

THE LANGUAGE OF THE OTHER: DECOLONIZING RHETORICAL CONSTRUCTION OF TRADITIONAL COURT PROTOCOLS AND THE PLACE OF THE WOMAN

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Abstract

In times past, language and its usage captured, upraised, and lauded men while women were relegated to the background. In the traditional court, many protocols mainly put the woman in a position of the 'hidden' and the 'muted' index. Guided by the Muted Group Theory by the Ardeners and the Kramaraen theory, the paper addresses the language and symbolic protocols explored in the traditional court in Nae We, Gbese, Jamestown Court, in

the Greater Accra Region. Through observation, interviews, and focus group discussions, the paper looks at women's language use their possible inclusivity in the light of neo-colonialism and language freedoms that existed in the traditional court protocols and proceedings. The study reveals that language independence keeps the female 'muted' so far as conventional practices thrive from generation to generation. Subsequently, study concludes that, despite the inclusion and the sustainability of the use of the wisdom of the old woman as embedded in language, female inclusivity and active involvement are only heard in the use of language. The study recommends that, a place should be made for the woman to be seen as equally as she is heard.

Keywords: *Language, colonization, traditional courts, female oppression, cultural mediation*

Introduction

In Africa, particularly in Ghana, individuals with the skill and ability to express themselves during public events and gatherings are revered and shown love. One who is bold enough to stand before a large audience and present ideas, speak for a party, or negotiate in the face of resolution of issues is seen as extraordinary. To some, this individual is seen to be old. Oratory is closely related to eloquence; thus, societies look on such skills to appoint individuals to hold certain positions, even at the political and traditional levels. In most African settings, these individuals are selected to be the key spokespersons or linguists for the community and the traditional authorities. They are sometimes considered mediators in conflict situations due to their elegance and ability to play with words (Iwuh, 2019). The position of the mediator and the art of mediation in the traditional court are not underestimated in traditional royal communication due to their role and contribution, which are deeply embedded in their cultural and social fabrics (Yankah, 1995). Traditional linguists serve as cultural bridges between various parties in a conflict (Iwuh, 2019). Their depth of understanding regarding local culture, language, and social norms allows them to comprehend and communicate messages effectively and sensitively. Also, these individuals are often appointed as advisors to chiefs and elders due to their insights and interpretations of community sentiment and customary law, which inform traditional leaders' decisions and ensure that rulings are culturally appropriate and widely accepted.

However, gender imbalances in this area continue to widen as it has been identified that males dominate the mediation process in most local traditional royal discourse (Finnegan 1970). More often than not, females are relegated to the background for several reasons, attributed to the emotional attachments women have in certain conversations and other psychological development.

For instance, Tannen (2001) argues that the female gender may attach more emotions (pathos) in the conflict mediation process when made a primary mediator in resolving conflicts rather than the reasoning (logos). However, Potter et al. (2005) believe that the role of mediation, especially within the traditional court, should not be a place for only males because when women arbitrate disagreements, they are more inclined to consider the larger implications for families and children. This comprehensive strategy can result in more sustainable and better outcomes for the entire community (Potter et al., 2005).

Anderlini (2007) also postulates that women mediators can enhance social cohesion by addressing conflicts' underlying social and relational aspects. Their involvement often leads to solutions that strengthen community bonds and foster long-term peace. Also, in many cultures, women have traditionally served as peacemakers in their homes and communities (Cheptepkeny, 2015). According to Potter et al. (2005), recognizing and formalizing the roles and positions of women as mediators and linguists inside traditional court systems allows them to use their existing talents and social capital to promote community integration. Nevertheless, this is not the case, especially in Ghana. Despite the significant contributions that women can make in serving as mediators in traditional court proceedings, their position within traditional court systems, especially in Ghana, often reflects broader patterns of gender inequality and marginalization. Although Ghana has seen significant improvement in ensuring all persons are given equal opportunities, some cultural practices and norms still pose significant threats to achieving gender equality. However, if women are the core of home and peacebuilding, they should equally participate in the conflict mediation process.

In many traditional African civilizations, the position and roles of most women in judicial and conflict resolution are heavily due to historical and cultural conventions of the past. Most traditional customs in Africa are used to practice the patriarchal system, where the male figure is seen to be the head of all legal and social affairs. The Nae We Traditional Court is among the many traditional institutions that resolve conflicts within its community and provides a clear example of how these past historical norms and conventions are reflected in their judicial practices. This study examines the traditional position of women in the conflict mediation process at the Nae We Traditional Court. Historically, the court protocols and structures have been influenced by patriarchal systems that prioritize male authority and decision-making roles. If there is a need for women in the traditional judicial process, they are often given a peripheral role or symbolic participation without any significant influence on outcomes. This marginalization not only diminishes the potential contributions of women but also perpetuates gender biases that can impact the justice process (Potter et al., 2005).

In the traditional court system at Nae We, Jamestown, Accra- Ghana, a lot of court protocols relegate the female to the background. Ranging from biological to societal and even historical reasons, the female is not actively heard as on who is fully involved in the mediation of conflicts at the traditional court. Although the theory of peaceful negotiation of conflict is embedded in the rhetoric and metaphor of the Wisdom of the Old Woman, when deliberation reaches the heated point, there is no 'old woman to consult.' On this premise, this paper builds its argument concerning the dynamism of language whereby the practice of what language posits is not seen. This paper argues that the female has been placed as the 'other' although the language makes her prominent. The problem addressed in this research is the systemic exclusion and marginalization of women in the conflict mediation process within the Nae We Traditional Court. This case reflects the greater gender disparities that exist in many traditional court systems across Africa and other regions with similar cultural heritages. The study's task is to identify the motive behind the

relatively muted role of the female by establishing some cultural conditions, which will be discussed in the subsequent chapters of this research.

Addressing this endemic issue of marginalization within our traditional court is critical to achieving gender parity and improving the efficacy and fairness of traditional conflict resolution systems where inclusivity is at the heart. Also, because the traditional court is highly revered among community members, promoting the significant role of women in the arbitration process will go a long way to rewrite the story of gender equality in the community and the county at large. By addressing the question: Which position has tradition placed the female in the conflict mediation process in the Nae We Traditional Court? The study found that, like many other traditional courts, it is evident that, although women may be part of the mediation process, they are only seen but not heard. This study is significant because it sheds light on the structural constraints that prevent women from fully partaking in traditional conflict resolution settings and proposes methods for more inclusive and equitable practices. The study at the end recommends the urgent need to marry tradition, gender, and the justice processes, especially within our traditional courts, to achieve inclusive growth and promote sustainable development.

Literature Review

The Mediation Process and the Female Factor

As years go by, through theories and practices, researchers and policy-makers have realized the significant role females play in ensuring peace, inclusive growth, and sustainable development (Olonisakin et al., 2010). Among these areas of concern are the females' role in the mediation process within most traditional courts, which, through customs and norms, has led to gender inequality and marginalization. Several reasons have been offered for this in the quest to rewrite the story of women in the traditional court mediation process.

One notable barrier identified in the literature is the too much emotional attachment of women when it comes to conversations and family issues. Tannen (2001) argues that men and women are products of different cultures because of how they approach conversations, and misunderstandings often arise due to how women connect emotionally in conversation. The female gender may attach more emotions (pathos) in the conflict mediation process when made a primary mediator in resolving conflicts. Women aim to consider the emotional aspects of issues rather than the reasoning (logos). Badcock (2003) argues that due to socialized behaviour, women hardly request what is due them in society.

Biologically and psychologically, it is believed that women and men have been the subject of intellectual speculation and pronouncement (Rakow, 2006). Women and men have been the basis upon which customs, manners and laws have been constructed and justified and where research has been conceptualized and executed. To Rakow (2006), the concept of sexual differences and the types of communication research it has encouraged suggests that 'gender is a verb' created by communication, which also creates communication. All in all, women's involvement in issues is vital for developing a community and a nation as a whole. Women, in their usual sympathetic and emotional nature, in many ways, help calm down tension in the wake of conflicts when they are involved in the resolution of such issues.

Wall and Dewhurst (1991) explored differences between male and female mediators' use of communicative behaviour specific formulations in resolved and unresolved mediation. It was deduced that there were differences in formulations used by females and males. Females used more controlling formulations, just like their male counterparts. Formulations were seen to preserve

meaning, delete unnecessary details and transform information. Formulations also manage roles and imply a decision from the recipient through confirmation or 'disconfirmation.' The authors comment that females used more formulations than males. There was also the issue of gender perception relating to mediator competence, clarity and fairness. The authors classify some forms of formulation as Reframing, Paraphrasing and Summarizing. In the mediation of conflicts in the traditional courts, mediators (Akyeame) may employ either or all of these forms of formulation to relay information to and from the Chief and the participants.

The woman in the present day focuses on developing herself and becoming useful in the community in which she lives. Women in Africa are recognized for their hard work on the farms and their ability to sustain their families. Throughout the pre-colonial West African ethnic groupings, women's social status differed. However, because of their social responsibilities in ancient practices like marriage, mourning rituals, and circumcision, women gained status and recognition. (Amoah-Boampong & Agyeiwa, 2019). The idea that women are able to gather families and communities at large for one purpose leaves these women to be left to what has become their expertise. As a result, these women are mostly seen in action, performing duties, facilitating processes, and bringing abstract systems to fruition. However, when it comes to contributing verbal ideas to policies and practices in the traditional setting, these women are hardly consulted or not consulted at all. Women have been excluded from shaping history—that is, from organizing, and interpreting humankind's past. Since the development and maintenance of civilization depend on this process of meaning-giving, it is immediately clear that women's marginalization in this endeavor puts us in a distinct and segregated position. Despite being the majority, women are treated as minors in social institutions. (Lerner, 1986).

Theoretical Framework

Muted Group Theory

The theory developed by Shirley and Edwin Ardener in the late 1960s posits that because language is man-made, women remain reduced and excluded. The Muted Group Theory has a firm foundation developed by the Arderners in 1960. West and Turner (2010) assert that Kramarae (2014) brings out three assumptions that directly deal with communication. To Kramarae (2014), the three assumptions outline a picturesque view of the Muted Group Theory. To this, the three assumptions posit that, first and foremost, women view the world differently from men because men and women experience different perceptions. The difference is grounded in the division of labour between men and women. Second, men gain power politically and always keep their political supremacy by preventing women's opinions, ideologies, and meanings from gaining public acceptance. Third, to participate in society and its development, women must translate their unique ideas, meanings, experiences, and exposure into male language or modes of expression. It is quite undeniable that, based on these assumptions, the place of the woman, even in language, sits within the confines of a male-dominated society.

The Muted Group Theory, however, identifies some flexibility in its approach (West & Turner, 2010). The flexibility mentions the underlying differences between the Arderners and Kramarae when applying the theory. Whereas the Arderners looked at the theory through the lenses of diverse cultures, Kramarae used the theory within the context of male and female communication in the United States of America. Because culture is dynamic and may vary from culture to culture, the Muted Group theory stands to fit within the Ghanaian context accurately or partially. The study then identified a meeting point that places the Ghanaian woman at the center of society and its development. Prah (1996) argues that women's involvement and contribution in nation-building

rests primarily on economic development. To this, the Ghanaian woman is recognized to be robust in development in the informal sector, identifying the woman as the main bread basket to the nation's economic growth and development. This goes to support Kramarae (2014)'s first assumption, which posits that women may be different from men by the division of labour. Prah (1996) provides a grouching to accept that the contribution of women in economic development in the informal sector is more readily made visible and acknowledged than their contributions and efforts in the formal sector. Since men have created words and norms, women are disadvantaged in public discussions and deliberations. As an anthropologist, Edwin Ardener considered the male-based understanding of society and its representation as a dominant worldview, which silenced and muted other groups. This implies that as women become less muted and more vocal, the dominant position of males in society will diminish.

The theory suggests that women are constrained in the sense that generally accepted language practices have been generated by men. Muted Group Theory further opines that people attached or assigned to subordinate groups may have a lot to say, but they tend to possess little will to say it without finding themselves in trouble. Those in the dominant positions disrespect their speech, and their ideas and views are not considered enough for open or public decision-making or policy-making processes of that culture.

Furthermore, the theory addresses how the discourse of dominant groups is centred in society while the perceptions and experiences of others are marginalized. This theory describes the communicative nature of marginalization by examining how opportunities for voice and resistance to being silenced are socially constructed and grounded in cultural identity and group membership. The theory is based on the idea articulated by Edwin and Shirley Ardener that every society has cultural groups traditionally muted, given less access than members of the dominant group to public discourse and to having individual and community concerns.

In some cultures, this theory has most often been used to explain how gender differences in power are perpetuated. It has been applied to other identity groups, including those based on racial identity, age, geography and workplace status. Unlike social scientific theories that aim to predict behaviour, this theory describes the phenomenon of muting. It helps one to understand and interpret situations where not everyone is given an opportunity to participate fully in social discourse. The theory helps to explain the rather muted role of the woman within the traditional court. The theory will also contribute to explain the idea of the silent role of the woman in the traditional court.

Methodology

This is a qualitative study underpinned by the critical theory philosophy, which concerned about critiquing and changing society rather than merely understanding the phenomenon. Data collection methods used in this study were interviews, observation, and focus group discussions. As part of the data gathering processes, the authors observed some traditional court proceedings that both males and females were sure to attend. Nine cases were documented, including land disputes and family quarrels. There were no criminal cases because the traditional court had no right or authority to sit on criminal cases. All cases were mediated by men, with the female predominantly found among the audience. Made up of a panel of eight men, five (5) were the council of elders, one (1) was the spiritual head of the traditional court, one (1) served as the secretary, and the last of them was the bailiff. The spiritual head governs sub-towns spiritually within the Ga Metropolis in Accra, Ghana. He serves as the ceremonial head during functions such festivals were libation must be made to ancestors. He also represents the Ga Metropolis as the traditional head during national

events. The council of elders each demonstrated mediator skills as they took turns questioning and mediating cases after the secretary called and read the case. Mostly made of retirees from active civil service, the council of elders at the traditional court exhibited years of knowledge and experience in their line of duty at the court. The data, gathered from interviewing the mediators and other court officials was analysed thematically. An observation chart also helped in the analysis of the observation at the traditional court. Focus group discussions followed in order to test the thoughts of mediators and other respondents. This helped to check the thoughts of respondent outside the court environment. Respondents were at ease as they agreed and disagreed on issues raised during the data collection process.

Discussion of Findings

The Mediation Process, Culture and Gender Influence

One may question why women are continuously relegated to the background in these times of modernity. In ancient times, the role of the woman has always been domestic. Even when a woman is career-oriented and superior, she is expected by society to put the man before herself. In traditional African societies, many tags have been placed on the woman to make her incapable of standing with the male gender. A common Akan proverb describes the woman as powerless and inefficient, and the man is seen as the custodian of the gun that a woman purchases. To wit, no matter the depths of achievements of a woman, she can never match the supremacy of a man. It appears that at certain stages in a woman's life, society makes her unsure of her rights and privileges, thereby making her unable to demand what is due to her (Badcock, 2003). From the language use, the culture of socializing, and the distribution of chores in the home, society makes women appear vulnerable. Badcock (2003) has a point when the idea of society's design of a woman is mentioned.

Culture and gender contribute to providing proof that women may stand firm for their place in their careers and even in their homes. Prah (1996) states that women's involvement and contribution in nation-building rests primarily on economic development. Their provision to the bread basket of many homes and sustenance of the non-formal sector is mainly visible. Women may be given opportunities to be visible and be seen in these non-formal areas of development more than in other areas such as the formal areas. In the traditional court, the place of the woman is muted, reflecting on how the practice has been from the past until now.

When the opinion of one of the traditional court apprentices was sought for the study, he expressed his concern about what he has been trained to accept and what his experience over the years has confirmed. According to him,

“... tradition would only request for the position of the male before the female is mentioned. For instance, consider this greeting: Agoo Ataa me ke Awo me...” (Male participants)

To translate, the *Agoo* is a greeting, the *Ataa* is an accolade for fathers, and the *Awo* is used for mothers. Therefore, according to this participant, even the greeting is arranged to beckon the male before addressing the female as in *Agoo Ataa me ke Awo me*. To wit, the permission of the man is paramount. A male's approval is respected and revered regardless of the societal status of the female during traditional gatherings. He explained that some people have corrupted the appropriate manner in which the greeting must be made. With this, he emphasized that traditional practice addresses the male first. As the interaction continued, he again cited one of the names used to describe the Supreme Being, *Ataa Naa Nyomno*. In Ga language, the Supreme Being is addressed as a father and given a female attribute once again. *Ataa Naa Nyomno* is used to describe the

masculinity and femininity of the Supreme Being. As masculine, he is seen as strong and mighty and feminine, the compassionate attribute of the female is alluded. Even though the female attribute given to the Supreme Being runs in some other Ghanaian languages, such as Akan, the participant reiterated that the female exists to be motherly, accommodating, and welcoming, but tradition will always revere the strength and authority of the male. In Africa, particularly in West Africa, gods are conceptualized as male and female. In Ga traditional communication, as explained earlier, the male is *Ataa*, and *Naa* is the female. Meanwhile, although the two, thus male and female are recognized in one being, one gains prominence over the other. This continues to put the female as the other in the communication of language and its use for different traditional purposes.

The study found out that there are some laid down protocols, either through norms or conventions, which have contributed to the further marginalization and relegation of women when it comes to traditional court proceedings. For instance, in the Nae We Traditional Court, most protocols that must be observed strictly are women-centered (As shown in Table 1). Most of these protocols appear to isolate the feminine out of the practices at the traditional court. A closer examination of the protocols means that the female is restricted from freely 'enjoying' the privilege of participating in the affairs of the traditional court. The researchers visited the premises with a female resource person. Knowing the protocols observed at the traditional court, the resource person preferred to wait for the rest of the team at the outhouse of the premises of the traditional court. However, its explanation to some of them sounded meaningful, considering the situation within which these protocols were outlined.

Table 1: Protocols to be observed by women

Protocols	Meaning
A woman in her menstrual period is not permitted at the premises	She is considered unclean
Widows are not allowed.	They are considered vulnerable.
Nursing mothers with babies (3 months and below)	The child may convulse
Hair must be covered.	The hair is considered the crown of the woman, especially when naturally locked/ It has been the practice.

Source: Author's Field Work 2022

Culture has designed and maintained these protocols to keep these women in check and, in a way, entirely enclosed. Meanwhile, it is the major cause of marginalization because, for instance, menstruation is a biological process, and therefore, excluding and classifying women as unclean based on that is not just unfair but inhuman. However, society, in turn, has lived to accept these protocols and, for a fact, recognized them as normal practice till the present day. In the traditional court, a woman in her menstrual period is not allowed within the perimeters of the traditional court.

Menstrual taboos restrained women from assuming positions of authority among the Asante people of Ghana, including chieftdom. Menstruation was thought to have tainted the ancestral shrines and stools (Akyeampong and Obeng 1995). As a result, reproductive women in the royal household were kept apart during their time of the month (Wilks 1993). The sacred nature of the traditional court disallows a woman who is menstruating because she is considered 'unclean' (Nuumo Akwaa Mensah III). When asked a participant the reason behind this exclusion of women based on their

mensural cycle, he argued using 'traditional science to explain how the blood that flows is associated with 'dirt' and, for that matter, considered unclean.

The study observed that two doors were made for such purposes to keep the females away during such situations. We observed that each room has two doors; one looks outside and can be used by the female to enter the rooms without using the doors within the premises. To this, Asafoatse Abrantie had this to say:

Tamɔ yoo ni eye eyouthful nii nɛɛ, ona, mɔ ni ɲ'ya tsuiasɛɛ kɛ nibii, dabi. Hewɔ wɔ wɔshia nɛɛ wɔyei amli nɛ to the next house. Hewɔ mɛi ni e'attain nakai age'e fɛɛ ja mɔ ni efo erm erm erm kɛ ekpa eni nɛɛ lɛ'e ebaanye ni erm eye hegbe... (Asafoatse Abrantie, Nae We, Gbese, Jamestown, Accra)

For instance, a young lady menstruating. All those in this age bracket are not allowed, except maybe you have stopped menstruating. (Asafoatse Abrantie, Nae We, Gbese, Jamestown, Accra)

Extract 14. (Ref. NWA 101)

Despite the protocols that appear to restrict women within the perimeters of the court, elders grant women equal opportunities to speak when they have to stand up for themselves. It is believed that individuals in a communication situation may have specific characteristics. They exhibit a level of their status in society. Carli (1990) argues that women speak well and are likely to speak well within a given communication situation, making them more influential than men. It can be argued that some women speak well but are not allowed to do so due to traditional beliefs and customs. Although it was gathered in this study that since the inception of the traditional court, women have not been part of the mediation process, the participants again admitted that modernism and trends in current practice may allow women to be part of the traditional processes. His words were that women did not start with the practice of mediating and resolving conflicts in the traditional court. This implies that the old practice cannot be reversed. In his words, he said:

Erm nɔ ni wɔɔ mli ji wɔke yei ejee shishi. Nɔ ni hewɔ ni wɔke yei ejee shishi'e, erm wɔ wɔ wɔnaabuamɔ mli no mli'e hiimeji onaa no mli yeimei amehaaa guidance upon nii nɛɛ akɛ I'm prepared to ehɛɛ... (Asafoatse Abrantie, Nae We, Gbese, Jamestown).

The reason is that females do not start. We do not begin with females because they guide during our sittings. (Asafoatse Abrantie, Nae We, Gbese, Jamestown).

Extract 15. (Ref. NWA 101)

He further mentioned that, even when given a chance, the woman may ignore the main reason for which she was assigned the mediator role in the conflict resolution process.

Ebaaya po ni kɛ akwɛɛɛ lɛ moɲ eyaasupport mɔ ni abasama lɛ kɛ lɛ moɲ eyafite sane shi nuu neke akɛɛ lɛ akɛ "kɛ otee nɔɲɲ, kɛwo edɛɲ nɔ ni oba." (Asafoatse Abrantie, Nae We, Gbese, Jamestown).

The reason is that females are not attentive. She will edit the whole story. She may end up supporting the complainant, which will not help, but the male has been told to hand over and get back. (Asafoatse Abrantie, Nae We, Gbese, Jamestown).

Extract 16. (Ref. NWA 101)

Apart from the women not being actively involved from the beginning, in Extract 16 above, the interviewee mentions that even if a woman is involved, she may not be attentive. He believes that the woman may not be objective in the conflict mediation process. He further explains that the

women may take sides, supporting a party against the other party. To him, the men are focused on the task of the women. In an interaction to probe further, he mentions that the bailiff's position to summon individuals to the court cannot be performed by women because it is sometimes a dangerous and difficult job. All other arguments emphasize that women may not be actively involved in any stage of the mediation process, from the beginning to the end. The only active role will be their presence as a part of the audience.

Perelman and Olbrechts-Tyteca (1958) indicate that depending on the situation, a Speaker may or may not have this quality, without which he will not be encouraged or, in many cases, even permitted to talk. Occasionally, it will be sufficient for the Speaker to come out as a human with a respectable status. He is sometimes expected to wear a suit and tie and be an adult. He needs to be an ordinary member of the group in question within the context of a given situation, be it the spokesperson of an organization previously or in certain conditions. These issues are relevant in some communication fields, and the qualification, to speak is significantly regulated carefully. The qualification here in the traditional court hardly follows any regulations. Once an individual can speak to defend a case levelled against him/her, the court is ready to listen.

Considering all the cases observed, the research identified that only the case on verbal assault had a female as a witness to support the complainant. All other cases, recorded a high number of men most of the time speaking for or defending a female. Even when the opportunity was given to the female to say something, she either declined or chose a male to speak on her behalf. The practice of public speaking and the rhetorical practice of courtroom speeches are seen to be the specialty of the male, as confirmed by the research.

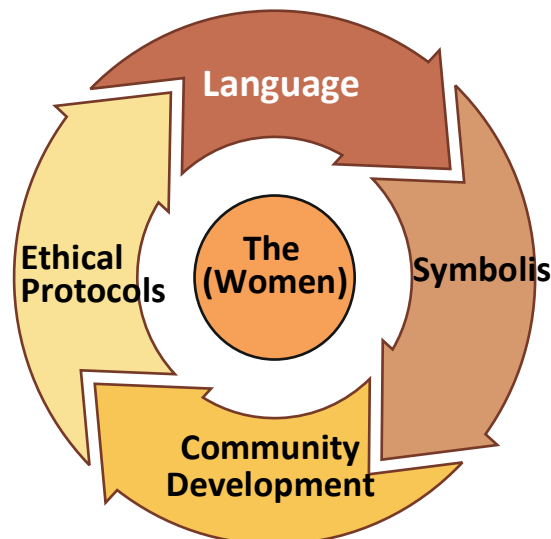


Figure 1: Model of the Muted
Source: Author's Construct

Figure 1, gives an image of the interrelatedness of all other concepts that evolve around 'the muted' but does not include the ideas and contributions of the muted. The model was drawn on the premise of the language use developed by society in the sense that 'the muted' (the woman) is only seen but not represented. For instance, in addressing elders and audiences, the apprentice explained to the researcher that tradition addresses the male as the primary being and the female as the other. Even in language, it is arranged to address the male before addressing the female. Protocols about language which pay homage in the traditional court revere the male most irrespective of class or

status of the female. Symbolism, which follows the language in the model above, equally captures the female but hardly involves her in traditional court dealings. With symbolism, the protocols that need to be observed capture the woman in the majority. However, it appears as a form of restriction that puts the woman in a cage. This cage seems to be a form of restriction rather than adhering to traditional court ethics in the Nae We traditional court. Suppose the woman (muted) is part of the process of the proceedings at the traditional court, whose contribution and suggestions are considered equally as her male counterparts. In that case, some of the protocols may as well lessen the stringency of rules on the woman. It is worth mentioning that these forms of symbolism, which further appear as 'protocols', do not allow the woman to operate efficiently. It keeps them seen rather than heard during traditional court proceedings.

Furthermore, in as much as language and symbolism get connected around the 'muted' but do not get her fully involved, they (language and symbolism) draw the contribution of the 'muted' in community development. While acknowledging the inputs of the muted in community developments, the elders in an interaction admit that the place of the woman in traditional matters may not be highlighted, but it cannot be excluded. Women are always seen and recognized in community and national development. The contributions that these women make are duly recognized. This is so in the sense that most responses through the focus group discussions are seen to laud the woman's resilience and persistent push to productivity. Even in the areas of ethical protocols and adhering to them, the women found no issue with the fact that they appeared restricted. It was evident from the study and the engagement with women, especially, that the constant practice has made women accept their current situation as being muted as a normal practice. For some reason, they appeared at some point to question why the researcher was examining their muted position.

Conclusion and Policy implications

In conclusion, although women play a significant role in national development, their current place especially in the traditional court proceedings, has largely been influenced by historical and conventional practices over the years. Women's relegation to the background in traditional court proceedings is not merely a consequence of social customs but is deeply rooted in communication barriers, biological and physiological traits, and entrenched patriarchal ideologies. The traditional court may have restrictions on the activities of the woman. Although women may be part of the mediation process, they are only seen but not heard. This is because there are no women at the forefront of the mediation process in the sense that all the elders are men only. Decolonizing these protocols involves addressing these barriers, challenges, and the power structures that sustain them. By reimagining traditional court systems to be more inclusive and equitable, where women are not only seen but heard, we can honor the original intents of these practices while promoting social justice and gender equality. This not only strengthens the credibility and effectiveness of these courts but also helps drive broader social and cultural changes toward gender equality and inclusion.

Also the traditional courts could use more inclusive language and communication techniques that account for the many ways in which women express themselves. The court should create an enabling environment to avoid intimidation in events where women are allowed to speak. This can be accomplished by training court personnel in gender-sensitive communication and ensuring women's voices are heard and valued throughout the procedures. Also, it is recommended to the Ministry of Gender and Social Protection that community engagement is urgently needed. Because these women, over the years, have been relegated to different backgrounds when it comes to

mediation, it seems they have come to accept this as their permanent place and role. Therefore, there is a need for dialogue about the importance of gender equity in traditional court systems is crucial. Sensitization efforts can help change cultural norms and attitudes that contribute to women's marginalization. Involving community leaders and stakeholders in these initiatives can boost their efficacy and sustainability.

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