

# THE SOCIAL AND LEGAL POSITION OF LYELA WOMEN (BURKINA FASO)

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## Introduction

In this paper I analyse certain legal aspects of the traditional role of Lyela women and the most important recent changes. In particular, I discuss several matters that I consider to be especially important for the position of Lyela women.<sup>1</sup> These are:

- the Earth cult and its inherent juridical concepts;
- the traditional institution of niece-fostering and sororal polygyny;
- the link that is made in Lyela cosmological thought between the moral conduct of women and the well-being of children, and hence ultimately the well-being of the whole community.

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1 From August 1982 to March 1984 I did fieldwork in a Lyela village, studying the economic and social situation of women. My description of the women's situation is part of a comprehensive ethnography that is being compiled by a team of anthropologists from the University of Münster. The ethnographic research project, initiated by Prof. Schott, Director of the Seminar für Völkerkunde in Münster, has been the first anthropological enterprise among the Lyela. Two missionaries from the order of the 'Pères Blancs' (White Fathers) have published a few essays on the Lyela in the nineteen-fifties, but their interest was oriented more to linguistic, ethnobotanical and especially religious questions. A grammar and a Lyele-French dictionary have been most important in our research; see Bon and Nicolas 1953.

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The Lyela are one of the numerous small ethnic groups of Burkina Faso (formerly Upper Volta) which have no central political authority. This patrilineal, acephalous society comprises about 200,000 people. They live in a region of relatively good soils, where the Lyela have been practising agriculture in the form of shifting cultivation since ancient times.

The Lyela region is located about 120 km westwards of Burkina Faso's capital, Ouagadougou. Since the French colonial occupation a railway connection exists from the nearby town of Koudougou to the Ivory Coast.

The Lyela speak a tonal language which belongs to the so-called 'Grunshi' sub-group among the 'Gur'-languages of Ghana, Ivory Coast and Burkina Faso. The derogatory term 'Gurunsi' is used in the older colonial literature and among northern migrants in Ghana and Ivory Coast to designate the various Grunshi-speaking acephalous tribes of the Volta-region.

Neighbouring groups of the Lyela are: the Samo to the north, a Mande-speaking ethnic group; the Mossi to the west, who used to raid the Lyela for slaves in precolonial times; and the Nunuma to the south, another Grunshi-speaking group like the Ko or Winima on the other side of the Black Volta which forms the western frontier of Lyela country.

### The place of women in family and clan

In patrilineal societies like that of the Lyela, only the men reside permanently in the same village. There are a few women who marry in their village of origin, but, in Sanje at least, they are a minority. The majority of Lyela-women leave their natal village and go to live as 'strangers' in the patriclan of their husbands in another village. Obviously, the women are also regarded as strangers in a religious sense in their husband's *cè*, the ritual area under the leadership of an Earth-priest that makes up a village.

Before her marriage, a young girl is subject to the authority of the compound-chief (*kèlè-cébal*), the oldest man of the oldest living generation. He is the formal and legal head of an extended family, and all members of the compound are subject to his authority. Only this elder has the acknowledged authority to represent the members of his lineage in external affairs before any public institution of a legal or political nature. Only the compound chief is authorized (by

the ancestors) to take decisions in legal, political and religious affairs regarding 'his' wives and children and those of his younger brothers and their nuclear or polygynous families as well.

The village of Sanje, where I worked, consisted of 71 compounds. These contained from two to as many as one hundred inhabitants with an average of about 23.5. With the exception of two compounds where all the men had died or migrated to the south, each of the rural compounds had a male chief.

The compound is the most important social and economic unit among the Lyela. It is part of a neighbourhood or a 'quartier' in which one to fifteen compounds together form a localized clan-section or maximal lineage. The main lineage of a neighbourhood is usually strengthened economically and socially by one or two compounds of sisters' sons from other villages who have come to live with one of their mother's brothers.

In addition to the compound-chief's younger lineage-members (plus their wives and children), there is often a sister's son living in the compound of his mother's brother. He works for his mother's brother, the lineage-chief, in the same way the other younger male members do. However, when the co-habiting sister's son starts a family, getting married and having children of his own, he has to 'turn his back' on his uncle's compound, i.e. he has to close the inner door of his compartment and make another entrance in the big wall surrounding the whole compound. The obligation of the co-habiting sister's son to erect a separate small compound beside his uncle's when his own family starts growing, is part of the ambiguous and very special relationship between mother's brother and sister's son.

According to the traditional moral code, all the ordinary compound members, other than the compound head, have only restricted legal capacity. The 'subordinate' persons of a Lyela compound are further differentiated with respect to their dependence and autonomy. Women are principally subordinate to men, although they do not have to display the same submissive behavior as the neighbouring Mossi-women, who kneel before the men of their compound in greeting or when bringing them food and water. Young women are subordinate to elder women, especially in the relationship created by the traditional sororal polygyny, to be described later.

The traditional structure of the extended family living together in one compound and consisting of an elder, his younger married brothers with their wives and children, has recently been subject to

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various changes. There is a strong tendency for households to become smaller; the compound-chiefs are progressively losing their traditional legal, religious and economic responsibilities with respect to the larger unit. The family-fathers of the middle generation, in particular, claim the right to decide autonomously on the affairs of their own nuclear or polygynous families. For example, it was formerly not usual for a dependent compound-member to consult a diviner on his own. Among the Lyela there are different kinds of diviners working with diverse methods. Their main task is to give advice in conflict situations and to determine the right sacrifice for the client, usually the compound-chief, to ward off danger to his family and dependents. The services of diviners have to be paid for, and this was so even in pre-colonial times. Money was formerly available only to elders and their dependents had neither the right nor the means to consult diviners on their own, having no substantial private property to dispose of independently.

Today more and more married men of the middle generation consult diviners on their own and with respect to their family affairs. The elders complain that nowadays even young unmarried 'children' have the impudence to consult diviners, using their own money, without even asking their compound-chief for permission. Frequently they do not even inform him. Only women still do not consult a diviner on their own. When a woman wants to consult a diviner for advice in a personal crisis or in a health problem she can only do so with the help of a male relative who can be trusted to act in her place.

Consistent with the social system of the Lyela, women are not allowed to appear unrepresented in a legal proceeding. They may not go unaccompanied to one of the modern legal courts of the state of Burkina Faso. At the lowest level of state courts, the 'Tribunaux du premier degré', parties are not represented by lawyers. In these courts, as Schott (1985) reports,

... every party can call witnesses, and everybody can appear ... with relatives of his own family or sib. In many cases people are 'represented' by a relative; neither the defendant nor the plaintiff need to appear in person.

In such a situation, Lyela women go to courts under the 'protection' and guidance of their elder male relatives, who feel responsible for the case of 'their' women.

### The juridical role of the earth-priest

The 'Earth-priest' (a Lyela term: *cè-cebal*) is the most important traditional religious and legal authority among the Lyela. There is no central political authority, and each village forms an autonomous social unit. The Earth-priest was never recognized as a legal or political authority by the French colonial government, which created the office of village chief (*còcebal*). In theory the village chief must be elected by the villagers, but he is very often a member of the Earth-priest's family. The village chief is still partly responsible for tax-collection and functions as a contact-person for governmental organizations, for example when the police are looking for somebody from the village who has committed a crime. Today the village chief also acts as an intermediary in the reception and redistribution of economic aid from development-organizations, but the distribution of these goods often seems to take place mainly among members of his own clan. Thus 'development projects' appear to have increased differences in wealth between the various lineages living together in one village.

The Earth-priest is authorized to decide over the most important religious, social and political affairs within the ritual area around the Earth-shrine (*cè-kú*) where he performs his priestly duties. Villages are inhabited by different clans, and the Earth-priest is usually a descendant of the first or second clan elder who settled in the bush in ancient times and founded a new village. Among the Lyela, the Earth-priest does not hold court-sessions in public as do the civil servants at the 'Tribunaux du premier degré' in Réo, Kordié and Tenado. In these villages the judge and several customary assessors regularly hold court-sessions on simple civil conflicts if both parties appear. Unlike the official courts, the Earth-priest has no physical means to enforce anyone's appearance before the Earth-shrine. He has to rely on his religious authority to punish law-breakers. There are several offenses that are regarded as an act of sacrilege against the Earth. Among them are the theft of goods and animals, adultery by a woman with a man from the same village, quarrels over plots of land and certain kinds of sorcery and black magic (cf. Schott 1984:91).

If somebody has committed such an offence, and no sacrifice has been offered to the Earth, the Earth-priest makes his appearance after the death of the next person in the offender's compound. He plants a metal rod (the sign of his religious office) in the ground before the dead man's compound, announcing that the dead of this house cannot be buried until the family has begged the Earth's

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pardon. The Earth-priest then gives an indication as to which offerings will be adequate for appeasement of the Earth.

Unfortunately, I have never actually witnessed a sacrifice to the Earth-shrine among the Lyela. They so respect and fear the spiritual power of the Earth that most of the elders do not like to discuss matters concerning the Earth cult with a white person. In addition, those who fail to describe exactly any custom related to the Earth cult may be punished supernaturally with sickness or death.

From what the Lyela told me, I have the impression that most offenses by women are committed in the private domain of the compound. These offenses are usually not considered as sacrileges against the Earth. Sacrifices on the Earth-shrine have the function of appeasement for offenses which concern relationships *between* families. It is mostly men who are actively involved in such conflicts since they alone have the right to represent their family's interests in external affairs. Nevertheless, I would like to describe in some detail the apparently exceptional case of an old woman of about seventy years who resorted to the Earth-priest for help. Initiatives of this kind do not seem to occur very often among the Lyela despite the fact that women after menopause, in contrast to younger women, do enjoy some right to take part in public affairs.

*Case no 1: A woman who consulted the Earth-priest on her own*

E.K.<sup>2</sup> had lost her last son in 1981. When he died he was only 47 years old, but he had already become compound chief, because all the other men of the family had died before him. He left behind three widows, nine children and his old mother. Earlier, he had left the compound of his father "because death had reigned there too," as his mother explained. After the death of her son, the old mother had taken over the responsibility for her three daughters-in-law and their children. She received some material support from a classificatory brother of her husband, a neighbouring compound chief from the same clan-section. For more than two years after her son's death the old

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2 Girls' and women's first names start with an 'E' in Lyele, a prefix indicating the female sex. A woman's clan name always begins with a 'K' for *kē* - woman. So one could get the impression from the initials of the actors that all the cases I discuss concern one single woman. In fact, each case concerns a different woman from a different Lyela clan.

lady's compound remained without a male family-head. When queried as to why these women had not remarried the real or classificatory brothers of the deceased (leviratic marriage is quite common among the Lyela), the old woman was rather evasive. The reason for this evasion was that E.K. strongly believed that her son and other men of his lineage had been killed through witchcraft by their own 'brothers' from the same lineage. Those who had used witchcraft<sup>3</sup> were supposed to have done this in order to inherit the wives and the whole compound from the last male member of the lineage. It was pointed out to me that it was unusual to 'distribute' the widows and children to the neighbouring compounds of their section in case of the death of a compound head without a resident successor. Rather, a new compound chief would become head of this compound with many women and children. 'Inheriting' a whole compound with four women and many children would represent a substantial economic and social advancement for the heir. This prospect led to feelings of jealousy in the village, which found an outlet in suspicions of witchcraft.

On February 2, 1984, E.K. went to the Earth-priest of Sanje for a second time. She had once more found a cockerel with its spurs cut off and showed it to the Earth-priest. The mutilated cockerel was considered proof that somebody wanted to do harm to her family by supernatural means. This unknown person was held responsible for the death of her son and all other deaths that had afflicted her compound. In all probability the old woman had consulted a diviner before accusing the whole clan section of a neighbouring quarter of being witches before the Earth-priest. The old woman had the cockerel slaughtered on the Earth-shrine. On dying, the bird fell on its back, thus confirming her suspicions. The insinuations against the accused section increased rapidly in number and seriousness. Finally the Earth-priest called all the members of the accused clan section together, the men, the women and even the children. They were ordered to assemble in front of the compound of E.K. A handful of earth was mixed with water in a big calabash and everybody from the suspected clan section had to drink from it. The innocent would not

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3 *Shyèrè*, pl. *shyèsè*: "Enchanteur qui agit la nuit en sifflant dans la gaine onguleuse d'un ergot de coq pour attirer et dévorer les doubles des êtres vivants (les enfants surtout)... L'enchanteur coupe un ergot de coq, il prend ensuite de la cendre pour en blanchir ses mains et pieds et il sort dehors le sexe découvert" (Nicolas 1953: 400).

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be harmed by this ordeal, but the guilty would be punished by the Earth with sickness ending in death.<sup>4</sup>

It is very rare for a woman to intervene actively in this way in inter-familial conflicts which are finally dealt with by the Earth-priest. If a woman plays an active role in problems of a 'political' or 'religious' nature, one can be sure that she is past child-bearing. As Duval (1985:61) has reported for the Nuna (an ethnic group to the south of the Lyela region whose culture is very similar to that of the Lyela), there is an important difference between women who are menstruating and thus excluded from nearly every public activity of a political or religious kind, and women who are past menopause. The latter have considerable influence in marriage-affairs; it is very often their task to bring the young women of their compound into contact with the young man of their choice, especially for definite economic reasons. In addition elder women play active roles in matters of conciliation between different lineages, as Bayili (1983: 109) describes for pre-colonial times. And as one can see from the case reported above, old women sometimes play active roles when they and their immediate relatives are confronted with religious or health problems. There was even one elderly female diviner in my village, but she was an exception. She explained her position by reference to the fact that she had had a 'call' by the bush-spirits to become a diviner. If she had not obeyed their appeal by reason of being a woman, she would have become insane.

### Lyela marriage-law and customs with special regard to niece-fostering and sororal polygyny

As the rigid marriage rules and the still widely-practised custom of rearing little girls in the compound of their future husband seem to be the most important factors determining the subordinate position of women, I will continue my analysis of Lyela women's socio-legal position with a sketchy outline of Lyela traditional matrimonial law.

Among the Lyela, traditional legal and religious rites and rules, which have never been written down, exist side by side with European-style law that is embodied in decrees, orders and regulations (see Hooker 1975: 218-225 for discussion of the colonial legal order in French West Africa). Today, many couples perform Islamic or

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<sup>4</sup> The ultimate result of this case was not yet known when the period of fieldwork came to a close.



Christian rites in addition to traditional marriage ceremonies pursuant to Lyela customary law. Many people now also have their marriages registered before a registrar at one of the administration posts. For people working in one of the rare wage-jobs outside the villages a civil marriage is a prerequisite to obtaining social security payments for one's family. In Réo, the administrative capital of the Lyela-region, the registrar was at the same time president of the state court at the lowest level, the 'Tribunal du premier degré'.

I begin with a sketch of a 'standard' traditional form of marriage without going into detail with respect to the exchange of presents and counter-presents between the wife-giving and the wife-taking clan.

The Lyela have one remarkable institution that influences the lives of numerous young girls from early childhood until well after marriage. Before the pacification of the Lyela-region by the French, many Lyela villages feuded with one another. That condition complicated the establishment of inter-village marriage relationships. Courtship extended over a long period during which bride-gifts and bride-services were furnished by the wife-taking clan. It is possible that these circumstances led to the custom that once a marriage agreement had been established between two families, two or even more women could be given from one clan to another.

A Lyela-woman who marries has the traditional right to claim a daughter of one of her younger brothers or a younger real or classificatory sister. The girl then follows her to her husband's compound. In this way women were (and still are) able to give each other support in a strange family and surrounded by a hostile social milieu. The younger girl, who has not been 'properly' married before reaching sexual maturity, would be able to inform her family of origin about the well-being of her elder sister or aunt. The older sister or father's sister bears the full economic and social responsibility for her younger sister or brother's daughter. The latter is subject to the authority of the older woman. She must obey her foster-aunt and must perform all the work in the house and field which the elder woman gives her. The (classificatory) father's sister takes on the role of a mother, caring for the young girl in case of sickness or any other difficulties.<sup>5</sup>

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5 The same institution of sororal polygyny and of 'child marriage' is reported for the Nunuma, the southern neighbours of the Lyela (Duval 1985: 64).

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Duval (1985), in his description of this custom among the Nunuma, focuses on the aspect of the little girl 'getting accustomed to her future husband'. He stresses the fact that the socialisation of little girls in their future husband's compound, which includes physical contact with the uncle (FaSiHu) before puberty, diminishes their resistance to a marriage with a man who is often more than thirty years older. Nevertheless among the Nunuma as well as among the Lyela, it happens that husbands have to use physical force when a wife's niece refuses to have sexual intercourse. I recorded a case of a young woman having been beaten with a stick; Duval mentions that among the Nunuma elder men tried to enforce sexual intercourse upon their young wives by tying them up with rope (1985:65).

Traditionally, when the young girl is married, she returns home to her compound of origin, accompanied by her aunt and her future husband. There they perform the *yi wwi* sacrifice (literally: God's sacrifice), even if the girl has already been living in another village for several years. If a man does not take his wife's niece for a second wife, she is usually given to one of his younger brothers or sons. Nowadays the traditional form of niece-fostering more and more often results in the marriage of a girl with one of the uncle's (FaSiHu) younger agnates, because young girls today have developed a growing aversion to being married to a man thirty years their senior.

In the most 'traditional' milieu of villages at some distance from the towns of Réo and Koudougou, about half the girls are still married according to this traditional model of sororal polygyny. It is difficult to say whether this type of marriage enhances the domination of men over women or whether it also has positive effects in the formation of female solidarity groups. Nowadays, when a married woman receives her first 'little sister' to help her in her new household, the elder woman is about twenty years old and usually has already borne her first baby. The young mother has to work in the fields, a very important recent change in the sexual division of labor, which is taking place as a consequence of the high migration rate among young men. In Sanje, more than thirty percent of the men between fifteen and thirty-nine (the most important group for labor purposes) leave their women and children behind in order to seek work in the richer and 'more developed' countries along the coast. This has compelled younger women to perform considerably more work in the fields than was the case before the arrival of the Europeans. Thus the situation of younger women is aggravated considerably, and they have to perform a good deal of heavy and time-consuming household chores for the men of their husband's lineage.

Given the circumstances of her own overwork, the aunt (FaSi) profits considerably from the help of a little girl between five and eight years old, who is already capable of performing most of the essential domestic tasks a woman has to carry out among the Lyela. The niece's work-power increases during puberty and she may learn a craft from her father's sister or begin to make money in the petty trade of foodstuffs on the local markets. These economic activities are undertaken by the niece for the benefit of her aunt.

Although the aunt does not have any formal right to make or even to take part in decisions concerning her niece's marriage, she actually has considerable influence. Women rarely admit this, however. This seems to be a case of 'the invisibility of women's rights' as described by Baerends (1990) in her article on the socio-legal position of women among the Anufom of Northern Togo.

From my collection of case histories on specific marriages in Sanje, it appears that both the biological mother of a marriageable girl and the girl's aunt actually receive a considerable number of presents such as tobacco, money, a new mat and prestations in the form of help on their millet-fields from the suitors of their daughter or niece. The older woman tries to influence her compound-chief in favour of the young man who makes her the most valuable presents or who helps her most in the fields. But it seems to be quite rare that these older women manage to arrange a particular marriage without the approval of the compound-chief. I came across only one example of an extremely strong-minded woman who arranged the marriage of her niece to a friendly young man of a neighbouring community belonging to her husband's lineage, while her husband was away on military service in the French army.

The economic and social interests of a woman and her husband, in taking one or even more 'little sisters' into their household, often coincide. Both dominate the young bride. The first wife benefits from her workpower and the husband from her sexual services and from her procreative capacity. Among the Lyela we have the situation that one category of women, the 'first wives' in sororal polygyny, derive as much benefit from such arranged marriages as their husbands, and that the 'little sisters' are dominated and exploited by both their male and their female elders.

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### The conclusion of a marriage by a sacrifice to the earth

On the 'wedding-day', the future couple, the aunt, the mother of the young girl and her compound-chief, and occasionally the elder of her clan-section, sit on the ground around the *shyabol*. The *shyabol* is a ritual site of profound religious significance. It is the place where rainwater can pour out of a hole at the bottom of the compound wall. The compounds are usually built on a slight mound, so that the water flows out of the courtyard after a heavy rainfall. The *shyabol* is regarded as a 'cool' place, where for instance people bury the afterbirth of new-born children. As one of the old clan priests remarked, the Lyela do not like it if too many people step over their holy sites and therefore bury the afterbirth in a remote place close to the compound walls. The whole marriage delegation takes its place here. The bridegroom lets his brothers present a chicken, a guinea-fowl and a he-goat to the girl's mother, who in turn hands the offerings over to the priest for sacrifice. Everyone present at the ceremony, at which traditionally a sacrifice is offered to the Earth, has to 'empty his heart' of evil thoughts. No one may conceal any grudges, grievances, discontentment or negative feelings after he has touched the animals to be sacrificed. The chicken's throat is cut and it is thrown onto the *shyabol*; if it falls on its breast at the moment of its death, this is interpreted as an indication that someone in the congregation still has an objection to the proposed marriage. People are called upon to state their objections, and if the second chicken that is sacrificed dies lying on its back, the sacrifice is considered to have been successful and the bride is given to her husband. This is also the moment for the bride to raise any objections she has to the marriage. Lyela girls, who are at this moment subject to extreme social and psychic pressure in a situation in which they are being observed by numerous persons of authority, presumably do not seize on this 'opportunity' any more often than people in our own culture say 'No' before the altar during the marriage ceremony.

When the sacrifice to the Earth has been performed, the bride leaves her own compound for good to live with her husband's family. The wife is called *kèlè-kè*, which means 'woman of the compound', and she is supposed to remain there forever. After the birth of children who additionally stabilize the relationship between the marriage partners, the husband usually builds her a hut for the children and herself.

During my fieldwork, many families in Sanje still had the *yi uwf* (God's sacrifice) performed by the elder of the bride's natal family. There are, however, a growing number of Catholics since the first

woman in the village was baptized fifty years ago. This religious change could undermine the authority of the elders because they are no longer indispensable for the fulfillment of the marriage ceremonies: young Christian Lyela now have the possibility of getting their marriage consecrated by a Catholic priest. However, I do not know any young man from Sanje who married in the church against the will of his elders. Most young men are not able to provide the required bride-gifts and the bride-service without assistance. Even more important is the fear of being 'bewitched' by the elders. Out of a fear of falling victim to the supernatural powers of the old men (which they possess as priests of the traditional cults) the young men refrain from overtly offending them.

Although the 'little sisters', as the nieces are called, have worked in the household, at the market and in the fields since early childhood, the Lyela seem to think that the father's sister's lineage (where the niece is growing up) has had to bear the costs of her upbringing. It is these 'costs' that give the uncle's lineage the right to marry the young girl to one of its members.

It is evident that, by contrast with Western culture, the Lyela do not regard marriage as an individual affair. The Lyela concept of marriage as an institution that endures longer than the individual's life-span (Schott 1985), is manifested not only in the fostering of nieces, which serves the function of providing one lineage with women from another for more than one generation, but also in the institution of the levirate. Nevertheless, there have always been courageous women who have fled from an unappealing arranged marriage. That was even true in the 'good old days' before French intervention against traditional marriage practices. In most cases, however, girls are unable to revolt against the compulsion that their aunts have exerted upon them over many years. The principle of seniority - one of the fundamental principles of Lyela social organisation - does not allow much freedom of decision for young people. Having lived for several years under the influence of an aunt with whom she shares the same hut and who repeatedly invokes 'tradition,' most 'little sisters' do not have sufficient willpower to oppose a marriage with the aunt's husband. As she tries to persuade her brother's daughter to marry into her husband's family, the older woman is looking forward to an easy and comfortable old age with somebody to look after her. The younger sister will, as co-wife, be subject to her will to the end of her days.

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*Case no. 2: The married life of a 'little sister' in the household of her father's sister*

This case has been reported by Sabine Dinslage (1986: 190-194) who lived with a family in the village of Réo-Sinkou.

The ethnographer was a friend of W.A., a 28-year-old woman with five children who had been given to the husband of her father's sister in an arranged marriage of the niece-fostering type. This woman stressed in several conversations with the ethnographer that she had to do all the heavy work in the fields and in the household, being charged with the raising of five children at the same time. Her aunt, by contrast, had nothing more to do than to sell groundnuts and colanuts and cook the 'relish'. In effect, the younger co-wife had charge of the entire household while her father's sister - as in many other cases - felt free to decide how much she wanted to participate in the daily routine. The two women were not on friendly terms. The young woman said that it had been a depressing experience for her that she had been chosen to follow her father's sister when the latter was married. She was especially horrified at the idea of having to marry the old husband of her aunt. She had secretly hoped to marry a young man of her own choice. She spoke in an admiring tone of one of her older sisters, who had deserted her husband, but she felt too shy herself to risk the same step into an uncertain future. She had resigned herself to her fate and did not regard her situation as deplorable but as 'normal'. But she repeated several times that she would have preferred to choose her husband on her own; she would have liked an "industrious young man who earns money for her"! In addition she would have liked to have a 'little sister' on her own, "but she stressed that she would have let her the freedom to marry the man she liked". (Dinslage 1986: 191)

It seems that the social model of the monogamous family which is propagated by the Christian missions, in school books, and in the idealized reports of migrants returning from the Ivory Coast, provides the young Lyela girls of today with new ideas that make them see their traditional life in the women's community of a compound in a negative light. Before colonization, living together with the other women of the compound as a member of a hierarchically structured women's group was natural for a Lyela woman. There was not much room for sexual and emotional privacy when two or even more sisters lived together in one hut with their common husband spending three nights with each of them in turn. Young women are today confronted with two opposing ideals: the dream of a marriage with a young migrant who would enable them to live a Western-oriented life and

the still powerful emotional need for the company of other women, the need for security, cooperation, and integration in a female solidarity group.

According to Dinslage's observations, the separation of a young girl from her own mother at the age of five or six is not necessarily as traumatic an experience as might be supposed. The ties between a mother and a daughter of that age have already loosened following the birth of younger siblings. Girls are also charged with household duties in their natal family: looking after younger brothers and sisters, running errands, fetching firewood and water, etc. The transition from her own family into another family may be hard for a little girl at first, but as it takes place under the protection of her aunt, it may well be easier than arriving as a new bride in a 'strange' compound. The actual integration of a young girl into the compound of her father's sister's husband depends very much on the personality of the aunt. She has to support the child's integration into the children's group of the compound and later on into the women's group. As segregation of the sexes is still a valid principle in Lyela social life, the relations between women of the same compound are at least as important as the relationship between marriage partners. Besides, there are strong economic reasons for some division of work and cooperation between several women of different generations (cf. Steinbrich 1987: 242-246). In this respect, the traditional way of life as an adaptation to the natural surroundings of the African savannah can not as yet be replaced by a better-adapted socio-economic family model.

As previously stated, a minority of women run away from their village in order to avoid a marriage with an unattractive man, and choose their husbands themselves. The overwhelming majority of women, however, accept their fate and try to make the best of an arranged marriage, fearing barrenness and sickness as results of a violation of social and religious rules.

As Els Baerends (personal communication) observed of the Anufo, the freedom women have when refusing an arranged marriage is only the freedom to run away with another man apparently of their own choice but sometimes just picked up for the occasion. In the relationship with this man (the 'lover'), they may have no protection from their parents as they would have in a regular marriage. So there is a considerable price to pay for the freedom of marriage choice as the woman who makes the choice stands to lose the social security that is usually offered by her parents. This is, of course, a valid argument, although it seems as if the relationship between a married

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Lyela woman and her family of origin is rather weak compared to other African societies (cf. Steinbrich 1987: 174-179).

Among the Lyela, women are supposed to show a stronger solidarity to their family of procreation than to their family of origin. A considerable number of women among the Lyela have ceased visiting their clan of origin altogether, because they have learned from a soothsayer that they are in danger of being bewitched by somebody from their own clan. Even women who go from time to time to see their relatives are not allowed to stay there for a longer period without an important reason. A married daughter is not allowed to take care of her father or mother in case of sickness, and it is regarded as bad manners if a woman does not return from her visit home on the same day if the distance is not too great. Finally, one should keep in mind that in most cases women only spend a few years in their natal compounds and receive most of their socialisation in the compound of their future husbands.

*Case no.3: A woman who ran away from an arranged marriage*

E.K., from Sanje, should have been married into a family in Réo, the 'capital' of the Lyela region, where she had spent most of her childhood in the compound of her aunt. Her 'uncle', the aunt's husband, wanted the girl to become his second wife after puberty. He had signalled his intentions to the girl's family of origin with the requisite symbolic gifts: a chicken, a guinea-fowl and a goat. The girl did not wish to marry this much older man, although her aunt was also trying to persuade her to do so. My informant stressed that she would have been willing to marry the younger brother of her aunt's husband, but the husband and the aunt refused this. Nevertheless, the relationship between the aunt and the niece was said to have been good. The *yi-vwi* sacrifice was to be performed shortly. However, the girl ran away with another man at the last minute. She had 'found' her new husband during forced labor imposed by the French, when she had to carry field-crops on her head to the nearby town of Koudougou. Her father, who was compound-chief, was furious at the elopement of his daughter. He forbade her ever to set foot in her family home again. Several years later, when the disobedient daughter had already given birth to a girl, she wanted to assist at the funeral of her elder brother's first wife. E.K. arrived at her natal family's compound crying and wailing. The old man, who was sitting on the roof, saw her coming and repeated his interdiction. Finally, he agreed to a reconciliation, but only after her two elder brothers had intervened. After a while, her husband's family presented the obligatory



bride-gifts and came to work on the fields of the bride's father. After this, the informant and her husband went to Ghana for nine years. On her return she discovered that her father had died in the interim, and her elder brother had become compound chief. Eventually the whole conflict would probably have been forgotten, but a diviner gave her husband the advice that E.K. should never visit her own family again as she would run the risk of being bewitched. The informant's fear of witchcraft must have been increased by the death of two of the five 'little sisters'<sup>6</sup> whom she had taken into the compound of her husband.

Obviously, the interdiction on returning home must have been seen in the context of the elopement several decades before. Another informant told me that people never perform the *yi vwi* ritual for a marriage with an eloped woman. Such a marriage is only partly legitimized by the bride-gifts and the bride-service of the sons-in-law.

The compound-chief in the case described was placed in a difficult situation, because the abductor of his daughter belonged to his own village. In ancient times, the husband's agnates (also termed 'husbands') used to take revenge on kidnappers from other villages. However, violent conflicts between members of the same village, living in compounds built within the same ritual area around a common Earth-shrine, are strictly forbidden among the Lyela. No drop of blood shed in a fight between villagers should fall to the ground as this would be a grave sacrilege against the spiritual power of the Earth, a much worse sin than the abduction of a woman. The only means available to the compound chief for punishing his disobedient daughter was to prohibit her from ever returning to her parental home.

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6 It seems remarkable that a woman who had herself refused a marriage with her father's sister's husband in her turn took nieces into her household. This case indicates that the relationships between women created by niece-fostering may be regarded by the women concerned as positive, at least when the older woman does not make the young girl work too hard. Marriage to a much older man seems for Lyela girls to be the most unpleasant aspect of the system of sororal polygyny.

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### Women's offenses in Lyela religious thought

For some offenses<sup>7</sup> by women and men there are religious authorities at the clan level. If, for example, a woman has committed adultery with a real or classificatory brother of her husband, she is punished by the priest of the family-shrine of her husband's clan. A female dog is slaughtered in the name of the adulterous woman. Père Bassonon says that this animal symbolizes fornication, shamelessness and low instincts because dogs copulate before the very eyes of people. They violate feelings of decency and shame (cited in Schott 1985: 94). The sacrifice of a dog is also performed for the incestuous lover of the woman. It is expected that the couple will die as a result, their offence being one against the solidarity of the clan. In this manner people wish to deflect the danger from innocent members of the clan who might be afflicted by calamity as a consequence of the offence. An informant added that those sacrifices of dogs on the family shrine of the husband's lineage are performed in secret. The wife's family must not hear about the magical murder of their daughter in her husband's family.

This is as far the 'theoretical explanations' of participants go. In the only case of 'incestuous adultery' I learned of in Sanje, the woman had been chased away from her husband's compound, where she had committed adultery with a man of the husband's lineage. People did not tell me what kind of sacrifice had been performed, but the woman had found refuge in her mother's natal family. Her mother's brother gave her shelter, and she stayed in his compound without remarrying. She lived on her own in a separate hut accompanied only by a boy who had been given to her in fosterage.

For adultery with a woman from the same village, married into another clan, a man has to provide a cow as a sacrifice to the Earth; this penalty is the same as for the theft of a chicken or a goat (information from Bapin Bagoro, clan-priest of the Bagoro clan in Sanje). In a case like this not only the adulterous sex-act itself might be considered as an offense against the Earth, but even more so the circumstances under which it has taken place. It is forbidden to have sex on the bare ground. The only legitimate sexual intercourse, between married partners, should take place indoors, in the

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7 "Offenses like theft, adultery, witchcraft, poisoning, sorcery and black magic represent a violation of the clan-solidarity, which encloses the living and the dead. In the European terminology these actions are not only crimes but also sins." (Schott 1985: 275)

house of the wife on a mat. Some informants (see Schott 1984: 92) still hold to the traditional idea of supernatural punishment, according to which the Earth kills people who insult its spiritual power by copulating on the bare ground. On the other hand, there are more and more young people who do have premarital sex in the bush on the occasion of a funeral or during the traditional wrestling matches of young people in the dry season (see Dinslage 1986: 111).

The Lyela believe in several other supernatural forces besides those of the Earth. These forces are of socio-legal relevance mainly in that they offer a means to distinguish between truth and untruth. On the other hand, it is possible to make repair for certain offenses through sacrifices on the shrines of these powers. Thus, I have on several occasions seen women before the shrine of the blacksmiths. They were discussing conflicts, the kind of problems that men contemptuously refer to as 'women's noise'. Men believe women to be generally of a more jealous and envious nature than the members of their own sex.<sup>8</sup>

*Case no. 4: A woman calls the thunderstorm upon her niece*

An old lady and her niece had gone to see an old clan-chief, whose family was in possession of a *lali*, an anvil with supernatural powers. The older woman had accused the younger one, with whom she shared the same hut, of stealing a five-franc piece. The 'little sister' denied having stolen the money. The quarrel went on until the aunt called the *dwà* upon the younger one. *Dwà* means rain, thunder and lightning; the word is used here in a figurative sense, it is understood as a curse. After the older woman had cursed the younger one, the two were not allowed to eat together, nor could one of them drink any water that had been touched by the other, without running the risk of dying. The curse was supposed to kill either the woman who had stolen the money or the woman who had made the false accusation. However, the two women in our case decided to revoke the curse that stood between them and they went to the blacksmith, each with a chicken to sacrifice. The blacksmith first killed the older woman's chicken on the anvil. It fell on its back and died, so that it could be safely considered that the *dwà* had been appeased and it was not necessary to kill the second chicken brought

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<sup>8</sup> A derogatory Lyela proverb says: "Les enfantillages de la femme ne cessent que sur le bord de la tombe." (Nicolas 1954 :95)

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by the younger woman. The two women returned home together and I heard afterwards that the older woman had found her money back.

The blacksmith-shrine seems to be frequented more by women than by men. An old blacksmith told me:

We came to this village with our *lali*. It is our *kwala* (our family-shrine) at the same time. When we were there, the women started to call the thunderstorm (*dwà*). We had to reconcile them with the help of our sacred anvil.

The Lyela think that offenses such as theft, adultery, poisoning, sorcery and black magic injure the health of the person who has committed them. The Nununa have the same conception that wrongdoing causes sickness, sterility and even death. Duval (1985) stresses the importance of this belief; he considers it crucial to the power of the elders, who are also nearly always priests, over younger men, women and poor peasants. Women are especially exposed to danger because if they break the traditional moral and legal code, their crime not only brings sickness on themselves, but also threatens the health of their born and unborn children. For pregnant women it is extremely dangerous to be exposed to a *dwà*, the kind of curse that I described above, between herself and another person. Her husband may intervene to cancel the *dwà* in a special purification rite with the help of a sacrifice on the blacksmith's shrine. Every complication during pregnancy, birth-giving and the early childhood of her children is explained as a consequence of undiscovered offences committed by the woman. In this respect women are subject to greater moral pressure than men: their offenses against the traditional moral code have more serious consequences. This idea in Lyela culture is crucial in considering women's position.<sup>9</sup> It makes

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9 Lyela children get their names from a diviner a few days after birth. He has to find the 'right' name of the child, derived from the special supernatural circumstances of its birth. If the diviner is not able to discover the supernatural concomitants of a child's origin (which finds expression in its first name) the child will become sick or even die. Parents of sick children go to see another diviner to find the right name and to cure the child. Many Lyela names are derived from animal names (cf. Dinslage 1986: 246). For instance, *kùli*, (pl. *kulse*) is the Lyele word for dog. Ekuli is the name given to a little girl whose mother has (unintentionally) killed a puppy or a dog. Probably she has forgotten the incident, but the diviner is still able to 'see' her offense even if it happened in her childhood, many years before she became pregnant with the child in question. This

them less inclined to revolt against 'custom' by violating the traditional norms. They cannot afford to question their subordinate place in the social order.

### The influence of French colonial law on Lyela marriage practices

French colonial law did not substantially change the situation described above. As late as 1939 the French colonial regime issued a decree (the 'Decret Mandel' for French West Africa<sup>10</sup>), forbidding the marriage of young girls against their will. Not only were girls expected to have attained a certain age before marriage could take place, a problematic regulation among illiterate peoples who do not know their exact age, but the regulation stressed the necessity of a girl's consent to the marriage in order to make it legal. Widows, who were traditionally remarried to one of their first husband's brothers in leviratic marriage, were supposed to have the freedom to choose the man they liked as their new husband. Twelve years later, in 1951, the French promulgated another order which declared that traditional forms of marriage should be the proper form of marriage for Africans. As is well-known, French colonial law made a distinction between 'citoyens français,' French citizens having the right to vote, and so-called 'sujets', second-rate citizens who had not acquired full civil rights because they were not well enough educated. The 'sujets' were supposed to marry according to the traditional custom of their tribe (see Hooker 1975:224). Demands for bride-wealth for girls over twenty-one, or for widows and women who had already been married before, were no longer allowed. For girls under twenty-one years her family could ask bride-wealth but only up to the amount fixed by the authorities.

These two decrees contradict each other. On the one hand, the French colonial authorities insisted on the free choice of the bride;

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religious conception underlies Lyela efforts to keep women away from religious activities. The sacrifice of animals is the common way to establish a contact with God, the Earth, the Ancestors and other religious powers. Women are strictly forbidden to touch a sacrificial knife and to play any active part in a sacrifice. In name-giving ceremonies of the described type, women's segregation from the religious domain is symbolically reinforced and repeated.

10 French West Africa comprised the colonies of Senegal, Mauritania, Mali, Upper Volta, Niger, Guinea and Dahomey.

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on the other hand, they supported marriage according to traditional law, a system under which girls could be given in marriage against their will.

Today elopement and the abduction of betrothed girls and married wives are among the most frequent matters under dispute before the state court, the 'Tribunal du premier degré' in Réo. Women who have eloped try to flee to the Ivory Coast with their new husbands or at least to get away from the Lyela region. They fear staying in the region because, if the family of their first husband finds them, they will try to get 'their' wives back. State courts uphold the rights of the first husband to his runaway wife on condition that he has not seriously offended his wife. Only the first husband is considered as the legitimate marriage partner of a woman, all subsequent partners are referred to as 'amants' (lovers) in the state courts.

The strict marriage laws of the Lyela, which have their roots in the fact that marriages are concluded before the sacred power of the Earth, means that women have to hold out in their husband's compounds even if they do not receive sufficient support. Many wives of migrants who have gone to the Ivory Coast wait patiently at home, trying to take care of themselves and their children as best they can. The custom of niece-fostering results in a much looser relationship between an adult married woman and her family of origin than in other African societies (see Paulme 1963: introduction). The emotional ties with her own parents have lost their strength after the girl has grown up as a fostered child in her aunt's house. In case of serious conflicts with her family of procreation, however, a woman may return to her father's compound. According to custom, the married woman relates her problems to her father and/or her compound chief who will gather the elders of his clan in order to meet with a delegation of men from the husband's family. A short return of a married woman to her father's family is only allowed in exceptional crises, it has the function of reconciling the marriage partners with the help of intervention by the elders of the wife's family. Only a woman who is sure that she is in the right will go back to her parents. When a husband does not care for his wife and children,<sup>11</sup> when a man beats his wife regularly, and when a woman

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11 The traditional Lyela attitude to this point is reflected in the proverb: 'Le grenier vide, la femme ne veut plus.' "Grenier vide est synonyme de misère, puisqu'il doit contenir la provision de mil pour toute une année. Le soin de le remplir incombe à l'homme. S'il n'a pas été à l' hauteur de sa tâche, la femme saura le punir en désertant

feels certain that somebody in her husband's compound is using black magic against her, she is allowed to return to her own family. In these cases the elders of her family will support 'their daughter' against the family of her husband. They will wait for the husband's clan delegation, which will probably show up under the leadership of a sister's son. The husband's people will arrive in the compound of the runaway with a luxurious present of cola nuts. As Bapin Bagoró from Sanje-Gorodir put it, the priest of the wife's family shrine has to intervene in difficult cases. The old informant said:

We ask the husband several questions, such as: 'Did we give our daughter to you so that you should start quarreling with her?' Then I tell the couple to sit down, the husband on one side and the wife on the other. They are both given the chance to speak and then I decide who is right and who is wrong and I tell them so.

In such a situation the family of the husband is normally in the wrong, the men have to apologise and to promise that from then on they will treat the woman better. Everybody discusses the case at length and then the woman has to return with her husband to his compound. A woman who feels unable to bear her husband's ways any longer will not return to her natal family because she cannot expect support for such a position from her kin. Among the Lyela a woman is obliged to stay with her husband when all the bride-gifts have been exchanged and the *yi-vwi* sacrifice on the Earth has been performed. The only possibility of escaping from an unsupportable marital situation is to flee with another man. When she elopes, a woman has to leave her children behind with their father's family. But despite all the social sanctions which a woman must overcome, cases dealing with the elopement or abduction of women are among the most frequent sorts of case brought before the 'Tribunal du premier degré' in Réo.

According to some informants, in precolonial times women who found the marital situation unbearable, sometimes tried to poison their husbands, because they had no other means of ending an intolerable marriage relationship. This poisoning could be done by taking a plant or an animal that is taboo for the husband, according to the rules of his clan-shrine. If the people of the compound discover that a woman has mixed a forbidden substance into her husband's food, they know that the wife is trying to kill her husband, and she will be chased out of the compound (information from Grégoire Bagoro, Sanje).

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le foyer." (Nicolas 1950:102)

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### Conclusion

Today a growing number of women have the opportunity to leave the Lyela-region. This possibility now exists for the first time in history (leaving aside slavery in the 19th century). It is not only that women leave to seek better economic conditions in the coastal countries of West Africa, they can also flee from their villages in order to escape from an untenable marital situation. Young girls run away before they can be married against their will to a man who has been chosen by their elders (of both sexes). The traditional preferential marriage of sororal polygyny is becoming more and more unpopular. A growing number of young girls refuse to submit themselves to the authority of their father's sister for life. The law applied in the administrative posts is oriented towards the traditional Lyela-custom and recognizes the life-long authority of a husband over a wife whom he has customarily married. The state courts do not pronounce a divorce unless the husband has committed an offense against his wife. Even in such a case women often stay with their husbands because there is nobody to advocate their cases for them in public.

It is extremely difficult to assess marital conditions among the Lyela before the time of French colonial rule, but the frequent mention of magical or real poisoning of a husband by his wife would seem to indicate that there were considerable tensions in many marriages. More recently, a number of Lyela women are seizing the opportunity to free themselves from an untenable forced marriage. It remains to be seen how the social and legal relations between the sexes will develop in the migrant communities of the Lyela on the West African coast. Only after an analysis of the social and legal situation of the immigrant Lyela women in Ghana and the Ivory Coast, where we will have to deal with important differences between the urban and the rural milieu, will it be possible to evaluate the impact of socio-legal change on the position of women in this society.

On the one hand, these women may profit from the fact that they are still a minority in the Lyela communities of Abidjan and the rural towns of the northern Ivory Coast, a situation which may offer opportunities for emancipation from male dominance. From the 1920s on, during the early years of French colonial rule, many Lyela men have left their natal region to walk southwards to Ghana and to the Ivory Coast to look for paid work as sharecroppers in the cocoa and coffee plantations or as (mostly unskilled) workers in Abidjan. Only a very small minority of men, who were able to enter into long-term jobs, could afford to have their wives and children join them in their new homes. Another group of Lyela-women in Ivory Coast got there



in their youth when they ran away with the man of their choice to start a new life away from their families. Females are, however, still very much in the minority.

On the other hand, most of these rural female refugees do not have a formal education, so their opportunities to earn a living on their own in one of the Ivorian towns seems rather limited. In any case, the Earth Cult and the domination of the elders, the two supporting pillars of the traditional order in which women have only a subordinate position, probably do not exist any more in the Christian-dominated Lyela communities of the migrants in Ivory Coast.

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