

Weeping Wives or Smiling Divorcees: Implications for Access to Property and Inheritance for Women in Northern Ghana

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Abstract

This article highlights some of the socio-cultural features that define gender relations in Tamale in the northern region of Ghana. It discusses how women are ascribed specific roles; it mentions the impact of social and economic changes on gender relations and then examines gender relations from the perspectives of marriage, divorce and inheritance patterns. The article elaborates the gendered socio-cultural context of Northern Ghana in general and of Tamale in particular with particular attention to reproductive roles, inheritance and marriage. This context is a crucial foundation to understanding gender relations because it examines the multiple sources of power for women and control over women within marriage. This includes shedding light on women's perceived interests, their acceptable bargaining behaviors, their breakdown positions and relevant threat points in northern Ghana in general and for Tamale in particular. This article is thus an entry point for research into the examination of productive and reproductive activities that women can draw upon to influence the course of their lives either as wives or as divorcees.

Keywords: Divorce, Gender, Inheritance, Marriage, Property.

1. Introduction: Marriage in Ghana

Cultural expectations in Ghana are such that marriage is virtually compulsory for girls as soon as they reach maturity, thus extending their reproductive lives (Awusabo-Asare, 1990). Implicitly then, being a wife is significant once a woman reaches marriageable age. The fact that men can evade responsibility for extra-nuptial births imposes on girls and women the onus to protect themselves from pregnancy, although pre-marital and illicit sex is against both Christian and Islamic principles for both men and women (Awusabo-Asare, 1990). There are a

number of marriage systems in Ghana which affect household gender relations. Some of these are briefly discussed below:

Since colonial times, parallel marriage systems have operated in Ghana: that is, customary law marriages, Ordinance (monogamous) marriages and marriages under the Marriage of Mohammedans Ordinance, which permits polygyny. Consensual unions also account for a small percentage of unions. Over 80 per cent of marriages are still contracted under customary law, even among educated urban groups (Awusabo-Asare, 1990; Manu, 1993). Marriages in Ghana may be contracted under one or more of these forms, although most remain under customary jurisdiction. Legislation enacted in 1985 requires the civil registration of new customary marriages within three months (Oquaye, 1993). The implication of all this is that in Ghana the customary marriage contract is protected by both social norms and the law and so there is a form of 'insurance' for women in marriage (see Jackson, 2007). The implication of this being the closing of the gap regarding inequalities that exist in the breakdown positions between men and women.

Women in Ghana, especially those in northern Ghana, are generally expected to marry by the marriageable age of 18, and most women who marry do so before they reach their 30s (Awusabo-Asare, 1990). Urban women and those with some form of tertiary level education tend to marry late. Around a third of unions, according to Awusabo-Asare (1990), are polygynous, with highest rates among uneducated women and in northern Ghana. According to Awusabo-Asare (1990), women in northern Ghana indicate their preference for polygamy. Research conducted in Ghana in 1992 indicated that 85 per cent of women and 43 per cent of men who first married at age 18 were compelled to do so by parental insistence (Brown, 1994). None of the few young unmarried male respondents in this study said that their parents wished them to marry. Conversely, a good number of the married women indicated that their parents wished them to marry. There is no minimum age for marriage in Ghana under customary law, although it is rare for spouses to live together before the girl has reached puberty. Child marriage is practiced by all ethnic groups, with the incidence of women marrying under the age of 15 generally decreasing in southern Ghana but higher in the north (ibid). Under customary law, marriage is not just a union of two individuals but a union between families. There are three main elements to customary marriage, each of which ensures that the marriage is recognized by society: the families' consent, the payment of the bride price and the holding of ceremonies. Each of these is discussed briefly as they shed more light on the marriage contract (and its implications for conjugal rights and expectations).

First, as part of customary marriage the consent of male members of the families, especially of the bride, has to be sought before a marriage is possible (Awusabo-Asare, 1990). The absence of parental consent means that the bride will not be seen to have been married properly and this lowers her esteem in society (ibid). To ensure a full, customary, recognised marriage therefore, the consent of parents is a vital ingredient. There are however less formal sexual partnerships covering long-term unmarried relationships and marriage by mutual consent, where families are less involved. Older women may be more inclined to enter love marriages following divorce or as widows, and their extended families are generally less involved in such marriages (Abu, 1993), otherwise the requirement is for families of both the bride and the groom to be actively involved for the ratification of the marriage.

Secondly, the institution of the bride price ratifies marriage. It is considered evidence attesting of the fact that matrimonial union has duly been entered into (Sarpong, 1974:83). It entitles the husband to 'adultery fees', which is a form of compensation to the man in the event of unfaithfulness on the part of the wife, giving him the exclusive right to sexual access to his wife. In some situations, men and women's self-respect depend on the transfer of the bride price. For instance, a woman wanting to insult a man who has been staying with her without paying the bride price may allude to this fact to imply that he is either irresponsible or too mean to marry her properly. The bride price in matrilineal societies such as those of southern Ghana is not as big as that in patrilineal societies (as in northern Ghana). It may consist of goods, cattle, money or services, depending very much on the ethnic origin of the bride's parents. The form and

amount of the bride price vary according to ethnic background and the woman's level of education (*ibid.*).

The fulfillment of the conditions of customary marriage, particularly the payment of the bride price, is seen as 'giving the husband full control of the wife', as indicated above, 'including sexual monopoly and the right to claim damages in the case of adultery' (Awusabo-Asare, 1990). Adultery by the woman is often cited as grounds for divorce. Given the wide interpretation of adultery, especially in northern Ghana (which may include simply being touched by or cooking for another man without the husband's consent), a considerable gender imbalance is created in sexual freedoms and control and this has an effect on household gender relations (Abu, 1993; Awusabo-Asare, 1990).

Finally, there is the organization of a public ceremony which ensures that the marriage is witnessed by the wider society. Exchanges of gifts among members of both the couple's families and other well-wishers take place during these public ceremonies to demonstrate good will. The degree of elaborateness of the marriage ceremony also depends on the level of education of the spouses and their wealth, or the wealth of their families.

Apart from customary marriages, the Marriage of Mohammedans Ordinance provides for the registration of marriages and divorce among Muslims. Marriages registered under this act are regulated by Muslim law with respect to matters of polygyny (four wives allowed) divorce and inheritance (Awusabo-Asare, 1990). However, the majority of Muslim marriages are not registered under this law and so are regarded as marriages under customary law (*ibid.*). Nevertheless such marriages are influenced by the expectations pertained in Marriage of Mohammedans Ordinance.

Muslims advocate marriage as a religious duty with the husband responsible for the protection, happiness and maintenance of his wife. He is responsible for the cost of her food, clothes and accommodation since he is the *qawam* (leader) of the house and bears financial responsibility for the family (Ahmed, 1992). The woman, on the other hand, is responsible for the management of the household. She has to take care of meal preparation, house-cleaning and laundry. She may expect some cooperation from her husband, but this depends on what he can afford to do. Muslims see the man as 'a degree above' women meaning that authority in the household has been given to the husband by his religious belief (Islam). According to Ahmed (1992:34), God's messenger was asked which woman was best in the eyes of God and the messenger replied: 'The one who fills her husband with joy when he sees her, obeys him when he directs and does not oppose him by displeasing him regarding her person or property.' A Muslim woman is required to devote herself to her husband and her loyalty is due to him first, even before her kin. She should avoid associating with 'undesirable or suspicious elements' and should not entertain any male friends on her own (*ibid.*). Islam allows a man to marry more than one woman, but only if he can deal justly with them. Many Muslims who have married more than one wife justify these marriages by indicating that no one has the authority to 'forbid something that has been granted by Allah' (Ali, 2001:4). A respondent, during a FGD, had this to say when asked why he had more than one wife:

There are many more women than men and that is why God asked us (men) to marry more than one wife. God Himself will refuse to bless you if you fail to marry more than one wife. When you marry many women, you have taken some burden away from somebody and God will bless you for that (Tahiru, 48 years, a fitting mechanic, polygamously married with three wives and residing at Choggu Community).

This religious justification perhaps accounts for the large number of polygamous households in northern Ghana (even though it is not a straight forward explanation). In the next section shall be a discussion of some factors that influence marriage to shed more light on how the nature of marriage can affect gender relations in northern Ghana.

1.1 Emotion and the Nature of Marriage: Arranged or Love

Utilizing a mainly qualitative methodology involving the use of a wide range of basic ethnographic field investigation techniques, this study employs a purposive sample that seeks to capture the locally significant variations in household structure, especially those involving women. To this end, Focus Group Discussions (FGDs), one-to-one in-depth interviews in selected households in Tamale, and non-participant observation were used to gather data for this study.

This study discovered that arranged marriages in northern Ghana have become less common in recent years. However, this research in Tamale equally illustrates that the practice of arranging marriages (a form of family consent discussed above) has been common in the past. Considering the fact that some of the respondents for this study admitted to having benefited from marriages arranged by their parents or other family members, this phenomenon is discussed in the light of its effect on gender relations in Tamale:

My mother and her friend arranged for me to marry her friend's son. I was 26 then and still not married so my mother prevailed upon me to marry Amin as his second wife and I agreed. I did not want to disappoint my mother and besides most of my age mates were married and some even had children (Zuliah, 42 years old, polygamously married with 1 co-wife, living within Choggu Community).

The cultural practice of arranging marriages especially for daughters still exists but is less common than it was a few decades ago. This suggests that arranged marriages may soon become non-existent in our community (Asima, 56 years, FGD, Lamashegu Community).

The frequency of arranged marriages is difficult to assess because most parents who were interviewed declined to agree that they had played a significant role in arranging marriages for their daughters, even though a number of them admitted that they were in marriages themselves as a result of some arrangement by their parents. They were quick to add, however, that they themselves would not arrange marriages for their daughters. This reluctance on the part of the parents may be because they realise that arranged marriages are currently negatively portrayed in society.

In Islamic societies, the bride and the groom have different degrees of power to endorse the marriage contract. The Islamic concept of *wali* (parental consent) acts as the differentiating component whereby a woman requires the bearer of her *wali* to offer consent for her to marry, while men have free consent to legalise marital relationships.

Despite these formalities about legalising the marriage contract which appear to make fathers and male kin extremely powerful concerning women's access to marriage, research has shown that mothers and other female kin (aunts in particular) sometimes play more significant roles than fathers and male relatives, particularly in arranged marriages (Abu, 1993). This shall be referred to as the 'unseen influence' of mothers, aunts and other female kin in establishing marriages for their daughters and female relatives which is clearly disguised through the concept of *wali*. The reasons that lead women to use this unseen influence are both contributory and constitutive factors of gender relations influenced by gender ideology within households in Tamale.

This research shows that mother's persistence in selecting husbands for their daughters was also based on financial grounds. The ideology that they have subsumed in their own lives is that of husband providers, and some mothers view their daughters' married lives only through this lens. Coupled with the fact that the domestic violence committed by husbands against their wives is not disclosed to the wider community in Tamale, kindness and compassion are characteristics that come second to affluence and social status in prospective sons-in-law.

Again, this study shows that not only are mothers and/or aunts concerned about their young girls' choice of spouses, they also influence their sons' choice. It may be argued that mothers act in this way to ensure that their children have stable marriages. But this does not make ideological biases irrelevant. For instance, the ideology of caring and domesticated wives is important for mothers such that it becomes the driving force for utilising their unseen influence. In such cases, the manner in which they wield their unseen influence is usually discreet. Prospective spouses are either introduced to their sons by entertaining them in the household or social networks are used to deliver the message from mothers to their sons:

My mother and my sister-in-law introduced me to my wife. They brought her home to help them prepare meals during an Eid celebration. They did not directly ask me to marry her, but I figured out, after some time that my mother thought the woman will make a good wife for me as she kept asking me to know my views about the woman. She even had earlier indicated that she did not approve of my relationship with my former girlfriend (Hassan, 39 years, FGD, Lamashegu Community).

Hassan showed that cultural norms about gender role expectations have a substantial influence on the establishment of the marriage contract:

I decided to marry the man my parents approved because they knew what was good for me (Mesuna 38 years, monogamously married, Kanvili Community).

As evident from the case above, there is hardly any formal courtship in arranged marriages. It was found that a few polygamous households were also the result of arranged marriages:

Both my mother and her sister (my aunty) were of the view that my first wife was disrespectful and so they arranged for me to marry my second wife (Abu, 47 years, polygamously married, three wives, laboratory assistant, Lamashegu Community).

I think my sisters felt that there was the need for me to get married at a time that I was not quite ready to marry. They might have talked to my mother and together they arranged my first wife for me. She was not a woman I quite loved, but I had to accept the wishes of my relatives. When I was ready to marry, I married my own choice of woman, but in order that my family members will not be disappointed, I have still maintained my first wife (Sanda, 47 years, polygamously married, two wives, driver, Kanvili Community).

Research indicates that there are polygamous households where women have very negative experiences of polygamy which are riddled with unhappiness, abuse, unequal treatment and lack of emotional and financial resources (Agadjanian and Ezeh 2000; Madhavan 2002; Meekers and Franklin 1995). These are households where the initial marriage is likely to have been arranged, which leaves the first wife feeling disempowered, and additional marriages may take place without the consent or approval of senior wives. In some households in Tamale there is a high level of gender inequality and women tend to have very little control over reproduction, limited access to financial resources and minimal influence in the selection of their partner. A third wife in a polygamous household captured this:

My parents did not want me to marry and live in the village with them, so when my husband, who lives in the city, told his parents he wanted a 'good' wife from the village because his other two wives were both born and brought up in the city, and my parents were informed, I was simply asked to marry him. The fact that my husband's parents saw in me a 'good' wife, I felt I should not disappoint them by refusing to marry their son (Faiza, 30 years, polygamously married, 2 co-wives, Kanvili Community).

Attitudes towards premarital courtship in northern Ghana have changed or are changing and as a result more couples are becoming emotionally attached prior to marriage. These changes are due to innovations taking place in society itself:

Today most young men and women choose their own prospective spouses. It was not the case when we were young. Our society is changing and parents have begun to accept this change in marriage patterns too (Jemi, 58 years, FGD, Choggu Community)

It is a fact that no society can remain closed and isolated in this day and age. Media and travel are key links which introduce social norms of other cultures into our society. We have to accept this fact (Hudu, 48 years, FGD, Kanvili Community).

Respondents in FGDs indicated that when they were adolescents it was shameful to see unmarried couples (including educated ones) in public, in both rural and urban areas, but now it is not uncommon to see lovers entertaining each other in their homes and having meals together with parents (especially the educated), even in urban areas. This suggests that parental influence in selecting marital partners will relax in time. Today the courtship of prospective marital partners usually begins in their early adulthood:

By the time they are eighteen, the emotional attachments between young people in love are there though the degree of intimacy they establish depends on the flexibility of the community regarding such interaction and on the parents, primarily of the young women (Rahman, 52 years, FGD, Lamashegu Community).

The responses received from young people support the argument that marriages based on romantic love are becoming more attractive:

I am 21 years now and my parents have advised me to marry, but they have not shown me the person of their choice. I would like to settle down with someone I love (Labaran, 21 years, a carpenter, single, Lamashegu Community).

In the same vein, older respondents confirmed that parental influence in selecting spouses is no longer the norm:

Our children should be able to decide who they want to settle down with and we will accept the partners they introduce to us and who they wish to marry because they will decide how to live their lives in marriage and beyond marriage. We may not be there for them (Salifu, 57 years, FGD, Lamashegu Community).

Once I mentioned the name of a young man to my daughter and asked her what she thought about a long term relationship with that young man. She told me flatly to my face that she did not like him and that she liked somebody else. I did not argue any further with her (Malia, 58 years, FGD, Kanvili Community).

From the above it is evident that marriages based on love or love marriages are encouraged today and parental influence in obtaining spouses for daughters in particular is not as strong now as it used to be in the past.

In this discussion it must be noted that 'love marriage' in some contexts means arranging 'one's own marriage' (Donner, 2002:83) implying that emotional involvement is not a necessary or distinctive component of a love marriage. Donner defines a love marriage as one that has been 'agreed upon first by the couple concerned after a period of courtship' (ibid: 83). Donner's use of the term 'arranging one's own marriage' is relevant to this study because several respondents, during field work, who were not within parentally-arranged marriages also stated that their marriage was contracted 'out of mutual consent' and did not specifically refer to 'love' or emotional attachments prior to marriage.

Giddens (1992:43), on the other hand states: 'Romantic love is essentially feminised love,' suggesting that romantic love is linked to women's subordination within the home. The increased scope for courtship among young women and men on the basis of romantic love has also provided increased scope for cross-status marriages. Giddens (1992:44) argues: 'Romantic

love detaches individuals from wider social circumstances in a different way'. In arranged marriages, husbands and wives have the power to question each other about the extent to which the other fulfils the conventional conjugal contract. Questioning is not confined to love marriage but what it is over may be different. It may also not be any easier to question the sexual division of labour within a love marriage even though one may have more ground for questioning where the husband's affections lie.

The extent to which marital partners interrogate or question the strength of emotions such as love also depends on other factors such as how society observes emotions. Lutz (1988) states that emotions are culturally constructed, and there is the suggestion that in relation to emotions such as love, anger and sadness women appear to express more emotions than men. There is a vast amount of literature on the anthropology of emotions, but it is not the focus of this study. Women in both polygamous and monogamous households in Tamale are more expressive of emotions such as love, happiness and sadness than their men folk. While all the female respondents in monogamous households expressed all three of these, women in polygamous households mainly expressed only happiness and sadness. Two comments from respondents, one from a monogamous household and another from a polygamous household illustrate this:

I used to love my husband so much, but I am not sure I still love him that much since he decided to marry a second wife... I sometimes wonder why he took that decision and that displeases me a lot, but I take consolation in the fact that I have children with him and they keep me going, as a result of which I am able to ply my trade successfully (Kande, 36 years, polygamously married, 1 co-wife, Choggu Community).

...unlike other men who have married more than one wife, I am excited my husband has decided not to be that line. That gives me the impression that he really cares about me and so I should unconditionally love him. This is why I become unhappy anytime we quarrel (Latifa, 41 years, monogamously married, direct vendor, Choggu Community).

Expressions of these different kinds of emotions between men and women matter for differences in bargaining and the subject of bargaining in different household types.

On the other hand, anger, especially in polygamous and monogamous households, appears to be expressed more by males than by females. Women may feel angry but may not be able to express it. Alternatively women may experience frustration as self-doubt rather than as anger because of internalized gender ideologies. Indeed women may at various times exhibit anger but there may be cultural disapproval of this if it is seen as being a 'male' emotion.

This again, is a normative aspect of the conjugal contract in which certain emotions and behaviors are expected or allowable for wives and others of husbands. This impacts upon negotiations between marital partners. Aside from 'romantic love', affection and emotional attachment towards kin, especially children, and what is perceived to be in their best interests has a powerful effect on household bargaining.

Next to be discussed is divorce because divorce or separation is considered to be the ultimate threat point in the literature on intra-household gender bargaining (see Sen, 1990). There is rather a low rate of divorce in northern Ghana and it is thus crucial for this study to examine why this is the case in order to understand women's bargaining power in marriage, their fall back positions in the event of divorce, and how far and in what ways divorce really constitutes a meaningful 'threat point' for everyday bargaining in the marriages of Muslim women in Tamale.

2. Divorce

Divorce is generally approved of neither under customary law nor in Ghanaian society as a whole. Both customary and Ordinance marriages involve considerable provisions for reconciliation prior to divorce. Again, marriage norms based on either customary marriage or marriage of the Mohammedans, which both abound in northern Ghana in general and Tamale in particular, frown on divorce and as a result of this, even though there are cases of divorce in

Ghana it is not widespread, especially in the north (Abu, 1993). Divorce can be initiated by either men or women, although permissible grounds for divorce vary by gender and inheritance groups. In matrilineal groups, members of the matrilineage (in southern Ghana) have been known to play a role in instigating divorce where they feel their kin member is not receiving appropriate treatment or economic support, whereas traditionally in northern Ghana divorce is a male prerogative (ibid). There is a thin line between Islamic and traditional practices, as these are often employed interchangeably. Whereas Islamic principles give a wife the right to divorce under certain circumstances, traditional practices frown upon women initiating divorce (ibid). In northern Ghana, Muslim men simply needed to pronounce divorce with statements such as 'You are no longer my wife' and this is sufficient to indicate that a divorce has taken place. This is then however followed by registration of the divorce at a court to establish that the marriage has ended. Islam allows women two options with which they can end the marital union, although women in northern Ghana hardly use these because of the traditional restrictions regarding divorce. The first option is to obtain a judicial *khul* (female divorce) in Islam. This requires the wife to offer something of value to the husband, to which they both agree, in return for the divorce. The second option is through *faskh* (annulment). Broadly speaking, husbands can initiate divorce on grounds of adultery by the wife, infertility, desertion or witchcraft. A wife can instigate divorce on grounds of impotence, desertion, or cruelty (ibid).

Lloyd and Gage-Brandon (1993:123) state that: 'In traditional practice, women have no entitlement to alimony payments if they divorce; rather in many situations, the bride wealth has to be returned by the woman's family'. [In other words the fall back position of divorce is virtually intolerable for women]. This situation creates pressure for women to remain in marriages even where they are unhappy, and this will certainly have an effect on household bargaining. This is especially the case in northern Ghana, where the bride price is high (as indicated above). It makes for stability in the marriage because the big bride price paid by the man must be returned to him by his wife or her relations in the event of a divorce due to the fault of the women. Since the wife or her people may be incapable of repaying this bride price, women have to 'settle' in their marriages. Where the bride price is low, as in most parts of southern Ghana, it can easily be refunded, as a result of which the incidence of divorce is high. On their divorce, both men and women often submit bills to each other for expenses incurred during marriage. Where the divorce occurs through no fault of the woman she may also claim compensation from her husband (Sarpong, 1974). Only one of the respondents for this study tried to gain a divorce from her husband but she could not make the system work in her favour and became a subject of ridicule even by her female peers, and so she gave up. Discussants in focus groups indicated that men can and do divorce women when they want to, although this was also comparatively rare among interviewees for this study because they felt that instead of divorce, they could marry another woman. The fact that men can take another wife or divorce their existing wife is a source of insecurity and anxiety for women and helps to ensure their adherence to conservative social norms in areas like reproduction. [Adhering to such norms does not ensure husbands do not remarry but it does ensure that women are not divorced].

In Ordinance marriages the sole grounds for divorce are breakdown beyond reconciliation, but this includes provisions relating to adultery, desertion and 'de facto' separation of over five years. Sexual relations outside marriage by men is an offence only if the woman with whom the man had sexual relations is married. The cultural reasoning offered for this double-standard is that even married men can subsequently marry an unmarried woman with whom he has committed adultery because he is permitted more than one wife under customary arrangements. Custody rulings in Ghana tend to favour fathers in both customary and Ordinance law, however in matrilineal systems the custody of children tends to be awarded to their mothers, at least when young, with access rights provided to the father (Awusabo-Asare, 1990). Under patrilineal systems, as in northern Ghana, on the whole men are granted custody when the children are 16 years or older (ibid).

Ali (2001:4) indicates that Islam frowns on divorce and quotes a verse from the Qur'an to support his stance: '...of all the things that Islam has permitted, divorce is the most hated by Allah.' He goes further to say that Allah asked men and women to marry and they should not divorce since the 'throne of Allah shakes' in the event of a divorce. A respondent supported this view with a rhetorical question:

Why should I divorce my wife when I can simply marry another wife? (Salifu, 52 years, polygamously married with 4 wives, a butcher, Lamashegu Community).

All the scenarios captured above present a puzzling conundrum. This is because to get married and to remain in that marriage is more or less an injunction on men and, in particular women, as a result of which divorce is extremely rare. This implies that a woman is compelled to stay in a marriage because she does not want to divorce her husband for fear of what society might say about her. To this extent divorce acts as a very powerful threat point for women since it is so hard for them to initiate divorce due to cultural norms and/or restrictions in spite of difficulties they might be facing in their marriages. On the other hand a man may not divorce his wife, but he could marry another wife, when he has problems in his marriage, as he does not need to divorce his current wife in order to take a new wife. Divorce thus virtually becomes ineffective as a threat point that can be used against men. This study thus suggests that the marrying of another wife may act as a threat husbands can use against wives instead of divorce. In spite of all these, women are not completely powerless in the north due to the presence of Islamic and/or cultural resources that are in the interest of women as a result of which women possess bargaining power. In all of these, the real sense of a threat of breakdown in the context of men is the Islamic provision of *qiwamah* which enjoins men to take care of their wives whether or not they (men) are financially capable of doing so. This, as indicated above, shows that the threat is not so intolerable for women as to essentially forestall any bargaining on their part

Property and inheritance is discussed next. Women in Ghana are disadvantaged compared with their male counterparts in the sense that even though they can own property and can transfer it to their children, when it comes to inheritance the portion given to women is normally much smaller than men's. To this end, this study examines property and inheritance in order to determine how, as a material resource, it enhances women's bargaining power and/or fallback position.

2.1 Property and Inheritance

Under the matrilineal systems of some ethnic groups in Ghana, inheritance operates through the mother's lineage. Awusabo-Asare, (1990:7) writes:

A son does not inherit from his father. Rather, fathers are expected to set up their male children in life through training, the giving of gifts and helping sons to acquire their first wife. Daughters received gifts (e.g. land) from the father and paternal aunts, especially during puberty and at first marriage. Today, setting up a child in life includes providing a western type of education and/or apprenticeship... If a male dies intestate, a uterine brother is the first in line to inherit his self acquired property... The next to be considered is the son of the uterine sister... this has been popularized as the nephew inheritance system among the Akans. The third option is one of the sons of the deceased's mother's sister.

Similarly, husbands do not often have a claim to their wife's self acquired intestate property under matrilineal systems. The preferred order for the transfer of intestate property of a deceased female is first her mother or a uterine sister and then a daughter (or son) (ibid: 7).

In patrilineal systems in northern Ghana and in Muslim communities, inheritance is through the father, but sons are usually favoured over daughters, who become members of another lineage (their spouses) on marriage. Muslims believe that Allah gives property and men are the trustees of Allah's property (Ali, 2001). Even though daughters can inherit some property, the bulk of one's property will pass to sons and not to wives or daughters who are not custodians of Allah's property.

There is rarely common ownership of property within marriage and so whatever goods or assets are built up by either party during marriage remains the property of each. Thus a husband's property remains his own even where (as expected) the wife has made considerable labour input into building it up. A man may make a gift of a specific share of his property to his wife: however if he dies intestate it is difficult for the wife to establish her claim against that of his

kin, even where the gift has been publicly acknowledged (Awusabo-Asare, 1990). Although joint property in marriage is not the norm, it does occur. Even here, in the event of the death of a husband a wife's claim to joint property must be proved to be substantial and to have amounted to more than the normal assistance given to a husband by a wife under customary law (ibid). To this extent, as a result of the difficulties associated with widowhood, women tend to be committed to investing in marriage by putting aside some material resources so that they have something to hold onto for themselves and for their children in the event of the death of a husband. This also means that once women invest in marriage they have a better fallback position than if they were not and this offers them bargaining power while their husbands are still alive.

Thus in both matrilineal and patrilineal customary systems a woman has no direct right to her husband's property where no formal provision has been made for her and the husband dies intestate. Under customary law, a woman's property rights are often not established until after the death of her husband, a situation which creates considerable insecurity (Awusabo-Asare, 1990). Although a wife under the matrilineal system technically has some rights to maintenance and residence through her husband or his successors, it is very common for women to be driven out of their matrimonial homes upon the death of their husbands (ibid). Similarly, under patrilineal systems women do not inherit directly from their husbands and although they are entitled to maintenance and residence they are often expected to return to their natal family or remarry, in some cases a brother or relative of the deceased. A major difference in patrilineal systems is that male children inherit through their fathers, giving women some degree of security through their male children. However, childless women, or women with only female children, whose inheritance rights through their father are less than those of their brothers, are thus disadvantaged (ibid). This means that such women are disinherited to a greater degree under matriliney. Without the right to inherit the property of her husband, a wife in this system is motivated to maintain high fertility, hoping that at least one of her surviving children is a son whose inheritance she can continue to depend on after her husband's death.

To contain the complications related to inheritance described above, Intestate Succession Law (ISL) in 1985 (PNDC 111 as cited by Awusabo-Asare, 1990) was introduced which has helped to alter the situation described above in law, even if not yet widely in actual practice. The main aim of this legislation is to create some degree of economic security, across all forms of marriage, for women and their children who survive an intestate spouse (Kuenyehia, 1992). Together, Ghana's ethnic, cultural and ecological diversity make generalization about gender relations and their consequences for women and men's access to resources, decision making and status extremely difficult. The diversity of experiences is further widened by regionally distorted historical development and biased development policies. A history of male outmigration which tends to increase women's labour burden, strong patriarchal family structures and women's lack of influence in decision making has resulted in generally limited options for northern women. All of the above have different gender implications for household relations regarding relative strengths and weaknesses in negotiations. The effect of inheritance on bargaining is that a woman whose husband has no property from which she can be considered for inheritance has a better bargaining strength than a woman who expects to inherit from a wealthy spouse. A subject had this to say during a focus group discussion:

God forbid, but should my husband die today, his relatives would come and take everything my husband and I have worked for. To prevent this from happening, I also try as much as possible to put something aside for myself and for my children. (Anisa, 41 years old trader, Lamashegu Community, Tamale).

The above statement by Anisa is an indication that women know that they stand to be disinherited in the event of the death of their spouses and so they (women) make their own arrangements to secure their future.

3. Conclusion

In the foregoing, property and inheritance; and marriage and divorce patterns in Ghana have been highlighted. The point is now made that the intense pressure to marry touches upon the fact that women have little control over their own sexuality in this culturally patriarchal setting of Tamale. Furthermore, the processes that determine divorce and inheritance and men's ability to take additional wives suggest that gender is a constraining factor for both married and divorced women.

The concept of *wali* in an Islamic society such as that of Tamale automatically gives men the power to consent to a marriage taking place. There is however, what is referred to as the 'unseen influence' of mothers and aunts which is discreetly used in establishing marriages for 'children'. Although this 'unseen influence' is different from the power of *wali*, yet mothers can use their 'unseen influence' to prevent a marriage they do not approve of from taking place by negotiating with the bearers of *wali* not to go ahead to sanction the marriage. These women are able to do this because they are perceived to make important contributions towards marriage ceremonies and so their support is always courted by men for the success of such ceremonies (see also Abu, 1993). This is an indication that gender is not always a constraining factor for women and that in spite of the apparent weaknesses of women in Tamale, visible from the cultural norms, these women, whether married or divorced seem to wield some power.

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