

Conflict Resolution in Africa

CAROLINA ACADEMIC PRESS
AFRICAN WORLD SERIES
Toyin Falola, Series Editor

Africa, Empire and Globalization: Essays in Honor of A. G. Hopkins
Edited by Toyin Falola and Emily Brownell

African Entrepreneurship in Jos, Central Nigeria, 1902–1985
S. U. Fwatshak

An African Music and Dance Curriculum Model: Performing Arts in Education
Modesto Amegago

Authority Stealing: Anti-Corruption War and Democratic Politics in Post-Military Nigeria
Wale Adebani

Against the Predators' Republic: Political and Cultural Journalism, 2007–2013
Biodun Jeyifo

The Bukusu of Kenya: Folktales, Culture and Social Identities
Namulundah Florence

Contemporary African Literature: New Approaches
Tanure Ojaide

*Contesting Islam in Africa: Homegrown Wahhabism and Muslim Identity in Northern
Ghana, 1920–2010*
Abdulai Iddrisu

Contentious Politics in Africa: Identity, Conflict, and Social Change
Toyin Falola and Wanjala S. Nasong'o

Converging Identities: Blackness in the Modern African Diaspora
Edited by Julius O. Adekunle and Hettie V. Williams

Decolonizing the University, Knowledge Systems and Disciplines in Africa
Edited by Sabelo J. Ndlovu-Gatsheni and Siphamandla Zondi

Democracy in Africa: Political Changes and Challenges
Edited by Saliba Sarsar and Julius O. Adekunle

*Diaspora and Imagined Nationality:
USA-Africa Dialogue and Cyberframing Nigerian Nationhood*
Koleade Odutola

Èsù: Yoruba God, Power, and the Imaginative Frontiers
Edited by Toyin Falola

Ethnicities, Nationalities, and Cross-Cultural Representations in Africa and the Diaspora
Edited by Gloria Chuku

Food Crop Production, Hunger, and Rural Poverty in Nigeria's Benue Area, 1920–1995
Mike Odugbo Odey

- Gendering African Social Spaces: Women, Power, and Cultural Expressions*
Toyin Falola and Wanjala S. Nasong'o
- Ghana During the First World War: The Colonial Administration of Sir Hugh Clifford*
Elizabeth Wrangham
- Globalization and the African Experience*
Edited by Emmanuel M. Mbah and Steven J. Salm
- Globalization: The Politics of Global Economic Relations and International Business*
N. Oluwafemi Mimiko
- A History of Class Formation in the Plateau Province of Nigeria, 1902–1960: The Genesis of
a Ruling Class*
Monday Yakiban Mangvwat
- Horror in Paradise: Frameworks for Understanding the Crises of the Niger Delta Region of
Nigeria*
Edited by Christopher LaMonica and J. Shola Omotola
- Ifá in Yorùbá Thought System*
Omotade Adegbindin
- Imperialism, Economic Development and Social Change in West Africa*
Raymond Dumett
- In Search of African Diasporas: Testimonies and Encounters*
Paul Tiyambe Zeleza
- The Indigenous African Criminal Justice System for the Modern World*
Olusina Akeredolu
- Intercourse and Crosscurrents in the Atlantic World: Calabar-British Experience,
17th–20th Centuries*
David Lishilinimle Imbua
- Julius Nyerere, Africa's Titan on a Global Stage: Perspectives from Arusha to Obama*
Edited by Ali A. Mazrui and Linda L. Mhando
- "Life Not Worth Living": Nigerian Petitions Reflecting an African Society's Experiences Dur-
ing World War II*
Chima J. Korieh
- Local Government in South Africa Since 1994: Leadership, Democracy, Development, and
Service Delivery in a Post-Apartheid Era*
Alexius Amtaika
- The Muse of Anomy: Essays on Literature and the Humanities in Nigeria*
Femi Osofisan
- Narratives of Struggle: The Philosophy and Politics of Development in Africa*
John Ayotunde Bewaji



Nana Anama II, aged 97 (Seated on Her Throne), Queen of Asuom and longest-serving monarch (75 Years) in Ghana. She has arbitrated over 8,000 cases.

Conflict Resolution in Africa

Language, Law, and Politeness in
Ghanaian (Akan) Jurisprudence

Samuel Gyasi Obeng



CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2018
Samuel Gyasi Obeng
All Rights Reserved

Library of Congress Cataloging-in-Publication Data

Names: Obeng, Samuel Gyasi, author.

Title: Conflict resolution in Africa : language, law, and politeness in Ghanaian (Akan) jurisprudence / Samuel Gyasi Obeng.

Description: Durham : Carolina Academic Press, 2018. | Series: African World Series. | Includes bibliographical references and index.

Identifiers: LCCN 2018008266 | ISBN 9781531010225 (alk. paper)

Subjects: LCSH: Akan (African people)--Communication. | Akan language--Social aspects. | Conflict management--Ghana. | Conflict management--Cote d'Ivoire. | Communication--Ghana. | Communication--Cote d'Ivoire. | Ethnological jurisprudence--Ghana. | Customary law--Ghana--Language. | Ethnological jurisprudence--Cote d'Ivoire. | Customary law--Cote d'Ivoire--Language.

Classification: LCC DT510.43.A53 O235 2018 | DDC 966.7004963385--dc23

LC record available at <https://lcn.loc.gov/2018008266>

eISBN 978-1-5310-1023-2

Carolina Academic Press, LLC
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

Dedicated to:

Obaapanin Nana Yaa Anama II
Nana Kwaku Doku Ofobi
Okyeame Kwasi Ntiamoah
Okyeame Kwasi Manyina
Okyeame Kofi Tibuah
Opanin Kwaku Fenteng
Opanin Yaw Gyasi
Opanin Yaw Mensah
Awo Abenaa Humuu

Chiefs and arbitrators, who allowed me to sit in their various courts;

And to

Members of the various juries, the court criers, the *gong-gong* beaters (public news broadcasters), and the “court-workers” (who asked to remain anonymous), many of whom provided me with the most important and much needed institutions’ histories, hidden legal geopolitics, and rich cultural mores pertinent to the juridical process and to Akan jurisprudence.

One person does not constitute a jury (Akan proverb).

Contents

| | |
|--|----------|
| Series Editor's Foreword | xv |
| Agreements on Disagreements and the Language of Peace: A Foreword | xvii |
| Acknowledgments | xxi |
| Prologue | xxiii |
| Chapter 1 • Introduction | 3 |
| Background | 3 |
| Overview of Chapter | 4 |
| Who are the Akan? The People and Their Politico-Judicial Systems | 5 |
| The Akan Language | 6 |
| Akan: The Judicial System | 9 |
| A Brief Historical Perspective | 9 |
| The Structure of the Native Judicial System | 11 |
| Nature of Cases Tried in the Native Courts | 11 |
| Who Can Be Called as a Witness? | 11 |
| How Does One Enter a Plea in the Court? | 12 |
| Fines and Court Costs | 14 |
| Appealing a Court's Decision | 17 |
| Akan Judicial Communication as an Institutional Discourse | 17 |
| Brevity and Truthfulness in the Courtroom | 21 |
| No Place for Rudeness: A Brief Look at Politeness | 21 |
| Past Work on Judicial Discourse Analysis | 23 |
| Cognitive Perspective | 23 |
| Power as a Judicial Discourse Tool | 23 |
| Language and Power | 24 |
| Interrogation Style | 24 |
| Gender in Question Formation, Selection, and Sequencing | 25 |

| | |
|--|-----------|
| The Juridical Data | 25 |
| Analytical Framework | 26 |
| Overview of Remaining Chapters | 27 |
| Chapter 2 • Performing Politeness | 31 |
| Introduction | 31 |
| Politeness in the Courtroom | 34 |
| Politeness in Akan Native Courts | 34 |
| Politeness Strategies | 37 |
| Apologetic Expressions | 37 |
| Courteous Forms of Reference | 39 |
| Indirectness | 40 |
| Etiological Tales | 40 |
| Proverbs | 41 |
| Pre-Sequences | 44 |
| Circumvention | 45 |
| Explicit Acknowledgment of an Upcoming Face-Threatening Act | 46 |
| Compliments as Politeness Strategy | 47 |
| Findings | 48 |
| Common Themes among Compliments Paid to Individuals of High Institutional Standing | 50 |
| Kindness and Magnanimity | 50 |
| Fairness/Justice | 51 |
| Proper Administration of Institutional Authority | 52 |
| Wisdom | 54 |
| Common Themes of Compliments Paid to Individuals of Low Institutional Standing | 55 |
| Well-Manneredness | 56 |
| Good or Decorous Speaking | 57 |
| Wisdom | 59 |
| Being Knowledgeable about Akan Juridical Process | 59 |
| Indirect Compliments | 60 |
| Proverbs | 61 |
| Courteous Addressives | 61 |
| Conclusion and Implications for Politeness Theory | 62 |

| | |
|--|-----|
| Chapter 3 • Discursive Constructions in Persuasion | 67 |
| Introduction | 67 |
| Persuasion | 67 |
| Persuasive Communicative Strategies | 68 |
| Remorseful Expressions | 68 |
| Hedges | 72 |
| Deferential Modes of Reference | 74 |
| Speech Forms with Indirect Authorship | 77 |
| Etiological Tales | 77 |
| Riddles | 79 |
| Proverbs | 83 |
| Complimenting | 85 |
| Acknowledgement of an Imposition | 86 |
| Conclusion | 89 |
| | |
| Chapter 4 • Language and Power in Jurisprudence | 91 |
| Introduction | 91 |
| Constituents of Power | 92 |
| Expressions and Vocabulary Used to Mark Power | 95 |
| Expressions of Gratitude | 97 |
| Pleading for Exculpation | 99 |
| Forbearing | 99 |
| Summons, Address, and Reference | 100 |
| Argot | 103 |
| Sociopragmatic Features of Power | 104 |
| Institutional Role | 104 |
| The Court's Announcer | 105 |
| The Arbitrators | 106 |
| Language, Age, and Power | 110 |
| Language, Gender, and the Performance of Power in the Courtroom | 113 |
| Conclusion | 116 |
| | |
| Chapter 5 • Concurrence in Juridical Discourse | 117 |
| Setting the Scene | 117 |
| Preamble | 117 |
| Objective | 119 |

| | |
|---|------------|
| Findings | 120 |
| Analyses of Texts | 120 |
| Concurrence with Explanations | 121 |
| Concurrence without Explanation | 127 |
| Conclusion | 130 |
| | |
| Chapter 6 • Dissension in Juridical Discourse | 133 |
| Introduction | 133 |
| On Defining Dissension | 133 |
| Results and Discussion | 135 |
| Structure of Dissensions | 136 |
| Discussion | 137 |
| Conclusion | 146 |
| | |
| Chapter 7 • Cross-Examination Strategies | 149 |
| Introduction | 149 |
| Linguistic and Metacommunicative Strategies | 150 |
| Conclusion | 175 |
| | |
| Chapter 8 • The Pragmatics of Prosody in Juridical Discourse | 177 |
| Introduction | 177 |
| Past Literature | 178 |
| Prosodic Features Associated with Dissension in Informal Conversations | 179 |
| Dissension in Judicial Discourse | 184 |
| Repercussions for the Use of Inappropriate Prosodic Features | 187 |
| Dissensions between People of Equal Institutional Status | 191 |
| Superordinate Disagreement with a Subordinate | 192 |
| Conclusion | 195 |
| | |
| Chapter 9 • Using Polyvocality to Give Credence to Juridical Facts | 199 |
| Object | 199 |
| Setting the Scene | 200 |
| Credence and Evidentiality | 201 |
| Petitioning and Persuading | 203 |

| | |
|--|-----|
| Challenging a Penalty | 204 |
| Challenging a Verdict | 205 |
| Trustworthiness | 208 |
| Teaching a Moral | 209 |
| Speaking the Unspeakable | 212 |
| Pronouncing Judgment | 214 |
| Conclusion | 216 |
| | |
| Chapter 10 • Sequential Organization of Juridical Discourse | 217 |
| Introduction | 217 |
| Pre-sequences | 217 |
| Pre-announcements | 218 |
| Pre-requests | 224 |
| Pre-disagreements | 227 |
| Turn-Taking | 232 |
| Opportunity-Assignment Rules | 232 |
| Signal-Based View | 233 |
| Phonetic View | 234 |
| Turn-Taking in Akan Juridical Discourse | 235 |
| Interruptive Talk | 237 |
| Summary and Conclusion | 239 |
| | |
| Chapter 11 • General Summary and Conclusions | 241 |
| Implications to Politeness Theory | 245 |
| | |
| Epilogue | 249 |
| | |
| References | 253 |
| | |
| Index | 265 |

Series Editor's Foreword

The *Carolina Academic Press African World Series*, inaugurated in 2010, offers significant new works in the field of African and Black World studies. The series provides scholarly and educational texts that can serve both as reference works and as readers in college classes.

Studies in the series are anchored in the existing humanistic and the social scientific traditions. Their goal, however, is the identification and elaboration of the strategic place of Africa and its Diaspora in a shifting global world. More specifically, the studies will address gaps and larger needs in the developing scholarship on Africa and the Black World.

The series intends to fill gaps in areas such as African politics, history, law, religion, culture, sociology, literature, philosophy, visual arts, art history, geography, language, health, and social welfare. Given the complex nature of Africa and its Diaspora, and the constantly shifting perspectives prompted by globalization, the series also meets a vital need for scholarship connecting knowledge with events and practices. Reflecting the fact that life in Africa continues to change, especially in the political arena, the series explores issues emanating from racial and ethnic identities, particularly those connected with the ongoing mobilization of ethnic minorities for inclusion and representation.

Toyin Falola
University of Texas at Austin

Agreements on Disagreements and the Language of Peace: A Foreword

Toyin Falola

University Distinguished Professor and Jacob and Frances Sanger Mossiker Chair in the Humanities, The University of Texas at Austin

This major and timely book draws special attention to a much-neglected aspect of African conflict: African ways of resolving differences. Professor Samuel Gyasi Obeng's well-documented book provides a path for modern-day mediators to adopt peaceful and culturally congruent means of settling disputes in an African context.

Most certainly, Professor Obeng is a competent scholar, who is able to deploy the insights of an insider of a respected scholarly and indeed Akan (Ghanaian) groups, to provide his readers with an invaluable book. Furthermore, he is very well connected to the complexities of the philosophy of his Akan people. At the same time, he is a scholar of extraordinary merit, with an impressive understanding of Western ideas of conflicts. That, in fact, is the reason he understands both African and Western models, hence he moves us in the direction of what he regards as most appropriate in dealing with issues of peace and conflict. His views deserve our serious attention.

A distinguished linguist, orator, poet, storyteller, and practitioner of Akan arbitration, Professor Obeng painstakingly takes us through the pertinent Akan social and judicial structures, coupled with the communicational mores of the Akan Native Court system. Extremely fascinating to me is his discussion of the African concept of politeness, the extent of its application and performance in Akan conflict resolution, and how the traditional courts deal with rude participants. Also engaging to read is Professor Obeng's elaborate discussion on persuasive strategies used by court participants and how their social and in-

stitutional standing, as well as the cultural and communicative contexts, facilitate the seeking of redress in the courts.

The significance of our author's socio-cultural intervention cannot be over-emphasized. From my own experience in conflict resolution, it is often the case that so-called peacekeepers, regional as well as international courts, and the international community often seem to have limited knowledge and appreciation of the background of African conflicts and the singular significance of African communicative mores that must underwrite a clear majority of conflict resolutions on the continent. Therefore, it is incumbent upon us, as the erudite Professor has cautioned us, to recognize the contributions made across-the-board by Africans to Africa's position in world peace beyond the shallow and race-based analysis of African conflicts and disputes. In this regard, I am reminded of an Akan proverb that translates literarily as: "It is they, who are in a burning house, who possess the knowledge and sensation of how uncomfortable they are feeling and what escape route(s) will best ensure their safe escape and permanent safety thereafter." In this proverbial context, we Africans are the ones burning and, as a result, we understand our own burning pains.

To affirm Professor Obeng's ideas, we must bear in mind that, as a continent, Africa and its multitude of peoples are older than their years of independence, if we are to recall many years of kingdoms and empires, some of which have given ancient names like Ghana, Mali and Guinea to some of Africa's present-day nations. Also, we have had our fair share of conflicts and we have often buried our differences and moved on. African ways of resolving conflicts have, for the most part, worked; but such ways have in recent years been shunned, even disparaged, when needed the most. This book reminds us that it is time to pay attention to our genius, and to use our own indigenous ideas to evaluate what we receive.

Professor Obeng's innovative book addresses the often-created artificial lacuna about how Africans resolve their differences via words instead of using cutlasses, guns, and imported tools of destruction that do not work. Particularly, he addresses the lack of knowledge and the high level of intellectual dishonesty that characterizes how conflicts in Africa are represented, including how Africans are portrayed as people with no brains who only wait for others to either solve their problems for them or show them the way to live in 'peace.'

We must pay attention to the unstated worldview in what our people do. As I read the various chapters, it strongly occurred to me that one important aspect of conflict resolution, which is often misunderstood and hence neglected or misapplied by scholars unfamiliar with the African Native Court systems, is the interconnectedness between language ideology and power and how these

impact the court participants and the overall justice system. Power bestows 'words' upon individuals based on their institutional standing, just as institutional standings also rely on language to become a reality, a dynamic that Professor Obeng professionally synthesizes.

In a very careful manner, Professor Obeng discusses how conflict resolution is not just about disagreements but also about agreements. Indeed, the main target of any conflict resolution, he argues, lies in seeking an amicable resolution via a peaceful agreement. Professor Obeng confronts, head-on, the taboo speech act of dissension and how it is dealt with by the courts. He illuminates the discursive tools and the power-play that is born and nurtured in the courtroom along with how they impact disputants' dissensions.

As a practitioner of the judicial process, the distinguished professor and linguist elucidates the process by which facts are established in his examination of the linguistic structures and juridical interactional tools used in cross-examinations. As a trained phonetician and morphologist, this careful scholar delves into juridical participants' use of suprasegmental features like *loudness*, *tempo* and *pitch* in conflict resolution discourse. I salute Professor Obeng's professionalism in explaining the use of musical terminologies and relating their intersection with power and conflict resolution.

Readers are advised to pay attention to language matters as Professor Obeng introduces us to literary studies by explicating the extent to which polyvocality is employed by disputants and the courts alike in claiming, asserting, persuading, pleading, dissenting, questioning, and challenging assertions and verdicts. Among the communicative tools via which polyvocality finds expression in this book are proverbs, tales and songs. Such tools, he elucidates, are given new life in the court participants' narratives and help give credence and authenticity to their speech acts.

An important aspect of structure that this fine book exhaustively discusses is how turns are allocated, who has the power to allocate such turns, and the consequences of not abiding by the courts' turn-taking rules. He also elucidates how the courts deal with interruptive talk as well as the discursive significance of *pre-sequences*, utterances that precede apologies, compliments, commands, requests, and other speech acts.

One thing the reader will find useful is the author's use of authentic data, his word-for-word transcriptions, translations of idioms, and close and systematic attention to the data. The data is rich, and the explications are fresh, lucid, and highly informative.

Beneficiaries of the knowledge in this book are legion: Africanist scholars, peace-seekers, and the world at large, all will find this encyclopedic reference

of legal exposition an important tool toward world peace. We need this peace. Jurists schooled in Western or other non-African jurisprudence will also find this work a valuable mediation tool. We deserve this knowledge. The Akan say, “No one has monopoly over wisdom.” Indeed, no one legal system fits all, so the more we know about conflict resolution in other cultures the closer we will be to achieving world peace. We deserve to respect others and the knowledge they bring to the table. For bringing yet another set of ideas to the table, Professor Obeng has connected knowledge with relevance, policies with theories, and Africanity with progress. This fine book, close to Professor Obeng’s opus, will ultimately stand the test of intellectual scrutiny and, in the end, contribute unlimitedly to several aspects of African Studies in general and, in particular, as an invaluable scholarship in the annals of linguistics.

Acknowledgments

I am grateful to the numerous scholars who painstakingly reviewed the manuscript of this book at various stages of its development. Particular thanks go to Professor Toyin Falola of the University of Texas at Austin for editing this book and for writing the foreword to the book. Dr. Tracy Nigel and Mr. Samson Lotven edited and proofread the manuscript at different stages. Sincere thanks also go to colleagues in law and linguistics who provided critical guidance and direction.

I am grateful to the College of Arts and Sciences at Indiana University-Bloomington, and especially, to Executive Dean Larry Singell Jr., who, after eight difficult (but rewarding) years spent as Director of the African Studies Program, offered me a well-deserved leave that enabled me to complete a considerable portion of the manuscript. Also, the sabbatical leave offered to me in the fall of 2017 enabled me to put finishing touches on the book manuscript.

I am most indebted to all the participants of the courtroom domains from which data for this book were gathered, and to my son, Barnabas Obeng-Gyasi, who kept me on my toes each day. His question was always “When will you finish writing this book on law and move on to that on politics?” Well, this book is done! Let us begin other projects, Barnabas!

Last, but not the least, the other members of my family, Cecilia, Samilia, and Emmanuel, supported me in ways that can best be expressed and amplified in the Akan proverb: *The contributions made by the forest that gave you a life-line should not be downgraded or diminished!*

Prologue

The Court Crier motioned for all to stand.
He cleared his throat and verbalized the following words:

All must stand!
All must give up on words!
No words!
Nothing but silence!
The Owner of this town is coming to court
She is walking gorgeously
Absolute Silence must greet her
From time immemorial,
The Path has crossed the River
And the River has crossed the Path
We know who, among the two, is older.
When the Path was constructed,
The River already was!
The River has been in existence since creation
It is the River that has a Tongue
It is River Apaam that has the power of speech
All must remain silent until the Big River gives permission to speak.

God (Ananse), *The Big Spider*,
Did not sell speech
He gave it without charge
But speech is never free!
The Wise know how to appropriate it for their benefit
Fools use it to their peril
Remain silent, and speak only if you are permitted to do so.

In this palace, speech can be costly
 In this courtroom, speech can be used inexpensively
 You just have to know when it is “for sale,”
 And you must know when it is “free.”
 Trouble does not hunt and look for People,
 People hunt and look for Trouble.
 This court, this assembly, is going to be about Trouble
 Then it will be about bringing Peace
 Trouble and Peace live on the opposite sides of this town
 Peace and Trouble are not on speaking terms with one another.

She is sitting down!
 The Owner of this mighty court is sitting down
 She has sat down!
 She has indeed sat down!
 All and Sundry must sit down!
 Court now begins.
 Remain silent and listen to the rules of this court
 Remain silent and let the wise speak first
 Speak truthfully!
 Speak briefly!
 Lengthy speech is forbidden in the court!
 After all, *a genuine case is presented briefly*
A genuine case is indeed argued in brief!
 Speak with Modesty
 Speak in Modesty
 He who speaks arrogantly is hit with a hefty fine
 He who speaks humbly, is rewarded by the Elders
 I have laid every rule bare for One and All
 I have hidden nothing from the *Big Spider's children*.

Samuel G. Obeng