

AKUA KUENYEHIA (ED.). *WOMEN AND LAW
IN WEST AFRICA: GENDER RELATIONS IN THE
FAMILY- A WEST AFRICAN PERSPECTIVE*
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ies, UCLA**

The literature on women's rights tends to be dominated by the concerns of Western theorists and feminists. Written and researched primarily by African women scholars and activists under the direction of Akua Kuenyehia, Judge and first Vice President at the International Criminal Court at The Hague, this edited volume fills an important gap by providing African perspectives on contemporary women's rights. This original compilation of studies is filled with useful data, including tables and interviews that inform on women and the law in the West African countries of Ghana, Nigeria, and the Gambia. The volume is organized into three country studies, each composed of subject-specific chapters, followed by appendices with detailed descriptions of the study tools employed.

Akua Kuenyehia begins with a discussion of the previous volume, *Women and Law in West Africa: Situational Analysis of some Key Issues Affecting Women*, and the pertinent issue it exposed: the role of women within the conjugal family. That volume sought to identify the impact of certain laws on women's lives and to formulate strategies facilitating the emancipation of women, thereby contributing to development planning. Kuenyehia and her co-authors, some of whom also contributed to the second publication, identified priorities for legal change in areas such as inheritance, family law, violence against women, and access to land. The three studies in the second volume utilize varied methodologies to achieve the same primary objective of providing the impetus for policies that will improve the status of women in West Africa. To achieve this end, the authors focus on conjugal relations in the forms of Christian, Muslim, customary, and civil marriages as well as unmarried cohabitation. In her introduction, Kuenyehia describes the conjugal unit as the basic unit of society organizing production, reproduction, distribution, and consumption. By investigating the specific situations of women and considering them within the framework of the law, this work presents a grounded and empirical-driven analysis of women's rights by professional West Africans.

Kuenyehia introduces the Ghana study by indicating her conviction that "laws governing marriage and the family are not gender neutral. In their letter and application, they have worked to perpetrate gender inequalities with nega-

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tive consequences for women”(7). Kuenyehia and Nii Ashie Kotey, the country coordinator, posit that the family dictates most of the norms that affect women and it is therefore important to be conversant with the dynamics of family relations in order to make more progress in improving the status of women in these societies. This is a strategic approach for the goal of influencing policymakers; however, it discounts the historically powerful roles African women have played in these societies, particularly in the matrilineal Akan society in Ghana.

The Ghana case study draws upon interviews and discussions guided by specific research questions and includes fewer data but more interview responses than either of the following two. Of particular interest are less commonly studied aspects of the conjugal relationship highlighted in this study, including insights into how long-term unmarried cohabitation, parenting, fostering, adoption and domestic employment affect the conjugal unit and the woman’s role and rights. Kuenyehia and Esther Ofei Aboagye introduce many of these issues and recommend action to better distinguish between domestic duties performed by the “househelp” and those done by the wife so as to improve the wife’s position within her home. The authors suggest that such a policy would also protect children from premature domestic labor and ameliorate precarious relations between husband and wife that are often exacerbated by the presence of female domestic workers. Clara Fayorsey, Christine Dowuona-Hammond, Dorcas Coker-Appiah, and Ellen Bortei-Doku Aryeetey outline Ghanaian women’s property rights and consequently advocate reforms in this area as well as to the decision-making process on property acquisition as they observe patriarchal customary law, implemented during the colonial era, to still be in effect in non-Akan areas. Their specific policy recommendations hover around economic issues: classifying household chores as work, education to keep children from becoming unpaid househelp, providing equal work opportunities for women, requiring joint accounts by spouses, and a national population policy to encourage smaller families so children can receive the proper care and share of household resources.

Jadesola Akande, the author of the Nigerian case study, provides data acquired by trained field enumerators who conducted interviews and focus group discussions in four different study zones. Though English was the primary language used for interviews, some were conducted in Yoruba, Hausa, Igbo, Tiv and other languages of Nigeria. Akande compiled a great deal of data on marriage patterns, age of first marriage, age of first child, level of education, relations with in-laws, income, financial responsibility, inheritance, and decision-making. However, while it is the most data-rich of the three, this section lacks qualitative analysis and serves merely as a review of trends. A few such trends highlighted from this vast array of quantitative data are both men’s and women’s preference for Christian marriage over Muslim, customary, and statutory forms. Survey participants also indicated an aversion to polygynous and early marriages but less than one-third of the participants

were in polygynous marriages and many claimed that such arrangements rarely lead to economically viable conditions.

One of Akande's chapters focusing on financial arrangements and familial responsibility considers the manner in which type of marriage influences a woman's financial responsibility. From her research on decision-making, Akande deduces that the majority of both Nigerian men and women claim that decisions about how many children to have are jointly taken. This is echoed in the Ghanaian case, where the authors argue that economic sensibilities have recently gained great importance. Although the policy recommendations for Nigeria are brief, among them are the crucial requests for the enactment of laws for the protection of women, more education for female children, and financial and economic empowerment for women.

Victoria Diarra's section on the Gambia is comprised of a review of prior studies, background research on the situation analysis, quantitative data collection in the form of questionnaires and qualitative data from focus group discussions. In comparison to the section on Nigeria, a more thorough analysis is presented on the intricate relationship between education, production, income and women's roles within the conjugal unit. A notable concern raised in this study is the need for better and continued education so women may learn their rights, including those provided them under *Shari'a*. Because most Gambian families depend heavily on earnings from farming, the researcher indicates Gambian women's need for greater economic freedom, including access to more productive agricultural equipment so as to increase their contribution to the family's welfare. Diarra also pays special attention to the area of marital conflict, particularly the prevalence of domestic violence in different ethnic groups and the causes of conflict.

The Ghana case study occupies nearly half of the book's pages and includes the most in-depth sociological discussion of the three studies while the sections on Nigeria and the Gambia each comprise significantly fewer pages. This is presumably because the editor, Kuenyehia, is Ghanaian with extensive experience as a lawyer, professor and researcher in that country. It is only problematic insofar as the depth of the study of the other countries is not comparable and so the volume falls short as a cross-national analysis.

The major themes across all three studies include, but are not limited to, marriage, divorce, inheritance, decision-making, disputes (including the resolution capacity of in-laws and domestic violence), religious and secular education, legal literacy, and access to economic resources. Shared conclusions evidenced in the policy recommendations include the call for more economic independence for women as well as a greater role in financial decision-making within the conjugal unit. The authors also advocate more education as a means to both economic and personal empowerment. Even if the reader can draw such conclusions, the book would certainly benefit from a chapter dedicated to providing a comprehensive conclusion to all three studies. Yet, drawing conclusions for the entire region may ultimately prove problematic as individuals of different cultures, ethnicities, and religious affiliations manage

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conjugal situations and engage the law in various ways. While many of the anecdotes and data in the text suggest women's subjugation and even complacency, the mere act of compiling this data in efforts to establish policies and legal reform suggests the agency of these educated African women.

Kuenyehia's edition is intended primarily for policymakers and non-governmental bodies working within the realm of human and women's rights, as she herself serves at the International Criminal Court at The Hague. As a text on the law in West Africa, this book serves to inform about the multiple social, cultural, religious, and political factors affecting women as they engage the law in these countries. Despite some structural shortcomings—no glossary or bibliography—and uneven qualitative data across the three studies, there is great merit in the authors' reliance on primary sources and women's experiences described in their own words and languages on occasion. Kuenyehia thus provides a welcome addition to the scholarship on women's roles and rights in these Anglophone West African nations. Because of the variety of topics covered, students of African studies, history, gender and women's studies, government and policy, and certainly law will likely find a valuable and informative perspective in this volume.