

The Transformative Nature of Indigenous Knowledge Systems to Address Gender Inequality

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Abstract

Women have played a significant role in the history of Africa and indigenous normative systems and continue to do so. However, today their roles are in some quarters undermined due to patriarchy. South Africa has been changing and transforming to be more inclusive of the important contributions of women in traditional leadership roles. Traditional leadership is the oldest form of governance in Africa; however, men have historically occupied the throne. In pre-colonial societies, traditional leadership was determined by gender-defined roles between men and women; however, it became a problem after colonialism, when the gender-defined roles became distorted and patriarchy dominated. This led to the exclusion of women from leadership positions and the situation persisted into the modern-day. This contribution argues that women can lead, as history has proven that they are great leaders, but decisions about their leadership and choices must be determined based on their own choices and the protection of their voices. Decisions as seen from judicial pronouncements in South Africa are made to protect the right to equality and dignity of women, but if not done properly, it has the effect of undermining the very rights that state institutions aim to protect. This article recommends consideration of women's voices across South Africa, especially in rural areas. Society must hear how they feel about their role as traditional leaders and how succession to these positions will bring challenges, for example, what will happen if a woman leader marries a commoner.

Keywords: Gender-defined roles; indigenous normative framework; transformative nature; women; colonialism



Introduction

Historically, an indigenous normative framework existed along the lines of gender-defined roles where men and women occupied different societal roles (Nhlapo 1995, 157–166). The problem is that these roles were distorted along patriarchal lines after contact with colonialism, where women were viewed as perpetual minors with no rights to property or having their voices heard (Mahao 2010, 326; Bennett 2013, 26–27). Regrettably, this arrangement has passed from one generation to another where, due to the distorted scripts of these indigenous arrangements, the position of women came to be confined to the kitchen and they could not ascend to positions of traditional leadership (Albertyn 1994, 39). However, this has been transforming, with more women today ascending to traditional leadership positions and becoming queen mothers. It is argued that this highlights the transformative nature of customary law and addresses the ignominy that the indigenous normative framework is historically gender discriminatory. This contribution argues that it is important for the indigenous normative system to continue to transform and recognise the significant role of women in succession to the throne. The question is whether transformation is being done in ways that protect the rights of women to make their own decisions and whether the right to self-determination is protected. Self-determination is the right of people to make decisions about what is in their best interest and to have their voices heard about their destiny (Mailula 2008, 231). In this case, it entails that women must participate in decision-making about what is in their best interests. There is a sense that in some cases decisions are made for women in ways that suggest that they do not determine what is best for them. This has the adverse effect of undermining the very same rights of equality and dignity that state institutions aim to protect.

This contribution looks at the significance of gender roles from an indigenous normative framework perspective. This is preceded by a discussion of patriarchy, followed by a discussion of the role of colonialism in Africa and its impact on gender-defined roles. This will be followed by a discussion of the role of patriarchy in Africa and how the medieval era influenced and shaped it. The article will then examine the current concern that, although efforts to address gender inequality may be successful on constitutional grounds, they may not achieve the same success in society, since the voice of women may be ignored. The objective of this study is to conceptualise the gender-defined roles that exist in African law and articulate how best to move forward in relation to achieving gender transformation. Africa has not escaped the context in which it was viewed by the colonists and today continues to suffer from that fate. There is, therefore, a need to consider the impact of colonialism on gender-defined roles and to push the transformation agenda based on this reality rather than feeding and perpetuating the colonial distortions. This contribution will rely on existing sources of law in the form of case law and scholarly contributions from academic authors on the subject.

Patriarchy in South Africa and its History

Patriarchy was a contentious topic at the multiparty negotiations between the women lobby group and the Congress of Traditional Leaders of South Africa before the enactment of the 1996 Constitution (Albertyn 2009, 166–67). The women’s lobby group argued fervently that indigenous normative systems should not be recognised as independent legal systems because of their patriarchal elements (Sudarkasa 2006, 91). This debate would further worm itself onto the table at the Convention for a Democratic South Africa (CODESA) negotiations in 1991 and 1992, culminating in the Multiparty Negotiation Forum in 1993. Traditional leaders who had organised themselves under the umbrella of the Congress of Traditional Leaders of South Africa (CONTRALES) were concerned that subjecting African law to the Bill of Rights would result in the obliteration of African practices. On the other hand, the women’s lobby group was concerned that if African law was not subjected to the Bill of Rights, women’s rights would continue to be undermined and patriarchy endorsed (Bennett 2013, 26–27).

Today, it is often seen in indigenous system disputes in court that *amici curiae* organisations, such as the Women’s Legal Centre, apply to the court to argue for the protection of women from patriarchy (Spies 2016, 248). The Women’s Legal Centre is a non-governmental organisation which aims to advance the rights of especially black women in South Africa and protect them from perceived cultural marginalisation. Institutions such as the South African Human Rights Commission (SAHRC), a state institution that supports democracy according to Chapter 9 of the Constitution, have an interest in protecting women’s rights. Human rights institutions and organisations can join court proceedings as respondents and friends of the court in cases where they believe that gender discrimination is a concern (Manthwa 2019, 475). Legislation has been promulgated to further the equality goal. For example, the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 prohibits gender discrimination, gender-based violence, and any such practices, including traditional, customary, or religious practices which impair the dignity of women. Further commitment to gender equality can be seen with the promulgation of the Recognition of Customary Marriages Act 120 of 1998, which strongly protects women’s right to equality and dignity amongst other rights.

Since the multi-party meetings, traditional leaders have consistently proposed that indigenous practices such as primogeniture and accession to male chieftaincy be excluded from being subject to the Bill of Rights, particularly the right to equality (Kaganas 1994, 409). Regrettably, in some quarters, this has extended to defining gender roles in terms of hierarchies that would see men subvert to the top (Comaroff and Comaroff 2009, 53–59). The subtext of this is the ignominy that the indigenous knowledge system traditionally fed into the marginalisation and subjugation of women when, in fact, gender-defined roles were complementary but were continuously distorted for narrow self-interest. Scholars such as Solilo (1935, 219), Jolobe (1935, 208), and Mqhayi (1935, 129), provide an account of the indigenous value system that

existed in South Africa before the advent of colonialism, where women played a significant role in society. Soga (1974, 135) provides an account of how the advent of colonisation resulted in epistemic injustice of the African value system and the significant role played by women in building societies.

The fight for manhood has continued in the constitutional era and, regrettably, it has continued along the margins of masculinity. Some traditional leaders, for example, have convinced the executive arm of Parliament to redefine law contents such as the Communal Land Rights Act 11 of 2004, to empower them and to limit women's participation in material advantages (Walker 2005, 297).

Patriarchy can be described as the complete domination of a woman by a man, where the woman must completely succumb to the dictates of the man (Walker 2005, 297). The term originated from the Greek *patriarkhes*, which traditionally meant the rule of a father as a leader of a race (Christ 2016, 214). Rather than referring to the position of the father in relation to his household, it has progressed to referring to the systematic male domination over females. It allows men to occupy material advantages economically, politically, and otherwise, placing severe restrictions on females to be in a similar position to compete (Millet 1970, 24–25). Patriarchy was prevalent in Europe before the colonialists arrived in Africa. Grosfoguel provides an account of how women were mutilated in the middle of the 16th century. Their sin was passing indigenous knowledge from one generation to the next. These women mastered indigenous knowledge from ancient times. They knew about different aspects of life, such as astronomy, medicine, and biology (Grosfoguel 2013, 85). They were empowered with the gift of ancestral knowledge and an organised life based on communal living to secure the interests of the family economically and politically. However, these women were persecuted in the medieval era because of the knowledge they possessed. The persecution was intensified in the 16th and 17th centuries, with the rise of colonialism and patriarchal power structures in Europe, resulting in millions of women being burnt alive and accused of being witches (Grosfoguel 2013, 85).

In ancient Greece, Aristotle compounded the belief that men were active and women were passive, justifying the differences on biological grounds, seeing women as weaker and inferior in their ability to participate in material matters. According to him, men were born to lead, while women were born to be inferior. Consequently, a man must take command of a woman (Sultana 2011, 2–8). Regrettably, this belief has been perpetuated through cultural and religious bigotry to the extent that one generation after the other grows with the cultural belief that such a way of life should be maintained (Lerner 1989, 8–11). This extends to victims of patriarchy, such as young girls and women, also accepting and defining their roles in society in the narration that they are the weaker gender (Igbelina-Igbokwe 2013, 630–632).

Although the treatment of women as perpetual minors began to develop in Europe, indigenous knowledge systems have, in general, acquired the unwanted reputation of

being a patriarchal arrangement, largely because pre-colonial African societies operated under the auspices of the head of the family who, in most cases, happened to be a man. African law in its true form, however, does not portray a picture of patriarchy in terms that are suggested at present. The obligations and responsibilities placed on a people stretch beyond gender discrimination.

Impact of Colonialism on Gender Roles in Africa

The true intentions of colonialism in Africa are well documented. It was a power struggle, largely motivated by economic exploitation (Craven 2015, 32). The colonists intended to eliminate and obliterate the indigenous knowledge system and replace it with their own normative system (Allott 1984, 57). Despite having the advantage of mass weaponry to win a war, they still recognised that they would encounter resistance, and this required adopting other means. They strategically exploited religion and started plotting with African elites (Dennison 2019, 3). Subsequently, women were excluded from meaningful participation, as the principle of primogeniture was twisted to mean that women in indigenous normative systems were not entitled to land, among other things (Osman 2017, 103). Primogeniture is an indigenous practice whereby the first-born son manages family property on behalf of the family after the father passes away. The concept of the head of the family, who in most cases was a man, existed in Africa. Scholars such as Mireku (2010, 522) and Mmusinyane (2008, 146) welcome the deconstruction of African law brought in cases such as *Bhe v Khayelitsha Magistrate*; *Shibi v Sithole* 2005 (1) SA 580 (CC), where the Constitutional Court declared primogeniture unconstitutional, as revolutionary and transformative because they endorse gender equality. For Perumal (2011, 110), the deconstruction of African law needs to be deepened, and such a conversation may eventually lead to another conversation about other African law practices such as polygyny (Perumal 2011, 103). A broad view of looking at gender equality in African law is ignored, which does not look at the difference between men and women through gendered lenses. It is argued that there is an excessive focus on equality in South Africa which can be dangerous because it creates stereotypes on social groups where all women, for example, might be depicted as vulnerable. The problem with this approach is that dangerous stereotypes are perpetuated, and complexity is not allowed to play a role. The law speaks for everyone as if they are complaining about the same problem. Whereas in truth some women might be complaining about some but not all elements (Zitske 2018, 194). More importantly, rights are imposed, and this is not how things are done in Africa, where it is always good to persuade, rather than to impose ideas and concepts. People should be left to decide whether they want civil rights to be applied to them, otherwise state institutions would be infringing on their dignity by assuming that people do not have the voice to speak for themselves.

Accordingly, practices such as primogeniture should be understood in terms of the legitimate role they serve. This is based on the social, political, and legal organisation of society where the interests of vulnerable members must be protected (Ndima 2013,

56). Men were anointed to account for vulnerable groups, particularly women and children. This does not mean that masculinity played a role. Regrettably, it was easy for the colonial men working in cahoots with the African men to distort the law because distortions are treated as law. Any role the head of the family exercised over the land or property of the family was a custodian rather than a dictatorship role (Mbatha 2003, 267). According to indigenous normative systems in Africa, a man as the head of the family is responsible for protecting the family in times of war. When an enemy or stranger enters the family home, the man must face the person. It is, therefore, no surprise that the first persons the colonists encountered in 1652 in South Africa were men (Diala and Kangwa 2019, 192–198). When African men encountered the colonists, they communicated and discussed with them in good faith and did not feel the need to misrepresent African culture. Subsequently, with the involvement of interpreters, the true version of what practices meant was misrepresented, and the distortion process was underway (Chanock 1989, 72). The African elites were in strategic positions, as they were the heads of family, in control of the land and communal property. To safeguard their position, they bought into the Age of Enlightenment and started adopting rigid rules to rule their communities. Igbelina-Igbokwe asserts:

Colonisation deepened the gender chasm through entrenching and reinforcing discriminatory gender division of roles for women and men which encouraged the supremacy and importance of men over women roles. The economic system introduced by colonialism denied women the use of public space and confined them to the domestic sphere. The implication was the further invisibilisation of women and the negation of their economic, political and social roles (2013, 630–632).

The close-knit communal arrangement found in Africa by the colonists was incompatible with the sexist, hierarchical, racist, and individual-oriented nature of Western society. In Western systems, rights to land were used for purposes of alienation, while for the purpose of group solidarity, rights to land could not be alienated in Africa, as they were rights of use (Elias 1956, 159). Diala and Kangwa point out how language barriers and the inability to clearly articulate what primogeniture really stood for resulted in such distortions. During this time, the African elites did not use the opportunity to explain the African normative system in clear terms. The African men who encountered the colonists could not explain that the rationale behind the first son undertaking management of family property was due to the close-knit structure of social life which required an authoritative person to be the head of the family and protect the interests of the family (Diala and Kangwa 2019, 196). Early accounts are that African law as a value system was based on communalism (Bennett 2004, 1–7). This was a firm foundation underpinned by normative values.

Contrary to popular belief, the head of the family was not an authoritarian who could merely treat women as perpetual minors and not afford them the space to participate in the maintenance of the family (Domingo 2017, 1). This is different from the position under Roman Law, which was organised under the auspices of the *paterfamilias*, who had full control and power over all family members and women, as well as property and

slaves (Domingo 2017, 1). His children, including his daughters, remained under his control even after their marriage; he could only lose this absolute power when he died. Roman Law made it clear that women had no status and were under the authority of men (Domingo 2017, 1). The arrangement in the pre-colonial Africa was that, one needed to qualify for the positions of the head of the family and queen mother. A queen mother contributes significantly to the community and can be appointed as a regent to lead a nation. An example of this is the appointment of queen mother Manyaku Thulare as a regent of the Bapedi nation. This appointment was made by the family's uncle after King Thulare passed away in January 2021. The late King Thulare was survived by two wives, four sons, and a daughter who were not eligible to be kings as their mothers were not great wives. A great wife is the wife of the nation who gets married to give birth to the next heir or king/queen.

The Bapedi nation informed the community that they would look for a great wife in Lesotho to give birth to the heir to the throne (Domingo 2017, 1). What is key is that these developments were based on the African law normative framework and do not paint a picture of patriarchy. These developments did not happen because the court imposed a pronouncement on the communities to achieve gender equality. It is encouraging that some communities have stuck to the true African law free of colonial distortions. It is regrettable when African law is painted as a patriarchal arrangement because women have been and remain the custodians of traditional leadership and their contributions cannot be ignored (Chauke 2015, 35). Another example is the kingdom of Modjadji, where women are revered for their ability to make rain for their people. The Modjadji kingdom is well-managed (Chauke 2015, 35). African kings such as Shaka, Moshoeshoe, Mswati, Makhado, and Sekhukhune revered Queen Modjadji.

At the centre of the family structure was the family head, who occupied this position to advance the interest of the group (Bennett 2004, 7). The family head resembled a manager who occupied the space to serve his constituency. He could not do as he pleased but fulfilled the needs and services of the family (Bennett 2004, 20–23). This was an organised system which created a stable environment for the communal family (Ivanovic 2015, 41). Primogeniture as a concept is depicted by the space occupied by the head of the family and is central to the African legal system. The aim of primogeniture was to preserve the family unit and ensure that the death of the father or of another family head did not cripple the family (Ndima 2013, 53). A leader assumed this position with the sole goal of looking after the dependents in the family. Gender roles were thus, complementary rather than treated as a requirement to the position of head of the family. The position epitomised shared responsibility, communal living, and collective ownership of material values of the collective family (Ndima 2013, 53). Although every member of the communal family participated in the maintenance of the collective, the family head largely carried the responsibility of ensuring that the material resources were properly managed and distributed equally for the benefit of all family members (Mahao 2010, 321).

The head of the family was also presented with the opportunity to present the role of women in an indigenous system context at the intersection with the colonists. He could explain that women played an important role, such as queen mother, but he somehow provided a bleak picture of the role of women (Diala and Kangwa 2019, 197). He could have explained that women did not occupy the role of head of the family not because indigenous knowledge systems regarded them as perpetual minors (Setiloane 1976, 40). A distorted picture of women was thus painted. Regrettably, after colonial contact, what was known as a true indigenous normative system and the position of women changed for good. For example, a civil marriage concluded by black people was automatically out of community of property, unless parties expressly provided otherwise in an antenuptial contract (Pieterse 2001, 382). Civil marriages were concluded largely by indigenous people who converted to Christianity. In cases where a man was married to more than one wife, he was convinced by colonial priests to abandon the other wives and practise monogamy (Ndima 2003, 329). Civil marriages between Europeans were automatically in community of property in terms of section 11(3) of the Black Administration Act. This position affected indigenous women because, owing to brutal dispossession, they were not able to afford and understand antenuptial contracts or the dynamics of a marriage out of community of property. Upon divorce, indigenous women were in no position to acquire property (Robinson 1995, 466–467). An important opportunity was missed to properly put into context the significant role played by women in terms of the indigenous normative system.

Importance of the Role of Women in Indigenous Value Systems

The ignominy exists that indigenous knowledge systems are traditionally patriarchal; however, this is not a complete view of how the system was organised. As stated above, both men and women played significant roles within the African setup. African law has been criticised for being a patriarchal environment where women are treated as inferior. Patriarchy is considered a social ill that has historically contributed to the marginalisation of women.¹ In judgments such as *Bhe v Magistrate Khayelitsha*, the Constitutional Court highlighted the importance of ensuring gender neutrality and, in achieving this, the court has contributed to obliterating primogeniture, despite its legitimate purpose in African law.² There is thus, a need to provide a synopsis of how gender roles were defined free of colonial contamination and to show how, through contact with colonialism, gender roles were impacted. This is important when one considers that the right to equality is the central theme of the existing constitutional order (Davis 1999, 400).

While a man could be the head of the family, a woman could occupy the important role of mother of the family or queen mother. She had to undergo certain training following customs before she could be made a mother of the family. This training enabled her to

1 *Bhe v Magistrate Khayelitsha* 2005 (1) SA 580 (CC) para 76.

2 *Bhe* n (1) 109.

embrace the collective families' needs (Setiloane 1976, 40). This, however, is not to strengthen stereotyping that women needed training to acquire maturity. The ability to occupy the position of head of the family and, in this case, mother of the family, depended on character traits. Someone who did not have them was automatically presented with opportunities to acquire the necessary skills. Similarly, in professional careers, one must obtain certain qualifications to occupy certain positions or to become a professional person. Academic scholarship can be used as an example to provide a picture of what was required to qualify (Ndima 2013, 78–79). To be a lawyer or law academic in contemporary South Africa, it is expected that one should at least obtain a degree, be subjected to formal examination, and subsequently acquire further training to prove one's worth (Ndima 2013, 79). When illustrating the relevant character traits, a woman as a mother of the family becomes the stabilising factor of the group and the backbone of the family and the village. Women were traditionally not confined to the kitchen in the indigenous normative system; they assumed more challenging leadership roles in the national discourse. There have always been female heroes, such as warrior queen Mmanthatisi of the Batlokwa clan, Mmantshopa of the Basotho, and Nongqawuse of the amaXhosa, who contributed immensely to the history of their clans (Mahao 2010, 325). Mahao (2010, 325) points out that such women played an essential role in fighting the degrading subordination of women that made them perpetual minors.

Mahao reminisces about the role played by Princess Mmamochesane of the Makololo, who was a provincial governor. She became a regent ruler after the passing of her father. She was so important that her clan did not want her to step down (Mahao 2010, 325–326). Beyond the borders of South Africa, one finds Queen Nzinga who succeeded her deceased brother as a ruler of Angola for four decades. During her reign in the 1500s, she successfully wrested control of Angola from the colonialists (Mahao 2010, 326). These developments and women's empowerment in precolonial Africa were taking place through self-determination. Then, however, colonialism happened. It contaminated everything good about Africa. Women's emancipation would likely have been fulfilled had it not been for colonialism (Mahao 2010, 326). What is key is that these developments happened based on an indigenous knowledge system normative framework that does not paint a picture of patriarchy. Developments did not happen because the court imposed the pronouncing on the communities to achieve gender equality.

The concern is that today, many African indigenous practices have been distorted to mean something different from what they traditionally stood for (Ndima 2003, 338). At present, many indigenous communities have grown and continue to grow according to distorted versions of indigenous practices. *Ukuthwala* is one of them, where women and girls are kidnapped and raped, and it started with colonialism distorting practices such as primogeniture and *lobolo* (Bayi and Houthorn 2018, 580–584). The colonists denigrated practices that served legitimate purposes, and their current reputation reflects the nefarious work of colonialism rather than true indigenous norms. African values were infused with colonial patriarchal elements to give effect to a new system of law to

govern Africans (Mbatha 2002, 266). A true account of precolonial societies in Africa and the Western world indicates that patriarchy is rather a Western ill than an African one. However, the idea was easy to sell to African men who contacted the colonists because it suited their agenda to buy into the Age of Enlightenment as it would benefit them individually (Diala and Kangwa 2019, 194–198).

Gender-defined Roles and Post-independence Influence

The concern about indigenous knowledge systems today is that it has not escaped the reputational damage caused by colonisation which created the context in which it is widely understood. Admittedly, to the outsider, at face value, the system has elements that appear to be gender discriminatory. For example, Ademiluka (2018, 349) argues that the indigenous system is patriarchal. In support of his argument, he refers to the fact that women carry their husbands' surnames. This illustrates male domination, he argues. This argument illustrates ignorance because the carrying of surnames by women in an indigenous knowledge system has nothing to do with men's superiority. The author knows that women from Nguni ethnic groups carry their maiden surnames after marriage. An example of this is the fact that the wives of the former president of South Africa, Mr Jacob Zuma, carry their maiden names. His first wife is addressed as "MaKhumalo," which is her maiden surname. Today, women have options regarding carrying their maiden names after marriage or using double-barrel names. Courts must determine the true meaning of practices to give effect to them without furthering colonial distortions. There is a lot of effort and movement by state institutions that target indigenous knowledge systems as they are viewed as promoting anti-gender equality.

Today women are appointed to positions of traditional leadership.³ The qualifying person in the Venda traditional group is appointed by the Makhadzi (para 28). In *Ludidi v Ludidi*, the daughter of Chief Manzodidi was his only child. The chief shared a father with Chief Manzezulu—their father was Chief Dyubhele Ludidi. Chief Manzezulu passed away in 1978 and was survived by his wife and only daughter, who was 12 years old when he passed away. Mr Ludidi Ludidi challenged Ms Nolitha Ludidi as the chief of the AmaHlubi (the decision) by the member of the Executive Council for Cooperation, Governance and Traditional Affairs, in the province of the Eastern Cape, MEC, pursuant to her identification as such by the Hlubi Royal family (para 2). Mr Ludidi Ludidi wanted the decision to appoint Ms Nolitha Ludidi as the *inkosi* to be reviewed and set aside and for him to be recognised as the *inkosi* of the AmaHlubi. The Eastern Cape Local Division dismissed this. The SCA dismissed the appeal, thus recognising Ms Nolitha Ludidi as the rightful *inkosi*. This contribution is not against the appointment of women to the position of traditional leadership. It, however, argues that this must be done while taking the voice of women into account to avoid decisions regarding women being made in a hegemonic way which suggests that women cannot make decisions for themselves. Practices such as the delivery of *lobolo*, the integration

³ *Shilubana v Nwamitwa* 2009 (2) SA 66 (CC) and *Ludidi v Ludidi* 2018 ALL SA 1 (SCA).

of the bride, and virginity testing can be constitutionally challenged on the ground that they violate the right to equality and dignity of women because women are the only ones subjected to these practices. A man, for example, is not subjected to virginity testing. It is argued that the consent and views of women are important when determining the fate of these practices as well as determining whether they infringe on their rights. The question is whether women want these practices to be declared unconstitutional.

The other gender question concerns women who are entitled to ascend to the position of traditional leadership—several cases have been brought to court where women fought for their right to lead. However, should this be taken to mean that all women want the same outcome? What about the voice of women who want to observe these practices and freely consent to them being performed on them? The key to the storm of criticism is the voice of the people who are led by traditional systems of government, regarding what they view as being in their best interests. Ntlama (2020, 17) argues that the purpose behind affirming the appointment of women to the throne is to achieve gender equality, which has the effect of undermining the rights of women. Part of the problem is that the approach to gender equality used by the courts deprives women of the freedom to make choices about their lives. This is because women are subjected to unnecessary pressure of subverting reproductive rights because they are cornered into making difficult decisions regarding their private lives. This includes decisions about whether to have children or not, and whether they should get married. If they opt to get married, they find themselves in a position where they cannot marry with the royal seat (Ntlama 2020, 18).

It is argued that to achieve gender equality truly, these are the decisions that need to be made and these factors and impacts on women must be considered. Pre-colonial traditional arrangements were largely dependent on the agricultural economy which specified gender roles (Mbakwe 2015, 135). Men spent more time in the field making sure that agriculturally the family stayed in good order (Ndima 2013, 57). Society has changed and today women have professional careers and the survival of the family no longer depends on agriculture. This also has the result that the old order of sustaining the family no longer determines the inheritance rules. In some cases, because of the responsibility demonstrated by a woman, the family may nominate her to be the family head. Himonga and Nhlapo (2014, 68) argue that problems may arise when a woman leader marries a commoner because a traditional leader does not have to marry a commoner or give birth to the child of a commoner. These are gender questions that have not been answered and they ought to be addressed to determine the implications of such an eventuality. It is, therefore, important that while the struggle for gender equality continues, decisions are taken that reflect certain views and consent. It is recommended that there is a need for a study to hear the voices of women across South Africa, especially in rural areas to find out how women feel about their role as traditional leaders and how accession to this position may bring challenges—such as what happens if a woman leader marries a commoner. What impact will this have on the chieftaincy

and how should it be addressed? These concerns are important and situations where decisions are made about women in silos should be avoided.

Conclusion

Gender equality has become an important societal goal to achieve. Historically, women played a significant role in traditional leadership and families starting from pre-colonial societies. Regrettably, the gender-defined roles, which can be argued to have had patriarchal elements, were exacerbated after contact with colonialism. This resulted in women being treated as perpetual minors. This, however, has been maintained from one generation to the next and today some communities and men continue to treat women as not worthy of leading. This contribution argues that it has become important to ensure that women's rights to equality and dignity are protected and that they are not subjected to practices that are not in their best interests. It is equally important to hear the voices of women on whether they want certain practices to be outlawed and for all implications to be considered that may arise when they ascend to positions of traditional leadership. For example, what would be the implication for them, if a woman ascends to power and marries a commoner?

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