

TOWARDS GENDER JUSTICE IN AFRICA: REINTERPRETING TRADITIONAL NORMS IN THE CONTEXT OF CULTURAL RELATIVISM AND HUMAN RIGHTS

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Abstract

This article explores the pursuit of gender justice in Africa through the critical reinterpretation of traditional norms, navigating the longstanding tension between cultural relativism and universal human rights standards. Drawing on historical analyses of pre-colonial gender systems, colonial disruptions, and postcolonial legacies, content analysis, including persistent patriarchal hierarchies and gender-based violence, it argues that outright rejection of cultural practices is neither feasible nor desirable. Instead, a culturally grounded yet transformative approach offers a sustainable pathway to equality, one that honours indigenous knowledge while challenging harmful norms such as child marriage and female genital mutilation. The discussion examines key conceptual frameworks, including gendered transitional justice mechanisms, grassroots movements, women-led advocacy, and landmark legal instruments like the Maputo Protocol and CEDAW. It highlights successful community-driven models that foster dialogue, engage traditional leaders, and promote inclusive reinterpretations of masculinity, leadership, and communal roles. By balancing cultural heritage with contemporary rights imperatives, these efforts demonstrate how African societies can advance gender equity without erasing identity. The article advocates for ongoing, localised engagement through education, policy enforcement, and collective action to dismantle systemic inequalities. This decolonial, relational strategy not only strengthens social cohesion but also contributes to broader discourses on human rights, feminism, and sustainable development in Africa.

Keywords: gender justice, African traditional norms, cultural relativism, human rights, Maputo Protocol, transitional justice, decolonial feminism, grassroots movements

1. Introduction

The pursuit of gender justice in Africa remains one of the continent's most pressing and contested challenges (Naicker, 2025; Scanlon & Muddell, 2009; Ozoemena, 2016). In early 2026, an estimated 4.5 million girls, many under the age of five, faced the risk of undergoing the harmful practice of female genital mutilation (FGM), with Africa bearing the largest burden (Sexton, 2026; FIDA Nigeria, 2026). A high-profile constitutional challenge to the Gambian 2015 ban on FGM continues to polarise public discourse, where one side defends the practice as integral to cultural and religious identity, while the other upholds the ban as essential to protecting women's and girls' rights (Somji, 2025; Jobarteh, 2026). On the other hand, cultural and religious norms often frame child marriage as a means of preserving family honour in Northern Nigeria, despite the federal Child Rights Act setting 18 as the minimum marriage age, leading to 78% of girls marrying before 18 in parts of the north. At the heart of this friction lies a persistent problem

where deeply entrenched patriarchal norms continue to shape gender roles and relations across much of the continent, reinforced by historical legacies and uneven implementation of modern rights frameworks.

Pre-colonial African societies exhibited diverse gender systems; however, colonialism disrupted these systems by imposing rigid Western gender ideologies, criminalising nonconforming identities, and institutionalising oppression that exacerbated inequalities (West et al., 2025). Post-independence, many African nations have ratified progressive instruments such as the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the 1981 African Charter on Human and Peoples' Rights (ACHPR), and the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), which explicitly mandate the elimination of harmful practices and promotion of gender equality. Yet, implementation remains weak due to cultural resistance, institutional inefficiencies, economic exclusion, and gender-based violence that is often normalised within communities. Harmful practices like FGM, child marriage, and unequal inheritance persist, perpetuating systemic discrimination against women and girls while distorting transitional justice processes in post-conflict settings (Naicker, 2025; Scanlon & Muddell, 2009; Ozoemena, 2016; Jobarteh, 2026; Somji, 2025; Kaplan et al., 2022; Braimah, 2014; Chibueze, 2024; Lenharo, 2026; Doucet et al., 2022).

This article contends that outright rejection of traditional norms is neither feasible nor culturally sustainable for achieving gender justice in Africa. Instead, a deliberate reinterpretation of these norms, rooted in indigenous knowledge, community dialogue, and critical engagement, offers a resonant pathway forward. By navigating the tension between cultural relativism and universal human rights standards, African societies can harness positive cultural elements, such as communal solidarity, indigenous ecological wisdom, and rites emphasizing responsibility and maturity, while challenging those that perpetuate inequality (Pugeni et al., 2023; Omwoha, 2024; Muhammed, 2024).

The significance of this paper extends beyond academia. By centring reinterpretation as a strategy, the article contributes to policy debates on effective enforcement of rights instruments, supports activist efforts to engage traditional and religious leaders, and strengthens transitional justice processes that incorporate gendered perspectives. In an era of renewed continental commitment to eliminating harmful practices by 2030, fostering culturally attuned approaches can promote social cohesion, empower marginalised voices, and advance inclusive development across Africa's diverse contexts.

2. Antecedents of Gender Justice in Africa

The historical antecedents of gender justice in Africa are deeply intertwined with the evolution of cultural practices, colonial interventions, and postcolonial struggles for equality. Pre-colonial African societies displayed remarkable diversity in gender norms and roles, challenging simplistic notions of universal patriarchy or rigid binaries. While many communities operated within patriarchal frameworks where men held primary authority in public decision-making, women's roles were often complementary, influential, and sometimes autonomous. In various regions, women exercised significant power: they led armies, served as queen-mothers or regents, participated in political consultations, and held economic sway through agriculture, trade, and resource management (West et al., 2025; Achebe, 2020; Seyiolapade, 2024; Scheiterle & Birner, 2023; Tappe & Köbrich, 2022).

In the postcolonial era, African societies have grappled with the dual inheritance of indigenous norms and colonial distortions, compounded by conflicts, economic shifts, and global human rights pressures. Conflicts in countries like Sierra Leone, Liberia, Rwanda, Nigeria and the Democratic Republic of Congo highlighted gendered patterns of violence, where women and girls faced widespread sexual and gender-based violence (SGBV) as tools of war, often overlooked in early peace processes (Scanlon & Muddell, 2009). Transitional justice mechanisms, such as truth and reconciliation commissions, emerged to address past abuses, and the integration of gender perspectives has been inconsistent. Similar gaps appeared in other contexts, where truth and reconciliation commissions prioritised retributive or restorative justice without adequately addressing gendered impunity or economic exclusion.

Contemporary Africa reflects ongoing transformations, and advocacies have challenged rigid norms. Women's political participation has increased through quotas in some nations, and movements leverage constitutional reforms and regional instruments like the Maputo Protocol to combat harmful practices (International Institute for Democracy and Electoral Assistance, 2024; Tamunomiegbam & Arinze, 2024). Yet persistent inequalities endure, gender-based violence remains normalised in many communities, economic disparities limit women's mobility, and cultural resistance to change often invokes "tradition" to justify practices like child marriage or unequal inheritance (Kaplan et al., 2022; Braimah, 2014; Chibueze, 2024; Lenharo, 2026). The implication of this trajectory is that gender justice requires critical reinterpretation to align positive indigenous elements and communal solidarity with universal protections against harm.

3. Theoretical and Hermeneutics Approach

The conceptual foundations for understanding the reinterpretation of African traditional norms in pursuit of gender justice merge insights from traditional justice mechanisms, gender hierarchies, and equality movements, while introducing core debates and theories that frame the analysis.

3.1 Gender Hierarchies and Masculinity in African Contexts

Traditional African societies have often reinforced gender hierarchies that prioritise male authority, particularly in areas such as property rights, marriage customs, inheritance, and social mobility (West et al., 2025). These structures position men as primary decision-makers in family and community affairs. Masculinity is constructed around notions of provider, protector, and leader, while femininity emphasises nurturing, domesticity, and obedience (Tamunomiegbam & Arinze, 2024). Colonialism rigidified and amplified patriarchal elements by imposing Western binary norms, marginalising women-centred practices. In contemporary settings, evolving socio-economic changes, urbanisation, education, and globalisation challenge these norms, prompting redefinitions of masculinity that incorporate shared responsibilities and emotional vulnerability (West et al., 2025). Yet, entrenched hierarchies persist, intersecting with economic exclusion and gender-based violence to limit women's agency.

3.2 Traditional Justice Mechanisms

Traditional mechanisms of justice, such as Rwanda's gacaca courts and Uganda's Mato Oput, offer culturally accessible alternatives to formal systems, emphasising reparative over retributive justice (Andre, 2018; Mushoriwa, 2023; Scanlon & Muddell, 2009; Tom, 2006). Gacaca courts, revived post-1994 genocide, involved community-elected judges

(including women in modern adaptations) to hear testimonies, promote truth-telling, and foster communal healing through confessions, apologies, and restitution. Perpetrators often contributed to rebuilding efforts, aligning with restorative principles that prioritise reconciliation and social harmony. Similarly, Mato Oput, an Acholi ritual in northern Uganda, involves drinking bitter herbs to symbolise cleansing of guilt and restoration of relationships after homicide or conflict, aiming at communal reintegration rather than punishment. These mechanisms are quicker, more participatory, and rooted in local values than state courts, making them effective for interpersonal or community disputes. However, their application to mass atrocities, including widespread sexual violence during conflicts, remains contentious. Traditional processes may inadequately address gendered harms, such as rape or sexual slavery, due to patriarchal biases in community leadership or rituals that overlook women's specific experiences. In post-conflict settings, they risk perpetuating impunity if not integrated with gender-sensitive reforms. Despite limitations, these mechanisms highlight the potential of indigenous approaches for justice and reconciliation when adapted to contemporary needs.

3.2 Cultural Relativism versus Universalism

A central theoretical tension in this discourse is between cultural relativism and universalism. Cultural relativists argue that moral codes and rights derive from local cultural contexts, asserting that all practices hold equal validity and should be evaluated internally rather than against external standards (Acharya, 2016; Boryczko et al, 2023). This view defends traditions as sources of identity and community cohesion, cautioning against imposing "universal" norms that may reflect Western imperialism. In contrast, strong universalists maintain that human rights, particularly protections against harm, are inherent and apply universally, irrespective of culture. Practices violating bodily integrity or equality, such as female genital mutilation or child marriage, must be condemned and eliminated (Acharya, 2016; Boryczko et al, 2023). The African human rights system navigates this dichotomy in Articles 2, 17 and 21 by promoting and protecting positive cultural values when traditions discriminate against women. The Maputo Protocol advances a more progressive balance by mandating the elimination of harmful practices while affirming women's right to participate in cultural life (Article 17), suggesting a reconciled approach that upholds universal protections within culturally sensitive frameworks. This debate underscores the need for nuanced reinterpretation: rejecting harmful norms without erasing cultural heritage.

3.3. Gendered Perspectives in Transitional Justice and Equality Movements

Integrating gender into transitional justice is essential for addressing women's unique experiences in conflict and post-conflict settings. Traditional mechanisms and formal processes often overlook gendered violence, treating women primarily as victims rather than agents. Gender-responsive approaches require policies that recognise diverse needs, include women's voices in truth-seeking, and promote reparations tailored to sexual and reproductive harms (Scanlon & Muddell, 2009). Equality movements draw on instruments like CEDAW (ratified by most African states) and the Maputo Protocol, which mandate dismantling discriminatory customs and ensuring women's rights in political, economic, and social spheres. These frameworks support multi-layered strategies: constitutional reforms, education, economic empowerment, and enforcement to overcome patriarchal barriers.

3.4 African Feminism, Decolonial Approaches, and Culturally Sustaining Leadership

African feminism provides a critical lens, emphasising intersectional struggles against patriarchy, colonialism, racism, and capitalism while centring African women's voices and agency (Houinato, 2024). It rejects Western feminist universalism, advocating context-specific solutions that value communal relationships and challenge imported norms. On the other hand, decolonial approaches critique colonial erasures of women's power bases and the manipulation of culture to entrench male dominance. They call for reclaiming indigenous knowledge, healing colonial legacies, and envisioning gender justice through transformative praxis that disrupts ongoing coloniality (Udenigwe, 2026). Furthermore, culturally Sustaining Leadership Theory (CSLT), adapted to African contexts, posits that effective leadership must respect, nurture, and sustain cultural identities rather than impose dominant (often patriarchal or Western) models (Oino, 2025). It supports reinterpreting norms to empower women in leadership, fostering inclusive dynamics that honour heritage while advancing equity. These theories collectively advocate for reinterpretation grounded in local contexts, enabling sustainable gender justice that bridges tradition and rights.

4. Reinterpretation of Norms: Cultural Engagement and Transformation

The complexity of gender norms and gender justice antecedents in Africa sets the stage for examining how reinterpretation, grounded in local contexts, can foster equitable societies while addressing enduring colonial and patriarchal shadows.

4.1 Reinterpretation of Norms: Cultural Engagement and Transformation

The reinterpretation of African traditional norms represents a deliberate, culturally embedded strategy for achieving gender justice, one that moves beyond the binary choice of preservation or rejection (Munyangeyo & Simelane, 2025). Rather than viewing culture as either an immutable obstacle or a relic to be discarded, this approach treats norms as dynamic, contestable, and capable of internal transformation. It directly addresses the theoretical tensions outlined in the previous section while offering practical pathways for change. By engaging communities as active agents, reinterpretation reconciles the apparent conflict between cultural relativism and universal human rights, harnessing indigenous strengths to dismantle harmful practices without severing collective identity.

4.2 The Enduring Tension: Relativism versus Universalism in Practice

The relativism-universalism debate is not merely philosophical; it manifests daily in African communities negotiating harmful practices such as FGM, child marriage, and unequal inheritance. Strong universalists insist that rights to bodily integrity and equality are non-negotiable and must override any cultural justification for harm. Cultural relativists, conversely, caution that external impositions risk neo-colonial erasure of African worldviews, arguing that moral legitimacy flows from local contexts. Yet, as Gashaw (2020) observes, the African human rights framework, particularly the Maputo Protocol, already models a middle ground. It affirms the right to participate in cultural life while explicitly requiring the elimination of practices that violate women's dignity. Reinterpretation operationalises this middle ground. Communities are invited to conduct internal audits of their norms: Which elements truly serve communal well-being, and which have been distorted by patriarchy or colonial legacies? This reflexive process avoids the paternalism of top-down abolition while refusing to shield harmful customs behind the shield of "tradition." It transforms relativism from a defensive posture into a

tool for progressive change.

4.3 Grassroots Movements and Community Dialogue as Engines of Change

Across the continent, women-led and community-driven initiatives demonstrate that reinterpretation is most powerful when it emerges from within. The Tostan model in West Africa stands as a landmark example. Operating primarily in Senegal, Guinea, Mali, and Burkina Faso, Tostan employs a three-year, village-based human rights education programme conducted in local languages (Diop et al., 2003). Facilitators guide mixed-gender groups through dialogues on dignity, health, and equality, using culturally resonant metaphors drawn from African oral traditions. Rather than condemning FGM or child marriage outright, participants collectively examine their own values and reach consensus on abandonment. The results have been transformative: over 8,000 communities have publicly declared abandonment of FGM and early marriage, with inter-village covenants ensuring enforcement through social pressure rather than state coercion (Omwoha, 2024). Similar dynamics are evident in Kenya's West Pokot and Samburu regions, where women activists revive the traditional baraza (community assembly) held under sacred trees to discuss gender roles. Men and elders are deliberately included, reframing the conversation from "rights versus culture" to "how can our culture best protect our daughters while honouring our ancestors?" (Doucet et al., 2022; Chesang, 2025). In Nigeria and Uganda, grassroots networks leverage existing kinship and age-grade systems to challenge widow inheritance and property dispossession, presenting these reforms as restorations of pre-colonial equity rather than imports (Muhammed, 2024; Pugen et al., 2023). These movements succeed because they centre African agency. They do not import Western feminist scripts; instead, they activate indigenous pedagogies, storytelling, proverbs, and communal decision-making to foster critical consciousness.

4.4 Balancing Tradition and Modernity: Leveraging Positive Cultural Elements

Successful reinterpretation requires conscious selection. Preserving and amplifying those norms that promote justice, solidarity, and sustainability while retiring those that entrench subordination. African cultures contain rich reservoirs of positive elements ready for mobilisation. Indigenous ecological knowledge offers one powerful example. Many African cosmologies view women as custodians of land, water, and seeds, a role historically linked to spiritual authority and environmental stewardship. Contemporary programmes in rural Ethiopia and Tanzania invite women to lead climate adaptation committees by drawing explicitly on these traditions, positioning them as modern-day "earth mothers" whose expertise benefits the entire community. This reframing elevates women's status without rejecting cultural heritage; it simply updates the application. Equally significant are cultural narratives of peace, justice, and collective responsibility. Pugen et al. (2023) document how communities in Zimbabwe and Kenya invoke proverbs about "the strength of the bundle" (unity) and ancestral obligations to the vulnerable to justify men's participation in domestic labour and caregiving. Pilot projects in Malawi and Ghana have successfully shifted household norms: men who once viewed cooking or childcare as emasculating now frame these tasks as expressions of responsible manhood and communal harmony. Such programmes report measurable reductions in intimate-partner violence and improved child nutrition outcomes.

Culturally Sustaining Leadership Theory (CSLT) provides the theoretical scaffolding for these shifts. Leaders, whether traditional chiefs, faith figures, or elected officials, are encouraged to model inclusive practices while remaining visibly rooted in local culture

(Oino, 2025). In South Africa and western Kenya, male traditional leaders trained through CSLT-inspired workshops have publicly endorsed women's land rights and co-leadership, citing ancestral precedents of female regents and Rain Queens. The result is not cultural rupture but cultural evolution: authority is retained, yet its exercise becomes more equitable.

4.5 Reimagining Gender Roles: From Complementary to Transformative

Reinterpretation also extends to everyday relational practices. Across several pilot sites in East and Southern Africa, community theatre and peer-education groups dramatise scenarios in which men share domestic responsibilities. These performances draw on traditional storytelling forms (griots in West Africa, praise poetry in Southern Africa) to normalise new masculinities. Participants report that framing shared labour as “returning to the balance our ancestors intended” reduces resistance far more effectively than abstract equality rhetoric (Pugeni et al., 2023). Inclusive leadership provides another arena of transformation. In rural Rwanda and Uganda, women are being installed as co-councillors in traditional dispute-resolution bodies alongside male elders. The innovation lies in the framing: rather than imposing quotas, communities reinterpret the role of “elder” to include wisdom that transcends gender, citing historical precedents of female mediators in pre-colonial conflicts. These women now adjudicate cases involving gender-based violence, land inheritance, and child custody, demonstrating that cultural institutions can expand without losing legitimacy.

4.6 Challenges and the Path Forward

Reinterpretation is not without obstacles. Patriarchy often reasserts itself by selectively invoking “culture” to resist change; economic precarity can make families cling to practices like child marriage for survival; and some religious interpretations reinforce conservative readings of tradition. Yet the evidence from Tostan, West Pokot dialogues, and CSLT programmes shows that when communities own the process, when they lead the reflection, set the pace, and celebrate successes in culturally familiar ways, change becomes durable and self-reinforcing. In other words, reinterpretation is neither naïve romanticism nor covert Westernisation. It is a sophisticated, decolonial praxis that treats African cultures as living archives of wisdom capable of critiquing and renewing themselves. By centring grassroots dialogue, amplifying positive indigenous values, and reimagining roles through culturally resonant lenses, communities are forging pathways to gender justice that honour both heritage and human rights (Doucet et al., 2022; Chesang, 2025). The following sections turn to the institutional scaffolding, movements and legal frameworks that can scale and sustain these transformations.

Conclusion

The pursuit of gender justice in Africa is best advanced through deliberate and culturally grounded reinterpretation of traditional norms. By drawing on pre-colonial diversity, acknowledging colonial disruptions, and engaging critically with postcolonial realities, African societies can harness indigenous strengths such as communal solidarity and rites of responsibility while confronting harmful practices that undermine equality. The theoretical frameworks of cultural relativism versus universalism, combined with African feminism, decolonial approaches, and culturally sustaining leadership, provide a robust foundation for this transformative process. Grassroots movements and community dialogues, exemplified by models like Tostan and initiatives in West Pokot, demonstrate that sustainable change emerges when communities lead internal reflection and reclaim positive cultural elements. Finally, this decolonial, relational strategy honours African

heritage while advancing universal protections for women and girls, and offering a pathway toward equitable and cohesive societies across the continent.

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