

ABIBISEM

JOURNAL OF AFRICAN CULTURE AND CIVILIZATION

*A Publication of the Department of History
University of Cape Coast, Ghana*



VOL. 5, 2012 & 6 2013

425.02

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Volume 5, 2012 and Volume 6, 2013

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EDITOR'S NOTE TO CONTRIBUTORS AND READERS

At long last, we have been able to come out with this edition of *ABIBISEM: Journal of African Culture and Civilisation*. In fact, it was a great worry to us when, due to circumstances beyond our control, we were unable to come out with Volume 5 in 2012. As a result, the Editorial Board decided to combine Volumes 5 and 6 in a single edition. We apologise to our numerous readers around the world and, especially, to all contributors who would have wished to add their articles in these volumes to their papers for promotion and other important purposes. We also apologise to people who would have wished to contribute papers to our esteemed journal but were uncertain of the state of the journal as a result of our inability to come out in 2012. We wish to inform our readers and potential contributors that *ABIBISEM* is still alive, and that arrangements have been made to ensure the frequent publication of all subsequent volumes of this scholarly journal. We wish you all the best.

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ISSN 2026-5441
NMC/C1 39/09/967

Published for the Department of History, University of Cape Coast, Ghana by
University of Cape Coast Press, Cape Coast, Ghana.

+233-33-21 30861

Website: www.ucc.edu.gh/history

CONTRIBUTORS – VOLUME 5, 2012

Charles Adabo Oppong is a Lecturer in the Department of Arts and Social Sciences Education at the University of Cape Coast, Cape Coast, Ghana.

Lawrence Kolawole Alo is a Senior Lecturer in the Department of History and Diplomatic Studies at the Olabisi Onabanjo University, Ago-Iwoye, Ogun State, Nigeria.

Moussa Traore is a Lecturer in the Department of English at the University of Cape Coast, Cape Coast, Ghana.

Cletus Kwaku Mbowura is a Lecturer in the Department of History at the University of Ghana, Legon, Accra, Ghana.

Vincent Assanful is an Assistant Lecturer in the Department of Religion and Human Values at University of Cape Coast, Cape Coast, Ghana.

Ohioma I Pogoso is a Professor at the Institute of African Studies at University of Ibadan, Nigeria, and Abiodun O. Akande is a Professor in the Department of Fine and Applied Arts at Emmanuel Alayande College of Education, Nigeria.

Augustine Duah Osei is an Assistant Lecturer in the Department of History at the University of Cape Coast, Cape Coast, Ghana.

CONTRIBUTORS – VOLUME 6, 2013

Adjei Adjepong is an Assistant Lecturer in the Department of History at University of Cape Coast, Cape Coast, Ghana.

Irene A. Pogoso is a Senior Lecturer in the Department of Political and Strategic Studies, the University of Ibadan, Nigeria.

Jibrail bin Yusuf is an Assistant Lecturer in the Department of Religious and Human Values at the University of Cape Coast, Cape Coast, Ghana.

Victor Olumide Ekanade is a Senior Lecturer in the Department of History and International Relations at Redeemers University, Nigeria.

Ebenezer Ayesu is a Senior Lecturer in the Department of History at University of Ghana, Legon, Accra, Ghana.

Wilson Yayoh is a Senior Lecturer in the Department of African and General Studies at University of Cape Coast, Cape Coast, Ghana.

Abiodun J. Oluwabamide is a Senior Lecturer in the Department of Sociology at Ahmadu Bello University, Zaria, Kaduna State, Nigeria.

EDITORIAL POLICY AND AUTHOR GUIDELINES

ABIBISEM: Journal of African Culture & Civilization (based in the Department of History, University of Cape Coast, Ghana) is a multidisciplinary journal committed to publishing well-researched general or technical articles in any of the fields pertaining to African history, African Philosophy, African culture and civilization, African relationship with the wider world, etc. The language of presentation is English.

Manuscripts should be typed, double-spaced (including end-notes and reference list.) using Times New Roman Font size 12. The prescribed limit is 6000 words and should conform to either the MLA or APA documentation styles. The editor also accepts newly published books for review. Electronic submissions are to be made on Microsoft Word, with the file name clearly indicated.

Each manuscript should be accompanied by an abstract of not more than 150 words.

All works consulted should be listed serially at the end of each article under the headline REFERENCES. Notes commenting or explaining points made in the text should appear after the main text, not at the bottom of the page. Such notes should be double-spaced

Each article should be accompanied by a separate (cover) sheet indicating the title of the paper as well as the following information about the author: (i) Full name (family name last); (ii) address or institutional affiliation; and (iii) current status (e.g. Lecturer, Senior Lecturer, Professor, etc.)

For the purpose of blind peer-reviewing, the first page of each article should not bear the name(s) of the author(s).

The editor expects precision in presentation. Prospective contributors should therefore avoid unnecessary flowery language; write in simple easy-to-comprehend style. All articles should be sent as e-mail attachment to: The Editor, *ABIBISEM: Journal of African Culture & Civilization*, Department of History, University of Cape Coast, Ghana. **Email:** ucchistoryjournal@yahoo.com or journalabibisem@gmail.com
Enquiries: obrimpono@gmail.com, boadisi@yahoo.com, ajayisa@yahoo.com

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VOLUME FIVE, 2012

Prospective History Teachers' Perceptions of the History Syllabus of Senior High Schools in Ghana

Charles Adabo OPPONG

Abstract

Syllabus development and implementation have pre-occupied the minds of educationists since the global evolution of modern educational systems because it provides the basis for the content of the lessons, the balance of skills taught and the kinds of behavioural outcomes students are supposed to exhibit at the end of a particular course. The search for a defined perception of teachers in the successful implementation of history syllabus has been a central theme of research effort over the past several decades. This study, employing a phenomenological research strategy, is aimed at evaluating the perception of prospective history teachers of the History Syllabus in the Cape Coast Metropolis. The prospective history teacher population was made up of final year students from the University of Cape Coast in the Central Region and the study made use of the total number of that particular year group. The participants were engaged in focus group discussions. During the deliberations, the researcher took notes, and tape recorded the information which was later transcribed for discussion. From the findings, it is fair to say that the syllabus is a "balanced and progressive document" which allows students to develop equally both their expressive and receptive capabilities. The research also revealed that in the construction and reconstruction of a future history syllabus, the time available for the execution of the topics must be considered. This will ensure that teachers would be able to use the appropriate and recommended methods of teaching the subject because participants recognised that most history teachers do not use the right methods in teaching as a result of their attempt to finish topics in the syllabus.

Key words and phrases: History syllabus, prospective History teachers

Introduction

Syllabuses are meant to be used in the classroom by teachers, as students in school need to be well-equipped to be able to perform their roles and make meaningful contributions in their communities. Because teachers cannot teach in a vacuum, standard syllabuses are formulated and designed to serve as frameworks and guides for classroom decisions. These are made to provide performance expectations regarding knowledge, processes and attitudes essential for all students and further provide examples of classroom practice to guide teachers in designing instruction. The history syllabus is

prepared in a way that both the pre-engagement and engagement phases of teaching are made meaningful. In 2007, the Ministry of Education, Youth and Sports published the National Senior High School History Syllabus. The Syllabus stipulates that the subject is designed to equip students with skills, knowledge, attitudes and values that will enable them fit into the ever-changing global village. It is envisaged that the history programme will enhance the development of the spirit of patriotism, critical thinking and national awareness through appreciation of the past (Senior high school history syllabus, 2007). The subject is, therefore, designed to enable students study the past, use the knowledge acquired to appreciate the present, and by so doing, build a better future. Three distinct features including (i) the clustering of the subject matter, (ii) the conceptual and ringlet presentation of information, and (iii) the pattern of instructional organization distinguished the syllabus from the other traditional school subjects. Unlike the conventional schemes and syllabuses familiar to the teacher, the History syllabus has been carefully organized and the pattern of instruction subdivided into five main interrelated sections including rationale, aims and objectives, contents, profile dimensions and other related activities (Okobia, 2011).

The content of the History Syllabus comprises the Landmarks of African history up to 1800, Cultures and Civilizations of Ghana from Earliest Times to A.D. 1700 and History of Ghana and her relations with the wider world from A.D. 1500 to the present. Under the Landmarks of African History, the following topics are expected to be treated:

1. History as a Subject (Introduction to African History)
2. African Pre-History from the Earliest Times to 500 B.C.
3. Civilization of Pharaonic Egypt, from 3000 B.C.
4. Civilization of Axum and Ancient Ethiopia.
4. Civilization of North Africa.
5. Origin and Spread of Bantu Civilization.
6. Swahili Civilization of the East African Coast.
7. Civilization of the West African Sudan from 500 B.C.
8. Civilization and Cultures of the West African Forest and Coast.

Regarding the Cultures and Civilizations of Ghana from earliest times to A.D. 1700, the following topics have been outlined for study in year three:

1. Introduction to the History of Ghana
2. Pre-History of Ghana: 50,000B.C. to A.D. 700
3. The Peopling of Ghana
4. Social and Political Organisations
5. History of Medicine
6. History of the Economy of Ghana
7. Rise of States and Kingdoms
8. History of Art and Technology
9. The Coming of the Europeans.

The History of Ghana and her relation with the wider world from A.D. 1500 to the present also deals with the following topics:

1. Social and Political Developments: 1500-1900.
2. Social, Economic and Political Developments in Ghana: A.D. 1900 – 1957
3. Independence and After: the Nkrumah Era.
4. Ghana after the Nkrumah Era 1966 – 1991.
5. Ghana in the Comity of Nations.

The syllabus broadly covers a lot of Ancient, National and World history at each stage of the course. One can obviously see that there is no connecting thread to link one period with another, and in reality the chronological principle is by no means strictly observed. The Landmarks of African History are kept in isolation from the Cultures and Civilizations of Ghana from the Earliest Times. It is at least clear that the outcomes approach is not suited to a subject such as History. It leaves little scope for the inspirational teacher who possesses the gift of making the past come to life for students. History depends for its interest and its coherence on showing how events are connected, how change and continuity work over time, and how the people of the past responded to the challenges they faced. Thus an arrangement which breaks up the flow of history into isolated, measurable statements of facts would definitely affect the logic of the subject. Such an arrangement makes sense in the manufacture of *widgits*; it is not so obvious that they make sense in the education of the young, especially in a subject such as History. It is possible, for example, for a student to master a whole list of outcomes describing the 1948 riot, but still

have no real understanding of that riot as a historical phenomenon. It is far from obvious that the experience of going “over the top” can be reduced to a so-called learning outcome. At the best of times, History can too easily become a deadening recital of “one damned thing after another,” and the isolation of topics making it even more so (Osborne, 2004).

The entire content of the History Syllabus speak of values, attitudes, and dispositions, which are meant for students to acquire both indirectly and through direct instruction. The content is also important for teaching students to respect such democratic principles as tolerance, commitment to human rights, respect for diversity, fairness, equity, and social justice because of the inclusion of the different histories of different people. In short, teachers see History as important for developing in students the values and principles that are central to democratic citizenship. The content also portrays History as essential for teaching students how to explore such issues in the past so that they will learn valuable lessons when faced with issues in the present and the future. To put it another way, educationists see the History Syllabus as important for teaching students to think about public issues generally. In this regard, the History Syllabus speaks particularly of citizenship and identity. This aspect is highly embedded in the foundational principles of the social studies syllabus of which history is a component subject (Harris-Hart, n.d.). Though definitions of citizenship have changed over the years, and the concept is subject to considerable and continuing debate, in a school setting it commonly includes a sense of national identity; an awareness of heritage; an entitlement to rights; the fulfilment of duties and responsibilities; a sense of political efficacy; and a commitment to democratic principles and procedures (Osborne, 2004), and the history syllabus is seen as contributing to all of these.

Again, the History Syllabus rarely speaks overtly about patriotism or national pride, preferring instead to speak in terms of informed understanding through the study of historical happenings. The idea of citizenship that pervades history curriculum is not the flag-waving patriot, but the informed, active, and democratically responsible participant in public debate. At the same time, the very fact of teaching more African History, rather than, say, American or European, obviously makes a statement about the importance of Africa to curriculum designers and policy makers. The Syllabus makes clear to students that the history of Africa, in general, and Ghana, in particular, is not simply an abstract study or an intellectual exercise, but is their history also, an introduction to the unique nature of Africa and its land, history, complexities and current issues. In this spirit, for example, the Syllabus aims to teach students implicitly to honour and value the traditions, concepts and symbols that are the expression of the African identity. In actual sense, the content of the syllabus is to instill in students a sense of Ghanaian identity, which all ethnic and religious

groupings can subscribe to because it is based on respect for diversity, pluralism, and democracy. Again, the content of the Syllabus is intended to help students learn about the history of Ghana, Africa and the World, which is an important step in building national and patriotic feelings that will enable learners to use the lessons of History in planning for the present and the future of the country (Oppong, 2010).

As professionals, History teachers today have more operational autonomy. They have more freedom and flexibility to decide how to teach their students and not perhaps, what should actually be taught (Smith & Lovat, 1990). Thus, they are quite free to integrate skills-based learning into essentially knowledge-based syllabuses (Calleja, 2004). This should ideally be done through an emphasis on key historical concepts which help students to organise knowledge and ideas about history, make generalisations, recognise similarities and differences, find patterns and establish connections.

Problem Statement

How History teachers and prospective History teachers individually and collectively perceive the History Syllabus prior to classroom implementation is of interest for a number of reasons. First, the 2007 syllabus has the potential to impact upon the ways in which History is taught, learnt and assessed in Senior High Schools. This, in turn, may have implications for the ways in which History teachers and prospective History teachers perceive themselves in terms of what they would teach (Harris-Hart, n.d.). This is important because, as Hall (1997) has previously argued, the ways in which teachers view syllabus and the impetus underlying them shapes their practices in the classroom. This view point has been re-echoed by various curriculum experts and researchers in both developed and developing countries over the past decades. Armstrong (1989) opined that a curriculum can remain just a plan if classroom teachers do not understand its goals, content and methods.

Additionally, a number of studies have shown that teachers' views of syllabuses shape their initial responses to the document (Hall, 1997; Reynolds, 2001). A number of casual interactions by the researcher with History teachers and prospective History teachers in some Senior High Schools in Ghana also suggest that the ways in which History teachers and prospective History teachers will implement this Syllabus may be strongly influenced by their perceptions of the formal Syllabus. In addition, data is unavailable on how History teachers and prospective History teachers perceive the content and theme of the Ghanaian Senior High School History Syllabus. That is, what is largely absent from existing research is an investigation into how History teachers and prospective History teachers perceive the content and theme of the Senior High School History syllabus.

These issues raised provide a context within which to conduct this study. The study therefore seeks to determine how prospective History teachers in the Cape Coast University perceive the History Syllabus. The main area of focus is on the content, aims and objectives, developmental nature, and profile dimensions of the syllabus.

Research Methodology

This phenomenological research study was designed to inquire into the perception of prospective History teachers about Senior High School History Syllabus. The prospective History teacher population was made up of final year students from the University of Cape Coast in the Central Region of Ghana and the study made use of all the 14 prospective History teachers. These were teacher-trainees who had returned from a teaching practice exercise organised by the Faculty of Education as part of the requirement for the award of their certificate. The data was collected from focus group discussions that involved the target. In the discussion, the researchers took careful notes, and tape recorded the discussion to ensure accuracy, and later transcribed them for further discussion.

Results and Discussion

The discussion in this section is done according to the themes in the History syllabus. These, as indicated earlier, would be on the Content, Aims and Objectives, Developmental Nature, and Profile dimensions of the Syllabus. Fourteen prospective History teachers took part in the study from the University of Cape Coast. Since the study was a qualitative case study, focus group discussion was used.

Content of the History Syllabus

Respondents were asked of their view regarding the content of the History syllabus, and they unanimously indicated that the content of the History syllabus is geared towards the development of analytical thinking in students. However, they were of the view that to achieve this aspect, it depended largely on the History teacher's pedagogical content knowledge. As summarized by one discussant: "... it is how a teacher prepares and delivers the content of the syllabus that actually helps students develop critical thinking abilities". Students are not able to develop this capability most of the time because most History teachers do not use the appropriate methods that will enable them effectively teach the content of the History syllabus to activate students' critical thinking abilities (Cobbold & Adabo, 2010). Respondents were, therefore, of the view that students' inability to think critically in recent times after studying History is as a result of History teachers' inability to use the necessary skills needed to teach the subject and the content of the syllabus. They opined that, for example, a prospective

historical actors managed to co-exist in their time. This will invariably influence students' attitude towards people looking at how their fore bearers lived.

Finally, most of the participants used for the study indicated that the History syllabus does not contain a lot of themes on the history of women. To these participants, the syllabus is written along patriarchal lines. Of the personalities mentioned in the syllabus as an example for students to emulate, only one is a female. No mention is made of the contributions of women towards the socio economic development of the nation. "...all that we know in the syllabus is Yaa Asantewaa of the Asante Kingdom," the participants indicated. Inherent in this response is the belief that more traditional recordings of history in Ghana in particular and the world in general have minimized or ignored the contributions of women and the effect that historical events have had on women as a whole. They, however, laid the blame on the curriculum developers claiming that in developing the syllabus mention should have been made of women whose lives have impacted positively on the society.

When a follow-up question was asked as to what could be the possible reason why curriculum developers do not include topical issues on women. The others were of the view that the syllabus does not entail a lot of women's history because history is about important and significance events and to them women of the past centuries did not play relatively any role that was worthy as a topical issue to be included in the syllabus. The understanding could also come from the fact that in the olden days, women were not allowed to participate in issues concerning society hence their absence from most historical events. The syllabus, therefore, is based on pre-historic views of history and on the gender insensitivity of traditional historiography. It is overly national in approach and suffers the most insidious forms of bias of omission in relation to women and cultural history. The content taught fails to give a learner a clear perspective of world, continental and a balanced view of male and female roles in history or human development. Similarly, the syllabus objectives perpetuate the same views of male-dominated approach to historiographic content.

The Aims and Objectives

Obviously, aims and objectives are the foundation stone on which the edifice of any subject is constructed. In this paper, aims are conceptualised as broad statements identifying the general educational outcomes that learners should be able to display, while objectives are the concrete measures by which these will be realized, and are usually expressed as relationships between specific concepts (The Harriet W. Sheridan Center for Teaching and Learning, 2005).

Findings from the discussions revealed that respondents were of the view that the aims and objectives of the history syllabus were achievable because they fall in line with the various topics outlined in the history syllabus. For instance, they think the aim of acquiring a more detailed study of the history of the people of Ghana from ancient times to date is appropriate because this aim is in line with topics such as: Introduction to the History of Ghana, Pre- history of Ghana: 50,000 B.C. to A.D. 700, The Peopling of Ghana, among others. The discussants pointed out that the aims, and objectives are such that the teacher can identify the themes embedded in them. One respondent said “Appreciating the culture of Ghana, that is, the traditions and culture of Ghana can be seen in the teaching of history of the various ethnic groups in Ghana.” This response indicates that history teachers believe that all the aims and objectives stated in the history syllabus are catered for under the various topics in the history syllabus. The syllabus ideally strives for a mix of qualitative and quantitative aims that incorporate objectives which tap into a variety of topics outlined in the syllabus (The Harriet W. Sheridan center for Teaching and Learning, 2005). Such a position represents a very positive perception on the part of the respondents with regard to the aims and objectives in the syllabus. The effect would be that teachers are likely to implement what has been stated in the syllabus especially within the framework of the fidelity approach of implementation (Kwarteng, 2010).

Developmental Nature of the History Syllabus

The nature of the History syllabus should be such that it moves from the known to the unknown, simple to complex and concrete to abstract as the advocates of the lines of development type of History syllabus articulate (Burston, 1972). The results of the study showed otherwise. The respondents dispute the claim that the topics in the History syllabus are not arranged along the lines of development pattern. The statement of a participant summarises the position of the participants:

How the themes have been organised in the syllabus is not in line with the lines of development because it moves from the unknown to the known. I would prefer sources of Ghanaian history, then the history of Ghana up to the point where students are okay with, before we go to the “Zimbabwes” and other African countries.

This implies that the arrangement of the themes in the syllabus ignores the concentric approach, which concentrates on the immediate environment of the learner. Participants believe that Section Two of the SHS syllabus should rather have been section one. One participant echoed “I think the best thing to have been done was to arrange the topics in the syllabus from

the issues in Ghana to other countries and not the other way round.” They stressed that moving from the known to the unknown, Section Two should have been Section One and Section Three Section Two followed by Section One as Section Three instead of the current arrangement. To some participants, the current arrangement is supposedly based on the understanding that students already have an idea about the topics in Section Two and Three as they formed part of the Social Studies Syllabus of the Junior High School. Social Studies at the Junior High School is concerned with equipping the pupils with an integrated body of knowledge, skills and attitudes that will help the pupil develop a broader perspective of Ghana and the world, and History happens to be central to the Social Studies Syllabus (Oppong, 2012). This implies that students might have been exposed to a bit of history therefore, the current arrangement of the topics should not be a problem.

The above indicates that students, before entering the Senior High School already have an idea about the topics in Sections Two and Three of the Senior High School History syllabus. As such, it will be easy for students to grasp and relate to the topics and also maintain their interest in the subject instead of starting with topics that are alien to them and which probably might make some students loose interest in the subject before they get to year two. However, the syllabus' framework is such that it is chronological in presentation, spanning from prehistoric times to the present. They believe that this allows students to develop an understanding of a series of concepts, both procedural and substantive. Indeed, if the rearrangement of topics as suggested by the respondents is put in place, this will defeat the principle of chronology. That is, the topics will not follow each other in time sequence. With the suggested arrangement by participants, the pre-history of Ghana: 50,000 B.C. – 700 A.D., will come before African Pre-history from the earliest time to 500 B.C. To other discussants, History deals with the concept of chronology. The principle of chronology dictates that the arrangement of historical content should be organized in time sequence. This means events that happened earlier are supposed to be taught first and therefore it will be impossible to teach the history of Ghana first in year one before treating the Egyptian civilization which was in place about 500 centuries before Ghana. Though the arrangement of topics is very critical, it cannot determine the success of an instructional period. In the candid opinion of the researchers, the most important thing to ensure effective delivery of the topics depends much on the approaches a History teacher adopts.

It is also important to note that the syllabus caters for broad issues in Ghana, Africa and the World, so chronological arrangement would also make the strands appear as discrete areas of learning, as they overlap and interact to form a holistic learning experience for learners (Department of

Education and Science (DES), 1999). Beyond the syllabus introduction and the consistency of implementation across syllabus content, there is little evidence of syllabus integration in theory, yet it is repeatedly advocated in practice. It is clear that the design of the History syllabus is a series of separate topics, and the subsequent operationalisation of the topics has overshadowed the notion of the syllabus as a holistic construct. As Pitt Corder points out, items listed in the History syllabus suggest a linear progression. This does not reflect the way topics are organized, where no aspect or item is either totally dependent or independent of another item, but are networks of interrelated parts. It also does not reflect the way learning takes place. This latter problem, however, can be overcome to some extent by using a cyclical or spiral syllabus structure where the syllabus keeps returning to items but in greater depth. Clearly the task of sequencing raises many questions about the process of learning and tends to reflect the syllabus designers' views on how people learn. The outcome of this contrasts the principle of contrastive difficulty in content organisation which suggests that there should be greater difficulty with those aspects that senior students learn. The obvious goal in content organisation is to progressively increase the degree of difficulty, and to ensure that different topics have a natural affinity and articulation with one another (The Harriet W. Sheridan Center for Teaching and Learning, 2005).

Profile Dimensions of the History Syllabus

Profile dimensions describe the underlying behaviours or abilities students are expected to acquire as a result of having gone through a period of instruction. The Senior High School History syllabus gives these dimensions as cognitive (knowledge and understanding), affective (attitude and values) and psychomotor (use of knowledge). Each dimension has been given a percentage which is the weight each domain carries in the teaching, learning and evaluation processes. These weights are:

- Knowledge and Understanding 30%
- Use of Knowledge 40%
- Attitudes and Values 30%

Regarding this thematic issue, participants indicated that these dimensions and their weights are in a positive direction because they believe combining the three dimensions in the teaching, learning and assessment process ensures that History is taught, studied and assessed not only at the cognitive level but also should lead to the acquisition of important attitudes and values on the part of students. It also ensures that students are able to develop and demonstrate good thinking skills and the capacity for excellent performance in examination and in practical life. However, the respondents

held the position that how the teaching and assessment is done in actual practice by most history teachers are geared mainly towards the cognitive than the affective and psychomotor domains. One respondent confirms this "...the teaching and assessment by history teachers over the years mainly cater for the cognitive". Such a practice is often criticized for focusing on the disconnectedness between the limited range of skills taught in the classroom and what the student will face in the 'real world' and that the way teachers evaluate students is open to criticism on these grounds, as lacking validity and reliability (Oppong, 2010). In effect, students are not able to demonstrate their learning in practical life (Heywood, 2000), which should not be the case as far as History is concerned.

Again, teachers' pedagogical practices in the classroom can also be attributed to the emphasis placed on the cognitive domain. Most of the time, History teachers employ teaching methods that do not engage students' affective and psychomotor domains as reported elsewhere in this paper. This response confirms this "No, it's more of knowing the stories and reproducing the stories. For instance, reasons for the happening and the effects of the happening on the people and the wider community are left out, which I think could influence students' attitude". This practice, according to Shemilt (2000), stems from the belief that, most teachers think that History is all about knowing and memorising of dates and narrating stories. As such, the teachers ignore the essence of knowing the causes and effects of historical events which could bring out the deeds and misdeeds of historical actors, thereby imbibing in the students good values. Participants were also of the view that assessing the affective and psychomotor domains is through monitoring, and this takes place over a period of time, but the syllabus does not make provisions for that. As summarized:

When you look at the cognitive, teachers do it when they give some exercises because students will do some recall for them. The affective and the psychomotor are by monitoring, and that takes a period of time. So per the syllabus, assessment caters for the cognitive domain.

They emphasised that assessment tools, such as class exercises and tests, are provided for the assessment of the cognitive but assessment instruments are not provided for the affective and psychomotor in the Senior High School syllabus. This creates opportunities for teachers to pay attention to only the cognitive aspect of the profile dimensions.

Other Findings: Overcrowded Nature of the History Syllabus

A syllabus is said to be overcrowded if the stated learning experiences are not completed due to time, age and ability of learners. Most History teachers mainly consider time. This is because most teachers, over the years, report that they do not have sufficient time to fully implement curriculum subjects of which History is one or to address all of the objectives within each of the subjects (NCCA, 2005; 2008a). For example, they explained that “it can be difficult to plan for so much in so short a time scale” (NCCA, 2005, p. 122). Time is, therefore, an important determinant of an overcrowded syllabus. For some time, History teachers have been concerned with the seemingly crowded syllabus that they teach. As each topic in the syllabus has been implemented, teachers have found themselves under pressure to teach all the outcomes and required content in the syllabuses.

The respondents were unanimous that the time allocated for the teaching of History in schools, where they did their teaching practice, was not enough, considering what they were expected to cover, and this situation forces most History teachers to do selective teaching. The following comment reflects this: “now efforts are being made to remove some of the topics due to the time available.” This response implies that as a result of time some topics in the syllabus are being removed and they cited the removal of a topic like 'Nilotic Sudan' from the examination syllabus. This is because the number of periods allocated for History is not enough so the topics provided in the syllabus become too many. The Association of Assistant Masters in Secondary Schools (1966) explains this when they concluded that “the educational traffic-jam results from too many subjects chasing too few periods in the weekly timetable.” (p. 11). What is inherent in the Association's explanation is that, overcrowded syllabus is caused by important subjects competing for space with one another and also competing with what some consider to be less important subjects (National Council for Curriculum and Assessment, 2010).

Teachers in their haste to complete the issues in the syllabus, therefore, resort to inappropriate methodologies in teaching the subject. One of such responses corroborates this, “...because of the packed nature of the syllabus and the very short period that we have, we just go to class to talk. So I give notes and use the lecture method.” This finding confirms the research finding concerning the lack of space for reflective and interactive classroom pedagogy in the context of a syllabus that is simply too broad (Cambridge Primary Review, 2009a). Therefore, teachers resort to bad methods of teaching such as the lecture and note taking methods which Crookall (1975) identified as bad ways of teaching History. It has also been observed that by not focusing on the syllabus demands and the dimensions

of quality teaching some teachers can waste time and, therefore, contribute to overcrowding.

Conclusions and Recommendations

It is fair to say that the syllabus is a “balanced and progressive document” in which students have enough opportunities to develop equally both their expressive and receptive capabilities. However, it is recommended that the revision of the present History syllabus should reflect the emphasis and findings of General History of Africa Series and gender as a new dimension of teaching and writing History. As researcher, it is my conviction that future endeavours in handling new syllabus would not be judged by the society from the test scores of students as has been the case. The reason for this position came through the study as respondents were mostly in 'love' with the issues in the syllabus but the way the issues have been delivered over the years has been marred with inappropriate curricular practices as a result of societal pressure in regard to students passing final examination. I think that the quality of education does not depend on the test scores as assumed by our society and that it is important to point out that test score is not the ultimate parameter for measuring the quality of education. We need to appreciate a vibrant History Syllabus that can offer progressive knowledge to our students and not only what students score on test.

We also need to appreciate and recognize in the construction and reconstruction of future History Syllabus the time available for the execution of the topics, so that teachers would be able to use the appropriate and recommended methods of teaching the subject. This is because participants recognised that most History teachers do not use the right methods in teaching as a result of their attempt to finish all topics in the syllabus. In the context of time regarding the issue of over-crowding of the syllabus, we share the view of the Cambridge Primary Review (2009b) which has advocated teaching all subjects in equal balance in order to preserve the breadth and richness of all subjects in the school curriculum. The review has argued that “education for the 21st century requires that all subject areas be given the equal status they deserve and that the curriculum be grounded in different ways of knowing and understanding through which humans make sense of themselves and the world” (p.49).

I see this piece of work as a form of public service that has vital social value, especially in the area of History education, and I believe that teaching is more than a job and more than merely doing routine work in which we are summoned, because we have something worthy and important to contribute to the world as teachers. It is in the light of this that I call on History teachers to do their work by going an extra mile in the implementation of the History Syllabus by adopting the appropriate

curricular practices that would ensure the achievement of the objectives for which History has been included in the school curriculum.

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The Origin of Legal Regulation of Chieftaincy Disputes in Yorubaland, 1930 – 1945

Lawrence Kolawole ALO

Abstract

Chieftaincy dispute was one of the major challenges faced by the Colonial administration in Nigeria. This subject has attracted much attention from scholars, but the aspect of legal regulation of chieftaincy matters and disputes have been neglected. This study, therefore, examines the reasons and the context within which it became necessary to promulgate laws and ordinances that were used to regulate chieftaincy appointment, selection, deposition and resolution of disputes. It further examines the causes of persistent chieftaincy disputes, assesses the extent to which the various ordinances, laws and the courts were able to resolve the problem of contestations with a view to determining its achievement. The study has established that law is a veritable instrument of administration, in both colonial and post colonial period. Colonial law, to a great extent, provided the desired social order that the colonial administration required for the exploitation of the economy.

Key words and phrases: Challenges, chieftaincy disputes, colonial administration, legal regulations, Yorubaland

Introduction

Legal regulation of chieftaincy disputes started in Yorubaland in 1930. By legal regulation in the context of this discourse, we mean an official rule, law, or order stating what may or may not be done. Legal regulation is government order which has the force of law. It has the capacity to adjust, organise and control. It is against the background of this explanation that we will appreciate the desire of the Colonial government to regulate or control chieftaincy matters under a legal clout. It must be noted that law operates effectively within or under a judicial process. The judicial process is a set of interrelated procedures and rules for deciding disputes by authoritative personnel whose decisions are regularly obeyed.¹ Such disputes are to be decided based on agreed sets of procedures in consonance with laid down rules. Apart from the control which the British automatically had on the entire Yorubaland, they further sought to put up several other agreements and ordinances on which their activities could be based. A case in point is the judicial agreement of 1904–1908.² The details of this agreement have been discussed elsewhere. It is the significance of this agreement that is of relevance to us here.

Sequel to the signing of the agreement on the 8th August, 1904, an Ordinance: Yorubaland Jurisdiction Ordinance was promulgated on the 7th September, 1904.³ This ordinance tended to provide the basis for which the British could operate 'freely' in that area. Secondly, this agreement extended English law and English Judicial process into Yorubaland, with the Supreme Court holding assizes there.⁴ It is important to note that the judicial agreement dealt a decisive blow to the power and authority of the traditional rulers in Yorubaland generally. The judicial agreement, unlike other treaties and agreements before 1904, earned the British colonial government the power and jurisdiction to deal with all indictable offences and disputes arising between the indigenes and British subjects. It should be recalled that in a traditional political system, judicial and political power was diffused. However, the judicial agreement undermined the judicial power of traditional rulers in Yorubaland. It was on the basis of this ordinance that the colonial government was able to introduce several other ordinances and laws for social control.⁵ The colonial government officials believed that they had a responsibility to protect the people of Yorubaland, as elsewhere in Nigeria. These obligations were spelt out clearly:

... Promote religion and education among the native inhabitants... To take care to protect them and their persons and in the free enjoyment of their possessions, and by all lawful means to prevent and restrain all violence and injustice which may in any manner be practiced or attempted against them.⁶

It is important to note that it was necessary that an 'ordered' administration be established in Yorubaland. The need to use law other than force could perhaps be to make colonial rule endure and stable. Law, in the form of ordinances and proclamations which operated through the courts, was to become the basis of enhancing British authority. It was in a bid to further put chieftaincy matters under a somewhat legal control that the Appointment and Deposition of Chiefs Ordinance was put forward for promulgation.⁷

Literature Review

Very few literatures exist on the subject of legal regulation of chieftaincy disputes in Yorubaland. Professor Oyemakinde's article titled "The Chiefs' Law and the Regulation of Traditional Chieftaincy in Yorubaland" explains the salient provisions of the Chiefs' Law of 1957.⁸ The article discusses the issue of succession in traditional Yoruba society, providing insight into the traditional system of "*Idi-Igi*" as it applies to succession rather than inheritance.⁹ Oyemakinde believes that since chieftaincy was regarded as a legacy like any other item of inheritance, it's

sharing had to be through the same “*Idi igi system*”. By the “*Idi-igi system*”, he noted that the children of the deceased king would be grouped according to the circumstances of their maternity.¹⁰

In another of Oyemakinde’s work¹¹ is the view that British imperialism in Nigeria ushered in a new form of administration. Though it did not remove the erstwhile basis of power and authority, but it modified and utilized it. In this work, several culture areas were examined: Kano, representing Hausaland, Ilorin, Nupeland, Yorubaland, Edo, Calabar and Onitsha. Despite the differences in traditional political experiences, it was clear that the attitude of the colonial administration to traditional rulers oscillated from either ‘to prop up’ their authority and prestige or ‘to exile’ them when their influence might jeopardize the success of British enterprise.¹² He discussed their various historical and traditional basis of the positions of rulers within the context of their different environments. This work, no doubt provides an understanding of the basis of power and authority of Nigerian traditional rulers.

Atanda’s ‘The Changing status of the *Alaafin* of Oyo under Colonial Rule and Independence’, provides an insight into the pre-colonial status of the *Alaafin*.¹³ He was able to show that the *Alaafin* was an absolute King, though in theory. The excesses of the *Alaafin* were checked by the *Oyo-Mesi*. He believed that the colonial authorities felt that the *Alaafin* was the most powerful potentate in Yorubaland whose position could be used to achieve the desired aim of administering the people “indirectly”.¹⁴ The process of elevating the *Alaafin*, according to Atanda, started between 1883 and 1894. This continued till about 1898-99. By 1903, the *Alaafin*’s authority had been extended beyond the limit of Oyo’s initial boundaries. The *Alaafin* enjoyed an unprecedented power and prestige up to about 1931. Though Atanda extensively explained the fact that there was virtually no chief or *Alaafin* who became one illegally, he did not fail to point out the fact that succession to the throne of the *Alaafin*, was interfered with by the colonial authorities.¹⁵ He indicated that the British exploited the succession process in Oyo which was not necessarily by primogeniture. For example, candidates contesting the stool were often more than two, even within the same ruling house. By 1945, when *Alaafin* Adeniran Adeyemi II became the *Alaafin*, what used to be the power and authority of the office of the *Alaafin* had considerably reduced. Atanda concludes that *Alaafin* Adeyemi III’s intolerance of the colonial authorities and the rising elite of his days eventually culminated in his deposition.¹⁶

*Nigerian Chiefs: Traditional Power in Modern Politics, 1890s – 1990s*¹⁷ is another work done in respect of chieftaincy in Yorubaland. This work explores the responses of traditional political structures to the problems of modernisation and governance that have engulfed the African continent. This study focuses on the interplay of chieftaincy politics, elite

formation, communal identities and the competition for state power in colonial and postcolonial Ibadanland.¹⁸ He examines the period between 1960 and 1966 as that of 'acrimonious competition' that had a very serious effects on chieftaincy structures. He further elucidates that the Action Group politics hand in hand with the other political groups in the west as essential pivot for intensifying communal clash of ethno-regional interests. Vaughan tries to show that chieftaincy policy of Muritala/Obasanjo military regime was described as the policy of 'chieftaincy rationalization'.¹⁹ This he examines from two different angles. One, he examines the 1976 Guidelines for Local Government Reforms, and second, the 1978 Land Use Decree. Though the Local Government Reform introduced significant changes but the Land Use Decree went some way in eroding the rights of the chiefs in respect of land rights and alienation. Despite the fact that Vaughan's work deals considerably with the colonial administration's policies concerning chieftaincy matters, he inadvertently left out the issue of the promulgation of chieftaincy ordinances and the Chief's Laws which were important instruments used by the colonial authorities to regulate chieftaincy succession, appointment and deposition.

Another recent work, *Chieftaincy and Civic Culture in a Yoruba City*²⁰ investigates the institutionalisation of Ibadan chieftaincy during the early colonial period. Several aspects of the colonial administrative policies were also considered. Watson's work is however, silent on the colonial administration's promulgation of chieftaincy ordinances and the Chiefs' Laws. No doubt her work examines incisively chieftaincy system in Ibadan. It is important to note that chieftaincy succession in Ibadan is by rotation. This has tended to reduce the possibility of dispute in Ibadan society. Disputes were and are only still noticeable at the *Mogaji* level. This perhaps may be responsible for Watson's non discussion of significant issues as chieftaincy ordinances and the chiefs' laws.

Inez Sutton²¹ discusses the manner in which law was used by the colonial government in Ghana to resolve chieftaincy disputes and how in the process creating other avenues of disputes. He is of the view that problems were created with the judicial system introduced in Ghana. Hence, he asserts the problems inherent in the development of a judicial system based on African customary law parallel the more general problems of the development of indirect rule. Again, the entire basis of indirect rule (including the courts) was of a decentralised system, which conflicted with the use for a centralised administration. The demarcation of jurisdiction between traditional and English law was very ambiguous and this created opportunities for unending litigations. This consequently led to almost a 'paralysis in the workings of the state.'²² Ghana had a different deal in respect of the management of Chieftaincy disputes, given the difference in socio-political milieu.

Again, in *Chieftaincy and Politics in Ghana since 1982*,²³ Kwame Bofo-Arthur examines chieftaincy in Ghana in a historical perspective, from 1982. He starts his study by taking a cursory look at chieftaincy in pre-colonial Ghana and how it served as an instrument of reaction against colonial policies. Bofo-Arthur considers the revolution that was ushered into Ghanaian society in the 1980s. This revolution, he asserts, went as far as depriving the chief of their source of revenue by the call for nationalisation of the salt Industries of Pambros and Vacuum Salt which the chief hitherto, held in trust for the people.²⁴ The chiefs, according to Bofo-Arthur had amazing resilience. Their resilience was not arbitrary; they had the support of the youth behind them to sustain the institution of chieftaincy. Secondly, they supported them because "traditional authorities did not share in the prerogatives of the post-colonial state, they also did not suffer from the fall-out associated with state decay."²⁵

Bofo-Arthur's article also examines the changes in the role of chiefs in local administration and the changes that occasioned the provision of the 1992 constitution. Significantly, Article 276(1) and (2) of that constitution was examined, which says that, "a chief shall not take part in active party politics" and any chief who wishes to do so should abdicate the stool. He opines that chiefs, have to be neutral so that they can call their subjects to order when there is trouble, (especially of a political nature).²⁶ Despite Bofo-Arthur's effort at explaining the various problems and or conflicts that erupted in post colonial Ghana, particularly in relation to chieftaincy, he did not discuss the use of any legal instrument for managing chieftaincy dispute in colonial Ghana. Apparently, it seems obvious that serious chieftaincy dispute became more prominent in post-colonial Ghana. This work shows that post-colonial Ghana handled chieftaincy problem with the instrumentality of the constitution. Just like the experience in Nigeria, post-colonial Ghana witnessed a drastic erosion of chieftaincy power, authority and prestige.

In his *Itaji; History and Culture*,²⁷ Olaoba asserts that history, is made to serve as an arbiter for dispute settlement. He cited the dispute that ensued at Itaji after the death of *Oba* Samuel Faderin Anjorin in October, 1943. Two rival groups were to slog it out in a dispute: the *Odofin* and the *Aro* groups. These two chiefs were said to be members of the *Iwarefamefa*. The contention was that the *Odofin* picked Samuel Fakeyesi single-handedly. The *Aro* and the masses in Itaji were in favour of James Fadipe Adeleye 'as the legitimate candidate who satisfied all conditions of eligibility.' The claim of the *Aro* and the masses was supported by the historical details presented by the Intelligence Report. Olaoba asserts that the intervention of the colonial administration did not deter the *Odofin* from pressing forward the claim of installing Samuel Fakiyesi.²⁸ It was clear in Olaoba's work that the solution to the dispute was not only the reference to

the Intelligence Report but to a committee, an administrative one at that, to look into the dispute. It was the recommendation of this committee that was accepted by the colonial administration. Hence, the dispute was put to rest. It is clear that by this time the Chiefs' Law of 1945 had been promulgated but there was no reference to the fact that any Law was invoked to regulate or manage that dispute at Itaji.

Isola Olomola discusses the problem of chieftaincy dispute in an engaging manner.²⁹ He presents chieftaincy dispute as a dangerous game which is characterized by stiff competition among contenders, who often resort to the use of force: weapon and poison. To him, chieftaincy disputes breaks out every now and again, in most parts of Yorubaland. Olomola explains that the re-ordering that colonial administration put in place under the guise of the Native Authority system was partly responsible for the many disputes that came up. The adaptation of the colonial government, to him, did not put into cognizance the rudiment of the people's culture and tradition thereby generated tremendous socio-cultural mutations in Yorubaland. They believed that native law should be changed, if necessary, to pave way for a 'civilizing' and emerging community. Olomola's work presents a good insight to the study of chieftaincy disputes in Yorubaland. Although he did not examine the confusion created with the promulgation of ordinances and laws, which used to regulate chieftaincy matters.

In *Chieftaincy and the Law*, Kusamotu³⁰ incisively considers the chieftaincy institution and the law. Apart from his definitions of significant terms in his study; he tries to show the features and functions of chieftaincy in Yorubaland. These functions, according to him, range from; collection of taxes, preservation of peace, community development and management and safe-guarding custom and tradition. Though Kusamotu provides useful explanations on the subject of chieftaincy declaration which came up as a result of the need to reduce chieftaincy contestation in South-Western Nigeria, he did not particularly see chieftaincy law and ordinances in colonial Nigeria as an instrument used to control chieftaincy in order to create an enabling environment for the administration to exploit the resources of the entire Yorubaland as elsewhere in Nigeria.

In "Odógbolú Chieftaincy Dispute in Historical Perspective",³¹ Adeniji presents the unsavoury struggle for paramountcy among three quarter heads in Odógbolú, an Ijèbú town. The contest was between *Elési* of Orulé Efiyàn, the *Orémádégún* of Orulé Odóláyanran and the *Móládá* of Orilé Ìlòdà. Abolade shows that for reasons bordering on collective security at such a time of war and serious insecurity in Yorubaland, these three groups of Ijèbú communities along with some other five (making about eight quarters in all),³² they agreed to migrate and settle together at the present location of Odógbolú. After several years of peaceful coexistence, there emerged an intense struggle for supremacy among their leaders. The

reason for this contest over the leadership of Òdógbolú was the consequence of colonial presence in their midst. Prior to the introduction of the Native Administration system, there was a league of rulers in the Ìjèbú Province. This league included the *Awùjalè* of Ìjèbú-Òde, the *Àjàlórùn* of Ìjèbú-Ife, the *Olówu* of Òwu Ìkijà, the *Dágbùrewá* of Ìdowá, and the *Mólòdá* of Òdógbolú.³³ Each of the members of the league, except the *Dágbùrewá* of Ìdowá, received a staff of office as a sign of recognition by the government. Later, when the Native Administration system was introduced, provision was made for all members of the league mentioned above to receive salary and allowance, but interestingly, the *Mólòdá* was left out.

The arrangement made for his salary showed that he was not reckoned with as a ruler. Both he and *Elési* received only sixteen pounds per annum.³⁴ To make matters worse, about a decade later, this arrangement was further amended. In 1927, *Òrémádégún* was surprisingly made the overall head of the confederate quarters that became Òdógbolú town.³⁵ This step, taken by the colonial administration, stirred up a serious protest by the *Mólòdá*. His protest was supported by the *Elési*, who himself felt that what was done was contrary to their culture and tradition. The dispute over the issue of the paramountcy of Òdógbolú lasted till 1984³⁶ when the dispute was finally resolved. Abolade's work is an example of the kind of confusion that was created by the colonial administration when tradition and custom of the people were not considered before putting up policies that will alter such tradition and culture. It must be said that colonial administration went some way in creating circumstances conducive for chieftaincy disputes.

Falola³⁷ posits that *Obas* and chiefs were involved in the exercise of tax collection. The chiefs carried out this task with utmost zeal and devotion. This was perhaps because the rate of tax collected determined the range of salaries approved for them. This invariably motivated several boundary contestations. The recognition of chiefs for tax collection also made the chiefly position very desirable; hence, there was stiff competition whenever a vacancy existed. Participation in tax collection was seen by the chiefs as an opportunity for involvement in administration. This invariably fostered their prestige. Falola did not consider other significant factors that were responsible for chieftaincy disputes but his work is also useful in understanding the role of the chiefs in colonial Yorubaland or elsewhere.

Tunde Oduwobi's work on *Post-Independence Chieftaincy Politics in Ògbómoso*³⁸ is another effort at examining the subject of chieftaincy disputes particularly in post colonial Yorubaland. Oduwobi's effort is significant in that it considered the issue of the Chiefs Law. Apart from the fact that Oduwobi was examining the Chiefs law which was promulgated in 1955 and its attendant provisions in respect of Consenting and Prescribed authority, he did not consider the circumstances that led to the promulgation of that law. This is very important because the prevailing situation which led

to its promulgation will provide an understanding to the challenge of its implementation. The issue of the contention of the paramountcy of the *Sòún* of Ògbómòşò that was raised in Oduwobi's work did not show an understanding of the reason(s) why Chieftaincy Declaration was put in place.³⁹ Chieftaincy Declaration was a guide provided to assist in the process of selection during any succession exercise. The colonial administration introduced Chieftaincy Declaration in order to ameliorate the rate of chieftaincy contestation. This was why the colonial administration by-passed the consent of the *Sòún* after his refusal in 1956 to support the selection of Atóyèbí. Oduwobi shows that *Sòún*'s refusal was predicated on the fact that the Chieftaincy Declaration used for the selection of the *Onpetù* was an unregistered one. It was when the *Sòún* noticed that his position was to be rubbished that he consented in 1958.⁴⁰ Oduwobi's work is a testimony to the confusion that the Chieftaincy Ordinance and the Chief's Law created in colonial Yorubaland.

Chieftaincy Politics in Nigeria,⁴¹ another of Olufemi Vaughan's work, examines Chieftaincy in post-colonial period. He opens his study by identifying the various competing 'cliques and influential personalities' for power and privilege. He also makes it clear that despite the fact that indigenous political leaders were aware of operating outside the confines of the modern political structure, they still continued to "accommodate and confront government policies" outside the precinct of modern structure.⁴² Vaughan opines that party politics during the period of decolonization was predicated on ethnic and regional groupings. This, according to him, affected political party formation. This tendency transcended the decolonization period. Even during the Second Republic; political party formation followed the same process. He did not stop at showing that strong communal sentiments reflect the lack of effective structures of civil society for mass mobilization in primordial publics.

Again, he examines the manner with which the military took an advantage of this ethnic cum regional tendencies to seek patronage among the various cliques and influential personalities.⁴³ He therefore believes that a considerable degree of ambivalence directs the relationship between the traditional or communal leaders and the military. It is for this reason that the various reforms of the military can be seen from that perspective, particularly from 1975/1979. One significant aspect of Vaughan's study is the reference to the military reform of 1976 on Local Government. It is true that he did not consider the Local Government Reform of 1952 and its consequence on chieftaincy institution in Yorubaland, but he made it clear that the military regime of Mohammed/*Obasanjo* affected the sensibilities of traditional authorities during this period because of the many reforms that were promulgated.⁴⁴ The Local Government Reform of 1976, the Land Use Decree of 1978 and the 1979 Constitution, all tended to take a lot away from

traditional chiefs. Vaughan's work is very relevant to this study as he discusses the effect of party politics on chieftaincy issues. Though he did not examine any chieftaincy dispute during our period, he explains the consequence of military rule on chieftaincy affairs.

In Obeng Mireku's work on ... *Male Primogeniture ...and Chieftaincy Succession in South Africa*,⁴⁵ he tries to critically examine how the courts have attempted to harmonize primogeniture with gender equality, particularly in chieftaincy succession disputes. He observes that the rule of male primogeniture in South Africa is central to the customary law of intestate succession as it is in some parts of Africa, particularly in Yorubaland. His study aims at analyzing the judgment of J. Swart in the recent case of *Nwamitwa v. Philia and Others*. In his study, Mireku tries to show the effort of J. Swart at putting the case to rest. But he did not fail to also show that J. Swart had a very difficult case on his hand perhaps because his decision was not clearly dictated by statute or precedent.⁴⁶

Mireku's work is an eye opener to the possibility of changes to customary law, particularly when that law or constitution of the country supports such progressive changes. It must be noted that the *Nwamitwa* judgment fails to recognize the statutory obligation imposed on traditional communities to transform and adapt customary law and customs so as to comply with the Bill of Rights, in particular by seeking to progressively advance gender representation in the succession to traditional leadership positions.

All of the literature reviewed above did not examine the regulation of chieftaincy disputes in Yorubaland. This article sets out to fill the gaps that exist in the various works reviewed. Most of the literature reviewed in this study did not have direct relationship with the present study but they all provide insight and useful information for the current study. This study examines the origin of legal regulation of chieftaincy disputes in Yorubaland and considers how such disputes were managed under the various legal instruments promulgated by the colonial administrations. It also considers the reactions of the people to the promulgation and implementation of the Appointment and Deposition of Chiefs Ordinance in particular.

Causes of Chieftaincy Disputes

Several reasons can be adduced for the spate of chieftaincy disputes in Yorubaland. The causes of chieftaincy disputes were in four categories; namely traditional, economic, political, and social factors. First, everyone wanted, and still wants to be a chief.⁴⁷ In a society where there are rules and regulations, people come up to upturn the rules to have their way because of their personal ambitions. In the past, chieftaincy succession procedure was not written but was followed very strictly. Despite its unwritten nature, 'its

principles were expressed in proverbs' and other aspects of tradition and culture of the people.⁴⁸ Its essence was recalled whenever it was required. The advent of colonial rule brought about the wave of chieftaincy disputes in Yorubaland. The compilation of Intelligence Reports by the colonial administration during this period also tended to add to the problem of chieftaincy disputes.⁴⁹ Some of the Intelligence Reports were compiled without inputs from the indigenous elderly personalities. Second, the proliferation of ruling houses was another factor for chieftaincy disputes. There are examples of cases where people came up with the story of their family as being a part of the existing ruling houses in a town or a community.⁵⁰ A typical example is the case of the *Olomu* of *Omu* chieftaincy dispute. S. A. Soile who was a major contender in the dispute was said to be a member of the *Ramuja* ruling house. His opponents contended that the *Ramuja* ruling house was not actually a "ruling house" in *Omu-Ijebu*.⁵¹ Investigation(s) into the dispute later revealed that the confusion came because what was known with that ruling house was the name *Adekiyeri*, rather than *Ramuja*. It was later confirmed that S. A. Soile was actually a member of the *Adekiyeri* ruling house, but before it was resolved the case went on almost in an endless circle of disputes.

Another significant factor for chieftaincy dispute is the connection that land has in relation to chieftaincy.⁵² Most chieftaincy positions in Yorubaland are connected to chieftaincy land. Major Yoruba towns have a number of villages that are directly subservient to the paramount chief, i.e. the *Oba*. For example, the *Alaafin* of Oyo, the *Awujale* of Ijebu-Ode, *Owa Obokun* of Ijesaland, the *Olubadan* of Ibadan and the *Alake* of Abeokuta, to mention just a few, have chieftaincy land under their jurisdiction.⁵³ As a result, the *Oba* expects perquisites on such land from farmers and or tenants. The economic value of land and the uses to which land was, and is still being put, encourage dispute when vacancy is declared in respect of chieftaincy positions connected to land issues. Among the Yoruba, inalienability of land has led to several intractable problems of land ownership. A common concern here relates to the rights inherent in claiming ownership to land. The reality is that in most cases, the *Oba* should not sell or alienate land even though he is regarded as the leader of the community, but it must be said that several *Obas* and others with chiefly positions have misrepresented their role in community land management,⁵⁴ hence, serious disputes emanate. To buttress this point, there were chieftaincy disputes in Yorubaland that were not necessarily the result of any vacancy to chiefly positions but because of either alienation of land or its ownership. An example was the case between David Jegede and Chief David Ibidapo, the *Lemodu* of Ilesa in 1947.⁵⁵ David Jegede was claiming declaration of title to all the portions of land situated at Okesa street, 'which is occupied by the CMS Bookshop'⁵⁶ but the plaintiff inherited the land from his father who

was a previous *Lemodu* of Ilesa. Second, the plaintiff demanded for an account of the rents received by Chief Ibidapo from the CMS Bookshop who occupied the said land. It is important to note that this land was granted to the CMS by *Owa* Aromolaran I, before his demise.⁵⁷ This he did through Chief *Lemodu* Ajayi who was David Ibidapo's predecessor. When this came to the Native Court in Ilesa for hearing, it was determined in favour of Chief David Ibidapo, the *Lemodu*, perhaps because he was a chief. The plaintiff, David Jegede, disagreed with the judgment. He immediately sent a petition to the Assistant Divisional Officer (A.D.O.). The A.D.O. decided the case in favour of David Jegede who was to become the *lessor* in the place of the Native Authority. This was a direct case of conflict of evidence. The *Owa's* previous recognition of the land as chieftaincy land stood in contrast with his later acceptance of the land as private property.⁵⁸ This case is significant in that it showed the importance that was placed on chieftaincy land. The case between David Jegede and Chief David Ibidapo, is just one of such cases.

The **Sorundi Chieftaincy dispute** is another case in point.⁵⁹ That dispute can be seen from two directions. The first concerned the legitimacy of Chief Aogo Falabonu, the Sorundi of Ilesa, in 1942. The descendants of Babatimo Arike accused Chief Aogo Falabonu of taking the Sorundi Chieftaincy title wrongfully. Several petitions were written in protest against Chief Falabonu's assumption of the chieftaincy office of Sorundi of Ilesa. Petitions were not only written to the colonial government over this dispute but other letters of protest were written and sent to the *Owa* Aromolaran I. This dispute went on till the reign of the *Owa* Ajimoko II who became the *Owa* in 1946. Several attempts were made to unseat the Sorundi Falabonu but these were to no avail.

The second aspect of this dispute started in 1949. Again, Chief Falabonu was accused of alienating chieftaincy land that collectively belonged to the entire Sorundi Chieftaincy family. It was one, R. S. Omowumi, who was the Secretary of the Babatimo Arike descendants, that spear-headed the struggle against Chief Falabonu. When this dispute came before the *Owa* Ajimoko II, it was made clear that Chief Falabonu was rightfully chosen for the *Sorundi* Chieftaincy. This was because he was the authentic paternal descendant of the Babatimo Family while Babatimo Arike was from the maternal side of the family.⁶⁰ Chieftaincy position in Yorubaland is usually conceded to contestants from the paternal side. It is only in very rare situations that somebody from the maternal side of the family was made to assume chiefly position, except that chieftaincy was strictly a female chieftaincy. It was also confirmed that Chief Falabonu did not alienate the land in question without the consultation of other members of the family. Chief Aogo Falabonu was not penalized for alienating the said *Sorundi* Chieftaincy land, but a letter was sent to him from the Native

Authority Council Office that he should stop further alienation of chieftaincy land as it belonged to the entire *Sorundi* Chieftaincy family. It was clear that Chief Aogo Falabonu gave the *Owa Ajimoko II* perquisite in respect of the sale of the said chieftaincy land.⁶¹ This must have been responsible for the smooth sail that the dispute enjoyed before the *Owa Ajimoko II* during this period. Again, it must be said that the memory of the consequence of the 1941 riot in Ilesa went a long way in ensuring peace.

Another significant factor for chieftaincy disputes was the spate of bribery.⁶² Bribes were collected by either the kingmakers and/ or the council of chiefs, responsible for the selection of candidates into vacant positions. In several chieftaincy cases, evidences of offer of bribes were leveled against some important chiefs who were connected with selection of candidates into such chiefly positions. For example, complaints were leveled against the *Olubadan* of Ibadan of receiving bribe from *Timi Memudu Lagunju* during the *Timi* of Ede chieftaincy dispute between him and *Adetoyese Laoye*.⁶³

The popularity of the idea of an educated *Oba* also contributed to the wave of chieftaincy disputes in Yorubaland.⁶⁴ For instance, the clamour for S. A. Adedeji as the new *Risawe* of Ilesa as against M. G. Asogbe. Adedeji was the choice of the people. They believed he was more educated than Asogbe. The 1950s witnessed the influx of a crop of educated elite on the councils in Yorubaland which was an indication of a season of a change of power from the traditional rulers to the educated elite. Hence, when any contender for the position of chieftaincy was educated, it was common place that the generality of the people would give such candidate their support. That was perhaps because every community wanted its paramount ruler to be educated such that he would have the opportunity of relating favourably with the colonial administration.

Origin of Legal Regulation of Chieftaincy Disputes

In many parts of Yorubaland during our period, any time there was a vacant stool caused by the demise of the incumbent chief, stiff succession dispute arose.⁶⁵ The existence of stipulated succession procedures among the people could not checkmate the ugly trend. Such a development could partly be explained in terms of the increased power and influence that the chiefs gained at the wake of colonial rule. This tended to make claimants from rival royal or chiefly families to rise in stiff competition with other claimants to such vacant stools. The result was that several chieftaincy disputes were brought to the law courts for resolution.⁶⁶ The influx of chieftaincy cases to the law courts almost became an embarrassment to the sanctity of the traditional institution. This was so because several chieftaincy cases were published in some newspapers in the late 1930s and the early 1940s.⁶⁷ It was for this reason, that on the 16th December, 1947, a motion

was moved by the second member for the Oyo Province, Chief J. R. Turton, *Risave* of Ilesa, that government should consider the introduction of legislation or a law, to exclude all matters relating to the appointment, selection and deposition of chiefs from the jurisdiction of the Supreme and Magistrate's Courts.⁶⁸ Chief Turton was of the opinion that:

... there was no reason why we should put ourselves in a predicament where the Supreme and Magistrate Courts must appoint our chiefs and *Obas* for us or where through some technicalities in law, not easy to understand or appreciate, the will of the people through their *Oba* may be set aside by the courts.⁶⁹

It was for this reason that it was said that Chieftaincy disputes be debarred from the Supreme and Magistrate Courts on the ground that they were as intricately bound up with native laws and customs and such customs varied infinitely from place to place.

It should be noted that among the Yoruba, there existed peculiar laws and customs that pertain to the appointment, selection and deposition of chiefs and they were in the best position to apply them to their utmost advantage. However, the interest of the colonial officers was usually on that candidate who would be subservient to the administration. Yorubaland is replete with several examples of situations where the colonial administration sponsored candidates to the throne, as against the preference of the people. A typical example was the installation of Ladigbolu Adeyemi as the *Alaafin* at Oyo.⁷⁰ Though, Atanda has argued that Ladigbolu Adeyemi was a popular choice of the Kingmakers, it must be mentioned that it was Captain Ross who tipped the choice of Ladigbolu Adeyemi. It can then be argued that the Kingmakers could not have blatantly opposed the nomination of Ladigbolu Adeyemi who enjoyed the support of Captain Ross. None of the chiefs could risk the wrath of the Resident. More importantly, the colonial administration was unequivocal about their decision to interfere in the matters of chieftaincy succession, as it eventually did in Ijebuland thus:

His Excellency has clearly laid down that if there is no suitable person from a Government point of view, amongst those who claim the right to be considered as a candidate, government will not hesitate to make its own selection.⁷¹

The determination to enforce this stance of the colonial administration was made good in 1933. That was when Mr. D. R. Otubosin's (from the *Gbeleguwa* royal family), nomination as the *Awujale*-elect was ratified and approved by the Governor against public opinion.⁷² The suitability of a person for any chieftaincy position was almost always

seen from the point of view of the Government and not that of the people whose will should be enforced. When an *Oba* or head chief is appointed and installed in Yorubaland, he automatically becomes the embodiment of his people's will; his person is regarded as sacred, and he is looked up to as next in position and power to the Almighty God. This was far from being the situation during our period.

In an attempt to solve the problem of the influx of chieftaincy disputes to the law courts, the central legislative council proposed an ordinance in 1929, entitled an "Ordinance to provide for the Appointment and Deposition of Chiefs in the Colony and Head Chiefs in the protectorate".⁷³ The purpose of this ordinance was to enable the powers granted the Governor by the provision of the Appointment and Deposition of Chiefs Ordinance, 1930 (A.D.C.O.) to be exercised in respect of chiefs in the Protectorate. The object of this ordinance was rejected and opposed generally by the people because it tended to repose in the Governor, the power to impinge with impunity on the liberty of native chiefs. There were several 'petty chieftaincy titles' in Yorubaland during this period whose holders were normally members of a Native Authority Council (N.A.C.), though in some cases these 'so called' chiefs were 'hardly more than heads of family'. Considering this critically, it might not have been intended that appointment to these petty chieftaincies should be covered by the Appointment and Deposition of Chiefs Ordinance. One would have expected that Administrative Officers should have been allowed to recognise such chieftaincies, other than the Governor, to prevent the kind of unnecessary bottleneck that was presented. To buttress this claim, the Acting Administrator for the Colony was of the opinion that it was a waste of time for the appointment of every unimportant chief in Epe and Badagry Divisions to be submitted for the Governor's approval. The confusion created by this ordinance necessitated two main questions put forward by the people to the Secretary of State for the Colony: One, the people desired to know whether the traditional right of a paramount chief to appoint, install or sanction the appointment of sub-chiefs in the area of his domain ceded to British Government in the last century was lost with that agreement Two, if not, why was it, that steps taken by paramount chiefs to exercise such right was discouraged and officially looked on as intrusion? In what seemed an answer to these questions, the Secretary of State for the Colony was of the opinion that if the Head Chiefs of the native communities were 'expected to play their proper part in the development and government of Nigeria, it is essential that they should be recognised and fitted into a definite place in the scheme of orderly government'.⁷⁴ To him, he believed this could best be done by the arrangements embodied in the ordinance, which, while recognizing the right of each native community to select its chiefs according to its traditional law and custom, the Governor still should have the power to

withhold approval and to depose any chief, where he deemed it necessary in the interests of peace and good order. With this response, it was apparent that the Secretary of State for the Colonies was making every effort to persuade the people to accept the arrangement that was put in place, that is, the ordinance. The colonial government believed that the only means through which the chiefs could express their right was within the confines of the ordinance. By so doing the ordinance became an instrument of control of the institution of chieftaincy in Yorubaland.

A representation of the Lagos Section of the National Congress of British West Africa (NCBWA) expressed their discontent that the ordinance 'seeks to encroach on and displace the ancestral rights and privileges of the people'.⁷⁵ Hence, a petition was sent by them to the Secretary of State for the colonies, praying that his assent be withheld from the ordinance. Given the sharp criticism leveled against this bill, it was pertinent that the Government might not sign the ordinance until it was properly corrected and amended appropriately.

The reason why the ordinance was vehemently opposed by the NCBWA was not far-fetched. It was perhaps because Sections 2 and 4 of the proposed bill were not acceptable to it. Section 2 of the proposed ordinance stated, among other things, that:

Upon the death, resignation or deposition of any chief in the Colony or any Head chief in the Protectorate, the Governor may appoint as the successor of such chief or head chief as the case may be, any person selected in that behalf in accordance with native law and custom (as to which the Governor shall be the sole judge); and if no such selection is made or if the selection made is not approved by the Governor, the Governor may himself select and appoint such person as he may deem fit.⁷⁶

Section 4 of the same bill stated that the Governor may depose any chief, whether appointed before or after the commencement of this ordinance, 'if after inquiry he is satisfied that such deposition is required according to native law and custom or is necessary in the interest of peace, order and good government'.⁷⁷

Although, it was His Majesty's pleasure to approve and sign the ordinance, there were several petitions against it which must receive careful consideration before approval. Most of these petitions were from the elected members of council and other persons in Lagos, particularly Messers Pearse and Agbaje. Criticisms against this ordinance also created a lot of tension among the administrators. This generated several correspondences which were mainly to ask questions and raise issues about the intricacies contained in the ordinance. The Chief Secretary at the Colonial Office in

Lagos believed that the administrators: (Residents and Chief Commissioners), should reassure the petitioners in respect of their fears regarding possible arbitrary exercise of the powers conferred on the Governor under the ordinance.⁷⁸

It must be noted that the issues involved were more than just a matter of reassurance from either the Residents or the Chief Commissioners. Several of the administrators began to send messages of how specific cases in their respective locations could be handled, given the provisions of the Ordinance. For instance, in 1945, when the *Alara* of Ilara, in the Eredo Area of Epe Division died, a dispute ensued as to who was to become the new *Alara*.⁷⁹ After his demise, one Bakare Onomade was selected to hold the title without opposition, but he could not be recognised as such. Though, the *Alara* of Ilara chieftaincy was a member of the Eredo Area Council which was a native authority, and which the Commissioner could appoint by himself, in accordance with section 6 of the Native Authority Ordinance of 1930,⁸⁰ yet under the new Appointment and Deposition of Chiefs Ordinance of 1930, he could not recognise the *Alara* of Ilara by himself. This situation in Ilara created a serious problem, as the town was thrown into confusion over non-recognition of their paramount ruler. Due to the significance and sensitive nature of Ilara which was in Epe Division of the Colony of Lagos, the Chief Secretary to the Government responded to the problem at Ilara by making it clear that: 'Steps will be taken to delegate to you powers under the Ordinance similar to that already delegated to Residents in charge of Provinces.'⁸¹

The response of the Chief Secretary seemed to have resolved the apprehension of the Chief Commissioner for the Colony of Lagos, who believed that the delegation of the power of the Governor to administrators will simplify the bill and obviate the necessity for any invidious distinction between colony and protectorate. Looking at it critically, the Ordinance seemed to seek to achieve a dual purpose. One, it seemed to substitute the will of the Governor for the will and consent of the people in the appointment and deposition of chiefs. Two, it made the Governor the sole judge of native law and custom. The Government desired to ensure that the powers granted to the Governor by the Ordinance be exercised in respect of chiefs in the Protectorate as they might be exercised under that Ordinance in relation to chiefs in the colony.⁸² At the same time, the Government desired to limit the operation of the existing Ordinance to those chiefs who were Native Authorities, members of a Native Authority or members of Council that formed part of a Native Authority or members of an Advisory Council.

Again, under the Ordinance, the government required that an inquiry would be necessary for the purpose of ascertaining whether or not the appointment or deposition of a chief had been made in accordance with native law and custom.⁸³ In each case, the inquiry would be held by a

political officer and usually in public. The political officer was to take the evidence of some of the leading members of the town, who themselves would perhaps be in a position to give reliable evidence regarding native law and custom. It must be mentioned that this arrangement provided an opportunity of being heard, with the opportunity to ask questions from all persons giving evidence on the chieftaincy in dispute. If it was a case of deposition, the chief would have to be informed of the grounds on which the Governor was contemplating to depose him.⁸⁴ Such a chief would also be allowed to call witnesses, and be given opportunity to ask questions that were germane to his own position on the subject of his deposition. For the purpose of clarity, one may ask, whether any means of appeal was provided against decisions taken by the Governor under the Ordinance. The exercise of power by the Governor under the ordinance was regarded as executive rather than judicial. No appeal to a court of law was provided in the ordinance. However, the only means through which appeal could be made was through the Governor himself to the Secretary of State for the Colonies. This measure seemed not to be a proper means of appeal, because it was purely administrative. This was made clear in a correspondence of the Secretary of State for the Colonies to the Administrator of the Lagos Colony:

I am not fully convinced that the recommendations of the Honourable Attorney-General are in accord with the objects achieved by the passing of this Ordinance.⁸⁵

However, it must be said that the provisions of the bill of this Ordinance were not at first understood by Nigerian unofficial members of the legislative council. A few of them had read the Ordinance, but opposition to it required that it be amended. At the second reading, they expressed their discontent about the bill. It was at this stage that it became apparent that they never understood the purpose of the bill. To help this uncertain situation, the Government felt it was pertinent to hold a special meeting with all Nigerian unofficial members of the Legislative Council, during which the essence of the bill was properly explained to them. This meeting was held in April, 1930 at the instance of the Attorney General.⁸⁶ As soon as the Nigerian unofficial members of the Legislative Council understood the bill of the ordinance, their 'opposition ceased'. They unanimously expressed the view that it should be made clear to the people in general. To them, this explanation would make it clear that the Governor would be required to consult the people concerned before acting under the provision of the ordinance. It was agreed that "a reference to consultation with such persons concerned" should be inserted in the amended bill.⁸⁷ This was to give it the force of law. Before the end of 1945, the amended bill had

been passed and approved. The amended Ordinance did not substantially alter the position of things. It only empowered the Governor to take steps with regard to the appointment or deposition of chiefs other than Head chiefs in the Protectorate as well as in the Colony. It could also be observed that the ordinance restricted rather than widened the powers of the Governor. This is, because the Governor could only approve or depose chiefs who were members of a Native Authority or of a Native Authority Advisory Council. It is also important to note that the Governor did not have the power to appoint a chief himself except that he could appoint a person to carry out the duties incidental to the chieftaincy, if no chief was appointed within a reasonable time.⁸⁸ Apparently, the amending Ordinance also required the Governor to make due enquiry and to consult with the persons concerned in the selection of chiefs before deciding any chieftaincy dispute or deposing a chief.

Reactions to the Promulgation of Chieftaincy Ordinance

The execution or implementation of the Appointment and Deposition of Chiefs Ordinance created several problems and confusion in Yorubaland. Problems began when paramount chiefs who were Native Authorities or sole Native Authorities continued to exercise their power in a manner that made their subordinate chiefs feel terribly irritated. A typical example was what happened at Osogbo in 1941, when the *Ataoja* (of Osogbo) claimed that he was usually disobeyed by one of his principal chiefs, the *Jagun* (of Osogbo), Chief Sule Akanbi.⁸⁹ Consequently, the *Ataoja* did not hesitate to report the "mis-behaviour" of the *Jagun* to the Divisional Officer (D.O.), Mr. M. Sharkland. On the other hand, when the D.O. queried the *Jagun* about his 'rudeness' to the *Ataoja*, he, the *Jagun* was of the opinion that the *Ataoja* was fond of using abusive terms during council meetings. In addition to this, he was advised by members of council to abstain from taking intoxicating drinks, but would not budge. He was also of the 'habit of handling town affairs single-handedly, while also including the chiefs' names and titles in letters without their knowledge' of the issues in such letters. The D.O. expressed his dissatisfaction with the way the *Ataoja* was reported to have handled the administration of Osogbo Native Authority (O.N.A.) affairs.⁹⁰ He made the *Ataoja* to understand that he was surprised at how he 'bickered in such an unseemly manner' and that he could have refrained from "recreminations".⁹¹

The attitude of the *Ataoja* was that of over-stretching of authority and power. He seemed to wield power and authority that could not be questioned by his chiefs, hence his "unseemly" behaviour. Most chiefs, particularly paramount chiefs, understood that both the Native Authority Ordinance and the Appointment and Deposition of Chiefs Ordinance tended to enhance their superiority before other subordinate chiefs. In the process

of exercising and carrying out some of their duties of "selecting" or nominating chiefs for vacant positions, they were, at times carried away and went ahead to actually appoint such chiefs without referring to the Sole Native Authority and or the D.O. This problem between the Sole Native Authority and other minor chiefs reached a crescendo in 1947. It was clear that little or nothing could be achieved without mutual cooperation within the different units of the Native Authorities (sole or substantive or minor).

At different times, this problem made some minor chiefs to begin to demand for separation from particular Native Authorities in order to be able to gain "independence" or be free from domination or the fear of being dominated. This situation became so serious that it attracted the attention of the Editorial opinion of the *Southern Nigeria Defender*:

... some N.As are alive to...working diligently, it is something to be regretted that others are still shadow-sparing. For all the havoc which petty squabbles and chieftaincy dispute have wrought in this country and the constant warnings from both the government and the press, one would think that by now, the last of these banes should have been heard. But not only are some disheartening news still emanating from some obscure corners of the country about separation agitation, but even the progressive west seems at the moment, to be the most fertile ground for chieftaincy disputes.⁹²

Again, in July 1941, the *Olufon* of Ifon Osun installed one Latunji as the 'new' *Ikolaba* of Ifon without any reference to either the *Olubadan* (who was the Sole Native Authority) or the D.O. who was the administrator in charge of that district, the Ibadan Northern District.⁹³ In his explanation, the *Olufon* claimed that the *Ikolaba* chieftaincy at Ifon was usually selected and appointed from a particular family and at the time Latunji was suggested, there was no rival claimant from that family. Hence, the *Olufon* felt he could just go ahead to install Latunji as the *Ikolaba*. The D.O. was still not satisfied with the explanation of the *Olufon*. The dissatisfaction of the D.O. can be explained from the point of view of the violation by the *Olufon* of the Appointment and Deposition of Chiefs Ordinance which made it compulsory for him, not only to inform the *Olubadan* but also the District Officer, who was to seek approval from the Resident.⁹⁴ The D.O. reminded the *Olufon* that no salary could be paid to any chief who was installed without approval. The *Olufon* swung into action. He wrote again to appeal to the D.O. and to the *Olubadan*, apologising that his action was not in any way to despise their offices. The matter was settled and rested when the *Olubadan* wrote to the D.O. in support of Latunji's choice as the *Ikolaba* of Ifon Osun.

It is clear from the above instances, that confusion was created in the implementation of the Appointment and Deposition of Chiefs Ordinance. Promulgation of several other ordinances, apart from that of the Appointment and Deposition of Chiefs, created some kind of fear and anxiety in the people. It became serious that the anxiety and the fear of the people caught the attention of a Newspaper Editorial:

According to latest issues of the Nigeria Gazette, the next session of the Legislative Council would have to witness the passage of many bills, amendments or otherwise; and of so wide and great ramifications are some of them that, added to what have hitherto found their way into our statute book, we cannot but be apprehensive of the future's seeming insecurity for this country's masses ... but this country can be made, we think to feel that it has the right to be freed from fear.⁹⁵

Further complications were created with an amendment to the erstwhile Native Authority Ordinance in 1943. Section 9 of that ordinance stated that: "The Governor recognises a person who having been appointed to be a native authority or a member of a native authority by virtue of being a person discharging specified functions .i.e. a chief."⁹⁶ With this clause, it will be seen that recognition by the Governor was tied to chiefs who either were native authorities or members of native authorities as was the case with grading of chiefs. But it must again be noted that throughout the process of the actual selection of a chief, native law and custom was strictly adhered to. In the Interpretation Ordinance, the word chief and head chief were defined as "any native whose authority and control is recognised by a native community and head chief."⁹⁷ In other words, it referred to any chief who was not subordinate to any other chief or native authority. It seemed, therefore, that any control whatsoever should be limited to chiefs who were native authorities or members of native authorities, but this was not particularly followed by the administrative officers. Chieftaincy affairs were handled most of the time on the basis of the peculiarity of different cases.

Again in 1953, it became necessary to promulgate another law, to provide for the method of appointment and recognition of chiefs and for other purposes that may be connected with it. Why was it necessary to promulgate a new law in respect of chieftaincy matters? Since the 1930s, the appointment of the more important chiefs had been regulated by the Appointment and Deposition of Chiefs Ordinance. In practice, this ordinance was not completely successful in obviating delays and preventing protracted and costly litigation. It was considered that the method of selection of chiefs in consonance with native laws and customs should be

codified and in the event of a vacancy, a machinery or procedure should be put in place to assist in determining the rightful candidate.

The various ordinances promulgated to control and clamp down on chieftaincy became the object of attack by the educated nationalists. This was because of the limitations and distortions which, in their view, imposed on the political rights of the chiefs. Opposition to the ordinance grew specifically from the all-embracing manner in which it was drafted, which conveyed the impression that the Governor had the powers of an absolute dictator vis-a-vis the chiefs.⁹⁸ The educated elite in Yorubaland cited these ordinances as proof that the whole Native Authority system and, indeed, the colonial indirect rule structure was a sham in which the chiefs were not truly representatives of the people but mere puppets of the government and instruments of imperial rule who could be deposed arbitrarily.

Having considered the various ordinances used to control or regulate chieftaincy matters and the confusion that it generated, it is imperative to examine some chieftaincy disputes that came during our period. What were the causes of these chieftaincy disputes? How were these disputes resolved? What were the consequences of these disputes on the different locations? The answers to these and several other questions will be the business of the next section.

By about the 1940s, the rate at which chieftaincy disputes were coming up was very alarming and left much to be desired. All over Yorubaland, as elsewhere, in the entire country, chieftaincy contestations took a new dimension.

Irawo Chieftaincy Dispute

At Irawo, in Oyo Division, there was a dispute over who should be installed as the new *Ajorinwin* of Irawo in 1947.⁹⁹ The dispute was between one Adeola and Aroyeun. It was said that Aroyeun was the rightful claimant to the throne of Irawo, as he descended from the only royal house in the town, the Edu royal House. Adeola, the other claimant, was not a member of the Edu royal House and as a result, could not be installed as the *Ajorinwin* of Irawo. One significant issue to note in this dispute is that the *Alaafin* had earlier on supported the choice of Adeola who was believed not to be a descendant of Edu, the founder of Irawo.¹⁰⁰

The reason for Adeola's support by the *Alaafin* was not immediately known, it became obvious afterwards that Adeola had given the *Alaafin* money and gift.¹⁰¹ This he did in order to win the favour of the revered Yoruba monarch. It was not long when another candidate showed his interest in the contest, in person of one Adeyemi.¹⁰² As a testimony to the fact that the *Alaafin* was enriching himself with this dispute, in January 1948, he suggested Adeyemi as a compromise candidate. He was keen to install Adeyemi but the District Officer thought it wise to find out first

whether Adeyemi had any support in the town and whether Saki District Council supported his candidature.¹⁰³ In June 1948, the District Officer found that Adeyemi had little support except from the *Okere* of Saki, who was the President of the Saki District Council, and the *Alaafin* himself. The *Okere* did this as a mark of respect for the *Alaafin*.

How was it known? It is apparent that the office of the *Ajorinwin* of Irawo was not under "the Appointment and Deposition of Chiefs Ordinance" because the *Ajorinwin* was not a Native Authority, hence his appointment was entirely a matter for the *Alaafin* and his Council to handle. It was this opportunity that the *Alaafin* cached-up on. Again, this is also a confirmation of the confusion that the Ordinance created, as it was not consistent in its application in handling chieftaincy matters. In September, 1948, the *Alaafin* sent his messengers to Irawo, to install Adeola. But from the day of his installation the people in Irawo unanimously opposed his installation. It was obvious that there was not going to be peace in Irawo as the choice of Adeola was not acceptable to the generality of the people. From the date of Adeola's Installation onwards, a 'flood' of petitions from either side reached the District Office.¹⁰⁴ On his part the District Officer, with the assistance of committees of the Oyo Native Authority made several investigations into the dispute at Irawo. The first of these enquiries was carried out by the Assistant District Officer, Oyo Division, in November, 1948. At this time the town was hopelessly divided over who should be installed as the *Ajorinwin* of Irawo. Based on the first enquiry, the District Officer saw no reason why the initial decision to install Adeola should be rescinded.

However, while the Resident was considering the report of the District Officer, the *Alaafin* summoned Adeola the *Ajorinwin*, to Oyo and forbade him from re-entering the palace at Irawo for the time being. Early in July, 1949, Adeola was re-installed after the District officer had communicated his approval. This dispute took another dimension when in 1950; Aroyeun received the permission of the *Alaafin* to collect tax. He began to behave like an *Ajorinwin*.¹⁰⁵ He wore the royal silver bangles, the royal insignia of the *Ajorinwin*. It was surprising to those who saw the royal silver bangles on Aroyeun. These bangles had been 'removed' by Aroyeun's followers from the palace while Adeola was at Oyo to visit the *Alaafin* in 1949. In 1950, Adeola was re-instated by the Resident, Oyo Province. But Aroyeun's possession of the royal silver insignia continued to cause trouble. The *Alaafin* sent a letter to the District Officer, Oyo Division, that the "family side" of the *Ajorinwin*, in Irawo was 'obstructing the entrance of the newly installed *Ajorinwin* in person of "YESUFU ADEOLA into the official residence of *Ajorinwin*. I suggest that I should send some policemen and my messengers to Irawo...to enforce the order and to keep peace."¹⁰⁶

In February, 1951, the Chieftaincy Committee of the Oyo Native Authority conducted an enquiry at Irawo. Several sections of Irawo town came to the venue of the enquiry to speak in respect of who should be the *Ajorinwin* of Irawo. The year 1951 was a year of terrible confusion in Irawo. It was in the same year that Aroyeun the major contender to the throne with Adeola was arrested for collecting tax.¹⁰⁷ Although he was released immediately, tension still filled the entire town as a result of the *Ajorinwin* chieftaincy dispute. In the same year the dispute was brought before the Divisional Council at Oyo. The report of the enquiry favoured Adeola. However, the *Alaafin* objected to the choice of Adeola.¹⁰⁸ What could have caused this swift change of mind? It became obvious that the majority of Irawo people were behind Aroyeun and it was possible that the *Alaafin* never wanted to be on the wrong side as the dispute was taking a new dimension. Also, the possibility of collection of gifts and bribe by the *Alaafin* from Aroyeun cannot be over-looked.

This stalemate made the Resident to order a full-fledged enquiry to be made by an Administrative officer, as soon as the Local Government elections were over in September, 1951.¹⁰⁹ After a very thorough enquiry, this committee reported in November, 1951, in favour of Aroyeun. The report was accepted by the Executive Committee of the Oyo Native Authority on the 21st February, 1952, but this was rejected by the full Council on the following day.¹¹⁰ After a further acrimonious meeting of the Divisional Council in May, 1952, the two major contestants were summoned to Oyo to the Council meeting. It was at this meeting that the silver insignia of office of the *Ajorinwin* was collected from Aroyeun and handed over to Adeola. The D. O. informed the members of council that he and the Resident had earlier on explained to the Minister of Local Government, Hon. Chief Obafemi Awolowo the evident dangers of allowing one person to be removed when no offence had been committed and no fault found with his behaviour.

Immediately the supporters of Aroyeun heard the news of the decision at Oyo, they began to leave Irawo to a virgin land of about 'one and a half miles' away, that was cleared and named the new Irawo settlement. Aroyeun's supporters claimed that they would only pay their tax through Aroyeun and not through Adeola.¹¹¹ All entreaties to make them change their mind were to no avail. At the end of April, 1953, there was already a constitutional crisis at Oyo. The *Alaafin* was forced by the Chiefs and the Councilors to throw his support behind Adeola and not Aroyeun. It must be mentioned that this period was that of improvement in 'local government administration', when educated councilors were actually taking on serious administrative responsibilities of their different areas. Several suggestions were made in order to bring Aroyeun's insurgent behaviour under control. The Oyo Native Authority and the Saki District Council, with the consent of

the Attorney-General, were both convinced that legal action should be taken against Aroyeun under Section 40 sub-section 2 of cap 140 of the Native Authority Ordinance, on a charge of "holding himself out as a chief."¹² It must be said that one issue for contention was that the history of Irawo did not in any way show that Adeola hails from any royal family. The Saki council councilors who influenced the Oyo Divisional Native Authority in arriving at the decision to oust Aroyeun for Adeola were the ones who created the problem at Irawo. The Executive and General Purpose Committee met to determine what to be done to stop Aroyeun from starting a new settlement. It was decided that the D.O. should be urgently requested to apply to His Excellency the Governor, for a deportation order against Aroyeun. It was suggested that he be deported for a period of two years from Oyo Division. But it was not entirely clear whether section 2(1) of the Ex Native Office Holders Removal Ordinance cap. 8 applied to this case. This was because the *Ajorinwin* was not a member of a Native Authority Council. It was decided that the earlier suggestion to take an action against Aroyeun with the consent of the Attorney General, under section 40 (2) of the Native Authority Ordinance Cap. 140 was finally agreed on. This chieftaincy dispute is very significant as it led not only to crisis and confusion in Irawo, but the "establishment" of a new settlement which the Colonial Government found very difficult to resolve.

Conclusion

In this study, I have argued that the colonial administration found it necessary to regulate chieftaincy institution and every dispute that ensued from it. This was because it had recognised that chieftaincy institution was the political authority in pre-colonial Yorubaland. It deemed it necessary to control and ensured that it was regulated in order to prevent the possibility of obstruction to trade and economic exploitation of Yorubaland. Again, it has already been said that the Appointment and Deposition of Chiefs Ordinance created considerable confusion. This confusion started from the efforts of colonial Officers to interpret the essence of the Ordinance in the course of implementation. It was not particularly clear whether the Ordinance applied to chiefs in the Colony of Lagos and the Protectorate. Secondly, it was also not clear whether it involved Chiefs other than Head Chiefs.¹³ Several amendments were done to accommodate different bottlenecks that manifested.

The use of the law to regulate Chieftaincy matters and disputes went some way during our period. It can be said that law and the court considerably helped in resolving Chieftaincy disputes. On the part of the use of law as an instrument of social control, we have seen how the promulgation of several ordinances helped to control chieftaincy matters in colonial Yorubaland. Just as the colonial administration used law to regulate

chieftaincy affairs, the Western Regional Government also used the promulgation of the law to regulate local government administration in the region. Colonial law, to a great extent, provided the desired social order that the colonial administration required for the exploitation of the economy of Yorubaland.

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Europe's Representation of Africa and Africans, African-Americans and Asians in Its Imperialistic Explorations and Colonization as It Appears in Literary Texts

Moussa TRAORE

Abstract

In order to justify their annexation and subsequent subjugation and colonization of Africa, the Americas and Asia, European imperialist nations had to depict Africa in a way that supported their missions. First, Africa had to be portrayed as a savage continent that needed the benevolence of the white man in order to attain civilization. Second, Africa and the Americas had to be depicted as virgin lands that could provide all the raw materials that modern Europe needed for its industrial take-off. Third, one of the characteristics that was used in that project was that of the African man in general and the "black" man in particular as a dangerous beast that is always in hot pursuit of the white woman's virginity. As a consequence, the black man in Africa and in America had to be kept under constant check. This paper examines the problem which is represented by the fallacies put forth by Europe, or the gap between the apologia and the reality in modern Europe's subjugation of the territories that it needed to possess for its own survival. The paper castigates the injustice and cruelty behind European colonization and it also stresses the negative impact of such representations on today's post-colonial citizens. Library research is the main approach. The main literary materials used are the racist and anti-racist texts and movies on Africa. Emphasis is laid on ideology and characterization. Postcolonial and Marxist Literary and Cultural theory and diasporan theory inform the research.

Key words and phrases: Western modernity, Eurocentrism, stereotypes, DOM/TOM, postmodernity, diaspora, feminization, sexualization, subjugation, apologia.

Introduction

Modern Europe devised a series of negative stereotypes that she associated with Africa, the Americas and Asia in order to justify her appropriation, pillage, colonization and neo-colonization of those territories. This paper takes a critical look at those stereotypes as they are exposed in some of the racist European texts, and the paper also shows how those stereotypes are treated in more recent European and American movies. By doing that, the paper fills a gap that has up to now been pathetically predominant in literature. The last part of the paper focuses on the fact that those stereotypes designed by Europe have been embraced by some

Francophone Caribbean peoples through the DOM/TOM French administration policy that makes Francophone Caribbean territories a “continuation” of France. As a corollary, most Caribbean Francophone peoples affiliate themselves with Europeans and distance themselves from continental Africans whom they, rather unfortunately, perceive as savages.

A Survey of the Main Modern European Derogatory Stereotypes on Blacks and Asians

Western Modernity reduced Africa to a certain number of stereotypes which occur – although sometimes in disguised forms – in European writings, some African American writings and in most of the Caribbean Francophone writings: savage Africans, the constant immaturity of the African man who is represented as a boy, the African woman as a servant to the white woman, the exotic African woman who is also a sex object, the hypersexual African man who is always in pursuit of the white woman’s body, and the African continent itself was portrayed as a defenseless feminine entity full of natural resources to be appropriated by the white European man. In *Blank Darkness: Africanist Discourse in French* (1985), Christopher L. Miller reveals how Western Modernity produced flawed and often self-contradictory views of Africa:

Utterances on Africa tend to be hints rather than statements, hearsay rather than direct evidence, allegory rather than realism. Millennia before Conrad’s “unreadable report” in *Heart of Darkness*, a tradition without a beginning had been established and perpetuated. Texts on Africa were severely limited in number until the nineteenth century and tended to repeat each other in a sort of cannibalistic, plagiarizing intertextuality (p. 6).

In his work *Essai sur l’inégalité des races humaines* (1855), Joseph Arthur, comte de Gobineau, who is dubbed by Jean Paul Sartre as “the father of racism” (Miller 16), outlined a classification of the races, with blacks at the bottom, the yellow race in the middle, and whites at the top. De Gobineau equates blacks with wild beasts:

La variété mélanienne est la plus humble et gît au bas de l’échelle. La caractère d’animalité empreint dans son bassin lui impose sa destinée dès l’instant de sa conception. Elle ne sortira jamais du cercle intellectuel le plus restreint. Ce n’est cependant pas une brute pure et simple, que ce nègre à front étroit et fuyant, qui porte, dans la partie moyenne de son crâne, les indices de certaines énergies grossièrement puissantes. Si ces facultés pensantes sont médiocres.

ou même nulles, il possède dans le désir et par suite dans la volonté, une intensité souvent terrible ... (De Gobineau 205: 6)

The Melanian variety is the humblest and lives at the bottom of the scale. The animalistic character etched in his loins imposes his destiny from the minute of his conception. His fate holds him within the most limited intellectual scope. However, he is not a pure and simple brute, this Negro with a narrow and sloped forehead, who bears in the middle section of his brain the signs of certain grossly powerful energies. If these thinking faculties are poor or even null, he is possessed, by desire and by his will, of an often terrible intensity ... (author's translation).

Eurocentrism also eroticized and feminized the areas that Europe subjugated and exploited in order to tap the raw materials which were necessary for modern Europe's economic take off. In *Empire* (2002), Negri and Hardt explain how the annexation of colonized territories was the *sine qua non* for the economic survival of modern Europe under the system of capitalism:

Capitalism is "the first mode of economy which is unable to exist by itself, which needs other economic systems as a medium and a soil". Capital is an organism that cannot sustain itself without constantly looking beyond its boundaries, feeding off its external environment. Its outside is essential (p. 224).

Although the appropriation and exploitation of colonial areas by modern Europe was necessary for the survival of Europe, it was also a risky one, due to the fact that these areas were unknown to Europeans. Europe had to "produce the non-European world" through a discourse which could erase the European anxiety and belittle, infantilize and eroticize the colonized lands, as Peter Hulme observes in his reference to the colonization of the Caribbean in *Colonial Encounters* (1986):

Discursively, the Caribbean is a special place, partly because of its primacy in the encounter between Europe and America, civilization and savagery, and partly because it has been seen as the location, physically and etymologically, of the practice that, more than any other, is the mark of unregenerate savagery – cannibalism – (3).

Beyond the depiction of colonized areas as primitive and cannibal lands, modern Europe also had to create some myths asserting the superiority of Western culture, such as the myth of the colonized females'

total admiration for the culture and language of the male European. The myth of Pocahontas's love for John Smith, described by Hulme in *Colonial Encounters*, belongs to this tradition of justifications of the colonial enterprise. According to Smith's narrative, Pocahontas was smitten by him; as a consequence she "got his head in her arms, and laid her owne upon his to saue him from death" (p. 3). From this story evolved an elaborate myth which translates the princess's act into recognition of the superiority of English culture, affirmed by her role as a mediator between the native Americans and the settlers, and by her embrace of Christianity. Smith's Pocahontas story is undermined by the fact that he is also the author of another story in which he was saved in an exactly similar fashion, by Charatza Tragabigzanda, a Turkish damsel living in Constantinople. In *The Life of Captain John Smith*, W. Gilmore Simms recalls some of the salient points of that story:

The personal appearance of Smith was in his favor; and his address soon awakened in the fair Charatza a degree of interest which was not allowed to escape his notice. To what extent he availed himself of the discovery, his own modesty forbids us to know. That he won her affection was unquestionable (p. 74).

Clearly, in his early seventeenth-century accounts of his travels, Smith was already establishing an ideological pattern, or perhaps invoking a pattern that already existed. The projection of the native woman's sexual availability for the colonizer can therefore be classified as part of the subjugating narrative of the colonizer, and that subjugation often leads to the feminization of the colonized land itself. In other words, both the colonized woman and the land where she lives are turned into submissive entities whose bodies the male colonizer can access at anytime and abuse, without any remorse. The illustration of the "feminization" of the colonial land appears in the imagery of the "virgin land" which the English settlers associate with the New World, and also in the name of that new land; as Hulme points out, "America" is simply the feminized version of the name of the European cartographer who attempted to depict the area in an early map, Amerigo Vespucci (pp. 8-9).

The Hottentot Venus Scandal or the Climax of the "Beastialization" of the Black Woman's Body

The "Hottentot Venus" scandal provides a strong illustration of the exploitation of the black female body by Modern Europe: In 1810, a twenty year old South African slave woman named Saartjie Baartman was taken by an English ship surgeon from Cape Town in South Africa to London and then to Paris to be displayed naked in the streets and the circuses to

European audiences. She was nicknamed “The Hottentot Venus” because of her oversized private parts. In *Discours sur les révolutions du globe*, Georges Cuvier describes the results of his initial “observations” of Saartjie Baartman:

Her movements had something of a brusqueness and unexpectedness, reminiscent of those of a monkey. In particular, she had a way of pushing out her lips in the same manner we have observed in the Orangutan. Her personality was happy, her memory good, after several weeks she recognized a person that she had only seen one time...she spoke tolerably good Dutch, which she learnt at the Cape...also knew a little English... (p. 241).

Cuvier’s description – which is presented as a scientific one – abounds with associations of black femaleness with bestiality and primitiveness. He represents Bartmann as a learned and domesticated beast by comparing her to an orangutan. In *Black Venus*, T. Denean Sharpley-Whiting reflects on Cuvier’s description of Bartmann:

He reduces her facility with languages, her good memory, and musical inclinations to a sort of simianlike mimicry of the European race. By the nineteenth century, the ape, the monkey, and orangutan had become the interchangeable counterparts, the next of kin, to blacks in pseudoscientific and literary texts. Under the ever so watchful eyes and the pen of the naturalist, the master text on the black female body is created; the light of the white maleness illumines this Dark Continent (p. 24).

After Bartmann’s death, her body was dissected and exhibited at the Musée de l’Homme; she was held up as the “proof” of the African woman’s primitive sexual appetite. “She arrived on England’s shores,” Sadiya Qureshi writes,

within this traffic of animals, plants and people destined for display as objects representing colonial expansion and as means of economic gain; she served as both an imperial success and a prized specimen of the ‘Henttentot’ (*History of Science*, Vol. 42: 235).

Western Europe’s representations and treatments of Africa were often ostensibly designed to entertain and educate European audiences, but they also served another purpose: to justify the enslavement and subjugation of Africa and Africans. Thus, a veritable catalogue of the racist stereotypes on Africa was on display in the Berlin conference in 1884, when all

available resources had to be used to explain the inferiority of the Africans, an argument which in its turn was used to justify the need for Europe to take over the continent and “civilize” it.

The Mercantile Ambitions of Europe: the Truth behind the Apologia

Europe developed an important interest in Africa because European countries needed raw materials and new markets for their industrial production. As Marx and Engels write in *The German Ideology*, the class which has the means of material production at its disposal also has control over the means of mental production; the ideas of those who lack the means of mental production are subject to it. In conformity with Thomas Richard’s description of advertising in *The Commodity Culture of Victorian England* (1990) as “the capitalist form of representation” or as the “culture of capitalism” (Ramamurthy 11), some European experts in imperial expansion like Henry Morton Stanley pointed out clearly that the empire could only be won through the expansion of commodity culture (Ramamurthy 45). In other words, advertising is presented as the cultural representation of imperialism. Once the link between advertising and imperialism has been established, we can therefore understand why Africans and Asians became associated with derogatory stereotypes in the commercial advertisements of 19th century Europe: the stereotypical representations of those populations were the core belief of European imperialism, and the most adequate communication tool that imperialism possesses is advertising. In accordance with the ideology of imperialism, black men were represented as children in advertisements, as lacking maturity and as incapable of independent decisions and enterprises like managing one’s life or ruling one’s country. Anandi Ramamurthy’s *Imperial Persuaders* examines some of the salient features of the representation of the African woman in European advertisements. She is an exotic sexual creature, or a shabbily dressed servant who raises no sexual desire. She is implicitly contrasted to the Western white woman who possesses all the opposites of the traits of the black woman whose job is to serve the white woman. Here is Ramamurthy’s close examination of an advertisement from 1903 of Plantol Soap, a product of Lever Brothers:

Visually, the advertisement poses the black woman in the position of a servant offering the commodity to the viewer. Her beauty and sexuality are also mocked with her hair disheveled and her clothes falling off her shoulders, not to suggest her body as one to evoke desire but rather to suggest her savagery. The advertisement was paired with that of a traditional image of a white woman bathing. Although she also offers the soap up for the viewers to use, it is

positioned to suggest her own consumption too (*Imperial Persuaders*, p. 54).

Conrad's *Heart of Darkness* also exposes salient representations of the African woman as the anti-thesis of the Western woman but in a slightly different way. The African woman (represented by Kurtz's African mistress) is portrayed as a caricature of savage eroticism in the work, and she also raises fear and some degree of respect. Marlow is scared of her and he respects her in a way that he does not respect Kurtz's intended. Marlow also finds white women to be sinister (like the "fates" in the company headquarters), or naïve like his own aunt and Kurtz's betrothed. Kurtz's African mistress is simply portrayed a sexual or sexualized ghost, "a wild and gorgeous apparition of a woman" (*Heart of Darkness* 99) whose exotic nature appears through the numerous necklaces, beads and charms that adorn her body. The main contrast between this anonymous woman and Kurtz's European "Intended" lies in the fact that the latter has a voice, which enables her to communicate with Marlow and inquire about the last moments of her fiancé in the Congo. The dominating impression here is that Kurtz's black goddess, who is completely passive, unknown and never utters a word, is nonetheless more desirable sexually than his European "Intended", who looks more like a fading old girl:

She came forward, all in black, with a pale head, floating towards me in the dusk. She was mourning. It was more than a year since his death, more than a year since the news came; she seemed as though she would remember and mourn forever. She took both my hands in hers and murmured, 'I had heard you were coming.' I noticed she was not very young- I mean not girlish. She had a mature capacity for fidelity, for belief, for suffering (pp. 118-19).

We would like to mention here that Asians were also victims of Western Modernity's construction of the "others," or the non-Westerners or Orientals, the category in which Africans and Asians were classified. Daniel Defoe's *Roxana: The Fortunate Mistress* (1964) shows the reduction of Asian women (represented in the book by a Turkish slave) to exotic sexual people, and the imperialistic intentions of Modern Europe are revealed in *Roxana*. Defoe's protagonist Roxana, a European prostitute, becomes very famous by buying and wearing the clothes which belonged to Turkish girls who have been forced into slavery. Roxana recounts her acquisition of these quasi-magical garments:

The *Malthese* man of war had, it seems, taken a *Turkish Vessel* going from *Constantinople* to *Alexandria*, in which were some

Ladies bound for *Grand Cairo in Egypt*; and as the ladies were made Slaves, so their fine Cloaths were thus expos'd; and with this *Turkish Slave*, I bought the rich Cloaths too: The Dress was extraordinarily fine indeed, I had bought it as a Curiosity, having never seen the like (*Roxana*, pp. 173-74).

By wearing the cloths of the enslaved Turkish women and performing Turkish dances, Roxana the Western woman will always be chosen as the most beautiful of all the women dancers. This shows both the exotic and the erotic values that European Modernity associates with Asian culture and the Asian woman; the same associations are also projected onto the African woman. This phenomenon, seen in an early modern text like John Smith's or Defoe's, persists through the era of high modernity (as in Conrad's text) and into postmodernity.

The stereotypical representations of Africa, Africans and Asians in Western Modernity led to the creation of other important stereotypes: the white woman being the embodiment of beauty, desire, preciousness and purity, there had to be an opposite to those values which were dear to the West and a feeling of insecurity and danger had to be created around the traits of the Western woman in order to justify her qualities, and the black man was the exact character who could play that role. Previously portrayed as a docile and innocent child, the black man is finally stereotyped in modern writings as the dangerous one who was always longing for the virginity of the white woman. The black man therefore becomes a phallic symbol, as Frantz Fanon writes in *Black Skin White Masks*. One of the originalities of this research is that it relies heavily on the use of movies that efficiently buttress its central argument. That accounts for the careful examination of movies in the following section.

***Jungle Fever* (1991), *Ethnic Notions*, (1986) *Chocolat* (1988) and *Diva* (1981): Three Movie that Revisit Modern Europe's Portrayal of the Dark Race (Blacks and Asians)**

Several movies have captured that transformation of the black man into a constant danger for Western civilization in general and the white woman in particular. Spike Lee's *Jungle Fever* (1991) and Marlon Riggs's *Ethnic Notions* (1986) engage the complexities associated with the relationships between the black man and the white woman. The first movie dwells on the taboo around a biracial relationship, between a successful black married architect, Flipper, and his Italian secretary Angie. The second one traces the deeply rooted stereotypes which have fuelled anti-black prejudice in Jim Crow America, and it allocates a special room to the representation of the black man as a potential rapist of the white woman. Claire Denis's *Chocolat* (1988) deserves a special place in this discussion

because it captures almost all the complexities around the relations between Africa and 19th century Europe, blacks and whites and tensions around sex and race. In the movie, a French young lady named France returns to Cameroon, the country where she lived as a child with her parents in the 1950s, where her father was a colonial administrator. *Chocolat* is the recollection or narration of France's experience growing up in Cameroon and it emphasizes the sexual tension between Protée the black male servant of the family, and Aimée, France's mother. The attraction between them constitutes a real "push and pull", with a lot of attraction and suppression from both of them, especially from Aimée, since such a relationship would have been an abomination in the eyes of the whole community. The white woman's desire for the black man is clearly illustrated in it. So *Chocolat* as a movie demonstrates that the "beast-like" nature of the black male often led, in more recent eras or this postmodern era to the attraction of the white woman to the black man: Aimée's desire for the black male servant Prothée can be explained by several factors: the urge to taste the defended fruit, or it can also be justified by the fact her husband the "*commandant*", the local French administrator was always absent, travelling inside the country in colonial Cameroon. Aimée cannot control her desire in *Chocolat*; she betrays her feelings and emotions when she makes a pass and he squelches it immediately. The fact that Protée, the black male servant, does not succumb to Aimée's attempts to seduce him could be explained or justified by several reasons. One of them might be that he is married and sticks to the traditional values of fidelity in marriage in traditional Cameroonian society. His behavior could also be due to the fact that he is afraid of the consequences that such a relationship might heap on him. He will be accused of a double crime: a black man having a relationship with a white woman, and a servant sleeping with his boss's wife.

Chocolat also succeeds in rendering the racial and sexual stereotypes associated with the white woman and the black man through an allegorical symbolism. The young white girl who returns to Cameroon to revisit the place of her childhood is named "France", reminding us that Europe remains the center of beauty, leisure and wealth, since beside all her physical traits she could also afford the expenses of such an exotic trip. The black male servant's name, Protée, also confirms the stereotype of the black hypersexual man. Protée seems to be a version of Proteus, the emasculated yet hypersexual Greek god, the sea bull at the center of the harem. One of Proteus's characteristics in Greek mythology is that he is constantly changing and adopting new shapes and forms. Like Proteus, Protée is both hypersexual and emasculated: he looks attractive to Aimée because he is muscular, strong and dark but he does not become the sexual partner whom she expected him to be. The stereotype of the black man as a boy --a feature which also confirms the mutative or protean nature associated with Protée,

a man who is also treated as a child-- is one of the striking features of the movie; France the little girl is the only white person who interacts (beyond giving orders) with Protée the servant. Claire Denis ponders the incongruity of that alliance:

I had the feeling that a boy, a guy who works for a French family in my memory would only have contact with the children. He was treated himself, being a man who is not called a man, but a boy - the only normal relationship is with the children. I thought of that as something important in that perverse relationship (interview in *The Guardian*, June, 2000).

In *Diva*, Jean Jacques Beineix presents the aftermath or repercussion of the Western European racist views we have analyzed so far, on the white European men. For the first time, a work of art shows the Caucasian man falling in love with the black and Asian woman. Instead of sticking to the prescribed romance between the white male and the white female Jules, a young French white postman is obsessed with Cynthia Hawkins, a beautiful African American opera singer. He attends her performance, secretly and illegally records it, and steals a gown from her dressing room. In danger from Taiwanese gangsters seeking the Hawkins tape, Jules seeks refuge with his new friends, the mysterious bohemian Serge Gorodish and his young muse Alba (another dark woman). Meanwhile a romantic relationship between Jules and Cynthia develops, emphasized by the piano instrumental 'Promenade Sentimentale' of Vladimir Cosma as they walk around Paris early one morning. Jules ultimately holds her and the two dance together. This movie presents white European men who flee the routine, strength, resistance and worry that the Caucasian woman displays everyday and they tend to look for beauty, art, comfort, trust and friendship among dark women. Another interpretation of the *Diva* could be that although it is set in a postmodern context, it continues the sexualization or eroticization of the black woman and the Asian woman by Western societies. Cynthia the Black woman and Alba the Asian woman are the center of all the love and attention of two French white men: Jules and Gorodish. Unfortunately Westerners are not the only ones to believe those stereotypes. Some blacks still defend and uphold them as the literature shows and those blacks are the Francophone Caribbeans.

The Caribbean Blacks' Permanent Enslavement by Eurocentrism

Due to the tight hold that France had on its colonies in the Caribbean, through the policy of DOM/TOM (*Département Français / l'Outre Mer / Territoire Français d'Outre Mer*) which means 'French Overseas Territories', the Francophone Caribbean felt superior to the

verage black on the African continent or in America. As a result, the Francophone Caribbeans keep identifying themselves with French white people and by doing that, they distance themselves from blacks. The French assimilation policy in the Caribbean was more debilitating and alienating than their colonial policy in continental Africa and that explains the Francophone Caribbean's adherence to France, and Western values in general. In *Black Skin White Masks*, Frantz Fanon helps us understand the deeply seated self-hatred and assimilation that inhabit the Francophone Caribbean when he portrays Caribbean black children saying that they like summer because during that season they run in the fields and come back home with rosy cheeks. Fanon continues the same debate further in *Black Skin White Masks* through the case of the black Caribbean watching a movie in which Tarzan lives among native black savages. The author writes that if the Francophone Caribbean watches that movie on his island, he will associate himself with Tarzan and will look at the native savages as continental Africans. But if he watches the same movie in France (according to Fanon) in a French audience, the Black Caribbean will be surprised to see that the French associate him with the native savages. This partly explains why the Francophone Caribbean still perpetuates Western Europe's views and treatment of its colonies and that considerably mines the relations between continental Africans and the Francophone Caribbeans. As it is shown in my forthcoming book titled *Intersecting PanAfricanisms*, African Americans (that I call the Anglophone Diaspora) interact and identify with each other (despite misunderstandings and frictions once in a while) more than what happens between the continental Africans (both Francophones and Anglophones) and the Francophone Diaspora (blacks in the Caribbean). In other words, the Francophone Caribbeans see themselves as whites or at least as people who are superior to blacks.

Several Caribbean Francophone novels conform to these stereotypical representations of Africa and Africans constructed by Modern Europe. René Maran's *Un homme pareil aux autres* is one of such works. The novel presents Africa as a jungle and it also eroticizes the African man and the African woman. The representation of Africa as a primitive land in the works of the Caribbean Francophone writers is the consequence of the education system that the French brought to their Caribbean territories and it is also the result of the fact that the French colonial administration needed some colonial administrators whom the metropole could not provide. That led the French government to use the service of the Francophone Caribbeans overseas for the administration of the colonial territories. As a result, the Francophone Caribbeans found themselves ruling over African populations, on behalf of the French colonial master. In René Maran's *Un homme pareil aux autres*, Jean Veneuse, a Martinican, is urged to reach his administrative post in colonial Africa as soon as possible, because there is a lack of

administrators, and he portrays the ship on which he travels to Africa as a "un cercueil"/ a coffin (16) and its destination is "un sale pays où l'on s'ennuie a mort"/ a dirty country where one gets bored to death (33), and the contrast that the book poses between life in Africa and life in Europe is as Eurocentric as Conrad's representation of Africa in *Heart of Darkness*. *Un homme pareil aux autres* associates Europe with books, sport and healthy life, and associates Africa with ferocious animals and coconut trees: "les livres et le sport – escrime et rugby – parmi les cocotiers, le sable, les bêtes féroces, les chameaux, les fonctionnaires coloniaux et un tas de bestiaux de même farine"/books and sport-escrime and rugby,-among coconut trees, the sand, wild animals, camels, colonial civil servants, and a whole bunch of beasts of the same kind (32). European education and the elevation of the Francophone Caribbean to the level of colonial administrator contributed to the negative representations of Africa in the works of Caribbean Francophone writers, and it also contributed to the mistrust between Africans and the Caribbeans. The Africans saw in the Caribbean an ally to the French colonizer.

In *Identité Antillaise* (1990), Julie Lirus analyses the Francophone Caribbean's identity crisis by conducting a clinical study among some Antillean students living in Paris. Her study contributes in a significant way to the clarification and understanding of the distance and hostility which exists between continental Africans and Antilleans or Francophone Caribbeans in general. Some of the conclusions that Julie Lirus arrived at were the aggressivity with which Caribbeans were trying to escape "blackness" in general and Africa in particular. She points out that in his effort to run away from "blackness", the Antillean man develops a "negrophobia":

En associant tout ce qui est pouvoir, richesse, puissance, à ce qui est blanc (échelle de valeur imposée), elle l'a rendu "nérophobe." A force de lui montrer qu'il est important socialement d'être blanc, elle lui a appris à avoir en horreur son épiderme foncé et à apprécier un individu en fonction de sa paleur épidermique (p. 31).

By associating everything that is power and wealth to whiteness (the yard stick requires it), he (the Antillean) developed "Negrophobia." He has been taught over and over again that it is socially important to be white and that led the Antillean to see horror in his dark skin, and to judge individuals, based on the lightness of their skin.

In *Identité Antillaise*, the distance between the African and the Antillean is illustrated by the use of the term "étranger" that the Antilleans use to refer to the Africans: "Qualitativement, les Antillais étudiants rejettent aussi l'Africain, surtout les femmes. Ce rejet est illustré par l'usage

du mot étranger.” (“Qualitatively, the Antillean students, especially the women also reject Africa. That rejection is illustrated by the use of the word foreigner”) (p. 95). The author recalls a conversation with two students who categorically reject all connections with Africa: “Nous sommes différents en tout, c’est pour moi un étranger avec lequel je ne cherche même pas à voir ce qui nous rapproche” dit l’un des deux. / we are different at all levels, I see them (Africans) as foreigners with whom I do not try to see what we have in common (p. 95). Negrophobia leads the Francophone Caribbean to reject himself and his compatriots in self-denial. Those with pronounced black features are called “nèg kongo” (*Identité Antillaise*, p. 24) which means someone who is a complete black without a drop of white blood, and that term also refers to African slaves whom they consider as the image of the servitude they were subjected to. Furthermore, Lirus provides the following statistics: 86% of the respondents openly state that they do not have any connection with Africa, 66% of them state that there is a cultural difference between the Antillean and the African, 13% of them stress the difference that exists between the personality of the African and that of the Antillean, and 10% of the respondents (all women) state that they cannot get along with African men because they are too possessive and too authoritarian (*Identité Antillaise*, p. 94).

One of the main conclusions of her research is that Caribbean Francophone men and women typically distance themselves from Africans and that the percentage of that rejection is higher among women.

Conclusion

This paper showed that Modern Europe devised derogatory stereotypes around Africa, the Americas and Asia and the inhabitants of those areas in order to explain and justify her adventure into those areas. The European public of that time bought into those fallacies and lent its support to the European powers who then went ahead and established a new world order based on the inferiority, vulnerability and sometimes dangerous nature (hence the need to tame) of those races. The paper showed that the reason behind the “White man’s Burden” was simply the desire to amass the resources needed for the industrial development of Europe. The last part of the paper engaged the fact that Francophone Caribbeans continue to perpetuate, serve and defend those racist stereotypes through a blatant display of Europhilia and Afrophobia which mines the relations between the Francophone Caribbeans and continental Africans.

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Autochthonous, Conquest and Overlordship Rights in Land: Constructing Allodial Rights in the Kpandai Area in Northern Ghana in the Pre-Colonial Times

Cletus Kwaku MBOWURA

Abstract

In 1991-92, a conflict over the allodial title to lands in the Kpandai area broke out between the Nawuri and the Gonja, prompting the necessity to interrogate the concept of allodial rights. In Northern Ghana in general, allodial rights in land are ethnicized – the right of absolute ownership of land resided in an ethnic group. Nonetheless, the modes of acquisition of allodial rights in land differ from place to place, though generally they are embedded in the historical traditions of societies. By and large, the modes of acquisition of allodial rights in land by an ethnic group are determined by variables such as autochthonous and conquest rights, lease and gift. This study interrogates the ownership of Kpandai in the pre-colonial period, using, as determinants, tools such as autochthony, conquest, and overlordship. It argues that allodial rights in lands in the Kpandai in the pre-colonial period resided in the Nawuri by virtue of rights of autochthony and autonomy.

Key words and phrases: Alfai, allodial rights, autochthonous, conquest, Gonja, Kpandai area, Nawuri, Nawuri territory, Northern Ghana, overlordship.

Introduction

For many years northern Ghana has been in a state of turmoil and atrophy due to intermittent violent conflicts over a broad layer of issues. In 1991 and 1992, the Kpandai area in present-day Kpandai District/Kpandai Constituency in northern Ghana was enmeshed in armed confrontations between Gonja and Nawuri over allodial rights. Prior to the outbreak of violence, many but unsuccessful pre-emptive policies were pursued to de-escalate tension. Government's attempts to use the security to contain the communal violence were equally a pathetic failure due to the laxity and questionable nature of the security arrangements. Similarly, attempts through dialogue, enquiry and mediation to resolve the differences between Nawuri and Gonja during and after communal violence failed woefully due largely to the unresolved nature of the question of allodial rights to lands in the Kpandai area. The attempts to resolve the question of allodial rights to lands in the Kpandai area triggered arguments of ownership by the Nawuri and the Gonja which were rooted in pre-colonial claims. These pre-colonial

claims were woven around three main variables – autochthonous, conquest and overlordship rights in land. This paper interrogates the concept of allodial rights in Nawuri territory in the pre-colonial period and assesses the extent to which it was measured by variables such as autochthony/first settlers, conquest and overlordship.

Theoretical Framework

Scholars have used a number of variables to interrogate absolute or allodial rights in land in Ghana.¹ Sarbah has identified variables such as the occupation of uninhabited land, conquest, and alienation through gift, sale and succession as the criteria for a community or an ethnic group's acquisition of allodial rights in land.² This view is supported by Danquah. He asserts that the acquisition of land by a community, Stool or Skin is determined by three factors. These are "conquest, settlement, and purchase or gift."³ Ollennu also gives a perspective on the variables that determine allodial rights. According to him, generally, ownership of land is acquired by birthrights (traceable to the first settlers), conquest, gift and lease.⁴ Ollennu established that:

There are four principal ways by which a stool acquires land. They are conquest and subsequent settlement thereon and cultivation of the subjects of the stool; discovery, by hunters or pioneers of the stool, of unoccupied land and subsequent settlement thereon and use thereof by the stool and its subjects; gift to the stool; purchase by the stool.⁵

This study builds on the works of earlier scholars. It uses variables such as first settler or autochthonous rights, conquest and overlordship to interrogate allodial rights in the Kpandai area in the pre-colonial period. In fact, these variables resonated in all the arguments of the Nawuri and the Gonja in the dispute over allodial rights. In the words of the Ampiah Committee Report:

The land tenure system among the Nawuris ... is closely related to the sequence of arrival of the various ethnic groups which now

¹ The term *allodial rights* is conceptualized in this study to mean the ownership rights or entitlement of a person or groups of people in land.

² As quoted in N.A. Ollennu, *Ollennu's Principles of Customary Land Law in Ghana* (Birmingham: Carl Press, 1985), p. 15.

³ *Ibid.*

⁴ *Ibid.*, p. 17.

⁵ *Ibid.*

occupy that part of the East Gonja District east of the Daka River and claims of suzerainty by their Gonja overlords.⁶

The Study Area and Pre-colonial Situation

The Kpandai area or Nawuri territory in the Kpandai District known in most records as Alfai, is located in the eastern corridor of the Northern Region of Ghana.⁷ The territory borders the northern part of Volta Region, and shares common boundaries with the Achode/Chanla to the east, Nchumuru to the west, Nanumba to the north, and Kete-Krachi to the south. Kpandai and surrounding communities were the scene of a destructive communal violence between the Nawuri (autochthones) and the Gonja (immigrants and historical overlords since 1932) in 1991 and 1992. The Nawuri claim autochthonous origins and trace their origins to Afram plain and Larteh Akuapem in southern Ghana. The Gonja, on the other hand, who claimed descent from Ndwura Jakpa and his invading founders of the Gonja kingdom, traced their origins to Mande in present-day Mali. Oral history is the repository of the pre-colonial history of the Nawuri territory and the relations between the Nawuri and the Gonja. Oral accounts suggest that the Gonja peacefully entered into the Nawuri territory as immigrants but not as invaders, in seventeenth century, and that prior to their arrival the territory was long inhabited by the Nawuri. The accounts further suggest that the Gonja neither conquered the Nawuri nor did the two groups fight each other in the pre-colonial period. The two ethnic groups co-existed as political allies.⁸ In its report, the Ampiah Committee explained that the Nawuri:

were an indigenous people in Alfai area who had complete autonomy and lived in friendly association with the Krachis and Nchumurus ... Nowhere in the evidence had it been stated that the Nawuris were at any time conquered by the Gonjas. The evidence

⁶ Justice Ampiah, *Report of the Committee of Inquiry into the Gonjas, Nawuris and Nanjuro Dispute*, Part I (Accra: Government of Ghana, 1991), p. 39.

⁷ Etymologically, Alfai is derived from the Nawuri words *alfa* and *ai* which mean 'Muslim' and 'home' respectively. Historically, Alfai was initially used to refer to the home of the first Muslim settler in Nawuriland. It was the colonial authorities who later broadened its usage to refer to all the Nawuri settlements in present-day Northern Region. Archival documents show a preponderate use of the name Alfai to refer to Nawuriland. In this study, I use the cognate names the *Kpandai area* and *Nawuri territory* interchangeably to refer to the area of study.

⁸ A.K. Awedoba, *An Ethnographic Study of Northern Ghanaian Conflicts: Towards a Sustainable Peace* (Accra: Sub-Saharan Publishers, 2009), p. 169; C.K. Mbowura, "Nawuri-Gonja Relations, 1913-1992 (University of Ghana: M.Phil thesis, 2002), pp. 26-29.

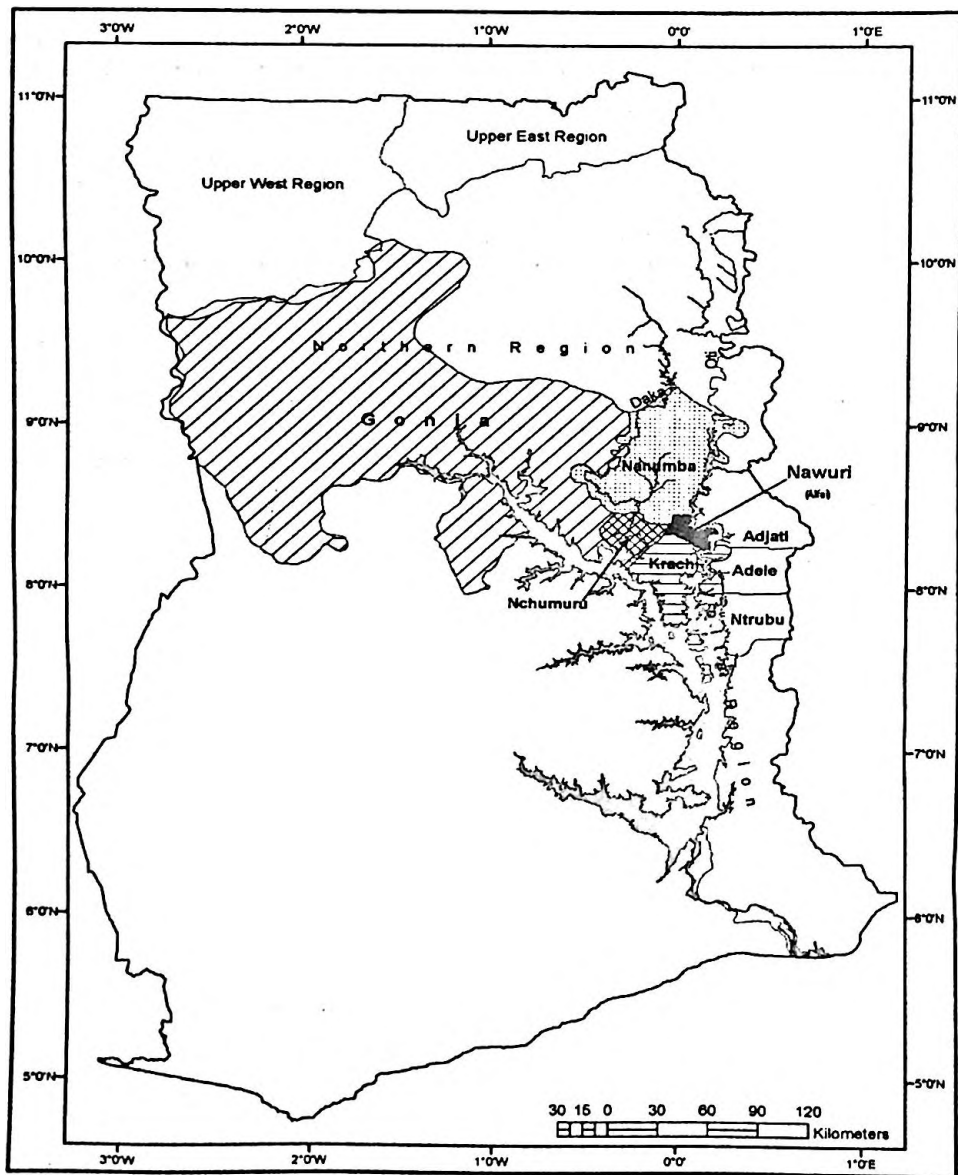
holds that the Nawuris and the Gonjas were allies and fought together during the Asante invasion of the Area ...the ...ethnic groups existed as a loose association since they met in the now Eastern Gonja Area for common purposes; fighting the common enemies like Asantes and others and protecting their lands.⁹

In about 1922, a small band of the Konkomba and Bassari arrived in Nawuri territory, and they were followed by waves of immigrants of different ethnicity. Prior to the outbreak of communal violence between the Nawuri and the Gonja in 1991, Nawuri territory was mainly inhabited by the Nawuri, Konkomba, Bassari, and Gonja, but there were also small populations of ethnic groups such as Chakosi, Dagomba, Ewe, Akan, Senya, Adangbe, Frafra, among others.¹⁰ The last national census before the outbreak of the Nawuri-Gonja conflict was held in 1984. The census showed that there were 5252 people living in 505 houses in Kpandai alone. Out of this number, 700 were ethnic Gonja and were evacuated to Kpembe in the wake of the war. The rest were mainly Nawuri in ethnic identity.¹¹

⁹ Ampiah, *Report of the Committee of Inquiry*, Part I, pp. 61-62.

¹⁰ The Konkomba and Bassari immigrants migrated from modern Togo. The Chakosi, Dagomba and Frafra came from other parts of Northern Ghana while the Akan, Ewe and Adangbe came from Southern Ghana.

¹¹ *Ibid.*, Part II, p. 215.



Source: Lands Department, Accra, (n.d.), map of Alfi [Nawuri territory] adapted.

Interrogating the Allodial Rights to Lands in the Kpandai Area in the Pre-colonial Period

Who owned lands in the Kpandai area in the pre-colonial period?¹² How does settlement of territory confer allodial rights – by conquest, lease or overlordship? Answers to these questions necessarily have to define the criteria of allodial rights in land in Ghana. Before interrogating the issue of allodial rights in lands in the Kpandai area in the pre-colonial period, it is important that it is preceded by modes of acquisition of allodial rights in land. In 1911 and in the 1920s, attempts were made by the British colonial authorities to understand the land tenure system and allodial rights to lands in the Northern Territories.¹³ Based on research, scores of data on the roles of *Tendanas*, the methods of allocation of land and the identity of allodial owners of lands in the various parts of the Northern Territories were established.¹⁴ For example, in the Konkomba territory of Eastern Dagbon, it was established that:

... the Na of Yendi is Lord Paramount of all the land by virtue of the title obtained by his ancestors by right of conquest. All people

¹² The term *pre-colonial period* is conceptualized in this study to refer to the era prior to the colonization of the area by the Germans in 1899. It should be noted that in 1877 when the joint Anglo-German Boundary Commission fixed the boundary between German and British spheres of Togo and the Gold Coast, Kpandai and its environs came under the territory designated as the "Neutral Zone". The partition of the Neutral Zone between Germany and Britain in 1899 brought Kpandai and its environs under German rule.

¹³ PRAAD ADM 56/1/3375 Land Tenure: "Answers to Questionnaire to Chief Commissioner Northern Territories"; PRAAD 56/1/113 Land Tenure in Northern Province (Case No. 8/1911).

¹⁴ The *Tendana* were the priests of the earth-gods. They made sacrifices to the earth-gods for fertility and prosperity. Until the arrival of the state-builders of Gonja, Dagbon, Nanum, Mamprugu and Wala, most societies in northern Ghana were said to be uncentralized – that is they did not live in organized centralized states nor did they have chieftaincy institutions. Prior to the arrival of the state-builders, the system of government in the uncentralized societies was patriarchal in nature; legal institutions were not only unknown, but also there were no political leaders solely performing secular roles. The *tendana* was the owner of the *Tenge* (the earth goddess), and thus the custodian of the land and the principal mediator between the people, the *Tenge* and the ancestral spirits of his area. He "controlled the people under his immediate care by threats of punishment which the spirits of their ancestors would inflict upon them if they continued in their evil ways." He was the nexus of political authority, wielding both religious and political authority. See PRAAD (Tamale) NRG 8/3/53 Annual Report on the Northern Territories, 1935-1936, p. 5.

know and realize this. The wild Konkomba living away in the bush, clad only in skins knows that the Na of Yendi owns the land.”¹⁵

Conclusions about allodial rights in the Kete-Krachi District, to which Nawuri territory was a part at that time, were unclear. The indications were that allodial rights resided in the indigenous peoples; that temporal and spiritual powers were either combined in the office of the *Tendanas* or separated; that the right of allocation of land was exercised by the *Tendanas*; and that the Government could make anyone a chief, but no such appointed chiefs would ever be recognized to the same extent as the *Tendana* with powers to allocate land, though the subjects might verbally acquiesce.¹⁶

In Northern Ghana “the basic group owning allodial rights in land is a kinship group,” and that the kinship group “may be a maximal lineage or clan.”¹⁷ In 1955, Pogucki drew attention to the fact that in various parts of Northern Ghana such as South Mamprugu, Dagbon, Nanum, and partly also Gonja, allodial rights in lands were “ethnicized”, that is, the ethnic group was seen as the basic group owning allodial rights. In these societies, allodial rights in land resided in the paramount chief; that the sub-chiefs only represented the paramount chief in connection with the land; and that they did not hold any rights of their own.¹⁸

The notion of ethnic ownership of land is not a peculiar feature of absolute land ownership in Mamprugu, Dagbon, Nanum and Gonja states; it is a general customary land practice in most parts of Ghana. For example, in most Akan states, particularly Asante and Akyem, allodial rights in land resided in the ethnic group and are held in trust by the Paramount Stool.¹⁹ On the whole, in Ghana, the Stool or Skin is regarded as the embodiment of the soul and spirit of a family, an ethnic group or a nation. It is also regarded as the embodiment of the collective authority of a people or community. As such, the Stool or Skin is said to be the absolute owner of the land of a people or community.

According to Pogucki, ‘tribal’ rights in land in Northern Ghana are derived largely from conquest.²⁰ Nonetheless, the subject groups, and occasionally some members of the ruling families, usually assert that

¹⁵ PRAAD ADM 56/1/3375 Land Tenure: “Answers to Questionnaire to Chief Commissioner Northern Territories”, p. 29.

¹⁶ *Ibid.*, pp. 44-45.

¹⁷ R.J.H. Pogucki, *Gold Coast Land Tenure: A Survey of Land Tenure in Customary Law of the Protectorate of the Northern Territories* Vol. 1 (Accra: Gold Coast Lands Department, 1955), p. 19.

¹⁸ *Ibid.*

¹⁹ Ollenu, *Ollenu's Principles of Customary Land Law*, p. 8.

²⁰ Pogucki, *Gold Coast Land Tenure*, p. 19.

allodial ownership of land resided in the subjects, the indigenes of the land. This naturally gave rise to rival claims of land ownership by the "rulers" and "ruled" despite the general assertion in Northern Ghana that absolute rights in lands are exercised by chiefs, irrespective of the influence the *tendanas* exerted in the utilization of land.²¹

Autochthony/First Settlers

According to Pogucki, the occupation of land, whether hitherto inhabited or uninhabited, by settlers forms the underlying principle on which the concept of ownership of allodial rights in land is based.²² Who were the first settlers in the Kpandai area? On the question of "first-comership" or autochthony the traditions of origins of the Nawuri assert that the Nawuri were the first to settle in the area, and that the area was uninhabited at the time they arrived. The traditions of the Gonja, however, insist that the Nawuri met the Konkomba inhabitants and drove them out. The clearest statement that the Nawuri were the first settlers in the Kpandai area was made by the Ampiah Committee of Enquiry of 1991. The Committee established that the:

Gonjas met a sizeable number of the Nawuris where the latter ethnic group now live. Although the Gonjas claimed that the Nawuris are subject to them it has not been clearly indicated how the overlordship was established.²³

The Gonja do not dispute the Nawuri claim of "first-comership" or autochthony. However, there are suggestions that the Nawuri conquered the area for the Gonja from the autochthonous Konkomba inhabitants. In the view of Dixon, "the Nawuri had already accepted the overlordship of the Gonja before arriving in the area (Kpandai and its environs) and had gone ahead of the main Gonja invasion (army) to drive out the Konkomba inhabitants of what must have been very sparsely inhabited."²⁴ The

²¹ Ollennu, *Ollennu's Principles of Customary Land Law*, p. 8.

²² Pogucki, *Gold Coast Land Tenure*, p. 21.

²³ Ampiah, *Report of the Committee of Inquiry*, Part 1, 39. The Committee consisted of Justice A.K.B Ampiah, Chairman, Togbe Tepe Hodo III (Paramount chief of Afoega), Member, Professor R. B. Bening, member, and E.K. Musah Esq., secretary. It is popularly named Ampiah Committee after its chairman. The Committee was established by an Executive Instrument (E.I.) 23 by the Provisional National Defence Council (PNDC) to investigate the causes of the armed conflict between the Nawuri, Gonja and Nchumuru in 1991.

²⁴ J. Dixon, *Report of Mr. J. Dixon, Administrative Officer Class I, on the Representations Made to the Trusteeship Council of the United Nations Organisation, Concerning the Status of the Nawuris and Nanjuros within the*

argument is speculative and lacks concreteness of detail.²⁵ Dixon claims that his argument is the most reasonable explanation of the absence of war between the Nawuri and the Gonja when the latter arrived in the Nawuri territory. However, he failed to give concrete historical evidence to support his argument. There is evidence to suggest that Nawuri territory was neither inhabited by Konkomba nor any other ethnic group prior to the arrival of Nawuri.²⁶ Nawuri traditions do not make reference to their encounter with Konkomba or any other ethnic group when they arrived in the Kpandai area. Besides, archaeological studies to confirm the view that Konkomba inhabited the territory prior to Nawuri arrival are non-existent. Furthermore, if the Nawuri were not the first settlers of the Kpandai area how does one explain the fact that names of all settlements in the area are in Nawuri language? Names of settlements such as Kpandai, Balai, Dodoai, Bladjai, among others, end with the suffix *ai*, a Nawuri word which means 'home'. Others such as Nchanchina, Mmofokayin, Buya, Kabonwule, Beyim, Kitare, are etymologically derived from Nawuri words. Furthermore, the names of streams in the Kpandai area are all in Nawuri language.²⁷

Finally, all the deities in Kpandai and its environs such as *Nanjulo*, *Boala*, *Kachilenten*, *Nana Esuwele*, *Kankpe*, *Buiya* are owned by the Nawuri. In times of impending disaster, the Nawuri propitiated and pacified these deities to avert danger. Again, when a problem arose about strayed animals, which were generally regarded as earth-shrine property, the Gonja turned to the Nawuri for solution. The Gonja did not attempt to handle these problems because they feared they would risk severe punishment by the earth-god. The Gonja assert that the Nawuri were their *tendanas* whose sole responsibility was the discharge of religious duties in the area. The Gonja claim is questionable because it is inconsistent with the practice all over Northern Ghana. Historically, except in some cases in present-day Upper East and Upper West Regions, the state-builders of Northern Ghana succeeded in absorbing the *tendana* families into their ethnic categories and transferred the *tendanas*' power and control over land rights to their secular authority.²⁸ They did not seek to destroy the priestly roles of the *tendanas*,

Togoland Area of the Gonja District (Accra: Government of the Gold Coast, 1955), p. 4.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Some of the names of the streams are *Kuwa*, *Kudja*, *Wassawasa*, *Wullinbun*, *Dobun*, *Bunkpa*, *Bula*, *Kpassa*, and *Buya*.

²⁸ M.S. Abudulai, "Land Tenure Among the Dagomba of Northern Ghana: Empirical Evidence", in *Cambridge Anthropology*, Vol., II, Issue 3 (1986), pp. 72-103.

but accorded them a place in their system of government to operate.²⁹ This was not the case in Nawuri territory. The Nawuri lived as a separate ethnic group from the Gonja. The *tendanas* and Nawuri chiefs continued to exercise power and control over land in Nawuri territory. It was after 1932 when the area was amalgamated with the Gonja kingdom that the Gonja chiefly class arrogated such rights.

There is also the hint that the Nawuri and the Gonja shared a common origin. This hint is contained in a Gonja Memorandum of 1994, which emphasized that "most of the people who now call themselves as Nawuris ... arrived at the Alfai area [the Kpandai area] with Ndewura Jakpa as part of the Gonja invading army."³⁰ Historically, culturally and, to some extent, linguistically, the common origin thesis is questionable. The common origin thesis as an explanation of Gonja presence in Alfai is too tenuous to be accepted. In the first place, it is known that the "ruling classes in Mamprusi, Dagomba, Gonja and Wala are not of the same origin as the [indigenous] people. They are said to have come from the Mandingo country."³¹ In the light of this evidence, the ruling Gonja class and their Nawuri subjects in Alfai could not have had a common tradition of origin. If the Nawuri were a subgroup of the Gonja ethnicity, their culture would naturally be expected to bear some affinity to those of the Gonja. On the contrary, in every particular of culture, deportment and custom, the gap between the Nawuri and the Gonja is pronounced. The work of Keith Snider has shown that the Nawuri language is more related to Achode than to Gonja.³² In addition, the Nawuri do not share such Gonja cultural traits as three long marks running downwards on either side of the cheek, a peculiar tattoo round the navel, and the use of the skin as a symbol of political authority.³³ Furthermore, in Gonja, chiefs are enskined, and have the Skin as

²⁹ PRAAD (Tamale) NRG8/3/53 Annual Report on the Northern Territories, 1935-36, p. 4.

³⁰ Memorandum Submitted by the Gonjas on the Peace Negotiations in the Northern Conflict, September 1994, p. 5.

³¹ PRAAD (Tamale) NRG8/3/53 Annual Report of the Northern Territories, 1935-36, p. 4.

³² K.L. Snider, *North Guang Comparative Wordlist: Chumurung, Krachi, Nawuri, Gichode, Gonja* (Legon: Institute of African Studies, 1989). Of many of the words compared, Nawuri and Gichode shared many more common words than any of the other dialects. For example, both Nawuri and Achode refer to 'arm', 'eye', 'head', 'brains', 'nose', 'tooth' and 'shoulder' as *giba*, *gumu*, *m-pɔ*, *ɔɲaŋ*, *giji* and *gi-bakpaŋ* respectively. The Gonja equivalents for these words are *ka-bri*, *ɲfyira*, *ka-ɲmona*, *kɔ-nɔ*, *ki-ŋi* and *ki-batumo* respectively.

³³ In the words of Ferguson, "the Gonja people have generally three long marks drawn downwards on either side of the cheek and a peculiar tattoo round the navel." For details, see: Kwame Arhin, *The Papers of Geroge Ekem Ferguson: A Fanti Official of the Government of the Gold Coast, 1890-1897* (Leiden, Afrika-

the symbol of authority. The chiefly classes are also enrobed in smocks over loose trousers or pantaloons and wear a cap. By contrast, Nawuri chiefs are enstooled, and use the Stool as a symbol of their political authority. They also wear cloth and a crown.³⁴ This view was supported by the Ampiah Committee when it said in its report that:

... evidence shows that the Gonja Ruling Class, as was established by the Gonja history, were and are mostly Moslems; they wear balloon trousers and smocks, with a towel on the shoulder, (that is the Chiefs). Their symbols of Chiefly power and authority are the Skins and Horses. The Nawuris ... have [different] ... characteristics and culture: (a) they use black stools as symbols of their Chiefly power. (b) They sit on Chairs whilst the Gonjas sit cross-legged on Skins.³⁵

In short, these differences do not only provide clues to the northern and southern background of the Gonja and the Nawuri respectively; they also show that the two ethnic groups are unlikely to share a common tradition of origin.

Conquest

Throughout history, there have been accounts of military campaigns, conquests and annexations of territories. Since antiquity, war has been a major means of territorial aggrandizement by states all over the world. In Africa, the ancient Sudanese empires of Ghana, Mali and Songhai

Studiecentrum, 1974), p. 71. This observation was supported by H. Klose, who, though concluded that there were different marks, pointed out that the common marks found on the Gonja were the three parallel marks on either cheek. For details, see: M. Johnson, *Salaga Papers* (acc. no. SAL/17/10.) The traditions of Gonja claim that they shared a common origin with the Kalendi, Kabelma and Chakosi. This claim is supported by cultural evidence. Like the Gonja, the Kalendi, Kabelma and Chakosi have three long marks running downwards on either side of the cheek, a peculiar tattoo round the navel, and the use of the skin as a symbol of political authority. It is true that cultural practices can be borrowed, but this supports, rather than discounts, the fact that the Nawuri did not share a common tradition with the Gonja. If the practices were borrowed, it meant that they were traditional cultural traits of one of the ethnic groups – Gonja, Kalende and Chakosi – and that as a result of common origin and social interactions of the Gonja, Kalende and Chakosi, these traits were borrowed.

³⁴ C.S. Maasole, *The Konkomba and their Neighbours from the Pre-European Period to 1914: A Study in Inter-Ethnic Relations in Northern Ghana* (Accra: Ghana Universities Press, 2006), p. 56.

³⁵ Ampiah, *Report of the Committee of Inquiry*, Part I, p. 61.

expanded territorially through conquest and annexation.³⁶ Similarly, West African traditional states such as Denkyira, Akwamu, Dahomey, Oyo and Asante grew into great empires between the 1500 and 1800 by means of conquests and annexations.

Between 1600 and 1800 Northern Ghana suffered conquests by the so-called invaders or state-builders of Gonja, Mamprugu, Dagbon, Wala and Nanum, who went on to occupy and found kingdoms.³⁷ Besides, the colonial policy of amalgamation in Northern Ghana (1932) introduced a new notion of conquests.³⁸ The purpose of the amalgamation policy, which was to create larger states to facilitate administration created the opportunity for the reinvention of history by the centralized states. They did so by representing the so-called non-centralized states subsumed under their states as territories conquered by them prior to the British contact. This laid the basis for their claim to allodial rights in those territories.

The use of conquest as a basis of claims to allodial rights in land in Northern Ghana requires a general understading of its application and legitimacy in traditional Ghanaian context. According to Ollennu, conquest is an accepted mode of measuring allodial rights in lands in Ghana. However, he states that conquest by itself alone does not necessarily guarantee absolute rights in land by the conqueror. Instead, absolute rights in land are based on the extent of the conquered lands that the conquerors are able to effectively bring under their occupation and political control.³⁹

In the view of Pogucki, the acquisition of absolute rights in land by means of conquest is of two types. The first is the arrival of a small kinship group in a particular area of land, which, through force, succeeded in driving away the previous inhabitants and occupied the land. Pogucki explains that the instances of the first type of conquest may be probably found in many

³⁶ For details of the conquests and territorial annexations of ancient Ghana, Mali and Songhai, see: Albert Adu Boahen, *Topics in West African History*, (London, Longman, 1986); Basil Davidson, *A History of West Africa, 1000-1800*, New Edition (London, Longman, 1977); Kevin Shillington, *History of Africa*, Revised Edition (London: Macmillan, 2005).

³⁷ For details, see: N.J.K. Brukum, "The Northern Territories of the Gold Coast under British Colonial Rule, 1897-1956: A Study in Political Change" (University of Toronto, PhD Thesis, 1996); N.J.K. Brukum, *The Guinea-Fowl, Mango and Pito Wars: Episodes in the History of Northern Ghana, 1980-1991* (Accra, Ghana Universities Press, 2001); Martin Staniland, *The Lions of Dagbon: Political Change in Northern Ghana* (London, Cambridge University Press, 1975); Benedict G. Der, *The Slave Trade in Northern Ghana* (Accra, Woeli Publishing Services, 1998).

³⁸ With the introduction of indirect rule, unassimilated ethnicities such as the Nawuri and the Nchumuru were amalgamated with the Gonja. Similarly, the Konkomba and the Chakosi were amalgamated with Dagbon while the Kusal-Kusasi were amalgamated with Mamprugu.

³⁹ Ollennu, *Ollennu's Principles of Customary Land Law*, p. 17.

areas of the Northern Territories. The second is the conquest of vast areas by invaders, which resulted in the formation of an overriding political authority in the form of a state. The Mamprugu, Dagbon, Nanum and M'Gbanya (Gonja) conquests are of this second group.⁴⁰ Pogucki elaborates by saying that Gonja claims to land in Northern Ghana stemmed:

Purely from the fact of conquest of the subject tribes, and that as subject tribes "belong" to the Yabumwura, the land owned by kinship groups of the subject tribes must of course in consequence also be his property. Though this quasi-feudal conception is expressed by many M'Gbanya (Gonjas), usually senior chiefs, and although local chiefs do always admit that they do not possess rights of their own, but that they act simply as representatives of the paramount chief, nevertheless one finds often even a Kagbannya (a Gonja) who will admit that the land in fact belongs to a kinship group of the first settlers, whether they be M'Niamase (members of subject tribes) or of Gbanya (Gonja) origin⁴¹

In other words, even though the Yabumwura makes such claims without being contradicted openly, M'Gbanya chiefs are by no means unanimous on the validity of their claims. Some Gonja chiefs often admit to the claims of autochthonous kinship groups in the so-called conquered areas to ownership as first settlers.

Did the Gonja conquer and annex Nawuri territory? Stories about the so-called Gonja conquest and annexation of the area are of two types. One of the stories of Gonja conquest of Nawuri territory told by Dixon maintains that the Nawuri were overrun by the Gonja.⁴² Dixon's view contains historical inaccuracies and lacks basis in fact. It is a contradiction of his own admission that the Gonja neither conquered the Nawuri nor fought them when they arrived in Nawuri territory in about the 17th century.⁴³

Furthermore, it is uncertain whether Ndewura Jakpa carried his military expeditions across the Daka River into the Nawuri and Nchumur countries lying to the east of it.⁴⁴ In fact, Dixon was not oblivious to this fact as implied by his acknowledgement that there is a lack of evidence to show that Jakpa and his invading Gonja army ever reached Nawuri territory. In his own words, there was no conclusive proof that Ndewura Jakpa "reache Balai, which is a little west of Kpandai, the headquarter town of the Alfi

⁴⁰ Pogucki, *Gold Coast Land Tenure*, p. 23.

⁴¹ *Ibid.*, p. 21.

⁴² Dixon, *Report of Mr. J. Dixon*, p. 4.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

area [Nawuri territory], or whether he was still further west with some of his people scouting ahead."⁴⁵ One wonders then the basis of Dixon's conclusion that the Nawuri were overrun by the Gonja in the light of his own acknowledgement that there is lack of evidence to show that Jakpa and his invading Gonja army reached Nawuri territory.

Another version of the so-called Gonja conquest of the Nawuri maintains that the Nawuri were originally of a Konkomba stock. The story gained currency in the works of Cardinall and Tamakloe.⁴⁶ In the words of Cardinall, Jakpa raided:

The Bo, Tashi, and the Bassari people who took refuge in their mountain passes but had to leave great herds of cattle for the raider to carry off. The Kpamkpamba (Konkomba) were then attacked; the fighting was very furious indeed, but the tactics of the Ngbanye (Gonja) were superior to those of the savages, who were routed and taken prisoners, with thousands of oxen, sheep, and goats. Jakpa then returned to Salaga by the same route. He planted the captives taken from Kpamkpamba, between Nchumuru, Salaga, and Nanumba, to cultivate the soil, and to supply the Kpembe-wura with food-stuff. They multiplied greatly, and built many towns such as: Kpandai, Bayim, Baladjai, Kotiko, Nkatchina, Balai, and Katiegeli.⁴⁷

In short, the story asserts that the Nawuri were originally of a Konkomba stock living in the Konkomba country; that Jakpa invaded the country and took with him some Konkomba captives and war booties; that Jakpa resettled the captives in the Kpandai area; and that in the course of time the captives multiplied and founded present-day settlements in Kpandai area. The account is fictional, to say the least. In the first place, Nawuri territory was not a settlement of Gonja foundation. Its foundation pre-dated Gonja arrival and its founders were the Nawuri. Second, it raises a number of interesting questions. If the Nawuri were originally of Konkomba stock, how, when and why did these Gur-Konkomba 'transplants' metamorphose into Nawuri? Is it conceivable for the Konkomba 'transplants' to have lost their former language and culture and to have become assimilated to the Kwa linguistic group in the Alfai area within a space of two centuries? The account failed to explain how, when and why the Konkomba transplants

⁴⁵ *Ibid.* Balai is the first Nawuri settlement from the direction of Salaga or east of Dakar River.

⁴⁶ See A.W. Cardinall, *Tales Told in Togoland* (London: Oxford University Press), pp. 260-261; E.F. Tamakloe, *A Brief History of the Dagbamba People* (Accra: Ghana Publishing Corporation, 1931), p. iii.

⁴⁷ Cardinal, *Tales Told in Togoland*, pp. 260-261.

later acquired the ethnic identity name of “Nawuri”. If the captives that Jakpa was said to have resettled in Nawuri territory were genetically Konkomba, one would have expected to see a genetic relationship between the Konkomba language of the captives and that of the parent Konkomba stock. Linguistically, it is inconceivable and impossible for the captives to have abandoned the original Konkomba language entirely to evolve a new one, Nawuri. Therefore, the Cardinall version is too simplistic and improbable on linguistic grounds.⁴⁸

In addition, granted that some Konkomba captives were settled in the Kpandai area by Ndewura Jakpa, it is impossible for them to have acquired an entirely new language (Nawuri) if that language was not already in use in the vicinity. In other words, for the Konkomba captives to have picked up the Nawuri language, its original speakers must have been living in the vicinity prior to the resettlement of the Konkomba captives in the area. Only in that situation could the Nawuri language and culture have been available to the resettled Konkomba captives to adopt. Alternatively, if, as Cardinall suggests, Ndewura Jakpa placed the Konkomba captives under the suzerainty of the Gonja settled in the Kpandai area, one would expect them to have been assimilated to Gonja culture instead of Nawuri culture. Regrettably, none of these conditions was the case, and that casts doubt on the validity of Cardinall’s thesis.

Furthermore, Jakpa was said to have invaded the Konkomba country in modern-day Togo from Eastern Gonja after marching through the territories of Nanum and Dagbon states. For Jakpa to have penetrated into the Konkomba area in Togo, he would unavoidably have to engage the Dagomba and the Nanumba in a number of battles. It is doubtful if Ndewura Jakpa’s military expeditions penetrated into territories in modern-day Republic of Togo. There is no historical evidence to that effect. Gonja traditions maintain that the invading Gonja army sought permission or, probably, struck a truce with the Dagomba, for example, to gain free passage through Dagbon territory to the Konkomba country. There is no hint of any such agreement, nor of its contents, terms and execution in available documents.

Besides, the pattern of Gonja political control in Nawuri territory does not provide any clues to a Gonja conquest. Generally, Gonja – [like the Mole-Dagbon and Wala invaders] – effectively occupied the conquered areas, established their own political institutions and imposed their rule over the indigenous people. By this the Gonja succeeded in completely transferring the power and control over land rights from the indigenous *Tendana* to their secular authority. In addition, they appropriated the atiotic

⁴⁸ George Akaling-Pare, lecturer of Linguistics Department, University of Ghana, Legon [personal communication], November 18, 2011.

or land deity of the indigenes, assimilated or attempted to assimilate the *Tendana* family into the aristocratic class of Gonja and worshipped their land deity.⁴⁹ This was not the case in Nawuri territory. No attempts were made by Gonja to establish this pattern of political control. The *Tendana* family remained characteristically Nawuri while the rituals and ceremonies connected with the earth deities remained exclusively in Nawuri hands. More importantly, Nawuri *Tendanas* continued to exercise their traditional powers as custodians of the lands and the embodiments of power and control over land rights of their respective settlements. The fact that the pattern of Gonja political control in Nawuri territory was different from the general pattern of political control that the Gonja imposed on conquered territories elsewhere shows that the Gonja intrusion into, and political control of, the area was not based on conquest.

Finally, the evidence brought before the Ampiah Committee which investigated the Nawuri-Gonja conflict in 1991 made no reference of Gonja conquest of the Nawuri. On the contrary, the evidence showed that in the pre-colonial period, the Gonja and the Nawuri were allies and that they fought together against the Asante invasion of Eastern Gonja in 1744-5.⁵⁰ Existing historical record shows that a combined army of the Gonja, the Nawuri and other ethnic groups (possibly the Nchumuru and the Krachi) fought against the Asante when they invaded Eastern Gonja in 1744-5. According to the document, when the Asante arrived, they:

met the sultan of Kunbi [Kpembe] with his troops ... and the sultan of Alfāyi with his troops, the Nācūri [Nawuri] ... They all fought against Asay [Asante] until the people of Asay [Asante] overcame them and they ran away.⁵¹

Another point that illustrates the fact that the Nawuri and the Gonja were allies in the pre-colonial period was that the Nawuri assisted the Gonja of Lepo Gate in the Kpembe civil war of 1892-3.⁵² According to Braimah and Goody, in the Latinkpa battle of the civil war, for example, "about 500 Nawura [Nawuri] lost their lives on the battlefield" as they fought as allies of the Gonja of the Lepo Gate.⁵³

⁴⁹ Abdulai, "Land Tenure Among the Dagomba of Northern Ghana", p. 75.

⁵⁰ Ampiah, *Report of the Committee of Inquiry*, Part I, p. 61.

⁵¹ Ivor Wilks, Nehemia Levtzion and Bruce M. Haight, *Chronicles from Gonja: A Tradition of West African Muslim Historiography* (Cambridge: CUP, 1996), p. 197.

⁵² The bulk of the Gonja in Alfai were members of the Lepo Gate. There are three Gates in Kpembe which ascend to the Kpembe Skin on the basis of rotation. These were the Lepo, Singbung and Kanyase.

⁵³ J.A. Braimah and J.R. Goody, *Salaga: The Struggle for Power* (London: Longman, 1967), p. 31.

In conclusion, it should be emphasized that there was no hint of Gonja conquest of the Nawuri since “neither the Gonja nor the Nawuri claim that fighting took place between them” in the pre-colonial times.⁵⁴ Conquest could only be used as a legitimate mode of determining allodial rights if the conqueror succeeds in annexing and imposing a political control over the conquered territory. Since no war between the Nawuri and the Gonja occurred when the latter arrive in Nawuri territory, there could not have been any Gonja conquest and annexation of Nawuri territory.⁵⁵

Overlordship

Related to the Nawuri-Gonja dispute over ownership of lands in the Kpandai area is the controversy about political hegemony. There is a paucity of documentation on the pre-colonial relations between the Nawuri and the Gonja. Nonetheless, available evidence suggests that the Nawuri were an unassimilated people with an autonomous political community, and that the two ethnic groups were political allies in the pre-colonial period. In its report, the Ampiah Committee explained that the Nawuri were an indigenous people in Alfai area who had complete autonomy and lived in friendly association with the Krachi, Gonja and Nchumuru, and that there was no evidence of Gonja rule over the Nawuri in the pre-colonial period.⁵⁶

Each Nawuri settlement was ruled by an *eblisaa* or chief with the *Wurabu* exercising jurisdictional powers over the entire Alfai area.⁵⁷ There was also evidence of the existence of the office of the Kanankulaiwura (head chief of the Gonja in Nawuri territory) in the pre-colonial period, but its origin is obscure.⁵⁸ The Kanankulaiwura exercised authority over the

⁵⁴ Ampiah, *Report of the Committee of Inquiry*, Part 1, p. 4.

⁵⁵ *Ibid.*, p. 47.

⁵⁶ *Ibid.*, pp. 61–62.

⁵⁷ *Eblisaa* is the Nawuri word for elder. The *ablisaa* of each Nawuri community exercised political powers. The title *Wurabu* is etymologically derived from two Nawuri words, *wura*, which means ‘master’, ‘chief’ or ‘lord’, and *bu*, which means ‘estate’ or ‘state’. *Wurabu* literally means the lord or paramount chief of Nawuri territory. The title appeared in colonial records as *Wurubon* (see: Annual Report on British Sphere of Togoland for 1926, p. 10). In the 1950s, the title of the paramount chief of the Nawuri was changed from *Wurabu* to *Nawuriwura* to give it an ethnic identity as in the case of the Krachi – Krachiwura. The title *Nawuriwura* was first used in a Nawuri petition of November 3, 1951.

⁵⁸ The earliest reference to the office of the Kanankulaiwura in recorded sources was in 1751. In that year, it was reported that civil disturbances occurred at Kpembe following the dispute over succession after the death of Kpembewura Morukpe. Then under Asante, Kpembe was occupied by Asante forces and it was reported that the “Kpembewura [Nakpo] and two subordinate skin holders – the Kulupiwura and probably Kanankulaiwura – were arrested, and sent to either Kumase or Mampon.”

zongo (settler community) but there was no hint of him having exercised political jurisdiction over the predominant Nawuri population in the Kpandai area in the pre-colonial period. As concluded by the Ampiah Committee, there is no record or hint of Nawuri political leaders swearing oaths to Gonja chiefs.⁵⁹ Neither is there any evidence to support claims of voluntary Nawuri submission to the Gonja through the swearing of an oath. Historically, "it is only the swearing of oath by one chief to another that binds the two chiefs traditionally."⁶⁰ This political matrix in the Kpandai area in the pre-colonial period changed when the area came under German colonial administration in 1899. The political policies of the Germans established Gonja rule over the Nawuri for the first time. German colonial authorities reconfigured the traditional political structure in Nawuri territory, first, by placing the area under the Kete-Krachi District, a district which comprised six major traditional areas – Krachi, Nanumba, Nawuri, Nchumuru, Achode and Adele. Second, in an effort to rationalize authority in Nawuri territory, traditional norms and patterns of traditional observance were set aside. In their place, the Germans used the "warrant" system as a basis of investing traditional rulers with paramount power. By this policy, an immigrant Gonja, rather than an indigenous Nawuri, was made the paramount ruler in Nawuri territory. In 1913 the Germans issued a warrant to Kanankulaiwura Mahama Karatu, a Gonja, making him the overlord of Nawuri territory for the sake of political expediency. A document of his investiture reads:

with the authority of Kaiserlichen station Kete-Krachi, the Native Mahama-Kratu of Kpandai is today to become Head Chief (of Nawuriland) ... These villages are placed under him: (1) Kpandai, (2) Katiageli, (3) Balae, (4) Beyim, (5) Nkantschena, (6) Dodope, (7) Kabuwele, (8) Kotiko, (9) Abrionko, (10) Suruku [emphasis mine].⁶¹

In the estimation of the Germans, the Nawuri and their chiefs were unenlightened as they considered them primitive poor and unintelligent.⁶² By contrast, they considered Mahama Karatu who was literate in Arabic as enlightened and experienced due to his numerous travels as a trader.⁶³ This

See I. Wilks, *Asante in the Nineteenth Century: The Structure and Evolution of a Political Order* (London: Cambridge University Press, 1975), pp. 265 and 275.

⁵⁹ Ampiah, *Report of the Committee of Inquiry*, Part I, p. 49.

⁶⁰ *Ibid.*

⁶¹ Dixon, *Report of Mr. J. Dixon*, p. 8; Braimah and Goody, *Salaga*, p. 70.

⁶² PRAAD (Accra) ADM 111/1621 Extract from Report of Enquiry on the Sphere of British Occupation of Togoland, pp. 18–19.

⁶³ Braimah and Goody, *Salaga*, p. 70.

Conclusion

The study has shown that allodial rights in lands in Nawuri territory in the pre-colonial times resided in the Nawuri by reason of the fact that they were the first to settle in the area; they were unassimilated and did not forfeit their allodial rights to lands in their territory to the Gonja through conquest and suzerainty. Therefore, by right of autochthony, allodial rights in lands in Nawuri territory in the pre-colonial times resided in the Nawuri. Historical evidence of Gonja conquest of the Nawuri or war between them in the pre-colonial times does not exist; neither is there any linguistic evidence to support Gonja claim of the transition of the language of their so-called Konkomba captives settled in the Kpandai area to Nawuri. Rather, the pointers are that the Nawuri were unconquered, unassimilated, and existed as an autonomous people, who were political allies of the Gonja in the pre-colonial times. Gonja claims of allodial rights in the Kpandai area based on overlordship is dismissed entirely as it is not grounded in facts of conquest or voluntary Nawuri submission to them through the swearing of an oath. Gonja sovereignty over the Nawuri was purely a function of colonial policy rather than any historical evidence.

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Indigenous African Ethics: A Reflection on Akan and Ewe Ethical values

Vincent ASSANFUL

Abstract

There are no unethical people on earth, and indigenous Africans are no exception. Ethics is a people's way of life whether good or bad. In this paper, a reflection is done on the indigenous African ethical values with the Akan and Ewe as reference points. The paper then goes on to discuss the foundation for the two societies' ethical behaviours. The paper discusses the principles behind their ethical making process, the ethical making process itself and their ethical values. The paper concludes that the two societies, Akan and Ewe, have developed an ethical system that has helped to sustain their societies.

Key words and phrases: Indigenous African, ethics, values, Akan, Ewe

Introduction

There is no tribe or group of persons on earth who have no ethical or moral values. Indigenous African societies are no exception and with these Ethical values, help to judge the conduct of humans. Humans have a quality in them by which we can call the conduct good or bad. Gyekye (1996) describes moral values as a set of social rules and norms intended to guide the conduct of people in a society.

In indigenous African societies, these rules of conduct are preserved in customs, traditions, proverbs, myths, taboos, art and craft, and other symbols of the people. These rules of conduct are transmitted to the young ones by the older generation mainly through the word of mouth. In order to appreciate the indigenous ethical values, this paper will draw on examples from the Akan and Ewe people of southern Ghana to support the idea that there are no unethical people living on this earth.¹

The Akan and Ewe Peoples of Ghana

The Akan and Ewe occupy the southern belt of the country. The Akan are the largest ethnic group of the country. The Akan is made up of the Asante, Akwapim, Assin Bono, Ahafo, Wassa, Kwahu, Denkyira, Akyem, Agona, Ahanta, Akwamu and Fante. (Meyerowitz, 1958; Nkansa-Kyeremanteng, 2010). The Ewe people also are located at the southeastern

¹ This paper has benefited from ideas I picked during my undergraduate African traditional ethics lectures. I am indebted to Dr. Ansah, my former ethics lecturer, for opening my eyes to African traditional ethics.

part of Ghana. They are made up of the areas covering the *Keta (Anlo)* and *Tongu* Districts (Nukunya, 1997). The Ewe are made up of the following traditional states, *Anlo, Some, Aflao, Afife, Wheta, Klikor, Fenyi, Dzodzie, Agave, Sokpoe, Tefle, Vume, Fieve, Bakpa, Mafi, Mepe, Battor, Volo, Duffor, Togome* and *Fodzoku* (Amenumey, 1997; Abotchie, 1997). I will turn to discuss the foundations of Akan and Ewe ethical values

Foundations of Akan and Ewe Indigenous Ethics

Among the Akan and Ewe peoples, three principles underline their quest to making an ethical decision. These principles are: the doctrine of God, the idea of the Human person and the Cosmos.

The Doctrine of God

To the Akan and Ewe peoples, religion is a very strong factor in their lives and exerts most probably a great influence on their thinking and life (Gaba, 1973; Opoku 1978; Mbiti 1989; Idowu, 1973). The traditional Akan and Ewe peoples have not among them an agnostic. This belief is attested to by an Akan saying *obi nkyere akora nyame* (no one shows a child God). This saying seeks to imply that the knowledge of God is inherent in the child and is born with it. The Akan and Ewe doctrine of God is better understood in how they perceive God's nature.

The Nature of God

As far as the Akan and Ewe are concerned, their doctrine of God offers insight into the real nature of God. The essential nature of God is seen in the belief that God has two natures, female and male. To the Akan, God as a female is known as *Obatampa* – a good and kind nurturing mother and as a male is referred to as *Nyame* – that which satisfies when you get. God is thus called by the Akan with his dualistic name as *Obatampa-Nyame*.

The Ewe also has a similar idea about the nature of God. The Ewe refers to God as a female by the name *Mawu*, the principal of life and as a male by the name *Lisa*-the principal of power. The Ewe thus calls God *Mawu-Lisa*.² The two natures of God are considered as complementing each other and is gender balancing. Together the two natures, male and female, form one unity of God. The Akan and Ewe understanding of the nature of god helps us to appreciate their understanding of the nature of the human person.

The Human Person

The human person according to Akan and Ewe is immortal. This immortality of the human person is born out of the fact that the individual is

² I am indebted to Dr. Ansah for enabling me to understand the Ewe idea of God.

not only made up of material element but also spiritual. This belief in the immortality of the human person is found the creation myth of the people. The Ewe believes that God formed the human person out of clay, called *ame-mounded* clay. God then put into the mounded clay, *agbe* – life. The Ewe calls the human person *amegbeto*, owner of life. The Ewe believes that *Mawu Lisa* is the principal of life. The human person shares in the principle of life with God. This part of God in the human person is indestructible, after death, the individual soul goes back to the original home *Bome*.

The Akan also have a similar belief as far as the immortality of the human person is concerned. According to the Akan, the elements that make up the human are more than clay and soul. The human person has four elements making up his whole being. The human person derives the soul (*okra*) and the breath of life (*honhom*) from God. The personality trait (*sunsum*) is gotten from the father and blood (*mogya*) is derived from the mother (Opoku 1978). The four elements together make a child, that particular child. If one element is lacking, the child could become anything but a human being.

The soul is considered as a particle of God and that which make a being a human being. The breath of life is the principle of life and it goes with the soul. The two together makes a human being a living person. Death occurs when the breath of life (*honhom*) departs the person leaving the other three elements to break up. The soul goes back to God; the *sunsum* becomes a ghost or ancestor. The *mogya* which is part of the body is then buried in the ground and becomes the property of the termites.

The Doctrine of the World

The Akan and Ewe believes that the world is composed of visible and invincible things, matter and spirits. These two elements unite to complete each other. From their union emerges one individual, one complete being. The indigenous Akan and Ewe sees the world as basically dualistic and so to them the world is formed on the note of unity in diversity and this is reducible to unity in duality.

This view of the world that it consists of one but is made up of two things has its source in the concept of God as a dual being who is unified. The Akan and Ewe also believe that such a world is not the work of chance but the creation of God. This belief is seen in two names the Akan gives to God, *Borebore* and *Oboadee*. These two names describe God as excavator, carver, hewer, originator, inventor and architect. The world though, is considered to be good because it was created by God, the Akan and Ewe also believe that the world brings calamities and untold hardship on human beings. The thoughts of the Akan and Ewe on God, human being and the world lie together as the foundations of the people's religion and form the

background of their ethical thinking which helps them in making ethical decisions.

Indigenous Principles of Ethical Decision Making

People must make decisions in order to act. However, if people are to achieve any meaningful results, they must make intelligent decisions in order to act intelligently. This way of acting will require the person to have guidelines of some kind to their decisions and actions. Principles provide these guidelines and they are themselves the guidelines. Principles whatever they may be, truths, laws, teachings, doctrines etc have an organizing and guiding force of our lives. Principles indicate the road along which the person can travel to get a desired end. The Akan and Ewe people as with all other African peoples in their indigenous settings follow principles on the basis of which they arrive at ethical decisions. In Akan and Ewe societies, decision making on ethical matters involves reflective thinking that is carried out against a background of religious beliefs and convictions. The reflective thinking is done by a number of people together. These people usually come from the rank known as elders – *Nananom* (Akan) and *Ametsitsiwo* (Ewe). These people are principally counselors at the chief's palace. The practice of group reflection on ethical matters in indigenous Akan and Ewe societies is derived from two principles expressed in proverbial language. These are "one head does not take council". The other is "knowledge is like a baobab tree, one person cannot embrace it". These proverbs all attest to the fact no one person has all the knowledge therefore there is the need for ethical collaboration.

Apart from these two principles, the concept of the human person also helps in making good ethical decisions. Because the blood is believed to be derived from the mother and the spirit from the father, brothers and sisters are seen as having the same blood and spirit. The result of the blood relationship is that marriage between close relatives is prohibited. Incestuous relationship is abhorred by the indigenous Akan and Ewe people as with other African peoples. Children are also discouraged from showing gross disrespect to their parents. Unless a perpetrator of these acts accept his/her faults and appease the angered gods and the spirits of their parents, evil consequences will come upon the offenders.

Process of Ethical Decision Making

The process of arriving at an acceptable decision in the chief's court is referred to as going to consult *Aberewa* or *Amegakpui*. In Akan and Ewe mythologies, *Aberewa* (old lady) and *Amegakpui* (old diminutive man) are regarded as full of wisdom because of the enormous amount of experience they have. In Ghanaian culture, old age is synonymous with wisdom. According to Nkansa-Kyeremanteng (2004) the concept of going to consult

Aberewa originated in the legend of two young men who were instructed to kill all the old women in a decree by their king. They defied the orders and hid their old lady. Not long after the decree was carried out, the king found himself in a difficulty which required mature advice. The two young men consulted their old lady and found the solution to the king's problem. Upon learning the source of the advice, the king regretted his action, resettled the old lady with a promotion to chief adviser.

The procedure at the chief's court is that, before the traditional jury, made up of the chief and his elders, gives a decision on a case, it withdraws to the jury chamber in order to deliberate jointly. This makes the decision the result of joint reflection it is considered to be fairer or sounder than that which has been arrived at by one person. A case that was heard in the court of the *Omanhene* of Assin Atandasu Traditional Area witnessed by the writer would be used to illustrate this joint ethical decision making procedure.

A woman from *Assin Atobiase*, (I will call Mansa) a community within the traditional area, was accused by another person of witchcraft and being responsible for the death of her rival. She lodged a complaint with *Omanhene's* court and a day was fixed for hearing. The two parties were invited together with their witnesses if any. The case was arbitrated with the *Ankobeahene* of the traditional area, Nana Ampah II presiding. The plaintiff was first called to give her story. Afterwards, she was cross-examined by the accused. The plaintiff called two witnesses, Yaa Kitiwa and Opanyin Acheampong (not their real names) they both corroborated the testimony of the plaintiff and were also cross-examined by the accused. The witnesses were paid a fee by the plaintiff. The accused then mounted the witness box and gave his evidence in-chief. He was also cross-examined by the plaintiff. He then called his wife as his witness. The wife testified and was cross-examined by the plaintiff. At the end of the testimonies, the elders went out to consult and deliberate among themselves on the verdict to give. The elders came back after fifteen minutes of deliberations to pronounce their verdict. The verdict was delivered by the senior linguist of the *Omanhene*. The defendant was found guilty of the charges preferred against him. He was fined GH¢100 and was asked to pay a compensation of GH¢20 and one fowl. The defendant was given two weeks to pay the fine. The point should be made clear that the example cited above is to show how collective and reflective thinking will lead to arriving at ethical decisions that will be considered fair. The fact that decision taken is a collective venture does not mean that the traditional Akan and Ewe does not make room for situations that demand immediate solution. At such situation, the Akan and Ewe were expected to rely on God's wisdom to guide them in making a sound decision single handedly.

Ethical Values

The Akan and Ewe placed much premium on their ethical values. The processes of arriving at acceptable ethical values are no different from the process of arriving at an ethical decision. Ethical values are arrived at by reflecting on human experiences both present and past. In this endeavour the elders in the society are better placed to under this task of reflecting on the experiences of the people. These elders reflect on everything of life and draw our ethical teachings that the events convey.

These ethical teachings from the events are put in proverbial sayings. To the Akan and Ewe, life's experiences are believed to be full of ethical lesson. The Ewe, has a personal name that captures this notion clearly, *Agbefianu* which means life teaches a lesson. A person is expected to learn a lesson from his/her mistake otherwise the person lacks wisdom. The Ewe say in a proverb "only the fool falls down on the same mound twice". The Akan have a similar proverb which says "one does not step on the testicles of a fool twice. Because life is of great value to the two peoples, ethical values have been in place to ensure the sanctity and protection of life. These ethical values are drawn from life's experiences such as marriage, politics, economics, sexual relations etc. I will for the purpose of paper reflect on the sexual ethical values of the two peoples.

Taboos

Taboos is a derivative word from the Polynesian *tabu* which means forbidden. Taboo is a sacred word for religious or cultic injunctions put in place by indigenous people to ensure the sanctity and protection of human morality, wellbeing and future of the community. Among the Akan, the term used for taboo may be *akyiwade* or *mmusuo*. The former is used more for those actions that are forbidden or prohibited while the latter is used for more serious deeds such as murder, incest, religious sacrilege, rape and suicide (Osei, n.d; Gyekye, 1995). Both Akan and Ewe take taboos serious since they are imposed by the indigenous authorities for their own safety and wellbeing. The seriousness attached to taboos is seen in the rituals that are performed to deal with the more serious ones referred to as *mmusuo* among the Akan. These could take the form of public humiliation, execution or even banishment from the community which was considered as the highest form of punishment among the indigenous Akan and Ewe peoples. If the perpetrators are not dealt with, the two peoples believe they will face the wrath of the gods and ancestors in the forms of droughts, epidemics, infertility etc. In this article my main concentration will be on the sexual taboos among the two peoples and how they deal with such infractions so as to stay off the wrath of the gods and ancestors.

Sexuality and Sexual Taboos

Among the Akan and Ewe peoples, sexuality is considered sacred. This religious idea shapes the thinking of the people in respect of all aspects of sex. In their handling of the question of sex, the Akan and Ewe have taboos to regulate their sexual relationships. Taboos are not only avoidance rules that are observed but also served as a pedagogical tool aimed at inculcating desirable behaviours (Chemhuru & Masaka, 2010). Sexual taboos form a code that helps to keep the sanctity of marriages and ensure that sexual promiscuity is curbed or brought down. The sexual code dictates when, where and with whom one may or may not have sexual intercourse with. Sexual practices are attributed to the dictation of the religion and individual cultural norms. Anything that deviates from these reasons is evil and bad. Sexual relationships that are tabooed among the two peoples are incest, sex before undergoing puberty rites, adultery on the part of the woman.

Incest Taboo

Among the Akan and Ewe, there is a prohibition of marriage and cohabitation between relatives of certain categories. Incest is the marriage or even sexual intercourse between a man and his mother, his sister (Nukunya, 1969). Incestuous relationships break the family's primary role of transmitting accumulated property. Vaknin (n.d) puts it succinctly:

The family is an efficient venue for the transmission of accumulated property as well as information - both horizontally (among family members) and vertically (down the generations). The process of socialization largely relies on these familial mechanisms, making the family the most important agent of socialization by far. The family is a mechanism for the allocation of genetic and material wealth. Worldly goods are passed on from one generation to the next through succession, inheritance and residence. Genetic material is handed down through the sexual act. It is the mandate of the family to increase both by accumulating property and by marrying outside the family (exogamy). Clearly, incest prevents both. It preserves a limited genetic pool and makes an increase of material possessions through intermarriage all but impossible.

Recently in Ghana two cases of incest came to light. The reaction of the general public was that of repulsion and repugnance. In the first case, a 27 year old man, was fined together with his 47 year old biological mother for engaging in incestuous relationship for six months. The act threw the town of Juaso in the Ashanti Region of Ghana into a state of shock. The traditional authority imposed a fine of GHc100, a bottle of gin and two

sheep on the culprits (www.myjoyonline.com). The second case also involved the conviction of a middle aged woman for consenting to a conjugal relationship by her two biological children, Kofi Mensah, 22 years and Ama Essumanba, 19 years which has produced a baby, by a Cape Coast circuit court. The woman had earlier collected GHc40 from her son as *domufa*, a penalty paid by a man for impregnating a girl without performing the marriage rites. They were arrested by the police when the issue came to light and charged with incest according to section 105 of the Criminal Offences Acts, Acts 29, 1960. The woman was jailed for seven years after pleading guilty, while the trial of the son was adjourned after he pleaded not guilty (www.peacefmonline.com). Incestuous relationship is detested by most societies. I will agree with Sarpong (1974:55) when he said that "incest threatens social order, and with it, the security and even survival of the members of society."

Pre-nubility Sexual Taboo

Among the Akan, if a girl engages in sex before undergoing the puberty rites, she is deemed to have committed a taboo and was punished together with her accomplice either by death or expulsion in times not so very remote. Any girl, who becomes pregnant before, when her family has not previously observed this rite, becomes taboo, and some disaster may befall the family on account of this (Ackah, 1988; Sarpong 1977).

Adultery

Among the Akan, and Ewe, adultery is an act that is abhorred by the society; adultery could be committed by both men and women. According to Akan custom, a man may be charged with adultery not only if he has had sexual intercourse with somebody's wife, but even if he puts his hand around her waist or embraces or fondles her in a questionable or suspicious manner (Ackah, 1988). Among the Ewe, in order to prevent an adulterous relationship developing, husband of such wife or wives are placed under chastity hexes. Husbands desiring to punish their adulterous wives do so by placing chastity hexes on them in secret (Abotchie, 1997). Abotchie describes how such chastity hex works:

The *fia te kli* chastity hex is the more dramatic of the various hexes. In this, the magical axe is disengaged from its handle and placed a few centimeter away with the hook directly opposite the notch from which it has been disengaged and left in that position. When the unfaithful wife meets her paramour and a process of love ... making ensues, the magical axe is automatically activated and it begins to move veritably towards the notch in its handle ... And should the love making ultimately ensue in sexual intercourse

(coition) the axe automatically lodges itself into its notch exactly upon the first penetrating thrust made by the man ... at that juncture, the man's penis becomes locked inside the woman's vagina ... in their locked position the adulterous wife and her paramour remain helplessly caught until their ignominious sin perpetrated in secret becomes public and attested by the lawful husband and a crowd of hooting onlookers (p. 83).

Human sexuality and its uses are respected by both the Akan and Ewe societies because they are held sacred. Sex taboos protect and strengthen the holiness and consequently develop and foster respect for the sanctity and holiness of sex.

Conclusion

This paper sought to reflect on Akan and Ewe ethical values. The two societies have put in place a well thought through ethical values to make their societies a place worth living. As Gyekye puts it "the inculcation of moral virtues is the main goal of moral instructions in African societies because the possession of those virtues or Good character traits leads people to pursue the kinds of morally commendable actions and behaviour expected in the contexts of a social morality" (p. 67). In concluding I will agree with Gyekye that the Akan and Ewe "have put in place ethical value systems that have an overriding concern for harmonious and co-operative living ... and hence, a sense of duty to others."

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Photography: A Tool for Historical Records in Nigeria

Ohioma I. POGOSON and Abiodun O. AKANDE

Abstract

History is either oral or written. Whichever of these forms it assumes, one thing is clear; it brings to memory records of past or present events, places or situations. The question of two or more people experiencing the same or somewhat similar graphic imagery of oral or written history becomes pertinent. This situation is improbable. However, with the aid of photographs, the graphic representation of an event is frozen in time and space, thereby making it possible for a number of people to view the record of a past event that they may not have witnessed. With video, we can even hear voices and experience life in such events. Using pictures from old newspapers, published books and from private collections, this essay attempts a pictorial social, cultural and political history of the country. It also appraised the development of photography in Nigeria. This essay avers that photography is a veritable tool for documenting historical records for posterity and an endeavour that should be encouraged and communalised.

Key words: Nigeria, history, photography, chronology, document

Introduction

Right from the time of its arrival in Nigeria, photography had been widely embraced, especially in the south-western parts of the country. The advent of photography coincided with the influx of missionaries and the subsequent colonisation of Nigeria. From that time, photography has metamorphosed from the ordinary art of picture taking for entertainment and decoration to become a tool for recording practically all-major historical events. This paper identifies landmarks, social histories, and political, cultural events in Nigeria and individual histories with the aim of reiterating photography as a tool for recording these events and to demonstrate its potential in Nigeria history. It avers that many histories, personal or official from the time photography first reached Nigeria to the present, can be chronologically presented in photographs. It also establishes that photographs can be put together to elucidate written history and that they can serve independently as the history of Nigeria on their own. The paper contends that while written history may contain and convey personal nuance or the individual acuity of the writer, photographs, where available, can help to some extent, to clarify issues of ambiguity in history. The paper employed the use of primary and secondary sources of information for its data. The primary sources include old photographs and records from the Nigeria National archives and interviews with pioneering Nigerian

photographers. Materials from textbooks formed the secondary source of information.

According to Eriberto (2006: 87), Jackson, a field researcher, felt more like a camera than a field note when he was in the field gathering data. This statement is not an attempt to relegate the importance of field notes which is still a crucial part of recording field data; rather, it shows the importance of picture over written words. It further reveals that every time the writer goes to the field, he attempts to store the picture of events in memory. The position of Eriberto can be said to lend credence to Morton's (2005: 390) assertion that photographs are indeed the starting point in field research, a mental kick-starter for a complex series of related objects, events, sceneries and histories through time and space. By implication, Morton postulates that a picture of an event is capable of stimulating the brain to recall other related events in memory. It is on this premise that this paper argues that photography is a form of historiography.

There are writers who have argued on the problems that photography may pose to history, however, despite all the criticisms levelled against the use of photographs in field works and historical studies, its veracity is evident in its *frequent and fluid*, as Schroeder (2003) puts it, use for historical, anthropological, scientific, judicial and civil evidence. Much more, governments and organisations have found photography a valuable and dependable instrument in their operations. Indeed, colonial masters and governments of Nigeria after independence made profuse use of photographs to elucidate many of their reports.

The history of photography in Nigeria predates the coming of the colonial masters. Coupland (1928) notes that the earliest surviving photographs from the interior of tropical Africa are probably those made by John Kirk between 1858 and 1862. Echeruo (1977) states that as early as 1860, photographs were being taken in Lagos (Nigeria).

Erika (2005) suggests that the first photographs in West Africa probably arrived in Lagos via ships from Europe and America. She further observes that in the 19th century, there were great commercial links between Lagos, Lome, Accra, Sekondi, and other major cities along the West African coasts. Erika opines that the coastal regions of West Africa were thus probably the first to be impacted by photography. From the coastal regions photography moved into the hinterland. Lagos was therefore probably the first to enjoy the novelty of photography.

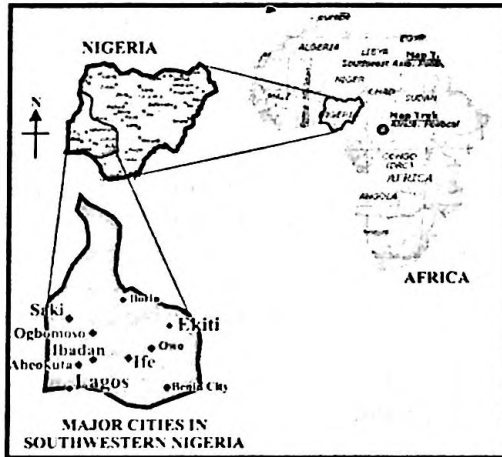


Figure 1. Map Showing Major Cities in South Western Nigeria.
Source: Authors

In this paper, the photographs dealing with the historical developments in Nigeria are classified into five groups, based on their chronological sequence. It then discusses the political, economic and cultural developments during each period as they pertain to the photographs. The periodisation is discussed as follows: 1. pre-colonial period; 2. colonial and early independence period; 3. post- independence period; 4. 1970–1990 (post-colonial period); 5. recent developments. It should, however, be pointed out that this periodisation does not suggest sharp temporal discontinuities from one period to another, since the events of one period often dovetailed into others.

Pre-colonial Period

Pre-colonial times in Nigeria were mostly photographed by missionaries, explorers and journalists. The abolition of slavery in West Africa around 1833 (Oduntan, 2011: 32) had, perhaps, the most impact on the history and use of photographs in Nigeria. A large number of returnee slaves were resettled in West Africa, especially in Sierra Leone and Liberia. Returnee slaves possessed different skills and trades which they had acquired while in America and Europe. Erika (2011) indeed suggests that the origin of photography in Nigeria can be traced to the returnee slaves of the nineteenth century. At this time, according to her, slaves who just gained their freedom while in Europe and America had learnt the trade, took to photography and eventually dominated it on their return to Africa. The first professional studios were said to have opened in Lagos as early as 1880 (Erika, 2005). According to Adeniyi-Jones (1984), the first African to own a studio in Nigeria was Walwin Holm. He had his studio on Tinubu Street,

Lagos. These early studios were owned by Sierra Leoneans, Liberians and Brazilians; most of whom were freed slaves or their descendants. The sprawling town of Lagos was an economic nerve centre in Nigeria; it had many large supermarkets where it was possible to find a lot of goods, including the latest photographic equipment. It was here that the first colour laboratory in Africa was opened at the end of the 1960s (Erika, 2011).

The pioneering photographers formed the intellectual elite in Lagos and other cities like Abeokuta and Ibadan. Among them was George S. A. da Costa, who had a studio in Ricca Street, Oke Popo, Lagos. He is noted for his colonial government commission to photograph the construction of the railway from Lagos to Jebba in 1900. Macmillan described da Costa as the best-known photographer in Nigeria (Macmillan, 1920). Today his photographs are historical testimonies of the construction of the old Lagos to Jebba railway track.

Christian missionaries were also active photographers at this time. They also took a lot of photographs during their missionary activities in Nigeria. Although the photographs were not necessarily taken with the intention of recording history, but the frequency with which they took the photographs was continuous and their sheer number today make them veritable historical materials for understanding church history in Nigeria. The landscapes of church surroundings, the dressing mode of the members of the clergy and church events, among other things, were recorded. According to Erika (1998), missionary photographs turn out to be excellent and rich sources of information about the missionaries themselves and their subjects (see plates 1, 2, 3 and 4).



Plate 1
Samuel Ajayi Crowther
Source: googleimages.com



Plate 2
The Ake Church Abeokuta - 1888

Source: Unknown

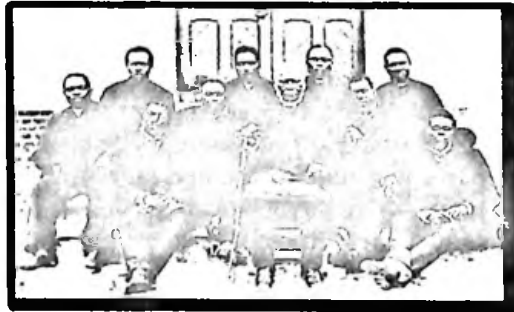


Plate 3
Members of the Lower Niger Conference Group (CMS)
With Bishop Ajayi Crowther in the front row at the centre - 1880

Source: Unknown

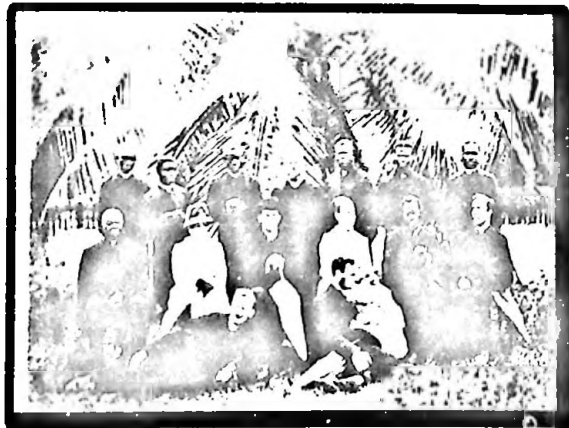


Plate 4
Church Missionary Society Group - 1885

Source: Unknown

In plate 1 is the picture of Samuel Ajayi Crowther, an African who became a Bishop of the Church Missionary Society (Christraud, 1991). When compared, plates 1 and 3 depict Ajayi Crowther at different stages of his life. Plate 1 shows Ajayi Crowther at the prime of his life, while plate 3 is a photograph of the same personality at an old age. In plate 3 Ajayi Crowther is with other clergies of the lower Niger conference group.

Plate 2 is a picture of Ake Church in Abeokuta. The picture was taken in 1888. It can be observed from the photograph that the tower in the facade of the church building, in the background, is higher than the remaining part of the building. This architectural style dominated church architecture in the 19th and early part of the 20th centuries in Nigeria. The picture also attests to the usually serene environment of churches at that time. This kind of serenity can only be compared with the one perceived in John Constable's painting of the "Salisbury Cathedral."

At the outset, the missionaries took photographs as records of their visits to Africa, but the frequency and sequence with which they took the photographs were so high that an assemblage of their photographs has now turned out to be strong evidential chronological record of their missionary and evangelical activities.

Explorers and anthropologists also took photographs in attempts to give graphic illustrations of their research. Cole (1995) in fact observes that photographs are a means of depicting the conditions encountered in foreign lands; and without knowing it, these explorers took photographs that today serve as graphic history of not only their activities but the history of Nigeria; its landscape, seascapes, communities and forests. Apart from the photographs taken by the missionaries and explorers, journalists of this period also contributed in documenting events of this time. Journalism in Nigeria can be traced to 1859 when the first bilingual (English and Yoruba) newspaper, called *Iwe Iroyin*, published by the Church Missionary Society (CMS) in Abeokuta, started. Six other newspapers had joined *Iwe Iroyin* by the second half of the 19th century. The most popular ones were published in Lagos; they included *The Pioneer* and *The Advocate*. At the outset, most of these newspapers did not use photographs in their publications, probably because of the technicalities involved in printing pictures alongside with texts in tabloids, but as technology advanced, it became easier to break photographs into low resolution tones for offset printing machines, which were later introduced. When this technology had become fully mastered, the use of photographs became frequent in the newspapers.

Colonial and Early Independence Period

The colonial period in Nigeria was between 1900 and 1960. At this time, photographs were beginning to be used by colonial masters for administrative purposes and for documenting their wide-range activities in

the colonies. Photographs thus became an instrument of record keeping. Photographs were used by colonial officers to elucidate the reports of what they met in the colonies. Indeed, some of the earlier known photographs in Africa were taken by Western colonial photographers. An example of such photographs is that of Captain Bower (plate 5), a British administrative officer in Ibadan, which was taken around 1893 (Omojola, 1999). Omojola suggests that this picture is one of the earliest evidences of photography in Nigeria (Omojola, 1999). The photograph is a portrait of Captain Bower with a dainty moustache; clean trim hairline and wearing a military dress with medals and trophies. This picture is reminiscent of a quintessential British District Officer (DO). It is a picture that encapsulates history.



Plate 5

Captain R. L. Bower (c. 1893)

First British Administrative Officer in Ibadan

Source: Akinyele, I.B. 1981. *Iwe Itan Ibadan ati Die Ninu Awon Ilu Agbegbe re,*

Bi Iwo, Oshogbo, ati Ikirun, Ibadan: Board Publications. 212.

Another early picture from Nigeria in the period under discussion is that of the captive Oba Ovoramwen of Benin aboard a ship (Plate 6) on his way to exile after the British expedition to Benin in 1897 (Christraud, 1999). In the photograph, Oba Ovoramwen is seated on an “ordinary” chair, he is dressed in a piece of cloth tied around his body, from his chest to the legs, his head and chest are bare; “the king” is unkempt and morose. Historical literature, most certainly, cannot adequately convey the obvious dejection in the eyes of the revered Oba Ovoramwen of Benin as shown in the picture in Plate 6. Hard as the historian may try, it is impossible to describe the exact mood of the Oba as seen in the picture.



Plate 6

Oba Ovoramwen of Benin aboard a ship on his way to exile
after the British expedition to Benin in 1897

Source: Unknown



Plate 7

Oba Ovonramwen as he sailed from Benin to Calabar,
where he died in exile

The West African Pilot, March 3, 1938, p. 1

Source: National Archives of Nigeria

By the first half of the 20th century, a number of newspaper proprietors had started to publish printed news daily and some periodically. Some of the early newspapers include: *The Nigerian Pioneer*, a weekly newspaper established in 1921; *The Nigerian Advocate* established in August, 1923; *The Daily Times of Nigeria* established in 1926; *West African Pilot*, established in November 22, 1937; *The Nigerian Tribune*, established in November 16, 1949; *Daily Express*, *West African Publicity Company*, and *Nigerian Spokesman*. These publishing outfits engaged photographers to record events for their newspapers.

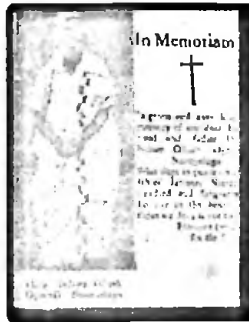


Plate 8

Obituary Column

The Nigerian Spokesman, January 5, 1950, p. 3

Source: *National Archives of Nigeria*

Professional photographers were invited to record road and bridge construction works, which were to be part of the report of the colonial officers. Among these photographers was J.W. Rowland, the Lagos surgeon and photographer who recorded early colonial penetration into Lagos (Killingray, 1989: 201). There was also M. O. P. Sofolue, based in Igbosere Road in the 1930s. He was the first Nigerian photographer to be attached to the government house in Lagos.

The adoption of photography as a means of record keeping by the colonial government in Nigeria brought a number of commissions to photographers. Without their knowing it, the photographers were recording the history of Nigeria. Photographers were employed to record engineering construction sites as well as other government businesses. As indicated earlier, G.S.A. da Costa for example, was employed to cover the construction of the railway in Lagos to Jebba in 1900 and from Jebba to Kaduna between 1909 to 1911 (Killingray, 1989). Some of Da Costa's are also records the social life of 'Lagosians'. In one his photographs: five men posing at the back of a house (Plate 9). In the picture, two men in the same attire are in standing position with their left hands in the pockets of their trousers, while three others, in black suits, sit with crossed legs ostensibly to achieve some kind of balance and symmetry.



Plate 9

A Group of Nigerians at Home by George S.A. da Costa c. 1920
Source: Erika Nimis, Photographes d'Afrique de l'Ouest: L'experience Yoruba.

Jackie Phillips, another pioneering photographer of the same period, was commissioned by the *Daily Mirror* newspaper to cover the “Centennial Festival” of Britain that was held in London by the British home government for the *Daily Mirror*. He was invited by the British home office alongside other Nigerian and British photographers to cover the 1956 visit to Nigeria of her royal majesty, Queen Elizabeth II. Other private photographers photographed several popular events and marketed their pictures to the general populace. One Samuel Olatunbosun Olofin, an Ibadan-based photographer, confirmed that he earned substantial profit from the photographs he took during the visit of Queen Elizabeth II (Omojola 1999).

According to Japhet (2010), another photographer of this period was J. D. Okhai Ojeikere, popularly called “Kenturkey Photographer.” In 1954, he was the assistant laboratory officer for the Ministry of Information in Ibadan. Alongside his full-time employment, he was constantly practising photography privately at the University of Ibadan campus, recording pictures of the social life of students on campus. According to Japhet (2010), Ojeikere later became famous for documenting the transformations and variations found in the traditional hairstyles worn by women in Nigeria. His photographs depict the various hairstyles of Nigeria. Ojeikere’s documentation of hairstyles is unprecedented in the history of Nigeria and this brought him to lime light. His photographs are today historical documents that can convey the historical development of Nigerian hairstyles with or without any written literature. They continue to be exhibited all over the world.

The activities of Joseph Denfield, a British ethnographer in Nigeria, is notable in the Nigeria historical landscape.. Born in England in 1911, he graduated with a B.Sc. and an M.B. in medicine (Denfield and Bull, 1970). It was in Nigeria that his photographic career started in the years from 1944 to 1946. He began by taking ethnographic images of various “pagan tribes” and compiling ethnographic data. The photographs he took were circulated

in the British and South African media. His photographs are records of several Nigerian cultural characteristics at that time.

Post-Independence Period

One of the major political events that ushered in the 60s was the general elections of 1959. The election brought to power, for the first time, a central executive with a black majority. It also elected members of the upper and lower houses, with an 'all-Nigerian' composition. At this time, the British administration in West Africa was preparing to grant independence to its colonies. Ghana had gained her political independence earlier in 1957. Nigeria was therefore strongly agitating for independence. The agitation for independence was especially intense in the Western region. Photographers for the newspapers had prepared very well for the election. Burgeoning photographers and professionals were not left out; they all covered the elections. Independence celebration followed in 1960. Today, the memories of these events are preserved in the photographs that can be found in the National archives and various government holdings.

The establishment of more media houses also contributed to further promotion and propagation of the use of photography. *The Daily Times of Nigeria* (DTN), *Federal Ministry of Information*, *Daily Service*, *Daily Express*, *Western Nigeria Broadcasting Corporation*, *West African Pilot*, *West African Publicity Company*, among others, created full and part-time employment for photographers. Their engagements included photographing newsworthy events. Their photographs complemented news-stories. They also made "picture news", a genre where pictures are used solely to convey news-messages. Photographs were also used in obituary advertisement columns (Plate 10). Many photographers, apart from their official engagements with the media houses, had their own private studios in the towns where they worked. Many of the social engagements, which took place during weekends kept the photographers very, busy.



Plate 10

Photograph from Obituary Advertisement Column
The West African Pilot of January 7, 1938 p. 6
Source: National Archives of Nigeria

In 1963, Nigeria became a Republic and consequently a sovereign nation. The event was elaborately celebrated and photographed. The 1964 and 1965 regional and general elections that ushered in the governments of Chief S. L. Akintola in the Western region and Tafawa Balewa at the centre were richly-photographed and documented. Indeed, these photographs are the concrete material evidence of those events today. Because of their newsworthiness, photographers of the different newspapers fully cover the various events. The elections were copiously photographed by *The Daily Times* of Nigeria, *Morning Post*, *Daily Express*, *The Nigerian Tribune*, *Lagos Weekend* (published by The Daily Times of Nigeria (DTN)), Nigeria Broadcasting Corporation, *West African Pilot*, and West African Publicity Company.

Peter Obe who covered most of the political events that led to Nigeria's independence was also involved in the photographing of the post-election mayhem of 1964 and 1965 (Elebute, 2009). Some of the events of the January and July 1966 coup d'etat, a violent strike on the Nigerian polity, were also captured in pictures by Peter Obe. His collection of photographs has already been compiled into a book (Obe, 1986). Today, the photographs of Peter Obe are the repertoire of images of the first Nigerian coup. When the Biafran civil war broke out in Nigeria in 1967, Obe, risked his life to cover the gruesome war and he was celebrated for his bravado. Ekpei (1986) notes that photographs from the battlefield were used by both the Nigerian government and the Biafran rebels as means of propaganda, visual proof of atrocities and claims of victory. A number of soldiers also brought home photographs from the battlefield.

The 1960s witnessed a tremendous increase in the number of studios, and by 1963 there were already 397 professional photographers in Ibadan alone. Mathew Faji was a celebrated photographer of the 50s and

60s. He covered, with Peter Obe, the visit of Queen Elizabeth II to Nigeria and the Nigerian civil war.

A number of early photographers were reporters for The Daily Times of Nigeria. Among them were Jackie Philips and Billy Rose, photographers of repute, who had their studios in Surulere. The two photographers made photographs and used them as postcards. This project was initially widely accepted but later lost its charm.



Plate 11

Association of Photographers in Ijebu-Igbo by Crosby Photos, 1967
Source: Erika Nimis, *Photographes d'Afrique de l'Ouest: L'expérience Yoruba*.

In the northern parts of Nigeria, photography did not receive as much attention as it did in the coastal regions. According to Erika (2005), the spread of photography to the north, especially Kano, was due largely to the efforts of Ijebu traders from the south-western part of the country. Ijebu people are noted for being artisans and technicians. They learnt different sorts of trades such as photography, auto repairs, electrical repairs, carpentry, etc. They were reputed travellers into the interior of the country in search of areas where their business and training would yield them high profits. “Kunle Koya Photo Studio”, owned by an Ijebu man, opened in Sabo Gari, Kano, around 1967. For a long time, it was the only photo studio in Kano. The studio covered different types of social ceremonies in the social lives of the people.

Generally, acceptance of and developments in photography were rather slow in the interior of the country (Erika, 2005: 86). It was only by the end of 1980 that the first major photo studio owned by a Hausa man opened in Kano. The name of the studio was “Wazobia Photo Studio and Video” and it was located in Emir’s Palace Road. The photo studio only succeeded in recording the social life of the people in its environ.

1970–1990 (Post-Colonial Period)

In the late 70s photojournalism had started to take a strong footing. Photojournalism is a form of journalism in which photographs are meant to

speak for themselves. Interest and specialization in different aspects of photography started to develop as Nigerians started to read and understand through pictures. Apart from studio and outdoor photography, documentary and industrial photography also emerged. Some photographers specialized in portraiture while others focused on landscape and environmental photography. The late 70s indeed witnessed the exploitation of photography for commemorative purposes and for advertising. Photographs of commemorative events were used for post-cards, postage stamps, souvenirs and posters (see plate 12). They were used in postage stamps to document important cultural, social or political events or people in Nigeria.

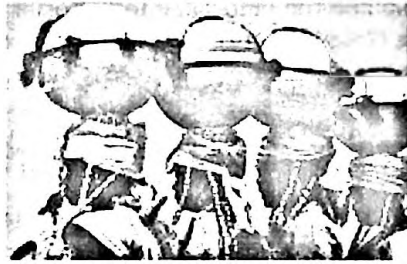


Plate 12
Poster Commemorating the FESTAC '77
Source: alfredsupik.com

Special festivals and ceremonies were documented with photographs. The 2nd Black and African Festival of Arts and Culture (FESTAC '77) that took place in Nigeria in 1977 was profusely photographed and documented. During this festival, some burgeoning photographers again came to limelight. Matthew Faji's action photographs during the FESTAC are well spoken of. Fiofori (2011) attests to the skills of Matthew Faji. He describes Faji as a national hero and a photographer of great repute. He discusses Faji's unique action photographs taken during the FESTAC.

It was at the post colonial in Nigeria period that one of the greatest innovations in photography, was introduced; digital photography. It is a method of making images without the use of the conventional photographic film. Instead, a machine called 'scanner' records visual information and converts them into codes of 'ones and zeroes' that a computer can read. Digital photography lend itself to manipulation by means of various computer programs. Digital photography is now widely used in advertising and graphic designs. It quickly replaced conventional photographic technology.

Today, digital cameras are available for both professional photographers and amateur enthusiasts. The more expensive professional

cameras function like 35mm cameras but record the picture information as pixels or digital dots of colour. The finer the pixel of a camera the higher is its resolution and the higher the resolution, the sharper the image. After taking pictures, the user can connect the camera directly to a television set through a video player or a computer; thus a group of people or family can view the pictures together. Alternatively, image files can be transferred to a home computer, stored on disks, or sent to friends via electronic mail.

Many, if not all, photographers of the late 1980s and throughout the 1990s used digital cameras. Professional photographers of this period, such as Sunmi Smart-Cole (Olatunji, 1991: xvi) made pictures of all sorts of subjects including, but not limited to, natural events and the environment, thus adding people and the landscape to pictorial history of Nigeria. A large number of Smart-Cole's pictures are in black and white. He is noted for manipulating gray-scale to achieve solidity in his works. Some of the titles of his photographs are: "Save the Trees" (1983), "Wole Soyinka" (1983, Plate 13) and "Stop Environmental Pollution" (1988). Ogunbiyi (Ogunbiyi 1984) describes him as a hard-core professional who applied the rigours of technique to his works.



Plate 13

Wole Soyinka by Sunmi Smart-Cole - 1983

Source: *The photography of Sunmi Smart Cole*. Daily Times of Nigeria, 1991.

Other photographers of the 90s include Don Barber and Philip Trimmell (Lawal 2003:16). Barber was born in 1956. He opened a photo studio, first, in Ikeja, but later moved it to Surulere. His subjects are portraiture and still-life compositions (Lawal, 2003: 25). Among his works is "June 12" (1993) which portrays a historically important event in the history of Nigeria. It depicts the injustice perpetrated by General Ibrahim Babangida's regime in annulling of the election won by Moshood Abiola on 12th June 1993. It is also a reminder of the political mayhem that followed the populace's rejection of the presidential annulment.



Plate 14

“Bose” by Don Barber – 1998

Source: A. A. Lawal, “Photography as Art: A Study of Sunmi Smart-Cole, Don Barber and Philip Trimnell’s Photographs.” Unpublished M. A. Dissertation, Ibadan, Institute of African Studies, Uuniversity of Ibadan, 2003.

Philip Trimnell is another photographer of repute at this period. His subjects cover environmental and social documentary photographs. Some of his works are “Lagos Marina” (1998, Plate 15) and “Nepa.” Trimnell’s “Lagos Marina” depicts Lagos cityscape, an industrial and highly populated city. The picture catches the mood of Lagos. The picture is a view of the great Marina car park against the background of Lagos skyscrapers. In the background are towering skyscrapers. The cars and buildings appear jam-packed showing that Lagos is a very congested city.

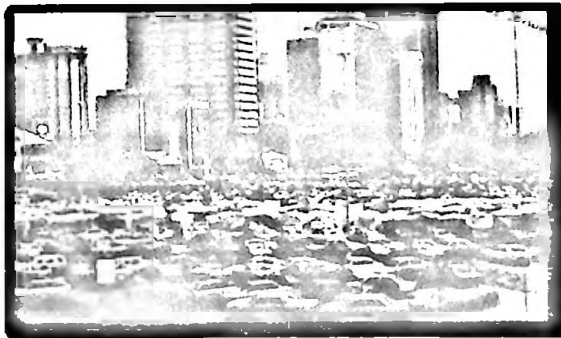


Plate 15

“Lagos Marina” by Philip Trimnell – 1998

Source: A.A. Lawal, “Photography as Art: A Study of Sunmi Smart-Cole, Don Barber and Philip Trimnell’s Photographs.” Unpublished M. A. Dissertation, Ibadan, Institute of African Studies, Uuniversity of Ibadan, 2003.

Many photographers of the 1990s in the south-western parts of the country were located on campuses of universities and polytechnics and they recorded a lot of the social life of students on campus. They also delved into what is called 'action photography'. These were photographs taken with telephoto lenses that blur the background. Sometimes photographers asked their clients to jump up and while still in the air, they would take the shot. To make these photographs some clients were asked to throw their bags in the air, and while the bag was still in the air (plate 16), the photographer would take the picture to capture the action still in motion. Also, furry toys such as teddy bears, tigers and lions started to show up in picture compositions at this time (Plate 17). The photographers' subjects posed with these sometimes life-size toys. Another common composition is one in which groups of friends were asked to stand akimbo, or backing one another in twos. The photographic gamut created by the photographers on campuses can serve to tell, among other things, the history of fashionable photograph-taking trends and dressing patterns among the Nigerian youth over time.



Plate 16

Action Photography (2011)

Source: Collection of B-Best Photos, Oyo



Plate 17

Models posing with a furry tiger (2011)

Source: Collection of B-Best Photos, Oyo

Around this same period, exhibitions of photographs began to take place. Although such exhibitions were few, they enjoyed the patronage of art lovers. Photography now came alongside art, even in exhibition halls. Embassies, museums, corporate bodies and galleries now began to sponsor photo exhibitions. Celebrated photographers also organized public talks and workshops. In academia, photography gained recognition as a necessary tool for research, historical and visual studies, especially for Africa.

Recent Developments

As the technology of photography continues to develop day by day, its use for historical documentation increases. Electronic technology has taken over the camera and therefore the manual rudimentary photography of old became obsolete. Photography and other image-making technologies such as computers (and graphic arts) have overlapped. Almost all image-making systems are now compatible. Hand-held telephone sets, with the right software, are compatible with digital cameras and can receive and transfer information and pictures from one to another. Digital cameras can be connected to the computer and the computer to photographic printers. Computers and mobile phones are manufactured with cameras (popularly called webcam). Many of these hardware come with bluetooth, a wireless technology that enables devices to connect (without cables) to one other, even to the internet, and exchange materials.

Events that were not ordinarily covered by photographers are now being photographed. For instance, George Esiri extravagantly covered the 2010 Nigerian presidential election campaign in about 10,000 photographs. The photographer travelled with the presidential campaign team all over the country and after the campaign, he organized an exhibition in Abuja, tagged "The People's President." Fifty-two photographs were displayed at the exhibition. President Goodluck Jonathan himself opened the show. Without doubt, Esiri's photographs will now and in the future serve as a historical coverage of the 2010 presidential elections in Nigeria.

Art collectors in Nigeria have also realized the importance of photography and have started to build photo-libraries and collections. Prince Yemisi Shyllon, Nigeria's foremost art collector, recently organized competitions in photography. Shyllon's art foundation, Omooba Yemisi Adedoyin Shyllon Art Foundation, invited entries for its annual photo competition. The contest was open to amateur and professional photographers. The intention of the organisers is to build a library of photographs that can be useful to people who want to see them for leisure and for researchers who may need them for historical or documentary reasons.

Conclusions

Photography in Nigeria has not been limited to leisure; right from colonial times, colonial officers have used it as a tool for elucidating reports sent to Britain. As established above, important historical events in Nigeria have been well documented via photographs. These events range from missionary activities (1800s) to colonial engagements and independence celebrations (1900-1960), the several military coups, the Nigerian civil war of 1967 to 1970 and the Festival of Arts and Culture of 1977, and the ubiquitous application of photography of the 80s, the annulled June 12 elections of 1993 and, recently, the Goodluck Jonathan 2011 campaign activities. They all highlight Nigeria history.

Apart from political history of the country, land and cityscapes, social lives and personalities have been subjects of modern professional photographers. The photographic collection of Dotun Okubanjo (Pogoso, 2011) contains pictures of deceased eminent personalities such as Amos Tutuola, D. O. Fagunwa, Obafemi Awolowo, Anthony Enahoro, Nnamdi Azikwe and Tafawa Balewa, all-important people in Nigerian cultural history. Sunmi Smart-Cole in his own collection has photographs of Lagos cityscapes and important personalities like Wole Soyinka, Nigeria's only Nobel Prize winner. Philip Trimnell's photographs are also landscapes with special interest in Lagos, undoubtedly Nigeria's most vibrant city and commercial capital.

The coverage and sequence with which the history of Nigeria has been documented in photographs make it possible for this essay to suggest that photographs can be used, not only as a tool for elucidating written history of Nigeria, but as a free-standing repertoire of the history of Nigeria. The possibility of the use of photographs independently as history is evident in the obituary programmes printed in Nigeria today. It is commonplace to find programmes dedicating the centrespread or their last few pages to photographs of deceased people from their youth to adulthood. Such photographs are usually with little or no texts. They are meant to be a visual presentation of the life history of the deceased (see Plate 18).



Plate 18

Some of the photographs at the centre spread of Late Chief Professor Oludare Olajubu's (1933-2012) burial programme.

This paper is aware of the possibility of manipulating photographs to add and delete, to and from, its original features. It therefore assumes that photographs are not deviously manipulated to alter them. All the illustration used here are "true" pictures. Beyond the shortcomings that may be associated with photography, this paper avers that photography remains an unparalleled graphic report of a situation, event or thing at a particular time. Moreover, such graphic representations, with or without explanation, can be read by others who were not at the location of the event, and meaningful conclusions can be drawn from pictures. This paper also asserts that there are enough photographs in government and private collections in Nigeria that can be put together, with little or no literature, to relate the history of Nigeria, and that these photographs events can be arranged in a chronological order.

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Incarceration of Chiefs: A Colonial and Post-colonial Tool for the Destruction of the Sanctity of the Chieftaincy Institution in Ghana?

Augustine Duah OSEI

Abstract

Using predominantly primary historical documents, supplemented by the appropriate secondary historical records, this paper examines political detention or the incarceration of chiefs as a measure or a tool employed by both colonial and post-colonial authorities to weaken and to eventually destroy the chieftaincy institution in Ghana. The paper evaluates the circumstances leading to the arrest and detention of the chiefs who suffered such fate. It analyses the socio-cultural impact of such detentions on the paramountcies affected and on the institution of chieftaincy in Ghana as a whole. Based on the findings of the study, the paper concludes that under both colonial and the immediate post-colonial eras, a big blow was dealt to the institution of chieftaincy in Ghana which helped shrink the power and status of the institution in the country.

Key words and phrases: Political detention, incarceration of chiefs, chieftaincy

Introduction

Under both colonial and post-colonial regimes in Ghana, many chiefs were detained without trial, in some cases even without charge. Most of the detentions under the colonial period took place during the period of entrenchment of British authority, a period in which the British colonial authorities found dealing harshly with “uncooperative” chiefs in the Gold Coast and elsewhere in Africa as shrewd political strategy for confronting opposition to their rule. Many of the post-colonial detentions of chiefs occurred under the First Republic, where circumstances surrounding the struggle for independence led the Nkrumah government to repeat many of the colonial schemes against the chieftaincy institution. This article examines the detention of chiefs under both colonial and post-colonial regimes in Ghana. Based on the use of both primary and secondary sources, the article describes the history of the use of detention without trial as a tool for assaulting many individual chiefs and the chieftaincy institution as a whole. It tells the story of a grave invasion of the civil liberties of chiefs in colonial and independent Ghana. By the end of the colonial era, many stools had been left vacant with the detention of their occupants whilst others were plagued with unending succession disputes as a result of the attempt to replace detained chiefs by circumventing customary rites. Significantly,

some chiefs suffered political detention in independent Ghana too, though not on the same magnitude as in the colonial era. To achieve the purpose of this article, the author has avoided the question of whether or when detention can be justified in this paper. Although they are pertinent questions, there is inadequate relevant data for addressing them in this paper.

Political Detention

There are as many definitions of political detention as there are political scientists. The *Encarta World English Dictionary* defines detention as “an act of keeping somebody in custody or the state of being kept in custody”.³ The *Cambridge Learners Dictionary* also defines detention as “when someone is officially kept somewhere and not allowed to leave”,⁴ whilst the *Webster's-Encyclopaedic Dictionary* defines detention as “the act of detaining or the state of being detained; forced stoppage, a keeping in custody, confinement or the withholding of what belongs to or is claimed by another.”⁵ Detention, thus, refers to the act of holding a person in a particular area either for interrogation, as punishment for a wrong or as a precautionary measure while investigating a potential threat posed by that person or to that person. The term can also be used with reference to the holding of a person's property for the same reasons. Political detention, however, even without qualification is used to describe a situation where a person is detained for reasons either political or connected with national security or public safety or when a person is arrested without an official charge and without a subsequent trial taking place. Political detainees may be sent into exile in an isolated part of the country, made to do forced labour, or sentenced to life or long-term imprisonment. It is mostly employed when the authority concerned is unable to prove a charge against the apprehended person. In the case of the Gold Coast, detainees were mostly kept first in the castles and subsequently deported to other British colonies to continue their detention.⁶

The Chieftaincy Institution

Prior to colonial rule, chiefs were the sole political heads of states and societies in Ghana. Chieftaincy can be said to be the most visible and prominent form of political system among all the ethnic groups in Ghana

³ *Encarta World English Dictionary* (London: Bloomsbury Publishing Plc, 1999).

⁴ *Cambridge Learners Dictionary* (London: Cambridge University Press).

⁵ Webster Noah, *Webster's Encyclopaedic Dictionary* (USA: The English Language Institute of America, 1973-1974).

⁶ See Augustine Duah Osei. *Political Detention in Ghana, 1850-1966*, an M.Phil thesis submitted to the Department of History, UCC, 2010.

and perhaps elsewhere in Africa. The chief is usually considered as the first citizen of the village, town or state, as the case may be. He is viewed as the source of all traditional authority because he is regarded as representing the founding fathers of the state.⁷ In other words, the chief is the one who stands in the shoes of the ancestors as the visible representative based on the blood relationship between him and the ancestors of the clan. This makes the office of the chief a sacred one because he is regarded as the earthly representative of the ancestors.⁸ In view of this, the enstoolment/enskinment of a chief is normally preceded by divination and other rituals such as pouring libation (a traditional method of offering of prayers) and sacrifices meant to help the *Ohemaa* and the king-makers to select a candidate who is acceptable to the people and the ancestors. The stool on which the chief sits symbolizes the link between him and the founding ancestors. The stool, therefore, becomes a sacred location or the temple that represents the abiding presence of the founding ancestors. Further, being the true representative of the ancestors in the traditional area makes the chief, in a formal sense, the custodian of the ancestral authority required for exercising legitimate political power to rule.⁹ Abraham Akrong, a theologian with deep knowledge in indigenous African institutions, confirms this divine nature of chiefs. "The sacred nature of kingship", he asserts, "is based on the belief that the king's divine status as the mediator of the divine power enables him to perform the necessary rituals capable of sustaining and protecting the society from chaos."¹⁰ This, therefore, makes it sacrilegious to even challenge the authority of a chief and explains why in most indigenous societies, the chief is accorded the greatest respect and obedience. As an African philosopher, Kwame Gyekye points out, "The taboos relating to his (chief) conduct and mannerisms are all intended to remind him, his subjects, and others that the position he occupies is sacred. The stool (or throne) he occupies is believed to be an ancestral stool."¹¹ It is within this context that the writer sees chieftaincy as a significant torch-bearer institution which sustained, and continue to sustain, the social, cultural and political life of Ghanaians.

⁷ Amankona Diawuo Felix, *The Chieftaincy Institution, Lessons from Our Ancestors and Tradition*, <http://www.africanexecutive.com>. Retrieved on September 15, 2012.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Abraham Akrong, *Religion and Traditional Leadership in Chieftaincy in Ghana* (Accra: Sub-Sahara Publishers, 2009).

¹¹ Kwame Gyekye. *African Cultural Values, an Introduction for Senior Secondary Schools* (Accra: Sankofa Publishing Co. Ltd, 1998).

Incarceration of Chiefs

Some political analysts have insisted that chiefs were ultimately agencies of the colonial government. Some of the early twentieth century nationalists held the same view, a situation which led to constant rift between the educated elite and the chiefs in the Gold Coast. A poet and a novelist, Kofi Awoonor, in a rather harsh manner asserts that the “chiefs became paid agents of the colonial government”.¹² He continues that “the charge that this very financial dependence turned them inevitably into stooges was not far-fetched.”¹³

To be a paid agent denotes being instructed or set to do certain services in the interest of the paymaster. Paid agents are mostly psyched up to see the interest of the paymaster as the only option. It is somewhat uncharitable to describe a chief as a paid agent and much worse as a paid agent of a colonial power. A chief acting as a paid agent of a colonial authority could only be engaged in an exercise of self-destruction. Such a generalized view is inapt and cannot be a factual reflection of the situation.

It is an undeniable fact that there was some kind of collaboration between some chiefs and the colonial authorities. For some chiefs, an alliance with the Europeans was an avenue for consolidating their position. A case in point is the famous episode of Sir Apollo Kaggwa of Uganda. He is on record to have played a significant role in negotiating British overrule in the Buganda Kingdom. Whether he did that consciously or not is unclear, but in appreciation of his services to the British monarchy, Apolo Kaggwa was made an honorary member of the Order of the British Empire, becoming perhaps the first African to be knighted.

On the other hand, the colonial authorities were often willing to collaborate with some chiefs perhaps owing to their assumption that chiefly power was certainly the only guarantee of what they deemed as law and order. Further, colonial authorities were motivated to collaborate with the chiefs because of their erroneous impression that chiefs were centres of economic power, and that by ruling through them, it would be easier to gain access to land and the people who worked on the land.¹⁴ With this mind-set, the colonial authorities created chiefs even in areas where there were no ‘recognized’ chiefs. Such chiefs were referred to as ‘warrant chiefs’ because they were given warrants to represent the British among the local peoples. This state of affairs led to the colonial government functionaries taking over

¹² Kofi Awoonor, *Ghana, A Political History* (Accra: Sedco and Woeli Publishing Service, 1990), p. 83.

¹³ *Ibid.*

¹⁴ Kofi Larbi, *The Castle and the Palace: Chieftaincy and Politics in Ghana*, retrieved from www.kofilarbi.wordpress.com.

most of the roles of the chief within the community and this somewhat reduced the chief to a ceremonial head more or less.¹⁵

That situation was part of the reasons for the unhealthy relations between the educated elites and the chiefs in the 1920s and 1930s. When Governor Guggisberg in the 1920s decided to give Africans a hand in the administration of the Gold Coast via the African representatives on the Legislative Council (chiefs), the educated elite thought they were the ones who deserved that privilege because they had seen how the British system worked. Most of the elite had been educated in the imperial metropolis and had returned home with the view that they were better placed to lead than the chiefs. In the Legislative Council debates, we find the elite going head to head with the chiefs over who held the right to represent the people. The main proponents in this struggle were Dr. J. B. Danquah, representing the elite, and Nana Sir Ofori Atta, representing the chiefs. By a twist, these two great men were cousins. That an unhealthy relation was also manifested in the opposition of the chiefs to the National Congress of British West Africa (NCBWA) founded by Casely Hayford and other educated elite. The chiefs, led by Nana Ofori Atta, saw the Congress as yet another attempt to discredit them and so they continued to oppose the Congress till its collapse in 1930. This struggle continued prior to independence and even after independence.¹⁶

Even though Awoonor's description of chiefs under colonial rule appears harsh and uncharitable, it has some merit. It would be instructive to consider the reasons why the colonial masters heaped praises on some chiefs to the extent that some were even knighted (the Nana Sirs). Whatever the reasons, the situation presupposes that those chiefs did something unusual or extraordinary for the colonial masters.

Notwithstanding, it is difficult to accept the generalization made by Awoonor for there were many chiefs who genuinely became involved in long-term struggles with the colonial authorities to prevent further encroachment on the freedom of action they claimed to enjoy by tradition as a right.¹⁷ Some chiefs of Cape Coast, Elmina, Wassa Amenfi, Akyem Abuakwa and Asante were classic examples of chiefs who fiercely resisted colonial rule and suffered detention for their 'intransigence'.¹⁸ King Aggrey of Cape Coast, in a letter written to Richard Pine on 16 March 1865, seriously criticized Maclean for the predicaments of the chiefs in the Gold Coast. He stated:

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Duah Osei, M.Phil. Thesis.

¹⁸ Interview with Supi Kobina Minnah, Aged 70 years, Akrampa No. 6 Asafo Company, Cape Coast.

Governor Captain Maclean in a very peculiar, imperceptible and unheard of manner wrestled from the hands of our chiefs and headmen their power to govern their own subjects. The Governor, placing himself at the head of a handful of soldiers, had been known himself to travel to the remotest parts of the interior for the purpose of compelling kings, chiefs and headmen to obey His Excellency's decrees. A blow was thus firmly, slowly and persistently struck, and the supreme authority, power, and influence of the kings, chiefs and headmen, gave way to the powerful Governor Maclean¹⁹

This statement from the chief clearly showed his desperation and determined desire to see the situation changed. It is, therefore, very unfair to lump all chiefs together and describe them as paid agents and stooges.

King Aggrey was the first chief to have openly challenged the British jurisdiction in the Gold Coast after the signing of the Bond of 1844. The king, with the support of some educated elite confronted the colonial government over the use of British jurisdiction in Cape Coast and made conscious efforts to assert his independence through deputations to England and on some occasions through confrontation. By 1866, the confrontation between Aggrey and the colonial authorities had reached a point where the latter felt that the only way to stem the tide of his threat to their continued presence in the Gold Coast was to ruthlessly deal with him. The British not only sent King Aggrey to detention in Sierra Leone, but they also made efforts to destool him and install someone who in their view would subject himself to the colonial domination.²⁰ Consequently, Kwesi Ata was installed not as chief of Cape Coast, but as a headman on 5th April, 1867, an act that clearly contravened the customs and traditions of the people of Cape Coast. Major Blackall, the Governor-in Chief, further explained that the duties of the headman were to be confined to passing on information from the Colonial Government to his people. In the words of Erskine Graham, Kwesi Ata's duties led him to become a puppet king or a stooge to the British administration. As a result he had very little or no influence on the people.²¹

The King Aggrey episode was a classic example of the determination by some bold African chiefs to preserve their independence, authority and dignity. It also showed the extent to which British officials were prepared to go to cow such chiefs into submission and in the process degrade their stools.

¹⁹ Tachie Menson, *Osabarima Kodwo Mbra V* (Cape Coast: Falcon Productions, 2000), p. 18.

²⁰ Supi Minnah.

²¹ *Ibid.*

Another case was the detention of Nana Kobina Gyan of Elmina. It must be emphasized, however, that Nana Kobina Gyan's situation was not directly an attack on colonialism or the colonial government. He resisted the transfer of Dutch territories in Elmina to the British which he considered was done without the consent and interest of the people of Elmina. Charles Bannerman in one of his articles captures the feelings and concerns of Nana Kobina Gyan. Bannerman stated:

It is quite a mistake on the part of the Whiteman to suppose that, natives of this country are willing to allow themselves to be bartered away like casts of palm oil or barrels of beer. European governments should not be too hasty in entering treaties which provide for exchange of territory in West Africa without first taking the trouble to ascertain the disposition of the inhabitants in respect of any arrangement proposed to be made which may affect their interest.²²

It is worthy of note that, for this comment, Bannerman was himself arrested and imprisoned by the colonial government.²³ The king of Elmina, Nana Kobina Gyan, when invited to sign the oath of allegiance was reported to have refused. An attempt by the British authorities to compel the king to swear an oath of allegiance to the British also proved unsuccessful. The king was reported to have retorted: "I am not afraid of your power, you may hang me if you like, I will not sign any paper. Myself and some of the people of Elmina have taken an oath to oppose the English Government coming to Elmina and we have not broken the oath."²⁴ The refusal of Nana Kobina Gyan to endorse the oath of allegiance led to his arrest which consequently generated pandemonium in parts of Elmina.

Although Nana Kobina Gyan's resistance was not exactly against the British authorities, it was a grave offence to arrest and incarcerate him. Nana Kobina Gyan's case was in connection with the exchange of forts between the British and the Dutch between 1868 and 1872 and his determined efforts to champion the interest of his people by resisting the transfer of the Elmina Castle from the Dutch to the British. For the British, such an act had the tendency to impede their efforts at becoming the sole European trading power in the Gold Coast. The British action against Nana Kobina Gyan appeared equivocal. What, for instance, was precisely the status of the chief in both colonial and post-colonial Ghana? Furthermore,

²² Ruth Hiyob Mollé, "The Bannerman Papers", B.A Dissertation, submitted to the University of Ghana, 1977.

²³ Interview with Dr Anthony Annan Prah, a native of Elmina and Lecturer at the School of Agriculture, University of Cape Coast,

²⁴ Interview with Nana Eduful, Aged 60 years, Nifahene, Edna Traditional Council.

one may ask what the rationale behind the reference to the chiefs as 'Natural Rulers' was. That phrase denoted some sense of artificiality and illegitimacy of colonial governance. Was such a designation just for convenience or was meant to work on the psyche of the chiefs and people of the Gold Coast? These questions remain as knotty today as they were in the colonial era. Indeed, over five decades of self-rule, many people still see the position of the chief as merely ceremonial. Nevertheless, for this alleged obstruction to British expansion in the Gold Coast, Nana Kobina Gyan was also deported to Sierra Leone as a political prisoner in 1872.²⁵

Although the detention of Nana Kobina Gyan was expected, considering his level of 'intransigence', his situation was one of the most obnoxious cases of the detention under the colonial government. He was arrested and detained in the Elmina Castle for a while before being sent to Sierra Leone on 11th June, 1873. He was later transferred from Sierra Leone to the Seychelles Island where he was to continue his detention till March 1898. Forced to denounce his claim to the Elmina stool after his repatriation, Nana Kobina Gyan struggled to adjust himself to the society. Even after repatriation, he suffered a kind of quasi-detention as he was placed under close surveillance by the colonial government to the extent that he constantly complained bitterly about his situation. In one encounter between Nana Kobina Gyan and the Governor (W.E. Maxwell) on 25th July, 1898, this was what transpired:

Governor: Ask King Kobina Gyan whether he has anything that he wishes to say to me.

King: I have something to say to Your Excellency. I was sent to Sierra Leone as a political prisoner and since my return here I am still considered as a political prisoner. I do not understand.

Governor: You are not a political prisoner.

King: Since my return I am watched and I do not understand the reason. I consider that as I am being watched I am a political prisoner.

Governor: By whom are you watched²⁶

It is worthy of note that Nana Kobina Gyan died barely two and a half years after his repatriation. Possibly his detention and post-detention controlled life contributed greatly to his early death.

Just like the case of King Aggrey, the British authorities declared Nana Kobina Gyan destooled whilst efforts were made at replacing him. The British authority chose sub-chiefs such as Chief Andoh and Chief

²⁵ *Ibid.*

²⁶ *Ibid.*

Kwame Mensa to act only as regents. Certainly, this was in sharp contradiction to the customs and traditions of the Edna State.²⁷

This same act, aimed at weakening the chieftaincy institution, was used in Wassa Amenfi when King Ennemil Quouw was sent to detention in Lagos in 1875. Although the colonial government cited contravention of the Slave Dealing Ordinance of 1874 as the reason for the detention of the chief, it was obvious that it was an attempt by the British to consolidate their authority over the area since the chief had been a thorn in the flesh of the colonial government because of his efforts at asserting his authority over Wassa.²⁸ Prior to the arrest of King Ennemil, the British had requested that he submit to them, but he steadily refused and this led to his arrest and detention. Apart from the detention, Ennemil was also to pay a fine of 100 ounces of gold to the colonial government. To add insult to injury, when Ennemil was due to return home in 1879, the colonial government ordered his further detention because he had not been able to pay the fine. In the absence of Ennemil, the Governor, Stratham, elected one Kwame Oppira to occupy the stool of Wassa. This aroused the hostility of the people of Wassa. As Agbodeka argues, what irritated the people most was not the severity of King Ennemil's punishment but the fact that their king, Ennemil, 'is to be deposed from his stool, which is to be given to a nominee of His Excellency while there are other members of the said Royal Family in direct succession to the said King'. In a petition to the Governor, they wrote that:

they are, and have been perfectly satisfied with the rule of the said King whilst he has been on the stool and they could not recognize any other person outside the members of the said family as their lawful king, while there are some of them living who are in direct succession to the said King, who is the hundredth in direct descent from Geythuya Manso, the first King of Wassa.²⁹

According to them, a man by name Addo Poku and several women, who were in direct succession to the king, were then living in Wassa. This action showed the people's determination to resist any act that contravened their customs and traditions and any attempt at demeaning the chieftaincy institution.

Another outrageous instance of detention of a chief in the colonial period was the case of Nana Amoako Atta of Akyem Abuakwa. The

²⁷ Francis Agbodeka, *African Politics and British policy in the Gold Coast 1868-1900* (Trondheim: Northwestern University Press, 1971), p. 105.

²⁸ *Ibid.*

²⁹ Robert Addo-Fening, *Akyem Abuakwa 1700-1943, from Ofori Panin to Sir Ofori Atta* (Trondheim: Norwegian University of Science and Technology, 1997), pp. 56-87.

background to the detention of King Amoako Atta I was the strained relationship between the church (Basel Mission) and the state.³⁰ In Akyem Abuakwa, the church-state problem arose as a result of the church's attempt to segregate its converts from the Abuakwa society and more importantly the attempt by the church to convert slaves of the royal household as well as state functionaries to Christianity. The issue of the mere conversion to Christianity was not the beef of Nana Amoako Atta. The gravamen of the situation was the strenuous efforts by the Basel Mission to segregate their converts from the main township to the mission stations known as *salem* or *oburonikrom* (Whiteman's town). The concern of the King was that segregation of Christians might end up creating a state within the state. Much to the chagrin of the traditional authorities, the missionaries began to interfere in the administration of justice in the states. Addo-Fening for instance cites an incident in 1868 when a convert called Doku was brought before the Okyenhene's court on a charge of assaulting the king. But Eisenschmid, head of the Basel mission in Kyebi interfered with the trial and threatened to have the Okyenhene punished by the British government at Cape Coast "if any harm should come to Doku". Clearly this threat was a rude interference in the affairs of the traditional authorities which further heightened the growing tension between the state and the church.³¹

From 1870 onwards, converts to Christianity were inclined to discontinue the performance of their traditional social and political obligations, a situation that worsened the relationship between the church and the state. In 1870, for instance, when Sakyi, a state drummer, became a convert and, as part of his Christian obligation, refused to continue to play the drums.³² Therefore to prevent a repetition of such a situation, the Asafo Company of Kyebi of which Sakyi was a member fined Sakyi two sheep. Immediately, the missionaries insisted on freedom of worship in Akyem. Nana Amoako Atta I, sensing danger to his authority, for the first time openly retorted:

Must I let my horn-blowers, drummers, pipers, sword-bearers, executioners, hammock-carriers, etc become Christians? No, if I do then I can no longer carry out my ceremonies, nor can I receive foreign embassies worthily. Whoever has an obligation to serve me will never be allowed to become a Christian.³³

³⁰ *Ibid.*

³¹ *Ibid.*

³² See Kofi Affrifah, "The Impact of Christianity on Akyem Abuakwa 1852-1877", *Transactions of the Historical Society of Ghana*, XVI (1975), pp. 67-82.

³³ *Ibid.*

The speech of the Okyenhene clearly indicates that he was not against proselytization of his people as a whole, but he specifically objected to the conversion of state functionaries and slaves in the royal household who performed duties considered crucial to the political, social and spiritual well-being of his state. Clearly, the nature of the issue appeared to be something that did not concern the colonial authority. However, the colonial government openly threw its weight behind the church against the state. In 1880, Nana Amoako Atta was accused of contravening the Slave Dealing Abolition Ordinance and was summoned to appear before the governor. The king arrived in Accra in January 1880 accompanied by Kofi Apeakorang, Kwame Atia, and Amo, the chief of Asiakwa. The king was kept waiting for forty days, and when he asked for audience with the Governor, he was told that he was "lying under the gravest charges."³⁴ Consequently, he would not be allowed to see the governor till he had cleared himself of the accusations. On May 4, 1880, they were sent to Lagos as political prisoners only to be repatriated in 1885.³⁵

Still within the decade of the formal declaration of the Gold Coast as a British colony, two chiefs, Nana Asafo Agyei of Dwaben and King Tackie Tawiah, the Ga Mantse (ruler of Ga) were also arrested and detained by the colonial government in 1877 and 1880 respectively. Circumstances surrounding the detention of the two chiefs show clearly that, it was done to consolidate British colonial authority in the respective territories of the two chiefs. Nana Asafo Agyei was first detained in the Elmina Castle and later deported to Lagos where he died as a political detainee in 1886. In the case of King Tackie Tawia, he was first detained at the Ussher Fort and later sent to the Elmina Castle.³⁶

The case of Prempeh I, the Asantehene in 1896 was perhaps the most infamous. Circumstances surrounding the arrest and detention have been well recorded in many history books and need not be repeated here. However, there is an aspect that needs to be emphasized. Following Prempeh's refusal to accept the dubious offer of 'protection' (which was very much in the mafia sense of the term), in 1896 an English army was sent to Kumasi under Sir Francis Scott. Not desiring the destruction of his state, the King together with his mother in a humiliating manner prostrated before the British officials and begged for mercy, but all to no avail. Prempeh was arrested and detained first at Elmina Castle and later to the Seychelles Island.³⁷ Those deported with the King were Nana Yaa Akyaa, the king's mother and Queen mother of Asante; Nana Appiah Osokye-the

³⁴ *Ibid.*

³⁵ Duah Osei, M.Phil Thesis, pp. 41-49.

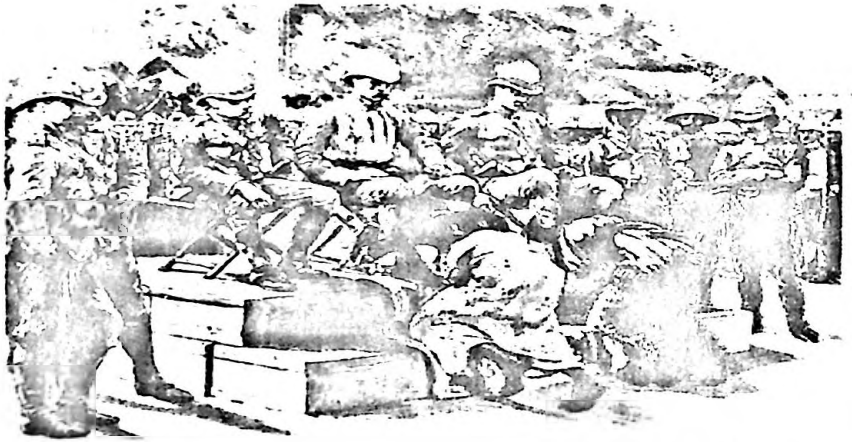
³⁶ Interview with Opanin Osei Kwadwo, Aged 73 years; Curator, Manhyia Palace Museum.

³⁷ *Ibid.*

Mamponhene; Nana Kwadwo Kwawu, the Offinsohene, Nana Kofi Afrane, the Edwesohene; Nana Kwame Amankwaatia II, Bantamahene; Nana Asafo Boakye, chief of Asafo; Nana Kofi Subri, Akyempemhene; and other family members of the chiefs numbering about 55. After the detention of Nana Prempeh, and later his exile Governor Hodgson convened a meeting with the chiefs of Kumasi on 28th March, 1900, at which he made a statement that indicated that the Asantehene had been destooled. According to the Governor, "neither Nana Prempeh nor Atwereboana will ever return to Kumasi. Asante will be ruled by the government's resident representative."³⁸ The inhumane manner in which Prempeh was treated and the determination to remove him from his jurisdiction, clearly show their desire to remain at all cost, the sole colonial power and exploiter of the resources of the Gold Coast. And there is much evidence to support this view. In fact, the entrance into African affairs by other European countries, particularly the newly unified Germany under Bismarck- threatened the established position of Britain, the dominant world power in the 19th century whose merchants controlled the bulk of Africa's external trade. So too did the new policy of France, which in the early 1880s gave its military commanders in Senegal free rein to extend territorial control inland while encouraging its agents elsewhere to secure treaties with local rulers. Thus, the claim that European mission in Africa was to civilize a backward, benighted people was far-fetched. Clearly, there was the desire to exclude rivals from potentially lucrative regions in Africa. For this reason, Prempeh and Asante had to be subjugated by any means possible.³⁹

³⁸ John Parker & Richard Rathbone, *African History. A Very Short Introduction* (Oxford: Oxford University Press, 2007), pp. 94–96.

³⁹ Kojo B. Maison, *Nana Kobina Nketsia IV: The Spirit of Positive Action* (Lagos: Trust House Publications, 1995). K.B. Maison, also known as Nana Kobina Nketsia V, is the successor to Nana Nketsia IV.



The submission of Prempeh I, Supplement to *The Graphic*, 29 February 1896

Source: *The Graphic* (February 29, 1896)

The Prempeh episode appeared to have sealed the subjugation of chiefs in the Gold Coast. Detention of chiefs also appeared to have been suspended and only revived during the heat of the struggle for independence in the 1950s. During the period chiefs who were actively involved in the events that preceded independence were also punished through detention. The case of Nana Kobina Nketsia IV, Omanhene of Essikado, is a classic example. Nana Nketsia is deemed to have been the one who stoked the fire of 'Positive Action' in Sekondi by defying a curfew imposed by the colonial government. He was arrested for his involvement in the violence that took place in Sekondi over the attempt by the colonial government to quell the Positive Action strike. He was perhaps the only chief to have been physically abused as a result of his commitment to the 'Positive Action' strike in January 1950. Apart from him being physically assaulted; his entire palace was vandalized by the colonial police.⁴⁰

Under colonial rule, therefore, political detention appeared to be the bane of the chieftaincy institution. Unfortunately, independence did not end the arrest and detention of chiefs and acts that denigrated the chieftaincy institution.

Post-colonial Era

The nature of the independence struggle and certain events that characterized the struggle led to the Nkrumah government also portraying a

⁴⁰ See the editorial of the *Evening News*, January 5, 1950.

hostile attitude towards some chiefs especially those who openly supported the opposition party. Like the situation in the 1920s, independence also propelled the educated elite like Kwame Nkrumah and his associates into popularity. These elites in one way or another further pushed the chiefs into the periphery. More importantly, Nkrumah and his colleagues appeared to have been stimulated by the views sympathetic to republicanism. For such republican advocates, the continued existence of chieftaincy in the age of modern liberal democracy in many African countries was anachronistic and therefore must be abolished. These were the factors that led to the obviously threatening statement Nkrumah reportedly made in the *Evening News*, of which he was, himself the publisher, that; *Those of our chiefs who are with us... we do honour ... those... who join forces with the imperialists... there shall come a time when they will run away fast and leave their sandal behind them.*⁴¹

These verbal threats were echoed later by some leading members of the Convention Peoples Party. J. Hagan, a CPP Member of the Legislative Assembly is reported to have said during a debate at the Assembly in June 1957 that, *"For 107 years our chiefs have been exercising their rights ... but that privilege has been abused ... our confidence is now gone ... their future is doomed ... we want them to abstain themselves from politics and wash their hands of financial matters.*"⁴² Perhaps this sour relation between the chiefs and the leaders of the Nkrumah government is what culminated in a clauses in the various Ghanaian constitutions restraining chiefs from partisan politics. Apart from the 1969 Constitution that gave some concession to chiefs by granting them participation in local government, the 1979 and 1992 Constitutions completely bars chiefs from active partisan politics.

Soon after independence, the issue went beyond verbal threats to actual victimization of some chiefs. On 16 October 1957, the government announced that it had withdrawn its official recognition of the Okyehene, Nana Ofori Atta II who was a staunch supporter of the National Liberation Movement. Subsequently, a commission of enquiry chaired by John Jackson was set up to investigate the administration of the Akyem Abuakwa State.⁴³ It is not clear whether the constitution granted such powers to the government. Following the unfavourable report of the Jackson Commission, the government went further to declare the Okyehene destooled and later placed under a kind of restricted internal movement, which could be described as detention in disguise. The bizarre case of the Okyehene brings

⁴¹ Richard Rathbone, *Nkrumah and the Chiefs: The Politics of Chieftaincy in Ghana 1951-60* (Athens: Ohio University Press, 2000), p. 102.

⁴² *Ibid.*, p. 116.

⁴³ See *Daily Graphic*, 12 August 1957.

to the fore the issue of government 'recognition' which was used to deal with some chiefs. In August, 1957, the minister for Local Government reaffirmed the issue of government recognition when he made a comment that, "what the chiefs forget is that a chief is a chief partly because the government recognises him as such."⁴⁴ The minister had earlier been quoted as saying at Kade that, "we are only accountable to God and the people and not to those who continue to classify themselves as occupants of this or that stool."⁴⁵ The Joint Provincial Council of Chiefs (JPC) found the statement very distasteful and openly expressed their displeasure. In the view of the JPC, that statement only showed that the government's ultimate aim was the final liquidation of chieftaincy.⁴⁶ Indisputably, the issue of government recognition was an alien practice that was used to deal with chiefs who were known to have supported opposition parties. Obviously, the current practice whereby chiefs have to be gazetted is an offshoot of that alien practice.

The year 1959 also saw the arrest and detention of Nana Baffour Osei Akoto, occupant of the Butuakwa Stool and chief linguist of the Asantehene. The grounds for his detention clearly indicated that he was detained for his role in the political violence in parts of Asante between 1954 and 1956. The Preventive Detention Act, on this occasion was used for punitive purpose and not for preventive purpose. After his detention, his stool, the Butuakwa stool, was abolished by the Asantehene.⁴⁴ It was not until the overthrow of the CPP government that the Asantehene revealed that he was coerced to take that decision. According to the Asantehene, that decision was made under duress. The Asantehene is reported to have revealed that: 'soon after the defunct CPP government had gone into power, the deposed President Kwame Nkrumah issued a decree to the effect that it was obligatory on the Asantehene either to discontinue to entertain Baffour Akoto as his linguist or sack him from office otherwise the Asantehene would himself be detained without compunction'.⁴⁷ This revelation indicates that the PDA was used to intimidate some chiefs especially those who were seen as supporters of opposition parties. Baffour Akoto's woes did not end there. Even after his release from detention, he was banned from entering Asante for fear that he might engage in political intrigues against the CPP government.⁴⁸

In 1959, Chief Asigri Wirikambo of Bawku was arrested and detained in Navrongo for his involvement in political violence in the north.

⁴⁴ Rathbone, p. 110.

⁴⁵ *Ibid.*

⁴⁶ Baffour Osei Akoto, *Struggle Against Dictatorship* (Kumasi: Payless Printing Press, 2000).

⁴⁷ *Ibid.*

⁴⁸ Opanin Osei Kwadwo.

His son was also arrested and detained in Tamale for the same reasons. Futher, following the report of an alleged coup plot by R.R. Amponsah and Benjamin Awhaitey, Nana Kwadwo Ampim Darko, the chief of Nkonya Ahundwo in the Volta Region was arrested and detained. The Kulugungu bomb attack in 1962 opened the woes of some chiefs in the north. Following that unfortunate incident, a number of people were arrested and detained in a barbed wire fence created at the outskirts of Bawku. In the account of AlhajiMumuniBawunia, Northern Regional Commissioner under the First Republic, among those arrested were chiefs. He, however, indicates that most of those detentions were the machination of Ayeebo Asumda, the Upper Regional Commissioner, and it was in part facilitated by the tribal conflict between the Mamprusi and the Kusasi. The most serious aspect of the Bawku detentions was that the chiefs and the people detained were left at the mercy of the sun and rain for some months.⁴⁹

These acts of detention and arbitrary destoolment of chiefs contributed greatly to weakening the legitimacy, influence and dignity of the institution. In the Akan social charter, prison (afiase or aban mu) was considered as an unclean place and this made anybody who had been to prison unclean. Thus, when a person was released from prison, there were rituals to perform in order to cleanse or purify the person before he was accepted back into the society. In most coastal communities, for instance, a person coming from prison was cleansed in the sea before he became fit to enter the community.⁵⁰ The case of detained chiefs was even more serious. . First of all, imprisonment of a chief logically and customarily, meant his destoolment, for in most Ghanaian indigenous societies, an ex-convict cannot be enstooled as a chief. The arrest and detention of chiefs, therefore, was a serious slur not only on the chieftaincy institution, but the socio-cultural norms of the communities involved.⁵¹

Furthermore, in most indigenous Ghanaian societies, the right to destool a chief was customarily vested in only the people of a traditional area and not any external authority. The grounds for destooling a chief include such acts as adultery, public drunkenness, use of physical violence on people, neglect to perform appointed ritual functions, use of foul language in public, dissipation of public funds, abuse of power, arbitrariness and such other acts that could undermine just and good governance. In August, 1874, for instance, Nana Kofi Karikari was destooled after the

⁴⁹ Interview with Mr. Clement Kubindiwo Tedam, Aged 84 years. Mr. Tedam was a member of the Gold Coast Legislative Assembly from 1954 to 1956 and from 1956 to 1957. He was also a Minister of State between 1977 and 1978. Mr. Tedam was a member of the Council of State from 2001 to 2008 and currently a member of the Council of Elders of the New Patriotic Party (NPP).

⁵⁰ Supi Minnah.

⁵¹ *Ibid.*

Sagranti War, for removing gold ornaments from the royal mausoleum at Bantama. According to oral sources, Nana Karikari did not seek permission from his people before giving orders to the keepers of the royal mausoleum to collect gold dust, trinkets, and other things from their repository to replenish the Asante treasury that had been exhausted as a result of the numerous wars he embarked on. Nana Karikari's action may not have been done with bad intentions, because those numerous wars which financially ruined the state were fought for the interest and survival of Asante. However, in the sight of the people, the chief did not constitutionally possess absolute power and authority such as to enable him to act in such an arbitrary manner. It was only based on a conduct such as that of Nana Kofi Karikari, which the people felt was contrary to accepted customs could a chief be destooled.⁵²

Therefore, to remove or destool a chief or a king against the wish of the people is to weaken public authority and to subvert the political and cultural rights of the people. Further, to break a public council is to strike at the root of what supports the liberty of the subject, and to destroy the free institutions of the people. The Public Council occupies the most prominent position in the constitution of indigenous polities and to suppress it is to destroy the best, safest, and surest means for ascertaining the views of the public, as well as for influencing and instructing them in matters relating to their welfare and good governance.⁵³

It appears that conscious efforts were made by the colonial authority to replace customary laws with British law in areas where 'unco-operative' chiefs had been detained. In places where there had been periods of interregnum as a result of the detention of a chief, there were smart moves to operate British laws in place of customary laws in order to weaken indigenous authority. In Cape Coast, for instance, the detention and destoolment of King Aggrey led to an interregnum of over 21 years, where there was no state tribunal. The subordinate chiefs of Cape Coast such as Amoa, Menya, Gyepi, Kwesi Ata, Sekyi (Sackey), James Thompson and others heard and decided cases in their private homes, while the majority of cases were taken to the British courts. According to an informant, it was at that time that the saying "Fako Abanm" meaning "take it to the castle" came into being. During this period, the British Government introduced several ordinances to help sustain British authority. For instance, the British established direct government by District Commissioners in place of the indigenous government.⁵⁴

⁵² Opanin Osei Kwadwo.

⁵³ John Mensah Sarbah, *Fanti National Constitution* (London: Frank Cass & Co. Ltd., 1968), p. 11.

⁵⁴ Supi Minnah.

In Akyem Abuakwa, the detention of King Amoako Atta I led to a period of interregnum for about five years. According to Addo-Fening the detention created an atmosphere in which the missionaries treated the authority of the chiefs with disdain, whilst they turned the *salem* into a kind of a state within a state. Addo-Fening further asserts that during the period of interregnum, Amoako Atta's brother who was to take charge of affairs showed signs of inexperience and impulsiveness and he led the royal family and the royal court into disarray. This resulted in a serious weakening of indigenous authority in Akyem Abuakwa and the bonds of solidarity in the state.⁵⁵

Conclusion

It is very clear that under both the colonial and the immediate post-colonial eras, many individual chiefs and the chieftaincy institution witnessed a very serious assault from the central government. Through detention without trial, attempts were made to quell the power and sanctity of the institution. Obviously, there was the existence of two contending powers which could not synchronize, and so one had to adopt whatever tactics it deemed appropriate to overshadow the other. It must be noted, however, that considering the importance of the chieftaincy institution to the country, there must be a clear balance between the central government and the chieftaincy institution or between what some describe as modernity and tradition.

⁵⁵ Addo-Fening, *Akyem Abuakwa*.