



## Examining the Historical Development of the Chieftaincy Institutions in Ghana

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### Abstract

It is gratifying to note that a vast majority of Ghanaians especially the rural dwellers relate more easily to traditional authorities than even government agencies. In the event of any mishap or emergency, chief palaces are the first point of call. Chiefs and for that matter, the chieftaincy institution becomes a mobilizing force to gather people and resources to address any mishap emanating from an emergency situation. Chiefs by virtue of their social status in the political and social spectrum are the custodians of culture and traditions. Chieftaincy institution goes back at least five hundred years and pre-dated European contact and remained the basis of traditional governance in Ghana and for that matter Chamba Traditional Area. The study focused on the historical developments of chieftaincy institutions and the role that religion plays on the chieftaincy institution in the Chamba Traditional Area of Ghana. Ghanaian chieftaincy now has family units with family heads at the base of the chieftaincy triangle and the [Overlords or Kings] at the apex. Chieftaincy in Ghana has therefore emerged from the social fabric of the land. This means that unlike chieftaincy set-ups in other parts of Africa, the Ghanaian chieftaincy is nobody's creation and therefore cannot be easily destroyed.

**Keywords:** chief, chieftaincy, development, history, oath swearing

## 1.0 Introduction

In Ghana, the chieftaincy institution goes back at least five hundred years and preceded European contact and remained the basis of traditional governance. Addo (2004) asserts that the definition of a chief has a chequered history. According to him, in the pre-colonial period, a chief was somebody who in accordance with custom had been nominated, elected, enstooled or enskinned as a chief or as the case may be appointed and installed as such. This definition connotes that chief's held office ordained by tradition. The communities or the societies concern have the power or authority without any outside interference to either enskin or enstool or disenskin or destool a chief. He further posits that during the colonial period, a chief was somebody who in accordance with customary law, had been nominated, elected, installed as a chief and was recognized by government. This was the period when colonial enactments of chieftaincy made all chiefs to be somehow answerable to the Governor in matters involving enstoolment. The phrase, for the time being recognized by the Government means that a chief ceases to be a chief if Government recognition was withdrawn. This means that even a situation where a chief continues to enjoy the good will of his subjects whom he presides over, the chief cannot effectively rule. Also, if the people rejected their chief but his recognition by Government is not withdrawn such an infamous chief could continue to function as a chief. That was the beginning of Government interference with the chieftaincy institution. Chiefs became rubber stamps doing the will of the Governor. They could not become critical or criticized the Governor as and when it became necessary. This shows that literally chiefs only sat on Government gazettes and not on skins or black stools. They were therefore afraid, that if they go contrary to the wish of the Government they may lose their positions as chiefs. After the independence of Ghana, one would have thought that the definition of a chief would have changed especially where government has to recognize a chief before he is deemed to be a chief. Strangely enough after independence the following is the definition for a chief:

A chief is an individual who in accordance with customary law, has been nominated, elected, enstooled or enskinned and installed as such or as the case may be, appointed and whose name for the time being appears as a chief in the register of chiefs. Provided that no person shall be deemed to be a chief for the purpose of the exercise by him of any function under this Act or under any other enactments, unless he was recognized as such by the Minister, by notice published in the Local government Bulletin. (p.20)

The 1957 and 1969 constitutions under Kwame Nkrumah and Akwasi Amankwa Afrifa respectively retained the colonial phrase “for the time being recognized by government. Following the shortfalls in the 1957 and 1969 constitutions’ definitions of a chief by retaining the colonial phrase, for the time being recognized by the Government which made chiefs appendage to the Government, during the constitutional review, the chieftaincy Act including the definition of a chief was also reviewed and the phrase deleted. The 1992 Constitution of

the Republic of Ghana Article (277) defines a chief as a “person, who, hailing from the appropriate family and lineage, has been validly nominated, elected or selected and enstooled, enskinned or installed as a chief or queen mother in accordance with the relevant customary law and usage”.<sup>17</sup> It is important to indicate that professional terms like chief director, chief Justice, and chief engineer are not covered by the definition of a chief as captured in the 1992 constitution of the Republic of Ghana. The important elements in the plethora of the definitions by various regimes are that;

- (a) the chieftaincy institution is based on hereditary that is; persons who want to be enskinned or enstooled as chiefs should be able to trace their ancestry to the first chief in the Traditional Area.
- (b) one has to be selected, installed and enskinned or enstooled according to customary law and usage and have his name gazetted in the register of chiefs and that legally qualifies him as a chief.

Oppong sharing his views on the kingship and royalty in Dagbon noted that the kingdom is divided and subdivided into a number of hierarchically ranked chiefdoms or divisions. Some chiefdom in Dagbon are held by royal chiefs, sons and grandsons of the previous holders or kings. These are the royal chiefdoms *Ya na bihi nama*. Others are held by commoners loyal to the king and appointed by him. Some offices are ‘terminus’ chiefship, which means that once a man has succeeded to such a post, he has reached his limit of ascent upon the ladder of the political hierarchy and this is symbolized by the fact that such a chief is installed in the night. All ‘terminus’ chiefs are entitled to sit on lions’ skins including *Ya na* who is the ‘Lion of Dagbon’ (Oppong, 1973). According to Addo (2004) during the time of Guggisberg in 1927 chiefs had power to adjudicate cases brought before their courts in their Traditional Areas and could impose fines or imprison culprits or both if found guilty. During the reign of Kwame Nkrumah, he changed the whole structure of the chieftaincy institution by ensuring that almost all the paramount chiefs in Ghana became his party loyalists. He passed (Act 23) of the 1958 abolishing traditional courts. He maintained constitutional power of the colonial authorities to make and unmake chiefs. During the same year, the House of Chiefs’ Act, (Act 2) of 1958 was also passed dealing mainly with the chieftaincy institution. It maintained the jurisdiction of the state council and Houses of Chiefs in matters of constitutional nature, and created Appeal Commissioners to be appointed by the Judicial Commission, to hear appeals in matters of constitutional nature affecting chiefs. Despite the above measures taking by Nkrumah in interfering with the chieftaincy institution, he passed the chieftaincy Act (Act 81) of 1961 which streamlined some powers of the chiefs like giving recognition to Divisional Councils, re-designated states as Councils and retaining the jurisdiction in matters of Constitutional nature.

The 1969 Constitution of Republic of Ghana also established National and Regional Houses of Chiefs with the National House of Chiefs having an over sight responsibility over Regional Houses of Chiefs. They were also to see to the codification and unification of

customary laws like succession, marriage, and land demarcation. Two-thirds of the seats in the local council were also given to the chiefs. The 1979 Constitution of Republic of Ghana ensured that the chieftaincy institution coupled with its traditional councils as established by the customary law was guaranteed. The 1992 Constitution also enacted the following articles to enhance the chieftaincy institution. Article 270 (1) “the institution of chieftaincy, together with its traditional councils as established by customary law and usage is hereby guaranteed. Article 270 (2a) provides that “parliament shall have no power to enact any law which confers on any person or authority the right to accord or withdraw recognition to or from a chief for any purpose whatsoever; (b) in any way detracts or derogates from the honour and dignity of the institution of chieftaincy”. The fact that parliament shall not meddle in chieftaincy affairs coupled with Article 242 (d) of the 1992 Constitution that in the “appointment of District Chief Executives and Municipal and Metropolitan Chief Executives, the president has to do so in consultation with the traditional authorities and other interest groups”. This is a manifestation of how important and resilient the chieftaincy institution is.

## 2.0 Oath Swearing

Oath is a solemn promise, often invoking a divine witness, regarding one’s action or behaviour. Oath is also a profane or offensive expression used to express anger or other strong emotions.<sup>19</sup> In this context the former is more relevant. On Oath Swearing, the 1992 Constitution of the Republic of Ghana Article (80) states that “A Minister of State or Deputy Minister of State shall not enter upon the duties of his office unless he has taken and subscribed the Oath of allegiance, the Oath of Minister of State and the Cabinet Oath, as the case may be, set out in the Second Schedule of this Constitution.” (p. 21). The three things that can be deduced from this Article of the 1992 Constitution of the Republic of Ghana that are relevant to the discussion are that: Oath Swearing is mandatory upon assumption of office as a Minister, Deputy Minister and a chief or a king. One cannot start performing his or her duties as a Minister, a Deputy Minister and a chief or a king without taking an Oath. One has to abide by the Oath that he or she has sworn to his or her subjects or followers. Addo (2004) on his part argues that the Oath is not only a social contract, but it provides political direction of the rulers. He said:

Our ancestors therefore instituted the Oath-swearing systems which in effect, are a sort of social contract binding both the family offering leadership and the families forming the community to observe strictly the agreement they had accepted. The leader had jurisdiction over all the members of the community and gave political direction, led tribal armies to wars, settled disputes, administered land and did many acts for the governance of the community. (p. 72)

In this context what Addo (2004) is simply saying is that Oath swearing marks the highest point of the installation process in traditional leadership. Not until the chief-elect swears the

traditional Oath; he is not considered as fully installed. The chief-elect swears an Oath to the elders and his subjects and the elders also reciprocate it by pledging their loyalty to the chief-elect. The Oath swearing is considered as a social contract between the traditional leaders and their subjects and whoever goes contrary to it will have to face the consequences. The importance of Oath-swearing is that it serves as a reference point for disenskinment or distoolment of a chief should he breach the injunctions or taboos. The Oath has an element of religiosity. After the injunctions, the chief-elect then thank the elders and his subjects for the honour done him in a standing position. Still in that same standing position he takes an Oath before the elders and his subjects to abide by the moral and religious injunctions attached to the skin or stool which he has willingly accepted to occupy. Once he has sworn the Oath, he is then under obligation to observe all the moral and religious precepts attached to his new position. He concludes by affirming his moral and religious obligation to fight and defend his subjects in times of war and declares his preparedness to die for his people in a battle rather than to run away from his enemy. The elders will also in turn swear an Oath pledging allegiance to the chief. What make Oath swearing religious is that the ancestors, the gods and God Almighty are called upon to serve as a witness.

### 3.0 Taboos of Chiefs

According to [Sarpong](#), the consequences of breaking a taboo may befall a whole society and an individual both mystically and physically. It is sufficient for one fool to commit fornication with a girl under the age of puberty and there is bound to be a famine in the community unless something is done ritually to cleanse the community of the abomination. The spirits are punishing the community for the crime of an individual Owusu posits that taboos are leadership cultural icons for Chiefs, Queens, Priests and Priestesses and for this reason; every Chief or Queen must swear an Oath at the assumption of office. Taboos then become the traditional commandments through which leaders are protected from social and spiritual ambivalence. Gyekye on his part observes that the chiefs of the African state are traditionally both the political head and the religious head. The taboos relating to his conduct and mannerism are all intended to remind him and his subjects and others that the position he occupies is sacred. This belief is the source of great dignity, respect and veneration with which he is always treated. Some of the taboos are: A chief is not supposed to walk bare-footed. If he does that and his feet touches the ground, some misfortune will befall not only he but the community at large. He is not supposed to strike anybody neither should he be stroke. If this happens the ancestors will bring misfortune upon the person who struck the chief and vice versa. He is not supposed to walk bare-footed lest he stumble. If he should stumble, a calamity or a misfortune will befall not only he but the community at large. The calamity or a misfortune can only be averted through sacrifice(s). He is not supposed to eat the food of a woman during her menstrual period or greet her.

[Owusu \(ibid\)](#) quoting Drewal asserts that among the Yoruba, menstruating women are kept at a distance because menses are thought to pollute Priests, chiefs and powerful medicines

rendering them less efficacious when menstruating women touch food items that are used to prepare food for the above-mentioned persons. Women in their menstrual period are believed to be a source of danger to people who have certain powers: kings, traditional Priests and medicine men. For this reason, the palace architect provides a special space for women so that they would not break the taboo by contacting and polluting the chief. (p. 223) This is to ensure that the chief does not come into contact with the menstruating woman who at that period is considered unclean to render his powers powerless. Some of the importance of taboos in respect to the chieftaincy institution is as follows: first taboos help shape a chief to be a role model. Being a chief is a call to duty and of course a spiritual duty as well. He cannot work without being guided by taboos. In addition, taboos provide the foundation for religious discipline and ethics. From the above, it can be said that nobody can be a chief no matter the person's level of education or status without observing some taboos or chieftaincy ethics. These taboos or chieftaincy ethics control our conducts and keep our communities or organizations together. It also has some religious implications when broken.

#### 4.0 Disenskinment or Distoolment of Chiefs

Though the tenure of office of a chief is not fixed, a chief or a king can be removed from office if he commits the following acts: When he violates the Oath of allegiance that he swore to the elders and his subjects, when he breaks the taboos which serve as a check on his conduct, when he conducts himself in a manner which will bring or is likely to bring his office into disrepute, ridicule or contempt, when he is incapable of performing his functions due to infirmity of body or mind and continuously rejecting the advice of the elders (21-22). All of these when brought to the notice of the elders they will investigate it and a consensus reached. If the chief or king is found to be culpable then, the kingmakers will then initiate his disenskinment or distoolment. Those who have the powers to enskin or enstool a chief equally have the powers to disenskin or distool a chief and that are the kingmakers. Chiefs or kings are destooled or disenskinned through the following acts: Taking the chief's sit under his buttocks and letting him sit on the bare floor and striking the chief and insulting him. Once these taboos are broken, the sacredness of the chief is also broken and therefore no relationship exists again between him and the ancestral spirits. Once this mystical and religious relationship is broken, the chief ceases to be a chief but become an ordinary person and is treated as such. As soon as he becomes an ordinary person, he is no longer bound by the injunctions that were imposed on him during his installation.

Akrong (ibid), on his part opined that any time the chief who is expected to be the custodian of the moral values and ideals of the society breaks the moral law and undermines the value of the society, his *ipso facto* abdicates his role as a representative of the ancestors and therefore cannot legally and morally continue to be a chief. This is the more reason why some of the more serious offences that brings about distoolment or disenskinment are those that have to do with behaviour and conduct of chiefs (193) In sum, this chapter has established that in many traditional Ghanaian societies, chiefs occupy key or sensitive positions and are

considered as the number one citizens of the community. Their actions and inactions are regulated by Oaths, taboos and sanctions such as disenskinment or disenstoolment. The skins or the stools that they occupy serve as a link between them and their ancestors and therefore make them sacred persons. They are also view as political and religious heads of their communities who have to abide by both their private taboos and those that surrounds the skins or the stools that they occupy. They cannot embark on any action without the consent of their elders and subjects. In the light of the above, it is impossible to segregate religion from politics because political leadership is intrinsically interwoven with spiritual leadership. In other words religion is the seed kernel of traditional authority and the two cannot be decoupled. The next chapter which is the research findings focused on the role of religion on chieftaincy the institution using the processes of enskinment of chiefs or kings in the study area. Chiefs, Kingmakers, Mallams, Imams, Diviners, and Earth Priest were interviewed because they constitute the major stakeholders when it comes to the chieftaincy institution in the study area.

## 5.0 Conclusion

Based on the findings, the following conclusions have been made about the belief systems of the people of Chamba Traditional Area and the role that religion plays on chieftaincy institution in the Traditional Area. The people in the study area first and foremost belief in the Supreme Being. This notwithstanding, they also belief in Allah, Jesus Christ, Ancestors and other divinities and worship them in their own right. They also resort to divination or consultation of Imams, Mallams and Diviners to interpret the mind of the sacred when they are faced with a lot of choices to make like selection of a chief(s) for enskinment and premature deaths, sickness and diseases. The study has shown that death does not end the relationship between the living and the dead. In view of this, the respondents in the study area venerate their dead. They also bury their dead with dignity and consult them in times of need or when major decisions are supposed to be taken. The marginalized role played by Pastors may be as a result of late arrival of Christianity into the study area coupled with non-involvement of Pastors in the preparation of charms for chiefs. All the twenty-four respondents interviewed said that no chief in the Traditional Area has ever been enskinned without going through the rites and rituals of selection, installation and enskinment. They also added that a court may disqualify a person from being enskinned and from carrying himself as a chief but whoever is chosen to be enskin has to go through certain rites and rituals associated with the chieftaincy institution in the Traditional Area. In sum, the study has been able to establish that religion plays a major role on the chieftaincy institution and that is the main objective that the research sought to achieve using the processes of enskinment.

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