In the course of the 1970s, one of the principal focuses of the emerging feminist anthropology was the reassessment of issues of gender inequality. Drawing their inspiration from Marxist theory going back to Engels, some works historicized female oppression and analyzed its political and economic determinants. To demonstrate that gender inequality was the product of specific historical formations, the observable gender relations were, at times, opposed to a prior egalitarian social order in which value differentiation was not attached to the gendered labor division (e.g., Leacock 1981). The approach was criticized by those who believed that female subordination characterized present and past societies on which solid documentary evidence was available (e.g., Rosaldo 1974). The idea that gender relations in some non-western societies were marked by parity prior to the degradation produced by colonization was not abandoned, however, and influenced neighboring disciplines.

Recent studies concerned with the transformations of gender relations in sub-Saharan Africa over the twentieth century tend to stress the decline in social and economic position of women. Ethnographic, economic, and historical studies state that the traditional value attached to being female is threatened by the economic and political developments of the last century. Women are said increasingly to lose their previous independence, to have to cater for children and elderly by themselves, and to lose ground in productive activities (Robertson and Berger 1986; Mikell 1997a; Baerends 1998).

Works concerned with the matrilineal Akan of West Africa (south-
ern Ghana and southeastern Ivory Coast), with some exception, conform to these statements, and declare that the status of women has declined over the last century. Twentieth-century dynamics are seen as enhancing the position of men, suppressing women’s independence and threatening their power. The colonial government and the spread of market-oriented industries share the blame for the loss of women’s independence. While there is consistent evidence to show that women were indeed increasingly penalized by twentieth-century dynamics in some respects, the degradation of female status is at times upheld for domains for which there is little evidence of change. Authors’ understandable concern with women’s current inferior position is often arbitrarily opposed to an ideal past (seldom stated) in which forms of gendered subordination were either unknown or more contained. Thus the degradation of women’s status is taken as self-evident: often little historical evidence is provided to prove that egalitarian gender relations existed in the past and that these were lost in the course of the twentieth century.

Ghanaian studies followed the concern for a historicization of gender inequality. Oppong, Okali and Houghton (1975:71), in a path-breaking essay that influenced much of the studies which followed, stated that “modern developments have weakened the status and power of women vis-à-vis men” in rural and urban Ghana. Numerous factors had a negative impact on female autonomy and rank: colonialism and cocoa production, however, feature preeminently. The work is detailed and convincing when it examines current dynamics, but an historical perspective is lacking. The authors’ claim that women made “retrograde steps” rests on an assumed, unproven past. It has however gained widespread currency.

Mona Etienne (1983:305-06) holds an even stronger view of the Baule past. She states that “historical” Baule marriage was characterized by “the absence of relations of domination-subordination between husband and wife. . . . Early observers are unanimous in noting the high position of Baule women.” Women managed important rituals and achieved “political and economic power.” The incorporation of Baule society in the “world capitalist economy,” in the form of cash-crop production, is seen as the major engine of change. Effects on female activities, e.g., weaving, were “particularly devastating.” What used to be an “equitable exchange of labour” between spouses

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1It is, however, also believed that Akan women, thanks to matriliny, still enjoy greater autonomy than their patrilineal counterparts elsewhere in Africa (e.g., James 1978).
"has become a form of unequal exchange" (311-12; cf. Etienne 1977). While abundant ethnographic detail is provided to illustrate current dynamics, there is again no use of archival material, no citation of historical sources, and the identity of the "early observers" of precolonial Baule remains unstated.

More recent studies on Akan marriage have stressed that the process of modernization in general, and the rise of cash crop agriculture in particular, increased the workload on women and offered little reward. Manuh (1995:189) believes that the advent of the cocoa industry produced a redefinition of social relations and "attempts were made by chiefs, elders, and husbands to assert greater control over the labor and sexuality of women." Similarly, Tashjian (1995: 168-69; 350-53) holds that cash agriculture favored husbands more than wives. Her evidence consists of memories of contemporary women and twentieth-century court records. She holds that, while with precolonial food crop agriculture husbands and wives offered mutual help, with the advent of cocoa men exercised their right to mobilize their wives' labor on cocoa farms (cf. Tashjian 1996). While the spread of cocoa certainly increased men's exploitation of their spouses' labor in agriculture, men used their wives' unpaid labor, alongside unfree labor, in precolonial profit-making activities such as gold digging (Arhin 1978: 90-93; Dumett 1979, 1987, 1998) and rubber tapping (Arhin 1980).

Husbands' demands for wives work on cocoa farms was an exploitative adaptation of existing marital norms.

With reference to the issue of the increase work load on wives during colonial period, it is interesting to examine how this is discussed by Tashjian and Allman, as it shows how sources can be selected and presented to stress change more than the evidence itself suggests. The authors acknowledge the fact that most precolonial economic activities were carried out by a conjugal unit (Allman and Tashjian 2000:6-9), but hold that dynamics were altered in the early colonial period. To prove their case they compare Rattray's and Danquah's statements. Rattray (1929:25) recognized that the husband had the right to "profit from the fruits of ... [a wife's] labour and later that of her children." He continued: "[s]uch a right does not by any means entitle the husband to order about either wife or children likeslaves, and in reality amounts only to the mutual assistance that persons living together and sharing a common ménage would naturally accord to each other." Danquah (1928:153) pointed only towards subordina-
tion, and claimed that wives had to “do all domestic and some farm work.” Rattray and Danquah carried out research in the same period, they both use the present and seem to describe what they observed or were told.

Allman and Tashjian (2000:63) present Rattray’s statements as evidence of “late nineteenth century” marital relations based on reciprocity; his informants, we are told, are “elderly,” even though Rattray himself did not specify. Danquah’s views are presented as what the situation had become “[b]y 1922.” This use of sources exemplifies a common way of historicizing gender among the Akan: the expectation towards change and degradation leads to dispositions to “read” written and oral sources with the primary aim of searching a confirmation of such statements. While Tashjian’s and Allman’s work on colonial Asante is sustained by excellent documentary evidence, discussion on precolonial dynamics is less convincing. It is interesting that Rattray’s evolutionistic ethnography, described by McCaskie (1983:201) as “romantic,” is often quoted as evidence as, in some parts, it lends itself to sustain that nineteenth-century gender relations were based on complementariness and reciprocity.

The demise of the matrilineage, coupled with the rise of the nuclear family in particular, produced an increased stress on women. Clark (1994:337-38) affirms that the retreat of lineage ties and the increase of conjugal marital relationships favored men: “women find it harder to take advantage of rights to lineage-controlled farmland and housing . . . inheritance from women to men has become much more frequent.” Akyeampong (1996:xx) reviews the literature on the various aspects in which “conditions of women have deteriorated in the late colonial period and during Ghana’s independence.” He mentions access to higher education, trading conditions, hostile governments, and the increasing fragility of marriage.

Even those who believe women were disadvantaged in precolonial times present a similar picture. Tsikata (1996:115-18), for example, lists the constrains faced by women in precolonial land acquisition, but then goes on to blame the rise of the nuclear family to prove women’s retrograde condition: “The notion of the nuclear family as consisting of a working man, a housewife and their children came to influence education and employment policies to the detriment of women and gender equality.” It should be noticed that it is widely accepted that the nuclear family in the Akan area was not a colonial invention, but was well established in precolonial times as a unit of production (Arhin 1983).

The theory of “retrograde steps” emerged in the 1970s and charac-
terized much of the literature on Akan gender relations which fol-
lowed. Gender studies have greatly changed over the last three cen-
tury and marked differences in sophistication and interpretation exist
between the authors previously mentioned. More recent studies tend
to present a past that is less ideal, and to focus on shifting patterns of
normative dependency and social control within which women can
(and cannot) control resources, demand support, and meet social obli-
gations. What seems common to most studies, however, is that they
pose a degradation of female rights, status, and autonomy in the
course of the twentieth century. The common attempt is to link social
change with a deterioration of women’s conditions; recurrent patterns
and unchanged ideological assumptions are not part of this theoreti-
cal framework and therefore often simply ignored.

Perhaps the most systematic defenders of the thesis of the degrad-
ing status of women are Mikell (1984, 1986, 1995, 1997a:11-16) and
Allman (1997, 2000). The “original” matrilineal society, according to
the authors, ensured extended rights to women. With the gradual in-
sertion of patrilateral elements over the centuries, women’s power was
constrained. Attempts to reconstruct the “original” matrilineal society
based on “complementarity” prior to degradation and the “advent”
of “patriarchy” (e.g., Akyeampong and Obeng 1995; Mikell 1988)
are necessarily speculative because, as the authors themselves admit,
there is scant evidence on pre-nineteenth century gender relations. A
consequence is that the period in which women’s power was lost is
uncertain: some, like Akyeampong and Obeng (1995) date it back
four centuries, others discuss twentieth-century dynamics.

Mikell (1984, 1986) finds a doubtful connection between the well-
documented increase of patrilateral transfers of offices in late eigh-
teenth-century Asante and women’s difficulties in land access in the
twentieth century. The pattern of decreasing female access to land is,
however, not lineal: women’s land attainment, the author admits, is
not weakened in a steady fashion. In the period between 1900 and
1920, women were generally excluded from cocoa farming. They
gained more wealth in subsequent decades, while their capacity to ob-
tain land declined again from the 1960s.

Allman (1997) believes that the introduction of stratification in
Asante lineages, with the rise of Akan states around the end of the
seventeenth century, led to a more central role of the father and a de-
crease of the woman’s control of children. She holds, however, that an
“inalienable connection between fathers and children” (Allman
1997:309) was legally enforced only from the 1920s as a result of co-
coa farming, the ideological influence of missions, and the spread of
Colonial rule underrated the importance of women in precolonial society and enforced a male dominated image of Asante identity (Allman 2000).

Akyeampong (1996:xix; cf. 16-18) holds a different view: the early colonial period “provided women with the first opportunity to define their autonomy outside their relationship with men,” and the beginning of the worsening of female status dates to the late colonial period. Mikell (1995:225) identifies another negative trend in the even more recent past: “Between 1978 and 1985, the collapse of the national economy was accompanied by severe dislocations in family economic relationships, which had the strongest negative impact on women and children” (cf. Oppong/Abu 1987:18-19).

This theory of degradation rests on shaky grounds. The precolonial past is presented by some of the authors mentioned above as an era in which women shared power with men, but scant evidence is produced to support this argument. Little use is made of precolonial sources, and when these are quoted they seldom offer convincing evidence of higher female status. Moreover, authors rarely define the time in which the weakening of women’s authority occurred; when they do, differences emerge.

In what follows, I examine three crucial issues which, according to different authors, have undergone transformations and produced a deterioration of female status: the stability of marital unions, rights connected to fatherhood, and the gendered division of parental responsibilities. I believe that change has been overstated in all three instances. I examine the sources produced by those who have stated the

\[3\] In a previous work Allman (1991:177, 180) took a somewhat different stance. She held that: “the passive role of women in these 19th century power configurations is striking” and “what remains most striking about Asante’s colonial-era cases is their continuity with the pre-colonial period, both in proceedings and judgments.”

\[4\] Some authors actually hold that women enhanced their position in the course of the twentieth century. Hill (1975:123) believes that where land is alienated “women’s rights are tending to increase” and Roberts (1987:67) states that the condition of wives’ labor on their husbands’ farms “are gradually being transformed by a struggle not yet won but increasingly effective.” Other works stress continuity. Greenstreet (1972) discusses women’s discrimination both in “traditional society” and in twentieth-century dynamics. Grier (1992) identifies gender as one of the principles of precolonial appropriation of surplus labor. Vellenga (1986:64) believes that the negative effects of the world economy affected both sexes.
degradation of women’s condition and compare them with some classical ethnographies of the early decades of the twentieth century and with archival material from the Sefwi area, the northern part of the Western Region of Ghana. The evidence from Sefwi is from the first two decades of the twentieth century. At that time the political and economic trends to which the degradation of female status is attributed had not yet had a severe impact in Sefwi, a marginal area within the Akan world. Even though the colonial administration was established in 1898, it was still in an embryonic form in the first decades of the century. Cocoa was introduced in Sefwi later than in most other parts of the Gold Coast, and only in the 1910s we have evidence of cocoa production. The influence of Christianity was very limited at the beginning of the century, and the presence of the first organized churches dates back to the late 1920s. The first school of the district was opened in 1915.

I rely principally on two sources. Colonial court records are the first systematic material available on Sefwi social history and the bulk of the documentation that follows. Colonial justice seems to have been accessible to the majority of the population, and was used by those unhappy with chiefly proceedings. The cases discussed below in the text exemplify more general dynamics; further evidence from other court cases displaying similar trends is referred to in the footnotes. Classical ethnographies from the 1920s have been improperly used by some to reconstruct precolonial institutions and oppose them to later dynamics. The same sources are quoted below to show that parts pointing to continuity between the early colonial period and contemporary trends have been ignored and to suggest that Sefwi evidence may be representative of patterns common to other parts of the Akan area.

I argue that evidence from the beginning of the century and current ethnographic documentation match in many respects. The principle of gender inequality and certain crucial features of men’s and women’s roles, rights and duties seem to have carried through the dramatic transformations of the twentieth century. The focus on change that has been prevalent in Akan gender studies should be coupled with an examination of the persistence of practices, institutions, and ideological principles. The detailed examination of some specific points presented below is intended as a contribution towards the more general acknowledgment of continuities in Akan gender studies.
Works have described in detail the different types of marriage, the rituals, and the rights to which these entail in the Akan area (Tellier 1902:150; Rattray 1927:76-102; Danquah 1928:145; Amoo 1946; Fortes 1950; Kyei 1992:26-39) and Sefwi (Mensah-Brown 1968). The marriage ritual consists in a monetary payment from the groom to the bride’s elder relatives (usually the father, mother, or mother’s brother) of a certain amount known as aseda, together with the transfer of an alcoholic drink, or tiri nsa (eti nza in Sefwi). Through marriage, the husband’s matrilineage, which is always different from the wife’s, but may be that of her father, is involved in the maintenance of the woman and acquires a set of rights over her. The woman shifts her subordinate role: from being a dependant of the household of the father/mother/mother’s brother to the one of the husband. The man’s rights over the wife comprise the benefit from her labor in the form of household chores and partly in the husband’s cash-oriented enterprise. Moreover, the wife has to obey and show respect to the husband (Boni 1999).

Most works hold that marriage has undergone drastic alterations. Fluid unions, granting women more limited rights, are said to be on the increase. Vellenga (1983:152) holds that, while the lack of definition of marital status penalized men in the pre-independence period, the increasing “confusion” over forms of marriage now “works to the detriment of women.” Manuh (1995) states that from the mid-1960s major transformations have occurred in marriage patterns. She contrasts marriage transactions of the 1980s, characterized by expensive bridewealth, to those of the early twentieth century involving smaller payments. While in earlier unions most husbands chose to perform the full rituals, the 1980s were characterized by a growing number of “fluid relations.” As a consequence of the higher bridewealth, “many young men and women . . . were not ready to marry” (Manuh 1995:196). A similar thesis is stated by Mikell (1997b:102, cf. 109, 113). She, however, holds that the increase in non-formalized unions in a recent past is caused by men’s unwillingness to acknowledge the new legal responsibilities of wedlock and fatherhood:

Mpema awade marriage [common-law union], although not usually desired since it gave women few protections and did not give men the right to sue for damages if adultery occurred, is becoming extremely common in practice.
In what follows, I argue that women’s refusal to enter full marriages can hardly be considered a novel trend of the 1980s, and that fluid unions, in some instances, guarantee women some freedom. The monetary transaction from husband to the wife’s elder relatives implies the acquisition of a set of legal, sexual, and parental rights by the husband through the inclusion of the woman as a subordinate member of his household. The choice to enter informal unions and the refusal to accept monetary payment denotes an unwillingness to allocate these rights in full to the prospective husband.

Sefwi evidence suggests that fluid unions were common at the beginning of the century. In some cases, monetary transactions were refused to limit the husband’s control over his spouse. As no formal “marriage” took place, only domestic duties and responsibilities were transferred. The one holding authority over the woman before the union maintained a much greater control over her. Sefwi court records from the early years of the twentieth century contain instances of such marriage strategies. In 1905, a woman “gave” her younger sister to a man (the defendant), but she carefully refused the amount offered her by the prospective husband as bridewealth, locally eti nza, which is normally termed “head drink” or “head money” in court records. “I did not take any head money from defendant. My young sister was just to live with him,” she explained to the court. The man later tried to limit the partner’s freedom by not allowing her to work as a hired laborer, prohibiting her visits to the elder sister, and finally through violence. In brief, he unlawfully assumed the role of husband. The man was brought to court by the elder sister of his presumed wife, who demanded compensation for her sibling’s maltreatment. The “concubine” provocingly asked her partner “I would like to know what expenses defendant has incurred on my account.” Since the man had made no payment and performed no ritual, he had to acknowledge his reduced rights.5

In another instance, a slave was married to her master (the defendant). She had an adulterous affair with the plaintiff, who after paying satisfaction to her husband and master, asked to marry the woman. The defendant agreed to let the woman marry the plaintiff, “but I would not take any head money, and if a time came when I was going to my town, I would take the woman with me. She is my servant. Kwamin [the plaintiff] wanted me to accept 9/- gin [eti nza] but I refused to take anything.” The slave lived with her new partner

for six years and gave birth to two children. Then, a small quarrel occurred between the plaintiff and the defendant. The latter went back to the plaintiff’s father and “swore the oath on him that he [the plaintiff’s father] had begged the woman for his son and he should now bring her back to me.”

Since no head money had been paid by the plaintiff, he had no rights over her, while the woman was one of the defendant’s slaves. The case was settled amicably and the defendant renounced his residential right over his slave. The woman was asked her intentions: “woman elects to stay with the husband at present, but if the defendant, whom she calls her father, goes away she will go with him.”

There is abundant evidence of women, or their elder kin, refusing to accept head money so that they could interrupt the relationship without having to refund the head money to the partner but just part of the expenses the man incurred on the woman’s behalf.

Marriage payments were part of strategies to acquire and transfer rights over women; and within this scheme women pursued devices of their own, recognized by Sefwi custom. Different marriage agreements allowed parties to negotiate their relations. The smaller the amount paid, the more fragile and limited the claims the husband could forward. A man who had demanded divorce fees and compensation for the wife’s seduction, was told by the woman’s uncle that: “He brought a flask of gin to thank us. Kwamin Tano [the king of Wiawso, 1900-32] has made an order that if you get a woman for a flask of gin and she afterwards wishes to leave you, her people pay 1/ /[shilling].” No divorce fees could be claimed. In the 1920s an Asante woman explained her refusal to accept bridewealth (aseda) to the anthropologist R.S. Rattray in these terms:

I prefer sometimes not to take it [aseda], for then I can get my daughter back without any trouble or expense should the husband not treat her properly (Rattray 1929:24; cf. Amoo 1946:233; Allman 1994:37).

Fluid and informal unions occurred in different periods of Akan history, rather than being a late twentieth-century response to novel...
marital demands. Sefwi archival material from the early twentieth century documents refusals to formalize unions. Rattray (1929:30) lists "mpena awadie (lit. the mating of lovers)" as a form of marriage; he holds that in precolonial times it was probably considered "strictly regular" in Asante. Roberts (1987) argues that the 1920s and 1930s were a period of widespread "illicit unions" in Sefwi. Allman (1991, 1996) documents similar trends in Asante at approximately the same period. In both instances informal relationship were seen by women as a way to obtain support without having to submit to marital burdens; in both instances chiefs forced women to enter regularized unions.

Fortes' (1950:278) Ashanti Social Survey of 1945 records an increase in "shortlived illicit unions." A similar proliferation of "irregular" marriages "without the payment of bride-wealth" was recorded among the Agni in 1950 and was locally explained with the "increased economic independence of women" (Lystad 1959:192). Vellenga (1974:88) holds that marriages grew "less stable" around the middle of the century. The data from the Post Enumeration Survey of the 1960 Population Census shows that approximately five percent of the population lived in unions not constituting legally valid marriages; according to Tetteh (1967:208-09) "such unions were becoming increasingly common in large centres." Bleek's (1972, 1975) fieldwork in Kwahu during the early 1970s reveals the widespread presence of "free marriages," unions involving only partial monetary transaction.

Manuh's (1995:196-97) interviews carried out in 1991 show that, in some instances, it was women who refused to enter wedlock because they feared to lose their autonomy. Their motivations were similar in many respects to those voiced by single women at the beginning of the century. There is ample evidence that "fluid" unions were not a novel trend of the 1980s and that, even though the motivations and implications of informal relationships varied greatly, some of these unions resulted, both at the beginning of the century and in more recent decades, from the unwillingness of the woman or of her matrikin to allocate full marital rights to the husband.

IV

Akan gendered parental rights are seen by many as having been transformed over the twentieth century. Women's "traditional" authority over their children is thought to have suffered a gradual setback. Allman (1997), Mikell (1984, 1995, 1997b) and Clark (1999:72-73)
hold that the matrilineage gradually retreated and paternity gained a more prominent position, damaging women’s status. In this section, I examine Allman’s and Mikell’s studies in this respect and confront them with Sefwi archival evidence. Parental roles have certainly changed and the importance of fathers may well have increased in respect to both the mother and the mother’s brother. I believe, however, that the degree of change has been overstated and that the historical and ethnographic evidence to support the shift is not always convincing.

Allman’s (1997; cf. Allman and Tashjian 2000:86-97) study focuses on who “owned” youngsters. Allman states that in the nineteenth century the “ownership of children in Asante was supposed to rest firmly with their abusua [matrilineage]” (Allman 1997:302). The right to give out pawns expressed ownership and was reserved to the mother’s brother (cf. Austin 1994). The introduction of cash crops, conjugal work on cocoa farms, the missionaries’ stress on the centrality of the father, and the payment of school fees produced an increased recognition of paternal rights. By the early twentieth century, the “father’s rights in his children . . . had become inalienable” (Allman 1997:305).

Allman’s stress on transformation is not always persuasive in its use of sources, the evidence produced, and its theoretical framework. Allman (1997:301-03) reconstructs the precolonial past using as sources Rattray (1923:77-85; 1929) and Asante court records of the early decades of the twentieth century. Once again, the precolonial past is presumed rather than proven. Allman’s (1997:310-11) principal evidence of change is that fathers in the twentieth century acquired rights and duties over their children which were, in the precolonial period, the prerogative of the mother’s brother—i.e. the collection of daughters’ marriage payments, the right to pawn children and to benefit from their work, and the payment of offspring’s debts. In the nineteenth century, these were supposedly transferred from the lineage to the father only if the latter received his children as pawns.

Sefwi evidence suggests that this set of rights was held by fathers as well as maternal uncles, mothers, and elder siblings in the early years of the twentieth century just as it is now. At the very beginning of colonial rule some Sefwi fathers played a central role in their daughters’ marriages alongside elder sisters, mothers, uncles, and pawn and slave owners. There is abundant evidence that fathers were active collecting the bridewealth and returning it on divorce. In 1902 Kwesi Badu “gives his daughter in marriage” to the defendant and receives £10,
while the mother is given £4.10.0. The daughter, however, is too young and the prospective husband suggested that "she could help him [the father] to do work and get money" before being handed over in marriage.9

Fathers were responsible for the children's behavior and were called upon to pay their debts. In 1903 two of Kobina Egua's sons seduced the wife of Edu Kwaku. The latter sued their father even though the sons who had committed the offence were "grown up."10 Moreover, in Sefwi, contrary to what is suggested by Rattray (1929) and Allman (1997), children were pawned by their fathers just as much as by their maternal uncles in the very first years of the twentieth century (Boni 1999, appendix 1). This brief selection of cases suggests that fathers had rights and duties over youngsters alongside those of mothers, elder brothers, and sisters and, of course, mother's brothers.

From a theoretical viewpoint, the declaration that a shift occurred in the "ownership" of children overstates Allman's case. In the nineteenth century, as nowadays, rights and obligations over youngsters were inserted into complex and partly undefined hierarchical relations, irreducible to the notion of "ownership." Rights over youngsters were and are not attributed to a single party, the matrilineage, but were rather negotiated dynamically between different agents, the father certainly being one of them. Whoever catered for the child (paid debts, maintenance, medical expenses) was often recognized as having privileged rights over the youngster. If someone else exercised the right to pawn or received marital payment, the one who catered for the youngster could ask for the refund of the expenses.

One example illustrates the shifting patterns of rights and duties (figure 1). Akosua was married to Penia and had three children from him before her death. In the last years of the nineteenth century Penia asks Akosua's brother, Edu Kwow, and her sister, Ama Kuma, to care for his son and two daughters, Ekua and Adwua. The children are

9NAG Accra ADM 48/4/1, Kwesi Badu vs. Kujo Jibbi, 3 April 1903. For other cases of fathers negotiating their daughters' marriage and collecting the payments see NAG Accra ADM 48/4/1, Kwaku Atta vs. Anner, 16 December 1903; NAG Accra ADM 48/4/2, Kofi Jaling vs Kwaku Ayensu, 16 October 1905; NAG Accra ADM 48/4/3, Kofi Jarpon vs Edu Begie, 6 November 1912; Ebin Kwaku vs Kwamin Suman, 5 December 1914; Adjua Benia vs Tikol Assiamia, 5 October 1914; Kwelu Bi vs Kwamo Jainini, 26 March 1915; Kobina Bi vs Akosua Baidoo, 11 February 1916; Kwelu Juara vs Kweku Mena, 28 June 1917.

maintained by Edu Kwow and Ama Kuma for almost two decades. The male child dies while with Ama Kuma’s husband. When Penia pawns Ekua for £8, Edu Kwow complains, and has her redeemed and brought back to him. Adwua is married while she lives with Edu Kwow and he collects her bridewealth. Ekua returns to live with Penia before her marriage agreement and Penia collects her bridewealth. Ama Kuma feels her expenses in the maintenance of the children were not matched by rights and starts procedures against Edu Kwow.\footnote{NAG Accra ADM 48/4/3, Ama Kuma vs Edu Kwow, 10 May 1916. The Case was dismissed because the District Commissioner felt that the claim should have been forwarded against Penia rather than Edu Kwow.}

Figure 1. Ama Kuma vs. Edu Kwow

\footnote{NAG Accra ADM 48/4/3, Ama Kuma vs Edu Kwow, 10 May 1916. The Case was dismissed because the District Commissioner felt that the claim should have been forwarded against Penia rather than Edu Kwow.}
In the early twentieth century, the heads of matrilineages and nuclear households negotiated prerogatives over youngsters, a central criterion for the attribution of these rights was the payment of the youngster’s maintenance and debts. Stepfathers, for example, felt they had some rights over their wife’s offspring. In 1913 Kobina Akyma asked the maternal uncle of his wife, Kwao Mia, who had received the head money for one of Akyma step-daughter, to refund his expenses on the child as Kwao Mia had collected the bridewealth.\(^\text{12}\)

Mikell (1995, 1997b:113-17) shares Allman’s concern with the increase of paternal rights. Once again, she considers women’s loss of power a current trend and opposes this to the “traditional matrilineal family” where women played “important economic and social roles” (Mikell 1997b:99-100). Mikell’s reconstruction of past marriage is based mostly on Rattray (1923) and Fortes (1949, 1963, 1970). According to her, women’s political and social roles were weakened by the introduction of colonialism and the market economy. She lists “new attitudes” which strengthened “patriarchal control” in the 1970s (Mikell 1997b:103-05, 113). Mikell then turns to women’s appeals to family courts in the 1980s. Supposedly, one of the consequences of these courts was to increase paternal custody after divorce: while “under traditional circumstance Akan men rarely make claims for custody of their children since they belong to the mother’s lineage,” in family courts they do so and manage “to deprive women of their children” (p. 114).

In fact, father’s custody was common in Asante, as well as in Sefwi, in the early twentieth century. Rattray (1929:10, cf. 9) states that: “If children are very young when a divorce takes place, they may follow the mother, but if they are older they may remain with the father.” Danquah (1928:187) asserts that Akan law is “clear” on children’s custody: “a child belongs to his father.” Delafosse (1930:267), who traveled along the Ivory Coast-Gold Coast boundary in the late nineteenth century, holds that among the Anyi, an Akan group just west of Sefwi, the father had the right to have the children reside with him after divorce.

Sefwi informants clarify these statements. Only the baby who is being nursed follows the mother on divorce. When he/she is weaned, the mother brings the child to the father. The latter may ask the mother to continue her custody, but it is the father’s right to decide the child’s residence (cf. Amoo 1946:232; Mensah-Brown 1968:84). Provision of the bulk of expenses towards food, cloths, school and

health are paternal duties whether children live with the father or with the mother (cf. Allman 1997:309). Male and female informants state that this is the ideal behavior and the most common practice today and in past decades.

Sefwi archival material suggests that fathers and lineage elders contested custody in the first decades of the twentieth century, but fathers normally prevailed. In 1908 the District Commissioner decided to grant the custody of four children to the father over their matrilineal kin and commented: "That the father is responsible for these children is in ruling with Sarbah's Customary Fanti Law [sic] p. 63." A brief list of cases—all heard in 1915—involving children’s custody after divorce sheds some light on paternal rights. First, a father demanded the custody of his two children. The mother refused to hand them over because the father had not been paying for their expenses after divorce. The court judged that the father “is entitled to his two children according to native law but the woman is entitled to expenses after her divorce for supporting the children.” Second, a father started legal proceedings to obtain custody of his two offspring. In this case, while the native court assigned both children to the father, the colonial ruling assigned one of the children to the father and one to the mother. Third, a father of three children who were taken away by their mother’s brother after divorce, sought custody. The District Commissioner’s court recognized the paternal right to custody but ruled that compensation be paid to the maternal uncle. There is also evidence that the father’s matrilineal successor successfully claimed custody of the children of the biological father should the widow refuse to continue her marriage with the successor.

13NAG Accra ADM 48/4/2, Kujo Asanti vs Jechi and Bosomaku, 10 January 1908 and 12 January 1908.
17NAG Accra ADM 48/4/3, Kojo Jarpon vs Bibikonama, 4 August 1915; Kofi Badu vs Kwesi Chiribou, 24 November 1916. In both instances, even when the mother was alive and the children did not want to part from her, the custody of the children was granted to the successor of the father.
Paternal duties towards the maintenance of children is yet another issue which is said to have undergone major change in the twentieth century. Fathers are supposed increasingly to have failed to comply with their responsibility as providers of basic expenses, principally food, cloths, medical, and scholastic bills. Allman (1997:312-13; Allman and Tashjian 2000, 90-97) states that in the colonial period paternal rights were recognized even if the father failed to perform his responsibilities. By the 1940s wives found themselves bearing a larger share of their children’s expenses.

As father’s rights grew increasingly inalienable in colonial Asante, they were detached from any reciprocal obligations to his children. A father owned his children whether he provided them with subsistence or not. This transformation occurred at a time when the economic cost of rearing children, particularly as a result of school fees, was rising dramatically... much of the burden of these profound transformations in the domestic economy of child-rearing fell quite squarely on the shoulders of Asante mothers.


Tensions over short-term advantage and obligations are rising because the division of contributions to subsistence, conceived of as complementary in the classical model, has become unbalanced under contemporary economic pressure. The wife contributed staple vegetable foodstuffs from her farm, while the husband contributed the sauce ingredients: meat, fish, and salt. As vegetable food prices have risen precipitously, consumption of fish and meat has dropped sharply. The emblematic fish and salt have been translated into giving a food allowance called ‘chop money’ to the wife. Her subsistence farming has been translated into financial responsibility for a high portion of family living expenses.

Mikell (1997b:116) believes that in the 1980s “new paternal responsibilities” were defined.

In the face of pervasive female unemployment and impoverishment, Akan mothers have been forced to seek relief by asking the courts to place new demands on the fathers of their children. Therefore, the family courts have considerable female support as they reinforce new standards for male maintenance, custody and paternity.

Fathers apparently accepted their role as providers: “Unless a man
was denying paternity, he readily admitted to responsibilities for feeding and clothing his children, although his ability to do so might vary” (Mikell 1997b:107). She, however, believes that men's acceptance of responsibilities seldom corresponded to adequate transfer of money. Mikell (1997b:112-13) goes as far as suggesting, in sharp contrast to Allman’s conclusion from the 1940s, that fathers in the 1980s denied paternity to prevent expenses being demanded from them.

I suggest below that ideal roles and responsibilities have not changed drastically although short term alterations have occurred. The ideal responsibilities described by Danquah (1928) and Rattray (1929) earlier in the century, are still valid. The household head maintains the role of ideal provider of members' needs. In Sefwi elders of the matrilineage (mother's brothers, mother) cater principally for junior kin who reside in their households. When youngsters reside with their father, as usually happens, he has the responsibility of catering for them. Contrary to Clark's (1994) statement, I believe that food provision is and was considered the household head's duty, and therefore, usually, a man’s affair rather than a joint and complementary responsibility of spouses. While it is true that women perform most of the work on food crops, the farms are often not consider theirs but their husbands’. If the father is incapable of granting subsistence and services, he incurs both a debt and social stigma. Mikell (1997b:112) states that the public acknowledgement of the man’s incomplete covering of his wife's and children's expenses is a challenge to his “notions of manhood.” The gender opposite of this statement would be untenable. While the mother may admit being unable to bear the financial burden of parenthood, fathers may not.

The extent to which men manage to conform to such ideals in practice is a related but different issue. The model of men as complete providers has not been met historically. Throughout the twentieth century women have unsuccessfully asked men to perform their duties fully. While fathers are called upon to take care of their offspring, they are seldom able, whether in the past and nowadays, to do so in a way considered satisfactory by wives and children. Mothers contribute to their children’s maintenance in two ways: they step in to pay for part of the household’s financial expenses when the father is unable or unwilling (and may or may not claim reimbursement); more importantly, they work in joint enterprises controlled by their husbands.

To acknowledge that men use part of the budget on their dependants’ expenses is crucial to understand household hierarchy. The fact that men provide as fathers and husbands is an essential part
of women's and youngsters' subordination: it justifies the unequal attribution of value and the control over dependants' labour. Men are, therefore, willing, at least officially, to comply with their paternal duties. Men's finances need to be nominally family budgets to enforce subordination. In practice, they are required to be at least partially so. Men who utterly fail to satisfy their ideal role lose their prerogatives over women through divorce, over children through the loss of paternal custody, and moreover incur debts.

What were perceived as paternal duties have not been fundamentally modified and village and court settlements have tried to enforce them throughout the twentieth century, with a varied degree of success. The following are instances from different periods of the twentieth century (1905, 1978, 1997) showing similar characteristics. Women’s claims show that the identification of the father/husband as provider for household members has not changed drastically. In all three cases, divorced women ask their former husbands for the payment of the children's medical expenses. In all cases husbands are guilty of negligence or, in Akan terms, they have contracted a debt (bo eka) as they did not furnish what they were supposed to provide.

In 1905 a man traveled and left his wife and children behind unattended. The wife, in the following quote, asked the husband to fulfil his responsibilities towards her and the children during his absence.

I got sick [and] incurred expenses .... I went to see him [the husband]. I said I have born 3 children to you. Two [and] myself are sick. He said he could not give me money, but told me to get a doctor [and] he would pay the expenses. I told Kwaku Enim [the husband] that if he could not look after me he had better divorce me.

The wife's admonition failed to have an impact and the husband neglected to pay the medical expenses. The woman divorced him and then asked for reimbursement of the money spent on herself and the children while married.

I was ill for 4 months. I had to buy from the market as I had no farm. I had to buy my meal and all food stuffs. Later my child was sick. I incurred expenses over him. All my expenses come to £6.1.6.18

18NAG Accra ADM 48/4/2, Afua Afro vs. Kujo Pong, 24 May 1905. The case was dismissed and the District Commissioner recommended it be taken to a native court.
Over seventy years later a woman sent a petition to a government official asking him to intervene in her case.

We have produced four children when the marriage broke, through no fault of mine. He divorced me when the last born was two months old. During the divorcement he was asked to take all the children with him and care for them. Since he would have no body to look after the children when he was away for work, he pleaded that I should keep the children, and he would give me money to meet the children’s chop [food] money and the necessary requirements, including cloths, and hospital bills in case of Sickness.

Three months later one of the children felt sick and I sent him to hospital . . . and paid C[edis] 3.00 for clinic fees, I was asked to buy some medicine which cost me C. 8.00. I informed him about it but he took no heed to that. One week later he sent me C. 10.00 to be used for hospital bills and chop money for the children when he gave me the amount I asked him to add at least C. 5.00 to it but he would not add anymore. I refused to collect it and since that time he has not given me any money again for the children. The following are the expenses involved on the up keep of the children, for the six months C. 238.00.19

A case taken in 1997 to the Social Welfare Office of Wiawso, a government department in charge of promoting “social, economic, and emotional stability in families” (cf. Jones-Quartey 1974) documents similar dynamics and claims.20 A divorced woman presented her complains concerning the father’s lack of care for their four children.

[Woman]: What worries me is that this man and me divorced four years ago, during this four years he only paid for their [the children’s] school fees. Finish! If they have to eat I have to get tired, I have to work before they can eat. If one is sick and I send him to the doctor, I will tell him and he will fight me. Whatever I say, he will fight me because of this. About two years ago, I sent two children to him and two remained with me. The small ones remained in the village with me, and two I sent to him at Bekwai. He travelled and left them behind. So the children suffered. I had to sell kenkey [a food made of maize] and went there to give them money. If their cloths were dirty, they did not have soap to clean them unless I went and bought soap and gave them. It was like this for two months [before he returned].

20Archives of Sefwi Wiawso, Department of Social Welfare, Functions of the Department of Social Welfare at the district level, p. 2.
It was agreed that as the father was not looking after the children properly, they would go and live with the mother and she would send the ex-husband receipts of their expenses for him to pay the bills. But even this arrangement failed: the father was accused of not providing an adequate medical treatment to the sons.

[Woman]: Since two years, if some child is sick and I send him to the doctor, I take the receipt and give it to him. He takes the receipts and puts them in his pocket and doesn’t say anything. So, last Christmas the second child fell sick and was admitted to hospital. I sent him one receipt, he didn’t say anything and put it there. A week before Christmas he sent me some money. He brought me 40,000 Cedis to buy the children’s cloths. I told him I will not use them to buy the cloths because we had not settled the doctor’s bill. . . Since then, two children again fell sick together. I have cared for the little one. I sent the elder to him at Bekwai but he only enema the child. He didn’t take him to hospital and returned the child to me. I was also lying sick, but he sent the child anyway. After about two weeks, he came to the house. I told him: “Ei! Is what you have done good? Your child is sick, we send him to you and you enema him! You couldn’t even buy Paracetamol and give it to him. I was lying sick and you sent the child back.” That is what I said. He asked me why I was asking him that. His chest grew [he became furious] and the two of us had fire inside us and we fought. Then this child fell sick again. I went to tell him and he didn’t mind me.

These three settlements of post-marital disputes show great similarities and indicate that the formal role of the father as provider for his children has preserved its main characteristics as an ideal reference. Throughout the twentieth century, fathers have been asked to pay the bulk of their offspring’s expenses. In all three cases they acknowledge their paternal responsibilities, even though they fail to carry them out. In the first instance, the husband asks for time; in the second and third, the debate concerns the size of the debt rather than its legitimacy.

VI

The urge to find domains where women have lost power in the course of the last century has produced an overstatement of the degree of change. Family structure has been seen as undergoing profound transformations, but little documentation is produced to support this case. Sefwi evidence suggests otherwise and a re-evaluation of the classical ethnographies and of archival evidence throughout the Akan area may confirm that a revision of the theory of retrograde steps, at least
in some of its diverse claims, is in order. The continuity which characterizes aspects of family life is due to the substantial preservation of hierarchical practices.

Throughout the twentieth century, the nuclear family has acted as a locus of hierarchical relations. Fathers and husbands exercised their role of household heads, while wives and children were required to occupy subordinate positions. As roles were not dramatically altered, household dynamics show some degree of continuity. Changes have certainly occurred, but to focus on this aspect of gender relation alone produces a misapprehension of the continuity of the ideology of relations within the household.

What seems a crucial and recurrent theme in twentieth-century gender relations within the household is that marriage implies subordination of the wife to the husband. The man acts as the head of the unit. Subordinates (wives, children, incorporated kin) receive "care" in the form of food, cloths and, as seen before, medical expenses, while they produce labour and show respect and obedience.

The three examples discussed above fall within this ideological framework. First, the lack of definition of marital roles shows the woman's elder kin unwillingness to transfer the rights over her to the prospective husband. By refusing to receive bridewealth, the woman or her elder kin do not accept her full subordination as a dependent member of the man's household. Second, the father's parental rights derive from the headship of the nuclear unit and from his sexual rights over his wife; the matrilineage holds some rights that are exercised along the ones of the father. In this respect the residence of the youngster (patrilocal/avunculocal) and the burden of his/her maintenance seem crucial in the negotiation of prerogatives between fathers and mother's brothers (Boni 1998). Finally, the father's rights rest ideologically—and at least partly so in practice—on his capacity to "care for." Women have demanded that their subordination and the exploitation of their labor be compensated by the provision of essential goods and services.

While the general features of the ideology of subordination which characterizes the organization of marital life and of the household are set, the contextual application of the norms is flexible and open to negotiation. Subordinates have room to shape their dependency, and to demand the respect of their rights. In some instances, they may even refuse to enter in relations that imply inferiority. While the hierarchical ideology of marriage persists, the forms it takes vary historically and contextually.

While it is certainly arrogant and conservative to postulate that
gender inequality is a universal feature of human societies, to suggest that gender relations were egalitarian or more egalitarian in the past without the support of convincing documentary evidence might be equally misleading. Studies that attribute women’s subordination solely to twentieth-century political and economic dynamics may underestimate the extent to which transformation is necessary to promote equality. Gender hierarchy has roots in an ideological framework which persists, in its essential features, and adapts to socio-economic dynamics. The struggle towards equality cannot be solely centered on land access, development projects and legal rights; amongst the Akan, as elsewhere in Africa, it needs to address the crucial issue of the ideology of the gendered attribution of value.

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