claim any portion.

This position of customary law practice of treating the wife and children as merely helping a man to acquire his wealth and that they have no automatic share in it has been influenced in contemporary times. Respondents interviewed were now of the belief that the contributions of their wives and children merit their share in the properties acquired and were ready to part the self-acquired properties to them without first seeking the consent of their family members. Nana Ampomah (personal communication, February 13, 2016) commented on this practice thus:

Nowadays it is not compulsory that the children cannot inherit the father's property. The time of nephews inheriting their uncles is long gone. When I was suffering to put up my properties I did it alone without my nephews' help. It was my wife and children who toiled with me. I can leave instruction for the distribution of my properties and leave substantial part for my children and my family would have no say.

The views expressed by Nana Ampomah goes to buttress the postcolonialism theory's position of challenging the existing order and refusing to abide by the dictates of the old order. The coming of the colonial administration, as earlier stated, led to the introduction of legal pluralism. The customary inheritance practices of Ghana became subject to the statutory laws as introduced by the colonial government. My search at the courts and the literature revealed how the judiciary had intervened to interpret and rule on inheritance disputes. The next section analyses some of the court cases to uncover how they have changed the inheritance practices of the Assin, in particular, and Ghana, in general.

Role of the Courts in Inheritance Disputes

Courts in Ghana have been called to determine joint ownership of properties between spouses of a marriage contracted under customary law. The courts had earlier, since 1959, held the view that a woman was not entitled to any share of a property she helped her husband to acquire unless she can show proof that she made a substantial contribution in the acquisition of the said property (Duncan and Kingsley-Nyinah, 2006). This position of the courts has

however changed with latter decisions of the courts interpreting the customary inheritance practices and enforcing and upholding the rights of spouses and children. In protecting the rights of spouses, the courts have progressively interpreted and enforced laws to their benefit. The following cases were cited and analysed to substantiate this position being espoused.

case one

Quartey v Martey and Another (1959) GLR 377

facts of the case

A case was filled in the High Court in Accra presided over by Justice Ollennu. This case was instituted by the widow of H.A. Martey, Evelyn Quartey against Okoh Martey and Anti Koshie. The widow claimed among other things one-third share in 70 cattle; one-third share in a house at Official Town. The widow relied on the grounds that she was married to the deceased according to the customary law and thus was entitled to one-third share of the estate, real and personal, of her husband upon his dying intestate. She also made the claim that she assisted her husband financially during his life time, and gave active assistance to him in all jobs he did. The trial judge, Justice Ollennu, in his ruling made some observations:

1. If the house had been built by the deceased out of the proceeds from a cocoa farm at Pramkese which his deceased father had left and from which the deceased had had charge, the house would be family property, because, by customary law any property acquired with proceeds of family property is itself family property.

2. By customary law, it is the duty of a man's wife and children to assist him in carrying out the duties of his station in life. The proceeds of that joint effort, and any property which the man acquires with such proceeds, are by customary law the individual property of the man, not the joint property of all.
3. The proposition that upon a man's death intestate his widow married under customary law is by that law entitled to a one-third share of his self-acquired property, real and personal, is untenable. By customary law, upon a man's death intestate, his self-acquired property becomes family property, vested in his family.

case two

facts of the case

Adom and Another v Kwarley [1962] 1 GLR112

Robert Owusu Adom, deceased, was a mason. He built a house at Kaneshie with the active help of his wife, Dodua, who sold produce of their vegetable farm to raise the necessary funds, and his son, the first plaintiff herein, an apprentice mason. By his will Robert gave the house to his sister. The plaintiffs, all children of Robert, sued for a declaration of their share in the said house, alleging that in view of the part they played in its acquisition, it belonged jointly to the father, the wife and the children, and Robert could not deal with it without their consent.

ruling

The trial judge Ollennu in his ruling observed that by customary law a child is entitled to his upkeep, i.e maintenance and training, from his father, and he is under duty to assist his father in his trade or business. But assistance does not entitle the child to any beneficial interest in any property which the father may acquire with the earnings from the trade. Similarly, a wife who assisted her husband in his trade does not become a joint owner with the husband of what the husband earns or any property he acquires with his earnings. Ollennu J concluded that though the plaintiff, an apprentice mason helped his father build the house, and his mother also helped to raise the money, the house nevertheless belonged to Robert exclusively. The devise to the defendant is therefore unimpeachable.

case three

Gyamaah v Buor [1962] 1 GLR 196

facts of the case

The plaintiff, wife of a deceased, sued the husband's customary successor for a specific share of eleven cocoa farms, which she said she assisted the husband to make during his lifetime.

ruling

The trial judge Bruce-Lyle observed that

1. By Akan customary law, the plaintiff is not entitled to a share of the husband's farms merely on the ground that she assisted in cultivating them.
2. In the instant case, the defendant had previously agreed to give an unspecified portion of the farms to the plaintiff. The court should leave the defendant therefore to give what, in his absolute discretion, he considers proper. He cannot be ordered to give a specific share to the plaintiff.

The trial judge, however, observed that where the wife's assistance takes the form of a substantial financial contribution, she will be entitled as of right to share in the properties acquired by the husband.

The rulings by the judiciary were far reaching. In the first case, Ollennu J. made the point that a woman married under the customary law was enjoined to help the husband in his life endeavours. She could not be seen to be a part owner of the properties so acquired from the help she gave her deceased husband. Ollennu J. makes the point that she was required to do so under the customary law and cannot try to profit from what she was expected to do. In the second case, Ollennu J. also sets out to define the relationship between a son and his father. The trial judge made the point that customary law gives room for a child to be given maintenance and training from his or her father. The child was duty bound to assist the father in his life endeavours. That assistance, according to the learned judge, does not entitle the child to any

benefit in properties acquired by the father. Both rulings by Ollennu J. effectively put self-acquired properties of a man in the domain of his family and it becomes the properties of his uterine family who would then decide who benefits from the properties. The ruling by Bruce-Lyle J. affirmed the earlier rulings by Ollennu J. Bruce-Lyle J., however, added that where the wife's assistance took the form of a substantial financial contribution, she was entitled as of right to a share in the properties acquired by the husband. Bruce-Lyle's J. intervention was important as it recognised the financial contributions of a wife and her right to joint ownership of properties acquired by the spouses.

case four

RE Kofi Antubam (Decd); Quaico v Fosu and Another [1965] GLR 138

facts of the case

The deceased died intestate and was survived by two wives and nine children. A case was brought by the head of family asking the high court to determine whether (i) the widows and children of the intestate had any interest in the self-acquired property, and if so, the nature and extent of the interest (ii) the family had any interest in the property, and if so, the nature and extent of interest. The plaintiff's argument was premised on the ground that Akan customary law vests all self-acquired property in the family to the exclusion of the widows and children. The defendants contended that though with the Akan customary law, children could not inherit the properties of their deceased father, but as children, they had a life interest in the self-acquired immovable property.

ruling

Archer J. in his ruling made the following observations:

1. By Akan customary law, the widows and children of an intestate, have an interest in his self-acquired immovable property which is equivalent to a determinable life tenancy
2. The widows of an intestate have a right to reside during widowhood in any house built on land self-acquired by the deceased or to dwell on any land acquired by him. This entitles them to a share of the income from such properties.
3. The self-acquired property of a person becomes on his death intestate, family property and the maternal family becomes the successors to the estate *subject to the interest of the widows and children of the deceased* (italicise mine).

The learned judge made further observations which helped to shape the customary law of inheritance. He noted that (i) the concept or notion that the successor of a deceased intestate has to maintain the children of the deceased as if they were his own children, and also to marry the widows, no longer prevails (ii) widows and children of a deceased intestate are entitled to reside in any house built by him and they may now opt to live elsewhere and to sublet the accommodation and to receive the income accruing therefrom (iii) the proposition that children are not considered as members of father's family is contrary to all historical principles, alien to well-known doctrines of all accredited religions and opposed to common sense and the corollary that the

children are completely excluded from any share or right in their father's property is untenable.

The ruling by Archer J. helped to redefine the relationship that exists between a child and his or her father. The ruling helped to remove the long-held customary notion that children had no share in the self-acquired property of their father. Archer J. concluded that the exclusion of children from the members of their father's family does not make sense. The ruling by Archer J. is important as it helped to redefine the interest of children and widows in the property of a man dying intestate. The widows and children no longer had to show any proof of interest in the form of financial contributions only but the intention of both parties to acquire a property was enough evidence to protect the rights of the widows and children.

In determining the share of a spouse in a marriage that has broken down, the courts in Ghana have alluded to the Matrimonial Causes Act, 1971 (Act 367). In a case *Mensah v Mensah* on appeal to the Supreme Court, the apex court was of the view that "what amounts to substantial contribution is determined by looking at the facts surrounding the acquisition of the property. The facts would lead to an inference that there was intention by the parties to own property jointly." This observation of the court is supported by section 20(1) of the Matrimonial Causes Act (1971) which states that:

The courts may order either party to the marriage to pay to the other party such sum of money or convey to the other party such movable or immovable property as settlement of property rights or in lieu thereof

as part of a financial provision as the court **thinks** just and equitable (Act 367).

This section sought to support the idea of equality is equity principle in the distribution of properties jointly acquired by spouses during their marriage. This position has been upheld by the courts as the appropriate way in which properties are to be shared. The Supreme Court held in the Mensah v Mensah case mentioned earlier that the principle that properties acquired during marriage becomes the joint property of the parties applies and such property should be shared equally if the marriage broke down leading to a divorce. The judiciary in marital cases involving sharing of property has resolved to apply the principle of equality is equity in order not to disadvantage any of the spouses to the dispute.

Wills Act, 1971 (Act 360)

The coming into effect of the Wills Act of 1971 has also helped to bring changes in the inheritance practices of Ghanaians. The Wills law gives the power to anybody of the age or above eighteen years to dispose of, in writing, any property which is his or hers which he or she has now or may be entitled in the future. The law makes provision for the execution of the will, executors and witnesses. A person now has the right to dispose his self-acquired property to any person of choice as far as the transaction does not conflict with the Wills law. Section 2 (1) of the law states: “no will shall be valid unless it is in writing and signed by the testator or by some other person at his discretion.” The Wills law makes it possible for a man, married under the customary law, to dispose of his self-acquired property to any one of his

choice. It however, does not affect the validity of oral testamentary dispositions made in accordance with customary law. In other words, the Wills law does not invalidate the decision of a man to orally dispose his self-acquired property (nsamansew) under the customary law.

The courts of Ghana have even given due recognition to the making of nsamansew. The basic purpose of an nsamansew is essentially to prescribe post mortem succession to the rights in property held by the testator. The will takes effect only on the death of the testator (Kludze, 1988). This position of the customary will taking effect after the death of the testator has been upheld by the courts of Ghana. The position of the courts on customary will has undergone changes. In an earlier ruling, Taylor J. in *Abenyewa v Marfo* sets out what he considered to be the requirements of nsamansew.

1. Only the self-acquired property of the testator of sound mind can be disposed of by nsamansew.
2. The disposition must be made in the presence of witnesses one of whom at least it seems must be a member of the testator's family and the witnesses must be told that the bequests are his nsamansew to take effect after his death.
3. The family of the testator must know and consent to the disposition.
4. There ought to be acceptance of the gift evidenced by the offering of aseda or the exercising of acts of worship or any act from which acceptance can be inferred depending on the circumstances of the case.

From Taylor, J, the consent of the family was important if the nsamansew was to be valid. This position of Taylor J was challenged by

Wiredu J. who in a similar ruling asserted that the requirement of the family's consent to perfect any form of alienation is no longer good law and is now dead and buried (Kludze, 1988). The ruling by Wiredu J. was affirmed by other rulings from the courts. In *Quashie v. Baidoo*, Akuffo-Addo, C.J. stated that the "the requirement that, the family must necessarily witness the transaction, has ceased to have any meaning in present day Ghanaian society in cases where the property is self-acquired property, and has therefore ceased to have any juridical significance" (Crabbe, 1998, p. 8). Francois, J.A. in *In re:Ohene (Decd), Adiyia v. Kyere* also confirmed the notion that informing the family in nsamansew was no longer tenable. He said that "to oblige a donor to summon members of his family to ascertain their consent or to witness a gift ceremony is to impose an undesirable fetter on the free exercise of a donative power" (Crabbe, p. 9). This ruling by Francois was supported in a similar ruling by the courts. Apaloo, reading the unanimous decision of the Court of Appeal, said as follows:

... The right of a man to do whatever he wishes with his self-acquired property being almost wholly absolute, the manner in which this right may be exercised ought not to be hemmed with formalities which either impede the free exercise of that right or render its exercise illusory (Crabbe, 1998, p. 10).

The rulings by the courts have brought changes to the customary will making process as the testator no longer requires prior knowledge of his family before he or she could dispose any self-acquired property. The customary law of today allows every Ghanaian full testamentary capacity to dispose all, or any portion, of his or her self-acquired property by oral will (nsamansew) in

favour of any person on whom he or she desires to bestow his bounty (Crabbe, 1998). This new thinking by the judiciary has been greatly influenced by the changing economic order. The new economic order meant a person could have an absolute interest in a property and could, thus, not be required to inform any one let alone his or her family of his or her intention to dispose the said property. Akuffo-Addo, C.J, in *Quashie v. Baidoo* remarked, “with the rapid development of the concept of absolute ownership in property, there has also developed a gradual whittling down of the traditional principles of custom relating to the disposition of property by property owners” (Crabbe, p. 8). His reasons for arriving at this conclusion was that if a property was not encumbered by any family claim, it sounds unrealistic for the property owner to inform the family and even seek their consent before disposing the property be it sale or gift.

Ghana is a signatory to a number of international human rights instruments, which all reinforce the equal rights of men and women and guarantee the protection of women from all forms of human rights violations. Notable among these international instruments are (i) Universal Declaration of Human Rights (UDHR) (1948) (ii) United Nations Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) (1979) (iii) United Nations Convention on the Rights of the Child (1989) (iv) Beijing Declaration and Platform for Action (1995). These international treaties have heavily influenced domestic legislations on human rights. These instruments have been domesticated in most of the laws that deals with the rights of every person in the country. The 1992 constitution of Ghana has incorporated these international instruments. Chapter five of the constitution deals with the

fundamental human rights of Ghanaians. The chapter has spelt out the various rights each Ghanaian is expected to enjoy. Notable among these are article 15 on the inviolable dignity of person, article 17 on non-discrimination and article 28 on the rights of children. The international instruments have largely influenced domestic legislations such as the legislation on inheritance rights, PNDCL 111 on intestate succession.

Intestate Succession Law (PNDCL 111)

The PNDC, in a bid to deal with the customary practice of inheritance and to ensure that women and their children were not denied access to the properties jointly acquired with their husbands and fathers, enacted a law to deal with issues of inheritance. The Intestate Succession Law (PNDCL 111) was enacted to provide greater protection than was provided under customary law for surviving wife and children of a person who died intestate (Kuenyehia, 2006). The law, according to Kuenyehia (2006):

...attempts to strike a delicate balance between the rights of the aforementioned people and the customary family by establishing specific portions of the estate to devolve on the various beneficiaries.

The surviving spouse and children of the deceased are entitled to one house and all household chattels (p. 396).

The intervention of the state with the enactment of PNDCL 111 agrees with the property rights theory where the state was expected to ensure that the vulnerable in the society such as widows and children were protected from being exploited. The law, as I discussed in chapter four, is well known among my respondents. While some of my respondents acknowledged applying the

law in the distribution of their self-acquired properties, others, especially some widows I spoke to, said though they knew of the law, they were unable to take advantage of the law to seek redress when they felt cheated by the family of their deceased husbands. This they attributed to the level of poverty in the community.

I must emphasise that the law was not enacted with the intention of supplanting the existing customary inheritance practices. What the law came to do was to bring equity in the distribution of the estate of a spouse if the other spouse died intestate. An important feature of the law is the attempt to redistribute the residue of the estate of the intestate in a manner that accords with common sense, fair play and justice (Daniels, 1987). The law has given the formula for the distribution of the estate of the deceased who died intestate. Sections 3 and 4 of the law stipulate that in the event of the intestate being survived by a spouse or child or both, they shall be entitled to:

1. The household chattel absolutely. The law defines household chattels to include jewellery, clothes, furniture and furnishings, refrigerator, television, radiogram, and other electrical and electronic appliances, kitchen and laundry equipment, simple agricultural equipment, hunting equipment, books, motor vehicles other than vehicles used for commercial purposes, and household livestock.
2. 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

3. 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

Having dispensed with the house and the household chattels, the law proceeds to distribute the remainder of the estate in specific fractions to its beneficiaries. The distribution as contained in the rest of the sections gives a large part of the estate to the surviving spouse and children. Parents who survived the deceased and the extended family were also catered for by the law. The law makes it an offence for a family to eject a surviving spouse and children from the matrimonial home before the distribution of the residue of the estate. The law, it can be said, is fashioned to ease the problems spouses and their children go through when they lose their partners and fathers. Despite the good intentions laid out in the law, it is not able to completely eliminate the discrimination women faced when they lose their husbands.

The law, in its original form, was fraught with challenges. Among these challenges was the failure of the law to recognise the fact that the Ghanaian marriage practice is potentially polygynous but sadly the law was written with only a monogamous marriage practice in mind. What happened to widows in the event of a man dying intestate in a polygynous marriage? The law also purported to give a uniform inheritance practices to the whole country without regard to the idea that inheritance practices differ from community to community. This may not be possible since, in Ghana, the inheritance practices of a community may either be the matrilineal or the patrilineal type. To impose

a uniform inheritance practices on the country without taking into cognisance the various inheritance practices of the various communities was problematic. The state, in a bid to remove these challenges, has put before the Parliament of Ghana a new Intestate Succession Bill, 2013. The bill was initially put before Parliament in 2009 but elapsed when the life of that Parliament came to an end in 2013. The bill was re-laid in Parliament by the executive, and the memorandum accompanying the bill, among others, stated that:

The object of this Bill is to remove the anomalies in the present law relating to intestate succession and to provide a uniform intestate succession law that will be applied throughout the country irrespective of inheritance system of the intestate and the type of marriage contracted (Intestate Succession Bill, 2013).

The bill highlights some of the shortfalls in the PNDCL 111 that it intends to correct. Some of these are the lack of provision for polygamous marriage where the deceased was survived by several wives and all the wives were expected to share the same fraction that the law stipulated for a surviving spouse. The bill is also to deal with the issue of joint acquisition of property and how this should be factored into the fraction of estate that the surviving spouse would be entitled to. The bill is intended to give a larger portion of the estate of the deceased to the spouse and children than is normally the case at present (Intestate Succession Bill, 2013).

Despite the shortfalls in the law and the attempt to remedy these shortfalls with the introduction of the 2013 bill, the law has made an impact on

a traditional practice that was not considered favourable to spouses and children (Dolphyne, 1991).

Changes in Customary Succession to Stools

The succession practices of the Assin, in particular have seen some changes brought about by the need to curb or minimise, to the barest minimum, succession disputes that tend to mar the sanctity and sacredness of the traditional political institution. These disputes have been brought about because the kingmakers have, in many a time, refused to abide by the customary practice of nominating a person who was customarily qualified to sit on the stool of his ancestors. Safohene Awere (personal communication, May 20, 2016) explained the reasons why there may be succession disputes. He opined:

Whenever a chief is about to be enstooled and it brings about conflict, then it means the right person was not selected to be made the chief. These days, because of greed and money, even those who are not royals and, thus, not qualified to be made chiefs are using their money to influence the process and also seeking to be made chiefs by bribing the kingmakers with money and material gifts. When such a person succeeds in being made the chief, even if you are a poor royal, you will not allow such an unqualified person to be the chief. You will resist and this will always lead to conflicts. When the right person is nominated to be enstooled as a chief, there would be no conflict.

These views of Safohene Awere were corroborated by Nana Kwantwi Barima (personal communication, December 2, 2016) who also remarked that before

any person is nominated to be a chief, his *suban*, character, is taken into consideration since a person who is deemed not to have *suban* and got nominated may be resisted by people and this may lead to succession dispute.

The points made by my two respondents are important in understanding the reasons for some of the succession disputes that have been witnessed in the country. Greed and corruption coupled with moral ineptitude have been identified by my respondents as some of the reasons that may lead to succession disputes in Ghana. These succession disputes have made the traditional authorities led by the National House of Chiefs and assisted by the state, to put in place legislations and measures to reduce some of the disputes that make succession practices destructive. The government of Ghana, in 2008, enacted the chieftaincy Act, Act 759 to regulate succession to stools and skins. The NHC, noting the numerous succession disputes, has also set, in motion, processes to codify customary succession to stools and skins in the country. The discussions below assess these interventions and evaluates their impact on the succession practices of the Assin.

Chieftaincy Act, 2008 (Act 759)

The 1992 constitution guarantees the chieftaincy institution. Article 270 (1) states, “The institution of chieftaincy, together with its traditional councils as established by customary law and usage, is hereby guaranteed.” In the bid to consolidate the institution, the Chieftaincy Act, 2008, Act 759 was enacted by Parliament to revise the Chieftaincy Act of 1971 to bring its provisions in conformity with the 1992 constitution.

The Act created three layers of traditional authority which consist of the Traditional and Divisional councils, the Regional Houses of Chiefs and the National House of Chiefs. The Act vests the authority to handle chieftaincy matters in the National House of Chiefs. The House is expected to:

- a. Advise a person or an authority charged with a responsibility under the constitution or any other law for any matter related to or affecting chieftaincy
- b. Undertake the progressive study, interpretation and codification of customary law with the view to evolving, in appropriate cases, a unified system of rules of customary law, and compiling the customary laws and lines of succession applicable to each stool and skin
- c. Undertake an evaluation of traditional custom and usage with the view to eliminating custom and usage that is outmoded and socially harmful

Fig. 4

Central Regional House of Chiefs (CRHC)



Source: Field work, 2016

The enactment of the chieftaincy Act has helped to bring sanity in the enstoolment processes. Enstoolment disputes have to a large extent been

minimised with the coming into force of the Chieftaincy Act. The Chieftaincy Act mandated the Houses of Chiefs to undertake the compilation of the customary laws and lines of succession applicable to each stool and skin in a particular traditional area. The Act vested in the Traditional Councils and Houses of Chiefs' jurisdiction over matters of succession to stools and skins. This responsibility has been vested in the judicial committee of the traditional councils and the houses of chiefs. The judicial committee is mandated to determine any succession dispute as to the eligibility of the nominated candidate to sit on a stool or skin. Some respondents I spoke with told me the importance of the judicial committee in helping to deal with succession disputes. Mr. Mamah made this point succinctly:

Without the committee, disputes would not be resolved. The Committee is very important since its absence would have led to chaos. Its presence has led to the amicable settlement of chieftaincy disputes (personal communication, April 8, 2016).

Mr. Opong, the officer in charge of the judiciary committee at the NHC in Kumasi, made a similar observation. He remarked:

The judicial committee helps a lot. Whenever cases are brought here, the litigants cease fire and await the final judgment of the committee. Just as the normal courts operate, no one can take any action so far as a case was before the judicial committee for adjudication (personal communication, April 15, 2016).

Brobbey (2008) makes a similar point when he opines that “the judicial committee of the traditional council is the appropriate forum to pursue a

dispute concerning a chief or queen mother, stool or skin below the status of the Asantehene, a paramount chief, a paramount queen mother, a paramount stool or a paramount skin” (p. 254).

In the event of succession disputes as to the eligibility of the person so nominated to occupy a stool, it was the responsibility of the traditional authorities to arbitrate and settle the succession disputes so as to prevent clashes leading to destruction of properties and deaths. The Chieftaincy Act (2008), Act 758, has made provision for customary arbitration of disputes. An Assistant Registrar at the CRHC, Gloria Banfor explains the process:

Arbitration is when both parties agree that a chief should sit on their case through arbitration. In this case, if someone petitions the House and opts for arbitration, the House would have to seek the consent of the other party if they would want the case to be settled through arbitration. The arbitration process functions as an alternative dispute resolution mechanism. No lawyer is needed. If a party disagrees, the arbitration process will not commence (personal communication, April 15, 2016).

Brobbey (2008) confirmed the role of chiefs as customary arbitrators of chieftaincy disputes. He stated:

By section 30 of Act 759, the law now recognises the power of chiefs to settle disputes by customary arbitration, subject to the conditions that the person presiding at the arbitration is a chief, that the parties consent to the chief settling the dispute in his capacity as customary arbitrator and that the dispute can be settled by applying customary law (p. 241).

The Act has helped to reduce succession disputes in the country by helping to ensure that the right persons and processes are followed in the enstoolment rituals. The enactment of the Act has also helped to strengthen the role of the indigenous religion in the succession practices of Assin in particular and Ghana in general. This is evidenced in the fact that it has helped to preserve the time tested customary practice of succession to stools and skins where the indigenous religion was paramount in the enstoolment processes. The Act has helped to reduce, to the barest minimum, the incidents of non-royals colluding with corrupt kingmakers to circumvent the time-laid-down customary practice of only qualified royals being eligible to ascend a stool or skin.

Codification of Lines of Succession

The National House of Chiefs, in consonance with the Chieftaincy Act and support from the MCTA, has begun the process of codifying the rules of succession in the various traditional areas in the country. This project has become necessary as a result of disputes that have arisen with regards to succession to vacant stools and skins. These disputes have arisen as a result of many factors. According to Nana Kwaku Appotoi IV, Aboabohene of Assin Attandasu Traditional Area (personal communication, May 10, 2017), disagreements among various gates as to the rightful occupant to the stool may result in succession disputes. Even where there is one recognised gate, succession disputes may arise if the son of the senior woman in the Abusua who may be qualified is overlooked and the son of a younger woman is chosen. Succession disputes may also arise if the kingmakers are suspected to have been compromised by an interested party and the right candidate

overlooked. It is for such reasons that the lines of succession to stools and skins are being codified. The main idea behind the codification processes is to discourage people who are not rightfully qualified to apply to be made chiefs from doing so as to preserve the sanctity of the succession processes to the office of a chief in Ghana.

This is an ongoing project and is expected to cover all the traditional areas in the country when completed. As at the time of this study only twenty-two (22) traditional areas have had their LIs passed by the Parliament of Ghana. The four traditional areas making up the Assin have not had their lines of succession codified as at the time of my field work. This project however is very important for the integrity of the succession practices. The project, it is hoped, could help in ensuring that the rightful candidates are made to succeed to stools and skins which would help to reduce the potential for some kingmakers to be compromised in the selection processes leading to enstoolment. The process is meant to deepen the role of the indigenous religion in the succession practices of the people as it helps to prevent any circumvention of laid down customary practice of succession in Ghana.

Chapter Summary

This chapter has discussed some of the changes that have attended the inheritance and succession practices of the Assin in particular, and Ghana, in general not forgetting how these changes have reinforced or undermined the indigenous religion of Ghanaians. The inheritance practices I noted have undergone some changes with the enactment of the PNDCL 111. Though this law has not fully dealt with the issues of inheritance, the law has, however, helped to ensure that the matrilineal customary law of inheritance that hitherto

regarded the women as not fit to have a share in the spousal property was changed. In a matrilineal society such as the Assin, the law has helped the people to know that, when they die, their spouses and children would be catered for. In order to ensure that the intestate succession law responded to current realities, an amendment bill has been sent to Parliament by the Government to deal with the shortfalls in the original law.

Other enactments such as the Will's Act and rulings by the courts have all helped to bring changes to the matrilineal customary inheritance practices of the Assin in particular and Ghana in general. The Wills Act, as was seen in the discussion, has now given legal backings to the customary will, nsamansew. The courts of Ghana have also had the course to intervene in the inheritance matters where disputes arose. The courts, as I noted, have moved away from the strict interpretation of the customary laws of inheritance as canvassed by the rulings of Justice Ollenu to the liberal approach as espoused by the rulings of Justice Edward Akuffo-Addo.

Under the succession rules, changes have also occurred on that front. The 1992 constitution's guarantee of the chieftaincy institution, the enactment of the Chieftaincy Act, 2008 (Act 759), the codification of rules of succession and the role of the judicial committees of the traditional councils in dealing with succession disputes have all helped in bringing changes to the succession practices in the country.

CHAPTER SEVEN

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Introduction

In this thesis, I have tried to examine the role of the IAR in the inheritance and succession practices of the Assin. Motivated by the disputes that have characterised inheritance and succession practices in Ghana, the thesis sought to analyse the fact that the presence or absence of the IAR in the inheritance and succession practices of the Assin may be responsible for these disputes. With the help of the property rights theory and the postcolonialism theory, the study sought to describe and evaluate the Assin concept of inheritance and succession practices as underpinned by their indigenous religion. This chapter concludes the thesis. It reviews the objectives set in the thesis, summarises the research findings, draws conclusions for the study and ends with some recommendations to guide future research.

Overview of the Thesis Objectives

This study was aimed at situating the role of the Indigenous Assin Religion (IAR) in their inheritance and succession practices. The purpose was that if the IAR was allowed to play a central role in the inheritance and succession practices of the Assin, the incidents of disputes that characterise the inheritance and succession practices may be minimised. The research design used was a phenomenological case study while applying the qualitative data analyses. The study was a case study because I used the Assin for an in-depth

study. The study was equally phenomenological because it afforded my respondents the opportunity to tell their stories from their perspectives.

In an effort to achieve this aim, the study examined the place of spouses and children in the inheritance practices of the Assin. The study also sought to find out the main reasons why succession disputes may occur in the study area. Even though my research did not reveal many succession disputes in the study area, it was important to find out the reasons why succession disputes may occur since this study has the potential of being generalised. Lastly, the thesis examined the changes on the inheritance and succession practices of the Assin, in particular, and Ghana, in general which include changes brought about by state interventions through legislations, interventions of the courts through judicial rulings, and review of customary laws of inheritance and succession.

Summary of Research Findings

This research covered two main subjects; inheritance and succession practices among the Assin. The summary of the research findings covered the two sections of the thesis.

inheritance

1. The study revealed that the Assin practices the matrilineal inheritance which makes women and children not members of the family of the man. This customary position of women and children in the matrilineal inheritance practice means that they are left at the mercy of the customary successors. My respondents, both male and female, were of

the view that this customary practice of inheritance was untenable and, thus, should be looked at again. This position of my respondents has received attention from the state and the judiciary. The state, through the Intestate Succession Law, PNDCL 111, has made it possible for spouses, especially, widows and their children to be entitled to portions of the estate of the deceased husband. Even though the law did not come to replace the matrilineal customary law of inheritance as it is practiced by the Assin, it helped to ensure that the customary practice that placed spouses and children at the mercy of the customary successor was challenged.

2. The importance of the Indigenous Assin Religion in facilitating the inheritance practices of the Assin came out strongly during the research. The role of the ancestors in the inheritance practice of the people came to the fore. The use of nsamansew is still prevalent in the study area. This practice, as was explained earlier, allows a man to make his intentions of giving part of his self-acquired properties to others with knowledge and consent of his family members and other witnesses. In doing so, he would call some elders and make known his decision. Afterwards, the decision is sealed with libation offering. The study revealed that because of the reverence they have for their ancestors, the customary successor would be inclined to fulfil the last wishes of the deceased since they cannot tell the consequences of their action.
3. The study also revealed that a man can make a gift of his properties to his wife and children while alive. My respondents indicated that the

transfer of the property would be considered customarily valid when the recipients present the aseda nsa to the father. This customary requirement, my research revealed, has, however, been set aside by the members of the community as well as judicial interventions. From the data analysed, some members of the community were of the opinion that they no longer feel obliged to inform their family members or seek their consent before they give part of their self-acquired properties to their spouses and children. The reasons, as was articulated earlier, is because it was with the help of their spouses and children that they were able to acquire the properties.

4. The judiciary has also intervened to bring changes to the customary inheritance practices. From the rulings of Justice Ollenu who supported the customary inheritance practice that denied spouses and children a share of the self-acquired properties to the ruling of Justice Akuffo-Addo that made that practice anachronistic, the inheritance practices have seen changes with men no longer afraid to leave their spouses and children part of their self-acquired properties without recourse to their family members. These changes to the customary inheritance practices supported the theories used as men could now decide who to give their self-acquired properties to without first informing their relatives as espoused by the property rights law.
5. The study also revealed that the non-adherence to the customary practice of successors taking care of the spouses and children of deceased persons contradicts the Indigenous Assin Religion which underpins the customary practice of inheritance. This idea came out

strongly in my interaction with some widows in Assin Kumasi. This has resulted in the practice by some families in the community to nominate a child of a deceased parent to inherit his or her parent instead of a sibling of the dead parent as was customarily required. Though this emerging practice has not gotten the blessing of the Omanhema, Nana Abena Gyamfua II, as she believes that the practice deviates from the established customary norm, some respondents I spoke with justified it as right and proper if they are to safe-guard the future of their children. This, they believed, is to prevent a customary successor from misappropriating the properties so inherited to the disadvantage of the surviving children of the deceased. This new position of making children customary successors to their deceased parents sit perfectly well with the postcolonialism theory which advocates for changes in the way things are done in the society.

6. Also, the study revealed that the people are much aware of PNDCL 111 on inheritance practices in Ghana. What came out of the research was the attitude of some widows towards making use of the law to address their challenges. For example, some widows in Assin Ochiso, though were aware of the law, still could not take advantage of it because of financial constraints. The situation was, however, different in Assin Kumasi where I found out that the community, being aware of the law, has ensured that no woman got cheated out of the estate of her husband if the husband died intestate.
7. As has been noted earlier, the Assin has the matrilineal family system that underpinned their inheritance practices. This meant that the wife

and children do not belong to the same family as the man. In situations such as this, whatever contributions the woman would have made to the success of her husband may amount to nothing because she would not be recognised as part owner of the properties by the family of the deceased man. It came out from the research that whatever properties a man acquired, his wife and children had substantial portion to themselves. This has been made possible by a combination of many factors. These days, due to Western education and dynamics in culture coupled with government interventions through legislations and the teachings of the Christian faith, the notion that the woman was not a part owner of her husband's properties no longer exist.

succession

1. The findings from the research revealed the strong influence of the indigenous Assin religion on the succession practices of the Assin. During the enstoolment processes of a chief in the study area, the IAR is appealed to in order to legitimise the new chief. In Assin Kumasi, I found out that, apart from taking the new chief to the stool room for his enstoolment, the chief-elect is also taken to a river, Akyisu Afua, where the chief-elect is made to take a ritual bath. This ritual bath is also an avenue to formally introduce the chief to the deity. The findings proved that without the central role of the IAR, succession to stools in the Assin area would not be complete. The central role of the IAR has helped to stem the incidence of succession disputes as the customary processes underpinned by the IAR as followed has helped to reduce the incidence of succession disputes in the study area.

2. Though the study revealed that succession disputes are less in the study areas, the few that have been recorded are receiving the needed attention of the Central Regional House of Chiefs. My search at the Central Regional House of Chiefs and the National House of Chiefs in Kumasi revealed that the importance of the Houses in managing succession disputes in the country in general, and Assin, in particular, cannot be overlooked. The chieftaincy Act of 2008 has given the judicial committee of the House of Chiefs the mandate to adjudicate on succession disputes and find amicable settlements. The study showed that the judicial committees of the House of Chiefs have succeeded in handling the numerous cases, and, but for their intervention, the succession disputes would have led to national security crises. It was evident from the data, that despite the financial constraints of the judicial committee, it has succeeded in managing the many succession disputes that have afflicted the succession practices.
3. To facilitate the succession dispute resolution mechanisms of the traditional councils of the country at large, the National House of Chiefs has started the codification of succession rules to stools and skins for the various traditional areas of Ghana. The House believes that when this project is completed it would help to eliminate the situation where people who were not qualified to be chiefs fomented trouble in the various traditional areas in a bid to be made chiefs.
4. One important criterion that came out during the field work is the educational background of a chief-elect. A new chief, especially of a paramount status, must be able to express himself in the English

language since he would be required to represent his people in national and international fora. The stance of the kingmakers on the educational qualification of a royal though not customary has become prerequisite since every traditional area would want to have as its Omanhene someone who can eloquently put forward the concerns of his people in the English Language before government officials and foreign visitors who may pay a visit to the paramountcy.

Conclusions

The findings from the study supported the research problem which indicated that the IAR has a role to play in the inheritance and succession practices of the Assin. The customary practice of inheritance backed by the IAR was found to be the reason women and children were denied access to the estate of their husbands when they died. The issue highlighted in the problem on whether the IAR may or may not be responsible for the problem inherent in the inheritance practices of the Assin was found to be justified. My respondents were of the opinion that the customary practice of inheritance was the reason why women and children were not recognised as members of the man's family since the Assin practised the matrilineal system of inheritance. This system of inheritance disadvantaged the women and children and made their contributions to the estate of the man unrecognised.

The result of the study validated the long held customary belief that women and children are not members of the man's family and thus are not entitled to any share of his property. What was evident in the study was that women and children could be given a share of a man's property subject to

customary practice of the man informing his family of his intentions. Despite the fact that the customary practice of inheritance as practiced by the Assin do not recognise women and children as part of the uterine family of the man, the intervention of the state coupled with the fact that men in the study area now feel the need to make their wives and children have more of their self- acquired properties has led to changes in the customary inheritance practices of the study area. The courts have also made far reaching decisions that have impacted on the inheritance practices of Ghana. The rulings have seen widows now considered as joint owners of self-acquired properties with their deceased husbands if they are able to show substantial financial contributions. The court rulings have also impacted on the customary will practice. The basic requirement of a man deposing of his self-acquired and expecting to inform and seek the consent of his family has been challenged and repudiated by the courts.

Furthermore, the study recognised the fact that the extended family system that is the pivot of the matrilineal family system as practised by the Assin is waning and most of my male respondents were of the view that their first priority is to their conjugal family. Their matrilineal family, though important, came second. It emerged from the data that the practice of selecting a sibling to inherit a deceased family member is being gradually replaced with a new practice of selecting the senior daughter of a deceased if she is a woman to inherit her mother. This practice, some of respondents believe, would help to ensure that customary successors do not use the properties they inherited to take care of their own children to the neglect of the children of the deceased.

Though this study affirmed the intervention of the state in enacting the Intestate Succession Law in 1985 to deal with issues of inheritance while highlighting that the law seems to have, in some instances, helped in solving the problems associated with inheritance practices, the study nonetheless, established that the law has not been effective in dealing with the problems associated with inheritance. The IAR has also not been effective in dealing with this problem as the customary practice of successors taking over the roles and responsibilities of the 'husband' and parents to the children of the deceased is not been strictly followed. This has left many widows and their children still at the mercies of the customary successors of their deceased husbands.

The role of the IAR in the succession practice of the Assin was well noted in the study. This study has shown that the IAR is at the root of the succession practices of the Assin. The succession practice is as political as it is religious. The IAR, the study revealed, underpinned the nomination, confinement and enstoolment processes. In the nomination processes, aside the personal qualities expected of a chief, the chief-elect must also be seen to be the choice of the ancestors and deities in the communities. The chief is a subject of a number of taboos.

The succession rituals have helped to keep the sanctity and sacredness of the chieftaincy institution. Rituals are a form of communication beyond the grasp of ordinary consciousness and articulation (Muller, 2013). In the succession rituals, the new chief, in the stool room ceremony, is reminded of his link to his ancestral forebears. At the same time, the ceremony serves a way of preserving his sacredness and respect for the ancestral spirits.

The study shows how the influence of IAR on the succession practices of the Assin, has help to maintain the dignity of the chieftaincy institution, which is the fulcrum of the succession practice. The IAR, has also, helped the traditional authorities, to follow the laid down customary practices of succession, in order to ensure that the right candidate was nominated to the vacant stool so as to avoid succession disputes.

This thesis, by no means, can claim to have dealt with all the issues concerning inheritance and succession in the study area. It is however expected that the study would generate enough interest among scholars to discuss other aspects of inheritance and succession in the study area. It is envisaged that such studies would help to illuminate the current attitude of the people in their practice of inheritance and succession.

Recommendations

The state of Ghana should consider empowering widows to enable them become financially independent. It came out from the data that a lot of these widows are left at the mercies of the customary successors who many a time renege on their promise to take care of the widows and their children. The widows could be empowered through education to enable them take advantage of the intestate succession law so as to seek legal help from the Legal Aid Board.

The traditional authorities should be encouraged to remove those cultural practices that are inimical to the wellbeing of widows. Aspects of cultural practices such as the widowhood rites that, in some cases, dehumanise the widows must be considered for total abolishment. It must be noted that this

practice has been done away with in Assin Attandasu Traditional Area—the situation in Assin Ochiso which is under Assin Apemanim Traditional Area has however not changed much. My recommendation is that the state should partner with the NHCs to impress on the various traditional areas in the country to completely abolish those aspects of the inheritance practices that deny widows and their children a share in the deceased husband's properties. Even though this was the main import for the enactment of the Intestate Succession Law, PNDCL 111 and has been enforced by the judiciary, there are still the practice of many widows and children who, as a result of poverty, are deprived of the entitlement to their share of the estate of their deceased husbands who died intestate by the customary successor.

Since chieftaincy is an important institution, the codification of succession rules should be expedited to ensure that all the traditional areas of the country are covered. This would help in ensuring that only those who are eligible to succeed to a stool or skin are offered the chance so as to avoid succession disputes. It is further recommended for the judicial committees of the Houses of Chiefs to be well resourced financially and be provided with Counsel timeously to enable them adjudicate and deliver judgment on cases brought before them, especially, those that bother on succession disputes since their lingering in the Houses tend to encourage prolonged disputes. As at the time of my research at the Central Regional House of Chiefs, the judicial committee was unable to sit because the Counsel that assisted the committee has been appointed a High Court Judge and no replacement has been done.

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Appendix A

List of Interviewees

1. Odeafuo Kwantwi Barima, Acting President, Assin Attandasu Traditional Council.
2. Nana Abena Gyamfua II, Omanhema of Assin Attandasu Traditional area.
3. Abusuapanyin Kwesi Ntsiful of the Royal Assinie Abusua.
4. Nana Appiah Nuama II, Gyasehene, Assin Attandasu Traditional Area.
5. Nana Asiedu Wera, Apagyahene, Assin Attandasu Traditional Area.
6. Nana Damfo Amoako III, Apagyahene, Assin Attandasu Traditional Area.
7. Nana Kwaku Appotoi IV, Aboabohene, Assin Attandasu Traditional Area.
8. Nana Afikurah III, Kona Abusuahene, Assin Kumasi.
9. Nana Dokuaa, Kona Asokore Obaahema, Assin Kumasi.
10. Safohene Awere, Kona Abusua, Assin Kumasi.
11. Abusuapanyin Kobinah, Kona Asokore Abusua, Assin Kumasi.
12. Focus Group Discussion with eight (8) widows at Assin Kumasi.
13. Nana Ohemeng Awere, Nifahene of Assin Owirenkyi Traditional Area.
14. Madam Rose Buckman, Registrar, Assin Attandasu Traditional Area.
15. Opanyin Ennin, Caretaker, Assin Attandasu Omanhene's palace.
16. Nana Ampomah, Regent of Assin Ochiso.
17. Abusuapanyin Kwame Affum, Assin Ochiso.
18. Opanyin Yaw Amoako, Assin Kumasi.
19. Focus Group Discussion with twelve (12) widows at Assin Ochiso.

20. Mr. Mamah, Central Regional House of Chiefs.
21. Mr. Keku Sheburah, Central Regional House of Chiefs.
22. Ms Gloria Banfor, Central Regional House of Chiefs.
23. Mr. Oppong, National House of Chiefs, Kumasi.

Appendix B

Semi- Structured Interview Guide

THE ROLE OF THE INDIGENOUS ASSIN RELIGION IN THE PRACTICES OF INHERITANCE AND SUCCESSION OF THE ASSING

This semi-structured interview guide is intended to solicit from respondents, valuable information to establish the role of the indigenous Assin religion in their practices of inheritance and succession. The interview will cover broad areas including but not limited to the following:

1. A brief history of the community
2. The kinship systems in operation in the community
3. The various clans that are in the community
4. **Succession rules in the community**
 - i. Who was qualified to succeed to a stool?
 - ii. How was a candidate selected?
 - iii. What were the processes of enstooling a new chief?
 - iv. What is the religious significance of placing the new chief thrice on the stool as part of the enstooling rituals
 - v. What are some of the taboos a chief must obey while on the stool?
 - vi. What will make the Oman call for the destoolment of a chief?
 - vii. Has there been a case of destoolment in this community?
 - viii. What are some of the religious rituals a chief is obliged to undertake?
 - ix. Who is an Abusuapanyin and Obaapanyin in this community?

- x. How does one get elected as Abusuapanyin and Obaapanyin?
- xi. What role do they play in the nomination and enstoolment of a new chief?
- xii. What is the oath that a new chief is expected to make in his public swearing rites?

5. Inheritance rules in the community

- i. What types of marriage do you practice in your community?
- ii. How do you contract marriage in your community?
- iii. What are the customs regulating inheritances in the community?
- iv. Who was qualified to inherit the property of a deceased person in the community?
- v. The right of the wife to inherit her husband
- vi. The right of children
- vii. The right of adopted children
- viii. How does the community adopt children?
- ix. Is there a case of illegitimate children in this community?
- x. What right do they have to inherit their father?
- xi. Do you have the concept of will making in your community?
- xii. What do you call it and how was it executed?
- xiii. What will happen if the traditional will was not enforced?
- xiv. What is the role of the Abusuapanyin in the inheritance processes of your community?
- xv. Are contributions of women to property acquisition recognised by custom?

- xvi. Are wives and children excluded from the distribution of a deceased property?
- xvii. Can the Abusuapanyin be sued for misappropriating family properties?
- xviii. What is the preferred marriage in the community? Customary or ordinance?
- xix. Can someone be disinherited?