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Author: Beutter, Anne  
Title: "Church Discipline Chronicled: A New Source for Basel Mission Historiography "  
Published in: History in Africa: A Journal of Method  
Cambridge: Cambridge University Press  
Volume: 42  
Year: 2015  
Pages: 109 - 138  
ISSN: 1558-2744  
Persistent Identifier: <https://doi.org/10.1017/hia.2015.17>

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## Critical Source Analysis

# Church Discipline Chronicled – A New Source for Basel Mission Historiography

Anne Beutter

**Abstract:** This article uses a hitherto overlooked category of historical source, an outstation chronicle covering the period 1911–1920. It shows how juridical practice within the Protestant mission church of Nkoranza (then in the Ashanti region of what is now central Ghana) created and sharpened a Christian group identity in a predominantly non-Christian context. It is argued that the interdependence of the in-group and out-group at the local level helped to shape the church's juridical forms.

**Résumé:** Cet article utilise une source historique jusque-là négligée, la chronique d'un avant-poste ("outstation") pendant les années 1911–1920. Il montre comment les pratiques judiciaires de la mission protestante de l'église de Nkoranza (à l'époque dans la région Ashanti, Ghana actuel) avaient un effet sur la vie quotidienne des habitants de Nkoaranaza en façonnant et renforçant l'identité de groupe chrétienne dans un environnement largement non-chrétien. Ainsi, l'interdépendance entre chrétiens du *in-group* et non-chrétiens du *out-group* a contribué à la formation de formes juridiques propres à cette église.

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*History in Africa*, Volume 42 (2015), pp. 109–138

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© African Studies Association, 2015  
doi:10.1017/hia.2015.17

## Introduction<sup>1</sup>

“May the congregational regulations (‘Gemeindeordnung’) (...) under God’s blessing fulfil its purpose, to contribute to the erection of our mission church on the Gold Coast, to plant and to care for Christian life, Christian mores, discipline, and order (...).”<sup>2</sup> In order to successfully establish a religious option in a context to which it initially is foreign, a missionary enterprise depends on a social group which can put this option into practice. Consequently a mission church can be seen as an institution which intends to act as the framework in the life-world for those individuals who have opted to adopt this new conception of the world, human nature, and God. One aspect of this framework is church law. It is a tangible manifestation of the said worldview, for it is informed by religious concepts and at the same time has a direct impact on the believer’s and his vicinity’s everyday life.

Thus sources documenting juridical practice can be treated as tangible manifestations of “worldviews” and “moral values.” At the same time they bear testimony to the potential collision between theological aspiration and the requirements of everyday life. As John Peel has shown, the latter are crucial in dealing with mission history because “there can be no adequate assessment of a mission’s religious impact without a prior analysis of the political setting in which it operated, and of the negotiations through which it established a local place for itself.”<sup>3</sup> This article argues that the nature of this negotiation process was shaped by the interdependence of the church and the society surrounding it, and that influences were therefore fundamentally mutual.<sup>4</sup> Such an approach shows the history of a mission church to be characterized by processes of transculturation. It aims to

<sup>1</sup> I sincerely thank Adam Jones for his generous efforts to support this project with his precise and critical reading and valuable suggestions. I also thank Geert Castryck for his reflections on a preliminary version of this paper as well as the reviewers of HiA for their helpful critique.

<sup>2</sup> Basel Mission Archive, D-9.1c,15a “Ordnung für die Evangelischen Gemeinden der Basler Mission auf der Goldküste. Revidiert 1902. Basel, 1902. Incl. Abänderung einzelner Paragraphen der Gemeindeordnung für die Goldküste (Kom.-Prot. 1903, §§ 477, 516, 585, 660),” 6. This source will be referred to as “Ordnung,” and will be cited by the respective paragraphs, except for citations from its introduction. Citations will be translations by the author.

<sup>3</sup> John D.Y. Peel, *Religious Encounter and the Making of the Yoruba* (Bloomington IN: Indiana University Press, 2000), 123.

<sup>4</sup> Jon Miller, *Missionary Zeal and Institutional Control: Organizational Contradictions in the Basel Mission on the Gold Coast, 1828–1917* (London: RoutledgeCurzon, 2003), 31 referring to: Richard Gray, *Black Christians and White Missionaries* (New Haven: Yale University Press, 1990), 4–6.

shed light on the way in which the church adapted to its surroundings by integrating certain aspects of the context *and vice versa*.<sup>5</sup>

The realm where these processes are realized is everyday practice at the grassroots level of the church. It is for this basic level of church and society alike that documents on juridical proceedings prove to be valuable sources.<sup>6</sup> I will focus on a document that provides information about case-related judicial practice, where interpersonal conflicts were negotiated, rather than on church law or ecclesiastical jurisprudence, as laid down in congregational regulations and the like.<sup>7</sup>

The case to be studied spans the period from 1911 to 1920. The chronicle of Nkoranza, a newly founded outstation of the Basel Mission on the northern perimeter of the metropolitan region of Ashanti in what today is central Ghana, will be examined in order to describe the juridical procedures in the church. This descriptive approach is warranted because neither this type of source shedding light on everyday practices in the world of local church-agents and adherents nor mission church law have received much scholarly attention,<sup>8</sup> even though reflections upon closely related topics mention it in passing.<sup>9</sup> This indicates a blind spot in academic accounts of the mission and/or colonial experience.

<sup>5</sup> This approach to a colonial setting attributes capabilities of proactive agency also to those actors who did not come to be dominant. See: Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation* (London: Routledge, 1992), 7. Thereby the inverted discourse of “Europe as the exception” is countered, as is any apologia for imperial structures. For the application of the concept of transculturation to mission history see: Albert Wirz *et al.*, “Transculturation – Mission and Modernity: A Manifesto,” in: Adam Jones (ed.), *Transculturation: Mission and Modernity in Africa* (Leipzig: Universität Leipzig, 2003), 3–23.

<sup>6</sup> Jean Allman, “Adultery and the State in Asante: Reflection on Gender, Class, and Power from 1800 to 1950,” in: John O. Hunwick and Nancy J. Lawler (eds.), *The Cloth of Many Colored Silks: Papers on History and Society, Ghanaian and Islamic, in Honor of Ivor Wilks* (Evanston IL: Northwestern University Press, 1996), 27–65, 29. See also: Kristin Mann and Richard L. Roberts, “Law in Colonial Africa,” in: Kristin Mann and Richard L. Roberts (eds.), *Law in Colonial Africa* (Portsmouth NH: Heinemann, 1991), 3–58, 47.

<sup>7</sup> Following Lotman, this article focuses on the “periphery,” the juridical everyday reality where multiple tendencies can simultaneously be active. These proceedings cannot be understood as the mere application of a “literature of norms and prescriptions” that is produced by ecclesiastical jurisprudence on the meta-level of self-description in the “center” of the church. See: Jurij M. Lotman, *Die Innenwelt des Denkens: Eine Semiotische Theorie der Kultur* (Berlin: Suhrkamp, 2010), 169–173.

<sup>8</sup> This is all the more surprising because legal anthropology has for a long time been aware of the fact that “not only does every society have law, but virtually all significant social institutions also have a legal aspect.” Sally Falk Moore, *Law as Process: An Anthropological Approach* (Hamburg: Lit Verlag, 2000), 215.

<sup>9</sup> Such topics as the meaning of “indigenous knowledge systems” for Christian theology or the political implications of Christian mission. See for this: Kwabena

## The Source

The chronicle of the Basel Mission outstation in Nkoranza<sup>10</sup> belongs to a genre of source that has hitherto been largely overlooked in African historiography. There are indications that similar documents must exist for many former mission fields within Africa.<sup>11</sup> Some, including this chronicle, have ended up in the European archive of a missionary society; others have been transferred to a university library or national archive,<sup>12</sup> but most are probably still lying in local church offices scattered across Africa.<sup>13</sup>

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Opuni-Frimpong, *Indigenous Knowledge & Christian Missions: Perspectives of Akan Leadership Formation on Christian Leadership Development* (Accra: SonLife Press, 2012). The latter is for instance apparent in the description of the nonconformist Mission by Jean Comaroff and John L. Comaroff, *Of Revelation and Revolution: The Dialectics of Modernity on a South African Frontier* (Chicago: The University of Chicago Press, 1997), 255–265 or in Karen E. Fields, “Missionaries as Anticolonial Militants,” *Theory and Society* 11–1 (1982), 95–108. A detailed analysis with a set of sources similar to mine is Pule Phoofolo, “Holy Weddings, Unholy Marriages: Christian Spouses and Domestic Discords in Early Colonial Lesotho, 1870–1900,” *Journal of Religious History* 31–4 (2007), 363–386. Another discussion of church courts with a focus on marriage cases is given in: Derek R. Peterson, “Morality Plays: Marriage, Church Courts, and Colonial Agency in Central Tanganyika, ca. 1876–1928,” *The American Historical Review* 111–4 (2006), 983–1010. Similar research has been conducted regarding local jurisdiction in colonial Ghana by Allman, “Adultery,” 27–65; Polly Hill, “The Native Tribunal of Okorase-Akwapim: Selected Land Cases 1918–1919,” in: John O. Hunwick and Nancy J. Lawler (eds.), *The Cloth of Many Colored Silks: Papers on History and Society, Ghanaian and Islamic, in Honor of Ivor Wilks* (Evanston IL: Northwestern University Press, 1996), 129–157. Insights into this topic with regard to Muslim-dominated areas can be found in the contributions in: Shamil Jeppie, Ebrahim Moosa and Richard L. Roberts (eds.), *Muslim Family Law in Sub-Saharan Africa: Colonial Legacies and Post-Colonial Challenges* (Amsterdam: Amsterdam University Press, 2010). On the disciplining of European mission staff, see: Miller, *Missionary Zeal*, 81–193.

<sup>10</sup> Basel Mission Archive, D–5.9.1 “Chronicle of the Basel Mission out station at Nkoranza, 1911 to 1920” – henceforth referred to as “Chronicle of Nkoranza.”

<sup>11</sup> Adam Jones, “Erschließung von historischem Material über Afrika in deutschen Missionsarchiven an der Universität Leipzig,” *Jahrbuch der historischen Forschung in der Bundesrepublik Deutschland 2010* (2011), 59–65, 63. Cf. the sources used in Peterson, “Morality Plays,” and Phoofolo, “Holy Weddings.”

<sup>12</sup> Examples are the “mission diaries from Masasi” held by the University Library Dar es Salaam, mentioned in: John Iliffe, *A Modern History of Tanganyika* (Cambridge: Cambridge University Press, 1999), 578. See also the chronicles, log-books or diaries of Kyebi and some other ex-Basel Mission stations held in the Public Records and Archives Department, Accra.

<sup>13</sup> Such as for instance the records of the Evangelical Lutheran Church of Tanzania in Moshi digitized in the Endangered Archives Project No. 099 in 2006/2007. Monika Rammelt *et al.*, *Digitized Records of the Evangelical Lutheran Church of Tanzania in Moshi* (Leipzig: Institut für Afrikanistik, 2011).

The “Chronicle of Nkoranza” contains entries of varying length written at irregular intervals between 1911, when the station was founded, and 1920. Besides a range of other topics<sup>14</sup> it addresses legal proceedings.

In the Basel Mission’s extraordinarily elaborate system of documentation, the *chronicle* was an official diary-like type of document in which “all important changes and events that affect the life of the station [or outstation] are briefly noted.”<sup>15</sup> Contrary to what the term may suggest, this was not to be done in retrospect but as soon as possible after the events.<sup>16</sup> The Nkoranza chronicle falls into the category “station records from Ghana” in the Basel Mission Archive’s repository. Apart from a few other station chronicles this category in the main contains copy-books and correspondence. The Nkoranza chronicle – the only document from this outstation – is one of few documents in this category that contain entries after 1917. It remains unclear how it came to be part of the Basel Mission Archive’s holdings.

The thin hardcover booklet measures about 22.5 by 17.5 centimeters. Although its back and binding are severely damaged and some pages are loose, all of the one hundred manually numbered pages remain complete. The cursive English writing on the lined pages is in most cases easily legible. Regarding grammar, vocabulary, and spelling the entries are written in broken English,<sup>17</sup> which hinders the understanding of certain passages. Here and there words and phrases are underlined in red ink or corrections have been inserted in pencil or in a different ink. It remains unknown who authored these alterations. However, their impact on the meaning of the passages under scrutiny here is only slight. The authors can in most cases be easily identified due to their handwriting and the fact that most entries are dated and signed. Evidently we are dealing with an original source.

<sup>14</sup> Other topics are the outstation’s relationship to local, British, and church authorities, the church’s transition after 1917 as perceived from the grassroots, the development of the station’s infrastructure, mobility, and cohesion in the church structure, as well as a refined image of the post and person of the catechist.

<sup>15</sup> Basel Mission Archive, Q-9.11 “Verordnungen für die Basler Missionsstationen. VII. Korrespondenz-Ordnung” (translation by the author). This ordinance for correspondence prescribed a range of different forms of documentation that were to be kept at stations. It is unclear whether all of these documents were also kept at outstations. The “Chronicle of Nkoranza” mentions a “diary” (page 7), a “log-book” (page 11), an “account book” (page 89), a register for “*asafo dwuma*” (“congregational labour,” page 89), and on several occasions a list of candidates for baptism. We do not have any information about the whereabouts of these documents.

<sup>16</sup> Retrospective documentations are to be found in the annual and quarterly reports [“Jahres- und Quartalsberichte”] written by missionaries or pastors.

<sup>17</sup> Apart from some Twi words and citations.

Entries concerning journeys to other stations indicate that the chronicle was kept in Nkoranza while documenting the outstation's impact on the surrounding countryside. The entries of the chronicle were written by Godfrid Nyantakyi, William P. Opare, S. Ammiesch Atta, and Henry Dokyi, the four catechists<sup>18</sup> who were consecutively stationed in Nkoranza. Additional authors were the missionaries Friedrich Adolf Jost, Adolf Lipps, and later on the ordained ministers C.E. Martinson and G. Agyakwa, all of whom were stationed in Kumasi at the time and conducted a visitation to Nkoranza on an approximately biannual basis.<sup>19</sup> Furthermore there were the catechists from the neighboring station of Sekodumase, who likewise recorded their activities while visiting Nkoranza.<sup>20</sup>

<sup>18</sup> The terms "agent," "catechist," and "teacher-catechist" can be used synonymously. They denote the autochthonous personnel of the Basel Mission who led the local congregations. In ordinary cases the catechists went through Christian secondary schooling, and afterwards attended further theological education in the Basel Mission seminaries. The spelling of names of persons and places is very inconsistent throughout the source. Where possible I have kept the spelling as given in the original. Nyantakyi: born in 1888 (Basel Mission Archive, D-1.100 no. 239 and no. 240 "Liste der Katechisten der Station Kumasi für Juni und Dezember 1913"). After he had to leave Nkoranza due to sickness in July 1913 the chronicle shows an interval of six months until the Mission found a replacement. Opare: from Aburi. He was a former middle-school pupil and cocoa planter in Kintampo who originally was to hold the post only temporarily but stayed until 1918. Atta: took up the post on 21 February 1918. His last entry dates from 30 December 1918. Dokyi: took up the post on 18 August 1919.

<sup>19</sup> Jost: \*22 June 1871 †19 October 1942, Swiss. Stationed in Kumasi since 1909, expelled in January 1918 (BV 1353). (Due to the binational affiliation of the Basel Mission to Switzerland and Germany even the Swiss staff was removed from British territory towards the end of the First World War). Lipps: \*13 February 1878 †14 August 1941, German, stationed in Kumasi since 1911, interned 1917 (BV 1527). Martinson: from Bompata, pastor in Kumasi from 1916, President of the "Agents' and Presbyters' Conference" in Kumasi in January 1920 ("Chronicle of Nkoranza," 91; Basel Mission Archive, D-3.7 no. XI/1 "Jost, Freidrich 20.2.1917. Jahresbericht der Station [Kumasi 1916]," 1; published Annual Report of the Basel Mission 1917, 128). Agyakwa: pastor in Mampong at least from January 1919 (Basel Mission Archive D-4.7 10 no. 3 "Martinson, Koforidua 21.1.1919 to Rev. E. Rhode, London") until May 1920 ("Chronicle of Nkoranza," 89, 91). The chronicle uses the term "Reverend" to denote the autochthonous Ministers. Regarding their tasks during the Basel Mission period, see: Basel Mission Archive, D-9.1c,1c "Regulations for ordained Ministers of the Basel Evangelical Mission Church on the Gold Coast West Africa."

<sup>20</sup> Solomon E. Oko: report of severe illness in September 1916 ("Chronicle of Nkoranza," 47); a message announcing his death arrived in Kumasi on 23 February 1917 (Basel Mission Archive, 12442 no. 23 "Quartalsbericht von Missionar Fr. Jost. Kumasi den 9. Mai 1917," 3). John W. Asare: took part as agent (catechist) in the "Agents' and Presbyters' Conference" in Kumasi in January 1920 ("Chronicle of Nkoranza," 91).

The source contains one (unintentionally) wrong date (on page 51), and at least one passage where entries most probably were consciously manipulated.<sup>21</sup> We also find that certain occurrences were purposely left out in the documentation.<sup>22</sup> In addition, some proceedings were only mentioned when the case was already being treated on appeal.<sup>23</sup> Although the outstation chronicle seems to hold the official renderings of cases conducted in church court, the description of most proceedings is patchy: often there is little if any account of the charge and/or deliberations; sometimes nothing but the verdict/decision is stated.

Chronicles served to record events on the station and at the same time as a means to control the local personnel.<sup>24</sup> In the Nkoranza document several resolutions and agreements were recorded. Given that these are referred to in later entries, the chronicle must have been used for reference in negotiations (e.g. with the local authorities or in judicial proceedings). Authored by several persons of various ranks in the church hierarchy, who most probably took note of the previous entries and perhaps also corrected them, the document constituted an inherent mechanism of control. This made it prone to distortion due to the need for an “appropriate” representation of events. Furthermore this implies (as is the case for court records of all sorts) that the cases were recorded as perceived by the officials of the institution that led the proceedings – in this case the Basel Mission church and its successors. Thus in the case against Jul[ius] Kwaku Koko due to his “unchristian behavior,” discussed below, it remains uncertain who raised the accusations, what this person’s motives were and whether the offences really occurred.

Equally we cannot be sure to what degree the testimony corresponded to the actual state of affairs. Rather the chronicle should be understood as one form of recounting, and thus “reconstructing,” that is relating, emphasizing, and omitting, real-life occurrences. Modulations in the account may have occurred either on purpose or as an unconscious reflection of

<sup>21</sup> Between pages 53 and 54 a page has been removed, and on page 56 an entry has been crossed out. The entries on these pages concern a local religious procession that crossed the mission land.

<sup>22</sup> For instance in: “[Case:] Dorothea Koyo Ofoli, Investigation on Marital Status and Church Taxes” (“Chronicle of Nkoranza,” 63).

<sup>23</sup> E.g. “[Case:] Imm. Appia, Emm. Kwaku Koko & Johanes Adamu, Dispute Concerning Post of Presbyter” (“Chronicle of Nkoranza,” 87) which is treated in greater detail below. Either there must have been an additional type of document (for instance, minutes of the congregational meetings) or the resolutions of the first stage of the process were not documented in these cases.

<sup>24</sup> Basel Mission Archive, D-10.5,14 “Vorbereitungen von Missionar Christaller zur Herstellung von Tagebüchern zur Kontrolle der eingeborenen Arbeiter [Missionary Christaller’s Preparations for the Production of Diaries to Supervise the Native Personnel] 1885–6.”



a certain standpoint, both in the oral testimony of the accused and in the way the chronicler wrote it down. The source was entirely authored by mission church officials and therefore needs to be read against the background of a conviction that sees the spreading of Protestant Christianity among the “heathen” to be a righteous and important cause.<sup>25</sup> The financial resources for this task came from the congregations themselves and/or from the Basel Mission and its donors in Europe. In some parts – as was the case for the school in Nkoranza – the local authorities contributed to financing the infrastructure as well.<sup>26</sup> During the whole of the period documented the outstation at Nkoranza was in its early stages. The Basel Mission congregation clearly held a minority position within the Nkoranza population, and the catechists found themselves torn between local authorities and the church, between congregation and church establishment as well as between local religious concepts and Christian worldview.

Further contemporary documents that depict juridical practices on a grassroots level may be found in the surviving chronicles and diaries of other stations.<sup>27</sup> In the “*Quartalsberichte*” and “*Jahresberichte*”<sup>28</sup> which mission stations were obliged to send to the “*Komitee*” in Basel, the missionary in charge of a station reported those occurrences on the outstations under his auspices that from his point of view were of major interest. Lists of persons excluded and the causes may be found in certain parish registers.<sup>29</sup> Social norms of “Christian” behavior and the sanctions that came to be expressed in juridical practice were stipulated in the “*Ordnung für die evangelischen Gemeinden der Basler Mission auf der Goldküste*.”<sup>30</sup> This ordinance had been drafted by the “*Komitee*” in Basel, taking into consideration the amendments recommended by the personnel in charge

<sup>25</sup> This bias is not to be regarded as merely “tainting the well” but rather as one important aspect that must be taken into consideration in an attempt to contextualize the data (Allman, “Adultery,” 29). Like any other standpoint, these convictions are part of the directives that contributed to the chronicler’s “reconstruction” of “real-life occurrences.”

<sup>26</sup> They had asked the Mission to station a teacher in Nkoranza (“*Chronicle of Nkoranza*,” 2, 80). Copy of the contract concerning responsibilities for the school in Nkoranza, copied 10 May 1919 (“*Chronicle of Nkoranza*,” 89–90).

<sup>27</sup> Additional to the ones held in Basel the Public Records and Archives Department in Accra holds a number of such chronicles, some of which are written in local languages.

<sup>28</sup> Reports sent to Basel every quarter of a year and annually.

<sup>29</sup> At least one of these registers was held in the archival repository of the Presbyterian Church of Ghana in Accra when I visited it in February 2012.

<sup>30</sup> Part II of this ordinance concerns the order of social, moral and pastoral life of the Basel Mission congregations on the Gold Coast. Part III is about “*Kirchenzucht*,” i.e. “official interventions against infringements in the name of the congregation” (“*Ordnung*,” §158).

on the Gold Coast. It was then translated into Twi and Ga, and was to be read to the congregations once a year.<sup>31</sup>

However, the following analysis shall describe practices taking place on the outstations, thus relating experiences of the adherents rather than depicting canonical requirements. My aim is to show the implications that legal proceedings had for the establishment of the outstation and its congregation.

## Theoretical Framework

As a means to sharpen the structure of the analysis, I will employ the notions of the social group and small-group dynamics as a theoretical framework. This seems appropriate, for the congregation in whose context the document was produced consisted of less than twenty-five members who had a group specific hierarchy. Members cooperated, evinced a collective spirit, shared values, goals, interests and opinions as well as group-specific social norms that were backed by social control and sanctions.

As a tool to analytically arrange and relate the empirical data I will in particular draw on the model developed by Tuckman. This model postulates four consecutive phases in small-group behavior. The *forming* phase is defined as a phase of orientation. That means a situation where interpersonal and content-related boundaries are identified through testing with regard to pre-existing standards of hierarchy and behavior. In the subsequent *storming* phase interpersonal conflicts are understood to occur in response to this new group-situation. The model finds these conflicts to then be overcome in the *norming* phase by the modification of roles and thus to lead to a productive phase of *performing*.<sup>32</sup>

With regard to juridical issues and the creation of a congregation, the theoretical notions of group-specific standards, norms and sanctions are of particular interest as well as their supposed contribution to the integration and cohesion of the group, namely in situations of internal and external pressures.<sup>33</sup> The formative phase of the Nkoranza congregation in the 1910s can be characterized as such a situation. Yet, the interrelations with the context of the wider society in which it held a minority position are diverse. On the one hand the outstation was linked to its “parent organization,” the Basel Mission on the Gold Coast and its successors, and on the other it interacted with the surrounding society – a context informed by Akan culture and worldviews, local religion(s) and Islam.

To explain the nature of the documented procedures I conceptualize “jurisdiction” and related terms in a rather broad sense. “Law” denotes all

<sup>31</sup> “Ordnung,” 5, §156.

<sup>32</sup> Bruce W. Tuckman, “Developmental Sequences in Small Groups,” *Psychological Bulletin* 63–6 (1965), 384–399, 396.

<sup>33</sup> Günter Endruweit and Gisela Trommsdorff, *Wörterbuch der Soziologie* (Stuttgart: Lucius & Lucius, 2002), 310–311.

rules of action whose infringement leads to negative sanction by an authorized actor. With regard to social groups, sanctions are supposed to increase the effect of norms by reacting to specific actions and thereby creating conformity. For group members they have a regulatory as well as an orienting function.<sup>34</sup> In consequence jurisdiction is used here to designate situations where a person or collective body decides upon the actions of others by way of their authority and seeks to impose this decision through appropriate measures.<sup>35</sup> This in fact encompasses negotiating and resolving conflicts of all kind, taking decisions as well as attempting to prescribe norms and convert them into “morally correct” action.

Used as a theoretical lens, these theoretical tools show juridical practices as instruments to standardize members’ behavior, leading to the creation of the congregation as a small group and later contributing to its stabilization. They can therefore serve as a fruitful analytical framework in order to understand the establishment of the Basel Mission church as a new religious option.

### The Basel Mission’s Ecclesiastical Jurisdiction in Early Twentieth Century Ashanti

The activities of the Basel Mission on the then Gold Coast date back to 1828. While it met with little success in the early years, it expanded during the second half of the nineteenth century, but did not gain access to Ashanti until the British gained military control of the area in 1896. The Basel Mission’s station in Kumasi, founded in this year, had a total of twenty-two outstations by 1912, the northernmost being Nkoranza.<sup>36</sup> This outstation was founded in 1911, when the Basel Mission opened a school and stationed a teacher-catechist there.<sup>37</sup> By 1917 this outstation counted twenty-one members.<sup>38</sup> About twice a year it was visited by a missionary or minister from Kumasi. Towards the end of the First World War the Basel Mission’s European staff was either interned or expelled by the British colonial administration.<sup>39</sup> What was left behind was transferred to the custody of the United Free Church of Scotland, and during the 1920s gradually developed to become

<sup>34</sup> Rüdiger Lautmann, “Recht,” in: Werner Fuchs-Heinritz (ed.), *Lexikon zur Soziologie* (Wiesbaden: Verlag für Sozialwissenschaften, 2011), 558.

<sup>35</sup> Different types of authority can be identified in the source. They do however originate from the person’s specific function and status in the hierarchy of the group which relates him to the mission church as the overarching body.

<sup>36</sup> Published Annual Report of the Basel Mission for 1912, 118.

<sup>37</sup> “Chronicle of Nkoranza,” ii, 1–4. First mentioned in the statistics of the published Annual Report of the Basel Mission for 1912, 124.

<sup>38</sup> Published Annual Report of the Basel Mission for 1917, 132. Due to the Basel Mission’s expulsion from the Gold Coast statistical data cease in 1917.

<sup>39</sup> See for instance the missionaries Lipps and Jost, mentioned in note 19.

the Presbyterian Church of the Gold Coast, to a great extent independent of European missionary institutions. The years under scrutiny thus encompass the end of the Basel mission's presence as well as the beginning of the transition towards the creation of an independent church structure. Apart from the Basel Mission the chronicle mentions only the Wesleyan Missionary Society's activity in Nkoranza.<sup>40</sup>

The town of Nkoranza is situated 90 kilometers north of Kumasi, located on the old trade-route to Kintampo. Nkoranza was the capital of the state of the same name, which roughly took up the area that eventually became central Brong-Ahafo-Region. In the first half of the eighteenth century it became a tributary to the rapidly expanding Asante Empire and developed to be a dominant actor in the Empire's northern hinterland.<sup>41</sup> Situated at the border of the metropolitan region, Nkoranza had the status of an inner province for most of the nineteenth century. Nkoranza's supreme political as well as juridical authority was the Nkoranzahene, whose resolutions were directly subject to the Asantehene's court as the next and paramount authority.<sup>42</sup> After a long period of close affiliation with the central authority in Kumasi political relations became increasingly tense by the end of the nineteenth century.<sup>43</sup>

Unfortunately statistical data about this type of settlement is very scarce. For the nineteenth century Wilks estimates for a district of this type a population of up to 100,000 people. Nkoranza town by then presumably had several thousand inhabitants (the number is to be estimated between 5,000 and 15,000).<sup>44</sup> Due to commercial contact with the northern regions

<sup>40</sup> A brief overview of the history of the Basel Mission on the Gold Coast is given in: John Kofi Agbeti, *West African Church History: Christian Missions and Church Foundations: 1482–1919* (Leiden: Brill, 1986). For a more detailed account of the development of the Basel Mission and the Presbyterian Church of the Gold Coast, see: Noel Smith, *The Presbyterian Church of Ghana, 1835–1960: A Younger Church in a Changing Society* (Accra: Ghana Universities Press, 1966); Michael Albert Kwamena-Poh, *Vision & Achievement: 1828–1978: A Hundred and Fifty Years of the Presbyterian Church of Ghana* (Accra: Waterville Publishing House, 2011). The official contemporary view of the Basel Mission on its own history is given in: Wilhelm Schlatter, *Geschichte der Basler Mission 1815–1915: III. Band, Geschichte der Basler Mission in Afrika* (Basel: Verlag der Basler Missionsbuchhandlung, 1916), 19–195. Regarding the transitional phase: Samuel Prempeh, "The Basel and Bremen Missions and Their Successors in the Gold Coast and Togoland, 1914–1926: A Study in Protestant Missions and the First World War," PhD dissertation, University of Aberdeen (Aberdeen, 1977).

<sup>41</sup> Kwabena Adu-Boahen, *Nkoransa in the History of the Asante Hinterland: 1700–1900* (Saarbrücken: Lambert Academic Publishing, 2013), 7, 20, 33, 56, 61.

<sup>42</sup> The Nkoranza chronicle refers to him as "Omanhin" or "Chief."

<sup>43</sup> Kwabena Adu-Boahen, "Pawn of Contesting Imperialists: Nkoransa in the Anglo-Asante Rivalry in Northwestern Ghana, 1874–1900," *Journal of Philosophy and Culture* 3–2 (2006), 55–85.

<sup>44</sup> Ivor Wilks, *Asante in the Nineteenth Century* (Cambridge: Cambridge University Press, 1975), 5, 11, 91–95, 113, 287.

a considerable number of Muslims lived in Nkoranza. As in Kumasi and Kintampo they inhabited the *zongo*, a separate quarter populated by predominantly Muslim migrants. Until 1927 juridical authority in the Kumasi *zongo* lay with the respective heads of the ethnic groups, who applied a combination of Muslim and so-called customary law.<sup>45</sup>

In the Asante political hierarchy each administrative unit was responsible for its own juridical affairs: "The authorities of the larger units interfered only when the affairs of the smaller unit touched the larger."<sup>46</sup> Parallel to this, the Asante legal system knew two categories of offences: *efisem* ("household cases") on the one hand, and *oman akyiwade* ("taboos or things hated by the tribe")<sup>47</sup> on the other. The first category consisted of offences such as theft (including adultery), slander, assault, debt, and cases regarding property. This type of case was judged by the head of the lineage in question (the elder), who had to settle the matter by arbitration. The basic aim was to reconcile the parties, and restore amicable relations. Compensation was claimed from the culprit, and paid to the injured party. While these cases affected relations between individuals, the second category comprised all those offences that posed a threat to the community as a whole because they threatened to estrange the ancestors or gods. Offences that fell under this category were murder (including suicide), certain sexual offences, treason, cowardice, witchcraft, and offences against the chief.<sup>48</sup> Offenders of this type in theory were sentenced to death. However, except for homicide cases this penalty was transmutable into a fine.<sup>49</sup> The only way to transfer private cases to the chief's court was by swearing an oath.<sup>50</sup>

<sup>45</sup> Enid Schildkrout, *People of the Zongo: The Transformation of Ethnic Identities in Ghana* (Cambridge: Cambridge University Press, 1978), 199–200.

<sup>46</sup> Kofi Abrefa Busia, *The Position of the Chief in the Modern Political System of Ashanti: A Study of the Influence of Contemporary Social Changes on Ashanti Political Institutions* (London: Oxford University Press, 1951), 64.

<sup>47</sup> Busia, *Position of the Chief*, 65.

<sup>48</sup> The chief is seen as the representative of the social entity and at the same time of the ancestors. Thus, offences could occur directly against his person or indirectly via his ancestors. In the literature as well as in current usage in Ghana the term "Chief" subsumes different types of authorities, including the *Adekurofo*, *Abirempon*, and *Omanhene*. For this problem see for instance: Richard Rathbone, *Nkrumah & The Chiefs: The Politics of Chieftaincy in Ghana, 1951–60* (Accra: F. Reimmer, 2000), 9–10. Generally in this article the generic term "local authorities" is used to denote all such organs (including their councils). In this usage "local" refers to the administrative unit in question. The term "chief" is used in this paragraph only to keep the sketch as concise as possible.

<sup>49</sup> Busia, *Position of the Chief*, 65–75.

<sup>50</sup> Oaths refer to mishaps in the past. This (coded) reference is meant to upset ancestors connected with the incident concerned. See for instance: Busia, *Position of the Chief*, 75–78.

In the territories under British colonial rule a dual legal system was introduced which remained in force until 1940. This policy was based upon the *Native Administration Ordinance*, which had been proclaimed in 1878. Apart from a revision in 1883 this ordinance saw no substantial amendments until 1927. Local authorities (the chiefs and their councils) retained much of their juridical influence due to the division into central and local government. Major crimes such as murder or arson as well as judgments that the British perceived as breaching “natural justice” were to be brought before British officials. Other crimes of violence and offences against property, as well as all cases concerning marriage, birth, death and inheritance were to be treated by “Native Courts,” which were understood to apply “customary law.”<sup>51</sup> This constellation led the British and the “local” juridical systems to become increasingly interwoven, much to the advantage of British authority.<sup>52</sup>

The Basel Mission’s “Gemeindeordnung” of 1902 sees the position and nature of church discipline as follows:

§161. As church discipline [“Kirchenzucht”] is not a law suit of the kind the state needs to maintain law and order, but the intervention of the parish to preserve itself as a parish of God and to correct its erring members, the means of church discipline are of a spiritual nature. Therefore it does not comprise punitive measures carried out by the police [“polizeiliche Strafmittel”], fines or physical punishment, nor does it impose certain prestations [“Leistungen”], as is common with the heathens as well as with the Catholic Church. Instead, it consists of an earnest reprimand and appeal to do penance, the withdrawal of the sacraments for a certain or uncertain period of time, the restriction of members’ rights and exclusion from the congregation.<sup>53</sup>

However, in cases (such as murder) that fell under the jurisdiction of both church and state, both were applied independently of one another (§162).

Church discipline distinguished “severe offences” (“schwere Vergehen”) from “sinful habits” (“sündhafte Gewohnheiten”) such as “gluttony, drinking, (...) wastefulness, idleness (‘Arbeitsscheu’), irreconcilability” (§165). Moreover, failing to attend a service, failing to pay church taxes,

<sup>51</sup> The problematic character of this concept can here only be mentioned in passing. See: Comaroff and Comaroff, *Revelation and Revolution*, 366; Mann and Roberts, *Law in Colonial Africa*; Martin Chanock, *Law, Custom, and Social Order: The Colonial Experience in Malawi and Zambia* (Portsmouth NH: Heinemann, 1998).

<sup>52</sup> Regarding the relation between local authorities and the British colonial administration 1871–1928 see, for instance: Rathbone, *Nkrumah & The Chiefs*, 11–16.

<sup>53</sup> Where not mentioned otherwise the information in this paragraph is from “Ordnung.” Further details on church penalties and their application are in §174.

or improper behavior towards church officials belonged to the second category. Cases of this type were to be treated by the clergyman (“Seelsorger”) responsible – in this case it was the catechist of Nkoranza – and his presbyters.<sup>54</sup> This was done by way of “instruction (‘Belehrung’) in accordance with the word of God” (§152) in order to “better those who stray from the path (‘unordentlich Wandelnde’)” (§166). Catechists had the competence to exercise all tasks of pastoral care and administration of the congregation. This also comprised the issue of reprimands. However, they were not entitled to administer the sacraments, nor to excommunicate offenders from the church.<sup>55</sup> Hence severe cases were to be transferred to the “Lokalpresbyterium.” Apart from the catechist and presbyters this organ comprised the missionaries and/or ordained ministers responsible for the respective outstation (§18, 23). The “Lokalpresbyterium” conducted preliminary investigations, heard witnesses and issued the increasingly severe penalties cited above. In contrast, the category of “severe offences” consisted of cases such as willful participation in local religious practices, witchcraft, infraction of the Basel Mission’s marriage restrictions as well as sexual offences, adultery, perjury, murder, robbery, and the like.<sup>56</sup> After preliminary investigation by the local agent offences of this type were to be brought directly before the “Presbyterium,” and were normally to be sanctioned by exclusion from the church. The latter had to be proclaimed by a missionary or an ordained minister. Readmission was possible, but only after the ex-member was able to prove his righteous life-style, and not earlier than one year after exclusion. Cases were treated by the “Presbyterium” of the member’s congregation, and its sanctions retained validity even if the person moved to another station (§163).<sup>57</sup>

### Juridical Practices I: Overview of Church-Internal Jurisdiction

To begin with, accounts of “juridical practices” had to be identified in the source. In accordance with the concept described above, I built up a corpus consisting of passages where a person or collective body passed judgment on the actions of others or sought to impose their decision by

<sup>54</sup> I use the term “presbyter” for elected heads of the congregation; see further details in §17–26. The authors of the “Chronicle of Nkoranza” call this type of official “elder.” To avoid confusion with the heads of lineages the term “presbyter” is used here. However, the congruence of the terms in use is striking.

<sup>55</sup> Basel Mission Archive, D–9.1c,2d “Katechisten-Ordnung der Basler Mission auf der Goldküste (revidiert 1890),” §22.

<sup>56</sup> “Ordnung,” §165, §178.

<sup>57</sup> Additionally to the already mentioned passages see: “Ordnung,” §151–§193. The cases documented in the Chronicle can be located within the realm of influence of the catechist and the “Lokalpresbyterium” of Nkoranza.

virtue of their authority. On the one hand the entries of this corpus were encoded according to a code-system which specifies the organs responsible for conducting the case, the “aims,” “topic or problem” in question and the “sanctions/decisions” taken. This code-system and its terminology were derived from the material itself, while the focus of this process was roughly guided by a small set of preliminary questions, such as: Who decides? About whom? Based upon what sets of knowledge? What are the consequences? Where does this authority derive from? On the other hand the entries were grouped according to the person in question to form “cases” that sometimes extended over a period of several years.

This approach eventually laid bare three political spheres of influence: (1) Church and congregation; (2) Church and local authority; (3) Church and British administration. The first – the inner ecclesiastical – sphere is concerned with members’ or prospective members’ behavior and church internal questions or conflicts. Most of the corpus’ relevant content can be attributed to this sphere, and it will be the focus of this article. The second sphere (that of local jurisdiction) took place at the “Omanhin’s court”<sup>58</sup> when church members or officials were concerned.<sup>59</sup> This sphere is instructive in order to characterize the scope of ecclesiastical jurisdiction, its relations with and dependence on local jurisdiction.<sup>60</sup> The third sphere is concerned when church members were affected by decisions within the realm of the British administration’s juridical authority or when the church objected to verdicts pronounced by the local jurisdiction, and filed a complaint to the British officials concerned.<sup>61</sup>

To gain an overview of the content of church-internal jurisdiction and to bring out the changes within it the twenty events reported between 1911 and 1915 were compared to the thirty-six entries from 1916 to 1920. Even though concurrent with a leap in the number of official church

<sup>58</sup> This means the Nkoranzahene’s court (“Chronicle of Nkoranza,” 75).

<sup>59</sup> Such as the catechist hearing the case against a church member who was entangled in an “oath matter” (“Chronicle of Nkoranza,” 75) or assuming responsibility for the payment of the penance to which a member had been sentenced under “customary law” (“Chronicle of Nkoranza,” 56). Further the catechist was summoned by the Omanhene as a witness in a suicide case (“Chronicle of Nkoranza,” 56). The conflicts concerning a local religious procession which passed over mission land and the respective agreements between local authorities and catechist can equally be attributed to this sphere of influence (“Chronicle of Nkoranza,” 53–56).

<sup>60</sup> It cannot be illuminated further here, not least because documents of the local courts are not currently accessible to me.

<sup>61</sup> This type of interaction was, however, situated at higher levels in the church hierarchy. This may account for the fact that it is mentioned only once in the analysed source: in the minutes of the “Agents’ and Presbyters’ Conference” held on 9 January 1920 in Kumasi, which were copied into the chronicle.



members this caesura is an arbitrary, purely heuristic one. Content-wise there is no rupture but rather a gradual change in focus.<sup>62</sup> However, the growth may be seen to account for the increasing number of entries in the second five years: more people were affected by church law and the growing congregation may have yielded potential for additional conflict.

During the first five years “proper” marriage was the most prominent question. After 1915 the absolute number of marriage-related entries stayed approximately the same and hence the topic decreased in its relative importance. This fact might be accounted for by the assumption that after a period of some years the congregation comprised a “stock” of families formed in accordance with the church regulations. Consequently divorce/dissolution of polygamous or “improper” marriages would affect new members only.<sup>63</sup> In contrast, cases that directly touch upon a member’s absence during church services and other church activities were marginal before as well as after 1915. However the lack of financial support for the church in terms of church taxes, Sunday offerings, and labor increase in the second five-year period. They are mentioned about as often as marriage-related questions. What increases, however, are interpersonal conflicts. They come to form the most prominent topic documented in the five years after 1915. The change in focus becomes even more explicit if we analyze the aims of the cases, where two topics are prevalent: (re-) acceptance to or exclusion from the church on the one hand and labor for or financial support of the church on the other. The first was mainly pursued by (potential) members, the latter mainly by church officials.

The increasing number of finance- and labor-related entries occurs at the same time as the effects of the First World War forced the congregations on the Gold Coast to become financially self-sustained, and caused the Basel Mission’s withdrawal from the Gold Coast. Apart from the school – for the financing of which the church and the local authorities were jointly responsible – the growth of the congregation brought with it the need for further, strictly church-related and more elaborate infrastructure. Enterprises such as the transformation of the chapel from a temporary structure to a clay-walled building demanded additional financial resources. Both of these developments increased the financial pressure on the congregation and thus may have become an additional source of conflict.

<sup>62</sup> Not even after the internment of the missionaries 1917. The number of members grew from two, reported in January 1915, to nineteen in January 1916 (see statistics in the published Annual Reports of the Basel Mission 1912–1917). Preparation for baptism normally took at least forty hours of training (“Ordnung,” § 34). Therefore a list of candidates for baptism would tell us far more about the number of persons to whom ecclesiastical jurisdiction was of (some) relevance.

<sup>63</sup> Cf. “[Case:] Yaw Fei, ‘Improper’ Marriage” (“Chronicle of Nkoranza,” 15, 33, 34).

A comparison of the sanctions (negative as well as positive) that were applied before and after 1915 shows that the absolute number of exclusions and (re-)acceptance stays the same in the first and the second five-year period.<sup>64</sup> Therefore they both decline in relative importance. In about one third of the entries the final taking of a decision is postponed, usually in order to transfer the case to the next stage (staffed with ordained personnel). In the second five-year period new sanctions were applied: deadlines and suspension from the Eucharist<sup>65</sup> were imposed, the latter being a soft version of excommunication. Additionally the code “further sanctions” becomes more relevant. These findings indicate a tendency towards a more nuanced and diversified set of sanctions. Further, the payment of fines and damages is also documented more often during this period.

The chronicle reports catechists, missionaries, ministers, and assemblies or “meetings”<sup>66</sup> to be decisive in inner-ecclesiastical legal debates. In the years after 1915 the meeting becomes ever more important, and is mentioned as often as catechists, missionaries, and ordained ministers. In this later period two conferences held in Kumasi in 1916 and 1920 as well as the post of the “elder” or presbyter appear in the decision-making structure.

Legal practice corresponded to the two stages of appeal formally prescribed by the “Gemeindeordnung.” The roles of catechists, missionaries/ministers and meetings (including presbyters) must be seen as an ensemble and their decision-taking understood as a process. Yet Nkoranza was such a small congregation that we may assume that the decisive organ on second stage, at least until 1915, comprised the catechist and the visiting missionary only. Along with the structural transformation in favor of the Presbyterian system implemented by United Free Church of Scotland this would explain the rapid rise in the number of “meetings” after 1916.

### **Juridical Practices II: Three Illustrative Cases**

“Marriage,” “exclusion,” and in-group “conflict” will now be illustrated by exemplarily discussing three of the more extensively documented cases.

<sup>64</sup> Acceptances were only included in the analysis when a direct link to one of the cases could be identified (as for instance with reacceptances).

<sup>65</sup> The authors of the chronicle used the terms “Lord’s Supper” and “Holy Communion.”

<sup>66</sup> Apart from “meeting” the terms “assembly” and “congregations” are used in the chronicle, which also mentions the convening of several “members” or “Christians.” All of these terms are here subsumed under the category “assembly.”

(1) Marriage palaver:<sup>67</sup> On 20 April 1916 Catechist Samuel Oko<sup>68</sup> notes that he has settled a “marriage palaver”<sup>69</sup> between Alice Akosua Begyei and Boakye. Further he writes that although it was “well arranged” by the family, “this marriage cannot be allowed” by the church. Being a Christian, Alice is forbidden by the Church Regulations to marry Boakye, because he is a “Mohammedan.” Three months later the case is examined anew, this time by the Minister C.E. Martinson when he passes through Nkoranza on his visitation journey. It appears that, despite the prohibition, the two have become engaged in the meantime. Martinson states, however, that this occurred against the will of the bride,<sup>70</sup> and that “she is not yet of age to live with her betrothed husband as a man and wife.” Therefore he allows her and her uncle Joseph Badu “time to think about this case” until the next visitation. Only after that may further measures be taken. This occurs on 8 December 1916, when Missionary Jost issues an ultimatum: “I gave [Joseph] Badu 3 months and 3 weeks (...) to settle everything to our satisfaction, otherwise he and [Alice] Begyei will be excluded from the congregation.” In the meantime the restriction on possible spouses is discussed in the Presbyterian Conference in Kumasi.<sup>71</sup> During Jost’s next visit on 23 April 1917 Alice Begyei and her uncle Joseph Badu are excluded because he has taken no action to prevent her marriage, which was held in January 1917.

Stretching over a period of more than a year, this “marriage palaver” shows the successive stages of appeal. The case starts with the catechist’s complaint and warning and passes in a second step, to the minister, who first attempts to attain an arrangement in conformity with church regulations in a more or less peaceful manner by the issue of an ultimatum. The case then culminates in the exclusion of those “convicted” by the responsible missionary after the ultimatum has run out. This is one of the very rare cases in which a written corpus of regulations is explicitly referred to.<sup>72</sup> The events described here also contrast with a case where a Christian man

<sup>67</sup> “[Case:] Alice Akosua Begyei, ‘improper’ marriage.” The quotations in the following description are taken from “Chronicle of Nkoranza,” 42, 45, 48, 50, 58.

<sup>68</sup> As catechist in Sekyedomase he visited Nkoranza four times in Spring 1916 because the local catechist W. Opare was on leave to his home town Aburi in Akwapim.

<sup>69</sup> The terms “palaver,” “matter,” and “case” are the terms used in the chronicle to denote what is subsumed here under the generic term “case.”

<sup>70</sup> First entry: “They both intend to marry themselves with the consent of the family” (“Chronicle of Nkoranza,” 42). Second entry: “The girl unwillingly agreed to the marriage by force of her relations” (“Chronicle of Nkoranza,” 45).

<sup>71</sup> Item 4) in the copy or minutes, dated 16 October 1916 (“Chronicle of Nkoranza,” 48).

<sup>72</sup> “Chronicle of Nkoranza,” 42.

married a “heathen” woman “according to native custom”<sup>73</sup> which did not lead to exclusion. On the contrary, three and a half years later, the wife was enrolled as a candidate for baptism.

(2) “Christian” and “unchristian” behavior:<sup>74</sup> One of the most extensively documented cases is the proceedings leading to the exclusion of Jul[ius] Kwaku Koko:<sup>75</sup>

Yesterday afternoon I sent messengers to Nkwabene to call Apea (...), because I want to settle a long palaver with [J]ul. Kwaku Koko and must have Apea present as a witness (...).

Palaver Jul. Kwaku Koko: Charges: 1) He drinks gin. 2) He plays ashiko.<sup>76</sup> 3) He made funeral customs. 4) He was dancing. 5) He went to the fetish Brekuni at Kranka.<sup>77</sup> 6) He [w?]ent<sup>78</sup> to the fetish Tanno. 7) He gave order[s] to his brother to kill a sh[ee]p for the ancestors. 8) He has a “suman”<sup>79</sup> in his house. He admitted N[umber] 1 [and] 3, but the first only after Johanes Adamu gave evidence against him. All the other charges he flatly denied. After having been told that he will be excluded from the congregation, he admitted a) that he went to Kranka for medicine; the fetichpriest was asking for a fowl, for which he paid 6 [pence?]. b) that when he was going to marry, the fetichpriest of Bo[n?]s[i?] <sup>80</sup> was asking for a sheep<sup>81</sup> in order that the wife may get children Koko refused to give the sh[ee]p saying he is a [C]hristian, but the fetichpriest said: if so, then you can send it through (...) brothers. So Kwaku Koko sent to the fetichpriest 7 [shillings?]. He denies N[umber] 2. 4. 7. 8. The man made us a lot of troubles and seems to be of a very bad character. Knowing [how] to

<sup>73</sup> “[Case:] Emm. Kwaku Koko & Akosua Bema, Marriage and Acceptance of the Latter” (“Chronicle of Nkoranza,” 16, 17, 41, 73). According to “Ordnung,” §91, in general this was not to be allowed, but exceptions were possible in certain cases, especially if there was a lack of Christian brides.

<sup>74</sup> “Chronicle of Nkoranza,” 59.

<sup>75</sup> Not to be confused with Emmanuel Kwaku Koko mentioned in footnotes 23 and 73.

<sup>76</sup> *ashiko*: West African popular music style, a variation of palm-wine music, which at the turn of the century was popular in coastal cities such as Accra and also spread to the hinterland. John Collins, “The Early History of West African Highlife Music,” *Popular Music* 8–3 (1989), 221–230.

<sup>77</sup> One of the many witchfinding cults active in the area at the time. Cf. Basel Mission Archive, D–1.102,75 “Jost: Jahresbericht Kumase 1914,” 7; John Parker, “Witchcraft, Anti-Witchcraft and Trans-Regional Ritual Innovation in Early Colonial Ghana: Sakrabundi and Aberewa, 1889–1910,” *Journal of African History* 45–3 (2004), 393–420.

<sup>78</sup> Or “sent.”

<sup>79</sup> *suman*, pl. *asuman*: charm, amulet, talisman.

<sup>80</sup> Bonsi: river or Bonso: settlement, both about 12 kilometers to the west of Nkoranza.

<sup>81</sup> Here the misspelled “ship” was corrected in the original.

speaking the language of the scripture, he understands [how] to cover every bad doing with sweet words. I would recommend not to reaccept this man soon, and only on proper proofs of his conversion.<sup>82</sup>

This entry shows how the proceedings were conducted.<sup>83</sup> To start with, a meeting had to be announced and the necessary witnesses had to come from their place of residence to Nkoranza. Charges were then pressed. In this case the charges mainly concern “deliberate participation in idolatry and participation in heathen celebrations and ceremonies,”<sup>84</sup> but nothing is mentioned about the identity of the prosecutor(s). After that follows the comment of the defendant and the witnesses. In this case a partial confession of guilt could only be extracted after declaration of the potential penalty (exclusion). The available sources do not permit us to assess how justifiable the charges were. But it is clear from Jul[ius] Kwaku Koko’s confession (b) that an individual’s attempt to behave in accordance with the group-specific requirements became problematic when these contradicted what was expected in the broader social context.<sup>85</sup> In this case restrictions specific to the church affected practices necessary for the appropriate handling of a given situation in terms of local religious practice. The defense Jul[ius] Kwaku Koko offered suggests that the Christian tried to avoid sacrificing a sheep, being aware of the fact that doing so was prohibited by church regulations. He is depicted as being knowledgeable about other characteristics of “Christian behavior” (He “knows [how] to speak the language of the scripture”). Nevertheless, it seemed important enough to him – and probably even more important to his social environment – to ignore these restrictions. This stands parallel to the funeral rites he conducted and the medicine he resorted to. The attempt to reconcile the “forbidden” with the “necessary” failed, provoked negative sanctions and thus was recorded for posterity. We may suspect that this is just the tip of the iceberg and that a number of attempts were more successful, going unnoticed.

(3) We find an illustration of conflicts that seem to arise primarily from negotiating hierarchies and competences within the group in Reverend Agyakwa’s entry dating from 30 May 1920.<sup>86</sup> It states that Johannes Adamu was appointed to act as presbyter by the church but the congregation did not accept him as such. He complains about two members,

<sup>82</sup> “Chronicle of Nkoranza,” 59–60 (here and in further citations underlining was omitted and passages adapted to current spelling).

<sup>83</sup> Another example is: “[Case:] Em. Apea & Sam Boaten, Dispute” (“Chronicle of Nkoranza,” 65, 67, 69).

<sup>84</sup> “Ordnung,” §178.

<sup>85</sup> Opuni-Frimpong, *Indigenous Knowledge*, 72–73.

<sup>86</sup> “Chronicle of Nkoranza,” 87.

Imm[anuel] Appia and Emm[anuel] Kw[a]k[u] Koko, who prevent him from carrying out his duties as a presbyter and do not acknowledge his authority.<sup>87</sup>

(...) the former refused Adamu to accompany [the catechist] Mr. Doki as a Presbyter to Kumase Conference, because he [Adamu?] lately resigned his office to act<sup>88</sup> as presbyter when fined 7 [shilling?] 6 [pence?] for revealing the secret[s?]<sup>89</sup> of the congregation in town,<sup>90</sup> the latter insulted him (...) when Adamu convicted him of an offence of cursing some people; both [Appia and Emm. Kwaku Koko] were pronounced guilty, and beg his pardon, but in a mocking manner (...); they seemed to feel jealousy of the post of Adamu.<sup>91</sup>

Apart from the conflict about status and hierarchy, two further aspects deserve our attention: if “revealing the secret[s?] of the congregation” to the non-Christian outside world is sanctioned, this at least indicates the explicit demarcation of group-specific knowledge. The formulation, however, also hints at an interesting parallel to Akan concepts of secrecy. It may well document a form of transculturation in which the Christian church, in the process of establishing a local congregation, implements and thus integrates aspects of Akan politico-religious strategies of control.<sup>92</sup>

<sup>87</sup> Adamu: Johannes Adamu. (Cf. “Chronicle of Nkoranza,” 56–58, 75–76), presbyter from 8 July 1918. Appia: If we assume that this is the same person as in “[Case:] Em. Apea & Sam Boatan, Dispute about Unmentioned Topic” (“Chronicle of Nkoranza,” 65, 67, 69) mentioned above, it was claimed by Catechist Opare that he had already wrongly acted as a presbyter some time before and that he had refused to work on a voluntary basis for the church. This might also be the same person as in “[Case:] Apea from Nkrabene, Marriage Matter” (“Chronicle of Nkoranza,” 6–7, 21, 24, 42). Koko: see also “[Case:] Emm. Kwaku Koko & Akosua Bema, Marriage and Acceptance of the Latter” (“Chronicle of Nkoranza,” 16–17, 41, 73) and “[Case:] Emm. Kwaku Koko, Reacceptance” (“Chronicle of Nkoranza,” 80), not to be confused with Imm[anuel?] Kwaku Koko mentioned on pages 19–20.

<sup>88</sup> “to act” inserted in the original.

<sup>89</sup> In the original “secrete.” It remains unclear whether “secret” or “secrets” was meant.

<sup>90</sup> “When (...) town” inserted in the original.

<sup>91</sup> “Chronicle of Nkoranza,” 87–88. Both of the cases mentioned here in retrospect were not reported elsewhere in the chronicle.

<sup>92</sup> Michelle Gilbert, “The Leopard that Sleeps in a Basket,” in: Mary H. Nooter and Wande Abimbola (eds.), *Secrecy: African Art that Conceals and Reveals* (Munich: Prestel, 1993). Further investigation is needed to back this hypothesis and to elaborate whether “the secret of the congregation” is to be understood in the sense of secrets within families or rather that of royal secrecy. A case in point for the latter is the instruction that “in the Sessions the so called Linguists or Asafo Akyeame are not allowed to be present” (“Chronicle of Nkoranza,” 87. Copy of a letter issued by the Synod Committee, dated 12 January 1920).

Another instance of transculturation can be observed in the application of fines. We find here a complex and tense relationship between imported Protestant and local concepts, in which the former eventually adapted to the latter. While in the (non-Christian) context penance was regarded as an appropriate sanction, the “Gemeindeordnung” explicitly denounces it. This was not merely a question of proper and/or effective legal practice within the church but was intrinsically linked to the discussion of what was to be seen as the proper understanding of Christianity. Thus four years earlier in his annual report about Kumasi and its outstations Missionary Jost complained to Basel “that even the best staff tended towards legalism in their understanding of Christianity.” He illustrated this by an incident at the outstation Sekyedomase where during their visit Minister Martinson and Presbyterian Karikari found an “entry in a notebook – not, be it noted, in the station chronicle” that listed fines for the consumption of schnapps, public and domestic quarreling, violation of secrecy, slander, and the like.<sup>93</sup> For 1918 the “Chronicle of Nkoranza” documents the payment of compensation in personal conflicts between church members<sup>94</sup> and as compensation in the case of “divorce”<sup>95</sup> in 1915. As an exception to the church’s general disapproval, the 1902 revision of the “Gemeindeordnung” incorporated the payment of compensation in cases concerning the termination of polygamous spousal arrangements, which was a prerequisite to become a church member. This amendment was justified in terms of conforming to “local custom” (“Landessitte”).<sup>96</sup> However, the mere existence of the list, Minister Agyakwa’s report on the conflict, as well as the fact that Catechist Opare in 1917 mentioned fines for neglected congregational labor (*asafo dwuma*)<sup>97</sup> indicate that *de facto* they were part of

<sup>93</sup> Basel Mission Archive, D-3.7 no. XI/1 “Jost, Freidrich 20.2.1917. Jahresbericht der Station [Kumasi 1916],” 27. The list reads as follows: “1) If a Christian drinks schnapps, he pays 5/- penance. 2) If one Christian sees an other one drinking schnapps and does not report this, he pays 5/-. 3) If a Christian quarrels on the street or at home, he pays 5/-, women 2/6, a presbyter 10/-, a teacher or his wife £ 1.-. 4) A Christian who doesn’t turn up for congregational labor pays 1/6 [see below]. 5) A Christian, who brings a congregational matter from the station into town pays 5/- [see above]. 6) A Christian who talks evil about a presbyter pays 5/-. And so on up to number 17”; translation in footnote and quotations above by the author.

<sup>94</sup> “[Case:] Emm. Apea & His Wife, Dispute” (“Chronicle of Nkoranza,” 74).

<sup>95</sup> “[Case:] Mr. Asampong, Divorce” (“Chronicle of Nkoranza,” 36).

<sup>96</sup> “Ordnung,” §100, 5. Especially with regard to transculturation this process of amendment calls for further research.

<sup>97</sup> *Asafo dwuma* or *asafo odwuma* – “[Case:] Members, Neglect of *Asofo Dwuma*” (“Chronicle of Nkoranza,” 41, 62). “*asafo*: (pl., used as sing.) 1. company, society, association; a division of the men of a township or country; troop, band, gang, host, army, (...) – community; (religious) congregation, church (...)” (Johann G. Christaller, *A Dictionary of the Asante and Fante Language Called Tshi [Chwee, Twi], With*

the church's juridical practice, at least on the first stage. Furthermore, by the later years they seem to have been applied officially to sanction directly church-related infringements. Apart from the intensified monetarization experienced in these years this suggests that with the church's growing independence from Basel Missionaries this type of sanction increased. Or else, it had been practiced all along but was (wilfully) omitted in the chronicle entries of the earlier years. The fact that the list of fines was found in a separate notebook may lend credence to the latter hypothesis.

### The Social Function of Ecclesiastical Jurisdiction – An Interpretation

The analysis shows that the church's juridical practice at the grassroots level did not consist of the application of a written corpus of rules,<sup>98</sup> nor did it quote precedents. Instead, the regulation of a Christian lifestyle seems to have been anticipated implicitly in practice. In consequence the chronicle does not provide (theological) arguments or explanation of the content of church-law or church-jurisprudence. However, the content and development of the jurisdiction described above can be understood as a process of the formation of a small group: behavior is regulated and standardized by law, which thereby demarcates a group. Thus church law could act as a mechanism that identified the Basel Mission Christians as a distinct social entity. The following interpretation of the findings uses the model and terminology suggested by Tuckman.

In an initial phase, marriage in conformity with church regulations is found to be of central concern to the inner-church jurisdiction. Apart from theological concerns we may assume that by controlling marriage, the church hoped to gain influence over what was potentially a Christian family.<sup>99</sup> The preoccupation with monogamous marriage and the restriction of potential spouses to a specific group of persons marked a contrast with the practice in the non-Christian context and thus indicated a demarcation. Marriage thus constituted a practice of formally creating Christian groups and at the same time performing "Christianness" by putting prescribed moral values into practice. Juridical proceedings regarding marriage can be read as the individual testing of behavioral standards which in

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*a Grammatical Introduction and Appendices on the Geography of the Gold Coast and Other Subjects* [Basel: Evangelical Missionary Society, 1881]), 403; "*adwuma*: noun (pl (...)) work, labor, espec. agricultural work; manual work (...)" (Christaller, *A Dictionary of the Asante and Fante Language*, 108).

<sup>98</sup> The reference in the marriage case ("Chronicle of Nkoranza," 42) discussed above, as well as the reading and explaining of the "statutes of the oath-matter" ("Chronicle of Nkoranza," 17) are an exception to this, even though the "Gemeindeordnung" as a "canonical" corpus was available in a local language.

<sup>99</sup> To the attempt to exercise influence over women's fate (cf. Chanock, *Law, Custom, and Social Order*, 151) I would add the attempt to gain access to the offspring.



the theoretical model characterize a group's *forming* phase.<sup>100</sup> This concerns marriage-related obligations of the Christian realm on the one hand and of the broader non-Christian social context on the other.<sup>101</sup> The church aimed to achieve conformity by exclusion in cases of infringement of the set boundaries and by inclusion where the standards were lived up to. Thereby a person's status with regard to the Basel Mission community was unambiguously defined and symbolically enacted.<sup>102</sup> This led to the creation of a distinct group that was discernible from the outside as well as from within. The case of a bigamist Wesleyan who was regarded by the non-Christians as a Basel Mission member<sup>103</sup> shows that perceptions on both sides were of importance: he was sent away so that he would not set a bad example to the congregation. Still, only after there is an existing group can one really attempt to implement group-specific moral values and norms by imposing such sanctions.

My analysis has shown that after a while a different set of questions becomes pressing: How is the group that had been built by now to be organized? Those responsible for the control of practice in conformity with the group's regulations gain their authority from their specific role within the group: the power of the catechist stems from his in-depth knowledge about members' everyday life and habits, while by contrast itinerant missionaries and ministers seem to gain theirs from the symbolically effective acts of inclusion (baptism), participation (administering the Eucharist), and exclusion. With regard to the organs that are part of decision-taking the results imply that the growth of the congregation went along with a growth and differentiation in infrastructure – not only in facilities but also in terms of personnel.<sup>104</sup> Negotiation about status, roles, and responsibility for this infrastructure went along with severe political and economic changes and constraints within the church. All of these factors seem to have fuelled personal conflicts. Correspondingly the content of

<sup>100</sup> Tuckman, "Developmental Sequences," 396.

<sup>101</sup> The far-reaching political implication this type of "testing" had with regard to the wider society is aptly described by Fields, "Missionaries as Anticolonial Militants," 101–102.

<sup>102</sup> Withdrawing membership can also be used in the opposite direction, to de-legitimize the church. Especially "prominent" candidates, in whom the church had a special interest, such as a local priest, may have used this mechanism when voluntarily (maybe even publicly) withdrawing their application for baptism ("Chronicle of Nkoranza," 17, 18).

<sup>103</sup> "Chronicle of Nkoranza," 15, 33–34.

<sup>104</sup> The way in which the increasingly differentiated internal structures and sanctions were interlinked is illustrated by the institutionalizing of *asafo dwuma* ("work for the congregation"), after this structure had been announced there had to be lists of participants as a means of control and sanctions (fines) to counter refusal to participate.

juridical proceedings shifted towards financial issues and a refusal of work.<sup>105</sup> Towards the end of the period under scrutiny the Basel Mission congregation of Nkoranza thus shows tendencies that characterize a *storming* phase where theory understands the group to negotiate its internal structure and to start to develop new forms and standards as a transition towards a *norming* phase. The consolidation of the application of fines may be understood in the light of this concept.

### Influence and Dependence – Some Tentative Thoughts

Compared to the population of Nkoranza town and its surrounding settlements, the Basel Mission congregation was a very small and rather dispersed minority. Still the findings in the chronicle indicate that the catechist enjoyed privileged access to the *Omanhene*. The reasons for this may well be similar to the ones given by Peel with regard to the Yoruba: first, gaining allies in regional struggles for power, in the case of Nkoranza as allies against Asante.<sup>106</sup> Second, the search for “cultural enhancement,” here the establishment of a school. And third, gaining access to a “source of white man’s power.”<sup>107</sup> However, let me end with some observations on the need for more detailed examination of the law-related inter-dependence between mission stations and their context.

In second-layer cases (church and local authorities) the source refers to the *Omanhene*, his council, and the Queen Mother rather than some subordinate authority. At the same time the areas of inner-church jurisdiction seem to correspond to the content of the “household cases.” Structurally presbyters, catechists, missionaries, and/or ordained ministers would thus for Basel Mission members fulfil the role of the corresponding officials in the local jurisdiction.<sup>108</sup> By contrast, the “oath matters” indicate

<sup>105</sup> Cf. “[Case:] Members, Neglect of *Asofo Dwuma*” (“Chronicle of Nkoranza,” 17, 40–41, 62); “[Case:] Em. Apea & Sam Boaten, Dispute About Unmentioned Topic” (“Chronicle of Nkoranza,” 65, 67, 69); “[Case:] Atta & Members, Building on Station” (“Chronicle of Nkoranza,” 70–72, 74); “[Case:] Imm. Appia, Emm. Kwaku Koko & Johanes Adamu, Dispute Concerning Post of Presbyter” (“Chronicle of Nkoranza,” 87); “[Case:] Members, Transport of Ministers’ Luggage” (“Chronicle of Nkoranza,” 94).

<sup>106</sup> “Chronicle of Nkoranza,” 1.

<sup>107</sup> Like local religious specialists, missionaries were understood to have access to the “world of ‘spirit’ or the hidden sources of power.” These advantages had to be weighed against the risk that the converts would be alienated from the given normative orders. Cf. Peel, *Religious Encounter*, 123–124.

<sup>108</sup> Even if their role is not as explicit as in the example given by Chanok (*Law, Custom, and Social Order*, 80) where “D. Scott, as head of the Blantyre mission, acted as a ‘chief among chiefs,’ regularly attending *milandu* with his neighbouring rulers (...).”

that in offences concerning the *Omanhene* Christians were as accountable to him as was anyone else.<sup>109</sup> This fact suggests that Christian law was to a great extent obliged to operate within the framework of the context's juridical concepts. These in turn are closely linked to concepts of the community and thus affect the small-group identity and its relations to the wider society.<sup>110</sup> In such a setting only more severe restrictions (prohibit what had hitherto been allowed) and/or additional demands to be observed by members could be used as markers to identify the group. The marriage restrictions fall into the former category, while the Sunday offerings and church fees, participation in church activities and church labor belong to the latter.<sup>111</sup> This may explain why this document contains only a relatively small range of topics of ecclesiastical jurisdiction.<sup>112</sup>

A second form of dependence has already been indicated in the conflict concerning secrets and the fines: inner-church practices are formed according to pre-existing (non-church) concepts. To what extent this was the case can be traced by an analysis of where terms and practices applied at the grassroots of ecclesiastical jurisdiction originate from – or by illuminating

<sup>109</sup> “Johanes Adamu was today summoned with Omanhin's Oath (Obooa[ky?ji] by his brother-in-law at Kisima. By the help of God, he was found guiltless. I went to Omanhin's court for hearing of the matter” (“Chronicle of Nkoranza,” 75).

<sup>110</sup> “Ordnung,” §2 states that where inconsistencies with local law arose, they were to be “removed according to God's word in a suitable manner” from the ordinance. But cases where the church approached the colonial administration to oppose local jurisdiction indicate that in practice there was far more potential for conflict. It may be interesting to compare this setting with the politics of Asantehene Kwaku Dua Panin (1834–1867) with regard to groups who adhered to an “imported religion.” According to Owusu-Ansah, Muslims were purposely integrated to become a permanent and loyal part of the political society of Asante and this potentially fractious relationship was thus “defused” and institutionalized. See: David Owusu-Ansah, “The Asante Nkramo Imamate: Conflicting Traditions,” in: John O. Hunwick and Nancy J. Lawler (eds.), *The Cloth of Many Colored Silks: Papers on History and Society, Ghanaian and Islamic, in Honor of Ivor Wilks* (Evanston IL: Northwestern University Press, 1996), 355–365, 355.

<sup>111</sup> Interestingly, this practice of additional restrictions and demands resembles what Max Weber termed “Rationalisierung der Lebensführung.” Max Weber, “Die protestantische Ethik und der Geist des Kapitalismus,” in: *Gesammelte Aufsätze zur Religionssoziologie I* (Tübingen: J.C.B. Mohr, 1988 [1920]), 17–83, 30–62.

<sup>112</sup> Further reasons may be that probably quite a number of cases which never reached the stage of appeal were simply not documented and the small number of people to whom the Basel Mission's jurisdiction was relevant. It may be assumed that with the consolidation of the congregation, additional topics became relevant, as for instance questions of inheritance, as they are known from Sri Lanka. There, likewise the church's patrilineal structure collided with the matrilineal structure of the surrounding society, and thus provoked negotiation and conflict. I thank Heinz Mürmel for this interesting hint.

in which context and under what circumstances projects to amend an ecclesiastical juridical corpus, such as the 1902 revision of the “Gemeindeordnung,” were undertaken.<sup>113</sup> Reactions to the changes perceived by European Basel Mission staff who were allowed to return to the Gold Coast after 1923 would equally be of interest. Furthermore the mission church and its successor were linked to their context by the mere fact that church members were in one way or another involved in non-group practices and conceptions: There were structural links, as in the “oath-matters,”<sup>114</sup> and Christian and local worldviews seem to have been effective simultaneously.<sup>115</sup>

## Conclusion

The aim of this micro-historical case study has been to gain insight into the juridical practices of a mission church – an aspect of mission history that has not yet attracted the interest of many scholars. The outstation chronicle constitutes a valuable source since, more than other types of document, it sheds light on juridical occurrences at the basic level of the church. We have identified a number of topics concerning the inner-ecclesiastical sphere that encompasses the relations between the members, the congregation and the church.

In a primary phase the predicament of marriages in conformity with church regulations figured prominently; at a later stage interpersonal conflicts gained primary importance (in most cases related to the members’ support for the church through finances or labor). As the cases reconstructed from the source proved, the process of ecclesiastical jurisdiction could extend over a long period. This decision-taking-process included catechists, missionaries/ministers, and members of the congregation, each of whom were bestowed with different competences. It seems that exclusion from the church and its positive counterpart, (re)admission, dominated the range of imposed sanctions in the first five years and subsequently gained more nuances. The introduction of fines as a sanction in cases

<sup>113</sup> “Ordnung,” 3–5.

<sup>114</sup> “[Case:] Man from Nkwabene, Evading Oath Matter” (“Chronicle of Nkoranza,” 14); “[Case:] Johanes Adamu & Brother in Law, Oath Matter” (“Chronicle of Nkoranza,” 75) as well as “Chronicle of Nkoranza,” 17. For a (disapproving) contemporary church perspective see: Basel Mission Archive, D–10.2,8a “About the Country Oath of Asante, N. Asare, 1911.”

<sup>115</sup> The interpretation of the illness or suspected poisoning of Catechist Nyantakyi by his colleagues and successors (“Chronicle of Nkoranza,” 26, 27–28, 35–36.) is a case in point. It is noteworthy that, although the suspected poisoning was reported to Basel, this case was dealt with by a catechist (i.e. on the first stage) (Basel Mission Archive, D–1.101 no. 102 “Jahresbericht der Station Kumase für 1913, F. Jost, Kumase den 20. Febr. 1914,” 22) while the “Chief’s Court” settled the financial matters with regard to the surrounding society.

situated within the Basel Mission community suggests the adaptation of the church's practices to forms that were common in the predominantly non-Christian context.

These findings point to the function of ecclesiastical jurisdiction with regard to the process of group formation occurring in the congregation's formative phase: it standardizes and regulates the adherents' behavior in such a way that the Basel Mission Christians (for themselves and others) become perceptible and reified as a distinct group. We have seen that the cases show a tendency towards two consecutive phases of group dynamics. The relative importance of formally excluding or accepting church members in the first years can be related to the concept of the *forming phase* where a group's boundaries are tested and defined. In the later years we find attributes of the subsequent *storming phase*, in which the group's internal structures diversify and at the same time become increasingly disputed.

Besides shedding light upon the processes, topics, and sanctions of a specific mission church's juridical apparatus I have sought to show how juridical practices could function as a means to create and to sharpen Christian "group identity" in a predominantly non-Christian context. And how, at the same time the interdependence of the in-group and out-group helped to shape juridical forms. For these reasons and because of the inherent connection of law and religious concepts, mission church jurisdiction calls for attention from anyone wishing to explain how a new religious option establishes itself and transforms from an idea into a physical reality.

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