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**METHODIST UNIVERSITY COLLEGE GHANA**

**DEPARTMENT OF SOCIAL SCIENCES (PSYCHOLOGY UNIT)**

**EMOTIONAL EXPERIENCES OF CONTESTING PARTIES OF PROBATE OF WILL  
IN ACCRA, GHANA**

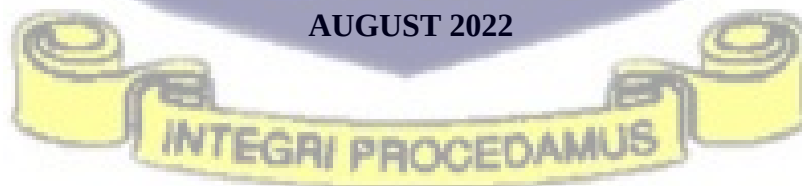
**BY**

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**THIS THESIS IS SUBMITTED TO THE METHODIST UNIVERSITY COLLEGE  
GHANA, IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE AWARD  
OF A MASTER OF PHILOSOPHY DEGREE IN GUIDANCE AND COUNSELLING.**

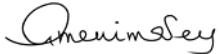
**AUGUST 2022**



## DECLARATION

I, Adwoa Mensima Sey, hereby declare that except for references and other citations, which have been acknowledged, this dissertation is done by me under the supervision of Prof. Daniel Bruce and Mr. Gladstone Agbakpe as part of fulfilling my obligation to the Methodist University College Ghana, Faculty of Arts and Social Sciences, Department of Social Sciences (Psychology Unit), Dansoman. This work has never been presented for any other degree to this university or elsewhere.

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**CERTIFICATION**

I hereby certify that the preparation and presentation of this dissertation was supervised in accordance with guidance on supervision of project work laid by the Methodist University College Ghana.

**SUPERVISOR:      PROF. DANIEL BRUCE**

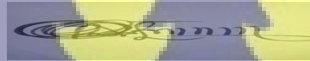
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## **DEDICATION**

This research work is dedicated to all widows going through any form of emotional experience as a result of contention of wills.

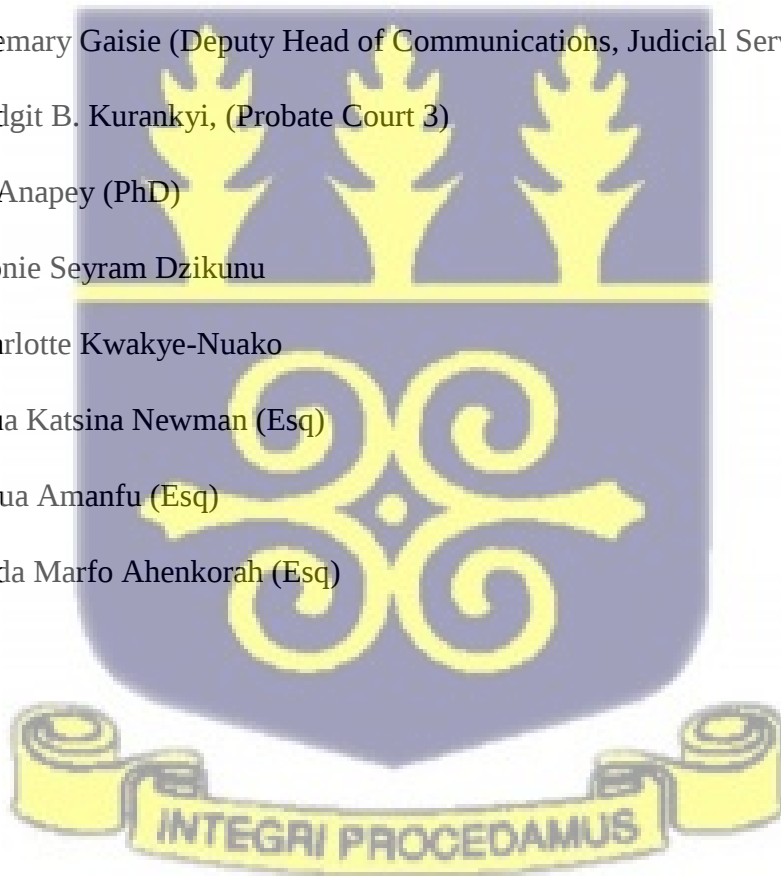


## ACKNOWLEDGEMENT

My sincere appreciation, first and foremost, goes to the Almighty God for enabling me complete this work successfully.

I also wish to acknowledge the following persons for their immense support in completing this work:

- Rev. Francis Sey (My husband)
- Justice Sarah Aryee (Mrs), (Probate Court 3)
- Justice Eudora Dadson (Mrs), (Probate Court 1)
- Justice Cynthia Pamela A. Addo (Judicial Secretary)
- Ms Rosemary Gaisie (Deputy Head of Communications, Judicial Service)
- Mrs Bridgit B. Kurankyi, (Probate Court 3)
- Gideon Anapey (PhD)
- Mrs Leonie Seyram Dziku
- Mrs Charlotte Kwakye-Nuako
- Mrs Ekua Katsina Newman (Esq)
- Nana Efua Amanfu (Esq)
- Mrs Freda Marfo Ahenkorah (Esq)



## ABSTRACT

This study investigated the emotional experiences, psychological trauma and coping strategies of individuals contesting in probate of will. Employing a mixed-method sequential explanatory design, data was collected among sixty-two bereaved individuals at the Law Courts Complex (Probate Courts 1 and 3) in Accra, using a semi-structured questionnaire and an interview guide. Purposive and snowballing sampling techniques were also employed to identify bereaved individuals who were going through the probate of will at the Probate Courts. The data was analysed using SPSS version 22 and thematic analysis for the in-depth interview. Descriptive statistics, correlation, Chi-Square statistics and thematic analysis were used to analyse the various objectives. The results revealed that 30.6% of the respondents were widows, 27.4% had lost their siblings, 22.6% of them had lost their fathers while 14.5% had lost the mothers. The least (4.8%) of the respondents had their wives dead. Also, 59.7% of the participants who were going through the probate of a will were highly educated, thus, had secondary education and 72.6% of them were Christians. The findings showed a strong positive correlation between emotional experiences of participants and their psychological trauma. Also, educational background and religious affiliation of the contestants were significantly associated with their emotional experiences. It is recommended that counselling sessions for bereaved individuals contesting for the probate of will should be enhanced to prevent mental health issues.

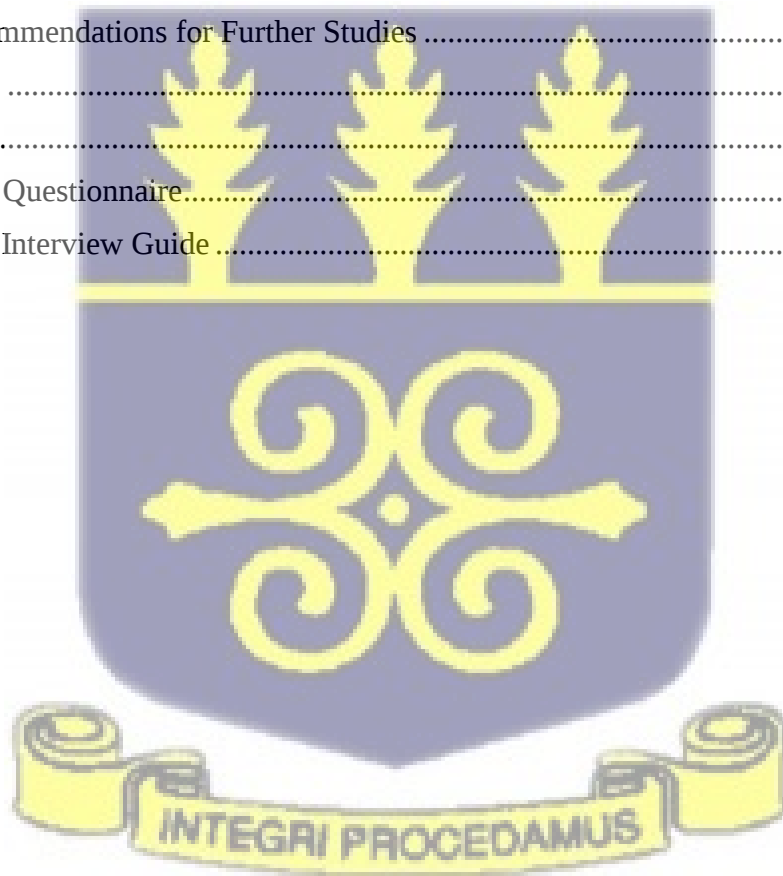


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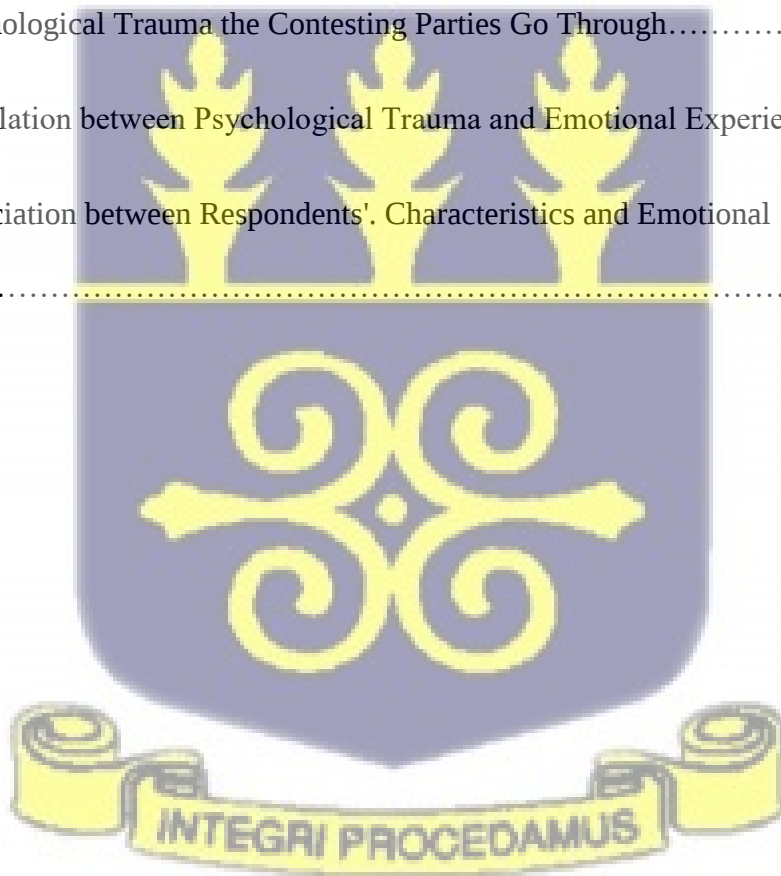
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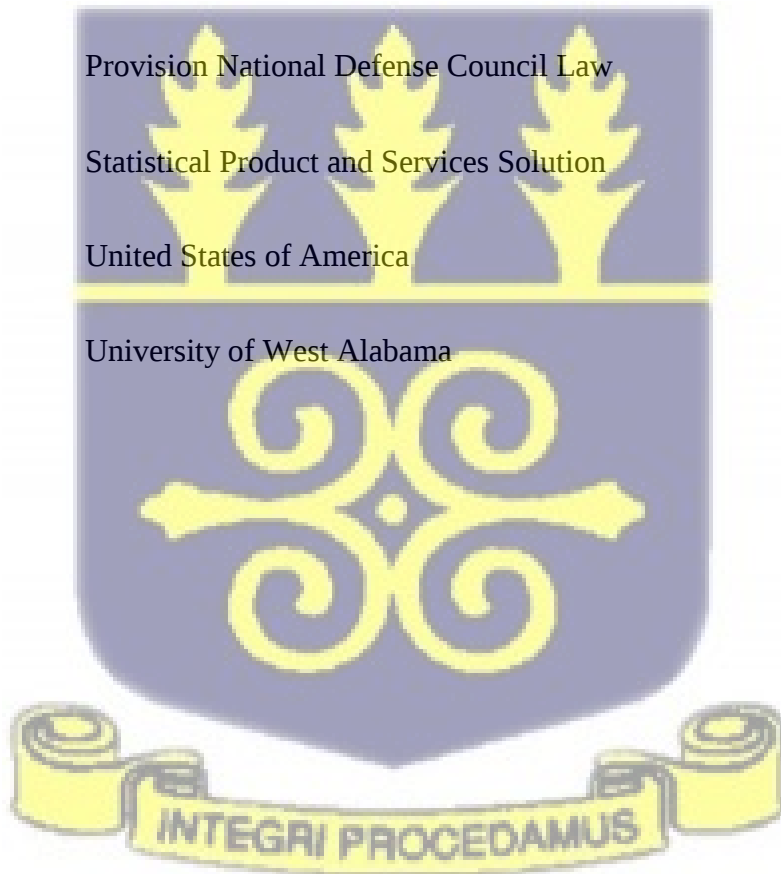
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## LIST OF ABBREVIATIONS

|        |   |                                           |
|--------|---|-------------------------------------------|
| ADR    | - | Alternate Dispute Resolution              |
| APA    | - | American Psychological Association        |
| CBT    | - | Cognitive Behavioral Therapy              |
| CCT    | - | Cognitive Counseling Theory               |
| GHS    | - | Ghana Health Service                      |
| GPC    | - | Ghana Psychology Council                  |
| PNDC   | - | Provision National Defense Council        |
| PNDCCL | - | Provision National Defense Council Law    |
| SPSS   | - | Statistical Product and Services Solution |
| USA    | - | United States of America                  |
| UWA    | - | University of West Alabama                |



## CHAPTER ONE

### 1.0 INTRODUCTION

#### 1.1 Background

Emotions are fundamental to human life (Kvajo, 2016). They play a very important role, both in general human experience and in psychiatric illnesses (Gu, Wang, Patel, Bourgeois & Huang 2019). Emotions play a vital role in the evolution of consciousness, influence the surfacing of higher levels of awareness during progression in life, and largely determine the contents and focus of consciousness throughout the life span (Izard, 2009). Basic feelings of emotions help organize and motivate rapid (and often more-or-less automatic though malleable) actions that are critical for adaptive responses to immediate challenges to survival or wellbeing (Izard, 2009). In an emotion-specific set of interrelated information, the neural systems and mental processes involved in emotion feelings, perception, and cognition interact continually and dynamically in generating and monitoring thought and action (Gu et al., 2019; Izard, 2009). These interactions which range from momentary processes to traits or trait-like phenomena can generate countless emotion-specific experiences (e.g., anger schemas) that have the same core feeling state but different perceptual tendencies (biases), thoughts, and action plans (Izard, 2009).

Research has revealed that emotions and emotional feelings are associated with numerous events in our lives. One such is the death of a loved one and its aftermath. “Death is not the end, there remains the litigation over the estates” (Hughes & Klein, 2007). The loss of a loved one usually leaves family and friends in mourning. There are times that family members would grieve together and tearfully share in the legacy of the deceased. At least by so doing, the mourning is eased, however, too often, that may not be the case (Fishkind, 2011). So, instead of the loss bringing the family together, they become embroiled in bitterness, acrimony, heated

exchanges, antagonism, disputes, rancour, and litigation over who inherits what from the deceased's legacy or inheritance (Fishkind, 2011).

A person may die intestate (did not make a Will) or testate (made a Will). A Last Will and Testament is a legal document that conveys a person's final wishes concerning the disposal of assets and dependents (Kagan, 2020). The deceased could instruct the allocation of their property and responsibilities to an individual, a group or an institution (Kagan, 2020). In Ghana, there are laws that govern the distribution of property in either case (Bennion, 1962). The Wills Act, 1971 (Act 360) governs how Wills are made while the Intestate Succession Law 1985, (PNDC Law 111) governs the distribution of the property of a person who dies intestate and an intervention that protects the immediate survivors of a deceased, usually the spouse and children (Gedzi, 2014). Other laws governing the distribution of the property of a deceased are the Administration of Estates Act, 1961 (Act 63) and Constitutional Instruments such as the High Court (Civil Procedure Rules), 2004 (C.I. 47) which regulates the administration of the estate of the real and personal estates of a deceased person (Gedzi, 2014). The making of a Will does not imply that the survivors of a deceased person would accept their instructions, conflicts may occur (Odoi, 2020). There have been instances where the Will and its content or dictates are questioned usually by some members of the family and thus, legally contested. This may occur when the language or description of property in the Will is unclear or the Will fails to distribute all the personal property of the deceased at the time of his death (Rosenfeld, 1980). This legal contesting of a Will is referred to as a probate action (Strong, 1896). It must be noted that there is a difference as far as the law is concerned, between probate and probate action. Probate is simply the act or process of proving a will (Strong, 1896). In Ghana, Probate refers to the certificate which grants authority to an executor to execute the Will and administer the property of the deceased (Odoi, 2019). Probate is taken for all Wills but not all probate taking becomes contentious. The law requires that probate is taken for all

Wills before the testator's estate is administered so irrespective of whether there is contention, probate should be taken (Stabler, 2018). In Ghana and other common law countries, there are legal means by which the estates, properties, wealth, assets, dependents and in some cases liabilities of a deceased are passed on to survivors or beneficiaries.

If an individual dies without a will, his/her or a part of the family believes that the Will was procured by fraud or inappropriately executed, and they may go to court for a determination that the Will is valid (proof of will in Solemn form). There are a number of reasons or grounds upon which a will may be contested. Among these reasons are lack of testamentary capacity; invalid will; undue influence; fraud or forgery (Stabler, 2018).

The combined distress of loss of a loved one and a contest for their properties may exacerbate the emotional experiences of family members. These actions may lead to heightened emotions and acrimony among family members. So how do they feel during this process and how do they cope with the emotions they experience?

## 1.2 Statement of the Problem

Contesting a will can be a very lengthy and expensive process fraught with bitterness, anger, acrimony, rancour, antagonism, heated exchanges which often ruin or in some extreme cases severs relationships between and among beneficiaries and disappointed hopefuls, thus, family relations and friends (Odoi, 2020; Simons, 2021). It can go a long way to build outrageous enmity between beneficiaries and disappointed survivors.

According to the American Psychological Association (APA), becoming a widow has a sudden and powerful depressing effect on the mental health of the individual (American Psychological Association, 2003). The changes in depressed mood, general mental health and social functioning are of medium to large magnitude (Wilcox et al., 2003). Out of the 70,000 women that were interviewed in the United States of America (USA), 40% of them were going through

some form of emotional stress and anxiety after the loss of their spouse and the battle of who gains access to the properties of the deceased (Wilcox et al., 2003). Another study also revealed that, the death of a spouse is one of the most distressing life events (Carr, 2020). According to Carr (2020), 70% of the widowed women were going through emotional trauma, anger, bitterness and depression due to the contention of their spouse's estate and Will.

In Cameroon, 40% of families who had lost the breadwinner of the family were going through stress and depression due to the probate of a Will in court (Rene, 2020). It was also revealed that there was some form of rivalry among siblings who were contesting the estate or properties of their deceased father (Rene, 2020). In Ghana, contesting parties of probate of a Will, especially among siblings and families, were always angry and bitter and wore a moody and gloomy face all the time (Odoi, 2019).

This research realized that existing materials and laws have addressed the instances where a person dies without making a Will. In the case of Ghana, the PNDC Law 111 tackles this problem quite well even though there is some room for improvement. However, in the case of Probate of Will, not much has been done to address its shortcomings, particularly with regard to the emotional experiences surviving parties contesting the probate of Will go through and how these parties resolve the differences and reconcile afterwards. This research paper, therefore, sought to explore the emotional experiences, psychological trauma and coping strategies of contestants of probate of Will in Accra.

### 1.3 Purpose of the Study

The purpose of this study was to explore and describe the emotional experiences of contesting parties of probate of Will in Accra.

### 1.4 Research Question

The study sought to address these questions;

1. What emotions do contesting parties experience during the probate of Will?

2. What psychological trauma do these contesting parties go through?
3. What coping strategies do the contesting parties employ when going through the emotional experience during the probate of a Will?

## **1.5 Objectives of the Study**

### **1.5.1 General Objective**

Generally, the study sought to explore the emotional experiences of contesting parties on probate of a Will in Accra.

### **1.5.2 Specific Objectives**

1. To describe the emotional experiences of contesting parties
2. To identify the psychological trauma the contesting parties go through
3. To explore the coping strategies of contesting parties

## **1.6 Significance of the Research Work**

This study will provide empirical evidence of the emotional experiences, psychological trauma and coping strategies of bereaved individuals contesting for probate of Will. It will also bring to light the need to pay attention to the mental health wellness of these contestants considering the potential mental health and psychological trauma status of bereaved individuals – a problem encountered in this study.



## CHAPTER TWO

### 2.0 LITERATURE REVIEW

#### 2.1 Introduction

This chapter gives a literature review on areas such as emotions, components of emotions, types of emotions, theories of emotions, probate of will, intestate succession law, alternative dispute resolution, emotional experiences of contesting parties and effects of contests arising from probate of will.

#### 2.2 Emotions

The word “emotion” is derived from the Latin word “Emovere”, which means to be “stirred up”, or “to stimulate” (Shirley et al., 2010). Emotions literally shake a person. Due to the closeness of emotion with feeling, the number of emotions proliferates with the increase in feeling and the body gets encapsulated (Izard, 2009; Shirley et al., 2010). This stimulated condition is known as emotion. An emotion is a complex psychological state that involves three distinct components; a subjective experience, a physiological response and a behavioural or expressive response” (Hockenbury and Hockenbury, 2007).

There are several definitions of emotions by scholarly articles and theories. Woodworth & Marquis (2014) defines each emotion as a feeling, and each is at the same time, a motor set. Emotion is an acute disturbance of the individual as a whole, psychological in origin, involving behaviour, conscious experience and visceral functioning (Young, 2011). (Jersild, 1960), also defined emotion as a state of being moved, stirred up or aroused in some way. Myers & Diener (2018), stated that human emotion involves “physiological arousal, expressive behaviour and conscious experience”.

Emotions are usually accompanied by an aroused state in the organism or the individual and by physiological changes (Ekman, 2005). A lot of energy is released in every emotion except grief.

### 2.2.1 Components of Emotions

The components of emotion are subjective feeling, physiological changes and behavioural response.

**Subjective Feeling:** Researchers believe that the experience of emotions can be highly subjective (Ekman, 2005; Myers & Diener, 2018; Woodworth & Marquis, 2014). Our unique experience of emotions is probably much more multi-faceted. Emotions such as happiness, sadness, anger, fear, surprise and disgust are all subjective feelings (Young, 2011). These feelings are not the same and vary from one individual to the other. With anger, for example, one's experience might range from mild annoyance to blind rage. Moreover, people do not always experience "pure" forms of emotions. Mixed emotions over different events in our lives are common (Hockenbury and Hockenbury, 2007).

**Physiological Changes:** The sympathetic nervous system which is a branch of the autonomic nervous system is where many physical reactions that are experienced during an emotion are controlled (Ekman, 2005; Young, 2011). It controls involuntary body responses such as blood flow and digestion. The Amygdala is a tiny, almond-shaped structure that has been linked to motivational states as well as memory and emotion (Pessoa, 2010). Research proved that when people are shown threatening images, the amygdala becomes activated. Damage to the amygdala impairs the fear response (Ekman, 2005; Pessoa, 2010).

**Behavioural Response:** This is the actual expression of emotion. A significant amount of time is spent interpreting the emotional expressions of people around and the ability to accurately understand these are tied to our emotional intelligence (Pessoa, 2010; Young, 2011). Emotional intelligence refers to the capacity for recognizing our own feelings and those of others, for motivating ourselves, and for managing emotions well in ourselves and in our relationships (Goleman, 1998). Many expressions are universal such as a smile indicating happiness or pleasure.

### 2.2.2 Types of Emotions

There are various theories as to how many types of emotions human beings experience. Basic emotions are associated with recognizable facial expressions and tend to happen automatically. Ekman (2005), identified six basic emotions that could be interpreted through facial expressions. They included happiness, sadness, fear, anger, surprise and disgust. He expanded the list in 1999 to also include embarrassment, excitement, contempt, shame, pride, satisfaction and amusement, though these additions have not been widely adapted (Cherry, 2021).

| Facial expression                                                                   | Type of Emotion | Explanation                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | Happiness       | It is the state of being joyful and excited. It is a pleasant emotion where people have a great sense of satisfaction and well-being. Happiness is often expressed by smiling or speaking in an excited tone of voice.                                          |
|  | Sadness         | Everyone experience sadness every now and then. Some express sadness by crying, being quiet, and/or including grief, hopelessness and disappointment.                                                                                                           |
|  | Fear            | Fear is an unpleasant feeling usually triggered by real or imagined danger (something we think is threatening, but is actually not). There is a tendency to enjoy the adrenaline rush that accompanies fear in the form of watching horror movies or skydiving. |
|  | Disgust         | A strong disapproval caused by something unpleasant or offensive. It can be triggered by physical things, such as rotten food, blood, or unclean environment. Moral disgust may occur when someone sees another person doing something they find immoral.       |

|                                                                                   |          |                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Anger    | Anger can be expressed with facial expressions like scowling, a clenched jaw, or violent behaviour. Anger can cause transformation in your life, but a person needs to find a healthy outlet to express anger so it doesn't cause harm to themselves or others. |
|  | Surprise | Surprise can either be pleasant or unpleasant. You might open your mouth or gasp when you are surprised. Surprise can also trigger the fight-or-flight response just as fear.                                                                                   |

**Table 2.1: Ekman's six basic types of emotions (Ekman, 2005)**

## 2.3 Theories of Emotions

Emotion is multi-faceted and debatable, thus, many theories of emotion exist (University of West Alabama, 2019). Some theories build upon each other whereas others directly refute. Some common theories of emotional psychology that have helped shape the field and how humans view emotions are; the James-Lange theory, Facial-Feedback theory, Cannon-Bard theory, Schachter-Singer theory and Cognitive Appraisal theory (Cherry, 2021; University of West Alabama, 2019).

### 2.3.1 James-Lange Theory

One of the earliest emotion theories of modern psychology developed by William James and Carl Lange in the 19<sup>th</sup> century is the James-Lange theory (University of West Alabama, 2019). The theory hypothesizes that physiological stimuli (arousal) cause the autonomic nervous system to react which in turn causes individuals to experience emotion (Cannon, 1987). A fast heartbeat, tensed muscles, sweating and more could be the reactions of the nervous systems. If someone startles you unaware, for instance, your heart rate increases and that is what causes you to feel fear. Hence, the theory suggests that our physical responses are responsible for our emotions (Cherry, 2021; Ekman, 2005; University of West Alabama, 2019). During the contest

of a probate of Will, contestants may engage in heated arguments likely to cause the heart rate of the bereaved to increase due to tension and pressure from their opponents which leads to fast heartbeats and causes fear and panic in the bereaved individual, thereby leading to emotional trauma (Somhlaba and Wait, 2009). This theory explains that the physical responses of contesting parties during the probate of Will also contribute to their emotional experiences.

### 2.3.2 Facial-Feedback Theory

The facial-feedback theory gives more detail on the James-Lange theory of emotions. This theory postulated that facial expressions impact emotion and is not a response to an emotion which is connected to the work of Charles Darwin and William James (Dewey, 1894). This theory suggests that facial expressions are crucial to feeling emotion. This theory posits that emotions are directly tied to physical changes or facial expressions (Cherry, 2021; Dewey, 1894). Thus, someone who forced himself to smile would be happier than someone who wore a frown or did not smile at all. Those going through the probate of a Will after losing a dear one are likely to wear a more sad or gloomy face due to the frustration, anger and bitterness they may be going through (Schachter & Singer, 1962). This affects the emotional experiences of contesting parties because their frustrations and anger can easily be read on their faces, giving their opponents a chance to frustrate them the more.

### 2.3.3 Cannon-Bard Theory

This theory postulates that bodily changes and emotions occur concurrently instead of one right after the other (Cannon, 1987; University of West Alabama, 2019). This theory is supported by neurobiological science that says that once a stimulating event is detected, the information is relayed to both the amygdala and the brain cortex at the same time (Cannon, 1987; Pessoa, 2010). This theory also refutes the James-Lange theory and it was developed by Walter Cannon and Philip Bard in the 1920s (Cannon, 1987). This implies that arousal and emotion are concurrent event and is also known as the thalamic theory of emotions. Hence, the loss of

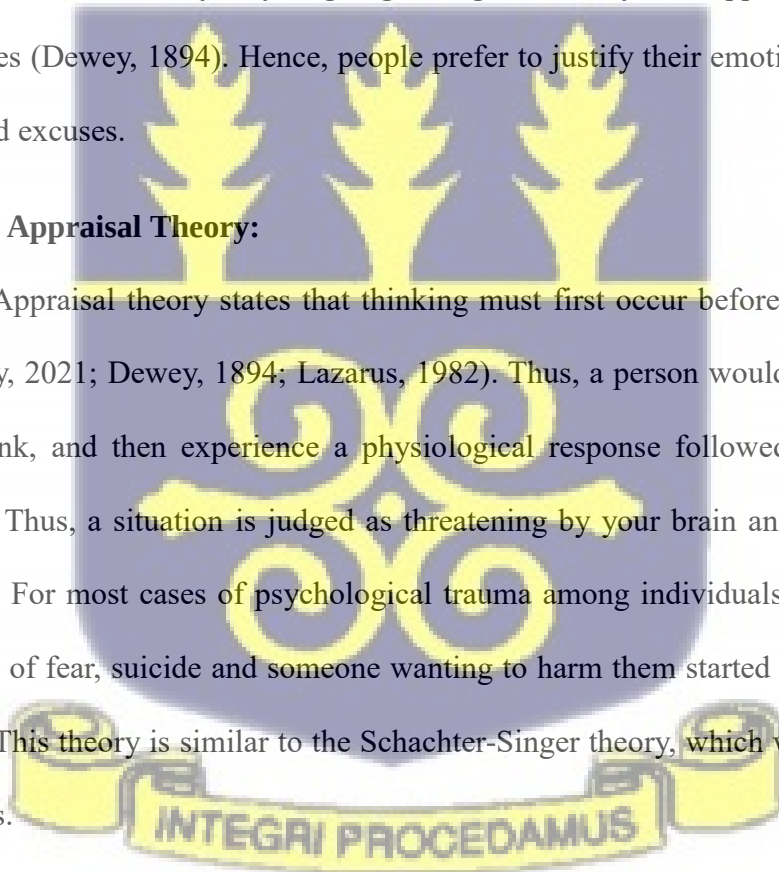
weight, weight gain, looking pale and sick that accompany frustration and anger for most bereaved individuals going through the probate of Will as was seen in this study.

#### **2.3.4 Schachter-Singer Theory**

This theory introduces the element of reasoning into the process of emotion and was developed by Stanley Schachter and Jerome E. Singer (Friesen, 2021). It suggests that our thoughts are actually responsible for our emotions. The theory posits that we try to find a reason for our emotions when we experience events that cause physiological arousal (Schachter and Singer, 1962). It is also known as the two-factor theory of emotion. Most bereaved individuals going through emotional trauma due to the probate of a Will always blame their trauma on experiences and frustrations they may be going through caused by their opponents and the loss of their dear ones (Dewey, 1894). Hence, people prefer to justify their emotional experiences with reasons and excuses.

#### **2.3.5 Cognitive Appraisal Theory:**

The Cognitive Appraisal theory states that thinking must first occur before experiencing an emotion (Cherry, 2021; Dewey, 1894; Lazarus, 1982). Thus, a person would first experience an impulse, think, and then experience a physiological response followed by an emotion (Cherry, 2021). Thus, a situation is judged as threatening by your brain and as a result you experience fear. For most cases of psychological trauma among individuals contesting for a will, the signals of fear, suicide and someone wanting to harm them started from their minds (Baron, 2019). This theory is similar to the Schachter-Singer theory, which was pioneered by Richard Lazarus.



## 2.4 Probate of Will

Ghanaian Inheritance Laws have an effect on everyone who owns property or assets in Ghana. For anyone who dies without a Will, his or her property and assets are administered according to the laws of intestacy in Ghana (Gedzi, 2014). The inclusion or exclusion of anyone from inheriting particular assets depends on legal property rights, as well as religion and cultural norms concerning social roles and relationships. Ghana is a common law country, and in recent years, decisions from the country's courts have set precedents in what can constitute the establishment of property and inheritance rights, including the criteria for the recognition of customary marriages (Friedrich Ebert Stiftung Ghana, 2011).

Hughes and Klein (2007), give a detailed breakdown of the preparation of a Will. In their view, this is usually people's first time of coming into reality with their own mortality and that could be the reason people hesitate or procrastinate when it comes to preparing a will. According to Hughes and Klein (2007), three out of every four (3/4) Americans die without a Will. They, however, believe that a Will, when well prepared and thought through, can go a long way to alleviate one's fears about death as it helps one to provide for the welfare of his or her survivors and also ensures that whatever estate is left behind will be distributed accordingly.

In Ghana, like many other places, there are some provisions, including legal means, by which the estates, properties, wealth, assets, dependents and in some cases liabilities of a deceased are passed on to survivors or beneficiaries. However, there are also instances where a testator's legally binding Will (testament) is contested for one reason or the other. If an individual dies without a Will, his or her wishes may not be followed and will instead pass through a probate court. This is referred to as ***Probate of Will***.

Strong (1896), defines probate simply as a legal process that seeks to prove that a will is genuine. This narrow definition may be considered to be archaic because probate as known in recent times has evolved to include much more than simply establishing the genuineness of a

Will. Strong's definition also presupposes the existence of a Will or that the deceased died a testator, hence this definition does not encompass the phenomenon of persons who die intestate. Rolckick (2002), defines Probate as "the legal process by which property in an estate is transferred to the heirs and beneficiaries of a deceased person (the decedent)". She also defines heirs as persons who are qualified to receive a deceased person's property if the deceased person dies without a Will. On the other hand, beneficiaries are persons named in a deceased person's will to receive property. Rolckick's definition seems slightly narrow and limiting due to the word "property". This is so because a Will may include the allocation of things that would not ideally fall within the category of "property", but rather "estate" (Rolckick, 2002). A broader definition by Randolph (2004), refers to Probate as the process by which the genuineness of a Will, if any, is established; an executor or administrator is appointed; debts and taxes are paid; heirs identified, and probate estate is distributed according to the testator's Will or state intestate succession laws. Here, Randolph's definition highlights the whole probate process and circumstances under which probate of Will occurs. This definition also suggests that, contrary to assumptions, probate does not only seek to establish the validity and authenticity of an existing Will but also further applies and enforces the intestate succession laws of the state where a decedent dies intestate (Randolph, 2004).

#### **2.4.1 Intestate Succession Law, 1985 (PNDCL 111)**

Intestate Succession Law, in the inheritance law, is the succession to property that has not been disposed of by a valid Will or testament (Britannica, 2021). If someone dies intestate then the estate (property and assets) will be distributed according to the laws of intestacy in Ghana (Odoi, 2019). The inclusion and exclusion of persons from inheriting particular assets depends on legal property rights, as well as religion and cultural norms concerning social roles and relationships (Odoi, 2019). Ghana is a common law country, and in recent years, judicial decisions have set precedents in what can constitute the establishment of property and

inheritance rights, such as criteria for the recognition of customary marriages (Daniels, 1963; Gedzi, 2014; Odoi, 2019).

According to PNDCL 111, ‘a person shall be deemed to have died intestate under this Law if at the time of his death he had not made a Will disposing off his estate’ (Government Gazette, 1985). Further, anyone who dies leaving a will disposing off part of his estate is deemed to have died intestate under this Law in respect of that part of his estate which is not disposed off in the will and accordingly the provisions of this Law shall apply to such part of his estate (Government Gazette, 1985). Where the intestate is survived by a spouse or child or both, the spouse or child or both of them, as the case may be, shall be entitled absolutely to the household chattels of the intestate (Gedzi, 2014; Government Gazette, 1985). Where the intestate is survived by a parent and not by a child or spouse, three-fourths of his estate shall devolve to the surviving parent and the remaining one-fourth shall devolve in accordance with customary law (Gedzi, 2014; Government Gazette, 1985).

#### **2.4.2 Alternative Dispute Resolution Act, 2010 (ACT 798)**

The Alternative Dispute Resolution (ADR) is an act to provide for the settlement of disputes by arbitration, mediation and customary arbitration, to establish an Alternative Dispute Resolution Centre and to provide for related matters (Government Gazette, 2010). In other words, it is the procedure for settling disputes by applying any of arbitration, mediation or negotiation. The most common types of ADR for civil cases are mediation, settlement conferences, neutral evaluation and arbitration.

Arbitration agreement applies to matters other than those that relate to the national or public interest, the environment, the enforcement and interpretation of the Constitution or any other matter that by law cannot be settled by an alternative dispute resolution method (Government Gazette, 2010). In arbitration, an unbiased person called an “arbitrator” hears arguments and evidence from both sides and then determines the outcome of the dispute. Arbitration is less

formal than a trial, and the rules of evidence are often relaxed (Baron, 2019). Arbitration is either “binding” or “nonbinding”. Binding arbitration is the state where parties waive their right to a trial and agree to accept the arbitrator’s ruling as final (Love & Cardozo, 1985). Generally, there is no right to appeal an arbitrator’s decision. Nonbinding arbitration refers to the state where the parties are free to request a trial if they do not agree with the arbitrator’s decision (Love and Cardozo, 1985).

A court before which a case is pending may at any point of the proceedings, if it believes that mediation will facilitate the resolution of the matter or a part of the matter in dispute, refer the case or that part of the matter to mediation (Government Gazette, 2010). In mediation, a neutral person called a “mediator” assists the parties to reach a jointly acceptable resolution of the dispute. The mediator does not decide the dispute but helps the parties communicate so they can settle the dispute among themselves. Mediation leaves control of the outcome with the parties (Love and Cardozo, 1985).

In neutral evaluation, both parties get a chance to present the case to a neutral person called an "evaluator" (Radford, 2012). The evaluator gives an opinion on the strengths and weaknesses of each party's evidence and arguments and about how the dispute could be resolved. The evaluator is often an authority in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties normally use it as a basis for trying to negotiate a resolution of the dispute (Love and Cardozo, 1985). Neutral evaluation may be most suitable in cases where there are technical issues that require special expertise to resolve or the only significant issue in the case is the amount of damages (Love and Cardozo, 1985). On the other hand, it may not be appropriate when there are substantial personal or emotional barriers to resolving the dispute (Love and Cardozo, 1985).

Settlement conferences are either compulsory or voluntary (Klasiček, 2019). In both types of settlement conferences, the disputing parties and their lawyers meet with a judge or an impartial

person called a "settlement officer" to deliberate on a possible settlement of their dispute (Klasiček, 2019). The judge or settlement officer does not make a decision in the case but supports the parties in assessing the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are suitable in any case where settlement is a possibility. Compulsory settlement conferences are often held close to the date a case is set for trial (Klasiček, 2019).

## 2.5 Emotional Experiences of Contesting Parties

To contest is to defend against an adverse claim made in a court by a plaintiff or a prosecutor (Harvey, 1962). It is also to challenge a position declared in a judicial proceeding, as to contest the probate of a Will (Dankwa, 1998).

In an attempt to make known what the cumbersome probate litigation process looks like, Fishkind (2011) in his book "Probate Wars of the Rich and Famous", provides a guide to estate planning and narrates the experiences of probate litigations. Fishkind (2011), sheds some light on the emotional rollercoaster that survivors and close relatives go through having to contest the Will of a loved one. These emotions may range from sadness, regret, bitterness, sorrow, anger and trauma, or a combination of any of the aforementioned. In his opinion, such emotional experiences should serve as a deterrent to ensure good planning of one's estate to avoid unnecessary litigation.

The book "Probate Wars of the Rich and Famous" presents Marshall vs. Marshall (2013), to further buttress the expediency of preparing a good probate-proof Will, that saves survivors, heirs and beneficiaries the emotional stress and unfair lengthy processes involved in probate litigation. Though not written in a Ghanaian context or setting, the book provides a global picture of the lengthy and emotionally charged process of probate litigation.

Considering the scope of the study which is limited to Ghana, Miescher (1997), gives examples of cases in Ghana where inheritance was contested. Interestingly, this article gives an overview

of the historical traditional inheritance contesting process in Ghana in an era among the Akuapim people of Ghana. Though the article made some comparisons and highlighted some semblances to the British system, a few striking features of the Ghanaian context were the inheritance system and the form of the “Will”. The issue of the inheritance system sought to establish whether the ethnic affiliation of the family practices the matrilineal or patrilineal inheritance system. Also, the form of the Will was not written but passed on orally to witnesses and executors. This goes a long way to help with determining who is entitled to what and as such reflects the culture of the indigenous people of Ghana.

## **2.6 Effect of Contests Arising from Probate of Will**

The effects of contests arising from probate and intestate succession are myriad. It leads to rancour among family members, public disturbance and security implications where there are physical fights, a breakdown in the family system and a general loss of motivation for interpersonal relations because of the bitterness and anger that is engendered among family members (Conway, 2016).

“The stress and the anxiety of a contested estate will keep you up at night as the acid indigestion burns like a five-alarm fire. You make one last call to the antagonist in hopes that reason will prevail, but instead, your blood pressure boils as you listen to the same old irrational and tired diatribe. Baseless as it may be, it takes up part of your psyche and you really do not want to talk about it, and so, you carry this weight on your shoulders” (Fishkind, 2011).

### **2.6.1 Some Contested Cases on the Effect of Contests Arising from Probate**

**2.6.1.1 WILLIAM DAVIES AGYEKUM & 3 ORS V. ROBERT DJAN TACKET AND OTHERS (2005) JELR 68364 (SC) Supreme Court · CIVIL APPEAL NO. J4/27/2004 · 12 Jan 2005**

This was an appeal that sought to upend the unanimous ruling of the Court of Appeal in this matter dated 10th February 2000. By their judgment, the empaneled judges in the Court of

Appeal dismissed an appeal which had been filed by the Appellants against a High Court ruling in the matter dated 17th January 1994, which had dismissed a contentious probate action mounted by the Appellants (then Plaintiffs) against the present Respondents (then Defendants.) The Appellants before the court were some of the successors of William Davies Agyekum, deceased. The Respondents were the executors named in the paper writing which they claimed was the last Will of the said William Davies Agyekum.

The two germane issues the court centered on were

1. Whether or not the signature on the purported Will is that of William Davies Agyekum
2. Whether or not the Will herein was executed according to the provisions of the Wills Act 1971 (Act 360)

The court held that the testator's signature on the Will was genuine and that the Will was duly executed according to the provisions of the Wills Act, 1971 (Act 360). The appeal was dismissed as unmeritorious.

**2.6.1.2 THOMAS TATA ATANLEY & ORS. V. KOFIGAH FRANCIS ATANLEY & ORS.** (2020) JELR 80378 (SC) Supreme Court · CIVIL APPEAL SUIT NO. J4/05/2019 · 22 Jan 2020

This is an appeal against the ruling of the Court of Appeal dated 22nd February 2018 which judgment overturned the verdict of the High Court upholding the validity of the Will and Testament of the late Thomas Komlah Atanley Kofigah dated 14th November 2007 and deposited in the registry of the High Court, Accra. The plaintiffs argued that the Last Will and Testament as deposited was fraudulent, to the extent that the signature which appeared on the Will as the signature of their late father, Thomas Komla Atanley Kofigah is indeed not the signature of the testator.

The issue for determination was whether the Will and Testament of the late Thomas Atanley Kofigah alias Komlah Atanley Kofigah was executed on 14th November 2007 and which was

deposited in the Registry of the High Court, Accra on October 7 2009 after his death by the defendants was valid.

After considering the facts of the case, the Court ruled that on the totality of the evidence submitted, it was satisfied that the trial judge was right in holding that Exhibit “B” is the valid Will of the late Thomas Atanley Kofigah alias Komlah Atanley Kofigah. The appeal, therefore, succeeded and was allowed and Exhibit “B”, the Will of the late Thomas Atanley Kofigah alias Komlah Atanley Kofigah dated 14th November 2007 and deposited in the Registry of the High Court, Accra on 7th October 2009 was admitted to probate.

### **2.6.1.3 OKAILEY WELBECK V. SIMON TACKIE WELBECK (2013) JELR 64108**

#### **(CA) COURT OF APPEAL · SUIT NO.H1/167/2012 · 14 MARCH 2013**

The brief facts of the case culminating in the appeal were that the parties herein were some of the children of the late Joseph Ayikai Welbeck who died on 4th April 2003. The parties come from different mothers. The Will of the deceased dated 17th July 1997 was admitted to probate by the High Court without a caveat. The plaintiff was given an insignificant amount of ₵10,000.00 (GH₵10.00) by her father in the disputed Will and dissatisfied with it thought that it was the defendant who fraudulently made the will in the name of his father and therefore issued a writ to challenge the validity of the Will that it was either obtained by fraud or was forged.

The trial High Court Judge evaluated the entire evidence on record and concluded that the signature on the Will was the signature of the testator. The defendant satisfied the law that where there is a dispute as to the genuineness of the signature of the testator or of an attesting witness of the Will, the specimen signatures of the testator must be procured from proper custody to enable the court to compare.

The Court of Appeal, therefore, held that it was satisfied that the Will is genuine and the court must give effect to the intention of the testator. The appeal failed entirely and the judgment of

the trial High Court given on 22 June 2011 was affirmed.

Heather Conway's book titled "*Emotion in Sibling Inheritance Disputes*", however, is by far the closest document tackling the crust of the topic under study per this research. In the journal article, Conway (2016) talks about estate distribution being a prevalent source of conflict within the common law system. She recounts the emotional consequences associated with inheritance inequities and indicates that inheritance inequities (whether real or perceived) are major causes of acrimony and rancor among family members. She underlines the fact that when the litigants involved are siblings, the emotional dynamics "take on added significance". She concludes that estate contests are not just about property and financial issues; they involve relationship issues (siblings' rivalry) which may be permanently damaged or severed.

It is worth noting that Conway (2016), dwelt on the emotional effect of contesting a Will, but limits the scope of her study on siblings. Research has shown that very little work exists on the emotional effect of contesting a Will on other family members of the deceased such as spouses and children.

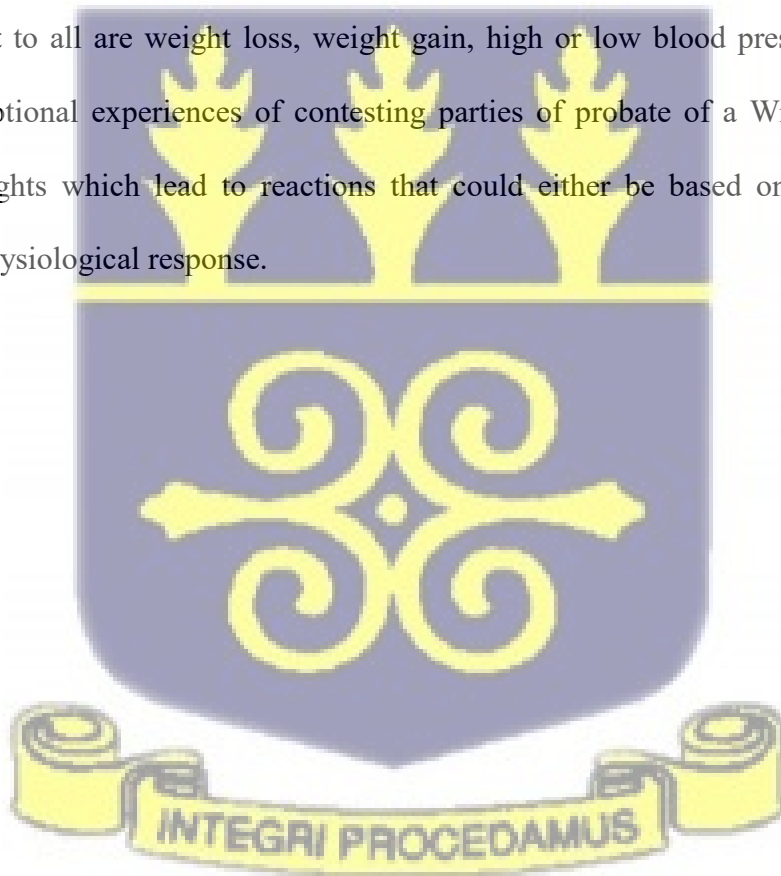
It is against this backdrop that an identified existing gap in the literature, the emotional and psychological experiences Probate of Will has on the surviving parties and the option of forgiveness will be explored. This study will contribute to filling this gap by exploring and describing the circumstances that occasioned the contest of Wills. It would further explore and describe the emotional experiences of the contesting parties, and ascertain how the emotional experiences affect the unity and cohesion within the family. The study will finally explore how the contesting parties resolve the acrimony and reconcile afterwards.

## 2.7 Theoretical Framework

The theoretical framework for this study was adopted and revised from the Cognitive Counseling Theory (CCT) by Aaron Beck in 1960 (Beck, 1993). The Cognitive Counseling Theory also known as Cognitive Behavioral Therapy (CBT) holds that people experience

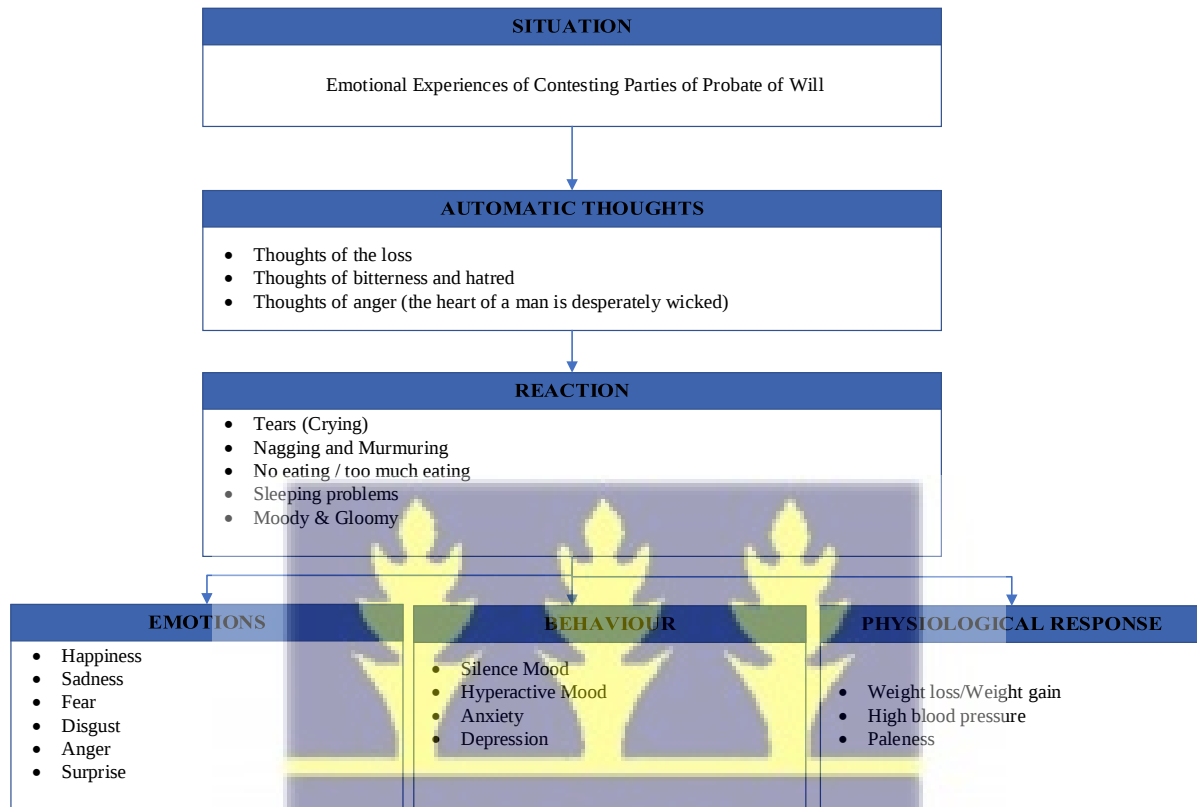
psychological and emotional difficulties when their thinking is not in line with reality (Beck, 1993; Clark & Beck, 2010). Cognitive Counseling Theory posits that a situation occurs and is followed by automatic thoughts of the situation. The automatic thoughts of the situation lead to a reaction which further leads to emotions, behaviour and physiological responses.

In this study, the situation is the emotional experience of contesting parties of probate of a Will. The automatic thoughts contesting parties are likely to have are thoughts of the loss, thoughts of bitterness and hatred. Some reactions that are seen after the automatic thoughts are uncontrollable tears, nagging and murmuring and sleeping problems. The emotions that show from the reactions are happiness, sadness, fear, anger, disgust and surprise. Further, the behaviour seen involves silent mood, anxiety and depression. Also, the physiological responses that are evident to all are weight loss, weight gain, high or low blood pressure and others. Hence, the emotional experiences of contesting parties of probate of a Will are caused by automatic thoughts which lead to reactions that could either be based on their emotions, behaviour or physiological response.



**Figure 2.1: Theoretical Structure of Emotional Experiences of Contesting Parties of Probate of Will**

**Source:** Cognitive Counseling Theory by Aaron Beck, 1960.



## 2.8 Statement of Hypothesis

**Null Hypothesis (H<sub>0</sub>):** There is no relationship between the contesting of a Will and it causing bitterness and anger in a family affecting the unity and cohesion in the family.

**Alternate Hypothesis (H<sub>A</sub>):** There is a relationship between the contesting of a Will and its effects on emotional experiences such as the anger and bitterness a family goes through, affecting the unity and cohesion in that family.

## 2.9 Definition of Terms

**Emotions:** Emotion is defined as a complex reaction pattern, involving experiential, behavioural and physiological elements. They are how individuals handle matters or situations they find personally significant.

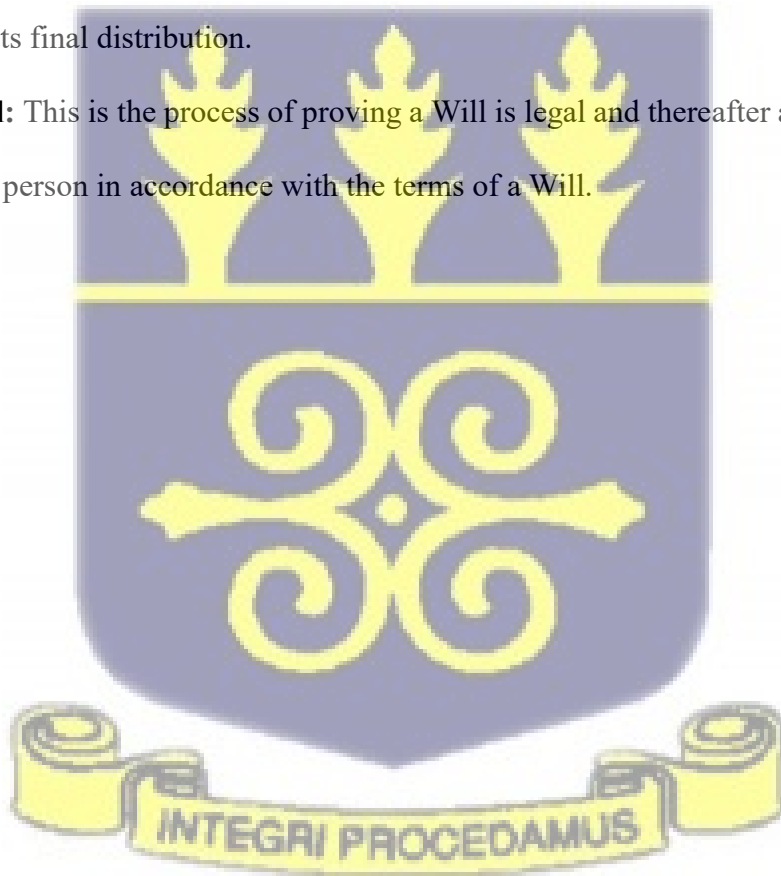
**Emotional Experiences:** Emotional experience is a unit in a constant dialectic relationship between the representation of the outside world and how the world is experienced by a person. Emotional experience have three components: a subjective experience, a physiological response and a behavioural or expressive response.

**Contest:** To contest in law is to defend against an adverse claim made in a court by a plaintiff or a prosecutor.

**Contesting Parties:** These are individuals involved in the defense against an adverse claim made in a court by a plaintiff or a prosecutor.

**Will:** A Will is a legal document by which the testator, expresses their desires as to how their property is to be distributed at death, and names one or more persons, the executor, to manage the estate until its final distribution.

**Probate of Will:** This is the process of proving a Will is legal and thereafter administering the estate of a dead person in accordance with the terms of a Will.



## CHAPTER THREE

### METHODOLOGY

#### 2.0 Introduction

The methodology shows the overall strategy used to arrive at the findings of this study. It contains the research design, target group, sample size and sampling technique, data gathering process and analysis, ethics and validity and reliability of the study.

#### 3.1 Research Design

The study applied a mixed-method approach. The mixed-method is a combination of quantitative and qualitative methods. A mixed-method design is a method for collecting, analyzing, and mixing both quantitative and qualitative data at some stage of the research process within a single study, to understand a research problem more completely (Creswell & Clark, 2018). The mixed-method used in this research was Sequential Explanatory Approach. This means that the quantitative method is followed by the qualitative method.

The rationale for adopting a mixed-method approach is that neither quantitative nor qualitative methods are sufficient by themselves to capture the trends and details of the situation. When used in combination, quantitative and qualitative methods complement each other and allow for a more complete analysis (Creswell, 2009, 2012; Creswell & Clark, 2018).

#### 3.2 Setting

The study was conducted at the Law Court Complex that houses all the higher Courts in Accra. The Law Court Complex has 43 Court rooms operating under four Registries namely; Land Court, Human Rights Court, Commercial Court and General Jurisdiction Registries. There are eight separate divisions under the four registries. These are Land Court, Criminal Court, Probate and Administration Court, Divorce & Matrimonial Court, Labour Court, Commercial Court, Financial and Economic Crime Court and General Jurisdiction. (Judiciary Service, 2018). Judges who sit in the High Court are referred to as Justices of the High Court. It is duly

constituted by a single Judge unless the court is required to sit with jurors or assessors. (Judiciary Service, 2018).



**Figure 3. 1: The Law Courts Complex, Accra**

**Source:** Judiciary Service (2018)

### 3.3 Target Group

The target group for the study was persons previously involved in the probate of Will or parties currently contesting a Will at the time of the research. Participants were limited specifically to the Greater Accra Metropolitan area in the capital of Ghana.

### 3.4 Sampling

#### 3.4.1 Sample Size

The sample size of the study was 62, made up of 20 interviewees for the qualitative phase and 42 questionnaire respondents for quantitative phase. This sample size was chosen due to the nature and sensitivity of the cases and the difficulty in getting available and willing respondents concerned with the issue under study.

#### 3.4.2 Sampling Technique

The sampling technique used in this study was a combination of two non-probability sampling methods; purposive sampling and snowballing. The purposive sampling technique was used in selecting interviewees and respondents who were parties in current and previously contested probate of will cases at the High Court of Ghana. Purposive sampling which is also known as

subjective sampling is a widely used sampling technique where the researcher uses his or her discretion in the selection of respondents from a population-based on some qualities they possess, experiences they have, or information they are privy to (Etikan, 2016). This technique is also ideal because it allows the researcher to approach scientific respondents who have the needed information thereby saving the researcher a lot of time.

This technique was used together with the snowballing technique, which allows for interviewees to suggest or recommend other respondents and possible interviewees who may have some additional in-depth knowledge on the topic under study (V. L. P. Clark & Ivankova, 2016; Creswell, 2012). The purposive sampling technique was used in selecting current parties in ongoing and previous Will contesting cases who granted the audience volunteered to be interviewed. These initial interviewees together with some judicial service staff members recommended other willing interviewees. Hence, the snowballing technique.

### 3.5 Data Collection Process

To meet the objectives of the research and find answers to the research questions posed, a semi-structured questionnaire for the quantitative aspect and an open-ended interview guide for the qualitative aspect was used. In terms of quantitative data, a semi-structured questionnaire was administered to respondents in an attempt to quantify or ascertain a nominal representation of their responses. The questionnaire consisted mostly of closed-ended questions with likert scale questions and a few open-ended questions. The questionnaire was self-designed. The questionnaire addressed questions on the demographic characteristics of the respondents, their emotional experiences and the psychological trauma they go through. With regard to the psychometric properties of the five-point Likert type response scale that was used, a Cronbach's alpha reliability coefficient range of 0.89 – 0.94 was reported and a one year test re-test reliability coefficient of 0.73.

The qualitative aspect of the study used a COPE Inventory type of open-ended interview guide to answer the research questions (Carver, 2013). This gave the interviewees the flexibility to express their perspectives, opinions, and experiences in their own words on the topic. It enabled the interviewer to probe further for clarity and insight, thereby understanding people's perceptions and perspectives on the topic (Creswell and Clark, 2018). The interviews were recorded with a recorder with the knowledge and consent of the interviewees, after which the audios were transcribed for easy analysis. The dual method approach was used complementarily to increase validity and reliability, a practice known as triangulation. Before the questionnaire and interview guide were used in the interviews, they were pretested to identify questions that needed to be reworded to improve understanding of the test, the completeness of the questions to elicit the required responses to achieve the objectives of the research.

### 3.6 Data Analysis

The Statistical Product and Services Solution (SPSS) statistics version 22 software was used for the analysis. Data was first cleaned and then edited and formatted to ensure data accuracy. The data was explored for normality using skewness and kurtosis. Descriptive statistics was conducted with the help of frequency tables and charts to assess the emotional experience of contesting parties and the psychological trauma they go through.

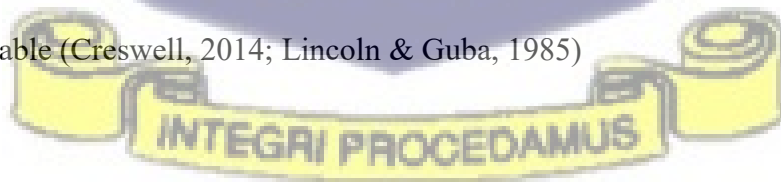
Information gathered from the interviews was categorized and analyzed to themes identified and developed by the researcher. (Clark and Braun, 2006) in their opinion, perceive thematic analysis to be the process of identifying key patterns or themes and using them as variables for analysis in addressing the research problem and objectives of qualitative research (Braun and Clarke, 2006). The interviews conducted were recorded and transcribed. The transcriptions were analyzed into themes and codes.

### 3.7 Ethics

Permission was obtained from the Judiciary Service of Ghana, Accra, to carry out the study at their premises. With the permission the researcher was able to gain access to individuals contesting probate of Will. She introduced herself to the participants at the Probate Courts 1 & 3 and thoroughly explained the objectives of the research to them. Further clarification regarding the research was provided to those who needed it. The researcher also informed the respondents of their right to opt out of the research at any time and assured them of confidentiality and anonymity of their responses. This was to obtain their consent and voluntary participation. To ensure confidentiality of participants, the questionnaires were given code numbers. For the qualitative aspect, the consent of interviewees was first sought before recording their views and opinions on the subject matter. The interview was done one after the other to ensure confidentiality. Besides, the researcher did not go through the responses of the participants.

The identities of interviewees and respondents were kept anonymous for their safety and the interviews were carried out in a conducive and safe environment. Respondents were offered a token for their participation. Those who wanted to discontinue the research were allowed to do so and were also given some token.

For data validity, the researcher ensured credibility, confirmability, dependability and transferability in the data collection and analysis process with the aim of making the findings of the study reliable (Creswell, 2014; Lincoln & Guba, 1985)



### 3.8 Limitations

This research had some limitations. One limitation of the research was that it could have included contesting parties from the other parts of the country. Also, the small number of

participants in the study due to the nature of the study was another limitation. Some of the respondents discontinued the interview because they got too emotional during the session. In addition, the perceived anxiety of the court environment made some of the respondents to decline the invitation to participate in the research.

From the results, it was observed that the respondents were giving almost the same response to the in-depth interviews and mini saturation was reached, hence, only 20 respondents were interviewed for the qualitative aspect of the study.



## CHAPTER FOUR

### RESULTS OF THE STUDY

#### 4.0 Introduction

The research findings are presented here according to the research objectives and questions which are : to assess the emotional experiences of the contesting parties; to describe the psychological trauma the contesting parties go through; and to explore coping strategies of contesting parties.

#### 4.1 Background Characteristics of the Respondents

Sixty-two contesting individuals were interviewed from the High Court of Accra, Ghana. Out of 62 participants, 42 were interviewed using questionnaires whilst 20 were interviewed using the interview guide. The response rate was over 80%. The background information covers all 62 participants interviewed for both the quantitative and qualitative aspects of the study.

The results from Table 1 show that more than half (56.5%) of the respondents were males whilst females represented 43.5%. This indicates that there were more male than female respondents who have had a relative dead and were contesting for a Will. The youngest participant was 25 years and the oldest was 49 years with an average age of 32 years ( $SD = 1.08$ ). In terms of educational attainment, more than half (59.7%) have either the secondary or vocational and technical level of education, followed by 16.1% of respondents with higher education including diplomas, degrees and postgraduate degree certificates. Most of the respondents were single (43.5%) because the widowed were also counted as single whereas 37.1% of them were married. Further, most of the respondents (72.6%) of them were Christians and 20.9% of them were Islam. This information is shown in Table 4.1.

**Table 4. 1. Background Information of Respondents**

| Characteristics       | Categories                     | Frequency (n) | Percent (%)  |
|-----------------------|--------------------------------|---------------|--------------|
| Sex                   | Male                           | 35            | 56.5         |
|                       | Female                         | 27            | 43.5         |
| Age                   | 25-29yrs                       | 5             | 8.1          |
|                       | 30-34yrs                       | 28            | 45.2         |
|                       | 35-39yrs                       | 15            | 24.2         |
|                       | 40-44yrs                       | 9             | 14.5         |
|                       | 45-49yrs                       | 5             | 8.1          |
|                       |                                |               |              |
| Marital Status        | Single                         | 27            | 43.5         |
|                       | Married                        | 23            | 37.1         |
|                       | Divorced                       | 11            | 17.7         |
|                       | Re-married                     | 1             | 1.6          |
| Educational Level     | No Education                   | 6             | 9.7          |
|                       | Primary                        | 9             | 14.5         |
|                       | Secondary/Vocational/Technical | 37            | 59.7         |
|                       | Higher                         | 10            | 16.1         |
| Religious Affiliation | None                           | 4             | 6.5          |
|                       | Christian                      | 45            | 72.6         |
|                       | Islam                          | 13            | 20.9         |
| <b>TOTAL</b>          |                                | <b>62</b>     | <b>100.0</b> |

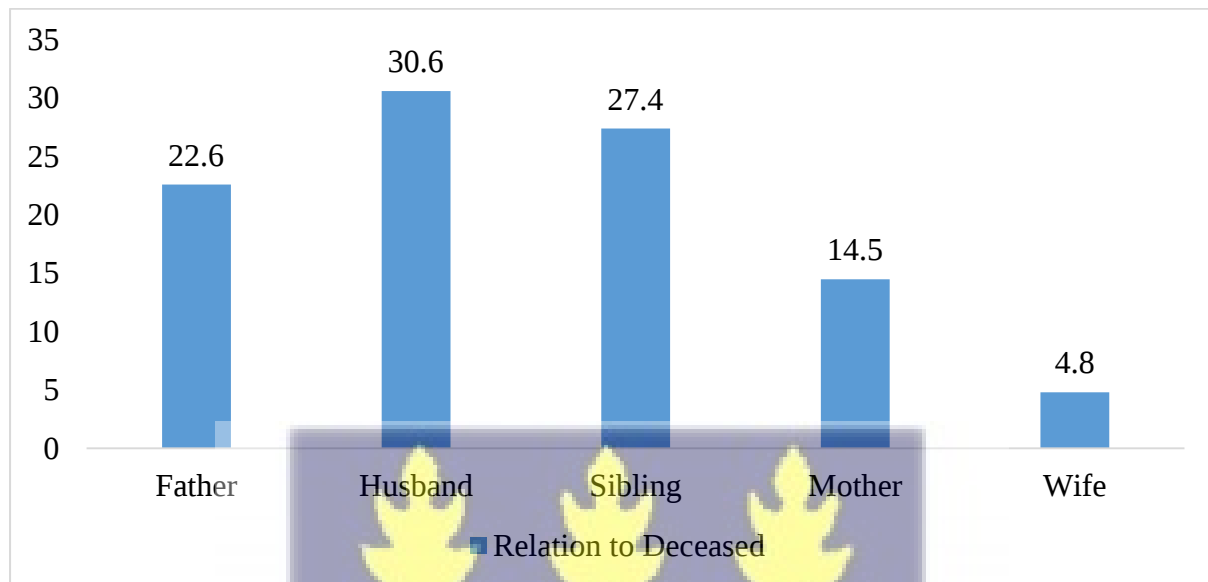
The background information helps to ascertain or determine if there is any association between the contesting parties and their emotional experiences and coping strategies. It will also help to understand the counselling needs of the contesting parties based on their different backgrounds and ages and the best coping strategies available for them.

#### 4.1.1 Relationship with the Deceased

Respondents' relationship with the deceased was assessed with findings captured in Figure 4.1. It was found that 30.6% had their husbands dead, 27.4% had their siblings dead and 22.6% had their fathers dead. It was also found that 14.5% of them had lost their mothers. The least (4.8%)

of the respondents had their wives dead. This means that a third of those who were contesting a Will were wives who had lost their husbands. It was also found that all the dear ones of the respondents died testate.

**Figure 4. 1: Relationship with the Deceased**



#### 4.2 Emotional Experiences of Contesting Parties

The first objective was to assess the emotional experiences of the contesting parties. The findings indicate that the variables related to emotional experiences received high scores for “strongly agree” and “agree” which showed that individual go through negative emotional experiences during the contention of a will ( $p < 0.05$ ). From the table below (Table 4.2), most of the respondents displayed a strong sense of anger due to the contention of Will with a mean of 4.57 and S.D = 1.20. Their anger was based on the great investments they made during the lifetime of the deceased. Most of the respondents (49.5%) were extremely sad about the turn of events ( $M = 4.52$ ,  $SD = 1.21$ ). They least expected the kind of Will that was read to them and the contention that came with it. Further, some respondents were disgusted about the whole idea of contesting a will ( $M = 4.02$ ,  $SD = 1.38$ ) and were ready to fight for what they believed was rightly theirs. On the other hand, some were not happy about the Will because they believed the Will would bring about issues and separation in the family ( $M = 2.65$ ,  $SD = 1.52$ ).

**Table 4. 2 Emotional Experiences of Contesting Parties**

| Statement                                                                                                | N  | Min | Max | Mean        | S.D  |
|----------------------------------------------------------------------------------------------------------|----|-----|-----|-------------|------|
| I was very <b>happy</b> when I heard about the Will and knew it was going to rule in my favour.          | 42 | 1   | 5   | 2.65        | 1.52 |
| I was extremely <b>sad</b> about the will and the contention that went on concerning the Will.           | 42 | 1   | 5   | <b>4.52</b> | 1.21 |
| I was <b>afraid</b> of what was going to be the outcome of the contesting of a Will.                     | 42 | 1   | 5   | 4.21        | 1.26 |
| I was <b>disgusted</b> about the whole idea of contesting for a Will. I don't like fights among families | 42 | 1   | 5   | 4.02        | 1.38 |
| I was <b>angry</b> that after all my investment in the deceased, I still have to contest for a Will.     | 42 | 1   | 5   | <b>4.57</b> | 1.20 |
| I was <b>surprised</b> at the level of contention that came up because of the Will of the deceased.      | 42 | 1   | 5   | 4.18        | 1.32 |

Similar to the results of the in-depth interviews that were conducted, positive and negative emotional experiences were generated. That is, positive emotional experience being happiness and negative emotional experience being fear, sadness, anger and disgust.

### Fear

Respondents expressed fear as one of the negative emotions contesting the probate of Will. The following narrations show this theme:

*'When I am sleeping, I get startled [sic] and wake up all of a sudden. I have grown lean. I no longer pay attention to my appearance.'* (Respondent 4, wife to deceased person).

*'I am scared of the outcome of the contention. I get so anxious about it. I am not able to sleep and it gives me headache.'* (Respondent 9, wife of a deceased person).

*'I get so scared, I literally shake every time I think about the issue. I have to take sleeping tablet before I am able to sleep'* (Respondent 12, wife of a deceased person).

## Sadness

Another negative emotion respondents expressed in the contest of probate of Will was sadness.

In the following narrations this theme was evident:

*"I am always sad about this [the will] and didn't anticipate that things will go this way." I cry within every time I remember the content of the will" (Respondent 9, Wife of the deceased person).*

*'I am heart broken and sad, I did not expect things to turn out this way at all' (Respondent 10, son of the deceased person).*

*'I am so sad and disgraced, I cannot tell anybody about my troubles. My husband really failed me by leaving us this early' (Respondent 12, wife of the deceased).*

## Anger

In addition to fear and sadness, respondents expressed anger as a negative emotion they go through. This is shown in the narration below:

*'I get so angry about this whole Will and the fact that I have to come to court and contest with those who virtually made no investment in the life of my dad when he was alive.'* (Respondent 6, daughter of deceased person).

*'Madam, I am very angry at my father's families. I won't allow them to get what does not belong to them. I will fight with my last blood to prevent them from getting what they don't qualify for.'* (Respondent 11, son of the deceased person).

*'I am so angry at my late husband for the kind of Will he left behind. I sometimes wonder what came over him to do such a Will. This is not normal. Hmmm.'* (She sighs). (Respondent 8, wife of the deceased).

**Table 4.3 Composite Score of Emotional Experiences**

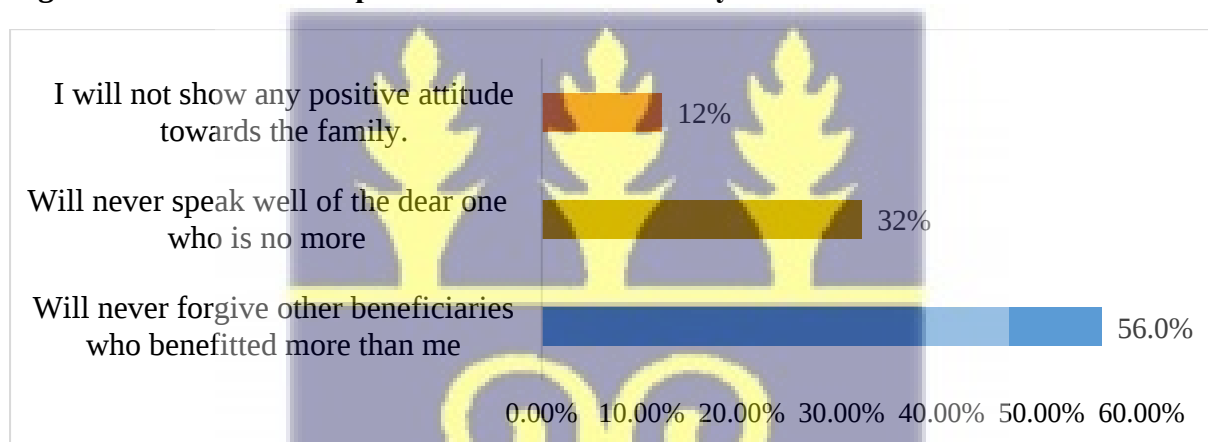
| Item                          | Mean  | S.D   | t-cal | P-value |
|-------------------------------|-------|-------|-------|---------|
| <b>Emotional Experience</b>   |       |       |       |         |
| Positive emotional experience | 4.32  | 13.26 | 2.21  | 0.56    |
| Negative emotional experience | 25.68 | 23.44 | 2.89  | 0.001** |

One sample t-test,  $p < 0.001$

#### 4.2.1 How Emotional Experiences Affect Unity and Cohesion within the Family

The study also assessed how the emotional experiences of the respondents after dissatisfaction with the contention of the Will could affect the unity and cohesion of the family system. From the figure below (Figure 4.2), the results showed that a substantial proportion (56.0%) said they will never forgive other beneficiaries in the family who benefitted more than they did. Another 32.0% indicated that they will never speak well of the deceased while 12% indicated that they will not show a positive attitude towards the family. This is likely to breed contention among family members and affect the unity, peace and harmony in the family.

**Figure 4.2: Emotional Experiences within the Family**



From the in-depth interviews conducted, a respondent who is a wife to a deceased person expressed that she will not forgive any of the beneficiaries of the family. This she expressed as;

*'No, never, not at all. It will be difficult even if I stop pursuing the case. I have suffered a lot of humiliation in their hands.'* (Respondent 12, Wife to deceased).

Other respondents also mentioned that;

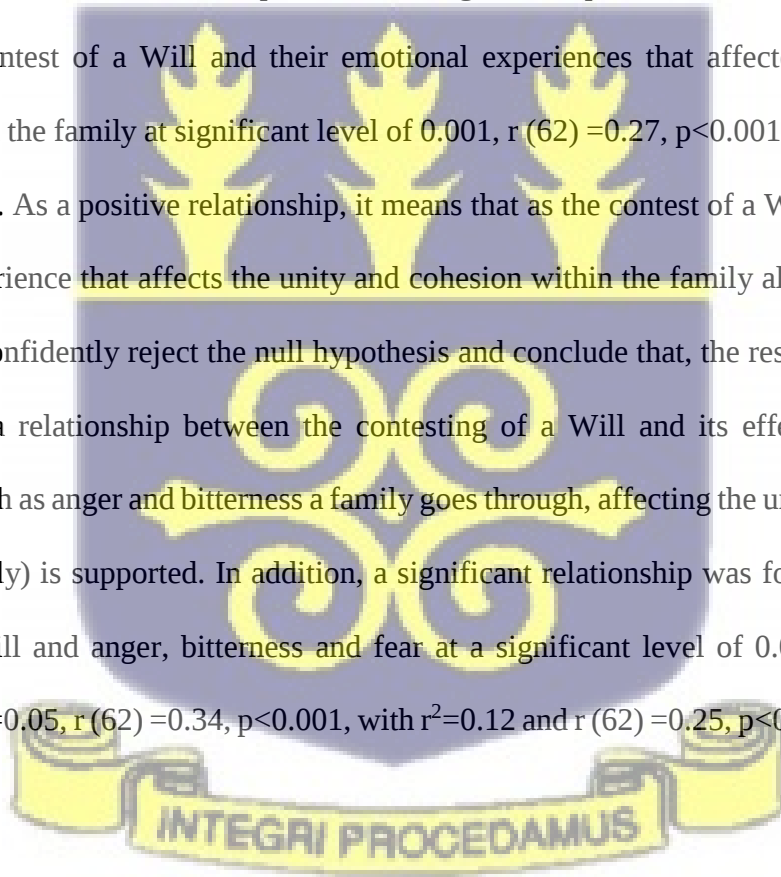
*'I will hate them forever including the deceased person. How could I suffer for you and you distribute all your properties to others who did very little for you'* (Respondent 3, wife of a deceased person).

*'I will hate my brother forever. I think he influenced my father to make the will in his favour, neglecting some of us. He has been greedy since day one.'* (Respondent 5, Son to deceased person).

#### 4.3 Testing of Hypothesis

*H<sub>A</sub>: There is a relationship between the contesting of a will and its effects on emotional experiences such as the anger and bitterness a family goes through, affecting the unity and cohesion in the family.*

The scatterplot graphical presentation was looked at before running the Pearson correlation to determine whether there exists a correlation between the contests of a Will and the emotional experiences that affect the unity and cohesion within the family. The scatterplot line of best fit (linear fit) showed a positive relation between the contest of a Will and their emotional experiences. A Pearson correlation was conducted to determine the correlation between the contest of a will and emotional experiences. A significant positive relationship was found between the contest of a Will and their emotional experiences that affected the unity and cohesion within the family at significant level of 0.001,  $r(62) = 0.27$ ,  $p < 0.001$ , with  $r^2 = 0.07$  for a one tailed test. As a positive relationship, it means that as the contest of a Will increases, the emotional experience that affects the unity and cohesion within the family also increases. We can therefore confidently reject the null hypothesis and conclude that, the research hypothesis (*H<sub>A</sub>: There is a relationship between the contesting of a Will and its effect on emotional experiences such as anger and bitterness a family goes through, affecting the unity and cohesion within the family*) is supported. In addition, a significant relationship was found between the contest of a Will and anger, bitterness and fear at a significant level of 0.01,  $r(62) = 0.23$ ,  $p < 0.01$ , with  $r^2 = 0.05$ ,  $r(62) = 0.34$ ,  $p < 0.001$ , with  $r^2 = 0.12$  and  $r(62) = 0.25$ ,  $p < 0.01$ , with  $r^2 = 0.06$  respectively.



**Table 4.4 Correlation between the Contest of a Will and Emotional Experiences that Affect the Unity and Cohesion within the Family**

| Variable              | Mean  | S.D    | Contest of a Will<br>(r) |
|-----------------------|-------|--------|--------------------------|
| Contest of a Will     | 25.38 | 4.117  | 1                        |
| Emotional experiences | 14.79 | 10.722 | .27**                    |
| Anger                 | 7.25  | 5.154  | .23**                    |
| Fear                  | 9.73  | 3.649  | .34**                    |
| Bitterness            | 7.41  | 3.282  | .25**                    |

#### 4.4 Psychological Trauma the Contesting Parties Go Through

The second objective was to describe the psychological trauma that the contesting parties go through. From Table 4.6, the results showed that the respondents go through some form of severe psychological trauma during the probate of a Will ( $p < 0.05$ ). Most of the respondents confirmed the unbearable pain of loss they go through when they lose a dear one ( $M = 29.7$ ,  $SD = 1.24$ ). Apart from the pain, 83.8% of the respondents developed strong hatred for the people contending with them over the Will of the deceased ( $M = 23.6$ ,  $SD = 1.28$ ). Further, respondents developed hatred for the deceased for the pain they have caused them and the trauma they have to go through ( $M = 26.4$ ,  $SD = 1.26$ ). Some of the respondents also found it difficult to forgive themselves for their loss ( $M = 15.4$ ,  $SD = 2.76$ ).

**Table 4.5 Psychological Trauma the Contesting Parties Go Through**

| Item                                                                                             | N  | Min | Max | Mean | S.D  |
|--------------------------------------------------------------------------------------------------|----|-----|-----|------|------|
| It was very painful when I lost a dear one very close to me.                                     | 42 | 1   | 2   | 29.7 | 1.24 |
| I will never forgive myself for this great loss                                                  | 42 | 1   | 2   | 15.4 | 2.76 |
| Upsetting thoughts come into my mind because of the contention going on now concerning the Will. | 42 | 1   | 2   | 18.7 | 2.35 |

|                                                                                  |    |   |   |             |      |
|----------------------------------------------------------------------------------|----|---|---|-------------|------|
| I have developed strong hatred for the dear person who is no more.               | 42 | 1 | 2 | 23.6        | 1.28 |
| I hate the people contending with me over the Will of the deceased.              | 42 | 1 | 2 | <b>26.4</b> | 1.26 |
| Thoughts of hurting the people contending with me come to mind from time to time | 42 | 1 | 2 | <b>21.5</b> | 1.29 |

Similarly, the response from the in-depth interviews also showed that respondents go through psychological trauma during the probate of a will. Themes such as hatred and stress were generated.

### Hatred

Respondents expressed hatred as a psychological trauma they go through. The narratives below from respondents vividly confirm this theme:

*'I hate them. I curse them anytime it rains. I take off my clothes, sit on the ground in the rain and curse them. I also call on God that if he is alive, he must intervene.'*  
(Respondent 2, son to deceased).

*'I won't allow them to take what does not belong to them. The property was jointly acquired by the two of us. I will not leave it for them. They do not deserve it. Where were they during the 12 years that the deceased was ill? I single-handedly took care of him.'* (She chuckles).  
(Respondent 3, Wife to deceased person).

*'I hate the families of my father who have the gut to contend the Will with us. Who do they think they are. This is all they know. Reaping where they have not sown.'*  
(Respondent 6, daughter of the deceased person).

**Table 4.6 Composite Score of Psychological Trauma**

| Item                        | Mean | SD   | t-cal | P-value |
|-----------------------------|------|------|-------|---------|
| <b>Psychological Trauma</b> |      |      |       |         |
| Severe Psychological Trauma | 32.4 | 1.21 | 2.96  | 0.012*  |
| Mild Psychological Trauma   | 12.6 | 1.86 | 2.37  | 0.067   |

#### 4.5 Association between Background Characteristics and Emotional Experiences of Contesting Parties

The Chi-square test of independence was used to determine any significant association between the background information of the contesting parties and their emotional experiences. The analysis showed that emotional experiences of contesting parties were not significantly associated with the age and marital status of the respondents ( $p > 0.05$ ). However, educational background and religious affiliation of the contestants  $p < 0.01$  were significantly associated with their emotional experiences. Table 4.4 below shows the Chi-square test of independence of the association between the participants' characteristics and their emotional experiences.

**Table 4.7 Association between Respondents Characteristics and Emotional Experiences**

| Variable              | Chi-Square Value | P Value |
|-----------------------|------------------|---------|
| Age                   | 3.643            | 0.517   |
| Marital Status        | 7.421            | 0.091   |
| Educational Level     | 18.422           | 0.004** |
| Religious Affiliation | 34.763           | 0.002** |

\* Significant at  $p < 0.05$

\*\* Significant at  $p < 0.01$

#### 4.6 Correlation between Psychological Trauma and Emotional Experiences

The relationship between psychological trauma and respondents' emotional experiences was determined using Pearson's  $r$ . The correlation analysis from Table 4.5 showed a strong positive correlation between emotional experiences of participants and their psychological trauma ( $r(62) = 0.041$ ,  $p < 0.05$ ). This means that as the psychological trauma of the participants increases, their emotional experiences increase as well. That is to say that, the more the respondents go through psychological trauma, the more likely they are to have extreme emotional experiences.

**Table 4.8 Correlation between Psychological Trauma and Emotional Experiences**

|                          | 1      | 2      |
|--------------------------|--------|--------|
| 1. Psychological Trauma  | 1      | 0.041* |
| 2. Emotional Experiences | 0.041* | 1      |

\* Correlation is significant at the 0.05 level (2-tailed), “p < 0.05 level (2-tailed)”

#### **4.7 Coping Strategies of Contesting Parties**

The third objective was to explore the coping strategies of contesting parties. The research question was “what coping strategies do the contesting parties employ when going through the probate of a Will?” This was done through the in-depth interviews that were conducted. Four themes with subthemes were generated from the data: seeking counselling (subthemes: talking to a Pastor, talking to the elderly and talking to friends), self-help (subthemes: turning to media, crying, asking for intervention), unhealthy habits (subthemes: overeating, undereating, drinking excessively) and couch potato (sitting aloof, not talking to anyone).

##### **4.7.1 Seeking Counselling**

Counselling is one way of providing skilled assistance and guidance in resolving personal or psychological problems. Some respondents indicated that by way of coping with the emotional experiences from contesting the probate of Will they sought to counselling. The counselling ranged from talking to a Pastor to talking to the elderly and friends.

##### **Talking to a Pastor**

Respondents indicated that one of the ways they seek counselling as a coping mechanism is to talk to their Pastor. This is evidenced from the narratives of respondents as follows:

*‘I speak to my Pastor when I am down’ (Respondent 3, wife to a deceased person)*

*‘I call on my Pastor for counsel and prayer.’ (Respondent 6, daughter of the deceased).*

*‘I seek counsel from my Pastor on how to proceed further with the case.’ (Respondent 2, son of the deceased).*

*'I call my Pastor for divine direction.'* (Respondent 10, son of the deceased).

### Talking to the Elderly

Another way respondents sought counselling to cope with their emotional experiences is to talk to the Elderly. Respondents narratives below confirm this:

*'I speak to an elderly woman in church when the pain is extreme.'* (Respondent 12, wife of the deceased)

*'I consult an elderly man in our neighbourhood for advice. When people have similar cases they go to him for advice.'* (Respondent 13, son of the deceased).

*'I pour out my pain on to an Elder in our church. This really brings me relief.'* (Respondent 16, daughter of the deceased).

*'I speak to our family Elder who assures me that everything will be well.'* (Respondent 1, wife of the deceased).

### Talking to Friends

Apart from reaching out to a Pastor and the Elder for counselling, some respondents also sought counselling from friends. This is supported by the following narratives from respondents :

*'I chat with my friends about the case and listen to their opinions to advise myself.'* (Respondent 2, son to the deceased)

*'I speak with my friends a lot and they make me laugh often which helps me to be a bit relieved.'* (Respondent 15, husband to the deceased)

*'I spend hours chatting with my friends to help me forget my troubles but this is only for a while. It doesn't last long then I go back to being sad again. Will this pain ever go away?'* (Respondent 14, wife to the deceased)

#### 4.7.2 Self-help

Self-help was another way respondents employed in managing their emotional experiences following the contest of probate of Will. Subthemes under self-help were “turning to media, crying, and asking for intervention.”

#### Turning to Media

Some respondents mentioned that they turn to various types of media to help them cope with the emotions experienced during the contest of probate of Will. This is confirmed by their narratives as follows:

*'I watch TV programmes of others going through similar or worse experiences and how they were able to handle such situations.'* (Respondent 1, wife of the deceased).

*'I also follow social media to calm me down.'* (Respondent 16, daughter of the deceased).

*'I listen to music to get some relief.'* (Respondent 19, son of the deceased).

## **Crying**

Aside turning to media use, some respondents resorted to crying as a coping mechanism. This is reflected in their responses as shown below:

*'I lock myself up, cry and rain curses upon my husband's family who are contending the Will with me.'* (Respondent 9, wife of the deceased).

*'I go to church and cry on God. By the time I am done crying, I feel a lot better.'* (Respondent 12, wife of the deceased).

*'After every court proceeding, I cry out the pain when I get home.'* (Respondent 18, daughter of the deceased).

## **Asking for Intervention**

Some respondents also used several means to ask for intervention in the contention of Wills as a way of managing their emotions. This was reflected in their narratives below:

*'I go to my father's grave and tell him all that I am going through believing that he will come and fight the battle for me'* (Respondent 17, daughter of the deceased)

*'I also pray to God for divine intervention.'* (Respondent 1, wife of the deceased).

*'I call on God that if He is alive He must intervene.'* (Respondent 2, son of the deceased).

## **4.7.3 Unhealthy Habits**

Respondents resorted to unhealthy habits to cope with their emotional experiences. An unhealthy habit is engaging in a patterned behaviour that is regarded as detrimental to one's physical or mental health. Subthemes grouped under Unhealthy Habits were overeating, under-eating and drinking excessively.

### **Overeating**

Respondents resorted to overeating as a coping strategy. Responses given below by the respondents confirm it.

*'I eat a lot and I just can't help myself. That is where I find my peace.'* (Respondent 17, daughter of the deceased).

*'Unfortunately, I find myself eating too much. At least it gives me some consolation.'* (Respondent 7, wife of the deceased).

*'Look at me. I have gained unnecessary weight as a result of overeating. I binge on anything that comes my way.'* (She sobs). (Respondent 16, daughter of the deceased).

### Undereating

While some respondents overate to cope with their emotional experiences, others underrate. Below are some responses in that regard.

*'I can't eat when I am served food. I put the food under my bed and later throw it away when everybody is asleep.'* (Respondent 1, wife of the deceased.)

*'Since we began this whole court process, I have lost weight because I am not able to eat well as I used to. I don't feel for food.'* (Respondent 4, wife of the deceased).

*'I have low appetite. I am not able to eat enough. This whole contesting of Will is weighing me down. I have reduced in weight.'* (Respondent 12, wife of the deceased).

### Drinking

In addition to overeating and undereating, some respondents took to drinking to manage their emotional experiences. Respondents had the following to say in support of that.

*'I go out to drink with my friends. It helps me forget the troubles from this contention of Will.'* (Respondent 15, husband to the deceased).

*'I feel relaxed when I drink. I think it helps me drown the stress associated with contesting this Will.'* (Respondent 10, son of the deceased).

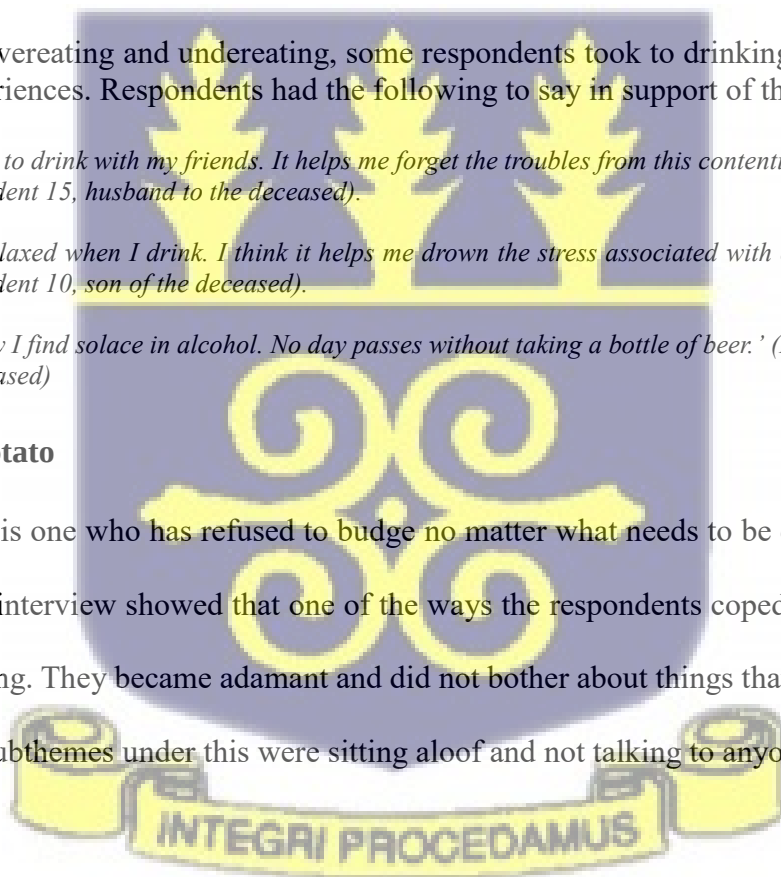
*'For now I find solace in alcohol. No day passes without taking a bottle of beer.'* (Respondent 5, son of the deceased)

### 4.7.4 Couch Potato

A couch potato is one who has refused to budge no matter what needs to be done. The results of the in-depth interview showed that one of the ways the respondents coped was to refuse to budge at anything. They became adamant and did not bother about things that were happening around them. Subthemes under this were sitting aloof and not talking to anyone.

#### Sitting aloof

Some respondents indicate that they sat aloof to cope with their emotional experiences. This was reflected in the responses of the respondents.



*'I don't do anything. After all, it's not as if there is something I can do to change the situation.'* (Respondent 20, wife of the deceased).

*'Well, I don't do anything. I don't have the energy. I am just there.'* (Respondent 17, daughter of the deceased).

*'I'm just there. I don't do anything. Whatever can come, can come.'* (Respondent 4, wife of the deceased).

### **Not Talking to Anyone**

Some respondents said that they do not talk to anyone as part of their coping strategy as indicated in the responses below.

*'I don't talk to anybody for days till I feel I am okay. Nobody really understands my pain anyway, so why talk?'* (Respondent 17, daughter of the deceased).

*'There is no point talking to anyone. Who knows and understands what you are going through?'* (Respondent 18, daughter of the deceased).

*'I don't talk to anyone. I prefer to keep to myself.'* (Respondent 19, son of the deceased).

### **4.8 Implications of Findings with Theoretical Framework**

The findings confirmed the concepts indicated in the theoretical framework that the emotional experiences of contesting parties of probate of Will affected their thoughts and reactions automatically which led to their emotions, behaviour and physiological responses.

The findings also showed that bereaved people who had to contest for the probate of a Will of the deceased automatically had strong thoughts of loss, anger, bitterness and hatred, especially for those they had to contend with. Some of the reactions that were seen as findings of this study were crying and murmuring, unhealthy eating habits and moody looks.

Moreover, the findings revealed that emotions such as happiness, sadness, fear, disgust, anger and surprise were seen among the respondents during the probate of the Will. Sadness, fear and anger were the most seen among the respondents because they could not tell what will be the outcome of the probate of Will and how it was going to affect the unity and cohesion within their families. On the other hand, some of the respondents were happy because they knew they were going to come out as victors after the probate of the Will no matter the situation.

Despite the emotions of the respondents, the results showed that majority of the participants were either stressed, anxious or depressed because of the processes they had to go through while mourning their loved ones. This also showed in their physiological responses as some of the respondents were seen to have lost weight and became pale after a short period of time whereas others gained weight suddenly and abnormally.



## CHAPTER FIVE

### 5.0 DISCUSSION

#### 5.1 Introduction

This research work explored and described the emotional experiences of contesting parties of probate of a will in Accra, Ghana. Presented here are the discussion of the results.

Circumstances that occasioned the contest of Will were found to include factors such as a person's relationship with the dead, people's expectation of the content will and their thoughts concerning the will (Hauser, 1985). It was also found that people have emotional experiences when going through the probate of Will with contesting parties (Gu et al., 2019; Izard, 2009).

This research considered the emotional experiences of contesting parties, the psychological trauma they go through when contesting a Will and the coping strategies they employ. It was found that 30.6% of the respondents had lost their husbands implying that most of contesting parties were wives or widows. According to Nasrul, et al., (2019), more widows (86.2%) were involved in the probate of Will and they were almost always successful (92.3%). The least, in this study, were husbands who had lost their wives or were widowers (4.8%). This may be as a result of the fact that most husbands will their properties to their wives instead of wives willing their properties to their husbands (Conway & Stannard, 2015; Stabler, 2018). This study also revealed that 59.7% of the participants had secondary level of education and hence were considered educated and 72.6% of them were Christians. Rene (2020) showed that it is the educated people and those who have substantial wealth that go through the probate of Wills. Another study also argued that more Christians were involved in the probate of a Will and questioned the role of the church in handling family disputes (Gary, 1997).

## 5.2 Emotional Experiences of Contesting Parties of Probate of Will

The emotional experiences of contesting parties were assessed using Ekman's six basic types of emotions (Ekman, 2005). That is, happiness, sadness, fear, disgust, anger and surprise.

The study found that 29.4% of the respondents were not happy about the contention of the Will. This was because most of them were still mourning the deceased and they knew the contention of a Will was going to breed anger and separation in the family. Moreover, 49.5% of the respondents were extremely sad about the Will and the contention that came about concerning the Will. This is confirmed by Wilcox et al., (2003) that contesting a Will breeds anger and separation in a family and affects the emotions of the bereaved family, thereby, making everyone in the family sad. Apart from the fact that sadness was a strong emotion of most of the respondents, fear also gripped their hearts. The study found that 48.7% of the respondents were afraid of what was going to be the outcome of the probate of a Will. Studies have revealed that fear is a strong emotional feeling that grips most contesting parties including those who strongly believe they could win the case because anything can happen (Fishkind, 2011; Kvajo, 2016; Rolckick, 2002). Most people are not sure of the turnout of events during the probate of a Will, you can either win or lose the case. The sadness that the individual goes through coupled with the fear that comes with it leads to anxiety and depression and some level of psychological trauma (Radford, 2012).

Further, the study found that though 35.7% of the respondents were disgusted about the whole idea of contesting a Will because they do not like fights among family members, 30.1% were not disgusted at all. That was because those respondents were ready and willing to fight to their last breath to ensure that their opponents do not win the case in court. Whiles 35.8% of the respondents were surprised at the level of contention that came up because of the Will, 59.2% of them were extremely angry that after all their investments in the deceased, they had to contest for a Will. These respondents found it unfair to them to contest for a Will after all the

time and money they have invested in the deceased. The study also found that, it was the widows that were most angry. The American Psychological Association says that the first year of widowhood is most harmful to the mental health of the widow. The Association mentions that widows are extremely angry during the loss of their husbands and even angrier when they have to contest for a will considering the lifetime they have spent with the deceased (American Psychological Association, 2003). A study conducted in Ghana also revealed that anger was a strong emotion displayed by widows especially and the bereaved family during the probate of a will (Miescher, 1997).

The study also investigated how emotional experiences affect the unity and cohesion within the family. The study found that 56.0% of the respondents said they will never forgive the other beneficiaries who benefited more than them.

The study also found that 32.0% of the respondents said they will never speak well of the deceased and 12% had resolved in their hearts never to show any positive attitude towards the family. This agrees with several studies conducted that have revealed that bereaved individuals who go through the probate of a Will carry a lot of pain, anger, hatred and bitterness in them which affects the unity and cohesion within the family (Carr, 2020; Hauser, 1985; Selmer, 2021).

### **5.3 Psychological Trauma That the Contesting Parties Go Through**

The findings showed that most of the participants were going through some form of psychological trauma. To be sure of this, some statements were developed for the respondents to respond to, to determine whether they have been traumatized by the events or not. Most of the respondents (92.7%) revealed that it was very painful for them when they lost a dear one very close to them. Also, 83.8% of the respondents revealed that they had developed a strong sense of hatred for the people contending with them over the Will of the deceased. More than

half of the respondents (70.9%) also had thoughts of hurting the people contending with them over the Will of the deceased from time to time. It was evident that the respondents were traumatized because it showed in the physiological responses. Some of them had lost weight drastically within a short period of time while some had also gained weight. Most of the respondents also looked pale and sick because they were emotionally drained and traumatized.

Other studies have shown that the emotional experiences that contesting parties go through during the probate of a Will has something to do with psychological trauma (Nasrul et al., 2019; Rosenfeld, 1980; Selmer, 2021). It was found that most people who go through probate of a will suffer from anxiety and depression disorder and poor anger management (Nasrul et al., 2019). In addition, this study also found that there is a positive relationship between emotional experiences and psychological trauma. This means that as the psychological trauma of the respondents increase, their emotional experiences increase as well. That is to say that, the more the respondents go through the emotional experiences, the more likely they are to suffer from psychological trauma and vice versa. According to Mason (2010), 80% of widows suffer psychological trauma after the loss of their husbands. On the other hand, 88% of them suffer a higher form of psychological trauma (anxiety and depression) when there is contest of a Will based on the emotional experiences such as fear, anger, sadness and disgust that they go through. In Islam, the widows suffer more because they do not even get the privilege to pay their last respect to their deceased husbands and most often everything is taken from them and they are left with very little to take care of themselves and their children (Cheema, 2020).

#### **5.4 The Contest of a Will and the Emotional Experiences that Affect the Unity and Cohesion within the Family**

The research hypothesis for this study stated that there was a relationship between the contest of a Will and its effect on emotional experiences such as the anger and bitterness a family goes through, affecting the unity and cohesion within the family. A Pearson correlation was

conducted to test the hypothesis which rejected the null hypothesis and found the research hypothesis to be valid. It was observed that as the contest of a Will increases, the emotional experiences that affect the unity and cohesion within the family also increased.

Several studies have also revealed that division among family members is also caused by the contest of a Will in a family (Gary, 1997; Odoi, 2020; Rene, 2020; Sagay, 1974). Other studies also revealed that bereaved individuals going through the probate of Will develop a strong sense of hatred for their opponents, especially when they are closed relations (American Psychological Association, 2003; Raji & Lawani, 2020; Richardson & Balaswamy, 2001). Because they expect that close relations should understand their situation better and not be the ones contending with them over the property of the deceased in court.

### **5.5 Association between Emotional Experiences and Respondents' Characteristics**

Using Chi-square test among other tests of association, this research work matched respondents' characteristics such as age, marital status, educational level, and religious affiliation with emotional experiences. It was observed that individuals who were more likely to go through the probate of a will were highly educated and mostly Christians. Also, the age and marital status of the individual did not play a major role in who goes to court to contest a Will. The findings corroborate the work of Odoi (2019), who mentioned that most people who went through the probate of a Will after losing a dear one were mostly Christians and highly educated.

In a study conducted by Selmer (2021), most widows who were highly educated went through the probate of a Will and were able to manage their emotions effectively. Those that had emotional problems were able to overcome them because they saw the need for therapy and sought help when they needed it. On the other hand, some widows were not able to manage their emotions properly though they were educated and battled with psychological trauma.

Another study also suggested that the religious affiliation of an individual determined whether the individual who has lost a loved one will go through the probate of Will or not (Conway & Stannard, 2015). In Islam, women who lose their husbands mostly do not go through the probate of a Will because the deceased would have shared his or her estates while alive (Cheema, 2020). If not so, the family does the sharing of the estate. Due to this, Muslim widows only go through grief because of the loss but do not have issues contending for a Will (Cheema, 2020). On the other hand, it was found that most widows who go through the probate of a Will and suffer emotionally were Christians (Simons, 2021). It was found that dealing with the probate causes stress, frustration and mental health problems not only for the widows but anyone else who has lost a loved one and is going through the probate of a Will (Simons, 2021).

### 5.6 Coping Strategies of Contesting Parties

The results of the study showed that some respondents were going through coping strategies to help them overcome the stress, emotions and psychological trauma they were going through. This objective of the study and the research questions were analyzed using in-depth interviews. Based on the responses from the respondents, the coping strategies that the contesting parties employed were seeking counselling, self help, unhealthy habits and couch potato. In seeking counselling, respondents spoke to a Pastor, the elderly and friends. As part of self help, some respondents resorted to media, crying and asking for intervention. Respondents experienced overeating, undereating and drinking as unhealthy habits while others sat aloof and talked to no one under couch potato.

One of the most ideal coping mechanisms to use when going through emotional stress and psychological trauma is counselling. Studies have shown that counselling is one of the best strategies to overcome emotional stress and prevent mental health illnesses (Carr, 2020; Schachter & Singer, 1962). Most of the respondents (70%) of them mentioned that they speak with someone (a Pastor, church elder, and elderly person or their peers) when they are broken

and do not know what to do. It is said that a problem shared is half solved hence most of the respondents resorted to sharing their emotions with others. In South West Nigeria, most young and old widows resorted to counselling with their Pastors when the emotional stress was unbearable for them (Somhlaba & Wait, 2009). This confirms the results of the study when the respondents mentioned that they either talk to their Pastor or an elderly person in church when the situation is unbearable for them.

Self-help which was also one of the themes generated from the responses is also another coping strategy that individuals use to overcome emotional stress, depression and psychological trauma. Studies have revealed that one of the ways to overcome stress and anxiety is to occupy one's self with other activities (Akinlabi, 2013; Bennett, et al., 2005). According to Somhlaba & Wait (2009), individuals who know how to occupy themselves and use their own resources without the help of anyone turn to overcome depression efficiently. They understand the need to put themselves first before anything and know how to take care of themselves. These kinds of people find comfort in other things such as their jobs, television, phones and others. On the other hand, Richardson & Balaswamy (2001), mentioned in their study that bereaved people who depend on their jobs, television, social media and the likes as coping mechanisms do not heal fast. They compared it to alcoholism, where one forgets their problems when drunk and high and just when they are back to normal their problems come rushing back to them.

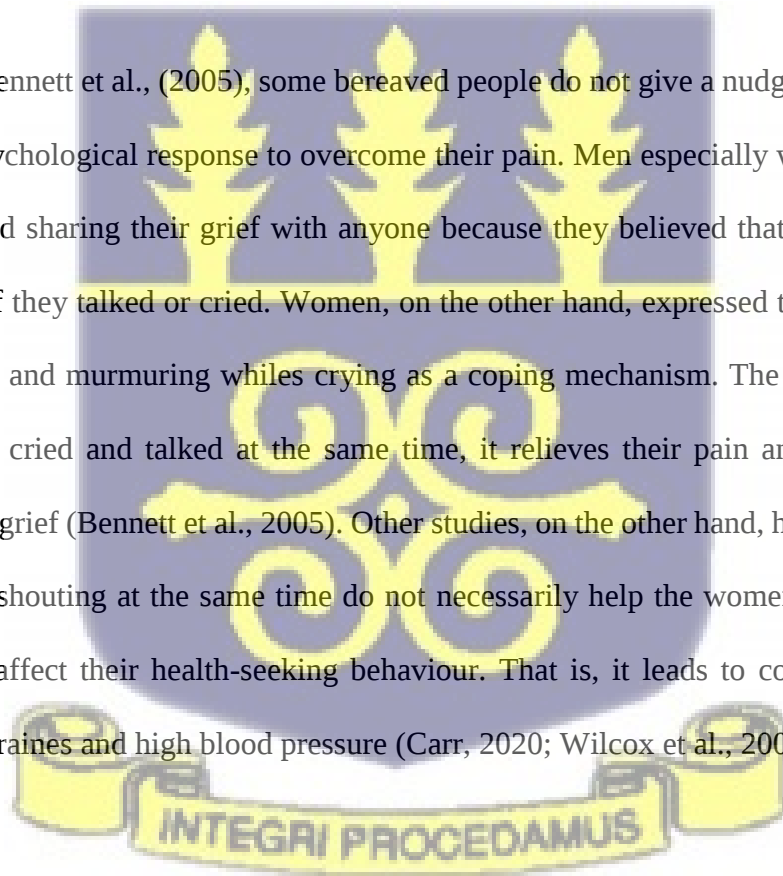
Further, another theme that was generated was unhealthy habits. The results of the study indicated that unhealthy habits were one of the coping strategies that the respondents employed. They either resorted to overeating or undereating, some resorted to eating junk and others resorted to no eating at all.

Studies have revealed that bereaved people use food as a coping mechanism (K. Bennett & Soulsby, 2012; Richardson & Balaswamy, 2001). A study conducted in South Africa found

that some bereaved people suffered from anorexia nervosa which is an eating disorder because they refused to eat and if they ever did, they will forcefully throw up the food (Somhlaba & Wait, 2009). In South West Nigeria, young widows were found to overeat and overdrink as a way to help them forget their pain and loss whereas old widows would avoid food and not eat at all because of their pain and grief (Akinlabi, 2013). In Ghana, bereaved people especially men used alcohol as a coping strategy to fight depression and grief (Miescher, 1997).

Also, the study results indicated some of the participants were irresponsive to their situations. That is, they did not budge or care about anything that happened around them hence the theme couch potato was generated. The respondents mentioned that there was nothing they could do about their situation and there was no need to react.

According to Bennett et al., (2005), some bereaved people do not give a nudge about their loss or grief as a psychological response to overcome their pain. Men especially will refuse to talk about it to avoid sharing their grief with anyone because they believed that it will represent them as weak if they talked or cried. Women, on the other hand, expressed their emotions by crying out loud and murmuring whiles crying as a coping mechanism. The women believed that when they cried and talked at the same time, it relieves their pain and helps them to overcome their grief (Bennett et al., 2005). Other studies, on the other hand, have revealed that the crying and shouting at the same time do not necessarily help the women overcome their grief but only affect their health-seeking behaviour. That is, it leads to conditions such as headaches, migraines and high blood pressure (Carr, 2020; Wilcox et al., 2003).



## CHAPTER SIX

### CONCLUSION AND RECOMMENDATION

#### 6.0 Introduction

The conclusion and recommendations of this research work are presented in this chapter. The conclusions were made in line with the objectives of this research work. Recommendations for further studies and to relevant institutions are also found in this section.

#### 6.1 Conclusion

This research explored the emotional experiences of contesting parties of probate of a Will in Accra, Ghana. Three key objectives were explored including the emotional experiences of the contesting parties, the psychological trauma that the contesting parties go through and the coping strategies of the contesting parties. The study further assessed how the contest of a Will and the emotional experiences such as anger and bitterness affected the unity and cohesion within the family and the association between the demographic characteristics and their emotional experiences.

The study found that widows (wives of deceased persons) dominated the study respondents and were being contested by family members of the deceased person on the Will. Emotional experiences such as anger, sadness, fear and disgust were also found to be exhibited by dissatisfied parties contesting a Will. The study also found that the respondents were very angry with the contesting parties and had developed a strong sense of hatred and bitterness towards the contesting parties. The study showed that there was a significant positive relationship between the emotional experiences of the respondents and the psychological trauma they went through. As the emotional experiences of the respondents increase, their psychological trauma

increased as well. That is to say that, the more the respondents go through tough emotional experiences, the more likely they are to suffer severe psychological trauma.

This research also revealed a significant association between respondents' characteristics such as educational level and religious affiliation and the emotional experiences of contesting parties during the probate of a Will. It was found that highly educated people and Christians were mostly involved in the probate of a Will. The study also found the research hypothesis to be confirmed, that is, as the contest of a Will increased, emotional experiences such as anger and bitterness which affected the unity and cohesion in the family also increased.

The findings established that some of the respondents developed coping strategies to help themselves overcome the grief and emotional stress they were going through. Most of the respondents resorted to counselling which has been proven by other studies as one of the best coping mechanisms to fight emotional stress, depression and psychological trauma. On the other hand, some of the respondents resorted to coping mechanisms such as unhealthy habits, self-help and couch potato which affected their health outcomes and health-seeking behaviour. The findings of the study helped achieve the objectives of the study and proved the hypothesis to be true.

## **6.2 Recommendations**

Following the findings and the need for counselling therapy for the emotional experiences of contesting parties during the probate of a will, the researcher wishes to offer some suggestions for further studies as well as to relevant institutions such as the Mental Health Authority, counselling institutions/facilities and the Ghana Psychology Council.

### **6.2.1 Mental Health Authority**

To help address the emotional experiences of contesting parties of probate of Will, regular review meetings and psycho-education could be held with the administration of the High Court

of Ghana. Also, mental health nurses and counsellors could be assigned to the court to provide mental health services during a court session or when the probate of a Will is ongoing. More emphasis should be placed on mental health education and should be intensified in relation to issues concerning depression, anxiety, psychological trauma and others.

### **6.2.2 Counselling Institutions/Facilities**

Counselling facilities could liaise with the Mental Health Authority to offer quality and the appropriate counselling services to the bereaved. Psycho-education could also be given on the potential effect of nursing pain, anger and bitterness on their health. A clinical psychologist should also be employed in these counselling facilities to effectively diagnose or evaluate the mental and emotional state such contesting parties and all other individuals so as to administer the appropriate treatment.

### **6.2.3 Ghana Psychology Council**

Bearing in mind the vital role mental health plays in the life of every individual and based on the research hypothesis, the Ghana Psychology Council should intensify measures put in place to provide adequate and quality mental health care for all. A counselling unit could be institutionalised at the law court to provide counselling for the contesting parties. Mental health education should be intensified on radio and television as well as other social media platforms. Furthermore, the hotlines should be made active so that people can easily reach a counselling psychologist for help when the need arises. Additionally, married women should be empowered to stand for their rights through effective sensitization during counselling. This will grant married women who have lost their beloved some power to pursue all legal proceedings necessary for them to achieve victory after the probate of a Will.

#### **6.2.4 Recommendations for Further Studies**

Further research can look at counselling styles and theories used to counsel bereaved people who go through emotional experiences during the probate of a Will and the kind of mental health conditions they suffer and how they are managed. Other studies and investigations could also be conducted to investigate whether the emotional experiences of the contesting parties lead to adverse mental health conditions such as schizophrenia, obsessive-compulsive disorder and post-traumatic stress disorders. Last but not least, other studies could also explore whether the court processes further exacerbate the emotional experiences of the contesting parties.



## REFERENCES

- Akinlabi, F. B. (2013). Coping mechanism/resources of young and old widows in South West Nigeria. *Mediterranean Journal of Social Sciences*, 4(2), 193–198.  
<https://doi.org/10.5901/mjss.2013.v4n2p193>
- American Psychological Association. (2003). First year of widowhood most harmful to mental health. Retrieved March 3, 2022, from American Psychological Association Journal website: <https://www.apa.org/news/press/releases/2003/09/widowhood>
- Baron, J. B. (2019). Fixed Intentions: Wills, Living Wills, and End-of-Life Decision-Making. *Tennessee Law Review*, 87.
- Beck, A. T. (1993). Cognitive therapy: Past, present, and future. *Journal of Consulting and Clinical Psychology*, 61(2), 194–198. <https://doi.org/10.1037//0022-006x.61.2.194>
- Bennett, K. M., Hughes, G. M., & Smith, P. T. (2005). Psychological response to later life widowhood: Coping and the effects of gender. *Omega: Journal of Death and Dying*, 51(1), 33–52. <https://doi.org/10.2190/9JPJ-1FM1-37NX-2DEC>
- Bennett, K., & Soulsby, L. (2012). Wellbeing in Bereavement and Widowhood: *Sage Journals*, 20(4), 321–337. <https://doi.org/10.2190/IL.20.4.B>
- Braun, V., & Clarke, V. (2006). Using Thematic Analysis in Psychology. *Qualitative Research in Psychology*, 3(2), 77–101.
- Britannica, T. E. of E. (2021). Intestate Succession. Retrieved March 2, 2022, from Encyclopeida Britannica website: <https://www.britannica.com/topic/intestate-succession>
- Cannon, W. B. (1987). The James-Lange theory of emotions: a critical examination and an alternative theory. By Walter B. Cannon, 1927. *The American Journal of Psychology*, 100(3–4), 567–586. <https://doi.org/10.2307/1422695>
- Carr, D. (2020). Mental health of older widows and widowers: Which coping strategies are most protective? *Aging and Mental Health*, 24(2), 291–299.

<https://doi.org/10.1080/13607863.2018.1531381>

Carver, C. S. (2013). *COPE Inventory*. *Measurement Instrument Database for the Social Science*. 1–4. [https://doi.org/10.1016/0022-3115\(87\)90495-8](https://doi.org/10.1016/0022-3115(87)90495-8)

Cheema, S. A. (2020). Distribution of Inheritance under Islamic Law: An Appraisal of Online Inheritance Calculators. *SSRN Electronic Journal*.  
<https://doi.org/10.2139/SSRN.3674913>

Cherry, K. (2021). What Are Emotions? Types of Emotions in Psychology. Retrieved March 4, 2022, from Verywell mind website: <https://www.verywellmind.com/what-are-emotions-2795178>

Clark, D. A., & Beck, A. T. (2010). Cognitive theory and therapy of anxiety and depression: Convergence with neurobiological findings. *Trends in Cognitive Sciences*, 14(9), 418–424. <https://doi.org/10.1016/j.tics.2010.06.007>

Clark, V. L. P., & Ivankova, N. V. (2016). Mixed Methods Research: A Guide to the Field. In *Mixed Methods Research: A Guide to the Field* (Third Edit).  
<https://doi.org/10.4135/9781483398341>

Conway, H. (2016). The Law and the Dead. In T. and F. Group (Ed.), *Bmj* (Vol. 1).  
<https://doi.org/10.1136/bmj.1.5335.941-a>

Conway, H., & Stannard, J. (2015). Property and Emotions: *Sage Journals*, 8(1), 38–43.  
<https://doi.org/10.1177/1754073915601225>

Creswell, J. W. (2009). Research Design - Qualitative, Quantitative, and Mixed Methods Approaches. In V. Knight & S. Connolly (Eds.), *SAGE Publications, Inc.* (Third Edit, Vol. 20). <https://doi.org/10.1080/14675980902922143>

Creswell, J. W. (2012). *Qualitative Inquiry and Research Design* (Third Edit; L. Habibi & K. Koscielak, Eds.). United States of America: SAGE Publications Inc.

Creswell, J. W., & Clark, V. L. P. (2018). Designing and Conducting Mixed Methods

- Research. In H. Salmon, Ch. Neve, J. Scappini, & K. DeRosa (Eds.), *SAGE Publications, Inc.* (Third Edit). United States of America.
- Creswell, J. W. (2014). *Research Design: Qualitative, quantitative and mixed methods approaches (4<sup>th</sup> ed.)*. Sage Publications.
- Daniels, W. C. E. (1963). The Constitutional Law of Ghana. By F. A. R. Bennion. London: Butterworths1962. African Law Series, No. 5. xxxvi and 527 pp. 70s. *Journal of African Law*, 7(2), 110–111. <https://doi.org/10.1017/S0021855300001492>
- Dankwa, E. V. . (1998). *The application of Ghana's Intestate Succession Law, 1985 (P.N.D.C.L. 111) and its social and economic impact*. Accra, Ghana: Journal of the African Law Association - Germany.
- Dewey, J. (1894). The theory of emotion: I: Emotional attitudes. *Psychological Review*, 1(6), 553–569. <https://doi.org/10.1037/H0069054>
- Ekman, P. (2005). Basic Emotions. *Handbook of Cognition and Emotion*, 45–60. <https://doi.org/10.1002/0470013494.CH3>
- Etikan, I. (2016). Comparison of Convenience Sampling and Purposive Sampling. *American Journal of Theoretical and Applied Statistics*, 5(1), 1. <https://doi.org/10.11648/j.ajtas.20160501.11>
- F Bennion. (n.d.). The Constitutional Law of Ghana. By F. A. R. Bennion. London: Butterworths1962. African Law Series, No. 5. xxxvi and 527 pp. 70s. | Journal of African Law | Cambridge Core. Retrieved February 22, 2022, from <https://www.cambridge.org/core/journals/journal-of-african-law/article/abs/constitutional-law-of-ghana-by-f-a-r-bennion-london-butterworths1962-african-law-series-no-5-xxxvi-and-527-pp-70s/E1324B97551D0E76D9C4F874B35FD4EA>
- Fishkind, R. J. (2011). *Probate wars of the rich and famous: an insider's guide to estate*

*planning and probate litigation*. New Jersey: John Wiley and Sons Inc.

Friedrich Ebert Stiftung Ghana. (2011). *Law-Making Process in Ghana: Structures and Procedures*.

Friesen, L. (2021). Theories generate emotions. *Academia Letters*, (August).

<https://doi.org/10.20935/al2682>

Gary, S. N. (1997). Mediation and the Elderly: Using Mediation to Resolve Probate Disputes over Guardianship and Inheritance. *Wake Forest Law Review*, 32.

Gedzi, V. S. (2014). Pndc Law 111 in Ghana and International Human Rights Laws. *Global Journal of Politics and Law Research*, 2(2), 15–26.

Goleman, D. (1998). Emotional Intelligence. In *Scientific American Inc.* (10th editi, Vol. 3). New York: Bantam Dell.

Government Gazette. (1985). *Intestate Succession Law, 1985*.

Government Gazette. (2010). *ALTERNATIVE DISPUTE RESOLUTION ACT*, 2010 (Vol. 2010).

Gu, S., Wang, F., Patel, N. P., Bourgeois, J. A., & Huang, J. H. (2019). A model for basic emotions using observations of behavior in *Drosophila*. *Frontiers in Psychology*, 10(APR), 1–13. <https://doi.org/10.3389/fpsyg.2019.00781>

Harvey, W. B. (1962). The Evolution of Ghana Law since Independence. *Law and Contemporary Problems*, 27(4), 581. <https://doi.org/10.2307/1190794>

HAUSER, B. B. (1985). Custody in Dispute: Legal and Psychological Profiles of Contesting Families. *Journal of the American Academy of Child Psychiatry*, 24(5), 575–582. [https://doi.org/10.1016/S0002-7138\(09\)60058-3](https://doi.org/10.1016/S0002-7138(09)60058-3)

Hockenbury, D. H., & Hockenbury, S. E. (2007). Discovering Psychology\_Emotions. In Academia (Ed.), *Scott Davis Academia* (5th ed.). Scott Davis.

Hughes, T. E., & Klein, D. (2007). *The Executor's Handbook: A Step-by-Step Guide to*

*Settling an Estate for Personal Representatives, Administrators and Beneficiaries*

(Illustrate). Infobase Publishing Incorporated (1995).

Izard, C. E. (2009). Emotion theory and research: Highlights, unanswered questions, and emerging issues. *Annual Review of Psychology*, 60, 1–25.

<https://doi.org/10.1146/annurev.psych.60.110707.163539>

Jersild, P. (1960). Christology in a pluralistic world - Emotions. Retrieved March 4, 2022, from Gale Academic One File website:

<https://go.gale.com/ps/i.do?id=GALE%7CA403916846&sid=googleScholar&v=2.1&it=r&linkaccess=abs&issn=00982113&p=AONE&sw=w&userGroupName=anon~6f3d368a>

Judiciary Service. (2018). The High Court. Retrieved March 15, 2022, from Republic of Ghana Judiciary website: <https://judicial.gov.gh/index.php/the-high-court>

Kagan, J. (2020). Last Will and Testament Definition. Retrieved February 22, 2022, from Investopedia website: <https://www.investopedia.com/terms/l/last-will-and-testament.asp>

Klasiček, D. (2019). 21ST Century Wills. *Pravni Fakultet Sveučilišta Josipa Jurja Strossmayera u Osijeku*, 35(2), 29–48.

Kvajo, M. (2016). What We Talk About When We Talk About Emotions. *Cell*, 167(6), 1443–1445. <https://doi.org/10.1016/j.cell.2016.11.029>

Lazarus, R. S. (1982). Thoughts on the relations between emotion and cognition. *American Psychologist*, 37(9), 1019–1024. <https://doi.org/10.1037/0003-066X.37.9.1019>

Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. Sage Publications.

Love, L. P., & Cardozo, B. N. (1985). Mediation Of Probate Matters : Leaving A Valuable Legacy. 276.

Marshall vs. Marshall. (2013). Marshall v. Marshall (In re Marshall), 721 F.3d 1032 |

Casetext Search + Citator. Retrieved March 2, 2022, from 9th Circuit website:

<https://casetext.com/case/marshall-v-marshall-20>

- Mason, R. J. (2010). Emotional & Psychological Aspects of Probate Litigation | Mason & Helmers. Retrieved February 24, 2022, from <https://www.rodneymason.com/practice-areas/emotional-and-psychological-aspects-of-probate-litigation/>
- Miescher, S. F. (1997). Of documents and litigants: Disputes on inheritance in abetifi—a town of colonial ghana. *Journal of Legal Pluralism and Unofficial Law*, 29(39), 81–119. <https://doi.org/10.1080/07329113.1997.10756493>
- Myers, D. G., & Diener, E. (2018). The Scientific Pursuit of Happiness. *Perspectives on Psychological Science*, 13(2), 218–225. <https://doi.org/10.1177/1745691618765171>
- Nasrul, M. A. B. D., Said, M. H. M., Hakand, N. A., & Salim, W. N. M. (2019). Family disputes in administration of estates: Analysis on mediation as effective dispute resolution mechanism in Malaysia. *Malaysian Journal of Consumer and Family Economics*, 23(Special Issue 1), 15–32.
- Odoi, R. N. (2019). *Contested Wills and Testaments in Ghana* : 1–35.
- Odoi, R. N. (2020). Contested Wills and Testaments in Ghana : SSRN, 1–35.
- Pessoa, L. (2010). Emotion and cognition and the amygdala: From “what is it?” to “what’s to be done?” *Neuropsychologia*, 48(12), 3416–3429. <https://doi.org/10.1016/J.NEUROPSYCHOLOGIA.2010.06.038>
- Radford, M. F. (2012). Advantages and Disadvantages of Mediation in Probate , Trust , and Guardianship Matters Guardianship Matters. *Pepperdine Dispute Resolution Law Journal*, 1(2001).
- Raji, S. O., & Lawani, A. O. (2020). Case report: psychiatric assessment of testamentary capacity in Nigerian subject. *Journal of Forensic Psychiatry and Psychology*, 31(5), 747–758. <https://doi.org/10.1080/14789949.2020.1789691>
- Randolph, M. (2004). *8 ways to avoid probate*.

- Rene, N. N. (2020). Conflicts of Laws in the Management of the Deceased's Estate Under Cameroon Legal System. *SSRN Electronic Journal*.  
<https://doi.org/10.2139/SSRN.3705365>
- Richardson, V. E., & Balaswamy, S. (2001). Coping with bereavement among elderly widowers. *Omega*, 43(2), 129–144. <https://doi.org/10.2190/Y2Q6-BB75-ENM7-BBYR>
- Rolckick, K. A. (2002). *Living Trusts and Other Ways to Avoid Probate*. Sphinx Publishing.
- Rosenfeld, J. P. (1980). Social Strain of Probate. *Journal of Marital and Family Therapy*, 6(3), 327–334. <https://doi.org/10.1111/j.1752-0606.1980.tb01323.x>
- Sagay, I. (1974). Widow inheritance versus monogamous marriage: The obas' dilemma. *Journal of African Law*, 18(2), 168–172. <https://doi.org/10.1017/S0021855300005349>
- Schachter, S., & Singer, J. (1962). Cognitive, social, and physiological determinants of emotional state. *Psychological Review*, 69(5), 379–399.  
<https://doi.org/10.1037/H0046234>
- Selmer, B. (2021). Disputing the Emotional Estate. Moral and Financial Inheritance in Vigdis Hjorth's Will and Testament (2016) and Helga Hjorth's Free Will (2017). *Law and Literature*, 0(0), 1–15. <https://doi.org/10.1080/1535685X.2021.1902641>
- Shirley, C., Mary, J., Don, K., Brian, L., Trudy, L., Robert, P., ... Dess, N. (2010). Emotion: A Unit Lesson Plan for High School Psychology Teachers. *Motivation and Emotion*, 8–10.
- Simons, G. (2021). Dealing with probate causes stress, frustration and mental health problems - Health & Protection. Retrieved March 3, 2022, from <https://healthcareandprotection.com/dealing-with-probate-causes-stress-frustration-and-mental-health-problems/>
- Somhlaba, N. Z., & Wait, J. W. (2009). Stress, coping styles, and spousal bereavement: Exploring patterns of grieving among black widowed spouses in rural South Africa.

*Journal of Loss and Trauma*, 14(3), 196–210.

<https://doi.org/10.1080/15325020802537443>

Stabler, S. (2018). Grounds for Contesting a Will in the UK. Retrieved March 3, 2022, from

Tees Law website: <https://www.teeslaw.com/insights/grounds-for-contesting-a-will/>

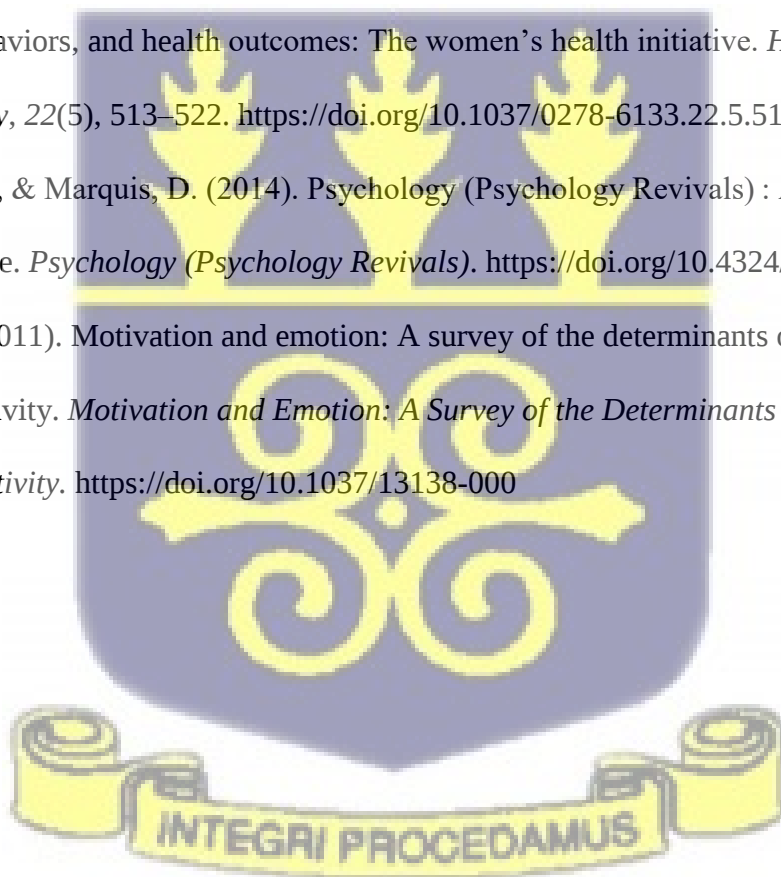
Strong, M. (1896). Probate of a Will and Its Effect. *Historical Theses and Dissertations Collention*, (Paper 101).

University of West Alabama. (2019). The Science Of Emotion: Exploring The Basics Of Emotional Psychology. *UWA Online*, 17.

Wilcox, S., Aragaki, A., Mouton, C. P., Evenson, K. R., Wassertheil-Smoller, S., & Loevinger, B. L. (2003). The effects of widowhood on physical and mental health, health behaviors, and health outcomes: The women's health initiative. *Health Psychology*, 22(5), 513–522. <https://doi.org/10.1037/0278-6133.22.5.513>

Woodworth, R., & Marquis, D. (2014). Psychology (Psychology Revivals) : A Study of Mental Life. *Psychology (Psychology Revivals)*. <https://doi.org/10.4324/9781315766775>

Young, P. T. (2011). Motivation and emotion: A survey of the determinants of human and animal activity. *Motivation and Emotion: A Survey of the Determinants of Human and Animal Activity*. <https://doi.org/10.1037/13138-000>





## APPENDICES

### Appendix A: Questionnaire

*I am Adwoa Mensima Sey, a Master of Philosophy (M.Phil.) student of the Department of Psychology, Methodist University College, Accra. I am carrying out a research on the topic “Emotional Experiences of Contesting Parties of Probate of Will”. I wish to gather some information from you to help me have an in-depth analysis of the subject under consideration. Your cooperation in answering this questionnaire would be much appreciated. The questionnaire is strictly for research purposes and I assure you that any information or view you provide will be strictly confidential.*

*Thank you.*

Code Number .....

#### Section A: Socio-Demographic Data

1. Age at last birthday .....

2. Sex

(a) Male [ ]

(b) Female [ ]

3. Highest level of education

(a) No Education [ ]

(b) Primary Education [ ]

(c) Secondary/Vocational/Technical [ ]

(d) Higher Education [ ]

4. Marital Status

(a) Single [ ]

(b) Married [ ]

(c) Divorced [ ]

(d) Re-married [ ]

5. Religious Affiliation

(a) None [ ]

(b) Christian [ ]

(c) Islam [ ]

#### Section B: Relationship with the deceased

6. Have you ever lost a dear person whom you have invested your time, love and resources in when the person was alive?

(a) Yes [ ]

(b) No [ ]

7. If yes to question 6, what was your relationship with the deceased?

- (a) Father [ ]      (b) Mother [ ]      (c) Sibling [ ]      (d) Husband [ ]  
(e) Wife [ ]

8. Kindly state the exact investment you made if any

.....  
.....  
.....  
.....  
.....

9. Did that dear person make a “will” stating how the properties should be shared when he/she was alive?

- (a) Yes [ ]      (b) No [ ]

### Section C: Emotional Experiences of Contesting Parties

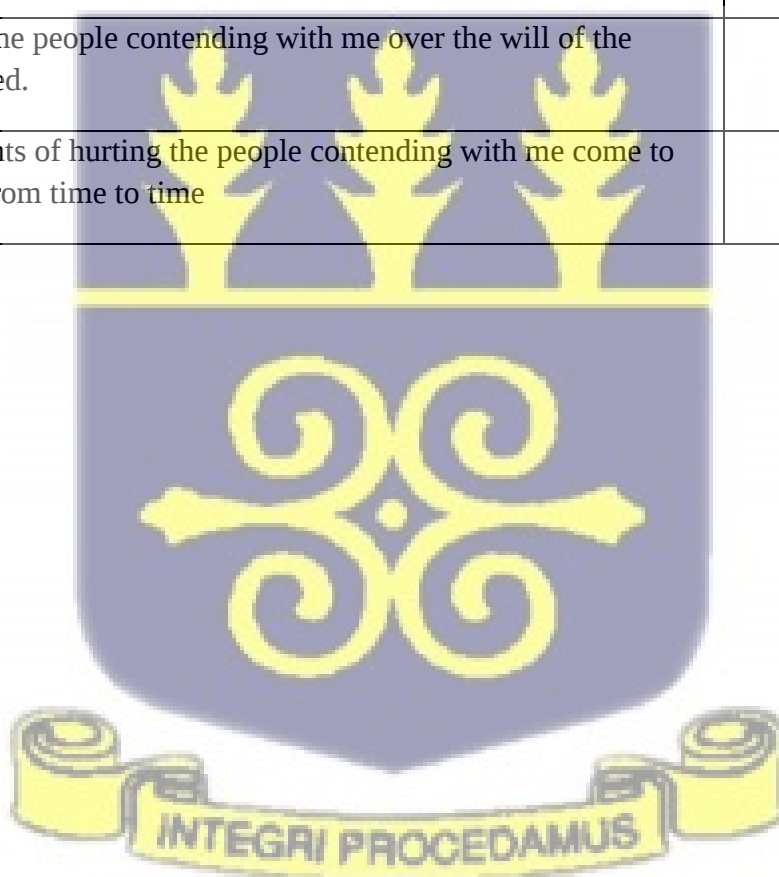
*Please tick the box that applies to you*

| Emotional Experiences of Contesting Parties |                                                                                                |                       |              |                |           |                    |
|---------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------|--------------|----------------|-----------|--------------------|
| No.                                         | Item                                                                                           | Strongly disagree (1) | Disagree (2) | Don't Know (3) | Agree (4) | Strongly agree (5) |
| 10.                                         | I was very happy when I heard about the will and knew it was going to go in my favour          |                       |              |                |           |                    |
| 11.                                         | I was extremely sad about the will and the contention that went on concerning the will.        |                       |              |                |           |                    |
| 12.                                         | I was afraid of what was going to be the outcome of contesting the will.                       |                       |              |                |           |                    |
| 13.                                         | I was disgusted about the whole idea of contesting a will. I don't like fights among families. |                       |              |                |           |                    |
| 14.                                         | I was angry that after all my investment in the deceased, I still have to contest a will.      |                       |              |                |           |                    |
| 15.                                         | I was surprised at the level of contention that came up because of the will of the deceased    |                       |              |                |           |                    |

### Section D: Psychological Trauma the Contesting Parties Go Through

The following questions ask about events that may be extraordinarily stressful or disturbing for almost everyone who has lost a loved one. Please tick “Yes” or “No” to report what happened to you.

| Psychological Trauma the Contesting Parties Go Through |                                                                                                  |     |    |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------|-----|----|
| No.                                                    | Item                                                                                             | Yes | No |
| 16.                                                    | It was very painful when I lost a dear one very close to me.                                     |     |    |
| 17.                                                    | I will never forgive myself for this great loss                                                  |     |    |
| 18.                                                    | Upsetting thoughts come into my mind because of the contention going on now concerning the will. |     |    |
| 19.                                                    | I have developed strong hatred for the dear person who is no more.                               |     |    |
| 20.                                                    | I hate the people contending with me over the will of the deceased.                              |     |    |
| 21.                                                    | Thoughts of hurting the people contending with me come to mind from time to time                 |     |    |



## Appendix B: Interview Guide

Dear Sir/Madam,

I am a Master of Philosophy (M.Phil.) student of the Department of Psychology, Methodist University College, Accra. As part of my requirements for graduation, I am exploring the emotional experiences of contesting parties of probate of will in Accra. Your cooperation in answering this interview questions would be much appreciated. The interview is strictly for research purposes and I assure you that any information or view you provide will be strictly confidential. You, however, have the right to participate or decline, and you can, at any stage, withdraw without penalties.

Thank you.

### PART 1

#### Warm up session

This part is to help learn more about the interviewee and establish a rapport with the interviewee.

1. Can you tell me a little about yourself?

### PART II

| Research Question | Main Question                                                                     | Follow up Questions                                                                                                                                                                                                                                                                                                             |
|-------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                 | What are the circumstances that led to the contest of will?                       | What is your relationship with the deceased?<br>How long have you been contesting the will?<br>What is the reason for contesting the will?<br>Did you jointly acquire the properties together?<br>Do you sometimes feel like stopping the probate process?<br>What will you do if the legal process does not go in your favour? |
| 2                 | Can you tell me about your experiences since you started this contesting process? | What are your thoughts or feelings towards the deceased regarding the sharing of the properties?<br>Why do you have those thoughts or feelings about the deceased?                                                                                                                                                              |

|   |                                                                                        |                                                                                                                                                                                    |
|---|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                                                                        | What has made you to continue with the probate process till now?                                                                                                                   |
| 3 | How do the emotional experiences affect the way the family relates with one another?   | Who do get angry at looking at the way the properties of the deceased was shared?<br>Why do you get angry at him or her?<br>What do you intend to do with this feeling of anger?   |
| 4 | How will you cope with the differences in the family arising from the contest of will? | How do you intend to cope with the stress resulting from the contest?<br>Can you forgive those you are contesting with if the court's decision does not go in your favour?<br>Why? |

***Thank you very much for your participation!***

