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THE impact OF WESTERNIZATION ON TRADITIONAL AFRICAN SOCIETIES AND THE LEGAL ISSUES THAT ARISE.

**ABSTRACT**

Culture is a vital aspect of any community of people. It is the lifestyle; the way of life; the symbolic characteristic of a society of people. Relativistically thinking one can say that it surely reflects on individuals who embrace it. It is “…all these historically created designs for living, explicit and impact, rational, irrational, which existed anytime as a potential guide for the behavior of men .“[[1]](#footnote-1)Tylor [1871] in his work “Primitive Culture “ defines culture as that complex whole that includes knowledge, belief, art, morals, laws customs, and any other capabilities acquired by human beings in society [Igwe 2010,p.156) Therefore from these descriptions, it can be deduced that cultures are essentially part of people, materially and immaterially. In this age of modernization or rather globalization, the world has been described as a ‘global village’. In this latter sense, a philosophical question arises: do we have the same culture now that the world is a global village? Well, this essay focuses on such analyses for it is undisputable that cultures of many societies have been changed over the years due to Westernization-the adoption of that which is considered Western culture[[2]](#footnote-2). The Americans and the Europeans have been credited majorly with this as seen through colonization or contemporarily, influence on consumption patterns and other aspects of life like law and politics, social values, and economic values. The discussion here will critically analyze these influences and the legal issues it raises

# **INTRODUCTION**

African cultures are the most rooted in the world but in a way, they cannot escape the influential muscle of Westernization in some of its aspects. The total sum Culture is adhered to very strictly and quite rigid as communities strive to transmit it from one generation to another as their social heritage. This portrays the holistic nature of African cultures, which should contribute to the sustainability and development process. Nevertheless, today’s African societies have been highly influenced by Western culture, whether with merit or otherwise. It is to be noted that when exposed to global culture, societies display the ability to respond defiantly to a wide variety of clothing, architectural styles, songs even television series in a way congenial to their indigenous cultural traditions. [[3]](#footnote-3)The degree of adaption and fusion with Western customs will occur at varying magnitudes with different communities.[[4]](#footnote-4) What has been born of this has been collusion with some cultural aspects such as Religion, politics, and leadership and social aspects like family, gender rights, and economics -all of which bring up matters of law.

## **African legal systems and conflict resolution**

In African societies, there are laws, customs, regulations, rules, taboos, and others which constitute the moral code and ethics. They govern the behaviors of its members to ensure peace is established at all times. The members of a community are bound and governed by these elements when in social and economic interactions. There were mechanisms for conflict resolution arising from ‘…localized and culture-specific disputes’ such as mediation, adjudication, reconciliation, arbitration, and negotiations among many others, which were adopted in the pre-colonial period. The role of conflict resolution was upon certain tribunals -elders, chiefs, priests/priestesses, secret cults, etc. The Meru community for instance had specially ordained elders called *Njuri ncheeke* who people put their trust in solving conflicts. It is worth noting that many Africans employed ancestral forces which ensured that truth was always told thus avoiding any prejudice/partiality.

Westernization has brought in complex legal issues following colonialization which brought unrest among African communities and other contemporary issues like globalization which has caused *economic inequality* leading to *more complex vices -industrial espionage and other cyber security concerns and terrorism*. Conflicts arise in multi-ethnic societies thus; conflict resolution becomes a complex issue principally due to the determinate effects of culture and language symbolism. As Airuch and Black [Onigun and Albert,2001,p.16) state “It is quite dangerous to relegate culture to the background in conflict resolution. “legal concerns arise here making some of African conflict resolution methods ineffective in today's world. Thus, western culture is embraced by emphasizing a *judicial system presided over by lawyers and judges* disregarding the traditional African use of council of elders, king’s courts, and people-open assemblies for dispute resolution and justice dispensation (Nwolise,2005,p.155)

## **African religion**

The African religion is characterized by a supreme being and other spiritual intermediaries such as ancestors and other divinities. The dead are believed to be part of the community and therefore affect various societal practices. Africa’s sacred places of worship would include under certain trees, caves, and other naturally unique places. The worship was led by certain individuals -priests and elders and everyone was bound by these religious beliefs with fear of curses and punishments by the majority.

Westernization has influenced the African belief systems severely and there are some legal issues like *rights and freedoms to worship and other religious rights* that have arisen. During the colonial era, the West assimilated and coerced the adaptation of their beliefs like Christianity and Islam which are very dominant in Africa. Despite this, some other Africans have blended their practices of worship with these Abrahamic religions (Mbiti, John S,1992 )[[5]](#footnote-5). The legal frameworks have been concerned with religion. In Kenya, the Constitution *provides that individuals shall not be compelled to act or engage in any act contrary to their belief or religion.* However, the law provides some limitations to these religious beliefs but then only in a reasonable and justifiable democratic space. (International Religious Freedom Report for 2022)

## **African traditional economy**

Before colonization, there was no monetary economy in Africa but rather a simple and subsistence distributive economic system. People shared what they had in exchange for what they lacked. There was virtually no competition, and transactions were carried out through the exchange of goods and services.

Westernization has brought in a monetary economy that has been essentially adopted in its full scale. Business thrives due to this and every aspect of life is defined much by monetary strength. The African societies have shifted to a more capitalist nature and individual responsibility for their well-being, unlike the traditional way of sharing fruits of labor. The legal issues that have risen from these include *labor rights and land rights*.[[6]](#footnote-6)[[7]](#footnote-7) *Trade agreements* have been set up to govern trading but some have been criticized for downplaying African economic markets.

## **Communism and social security system**

Communism is based on the goalmouth of eliminating socioeconomic class struggles by creating a classless society in which everyone shares the benefits of labor. In the African set up people shared virtually everything and cared for one another. For example, in communities that thrive from farming, members used to own and cultivate land communally without regard to any social variances. There is a mutual assistance for each other. The haves help those who do not have so that no one perishes because of wants while his next-door neighbor lives in affluence. Either way, women received little privilege as compared to men, and this today is seen as a gross illegality

However, westernization has brought in capitalism whereby individualism is embraced. Social classes have emerged and the economically deprived are looked down upon .legal issues have to do *with income inequality, gender equity in accessing opportunities, and other rights that protect one from social and economic discrimination*. Moreover, laws on market *monopolies and consumer protection* have been implemented to ensure fair competition and avoid any deceptive practices.

## **Marriage institution and The family system**

The African marriage was polygamous and ideally meant to last for a lifetime. The family system in Africa is rather extended. It narrowly consists of a man and a wife and their children. However, in African families the perception is wider, consisting of all blood-related members units are the basic systems of a community. It is the cradle of human society and the nursery ground of moral values. The family property was controlled and owned by the man of the house. Rights on inheritance were enjoyed only by males which in today’s society, is a matter of illegality based on human rights.

The Western culture promotes a nuclear family set up with equal rights for its members. Individuals have the liberty of having a family not unlike the mandatory need to have a family in African society. In recent years LGBTQ+ rights have been emphasized globally and this impacted the African perception of marriage. *Laws on inheritance, marriage, and divorce, and rights to children, women, and the LGBTQ+* community have been born from Western influence on African marriage and family systems.[[8]](#footnote-8) [[9]](#footnote-9)

### **CONCLUSION**

Conclusively, it should be noted that Westernization has brought in laws that conflict with African customary law to a large extent. In another sense, westernization can be seen as an acculturation and enculturation. [[10]](#footnote-10)It has been of value in some aspects such as technology but still culturally detrimental to Africans. Nonetheless, its adoption calls for more legal interventions to overlook its wide aspects and ensure the African culture is not eroded

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2. Thong ,Tezenlo( July 2012). [↑](#footnote-ref-2)
3. Sida 1997,p.30 [↑](#footnote-ref-3)
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7. The constitutional of Kenya (2010) articles(1),(2(a,b,c,d)),(3(e,f)),(4(a,b,c)),( 5) [↑](#footnote-ref-7)
8. Matrimonial act No 49 of 2013 [↑](#footnote-ref-8)
9. The Children Act 2022 [↑](#footnote-ref-9)
10. “Acculturation”. Encyclopedia of Applied Psychology .oxford: Elsevier science &technology . “acculturation is “the process of cultural and psychological change that takes place as a result of contact between cultural groups and their individual members.” [↑](#footnote-ref-10)