Is land inalienable? Historical and current debates on land transfers in Northern Ghana

La terre est-elle inaliénable ? Débats historiques et actuels autour des transferts de terre dans le nord du Ghana

Carola Lentz
Johannes Gutenberg University, Mainz (Germany)

Abstract

The rather romantic view of West African pre-colonial land tenure was and continues to be a persistent one: landownership was ultimately vested in the ancestors of the first-comer lineage and Africans themselves only held this land communally, meaning that for them land was inalienable. First developed by colonial officials, often in cooperation with African chiefs, these notions have been and are perpetuated not only by anthropologists but also by local African discourses on landownership and property transfers, particularly on the part of those whose position would be weakened by admitting the possibility of land ‘sales’. Yet as considerable historical research has shown, and as immigrant farmers themselves tend to emphasise, landownership has always been a dynamic phenomenon. For local farmers as well as for state administrators and international advisors, these competing conceptions of pre-colonial African land tenure have become a powerful reservoir of arguments in conflicts over current land transfers and interactions between ‘first-comers’ and later immigrants.

In this paper, I trace the history of debates on land transfers in Northern Ghana and discuss the ways in which African and European views influenced and instrumentalised each other. Using the case of Nandom in the Upper West Region, I analyse how an expansionist group of Dagara farmers gained access to and legitimised control over land previously held by a group of Sisala hunters and farmers claiming to be ‘first-comers’ to the area, and how each group interpreted this land transfer—symbolically effected when the Sisala gave an earth-shrine stone to the Dagara—from a different perspective, either in terms of a ‘gift’, invoking the language of kinship and dependency, or in terms of a ‘purchase’, implicating exchange and equality. Since the 1970s, shrinking land reserves and the increasing conversion of farm land in the area around Nandom town into building plots have exacerbated the debate on the ‘inalienability’ of land, a trend compounded by national land legislation and the interests of urban-based Dagara and Sisala elites.
Résumé

De nombreux anthropologues partageaient la vision – et certains la partagent toujours – plutôt romantique du système foncier ouest-africain pré-colonial développé par les fonctionnaires de l’ère coloniale, souvent en coopération avec des chefs africains, prétendant que les Africains tenaient la terre en communauté, que l’ultime propriété revenait aux ancêtres de la lignée des premiers arrivants et que la terre était ainsi inaliénable. Ce point de vue entrave la compréhension de l’aspect dynamique de la propriété de la terre dans le passé. Plus encore, il est profondément impliqué dans les débats africains locaux autour de la propriété de la terre et des transferts de biens, se ralliant, délibérément ou non, à ceux dont la position serait affaiblie si l’on admettrait la possibilité de « ventes » de terre. Pour les paysans locaux, tout comme pour les administrateurs d’Etat et les conseillers internationaux, ces images rivalisantes du passé pré-colonial de la propriété de la terre africaine sont devenues un réservoir d’arguments dans les conflits autour des transferts de terre actuels et des interactions entre « premiers arrivants » et immigrants ultérieurs.

Introduction

In a protracted land conflict, which developed towards the end of the 1980s between the Sisala community of Lambussie in Ghana’s Upper West Region and Dagara peasants from the neighbouring Dagara community of Nandom, Sisala spokesmen repeatedly insisted that these Dagara would always remain mere ‘settlers’ on Sisala land, without full property rights (or, in Ghanaian legal parlance, ‘alodial title’). Admittedly, the Dagara had been cultivating the land in question for more than two generations, and, with the consent of the Sisala landowners, use rights to the plots were inheritable. However, the Dagara were not included in the ritual gathering at which sacrifices were made at the local earth shrine, and by virtue of this did not belong to the property-holding community of the ‘first-comers’. Some Sisala leaders went even further and claimed that all the land stretching from Lambussie to the Black Volta, on which the Dagara of Nandom had settled for many generations, in actual fact still belonged to the Sisala, and that only for reasons of political expediency did these original owners not reclaim their property. The Dagara, on the other hand, insisted that Nandom was an autonomous community with full property rights which, after having purchased its own earth-shrine stone from the Sisala of Lambussie, owed no allegiance to any previous owners. Whether secured by peaceful negotiation or violent conquest, the Dagara in Nandom and elsewhere insisted that they held the alodial title to their land. And, as my Dagara interviewees further argued, even in the case of the dispute over the rights of Dagara farmers on Lambussie lands, lands which they had come to settle only since the 1920s, nothing could justify denying them full property rights, since ownership should be linked to the active cultivation of the land, not first-comer status as such.¹

As this example shows, debates about the (in)alienability of land, invoking different interpretations of the local settlement history, play an important role in current land conflicts in Northern Ghana. In what follows I will explore such indigenous theories of, and debates about, landownership and land transfers. The rather romantic view of West African pre-colonial land tenure was and continues to be a persistent one: landownership was ultimately vested in the ancestors of the first-comer lineage and Africans themselves only held this land communally, meaning that for them land was inalienable (cf. Biebuyck 1963: 35–41, Bohannan 1963, Colson 1971, Bachelet 1982, Kouassigan 1982, Le Roy 1982).² First developed by colonial officials, often in cooperation with African chiefs, these notions have been and are perpetuated not only by anthropologists but also by local African discourses on landownership and property transfers, particularly on the part of those whose position would be weakened by admitting the possibility of land ‘sales’. Yet as considerable historical research has shown, and as immigrant farmers themselves tend to emphasise, landownership has always been a dynamic phenomenon. For local farmers as well as for state administrators and international advisors, these competing conceptions of pre-colonial African land tenure have become a powerful reservoir of argu-

¹ For a fuller discussion of this land conflict and its political implications, see Lentz 2006a, Ch. 9.
² For an extended discussion of the debate on the appropriateness of the concept of property for African landholdings, see Lentz 2006b.
ments in conflicts over current land transfers, and it is therefore important to explore the legacy of past conflict that continues to have an impact on the interactions between ‘autochthones’ and ‘settlers’.

In the Black Volta region, violence played an important role in the de facto appropriation of land in pre-colonial times, but so did the ritual appropriation of new territories, among other things through the transfer of earth shrines—and together with them: property rights—from the earlier inhabitants to newcomers, transfers that were accompanied by the narration of ‘good stories’ (Jacob 2002, 2003). More generally, property rights reflected power relations, but also needed (and still need) to be strengthened by ‘persuasion’, as the historian of law Carol Rose (1994) has succinctly argued, because violence per se cannot provide the legitimacy that is needed to ensure continuous access to a resource. Among most groups in the Black Volta region, migration-and-settlement histories, which elders narrate in order to explain local boundaries, justify the distribution of land, and advance claims to the earth priest, implicitly assert a group’s case for the legitimacy of the initial establishment as well as transmission of property rights.

Sisala, Dagara and most other groups in the region generally agree that first-comer status confers special rights over land, but they disagree considerably about the precise definition of first-comership and the meaning of specific acts of transfer, such as the exchange of cowries and animals for an earth-shrine stone. Using the case of Nandom in the Upper West Region of Ghana, I will analyse how an expansionist group of Dagara farmers gained access to and legitimised control over land previously held by a group of Sisala hunters and farmers, and how each group interpreted this land transfer—symbolically effected when the Sisala gave an earth-shrine stone to the Dagara—from a different perspective. While there are no documents through which we could trace this debate over the nature and legitimacy of the shrine transfer between Dagara and Sisala to its very beginnings, we do have evidence of similar debates in the 1930s, when the introduction of indirect rule politicised the concept of allodial title to land, rendering it the hallmark of native status and legitimate chiefly authority. In this context, British colonial officials engaged in a heated exchange over the nature of previous land (and shrine) transfers in Nandom, which must have echoed Dagara and Sisala positions as they existed at the time. British (re)interpretations and their oversimplification of local arguments, on the other hand, fed back into Dagara and Sisala discourse.

In what follows, I will briefly outline competing indigenous ideas about land transfers, such as they were presented to me, embedded in numerous migration-and-settlement histories which I collected in more than seventy Dagara and Sisala villages in Ghana and Burkina Faso. I will then discuss the intertwining of colonial and African perspectives on land transfers, and analyse how these debates played out in the controversies regarding the history of Nandom-Lambussie relations.

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3 My research formed part of the interdisciplinary Special Research Project 268 (Sonderforschungsbereich) on the West African savanna, at the University of Frankfurt/Main. Field work was carried out mostly between 1997 and 2002, with the financial support of the Deutsche Forschungsgemeinschaft. For some results of our project, see Kuba 2003; Kuba, Lentz and Werthmann 2001, Kuba and Lentz 2002. On methodological challenges and strategies, see Lentz and Sturm 2001.
Dowrying the land: indigenous theories of land transfers

In property theories derived from the European or North-American experience, ‘first possession’ is usually assumed to result in continuous occupation and use of the newly acquired object by those who have claimed first ownership. However, in an African context, where mobility and shifting agriculture are predominant realities, and where land reserves are important for the future well-being of the group, land is sometimes left fallow for very long periods, so that ‘first possession’ does not necessarily result in straightforward cultivation of the whole area to which claims are laid. This brings in the factor ‘space’ and spatial boundaries of property claims (which would merit a separate paper) as well as the factor ‘time’, both raising several important questions. Which ideas do the various groups in the Black Volta region hold regarding the duration of property rights? Can the whole range of entitlements established by ‘first possession’ be transferred or are they principally inalienable? Do they expire if not followed up by the investment of labour? Conversely, can the continuous working of a given expanse of land eventually establish property rights even if the land was held in ‘first possession’ by a different group? Which transfers of the property rights are regarded as legitimate, and is there a right to reparation in case of ‘illegitimate’ transfers? The latter question becomes particularly important when, as was often the case with Sisala-Dagara land transfers in pre-colonial times, the handing-over of earth shrines and property rights occurred in a context of violence and massive Dagara encroachment on Sisala land. Can these transfers under new circumstances, such as colonial pacification and the establishment of the colonial (and post-colonial) state, be reversed, or otherwise challenged and re-interpreted?

As is to be expected, first-comers and late-comers tend to provide different answers to these questions and, most importantly, they do not agree on whether allodial property can be transferred at all. First-comers tend to believe that only more or less comprehensive use rights can be ceded, but never full property rights, which would include the right to spiritually control and allocate the land to third parties. They claim to always retain ultimate control over the land, even though they (or their ancestors) may have granted extensive rights to later immigrants by giving them an earth-shrine stone. They insist that even though the land may not have been cultivated or sacrificially propitiated for several decades, their original property rights cannot expire.

Dagara immigrants, on the other hand, usually admit that their forbearers were, relatively speaking, ‘late-comers’, but then often insist that their ancestors had actually ‘bought’ an earth shrine (using the word da, which is also applied to market transactions) and all its secrets from the previous inhabitants. Through this they acquired allodial title to the land, and any obligations towards the original owners which may once have existed ceased. For similar statements on land transfers in Dagara villages west of the Black Volta, see Hébert 1976: 6–8.

4  For similar statements on land transfers in Dagara villages west of the Black Volta, see Hébert 1976: 6–8.
earth-shrine stone did take place, they deny that the stone was paid for and refuse to acknowledge that their original property rights have lapsed.

Although all groups agree that allodial rights to land can be inherited within the first-comers’ group, there tends to be disagreement about the exact boundaries defining this property-holding group. Is it the restricted lineage, the whole clan or even the whole ethnic group that is eligible to inherit the land title and the shrine? Competing views regarding the extent of these boundaries have important consequences for the question as to who is entitled to transfer which kind of rights to those outside the group.

My Dagara and Sisala interlocutors sometimes metaphorically compared property transfers between different groups, particularly those across ethnic boundaries, to ‘marriage’. Because of its intimate association with fertility, land is regarded to be a woman. The Dagara therefore interpret the cowries and cows which they claim to have exchanged with the Sisala for the allodial title as the ‘bride price’ which they have paid to the bride’s family, i.e. the landowners. In Ouessa, for instance, a Dagara village just across the border with Burkina Faso, members of the earth-priestly family claimed that the Ouessa earth shrine was given to their ancestors by the Phuo, or Sisala, for saving the life of one of the original earth priest’s women or for sparing the earth priest’s wife when attacking the previous landowners (cf. Lentz 2001). In other cases, the Dagara claim to have received the earth shrine in exchange not for cowries and cows, but directly for a marriageable woman. Although the Sisala nowadays usually deny to have ever received such a ‘bride price’, ‘wife’, or any other payment, for the land, they often do concur with the notion of land as woman. Thus, interestingly, while ‘first possession’ of the land is naturalised by a narrative focus on the heroic deeds of the lonely hunter, subsequent transfers of property rights are ‘humanised’. Or in other words: the initial acquisition of land is accomplished ‘autarkically’ (by the lone hunter), while subsequent transfers are always regarded as social interactions, with all the complexities of power relations that are always a part of these.

Sisala first-comers and Dagara late-comers tend to disagree about the practical consequences of the metaphorical equation of land transfers to ‘marriage’, particularly concerning the land/woman’s relationship with her original family/owner. In one dispute over the allodial title to a plot of land, the Sisala admitted that when their grandfathers had given a piece of land to a particular Dagara family it was like giving them a ‘wife’. However, they then claimed that when the Dagara later abandoned that land for some time, the ‘wife’ had automatically returned to her original house, and insisted that if the Dagara family wanted her (the land) back, they needed to plead with the Sisala owners once again.

5 On Dagara concepts of land as a female being, see also Goody 1956: 32. Tengan’s (1991: 37–40) discussion of Sisala cosmological concepts does not explicitly mention that land is a gendered creature, but my Sisala and Nuni informants in Hêla, Bon and other villages did compare land to a woman. On the broad dissemination, particularly in the Volta region, but also beyond, of the idea that the earth is the sky’s wife, see Zwernemann 1968: 30–33, 49–61, 89–97. The metaphorical comparison of land transfers to ‘marriage’, which establishes a lasting relationship between land-givers and land-receivers, is also reported about the Kikuyu of East Africa who have engaged intensively in pre-colonial land ‘sales’ (Droz 1999: 242–52, 255). On early European debates on ‘husbandry’ of women and land, see Blum 1995.
Thus, in the eyes of the land givers, the land transfer established a relationship which implicitly retained a strong bond to the original owners, much like a gift establishes a lasting bond between giver and recipient. In other words, although a woman is given to another group in marriage, she always remains a full member of her paternal house. The Dagara land receivers, on the other hand, usually argue that, for all intents and purposes, once the bride price has been paid, the separation of the woman from her family is complete.

The transfer of an earth shrine can be thus be presented from different perspectives, either in terms of a ‘purchase’, implicating exchange and equality, or in terms of a ‘gift’, invoking the language of kinship and dependency. First-comer topoi and metaphors of marriage and kinship provide the common idiom in which the legitimacy of property rights, and their transferability, is debated. Attempts of the Dagara and other ‘late-comers’ to argue solely with a ‘labour theory’ of property that asserts the existence of property rights by virtue of the continuous cultivation of land alone, have so far not been a successful in convincing others of the legitimacy of their claims. Rather, they too have to resort to the dominant topoi and episodes, and so must present some alternative version of a first-comer narrative, one which incorporates, and even privileges, the ‘first clearing’ of the land. That even powerful ‘late-comers’ were not able to change the first-comer ideology altogether (or perhaps not interested in doing so), has historical reasons, which must partly be sought in the feedback of colonial ideas on indigenous property into local discourse.

Colonial theories of African landownership

Colonial debates on West African systems of land tenure began when European administrations needed to appropriate land for public use and guarantee security of tenure to European firms interested in concessions for mining or commercial agriculture. ‘One widely favoured solution’, writes Anne Phillips about British colonial land policies, ‘was for the state to ... set itself up as landlord’, by vesting all ‘waste lands’, ‘a very flexible concept which could embrace vast territories’, in the Governor or the Crown (1989: 60). Underlying this project was the conviction that uncultivated land had no ‘owner’ and could therefore be legitimately appropriated by the colonial powers, a view complemented by the assumption that with colonial conquest (or, alternatively, treaties of friendship concluded with African rulers) all sovereign rights, including property rights over land, had passed from African into European hands. While the French colonial government actually declared all lands in Francophone West Africa ‘state domain’, British plans for a ‘Crown Lands’ bill for the Gold Coast Colony and the adjoining Protectorates encountered vehement opposition from African lawyers and chiefs and were eventually dropped.

For more details on different indigenous theories of ‘first possession’, see Lentz 2006c.
European arguments on these issues were never monolithic; for an interesting discussion of earlier debates on the justification of imperial expansion, see Pagden 1995, especially Ch. 3 on British ideologies of the appropriation of Indian land in North America.
On French colonial land policies, see Coquery-Vidrovitch 1982 and Firmin-Sellers 2000.
The Aborigines’ Rights Protection Society in particular impressed upon the British that all land, whether occupied or not, belonged to African chiefs or families. Although the British eventually accepted these assertions, they initially saw this ‘communal system of land holding’ as ‘an obstacle to progress’ (Phillips 1989: 61–2) and recommended the gradual privatisation of landownership. In the 1910s and 1920s, however, when hopes for the economic future of the colonies were placed in African peasant production rather than capitalist transformation, British land policies shifted towards maintaining ‘native customary tenure’ and strictly controlling the developing African land market. Most British officials were now convinced that individualised landownership and, more importantly, outright land sales were ‘untraditional’—an idea that many chiefs who stood to gain from the concept of inalienable allodial ownership were only too happy to support.

With respect to the Black Volta region, the tenet that land was inalienable remained the cornerstone of French and British conceptions of land tenure up until very recently. Although the French colonial government never officially reverted its policy of state domain, it rarely interfered directly with local land-related practices, at least not outside urban areas and zones of intense cash-cropping. The British authorities, on the other hand, had to accept that land remained under the control of the chiefs in the Gold Coast Colony and the Ashanti Protectorate (Phillips 1989: 75–9, 118–32). However, the 1927 Land and Native Rights Ordinance declared the Protectorate of the Northern Territories of the Gold Coast, including occupied as well as unoccupied territory, to be ‘public lands’—that is, land vested in and administered by the Governor ‘for the use and common benefit ... of the natives’ (quoted in Bening 1995: 239). All titles of occupancy and leases had to be issued by the colonial authorities, with the explicit aim of protecting the ‘natives’ from land speculation. Post-colonial legislation even deepened this de jure divestiture of Northern Ghanaian landowners’ property rights. Only with the ratification of the 1979 Constitution were Northern lands legally returned to their original owners, vesting them either ‘in any such person who was the owner of any such land’ before it had been entrusted to the colonial governor, and subsequently the Ghanaian president, or by vesting them ‘in the appropriate skin’, a decision that essentially devolved allodial title to the Northern chiefs.

9 On the Aborigines’ Rights Protection Society’s ideas and policies with regard to land tenure, see Kimble 1963: 330–57.
As in the French case, these changing legal prescriptions mainly affected urban areas and zones of commercial agriculture while in remoter areas the state usually tolerated that the earth priests, chiefs and family heads *de facto* continued to administer all land-related matters according to ‘customary’ rules. Despite this *laissez-faire* attitude, however, ‘customary tenure’ did not remain unchanged under the colonial regime, on the contrary. All available evidence suggests that when the British and French arrived in the Black Volta region, there were ongoing local debates about property rights and land disputes between villages, first-comers and late-comers, as well as between earth priests and lineage heads. As colonial pacification made the more or less violent Dagara encroachment on Sisala, Phuo and Nuni lands ever more difficult, power relations in which land transfers took place changed and increasing emphasis was placed on peaceful exchange and persuasion. Furthermore, local actors actively sought to influence colonial officers’ views on local land tenure in order to enlist potential allies for their cause. Colonial (re)interpretations and oversimplifications of local arguments, on the other hand, fed back into local discourses on land rights—particularly concerning the questions of who held allodial title and of whether land was indeed inalienable.

The British were generally much more concerned than the French about their policies’ compatibility with African ‘tradition’, and we therefore find more enquiries and explicit discussions of local land tenure in British than in French colonial archives. Already in the early 1910s, in the context of (ultimately abandoned) plans to introduce a land tax, British administrators in the Northern Territories were asked to submit information on native ‘systems of land tenure’. In the North-West, Provincial Commissioner Captain Read surmised that here, as elsewhere in the Northern Territories, ‘land tenure does not exist in the form that it is understood in civilised countries. Land ... is not regarded as an estate, or a possession of any value, it is regarded as part of the universe, just as the sun, moon and stars are’. Or, as Chief Commissioner Armitage put it, land stands ‘under the guardianship of Spirits’. Read’s successor Wheeler, however, admitted that in ‘the past, under pressure of a larger and denser population, the question of ownership was settled by resort to arms’, and thus ultimately by power, not religion alone. A. W. Cardinall, referring to the densely populated North-Eastern parts of the Northern Territories, explained that the earth priest was ‘the original owner of the land, and is so to this day’ and that selling land was prohibited because this would ‘place the Earth-god ... in servitude’ (1920: 16; 62). But Cardinall also observed that ‘communal holding of land is no longer known’ and that the ‘cleaner of land becomes *ipso facto* the owner for all time’ (ibid.: 65), thus supporting a ‘labour theory’ of property. In a similar vein, Lawra-Tumu District Commissioner Dasent insisted that ‘land belongs to the Earth God’, that the earth priest ‘administers the land in trust for the people’, and that ‘no native occupier or owner of land would be allowed by the Community to sell or alienate the land’. But

13 Read to Chief Commissioner, 5 Dec. 1914; NAG, ADM 56/1/105, Land Tenure.
15 Land Tenure in the North-Western Province Northern Territories; Wheeler to Chief Commissioner, 20 Sep. 1911; NAG, ADM 56/1/105.
The case of the Nandom earth shrine

The debate over the status of Nandom lands arose in the context of the introduction of indirect rule which politicised the concept of an ‘allodial title’ to land, rendering it the hallmark of native status and legitimate chiefly authority. In preparing for the administrative reforms, political officers were tasked with researching the traditional political structures in their districts.\(^\text{17}\) John Guinness, Lawra-Tumu District Commissioner in 1932, interviewed, among others, the Nandom earth priest, ‘a descendant of Zenoo [Zenuo], the Dagara hunter of the Dikpiel e clan, who is said to have founded Nandom’.\(^\text{18}\) Although Guinness claimed that his inquiries when addressed to the Sisala earth priest of Lambussie brought to light the same story, the version he documented was unmistakably biased in favour of the Dagara in that it emphasised the early autonomy of Nandom from Lambussie. According to this version, Zenuo encountered the Sisala of Lambussie on his first hunting expedition into the area that would become Nandom, but could not communicate with them and therefore built a hut without asking the Sisala for permission. Only when the people of Lambussie ‘kidnapped’ his family and took them to their village while he was out hunting did he accept the Sisala’s invitation to settle in Lambussie. However, because of constant squabbles over the theft of his goats, he soon reasserted his autonomy. For this, he was granted land by the Sisala, who also gave him permission built a house near his

\(^{16}\) Dasent to Chief Commissioner, 9 Nov. 1924; NAG, ADM 56/1/375.

\(^{17}\) For more details on the political background and methodology of these investigations and the research carried out by Government Anthropologist R. S. Rattray a few years earlier, see Lentz 2006a 94–102, 112–9.

first hut, and who, in return for 60,000 cowries and several animals, gave him his own earth shrine with which he became earth priest of Nandom and rightful owner of Nandom land.  

All versions that my Sisala informants related to me had Zenuo come directly to Lambussie on his hunting expedition, where he settled down at the invitation of the earth priest. The kidnapping episode was absent, and only the theft of the goats as the impetus for the subsequent founding of Nandom with the permission of the Lambussie earth priest was told in a fashion similar to the version recounted by the Nandom earth priest. However, the Sisala insisted that the people of Nandom received their own shrine stones only long after they left Lambussie. Furthermore, they were said not to have paid for these stones, since the ‘sale’ of an earth shrine was strictly forbidden. Even today, my Sisala informants insisted, the Nandom earth priests must consult the Lambussie earth priests when faced with serious matters. In fact, Lambussie and Nandom sacrifice to the same earth god, Kabir, but in the eyes of the Lambussie their shrine to Kabir is not only older, but also more significant than that of Nandom.

We do not know exactly what Nansie, the Sisala earth priest, told Guinness and whether his version resembled the one related to me a good fifty years later by his son Nansie Issifu Tomo. The fact that Guinness claimed the Lambussie version to be the same as the Nandom version, word for word, may well have been due to his aversion to recording variants which seemed similar to him. However, Eyre-Smith’s severe criticism of Guinness’s report indicates that even back then there must have been different interpretations of the relations between Nandom and Lambussie, and it seems likely that while Guinness’ main informants on this matter were Dagara, Eyre-Smith relied more on Sisala testimony. His central objection to Guinness’ report concerned the alleged payment of 60,000 cowries for the Nandom earth shrine. ‘[T]his cannot be accepted at its face value and … such a procedure was unknown and is not supported by the facts’, he insisted. Guinness admitted that it was perhaps not the land itself, but ‘the privilege of the tingdanaship’ that had been paid for, but he did not budge from his assertion that with this transfer Nandom had received full control over the land.

Guinness thus concluded that Nandom was independent of Lambussie, pointing out that the earth priests of Nandom and Lambussie would rarely visit one another. Only in the event of a drought would they meet near Lambussie in order to consult the earth deity and make offerings to it. ‘Apart from this, the Tingdanaships have no other than a historical connexion, and the people of Nandom do

19 Ibid.: § 22–5. The full verbatim version of this story, as well as a detailed discussion of present-day versions of the settlement history of Nandom that I recorded among various Sisala and Dagara families, can be found in Lentz 2000.
21 Eyre-Smith to the Secretary for Native Affairs, 2 March 1933, § 17; NAG, ADM 11/1/824, cited hereafter as Eyre-Smith, Comments. On the polemical critique of Eyre-Smith, see also the exchange of letters between the CCNT and the Secretary for Native Affairs, as well as H. A. Blair’s commentary in NAG, ADM 11/1/824.
22 Guinness 1932: § 33, 39.
not look to a spiritual authority beyond their own home.' Eyre-Smith, on the other hand, was convinced that Nandom, as well as Lambussie, continued to be *tengani-le* (small earth-shrine areas) and had to consult the superior shrine in many matters. If Guinness had only further investigated, Eyre-Smith insisted, he would have discovered this superior earth shrine in Katu, some three miles from Lambussie. He claimed to have obtained confirmation from both the Nandom Naa and the Lambussie Kuoro that ‘if any “bad thing” happened to this country they would have to go to the Tengansobe of the Tengani of Katu’. That the earth priests of Nandom and Lambussie concealed this from Guinness was possibly due to the fact that their chiefs had forbidden them to speak about it for fear that any mention of their belonging to a single large *tengani* area would lead to curtailment of their own power. And indeed, Eyre-Smith did suggest that the Nandom chiefdom be placed under the paramount chief of Lambussie.

The disagreement between Eyre-Smith and Guinness over the status of the Nandom earth shrine was partly due to the shifting political interests of the local chiefs and earth priests who used the settlement history, and related questions of landownership, to legitimate their respective political projects. The British commissioners, who conducted their interviews at different moments in the local political power struggles, during the mid-1920s (Eyre-Smith) and early 1930s (Guinness), were thus caught up in their African interlocutors’ political power-plays through (the manipulation of) information. Eyre-Smith’s purported ‘Tengani of Katu’, for instance, of which neither Guinness nor my informants had ever heard, probably refers to Keltu, an area in Lambussie, where a family resides that plays a central role in the installation of a new earth priest and exercises the earth priest’s duties during an interregnum. Before the new Lambussie earth priest Nansie assumed office, the very earth priest that Guinness questioned subsequently, Eyre-Smith must have interviewed this family during the interregnum, and they apparently used the opportunity to underscore their own importance. Furthermore, Guinness and Eyre-Smith were probably drawn into conflicts over the chieftaincy in Lambussie, and listened to settlement and earth-shrine histories told so as to support competing claims to office. Finally, the competing historical narratives also reflected the changing relations between Nandom and Lambussie.

Eyre-Smith may have found in the old Lambussie Kuoro’s version of Nandom’s continued spiritual dependence from Lambussie ammunition for his pet plan to amalgamate the two chiefdoms under Lambussie’s control. Whether the Nandom Naa ever came to hear about this plan is unclear, but that the introduction of the ‘native authorities’ would inevitably entail administrative changes was fairly obvious to all the chiefs in Lawra District. Most of them were interested in maintaining the

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23 Guinness 1932: § 40.
24 Eyre-Smith, Comments: § 17–18.
25 Ibid.: § 20, 35.
26 Interview with Lambussie Kuoro K.Y. Baloro, 24 Nov. 1994; on this, see also Tengan 1991: 92–105.
27 The earth priest of Lambussie whom I interviewed, Issifu Nansie Tomo, mentioned a longer interregnum period before his father’s the term of office, Nansie; interview, 29 Nov. 1994.
status quo—as was Guinness, who accordingly was only too willing to adopt Nandom’s historical arguments for autonomy from Lambussie. The new Lambussie Kuoro, for his part, was opposed to Eyre-Smith’s successors’ project to amalgamate Lambussie into an ‘all-Sisala native state’, and also wanted his chiefdom to remain part of Lawra District. For this, he needed the support of Nandom (as well as that of the other Dagara/Dagaba chiefdoms, Jirapa and Lawra), which he would not have received had he insisted on Nandom’s dependency on Lambussie. It is therefore likely that at the time of Guinness’ enquiry, he did agree that Nandom received its own earth shrine, and thus independence, from Lambussie early on. However, this agreement was not to last. In the late 1940s, after a period during which Lambussie had been, for various reasons, politically subordinated to Nandom, the Lambussie chief and his earth priest strove to regain independence from Nandom and therefore not only re-emphasised their ancient ownership of Nandom lands, but even claimed that they were still the legitimate owners of these lands. 29

Eyre-Smith’s and Guinness’ views, however, were not only shaped by their local informants’ strategies, but also by their own visions of African history and their ideas of political reform. For Eyre-Smith, the earth-shrine parishes, the boundaries of which had supposedly remained unaltered for centuries, were the cornerstone of stability for local primitive society which had occasionally been shaken by periodic invasions and migrations (1933: 26). He believed that the earth-shrine parishes had arisen in the course of the first human settlement of the territory, and that all new immigrants ‘would journey till they found someone who could propitiate or depute to them the knowledge of how to propitiate the spirits and Earth God of the area’. 30 Eyre-Smith was well aware that his thesis of the stability of the original ‘tengani areas’ was difficult to reconcile with the mobility and population growth that undeniably had shaped the region. But he insisted that the ‘tengani-le’, the dependent shrines of later settlers, would always unquestioningly recognise the ‘Chief Priest’ of the ancient earth shrine (1933: 22–3.). And since land rights were ‘spiritual’ rather than ‘material’ and ‘the conception of land as property in the sense we understand it was unknown’ (ibid.: 23), land could not be ‘sold’ or otherwise alienated, but only ‘deputed’ to new settlers who remained responsible to the original earth priests.

These assumptions were intimately bound up with Eyre-Smith’s search for a traditionalist legitimation for future political centralisation. Paradoxically, while he professed that a return to the venerable ‘democracy’ of the earth priest and his elders was more desirable than the political system based upon colonially introduced chiefs, he developed plans to introduce a central native authority in Wa that would administer all the tengani areas in the North-West. 31 The subordination of the Nandom

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28 On these plans and Lambussie’s vacillating policies, see Lentz 2006a 107–9, 119–26.
29 See, for instance, the early letter of Tekowah Grunshie to CCNT, 31 Jan. 1938, NAG, ADM 56/1/301; for Lambussie’s attempts to regain independence from Nandom and subsequent land conflicts between Dagara farmers from Nandom and Lambussie landowners, see Lentz 2006a 121–6, 209–12.
30 Eyre-Smith, Comments: § 29.
31 Eyre-Smith, Comments: § 36.
Shrine area to its original shrine-givers in Lambussie was part of this project. Guinness, on the other hand, campaigned for the continuance of the existing chiefdoms and stressed the pre-colonial roots of chiefly office in the prosperous, influential ‘self-made men’ who had existed in many places.32 The tingdana, the earth priest, was also a type of ‘self-made man’, the difference simply being that the title of tingdana was inherited, ‘and the Tingdanas would therefore tend to become keepers of the traditions, and gather to themselves all the spiritual power that attaches to secret knowledge’.33 Although Guinness acknowledged that the earth priest played an important religious role, his view of the office was rather pragmatic and allowed for the influence of power politics. Eyre-Smith was appalled by this insinuation, and insisted that earth priests lived like hermits and sacrificed all the gifts they received for the good of the community.34 It is evident, that in his vision of traditional land tenure, there was no place for the ‘sale’ of an earth shrine, no matter what his African informants may have claimed, while Guinness did not hesitate to report his interlocutors’ assertions that their ancestors had exchanged cowries for a shrine stone and property rights.

Politically, the romanticised picture that Eyre-Smith (and before him R. S. Rattray) painted of the Black Volta region’s past had little effect in shaping the native authorities, which were introduced in the 1930s and which serve as the basis for political and administrative boundaries until the present day. Here what carried the day was the position of Guinness and many of his colleagues, who wanted to stabilise the system of chiefdoms introduced thirty years earlier and who assumed that the earth-shrine organisation was too complex and controversial to serve as the basis for an effective administrative order. However, with respect to the question of in how far rights to political representation should be tied to allodial title, and whether the allodial title was at all transferable, Eyre-Smith’s position echoed the dominant colonial discourse on the tradition of communal tenure and the inalienability of land—a discourse that reflected and, at the same time, reinforced the arguments of African chiefs and others claiming allodial title and that continues to shape current discussions on land rights and political representation.35

Conclusion

The debate about the (in)alienability of land is probably as old as the phenomenon of expanding agricultural frontiers itself, reflecting the different perspectives of pioneers and subsequent immigrants. However, it has been compounded by the historical transformations which relations between first-comers and late-comers have undergone in the past century, transformations that have arisen from shrinking land reserves and, more importantly, from new political implications of ‘native’ status (Lentz 2003a). In the early phases of expansion, late-comers were usually welcome and incorporated

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33 Ibid.: § 6.
34 Eyre-Smith, Comments: § 4.
35 For the increasing influence of arguments originating in Southern Ghanaian ‘traditions’ of land tenure in Northern Ghanaian court cases on land disputes, see Kunbuor 2000 and 2003.
into the frontier community, because they strengthened these vulnerable new settlements, at least as long as they accepted the first-comers’ ritual sovereignty. Sometimes, established hierarchies were contested, and powerful late-comers attempted to establish themselves as ‘first-comers’, that is, as earth priests in their own right. However, most disputes about the prerogatives of the frontiersmen were resolved by the departure of one of the groups, which then founded a new settlement, thus transforming itself once again into ‘first-comers’ elsewhere. This process of fission or autochthonisation through incorporation, however, came to a halt in the colonial period; and in many cases, immigrants were no longer integrated into the local ritual community but remained as ‘strangers’, even into subsequent generations. It is with respect to this new emphasis on the distinction between ‘natives’ and ‘strangers’ that Sisala earth priests such as those from Lambussie nowadays tend to project the inalienability of earth shrines and land into the past, while the Dagara generally insist that they acquired their earth shrines from ‘first-comers’, usually in exchange for women or cowries, up until as late as the 1920s.

Particularly since the 1970s, shrinking land reserves and the increasing conversion of farm land in the area around Nandom and other small rural towns into building plots have exacerbated the debate on the ‘inalienability’ of land, a trend compounded by national land legislation and the interests of urban-based Dagara and Sisala elites. In the Report of the Committee on ownership of lands and position of tenants in the Northern and Upper Regions, the so-called Alhassan Report, which prepared the 1979 constitutional restitution of Northern ‘public lands’ to their traditional owners, the ‘Lawra Traditional Area’ (i.e. the chiefdoms of Lawra, Jirapa, Nandom and Lambussie) was represented by Lambussie Kuoro K. Y. Baloro. Interestingly, the Report stipulates that because ‘the office of the chief [has] in course of time become so important that the “tindana” had to deal with the land in consultation with him’, the ‘allodial title’ now ‘vests jointly in the “tindanas” and the chiefs’ (Alhassan et al 1978: 37). Furthermore, the Report states that ‘no sale of land is permitted..., neither by the chief nor the clan or family heads’ and, most importantly, the land ‘can always be re-claimed after due notice’ (ibid.: 38). This latter proviso is clearly intended to permit the re-opening of debates on all past land transfers, such as, the Lambussie-Nandom land grants.

Since the late 1980s, disputes about the delimitation of new administrative boundaries and debates regarding the role allodial landownership should play for the definition political rights have further intensified the controversies over past and present land transfers. Although the ‘labour theory’ of property, which would allow for the transferability of allodial title, was and still is regularly cited and occasionally even politically privileged, as during the intermezzo of Rawlings’ ‘revolutionary regime’ which preached that the land should belong to those who cultivate it, the ‘inalienability’ argument continues to be the ideologically dominant position.
Bibliography


