Gender relations and social justice in Africa: Toward a duty-based approach to gender-based violence

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A large and important part of social relations is gender relations between men and women. Over time, the manifestation of such relations has often been one of violence, particularly violence against women. Different approaches have been deployed to deal with the experience of gender-based violence (GBV). One popular approach is the human rights framework that suggest that GBV can be addressed by granting certain rights to women. We argue that while a human rights framework holds some promise in resolving GBV, it is limited in some ways because it does not take the cultural perceptions of gender relations that envision gender duties into account. As part of our argument, we show that social relations in African communities ought to be primarily based on the principle of duty to the other, rather than an emphasis on rights. We conclude that there is a need to complement the rights-based approach with a duty-based approach to effectively address GBV.

Introduction

Discussions of gender relations have always been part of social and political discourses, but have become all the more important, not just because of the emergence of different waves of gender orientation, but also from the endorsement of a robust human rights regime championed by liberal democracies and bodies such as the United Nations. Our focus in this article is to examine gender-based violence (GBV), within the context of heterosexual relations, with an eye on showing the importance of supplementing any rights-based approach to addressing GBV with a duty-based approach.[1]

Scholars have addressed the issue of GBV from diverse perspectives. Some of these approaches include the community-based approach (see Britton 2020), conversationalist approach (Ofana 2019) and the human rights framework (Merry 2006). Hannah Britton (2020) argues that GBV is not caused by place or space, but by the communities' (in)abilities to address or even understand how violence is linked to these geographically-based constraints. She posits that efforts to address GBV appear to be most successful when they are embedded in efforts to strengthen community networks that address the larger structures of inequality and abuse. The community focus of addressing GBV seem to also feature in the position adopted by John Sanni and Diana Ofana (2021), who argue that GBV could best be addressed by recasting the foundation of ubuntu, which has lent itself to some interpretations of not being gender-neutral and having failed to foster gender identities. Furthermore, Diana Ofana's (2019) conversationalist approach to rape, a manifestation of GBV in South Africa, suggests that rapists need to be encouraged to have a "self-conversation" to move them to a higher consciousness about the action of rape. While these approaches have interesting possibilities to

1 Although there are many gender orientations such as the LGBTQ+ and there is the possibility of GBV in them, our focus in this article is heterosexual relationship that is, relationship between men and women.

address GBV, their penchant to project and affirm human (women's) rights as a strategy to address violence to which women are subjected without addressing the triggers of GBV in the expression of gender duties makes them insufficient. Hence, we isolate the human rights approach and show that without supplementing it with a duty-based approach, it cannot be a sufficient approach to dealing with GBV.

Section one explains the meaning of gender relations and the framework of intersectionality that deepens theorisations about gender relations. In the second section, we discuss GBV and its upshots in Africa and show that this aspect of gender relations is complex to address, especially if a transformative solution is sought. In the third section, we will critically analyse the human rights framework for dealing with GBV. We will point out its limitations and suggest why it cannot be a sufficient strategy for addressing GBV, especially in Africa. In the fourth section, we argue for a duty-based approach as a complementary strategy to the human rights approach for dealing with GBV. Relying on an Afro-communitarian world view on personhood and human rights, we discuss how we ought to consider prioritising the understanding of duties in addressing violence against women in gender relations particularly in African society. We conclude that combining a duty-based approach with some aspects of human rights would provide a robust approach to combatting the experience of GBV in Africa and elsewhere.

Gender relations and the intersectionality framework

Gender relations, according to Nancy Cook (2007, 1) is the "complex, culturally and historically specific social systems that organize and regulate interactions between women and men, as well as their relative social value". This suggests that gender relations encompass the salient ideas, practices, representations and identities that pertain to gender. For instance, dominant ideas about gender throughout much of the world prioritise ideas from men or ideas associated with men rather than women. Consequently, this produces gender hierarchies that eventually become a central organising principle that defines social relations. This suggests then the need to evaluate the meaning and practices of gender relations that have engendered violence and the subordination of a particular gender.

In a radical but insightful turn, feminist scholars[2] have taken up the task of redefining gender relations by showing that gendered ideas, practices and identities are not biological derivatives. They contend that mainstream gender ideas are social constructs that have perpetrated unequal social relations between the masculine and feminine gender and have, at the same time, entrenched a superiority-inferiority complex between these genders. African feminists have taken their agitation to another level by contending that sex or gender was not an organising principle in African society. Specifically, Oyeronke Oyewunmi (2011) and Sylvia Tamale (2020) contend that gender discrimination is the consequence of colonialism and Western hegemony.

It is important to point out that the study of gender relations should not just be about women's studies. Ideally, discourse on gender relations should examine the relationships between masculinity and femininity, the valuation of women and men, and their relative access to and control of resources (Cook 2007). The idea that gender studies is about women and the feminine gender is borne out of the misunderstanding of the complex nature of the interactions between men and women both in the private and public sphere. This complexity has given rise to perceptions and actions that have marginalised gendered individuals in every society. Hence, we must press for new ideas to disintermediate the complex and complicit systems affecting the pattern of gender relations without marginalising any gender.

The need to consider how systemic dysfunctionality allows relationships that entrench discrimination and subordination of people is one that we are familiar with in literature. For instance, Britton (2020) posits that gender relations do not operate in isolation, but are influenced and shaped by other systems that organise social interactions between groups of people, including the economy, sexuality, race and culture. Consequently, some feminists have argued that analysing gender relations and the related issues, if it must be thoroughly done, should be addressed through

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2 In this article, we refer to feminists broadly as scholars focusing on the political and intellectual movement for the liberation of women.

the framework of intersectionality (Crenshaw 1991; McCall 2005). Intersectionality, simply put, is a framework for analysing the ways in which various systems work together to affect social life.

Explaining the framework of Intersectionality, Nancy Cook (2007, 2) writes

> [i]ntersectionality is a feminist tool of analysis, as well as a conceptual orientation. As an analytic tool, intersectionality enables us more fully to grasp the complexity and specificity of a particular group's experiences of oppression and privilege than if we attended to gender relations alone. Feminist analyses of this sort offer more complete pictures of the economic, social, political, and cultural situations that contextualize our lives, which in turn allows us to design institutions, policies, and laws that can more completely and precisely target avenues of progressive social change in a current global environment characterized by fundamentalist forces, neo-liberal economic policies, militarization, and entrenched imperialism that threaten an equitable social future.

Although the framework of intersectionality has been criticised for its "theoretical, political, and methodological murkiness" (Nash 2008, 1), we think this framework is necessary for addressing the dynamic nature of gender relations because it clearly shows that gender is a property of all social institutions and of society more generally, as much as it is a feature of an individual's identity, embodiment and daily behaviour. The point made by feminists who support intersectionality is that gender relations thrive in a system and such systems must be scrutinised for a robust understanding of how to deal with the extremist forces affecting social relations in any gendered society. When the framework of intersectionality is applied to gender studies, the claim is that we cannot fully understand our gendered social world without considering how multiple social processes mutually construct one another. That is, the interactions between genders cannot be isolated from history, social institutions and cultural mores in society.

Crenshaw (1991, 1245) apply this framework when she suggests that the location of women of colour at the intersection of race and gender make their experiences structurally and "qualitatively different than that of white women". Perhaps helpful in terms of the connections that Crenshaw is drawing here between race and gender in the context of women of colour, we may want to think of standpoint epistemology, which refers to the possession of certain epistemic experiences by some people (oppressed groups, etc.) and which give them a certain standpoint or advantages over others, namely non-oppressed or dominant groups. As we know, feminists have been at the forefront advocating and advancing standpoint epistemology, which in feminist spaces refers to feminist descriptions of the nature and substance of knowledge and the processes of creating knowledge (in short, feminist standpoint epistemologies). The notion of standpoint epistemology and the possibility of different perspectives which have epistemic advantages with respect to certain issues as well as the need not to homogenise women or the experiences of female subjects have led scholars like Patricia Hill Collins (1990; 1993; 2004) to defend a standpoint epistemology of black feminist thought.[3]

When gender relations are examined over time in one place or across space in the same temporal moment, it is clear that many different forms of gender relations (orientation) have been conceived and practised. Some of these practices have untoward consequences on our prima facie understanding of gender relations and how these relations affect society. However, we must not leave out the critical points of the systems and structures of societal organisation in our pursuit or understanding of how gender behaviours have been built over time.

The popular understanding of gender in our world has made it possible for a particular gender to be seen as superior to the point of manifesting violent actions towards the seemingly inferior gender. Instances of gender-based violence, particularly violence against women, abound in our world. That is why we have decided to focus on the dysfunctional understanding and practice of gender relations that has spiralled into uncontrollable GBV inflections in contemporary society.

3 For discussions of feminist standpoint epistemologies, see Harding (1993; 2004), Hartsock (2004), and Narayan (2004).

Understanding GBV

The experience of GBV is not a new phenomenon. In this section, we focus on the aspect of GBV where women are at the receiving end of violence and men are seen to be the perpetrators. Our emphasis on heterosexual relationship allows for the reconstructions of an aspect of GBV that have been entrenched in the institutions and structures of society and how power operates differently based on one's gender identity.

Throughout human history, the relations between women and men have involved various forms of discrimination along the gender spectrum (Djamba and Kimuna 2015, xii). However, the term GBV became conceptually relevant only in the last few decades when activists and advocates of gender equality fought to reduce discrimination and harmful practices against women. One major achievement in this regard was the 1993 United Nations *Declaration on the Elimination of Violence against Women*, which offered the first official definition of GBV. In this declaration, GBV was defined as "[a]ny act of gender-based violence that results in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivations of liberty, whether occurring in public or in private life".[4]

Other scholars have come up with more penetrating definitions of GBV to reflect actions like property grabbing (Izumi 2007) and the range of people (women, girls, men and boys) that could be said to be victims of GBV as well as the structures and institutions responsible for GBV (see Filippi 2016). In this regard, Zain (2012, 132) defines GBV as "an extreme manifestation of gender inequity, often targeting women and girls because of their vulnerable position in society, which is reinforced and perpetuated by structural patriarchy". She explains that GBV can take many forms, including psychological, physical, or sexual abuse, and has lasting impacts on the survivor's physical and psychological health. Although, she emphasises the point that structural patriarchy is one of the responsible factors for GBV, she seems to misconstrue GBV by excluding men and boys from the range of people that could be victims of GBV.

Misconstruing GBV, as Zain has done, does not help in moving the debate forward. To take GBV as an issue that exclusively affects women is limiting. We think that this misunderstanding arises partly because most of the victims of GBV are women. However, it is more important to note that not all cases of GBV involve male as the perpetrators and even female as the victims. There is evidence that boys and men are victims of GBV (Scully 2010; Christian et al. 2011), and also cases of women becoming the perpetrators of violence against women (Imafidon 2018). Expanding the scope of what passes for GBV, one can define it as any physical, mental, or social abuse directed against a person because of their gender or gender role in any society.

Very importantly, GBV is not cultural or part of any tradition, although it is located in cultures. What we mean is that it is not an experience or practice that is peculiar or specific to certain cultures. People of all races, classes and ethnic groups and cultures experience high levels of gender-based violence. However, it is important to note that although GBV is not cultural, understanding the context of such violence does matter. Britton (2020, 14) explains that "violence of any kind may be driven, shaped, and framed by particular contextual factors, and gender-based violence is no exception". Deepti Misri (2014, 9) reiterates this point by claiming that "'violence' must be understood not merely as a phenomenal event that occurs out of time and place, but also as a historically and socially-specific process that moves in the realm of discourse and helps construct it". These points clearly suggest that culture or cultures can be implicated in the actions leading to GBV. Or simply put, GBV can be perpetrated through cultural practices and ways of thinking or living. Cultural practices might have constructed gender roles that have contributed to the marginalisation and oppression of a particular gender. For example, in some cultures, it is agreed that a husband is fully entitled to rape his wife or force her to have sex against her will (see Sirgew 2022). Some other cultures empower people to believe that only the victims (women) should be blamed in the instance of rape. These are incidences of violence against women that are reinforced by cultural norms.

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4 See article 2 of the United Nations' the *Declaration on the Elimination of Violence against Women* (https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.21_declaration%20elimination%20vaw.pdf)

GBV in Africa

Our examination of GBV in Africa is to help highlight the general point made in the last section about situating GBV, as an aspect of gender relations, in a certain sociocultural context. Given that violence is a focal point in GBV, it is important to point out that GBV comes in degrees, that is, the violence perpetuated against a particular gender could be psychological or emotional or physical. If it is physical, it could be in the form of bodily assault or injury, severe body damage and even death. Although the incidences of GBV or the extent to which men, for example, unleash violence on women in Africa could be explained by patriarchy, masculinity, modernisation and issues of rights that we will discuss later, it is important to also consider the sociohistorical environment, which is the social context that engineers different forms of violence, or condones or rewards different manifestations of violence. So, while GBV is an issue in every country in Africa, the particular sociohistorical environment may help explain the level of perpetuation of violence against women, especially with reference to severe bodily injury or damage and death. Furthermore, this may help explain why there is a preponderance of different degrees of violence against women, like rape, in places like South Africa comparative to the rest of Africa (Du Toit 2014).

Compared to other places in Africa, South Africa has a relatively more violent past or history due to apartheid (Du Toit 2014). Having experienced this kind of history, it is possible that people see violence as a way to always (or the only way) solve problems or resolve issues, and when this violence manifest in relations between men and woman, men who occupy a patriarchal space may resort to violence because they perceive this to be the best way to solve their problems with women. This suggests that GBV in South Africa cannot be explained without the history of apartheid that has shaped ensuing relationships including situations where violence is usually adopted as a mechanism for resolving problems. Part of what, we think, is insightful about this submission is that looking at some aspects of GBV in South Africa the way we have done restates the point about how sociohistorical and sociocultural elements are connected to or contribute to the manifestation of GBV.

The larger point we are making about culture and GBV is that the historical realities of the people should be considered in gender relations and GBV discourse. GBV, then, should not be isolated from wider institutions of socially sanctioned violence, state violence, or structural inequality and must be approached with an intersectional lens. According to Bueno-Hansen (2015, 9), thinking of GBV in a vacuum "hides the complex ways victims understand and manage the consequences of what they live through". For instance, the South African historical context of violence through apartheid, civil conflict, state-fostered racism, social and economic inequality, forced labour and migration have all created moments and processes through which violence has become reinforced as normal, routine and even unremarkable. This includes the physical, psychological and institutional violence within which GBV becomes incorporated and seen as commonplace.

Here we have a basis for understanding GBV as an aspect of gender relations, and the unique features of the sociocultural context of GBV that must be considered before theorising or providing solutions. It is critical to address and combat GBV because it is a worldwide phenomenon that has the capability of affecting individuals, families and society as a whole. The battle to end GBV is ongoing, but one can say the GBV monster has refused to leave contemporary society regardless of the different kinds of interventions. With GBV receiving increasing attention and concern from scholars in the social sciences and humanities, a range of research is being conducted to better identify the extent of GBV and its causes and consequences to provide necessary interventions.

GBV: The rights-based approach and its limitations

The most popular approach to addressing GBV is to explain how it is a violation of human rights to which legislative resources are invoked as necessary requirements to address it (Cook 1994; Merry 2006). Human rights scholars see violence against women as a denial of their freedom, autonomy and dignity, which are fundamental rights enshrined in the 1993 *Universal Declaration of Human Rights* and other related documents. In this perspective, (men's) violence against women is often understood as actions that reduce the capacity of women to enjoy the rights that are peculiar to them. Addressing violence against women through the prism of rights might be important because

of its penchant to accord more respect and dignity to human beings, but it has serious limitations. In pointing out these limitations, we also aim to show why this approach needs to be complemented by a duty-based approach to effectively deal with GBV in Africa.

The human rights approach to GBV

The relevance of human rights in the campaign against violence against women has taken on a new importance as human rights have become a major global approach to social justice (Merry 2006). The concept of human rights, as systematically formulated, has its origins in the 17th century, in the notion of "natural rights" articulated in the writings of liberal and Enlightenment philosophers like John Locke and Jean Jacques Rousseau (Muthien and Combrinck 2003). The suggestion is that human rights were borne out of the need to give both freedom and dignity to the individual who constantly faces oppression from fellow individuals and sometimes the state. These rights are regarded as essentials to further a humane living in society. However, the evolution of the idea of human rights has raised suspicions about its origin and its universal tendencies (O'Sullivan 2000; Ishay 2004). Such rights have been in favour of some people because it does not consider the peculiarities of individuals, whether in terms of gender, ethnic origin, age, or any other trait.

The need for the recognition of the unique differences that characterise the human condition requires that human rights must be stretched to accommodate such uniqueness. There is also the additional worry that the language of human rights is Western. This worry mostly centres on the issue of whether the human rights discourse is an invention of the West and if it is, whether it can be said to be universal or used to circumscribe the lives of others that have cultural experiences and histories that are different from those of the West.[5]

GBV, until recently, did not raise the sort of discourse that it is now raising. This is partly because their manifestation was limited to the private sphere. That is, given that human rights mostly apply to the public sphere, it was difficult to extend it to the private sphere, the domain of GBV. Since GBV has become a common phenomenon in society, it has become increasingly important to protect the victims of GBV who are mostly female or women. Under the instigation of the numerous rights treaties,[6] provisions were made for women to enjoy the same rights and freedoms as men. This is necessary because of their peculiar experience in the home, workplace and other sectors of society that clearly shows that they have been subordinated and marginalised to the point of being denied the expression of their freedom and rights. Using different methods and forums, feminist scholars in Africa have been vociferous about the fact that the expression of their rights requires a careful understanding of their peculiarity (Oyewunmi 2011; Du Toit 2018; Sanni and Ofana 2021; Tamale 2020). Some have brought attention to the inequality that characterised women's everyday experiences, both in the private and public sphere (Tamale 2020). They have also beckoned the attention of various stakeholders and the public to the denial of human rights when violence against women is left unaddressed (see Budoo-Scholtz and Lubaale 2022).

The aggregate of how GBV constitutes a violation of human rights has been addressed by Rico (1997, 12), who writes that

> [i]t has also begun to be recognized that gender-based violence is a violation of the right to identify, since it reinforces and reproduces the subordination of women to men, as well as leading to a distortion of the human being; of the right to affection, since violence is the antithesis of any expression of that sort; of the right to peace and enriching personal relations, since it is a negative form of dispute settlement; of the right to protection, since it creates a situation of defencelessness, not only vis-à-vis the husband and the family, but also in terms of the state, which denies protection to women, and society, which denies that the problem exists; of the right to personal development, since its victims suffer a form of

5 For some historical and current discussions on human rights, its nature and whether it is universal or relative, see O'Sullivan (2000), Beitz (2001), Ishay (2004), Olowu (2009), Oyowe (2013a; 2013b; 2014), Allsobrook (2018) and Etieyibo (2020).

6 Some of these treaties include the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and the *Convention on the Elimination of All Forms of Discrimination against Women*.

> psychological paralysis which prevents them from developing their creative potential; of the right to social and political participation, because it inhibits activities outside the household (with the exception of the bare minimum of activities related to traditional roles), such as participating in organizations, groups or meetings; of the right to freedom of expression, and of the right to an optimum state of physical and mental health.

From this submission, the series of rights that is violated by perpetrating GBV against women include: the right to identify, the right to affection, the right to peace and enriching personal relations, the right to protection, the right to personal development, the right to social and political participation and the right to an optimum state of physical and mental health. The argument is that these rights are important for women if they are to have flourishing lives in society. Applying the human rights approach, GBV can then be said to be a transgression of the principle outlined in the *Universal Declaration of Human Rights*.

The human rights ideal is a powerful tool for addressing GBV precisely because it offers a radical break from the view that seems to naturalise the inevitability of violence in intimate relations between men and women. Defined as a human rights violation, GBV therefore becomes a crime against the state that must be punished. Indeed, human rights ideas are appealing because they provide a radically different frame for thinking about the relations of power and inequality in society (Merry 2006). Linking the issue of GBV with human rights offers new possibilities for addressing the struggle to end violence and discrimination against women. However, can this approach offer transformative solutions for GBV in a manner that penetrates every society?

The limitations of a human rights approach to GBV

From the explanation of the complex nature of GBV that we have provided in the previous section, it is therefore imperative to analyse human rights and GBV from a perspective that offers the possibility of reducing or eliminating GBV through the consciousness of not just the rights that women possess, but also what stands in the way of enjoying those rights in their particular society.

First, it is important to note that the applications of human rights require contextualising. This issue of contextualizing human rights is quite different from the issue of the language of rights as a Western invention that we raised earlier. Regarding the contextual application of human rights, Philip Armstrong (2009) suggests that "human rights are geopolitically circumscribed and historically contingent". If not seen this way, (i.e. rights as contextual), then the principle of pluralism and respect for differences and diversity will be compromised in the application of human rights. In the same vein, a human-rights approach to addressing GBV needs contextualisation. That is, rights must be tailored to the peculiar experience of violence against women in particular places. Our point here is that the scope and language of human rights in its present form cannot take care of all the kinds of violent actions considered as violence against women in every society. For instance, there is no human rights provision for the mistreatment that women get from men in matters of property grabbing (Izumi 2007) and the infringement of women's dignity, especially after the death of their spouse in various African communities (Durojaye 2013; Imafidon 2018). These are peculiar instances of violence against women that the current human rights framework for addressing GBV has not taken into consideration and may be unable to properly accommodate.

Given the complexity of the phenomenon of GBV, responses to the problem must necessarily be based on an integrated approach. That is, a human rights approach should not be detached from the sociocultural environment of the people. It will be overbearing for one to expect that the provision of human rights in the current form in which they were put forward in the *Universal Declaration of Human Rights* document will be applied to GBV in Africa and will result in success. There is a need to consider the indigenous legal systems in Africa in discussions of rights and GBV. Du Toit (2018, 110; citing Douzinas) explains this point when she argues that since "human rights claims are moral claims made by individuals or groups that may or may not be recognised by the particular legal system in, or against which they are made, there is the need to consider the customs of the community".

More importantly, the language and terminologies of human rights claims, in their attempt to retain their universal thrust, are often couched in abstract terms. An example is the question of the entitlement of each individual to moral equality. The idea of "equality" in addressing gender relations is somehow abstract or impracticable. What would it mean to treat men and women as *moral equals*? That is, does moral equality suggest that men and women must be seen as the same, take on the same roles and be treated in the same way in the private and public sphere? It is important for this question to be addressed when prescribing human rights as an approach to deal with GBV. Human rights interventions for addressing GBV suggest the equality of both genders without explaining the normative challenge that the term "equality" could exacerbate considering the context in which such rights are deployed.

We must keep in mind that the idea of equality in human relations entails normative judgments that require that actions and behaviour be measured to know who is falling short of the standard. But can we always have relational contributions on equal terms? Tamale's (2020) explanation of the distinction between "formal equality" and "substantive equality" is important here. She contends that while the notion of formal equality is a "liberal individualistic characterization" of equality resulting from the Western tradition, substantive equality focuses on the "equality of results" and when applied to violence against women, it means that women must be recognised for their differences from the men and must be specially treated to attain an equal outcome (Tamale 2020, 235–236).

Furthermore, when addressing GBV, a human rights approach may guarantee status equality, but not distributive equality. In specific terms, the human rights approach raises consciousness about the equality of women compared to men, and for that reason, their freedom and dignity must also be preserved like that of men. However, when it comes to other forms of GBV that exacerbate redistributive inequality like the marginalisation and mistreatment of women that comes from workplace relations or family traditions, it will be difficult to use a human rights approach to deal with such kinds of GBV. A married woman can be given rights to work, own property and have sexual freedom according to some bill of rights declaration, yet remains subservient to her spouse because of the sociocultural systems or family traditions in place. To combat this systemic violence would require a radical distribution of power and uprooting subservient cultural traditions and structures within the society. We must accept that the pervasive experience of GBV could result from the current nature of the family, state and government structures.

When a human rights approach is deployed in superficially opposed ways, it will destroy what is most promising and most powerful about the women it seeks to protect. Du Toit (2018, 109; citing Douzinas) explains the paradoxical nature of human rights: "Paradox is the organising principle of human rights. And we should not expect that human rights could be invoked in any cause or context without [noticing] the danger of their perversion being present". This claim is true when we examine human rights claims in the context of GBV. To support women's rights as an organising principle to discourage GBV without addressing the very standing of these women in the structures, cultures and systems that shape society means that such rights could allow women to bolster a superiority complex that works against them in social relations.

From the above, although human rights approaches for dealing with GBV have no doubt contributed to the reduction of the experience of GBV, it does appear to be insufficient in combatting GBV in terms of stamping out the sordid perceptions of gender duties that stand in the way of enjoying those rights. The increasing rate at which violence against women is being perpetrated suggests that the clamour for human rights to address GBV is an effort that cannot on its own help to achieve the substantial results that are expected. Hence, we agree with Du Toit that the current profile of human rights, narrowly associated with Judaeo-Christian legal traditions and, increasingly, with liberal individualism and the gradual capitalist destruction of the political sphere, probably constitutes more of a foe than a friend to African women's sexual freedom aspirations. Something more is needed to address this insufficiency. This leads us to a duty-based approach to GBV.

A duty-based approach: A complementary approach to rights-based ways of addressing GBV

A duty-based approach, in our view, would help understand and avoid the fundamental triggers of GBV, which sometimes occur because there is the willingness to enthrone rights without the regard for duties in relationships, particularly between men and women. Since GBV flourishes where men and women have clashing understanding of who they are and what roles or duties are expected from them in a particular society, an approach that only kindles women rights can only shield women from violence in part, yet it can expose them to violence because they do not understand how gender roles and duties are at the root of GBV. From an Afro-communitarian perspective, we discuss how understanding gender roles or duties could play a complementary but important part in addressing GBV. This is something that is lacking in the human rights approach or any other approach in dealing with GBV.

GBV occurs in every community, and the experience of GBV cannot be fully theorised without understanding the nature of the individuals involved in those relationships, as well as the ideals of the community in which they live. To understand how GBV manifests itself in African societies, we need to look at what human relations entail in the Afro-communitarian tradition. To make this explicit, it will be important to revisit the normative view of personhood in Afro-communitarianism. For Afro-communitarianism, persons in African societies maintain a relational idea of personhood owing to the interdependent nature of human beings. Accordingly, individual identities are intertwined in relationships with others.[7] The African society is a community-centric society, suggesting that the individual is deeply embedded in the community. In the Afro-communitarian tradition, persons are seen as social beings by nature and their relationship to the community is both necessary and voluntary. That is, each individual in addressing their own needs is expected to strive for the well-being of the community. Many scholars have provided detailed but varied accounts of the Afro-communitarian way of life which we will not delve into here (see Menkiti 1984; Ikuenobe 2006; Metz 2013).

However, not much work has been done in understanding gender relations from the Afro-communitarian perspective. However, there are recent works opening knowledge of gender relations in the Afro-communitarian tradition (e.g. Oelofsen 2018; Sanni and Ofana 2021). The thinking that the nature of gender relations in the Afro-communitarian tradition is one that is etched into the communal framework of relationships is pregnant with insight. Thinking of gender relations from this world view is a response to the criticisms by some scholars that Afro-communitarianism is not gender neutral (Oyowe and Yurkivska 2014). Specifically, Oyowe and Yurkivska (2014, 85) contend that the "relational and community-based nature of the communitarian idea of personhood indicates that it is in fact a gendered notion". They raise this argument on the premise that many scholars that have presented Afro-communitarianism as gender neutral have lost touch with the "actual, embodied, inhabited, real persons because those are positioned and constructed in a fundamentally historical, culturally diversified, and gender-specific social realm" (Oyowe and Yurkivska 2014, 87). They further argue that in Afro-communitarianism, gender equality founded on the "conceptual understanding of person as relational is a myth" that "stands in the way of a positive reconstruction of gender relations" (Oyowe and Yurkivska 2014, 96).

We do not think we need the kind of reconstruction that Oyowe and Yurkivska are suggesting. In fact, they are mistaken in their sweeping criticism of Afro-communitarianism as being gendered. What is needed, we think, is to make clear what has been concealed about gender relations in Afro-communitarianism. Oelofsen (2018) has tried to do that by showing how *ubuntu* fosters human fellowship and at the same time decries the subordination of women. Oelofsen (2018, 45) argues that since *ubuntu* is an Afro-communitarian worldview that supports egalitarian relationships, there is the possibility of healthy gender relationships: "Afro-communitarianism emphasizes the importance of relationships between people, their interdependence, and the duty to maintain flourishing

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7 Here, we are presenting a general understanding of Afro-communitarianism and persons in Afro-communitarianism and are not interested in the debate about which between radical or moderate communitarianism is the most plausible account of Afro-communitarianism. For a critical debate on Afro-communitarianism, see Matolino (2009), Famakinwa (2010) and Oyowe (2013a).

relationships of a particular kind". From this suggestion, one can highlight the foundation of the nature of gender relations in Afro-communitarianism along the following lines. The existence of gender relations in the Afro-communitarian tradition is premised on the fact that there ought to be a relationship between persons and that there is an expectation of fulfilling certain obligations to make it a quality relationship. To build on this foundation, we must consider the normative idea of persons and the morality or ethics of duties from the Afro-communitarian point of view if we are to properly comprehend gender relations in Africa.

In Afro-communitarianism, the human person is a moral entity that has duties towards others for the balancing of the community. Thinking along this line, Oelofsen (2018, 46) writes that "[u]nder an Afro-communitarian account, personhood comprises the creation of the person through her community, and a central aspect of personhood is understood to be being ethical and accepting the resulting moral duties and responsibilities". Oelofsen makes two important points here. The first is that people (men and women) are moral beings, and the second is that in the Afro-communitarian world view, men and women have moral obligations and responsibilities towards themselves and the community they live in.

On the first point, the nature of personhood stipulates that persons are moral beings. This suggest that persons have the capacity to be hurt and make judgements and these actions can only be initiated in a relationship of the "self" with the "other" or "others". This is the case because the "self" is constituted by one's relations with others and, as such, every relationship comes with moral expectations. Treating the "other" with respect and dignity is an important consideration for the individual self. From this account then, men and women are presumed to live with an understanding that they need to prioritise respect and dignity. Before embracing any relationship, the individual cannot be taken for granted as ignorant of the requirement of not violating the dignity of humanity. From this idea, men and women in African societies, despite having their unique identities, have a duty to relate to others and to show respect for each other.

On the second point, Oelofsen describes the nature of the relationship that ensues among persons in the Afro-communitarian world view. The important thing to underscore here is that such duties must be directed towards the flourishing of the self in connection to the well-being of others. Motsamai Molefe (2018, 226) buttresses this point when he notes that in Afro-communitarianism, "every individual has other-regarding duties that are efficacious in securing the well-being of all as captured by the idea of the common good". These duties are necessary not only for the realisation of peaceful coexistence, but also for the realisation of their true humanity. Molefe (2018, 227) explains why it is important to maintain duties towards others when he says that "the duty for one to realise their true humanity takes central stage in African moral thought and this duty is essentially connected to the promotion of the well-being of other human beings".

Having pointed out the scope of duty and the expectations placed on moral beings, we ask whether this mean that rights are not important in Afro-communitarianism as some scholars have demonstrated (see Donnelly 1982). Rights are important, but not as important as duties because the demonstration of duties has the good of the individual and the community as the goal, instead of only the individual as is the case with rights. We can say that rights are secondary, or simply that they come after duties. Ifeanyi Menkiti (1984, 180) indicates that

> it becomes quite clear why African societies tend to be organized around the requirements of duty, while Western societies tend to be organized around the postulation of individual rights. In the African understanding, priority is given to the duties which individuals owe to the collectivity, and their rights, whatever these may be, are seen as secondary to their exercise of their duties. In the West, on the other hand, we find a construal of things in which certain specified rights of individuals are seen as antecedent to the organization of society; with the function of government viewed, consequently, as being the protection and defence of these individual rights.

Along this line, Molefe (2018, 227) has also articulated the prevalence of duties over rights in Afro-communalism, particularly in the goal of securing the well-being of all. He writes that

> [i]f rights took central place in African thought, this would threaten the very possibility of individuals attaining a status of personhood that entirely depends on them prioritising the social goal of securing the well-being of all. Rights focus on duties owed to the subject, the right-holder. Whereas the very prospect and possibility of attaining personhood is essentially connected to purely other-regarding duties to secure their well-being of all. The social goal of securing the well-being of all takes priority in this moral theory because it is at the heart of realising a life befitting a human being – personhood.

In a similar manner, Polycarp Ikuenobe (2018) argues against a human rights perspective that disregards humanness, dignity and the community which is exemplified in the Afro-communitarian view of rights.

How then can this Afro-communitarian understanding of rights and duties (or duties as primary and rights as secondary) to people of a gendered nature help in addressing GBV in Africa? Although there are moral duties expected from persons in a bid to guarantee a safe and humane living, these duties are quite different for each gender, even though modernisation seems to have blurred the lines. Interestingly, gender roles in postcolonial Africa have changed. Women are now seen in the spheres that were previously dominated by men. Women are now in politics, they own properties, and undertake professions that were usually seen to be in the exclusive domain for men. These changes have raised the status of women from being in the shadow of men to people who really matter. Despite these changes and the enactment of women's rights, it should be noted, as Falola (2003, 269) cautions, that women have neither "been bestowed with absolute freedom nor should they marshal equality with their male counterparts to extreme proportions."

Besides modernisation, the patriarchal organisation of society has been criticised as the basis for gender discrimination in Africa (Oyewunmi 1997; Falola 2003; Sultana 2011; Sanni and Ofana 2021), but from Cheikh Anta Diop, we know of the prevalence of matriarchy in many African societies (Diop 1987; 1989). Even in places where patriarchy was present in Africa, there is a difference in the way it is practised compared to the West. Diop's view of the dominance of patriarchy in Africa is not inconsistent with scholars who have pointed to the tradition of patriarchy in Africa and how its manifestations can be found in various aspects of gender relations (Oyewunmi 1997; Falola 2003).

Further to the point about the prevalence of matriarchy in Africa, Ifi Amadiume (2005) provides a detail account of matriarchy as a lineage system in traditional Igbo communities. She shows how ancient matriarchal societies were not hierarchical, oppressive and violent towards men. Rather, women lived peacefully with men, even when they occupied leadership positions in society. Although it is not our aim to further discuss patriarchy as the cause of GBV, we do not think that gender inequality resulting from patriarchal traditions is the only reason why GBV is commonplace in Africa. Thinking about GBV through this mono-causal lens makes it appropriate to elevate the status of women by providing them with rights that must be taken into consideration to bolster their dignity. However, making provision for rights without dealing with the perceptions that would allow for the ignorant and extreme application of rights will not sufficiently address the causes of violence against women in Africa and even elsewhere. To address this missing link, it is important to stress that some of the challenges of GBV in Africa relate to the convoluted understanding of gender roles and duties because of the Western influence on human rights.

We think that the contention between how to live within the purview of women's rights and the expectation of the duties peculiar to each gender is at the heart of GBV. Indeed, some of the manifestations of GBV result from the strife to enthrone the self, given the prevalence of (women's) rights. Sometimes, GBV in relationships occurs because the woman chooses to neglect her roles which may include caring for the family and home. The man may try to assert his masculinity in such situation to ensure that his partner plays her roles at home. The woman, in turn, may react by making a case for the consideration of the changes in her current status because of her new social standing. As the woman plugs into women's rights and expects the man to blur the lines in interpreting gender duties in the household, the man may unleash violence, which is never the best way to respond. The point here is that the insistence on human (women's) rights without regarding

the peculiar duties we have to others in relationships between a man and a woman is a trigger for GBV.

What this suggests is that GBV has become commonplace because of the misunderstood categorisation of gender roles and duties in the light of human rights consciousness. Although men have their part in most GBV occurrences, some women make GBV possible because they have occluded themselves from the realities of their society and their unique human conditioning. They tend to perceive themselves through a Western lens that may be relatively difficult to adapt in African realities. The solution then cannot just be to project the dignity of women by stipulating rights that are peculiar to their being, but also to lay bare that there is a need to take seriously their unique responsibilities and duties to the other person in the household. The point therefore is that overlooking duties while asserting women's rights may provide the grounds for the possibility of GBV and its perpetuation in Africa.

Going by the Afro-communitarian tradition, the emphasis on the duties of men and women are not static and should not be seen as undermining individuality. In fact, gender duties are not immune from critical engagement. Amadiume (1987) has provided some insight into the dynamic roles of the male and female gender in precolonial society. In doing this, she notes the importance of the equality of persons in the sense of the complementarity between the sexes as deeply entrenched in traditional Africa. In a similar vein, Igor Kopytoff (2005) calls for a new perspective on the dynamics of gender roles because women's roles and identities are not culturally immanent.

Importantly, both men and women must be enlightened about their subjectivities and how these can help build harmonious relationships. In a marital relationship, the man and the woman should be aware and identify with their roles and responsibilities towards each other. Being ignorant of or disregarding these duties is a catalyst for violence at home. Oelofsen's (2018, 42) observation on the need to consider the unique individual character is quite helpful here:

> individual and different subjectivities need to be equally fostered and nurtured, in order to create well-developed individual characters. Relationships mature and become richer and deeper as a result of the different parties having well-developed individual characters, allowing for harmonious relationships between people.

Although (Sanni and Ofana 2021) have argue that there is a neutrality of gender identities in the *ubuntu* philosophy (a version of Afro-communitarian theory), the argument that addressing this neutrality by recasting the foundation of *ubuntu* to reflect and recognise the vulnerabilities of the "I" in the "we" (Sanni and Ofana 2021) would not effectively address GBV if the ethics or morality of the duties for men and women are not clearly articulated. An Afro-communitarian-inspired, duty-based approach to gender relations emphasises that what makes men and women persons of comparable worth is their commitment to see to the well-being of each other through active participation in fulfilling the expectations of their duties. Again, the question of essentialising gender roles might come up here. While it is true that essentialising gender roles and duties in any world view will raise tensions that might result in GBV (Sanni and Ofana 2021), this might suggest a problem for the duty-based approach unlike the human rights approach. One way to deal with this problem is to follow Sanni and Ofana's (2021) suggestion that there must be an emphasis on "gender fluidity" in an *ubuntu*-inspired Afro-communitarian theory of sociality and relationality.

However, there is an ambivalence in the way rights and duties are treated when addressing GBV that must be resolved. While many feminists' caution against essentialising gender duties, there seems to be nothing wrong with essentialising women's rights based on their subjectivity. For us, the problem of GBV is not so much about the problem of essentialising gender roles and duties, rather, the heart of the problem, we think, is how to navigate the conditions of rights consciousness that allows for one person in a relationship to perform or disregard their essential duties. For Afro-communitarianism, men and women are complementary beings in society. The unique roles of gender in social relations are rooted in the African ontology of duality and partnership, rather than the notion of equality that pro-human rights scholars have put forward. Men and women need each other to realise life goals and ambitions and to help secure the well-being of all. As it has been argued in the last section that human rights extols individualism, establishing women rights

could make some women pursue a life where men are not seen as important or where the home is seen as secondary, particularly in heterosexual relationships. This, for us, is an extreme application of women's rights that is unsustainable. We quite agree with Du Toit (2018, 108) that the idea of human rights remains "an indispensable tool" for attaining African women's sexual liberation, but beneath that, it must be clearly stated that women's legitimate roles and duties to their partners must not be neglected.

As Menkiti (1984) has noted, in African communities, rights must be seen as secondary. And to see rights as secondary to duties in addressing GBV is for the woman and man to place priority on duties to each other before calling on rights. When the idea of gender roles and duties in Afro-communalism is combined with human (women's) rights, it provides a basis for adopting principles of social justice that give more weight to the well-being of the group or everyone rather than just the individual. We think that a rights-based approach to dealing with GBV circumvents the interdependent nature of human beings. Its penchant to overlook gender duties and the limited focus on the individual makes it insufficient in addressing an intricate problem like GBV. However, by adopting a combination of duty and human (women's) rights strategies for addressing GBV, we put ourselves in a position of promoting the respect for women's personhood and dignity without dismissing the salient communal ethos in addressing gender justice.

Conclusion

The idea of arrogating human rights to women has been deployed and celebrated as a move towards ending GBV. However, the brutal violence that women experience from men seems to continue unabated despite the instigation of human (women's) rights. For this reason, we have argued that a rights-based approach to addressing GBV is not enough because it fails to deal with the convoluted perceptions of gender roles and duties at the heart of GBV. We argue that an individually orientated human rights approach is insufficient to address GBV because it neglects important considerations that are both contextual and cultural, particularly in an African communal ontological world view. In addition, we argued that a duty-based approach would be a good complement to the human rights view for addressing GBV. To address GBV holistically, we discussed how a duty-based approach, influenced by the Afro-communitarian tradition which suggests that human persons are beings with moral duties that are expected in any relationship of worth could be useful. Taking cognisance of these duties is necessary before entrenching rights. The bottom line of our approach is that addressing GBV requires an integrated approach that will deal with both the cultural perceptions of persons at its roots and the real manifestations of GBV.

One upshot of our position is that the task of addressing GBV should not be left only to the laws that protect and defend women's rights. A more effective approach requires us to bring in rights to work alongside duties as a way of contextualising the mutual relations between men and women. So, instead of waving a bill of rights or other human rights documents to address GBV, discussing the duties expected from gendered individuals in familiar indigenous terms and emphasising the fact that when you humiliate and diminish a woman (or a man for that matter), you are also diminished, as part of the greater whole. This complementary approach would encourage values such as respect for human dignity, humanness, compassion and mutual deference among men and women.

Adopting an approach that takes gender roles and duties seriously is a complementary and, in fact, a gender transformative approach that actively seeks to uproot gender inequalities and promote more equitable relationships. Although policy makers would favour linear approaches such as human rights to address social ills, partly because it is easier that way. However, problems like GBV cannot be addressed using a simplistic framework of rights. The intersection of cultural mores with social relations is too weighty to be dismissed in addressing societal challenges like GBV, especially if we want a bottom-up approach to dealing with the problem. While human rights for women can offer some degree of protection to those at risk of violence and penalise those who perpetrate it, they are less effective in preventing the misperceptions of gender roles and duties at the heart of violence against women.

In sum, our position is that addressing GBV through the human rights paradigm can only be truly effective when combined with a model that prioritises the importance of understanding gender

duties founded on Afro-communitarianism. With this strategy in mind, simply moving away from or getting rid of human (women's) rights when addressing GBV would mean risking the loss of those struggles for justice that have accompanied rights discourse. However, combining a duty-based approach with approaches that link solutions of GBV to human rights would provide a robust way to combat the experience of GBV in Africa and elsewhere.

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