

Culture, Law, and Social Policy: Changing the Economic Status of Ghanaian Women

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I. INTRODUCTION

Historically, a woman's traditional position in the home has conflicted with her ability to enter the public arena and to shape public policy. Although the rhetoric of African states suggests otherwise, this conflict has been a continual and recurrent problem for African women, both in colonial and in postcolonial times.¹ How are African women to deal with the imbalance between public and private roles, between traditional roles and modern expectations? How are they to balance their own needs and responsibilities against the state's need to channel women's labor into export industries?² Faced with these tensions, African judges and policymakers have recently attempted to alter inheritance and land laws that restrict the economic status of women and limit their ability to participate fully in economic development.

African policymakers attempting to improve the status of women and to involve them in economic development face demands on multiple levels. On one level, these policymakers face resistance from their own rural population, which adheres to traditional ideas and structures. On another, they are encouraged by westernized urban African elites who accept modern ideas about women's roles, but who have difficulty introducing these ideas into their own cities. Lastly, they are pressured by global actors who have the leverage to impose norms that are only theoretically followed in their own societies.

Using the Akan or Asante women of Ghana as a case study,³ this paper argues that through the development and empowerment of local cultural organizations, women in developing countries can best improve their economic status without coming into conflict with cultural traditions. To be most effective, international organizations trying to improve the status of women should

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1. This conflict exists for women in African society, in states that achieved independence peacefully and in states that have achieved independence through wars of liberation. The "women versus national interests" conflict has taken various forms, but the outcomes have been similar. Rhetoric promising equality for women is popular during the nationalist, or mobilization, phase to gain women's support, but it declines afterward as national economic "needs" take priority over women's "interests."

2. In general, African economies are not diversified. More than 70% of the population is likely to be engaged in agriculture, and most countries are highly dependent upon one or two main export crops or on an extractive industry such as copper mining. Women represent the majority of the rural agricultural producers, although they play virtually no role in the extractive industries.

3. Akan refers to an ethnic grouping of Twe-speaking people in Southern Ghana, one branch of which, the Asante, formed the basis of the historic Asante kingdom.

not attempt to impose their values on developing nations, but should instead assist in the development of local cultural organizations.

II. THE HISTORICAL AND CULTURAL CONTEXT OF WOMEN'S ECONOMIC ROLES IN GHANA

Many of the difficulties faced by African women derive from the confrontation between traditional cultural norms and Western colonial and global institutional norms. The degree of this confrontation varies throughout the developing world. The problems facing the Akan women in Ghana demonstrate the intensity of this confrontation and the various approaches to solving it.

Traditional Akan society (located in what is now Ghana, formerly the Gold Coast) was economically dependent on extensive horticulture and mining. Akan society was matrilineal, meaning that descent and inheritance passed through the female line. This kinship and marriage system shaped Akan family, gender, and economic roles. Husbands had access to and cultivated the land of their matrilineages, and wives often shuttled between the homesteads of their own and their husband's matrilineages. Since a woman's children would inherit property from her family rather than from her husband's, she performed agricultural work for her family even after marriage. In contrast, the labor she performed on her husband's land was considered neither socially important nor economically significant. A man's traditional heir was his sister's son; a woman's children inherited from her brother. Neither wives nor children could inherit property from, respectively, husbands and fathers. The British, who began administering the area in 1821, considered this pattern of kinship, marriage, and inheritance paradoxical, and they were surprised to discover that inheritance and property rights were generally of no concern to the traditional Asante state.⁴

The socioeconomic and political conditions that shaped the development of the Asante state help explain why Akan women were traditionally denied inheritance rights within this matrilineal system. Few African states actively regulated women's rights and inheritance law; instead, these realms were governed by the family.⁵ Furthermore, there was no sense of private ownership over the enormous tracts of land used for horticulture, given that early African states were more interested in controlling income-generating people than in controlling land.⁶

4. R.S. RATTRAY, *ASHANTI* 40-41 (1923).

5. S.K.B. ASANTE, *PROPERTY LAW AND SOCIAL GOALS IN GHANA 1844-1966*, at xviii-xix (1975); see also Meyer Fortes, *Kinship and Marriage Among the Ashante*, in *AFRICAN SYSTEMS OF KINSHIP AND MARRIAGE* 252, 261 (A.R. Radcliffe-Brown & Daryll Forde eds., 1950).

6. JACK GOODY, *TECHNOLOGY, TRADITION, AND THE STATE IN AFRICA* 22-25 (1971).

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Although the British imposed British Common Law on Ghana during the colonial period, traditional Asante law and customs survived, especially at the local level.⁷ As S.K.B. Asante noted, although British authorities outwardly accommodated indigenous law and its supporters, in practice they treated customary law with veiled contempt.⁸ In an attempt to stimulate economic development and encourage Africans to generate surplus production for Western markets, the colonial administrators forcefully tried to alter the traditional land law in the 1890s. They were thwarted by an emerging African elite who asserted that the proposed land law would be economically and politically unjust for the ordinary people and would irreparably harm the rights of women and children.⁹

Although the Gold Coast elite were able to protect traditional land rights and safeguard matrilineal inheritance patterns to a certain extent, Christianization fostered significant changes in the status of women. For example, the Marriage Ordinance Law of 1884 was backed by the missionaries, the emerging Christianized elite, and some British officials. This new law recognized the conjugal family, monogamy, and intestate succession by the widow and her children to the major share of a deceased husband's property. Some of the emerging elite, such as John Sarbah, later supported and obtained amendments to this law to accommodate the Akan tradition whereby a person could bequeath property to mothers and matrilineal kin through oral wills (*saman-siw*).¹⁰ Sarbah sought to respect tradition by recognizing polygyny and matri-

7. As early as the 1880s, customary law was in transition as the Asante bureaucrats reacted to new opportunities created by the Western presence and the beginning of a money economy. See GWENDOLYN MIKELL, *COCOA & CHAOS IN GHANA* 47-78 (1989). Gradually and reluctantly, the chiefs and representatives of customary law courts, often with British officials in attendance, began at local levels to deal with domestic matters and communal disputes.

8. ASANTE, *supra* note 5, at xxi-xxiv. For example, the renowned Justice T.O. Elias and others cite the case of *Angu v. Antah*, Gold Coast Privy Council Judgements 1874-1928, at 43 (1916), as establishing the rule whereby customary law must be established and familiar to the court before it will be applied. This rule was applicable in British courts, not native (chiefs') courts. Upon independence in Ghana, this rule was officially revoked with the Courts Act of 1960, which provided "that customary law should no longer be treated as a matter of fact, but as law." Courts Act, 1960, § 67(1) (Ghana) (on file with author); see also T. O. ELIAS, *THE JUDICIAL PROCESS IN COMMONWEALTH AFRICA* 26-28 (1977).

9. In 1894, the Legislative Council under Governor Sir W. Brandford Griffith posted an Ordinance Bill intended to vest "waste lands, forest lands, and minerals in the Crown." It provoked an outcry among educated Africans like John Sarbah, who claimed that the law was an "encroachment upon their natural right of absolute ownership of their lands and the fundamental change of their status to that of mere holders and settlers Not only are the bonds of society to be snapped but family ties are to be broken and family relationships destroyed." See AZU CRABBE, *JOHN MENSAH SARBAH 1864-1910: HIS LIFE AND WORKS* 15-26 (1971). These elites, including Casely Hayford and Sarbah, formed an association called the Aborigine Rights Protection Society, whose function was to monitor colonial legislation in the interest of the people of the Gold Coast. The Society's response is included in CASELY HAYFORD, *GOLD COAST NATIVE INSTITUTIONS* 382-97 (1903).

10. Marriage Ordinance, 1951, ch. 128, § 48 (Gold Coast) (on file with author), provides that when a person dies intestate, one-third of his property is disposed of according to customary law and two-thirds according to British law. Since British law provides for intestate succession by a widow and her children, they will therefore receive two-thirds of a man's property under the Marriage Ordinance of 1951.

lineal lineage while protecting the rights of monogamous wives and nuclear families to inherit under Ordinance marriage.

The new elite, many of whom were lawyers, had sought to conflate Akan customary law with the requirements of contemporary life and British law. The attempt to meld customary law with colonial legislation resulted in the homogenization of the many legal systems found in Ghanaian society in favor of the dominant Akan system. According to scholars, the "basic principles" of Ghanaian customary land law reflect this process.¹¹

The basic Akan legal principles (*efiesem*) are the legal norms defining and legitimizing a large range of domestic behavior for people in the southern matrilineal areas of present-day Ghana.¹² *Efiesem* developed from the daily experiences of the horticultural Akan who lived in a heavily forested area during the past century.¹³ As with most customary African laws and norms,¹⁴ they were constantly reinterpreted in family discussion (*abusua palaver*) to accommodate contrasting opinions and interests. Colonial rule prompted an intense redefinition of *efiesem* among certain groups. Disgruntled Akan women were one of the principal groups that sought to take advantage of British colonial sentiment in order to change the status of African women.¹⁵

As property was increasingly privatized under British rule, one of the major issues facing women in rural Ghana became access to land. The British District Commissioners in the 1920s and 1930s reinterpreted customary law to give greater recognition to private property and the rights and duties of landowners.¹⁶ The introduction of cocoa cash-cropping and claims of private ownership of productive cocoa farms fueled such controversies. For example, Akan society began to ask to what extent a family had to work a piece of land before the community automatically considered it lineage property. Likewise, under what circumstances would a community accept the alienation of land worked primarily by individuals? The colonial court system addressed these

11. N.A. OLLENNU, PRINCIPLES OF CUSTOMARY LAND LAW IN GHANA 5-6 (1962).

12. ASANTE, *supra* note 5, at xix.

13. On the daily experiences of the horticultural Akan, see Ivor Wilks, *Land, Labour, Capital and the Forest Kingdom of Asante: A Model of Early Change*, in THE EVOLUTION OF SOCIAL SYSTEMS 487-534 (J. Friedman & M.J. Rowland eds., 1978).

14. The search for factors influencing social change and reinterpretations among the Akan leads us back to earlier anthropological attempts to understand individuals whose behavior poses a challenge to the cultural norms of a society, and how and why those challenges are brought back within the confines of ordinary social discourse. See MAX GLUCKMAN, CUSTOM AND CONFLICT IN AFRICA 81-108 (1965) (analyzing social dissatisfaction that creates witchcraft accusations); Iris Berger, *Rebels or Status Seekers? Women Spirit Mediums in East Africa*, in WOMEN IN AFRICA: STUDIES IN SOCIAL AND ECONOMIC CHANGE 157 (Nancy Hafkin and Edna Bay eds., 1976) (analyzing gender, social structure, and spirit possession); Tim Allen, *Understanding Alice: Uganda's Holy Spirit Movement in Context*, 61 AFR. 370 (1991) (investigating Alice Lakwena movement challenge to Uganda's government).

15. One important issue was whether a woman was married and could be defined as a "wife" if she had been pawned involuntarily to a man to satisfy a debt. See MIKELL, *supra* note 7, at 68-69, 116-17.

16. *Id.* at 84-85.

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questions in cases brought by male descendants. Women rarely used the court system on their own;¹⁷ instead, they turned to the traditional "Queen Mother" system to settle disputes.¹⁸

The characterization of newly privatized property as male-owned or female-owned generated additional concerns. In Akan law, all property had a "personality" element; certain types of property were considered inherently female and other types inherently male. Since land had never been private property in the past, land did not automatically fit into either of these categories. Thus, much confusion arose over whether female-owned farms were "female property" to be given to females or "lineage property" to be inherited by males. Transfer of personal property through wills was highly contested. In fact, the Akan often negated written wills entirely in favor of customary inheritance law.¹⁹ My own survey in the Brong-Ashanti matrilineal area indicated a tendency to convert a woman's farms and land into lineage property after her death, regardless of the existence of a will.²⁰

Given the importance of lineage solidarity and corporateness in traditional Akan society, and despite British reforms, inheritance law had little concern for "gender justice." Women were considered structurally and ritually important as mothers and sisters. Moreover, women were considered valuable resources to be married off to benefit the lineage. However, women were seldom considered legitimate inheritors.²¹ Recently, though, several factors have prompted the reinterpretation of customary property and inheritance laws. Women and children currently receive less economic support from their matrilineages in a time of general impoverishment. Today, Akan youth believe that they should be supported by their fathers, and women feel that they

17. Personal communication from Professor Tekyiwaa Manuh, a lawyer and faculty member of the Institute of African Studies, at the University of Ghana-Legon. Professor Manuh is currently collecting oral histories of women's cases in traditional queen mother courts in Akan areas. For a general account of the effect of law on Akan women, see TEKYTWAA MANUH, *LAW AND THE STATUS OF WOMEN IN GHANA* (1984).

18. The "Queen Mother" is a member of the royal family, usually the aunt or sister of the chief. She is responsible for all women in the clan; when a woman is unable to resolve a domestic issue within her family, she can turn to the Queen Mother for guidance. See Fortes, *supra* note 5, at 256-57.

19. One Asante legal maxim is stated as *osaman kye adie a, na wanhu kye a, na oteasefo kye bio* (when a ghost has made an improper distribution of his private property, the living will make a new one). R.S. RATRAY, *ASHANTI LAW AND CONSTITUTION* 339 (1929).

20. Gwendolyn Mikell, *Filiation, Economic Crisis, and the Status of Women in Rural Ghana*, 18 *CAN. J. AFR. STUD.* 195 (1984). This behavior raises the question why such women had not made an oral will (*samansiw*). Did they construe their written desires to be the *samansiw*, or did they perceive that the making of a *samansiw* would move their concerns from the domestic *efiesem* category to a more public one?

21. A notable exception was the discussions regarding "justice" for females in the Kumasi Council of Chiefs—the center of the customary legal structures for Asante. The chiefs debated whether some modification of inheritance law was in order, since matrilineal custom excluded wives from sharing the benefits of farms they had helped their husbands to create. Legal modifications were never passed in the Council due to the intensity of support for custom among the chiefs and disagreement among the populace. See K.A. BUSIA, *THE POSITION OF THE CHIEF IN THE MODERN POLITICAL SYSTEM OF ASHANTI* 123-27, 173-74, 182-83 (1951).

deserve some portion of the private property controlled by husbands whom they have helped.

Contemporary Akan women complain loudly that divorce, polygyny, and the traditional patterns of separate residences have diminished the support they receive from their husbands. They claim that many men contribute little to the children's support, and that most men cease to make any contributions following divorce. Furthermore, few women receive gifts of land, farms, or cash from living or deceased husbands. Traditional heirs often refuse to provide housing and maintenance for a widow and her children. As a result, the economic destitution of women and children in both urban and rural areas is now an acute national problem.

When considering the economic position of Akan women and their present role in national development, one must remember that traditional leaders have approached the problems of economic justice for women with some hesitation. Although these leaders have granted women the right to divorce men who persistently default on economic obligations, they still discourage widows from going to court to demand property from deceased husbands' estates. However, these leaders do encourage families to "give a little something" to widows when economic injustice is glaring, or persuade customary heirs to allow widows and children to reside in houses inherited from the deceased. This hesitant approach to addressing women's problems does not suffice. The steady incorporation of African societies into the global economy and the growing individualization of economic behavior have increased women's domestic burdens as men react to economic difficulties by migrating in search of work, leaving their families behind to support themselves. Moreover, both husbands and lineages increasingly demand that women work to produce goods for the global marketplace. Despite these changes, women's rights and duties are still defined by the traditional legal system, rather than by the modern system of relations based on individual private property.

III. STATE POLICIES AND WOMEN'S ROLES IN DEVELOPMENT

African leaders have been hesitant to deal with women as autonomous economic actors. Kwame Nkrumah, who led Ghana to independence, understood the role that women played in the economically important production of cocoa and welcomed the support of women's organizations in the struggle for independence.²² However, he took no concrete steps to redress public and

22. Nkrumah's Convention People's Party platform in 1960 included this promise: "If you are a market woman, the CPP offers liberal loans; expanded market space." DENNIS AUSTIN, *POLITICS IN GHANA 1946-1960*, at 388 (1964). However, Nkrumah's promises were not fulfilled, and his attitude toward market women worsened as the country's economic problems worsened. Siri Karlin Wood, *Women of Commodity: The Marginalization of West African Market Women*, 8 *THE MERIDIAN* 57, 66-67 (1990).

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private inequalities between men and women or to enable women to participate in mainstream economic sectors. Early leaders such as Nkrumah believed that women would be emancipated by free universal education. Yet they failed to recognize that traditional cultural patterns and economic demands on girls and women would act as barriers to mobility through education.

Nkrumah's ill-fated decision to accumulate foreign exchange by exporting cocoa prevented market women from buying goods abroad and ultimately contributed to his downfall. Nkrumah never understood that many market women depended upon their meager earnings to support their families. He incorrectly perceived the women's demands for laws to enhance their economic status as contrary to his socialist economic policies, and thus as a threat to the economic advancement of the state. When a military coup deposed Nkrumah, market women joyfully paraded through the streets of Accra waving palm branches.

The presidents who immediately followed Nkrumah took almost no action to ameliorate the economic plight of women. In the mid-1970s, some discussions of marriage reform took place, accompanied by a growing sentiment in favor of improving the status of wives. However, considerable diversity of opinion remained on the issue of changing the inheritance law. In fact, little effort was made to grant women new legal rights except in their status as wives, and even this limited reform was controversial.

Political instability in Ghana during the late 1970s created extreme economic chaos. Ghana's monocrop economy was devastated by the drop in world cocoa prices and by subsequent social dislocation. Waves of young men deserted the rural areas and migrated to Nigeria, where the oil-export industry was booming. The abandonment of the crop export sector and a return to subsistence farming did not solve the problems, because the country still lacked money for needed supplies.²³ Under these conditions, rural women were unable to generate income in the agricultural sector,²⁴ and more than sixty percent of urban women engaged in marketing earned such small profits that they might as well have been unemployed. The United Nations Decade for Women, 1975 to 1985, thus provided some welcome relief for women in Ghana. Ghanaian women's organizations reacted to U.N. initiatives by participating in discussions of the economic status of women and by encouraging

23. Peasants complained that the producer price was so low that they could not afford the inputs—the sprays, cutlasses, and fertilizers—that would keep cocoa trees producing. These complaints raised larger issues about the differential between the world price and the prices paid to producers, and whether an exploitative state was in essence an "anti-development" state because it destroyed local producers. In the mid-1970s, the producer price across the border in Ivory Coast or Togo—which had always grown less cocoa—was four or five times higher than Ghana's producer price, and many said that this difference encouraged Ghanaian cocoa farmers to smuggle cocoa across the border. See MIKELL, *supra* note 7, at 195-205.

24. See Christine Oppong et al., *Women Power: Retrograde Steps in Ghana*, 18 AFR. STUD. REV. 71 (1975).

churches and women's associations to formulate short-term strategies for improving women's contributions to the economy. Many women's cooperatives began to manufacture essential items like soap and hemp bags. Like the U.N., the women hoped that their efforts would facilitate their continued involvement in development planning.

Unfortunately, women's attempts to organize so as to improve their economic status met with political skepticism and hostility. Market women in particular confronted special difficulties. The government accused them of hoarding essential commodities to elevate prices, creating national economic instability, and enriching politicians at the expense of the people.²⁵ In a dramatic illustration of this developing hostility toward women, the government burned down the central marketplace in Accra and executed a female judge as a warning to women in 1979.

Notably, most of the U.N. officials who were in Ghana to promote the Decade for Women were male. The persistence of this institutionalized sexual division of labor in U.N. activities undermined efforts to include local women in many development activities. Although the Ghanaian government created a National Council on Women and Development (NCWD) to coordinate women's development projects within the Community Development division, and sponsored new initiatives within church groups, agricultural cooperatives, and village Women in Development (WID) groups,²⁶ these projects were both poorly funded and poorly organized. In the NCWD, male members sometimes overlooked the ideas of women members. Even after Lieutenant Rawlings came to power in 1984, women were conspicuously absent from his efforts to mobilize society and to modernize the export economy through the formation of work groups. Women in rural areas who were not recruited for the "mobi-squads" that worked to revive the cocoa industry²⁷ were excluded from the upwardly mobile segments of rural communities during the late 1980s.

This persistent pattern of exclusion from development activities and from access to land, labor, and credit continues to harm the economic status of women. Recently enacted laws, political structures, and policies for development have not significantly improved this situation.

25. BARBARA HARRELL-BOND & ANNE FRAKER, *WOMEN AND THE 1979 GHANA REVOLUTION* (American Universities Staff Reports BHB-1-'80, 1980).

26. NATIONAL COUNCIL ON WOMEN IN DEV., *REPORT* (1976) (on file with author). The Women in Development movement began during the U.N. Decade for Women and has sought to involve women in local development projects.

27. Young men returned to Ghana's rural areas in 1983 when the government recruited them in agricultural "mobi-squads" that worked on a cooperative basis to revive cocoa farms and food farms in the south. This activity increased the economic stability of men, but women did not share in these benefits. Men now usually farm as individuals or as part of mobi-squads to which women do not belong. See Gwendolyn Mikell, *Peasant Politicisation and Economic Recuperation in Ghana: Local and National Dilemmas*, 2 J. MOD. AFR. STUD. 455, 464-66 (1989).

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IV. LEGAL AND POLICY CHANGES TO ENHANCE THE ECONOMIC STATUS OF WOMEN

Faced with strong global and domestic pressures to empower women, the Provisional National Defense Council (PNDC) enacted a number of legal reforms guaranteeing economic rights to women in 1985. The Intestate Succession Law guaranteed widows a 3/16 share of a deceased husband's property, children a 9/16 share, parents a 1/8 share, and the matrilineal family a 1/8 share.²⁸ Through this law, the government sought to promote the "conjugal family." The new Marriage Registration Law required the registration of all marriages.²⁹ The Administration of Estates Law allowed a designated heir to control and administer a decedent's estate in accordance with an existing will, or in accordance with letters of administration, which may be issued under the Intestate Succession Law.³⁰

These laws, however, failed to include women as autonomous economic producers. Consequently, they failed to address a number of significant factors that affect women in the developing world.³¹ A review of twenty-five recent High Court cases brought under these laws in the Brong-Ashanti region³² of Ghana revealed persistent obstacles faced by women in their attempts to acquire land and farms, and highlighted the continuing contradiction between Western law and traditional norms of behavior regarding women and property.

These twenty-five cases from the 1990 docket of the Sunyani High Court reveal the difficulties women face in obtaining control or ownership of farms to which they have contributed crucial labor. The majority of cases involved wills or intestate succession disposing of cocoa farms, unplanted farmland, houses, and multi-story buildings. Almost without exception, the proceeds from cocoa farms were used to acquire other forms of property. Males—either

28. Intestate Succession Law, 1985, PNDCL 111, GPC A101/10,000/2/86 (Ghana).

29. Customary Marriage and Divorce (Registration) Law, 1985, PNDCL 112, GPC A103/10,000/2/86 (Ghana).

30. Administration of Estates (Amendment) Law, 1985, PNDCL 113, GPC A401/10,000/2/86 (Ghana).

31. Over the past eighteen years, I have done ethnographic work, surveys, and data-gathering on customary behavior and cultural change in the export cocoa farming sector. I have also conducted research in the Family Courts and the High Courts in the capital city of Accra and in Sunyani, the capital city of the Brong-Ashanti region. This experience gave me some ability to see beneath the transcripts and analyze and interpret the verbal evidence of parties as they contested the economic issues. Since obtaining access to court materials is a politically delicate process whether the researcher is an insider or an outsider, I could not use cameras, tape recorders, portable photocopiers, or even typewriters. All data were recorded by hand.

32. The inhabitants of this rich cocoa growing and exporting region are predominantly matrilineal Akan who have had some precolonial historical contacts with resident Islamic trading populations. The cocoa-growing peasants, here the Brong-Ahafo, were the largest contributors to the country's cocoa wealth between independence in 1957 and 1974.

Six of the twenty-five cases examined involved Akan Muslims, while three others involved Muslims from other areas of Ghana. For a description of the dynamics of Akan-Muslim interactions and its implications for cocoa farming elsewhere, see MIKELL, *supra* note 7, at 128-32.

uncles, brothers, or sons—constituted the major group of applicants requesting rights of inheritance, letters of administration, or probate for a will. However, one of the deceased's widows was frequently the second plaintiff, and her claims determined the arguments in the case.³³ Ironically, while the testimony of wives who had helped their husbands to establish cocoa farms was a significant part of the proceedings, wives seldom obtained sole control of the farms. Although in a number of cases the decedent's will left specific farms and buildings to his widow, the decedent's family frequently challenged these provisions.³⁴ The decedent's male family members sometimes angrily charged that "the widow has no right to apply for Letters of Administration without the assistance of the [deceased's] Head of the Family."

Rural communities have not yet publicly recognized the contribution of women's labor or decided to compensate their labor with financial rewards and improved access to resources. In practice, the labor of wives on their husbands' cocoa farms has produced property with great monetary value. However, traditional Akan society refuses to reward women's labor even in this circumstance. Rural families tend to prefer the traditional view that a woman's labor and her property belong to the matrilineage, and that any work done on behalf of a deceased husband is "uxorial labor" that need not be compensated. In most of these cases, women were reluctant to bring domestic property cases into court. The widows and children hoped that families would behave morally by helping to maintain them and educate the children from the proceeds of the husband's or father's estate. However, where the families did not accede to their requests, the widows had no alternative but to turn to the law and demand access to the deceased's resources in court.

Women fault the law for lacking the "teeth" necessary to encourage men to treat them fairly in the division of property. Although judges and bureaucrats have granted women legal rights to inherit property, women still hesitate to bring cases into court. Few can afford legal counsel, and most women cannot endure the social tensions produced within the family when they pursue their claims. They know that after the case has been heard and the property has been awarded, life will be difficult among kinfolk who are prepared to accuse them of having acquired their property through "witchcraft." Women say that the law has failed to help them because it has not imposed reforms on the local level. Families still undervalue women's work contribution and refuse to take national legislation seriously.

33. In the majority of cases, deceased males had been polygynous and had married in traditional rites rather than through Ordinance Marriage. Only one of these cases involved a woman who died intestate; in this case the value of the personal property (clothing, household effects) was small, and the decedent's sister automatically obtained rights to administer the estate.

34. Those Akan men who desired to leave property to wives and children often converted to Islam and used Islamic prescriptions to overcome the resistance they anticipated from matrilineal family members.

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The legal changes have not yet addressed the serious economic problems facing rural Akan women, many of whom are heads of households or have no husbands. "At least a third of all households in Ghana are headed by women, and at least seventy percent of Ghanaian women were the bread-winners of their homes."³⁵ The improvement of these women's economic status remains an important issue. Increasingly, Ghanaian women are arguing that reforming marital and inheritance law is insufficient. The government must take bolder steps in designing social policies that improve the economic development prospects of women.

V. SOCIAL POLICY AND THE INTERNATIONAL DEVELOPMENT DIALOGUE

As African societies emerge from a period of great economic upheaval, an opportunity may arise to create new policies and perspectives on women's role in development at the local level. Lieutenant Rawlings announced a commitment to more equitable social policies when his government came to power in December 1981.³⁶ The International Monetary Fund, the World Bank, and other international funding agencies have indicated that they will seek broadened socioeconomic participation for women. However, Ghana has not responded satisfactorily to these external pressures. In some cases, Western standards and subtle Western pressures have prompted lawyers, judges, and politicians in Ghana to promote the "nuclear family" and "paternal responsibility" in order to receive Western aid.³⁷ Likewise, the new government bureaucrats who have voiced a commitment to the Women in Development movement have done so to enhance the likelihood of obtaining foreign aid, not because they genuinely want to improve women's access to resources.

The ultimate test of the government's commitment to empowering women is the extent to which it goes beyond family-oriented social policies to encourage the creation of institutions that empower women because they are controlled by women, and which give women access to resources needed for development. The history of African states since the 1950s confirms the classic tension between reforms that seek to empower women and reforms that accord with national development goals. Akan women often find that their needs conflict with the government's quest for political stability and economic

35. Ajoa Yeboah-Afari, *Ghana: Workshop Debated the Image of Women in the Media—'Who Was Mrs. Rose Priddy?'*, W. AFR., May 21-27, 1990, at 836 (comments of Betty Mould-Iddrisu, Senior State Attorney of Registrar General's Department).

36. Leon Dash, *New Rulers in Ghana Return to Leftist Path To Cure Nation's Ills*, WASH. POST, Feb. 17, 1982, at 20.

37. For an examination of this notion, see Gwendolyn Mikell, *Assault on Matriliney: Ghanaian Social Policy and Development* (unpublished manuscript, on file with author).

recovery through structural adjustment policies.³⁸ In general, African governments have been slow to address the fact that poorer people appear to suffer disproportionately from the negative consequences of structural adjustment. Although the Ghanaian government has solicited outside funding in an attempt to ameliorate the severe impact of its economic recovery program, most funds received were not targeted for women.³⁹ When pressure from elites and intellectuals increased, the government utilized new funds solicited for WID projects in ways that would reinforce the PNDC in rural areas and improve its political position.

The government's policy of decentralizing political and economic decision-making temporarily defused women's demands. Women won seats in the local assemblies mainly in northern areas, where seasonal male migration left women with significant voting power.⁴⁰ However, few women were elected in the more heavily male-populated cocoa-producing areas.⁴¹ Consequently, the newly constructed women's projects were unable to reverse the "feminization of poverty."⁴² Moreover, when the PNDC government clashed with the NCWD in 1985 over the NCWD's position on government policies, the government restricted the NCWD's role in implementing women's projects and assigned many functions to the 31st December Women's Movement (DWM), a new organization headed by President Rawlings's wife.⁴³

38. For a general discussion of the government's quest for political stability, see Mikell, *supra* note 27; Okofo Kwesi Addae, *Another Year of PNDC*, W. AFR., Jan. 7-13, 1991, at 3418; Kofo T. Vieta, *Ghana—The Military in Politics: Debating the Future*, W. AFR., Nov. 26-Dec. 2, 1990, at 2901. For an analysis of structural adjustment programs designed to improve the economy, see KODWO EWUSI, *STRUCTURAL ADJUSTMENT AND STABILIZATION POLICIES IN DEVELOPING COUNTRIES: A CASE STUDY OF GHANA'S EXPERIENCE IN 1983-1986* (1987).

39. The Ghanaian Social Dimensions of Adjustment (SDA) Project received \$5.7 million of funding to complement another program that had substantially overlooked the crisis for women and children. The Programme of Action to Mitigate the Social Costs of Adjustment (PAMSCAD) was implemented in 1987, but the SDA unit was not established until December 1989. See GOVERNMENT OF GHANA, *PROGRAM OF ACTION TO MITIGATE THE SOCIAL COSTS OF ADJUSTMENT: EXECUTIVE SUMMARY AND PROJECT PROFILES* (1987) (on file with author); AFRICAN DEV. BANK ET AL., *THE SOCIAL DIMENSIONS OF ADJUSTMENT IN AFRICA: A POLICY AGENDA 14* (1990).

40. Interview with Francesca Issaka, Deputy Secretary for Local Government, Ministry for Local Government, in Accra, Ghana (Aug. 16, 1990). Some of the current Assemblywomen were appointed to the one-third slot belonging to the PNDC; others had been convinced by the 31st December Women's Movement (see *infra* note 43) to stand for election.

41. MINISTRY OF LOCAL GOVERNMENT NEWSLETTER, June 1989 (on file with author). Assemblywomen from the larger coastal towns are likely to be more educated and fare better in their interactions with Assemblymen from their areas. However, since many Assemblywomen have not reached the levels of education attained by their male counterparts, some of them complain that they cannot be as effective in local development efforts as they had hoped.

42. ISHMAIL SERAGELDIN, *WORLD BANK, POVERTY, ADJUSTMENT & GROWTH IN AFRICA* (1989).

43. The 31st December Women's Movement is named after the coup that brought Rawlings to power in Ghana. The DWM is headed by Rawlings's wife, Nana Agyeman Rawlings, who has aggressively campaigned to bring women to support the government and the party. Some women argue that the President's wife can give the women's movement a visibility that will inspire rural women to participate, but others worry that national control will subvert on-the-ground efforts to formulate cash-generating programs.

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As of 1990, the DWM was the only group authorized to receive funds for Women in Development projects. It was rumored that the United Nations Development Programme would monitor and coordinate projects, but would not play an active role in their formulation. With the creation of the DWM, lay women and women organizers who had played key roles in women's cooperative projects were pushed aside in favor of a new, politicized structure that claimed to be autonomous from the PNDC government. However, it has become clear that the DWM supports PNDC positions and utilizes existing channels to government ministries to obtain credit for some of its local activities.⁴⁴

Many women feel that the 31st December Women's Movement has missed an opportunity to improve women's access to resources because it has focused its attention on more prosperous women farmers and has not created new cash-generating alternatives. The DWM does not assist women farmers who cannot afford the rising costs of agricultural tools, labor, fertilizers, and machinery needed to produce cocoa. These women also do not have access to the same agricultural credit as men. The DWM has focused primarily on constructing day-care centers and latrines, while rural women primarily need cash-generating projects that increase their access to other rural resources.

Despite such criticisms, the number of 31st December Women's Movement local chapters continues to grow as the President's wife, Nana Agyeman Rawlings, tours the country regularly and recruits local Queen Mothers to join local chapters. However, ordinary women still fear that the DWM may co-opt existing women's institutions and effectively place them under the control of the government.⁴⁵

Existing, but currently underutilized, traditional women's associations that are organized around the occupational tasks in which rural Akan women are regularly engaged are a better means for improving the economic status of ordinary women. Market women's associations, bakers' associations, potters' associations, cloth dyers' associations, bead makers' associations, local gin (*akpeteshi*) brewers' associations, hair braiders' associations, and others are examples of such groups. With the exception of the market women's and bakers' groups, most of these associations produce products that can be made with local resources. These groups could generate profits if they had the capital and training needed to create a cooperative. Other organizations, such as *gari*-grinding cooperatives, make food products that require only a little machinery

44. Interview with Francesca Issaka, *supra* note 40. The DWM received a special award recently at the Farmers' Day event held in Wenchi, Brong-Ahafo. See *Farmers' Day Awards*, W. AFR., Jan 7-13, 1991, at 3162.

45. Symbolically, the DWM has its offices in the building located at the entrance to the main women's market in Accra, the site of political tensions for the government at an earlier point. See *supra* note 25 and accompanying text.

to become major cash-producing enterprises.⁴⁶ However, local male policy-makers have shown little support for reinforcing and empowering these indigenous associations. In fact, male politicians often accuse women's associations of corruption or black-marketeering (*kalabule*) to justify their continued control over the activities of these women's associations. Politicians might also fear that these associations will organize for political purposes.

Despite these obstacles, grass-roots women's associations are excellent institutions for addressing a number of women's concerns. Although elites use the terms "decentralization" and "democratization" when dealing with external funding agencies, they have not discussed internally the means of incorporating women's associations into these processes. Women's associations are controlled by women. They have an egalitarian dues structure that permits them to raise small amounts of money for their activities. However, in the past they have been active only at the local level for ritual, symbolic, and political functions; they have had few links to higher level economic and political processes.

These associations could perform two functions related to legal and social policy reform. First, they could educate women about the new family laws and teach women how to take advantage of the laws in the face of traditional constraints. Second, they could become the foci for the development of producer cooperatives that would help facilitate women's access to credit. These functions require the associations to facilitate collaboration between organizations with resources that can empower women and the female producers themselves.

VI. CONCLUSION: LINKING CULTURE, LAW, AND SOCIAL POLICY TO ACHIEVE DEVELOPMENT FOR WOMEN

Ghanaians who wish to construct new laws and social policies to enhance economic development opportunities for African women must first understand the numerous factors that affect these laws. Across a spectrum ranging from local traditions to international expectations, perspectives on economic development for women may differ substantially. Judges and politicians who shape and interpret the women's legal claims must remain aware of the international arena and national needs. Realistically, the laws and policies discussed in this paper will not be effective unless they empower women economically. Currently, the legal structures and economic policies that purport to empower women actually exacerbate existing distinctions between male, public-political control

46. For example, indigenous coco yams and cassava are used to make starchy staple foods that accompany local meals. This enterprise could become productive with simple grinding machines, but such a policy requires political support. Where such *gari*-cooperatives have been attempted, male dissatisfaction with female profits often results in sabotage or unwillingness to haul the final product to market. Women's cooperatives may need to recruit male members for good public relations within the larger community to avoid such difficulties.

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and female, domestic-familial involvement. In essence, these reforms have not really drawn women into the development process.

To be effective, policymakers must use indigenous law and traditional gender norms in creative ways to encourage greater access to resources for women. Where possible, policymakers must enlist nongovernmental organizations (NGOs) to support these efforts, but not to direct or control them. For example, the U.N. could fund rural women's associations so that such associations could develop their own cash-generating projects. The Ministry of Agriculture or the Department of Cooperatives could help these associations to apply for special WID funds. Such grass roots involvement of women would improve many women's access to cash-generating activities. In addition, income-producing plans should be designed to ensure that women are insulated from fluctuations in the national economy.

Finally, policymakers should improve communication links between women and the international organizations that promote women's causes. The United Nations Development Programme WID staff assigned to Ghana could advise local women's groups on access to supplemental funds. Such activity requires that the targeted government be willing to facilitate international linkages.

International agencies will continue to confront conservative national laws and local attitudes toward women's work and rights in Africa. These international agencies are no longer dealing with colonial societies, but rather with states that resent international intervention and the reformulation of traditional gender roles, economic relations, and the rights and privileges of women. This resentment, however, should not preclude involvement by international women's NGOs.

However, it should alert these organizations to be sensitive to the cultural and national realities faced by rural women. Such an approach would allow African women to meet their own needs and to reinforce and build upon their own grass-roots institutions. With stronger local organizations, women can better encourage the national government to consider their interests in economic planning.

