

# WOMEN'S PROPERTY RELATIONS AFTER INTESTATE SUCCESSION PNDC LAW 111 IN GHANA

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## ABSTRACT

The article analyses property relations among the Anlo and the Asante of Ghana. Due to discriminatory effects of the socio-cultural practices on women, government intervened with PNDC Law 111 in 1985. The approach of the study is mainly qualitative. The finding shows that, despite government's legislative intervention, women's rights and position in the studied societies have experienced little positive change in terms of inheritance from men. Although it may be possible to explain women's inability to use PNDC Law 111 to claim their property rights on the basis of lack of: education, knowledge of law, rights-consciousness, financial resources, among others, the fact remains that women's reluctance to assert rights, lies to a large extent, outside these variables. Women often are confronted by significant social pressure not to seek formal legal recourse and instead, resolve the cases domestically.

**KEY WORDS:** Inheritance, Property relation, Principles, Practices, PNDC Law.

## 1. INTRODUCTION

Analyses of patrilineal Anlo and matrilineal Asante inheritance system have shown that not only the principles, but also the actual practices of the kinship systems have to a great extent encouraged men to have more inheritance rights than women. The development compelled the then PNDC government to intervene in the PNDC Law 111 to help women and children to access their deceased husbands' or fathers' properties. The questions therefore, addressed in this chapter are: what Anlo/Asante laws/principles or norms and socio-cultural practices affect women's property inheritance rights and what legislative intervention has the government of Ghana made to help women inherit their deceased husbands' property? What the position is of women in both Anlo and Asante societies, with specific reference to the issue of property inheritance, after the government's legislative intervention with the passing of intestate succession PNDC Law 111? Has the position of women changed for the better?

Whitehead, in her analysis of women's property relations vis-à-vis those of men in small-scale societies, indicated kinship structures as the setting for legal and ideological practices, which tend to "construct men's and women's ability to act as fully independent subjects in relation to property quite differently" (1984:177). The observation seems contextually valid in the case of Ghana, where the patrilineal and matrilineal family systems constitute the principal sources of indigenous laws and socio-cultural practices that govern inheritance and therefore property relations. These kinship systems, which every Ghanaian is born into, thus to large extent continue to determine the legal and socio-economic status and rights to inherit property of individual members.

Goody also points out that the different family systems in Africa and Eurasia - and the transmission of wealth in marriages between different people - have affected the social stratification systems of both areas (1969). Goody, in other words, links the economy with stratification and indicates that this linkage is the result of a "system of inheritance, which organises the transmission of property from generation to generation, at death, at marriage or at some other point in the life cycle" (1969: 65).

Among patrilineal and matrilineal societies, such as the Anlo and Asante in Ghana, indigenous law and kinship based on socio-cultural practices tend to give, as noted, more inheritance (and therefore property rights) to men than to women. This practice stratifies society, in which men tend to have economic dominance over women. If one considers that Ghana's economy is still largely one of subsistence and propelled by a technological base that remains predominantly less developed, then Goody's assertion that the technological basis is the most important aspect of an economy, sounds plausible. However, aspects such as ownership, command and control of material resources, as

stressed by Whitehead, remain indispensable (1984).

Studies of property relations in all sorts of economic systems, productive or exchange related, (Benneh, Kasanga and Amoyaw (1997; Duncan, 1997; Kludze, 1973; Nukunya, 1969; Tsikata, 1997; Vellenga, 1986; Whitehead, 1984) mention “women’s capacity to act as fully acting subjects in relation to objects (property), or the aspects of persons which may be treated as objects (rights in people), is always more circumscribed than that of men” (Whitehead, 1984: 180). Whitehead indicates that the kinship system serves to disempower women to act fully as subjects, while their male counterparts remain unaffected.

Although the significance of property is indispensable in class analyses and in materialist interpretations of social phenomena, not much systematic studies seem to have been conducted on how women’s social image defines their position in society or how this in turn can influence their property relations vis-à-vis those of men. This omission is even more crucial in view of Engels’ thesis, which argues that “women’s subordination developed through the private ownership of property together with monogamous marriage” (cf. Engels, 1972: 120-1; Hirschon, 1984: 1).

While this paper does not intend to present an historical synopsis of women’s subordination, its focus is to specifically analyse how different categories of Anlo and Asante women experience indigenous principles located within their kinship structures in relation to property inheritance after the Ghanaian promulgation of PNDC Law 111.

## 2. METHODOLOGY

Verschuren and Doorewaard suggest small numbers in strategic sampling when conducting qualitative research, instead of random samples as in the case of a survey (1999: 164). For this reason, first, a small number of women (40) was selected, from both research units and strategically sampled, for both individual and group interviews with the help of locals acquainted with the respective women. These women were denied the right to receive benefits from their deceased male parent or husband’s property. The interviewees ranged in age from late teens to early 70s. Apart from the few informants who were still married, most had lost or divorced their husbands. The remainder of the participants were single. While some of them did not have any formal education, others had completed their elementary education. Some had either a diploma or a bachelor’s degree in education. In economic terms; some of the women operated very small-scale commercial enterprises and farms, which provided them a bare subsistence level of living. Others were teachers. Most of the women were ordinary citizens in their communities. The rest were women chiefs in their localities.

## 3. INHERITANCE AND PROPERTY

The concept of inheritance among the Akan and the Ewe refers to the transfer of property, after the property owner is deceased, from the original owner to their heir or heirs. The donor may also donate the property as a gift during his/her lifetime. Property on the other hand, refers to any object of legal rights. Sometimes the thing (property) could be a deity or an activity. For example, amongst the Anlo and the Asante societies in Ghana, someone could claim that fishing or farming is his or her property. This happens in the sense that either occupation is his or her regular source of income.

Many Western legal philosophers also contend that property ownership is in essence about relationships (Hann, 1998: 4). In his anthropological conceptualisation of property, E.A. Hoebel maintains that:

The essential nature of property is to be found in social relations rather than in any inherent attributes of the thing or object that we call *property*. Property, in other words, is not a thing, but a network of social relations that governs the conduct of people with respect to the use and disposition of things (1966: 424).

This may mean that property relations are essentially social relations between people. John Davids argues that, from an anthropological point of view, a boundary dispute cannot be construed as if it is a dispute with a boundary. In other words, one “cannot sue an acre” of land as if it were a person. That is why, according to him, “the study of property rules in general and of land tenure in particular, is the study of relations between people” (1973a: 157). This definition suggests that the object of legal rights (property) is essentially less important than the social relation it generates between individuals or groups of people. This stance cannot overrule the significance of property as a thing in itself. This is because social relations do not occur in a vacuum. They cannot take place without the object over which individuals or groups (claim to) have legal rights. One can thus understand that the anthropological definition

should include a cultural variable to explain how individuals or groups of Anlo or Asante relate to property as a thing or an activity, which thus constitutes their social relation. In other words, the anthropological conceptual framework should encompass property not only as a set of social relations, but also somehow, a thing in whatever form it is found that essentially generates social relations. The next section discusses property relations among the Anlo and the Asante.

#### 4. PROPERTY RELATIONS AMONG ANLO/ASANTE

According to field research<sup>i</sup> among the Anlo, there are two main principles that govern property relations such as, 'A man inherits property from his father' (*Dutsua, fofonue wòduna*), and 'A woman inherits property from her mother' (*Nyornua, dadanue wòduna*). With the first principle, when a father dies his estate is given to his son only. If the beneficiary are may, all the sons inherit according to the order of seniority in age. If the estate is not one that can be shared, it remains for the common use of the sons. The principle prohibits daughters any share of their father's property. Similarly, the last principle allows only daughters to inherit from their mothers.

Among the Asante, on the other hand, 'A man inherits from a man' and 'A woman inherits from a woman'. Nephews, for instance, inherit from their uncles while nieces and daughters from their aunts and mothers respectively. The other principle states that 'If brothers and sisters are there, nephews and nieces do not inherit' (*Nniwa mma nsa, wofase nni adee*). This last principle is a merging of the first two principles through the passage of time that: 'A man inherits a man' and 'A woman inherits a woman'. The principle qualified the people with inheritance rights in their degree of importance. For example, when a male acquires property but dies intestate, his uterine brothers and sisters are the first to inherit it before his nephews and nieces.<sup>ii</sup> The widow and her children are prohibited by the principle to have a share in the deceased man's property (Awusabo-Asare, 1990: 7).

In the actual practices of property relations among the Anlo sons and daughters inherit from their fathers but the former have greater rights. For instance, Adala,<sup>iii</sup> a key informant, reported that after the death of a man who had married four wives, his property was shared among his children. The man had three sons and five daughters. First, the man's piece of land was shared and each child received a portion. But the male children were given priority to pick a portion first before the females. The males also picked according to seniority of age. When it came to the turn of the females, the same age seniority was applied. After sharing the land estate, the deceased shallot farm was divided. Two plots went to each of the females while the males received ten each.

Before their deaths, some men may bequeath a portion of their property over to their daughters. This typically involves notifying elders who may be family members and outsiders. They serve as witnesses to the transaction. In polygamous marriages, female children had equal share with their male siblings when property was distributed according to the number of mothers and not according to the number of children. This was so that the female child and her mother could also have a share in the intestate property.

If a deceased father has no male child but has only a daughter, the latter may by tradition and custom inherit his property. Unlike a son who enjoys a permanent interest, a daughter receives only temporary interest in the property. Her children may be considered to use the estate after her death on moral ground. This means they suffer eviction if their behaviour does not please members of the patrilineal family from which their mother had the temporary right of inheritance. Thus, while a male member's individual share of land or house passes on to his children upon his death under the system, a woman's share reverts to the lineage. When a man passes away childless and intestate, his brothers and sisters inherit from him. Even in this context, brothers often have more inheritance rights than their sisters. Thus, according to Kludze (1973), among the Anlo, both sons and daughters are considered when property is distributed, but the sharing is often unequally done. Kludze has further noted that the Anlo increasingly consider the claims of daughters as a privilege only, and not a right that can be enforced before a court of law, particularly in the case of land inheritance.

In the matrilineal family system of Asante, women and men cannot inherit from their fathers, but the latter make provisions, especially for their sons. Fathers are expected to set up their male children in life through a formal

education and/or an apprenticeship (Awusabo-Asare, 1990). Like the Anlo, even though in principle, a man can only inherit from a man, and a woman from a woman, a uterine sister in Asante can inherit her brother's property. The male child can also inherit his mother's property. Similarly, nieces inherit from their uncles and a nephew may inherit from his aunt or grandmother. Women (nieces) in practice can inherit property from their uncles, but men (nephews) get first consideration.

In addition, if a father makes a traditional will before his death, his self-acquired estate may be posthumously shared among beneficiaries including his wife and children even though Asante indigenous law does not permit wives and children to have succession interest in their fathers' or husbands' property. On the other hand, a husband can give a portion of his self-acquired property to his wife and children before his death. The husband, just as among the patrilineal Anlo, has to do this in the presence of his family members and others outside the family. In each case, a beneficiary is obliged to present a bottle of rum or an equivalent present to the gathering indicating his or her acceptance of the gift. The present is shared in the gathering. This drink or present and the witnesses are significant in the indigenous transaction of gifting. In other words, the present is a testimony that the particular property has been given to the donee by the donor. The gathering is also a witness to the event against prospective litigation on the property. The above procedure in the indigenous inheritance system of Asante, just as among the Anlo, legally seals the transaction of gifting. According to Sarbah (1904), for the procedure to be valid, the donor must have the intention of giving and passing the item to the donee and that its acceptance must occur in the lifetime of the donor. Moreover, the transaction of giving and receiving 'must be proved and evidenced by such delivery or conveyance as the nature of the gift admits' (Sarbah, 1904: 60-1).

The general feeling among the Anlo and the Asante for not making adequate provision for a woman is that she (as a wife) is expected to be maintained and supported by her husband. There is also the fear that the woman may transfer the inherited property to her husband's lineage. As a beneficiary of the estate, the man retains it within the lineage to pass on to others. By remaining in the lineage, a man not only brings about continuity, but also helps in immortalizing it. As a result, men are supposed to own more property, including land, to enable them to raise a family for this immortalization. Among both socio-cultural groups, women who marry within their own lineages however, are more likely to have greater inheritance rights since the property they use remains in the same lineage. They may use land, for example, as long as they are alive and maintain links to their husbands' lineage, but cannot pass these rights on to others outside the lineage. It appears, therefore, that both patrilineal and matrilineal systems of inheritance do not favour, women, especially in exogamous marriages. Thus the main reason for the patrilineal and matrilineal inheritance systems is to maintain, retain and secure the property within the lineages. Since lineage and society give more of such rights to males in both family systems, they tend to dominate property ownership within the inheritance systems. The next section explains how Ghanaian society conceives of women; and how this defines women's position in society and their property relations vis-à-vis that of men.

## **5. *WOMEN'S POSITION IN SOCIETY***

Everyday language and metaphors, used by both sexes, expose the thought systems that epitomise women's position in Ghanaian society. Indigenous proverbs and metaphors, such as "the palm tree does not bear fruit in a woman's farm" or "if a woman buys a gun, it is a man who keeps it", encapsulate some of these thought systems. The underlying meanings seem to indicate that women are not supposed to be as economically productive as men are, and in case they are, men control their resources. Men are supposed to maintain and provide the economic support for their wives and children in the domestic environment. This explains why Ghanaian society seems to grant more inheritance rights to men than to women.

This social construct gives men greater access to, control and use of property and relegates women to dependency. This occurs to such an extent that it has become part of the collective social conscience that if men are not considered to be physically, politically or economically strong enough, they are regarded as woman. These socio-cultural practices succeeded in influencing both indigenous laws and formal laws (customary law) in conceiving married women as part of their spouses' economic unit. This means, as a result, that a wife's claim to her husband's property

is limited or even nonexistent (Fenrich and Higgins, 2001). The socio-cultural practices also influenced both colonial and postcolonial government policies, which discriminatorily provided opportunities for the socio-economic development of men at the expense of women. This consequently led to a decrease of both the image and position of women in traditional society (Awumbila, 2001; Mikell, 1989; Vellenga, 1986). Boserup has, for example, described how the colonial administrators overlooked women agriculturalists and instead “promoted the productivity of male labour” (1970: 54). According to Salie Westwood:

This discrimination [against women] was repeated in the cities, where jobs in the urban sector, as the outcome of bargains on the labour-market, fell to men and not to women. This legacy survives today and is reinforced through the unequal chances between the sexes in relation to education (1984: 140).

Mariama Awumbila also attributes women’s economic position and status, in both colonial and postcolonial societies, to unequal access to productive resources. She emphasises resources as jobs, wages, land, labour, power as well as education, training and other useful skills. While men were formally educated and trained to meet requirements in the labour markets in agriculture, trade and mining, women were trained for home-keeping (2001: 34). The socio-economic practices of both colonial and postcolonial periods seem thus not only to endorse, but also to have contributed to the entrenchment of women’s position in society. Awumbila also mentions the Economic Recovery/Structural Adjustment Programme (SAP) in the 1980s and 1990s, which culminated in measures to increase tax rates complicating the bizarre social positioning of women contemporaneously in Ghana. The SAP also negatively affected workers in the informal sector of which the majority were women (2001: 35). Additionally, the restructuring of state enterprises and the resultant job losses also affected women-dominated sectors, such as the service sector. The retrenchment of many women workers from the public sector occurred at a time when there was also a decline in real wages. This has not only had an immediate impact on the formal sector, but also a ‘knock-on’ effect on the informal sector, which witnessed an influx of numerous ‘redeployees’. This development reduced earnings from the informal sector. Thus for Awumbila, the access to resources affects women’s position and status directly or indirectly in society (2001: 34). These events and developments culminated in creating a lasting social stratification, in which men had economic dominance over women. This has made the then Government of the People’s National Defence Council (PNDC) to bring about a legislative intervention in the intestate succession PNDC Law 111 in 1985 to remedy the situation.

## **6. INTESTATE SUCCESSION PNDC LAW 111**

The intention of the statute was to determine intestacy and to substitute for indigenous legal practices on inheritance after death in Ghana<sup>iv</sup>. It, along with three other laws, namely the Customary Marriage and Divorce (Registration) Law (PNDC Law 112), the Administration of Estate (Amendment) Law (PNDC Law 113) and the Head of Family (Accountability) Law (PNDC Law 114) came about together (Awusabo-Asare, 1990).

The justification for such legislative intervention appears in the Intestate Succession PNDC Law 111, 1985 Memorandum, among other things, that:

This Law is aimed at removing the anomalies in the present law relating to intestate succession and to provide a uniform intestate succession law that will be applicable throughout the country irrespective of the class of the intestate and the type of marriage contracted by him or her (1985: i – iv).

The 1985 PNDC Law 111, therefore deals with the distribution of the estate of a person who dies without a testamentary disposition of self-acquired property.

### **6.1 Devolution of intestate property among beneficiaries**

Section 3 of Law 111 provides that the surviving spouse and children are entitled absolutely to a house (if any) and household-chattel—where household-chattel includes furniture, implements, books, private cars, jewellery, household livestock, home appliances, simple agricultural tools and all the clothing and things used in the house. If there is more than one house, then the surviving spouse and children choose first. All the properties, less the house and household-chattel, form the remainder.

Having dispensed with the house and household-chattel, the law, under Section 6 distributes the remainder of the estate in specific fractions as shown in the following table.

*Table 3.1*

	<b>All 4 exist</b>	<b>No Parent</b>	<b>No Children</b>	<b>No Child and Parent</b>	<b>No Spouse</b>	<b>No Spouse and Parent</b>	<b>No Spouse, Child, Parent</b>
Spouse	3/16	3/16	1/2	1/2	-	-	-
Children	9/16	9/16	-	-	3/4	3/4	-
Parents	2/16	-	1/4	-	1/8	-	-
Customary Law	2/16	1/4	1/4	1/2	1/8	1/4	1

(Government of Ghana, PNDC Law 111, 1985)

The table shows how the remainder of the intestate estate devolves among beneficiaries using PNDC Law 111. Thus, the essence of the law, as indicated, is to give the bulk of the estate to the surviving spouse and children. If no parent survives (biological or legal) then 2/16 will be added to the 2/16 of extended family making it 4/16. If there is no child, then 1/2 of the remaining assets go to the surviving spouse. One-quarter goes to the surviving parent(s), if any. The other 1/4 will go to the extended family. If there is no surviving parent, then 1/2 goes to the extended family. If a child survives (male or female), then the child gets 3/4 of the remainder, 2/16 goes to the surviving parent and 2/16 to the extended family. If there is no parent, the extended family's share becomes 4/16.

Where the survivor is a parent(s), then the parent(s) gets 3/4 of the remaining assets and 1/4 is distributed to the extended family. If no spouse, child or parents survive the decedent, then it all goes to the extended family. However, where there is no child, no parents and no family, the Republic of Ghana takes the intestate property.

The law renders marriage type irrelevant for the distribution of the estate. It therefore explicitly repeals Sections 48 and 10 of the Marriage Ordinance and Mohammedan Marriage Ordinance respectively.

PNDC Law 264 amended PNDC Law 111 by the inclusion of section 16a and substitution of section 17. The effect of this law is, before the distribution of the estate, no person shall, whether the decedent died intestate or testate, eject a surviving spouse or child from the matrimonial home. The punishment against such an offender is payment of between 5 and 50 Ghana cedis or a term of imprisonment not exceeding one year. As a statute, PNDC Law 111 supersedes and reforms the rules of indigenous law in as much as the latter affects inheritance. The following section shows the results of women's property relations after government's legal intervention, and also discusses them.

## 7. RESULTS AND DISCUSSION

The research findings have shown that even within the current dispensation of PNDC Law 111, majority of women still suffer from the discriminatory Anlo/Asante socio-cultural practices of inheritance. This practice is sustained by the socio-cultural conception that women need little or no property. In both societies when it comes to inheriting a man's property, men have greater rights than women do. In the patrilineal areas, to a large extent, women (widows, wives and daughters) are overlooked when a man's property is being shared. The common argument is that the lot of women in patrilineal areas may be better than matrilineal women because the former may have the advantage of benefiting from property inherited by their sons. The study, however, has shown that it is often not the case that sons care for their mothers. There are also situations that some women do not have their own children let alone sons to look after them. Moreover, it is not every man who has property to bequeath his son(s) out of which the latter can look after his mother. The study shows that in patrilineal society of Anlo, the father is the most important source of inherited resources whereas in matrilineal areas, the mother, the uncle, the brother, the grandparent and children are

sources of inherited resources for women. Some matrilineal women may even inherit resources from their husbands and fathers (see also Vellenga 1986). This means that even though the lineages are weakening, it appears that women in the matrilineal Asante still enjoy much more social security as a result of the matrilineal support system, than those in the patrilineal Anlo.

As indicated, The Memorandum that accompanied the 1985 PNDC Law 111 states that “a surviving spouse should be compensated for his or her services to the deceased spouse ...” (1985: i-iv). Article 22(1) of the 1992 Constitution of Ghana furthermore, states that “a spouse shall not be deprived of a reasonable provision out of the estate of a spouse whether or not the spouse died having made a will”. However, the research findings have shown that because of ignorance many women are unable to utilize PNDC Law 111 to claim or defend property inheritance rights. The findings showed the widespread legal ignorance and/ or lack of right consciousness, especially in the rural areas of Ghana (see also Fenrich and Higgins, 2001). Moreover, where people appeared to be aware of PNDC Law 111 on intestate succession, they completely misunderstood its provisions.

Poverty, illiteracy, and fear that family members may spiritually hurt women are other factors. The three factors appear causally overlapped and hamper women’s ability to use Law 111 to defend or claim their rights. The Ghana Living Standards Survey in 2000 (GLSS 4)<sup>y</sup> established significant differences between men and women in education. According to the survey, 44.1 per cent of women and 21.1 per cent of men in Ghana had no formal education (WiLDAF/FeDDAF – West Africa 2003/4: 1). The survey states that since ‘formal sector employment now requires secondary or higher levels of education, it follows that only 5.7 per cent of women compared to 15.8 per cent of men can work in the sector’ (WiLDAF/FeDDAF – West Africa 2003/4: 1). Moreover, according to the survey, since the majority of women do not have higher education or marketable skills, they are not able to secure jobs with high salaries in the formal sector. Thus, because of illiteracy (which causes ignorance and unfounded fear) and poverty, some women are not aware of the existence of PNDC Law 111 and even if they are, are financially incapacitated to access it. This does not however, negate the fact that people’s unawareness of the law is partly from: a lack of enforcement, ineffectiveness of the law in many places, and inadequacy in legal provisions (see Rünger, 2006). Article 22 of the 1992 Constitution, for example, stipulates the property rights of spouses in marriage and divorce. It specifically indicates in paragraph 3(b) that “[a]ssets which are jointly acquired during marriage shall be distributed equitably between the spouses upon dissolution”. The Constitution enjoins the Parliament to make appropriate legislation towards the full realisation of divorced women’s property rights. This is important, because “Ghana operates a dualist system where parliament must pass law (*sic!*) that makes international instruments part of national law” (WiLDAF-Ghana, 2006: 1). Since the Parliament has not carried out the constitutional request, it follows that international laws for human rights on women’s inheritance cannot be integrated into national law. This may explain why PNDC Law 111 on intestate succession has not met the constitutional requirement for divorced females’ inheritance rights since 1985.

Thus, according to a 2006 shadow report submitted to the CEDAW Committee on women’s property rights in Ghana, women continue not to have equal rights and responsibilities whether in marriage or in divorce. The report also notes that women do not have access to, control the use of land or the family income. In addition, women suffer from marginalisation in decision-making. The report indicates that “women are therefore, worse off at the dissolution of marriage or at death of a partner” (WiLDAF-Ghana, 2006: 3). The shadow report mentioned a number of laws which Ghana amended to conform to international standards. These included: the amendment of Criminal Codes to criminalise certain customary practices that infringed upon women’s rights, the Intestate Succession Act and amendments, and the Marriage and Divorce Registration Law. It confirms the lack of legal consciousness among women. It stresses that in spite of the criminalisation of the customary practices, few cases appear before court for prosecution (WiLDAF-Ghana, 2006: 1). In addition, even though there is gender sensitive provisions integrated in the Constitution of Ghana, social structures in socio-cultural groups persist and enable men to dominate women. Further, despite recent gains in some areas, gender inequalities continue to constrain women’s ability to participate in and contribute to the economy. In some parts of the country, most people virtually ignore Law 111 and consequently indigenous law prescriptions continue to govern intestate property distribution.

## 8. CONCLUSION

The paper has discussed how Anlo and Asante stated principles and actual practices of property inheritance give fewer rights to women than their men counterparts when it comes to inheriting from a man. Government’s legislative

intervention has not had the expected effects on women's inheritance rights. This means women's position in the studied societies has experienced little change in terms of property inheritance from men since the coming into effect of the law 111 in 1985. This is because the flawed cultural conception that women need little or no property persists, and seems to fuel the socio-cultural practices on inheritance. Although it may be possible to explain women's inability to use PNDC Law 111 to claim their property rights on the basis of lack of: education, knowledge of law, rights-consciousness, financial resources, enforcement of the law, popularity of the law, the fact remains that the reluctance to assert rights by women lies to a large extent outside these variables. The reluctance to assert rights is, in fact, mainly because women often are confronted by significant social pressure from their families and communities not to seek formal legal recourse and instead to resolve the cases outside the court, domestically. In addition, women fear that they may be spiritually hurt if they legally protest for their inheritance and therefore, their property rights. The study has realized that even though the lineages are weakening, women in the matrilineal Asante seem to still enjoy much more social security as a result of the matrilineal support system, than those in the patrilineal Anlo. The study has also identified that the negative social image of women is the cause of women's social and economic subordination to men in kinship structures in the studied communities in Ghana. It has identified that PNDC Law 111 on intestate succession has certain loopholes. For example, it does not make any provision for divorced women and women who live in unmarried relationships in terms of having a share in their partners' property. It therefore follows that appreciation of the above, together with other cultural practices in the social universe of the socio-cultural groups, needs to be considered in the reform of intestate succession laws; to improve the position of women in relation to property inheritance in Ghana.

## Notes

- <sup>i</sup> Data used here was obtained from field work in Anloga, the traditional capital of Anlo and surrounding Anlo towns and villages.
- <sup>ii</sup> Other key informants during fieldwork include Asokore-Manponghe (paramount chief of Asakore-Mampong), Owusu Ansah (town planning officer at Land Department) Manhyia, Kokofuhene (head of Kokofu paramountcies), Dr Charles Coffie (anthropologist and family head), Ejisuhene (paramount chief of Ejusu, Social Administrator and a Lawyer), Osei Kwadwo (Manhyia historian in charge of Manhyia Archives), and Patricia Kwakye Manu (queen mother of Wiaso (a teacher by profession).
- <sup>iii</sup> Adala was a family head who discussed some of the principles governing property inheritance among the Anlo with me during fieldwork in Anloga.
- <sup>iv</sup> Some of the data on PNDC Law 111 came from interviews with lawyer Clement Amofah, Trinity Chambers, Adum, Kumasi.
- <sup>v</sup> Reference as recorded in WILDaf/FeDDAF-West Africa (2003/2004:1). Found at [http://www.wildaf-ao.org/eng/article.php?id\\_article=43](http://www.wildaf-ao.org/eng/article.php?id_article=43). Accessed 20 June 2007.

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