# Tracing the scholarly map on Gender, Culture and Property: A focus on African female scholars

**By:**

Purity Maritim

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The fight for women's rights and fuller participation in society has had several activists at its forefront. In Africa, there have been numerous organizations committed to realizing the rights of African women. Some of these organizations are local grassroots organizations such as Binti Legacy, Forum for African Women Educationalist (FAWE), and the Coalition on Violence Against Women. Others are western organizations promoting western concepts of women's emancipation such as Plan International, Equality Now, and the International Centre for Research on Women. Some of these organizations have been criticized for developing interventions without understanding the influences of politics, culture or religion on gender. While stones of criticism may be hurled at such organizations either for their methods or their ideologies, one indelible truth is that they have, to some extent, contributed towards the realization of women's rights across the African continent. One contribution is that women have increased access to reproductive health

facilities.

One group of women should be celebrated for their contributions to shaping the emancipation narratives and processes on the continent. This is the group of African female scholars such as Professor Celestine Nyamu-Musembi, Professor Sylvia Tamale, Professor Patricia Kameri-Mbote, Professor Ambreena Manji and Professor Sylvia Kang'ara. The perspectives of these scholars play a crucial role in shaping interventions targeted at women in Africa. As the English saying goes, only the wearer of the shoe knows where it pinches. International organizations seeking to emancipate women must pay close attention to the scholarship of these women. Their rich body of scholarship provides useful insights that intervention documents drawn up in the development cities of Geneva and New York may lack.

Professor Sylvia Tamale has written extensively on sexual and reproductive health rights. She has rehashed the importance of adopting a gendered analysis in research on sexuality. In comparing the research of human sexuality without looking at gender, to cooking pepper soup without pepper, she not only expresses an anthropological danger but also references African cultures, an element very much lacking in current scholarly literature. In this case, it is the celebrated Nigerian pepper soup. Through her article, "Researching and Theorizing Sexualities in Africa", she calls for a gendered analysis in research on sexuality in Africa explaining that sexuality and gender play a crucial role in maintaining power relations in our societies. Professor Tamale notes that many researchers view sexuality within a narrow spectrum without exploring the extraneous factors that impact and shape multifarious sexualities in Africa. Through her scholarship, she has indicated that gender, religion, law, culture and power shape African sexualities. A look at African sexualities in the absence of these extraneous factors is a recipe for misplaced interventions. Deconstructing myths and stereotypes on African sexualities, Professor Tamale offers a broader approach not only for scholarly research but also for research by biomedical experts, epidemiologists and demographers. Similarly, Professor Stella Nyanzi calls for a deeper understanding of the meaning of sexualities for effective HIV prevention interventions. Professor Tamale scholarship has brought out African perspectives on reproductive health, female sexual surgeries, population control and African sexualities.

African female scholars have also used their writing to address gender-based discrimination. Professor Celestine Nyamu Musembi has explored how the protection of women from gender-based discrimination may conflict with moral and customary norms. She does this in her paper, "Pulling apart? Treatment of pluralism in the CEDAW and Maputo Protocol." Here, she questions whether moral and customary norms should be abandoned to eliminate discrimination, noting that customary norms may perpetuate discriminatory practices against women. Her discussion shows that within the African context, the terrain in eliminating gender-based discrimination is not as smooth as some may imagine it to be. Professor Musembi calls for a positive alignment of customary law towards human rights. Similarly, Professor Patricia Kameri-Mbote has written on the perpetuation of discriminatory practices by customary law. On customary law, Professor Kang'ara conducts an erudite analysis of the evolution of African customary law and Western-derived law with a focus on marriage. Like Professor Tamale, she cautions against assuming the existence of a homogeneous African people, customary law or identity.

In "Ours by Right: Law, Politics and Realities of Community Property in Kenya", Professor Musembi and Professor Kameri-Mbote stress the importance of addressing the problem of internal exclusion of women in relation to land, within communities. Their literature looks at women's rights to land under African customary law. Professor Kameri-Mbote notes that customary law pertaining to women's land tenure is based on social relations between men and women. As a result, women often lack access to land and land-related resources. Land laws, as crafted, have also disenfranchised women from access to land. Professor Kameri-Mbote and Professor Musembi propose a framework of land rights whose elements would address the problems of inclusion. Closely linked to this is the work of Professor Ambreena Manji. Professor Manji has published widely on land law and land reform. Her work departs from that of Profesor Kameri-Mbote as she examines the implications of urbanization on land. She focuses on Nairobi city's infrastructural developments and ecological spaces such as Karura Forest and Nairobi Arboretum. In her work, "Whose Land is it Anyway? The Failure of Land Law Reform in Kenya", she analyses the history of land law reform in Kenya and points towards land law reform playing a role in development. Professor Musembi also considers the practice of development when she explores why rights have become of interest to

development actors and what implications this poses.

The academic scholarship of these African women indicates the widening of opportunities of African female scholarship. The narrative that academic scholarship is dominated by representations of old, white, male professors has dwindled. A more diverse representation exists that includes men and women, young and old, of different races and nationalities. Through their scholarship, these women have contributed to this diversity. Through their scholarship, these women have broken down barriers for young and up-coming female scholars. By not limiting their scholarship to women's rights issues, they have deconstructed misconceptions that women are to write only on women issues. Instead, through their scholarship, they have addressed intellectual property rights, urbanization, electoral politics, democracy and the rule of law, sustainable development and environmental law.

African female academics have made a significant contribution to scholarly literature. This article only highlights some of the work by these scholars but is in no way a synthesis of the vast body of literature developed by them and others who have come after them. As this literature continues to gain prominence in different spheres, it is my hope that these voices will contribute to a better understanding of matters on the continent.

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