



LUND UNIVERSITY
Faculty of Social Sciences

Graduate School

Course: SIMV07

Master of Science in Development Studies

Term: Spring 2015

Major: Sociology

Supervisor: Katarina Sjöberg

‘WHEN THE MAN DIES EVERYTHING DIES’

The Effect of Inheritance Practices on the Livelihoods of Widows in Northern Ghana

Author: Musah Ibrahim

ABSTRACT

The extant literature on inheritance has largely focused on the success or failure of legislations in addressing the plight of widows. A gap in the discourse is the failure to investigate the experiences of widows and how their dis-inheritance affects their livelihoods. The purpose of this study was to find out how inheritance practices affect the livelihoods of widows in Northern Ghana. The study combined two conceptual frameworks to answer the research question. The first concept which is patriarchy helped to understand the experiences of widows with regard to inheritance practices. The second research question on how inheritance practices affect the livelihoods of widows was answered by conceptualizing livelihood. This was done by situating the study within the livelihood framework of three development actors namely: DFID, CARE and UNDP which frameworks are all offshoots of Chambers and Conway's definition of livelihood. Widows, traditional authorities, opinions leaders and the Department of Social Welfare were purposively sampled for the study which employed interviews, informal talks and observations as the data collection instruments. The study found out that most widows are dispossessed of the properties of their late husband due to cultural norms and beliefs which generally forbid women from inheriting especially fixed assets from men. This consequently affects the livelihood of widows who may not have access to the assets or capabilities needed to secure their livelihoods after the death of their husbands. In cases where there are avenues for redress, widows hardly availed themselves because it was uncustomary to do so. However, in some isolated cases, widows with some formal education were able to moderate the extent of dispossession through some form of resistance or survive the effect of dispossession as the case may be. The study concludes that there must be a rethink of dominant assumptions in patriarchy and other analytical conceptions in the inheritance discourse which focus largely on individual disposition of actors especially males. This is because such assumptions of gender disparity in inheritance stand the risk of proffering inadequate insights into the causes of and solutions to the plights of widows if they do not highlight the cultural dictates and norms which define gender arrangements and entitlements within that context.

Keywords: Patriarchy, Livelihood, Inheritance practices, Intestate, Culture, Norms, Values

ACKNOWLEDGEMENT

I appreciate the unflinching support of the Swedish Institute Study Scholarship for awarding me scholarship for my Graduate Studies. To my supervisor who guided me through this thesis I say thank you. I also thank all the widows within the study area who participated in the study. It was their willingness to share their stories which has made this thesis come into fruition. My elder brother deserves a commendation for his guidance and mentorship. He has been a good example for me to follow in all endeavors of life. I couldn't ask for any better brother. Same goes for my parents and younger siblings.

Finally, to all those who helped me in diverse ways in my education but whose names have not been mentioned, any observed failure of such acknowledgement should not be taken as a deliberate attempt to discredit the role you played in shaping my academic and personal development. I pray for your blessing that I have come this far in my studies.

Table of Contents

1. INTRODUCTION	1
1.1 Research Aim and Questions	3
1.2 Demarcation	3
1.3 Background	4
1.3.1 The Study Area.....	6
1.4 Disposition	6
2. PREVIOUS RESEARCH	8
2.1 Becoming a widow	8
2.2 Overview of Inheritance Systems and Practices	9
2.3 Ghana’s Statutory Law on Inheritance Rights	11
2.4 The Family System and Inheritance Practices in Ghana.....	13
2.5 Marriage and Women’s Inheritance Rights in Ghana.....	14
2.6 Situating The Study Within Earlier Research	15
3. RESEARCH METHODOLOGY	17
3.1 Methodological Perspective	17
3.2 Research Design.....	17
3.3 Sources of Empirical Material.....	18
3.3.1 Interviews	18
3.3.2 Preparation for the Interviews	19
3.3.3 Selection of Interviewees	21
3.4.3 Informal Talk.....	21
3.4.4 Observation	22
3.5 Analyzing the empirical findings	23

3.6 Ethical Considerations.....	23
3.7 My role as a researcher.....	24
3.7 Limitations of the study.....	25
4. CONCEPTUAL FRAMEWORK.....	26
4.1 The Concept of Patriarchy.....	26
4.1.1 Culture, Norms and Values	27
4.1.2 Criticisms of Patriarchy as a concept	29
4.2 Conceptualizing Livelihood	30
4.2.1 The Concept of Livelihood	31
4.2.2 Capabilities.....	33
4.2.3 Assets	34
4.2.4 Claims and Access	35
5. Empirical Findings and Analysis	37
5.1 What does the culture and tradition say?	38
5.1.1 Cultural Norms and Values	40
5.2 Widows Experience of Inheritance Practices	42
5.2.1 Severe Cases of Dispossession.....	42
5.2.2 Sons as Gateway To Inheritance	46
5.2.3 Exception to the rule	48
The Making of Wills	49
Literate Widows	49
5.3 Fear of Reprisal as conformity	50
5.4 Summary	52
6. Inheritance Practices and the Livelihood of Widows.....	54
6.1 Clearing the Confusion.....	54

6.2 What are the assets needed for the livelihood of widows?	55
6.3 Can widows make claims and access the Husband's Properties?	58
6.4 Do widows have the capabilities or assets to earn a livelihood?	60
6.5 Summary	63
7. Conclusion and implications of the Study	65
List of Reference	67
Appendix I.....	73
Appendix II	74

1. INTRODUCTION

“Now that my husband is no more that is when I endure the pain. Look at the small children I am managing with. I have to go out and look for food, money, and their school fees. What will the children eat if I don’t go out to look for food? These are some of the challenges I am encountering. What they are doing is not good at all because we suffered with the man and at the end of it all we didn’t see what the man acquired in life”.

(Source: Fieldwork, 14th Feb, 2015).

The above lamentation by a widow during my fieldwork on inheritance practices in Northern Ghana, sums up the experiences of widows in that part of the country after the death of their husbands. This illustrates gender disparity in ownership of and access to properties and some of the injustices which can result from the application of customary law and practices. Even though some of these practices have been receptive to social change, overtime others such as customary inheritance practices have persisted (Sossou 2002, p.203). As a young Ghanaian who grew up in one of the most deprived areas in the country, I have encountered gender disparity in the access to education, land and other necessities of life. Mostly, widows have borne the brunt of this gender disparity especially in respect to inheritance practices in rural Ghana and many other Sub-Saharan African countries. This is because the period of widowhood in traditional West African societies is fraught with several customary practices. In fact, in traditional West African societies the death of a husband is of much concern to a widow because “it represents not simply the departure of a partner, protector, and breadwinner but also heralds a radical change in her social status and lifestyle” (Owen 1996, p.7).

Yet, despite the perceived discriminatory nature of inheritance practices, it appears there is a paucity of empirical studies that examine how inheritance practices affect livelihood especially from the experience and effect on vulnerable people such as widows in particular (Cooper, 2010; Owen, 1996; Sossou, 2002; Strickland, 2004; United Nations, 1995). That is why Akujobi (2009) describes widows in Africa as “silent victims” who face systemic discrimination and abuse in all facets of cultural and ritual practices. Silent

victims in the sense that, widows seldom express themselves and therefore dread to challenge the status quo due to their passive integration into societies that are virtually dominated by their male counterparts through patriarchal ideas and practices. There is therefore a call for research into widowhood because it will help understand the dynamics and pattern of change in the life cycle of widows as far as their relationships, rights and powers are concerned (Potash, 1986).

It is implicit among several customary practices that women are not allowed to inherit their deceased husband's properties (Gita & Maryam, 1998; Fenrich and Higgins, 2001; Gomez and Tran, 2012). This practice can have harmful repercussions on the livelihoods of women and children upon divorce or the demise of their husbands or fathers as the case may be (Agarwal, 2003; Kuenyehia, 2006). As such in dealing with women's and or widow's inheritance rights, it is clear that we are confronting a phenomenon that affects women across societies and many levels of development (Agarwal, 2003; Deere et al, 2013; Gomez and Tran, 2012; Kuenyehia, 2006). That is why property rights and its security are at the forefront of development indicators such as poverty alleviation, food security, sustainable development and human security (FAO, 2002; Gomez and Tran, 2012).

Feminist theory asserts that, the violence against women in society is largely due to gender inequality. To feminists therefore the institutionalisation of this gender inequality is enmeshed in traditional customary law and practices (Bowman, 2003). This systemic inequality is evident in how women are prevented by customary law and practices from inheriting their deceased husband's property (Gita & Maryam, 1998). This observation is even more pronounced in Sub-Sahara Africa including Ghana (COHRE, 2003).

From the foregoing, it is plausible to argue that livelihood strategies of widows are adversely affected if they are denied access to or ownership of land and other property of their deceased husbands. The contribution of women to the livelihood strategies of households in developing countries in the face of these daunting challenges is widely acknowledged. Thus, any development that could potentially exacerbate the plight of women, especially single mothers, in their quest to enhance the quality of life of their household requires urgent attention by policy actors and researchers. This is especially so

as Ghana strives to achieve its development goals which include gender parity in education, land and other necessities of life.

1.1 Research Aim and Questions

In view of the above, this thesis investigates how inheritance practices affect the lives of widows in Ghana. Primarily the focus is on experience of widows in the Bole district of Northern Ghana. In Northern Ghana as is the case of many parts of that country customary marriage is characterised by separateness of identity and property acquisition (IGED, 2014; Runger, 2006). What this means is that, marriage has no meaningful effect on property acquisition. It therefore follows that after the demise of their husbands women cannot lay claims to their husband’s farmland and other properties. In Ghana therefore, the importance of inheritance rights especially to widows can hardly be overemphasized. Appreciating the far reaching consequences of inheritance practices on livelihoods of widows potentially strengthens or enhances the application of Ghana’s statutory law on inheritance. Also, it will help outline where interventions are needed and how widows can be empowered to challenge the status quo.

In the light of the above, the research questions that guided the study are;

- a. What are the experiences of widows in Northern Ghana on inheritance practices after the death of their husbands?
- b. How do inheritance practices affect the livelihoods of widows in Northern Ghana?

1.2 Demarcation

It is instructive to note that, even though the northern region and for that matter the study area is characterised by heterogeneous and diverse ethnic groups, they also share seemingly common cultural norms and ritual practices. However the study primarily focused on the Gonja tribe which is the dominant ethnic group in the study area. This was

not a deliberate attempt to side-line the minority ethnic groups¹ in the study area but it was an attempt to make sure all the respondents have a uniformed background. Also it was a measure taken to avoid the assumption that all widows in the various ethnic groups have the same experience.

It is also important to mention that, since the inheritance practices depend on the type of marital regime² this thesis essentially focuses on widows whose marriage had been contracted under customary law. This is because in the Bole district where the study was conducted as is the case of many parts of Ghana, about eighty percent of marriages are organized under customary law (Deere et al, 2013; Rüniger, 2006). Besides, in the Bole district Islam is the dominant religion. As such it was important to decipher between marriages contracted under Islamic law and that of customary law. Preventing any religious incursions into the analysis is important because the rules of inheritance may be different to that which was conducted under customary law. That is why all the interviewees selected had married under the customary system.

1.3 Background

Not long ago I had a conversation with a friend who works for a local NGO whose operations are geared towards educating rural women on their rights and this thesis is a fruit of that conversation. In one of the NGO's campaigns in the Bole district of Northern Ghana on women's land rights, a widow in response to the sensitization exercise broke her silence and said 'here when the man dies everything dies'. It was a statement that speaks to mostly and not all cases the hardships some widows go through after the demise of their husbands including inheriting their deceased husband's properties – hardships that are deep rooted in society, the husband's family and tradition (Akujobi, 1999). Overtime, discrimination against widows and children with regard to inheritance practices especially in most rural areas has been on the lips of civil society, the media and legislators. That is why having acknowledged the loophole that the existing laws on inheritance created in the crucial and formidable role of women in Ghanaian households, the Parliament of Ghana promulgated the Intestate Succession Law (Kuenyehia, 2006).

¹ Vagla, Brifor, Safalba, Mo, Dagaba, Grushie and the Pantras constitute the minority tribe in the district.

² Marriage by Ordinance, Mohammedan or Customary.

As Gedzi, (2014, p. 15) observes, the Law sought to remove “anomalies ... in law relating to intestate succession and to provide a uniform intestate³ succession law”. Thus regardless of the type of marriage contracted and a person’s ethnic background, the intestate succession law was to level the playing field with regard to inheritance practices (Gedzi, 2014; Kuenyehia, 2006).

Yet, many years since the promulgation of the PNDC Law 111 and its subsequent reformations, little can be said about the success of the intestate succession law which is fraught with ambiguity and disparities as customary law and practices continue to play a crucial part in inheritance and thus dispossess widows of their inheritance rights (Fenrich and Higgins, 2001; Gedzi, 2014; Kuenyehia, 2006).

The conversation with my friend reaffirmed the criticisms against the statutory laws of Ghana with regard to inheritance practices and the fact that such discriminatory practices against widows still persist especially in the rural areas. Needless to say, the situation is even more problematic when women do not have knowledge with regard to their property rights. The observation by Duncan (2004) reflects the above argument when she intimates that, in the Northern region of Ghana women inheritance rights is more problematic owing to the fact that most women have little or no knowledge on their property rights. Moreover these widows hardly report their dispossession of properties for fear of reprisal. Such fear together with ignorance can have serious consequences for the widow (Akujobi, 2009).

Coming from a similar cultural background my academic interest has always been a relentless commitment to finding out on one hand widows experiences with regard to inheritance practices and on the other hand how their livelihoods are affected by such practices. So while acknowledging that the conversation I had with my friend was a motivation to investigate more into the aforementioned phenomenon, I have always had a curious interest to study this phenomenon in a scientific manner.

³ When a person dies without making a will

1.3.1 The Study Area⁴

The Northern region is home to many ethnic groups with similar and different cultural practices. This study was conducted in the Bole district in that region. The people in this District are predominantly members of the Gonja tribe. Informants and interviewees were therefore members of the Gonja tribe only. This was to help ensure uniformity with regard to the background of the respondents. Bole is the district capital and the urban locality in the district. The district also has other major towns such as Bamboi, Maluwe, Tinga, Tasilma, Mandari and Banda/Nkwanta.

The Bole district is characterised by heterogeneous population with the Gonjas being the major tribe. The Vagla, Brifor, Safalba, Mo, Dagaba, Grushie and the Pantras constitute the minority tribe in the district. The predominant means of livelihood in the area is agriculture which employs about 80% of the working populace. The high illiteracy rate makes it difficult for the people to be employed in other sectors. Unemployment is therefore high in the district with most of the people taking solace in agriculture. Duncan (2004) has observed that, due to the high illiteracy rate in the Northern region, women inheritance rights is more problematic owing to the fact that most women have little or no knowledge on their property rights. However and as mentioned earlier, in Northern Ghana as is the case of many parts of the country, customary marriage is characterised by separateness of identity and property acquisition (Rünger, 2006). What this means is that, marriage has no meaningful effect on property acquisition. It therefore follows that after the demise of their husbands women cannot lay claims to their husband's lineage farms and properties. In view of this, the study therefore sought to find out from the Bole district how the livelihoods of widows are affected after the death of their husbands.

1.3 Disposition

This section guides the reader through the thesis outlining the synopsis of each chapter. In the next chapter, previous research which gives an overview of the situation of widows and inheritance practices in Sub-Sahara Africa, Ghana's statutory law on inheritance, the

⁴ Information on the study area was gathered from: <http://www.ghanadistricts.com/districts/>

family system and inheritance practices in Ghana as well as marriage and women inheritance rights in Ghana are discussed. The succeeding chapter discusses the methodology used in the thesis and why it was implored. It discusses the ethical considerations, how the researcher dealt with biases and the limitations to the study as well. Also, the conceptual framework(s) that guided the study is presented in the next chapter, followed by the empirical findings to the research. The last chapter shares concluding thoughts on the findings and where necessary offer suggestions for recommendations.

2. PREVIOUS RESEARCH

This chapter discusses previous research on widows and inheritance practices as documented on Sub Sahara Africa and Ghana in particular. It will discuss what widow and or widowhood entails and the place of widows in traditional African society, an overview of inheritance practices and systems with examples from Ghana, Ghana's statutory law on inheritance practices, the family system and inheritance practices in Ghana as well as marriage and women's inheritance rights in Ghana.

2.1 Becoming a widow

A widow in this study refers to a woman who has lost her husband through death. Mostly in West Africa a woman becomes a widow after she has lost her husband through cohabitation, customary marriage or ordinance marriage (Sossou, 2002). The period of widowhood is a social fact that is inevitable. To some women the ordeal and experience of widowhood begins immediately after the demise of their husband. This is so especially when widowhood and widowhood rites are fraught with customary practices (Sossou, 2002). Whiles in some societies the period of mourning literally ends after the funeral rites of the deceased, in traditional West African societies it is just the beginning of a whole new experience for the widows.

Notwithstanding, the discourse on widows and their lifestyles has not gained much favour among researchers. Potash (1986, p.3) attributes this to what he termed an "unconscious cultural bias" which is partly due to lack of acknowledgement that widows in Western societies are more engaged in a structured conjugal relationship as opposed to their non-Western counterparts where domestic life is structured around different ideologies and practices. Potash (1986) observes that, the literature on widows mostly revolves around widows' remarriage ignoring equally important aspects of widows' lives.

In the non-western setting such as Sub-Sahara Africa for example the lifestyles of widows are dictated by gendered cultural practices (Sossou 2002, p.202) and they range from mourning the deceased husband, spiritual cleansing to a disproportionate exclusion

from property ownership (Owen 1996). Thus widows go through different phases of bereavement. Such gendered cultural practices are premised on a society's worldview about the roles of males and females through patriarchal ideology and practice (Batson-Rollock and Soares 2010, p.3).

Equally important to the lives of widows is how their livelihoods are affected by these cultural practices after the demise of their husband. Many widows face a poor standard of living due to property grabbing and denial to access the properties of their deceased husbands. Some widows are for example ejected from their homes, the land they worked on as subsistence and even denial of household possessions (Owen 1996, p.23). In fact the cause of poverty has often time been linked to widowhood alongside age and disability (Owen, 1996). All these happen amidst the unparalleled contribution of women to the livelihood strategies of many households in developing countries. What then accounts for the denial of women from inheriting their deceased husband's properties amidst their instrumental role in households?

2. 2 Overview of Inheritance⁵ Systems and Practices

Based on their studies on the reasons that account for the property stripping of widows in Sub-Saharan African countries, researchers have identified the remnants of customary practices as a contributing factor to the gendered vulnerabilities of widows (Fenrich and Higgins, 2001; Gomez and Tran, 2012; Human Rights Watch, 2003). This can be explained within the context of matrilineal and patrilineal family system that characterise many Sub-Saharan African countries (Cooper, 2010). Similarly, the work by Naz et al, (2014) among the Pakhtuns in Pakistan lends empirical credence that, certain social processes such as patriarchy and male dominancy; culture norms, values and traditionalism deprive women from property and inheritance rights.

The influence of customary system on inheritance practices reflect in the case of Ghana. In Ghana the customary practices on inheritance are characterised by separateness of identity and property acquisition (Rünger, 2006); spouses are viewed as different

⁵ Inheritance is the predominant means through which one's asset is transferred to another (CPRC, 2011).

individuals – thus the wife does not necessarily become part of the husband’s family (Rünger, 2006). It therefore follows that, the prospects of widows inheriting their husbands’ properties remains a mirage whether or not the property was acquired during marriage (Deere et al 2013; Fenrich and Higgins, 2001). The only situation that puts a widow in an advantageous position to benefiting from the husband’s properties is when the existing customary laws consider children as compositing the inheriting group (Kuenyehia, 2006). Notwithstanding, the above situation is threatened and tempered by two observations; firstly, when the children are young, those who by custom are supposed to hold the properties in trust for the children end up grabbing the properties (Rose, 2006). Secondly, due to the widely held assumptions in many patrilineal societies that a woman cannot inherit a man’s properties, a significant portion of a man’s properties is appropriated to his male heirs (Rose, 2006). What this means is that, in a situation where a widow has only female children, she and her children stand little chance of benefitting from the husband’s properties.

Furthermore, property stripping and discrimination against women is not the result of customary practices and weak legislations alone but inadequate efforts by the government and non-state actors to make the citizenry (especially in the rural areas) abreast of legislations that deal with these discriminations (Fenrich and Higgins, 2001). As observed by Duncan (2004), due to the high illiteracy rate in the Northern region of Ghana, women inheritance rights is more problematic owing to the fact that most women have little or no knowledge on their property rights.

Also, it is noteworthy that, in spite of the pervasiveness of such inheritance practices in Sub-Sahara Africa including Ghana; such practices are not systematic but context specific. The extent of the pervasiveness is dependent on the regional and local context, the type of family system as well as societal norms and cultural practices (Sossou, 2002) and also pluralistic legal systems (Fenrich and Higgins, 2001; Gedzi, 2014; Kuenyehia, 2006). Ghana’s case is a good example of how pluralistic statutory laws have made it difficult for women to realise justice on inheritance practices.

2.3 Ghana's Statutory Law on Inheritance Rights

In Ghana, the norm has been that both statutory and indigenous legal institutions operate side by side with each having an element of influence over the other (Gedzi, 2014; Kuenyehia, 2006). Ghana is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women, the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Fenrich and Higgins, 2001; IGED, 2014). Nevertheless, inheritance practices are still dictated by customary practices which have not been favourable to women (COHRE, 2003; Fenrich and Higgins, 2001; IGED, 2014). The Intestate Succession Law was however promulgated to assuage the gap inherent in the indigenous system of inheritance practices (Fenrich and Higgins, 2001). By intestate I mean a situation where a person dies without making a will. Hitherto the promulgation of the Intestate Succession Law, intestate succession was predominantly determined by the indigenous legal institutions. This practice tilted the inheritance of a deceased person's property to his extended family at the detriment of the widow and children.

Given the lapse of time, the law has been refined to deal with social injustice that was inherent in the inheritance practices. The Intestate Succession Law 111 specifically was promulgated to deal with these anomalies. Notwithstanding its shortcomings, the Intestate Succession Law 111 remains the dominant legal instrument that defines the inheritance of a deceased person's property in Ghana. That is, the intestate succession law 111 was intended to serve as a social and legal protection for widows and children from the extended family (Appiah et al, 2011). However several years after the passage of the law its interpretation has been critiqued as too ambiguous and as such does not adequately address the injustices of vulnerable people such as widows (Fenrich and Higgins, 2001).

The law for example is premised on the nuclear family system which is alien to many communities in Ghana. In Ghana, many properties such as land are transferred from generations to generations and do not entirely belong to an individual (Kutsoati and Morck, 2012). As such, upon the death of the husband the expected norm is that, such

properties be returned to the custody of the lineage regardless of how much the woman/widow contributed to the development of that asset. Additionally, the Intestate Succession Law does not make provisions for common law relationships or non-marital relationships (COHRE, 2004). Thus, women who were dependent on the deceased person and also played a significant role in the acquisition of his properties are left vulnerable upon his demise.

Moreover, PNDC Law 111 emphasized self-acquired property which seeks to give a greater percentage of the deceased's property to the widow and children. Such practice breeds tension between the extended family and the nuclear family (Duncan, 2004). Also, many people especially in the rural areas are more familiar with the customary legal institutions than the PNDC Law 111. In effect, they are obliged to follow the customary practices as against the PNDC Law 111 for fear of reprisal by their lineage (Kutsoati and Morck, 2012).

Furthermore, about eighty percent of marriages in Ghana are contracted under customary law (Fenrich and Higgins, 2001). Even though marriage practices under customary law may differ among ethnic groups, most of the marriages are polygamous. On the contrary, the Intestate Succession Law does not fairly represent widows in polygamous marriage (COHRE, 2004). For example, a childless widow in a polygamous marriage receives very little of the deceased's estate as compared to a widow with children (Duncan, 2004). This is due to the fact that, the use of the term 'spouse' in the law represents both polygamous and monogamous marriage. In section 5 of the law for example, it is stated that, "the spouse and children are together entitled to three-quarters of the estate, with three-sixteenth devolving to the spouse or spouses and nine-sixteenth devolving to the child or children" (Duncan 2004, p.16). What this implies is that, a widow with children benefits more than a childless widow who in most case could need more support or protection.

In addition to the ambiguity of the statutory law and the precedence of customary law with regard to inheritance practices, the lineage system also offers an understanding as to how women and for that matter widows are sidelined when it comes to inheriting their deceased husband's properties. The next section takes on the explanation behind Ghana's lineage system and its connection to inheritance practices.

2.4 The Family System and Inheritance Practices in Ghana

In Ghana as in many sub - Saharan African countries one's family identity is best defined through blood relations other than marriage (Kutsoati and Morck, 2012). There is the matrilineal⁶ and patrilineal⁷ lineage system to which every Ghanaian is identified with. As such comparatively spouses are not necessarily regarded as being related to each other as in the case of the Western notion of family (Fenrich and Higgins, 2001). Therefore, the lineage system plays a crucial part in Ghana's social institution.

Inheritance practices in Ghana are best explained within the family relations and more importantly the lineage system in Ghana. Even though statutory laws have cleaned up the traditional indigenous legal institutions, customary laws still affect the everyday family life of Ghanaians. Thus regardless of which lineage a person is affiliated to the kinship system affects the "political, economic and social lives" of the people (Fenrich and Higgins 2001, p. 273).

In effect, if a person dies intestate a greater percentage of his assets are passed on to his family. In a matrilineal society for example, the definition of traditional family is traced through the lines of a "common female ancestor" (Appiah et al, 2011). Consequently, the wife and children of a deceased person are not counted as part of the composition inheriting group (Appiah et al., 2011). On the other hand, in patrilineal societies where the traditional family is traced through the male line, the children of the deceased constitute the inheriting group. However, the wife/widow is excluded from inheriting her deceased husband's properties (Appiah et al, 2011). Mostly the eldest son of the deceased is considered the heir to the properties. Although the above appears to be the only way by which a widow's prospects of benefiting from her deceased husband's properties is high in a patrilineal society (Kuenyehia, 2006), current trends in family life, the increasing role women play in their husband's economic activity as well as rural urban migration makes the practice discriminatory against widows and children (Appiah et al, 2011).

⁶ Matrilineal lineage is where a person belongs to his or her mother's family

⁷ Patrilineal lineage is where a person belongs to his or her father's family

Ideally, the possession of the assets of a dead person can only be challenged by the existence of a legal will; however, it is common to find many Ghanaians who die intestate (Kutsoati and Morck, 2012). This is because in most traditional settings ‘estate-planning’ is considered uncustomary (Rose 2006, p.7). Consequently, widows are mostly required to rely on their own lineage’s safety nets for survival upon the death of their husband especially when the marriage was contracted under customary law other than marriage by ordinance. Thus widows’ prospects of owning properties after the death of their husbands depend on the inheritance and marriage regime. The next section discusses the marriage and inheritance regime in Ghana.

2.5 Marriage and Women’s Inheritance Rights in Ghana

Even though marriage is a union that binds two consenting people together, its recognition in society and the rights therein is extensively dependent on law (Kuenyehia, 2006). What this means is that, where there is plurality of the legal system, marriage may also take different forms. As such a couple’s prospect of inheriting each other’s properties depends on the type of marriage they are engaged in (Kuenyehia, 2006). Marriage in Ghana can take different forms namely: marriage by Ordinance (legally valid civil marriage), Marriage of Mohammedans (that is, Islamic marriage) and customary marriage (IGED, 2014; Kutsoati and Morck, 2012). Among all three, customary marriage appears dominant with eighty percent of marriages in Ghana organised under customary law (Deere et al, 2013; R nger, 2006).

In practice however, all marriages pass through the traditional system (that is, the customary system of marriage) depicting the unification between the two families. Some couples then follow with the Ordinance marriage (R nger, 2006). There are however many differences between customary marriage and ordinance marriage. For example, while ordinance marriages mostly outline rules of inheritance or succession, customary rules dictate marriages that are conducted in a traditional manner (Kutsoati and Morck, 2012). What this means is that, customary marriages are informal and do not require any form of registration (Fenrich and Higgins, 2002).

What is more, customary laws play a crucial role in the requirements of marriage, the marital responsibilities of spouses and property ownership in marriage (Fenrich and Higgins 2001, p.268). Nevertheless, under customary law neither of the spouses can inherit intestate properties because the properties are regarded as that of the lineage. Thus the separateness of identity in Ghana's familial system has effect on women's inheritance after the death of their husbands.

2.6 Situating The Study Within Earlier Research

From the foregoing it can be realised that, amidst the call for gender equality and the perceived discriminatory nature on inheritance practice, the extant literature is loudly silent on how the sorry state of affairs affects the livelihoods of widows. Earlier research especially in Ghana has concentrated more on the success or failure of laws in addressing women's plights on inheritance practices. It appears there is little study that looks into the experiences of widows themselves on the reasons that accounts for the dispossession of widows in the first place as well as how it affect their livelihoods – the gap which this study partly attempt to fill.

Also, Cooper (2010) and Quisumbing et al, (2004) have equally observed that, the empirical value of inheritance practices and its impacts on women's livelihoods has been conjectural. Cooper (2010, p.26) therefore calls for the need to extend the frontiers of research on inheritance practices to cover the day to day process that determines peoples access to resources which are useful for their livelihood strategies. This is especially so in agrarian communities where women mostly rely on agriculture as a major means of livelihood (Agarwal, 2003; Kuenyehia, 2006). This observation is relevant for the context of the Bole district of Northern Ghana where the study was conducted. This is due to the fact that, the high illiteracy rate makes it difficult for the people especially women to be employed in other sectors. This is why most women take solace in agriculture in Northern Ghana and other parts of that country. Besides the rule of inheritance in the study area largely revolves around patriarchal system which overtime has not favoured women and in this case widows in particular. Therefore the importance of inheritance practices in this context can hardly be overemphasized. This is why this study chiefly

examines widows' experience of inheritance practices and the impact such practices have on their livelihoods.

.

3. RESEARCH METHODOLOGY

This section presents the research methodology for the study. It discusses the methodological perspective, research design, sources of empirical material, justification of study area, target population and how interviewees were selected.

3.1 Methodological Perspective

The methodological perspective used for this study is the feminist standpoint theory. Feminist standpoint theory emerged to counter knowledge conception about the social world which was male dominated (Haraway, 1998). Feminists therefore assert that, knowledge about the social world is shaped by our social relations and in these social relations are asymmetrical power relations. The power relations favour men to the disadvantage of women and thus suppress the views of the oppressed (Hekman, 1997). According to feminist epistemologies therefore, knowledge about the social world is situated and perspectival. Hence the knowledge we conceive of the social world is largely influenced by our social position (Gray, 2009; Hekman, 1997). It therefore follows that, in order to get strong objectivity we need to prioritise the standpoint of the oppressed (Haraway, 1988). This is because the oppressed (women) have “access to a deeper reality through their personal experiences” (Gray 2009, p.26). Feminist standpoint theory is useful for this study because, in understanding how inheritance practices affect the livelihoods of widows, widows will be able to share their stories based on their own experience. This will help transcend any constraint and help get a vivid understanding of reality of the phenomenon under study through the personal experiences of the widows’ themselves.

3.2 Research Design

The research approach used for this study is the qualitative approach. Qualitative approach is deemed to be appropriate because it offers the researcher an opportunity to interact directly with the people in order to explore the problem under study (Creswell, 2007). Qualitative approach also provides the avenue to empower individuals to voice out

their stories and to understand the context under which these stories are told (Creswell, 2007). In this study, I sought to find out the experiences of widows with regard to inheritance practices. The study therefore required participants to share their stories based on their experience. In this regard, qualitative research helped the researcher to position himself in the worldview of interviewees in order to make meaning from their subjective experiences (Lambert et al, 2010). Besides, in recent times qualitative methods are at the forefront as the efficient and effective ways of delving into and understanding issues that confront women (Hunter cited in Lambert et al 2010, p.321). Herein lays the motivation for using qualitative approach in this study.

3.3 Sources of Empirical Material

The thesis was a minor field which was conducted for a period of one month. The study used qualitative techniques such as interviews, informal talks and observations.

3.3.1 Interviews

May (2001, p.6) asserts that, “the methods of maintaining and generating conversations with people on a specific topic or range of topics and the interpretations that is made from the resultant data” embodies what is termed interviews. In effect, interviews are ways of delving into “people’s biographies, experiences, opinions, values, aspirations, attitudes and feelings” (May 2001, p.6). As such, essentially the purpose of in-depth interviews must not be reduced to only questions and answers but as “an interest in understanding the lived experiences of other people and the meaning they make of that experience” (Seidman 2006, p.9).

Following from above, interviews were deemed useful for the study because they allow for empirical material to be collected from first-hand experience through interview transcripts, field notes etc. (Moen, 2006). Interviews also allowed widows to give their accounts with regard to their experience on inheritance practices and how it affects their livelihoods. Accordingly, semi-structured interview was deemed appropriate for this study. Semi-structured interviews entail series of open ended questions on the phenomenon under study (Mathers et al, 1998). Its open ended nature allows an

opportunity for both the researcher and the interviewee to engage in a dialogue in a more detailed manner (Mathers et al, 1998). In effect, semi-structured interview is best suited for the study because it allowed for exploration of opinions and to probe further and seek clarification and elaboration on the answers given (Barriball & While, 1994).

3.3.2 Preparation for the Interviews

Before the interviews were conducted efforts were made to get access to the site and interviewees. Essentially, taking the necessary steps to find interviewees helped establish good relationship with them and made them participate in the research willingly (Creswell, 2007). In this regard, since the communities in which the research was carried out were not familiar to me I relied on ‘gatekeepers’ to contact potential interviewees (Seidman, 2006). With regard to the widows, the opinion leaders in the community helped identify them for the interview. This is because most of the cases of inheritance litigations are reported to the opinion leaders. As such the opinion leaders knew where to locate the widows for the interviews. I must add however that, while the ‘gatekeepers’(opinion leaders) helped to identify the widows, contacts with the widows were made by me. The above step was taken because although gatekeepers may know potential interviewees, they can “seldom do justices to the nature of someone else’s project” (Seidman 2006, p.46).

Interview guides (*see Appendix I*) were designed to guide the direction of the interview and to ensure consistency between the interviews and reliability of the findings (Creswell, 2007; Boyce & Neale, 2006). The interview guide was to help the researcher so that all issues related to the study would be covered. Furthermore, probes were added where necessary in order to help interviewees understand the questions being asked and for the researcher to get a detailed and consistent response from the interviewees. Interviews were conducted in the homes of interviewees. Upon their consent interviews were recorded and later transcribed for purposes of analysis. Moreover, since the research required the widows to recount their experiences with regards how their husband’s properties were shared, there were instances where some of the widows became emotional. In situations like that I had to stop the interview and continued later on when

they pulled themselves together. In all cases, when the interviewees resumed for the interview I reminded them of what they were saying in order not to miss out on any detail.

In order for interviewees to understand questions and be able to engage in meaningful conversation, the researcher conducted the interviews in languages that informants felt comfortable with. Some of the informants were fluent in the English language and others could speak the same local dialect (Twi) as me. With regard to those that could speak neither the English language nor the Twi dialect; interviews were conducted in their local languages and later translated to English language. With such interviewees, I employed the services of interpreters. These interpreters were teachers and natives of the communities as such they could speak the local dialect and English as well. Also, as regards interviewees who could neither speak English nor the local dialect (Twi) to which I am familiar with, I had to rely on the services of interpreters. Since the interpreters were natives of the communities and knew some of the widows my fear was how their own subjectivity could influence the way they interpreted and translated the interviews. Notwithstanding, I took measures to make sure those issues were addressed. Since the study was conducted in three different communities, I made sure I rotated the interpreters. As such I used the interpreters in different villages rather than the villages they come from. This helped the interviewees to flow freely in the conversation. With regard to how the background of the interpreters might influence their interpretation of the interviews, essentially, interpreters were advised by the researcher to be conscious of the fact that, even though they share the same cultural background with the interviewees, during translation and interpretations they should not assume that their experiences and that of the interviewees are the same. As such they were to translate exactly what they hear and interpret what they hear as well. Most of the interviews with the widows lasted for a period of thirty five minutes while a few of them lasted between twenty five to thirty minutes.

3.3.3 Selection of Interviewees

The purposive sampling technique was employed in selecting interviewees for the study. Purposive sampling is a technique through which interviewees with shared characteristics are selected for a study (May, 2001). Essentially, purposive sampling allows for the selection of individuals who have an insight into the problem under study and can purposefully inform an understanding of the problem (Creswell, 2013). This selection procedure is best suited for a small number of interviewees. Given that the study sought to ascertain how inheritance practices affect the livelihood of widows, widows (*see Appendix II*) in the study area were in a position to give a detailed account of their experiences with regard to the research problem. As such, widows were purposefully selected and interviewed for the study. Moreover, since the northern region and for that matter the Bole district where the study was conducted is characterised by heterogeneous and diverse ethnic group, interviewees were selected only from one tribe. In all fourteen interviewees comprising ten widows, one chief, two opinion leaders and an officer at the department of social welfare were selected for the study.

3.4.3 Informal Talk

Also, informal talk with community members, served as empirical material for the study in order to gain more insight from the emerging outcomes of the interview with the widows. This strategy is supported by Turner (2010) who asserts that, essentially informal conversations help the researcher to gain more understanding into the social setting and what is being experienced at a particular point of the research. As such I engaged in informal conversations with community members to find out about the general inheritance practices in the community as well as the lifestyle of widows in the community. The unstructured nature of the informal talk allowed for “flexibility” and “originality” in the conversation with the community members (Turner 2010, p.755).

Also, other stakeholders deemed relevant for the study were identified and served as informants on the phenomenon under study. They are chief(s) within the study area; opinion leaders and an officer at the department of social welfare. The chiefs were

deemed necessary for the research because they are the custodians of the customs and traditions of the communities. Therefore their rich experience as regards the cultural practices underscored the need to include them in the study. Opinion leaders on the other hand are influential people in communities whom people mostly consult whenever they find themselves in any social situation. Opinion leaders therefore serve as the mouthpiece of the community members. In my observations and interactions I realised most of the opinion leaders are the first port of call in dealing with issues of inheritance practices. It therefore became crucial to seek their opinion on the phenomenon under study.

The office of the social welfare was also deemed relevant for the study because it is the formal institution within the district that is mandated to address issues that affect vulnerable people such as women and children. It was therefore important to find out the nature of their advocacy and reaction of the communities with regard to inheritance practices in the district. I contacted the chiefs and opinion leaders in their homes and had an informal conversation with them. For the officer at the department of social welfare I contacted him at his office.

3.4.4 Observation

Furthermore, my own observations on the field also added to the understanding of the phenomenon under study. When I arrived on the field I first interacted with people to know the nature of inheritance practices and what it means to be a widow in the study area. It was through these interactions that I got to know the need to include opinion leaders in the study and also obtained information that amply aided in the understanding of the research problem. This helped in making the necessary changes in the research questions to reflect more on the situation on the ground. Aside interviewing widows I also visited them in their houses; observing where and how they live. Through this it was realized most widows especially those with female children were not staying in their deceased husband's house. Those who had adult male children however were staying in their husband's house. This observation helped in understanding the importance of having male children in a patriarchal context as the study area.

3.5 Analyzing the empirical findings

The recorded interviews were analyzed by first listening to the interviews and transcribing them. This followed with reading and organizing the transcript into categories. In the process of reading the transcript I looked for the common patterns in the categories and grouped them into themes based on the experiences of the widows as shared during the interviews. This was done in line with the conceptual framework that guided the study. In all, six major themes and three sub themes were identified. The major themes are: what does the culture and tradition say? , widows experiences of inheritance practices, fear of reprisal as conformity, what are the assets needed for the livelihoods of widows? , can widows make claims and access their husband's properties and do widows have the capabilities or assets to earn a livelihood? The sub themes are: cultural norms and values, severe cases of dispossession, sons as gateway to inheritance and exception to the rule. Also important themes were teased out from the field notes gathered from observations and informal talks to complement the findings gathered from the interviews. For the purpose of triangulation, in some cases I supported the experiences of the widows as shed in the interviews with that of the chief, opinion leaders and my own observations.

3.6 Ethical Considerations

Ethics are very crucial aspects of every research. As such it is very useful for researchers to address ethical issues in order to among other purposes help establish good rapport between the researcher and the informants (Creswell, 2007). May (2001.p59) defines ethics as the 'codes' and 'principles' that inform why a particular action or position is taken in the conduct of social research. These actions begin from securing the consent of informants, anonymity and confidentiality of responses and to explaining to informants the purpose of the research (Creswell, 2007). I took steps to secure the consent of all interviewees before conducting the interviews. As such interviewees expressed themselves in a free and voluntary manner. Also, the purpose of the research was explained to interviewees before the interview was conducted. Moreover, I encouraged interviewees to ask questions and to seek clarifications before and during the interview

on anything they did not understand. It therefore follows that; interviewees knew beforehand what the research was about as such their participation was based on their own decision. Also, necessary steps were taken to make sure empirical materials gathered from the interview were securely stored in a confidential manner. Not all, the names of interviewees were omitted in the analysis in order to protect their anonymity. As a result I referred to the widows by numbers such as first, second, third widow etc. Same was done for the other informants (chiefs and opinion leaders).

3.7 My role as a researcher

Gilgun (cited in Probst, 2015) defines reflexivity as the extent to which the researcher becomes conscious of the effect of his role as a researcher throughout a study and how he influences and is influenced by the phenomenon under study. A researcher's worldview or preconceptions can have an impact on data collection, analysis and interpretation (Finlay, 1998); hence reflexivity serves as checks and balances to enhance validity throughout the research process (Finlay and Ballinger cited in Darawsheh, 2014). Even though no researcher can claim righteousness in validity, it remains crucial for researchers to be proactive in minimising the extent, to which their subjectivity affects the empirical material gathered (May, 2001).

Coming from Ghana and having an idea of the phenomenon under study as well as having experienced a seemingly similar socialisation and cultural background, I went to the field with my own biases and preconceptions. I therefore had to struggle with my own value judgements. Notwithstanding, I took measures to minimise the extent to which my subjectivity could influence the research findings. Thus, throughout my fieldwork I paid attention to self-awareness by trying to stay as open as possible. This was to help as, Finland (1998, p. 454) put it, "attend genuinely and actively to the participant's views" and to prevent "prior knowledge distorting the researcher's perception of the empirical material" (McGhee et al 2007, p.334). For example, before conducting the interviews I did not ask interviewees (that is, widows) whether they have experienced property stripping before or not. That is, interviewees were not pre-selected as having experienced property stripping or not. As such the study reflects the experience of widows with regard

to inheritance practices. This was reflective in the data gathered as there were exceptional cases where widows had not fallen victim to property stripping. This helped to find out and where necessary compare the reasons why under the same cultural setting some widows were treated in a seemingly fair manner as against others.

In order to minimise the subjectivity and influence of interviewees on the research findings, I made sure empirical material was collected from different sources. Thus I employed triangulation. Aside interviewing widows, I also followed up on informants such as opinion leaders, chiefs and an officer of the department of social welfare in the Bole district. The experiences of widows as shared during the interview were thus compared with the information gathered from the other informants to reach a meaningful conclusion. Moreover, the informal conversation with community members and my personal observations added to the richness of the empirical materials collected.

3.7 Limitations of the study

The main limitation to the thesis has to do with the interviewees especially the widows. All the widows I interviewed were widows with children. It however turned out throughout the interviews that, since these widows had children and the fact that children are considered part of compositing the inheriting group, they benefitted more in relative terms than widows without children. However there were exceptional cases to this effect. It therefore follows that interview with widows without children would have been useful for the research and the report writing as well. I made attempts to find widows without children but was not successful in the search. Moreover, in a system where given birth is revered and serves as insurance or not giving birth can cause a rift between wife and in-laws, chances are that majority of women will have children. As a result in my analysis I relied mostly on the experiences of widows with children and the accounts they and other informants gave about widows without children.

4. CONCEPTUAL FRAMEWORK

This section discusses the conceptual framework that guided the study. The first part discusses the concept of patriarchy which helped to analyse the first research, that is, the experience of widows with regard inheritance practices after the death of their husband. The second part conceptualizes livelihood and how it helped in understanding and analysing the second research question. Thus the concept of Patriarchy and Livelihood are the two major concepts that underpin the study. Each of the concepts (patriarchy and livelihood) is thus divided into sub headings which amply aid the understanding of the concepts and how it is used in the analysis.

4.1 The Concept of Patriarchy

Patriarchy means the rule of the father (Pendergast and McGregor, 2007; Sultana, 2011). Patriarchy is often used as a synonym to the accurate term ‘andrarchy’ which means the rule or dominance of males (Schussler-Fiorenza, 2003). Today there are many perspectives in which the concept of patriarchy is fitted into the understanding of gender relations or women subordination (Walby, 1990). Although the different perspectives to understanding the concept of patriarchy with regard to gender relations differ in terms of their epistemology, one thing that unifies them is “a core concept relating to the subordination of women through patriarchal ideology and practice” (Batson-Rollock and Soares, 2010, p.3).

The cyclical nature in the epistemological strands of the use of the concept patriarchy is brought to bear on how different thinkers define the concept. According to Bhasin (2006, p.3), patriarchy depicts “male domination, to the power relationships by which men dominate women, and to characterise a system whereby women are kept subordinate in a number of ways”. From the above, it can be said that men have more control than females in patriarchal societies. From a gender perspective patriarchy is reproduced through ideologies which skew power against women and thus allow sons or men to have more power over resources in the public sphere (MacInnes, 1998:16). Consequently men are favored when it comes to access and control of resources.

Additionally, Walby (1990, p.20) thinks of “patriarchy as a system of social structures and practices in which men dominate, oppress and exploit women”. Thus generally the concept of patriarchy in itself has become synonymous with the suppression of women development and advancement (Sultana 2011, p.1). It therefore follows that male dominancy has gained favour in patriarchal institutions and social relations. This has become problematic for women and often times this is seen as an affront to their human rights (Sultana, 2011).

On the other hand while patriarchy is loosely defined by its male-centered nature, at its core it is influenced by a “set of symbols and ideas that make up a culture” (Johnson 2001, p.29). Thus, patriarchy as a social system has many interrelated parts (Johnson, 2001). With this, the point of departure is that patriarchal ideology and practice should not be reduced only to individualistic explanations but instead the social institutions that trigger such individualistic-patriarchal practices. Anything short of that will lead to an assumption that we can “understand players without paying attention to the game they are playing” (Johnson 2001, p. 27-28). Walby (1990, p.20) for example has eloquently argued the need to conceptualise patriarchy from six interrelated parts namely; “patriarchal mode of production, patriarchal relations in paid work, patriarchal relations in the state, male violence, patriarchal relations in sexuality and patriarchal relations in cultural institutions”. With regard to cultural institutions, the idea of patriarchy is predicated on negative cultural traditions as well as societal institutions such as media, religion, and education among others (Walby, 1990). As such in conceptualizing patriarchy to explain widows’ experience on inheritance practices, this study focuses on social and cultural aspects of patriarchal practices such as culture, norms and values.

4.1.1 Culture, Norms and Values

Generally patriarchal cultural norms have contributed to the dualistic position of men as superiors and women as subordinates in many cultural settings (Pendergast and McGregor, 2007). This is eminent in the roles of men and women in the household, how resources are distributed and the power to make decisions (Asiimwe, 2009). In this regard, culture defines the way men and women relate to each other including rights of

property and inheritance (Naz et al, 2014). Norms on the other hand are influential in every society because they shape and define how people behave thereby ‘ordering social life’ (Baier 2013, p.1). Norms sanction social controls because they constitute established rules of conduct dictating what a person must do, feel and behave (Martinsson et al 2007, p.11). Values however are the motivating factor behind people’s adherence to the rules of conduct (Portes, 2010). Portes therefore sees values as constituting the deepest component of culture because they are not brought into force in day to day interactions and actions yet they underscore “everyday behaviour” (Portes 2010, p.10). Values are enshrined in norms and consequently act as a guiding principle for everyday behaviour (Naz et al, 2014; Portes, 2010). Furthermore, patriarchal culture is manifested through the established rules of conduct in a particular society; what Johnson (2001, p.29) defines as “a complex web of ideas that define reality and what’s considered good and desirable”. Thus in a cultural institution, patriarchal culture functions as a worldview about how things are supposed to be.

Similarly, proponents of social relation analysis support the above claim asserting that gender relations in the social process is underpinned by how men and women are positioned (Razavi & Miller, 1995). Therefore it is important to pay attention to the larger social structure and relations which favour men more than women (Razavi & Miller, 1995). This is because women in these cultural institutions are socialized in a passive manner that makes them accept their subordinate position (Solomon, 1992; Walby, 1990) and consequently become silent victims who dread to challenge the status quo. It follows that not only are attempts at questioning the patriarchal practices seen as a failure on the part of the women in shredding their submissive role as wives, but also in certain jurisdictions this can trigger violence against women (Adjetey cited in Bowman 2003, p.855). And as observed by Arisunta (2010) “cultural restrictions” and the branding of widows as witches constitute the reasons why widows desist from seeking redress whenever their rights are breached by their in-laws. As such, the fear of reprisal functions as conformity to the dictates of cultural norms and values (Stewart cited in Bowman 2003, p.855). Bowman (2003, p. 853) observes that, other indirect cultural explanations such as unequal power relations in traditional African marriage, the role of polygamy, the

influence of the extended family over the couples and the institutionalisation of bride price constitute the contributing factors to the abuse of women.

Theoretically, radical feminists succinctly share the above observation that cultural subordination and violence against women is due to patriarchal ideologies which perpetuate the marginalised role of women as against men in society (Batson-Rollock and Soares, 2010). As such, patriarchy which prioritises the supremacy of men over women is manifested through “an intricate web of values, norms, laws and institutions” (Stromquist 1988, p.170).

4.1.2 Criticisms of Patriarchy as a concept

Notwithstanding, while the use of the concept patriarchy is at the core of feminist theories its usage in explaining gender relations and the oppression of women has come under a number of scrutiny. Kandiyota (1988) opines that, patriarchy as a concept lags in its theoretical arguments in explaining gender relations. Kandiyota’s argument is based on the usage of the term by contemporary feminists who according to her “evoke an overly monolithic conception of male dominance” and consequently clouds equally important factors as culture and history behind gender relations (Kandiyota 1988, p.274-275). Such usage of the concept patriarchy makes it easy for one to believe that all men stand accused as far as gender oppression is understood (Johnson, 2001). Although it will not be far from the truth to say women experience subordination in relative terms to men, it is also prudent to acknowledge the fact that such subordination is influenced by a number of factors and is also context specific (Razavi & Miller, 1995). Therefore it is instructive to note that, in some instances patriarchy cannot be explained within the context of gender only but the ideologies and the larger system that constructs such gender arrangements.

Similarly, Rowbothom (cited in Batson-Rollock and Soares, 2010) draws attention to the oversimplification of the concept of patriarchy. Rowbothom’s concern is based on the fact that, gender relations in a particular society is largely dependent on the socio history of the given society. As such analysing gender relations at the blind side of socio history will amount to “an ahistorical and mechanistic analysis” which would leave unchallenged

and unexamined “the real meaning of social phenomena and/or issues of social relations between women and men” (Batson-Rollock and Soares 2010, p. 3). Like Razavi and Miller (1995, p.39) in understanding gender and or women issues we must desist from seeing women as homogeneous category else we become entangled in the web of “denying the historical and cultural construction of gender”. From the above it is realised that, the use of the concept patriarchy may be universal, but its constructions in each culture are defined differently. In this study for example the informants and interviewees have a uniformed background in that they were selected from the same ethnic group.

In sum, this study recognises the existence of patriarchy as a system that shapes and defines gender arrangements including women’s and widows’ inheritance rights and thus is useful in explaining the experiences of widows in Northern Ghana on inheritance practices after the death of their husbands. But more importantly the study recognize the roles the larger system such as culture, traditions, norms and values play in such experiences.

However while patriarchy offers a framework to understand the experiences of widows with regard to inheritance practices, it falls short as to how such experiences trickle down to affect widows’ livelihoods. As such the next section conceptualises what this study means by livelihood and explains how it is relevant to the study.

4.2 Conceptualizing Livelihood

In conceptualising livelihood this thesis first discusses the framework used by three development actors that is, DFID⁸, CARE⁹ and UNDP¹⁰. These three development actors were selected because of their similarities albeit slight difference in the understanding and the conceptualising of livelihood. It is noteworthy that these actors use the concept of livelihood as a framework for understanding how households derive their livelihoods. However the aim of using these concepts in this thesis is not intended to understand how households derive their livelihoods but to offer on one hand an analytical framework that

⁸ Department for International Development

⁹ Cooperative for Assistance and Relief Everywhere

¹⁰ United Nations Development Programme

will facilitate an appreciation of what is meant by livelihood; and the other hand use such an understanding to find out how the livelihoods of widows are affected by their experience with regard to inheritance practices. Thus, the thesis attempts to reconcile the contributions of each of the development actors in order to understand what livelihood means.

4.2.1 The Concept of Livelihood

The livelihood approach was warmly accepted into the development discourse because it proffered an understanding of the livelihood strategies of the poor (De Haan, 2012). Since then various attempts have been made by many development actors to define livelihood trajectories (Carney et al 1999; De Haan, 2012). The most commonly cited definition of livelihood is the one by Chambers and Conway (1991, p.1) that, “a livelihood comprises people, their capabilities and their means of living, including food, income and assets. Tangible assets are resources and stores, and intangible assets are claims and access”. Notwithstanding, recently many development actors have operationalized their own framework to understanding and working with livelihood as a concept albeit a slight difference in Chambers and Conway’s definition. It appears the marginal difference is due to the fact that, “livelihoods rarely refer to a single activity. It includes complex, contextual, diverse and dynamic strategies developed by households to meet their needs” (Gaillard et al 2009, p.121).

DFID for example, has modified the above definition of livelihood as “the capabilities, assets (including both material and social resources) and activities for a means of living” (Krantz 2001, p.1). With this DFID takes a more people-centred approach to understanding livelihood (Cornay et al, 1999). It is people-centred in that, the drafting of policies entails a vivid understanding of the livelihood strategies of the poor themselves, on the principle of strengthening a co-generative dialogue between development actors and the poor in interventions that are needed in their lives, and offering an opportunity for the poor to make meaningful contribution to policies that affect their lives. By so doing, it is significant that “the knowledge, perceptions and interest of the local people are heard”

(Krantz 2001, p.2). In fact, the poor and vulnerable understand their context and problems and must as such be prioritised in understanding their livelihoods. In this thesis for example the experiences of windows themselves are sought as to how inheritance practices affect their livelihoods. This supports the philosophical paradigm that underpins this thesis, that is, feminist standpoint theory, which opines that, in order to get an objective and truer picture of reality we need to prioritise the standpoint of the oppressed (Haraway, 1988). This is because the oppressed (women) have “access to a deeper reality through their personal experiences” (Gray 2009, p.26). It follows that the DFID framework for understanding livelihood brings to bear how people’s livelihoods are shaped by organisations, institutions, policies, cultural norms through the determinacies of how assets are appropriated (Carney cited in Krantz 2001, p.19).

CARE on the other hand concentrates more on capacity building approach by conceptualising livelihood through its Household Livelihood Security (HLS) framework (Krantz 2001). CARE’s concept of HLS is an offshoot of Chambers and Conway’s definition of livelihood. As such the HLS revolves around three thematic areas which underpin Chambers and Conway’s definition of livelihood namely; the possession of human capabilities, access to tangible and intangible assets and the existence of economic activities (Carney et al, 1999). Thus CARE’s point of departure stems from the fact that it sees people as active rather than passive agents in shaping and defining their own livelihoods.

In a similar fashion, UNDP conceptualises livelihood as “the means, activities, entitlements and assets by which people make a living” (Carney et al 1999, p.14). With this, the UNDP prioritises assets-based approach to livelihood. To this end, it is important that people are empowered to have control over the assets on which their livelihood depends (Krantz, 2001). However since these assets do not stand on their own as they constitute part of larger social structures, essentially the opportunities and restrictions in these structures become crucial to the everyday livelihood strategies of the vulnerable (De Haan, 2012). For example, capital or assets can be in the form of a “private or common property, rented, borrowed, grabbed, stolen or conquered” (De Haan 2012, p.347). However the most important thing is how well the poor can access these assets.

This is what Geiser et al (2011, p.317) termed as “bringing stakeholders from endowment to entitlement”. As such how well widows for example are allowed to inherit or access their deceased husband’s land and other properties can have a meaningful impact on their livelihoods.

Flowing from the above discussions it is clear that, the various development actors do not differ significantly in terms of how livelihood is conceptualised. As a matter of fact the slight difference lies in how each of the actors uses the concept in their everyday operations and not the basic ideas that underpin the concept of livelihood (Krantz, 2001). As such it can be said the various actors arrive on a comfortable compromise in conceptualising livelihood and thus concur to the earlier definition by Chambers and Conway through assets-based approach, capabilities/entitlements as well as claim and access.

4.2.2 Capabilities

By capability, Chambers and Conway (1991, p.5) is referring to both the ends and means of livelihood. As an end capability entail livelihood becoming the springboard for people to realise their capabilities and capability as a means positions people to earn a livelihood (Chambers and Conway, 1991). Capability is viewed by Sen (1999, p.75) as “the freedom to achieve various lifestyles”. Sen thus sees development as the expansion of people’s freedom. These freedoms are either constitutive or instrumental part of development and it is these freedoms which work together to improve a person’s quality of life. That said, it must be noted that access to assets alone is not sufficient to secure a person’s livelihood. Instead it boosts a person’s capability ‘to act and to be’ (Bebbington 1999, p.5). Thus the underlying assumption of the capability approach is that people are capable to do what they want to do and are able to be what they want to be (Robeyns, 2003). A person’s wellbeing or quality of life depends on being able to choose and perform from a wide array of activities he or she deems important to his or her life (Chambers and Conway, 1991). It follows that, holistically the capability approach is concerned about the general wellbeing of people and how well they can gain access to the resources that allow them to achieve their wellbeing (Robeyns, 2003). The avenue for

realising these capabilities differs and can be through political, economic and social freedoms (Sen, 1999) or “social or cultural practices, social structures, social institutions, public goods, social norms, traditions and habits” (Robeyns 2003, p.7). To Sen (1999) therefore it is the coming together of all these freedoms which function to enhance the capability of a person to live as he values. Sen also touched on livelihood capabilities as the extent to which one can make use of livelihood opportunities and coping with stress and shocks (Chambers and Conway, 1991). Since the capability of a person is in tandem with his quality of life, any restrictions or disparities in realising these capabilities constitute unfreedoms (Sen, 1999). If a widow for example, is denied access to her deceased husband’s assets (land and other properties) on which her livelihood depends it can be said to constitute an unfreedom and can thus affect the person’s quality of life or wellbeing.

4.2.3 Assets

With regard to assets Chambers and Conway categorises them into two. They are what they termed as tangible assets and intangible assets. The tangible assets comprise stores (that is, food stocks, stores of value such as gold, bank credits etc.) and resources (that is, land, water, livestock, farm equipment, domestic utensils etc.) (Chambers and Conway, 1991). In this regard DFID identifies five categories of such assets; natural (land, water, air, biodiversity etc.), human capital (health, skills and knowledge), social capital (kinship, social networks, access to wider institutions of society etc.), financial capital (savings, supply of credits etc.) and physical capital (housing, livestock and domestic utensils, etc.) (Gaillard et al 2009, p.120; Carney et al 1999, p.9). As observed during the fieldwork and as intimated by (Bebbington, 1999) due to the social relations that exist in a particular context and how they may influence access to resources culture becomes an important avenue through which all the other capitals can be realised. Therefore in the analysis the DFIDs categories of assets are modified to include culture instead of financial capital. This does not mean financial capital is not important to the livelihoods of widows within the study area, but as observed during the fieldwork culture is more

crucial to the widows due to the aforementioned reasons. A person's access to the above assets is therefore crucial to their livelihood.

After one is able to indicate the relevance of these assets to a person's life quality it also becomes instructive to identify the context under which they are prone to vulnerability (McNamara and Acholo, 2009).

i. Vulnerability Context

DFIDs vulnerability context refers to 'shocks, trends and stress' that can affect a person's access to available resources (Morse et al 2009, p.7). At the individual level, the vulnerability can be shocks which a person cannot determine nor have control over. Its impact is crucial as it can trickle down to affect the asset around which the livelihoods of individuals revolves (Ashong and Smith 2001, p.10). Again, here the vulnerability context is modified to depict the death of a husband since it is after the death of the husband that the widow may not be allowed access to the deceased husband's assets or properties.

Also, institutions and policies within the context in which people live serve as the intermediary for people to access these assets.

ii. Institutions

In this study the institutions that serve as intermediary for people to access the assets needed for their livelihoods can be the family of the deceased husband, formal institutions such as the department of social welfare and through the legal process.

4.2.4 Claims and Access

The intangible assets on the other hand are claims and access (Chambers and Conway, 1991). Claims refer to request to have access to the material or tangible assets. Chambers and Conway (1991) asserts that, request to the tangible assets can assume different forms ranging from food, loans etc. Such request could also mean the request by widows to

have access to their deceased husbands' land and other properties. Moreover these claims can be channelled through many avenues; it can be through individuals or agencies, social groups, neighbours, chiefs and again in this thesis it can be the family members of the deceased husband of a widow.

Access on the other hand refers to the extent to which one can have a practical opportunity to use the available resources (Chambers and Conway, 1991). Again, the work of Sen on entitlement is implored here. In his book on poverty and entitlement, Sen (2003, p.2) argued that, starvation is a characteristic of people not having access to food. As such in understanding starvation it is important to understand the relations of ownership or access to resources, what Sen (2003, p.2) termed as entitlement relations. He goes on to explain that a person's access to resources can depend on the accepted rules of inheritance in that cultural context. A person's livelihood can be affected in terms of his access to resources corresponding to the opportunities available to him or her to access those resources. Ownership of food and or access to resources underpins a person's property rights and these rights are dependent on the accepted rules of behaviour in a particular context (Sen, 2003). Thus Sen's entitlement approach acknowledges right within the entitlement relations in a particular context. This is particularly important in the context of inheritance practices where a widow's access to her deceased husband's resources is dependent on the customary practices.

Notably, it is the combination of the aforementioned themes that people derive their livelihoods from. Thus a livelihood can be secured when one has resources through establishing claim and having access and subsequently improving their capabilities and vice versa (Chambers and Conway, 2001).

5. Empirical Findings and Analysis

This study sought to find out the experiences of widows with regard to inheritance practices after the death of their husbands and how it affects their livelihoods. In order to achieve the above these two questions were asked; a. what are the experiences of widows on inheritance practices after the death of their husbands in Northern Ghana? And b. how do inheritance practices affect the livelihoods of widows in Northern Ghana? The empirical findings and analysis is therefore categorized into themes based on the research questions.

The first part of the analysis answers the first research question by categorizing them into the following themes; the first theme presents the culture and tradition of the study area that determine whether or not widows are allowed to inherit their deceased husband's properties. It also outlines the norms and values that reinforce these practices. This is important in that, it helps in tracing the reasons behind these practices. The second theme discusses widows' experience of inheritance practices. Following from the experiences shared by the widows, material gathered from informal talks and observations the widow's experiences is divided into sub themes. They are a. severe cases of dispossession - depicting widows who did not received any of the husband's properties, b. son(s) as gateway to inheritance – outlining widows who had access to their husband's properties through their male children, c. exception to the rule – explaining why some widows had access to their husband's properties even though they had no male children and d. the fear of reprisal as conformity – explaining the reasons why widows who are dispossessed of their husband's properties did not seek redress.

The second part of the analysis answers the second research question and is also categorised into themes based on the conceptual framework. The first theme outlines the assets needed for the livelihoods of widows within the study area, the second theme discusses whether or not widows have any means of accessing these assets and the last theme discusses whether or not widows within the study area have the capabilities to earn a livelihood. All the accounts given in the analysis were empirical findings from interviews, informal talks and observations.

5.1 What does the culture and tradition say?

In several patriarchal cultural settings as is the case among the Gonja's there are a set of ideas that underlies how people relate to each other (Johnson, 2001) including how resources are distributed in such relations (Asiimwe, 2009). In such a context the rules of inheritance is primarily dictated by culture and accepted rules of conduct (Naz et al, 2014). In so doing gender relations are systematically defined and the patriarchal status quo is maintained (Johnson, 2001; Walby, 1991). These patriarchal ideologies reflect in unequal relation with regard to inheritance of properties in a patriarchal society like the Gonjas'. Therefore an understanding of how patriarchy plays in the rules of inheritance among the Gonja's is better understood within the larger context of the culture and beliefs of the family. Women for example do not have much say in the sharing of the properties. A widow intimated that,

"[...] I and the other three wives of my late husband did not get our share of our husband's properties. Our Gonja custom is such that women don't have much say in the properties of the man" (Source: Fieldwork, 11th February 2015) *Tenth Widow.*

The above quote by the widow reflects in the inheritance practices among the Gonjas where the study was conducted. The inheritance practices are of two dimensions; the religious and customary system. However the thesis is primarily focused on the customary system. Among the Gonjas customary inheritance practices is premised on the grounds that, upon the death of a man it is his male siblings who assume the responsibilities of the deceased and thus inherit him. When a man dies, traditionally the property can only be shared a year after the funeral rites of the deceased. It follows that, a year after the funeral rites the eldest brother of the deceased assumes his late brother's responsibilities as a successor. He then meets with the children mostly the eldest son of the deceased and hands over the properties to him to be shared among the wife(s) of the deceased and their children. With respect to this one of the widows explained that,

"[...] here, when the man dies the family members of the man and the children are invited. The elder brother of the deceased then shares the properties among the children of the deceased" (Source: Fieldwork, 7th February 2015) ... *Third Widow.*

It is noteworthy that the widow(s) themselves do not receive their portion of the properties. Therefore in practice it is the child who is the beneficiary and not the mother. This is reflected in the quotes of some widows during the interview that,

“[...] the properties are shared according to the dictates of the tradition. Mostly if the properties are many you as the widow will be lucky to get something from the properties. But the practice is that it is only the children who are given a share of the property. Besides my husband’s family told me when my child has something it is for me the mother as well, so there is nothing I could do about it” (Source: Fieldwork, 7th February, 2015) *Second widow.*

Another widow outlined that, *“[...] in our tradition you the woman cannot ask about the property. If anything at all it is the children who can say something about their father’s properties. The usual practice is that they don’t consider the widow but only the children. If the man does not give you the widow anything before he pass on it means you the widow don’t receive anything from the properties”* (Source: Fieldwork, 11th February, 2015) *Seventh widow.*

As will be discussed later on, if a widow had no child with the deceased or had only female children she has limited rights to the deceased husband’s properties. Her access is mostly dependent on the goodwill of her in-laws. Following from the above customs the ordinary Gonja’s life is rooted in the norms and culture and as such is shaped and organized in relation to the type of ideas and social relationships inherent in the culture including rules on inheritance. This is because such norms and rules play a role in how people define who they are (Johnson, 2001).

Bowman (2003) has argued that, the gender arrangements within traditional African marriages stem from the asymmetrical power relations which are skewed against the woman. In fact, such power imbalance is manifested through the influential position of extended family members over the married couple. Owen (1996) agrees with the above observation given the reason that, such practice can be attributed to patrilineality and or the sexual division of labour. Among the Gonja’s therefore, culture influences the way

men and women relate to each other including the sexual division of labour and how property is shared.

This is translated to mean when a woman marries, her role as a wife is not an assurance that she becomes an integral part of the man's family or lineage. In spite of the strong bond that exists between the families of the married couple, as a general rule of customary law family membership is by no means affected by the marriage (Fenrich and Higgins, 2001; Runger, 2006). Yet because of the separateness of identity between the wife and the husband the wife is not considered compositing the inheriting group of her deceased husband's properties and as such has limited rights to such properties (Fenrich and Higgins, 2001; Runger, 2006). I give an example from the fieldwork where a widow stated,

"[...] usually in sharing of the man's properties it is only the children that are considered. As for the widow who are you? You are from a different family. They will say you are not from their family so you should pack to your father's house" (Source: Fieldwork 11th February 2015) ... *Ninth Widow*.

As it can be realised from the above, women and or widows are not allowed to inherit their deceased husband's properties. Whether or not a woman can have access to properties is premised on the type of relationship that exists between her and her male counterparts or the husband's family. Moreover such relationship between the woman or widow and her husband's family is dependent on "a fragile good will" in the access of properties (Owen 1996, p.52).

The above reflects that ideally the culture and norms of the Gonjas does not allow women to inherit properties and as such women and or widows are not entitled to redress. In addition to the culture and tradition above, below highlights the cultural norms and values that underpins the inheritance practices among the Gonjas.

5.1.1 Cultural Norms and Values

Studies indicate that norms prescribe the way people behave (Baeir, 2013; Martinsson et al, 2007). As such norms have a firm grip over people and not the other way round

(Martinsson et al, 2007). Values on the other hand are the motivating factor behind the way people act or behave (Portes, 2010). Values are thought to be enshrined in norms and consequently act as a guiding principle for everyday behaviour (Naz et al, 2014; Portes, 2010). It was observed during the fieldwork that, certain norms and values as believed and practiced among the Gonja's reflected in the inheritance practices. For example, it is normative among the Gonja's that a woman cannot inherit a man. Such systemic practice of male dominance over women has historical antecedents which are rooted in the patriarchal family. That has been the practice and that a widow cannot therefore inherit her deceased husband's property directly. Thus the patriarch exerts control over the family resources and determines who gets what and how (Asiyanbola, 2005).

Again it is not normative among the Gonjas' that a man makes a will as to how his property is to be appropriated after his death. In relation to this, virtually all the widows interviewed did indicate that their husband's did not make a will before their death. When asked whether her husband made a will before he died, one of the widows mentioned that,

"[...] he never made any will before he died. I did not see anything like that. Here the making of wills is not common" (Source: Fieldwork, 7th February 2015) ... *First widow.*

Additionally, the chief and opinion leaders reiterated that traditionally the making of a will is not a customary practice. A chief indicated that,

"[...] we are in a modern world so when a man makes a will it may be applied. But traditionally we Gonja's don't know what a will is. We don't do wills" (Source: Fieldwork 11th February, 2015).

Of course there may be other reasons as to why people don't make wills in such a traditional context; however it is evidential that in most traditional settings 'estate planning' is considered unc customary (Rose 2006, p.7). Butler (2004, p.42-43) opines that, "norms constitute social power that governs intelligibly allowing for certain kinds of practices and actions to be recognizable". That said, people who go contrary to these norms may face a repulsive reaction and thus viewed as "queer, different, excluded and strange" (Martinsson et al 2007, p.12). As will be explained later many widows have

come to accept the belief that women cannot inherit properties and as such see it as an aspect of the culture which cannot be challenged or changed. This reflects why most widows did not make any attempt to ask about their husband's properties bearing in mind that that will amount to in their own words "challenging the customs and traditions". Patriarchy as it plays out here therefore cannot be reduced to only the individuals who participate in them. By such arrangements we ignore the larger social forces or institutions that influence people to adhere to such patriarchal practices (Johnson, 2001) as is the case among the Gonja's.

That said and as it will be discussed later there were isolated cases. Besides there were instances where the deceased husband did not have enough properties; logically, widows who were married to such husband's inevitably will not have any property to inherit from. The next section discusses the experiences of widows in respect of the inheritance practices as it turned out during the field study.

5.2 Widows Experience of Inheritance Practices

From the foregoing, it is important to situate widows' experiences with inheritance practices within the context of the customs, norms and traditions as explained earlier. By so doing it appears the adherences to the customary rules on inheritance are influenced by a number of factors. As such it was observed that, some widows were allowed to have access to the deceased husband's properties while others were not. In view of this an understanding of widows' experience with regard to the inheritance practices will be amply aided by categorising the experiences into three themes namely: severe cases of dispossession, son(s) as the gateway to inheritance, and exception to the rule

5.2.1 Severe Cases of Dispossession

Patriarchy as has been used perpetuates male dominance in both public and private spheres in relative terms to their female counterparts (Sultana, 2011; Walby, 1991). McInnes (1998) argues from a gender perspective that, patriarchy through its ideologies and practices gives men more control over resources than women. Feminists for example use patriarchy to explain the asymmetrical power relations between men and women

(Sultana, 2011) including how women are prevented by customary law and practice from inheriting their deceased husband's properties (Gita & Maryam, 1998). Thus conceptually feminists try to understand the realities of women through patriarchal practices (Sultana 2011, p.4). Such arguments are accounted for through customary norms and the use of such norms as justification for dispossessing women and or widows the prospects from inheriting their deceased husband's properties (Naz et al, 2014).

As it turned out during the field study, there were severe cases of dispossession of some widows with regards to their deceased husband's properties by virtue of the fact that they are females. And female children also suffered the same fate. A widow accounted that even though her late husband was married to three wives, because her children were females she was not considered during the sharing of the property. In this case the eldest children who were male and children to the other two wives took charge of their father's properties. Though the female children of the said widow were invited, they were not given fixed assets of the man. She lamented that,

"[...] my children were invited but because they were females they were given only the clothing of my late husband. Unfortunately, they are females so what can they do with male clothing? Personally I was not given anything. As for the widow who are you? They don't even want you to take a needle of the man" (Source: Fieldwork 11th February 2015) *Ninth widow.*

Under a similar circumstance, a widow who had given birth to only female children suffered the same fate. For her situation, her children were too young and as such were not even invited during the property sharing. In such circumstances it was observed that, where the deceased had properties such as farmlands, livestock or houses his male siblings take over his properties. Here, the widow lamented that,

"[...] I was ejected from my late husband's house by his family so I don't know how the properties were shared. My husband's brothers are now in the house" (Source: Fieldwork, 14th February 2015) *Tenth widow.*

Even among the opinion leaders whose attention these cases of litigations are brought, whenever the case involves a widow with female children an authoritative decision

cannot be made in favour of the widow. This is because allowing the widow to take over the properties means going contrary to the rules of inheritance that a woman cannot inherit a man's properties.

This observation is in line with the thoughts of Gomez and Tran (2012, p.6) that, customarily males are given pride of place when it comes to primary property rights and that widows are pervasively not allowed to take over such rights from their deceased husband. Such imbalance in widowhood practices between the male and the female is attributed to the gender arrangements which are enshrined in patriarchal system (Batson-Rollock and Soares, 2010; Bowman, 2003; Gita & Maryam, 1998; Sossou, 2002; Stromquist, 1988).

One may assume that in such instances, a widow with male children will have an added advantage as opposed to widows with female children. While it may be so in some cases, interestingly, in spite of the preference that is given to male children, there were some isolated cases where widows who had male children were still not given a share of their deceased husband's properties. Under such circumstances family members may use several excuses to take charge of the properties especially when the children are young. While the family members may claim to hold the properties in trust for the children, Rose (2006) has warned that such claims are suspect. This is because by the time the children grow up the property may have been squandered. In line with this observation a widow during the interview revealed that,

"[...] when my husband died my male children were invited during the property sharing. Even though I had female children who were older than the boys, it was only the boys who were invited. Because they were too young at that time the person who took charge of my husband's properties said that he is looking after the property for my children. We never heard of the properties till now as I am talking to you" (Source: Fieldwork, 7th February, 2015) *Fifth widow.*

Following from the above widows without children can be said to be more vulnerable in relative terms to widows with children. As mentioned earlier one of the limitations of the study is that, the researcher could not find widows without children to give their own

account of their experience. Nevertheless, informants revealed that such widows who had no children have no avenue through which they can access their deceased husband's properties. If they are young and have prospects of marrying again, they are asked to leave their husband's house after they have undergone their widowhood rites. For such widows they are left with the option of either starting their life all over again in another marriage or taking solace in their own family. As it turned out in one of the interactions with a community member,

"[...] if you don't have children you go through widowhood rites and you are allowed to go to the world afterwards. The woman has to start afresh. If she is fifty years and over and as such can't marry again she is left all by herself" (Source: Fieldwork, 3rd February 2015).

It is worthy of mentioning that, there were isolated cases where the family of the deceased sympathize with the widows and allowed them to stay in their deceased husband's house until such a time her family comes for her or she is ready to marry again. However that is also dependent on the good will and the kind of relationship the widow has with the husband's family. Even in instances where a widow may be considered by her in-laws with regard to the properties of her deceased husband, it was observed that, the type of items that are given to the widow are influenced by cultural considerations. For example, fixed assets are not given to the woman because of the widely held belief that a woman or widow cannot inherit properties. However the meaning to such practice is that, should the widow marry again the properties will be under the care of another man who does not belong to the family of the deceased husband.

When probed further as to why a widow cannot possess her late husband's properties or stay in the house of her deceased husband after she remarries, the reason given was that of superstition. It is asserted that, a widow who finds herself in such a situation will incur the displeasure of the dead husband and the latter can even mete out physical punishment such as haunting the widow.

In view of the above a widow stated that, “[...] *if I had decided to marry again after the death of my husband, I wouldn't have any option than to move out from his properties. According to custom, you can't be in your deceased husband's house and marry again. Aaaa, his ghost will even slap you*” (Source: Fieldwork, 11th February, 2015) *Ninth widow.*

Similarly a chief in one of the communities stated that, “[...] *if you are still young and decide to marry you can't stay in your late husband's house. Our belief is that your late husband's spirit will slap you if you stay in his house with another man*” (Source: Fieldwork, 11th February, 2015).

The meaning to such cultural beliefs and practices is predicated on the connection between widowhood practices and traditional beliefs on death, ghost, inheritance etc. (Sossou 2002, p.207). Notwithstanding Sossou (2002, p.207) argues that, the belief that the living maintains a relationship with the dead is a euphemistic way of rationalising the position that such practices as widowhood rites are meant to protect widows against the influence dead husbands have on their closest life partners.

5.2.2 Sons as Gateway To Inheritance

Following from the above it can be realised that among the Gonja's males are considered the apparent heirs and thus have much influence over properties. The study by Naz et al (2014) reflects that such consideration for the male child in patriarchal social organizations is due to the role of men as breadwinners and security to the family and its properties against any external take over. Besides the arguments on social relation analysis also proffers that such consideration of men ahead of women can be explained within the context of gender relations that allows men to amass more “cultural roles and material resources in pursuit of their own interest” (Razavi & Miller 1995, p.27). Therefore in order to ensure equitable distribution of resources it is important to revolutionise how power is distributed in social relations (Razavi & Miller 1995, p.27).

These categories of widow therefore are those who are still staying in their deceased husband's house and could access some of his properties. Contrary to the above, these widows access to their deceased husband's properties is dependent on the fact that they have male children. It follows that when a man passes on widows who have male children stand the chance of staying in their deceased husband's house and accessing other properties of the man such as farmlands. The importance of male children in the property sharing reflects in the statement of widows during the interview.

"[...] during the sharing of my late husband's properties, my female children were not invited. They only called my male children even though they were young" (Source: Fieldwork, 7th February, 2015) ... *Fifth widow.*

"[...] I was with him for twenty years before he died and he was an old man. My children too are not boys to demand our share of my husband's properties. They will always say because my children are girls they can't have anything" (Source: Fieldwork, 11th February 2015) *Ninth widow.*

Furthermore and in line with what the widows said during the interviews, an opinion leader stated explicitly that,

"[...] if the man dies having children with the wife, the properties are shared among the children. In the sharing of the properties preference is given to the male children. The reason is that, the male child is considered part of the family since he marries into the family. Female children on the other hand will marry and leave their father's family to join her husband. That is why even when the man dies; all his tittles¹¹ for example cannot be passed on to his female children" (Source: Fieldwork, 3rd February, 2015) *Third opinion leader.*

As a result, such widows who are fortunate to have grown up male children depend on them in order to access the properties of their deceased husband's. With such widows they did not consider themselves vulnerable as their children served as safety net for them.

¹¹ Title here means chieftaincy titles or positions held in the family

Conversely, Owen (1996) asserts that while widows are of the optimism that their male children are the surest bet to protecting their welfare, evidentially daughters or female children maintain close contact with their mothers. As such elderly widows are taken care of by their daughters in relative to their sons. Although there was no account during the fieldwork to support such claim, it is an observation that is worth noting.

Moreover it is instructive to note that, such widows can access their deceased husband's farmlands and other properties subject to the agreement that they will not marry again. Immediately they decide to marry again they cannot stay in their deceased husband's house and cannot use any of the fixed assets. Interestingly, what this means is that amidst all these patriarchal practices widows may have a chance to make choices that influence their lives. That is, their access to farmlands and other properties of the man influences their decision whether to marry again or not if they are still young. Potash (1986, p.4) observes that, a widows decision to stay with the husband's community is influenced and not determined by structure of property rights, ties with children and other benefits she is likely to enjoy. While there may be exceptions to this, the fact remains that widows have choices and they exercise these choices in relation to the opportunities available to them (Potash, 1986). The property system as such influences the actions of some widows. The complexities in conceptualising patriarchy to understand social relations are again brought to bear here. Thus whiles' acknowledging the role patriarchy plays in the subordination of women or widows as regards inheritance practices again and as mentioned earlier it is important to understand the larger system under which these practices operate.

5.2.3 Exception to the rule

Notwithstanding the above experiences shared by widows and the observations from the fieldwork, there were a category of widows who did not encounter any problem with their deceased husband's family as far as the inheritance practices are concerned. With such widows their experience can be explained by two reasons.

a. The Making of Wills

Firstly, a widow recounted that, her late husband left behind a will before he passed on. Therefore the family members complied with the dictates of the will and as such she was given what was due her. She stated that,

“[...] the properties were shared according to the will. I have forgotten exactly how the properties were shared. I can’t remember who got this or that. But i was given money and cloth as the will stated. The rest was given to the children as per the will” ... (Source: Fieldwork, 7th February 2015) Fourth widow.

This is contrary to the observation that in most traditional settings ‘estate planning’ is considered uncustomary (Rose 2006, p.7). This however cannot be generalised because it was an isolated case. Most of the interviewees for example did affirm that their husband died intestate. Moreover among the Gonja’s the making of a will is not regarded as customary. It must be noted that, the compliance with the provisions of the will in this case was also dependent on the fact that majority of the family members were literates and as such were aware of Ghana’s statutory law on inheritance.

b. Literate Widows

Secondly, another widow who was a retired teacher stated explicitly that, her husband’s properties remained intact after the death of her husband. The family members did not make any attempt to eject her from the husband’s house or attempt to appropriate any of his properties. This widow was however optimistic that, the actions of her in-laws is due to the fact that,

“[...] I am an educated woman and they know if they come to ask about the properties, they won’t find it easy with me. Even his dresses are still in the box. With widows when your husband dies and you are literate you can take care of everything” (Source: Fieldwork 11th February 2015).... Eighth widow.

However she added that if she had decided to marry again, per custom she wouldn’t have any option than to move out. This means that even in situations where a widow is

educated and knows her rights, the customs and traditions still have much influence and that the educational background alone was not enough in ensuring a complete access to her late husband's properties. That said, it was observed that majority of the widows who had fallen victims of dispossession had not received formal education. Besides they did indicate a lack of knowledge about the Intestate Succession Law; an observation which Duncan (2004) has also made. Moreover the department of social welfare outlined that the lack of logistics makes it challenging to reach out to most of the rural folks to sensitize them on the statutory laws on inheritance. This is also in line with the observations of Fenrich and Higgins (2001) that property stripping and discrimination against women is not the result of weak legislations alone but also inadequate efforts by the government and non-state actors to make the citizenry (especially in the rural areas) abreast of legislations that deal with these discriminations.

5.3 Fear of Reprisal as conformity

Owing to the above experiences of the widows with regard to the inheritance practices, the researcher wanted to find out if the widows had any avenue for redress.

The dominant or a common feature of patriarchy is its inherent stratification of the society or family into the powerful and less powerful. The less powerful (un)consciously perpetuate the influence of the powerful by accepting their subordinate position. Patriarchy therefore becomes a normal and accepted way for societal functioning (Pendergast and McGregor, 2007). This is due to the fact that, in patriarchal societies women are passively integrated into society and become internalised with the gender arrangements (Solomon, 1992; Walby, 1990). During the fieldwork, even though most of the widows felt they had been treated unfairly virtually none of them took any action to seek redress. The widows intimated that they do not have the authority and that it does not lie within their power to challenge the customs and traditions. It appeared they have become internalised with the customary practices and as such were content with or unwilling adherents to its dictates.

“[...] I did not go anywhere because I do not have that authority. It may happened that if you report to anybody or institution other issues may arise” (Source: Fieldwork, 14th February, 2015) *Tenth widow.*

“[...] I did not inform anybody. Because of the traditions how can I ask? I was afraid to ask about the properties” (Source: Fieldwork, 7th February, 2015).... *Sixth widow.*

Besides, some of the widows also feared that the family members of the deceased may cut ties with them and the children if any attempt is made to report such cases. As such it was observed that when it comes to reporting such cases of dispossession to the formal institutions within the district most of the widows were reluctant to take such steps.

“[...] my late husband’s family can even neglect the children and will accuse me of challenging the customs and traditions” (Source: Fieldwork, 14th February, 2015) *Tenth widow.*

Furthermore, it was observed during the fieldwork that, it is not normative for settling cases outside the family. Such ways of life made the widows even more reluctant to report any case of dispossession to the formal institutions within the district. Therefore such cultural restrictions consequently make them accept their subordinate position as women. In instances where some widows wished to report such cases to the formal institutions, they feared they would be accused of causing disunity in the family.

“[...] I feared if I took any step or reported to any authority it might result in a different case altogether. I will be accused of causing disunity in the family due to properties. Nobody also offered to help me to claim the properties. I decided to leave everything to God” (Source: Fieldwork, 7th February, 2015) ... *First widow.*

Moreover, from the above observation it will be insufficient to explain widows’ silence to oppression on individual differences or individual disposition. Instead the fear of reprisal by widows can be explained within the larger system of patriarchal ideas and practices. As argued by Johnson (2001) when a person is raised in an oppressive society it becomes easy for such a person to identify with and succumb to its influences as a normal process. It is so because of how we make meaning through the rewards and what is frowned upon

by the larger societies. Therefore, we do not want to deviate from the societal norms because we do not want “an oppressive system to produce oppressive consequences” (Johnson 2001, p.26). Thus the status quo is maintained through the fear of reprisal and in spite of its consequences on the less powerful; they hardly call for other alternatives (Pendergast and McGregor, 2007). That is why during the fieldwork virtually all the widows were particularly concerned with the consequences of seeking redress when their inheritance rights are violated. An opinion leader intimated during a conversation that, reporting cases to the court is not considered appropriate and that it is disrespectful for a woman to report the husband to the police at the least opportunity. In extreme cases it can lead to the divorce of the woman. This observation is similar to the findings of (Arisunta, 2010; Owen, 1996) that in patriarchal societies cultural restrictions and the fear of being ostracized for causing disunity in the family is a contributing factor to why widows keep silent and dread to challenge the status quo.

5.4 Summary

This section discussed the meaning of the customs, norms and traditions that define the rules of inheritance among the Gonjas. It is indicated that, being a patriarchal society the Gonjas define their lives in accordance with their customary norms. Gender inequality in respect of inheritance practices are produced through socio-cultural restrictions and way of life. The chapter also identifies that the influence of culture on the lives of the Gonjas also reflects in the reasons why widows mostly remain silent and do not report cases of dispossession. This as identified is due to the consequences that widows are likely to face after taking such steps.

It is therefore acknowledged that in conceptualising patriarchy to explain women subordination we must do so by first understanding the cultural context and norms which define the gender arrangements and not the disposition of individual actors within the cultural context. Of course individuals may hide behind patriarchal norms and practices to dispossess women or widows of inheritance; those actions can also be triggered by the “path of least resistance found in people who participate in it” (Johnson 2001, p.27).

Again, it may be argued that, why must women or a widow be allowed to inherit communal or lineage ownership especially in cases where the deceased husband's farmland or other properties belong to the lineage? Here it must be noted that, the study is about the personal property acquired by the man during the marriage especially with the support of the woman. That said, even where the man acquired it earlier or it is owned by the lineage, how do we compensate for the woman's contribution in developing or maintaining the property overtime?

6. Inheritance Practices and the Livelihood of Widows

6.1 Clearing the Confusion

There are a number of ways through which people acquire their livelihoods which are premised on different variations that have to be cleared up before any attempt to study the livelihood of a people (Chambers and Conway 2001, p.8; Gaillard et al 2009, p.121; Muray 2001, p.2). Whiles I took notice of the aforementioned it is also worthy of mentioning that, due to the illiteracy rate in the northern region of Ghana and for that matter the study area most of the women resort to farming and petty trading as a means of livelihood. Also, except for those who have received formal education (which number is relatively lower than those who have not) and are engaged in other works, the cultural ideas about the traditional role of a wife keep most women at home. As a result their dependence on their husband to keep the family running can hardly be overemphasized.

Furthermore whiles also acknowledging the economic contribution of women to the livelihood strategies of their household, researchers have also found out that their dispossession of properties can leave them in a vulnerable state (Owen, 1996; Sossou, 2002). That said, the thesis also employs the concept of livelihood as used by three development actors (that is, DFID, CARE and UNDP) which is an offshoot of Chambers and Conway's definition of livelihood (which revolves three themes namely; assets, claim and access and capabilities) as a guiding framework.

6.2 What are the assets needed for the livelihood of widows?

Assets as outlined by Chambers and Conway (2001) constitute the resources on which a person depends to maintain his or her living. It is noteworthy that relations to these assets or how well these assets are important to a person's way of life is determined and influenced by a number of factors. Besides the importance of the assets may also depend on how crucial it is for the livelihood of people (Bebbington, 1999). A person may for example be integrated into a particular style of livelihood based on the nature of the environment or as Chambers and Conway (2001, p.6) refer as 'an inherited livelihood'. Due to the illiteracy rate in the study area for example, many people are engaged in the informal sector. Agriculture for example employs about 80% of the people.

Studies identify the following assets as crucial to the livelihood strategies of the rural households; natural, human capital, physical, financial and social capital (Gaillard et al 2009, p.120; Carney et al 1999, p.9; Morse et al 2009, p.7), of which four will be relevant within the context of the study. Financial capital in this study is replaced with culture. This is because aside the four other capitals which apply within the context of the study culture play an important role in how all the other capital can be accessed. Based on the fieldwork and on the accounts given by widows within the study area, below are the assets needed for the livelihoods of the widows. These are derived from the aforementioned assets. Although these assets may not be the only ones on which the livelihoods of widows depend, such assets are crucial to their day to day livelihood strategies.

- a. Natural Capital – they are resources such as water, air, land, biodiversity and other natural resources.

Within the scope of the study area land is identified as the needed asset here. This is due to the importance of farmlands to the livelihood strategies of people within the study area. During the fieldwork for example most of the widows indicated that farming is their major means of earning a livelihood. Farmlands therefore are crucial to the economic livelihoods of widows within the study area. Below are some of the accounts of widows as shared during the interview.

“[...] at the time of my husband’s death I was not engaged in any useful employment except for farming activities with my husband” Source: Fieldwork, 7th February, 2015)....
Sixth widow.

“[...] here farming is our main activity and that was what my husband and I were doing before he died” ... (Source: Fieldwork, 7th February, 2015) *Fifth widow.*

Besides studies indicate right to land is in tandem with the economic livelihoods of rural households. Put differently the lack of women’s rights in land is a contributing factor to poverty of rural households (Cooper, 2010). Farmlands therefore are crucial to the economic livelihoods of widows within the study area. This observation reflects the study by (Duncan, 2004) that in Ghana and for that matter the northern region many women rely on agriculture as a major means of livelihood.

- b. Human capital – they comprise knowledge, education, health, skills etc. Again, the asset here as far as the study area is concerned was knowledge. This includes the knowledge about inheritance rights.

The human capital or capabilities such as knowledge for example makes one more vocal and to be active agents in realising the change they desire (Bebbington, 1999). It is observed during the fieldwork that human capability (for example knowledge) is needed for widows to know their respective rights and the steps to take as far as inheritance practices are concerned. As it turned out during the fieldwork most widows indicated their ignorance about the only statutory provision in Ghana (the intestate succession law) that gives widows access to the husbands’ properties after the death of the latter. The importance of knowledge on the inheritance right is reflected in the exceptional case of a widow who indicated the family members of her husband did not attempt to take over her and the late husband’s properties. She stated,

“[...] I am an educated woman and they know if they come to ask about the properties, they won’t find it easy with me. Even his dresses are still in the box. With widows when your husband dies and you are literate you can take care of everything” (Source: Fieldwork 11th February 2015).... *Eighth widow.*

c. Physical capital – housing, livestock, domestic utensils etc.

Just like the natural capital, physical capital such as houses was also identified as important to the livelihoods of widows. In the case of widows who were engaged in useful employment as is the case of a widowed teacher, she was able to rent a place for herself and her children. Others who had no employment had to rely on the good will of friends and neighbours. A case in point is this widow, who stated that,

“[...] as you know widows and their problems are many. Even this house I am living in I had to plead with someone before getting this place. I am staying with all my eight children in this room”... (Source: Fieldwork, 14th February, 2015) *Tenth widow.*

d. Culture

Culture as used here means the influential role culture plays in order for women or widows to access their deceased husband's properties. Indeed due to the social relations that exist in a particular context and how they may influence access to resources culture becomes an important avenue through which all the other capitals can be realised (Bebbington, 1999). This is especially so for the study area where the composition of the household is traditional in structure. As observed during the fieldwork, the culture and norms of the study area forbid women or widows from inheriting a man's properties. Therefore widows who had no children or had only female children had limited access to the husband's properties.

i. Vulnerability Context

As outlined within the livelihood framework that guides this study, the opportunities and assets needed for the livelihood of people as outlined above, can also be affected by the vulnerability context or shocks. Such shocks can consequently affect the asset around which the livelihoods of individuals revolve (Ashong and Smith 2001, p.10).

Based on the experiences of widows shared during interviews, informal talks and observations from the field it was realised that the death of a husband constitute a major

shock that can largely affect widow's access to the aforementioned capitals. This is due to the cultural norms that women or widows cannot inherit a man's property.

6.3 Can widows make claims and access the Husband's Properties?

Claims and access which Chambers and Conway (2001) define as intangible assets includes how well a person can request or have access to the aforementioned assets. As indicated by Sen (2003) a person's livelihood is not dependent on the availability of assets or resources only but in terms of his access to resources corresponding to the opportunities available to him or her to access those resources. In other words, the vulnerability context for using the available resources or assets becomes relevant. The vulnerability context here could be shocks such as the death of a husband as indicated earlier. Claims and access to the aforementioned assets are mediated through policies and institutions which are context specific (Ashong and Smith, 2001). That is, a person's access to resources can depend on the accepted rules of inheritance in that cultural context (Sen, 2003). Conversely these relations of ownership give more control of resources to men than women through patriarchal ideas and practices (McInnes 1998) as is the case within the study area.

In this regard, the last asset in addition to the aforementioned assets will be the social capital – kinship, social networks, access to wider institutions of society etc. This represents the extent to which a person can get support through his or her social connections such as friends, family members, the community etc. (De Haan, 2012).

Empirical evidence from the fieldwork (*see section 5.1, 5.2.1 and 5.2.2*) shows that widows have limited social capital to access their deceased husband's properties due to cultural norms and traditions which prohibit women or widows from inheriting a man's properties. That said, the access to a deceased husband's properties by the widows can only be channelled through the family members of the husband, the privilege of having a male child, chiefs or opinion leaders. For the family members access to resources is dependent on their goodwill and the relationship that exists between them and the widows. A widow indicated that,

“[...] I am still in the family house. The properties are still intact. The children are managing the properties. The family has not taken anything. Since my children have their share I don't have any problem” (Source: Fieldwork, 11th February, 2015) *Seventh widow.*

For widows with female children and widows without children it was observed that their livelihood could depend on the fragile goodwill of their in-laws. In this situation a widow's access to resources cannot be guaranteed. As such it will be premature to say widows are allowed to access their deceased husband's resources. In line with the above observation a conversation with a chief from one of the communities highlighted that,

“[...] traditionally women are not allowed to inherit properties. But if you handle your husband well before he died or you have a good relation with your late husband's family, they can decide to give you something from your late husband's properties. If the woman is married to a wicked family sometimes they neglect the woman. If they don't give you anything you the widow can't take them anywhere” (Source: Fieldwork, 11th February 2015). What this means is that, widows are not entitled to redress or to make any claims.

With regard to chiefs and opinion leaders, claims to a deceased husband's properties such as farmlands and houses cannot be given in favour of the widow. This, as observed, is due to the cultural norms that women are not allowed to inherit fixed assets of a man. A chief for example intimated during the fieldwork that when it comes to fixed assets such as farmlands or buildings of the man, a widow's access to them is dependent on the relationship between her and her husband's family. When asked about why widows with female children are not considered in relative terms to widows with male children in the property sharing, one of the opinion leaders mentioned that,

“[...] you know a girl cannot inherit the father's property it is only the boys. So when the woman has only female children with a man and the man dies it always becomes a problem. There is always complains about what should be given to the woman with female children. It is because someday the girls will marry and the properties would be in the hands of a different family. Because of that females are excluded from inheriting” (Source: Fieldwork, 14th February 2015) *Second Opinion Leader.*

For institutions such as the social welfare and the legal institutions widows who are dispossessed can make claims through these institutions to ensure equity in the deceased husband's properties. However the cultural restrictions, norms and beliefs served as a hindrance for widows to make such claims. As indicated earlier, widows were much concerned about the consequences from the family members of the husband after making such claims. Because of this many of the widows preferred to remain silent for fear of being branded as deviants against the customs and traditions (*see the accounts of widows on section 5.3*). Deductively, it appears most widows in the study area due to socio cultural challenges may not have the social capital to lay claim and access the resources needed to secure their livelihoods.

Having identified the assets needed to sustain the livelihoods of widows within the study area and whether or not they can make claims and access the properties, what then happens to their conditions after the denial or stripping? In other words a person's access to resources does not mean their livelihoods are secured but instead a way of enhancing their capability to engage in a whole lot of things that can enhance their livelihood (Bebbington, 1999; Sen, 1999). Therefore assets and social capital are important precursors to securing peoples livelihoods.

6.4 Do widows have the capabilities or assets to earn a livelihood?

Sen (1999) has argued for the need to enhance and prioritise the capabilities of people in order to expand their choices to be able to achieve what enhances their life quality. The capability approach helps to assess people's quality of life and by so doing is premised on the question, 'what is each person able to do and to be?' and or the opportunities a person has to do what he wants to do or be what he wants to be (Nussbaum 2011, p.18). Sen also touched on livelihood capabilities as the extent to which one can make use of livelihood opportunities and coping with stress and shocks (Chambers and Conway 1991). In view of the relevance of the capabilities to a person's quality of life, any constraints to achieving these capabilities limit the opportunity and life quality of the person (Sen, 1999). One of such major constraint could be the death of a husband. A widow out cried that,

“[...] now that my husband is no more that is when I endure the pain. Look at the small children I am managing with. I have to go out and look for food, money, and their school fees. What will the children eat if I don’t go out to look for food? These are some of the challenges I am encountering. What they are doing is not good at all because we suffered with the man and at the end of it all we didn’t see what the man acquired in life” (Source: Fieldwork, 14th Feb, 2015) ... Tenth widow.

In the case of this widow, even though the husband’s family members had pledged their support for the children, however she has been the only person looking after the children. As a result, she relied on the services of friends in the community in order to sustain herself and her children.

Furthermore, in this study for example, the capabilities needed for the life quality of the widows can be the various assets or capital (that is, culture, natural, physical, social and human capital) upon which the livelihoods of widows may depend. This together with all the other assets or capitals as mentioned earlier impacted on the livelihoods of widows in the study area. The impact of the lack of access to natural and physical assets on the livelihoods of widows reflects in the observations made and experiences shared by the widows during the fieldwork. One of the widows intimated that,

“[...] the death of my husband and the subsequent ejection from the husband’s house and other properties adversely affected my life. I single handedly catered for all my six children. Prior to my husband’s death i was not doing any other work. Our source of livelihood was dependent on the farm I and my husband were working on as well as the livestock we had. After the death of my husband and following the widowhood rites, i was asked to vacate the house of my husband and the farmland. The end of my husband’s life was the beginning of life for me. I felt like I am starting all over again” (Source: Fieldwork, 7th February, 2015) Sixth widow.

Similarly, during a field visit to one of the widows whom I had interview earlier, she indicated the effect the grabbing of her husband’s properties (including three houses, livestock and a car) by his family has had on her livelihood and that of her children. During the visit I observed one of her children was assisting her in her small business she

was doing (selling rice) during school hours. After inquiring why the child was not in school at that time, she indicated that,

“[...] after the death of my husband i find it difficult to pay the school fees of the children. The boy who is assisting me in my small business (selling of rice) completed junior high school and gained admission to further his education in Senior high school. He however couldn't continue his education due to insufficient funds (Source: Fieldwork, 7th February, 2015) First widow.

Similarly, she indicated two of her daughters had to marry at an early age because they could not further their education after the death of his husband or their father as the case may be. Owing to the fact that the northern region is bedevilled with such practice as early girl child marriage, the impact of widows disinheritance after the death of their husbands adds to the sorry state of affairs in that part of the country. Besides, the fact that the disinheritance of widows can affect the educational prospects of their children as this case has shown highlights the arguments that, disinheritance can potentially lead to intergenerational poverty.

Even though the access to the husband's properties may not entirely change the livelihood of the widows as compared to their current situation, some widows did indicate that it would have complemented whatever they are doing to sustain themselves and that of their children. In line with this observation, a widow mentioned that,

“[...] after the death of my husband life became difficult for me and the children and that if i had had a share of my husband's properties, no matter how small it may be, it would have helped expand the small business (selling of porridge) I am doing to sustain myself and my children” (Source: Fieldwork, 7th February, 2015).... Fifth widow.

In a similar fashion another widow shared the above concern when she stated during the interview that,

[...] if I was given a share of the property, even one cow I will sell and support myself with it. I am struggling with the children alone. Now I can't even pay their school fees. We are discriminated. We are not given anything. They will say your husband is dead

and you are not in the clan so you pack to your father's house. If you decide not to marry again and your children are young they will give you a place to stay. In my case, the room in which I was in with my children they collected the room. Where will I stay with the children? Someday if the children want to stay in their father's house where will they sleep?" (Source: Fieldwork, 11th February, 2015)... *Ninth widow*. This observation highlights that of Ashong and Smith (2001, p.14) that, the livelihoods of women can be affected by lack of access of land due to among other reasons such as the death of a husband.

Additionally, it was observed that, old widows who could not engage in any useful business to support themselves in cases of disinheritance largely depended on their children as a means of livelihood. However when the children get married and move away from the communities the assistance that the widows get is not forthcoming. In view of this and in cases of widows without children one can only imagine the effect the lack of access to the aforementioned capitals can have on their livelihoods. Furthermore, the Government of Ghana has introduced the Livelihood Empowerment Against Poverty (LEAP) to augment its social safety nets to protecting the vulnerable in the society. From the interactions during the fieldwork it appears widows are the largest dependent and beneficiaries from the LEAP programme. The dependence of widows on the LEAP programme is itself not a problem, but the fact that they are the largest group of beneficiaries can also be explained within the context of their vulnerability. This vulnerability can be triggered by many other factors among which inheritance practices after the death of their husbands could count as shown during the field study.

6.5 Summary

Situating the study within the framework of livelihood by three development actors (that is, DFID, CARE, UNDP) and that of Chambers and Conway (2001), this section looked at how the livelihoods of widows are affected by inheritance practices. It is observed that, assets such as human, natural, social and physical capital as well as culture are very important to the livelihood strategies of widows within the study area. However due to

the rules on inheritance which is guided by patriarchal customary norms and practices most widows could not make claims and have access to their husband's properties after their death. Also since most of the accounts were from the subjective experience of widows it is not all of the widows who considered themselves vulnerable due to the dispossession. Notwithstanding observations from the fieldwork and accounts from informants indicate that, for widows who were content with their quality of life, it is due to the access they have to their husband's properties per the goodwill of their husband's family.

7. Conclusion and implications of the Study

As Ghana strives to achieve its development goals which includes gender parity in access to education, land and other necessities of life there is a pressing need for policy makers, NGOs and development partners to better appreciate the dynamics in how resources are distributed especially at the rural level. The study primarily looked at the experiences of widows with regard to inheritance practices and how they affect their livelihoods. The empirical findings suggest that most widows are dispossessed of the properties of their husbands due to cultural norms and beliefs. This consequently affects the livelihood of widows who may not have access to the assets or capabilities needed to secure their livelihoods after the death of their husbands. The cultural norms further restrict the widows from seeking redress when they are dispossessed of their husband's properties. This is due to fear of being accused of causing disunity in the family and the fear of the husband's family cutting ties with them.

Also, research on inheritance practices in Ghana have largely focused on the success or failure of laws, the Intestate Succession Laws in the case of Ghana, in protecting widows whose husbands die intestate. It appears there is little study that looks into the experiences of widows themselves and the reasons that accounts for the dispossession of widows in the first place. However, advocates for development best practice have pointed out that the inability or rather the refusal of policy makers and legislators in developing countries to harness the experiences of the vulnerable, who are the target beneficiaries of the interventions, accounts for the near-impotence of social policy interventions in those countries. This sorry state of affairs largely accounts for the widening disconnect between state agencies e.g. the Department of Social Welfare and widows in the study area even though the former is supposed to provide some form of safety net or avenue for redress to the latter. Thus, in attempting to formulate policies aimed at addressing the plight of widows, it is imperative that their experiences are sought and made integral part of those policies – the gap that this study partly attempted to fill.

The study further revealed that the extended family system or the lineage system in the northern region is influential in how the property of a man is appropriated after his death.

Therefore, given the nature of the family system in Ghana one cannot give a holistic nature of the inheritance practices if one does not go beyond the nuclear family system. It means that in the enactment of laws or as Ghana attempts to revise its laws on inheritance it will be useful to make adequate provisions for the extended family system. If not, the law may end up worsening the situation it seeks to address.

The study also identifies that, it is important to appreciate how the gender arrangements within society or the family is conceptualized. Mostly the conceptualization of male female relationship when it comes to patriarchy ignores facts such as the larger system and the force it gives to the dominance of males over females. Empirical findings from the study area highlight that, the cultural norms and practices are influential in the lives of the people. The study therefore argues that in conceptualising patriarchy to explain women subordination we must do so by first understanding the cultural context and norms which define the gender arrangements and not the disposition of individual actors within the cultural context.

Also it is noteworthy that, due to the progressive change with many women receiving formal education and engaging in other useful businesses overtime the lives of widows' will not be largely dependent on their husband's properties especially from the study area. Notwithstanding, until such a time comes the current situation of widows needs all the attention it requires. This is because it is documented that widows contribute largely to the livelihood strategies of their household. Findings from the study area for example indicate that widows who are dispossessed mostly do not get much assistance from the husband's family in catering for their children. The lives and future of the children therefore depends on their single mothers.

Essentially the study has provided empirical insights into how inheritance practices affect the livelihoods of widows in Northern Ghana. It has challenged dominant assumptions in the inheritance discourse by arguing that patriarchy and other analytical conceptions of gender disparity in inheritance in developing countries stand the risk of proffering inadequate insights into the causes of and solutions to the plights of widows if they do not consider the cultural dictates and norms which define gender arrangements and entitlements.

List of Reference

Agarwal, B. (2003). Gender and Land Rights Revisited: Exploring New Prospects via the State, Family and Market, *Journal of Agrarian Change*, vol.3, pp. 184 - 224.

Akujobi, R. (2009). “Yesterday you were Divorced. Today I am a Widow”: An Appraisal of Widowhood Practices and the Effects on the Psyche of widows in Africa. *Gender and Behaviour*, vol 7, no 2.

Arisunta, C. (2010). Women, Land Rights and HIV/AIDS in Zimbabwe: The Case of Zvimba Communal Area in Mashonaland West Province. Available at: http://encore.seals.ac.za/iii/encore_nmmu/record/C_Rx1012627_SPoverty%20--%20Zimbabwe_P0,12_Orightresult_X1;jsessionid=1F4044FF7E45B8709FAC187338E34F0E?lang=eng&suite=nmmu Accessed: 15th December, 2014.

Asimwe, F.A. (2009). Gender Dynamics in Homeownership: A Gender System and Contract Theoretical Framework for Analysing Gender Inequality in Homeownership in Urban Uganda. *International Journal of Social Inquiry*, vol 2(2), pp. 75-104.

Batson-Rollock, S. (2010). Rethinking Patriarchy in a Rural Context. *Occasional Paper Series 2*. Available at: www.open.uwi.edu/.../Theoretical%20Contextfemi. Accessed: 10th January, 2015.

Baeir, M. (2013). *Social and Legal Norms: Towards a Socio-Legal Understanding of Normativity*. Ashgate Publishing Ltd.

Bebbington, A. (1999). A framework for Analysing Peasant Viability, Rural Livelihoods and Poverty in the Andes. *International Institute for Environment and Development*. Available at: http://www.start.org/Program/advanced_institute3_web/download/Bebbington.pdf. Accessed: 2nd May, 2015.

Bhasin, K. (2006). *What is Patriarchy?* Women Unlimited: New Delhi.

Bowman, C.G. (2003). Theories of Domestic Violence in the African Context. *Journal of Gender, Social Policy and Law*, vol. 11(2).

Boyce, C. & Neale, P. (2006). *Conducting In-depth Interviews: A Guide for Designing and Conducting In-Depth Interviews for Evaluation Report*. Pathfinder International.

Carney, D.; Drinkwater, M.; Rusinow, T.; Neefjes, K.; Wanmali, S. & Singh, N (1999). Livelihood Approaches Compared. *Department for International Development*. Available at: www.start.org/Program/.../p3.../Carney_etal.pdf. Accessed: March 15, 2015.

Chambers, R. and Conway, G. (1992): Sustainable rural livelihoods: practical concepts for the 21st century. *IDS Discussion Paper 296*. Brighton.

Chronic Poverty Research Centre (2011). Challenges and Opportunities in Inheritance Rights in Ghana. Available: http://www.chronicpoverty.org/uploads/publication_files/PN%20Inheritance-Ghana.pdf Accessed: 14th October, 2014.

Centre on Housing Rights and Evictions (2004). *Bringing Equality Home: Promoting and Protecting the Inheritance Rights of Women*. Geneva: Switzerland.

Cooper, E. (2010). Inheritance and the Intergenerational Transmission of Poverty in Sub-Saharan Africa: Policy Considerations. Available at: www.chronicpoverty.org Accessed: 14th October, 2014.

Creswell, J.W. (2007). *Qualitative Inquiry & Research Design Choosing Among Five Approaches*. Thousand Oaks, CA: Sage.

Darawsheh, W. (2014). Reflexivity in Research: Promoting Rigour, Reliability and Validity in Qualitative Research. *International Journal of Therapy and Rehabilitation*, vol. 21, no. 12.

Dey, I. (2005) *Qualitative Data Analysis*. 2nd Edition: Routledge.

Deere, C.A., Oduro, .A.D., Swaminathan, H and Doss, C. (2013). Property Rights and the Gender Distribution of Wealth in Ecuador, Ghana and India. *Journal of Economic Inequality*, vol. 11. pp. 249-265.

De Haan, L.J. (2012). The Livelihood Approach: A Critical Exploration. *Erdkunde*, vol.66, no.4 pp. 345-357.

Duncan, B. (2004) *Women in Agriculture in Ghana*. 2nd Edition. Accra: Friedrich Ebert Foundation.

Food and Agriculture Organization (2002). *Gender and Access to Land*. Rome: Food and Agriculture Organization.

Fafchamps, M. and Quisumbing, A. (2004). Assets at Marriage in Rural Ethiopia. *International Food Policy Research Institute*. pp. 1-50.

Finlay, L (1998) Reflexivity: An Essential Component for all Research? *British Journal of Occupational Therapy*, **61**(10): 453–6.

Gaillard, J.; Maceda, E.; Stasiak, E.; Le Berre, I. and Espaldon, M. (2009): Sustainable livelihoods and people's vulnerability in the face of coastal hazards. *In: Journal of Coastal Conservation*, 13 (2), 119–129.

Gbedzi, V.S. (2014). PNDC Law 111 in Ghana and International Human Rights Law. *Global Journal of Politics and Law Research*, vol.2, no.2, pp. 15-26.

Gbedzi, V. (2009). Women and Property Inheritance after Intestate Succession, Law 111 in Ghana. Available at: <https://editorialexpress.com/.../download.cgi?...>

Gomez, M and Tran, D.H (2012). Women's Land and Property Rights and the Post-2015 Development Agenda. Available at: http://globalinitiative-escr.org/wp-content/uploads/2012/10/28102012-FINAL-Inequalities-Paper-on-Womens-Land-and-Property-Rights-GI_.pdf Accessed: 12th October, 2014.

Human Rights Watch (2003). Women's Property Rights Violations in Kenya. New York: *Human Rights Watch*, vol.15 (2). pp. 1-50.

Higgins, T. and Fenrich, J. (2001). Promise Unfulfilled: Law, Culture and Women's Inheritance Rights in Ghana. *Fordham International Law Journal*, vol. 25(2). Pp. 259-341.

Johnson, A. G. (2001). *“Patriarchy, the System: An It, Not a He, a Them, or an Us.” Women’s Lives: Multicultural Perspectives*. 2nd ed.

Kuenyehia, A. (2006). Women, Marriage and Intestate Succession in the context of Legal Pluralism in Africa. *University of California, Davis*, Vol.40:385, pp.385- 405.

Krantz, L. (2001). The Sustainable Livelihood Approach to Poverty Reduction. *Swedish International Development Cooperation Agency*.

Lambert, C., Jomeen, J., and McSherry, W. (2010). Reflexivity: a review of the literature in the context of midwifery research. *British Journal of Midwifery*, Vol.18, No.5, pp.321-325.

MacInnes, J (1998). Analyzing patriarchy, capitalism and women's employment in Europe. *The European Journal of Social Sciences*, vol.11, (2).

May, T. (2001). *Social Research: Issues, Methods and Process*. 3rd Edition: Open University Press.

McGhee, G., Marland, G.R., Atkinson, J. (2007). Grounded theory research: literature review and reflexivity. *Journal of Advanced Nursing*, 60(3), 334-342.

McNamara, C. (2009). *General guidelines for conducting interviews*. Retrieved March 7th, 2015. Available at <http://managementhelp.org/evaluatn/intrview.htm>

Morse, S., McNamara, N., and Acholo, M. (2009). Sustainable Livelihood Approach: A Critical Analysis of Theory and Practice. *Geographical Paper No. 189*. Retrieved March 7th, 2015 Available: <http://www.reading.ac.uk/web/FILES/geographyandenvironmentalscience/GP189.pdf>

Nussbaum, M. (2011). *Creating Capabilities: The Human Development Approach*. Cambridge, Mass: Belknap Press of Harvard University Press.

Owen, M. (1996). *A world of widows*. London, Zed Books.

Packer, M. (2011). *The Science of Qualitative Research*. Cambridge: Cambridge University Press.

- Patton, M.Q. (2002). *Qualitative Research and Evaluation Methods*. 3rd Edition: Sage Publications.
- Potash, B., ed (1986). *Widows in African Societies: Choices and Constraints*. Stanford, CA, Stanford University Press.
- Portes, A. (2008). Migration and Social Change: Some Conceptual Reflections. *Journal of Ethnic Migration and Studies*, 36:10, pp. 1-47.
- Probst, B. (2015). The Eye Regards Itself: Benefits and Challenges of Reflexivity in Qualitative Social Research, *Social Work Research*, vol. 39(1).
- Quisumbing, A., Payongayong, E. and Otsuka, K. (2004). 'Are Wealth Transfers Biased Against Girls? Gender Differences in Land Inheritance and Schooling Investment in Ghana's Western Region'. Washington, DC: International Food Policy Institute. Available at: www.ifpri.org/sites/default/publications/fcnbr186.pdf Accessed: 14th October, 2014.
- Rose, L., L. (2006). Children's Property and Inheritance Rights and their Livelihoods: The Context of HIV and Aids in Southern and Eastern Africa. *LSP Working Paper 39*. Available at: www.fao.org/3/a-ah622e.pdf
- Robeyns, I. (2003). The Capability Approach: An Interdisciplinary Introduction. *3rd International Conference on the Capability Approach*. Available at: commonweb.unifr.ch/.../f/.../24995_105422.pdf
- Rubin, H. J. (2005). *Qualitative Interviewing: The Art of Hearing Data*. 2nd ed. Thousand Oaks, CA: Sage
- Rünger, M. (2006). Governance, Land Rights and Access to Land in Ghana-A Development Perspective on Gender Equity. In International Federation of Surveyors (FIG) (2006). *Proceedings: 5th Regional Conference on Promoting Land Administration and Good Governance: March 8-11, 2006, Accra, Ghana*.
- Sen, A. (2003): *Poverty and famines. An Essay on Entitlement and Deprivation*. Oxford.

Schussler-Fiorenza, E. (2003). *Regina Patriarcharum*. Notre Dame University. Available at <http://ethicscenter.nd.edu/archives/documents/DavidCarey.doc> Accessed: 18th May, 2015.

Solomon, J.C. (1992). Child Sexual Abuse by Family Members: A Radical Feminist Perspective. *Sex Roles*, vol 27, nos 9(10).

Strickland, R.S. (2004). 'To have and to hold', *Women's Property and Inheritance Rights in*

The Context of HIV/AIDS in Sub-Saharan Africa, Working paper, June 2004; Washington DC:

International Centre for Research on Women (ICRW) and the Global Coalition on Women

And AIDS.

Stromquist, N.P (1988). Gender Disparities in Educational Access and Attainment: Mainstream and Feminist Theories. Revision of Paper Presented at the Annual Meeting of the Western Region of the Comparative and International Education Society, 12-14.

Sossou, M.A. (2002). Widowhood practices in West Africa: the silent victims, *International Journal of Social Welfare*, Vol, 11. Pp. 201-209.

Sultana, A. (2011). Patriarchy and Women's Subordination: A Theoretical Analysis. *The Arts Faculty Journal*. Pp. 1- 16.

Walby, S. (1990). *Theorizing Patriarchy*. Blackwell Publishers Ltd.: Oxford, UK and Cambridge USA.

Appendix I

DATA COLLECTION INSTRUMENTS

- a. What are the experiences of widows in Northern Ghana on inheritance practices after the death of their husbands?

Interview Guide for widows

1. Kindly tell me about yourself (Age, number of children, current job etc.)
2. In what type of marriage were you before the death of your husband (Customary, ordinance, Mohammedans etc.)
3. Were you the only wife of your husband?
4. Did you jointly own property with your husband? If yes, explain
5. Did your husband leave/prepare a will before he died? If yes, what was the nature of the will?
6. How was your husband's property shared after his death? (Was it based on tradition, the legal system, etc.) What was your share of the property?
7. Do you think your husband's property was fairly shared?
8. If no, did you have any avenue for redress?

Interview Guide for Department of Social Welfare

What is the nature of inheritance practices with respect to widows in this community?

1. How often does your office receive complaints about inheritance practices in the community? What is the nature of such complaints?
2. What is your general assessment of the experiences of widows with regard to inheritance practices in the community?

Interview Guide for Chiefs and Opinion Leaders

1. Can you kindly tell me about yourself?
2. What is the nature of inheritance practices in this community? Generally how is property appropriated after the death of a man?

3. Are the properties shared to the children alone or the mothers are also considered?
4. Why are only the children and not the widows considered in the sharing of the properties?
5. Recent arguments in parliament say inheritance practices across the country are discriminatory against widows. What do you say to this?
6. What happens if a man makes a will before he dies?

b. How do inheritance practices affect the livelihoods of widows in Northern Ghana?

Widows

1. What was your occupation before the death of your husband?
2. Has the death of your husband affected your source of livelihood? If yes, in what ways?
3. How do you compare life before and after the death of your husband? (Access to food, clothing, shelter, health and other necessities of life)

Department of Social Welfare

1. In what ways are the livelihoods of widows affected by inheritance practices in the community?
2. Are there any social protections interventions open to widows affected by inheritance rights?
3. What is the position of the law on the inheritance practices in the community?

Appendix II

A list of widows who participated in the interviews

Widow	No. of Children	Age	Education	Occupational status
First Widow	Four	40years	Illiterate	Rice seller
Second Widow	Eight	45years	Illiterate	Petty trader
Third Widow	Ten	50years	Illiterate	Unemployed

Fourth Widow	Nine	35years	Illiterate	Unemployed
Fifth Widow	Ten	60years	Illiterate	Unemployed
Sixth Widow	Six	65years	Illiterate	Porridge seller
Eighth Widow	Five	62years	Literate	Retired Teacher
Ninth Widow	Five	36years	Literate	Teacher
Tenth Widow	Eight	36years	Illiterate	Unemployed