

16. Only about 7% of the male working population is currently employed in these activities within Lesotho – see *First Five Year Development Plan 1970/71–1974/75* (Maseru, 1970) p. 11.
17. See e.g., *Chokobane v. Chokobane* R.C.2/1921; *Lichaba v. Lichaba* R.C.4/1937; *Machobeng v. Mafantiri* H.C.28/1940; *Ntsinyi v. Rammoko* J.C. 268/1954; *Limo v. Matlosa* H.C.Civ./A/6/1965; *Mosoang v. Mosoang* J.C. 234/1966; *Nko v. Nko* H.C.Civ./T/3/1968; *Mosakeng v. Mosakeng* H.C.Civ./T/15/1968; *Rakhoabe v. Rakhoabe* C.A.Civ./A/5/1969.
18. See, e.g., *Maseela v. Maseela* (1954) H.C.T.L.R. 48; *Tsosane v. Tsosane* H.C.Civ.-A/6/1968.
19. See, e.g., Allott, *New Essays in African Law*, pp. 219–27 and the authorities cited there.
20. See e.g., *Nko v. Nko* H.C.Civ./T/3/1968; *Mosakeng v. Mosakeng* H.C.Civ./T/15/1968; *Nthunya v. Nthunya* H.C.Civ./T/34/1968. See also the simplistic statement of Duncan, 1960: 20 – ‘If the marriage is conducted in church or in the district commissioner’s office the law governing the marriage is the civil law: but if it is regulated by the families of the parties, according to tradition, then the law governing the marriage is Sotho law’.
21. 1948(1) S.A.388(A.D.).
22. Bantu Administration Act. No. 38 of 1927, s. 11(1).
23. 1948(1) S.A.388 at 397, 400–1.
24. E.g., an ante-nuptial contract.
25. (1963–66) H.C.T.L.R. 97 at 100.
26. Although this test is derived from the judgment of Schreiner J.A. in *Yako v. Beyi* I am not suggesting that the Lesotho courts follow the guidelines laid down for the native commissioners’ courts in South Africa.
27. Simons, 1970: 160; *Matchika v. Mguni* 1946 N.A.C. (N. & T.) 78.
28. Duncan, 1960: 20. See also his decision as Judicial Commissioner on the jurisdiction of the Basotho Courts over dual marriages in *Tlale v. Tlale* J.C. 163/1950.
29. [1960] E.A.81.
30. [1968] E.A. 72.
31. See also the statement of Hodson L.J. in the English case of *Thynne v. Thynne* [1955] P. 272 at 304 to the effect that a second ceremony following on a valid marriage has no legal effect.
32. See Central and Local Courts Proclamation, s. 8(1) (b).
33. H.C.Civ.A/4/1969.
34. (1866) L.R.1. P. & D. 130.
35. See *Ohochuku v. Ohochuku* [1960] 1 All E.R. 253 as interpreted in *Cheni v. Cheni* [1962] 3 All E.R. 873 at 878 and in *Ali v. Ali* [1966] 1 All E.R. 664 at 669.
36. [1968] E.A. 72.
37. See e.g., *Makhele v. Rataleli* J.C. 153/1945; *Maqutu v. Hlapane* H.C.Civ.A/1/1971. For the artificial South African approach see Simons, 1970: 160, 177.

Marriage in Kwahu, Ghana*

11

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The Sixth International African Seminar in 1964 on ‘The New Elites in Tropical Africa’ (Lloyd 1966) marked the rising interest of sociologists and anthropologists in urbanized elite groups in Africa. Studies of the urban elite in Ghana deal *inter alia* with decrease of fertility, changes in family life and upbringing of children (Caldwell 1968), jointness and segregation of conjugal roles, nucleization of the extended family system (Oppong 1974) and attitudes of university students towards marriage and family size (Oppong n.d. (a) and n.d. (b); Kumekpor n.d.).

All these studies present a picture of marriage that is radically different from traditional marriage. Caldwell (1968) observed that norms as well as practices have changed considerably. The majority of his (elitist) respondents considered polygyny not to be a good thing and the practice of polygyny was found to be rather rare. The age at marriage was also rising for both men and women. Divorce seldom occurred and was almost universally condemned. Most respondents thought that their family was closer to a nuclear family than to a traditional family and in more than half of all cases husband and wife claimed that they went out together at least once a month. About 40% thought that there was ‘nothing bad’ about the Western family type and about 15% found ‘nothing good’ in large families.

Oppong (1974) describes conjugal and kin relationships among matrilineal senior civil servants in Accra. Following Bott’s line of thought she

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examines the extent to which the conjugal family is a discrete unit and the conjugal roles are joint or segregate. She analyzes the delegation of household tasks, domestic power positions, and the marital decision model. One of her conclusions is that husbands who belong to the second educated generation are more likely to have joint relationships with their wives and to have little contact with their matrikin.

While acknowledging the value of these studies we should not lose sight of the fact that they only speak about an exceptional sub-group of Ghana's population. What goes on among the elites presents but a fraction of the total picture. Ghana still has a predominantly rural population and within the cities a sharp demarcation line is drawn between the poor and the rich. There is a danger, however, that elite studies eclipse other studies oriented toward rural groups and the urban poor. In the first place social scientists tend to assume that 'the new pattern of living adopted by the wealthier residents of the towns are likely to diffuse down to the urban poor and out to the villages' (Caldwell 1968:184). If this were true, information on urban elites would definitely be more telling than rural studies. The validity of this assumption, however, has not yet been convincingly proved.

A second reason why elite studies are gaining popularity may be seen in the easy feasibility of research among elites. There is no language problem, one can work with self-administered questionnaires, and travelling can be cut down considerably. Geographical and other obstacles can further be reduced to a minimum when the sample consists of students or lecturers who reside at the same university as the researcher, as sometimes happens (e.g., Peil 1965; Caldwell 1965; Opong n.d. (a) and n.d. (b); Kumekpor n.d.; Date-Bah n.d.). These advantages threaten to create a situation in which urban elite studies will outnumber contemporary rural oriented studies to such an extent that too little attention may be paid to the latter.

In this paper an attempt will be made to describe the position of marriage in a rural community in Ghana and to investigate whether certain changes in marriage which have been observed among the elites have 'diffused' or are likely to diffuse to the rural scene. Special attention will be given to those independent variables which, in the light of the elite studies, are most likely to promote changes in the traditional marriage system. These variables are age, education, and urban experience. A fourth variable, financial status, has been left aside as exact information on finances has not been collected. The paper focusses on types of sexual union, incidence of divorce, and jointness of conjugal relationships. Another important aspect of marriage change, filiation and residence of children, is not treated in this paper [see Bleek n.d. (b)].

1. THE SAMPLES

The original sample for this research was selected in a rather unorthodox way. There was no random selection of individuals, but instead two entire sections of a matrilineage were chosen as a sample. From these sections as many members as possible were interviewed. The aim of this approach was to gain a more complete insight into the dynamics of a lineage as a whole and to collect more reliable information about the individual members. The latter was possible by cross-checking most data through information given by members about each other. Participant observation was practised extensively.

The two sections of the lineage numbered only 76 living adult members at the time and not all of them could be included in the research. The sample is therefore rather small. Further, the selection of this particular lineage does not guarantee that it is representative of other lineages. These two disadvantages did not impair the initial aim of the study: to gain information about an arbitrary lineage, but they do render further generalization difficult. Both the smallness of the sample and the method of its selection imply that norms and conduct observed in this lineage may not occur in other lineages as well. On the other hand, we have no reason to believe that this particular lineage is atypical and we may expect that developments in this lineage occur in other Kwahu lineages as well. To confirm this we added, in a second research period, two samples of 100 men and nearly 200 women, both selected by quota sampling in the same rural town. Combined with the lineage sample, these two samples allow us to put some of our conclusions on a firmer statistical basis and to either propound or reject wider implications of our findings.

The three samples were based in a small town (4000 inhabitants) of the Kwahu Plateau, which is located 100 miles from Accra along the main road to Kumasi. The town lies about 15 miles from that main road. The Kwahu people are matrilineal like the better known Asante, and share their borders as well as most of their traditions with them. Most Kwahu are farmers, but a remarkably high proportion of them have gone into trading in Accra or some other town. It is believed that indigeneous trading in the capital is almost entirely in the hands of Kwahu people. No less than 8% of all Kwahu lived in Accra during the 1960 population census. The total Kwahu population at that time numbered over 130, 000.

2. THE STATUS OF MARRIAGE

In Gibb's terminology the Kwahu are not an 'epainogamous' society, which means that the institution of marriage is not valued very highly (c.f. Gibbs 1963). To say that 'marriage is not highly valued' smacks of ethnocentrism. What criterion do we use when we speak about high or low evaluation, of marriage? How can we call the status of marriage low when after all, most Kwahu seem to enter marriage at one time or another? Looking at marriage from an emic point of view this argument sounds reasonable, but comparing Kwahu marriage with marriage in other African societies we can say without hesitation that it is not valued highly. Gibbs comes forward with a number of objective criteria which lend themselves to cross-cultural analysis. A society is 'epainogamous' when the marriage ceremony is a socially significant event, when the marital bond is not easily broken, and when conjugal rights and duties are adhered to. The structural features which in Gibb's model indicate the attachment of a high value to marriage can be summarized in two basic processes of social control: (1) the elimination of normative ambiguity through fixed conjugal rights and ceremonialization of the marriage bond; and (2) the rewarding of conformity to and the punishment of deviance from marital norms.

With respect to (1), conjugal rights and duties are ambiguous among the Kwahu. There are no strict rules as to where the wife and where the children should stay, how much the husband and how much the wife should contribute toward the upkeep of the family, how far the father's authority over the children goes and how far that of the mother's brother, who is entitled to take the children after divorce¹ and who after the death of the mother. Allocation of these rights depends on the initiative and social status of individuals rather than on clear cut rules. What is more, the marriage ceremony has little social significance. There is no public celebration as takes place on other occasions such as birth, death, and (formerly) puberty. The ceremony, which is divided into two stages, resembles the signing of a contract. The contract is sealed by the acceptance of the payments and the drinking of schnapps or palmwine. Not many people attend the function. The bride, as a rule, is not present and often the groom is absent as well. Someone acts on his behalf. This person may be his own father or a close maternal relative, but may also be a very remote relative or acquaintance who happens to be around. The meeting is not much different from the usual discussions and palavers that take place in the compound and are rounded off by the drinking of palmwine.

The amount of money involved in the payments varies from 8 to 40

cedis which is about £ 3 to £ 15, a rather low amount when we compare with payments in other African societies. The groom needs little, if any, assistance from relatives to pay this amount and, as a consequence, the marriage entails little social investment through reciprocal obligations.

Positive and negative sanctions, (2) that enforce the adherence to marriage rules are few. Sexual satisfaction can be obtained outside marriage without strong public disapproval and labour aid in the house or on the farm can be obtained from maternal relatives, particularly when a man continues to live with them after his marriage. Moreover, those who are legally married often do not enjoy all the advantages that marriage is supposed to offer. A man may receive little domestic or emotional satisfaction from his wife when she stays in a different house or goes on long journeys to visit her mother's family. He will be forced to do the household chores himself or to get domestic help from his sister or his sister's children. By the same token, a married woman may be frustrated by the fact that her husband gives little or no financial security to herself and her children, so that she has no choice other than to earn her own livelihood.

This situation is both cause and result of the fact that the institution of marriage is fragile and considered with lukewarm feelings and that many Kwahu feel more attached to their matrikin than to their conjugal partner.

However as we have seen, elite studies suggest that the status of marriage is now rising. Bonds with the extended family weaken and conjugal ties become stronger. The colourless ceremony of traditional marriage is replaced by the pomposity of a Western wedding, complete with wedding cake and bridesmaids. Divorce rates have reduced drastically and husband, wife, and children reside together. Let us investigate whether similar developments are discernable in the rural community under study.

3. TYPE OF SEXUAL UNION

Marital status

It was found that 22 (52%) of the 42 lineage members who were in their childbearing years were legally married, 8 (19%) were divorced at the time of research, 5 (12%) had never married, and 7 (17%) had a partner without having performed the required customs. We should further take into consideration that those presently divorced and those who had never married almost certainly had some kind of regular sexual relationship.

kept secret. This means that about half of the lineage had an 'illegal' relationship and half a 'legal'. We have put the term 'legal' and 'illegal' between inverted commas because the relations are not always experienced as such by the people concerned. A certain type of 'illegal' union, *mpeña awadee*, for example, hardly bears any stigma of illicitness; the partners openly cohabit and behave like married people. In most cases the husband has fulfilled the first part of the marriage ceremony and people feel that the second part may follow at any time, even if it in fact never follows. It should further be observed that the distinction between married and not-married, or between legal and illegal, is more artificial than real. There is no distinct transition from being single to being married, or from an illegal to a legal union.² The development is an uninterrupted continuum and even close relatives may not be able to tell you someone's exact position in the continuum (c.f. van de Walle 1965:303).

The above figures suggest that marriage in the lineage has not gained the same importance that it has in elite circles. Members are little concerned about their marital status. Young men seem reluctant to enter a legalized union and try to stick to temporary unions. There is further slight evidence that female members of the lineage tend to become disenchanted with marriage and after one or more broken marriages satisfy themselves with non-legalized sexual unions (see Bleek 1975:157-68).

'Expainogamy' does not increase in any appreciable way with increase of education, as might perhaps be expected, and the influence of urban experience is difficult to assess because this experience is almost universal in the lineage (90%).

Information from and about the older generations seems to indicate that the institution of marriage is rather losing importance. The older members claim that in former times – when urban experience and education hardly played a role – customary marriage was valued more highly and alternative sexual unions were rarer than today. Even if we take these statements lightly the difference remains too big to be explained simply in terms of idealization of the past. The status of marriage seems to have fallen rather than to have risen in recent times.

Comparing the data of the lineage with those of the other two samples we meet some striking discrepancies (see Table 1).

The proportion of legally married is considerably higher among the respondents of the two larger samples. An evident conclusion would be that the lineage is atypical and that marriage in Kwahu enjoys a higher esteem than data of the lineage suggest. Another possible explanation of the

Table 1. *Marital status in three samples (percentages in brackets)*

	Lineage	Male sample	Female sample
No partner	Widowed	–	1 (.6)
	Divorced	8 (19)	20 (11)
	Never married	5 (12)	6 (3)
Legal marriage	21 (52)	69 (69)	132 (74)
Illegal union	7 (17)	7 (7)	19 (11)
Total	41 (100)*	100 (100)	178 (100)

* Missing observation = 1

discrepancy is that some respondents of the other two samples distorted some facts in order to become acceptable and to preclude further inquisitive questions. The latter explanation is more plausible. It was indeed discovered that during interviews in the female sample some lineage members, who happened to be included in that sample, gave misleading answers with regard to marital status, number of divorces, and knowledge and practice of birth prevention. This leads us to suspect that the actual incidence of legal marriage is lower than has been indicated in Table 1, and that more respondents were divorced or had an illegal relationship. This correction applies especially to the female sample.

In connection with this it is in order to sound a note of caution. Sociologists dealing with complex issues like marriage and divorce should not handle their information without a sense of suspicion, particularly in large-scale surveys which do not allow for personal observation and cross-checking.

In the – more reliable – male sample marital status was cross-tabulated with age, urban experience, and education. The never-married category was excluded to avoid bias towards younger age. Urban experience was shown to have no impact on marital status. With regard to education, the likelihood of being legally married decreases with the rise of educational level, although the correlation is not quite significant ($p < .0721$; Table 2). The age factor does show a significant relationship. Among those who have not had a publicly known sexual partner the incidence of legal marriage is most common in the highest age group and least common in the lowest age group ($p < .01$; Table 3). These correlations are remarkable in the sense that on the rural scene – in contrast to the elite – education and younger age are not associated with a more frequent compliance to marital norms but rather seem to lead to greater deviance from those norms.

It is regrettable that earlier ethnographic reports from Kwahu do not exist and reports from Asante do not contain the type of material which would enable us to look at marital status in a longer diachronic perspective. It is only on the basis of intergenerational developments within the lineage, combined with the information of Table 3 and personal communication with older informants that we cautiously suggest that the status of marriage seems to be falling rather than rising.

Table 2. *Education and marital status in the male sample (percentages in brackets)*

	Divorced*	Illegal union*	Legal marriage	Total
Education: None/primary	1 (4)	3 (11)	23 (85)	27 (100)
Middle school	10 (20)	1 (2)	40 (78)	51 (100)
Beyond middle	1 (10)	3 (30)	6 (60)	10 (100)
Total	12 (14)	7 (8)	69 (78)	88 (100)

$z = 1.47$ $p < .0721$ missing observations: 12 never married

* Combined for U-test.

Table 3. *Age and marital status in the male sample (percentages in brackets)*

	Divorced*	Illegal union*	Legal marriage	Total
Below 30	6 (19)	4 (13)	21 (68)	31 (100)
30-39	5 (20)	1 (4)	19 (76)	25 (100)
Over 40	1 (3)	2 (6)	29 (91)	32 (100)
Total	12 (14)	7 (8)	69 (78)	88 (100)

$z = 2.34$ $p < .01$ missing observations: 12 never married.

* Combined for U-test.

Another marriage survey, carried out by Pool between 1965 and 1966 among 2,700 women in Accra and 3,000 rural women in all regions of Ghana shows a similar development. There is a marked difference in the incidence of mutual consent unions between urban and rural women. Mutual consent unions are much more frequent among the urban based. The same applies, to a lower degree, to the category of divorcees. Pool's

data also demonstrate that the incidence of mutual consent unions diminishes with the increase of age (Pool 1968:242).

The above information suggests strongly that urban experience, younger age and education *per se* do not raise the position of marriage. Other conditions are necessary before they can create a situation comparable to that in which the elite finds itself. Indeed, the urban experience of the elite is an intrinsically different experience from that of commoners.³

*Church marriage*⁴

Church marriage, which is gaining popularity among the urban elite, is rare in the rural town where our research was carried out (see Table 4), although 74% of the lineage, 82% of the female, and 83% of the male sample claimed to belong to a Christian church. That Christianity has had little impact on the marriage customs in Ghana is a well documented (c.f. Aryee 1967; Hulsén and Mertens n.d.). Both the Catholic and the Presbyterian church in town bless only one or two marriages per year. Church marriage is slightly more common among members of young independent churches, some of which allow polygyny, but on the whole people are little interested in acquiring this special status of 'Holy Matrimony', particularly if this entails indissolubility, as it does among the Catholics.

Table 4. *Customary marriage, church marriage, and marriage certificate in three samples (percentages in brackets)*

	Lineage	Male sample	Female sample
Customary marriage only	16 (39)	55 (55)	117 (65)
Cust. mar. plus church mar.	2 (5)	6 (6)	14* (8)
Cust. mar. certificate	3 (7)	8 (8)	4* (2)
Other	20 (49)	31 (31)	46 (26)
Total	41 (100)	100 (100)	178 (100)

Missing observations: lineage = 1; female sample = 1.

* Three have both church marriage and marriage certificate.

Marriage certificate

Marriage under the Marriage Ordinance (Cap. 127) which is becoming

more common among the elite does not occur in any of the three samples. This type of marriage entitles the wife, and the children arising from that marriage, to a share of the estate of the husband when he dies intestate. This law clashes with traditional Kwahu inheritance rules, which stipulate that the entire estate belongs to the man's lineage and should be inherited by a maternal relative of his. The law further proscribes polygyny to men married under the Ordinance.

Some people (see Table 4) had their customary marriage registered at the District Council and had been given a marriage certificate. This type of registration, however, has nothing to do with marriage under Ordinance; it gives no inheritance rights to wife and children and does not preclude polygyny. The certificate is required by some employers and certain churches as a proof that one is married. Formerly, sworn affidavits from the family were accepted, but nowadays certificates from the District Council are preferred.⁵

Polygyny

Caldwell writes that 13% of his female elite respondents and 8% of his male respondents reported to be in a plural marriage union (1968:37). The corresponding figures for our female and male sample are 24% and 17% respectively, which is about twice as high (see Table 5).

Table 5. *Number of wives per husband in current or most recent marital union among respondents in three samples (percentages in brackets)*

	Lineage	Male sample	Female sample
1 wife	24 (83)	63 (83)	115 (76)
2 wives	4 (14)	9 (12)	29 (19)
3 wives	1 (3)	3 (4)	6 (4)
4/5 wives	–	1 (1)	1 (1)
Total	29 (100)	76 (100)	151 (100)

Missing observations: lineage = 13; male sample = 24, female sample = 28.

The relation of polygyny to age, urban experience, and education was tested in the male and female samples. A trend was shown in the expected direction: polygynously married respondents tended to be older, less educated, and to have less urban experience, but the relationship was

significant in only one case, namely age and polygyny in the female sample ($P = .02$).

More detailed information about the lineage throws some light on this situation. Legal polygyny is no longer aspired to by the young who have been to school, but nevertheless it does occur among them. When it occurs it is usually because it is forced upon them or else because they find themselves in a situation where they consider a polygynous union the only way out. Such a situation exists when an extramarital affair results in a pregnancy and the man decides (or is pressed) to legalize this relationship with the woman by marrying her. Such an incident is presented in Case 1 and is only narrowly avoided in Case 3 further below. These unions, as a rule, are not destined to last for long.

Case 1

When Ntim was 21 years old and attending teacher training college he had a serious girlfriend in his home town. Unfortunately he made another girl pregnant and his friend left him. Ntim had to pay a fine to the parents of the pregnant girl and was asked to marry her 'so that the girl could become attached to me and I would not run away in future'.

During that same period Ntim met another girl in his (classificatory) brother's house. They slept together and some time later the girl reported that she was pregnant. According to Ntim she had been pregnant before but acted this way because she wanted to marry him as he was a student in training college. 'So when the child was born, I was held responsible and I had to accept it. If a woman says you are the one, there is no way to deny it.'

Ntim also married this girl legally, although he never stayed with her. It was his lineage head who insisted on marriage and paid the money because 'he did not like trouble'. Ntim divorced both wives a short time later.

If polygyny among the young is so closely linked up with unwanted – extramarital – pregnancies, it is to be expected that the one will decrease with the other. Elsewhere we have stated that birth control is practised predominantly in pre- and extramarital relations (Bleek 1974). Growing knowledge of efficient birth control will therefore certainly cut down the number of extramarital pregnancies and make unwanted polygynous unions unnecessary. Improvement of birth control methods will further establish a situation in which secret polygynous affairs can be carried on without resorting to legal polygyny.

4. DIVORCE

Another aspect of family change among the urban elite is the sharp decline of divorce. Such a development is certainly not discernible in the

Kwahu lineage. The divorce rate in the lineage has been consistently high over the past five generations. Taking as divorce rate 'the number of marriages ended in divorce, expressed as a percentage of all marriages' (see Barnes 1949), we found that the divorce rates of all marriages that had been recorded for five successive generations were remarkably high, namely: 62.50; 40.42; 60.66; and 47.06 beginning with the oldest (last two generations combined). It should be observed that these percentages apply only to strictly legalized marriages that were terminated. The percentages would have been much higher, particularly for the last two generations, if non-legalized but publicly accepted unions had been included. These unions *have* been included in Table 6, which shows the number of divorces in the three samples.

Table 6. *Number of divorces among ever-married respondents in three samples (percentages in brackets)*

	Lineage	Male sample	Female sample
Number of divorces:	0	11 (26)	32 (32)
	1	12 (29)	35 (35)
	2	10 (24)	13 (13)
	3	2 (5)	1 (1)
	4	1 (2)	4 (4)
	5	-	2 (2)
Never married/ unknown	6	1 (2)	-
		5 (12)	13 (13)
Total	42 (100)	100 (100)	179 (100)
Average number of divorces per ever- married respondent:	1.30	1.03	0.61

Respondents in the female sample claim the lowest number of divorces, but the actual number is certainly higher. A later check proved that respondents had suppressed some cases of divorce.

The hypothesis, which could be made on the basis of elite studies, that the divorce rate will decline with urban experience, is not supported by our data.⁶ It was noted that most respondents who had spent a considerable span of their lives in the city hardly differed from those who had never travelled. They had been totally re-integrated into their present rural

environment. This remarkable phenomenon has also been observed elsewhere in Africa (see Köbben 1971:60).

Tabulation of education shows that the incidence of divorce diminishes when the educational level rises ($p < .01$), but the relationship is spurious. Most illiterate respondents are rather old and most educated ones belong to the younger generation. It would seem therefore, that the real predictor of divorce frequency is age. Those who are advanced in years have had more chance to terminate one or more marriages than the younger people who have just married. Table 7 shows that this - rather tautological - supposition is correct.

Table 7. *Number of divorces by age of respondents (male and female sample combined; percentages in brackets)*

	Age:	-29	30-39	40+	Total
Number of divorces:	0	74 (59)	31 (44)	10 (21)	115 (47)
	1*	42 (33)	29 (41)	18 (38)	89 (37)
	2+*	10 (8)	10 (14)	19 (40)	39 (16)
Total		126 (100)	70 (99)	47 (99)	243 (100)

$z = 4.26$ $p < .001$ missing observations: 34 never married.

* Combined for U-test

It is likely that those who are young will divorce in future, independent of whether they have been to school or not. The two following cases illustrate this point: both persons are 'educated', the younger has not yet divorced (he has not even married), the older has divorced twice.

Case 2

Atoubi is 22 years old. He finished middle school and attended a commercial school for two years. He is one of the six lineage members who have been educated beyond middle school. At the moment he is working in one of the ministries in the capital.

Atoubi had his first girl friend when he was about 17 years old. He and the girl attended the same school. The relationship ended because, as he said, the teacher liked the same girl. After this affair two other friendships followed which both ended because one of them moved to another place. At the moment he has his fourth friend, but he is not sure that he will keep her because he has heard some rumours that she moves with another man.

Atoubi says that he has always taken precautions to make sure that none of his girlfriends became pregnant.

Atoubi's expertise in contraception may well be the main reason that he has

not yet married (read: been forced to marry) one of his girlfriends. Up to now, therefore, he has never divorced any of them either, but this is no guarantee that divorce will not come his way once he gets married. Manu's case (Case 3) could be a forecast of what may happen to Atuobi later on.

Case 3

Yaw Manu is 36 years old. After middle school he attended teacher training college for four years and he is now teaching in one of the Kwahu towns. He was divorced twice and is presently unmarried. When Manu was about 18 years old he made two girls pregnant, almost simultaneously. Both families pressed him to marry the girl. He managed to escape the first one by paying a fine, but he married the second girl. This marriage did not last long. A quarrel arose between Manu and his wife's brothers, and Manu decided to divorce her. After some time he selected a new wife with the help of his father's sister. As Manu was a catechist of the Catholic Church, he married her in church. They had two children, but after four years the woman ran away. Manu says that she did it because of family intrigues. Although the divorce ritual was never performed one may well consider it a divorce as it took place almost 10 years ago.

Manu has not married again. He seems very keen on his status as a catechist, which he would probably lose if he married another wife, because the Catholic Church does not recognize second marriages. Manu, therefore, prefers secret liaisons about which he only gives vague information.

Quantitative information of the three samples and qualitative insights from the above cases suggest that education, at the intermediate level we are dealing with, has little stabilizing effect on marriage. Those who have been to middle school and those who have attended some college beyond middle school do not have distinctly different marital attitudes and practices from those who have never been to school. They are still in a predominantly traditional environment where marriage is of secondary importance and natal ties come first. In this environment marital stability has much less to do with social respectability than among the urban elite. Only in special cases, as indicated in Case 3, can marriage have this connotation.

Fortes has suggested that '... divorce is correlated with the degree to which a person has jural status that is independent of his or her status as spouse. For a woman the significant factor is the degree to which she retains her status as daughter and sister after marriage, for this determines her claims on support as well as her jural status outside the conjugal relationship' (Fortes 1959). This certainly applies to the Kwahu lineage where kinship bonds are considered of higher value than conjugal ones. A woman derives her status from her extraction rather than from her marriage, unless her husband's status is exceptionally high. Women of the

lineage tend to stick to their maternal relatives during their marriage if geographical distances permit this.⁷ In such a case, divorce brings about very few changes in the life of the Kwahu woman, and indeed of the Kwahu man. It is not surprising, therefore, that marriages survive longer when they are characterized by common residence of husband and wife, than when husband and wife reside with their respective relatives (see Table 8; relation not significant). In the following tables we have tabulated all marriages in the lineage that ended in divorce and all marriages that lasted 12 years and longer. The marriages extend over five generations and cover a period of about 60 years.

Table 8. *Conjugal residence and divorce in the lineage (derived from Bleek 1975:205; percentages in brackets)*

	Common residence husband and wife	Separate residence husband and wife	Total
Marriages			
ended in divorce	35 (49)	37 (51)	72 (100)
lasting marriages	16 (70)	7 (30)	23 (100)
Total	51 (54)	4 (46)	95 (100)

$df = 1 \quad \chi^2 = 3.07 \quad 10 > p > .05$ Missing observations: 7.

The interests of the conjugal family are sometimes diametrically opposed to those of the wife's or husband's matrilineage. A woman who attaches herself wholly to her husband can only do so by breaking away from her matrilineage. Her children are kept outside the sphere of influence of her matrikin which may have emotional and judicial consequences for them and negative feelings are likely to crop up from the side of the matrilineage. By the same token, a man who attempts to favour his own children above his sister's, particularly in financial terms, incurs his relatives' displeasure. In this situation it is clear that both matrilineages are not always eager to repair a strained conjugal relationship and may be more interested in a divorce.

Looking at the reasons for divorce that are offered we are therefore not surprised to find that one of the most frequent reasons in the lineage is 'interference of relatives' (see Table 9). It should be noted that the responses in Table 9 were not pre-coded. Categorization of reasons took place only at the stage of analysis.

Table 9. *Reasons for divorce in the lineage (derived from Bleek 1975:212; percentages in brackets)*

Bad conduct/neglect of marital duties	16 (14)
Interference of relatives	13 (12)
Infertility/low fertility	11 (10)
No love	10 (9)
Interference of other partner	10 (9)
'Partner travelled and left me behind'	9 (8)
Quarrel/beating	6 (5)
Some other reason*	18 (16)
Reason unknown	20 (18)

Total 113 (101)**

* These include: breach of exogamy rule, failure to complete marriage customs, excessive drinking, money palaver, witchcraft, sickness, spendthrift, disagreement, religion and impertinence.

** The total exceeds the total number of divorces because of multiple reasons.

As can be seen, another common reason for divorce was infertility or low fertility. This does not necessarily mean that the woman is always blamed for the failure to produce children and consequently divorced. Among the Kwahu as a matrilineal society it is the woman's lineage which is most concerned about fertility and not infrequently it is the man who is blamed for the failure to produce children and forced to let his wife go so that she has another chance. Such a situation is presented in the next case, which took place about 35 years ago.

Case 4

Informant: 'My second wife was also from A. I was about 30 and she 14. She had not menstruated yet when I married her. We stayed together in the same house and the marriage lasted about 9 years. We had one child.

'After the first child she never became pregnant again. I fought hard for it, but I was not successful. The wife's family therefore claimed her back. No payments were made.'

The relationship between marital fertility and divorce is extremely significant, as can be seen in Table 10, but the causal implications are ambiguous. Low fertility can be the cause but also the result of divorce. It is evident that a marriage which ends in divorce after a few years cannot produce many children.

Another reason that is frequently proffered is 'interference of other partner'. This reason points, amongst other things, at polygyny. The Kwahu

Table 10. *Marital fertility and divorce in the lineage (derived from Bleek 1975:210; percentages in brackets)*

	No grown children	1-2 grown children	3 or more grown children	Total
Marriages ended in divorce	38 (49)	30 (39)	9 (12)	77 (100)
lasting marriages	5 (20)	3 (12)	17 (68)	25 (100)
Total	43 (42)	33 (32)	26 (26)	102(100)

df = 2 $x^2 = 35.11$ $p < .001$

term for co-wife, *kora*, which means 'jealousy', hints at the explosive atmosphere which can surround a polygynous household, particularly when the co-wives share domestic tasks and/or reside in the same compound. Tabulation of polygynous and monogamous marriages shows a trend in the expected direction: polygynous unions are less stable, but the correlation does not reach the 5% level, due to the small size of the sample.

Table 11. *Polygyny and divorce in the lineage (derived from Bleek 1975:204; percentages in brackets)*

	Polygynous	Monogamous	Total
Marriages ended in divorce	44 (61)	28 (39)	72 (100)
lasting marriages	9 (39)	14 (61)	23 (100)
Total	53 (56)	42 (44)	95 (100)

df = 1 $x^2 = 3.41$ $.10 > p > .05$ missing observations: = 7.

A last reason that deserves our attention is 'Partner travelled and left me behind'. In eight of the nine cases it is the husband who leaves the wife. One woman explains for example: 'He was transferred to Kanongo and never returned. That was the end of our relationship'. Similar remarks are made by others. Although most of these unions were not completely legalized, the fact that the men could terminate a conjugal relationship and leave their wife and sometimes child(ren) simply by moving to another place indicates the lightness with which they regarded the conjugal bond. No legal action was taken against them and some, who originated from outside Kwahu, completely vanished.

The list of reasons in Table 9 tallies with a list of traditional grounds for divorce that was given to us by older informants. However, one outstanding reason that was mentioned by the old is missing in the list of the lineage, namely adultery. Adultery on the part of the husband is generally condoned and not really considered as adultery. Most wives take it for granted that their husbands sleep with other women at certain times, particularly in the pre- and postpartum period. Adultery by the wife, on the other hand, is seldom overlooked and may result in domestic tiffs and eventually in divorce, but a man will not present adultery as the reason for dismissing his wife. It is felt that such a person makes himself ridiculous when he publicly admits that he has been cuckolded, and he will prefer to think of another reason. The same applies to another ground for divorce that causes embarrassment: namely witchcraft.

This brief reflection on reasons for divorce makes clear that the reasons which are brought forward are not always the real reasons and, as a consequence, one cannot draw definite conclusions from them. Furthermore, it should be taken into account that there can exist several versions of the same divorce case, depending on who is the informant; the husband, the wife or someone else.

Closely connected with this is the question: Who took the initiative? Out of 54 cases of divorce that could be reconstructed with some degree of certainty 24 had been initiated by the husband, 26 by the wife,⁸ and 4 were the result of a mutual decision. Here again the information has to be handled cautiously, for it seems probable that a divorced interviewee is inclined to claim the initiative even when the opposite is true; it is more honourable to divorce than to be divorced.

As regards the legalization of conjugal separation, the divorce ritual is even simpler than the marriage ceremony, although the preceding palavers and family court sessions may be intricate. The ritual consists of the husband throwing white powder before his wife's feet, or of someone else doing this on his behalf. If the wife seeks the divorce, she usually pays back a small part of the marriage payment, the so-called *tiri nsa* or *ketε ase hyε*, which varies from 8 to 16 shillings (40 to 80 p.).

No substantial information was collected about the present use of this ritual, but it is our impression that some do not even perform it today. Others perform it in such a slapdash way that it leaves little doubt about the low importance they attach to it. Case 5 describes such a ritual.

Case 5

At 6:30 this morning⁹ Dwamena performed the divorce ritual of his marriage. He was dressed in his farming clothes, dirty T-shirt, and tattered trousers. His

wife came to his compound (she lives in her own house) with someone to represent her father. No other people had come to attend the function apart from us. Two other women and a couple of children were present only because they happened to be there. Some stopped what they were doing to listen to what was said, others quietly continued their activities.

The whole ceremony took about 5 minutes. First there was some wrangling about money and farm land, then Dwamena went to a room of one of the women and returned with some dusting powder. He invited us to throw the powder before his wife's feet, but when we pointed out that we preferred to remain observers, a young boy of about 14 years did it, laughing. Dwamena's ex-wife gave a shilling to the boy and wanted to give the divorce fee of 16 shillings to Dwamena, but he refused to accept it and the money was divided among the people present. That was the end. Dwamena went straight to his farm, the woman returned home and the people in the compound continued with their work.

In this section we have looked at some dynamics of the dissolution of conjugal unions. It has been shown that both the husband the wife can initiate divorce and that their matrilineages can play an influential role in this process. Divorce brings about no far-reaching changes in the lives of the people concerned, neither domestically nor emotionally, and little fuss is made about it. Marriage and divorce in this rural community stand in sharp contrast to what has been written about the urban elite. Among the Kwahu people divorce is frequent and there are few structural supports that uphold the status of marriage.

5. JOINTNESS OF CONJUGAL ROLE-RELATIONSHIPS

Husband-wife relationships among the urban elite are described as being more egalitarian than they used to be. Caldwell (1968) puts it in rather general terms, and Oppong (1974) has devised a scale consisting of a list of variables in order to measure jointness in the conjugal relationship more exactly and objectively.

In this section three variables will be examined as indices of jointness or segregation in conjugal roles in a more rural setting. The three variables are presented in the form of questions.

1. Do you eat together with your wife (husband)?
2. Do you (does your husband) sometimes help with pounding *fufu*?¹⁰
3. Do you (does your husband) sometimes carry foodstuffs when coming back from the farm?

These three variables were chosen because they point at activities which a man was traditionally not supposed to do, except, perhaps, when he was alone with his wife in a farming settlement where nobody could see him

We hypothesize that deference to these male dominated rules has diminished among the young, those who have been to school, and those who live or have lived in an urban centre. Application of the Chi-square test shows, however, that urban experience has no influence at all on jointness of conjugal roles. The age factor has some tendency in the expected direction, but it is not statistically significant. The only significant relation found is between education and eating together (see Table 12).

Table 12 *The practice of spouses eating together related to the education of the responding spouse (male and female sample combined; percentages in brackets).*

	Eating together	Not eating together	Total
No education	20 (20)	81 (80)	101 (100)
Primary school	15 (50)	15 (50)	30 (100)
Middle school	46 (44)	59 (56)	105 (100)
Beyond mid. school	8 (57)	6 (43)	14 (100)
Total	89 (36)	161 (64)	250 (100)

$df = 3 \quad \chi^2 = 19.63 \quad p = .0002$ missing observations: 29.

When we relate the three jointness variables to sex of respondent, the relationship is statistically significant in all three cases: men are more inclined to claim that they eat with their wives, help them to pound the *fufu* and carry foodstuffs from farm and women are more inclined to deny all these activities.

Although the three selected variables are inadequate for the measurement of jointness and segregation of roles, they do reveal some interesting points: 45% of the married men below 30 years of age do not eat with their wives, 23% of them never assist their wives to pound the *fufu*, and 13% of them consider it below the dignity of a man to carry home the products of the farm. According to the female respondents the male domination is even stronger: 64% of the women below 30 state that their husbands do not eat with them, 46% that they never help them with the *fufu*, and 48% that they never carry foodstuffs.

As for education, 46% of the men who have been to school state that they take their meals separately from their wives, 28% of them say that they never help to prepare the *fufu*, and 24% that they do not carry foodstuffs. Of the married women who have been to school 59% say that they

have married a man who does not eat with them, 45% a man who never helps them with the *fufu*, and 43% a man who does not carry foodstuffs.

A necessary condition of shared conjugal roles seems to be common residence of the spouses. This condition, however, is not met in over 40% of all sexual unions in the male and female sample and in the lineage. Among the Kwahu a married woman is expected to continue living with her matrikin if her husband lives in the same town and has no house of his own (cf. Bleek 1972). The supposition that this custom of lineage domination will be rejected by the young and more educated and by those who have lived in the town, is not confirmed. On the contrary, separate conjugal residence shows a slight tendency to be more common among the young and those who have attended school. Once again the factor of urban experience has little impact on the issue.

6. CONCLUSION

This study of a rural community suggests that changes in marriage and family life which have been observed among the Ghanaian elite are not likely to affect the rural Kwahu, at least not in the near future. In some respects the gap between elite and commoners even seems to be widening. In the community that was studied, marriage under the Ordinance does not occur and customary marriage is subordinate to lineage interests. The marriage ceremony has little social significance, divorce has remained a common phenomenon and is easily obtainable and alternative sexual unions not infrequently replace the legal type of marriage. The hypothesis that conjugal roles will become more joint among the young, the educated, and those with urban experience is only partially substantiated. In Kwahu, marriage is certainly not gaining more importance. It is further evident that discussions on the reform of the Marriage Ordinance in Ghana bear no relevance to the members of this Kwahu Community or to many other Ghanaians except those who belong to the urban elite.

NOTES

1. Rattray (1929:9) quotes a proverb *Wo yere nko mma mmera* ('Your wife may go but the children will come to you') suggesting that the father takes the children after divorce. Actual practice does not corroborate this 'rule'.
2. Cf. Rattray (1927:76): '... the legal union of the sexes appeared to be looked upon as such a natural step from the preceding state as not to have required as many new rites as we might expect.'

3. Levine made a similar observation among the Yoruba in Nigeria: 'When one contrasts the most westernized or modernized segment of the urban Yoruba population with the least, one is also comparing people differing enormously in income and occupational prestige. From one point of view it is a comparison of new and old, but it is also that of high and low, rich and poor' (Levine 1967:224).
4. For the legal position of couples married in church, see Oppong 1974:51.
5. I am indebted to Ekow Daniels for explaining these details to me.
6. Pool even found the urban divorce rate to be twice as high as the rural one (Pool 1968:246).
7. Fortes' remark that Asante women tend to remain in the natal lineage in the early years of their marriage, then move out to live with their husbands and return to the lineage later (Fortes 1949:78), is not supported by his own data (see Bleek 1972:32). Such a 'developmental cycle' was not observed in the Kwahu lineage either.
8. Despite male domination in conjugal relationships the number of female initiatives to divorce points at the same time to a high degree of autonomy of the woman. Paradoxically, among the elite, where female emancipation has made great strides, educated woman have lost this very form of autonomy. Oppong writes: 'As regards the woman's third resource, the customary sanction of withdrawal from marriage and the possibility of entering a new and more rewarding conjugal relationship, the position has again altered to the detriment of educated wives... an educated divorcee, past her early youth, will be unlikely to re-marry a man of the same social and economic standing as the first (graduate) husband...' (Oppong 1974:118).
9. It should be noted that such an early hour for the divorce ritual is customarily prescribed.
10. *Fufu* is a staple food in Southern Ghana. It is made from yam, cocoyam, plantain, or cassava, which is boiled and then pounded into a sticky paste. The pounding is heavy and tedious work.

The emergence of the 'stranger-permit marriage' and other new forms of conjugal union in rural Sierra Leone

12

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The trend towards the conjugally-based nuclear family in Africa, which has been interpreted as a response to the processes of urbanization and migration and the influence of western education and religion, has been well-documented.¹ That the effects of social and economic changes in African countries have not been confined to urban centres but have penetrated to the rural areas is well known.² However, studies of the influence of these processes on the structure of the family and on marital role behaviour in the African rural setting are relatively rare. The findings in this discussion resulted from a study of family law in Sierra Leone.³ During the course of this research it was possible to examine the changes that are taking place in the role of women, and the new forms of conjugal unions which have developed in response to general social and economic changes in the society.

There are sixteen so-called tribes or ethnic groups indigenous to Sierra Leone, a small country where tribal groups are not, for the most part, localized. The two largest tribes are the Mende and the Temne. Inter-marriage across tribal lines is very common (Harrell-Bond 1975). The *Poro* society for men and the *Bundu* society for women are closed associations which occur in nearly every part of the country, and these associations also cut across tribal lines (Turay 1971). Among the indigenous groups a considerable degree of cultural uniformity exists throughout the country, and the principles governing marriage under traditional customary law are virtually the same from place to place (Joko-Smart 1969; Harrell-Bond and Rijnsdorp 1975). The new forms of conjugal union which are discussed in this paper are most strongly institutionalized in the South 4