

## Kinship, magic and customary law: Memories of African anthropology

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### ABSTRACT

Value management explicitly targets to optimize value by providing necessary functions at the least cost without sacrificing quality and performance. However, the activities/methods of this technique in emerging economies are here and there related to informal methodology. Therefore, the occurrence of these activities in an evolving economy requires investigation. The exploration of the extent to which the measured variables influenced the latent factors informed the need for this study. Data was retrieved via self-administered questionnaire from 344 registered and practicing construction professionals in Nigeria. The data was analyzed using SPSS for descriptive analysis and Structural Equation Modelling (SEM). Kaiser-Meyer-Olkin measure of sampling adequacy revealed that the internal consistency of the developed research instrument was appropriate. Confirmatory factor analysis indicates satisfactory goodness of fit among acknowledged determinants of the model. Furthermore, the study revealed three (3) phases of the activities/methods of value management in the Nigerian construction industry which include: information, information/function analysis, and creativity/evaluation/development/presentation phases. This means that value management activities and methods are being practiced in Nigeria, however not as per the typical methodology or standard. The need to carry out the practice according to the formal value management methodology is therefore recommended.

#### Keywords:

Current practice, value management, construction industry, Nigeria

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## 1. Introduction

A few months ago I read a piece of very sad news on my old St John's College website in Cambridge that one of the oldest Africanists in Cambridge famous for his study of kinship (and marriage) and much later his study of education and literacy, Prof Sir Jack R Goody, had died at the age of 95. Like a number of his contemporaries he served with the army during the Second World War. He served in North Africa until he was captured by the Germans at Tobruk, Libya, after the siege of 1941 and became a prisoner of war in the Middle East. Apart from serving as a lecturer in

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Archaeology and Anthropology, he was the Director of African Studies Centre. During his lifetime he had conducted a huge amount of anthropological fieldwork among the LoDagaa people of northern Ghana. Listed as his research interests are kinship and family, and the contrast between eastern and western cultures.

In his book *Culture and Imperialism*, Said [19] mentioned that Africa studies have been dominated by western representations of Africa and western societies had pillaged, colonized and enslaved the continent. Moreover, the literature of exploration and conquest in Africa is as vast and varied as the processes themselves. Yet with a few outstanding exceptions, the records are built uniquely to a single domination attitude. They are the journals of men who look at Africa resolutely from the outside.

This working paper is essentially a recollection of my personal experience while reading social anthropology for my PhD at the Department of Social Anthropology, Cambridge from the year 1984 to 1988. It had been a trip that initially started with my personal interest to study and understand Dayak Salako Customary Law in the Lundu District of Sarawak, Malaysia. The attempt to understand Dayak Customary Law on the Island of Borneo had more or less required me to sit for various relevant papers on kinship, ritual and religion as well as African customary Law. During my time, students doing post-graduate degrees were given the freedom to pick any courses at the Tripos or MPhil Level that were offered by the department. Thus there were many courses like kinship or religion that you could sit in to help you prepare yourself for your Ph.D.

Initially it was difficult to understand why certain papers in the department were arranged in such a way. However, as I became familiar with the organisation of the courses in the department, it was quite easy to understand the rationale underlying the arrangement of some of the courses. Since the major focus of the department originally was on Africa, thus a large amount of the discussion in the Department of Social Anthropology in Cambridge had been on Africa. Thus a post-graduate student's life as an Asianist like me was quite a lonely experience. Nevertheless, I was quite lucky in the sense that a supervisor who was appointed to look after me initially was an eminent scholar popular for his book on the Political Systems of Highland Burma, Professor Sir Edmund Leach. Besides his book on Burma, Edmund Leach was also well-known for his *Social Science Research in Sarawak*, and *A Report on the Possibilities of a Social Economic Survey of Sarawak* presented to the Colonial Social Science Research Council [12]. For all Sarawakians, this is a very important book to read for it tells them how the various ethnic groups in Sarawak are officially classified, organized and defined.

## **2. From Asia to Africa**

For many of us in this part of the world, Africa is still a huge continent that is shrouded in mystery, and it will require quite some time for people from this part of the world to summon enough courage to discover and explore. Not many Malaysians including myself are fully aware that Africa is the world's second largest and most populated continent after Asia covering an area of 30,232, 135 sq. km and a population of 1.033 billion people in 2013. Currently, Africa is known as a continent with a large growing population and with large percentage of young people. Among many of the Southeast Asian countries, Singapore is about the only country in the region that is showing its awareness of Africa's economic potential and had predicted that, "with a youthful and ambitious population of one billion people, the continent will be the next leader of global economic growth as social and political transformation takes root.

Thus from the perspective of business and economics, Singapore has concluded that Africa is no longer a region to be ignored. So the tiny island state of Singapore has taken the lead in the intellectual as well as the strategic interest in the continent by launching a Centre for African Studies—an institute that Singapore boasts of as one of its kind in the region. The professed aim of the institute is to promote in depth insights to Asian executives, entrepreneurs and policy makers on African markets. We are not provided enough details on what kind of activities the institute is really into but certainly having had the experience of being affiliated with the Institute of Southeast Asian Studies in Singapore, the writer can tell quite roughly that they would have a good team of experts or researchers that are knowledgeable on Africa to be able to conduct some serious and lively discussions on the potentials and prospects of doing business in the huge continent.

Many universities in the world today offer courses in African Studies. In America, they include universities like University of California at Berkeley, Stanford and Harvard. In the United Kingdom, School of Oriental and African Studies (SOAS) has been specializing in the study of Africa since its inception as well as through the establishment of the Centre of African Studies [3] and the Department of African Languages and Cultures that has been offering degrees since the 1950s.

Apart from SOAS, African Studies are also offered at the University of Birmingham, Centre of African Studies (CAS), University of Edinburgh, and Centre for African Studies, University of Leeds, and Centre for the Study of African Economics, University of Oxford. Beside the University of Oxford, the University of Cambridge has long been one of the world's leading centres for the study of Africa. In 1965, Dr. Audrey Richards established the Center of African Studies. She is renowned for her study on the matrilineal Bemba in Zambia, formerly known as Northern Rhodesia. Apart from her research work in Zambia, Audrey Richards also conducted research on Uganda [14].

The teaching of African studies at UK universities dated back to the late 1950s and 1960s when there were a number of African-oriented programs that were established. This was part of a concerted plan in the UK to establish regional or area study centres to facilitate specialist regional cooperation. Initially, SOAS was the only higher education institution in the UK specialising in the study of Africa (and Asia). Due to its regional focus, it had the largest concentration of African specialists in the world.

Other than the African Studies Center, the Department of Social Anthropology, University of Cambridge also had a very strong tradition in African Studies and research. Before the arrival of many Southeast Asian students in the early 1980s, the Department had been strongly dominated by Africanists including scholars like the late Jack Goody and Ernest Gellner. Because of the dominant interest in African Studies in the Cambridge Department, social anthropological research conducted on Southeast Asia at the Department of Social Anthropology in the early 1980s had been strongly influenced and informed by the huge literature, findings and theories relating to kinship and marriage as well as other fields of human knowledge that had been formulated in Africa.

In spite of Malaysia's growing interest in Africa, Malaysia on the other hand has still not shown any academic interest in the region where its investors and businessmen have already treaded in much earlier and are busy looking and speculating in the petroleum and gas industry. Most likely many Malaysians are not aware that under the premiership of Tun Dr. Mahathir, Malaysia had formally established diplomatic relations with South Africa 22 years ago since 1993 when South Africa was under the leadership of Nelson Mandela. In spite of itself, Malaysia is considered to be the fourth largest investor in South Africa, behind France, United States of America and China.

My own personal interest on Africa as I have mentioned above is part of an arduous process of reading and understanding anthropology at the Ph.D. level in one of the oldest institutions in England. Personally, it had been one of the most challenging academic experiences I had ever had

because of the different kinds of training and orientation that I was exposed to during my BA and MA in Malaysia. Coming from the Malaysian state of Sarawak, most of my reading at the BA and MA level had been on Borneo history and anthropology. And since Borneo research was greatly done by British as well as Dutch scholars, I had been greatly exposed to Indonesian or Dutch material. In terms of location, it would have made a lot more sense if I had joined the department or the institute of social anthropology at Oxford rather than Cambridge because that was the place then where they had been doing a lot more work on Borneo and Indonesia. At the time when I set my foot in Cambridge, it was still very much anchored in Africa with the seminars and discussions that were focused more on Africa. It took quite a bit of effort for a Bornean scholar and a Southeast Asianist like me to fit in amongst the big community of Africanists and talking about kinship and customary law in Africa.

In the short introduction to the Centre of African Studies at Cambridge that is part of the school of Humanities and Social Sciences, it is written that the University of Cambridge has long been one of the world's leading centres for the study of Africa. There are programs taught and researched on Africa in the university that include various fields like natural and biomedical sciences, archaeology, social sciences and humanities. In addition, there are seminars and research workshops for graduate students. The centre itself was established in 1965 by one of the great pioneers in British anthropology, Dr. Audrey Richards.

### **3. The Beginning of African Studies in Cambridge**

When did African studies really begin in Cambridge? It may be correct to state the Cambridge interest in anthropology was not actually initiated by anthropologists but in fact was pioneered by natural scientists like A.C. Haddon and psychiatrists like W.H. Rivers. Moreover, if one were to take Haddon as one of the main early pioneers, the Cambridge research interest in anthropology did not start with Africa but Melanesia when Alfred Cort Haddon led the first Cambridge Anthropological Expedition to the Torres Straits Island between the periods of 1898–1899. Together with Haddon at that time, in the Expedition to the Torres Straits was Dr. W.H. Rivers whose early interest and specialization was psychology. Before the Second World War, anthropological scholarship at Cambridge was headed by Haddon and J.G. Frazer. A.C. Haddon was a member of Christ's College and effectively founded the Cambridge School of Anthropology when he was appointed Lecturer in Ethnology in the University of Cambridge in 1900.

According to Thomas Hylland Eriksen [1] during the 1920s and 1930s, British anthropologists had expanded from the Pacific to Africa. On the other hand, the French had maintained their interests in Africa and the Pacific since the 1920s. I have specifically mentioned the British regional interests here because as an Asianist and a supervisee of Prof Sir Edmund Leach, one cannot certainly understand one's guru's thinking without understanding the kind of research that he had been reading and understanding. Amongst the many British anthropologists of his time, Leach was one of the few who had interest in French anthropology and the one who introduced Claude Lévi-Strauss' work on kinship and structuralism into British social anthropology.

According to Kuper [2,9], when Meyer Fortes took over the department of anthropology at Cambridge in the 1950s, he took over a very weak department that was described as "pre-functional". As such, Fortes had to put in a lot of effort to get the department moving and for a period of time he was doing the teaching himself. However, he subsequently invited some of the big names in anthropology such as professors Radcliffe-Brown, Talcott Parsons and George Homans. To further strengthen the department, he brought in Leach to Cambridge as well as Audrey Richards who had already held a university post outside the department. One of Fortes'

students, Jack Goody who was closest to Fortes' theoretical interests also came to join in later.

Edmund Leach's coming to Cambridge marked a very important change in the theoretical as well as the regional focus of the department. With the presence of Leach, Cambridge came to develop two main theoretical prongs both reflecting the regional interests of the two great scholars, Fortes and Leach together with their students. While Fortes and his students were principally concerned with Africa and developed the neo-Radcliffe-Brown line, Leach and his students on the other hand, were concentrated on South Asia. However, in spite of these differences in regional foci, the members of Cambridge anthropology shared an important principal interest in the study of kinship.

#### **4. Kinship Studies in Cambridge**

Why is there such a great emphasis on kinship studies in Cambridge? Radcliffe-Brown stated that when he uses the term "kinship system", he is referring to a system of kinship and marriage or kinship and affinity. It is a system of dyadic relations between person and person, and in a community. The unit of structure from which the system is built in fact referring.

One of the main interests of the British scholars who had done research on Africa in the 1930s or 1940s was to understand how kinship groups that were based on the kinship system have functioned in their social and political life. Thus in his study of the Nuer of Southern Sudan, Evans-Pritchard had his attention on kinship groups in order to understand how the kinship groups have functioned as political groups in the Nuer Society. Thus a great deal of attention had been paid to the process of recruitment, perpetuation and functioning of such groups. Cambridge had shown a lot of interest and devoted a lot of attention to the study of kinship in African and Asian societies for it helps to explain how society basically works. As many anthropologists would agree on simple societies, knowledge of kinship allows or legitimizes people's claims to land for cultivation, claims to other kinds of property, rights or privileges to mutual or other forms of kinship assistance in the pursuit and protection of common interests and authority over others. One example of such kinship right and obligation is the Iban practice of activating and calling for their kindred's right during the time of war or headhunting their enemies called ngayau.

Aside from the study of kinship, there is a course on the study of customary law. The issue of law, order and social control has been some of the paramount concerns of early British scholars. Many of the early scholars who did research in the African continent spent a great deal of time studying how acephalous societies or societies where there are no central organisations or state operate. Thus the legal as well as the society's political apparatus are closely studied to understand how the society controls as well as organizes its members. Leach argues that (pink book p.30) the customary law is not viewed as the recent creation of rational men but as something that was laid down by semi-divine ancestral figures or deities.

What exactly is the customary law? According to Leach, what anthropologists mean by a body of customary law is simply a set of specifications of rights and duties between members of a social system based on the simple rule of reciprocity. Thus if we refuse or fail to fulfil our obligations towards others as anticipated, others will also refuse to fulfil their obligations towards us. Moreover, according to Leach where law is concerned, the anthropologist's—Africanists or Asianists—concern is to find out how social order is maintained when there is no legal institution of a formal kind; no judges, law courts, no record of legislation or judicial precedent.

Although Leach is quite right about the nature of customary law being specification of rights

and duties between members based on the principle rule of reciprocity, he is only partially right in his formulation of what customary law is especially when the concept is applied to several Dayak societies in Borneo. Leach had mentioned earlier to many groups of men, customary law is viewed as something that was laid down by semi ancestral or divine figures. This is the most important element of his formulation that he has forgotten and thus renders his conception of customary law rather restricted. To many Dayak tribes, what is understood by the concept of customary law or adat does not only refer to guidelines for good social behaviour and human interaction but equally apply to rules and guidelines for proper and harmonious relations between humans and supernatural beings to maintain proper social temporal and the sacred spiritual order; failing which there will be natural and supernatural disorder, disaster and catastrophe [6,7,21].

Apart from the interest in the study of customary law, there was also a great deal of discussion on magic and witchcraft in the seminar room of the Department of Social Anthropology. For M.Phil or Ph.D students who are preparing for their field research, this comes with the Social Anthropology paper with special Reference to Ritual and Religion course. I am not in the privileged position to describe what was the discussion or deliberation on magic like in the 1930s when James G Frazer, the author of the Golden Bough (2 Volumes) was there to help Haddon run the department. However, the interest in the 1950s was to look at witchcraft accusations as an aspect of the kinship or lineage system. It was a way of identifying a socially relevant cause of misfortune. They dramatised social tensions and transformed them. Moreover, witchcraft accusations were seen as an aspect of lineage system fission [10].

What exactly is Evans-Pritchard's concern in his study of witchcraft and magic among the Azande of the Nile-Uelle Divide? According to Evans-Pritchard own admission in his classic work Theories of Primitive Religion (1965), his main concern is on the major issue of translation which he argues to be the central concern of social anthropology. He has mentioned that anthropologists "have been warned not to try to interpret the thought of ancient or primitive peoples in terms of our [western] psychology." [3]. Such an approach will make it difficult for scholars to understand people's customs and behaviours in the field. To overcome such weaknesses, Evans Pritchard suggested that researchers should apply the structural-functional approach. In his own words, Evans-Pritchard suggested that "we have to account for religious facts in terms of the totality of the culture and society in which they are found .... They must be seen as a relation of parts to one another within a coherent system. ...." [3].

Evans-Pritchard's principal concern in the study of Azande magic is to study and analyse the native point of view and ideas about magic and to find out what types of magic they approve and what types they disapprove [16]. Moreover, his study include understanding the native system of classification, categories and modes of thoughts as well as to discuss many of the shortcomings of Frazer's treatment of magic, which have been corrected by scholars like Hubert and Marcel Mauss who had argued that magic is a social fact and not merely composed of mistaken and illogical processes of individual psychology. Rather, they are a traditional complex of ideas, beliefs and rites (ibid). E.E. Evans Pritchard is greatly concerned about emphasizing the native point of view and categories on magic because all the while, the study and description on magic have been completely based on European ideas and not based or correspond to the native modes of thought. This refers to the European scholar's tendency to divide the phenomenon of magic into two types viz., white and black. According to Evans Pritchard, this classification is not correct because it is based on western ideas. Thus his study intends to address this weakness.

Viewed in terms of the British scholar's interest in the study of customary law, Evans-Pritchard's

study is partly inspired by Malinowski's assertion that "primitive peoples do not make clear-cut moral distinctions between legal and criminal uses of sorcery." According to Malinowski, "Public opinion does not appear to react strongly on moral grounds either for or against black magic.... These show clearly how difficult it is to draw a line between the quasi-legal and quasi-criminal applications of sorcery" [16].

Thus to answer the question regarding the difference between a sorcerer and a witch among the Zande, a sorcerer is defined as a person who achieves his evil ends by magic whereas a witch (often conceived of as a woman) achieve hers by some mystical power inherent in her personality. This power does not require the help of magic. To the Azande people, terms such as "witch", "magician" and "sorcerer" are district cultural concepts. According to Evans-Pritchard, to the Zande, mangu (witchcraft) and ngwa (magic) are somewhat different things. Mangu is a hereditary trait which can be found in the stomach of a witch (ira mangu, or possessor of mangu). Ngwa is characterized by the special attributes of magic worldwide which include the material substance of medicine, the spell, the rite and the condition of the performer. Another difference between mangu (witchcraft) and ngwa (magic) lies in the fact that the act of witchcraft is highly improbable while the act of magic may be witnessed daily in the life of the Azande. In terms of Malinowski's questions on good or bad magic, Evans-Pritchard mentioned that among the magicians there are some who are criminals, whose magic is illicit and they are referred to in his writing as "sorcerers" and the word "sorcery" is used to represent their criminal activities. With reference to good or bad magic, Evans-Pritchard opted to use the adjectives "good" and "bad" to denote the moral qualities of magic rather than the use of terms like "black" and "white".

## 5. Conclusion

Many scholars trained in the field of sociology or social anthropology would testify that the effort to understand foreign culture is not an easy task. It is fraught with difficulties and misconceptions, misinterpretations and also what Evans-Pritchard had cleverly expressed in his study of the Azande as the problem of translation. Thus not only much time and money would be needed to train scholars to prepare themselves for the project to understand the people studied, but much skill and learning are also required to avoid the problem of misinterpretation and mistranslation of the various categories, classification, ideas and people's modes of thoughts. To successfully do that, it would be a good idea if scholars in the field of social anthropology could take up the advice from Evans-Pritchard that to be able to understand the people and the culture studied properly and systematically, the scholars involved should look at the phenomenon studied as a system of parts whose meaning would be fully understood if they are viewed in terms of its relation with the rest of the parts.

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