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Amammerε ne Amanneε:

Towards the indigenisation of the sociology of law concept of norms

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Abstract

The global coverage of sociology of law (SoL) has remained limited to the Western world, due to the difficult and problematic application of its current theories and concepts in non-Western societies. Thus, the sociology of law norm concept was studied in relation to the culture of Ashanti people of Ghana. This was done to identify and valorise culturally specific issues of their society that are relevant when employing the socio-legal concept. After a 5-week ethnographic study, the Ashanti conceptualisation of norms was explored and contrasted with the sociology of law norm concept, to unearth relevant culturally specific issues. The study found that, a direct lexical translation of the word (norm) from English into the Ashanti-Twi does not exist. However, the Ashanti concepts of *Amammerɛ* (tradition) and *Amanneɛ* (custom) showed to be closest to the sociology of law concept. However, contrasting them to the essences of norms developed by Hydén and Svensson, unearthed “the role and expectations of ancestors and gods” as an accidental attribute of these Ashanti concepts, making them specific types of norm, rather than norm itself. Consequently, the new Ashanti-Twi word “*saayɔ*” was coined to evanesce the accidental attributes of the Ashanti concepts and represent a more accurate translation of Hydén and Svensson’s SoL norm concept. This accidental attribute highlights an important culturally specific issue crucial to the application of this SoL norm concept in Ghana, and also points to the Eurocentrism in Hydén and Svensson’s norm concept. It shows that, what makes Hydén and Svensson’s (2008) conceptualisation Eurocentric, is the fact that, to a large extent, it was developed within the perceptive framework of a utilitarian thinking society where individuals possess scientific mentality and are free from culture, religion, and ideology. That is, the First and “natural” world. In fact, the accidental attributes of the Ashanti *amammerɛ* and *amanneɛ* type of norms, was found to exert relatively high levels of fear among people, making them more likely to conform to them, and more difficult for people to accept new contradictory norms. Therefore, it is very important for socio-legal researchers who employ this SoL norm concept in the Ashanti-Akan society, to be wary of this culturally specific attribute which characterizes the Ashanti specific type of norms. It is only when the user of the SoL norm concept disregards this, that the application of the concept will be problematic.

Key words: *amammerɛ*, *amanneɛ*, norms, Ashanti, Akan, Twi, social control, Ghana, sociology of law, norm perspective, *saayɔ*.

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Glossary

Amannee ----- Custom

Amammere ----- Tradition

Baamuhene ----- Traditional Chief in Charge of Museum

Saayo ----- The right way to do or How it is done

Duabo ----- To curse or wish calamity befalls someone

Soloku ----- Dance jam and merry making

Opanyin ----- Elder

Asantehene ----- King of the Ashanti Kingdom

Offinsohene ----- King of the Offinso State of the Ashanti Kingdom

CHAPTER ONE

1.0 Introduction

1.1 Background of the study

In the last decades, research in Sociology of Law (henceforth SoL) has received significant attention and development across the world (García-Villegas 2006). However, global interest for socio-legal research has remained uneven, making its coverage mostly limited to the global north. In fact, SoL's difficulty to develop in Africa has stemmed from the problematic application of its current theories to the African setting. This is because, the main body of socio-legal theories and their underpinning concepts are essentially Eurocentric (Banakar 2011). Eurocentrism is understood as a cultural phenomenon that views the culture and history of non-Western societies only from the European perspective (Pokhrel 2011). Consequently, Banakar's (2011) assertion implies that, socio-legal theories and concepts are difficult to apply when studying non-Western societies because, they embed only the European perspectives. Banakar's assertion is supported by many other social scientist including Smith (1990), Singham and Singham (1973), Onwuzuruigbo (2018), and Onyeonoru (2010) who claim that, in order to make social science theories and concepts more applicable to non-Western societies, culturally specific elements of these societies must be identified and acknowledged through the process of indigenisation. This assertion also borrows from the ideals of postcolonial theorists like Bonaventura de Sousa Santos. According to de Sousa Santos (2012), there exist diverse and plural understanding of the world, which makes its rapid transformation often invisible to Western thinking. He adds that, this diversity emanates from the distinct ways of experiencing history and the cultural production of social life. However, knowledge from these diversities is wasted because the dominant theories and concepts produced through social science do not inculcate these alternate experiences. Consequently, just as they are formulated, they remain and represent only the European perspective. Therefore, through postcolonial critique and studies, the experiences and knowledge of non-Western societies, can be valorised to inform and complement Western concept and theories.

Thence, I intend to indigenize the concept of norms developed in SoL, from a postcolonial perspective. I choose to engage with this concept because, according to Svensson (2008), this concept is most central to sociology of law. Particularly, I will engage the concept of norms

developed by Lund University sociologists of Law, Hydén & Svensson (2008) with the way the concept is understood and applied within the Ashanti-Akan society, in order to explore the cultural specific issues that are or will be important when applying this concept in the Ghanaian society. In fact, even though their concept has been employed within many research projects in both Western (Larsson 2011, Naujekaite 2011, Leo and Wickenberg 2013) and non-Western societies (Urinboyev 2011, Darku and Lubisi 2019), none have explored the cultural specific issues regarding the application of the concept. As a result, the concept lacks social contextual feedback, which can be problematic when it is employed in societies that have significant cultural difference from that of Sweden in particular.

1.2 Research Question

The overarching research question for this study is:

- What are the culturally specific issues regarding the Ashanti-Akan society, the SoL norm concept should take cognisance of?

The main question has been broken into three specific questions.

1. How do the Ashanti-Akan people conceptualise norms?
2. How does the Ashanti conceptualisation differ or relate to the norms in sociology of law?
3. How can the Ashanti conceptualisation contribute to the socio-legal understanding of social control in Ghana?

1.3 Objective of the Study

This study aims to indigenize the norm concept developed by Hydén and Svensson, within the culture of the Ashanti-Akan people of Ghana. The objective is to identify differences and similarities in the way the concept is understood, in order to unearth and valorise the culturally specific issues that are important when applying the concept in Ghana. Awareness of these issues can enable the sociologist of law apply the concept with relative ease. This study also seeks to exemplify how these issues can contribute to the understanding of social control in Ghana and the Ashanti society in particular.

1.4 Delimitation of the study

This study engages with the sociology of law concept developed by Hydén and Svensson as a Eurocentric conceptualisation. However, these scholars are Swedish, and their concept was developed in a Swedish University. Therefore, it is important to highlight the specificity and scope of Eurocentricity in their thought, which invariably delimits the study to the Swedish context. Also, it has been twelve years since this concept of norms in sociology of law was developed by the scholars. Since 2008, the concept has gone through several developments. Thus, this study limits itself to the concept as it was in 2008 in the article “*the concept of norms in sociology of law*”. In addition, data was collected only from the Adukro and Offinso new town communities in the Offinso North district of Ghana. Therefore, the findings are limited to the Ashanti culture. However, the Ashantis are the largest sub-ethnic group within the Akan group. So, the findings can provide relevant information about other Akan groups. Finally, due to the Ashanti gender structure, most of my respondents were men. Therefore, the findings can be argued to be limited to the views or thoughts of Ashanti men.

1.5 Disposition

This thesis is divided into eight chapters. The first chapter consists of the introduction, which presents the background of the study, research questions, objectives and significance, delimitation, and disposition. The second chapter contains a literature review on the conceptual division of the world and its impact on the social science. It also reviews the concept of norms and how they work in western and non-western societies. The third chapter presents the sociology of law norm concept which serves as the theoretical framework for the study. The fourth chapter presents the research methodology employed for this study. It consists of the data collection methods and tools, data analysis method and a section on reflexivity. The fifth chapter presents the empirical findings collected from the ethnography. The sixth chapter discusses and analyze the empirical data by engaging it with the theoretical framework. The seventh and final chapter concludes and summarizes the findings and answers to the research questions.

CHAPTER TWO

2.0 Literature Review

In this section, I review relevant literature and previous research related to this study. The first part focuses on the conceptual division of the world and its implication on the study of society. The latter part of this section focuses on the concept of norms and its cross-cultural variation between western and non-western societies.

2.1 Dichotomization of world and its implication on social science

This thesis hinges on the problematization of concepts and theories in sociology of law, as Eurocentric or purely western. Hence, their difficult application in non-western societies. As Pokhrel (2011) laments, Eurocentrism is simply a particular mode of thinking that views the culture and history of non-western societies only from the European perspective. Therefore, it is impossible for this thesis, to ignore the discourse surrounding this phenomenon, which I categorise into two groups. In no particular order, the first group concerns itself with the genesis and historical antecedents of the perspective which will become known as western or Eurocentric (Browning 1997; Kalter 2016; Mintz 1976; Pletsch 1981; Purvis 1976). These literatures, through the backtrack of time, shed light on the motives and logics that influenced the dichotomization of the world (Browning 1997; Pletsch 1981). This dichotomy, manifests in the conceptual partition and or creation of separate worlds within the world, and the labelling of cultures, societies, ethnicities and race along the lines of logics that are produced and reproduced through dominance and the academic study of foreign areas (Browning 1997; Pletsch 1981; Kalter 2016; Mintz 1976; Purvis 1976). The second group focuses on the cultural perspectives resulting from the effective dichotomization of the world, and its implication on the production of knowledge in general (Hobson 2012; Joseph, Reddy & Searle-Chatterjee 1990; Pletsch 1981; Smith 1990; Singham and Singham 1973) and the study of non-western societies in particular (Akiwowo 1980; Alatas 2000, 2003, 2006, 2007; Onwuzuruigbo 2018; Onyeonoru 2010; Sanda 1988). Even though this study hinges hugely on the second group of literature, the importance of the first group cannot be overemphasised.

2.1.1 The Three worlds

According to Mintz (1976) and Pletsch (1981) the intra-continental rivalry between the capitalist European nations and allies, and the communist Soviet bloc, established a competition between a “First world”, which was deemed to be technologically advanced, free of ideological impediments to utilitarian thinking, and thus natural and a “Second World” which was seen to be technologically advanced but burdened with an ideological elite blocking free access to science and utilitarian thinking. In essence, both worlds were deemed modern yet different. Consequently, the rest of the world, the others, neither allies nor aligned to these modern societies were labelled or termed the Third World. A world that was construed as underdeveloped economically and ideologically, with traditional mentality obscuring access to science and utilitarian (Pletsch 1981). In fact, Pletsch (1981) observes that, this conceptual division of the world along “traditional/modern and ideological/free lines, also implies a pseudo-chronological or historical relation between these worlds. In the sense that, the all societies including the traditional societies of the third world and ideological societies of the Second world, are destined to become utilitarian and modern like the free societies of the First world, according to the linear growth scheme that imbeds this perspective held by many Western social scientists (Pletsch 1981; Sanda 1988; Smith 1990; Onwuzuruigbo 2018). Suggesting the path to modernisation as a process from traditional to ideological and then finally into the modern utilitarian stage.

However, Pletsch (1981) argues that, this perspective is discriminative along the lines of technological advancement and mentality. In essence, it views the worlds in levels of inferiority and superiority (Sanda 1988; Smith 1990) with the third world, obviously laying beneath, as perceived as lacking technology, and with the presence of a nonscientific mentality, religion, or culture (Browning 1997; Onwuzuruigbo 2018). Whereas the first world is perceived to be scientific technologically advanced, mentally free, and the ideal society to emulate (Pletsch 1981; Onwuzuruigbo 2018) thus, creating the ideological justification for the economic dominance and colonization of the third world (Joseph, Reddy & Searle-Chatterjee 1990). Pletsch (1981) observes that, this logic and scheme rendering the conceptual dichotomization of the world is employed as a tool in apportioning the three worlds to respective social sciences as their ideal focus of study. This will be there focal point of the next section.

2.1.2 The division of social scientific labor

In his *“The Three Worlds, or the Division of Social Scientific Labor, Circa 1950-1975”* Pletcher (1981) uses the codes and methodological norms of the social sciences (anthropology, economics, sociology and political science) together with the conceptual scheme employed in dividing the world, to expatiate how the west appropriates a portion of the social phenomena of the three worlds to the social sciences. To make things clear, he begins by arguing that, Western social scientists apportion the concept of culture for the mentalities of the third world and their traditional societies, in their original state. The socialist societies of the second world are designated as the region of ideology, and the modern Western societies as the natural and free society of science. Drawing from this scheme, the anthropologists are charged to focus on the cultural or traditional society of the third world, whereas the economists, sociologists and political scientists are charged to study the modern worlds, but most especially that of the free and natural societies of the West. However, they can only study the third world as long as their path towards modernization has commenced (Pletcher 1981).

Among the social sciences, Pletcher (1981) observes that, anthropology is hailed as the best and distinctive, due to its strong reliance on case by case ethnography, thick description of cultures in the third world societies, and distance from theoretical presuppositions. However, the disciplines of sociology, economics and political science ideally seek to command universal validity via the discovery of natural laws of human behaviour (Onwuzuruigbo 2018; Smith 1990; Sanda 1988), which they claim to be valid because, the phenomena they study in the first world are natural (Pletcher 1981). Consequently, it is only in the “unnatural” worlds of the second and third that the application of these natural laws are difficult, and can be only useful when they are adjusted, revised or adapted to the particular context, by someone with a great deal of knowledge on that context (Pletcher 1981). This assertion has taken various forms and shape in the social science within the last decades, and has often been triggered by the premise that, the fact that these natural laws of human behaviour are propounded within the framework of a perceived ideal, free and natural society of the west, they become essentially one-sided and Eurocentric (Alatas 2000, 2003; Onwuzuruigbo 2018). Consequently, similar to Pletcher’s (1981) contextualisation argument, many scholars have lamented against the western-centric knowledge production under themes like “epistemic justice”, “southern social science theory”, “decolonization and nationalization of the social sciences”, with the aim of indigenising or contextualising the social sciences and its

knowledge products (de Sousa Santos 2012; Chinweizu 1987; Connell 2007). This will be the focus of the next section.

2.1.3 Indigenization or contextualization of social science

According to Smith (1990), indigenization in this sense, is the conscious attempt to revise social science tools, theories, and concepts to inculcate relevant culturally specific analytical and theoretical elements of non-Western societies. This is because, aside the ideological colonisation of non-western scholars (Joseph, Reddy & Searle-Chatterjee 1990) sociological concepts and theories, ideally seek to command universal validity, yet, their universality is hugely questionable, due to the culturally imbedded values and interests of the West, that shapes them as well as the fact that, they are often developed without the participation of non-western scholars (Onwuzuruigbo 2018; Smith 1990; Sanda 1988). In essence, indigenisation warns against the uncritical deployment of knowledge catapulted from western realities or experience, on non-western societies, and advocates for insider views (Alatas 2007) and the contextualisation of sociological knowledge in order to respond and address the peculiarity and complexities of these post-colonial societies (Onwuzuruigbo 2018; Pletch 1981).

Subsequently, many attempts have been made in the social sciences, to indigenise concepts and theories that are construed as purely western (Hobson 2012; Tomaney 2010; Naidoo 1996; Tickner 2016; Urinboyev & Svensson 2013). For example, Urinboyev & Svensson (2013) in their study of corruption in the Uzbek society, found that, there is the need to focus on the key word ‘abuse’ from a sociological understanding, specific to the cultural context of the Uzbek people. This is because, some of the activities that are viewed to be corrupt, from a pure Western perspective, have little to do with abuse, but rather, simply an informal coping strategies imbedded in the culture as a rational way of getting things done. Corroborating the indigenization arguments of scholars like Akiwowo (1980), Alatas (2000, 2003, 2006, 2007), Onwuzuruigbo (2018), Onyeonoru (2010) and Sanda (1988), the findings of Urinboyev & Svensson (2013) clearly highlights the importance of understanding the very culture of the society in which sociological concepts or theories are being employed. In fact, the indigenization agenda has relatively flourished in Asia and Latin America, but sadly, this cannot be said about Africa, where it is wallowing in the minds of her scholars as a dream (Akiwowo 1980; Onwuzuruigbo 2018). In the next section, I discuss norms and its nuances in western and non-western societies.

2.2 The concept of Norms

2.2.1 What are norms?

The concept of norms has received significant attention from various disciplines including economics, sociology, sociology of law, political science, social psychology and anthropology (Kelsen 1990; Schelling 1958; Fishbein, Ajzen, Albarracin, & Hornik, 2007; Cialdini 2007; Bicchieri 2005, Hydén & Svensson 2008; Hydén 2011; Paulson 1998; Levy 2015; Rattray 1929; Culwick, & Culwick 1935). The word is derived from “*norma*” in Latin and have been adopted in many languages generally referring to command, prescription, and order (Kelsen 1990) but also used in reference to statistical regularity (Mackie, Moneti, Shakya & Denny 2015). However, in the social sciences, the concept is generally construed as social expectations that influence actions and inactions of people in a group (Paluck, Ball, Poynton & Sieloff 2010; Hydén & Svensson 2008; Fishbein, Ajzen, Albarracin, & Hornik, 2007). Thus, norms control and influence the behaviour of people in given situations. Consequently, they are commonly expressed in practices and expectation/desires. That is, norms can be seen in what is regularly done by a group or what they expect to be done in varying circumstances. This can presuppose that, doing something repeatedly over a period makes that thing a norm. For example, Young (1996), writes that, norms are equilibrium behaviour in a game played repeatedly by many different individuals in a society, where the behaviour is known to be customary.

However, this view is rejected by Levy (2015), Hydén (2011) and Kelsen (1990). To them construing norms as just regular practices is unsatisfactory. In their respective views, without any rules or normative principles influencing people to behave in a particular manner, the regularity of such social practice only makes them conventions or non-normative social practices. Therefore, what makes a social practice a norm is an accompanying normative attitude that renders on the background of the minds of people (Levy 2015; Hydén 2011; Kelsen 1990). In essence, a social practice is not even necessary in considering something as a norm (Levy 2015; Hydén & Svensson 2008; Hydén 2011; Kelsen 1990; Paulson 1998). For something to be a norm, it must not necessarily be practiced by people in a society. The general disapproval of a behaviour even by people who practice this behaviour, typifies a norm without a corresponding social practice. In essence, norms instruct behaviour by prescribing how people ought to behave (Hydén & Svensson 2008). These instructions according to Paulson (1998), emanate from rules, principles and logics

that render at the background of norms. Therefore, a norm can also only be a desire, without it being practiced. In fact, the concept of norm is understood and employed in different ways across disciplines. However, most conceptualisations at least in social science, tend to encompass the elements of, social expectation, social influence, and a reference group within which norm operates (Hydén and Svensson 2008; Mackie, Moneti, Shakya & Denny 2015; Levy 2015; Fishbein, Ajzen, Albarracin, & Hornik, 2007; Cialdini 2007; Bicchieri 2005). Norm's reference group refers to people whose expectations matter to an individual in varying situations (Mackie, Moneti, Shakya & Denny 2015). Therefore, norms can vary from each other, and from one society to the other, based on the nature of its reference group (Coleman 1994). In the next section, this and other elements that create nuances in norms, will be briefly reviewed, in relation to western and non-western societies.

2.2.2 Norms and social control in western and non-western societies

Cross-cultural studies of norms between western and non-western societies have mostly been on the backdrop of their individualistic and collectivistic cultural features (Lucas, Diener, Grob, Suh and Shao, 2000; Singelis 1994; Hofstede 1984; Argyle 1986) and varying nature of reference groups (Mackie, Moneti, Shakya & Denny 2015; Santos-Granero 1991). Norm's reference group can include total strangers, neighbors, ancestors and even the future generation (Mackie, Moneti, Shakya & Denny 2015). In fact, ancestors, or ancestral spirits, as part of a norm's reference group, according to by Sumner (1907), Rattray (1929), Culwick, & Culwick (1935), Hoebel (1949), is characteristic of kinship-based societies especially in non-Western societies. These ancestors or ancestral spirits serve as the custodians of unwritten, uncodified, unclassified norms or rules of conduct (Rattray 1929), are believed to be active in the social life of the society and reward or punish people who behave contrary (Santos-Granero 1991). Again, people in a norm's reference group have varying levels of influence and power, which is mostly used in enforcing and maintaining the norm but can also be used in changing it. As a result, it could be easier for few highly influential people to cause change or resistance to norms in a community, than many less influential or less powerful others. Invariably, norm's ability to change or resistance to change hugely depends on the power relations among people in the surrounding environment or reference group (Mackie, Moneti, Shakya & Denny 2015), and can be construed by considering Coleman's (1994) categorisation of norms based on the sanctioning and sanctioned. In the views of Mackie, Moneti, Shakya & Denny (2015), Fishbein, Ajzen, Albarracin, & Hornik, (2007) and Hydén (2011), it is a common feature of most norms to have those who sanction and the others who are

sanctioned to be a part of the same social environment or reference group, what Coleman (1994) terms as conjoint norms. These types of norms are found in most western societies, where individualism, democracy and rule of law is highly valued (Mackie, Moneti, Shakya & Denny 2015). However, in certain instance, the people who enforce norms, make up a dominant group, whose sanctions and expectations are applicable to others who make up a subordinate group, this, Coleman (1994) terms disjoint norms. According to Mackie, Moneti, Shakya & Denny (2015) such norms are found mostly in Africa and Asia, with caste norms and female genital mutilation being examples. Also, findings from empirical studies conducted by Lucas, Diener, Grob, Suh and Shao (2000) revealed that, the importance of harmony within groups in most non-Western societies results in the existence of many social norms, targeted towards achieving social control and harmony. However, western societies on the other hand, turn to possess fewer social norms due to the rather admiration and importance placed on individual achievement and success. Their study also shows that, in the individualistic western societies, people's behaviour is more influenced by their own feelings and thoughts, whereas in collectivistic non-western societies, the need and significance of harmony and cohesion makes norms highly influential on people's behaviour. Consequently, more strict norms are likely to exist in Asia and South America than in Western Europe and North America (Argyle 1986; Lucas, Diener, Grob, Suh and Shao 2000; Suh, Diener, Oishi and Triandis 1998).

Indeed, a lot of studies have been conducted on the concept of norms from various disciplines, revealing diverse understanding of the concept (Kelsen 1990; Schelling 1958; Fishbein, Ajzen, Albarracin, & Hornik, 2007; Cialdini 2007; Bicchieri 2005, Hydén & Svensson 2008; Hydén 2011; Paulson 1998; Levy 2015; Rattray 1929; Culwick, & Culwick 1935), as well as how it takes shape and influences social control and ordering in both Western and non-Western societies (Lucas, Diener, Grob, Suh and Shao, 2000; Singelis 1994; Hofstede 1984; Argyle 1986; Suh, Diener, Oishi and Triandis 1998). However, very few of these studies have resulted in indigenizing the concept in relation to a specific non-western culture, for the purposes of improving its employability or application, like how Urinboyev & Svensson (2013) study resulted in the contextualisation of "corruption" within the Uzbek culture. In fact, much of the empirical studies conducted on the nature of norms in the Ghanaian society, has been mostly through anthropological studies by Europeans (see Rattray 1929; Fortes 1981). Sadly, Rattray (1929), construed the nature and functions of the Ashanti norms as "primitive". This study was conducted over nine decades ago, in

the colonial era. A question that begs attention is, how much has the Ashanti norms changed after nine decades? It is against this backdrop, my study will contribute to the conceptualization of norms within sociology of law, through the indigenization of the concept within the cultural context of the Ashanti people.

CHAPTER THREE

3.0 Theoretical framework

In this section, I present the sociology of law norm concept developed by Håkan Hydén and Måns Svensson as the theoretical framework that will serve as a lens through which the data will be analyzed and discussed.

3.1 Hydén and Svensson's Sociology of Law Norm Concept

3.1.1 About the Norm Concept

The Lund University Sociology of Law department is among the very few within Scandinavia with over four decades of uninterrupted research and education in the subject. Whereas the discipline suffers “subsumption” into Sociology, and Criminology in other institutions in the region, the SoL department at Lund University has remained separate and “autonomous” from other fields. During the tenure of Professor Emeritus Håkan Hydén as Chair of the department, a large number of researchers were engaged within the framework of a common theme, which is “norms” (Hydén and Svensson 2008). This project resulted in the production of several doctoral theses, monographs, research reports and journal articles. All of which addressed and engaged with the norm concept from a sociology of law perspective. This sociology of law norm concept first appeared in Doctor Måns Svensson's doctoral thesis and was later developed together with Emeritus Professor Håkan Hydén.

3.1.2 Context and Ontological Issues

According to Hydén and Svensson (2008), the sociological foundation of SoL accrues it a solid anchorage in empirical and inductive methods, whereas its strong ties to the legal science opens up SoL to acknowledge the internal nature of the legal system. This together, shapes SoL in a way that requires it to take both inductive and deductive approach when studying normative statements (legal rules). Consequently, SoL can be referred to as a science that explains normative structures through empirical examination. A more problematic way of putting it will be, SoL as, studying “*what ought to be, by observing what is rather being*”. Even though this way of construing and positioning SoL signifies the subject's strong ontological and epistemological connection to both

social science and legal science, it becomes problematic considering David Hume's assertion that, *the "ought" can never be derived from the "is*. Consequently, in order to successfully develop their model, Hydén and Svensson (2008), endeavour to solve this old aged "*is-ought problem*" or what is commonly known as *Hume's Law*, by summoning a scholar each from the "*is*" empirical side, and "*ought*" normative side of the problem, in an attempt to engage their theses, and ultimately produce a syntheses that will bring both sides to a consensus. Thence, they draw from the scholarships of *Emile Durkheim*, credited as the first scholar to empirically study normative structures in society through his work on "*social facts*", and *Hans Kelsen* credited for introducing and making the word "norm" central in legal discourse respectively. According to Hydén and Svensson (2008), even though, Durkheim's *social facts* is broader than what is considered norms in recent times, his work influenced many scholars who were interested in social control and how these social facts influenced individuals and their actions in society. Invariably, the nature and functions of social norms in society, specifically its ability to influence individuals to behave uniformly, convinced Hydén and Svensson (2008) that, norms are indeed the most typical example of Durkheim's social facts. However, Durkheim's theses were that social fact must be construed as things that exist outside the individuals mind, and therefore can be collectively conceived and experienced. This presupposed that, social facts must be treated as data that can be empirically observed. The reason being that it is almost impossible to accurately study or observe the individual's cognition or mental (internal) processes directly. However, the individual's cognition is a representation of something existing in his or her external social space or collective. Durkheim hence argues that, it is only through the externally existing things that we are afforded the best glimpse of these facts, and for that matter must be studied from the external.

Hydén and Svensson (2008) posit that, Durkheim's theses not only recognize social structures as the forces of social life, but also emphasizes on their factual existence which makes them objectively observable. By so doing, Durkheim "*mirrors*" the existence of norms, by conceiving the "*ought*" as the mental representation of the factual "*is*", thereby limiting the "*ought*" only to the individual level and consequently placing it outside the scope of social analysis. What Hydén and Svensson (2008) draw most from Durkheim's theses, is not just the methodological understanding of norms as empirically observable social facts, but also, the essential nature of norms as factual objects (things) containing messages of how reality ought to be. Moving on to the "*ought*" normative side of the problem, Hydén and Svensson (2008) draw from Hans Kelsen's

explanation of his *pure theory of law*, where he argues that, law is a system of norms. In this way, Kelsen's theses opposes that of Durkheim's in the sense that, he perceives the legal system as a complex whole of oughts rather than objective facts existing outside the minds of individuals. Consequently, Kelsen influenced by Hume's Law, argued that, it is impossible to derive and perhaps study law from external or structural things like social and political actions that give rise to them. Rather, he posits law as possessing a series of implicitly operating oughts which forms its normativity. Kelsen argues that, even though laws or legal norms are created by conscious efforts of individuals, their creation is solely legitimized via their accordance to other higher laws or legal norms. When such deductive reasoning is applied to law, a chain of validity is formed which will trace one legal norm's validity to another, until a legal norm with no higher legitimizing norm is reached. This particular level of norm Kelsen refers to as "*Basic Norm*".

Comparing the theses of Durkheim and Kelsen, Hydén and Svensson (2008) observe that, while Durkheim on the one hand claims that legal norms adhere to the external factual things ("is") they relate to or represent, Kelsen on the other hand, argues that, legal norms essentially, only answer to other higher normative principles and derives its legitimacy from the collectively owned basic norm. It is against this contextual and ontological stance relating to the social science and legal science which SoL dwell between, that Hydén and Svensson (2008), develop their norm concept to inculcate both these empirical and normative philosophies about the legal system. Consequently, by employing the philosophical thought strategy of Essence and Accident, they produce a conception of norms that to a large extent reconciles the differences between Durkheim and Kelsen and addresses Hume's Law.

3.1.3 Essence and Accidents of Norms

Hydén and Svensson (2008) quest to develop a sociology of law definition of Norm hinged strongly on their skilful usage of Professor Irving M. Corpi's 1954 conceptual pair of *Essence and Accident*. According to them, it is only after the essential and accidental features of norms are identified that a definition and categorization of norms can be achieved. Essence in its philosophical term connotes an entity's existence. Thus, crucial, and fundamental elements upon which an entity's entire existence depends on. These elements are crucial to the entity because, without them that entity ceases to exist at all. A simple example is an aircraft's ability to fly. This ability can be termed as the aircraft's essence or essential element. If we should take away an aircraft's ability to fly (ontological privation), it automatically ceases to exist as one. This does not mean the entity under

discussion ceases to exist at all, rather it exists not as an aircraft because, it does not satisfy the essence of what is known to be an aircraft. Essence or essential elements of an entity is everlasting or eternal to the entity's existence.

However, accidental attributes or accidents are temporal elements of an entity of which it can continue to exist even without. In relation to my earlier example, an airplane's accidental attribute or element can be its ability to move on water. This ability is termed as an accident because, the inability of an aircraft to move on water does not affect its fundamental attribute and purpose to fly. When an aircraft which can both fly and move over water loses its ability to fly, it ceases to be an aircraft. However, it continues to be an aircraft even when it loses its ability to move or land on water. Thus, accidents as discussed by Hydén and Svensson (2008) in an ontological sense, are temporal whereas essence are core and eternal. Applying this to the concept of norms, Hydén and Svensson (2008) argue that, norms also possess essential and accidental attributes, with the former portraying the norm's core element and its fundamental nature (definition), and the latter, providing keys for classifying or categorizing norms. Thus, similar to my example, the aircraft's ability to move and land over water provides us with the key to categorize it as a Seaplane, whereas others with only the ability to move in the air are classified as Airplane. Furthermore, a very important aspect of Hydén and Svensson (2008) model, is their postulation of semiotics rather than semantics, as the starting point, when investigating norms. This is because, while semantics refer to oral and written language, semiotics covers a broad range of activities and acts that possess symbolic meaning to people like, totems and symbols. The idea is that signs comprises of two key components which together creates meaning. That is, the symbol (or a word like "Eat") and the images or cognition the word "eats" triggers in our minds (e.g. food) when we read or hear it. In a similar fashion, Hydén and Svensson (2008) argue that, regarding the norm concept, the word or symbol is norm and the image or cognition it triggers is "Instruction". Thence, the first ontological essence of norm they identify is "Behavioural Instruction". Thus, an essential feature which corroborates both thesis of Durkheim (social facts) and Kelsen (legal norms). Hydén and Svensson (2008) further adds that, in identifying the essential features of norms, it is important to understand what form of being it exists as. This is because, every entity that exist, does so as either physical, psychological (soul), abstract (numbers and shapes), or phenomena at the limit of perception ("I think, so it is"). Norms, according to Hydén and Svensson (2008), are neither physical objects nor phenomena limited to individual perceptions. Rather, they exist as abstract and psychological

entity. Also, they exist in a social context, in the sense that, they are experienced by many people in a similar manner making it inter-subjective. This provides the second essence of norms, that is, norms as “Socially produced”. This essence of norms as explained by Hydén and Svensson (2008) differentiates the use of power or “command” from norms. Whereas norms are intersubjective and socially produced, commands are not. Though they are instructions, they cease to be norms because they do not possess the intersubjective essence. Consequently, commands become “norms” only when two or more people agree on how to react towards that command or even how the command should be given. Furthermore, norm’s existence as an abstract and psychological being makes it only understood and observed through its effect, or the reaction it stimulates. According to Hydén and Svensson (2008), norms are immediately preceded by cognition. Cognition refers to the psychological process through which we analyse and interpret information collected through our senses. In the case of norms, the cognition avails individuals with expectations on how they should react or act in a particular situation. Consequently, the third essence or essential feature of norm is that they are the “individual’s understanding of surrounding expectations regarding their own behaviour”. Finally, a culmination of the essential attributes or elements of norms provides us with a definition like, “*norms are socially produced imperative statements or behavioural instructions, which indicates to individuals, behavioural expectation of their social environment*”.

According to Hydén and Svensson (2008), accidental features are equally important as essential features when endeavouring to understand the norm concept. They derive norm’s accidental features from three main areas. These areas are, (i) *the cognitive context in which the norm is active*, (ii) *the system conditions that apply to the relevant situation* and, (iii) *the value associated with the imperative*. Hydén and Svensson (2008) indicates that, a culmination of attributes derived from these areas will provide us with knowledge concerning the driving force and environment within which the norm originates. In attempt to expatiate on these accidental features, they turn to common spheres of human life and structures like the legal, social, technical, economic, and bureaucratic, using them as arenas of norms. Consequently, we arrive at categories of norms in the sense of legal norms, social norms, and technical norms, economic and bureaucratic norms. Invariably, identifying the specific functions and the environment these norms emanate from, will expose their accidental features. Therefore, where a norm originates from, becomes a primary uniqueness of that norm which provide key for categorizing it. In this sense Hydén and Svensson (2008) argue that, a norm originating from a public institution within the political system for example, can be

classified as a legal norm or rule. Similarly, norms originating from the social system can be classified as social norms. Social interaction and communication for example, within formal institutions follows certain logics and principles imperative to them, norms emanating from them are thence not classified as social norms but as technical norms.

Finally, Hydén and Svensson's norm concept was selected as a theoretical framework for this study because, it clearly provides keys and maps to identifying norms in any social environment, through its sharp highlight of norm's core essence. This is particularly important because, by thinking along the logics of essence and accidents, it is easy to map the concept in the Ashanti society, and identify the culturally specific issues it associates with. Also, it was developed specifically for SoL and socio-legal research, by Swedish scholars in Sweden. It has been employed in the study of socio-legal issues in non-western societies like Ghana and Uzbekistan (Darku and Lubisi 2019; Urinboyev 2011). Even though none of these studies have reported problematic application of the concept in these contexts, relevance of its indigenisation cannot be underestimated.

CHAPTER FOUR

4.0 Research methodology

This section presents the main research epistemology that guided the study. It accounts for the research design thus, sampling methods, data collection and analysis methods and tools, along with the logic for their selection and accompanying strength and weaknesses. Finally, the ethical issues encountered on the field are briefly reflected upon.

4.1 Research Design

This study is guided by the social constructionist epistemology. As expressed by Marvasti (2019), the main premise of this epistemology is that knowledge is a social construct. Therefore, approaching the study from this perspective afforded me a great deal of scientific flexibility both in terms of methods and tools. This epistemology also allows reality to be seen from the subjective interpretations of the research participants and myself. However, as a methodological objective, I relied mainly on the respondents' interpretation of the phenomenon under study. Consequently, I employed an ethnographic research design. This is because, ethnography enable researchers to grasp the native's point of view, his relation to life, to realize his vision of his world (Malinowski 1992, p. 25). Ethnographic researches emphasize strongly on the meanings social, cultural, physical, and metaphysical phenomenon have to members of a specific cultural group. Also, ethnography produces a particular form of social scientific writing, which draws from both the researcher's rigorous observations of and involvement with the research participants and their spoken words. In fact, ethnographic data goes beyond many other forms of qualitative data in terms of richness. This is because, its truth claims are not only based on the words of research participants, but also the researcher's personalized seeing, hearing, and experiences in the respondents social setting (Van Maanen 2011). Also, ethnographic method and tools enable researchers to present findings in a way that affords readers the feeling and experience of being immersed in the field (Jarzabkowski, Bednarek, & Lê 2014). However, this design was challenging because, it required a lot of time in the field and provided huge amount of data that were hard to organize and structure.

4.2 Source of Data, Collection Methods and Tools

The source of my empirical data was the fieldwork which afforded me qualitative data on how the concept of norms is understood and applied by the Ashanti-Akan people of Ghana. I began the data collection process with a semi-structured phone interview with an expert in the Akan language from the University of Ghana. The interview focused on the lexical translation of the English word “Norms” into the Akan/Twi language. The purpose was to gather a general idea of what aspect of social life of the community I should focus on during the fieldwork, and also to identify an entry point for my observations. I commenced the fieldwork with the community entry process, where I met the community gatekeepers consisting of the Chief’s special delegate (Nana N’ananmusifou), the chief’s linguist (Okyeame), and other elders of the community. I underwent a 5-week uninterrupted fieldwork at the Adukro and Offinso communities in the Offinso North District of the Ashanti Region of Ghana. I chose these communities because, they are Ashanti-Akan communities, have a strong traditional political system, are relatively homogenous and still practice their traditions and customs. In contrast, there are many communities in the Ashanti region that do not practice the traditions and customs of the Ashanti people because, they have become urban and culturally heterogenous. The fieldwork involved, data collection methods including observations, participating in key activities relating to the objective of the study as well as carrying out unstructured interviews specifically in the local dialect (Twi). I observed and participated in several activities including local court hearings.

During this period, I interviewed key informants consisting of elders of the community’s traditional political and legal system. A total of seven unstructured interviews were conducted with five Ashanti elders and two youth groups. The interviews were conducted at the residence of the individual elders a day after my participation in a community activity or right afterwards. However, a few of the interviews were conducted in real-time while I was participating or observing an event. In the cases where the interviews were conducted a day after, an interview guide was prepared beforehand and employed for the interviews. In the other cases, the interviews were more dialogical and without guides. I did not employ the services of a translator since the Akan-Twi language is my mother tongue. Even though I employed both the purposive and snowball sampling techniques in identifying my respondents, most of them were present at the community entry event, and almost instantly offered to avail themselves for an interview at any time. The fieldnote served as my main data collection tool, alongside my voice recorder. I had the notebook with me always and recorded

my observations in real-time. It is from this fieldnotes that I was able to prepare enough data capable of presenting a thick description of my observations. As argued by Jarzabkowski, Bednarek, & Lê (2014), field notes vary significantly from interviews and their transcripts. This is because, whereas the former is richer and captures multiple aspects of the researcher's experience, the latter only captures and presents just the verbatim quotes of the respondent. In essence, the fieldnotes are not only used to record events for the purpose of remembering them, but also to ensure that the exact lived experience at particular times and spaces are captured. This I considered as the strength of my fieldnote which complemented my voice recorder. This is why Jarzabkowski, Bednarek, & Lê (2014) contends that, the quality of a fieldnote lies in its ability to capture and reproduce the sensation of being there all over again, the nuances of the moments in a meaningful way, and not just conversation and their sequences. Finally, in order to increase the validity of my data, I had to reduce observational biases. Therefore, I employed the services of a field assistant who was with me almost throughout the entire period in the field. The field assistant recorded his observation and thoughts about the same events and activities as I did. To prevent contaminating my own perceptions, I did not read the assistant's fieldnote until I began the data analysis stage of this study.

4.3 Method of Data Analysis

The main aim of analysis in research is to organize and derive meanings out of the data collected from respondents, in order to answer the research questions (Polit and Beck 2010). This study made use of only qualitative data derived from the fieldwork, which was all in the form of words. Consequently, I employed the Qualitative content analysis method in analysing the data. According to Crowley and Delfico (1996), this method refers to a systematic procedure of organizing textual materials, including transcripts of interview, into a standardized format that allows the researcher to derive meanings and establish inferences. The advantages of this method are its abilities to cope with large volume of textual data and rigours nature of analysis. Also, this method of analysis has its root in social research and can be used in a deductive and inductive manner. However, the tendency of premature interpretation is a major flaw to look out for (Polit and Beck 2010). There are various styles, approaches and procedures in conducting a qualitative content analysis, with each possessing varying strength and weakness. However, I employed Bengtsson (2016) four-stage procedure (decontextualization, recontextualization, categorisation and compilation) because it is easy to employ on large set of qualitative data. I transcribed the interviews and reorganized the

fieldnote reports into clear textual data. After this, I passed the empirical data through all four stages. However, I repeated each step several times to ensure that my analysis was quality and trustworthy. In the decontextualization stage of the analysis, I first thoroughly read the data and listened to the interviews several times. This helped me to develop a general picture of my data and familiarize with it. Familiarizing with the data enabled me to break it down into smaller units of meaning. According to Bengtsson (2016), meaning units are the smallest phrases or sentences that contains some of the insights needed by the researcher to answer gradually and systematically his or her research question and aims. So, after breaking the data down into meaning units, I designated codes for each unit. These codes were generated inductively and accompanied by short and concise description of what they represent. Once again, the coding process was repeated severally to improve the quality of the process. The coding process was followed by the re-contextualization stage. At this stage, I cross checked the entire data, to be sure that the meaning units I identified were all that could be found in relation to the aims and research questions. I did this by reading the data alongside the meaning units and highlighting the units with different colors. After which all unhighlighted texts where considered not relevant to the study and discarded. The meaning units were then condensed by reducing the number of words in the phrases or sentences without losing contents. This condensation process was very important particularly because I chose to do a latent analysis of the data.

Subsequently, to extract meanings from the data, I categorized the meaning units into themes and sub-themes of relevance to the research question and theoretical framework. The categorization was done several times to ensure that the themes and sub-themes were internally homogenous and externally heterogenous. By so doing, no meaning unit could fall within two or more themes or sub-themes. According to Bengtsson (2016), a theme refers to the overall concept of an underlying meaning on an interpretative latent level that answers the question “how”. Lastly, after I created the themes and sub-themes, I began to draw inference, meanings and write the findings. Unlike the manifest analysis where the researcher sticks to the words and original meanings of texts, the latent analysis I employed required that I immerse myself in the data to identify and unearth hidden meanings in the text. However, for each of the themes identified, I chose corresponding meaning units in the data as quotations and referred to them while I interpret its meaning. However, to increase the validity of my interpretations, I gave my original texts from the data set and my findings to a colleague who is neither a collaborator nor part of the study and has no prior

knowledge about it, to assess if my interpretation were logic and made sense. Lastly, the empirical data presented in the findings are my own translations.

4.4 Ethical Issues

The Swedish Council for Humanities and Social Science charges the researcher with the responsibility to ensure the quality of his/her study and respect human dignity and morals while doing so (Swedish Research Council 2011). Consequently, I sought the consent of all the respondents I observed or interviewed and prevented them from any harm by ensuring the confidentiality of their private experiences. Also, the Ashanti custom demanded that I present a bottle of alcohol and token (money) to the elders I interviewed, which was a very difficult position to be in as a researcher. It was tricky to navigate through since it was the “right” thing do as an Akan but somewhat wrong thing to do as a social scientist.

4.4 Reflexivity

On the first thought, it appeared that there was nothing more to be reflexive about, aside the fact that, I am Ghanaian, and an Akan, who has lived almost his entire life in the Akan society. Therefore, my prior knowledge and ethnic affiliation, influenced and wore me a very subjective lens. Even though, I tried to circumvent this by employing a second observer, who is not an Akan, I cannot assure it succeeded in preventing me from making value laden observations. However, I do believe that, by adhering to the rules guiding the conduct of social science, my study will represent nothing but science to the best of my knowledge and capabilities. In fact, through a persistent thinking and rethinking of my thoughts, interpretations and decision throughout the conduct of this study, I realized that, my choice in the first place to conduct such a study was hugely influenced by my passion for, and association with Pan-Africanism. Throughout my life, I have been inspired by Osagyefo Dr. Kwame Nkrumah, PLO Lumumba, Julius Nyerere and Thomas Sankara among many other Pan-African leaders. I have always had in me, the quest to redeem for Africa, what was lost through European imperialism and colonialism, and to champion an Africa where, our independence does not only concern social and economic issues, but also academic and cognitive independence. Thus, indigenization appeals to my aspirations and dreams for Africa. This could have had an impact on my methodological and analytical lens unbeknownst.

CHAPTER FIVE

5.0 Presentation of empirical findings

This section presents empirical findings that was gathered to answer the research questions. It presents the data collected through the ethnographic fieldwork.

5.1 Norms from English to Asante Twi

In order to explore what the concept of norms mean in the Ashanti culture, it was necessary to first and foremost, find its lexical equivalence or translation in the Ashanti Twi. I began by using online translation software and websites. After visiting over 20 different translation websites and 11 software, including few Akan specific translation tools, I could not find a translation of norms in Twi. So, I followed up with a phone interview with an Akan language expert from the University of Ghana. His reaction when I asked him for the translation of the word in Twi, was a quick silence and then busted into laughter. He said, he had never thought about it, and just realised that it was close to impossible to find a word for it. So, I asked him for synonyms of the word, or other Twi words that come close to the meaning of norms. Consequently, he brought up two words, “*amanneε*” which translates into customs in English, and “*amammereε*” which translates into traditions. I further probed with the question, “What does *amammereε* and *amanneε* mean in Ashanti Twi?” The Akan language expert responded, and I quote

“...when we say, amanneε (customs), it comes from the words “aman” (nation) and neε (acts or ways)” so amanneε means a nation’s way of doing things. Every nation has a way of doing it things, like marriage, funeral, naming and the likes, so the acceptable way we must do things like these per the culture is what we call amanneε ...so we can say our amanneε(customs) are derived from our culture/tradition amammereε”

Thus, since *amanneε* (customs) in the Ashanti sense are the right or culturally acceptable way things are done, the Akan language expert was very confident that, the word *amanneε* is the closest lexical translation of norms in Ashanti Twi and culture. He added that, when an *amanneε* (custom) is passed on from one generation unto the other, it becomes an *amammereε* (tradition). That is why he believes both words are the closest to the meaning of norm in English.

5.2 Brief background of the Offinso Adukro community

Offinso Adukro is an Ashanti community in the Ashanti Region of Ghana, under the Offinso North District. The community is traditionally under the Offinso State of the Ashanti Kingdom, and the paramountcy of the Offinso Manhene. Farming is the main occupation of the community's members and Mmoaninkɔ is their annual festival. This festival is marked by merry making, singing, and dancing, as well as football competition.



Image 5.1: Main entrance to the Adukro community

5.3 Arrival to the field and the community entry process

It took 4 hours and 40 minutes by bus from Accra (the capital of Ghana) to Kumasi the capital of the Ashanti region. From Kumasi, it took 45 more minutes by another bus to the Adukro community. It was a rainy evening when I arrived at Adukro around 8:30pm. I walked for about 7 minutes until I got to my key contact's residence. I was warmly welcomed, had the welcome

conversation “*ekwanso nkormor*”, and took my shower. The latter part of the evening was spent contacting some community gatekeepers to arrange the community entry process. The next day I was dawned in the morning by a very sad news of the passing of one of the community’s youth. A young man of about 24 years who was very active in the community’s footballing activities. I began arranging the community entry process immediately by scheduling my meeting with the community elders and gatekeepers for 5 pm in the evening. I was unable to collect any data prior to 5pm because an official entry into the community had not been conducted. This also meant that I did not have the official consent and permission from the community’s leaders to include whatever I had observed prior to meeting them in my research.

At around 5pm I made it to the residence of one of the elders where the entry meeting was scheduled to take place. When I got to the compound, I saw some women cooking some typical Ghanaian dinner dishes, I greeted them and asked for the elder. One of the women told me the Elder was expecting me and instructed them to provide me with a chair to sit down and immediately asked if I care for a cup of water, I respond affirmative and was served a cup of water. After sitting in the compound for about 5 minutes, the elder arrived together with the Chief’s linguist and one other elder. I stood up and greeted them “good evening elders” in Twi. They responded “*akwaaba*” in Twi, meaning welcome, and took their seats. About 5 minutes after they sat, another elder arrived, greeted all of us with a handshake beginning from the person on the extreme right to extreme left and when he got to me, he said “*akwaaba*” and took his seat. After some minutes, another elder arrived, and he also greeted all of us with a handshake from the person on the extreme right to left, and when he also got to me, said “*akwaaba*”. The elder whose residence the meeting was held, asked the chief’s linguist for permission to commence the meeting, and once he was granted, the meeting began. He introduced himself and the other elders in attendance to me by mentioning their names and status in the community. After which I noticed that, in attendance were the Chief’s special delegate known as “*Nana N’ananmusifou*” in Twi, and the community’s 89-year-old sage. He then said,

“... we welcome you, as for us we are here, it is you who have come, you have travelled, the elders say, we know, yet we ask, how was your journey, and what brings you here...”

I responded

“...elders, thank you for receiving me, the journey was good, and I come with good will...”

I introduced myself to them, by mentioning my name and where I come from in Ghana. I explained to them my purpose of coming to the community, and clearly stated that, I do not work for any government or non-governmental organisation. I told them I am a student writing my master thesis and have come to the community solely for the collection of data. I explained to them the general aim of my research and emphasised that, I will be observing almost everything observably possible in the community with the aim of understanding how they do the things they do and why they do them. After briefing them about the purpose of my stay in the community and what I will be doing and not doing within the period. All the elders welcomed me once again and shook my hands again. Afterwards, the elder expressed his happiness for my decision to study their community among many others. He quickly added that, they do not have any objection to my study and are willing to support me in any way they can possible. In his words,

“... as for us, we are happy that out of all the communities in the Ashanti Kingdom you chose to study our community, we will do our best to ensure your project is successful, however, there are some laws (mmara) that you must adhere to. Our women, as for our women we beg you, if you see one and you like her, go to her home, what we hate in this community is to chase or follow another man’s wife, that one we do not tolerate at all, we know you are a gentleman and will not do that, but we must let you know from the onset. ...”

Afterwards, they had a short discussion among themselves and quickly contacted the chief of the community who was out of the community for other duties over the phone. From what I could hear, it appeared that the chief had given them the permission to grant me official consent for the research. I was also asked to avail myself to the palace after two days to meet the chief. I sought the elders' consent to take a photograph with them, took some snaps and then afterwards presented them with two bottles of Schnapp and a white envelope as a token of my appreciation which is an Akan tradition. As the Akan saying goes “*One does not go to the elder’s bosom with empty hands*”. Later in the evening an announcement was made on the community’s radio (a loudspeaker used to disseminate information in the community) about my arrival in the community as well as my purpose and the community cooperation in making it a success. The announcer added that, it is not compulsory to be a part of the study and that anybody who had an objection or further question can come to the community radio point and make it known.



Image 5.2: Community elders having a conversation with me after the Entry meeting

5.4 The Sage of Adukro on amanneɛ and amammerɛ (customs and tradition)

The first thing I could think of when I woke up from bed today was the taste of *kookoo* and *koose*, a common Ghanaian breakfast, kookoo made from millet and koose from beans. So, I quickly rushed to the community market to buy some. On my way, I saw a gathering of adults, most of them wearing black clothes and the rest in red. Clearly, they were mourning the passing of someone, which I presumed was that of the young man who had died. I did not go there because I was not wearing a black or red attire which is the appropriate dress code when visiting a mourning family. Consequently, I went straight to buy my breakfast, came home to eat, and prepared to visit the sage of the community for a dialogical interview. For clarity sake, a sage refers to a wise elder, who is thought to have enormous wealth of knowledge concerning the history and culture of a community. After having my breakfast, I went straight to the sage's residence. He lived right in the centre of the community and a few meters away from the chief's palace. We had agreed to meet this morning at 10am, so when I got there, he was already seated in front of his room taking what appeared to be a nap, with a seat right next to him prepared for me. It was a bit hard for me to wake him up because I felt that I could leave and return another time. However, before I could decide on what to do, a young lady came from one of the rooms and called him, "*nana wahohou nu aba oo*" meaning, "grandpa your visitor is here". The sage who is referred to by the community members as "Opanyin" woke up, and asked me to have a seat, indeed he had been waiting on me since 10am.

He welcomed me, asked if I wanted to drink some water, which I accepted and was served a cup of water by the young lady. Afterwards he said to me,

"...well, we are good here, you are the visitor, and as the elders say, we know yet we ask, what brings you here to my home this morning?"

I responded,

"Thank you Elder, I come in good will, in reference to the discussion we had yesterday when I met you and the other Elders, I begged for your indulgence this morning so we could discuss some things, so if I am here this morning, then it is for the discussion that is why I have come"

He welcomed me once again and asked me to ask anything I want to know, and he will answer all my questions. I began by asking him about the observations I made during the community entry

meeting that was held the previous day. My first observation was the greeting pattern of right to left which the two elders who came after we had seated applied. So, I asked him, “*why did every elder tell me akwaaba, and the subsequent elders who came after we had seated greeted from right to left*”. He smiled and answered,

“...greeting from right to left is custom, when you greet that way, it shows that you know the tradition and it also shows respect”

I followed up with the question, “so what happens if one does not greet that way in a gathering”, and then he responded that,

“...you actually disgrace yourself, and show to everyone that you do not know tradition...”

I observed that while he was offering answer to these questions, the young lady in the compound began to laugh, almost at every answer he gave me. It was not surprising because Opanyin had a passionate tone to his answers. I asked him again, Opanyin “*I observed that, at the meeting yesterday, the elder asked me of my journey, quoting elders and saying that even though we know, yet we ask. You did the same today and used the same words, why do you do that?*” and he answered.

“in our tradition if you go to someone’s house, you have to tell them what brings you there isn’t it?, in most cases, the host knows why you come there, but in order not to put words in the visitor’s mouth and not to create any misunderstanding, we want to hear it from them....Also so that, other people in the house will hear, that is why we always do that”

At this point, I remembered the interview I had with the Akan language expert, and realised that, the sage had referred to culture/tradition and customs and used the Twi words *amanneε* and *amammereε* severally. I saw this as a perfect moment to shift the focus of the dialogue to these two words and what it means. So, I posed the question, “*Opanyin, when you say amammereε and amanneε what do you mean, and do they refer to the same thing?*” He answered,

“...Amammerɛ (tradition) are things that we are supposed to do and not to do. In our Ashanti culture, we say, we do not curse, this curse that we do not tolerate is our tradition, because cursing kills, that is why we do not accept that...even just recently a young man in this community cursed one lady, we investigated the issue to find out if indeed a curse was evoked. After discovering that a curse was truly evoked, now we have to sit down with elders to settle the dispute that led to the curse and then ensure that the curse is annulled, annulment of the curse is all part of our tradition...but the actual annulment process and the specific procedures is what we call amanneɛ (customs)...so the amammerɛ (tradition) is that, someone has been cursed, we need to annul it, but when we go there to annul the curse, we are doing amanneɛ (customs), so we proceed from the tradition to do the customs, that is why we always say, through the traditional way, let’s do the customs”

I probed further by asking, *“so from what you say, does it mean that our laws (mmara) like ‘no one should curse another’ is derived from or comes from our amammerɛ(tradition)?”* He answered,

“...Yes, it is from the amammerɛ(traditions) that we make our mmara (laws), so if you break the law by cursing someone, the annulment process and procedure of that curse is the amanneɛ (customs)... that is why whenever someone breaks the tradition or a law we say that the person has gotten amanne, if he or she has gotten amanne, then we he or she must to the necessary amanneɛ (customs)...” Note, “*ammane*” is the singular of *amanneɛ*, and translates into trouble or problem.

I asked again, *“so where does our amammerɛ (tradition) and amanneɛ (customs) come from?”*, and Opanyin answered,

“...our ancestors/forefathers left it for us, they passed it on to us ...,”

I asked again, *“so Opanyin, meaning that our marriages, naming and funerals all of these are”* before I could finish my question, he answered *“...all of these are amammerɛ (tradition) ...,”*

with a confused facial expression I asked, “but aren’t they amannee (customs)?”. He laughed and answered,

“...they are traditions, if we have not observed an amammerε (tradition) how do we proceed to do an amannee (customs)...?” he quizzed, and added that, ... “marriage, you see a woman, and you are interested in her, you have to go and see her family, once they accept, you inform your family, a day is set, you come with your family members, both families familiarize, then the woman’s family ask, what brings you to our home today, then your family informs them about your marriage intentions, then the necessary steps are taken, after all is done, you finally get your wife and you go to begin your life...so we move from tradition to perform custom”

I became interested in finding out how the ancestors/forefathers left the tradition and customs or passed it on to the current generation. So I asked, “*Opanyin, you said that our traditions and customs come from our forefathers and ancestors, and they passed it on to us, but how did they do that, through what means?*” and he responded,

“... our ancestors passed it on to us through our parents and their parents, they taught us through our upbringing, some of them through poems, others through stories, and majority of them through the proverbs... so when we learn all these things, we do not only learn mere stories or poems or proverbs, but we learn our traditions and customs too”

The discussion continued for about 5 more minutes until Opanyin began to cough profusely, I quickly got him water to drink, and decided to bring the interview to an end. A few minutes after he drunk the water, he stopped coughing. I told him, I would like to end the interview for today and then continue the next day same time. He responded that, the next day same time would not be possible because, he will be going to the paramount chief’s palace at the Offinso New Town to play his role in the resolution and annulment of the curse case he just told me about. I was excited to hear and asked if I could come along with him and observe the entire process. He responded affirmative, but cautioned that, it is a “curse court” so I cannot take pictures or videos. I asked him if it is possible to seek consent before the court begins since it is outside the Adukro

community where I had been given consent for my research. He responded that, he will seek consent from the elders on my behalf before the proceedings begin. I thanked him, presented him with a bottle of schnapps and a white envelope as custom demands and left his residence.

5.5 The “Duabɔ” Court: “*Obi enya amanne*”

Duabɔ in the Ashanti Twi language means “to curse”. I gathered that, in the Ashanti Kingdom cursing is considered a very serious crime and a taboo. To curse means to evoke the power and role of the god’s as an arbiter of a dispute. In most cases, a person who pronounces a curse prescribes the punishment the gods should give to the guilty party and often, the punishment is extended to other family members of the guilty party even including the unborn. Curses always arise from conflicts among two or more people, and a curse can be evoked by any or both parties as a means of resolving the conflict and obtaining justice. According to an Elder of the Adukro community, a lot of people in the Ashanti region are killed by curses evoked on them. He used the expression “*eye mogya sem*” which directly translates as “*a matter of the blood*” but is rather a figurative expression for a very serious and deadly issue. When a curse is evoked as a means of seeking justice and resolving conflict, the issue or conflict is sent into the spirit realm of the god’s for arbitration. According to the elders, the wrath of the gods is very brutal and merciless, and the painful part is that they do not punish the guilty person instantly, but rather, unexpectedly. This is what makes curses a very serious issue, because it could take so long, one could even forget that a person’s death was caused by a curse that was evoked years ago.

In the previous day before I left the sage’s residence, I learned about the curse case that was ongoing the paramount chief’s palace at Offinso New Town. Today, I woke very early and prepared to go with the sage to witness and observe the proceedings. We had agreed to meet at the community centre at 10 am. However, Opanyin was about 30 minutes late because due to a miscommunication about the meeting place. We chartered a taxi and headed to the court venue. On our way, he began to brief me about the nature of the case and what led to the curse. When we got to the venue, there were few other people already awaiting the elders of the court to arrive before they get seated. Opanyin went inside to join the few elders who had arrived while I wait outside with other people which appeared to include one of the two parties involved in this case. A few minutes later, the other party arrived, and I could tell that by the reactions and remarks the first party was making while the second was approaching the premises. The court proceedings that

was supposed to begin at 10:30 am had not begun as at 11:30 am, we had been waiting outside for over an hour, and tension between the parties was building gradually. Finally, we were given the signal to proceed to the courtroom around 12:00. The first thing I observed when I entered the court room was that the persons who were adjudicating were chiefs of the Offinso State. They were dressed in the traditional cloth wrap just like all the other elders who were present. They were seated at a little bit elevated platform while the rest of us, including the two parties were seated about 20 meters away facing them.

After a few minutes of deliberation among the chiefs, one of them, seated in the middle, called on Opnayin (the sage of Adukro), and said, “*Opanyin, na anopa yi?*” meaning “*Opanying this morning?*” , this was an indirect way of asking the Opanyin about what brings him there this morning. Opanyin while rising on his feet to speak, slowly takes his right foot out of his sandals and lowers his cloth, leaving his entire shoulder and chest bare. This was how it ensued between him and the chief.

Opanyin: *...this morning is well, yesterday around 6pm, I was told that the chiefs has instructed me to bring the man who evoked the curse with me to the court today, so I walked to his residence to inform him about it, when I got there, he was not around, but the parents of his partner were at home, the man of the house was eating, so I sat and waited for him to finish eating and then when he was done, his wife asked me about my journey and purpose of visiting...*

The chief quickly interrupted with what appeared like a confused facial expression by saying.

Chief: *the man’s wife asked you about your journey and purpose of visit?*

The court room erupted into a short laughter, then Opanyin answered and continued,

Opanyin: *yes, after he finished eating then he allowed her wife to ask us about our journey and purpose, so when she did, then we told them that, the Chiefs have sent a message that, the man who evoked the curse, which is their daughter’s partner,*

including their daughter are required at the court tomorrow, at the Chief's palace to face the Duabɔ committee... You should have been there to see the insults they gave to us, the woman especially stated emphatically that, their daughter will never step foot at the court....

Chief: *Thank you Opanyin, well done, that is all we expect to hear, take your seat...*

The proceedings continued for a little longer with questions concerning the whereabouts of the partner of the man who evoked the curse. Apparently, she had deliberately refused to appear before the court and had absconded into hideout, which upset the chiefs. However, matters became worse when the man who evoked the curse, claimed he had no idea of the whereabouts of his partner, who was in some ways involved in the case, but at this point it was not clear to me what her involvements were. The chief who was steering the proceedings deliberated with the others for a few minutes and remarked that,

“... we (the chiefs of the Offinso state) are soon going to enact a law, where people who fail to appear before the court will be banned from holding funeral ceremonies in the entire Offinso state, anywhere in this state, they will be banned... ”

He furthered added that,

“... we are giving her one last chance, because she has cursed someone, and if she has done that, and she has to appear before us and narrate her part of the issue so that we resolve it and annul the curse but she is refusing to show up, then she has not shown respect to the Offinso State (offinsoman)...now the law we will enact is serious, if you fail to appear before a court, you will not be allowed to hold funerals in any of our communities, because to curse is like drawing a sword to kill someone...”

The elders call on the culprit (the man who evoked the curse) to present his statements, as he is doing this, one of the elders refer to the third party which is the culprit's partner as a wife while asking of her whereabouts. The culprit quickly responds that,

“... elder with all due respect, she is not my wife, what I know is that in our Ashanti tradition if you have not gone to see a woman’s family with drinks, she is not your wife ...”

The session continues for one hour and thirty minutes, with both parties presenting their statements to the elders. The elders probe their statements with several questions and call on witnesses to also testify the accounts of the parties. Afterwards, the elders deliberated among themselves for some minutes and the chairing elder presents their verdict to the court. First, we find the culprit guilty of breaking the law by cursing, and sanction him to pay a fine. He is then asked to willingly out of his heart decide to annul the curse and letting go of any pain or enmity he has in him. He is asked to go to the fetish priest in the Offinso New Town together with the victim to perform all the necessary customs to annul the curse. He asks the elders if the cost of the annulment can be catered for by the victim since he is not having money now, but the elders deny his request and asks him to bear the full cost. The elders end the session by sending a strong caution to everyone in the room, and express that, they were lenient in this case but would not in other instances, so it should be noted. After the session came to an end, I went to greet the chiefs and elders who adjudicated and thanked them for giving me access to the proceedings. I approached the chief who chaired the section and asked if I could schedule a one on one interview with him in the coming days. He asks of my name and where I come from and after my response, he introduced himself to me as the Baamuhene of the Offinso State of the Ashanti Kingdom. He asked me what the interview will be about, and I responded, it will be about the proceeding that just ended. He agreed to meet me the next day at his residence, he then gave me his phone contact and direction to his place. I thanked him once again for agreeing to sit for the interview and sought permission to leave. I left and joined Opanyin and we headed back to Adukro community.

5.6 A day with the Baamuhene of the Offinso state

Today I embarked on my journey to interview the Baamuhene of the Offinso state who chaired the curse court session I attended. As Baamuhene, he is responsible for upkeep of the state’s museum which houses the stools of all past Kings of the Offinso state. He is also part of the chiefs that form the cabinet of the Offinso King or paramountcy. I reached the residence of the Baamuhene around 12:30pm in the afternoon, it was extremely sunny on this day. When I got there, he had asked his son to prepare a seat for me under a neem tree in front of his house. His son showed me the seat

and asked if I wanted water to drink, I responded affirmative and said he will call his father on his way to fetch the water. Few minutes after he brought the water, the Baamuhene came out of his room and took his seat. This was what ensued between us,

Baamuhene: *borga (a word used to describe Ghanaians who have returned from abroad) how are you doing... well, elders say we know yet we ask, what brings you to my home today.*

Me: *chief, I am doing very well, I come in good will, I come in reference to the conversation we had yesterday, I have come to learn from you ...”*

Baamuhene: *well, this place is good, and I am happy to have you here as well, feel free to ask anything you want to know, and I will answer you.*

Me: *chief, first of all, I just observed that the way you received me and asked of my purpose here is slightly different from how you received Opanyin during the court session..., here you, made reference to the elders saying ‘we know yet we ask’, but why didn’t you say the same with Opanyin, but only asked ‘about the morning’. why is it that way?*

Baamuhene: *it is like this, the duabɔ court is not our (chiefs and elders) home, even though we are the elders adjudicating the proceedings, it is not the same as asking about the journeys of people who visit our homes, the amannee (customs) are not the same . At our individual homes, we are fathers and even some of us are extended family heads, so we need to ask about the journeys and purpose in that way, using this phrase, like how I just received you.... In the court room, we are playing our roles as chiefs and elders, and those who appear before us are not visitors per se, so it is more straightforward, but even with that, what we normally say is “what about this morning, or what about this afternoon, or what about this evening”.*

Me: *So, chief do you always ask the journeys in this same way at all your court sessions, by asking about the mornings or afternoon or evening? ...”*

Baamuhene: *Yes, and it is not only me, everyone who chairs a gathering like this court does it this way.*

The Baamuhene in his responses made mention of the word *amannee* (*customs*) in relation to the specific way he asked about the journey of Opanyin, so I endeavoured to probe further into it. I asked him about what he means by the word *amannee*. He explained the word as,

“...amannee (customs) is the traditional way of going about things in our Offinso State, just like you saw at the court, it is like that, that is amannee...”

His response was not very clear to me, so I asked him “*with all humility chief, what is the amannee of the duabɔ court*” this is how the conversation ensued,

Baamuhene: *first of all cursing is against the laws of the Offinso state and the entire Ashanti Kingdom, the Asantehene and Offinsohene have both said, no one should curse, so when someone curses, he or she is supposed to be reported by anyone who witnesses the act, it is the witnesses responsibility to do that....*

Me: *chief place, what if there is no witness? what happens then?*

Baamuhene: *then the party who is cursed is responsible to report the other party who evoked the curse. In our tradition (amammerɛ), when a curse is evoked on someone it must be annulled as soon as possible otherwise either of the parties involved will die, and it can even affect other family members who have no idea about the curse. ...So, it must be reported to the community’s chief’s palace immediately. Here in the Offinso state, we have the Duabɔ committee which is responsible to adjudicate cases like this, so the community’s chief will delegate an elder of the community to refer the case to the Paramount chief’s palace here at Offinso New Town, for us the committee to take it from there. When we get the case, we use the name of the Chairman of the committee to require both parties at the court on a said date. When the parties come, we first and*

foremost find out from the alleged culprit if indeed he or she evoked a curse, if he confesses to it, we immediately without probing any further instruct him to provide a sheep as a sanction because he has broken the law. If he does not admit to cursing, we find out if there are witnesses who can attest to his or her fact. If there are no witnesses, we appoint an elder to take both parties to the fetish priest to confer with the gods, if the alleged culprit has evoked a curse on the other. If the fetish priest reveals that a curse has been evoked, we double or triple the sanction and sometimes fine the culprit in addition.

Me: *but what if even though he or she evoked a curse he for instance physically abused or unfairly dealt with by other party and that was the reason he evoked a curse, what happens then?*

Baamuhene: *Well, the Paramount chief of the Offinso State, says no one should curse, so once the law has been broken, he or she must be sanctioned. So, you see, the punishment is very important. Now after this, the court will then sit down, to adjudicate the case which led to the curse. Before the adjudication begins, both parties are asked to deposit an amount of money with the court (ntaagyom). The purpose of this money is that it is important to determine who was at fault in the entire case, and then reconcile the parties first, before the annulment of the curse will be effective or can work. So, after we listen to both parties, we then determine who was at fault. If the curser is at fault, he must beg for forgiveness from the other party, and he must be forgiven from the heart. Then he will proceed to annul the curse he evoked. This is because, as we have found that he is guilty, and indeed we did that in fairness, the gods will also find him guilty and he will be the one to receive the punishment from the gods, even though he evoked the curse... similarly, if the other party (the cursed) is found guilty, he must also ask for forgiveness and then it is only when the curser has wholeheartedly forgiven him, that annulment will be effective...*

Me: *so Chief, please is the deposit some form of administrative charge for your services?*

Baamuhene: *No, of course not, once we find who the guilty party is, he or she must compensate the other party before we proceed to annul the curse, so it is this deposit that we use as a token of compensation.*

Me: *but Chief, what if the curse case is reported to the police instead of the Chief's palace, what happens then, how do you deal with that?*

Baamuhene: *as for curse case you do not take to the police station, even if you do, in such instances, you will be directed by the police officers to bring the case to us, they will ask you to report it to the Chief's palace.*

Baamuhene: *so when you bring it to us, then we deal with it in the traditional way, as I have explained to you, we ensure that we perform all the customs to make sure we reconcile them, and to prevent any deaths, because cursing kills, it has killed a lot of Offinso people.*

After the Baamuhene explained all this to me, I decided to ask more questions about other things I observed during the court session, so I quickly referred to my fieldnote book. It recalled me of Opanyin's removal of his right leg from his sandals and lowering of his cloth to show his bare chest before addressing the chiefs and elders who adjudicated the session. So, I asked Baamuhene why Opanyin's gesture, and he responded.

"...it is tradition, we do that because, maybe you have a gun or knife hidden under your arm, so when you lower your cloth and make it bare, then we know that you are not carrying any weapon, because in the olden days that was how people kill chiefs... a public gathering like a court session, and then before you realise, someone who has been given the chance to face the chief and speak, draws a weapon and kills the chief... if Opanyin was a messenger of the palace he would have folded the cloth on his waist, but he is a sage of the palace and the Offinso people so he only lowers it... you saw that all of the us the chiefs and elders were wearing the cloth, that is also another custom, we dress like that whenever we are adjudicating a session"

After his response, I shifted the focus of the interview towards his chieftaincy role as *Baamuhene*, and the nature of his work aside adjudicating on the *duabɔ* court. He revealed to me that, *Baamu* in Twi means a museum or a place for keeping historic and cultural things. Also, as *Baamuhene*, he is responsible for finding a burial place or grave for every Paramount chief of the Offinso state who passes on. He further added that,

“...we have an amannee (customs) that we do every forty days known as awukudae and akwasidae... on awukudae we cook food for the spirits of our ancestors... on akwasidae we offer them drinks (alcohol) and food as well, just like they are alive, so the Baamuhene is the person responsible to do all that on these days... the Baamu is like a house and you will see that the past Kings are buried nicely in an organised pattern in the compound of the house, you will also see the black stool of all these Kings, and me the Baamuhene is also responsible for feeding their black stools as well, every evening I make sure food is cooked and sent to these stools... ”

I asked further questions concerning his role as the *Baamuhene* of the Offinso State which he responded to, but most of what he told me I choose to treat as confidential because of the sensitive nature of his work. I thanked him and presented him with a bottle of schnapps and a white envelop because, *we do not go to an elder's bosom empty handed*. I left his residence and headed towards Adukro. On my way to Adukro, I sat in the same taxi with one of the youths from the community, so we started having a conversation and he invited me to come play football with them at 4pm every day. I asked if he will be showing up for training the next day and he responded affirmative. So, I told him I will also come around do that we can train together. We both alighted at the community's junction and went our separate ways. I returned to my place of residence and continued the rest of the day scheduling interviews.

5.7 Boys-Boys Soloku: Youthful way of honoring the dead

It has been almost 2 weeks since I arrived at Adukro, I have already familiarised with the community members and made a lot of friends among the youth through my participation in their footballing activities and have attended almost every training session. In all the trainings I have attended, there is always one thing that is announced at the end of every session,

“let us stick to the time and come at 4pm tomorrow so that we can play for a long time, because when we come late the darkness catches up with us”

For almost every single session I have attended, we begin after 5pm because people show up much later than the agreed 4pm. So on one of these days after the announcement was made, I quickly sought permission to speak and asked the entire group a question, *“why do we come late even after we have all agreed to show up at 4pm each day”*. Three of them responded,

“borga, even if I come early the rest do not show up on time, if you like see, when you come early, you will wait, until 4:30pm before they start coming one by one”

“rasta, everyone knows that when they come on time they will have to wait for the others, those who live close to the road, always wait to see if people have arrived on the pitch before they also dress and come”

“senior, in this town if you come to training early you will wait”

I observed that, with each of the responses there was a consensus with people murmuring in Twi “it is true”. In one of the days after my training session while I was having dinner, I heard a very loud sound of music coming from the community centre, so I decided to go and look at what was happening. When I got there, I saw a lot of people gathered in small groups, and in the open space were tires set ablaze, oozing thick dark smoke into the atmosphere. Around the corner, were four very large speakers and a DJ playing some very nice Ghanaian music. People were dancing all over the community centre, they were a mixture of the old and young men and women as well as very little children below the age of ten. It was around 8pm in the evening and from where I stood, I could see a group of guys dancing around the burning tires and constantly fuelling it with

more tires from time to time. I saw a group of guys whom I played football with, so I approached them. When I got closer to them, I greeted them and asked them what was going on with the music, dancing and tyre burning.

They responded that it is “*soloku*” meaning merry making. So, I asked them “*merry making for what?*”. Then one of them responded that, it was *soloku* in honour of the young guy who had died some weeks ago. I became even more interested, so I asked them, “is this a community tradition and custom (amammerè and amannee) to organize *soloku* for everyone who dies? Their response will puzzle me for the next half hour. This was what ensued between us,

Community youth: *it is not a community tradition or custom to organise soloku when a person dies, it is just the deceased’s alcohol drinking peers who organised it for him, they are like a group or club, the guys dancing around the burning tyre..*

Me: *so, do they organise it for every member that dies?*

Community youth: *oh yes, when someone dies, and you hear that there is soloku going to happen then you know that the person was in that group. (everyone begins to laugh)*

Me: *but I heard that the deceased was also part of the football team, is there something you also do for people in your group when they die?*

Community youth: *it is true, he was part of us, he used to serve as our coach, he even coached us in our last game, that was a day before he died.... Yes, what we normally do is that, we organise a football match and play in honour of our members who die, so we have arranged on with Namong the next community after here, he had a lot of friends and class mates from there as well.... So even you since you are part of us now if you die today, we will play match in your name (everyone burst into laughter)*

As I speak with them, I see the guys who are dancing around the burning tires begin to share sachets of what appears to be alcohol, so I draw closer to them. I observed them for a while, and after they finished their drinks, they fuelled the fire with more tires. I took out my phone to take

some pictures of the blazing tires, while I am doing so, one of them aggressively run towards me and smashes my phone to the ground. He asks me why I am taking photos and if I am a journalist. Before I could answer him, his colleagues rush towards us and apologise. They explained to him that I am a researcher from abroad and I have been in the community for a while. He slowly falls to his knees and apologise “*Borga I am very sorry, I didn’t know this*” he remarked in Twi. I told him not to worry and apology accepted, he adds that he lives in the next community and so did not know about me at all, that is why he thought I was a journalist. He poses with his friends and asks me to take a picture of them all. After snapping the picture, I asked them if I could have a quick chat with them a little further away from the fire. They agree and follow me, and this is what ensued between us.

Me: *thanks for agreeing to speak with me and rescuing me from being beaten up by your colleague, I want to know, what is your relationship with the deceased?*

Drinking group: *oh, he is our brother, we go and come with him, if you see us then you see him.*

Me: *what exactly is your going and coming (with a laughter)*

Drinking group: *ooh, as you can see, we do things, we go to blue kiosk together all the time, we cook and eat together and go to funerals together. (blue kiosk is a slang for a drinking pub among Ghanaian youths)*

Me: *so, what is tonight’s event about? What does it stand for?*

Drinking group: *you know, we are boys-boys, it is sad that our brother has passed away, we cannot just sit down and cry, we have to do something that his spirit will see and laugh, we have to honour him, so that he knows that, he has loved ones, that is why we organised this soloku for him.*

Me: *so, do you do this for every member of your group who dies?*

Drinking group: *since we became men, and started hanging out with each other we have had friends from not just this community, and we always make sure that, we honour our friends when they pass away, we have not had a lot of people dying though, but for the people I can remember we did it for them, you see, it is nice that we do it, it is very nice...*

Me: *so, is it like your amammere and amannee as a group to do that?*

Drinking group: *no no, it is not, it is not the community's amammere or amannee to do that.*

Me: *I do not mean the community's amammere or amannee, I mean you people as a group.*

Drinking group: *no no, when you call it that then it becomes like something that our forefathers or ancestors have left for us, but this one is not like that, this one is just boys-boys. (boys-boys is a slang meaning youth).*

Me: *I understand but then, how did you come about with this if you did not get it from you say you did not get it from your forefathers or ancestors, where did you get it from?*

Drinking group: *I will say that, we just thought about it and started doing it, we just wanted to do something for the dead person, and we all agreed that we should do that, even it is not only us, the guys in the other communities do their own things too for their people when they pass away, so that is how it is, it is boys-boys.*

Me: *so, can I call it Adukro boys-boys amannee?*

We all burst into laughter and they respond “Yes”, with the intention not to hold them any longer and from their constant gaze at the burning tires which seem to be losing momentum, I end the conversation and thank them. They depart, and I spend the rest of the evening dancing.



Image 5.3: Burning tires at the soloku



Image 5.4: A cross section of community members dancing and observing the soloku

In sum, my empirical findings show that, a direct lexical translation of the norm concept from English to Ashanti-Twi does not exist. However, it points to tradition and custom as two concepts in the Ashanti Epistemology that relates closely to the norm concept. An examination of these concepts will be the pathway to unravelling the Ashanti culturally specific issues relating to the Ashanti society that the sociology of law norm concept must be wary of. This will be the focus of the next chapter.

CHAPTER SIX

6.0 Analysis and Theoretical Discussions

In this section, I engage my data with the theoretical framework. I present the findings of the study through the lenses of theory and discuss the meanings and implications of my data. First, I discuss the Ashanti conceptualization of the norm concept as discovered from the ethnography and contrast it with that of Hydén and Svensson. In the closing subsection, I discuss how the Ashanti conceptualization contributes to the sociology of law understanding of social control in Ghana.

6.1 The Concept of Norms as understood by the Ashanti Akan people

The fact that the concept does not have a direct translation into the Twi language does not mean that it is alien to the Ashanti people. In fact, the word can be translated into the Twi language by referring to both *amanneɛ* and *amammerɛ* that is, custom and tradition. As captured in the words of Opanyin, the Ashanti tradition forbids the act of cursing and sees it as an unacceptable behaviour. Similarly, when a curse is evoked, this same tradition instructs them on what to do. In essence, *amammerɛ* for the Ashanti people are behavioural instructions or imperatives. They are the “ought” that guides their behaviour in every situation they find themselves in. In the situation where someone visits their homes, the behavioural instruction is to shake the hands of the visitor, ask the visitor if he or she needs water and finally ask of the journey and purpose of the visit even when they clearly know why. In another situation when a man sees a woman and is interested in her, the behavioural instruction here is to marry her. In addition to this, an important characteristic of the *amammerɛ* is the fact that it is passed on or originates from the ancestors of the Ashanti people. What this means is that *amammerɛ* is socially produced and are behavioural instructions that have been in existence for a very long period of time. For something to qualify as a tradition to the Ashanti people, it must have been practiced by at least the generation before, and passed on through proverbs, stories, poems, or social interaction between the old and the young. This means that, not all forms of behavioural instructions practiced by the Ashanti people can qualify as a tradition or *amammerɛ*. For example, in the case of the alcohol drinking group, even though they felt the need to, and the behavioural imperative to organise the “*soloku*” for their deceased peers, they refused to call their repeated action as an *amammerɛ* because “*when you call it that then it becomes like something that our forefathers or ancestors have left for us, but this one is not like that, this one is just boys-boys*”. This clearly shows the importance the previous generations play in the making of

a behavioural instruction construed as a tradition or *amammerɛ*. In brief, data from my study shows that, the concept of tradition or *amammerɛ* is understood by the Ashanti people as, a behavioural instruction or imperative which has been passed on from one generation to another and corroborates with Paluck, Ball, Poynton & Sieloff (2010) and Fishbein, Ajzen, Albarracin, & Hornik (2007) understanding of norms. The Ashanti concept of *amannee* (custom) refers to the specific instructions that guides how the behavioural imperatives instructed by the *amammerɛ* (tradition) should be achieved. One can assert that, *amammerɛ* is what we ought to do and the *amannee* is how to do what we ought to do. The concept is very similar to tradition or *amammerɛ* and is used synonymously by many Ghanaians or Twi speakers, however, they differ. Taking the case of cursing as an example, we can say that the behavioural instruction or *amammerɛ* is that one should not curse, however, when one does that, the consequential behavioural instruction is that the curse must be annulled. According to data from my fieldwork, the specific procedures and steps that are taken in an attempt to annul the curse is what is termed as *amannee* (custom).

Consequently, every *amammerɛ* or tradition has its proceeding *amannee* or custom. Therefore, there is no tradition without a custom and vice versa. The Ashanti *amammerɛ* or tradition is to greet and handshake everyone in a gathering of elders for example, however, the custom or *amannee* is to greet from right to left. Similarly, the tradition is to marry a woman you are interested in, and the custom is to visit the woman's family with your family to ask her hand in marriage and also to present all the requirements including the bride price and bottle of alcohol. In essence, my data shows that, while the tradition is the behavioural imperative passed on from one generation to the other, the custom is the prescribed way of meeting the imperative. In fact, even though these concepts are different, my data shows that, they are inseparable. The concepts are inseparable because every custom is an act of achieving or satisfying a tradition, and there is no tradition without an accompanying custom. In brief, data from this study shows that, the concept of custom or *amannee* is understood by the Ashanti people as, the culturally acceptable ways of achieving or satisfying behavioural imperative or tradition. In conclusion, the study found that, the concept of norms to the Ashanti people refers to both the concept of *amannee* and *amammerɛ*. In fact, both concepts are inseparable, and together refer to the SoL concept of norms. Whereas the concept of *amammerɛ* highlights the behavioural imperatives or instructions, the concept of *amannee* highlights the action imperatives. In the next section, I will look at the similarities and differences between the Ashanti conceptualisation and that of Hydén and Svensson.

6.2 Indigenization of the Norm concept: Difference and Similarities

In this subsection, I focus on the similarities and differences in the concept of norms as understood by the Ashanti elders and Hydén & Svensson. The differences in the conceptualisation provides a pathway for identifying the culturally specific issues that needs significant attention when employing the norm concept in Ghana.

6.2.1 On the Ontological essence of Norms:

Hydén and Svensson (2008) argue that, regarding the norm concept, the word or symbol is “Norm” and the image or cognition it triggers is “Instruction”. Thence, the first ontological essence or essential feature of norm they identify is “Behavioural Instruction”. Indeed, data from my study shows that, this ontological essence is present and true within the Ashanti conceptualisation as well. For the Ashanti, the symbol is “Amammere and Amannee” and the image or cognition it triggers is instruction as well. However, for the Ashanti, whereas the concept of amammere triggers the overall behavioural instruction, the concept of amannee triggers the specific action imperative or instruction required. In fact, data from this study clearly highlights the difference between the “ought” (amammere) aspect of the norm concept and its empirical representation (amannee).

Furthermore, norms according to Hydén and Svensson (2008), are neither physical objects nor phenomena limited to individual perceptions. Rather, they exist as abstract and psychological entity, which is also true and exists in the Ashanti conceptualisation. Amammere and how it is understood by the Ashanti exemplifies this. For example, the sage explains that, the thought of marrying a lady is the fulfilment of the Ashanti tradition. This shows that, to the Ashanti, the concept of tradition is only at the abstract and psychological level. Similarly, he explains that, when someone is cursed, the thought or willingness to annul the curse is the fulfilment of tradition. Thus, the tradition or amammere can be said to be the normative system of the Ashanti people. This is why, the elders assert that, the laws *mmara* of the Ashanti people is derived from the amammere. Consequently, it can be asserted from this study that, all Ashanti laws (*mmara*) are traditions (amammere), however, not all Ashanti traditions are laws. For example, to curse means one has broken an Ashanti tradition and law, and upon found guilty, is immediately sanctioned (asked to pay a fine). Similarly, a wife asking of the journeys and purposes of a visit has broken tradition, but because this tradition is not a law, the only sanction that is given is a general disapproval of the act or ridicule as seen in the case of the court room bursting into laughter upon hearing such

incidence. This also corroborates the sage's explanation that, when one fails to greet a group of elders from right to left, he or she exhibits ignorance of the tradition and disgraces him or herself. Therefore, it can be argued that the Ashanti concept of *amammerɛ* is broad, and at the abstract and psychological level just as conceptualised in Hydén and Svensson's norm concept.

Furthermore, Hydén and Svensson argues that, norms exist in a social context, in the sense that, they are experienced by many people in a similar manner which makes it inter-subjective. This provides the second essence of norms, that is, norms as "socially produced". This ontological essence is also present in the Ashanti conceptualisation. This is evident in the several times I was asked about my journeys in a similar fashion by all the elders I visited. Not only did all of them ask me of my journeys but, they all used a common phrase to that effect. The behavioural imperative to ask about the journeys and purpose of visitors and the particular way of asking about it is an intersubjective and socially produced *amammerɛ* and *amanneɛ* among the Ashanti. They are socially produced because, as data from the study shows, these practices are learned and widely shared among the Ashanti. However, for the Ashanti, it must have been learnt from the generation before through oral education and interaction between the young and the old. This is an element of the Ashanti conceptualisation that slightly differs from that of Hydén and Svensson's. Whereas the role of the previous generation is not important in the latter's conceptualisation of the term, the opposite is true for the former.

To the Ashanti people, the spirit world exists. The spirit world is the land of their ancestors and forefathers. In addition to this, they believe that the land of the living and the spiritual world are interconnected. That is why they evoke the presence of the gods and ancestors to adjudicate and offer justice in their disputes. The Ashanti believes that, what is right in the land of the living, is invariably the same in the spiritual world. Their believe in the ancestral world is evident in their tradition and custom of feeding and offering alcohol to the spirits of deceased chiefs every forty days. Again, their believe in the ancestral and spiritual world is evident in the conflict resolution process of the *duabɔ* court and the haste annulment of curses to prevent calamity. Consequently, data from my study shows that, the social production of behavioural imperatives for the Ashanti people transcends the physical into the spiritual world. The believe in the existence of the spiritual world, the "interactionability" of the ancestors and spirits in general, as well as the monistic view of reality and the world is one of the main principles that characterise the African epistemology.

Taking the case of tyre burning by the drinking group as example, one can assert that, according to Hydén and Svensson's concept, the practice satisfy the concept of norms or at least that of an amannee (custom) because it has the behavioural imperative as well as the intersubjectivity that makes it socially produced. However, within their own thoughts and understanding of what norms are within their epistemology, they refuse to label it as such. They clearly see it as some form of a convention (*boys-boys*) which even though is socially produced, lacks a legitimate tradition to qualify as a norm. This brings to fore the role of the generation before (ancestors or forefathers) as the source of legitimacy of the behavioural imperative which qualifies a norm or tradition for the Ashanti. In fact, take away the role of the ancestors (treat it as non-existing) and you will be able to construe the tyre burning practice as a norm or custom within the Ashanti context.

Furthermore, Hydén and Svensson argue that norms are immediately proceeded by cognition. Cognition refers to the psychological process through which we analyse and interpret information collected through our senses. In the case of norms, the cognition avails individuals with expectations on how they should react or act in a particular situation. Consequently, the third essence or essential feature of norm is that they are the individual's understanding of surrounding expectations regarding their own behaviour. Again, this corroborates the Ashanti conceptualisation of amammerε (tradition). This is because, as seen in the explanations of the concept by the sage of Adukro and the Baamuhene, amammerε is what triggers them of how they are expected to behave. Evidently, the community elder telling me the community's expectations regarding the relationship between a man and a woman, exposes me to the community's amammerε right from the beginning and adds to my cognitions, a schema that will trigger my understanding of how the community expects me to behave when I encounter such situation. However, it is important to stress once again that, this expectation, in the Ashanti conceptualisation, does not only come from the physical environment (of the living), but also from that spiritual environment of the ancestors and forefathers. This is because, the social production of these imperatives is intergeneration as well as between the physical and spiritual world. In essence, for the Ashanti, it is not only about what their neighbours think or will think about their behaviour that influences their actions, but also importantly, what their ancestors, gods and forefathers will think as well. That is why they are quick to annul a curse evoked on someone, because they believe their gods and ancestors will evaluate their actions and pass judgement. A culmination of Hydén and Svensson's essential attributes or elements of norms provides us with a definition like, "norms are socially produced

imperative statements or behavioural instructions, which indicates to individuals, behavioural expectation of their social environment”. Therefore, the equivalence or translation of their definition in the Ashanti culture will give us, “norms, that is *amammerɛ* and *amanneɛ*, refers to behavioural instruction or imperative which has been passed on from one generation to another, and indicates to individuals, the behavioural expectations of their social and spiritual environment”. This study shows that, the essential attributes of norms developed by Hydén and Svensson are evident in the Ashanti conceptualisation. In fact, the Ashanti concept of *amammerɛ* and *amanneɛ* understood within their own epistemology does not possess or offer any additional essences neither does it excludes those identified by Hydén and Svensson (2008).

However, their *amammerɛ* and *amanneɛ* possesses a spiritual dimension (the role and expectation of the ancestors and gods), which become an accidental attribute of Hydén and Svensson’s norm concept (2008). Consequently, it can be argued that a specific type of norm has been identified which is particular to the Ashanti culture. Therefore, a more accurate translation of the norm concept into the Ashanti language and culture will be one that is broader than this, and at the same time narrow enough to evanesce this accidental feature. This will require the creation of a new Twi word, one that will encompass *amammerɛ* and *amanneɛ*, but at the same time enable for example, the drinking group of Adukro to describe their *soloku* as a norm. Ergo, I coin the Twi word “*saayo*” as a more accurate translation of the SoL norm concept. The term is derived from two Twi words “*saa*” which means “like that, or the right way” and “*yɔ*” which means “to do”. The term literally translates into “the way to do” as well as “the way it is done”. Now, with a term like this, the *soloku* organised by the Adukro drinking group can be conceptualised in the Akan Twi language as their own “*saayo*” thus evanescing the shared ownership and expectations of the ancestors and gods. Similarly, it will also be accurate to consider *amammerɛ* (tradition) and *amanneɛ* (custom) as the community’s *saayo*, where in this case the ancestor’s expectation becomes relevant.

6.3 How can the Ashanti conceptualization contribute to the socio-legal understanding of social control in Ghana?

Social control simply refers to how society ensures uniformity of behaviour and conformity, based on collectively shared values. Through social control, standards of behaviour for members of a society are established and enforced. These standards are mainly established through both formal and informal means. The informal means of social control includes the primary and secondary socialisation of people, which enhances their ability to develop acceptable behaviours of a social group. Whereas the formal social control is exercised through external sanctions enforced by the government via its organisations and agencies. Social control can best be understood in the sense of Durkheim's social facts, of which norms exemplify. This study has highlighted the two main sources of social control in Ghana. The formal being the Common Law legal system or state laws, and the informal being the Traditional Legal system. This plural legal status quo was highlighted in the Baamuhene's assertion that, the Police does not deal with curse cases, and refer such cases to the jurisdiction of the traditional legal system. In addition to this, it can be recalled that, during the duabɔ court proceedings, the chief and elders remarked that, there is an ongoing deliberation to enact a new law that will ban people who fail to appear before the court, from holding funeral ceremonies. This exemplifies law and law making within the traditional or customary legal system of Ghana, which operates alongside the state laws and legal system. In fact, this study's findings do not only tell us about the pluralistic nature of Ghana's legal system, but also the interplay of norms, and how their role in informal social control in Ghana.

As espoused by this study, these social control mediums possess quite different normative sources. The findings reveal that, the norms contained in the informal social control mechanisms, like in the case of the Ashanti people, derives its imperatives from traditions *amammerɛ*, where the expectations of the ancestors or forefathers are as crucial as, that of the immediate social environment. This is in sharp contrast to the norms that embed the formal social control mechanism in the case of our state laws. The role of the ancestors and their expectations are non-existing in the formal social control mechanisms. This study revealed that, the expectation of the ancestors and the unpredictability of their response to the behaviour of people, exerts enormous fear, increasing the likelihood of conformity to the *amammerɛ* and *amanneɛ*. However, this cannot be said about the formal social control mechanism and state laws. This implied that, in Ghana and Ashanti region

in particular, people are more likely to break state laws than the *amammere* (traditions) and the laws that are derived from them. In addition, the findings of the study suggest that, social control is more likely to be strong in Ashanti communities that are more traditional than the urbanised and more heterogenous ones. It can be argued from the findings of this study that, people's experience and understanding of the contrast between, the fear and expectations comprising the informal social control mechanisms and that of the formal, makes it more likely to deviate in the latter. Let us take the widespread practice of Ghanaian Police officials taking bribe on the road as an example. In the minds of both the driver and the Police, no one gets hurt when the bribe is taken. Even though, the law is against the act, it is easier to break this law because, no one gets hurt and it appears that even the surrounding environment expects the act to be conducted. In essence, the act of taking bribe and paying bribe on Ghana's road becomes a norm. This is because, within this particular sphere of social control, all the actors involved agree or have agreed to act in a way that even though breaks the law, meets their expectations. However, the findings of this study suggest that, this act of bribe giving and taking, could be difficult to practice in the traditional social control sphere, since there is a third party in the ancestors and forefathers whose expectations cannot be compromised. In addition, the element of fear is lessened in the formal sphere in the sense that, the sanctions associated with the deviant behaviour (bribery) is perceived by the actors to have been avoided, since the act is considered as expected by the surrounding environment. However, this would not be the case in the traditional or informal sphere. This is because, there is the belief that, the ancestors', or gods' expectations cannot be compromised, thus, leading to behavioural sanctions that cannot be avoided.

6.3.1 Implication of findings on the acceptance of new contradictory norms in Ghana

The findings of this study suggest explanations to why, it is difficult for communities or societies like the study area, to accept new norms that are contrary to their tradition. Taking marriages as an example. The tradition of the Adukro community only allows marriages between males and females. This tradition as espoused in this study, is collectively shared in the physical and spiritual world of the ancestors. The disjoint nature of the Ashanti norms implies that, even if the current generation accepts the values in a new norm (gay marriages) they are constantly quizzed by the uncertainty of whether their ancestors or forefathers accept it too. Since, it is believed that the sanctions of the forefathers and gods are drastic and unpredictable, the most preferred action, will be to conserve what is already known to be the ways of the previous generation. This cannot be

said about the formal social control or legal system of the country, which borrowed from the Western world, does not have such expectation from the previous generations. This implies that, if given the needed attention, and considered by the formal legal system, gay marriages for example could be legalised. However, as seen in Ghana, the entire defence raised by those in opposition to the new norm has been reference to the traditions and culture of the people, and in other cases religion, where the expectations of God, the gods and ancestors are seen to be uncompromisable. Consequently, the findings of this study suggest that, for new norms such as gay marriages to be accepted in the societies like the study area, the current generation must be willing to bare whatever risk there is or could be. They must be willing to stand up against the previous generation to recognize the new values they have come to consider, as necessary and important. The current generation with the knowledge of how society has changed since the times of their ancestors, must be responsible for the establishment of the new standards of behaviour. It is only after a generation has admitted to bare whatever sanctions there could be from the ancestors and gods, consequently breaking tradition, that the new contradictory norm can be widely accepted in such societies. Once this has been done, the generations thereafter, will be availed with a normative principle from the generation before, establishing the hitherto contradictory norm as a tradition or amammerɛ.

CHAPTER SEVEN

7.0 Conclusion

This study began with the premise that, it is difficult to apply sociology of law theories and concept in Africa because, they are essentially Eurocentric. Thus, it aimed at providing context specific feedback to this sociology of law norm concept, by valorising the peculiarities in the Ashanti culture and society that requires significant attention from socio-legal researchers who intend to apply the concept there. Thus, in relation to the first specific research question (*How do the Ashanti-Akan people conceptualise norms?*), the study found that, a direct lexical translation of the word (norm) from English into the Ashanti-Twi does not exist. However, the Ashanti concepts of Amammere (tradition) and Amannee (custom) showed to be closest to the norm concept developed by Hydén and Svensson. Whereas amammere on the one hand is understood by the Ashanti people as, a behavioural instruction or imperative which has been passed on from one generation to another, amannee on the other hand referred to the culturally acceptable ways of achieving or satisfying the behavioural imperative or tradition. The interrelation between the two concepts in the Ashanti culture, buttresses Levy's (2015) assertion that, what makes a social practice a norm is an accompanying normative attitude that renders on the background of the minds of people.

However, contrasting these conceptualisations to the ontological essences of norms developed by Hydén and Svensson (answering the second specific research question; *How does the Ashanti conceptualisation differ or relate to the norms in sociology of law?*), the study unearthed the role of previous generations (forefathers and ancestors) as well as gods, and their expectations, as the peculiarity and context specific characteristic of this Ashanti conceptualisation, which invigorates Sumner (1907), Rattray (1929), Culwick, & Culwick (1935), Hoebel (1949) and Santos-Granero (1991) assertion that, in kinship-based non-western societies, ancestors are believed to be active in the social life of the society and serve as custodians of unwritten, uncodified and unclassified norms. However, this peculiarity of the concept as understood in the Ashanti culture, neither opposes nor add extra essences to those identified by Hydén and Svensson. Rather it exposes accidental attribute of the Ashanti terms, making it a specific type of norm. Consequently, these terms, tells us more about the Ashanti society, than norms in general. Therefore, the new Twi word

“*saayɔ*” was coined to evanesce the accidental attributes of the closest concepts “Amammerɛ and Amannee” to produce a more accurate translation of Hydén and Svensson’s SoL norm concept. In essence, one can afford to go by the default argument that, Hydén and Svensson’s concept of norms is Eurocentric, due to the fact that it was developed in Sweden by Swedes without the participation of scholars from the non-western society. However, a close look at the peculiarity of amammerɛ and amannee reveals more. It shows that, what makes Hydén and Svensson’s (2008) conceptualisation Eurocentric, is also the fact that, it embeds the scheme and logics of utilitarian thinking and free society or world where individuals possess scientific mentality. This is evident when one considers the fact that, what differentiates the Ashanti amammerɛ and amannee from Hydén and Svensson’s norm concept, is the belief in the presence of the ancestors, gods, and their power, which when juxtaposed to the “first world”, is an unscientific way of thinking, not utilitarian, religious, cultural, and thus, unnatural. This assertion reinforces Pletch’s (1981) argument that, knowledge produced in sociology, political science, and economics, are developed within the context of the “perceived” Western free and natural world, with the aim of commanding universal validity or developing natural laws of human behaviour, and thus, it is only in the “unnatural” worlds of the second and third that its application will be problematic, due to significant contextual differences and or peculiarities. It also confirms Banakar’s (2011) assertion that, the body of sociology of law and its theories, concepts and underpinning philosophies are essentially Eurocentric, and could be difficult to employ in non-Western societies.

In relation to the final specific research question (*How can the Ashanti conceptualisation contribute to the socio-legal understanding of social control in Ghana?*), the study found that, the peculiarities of the Ashanti conceptualisation, suggested that, the uncompromisable expectations of the ancestors and gods, as well as the unpredictability of their sanctions, exerts relatively high levels of fear among people, making them more likely to conform to tradition and customs or this specific type of norms comprising the informal social control in Ghana. This invariably makes the ancestors and gods, very powerful members of Ashanti society and invigorates Mackie, Moneti, Shakya & Denny (2015) observation that, people in a norm’s reference group have varying levels of influence and power, which is mostly used in enforcing and maintaining the norm. However, the Ashanti belief that, their ancestors and gods enforce the tradition and customs by rewarding or punishing people who adhere or behave contrary, yet these gods or ancestors do not live by the same norms, exemplify Coleman’s (1994) disjoint norms, and

bolster Mackie, Moneti, Shakya & Denny (2015) association of such norms with non-western societies.

Clearly, the ethnographic method and tools employed in this study lived up to its bid, altogether, the method was effective in enabling me to grasp the reality of “norm” from the eyes of my research participants. I strongly believe that much of the exciting and critical pieces of this study would not have been found without the ethnographic tools. Yes, Hydén and Svensson’s norm concept was developed in Europe, by Swedes, in a Swedish University, but as seen from this study, the understandings embedded in the concept can effectively be construed as Eurocentric. I argue from the findings of this study that, the applicability of their norm concept in a non-western society like the Ashanti in Ghana, is not a matter of “where and who developed this scientific tool” (the SoL norm concept), rather, “who” is using it. It will be imperative for whoever employs this tool in studying a non-western society, to take cognisance of the culturally specific issues relevant to the tool’s validity and reliability. It is only when the user of this SoL norm concept disregards or does not possess the capabilities to identify these cultural issues that, the application of the concept will be problematic.

Finally, this study unearthing the believe in the role and expectations of ancestors and gods as an important aspect of the Ashanti-Akan culture and norms, has prompted my curiosity in the interplay of this, in traditional conflict resolution mechanisms of the Ashanti society. An issue I recommend socio-legal researchers to delve into. Also, the study suggests that, this accidental attribute of Ashanti norms exerts enormous fear in its control of society. Thus, it will be very interesting to investigate this attribute as an independent variable in a study that measures crime prevalence in Ashanti communities in Ghana.

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