

Pitting Eurocentric against Afrocentric Punishment Systems in Eclectic Contexts

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ABSTRACT

The article aimed to pit Eurocentric against Afrocentric punishment systems in eclectic contexts of the globe and adopted a literature review methodology drawing data from different data engines such as Google Scholar, JSTOR, ResearchGate, EBSCOhost, and the WSU library. Keywords used to gather data included the following: restorative justice, retributive justice, traditional African justice, hybrid justice systems, Ubuntu and justice, Eurocentric punishment, Afrocentric punishment, and comparative justice systems. Data was thematically synthesized and established the following findings: Divergent philosophical foundations of punishment; Punishment as retribution versus restoration; Cultural legitimacy and community engagement; Coexistence and tensions in hybrid justice systems; Implications for justice and social cohesion. Conclusively, incorporating Afrocentric restorative justice principles into Eurocentric-dominated legal systems can offer more culturally respectful, socially cohesive, and holistic approaches to punishment—moving beyond retaliation toward healing and reconciliation. This integration can foster a more equitable and compassionate model of justice by addressing the needs of victims, offenders, and communities, while effectively resolving conflicts within hybrid judicial frameworks.

Keywords: Restorative Justice, Retributive Justice, Traditional African Justice, Ubuntu and Justice, Eurocentric Punishment, and Afrocentric Punishment.

INTRODUCTION

While Eurocentrism implicitly considers European culture to be superior to any other cultures in the world, such as Afrocentric cultures (van der Westhuizen & Hewitt, 2021). This has borne an unfortunate precedent that the growth and expansion of non-Western cultures take Eurocentrism as a benchmark (Ballout et al., 2025). The belief that the West is at the centre of or superior to global events or cultures is known as Eurocentrism. On the other hand, Afrocentrism is an emphasis on or influence from Africa or African-derived cultures (Rogers, 2023). Essentially, Afrocentrism is an ideology and a cultural, intellectual, and educational movement that emphasises the African perspective in the pursuit of truth, understanding, values, and knowledge (Francis & Mugabo, 2025).

This researcher considers it academically profitable to discuss the phenomenon of punishment through the lenses of both Eurocentrism and Afrocentrism. Despite having different justifications, methods, and results, punishment is a universal social institution that has persisted throughout civilisations. The argument over punishment schemes is a reflection of broader historical, cultural, and philosophical perspectives (Hörnqvist, 2021). On the one hand, deterrence, retribution, and rehabilitation are prioritised in Eurocentric punishment systems, which have their roots in contemporary legal traditions and Western Enlightenment thought. Afrocentric punishment schemes, on the other hand, which are influenced by native African ideologies like Ubuntu, place a

higher value on healing, peacemaking, and harmony within the community (Ewuoso & Hall, 2019). This dichotomy demonstrates how punishment is a cultural and ideological reflection of societal values in addition to being a legal tool.

According to Ajitoni (2024), the word "ubuntu," which comes from the Nguni Bantu languages of Southern Africa, is more than just a word; it is a philosophical idea that captures the spirit of communalism and humanity. The phrase is frequently translated as "I am because we are," highlighting how interdependent and interconnected people are within a community (Ewuoso & Hall, 2019). Ubuntu emphasises the idea that a person's identity and sense of self are largely derived from their interactions with other people and their contribution to the community's overall well-being (Nortje, 2024). Ubuntu has long played a crucial role in African societies, directing social interactions, governance, and the settlement of disputes (Kang'ethe, 2023). By encouraging virtues like empathy, compassion, respect, and mutual support, it has acted as a moral compass (Fagunwa, 2019).

The works of classical theorists like Cesare Beccaria and Jeremy Bentham, who framed punishment as a tool to deter crime and uphold social order, have a significant influence on Eurocentric systems of punishment (Prasad, 2024). A key component of this strategy has been the creation of prisons, codified laws, and organised legal procedures. These systems frequently isolate criminals, impose severe punishments, and give the state more power than social mediation (Kang'ethe, 2024). Critics contend that by ignoring the underlying social and economic causes of crime, these systems might prolong cycles of punishment rather than finding solutions (Saleh-Hanna et al., 2023). On the other hand, collective approaches that have long been a feature of African societies are incorporated into Afrocentric systems (Murhula & Tolla, 2021). The idea that "a person is a person through other people" is the foundation of Ubuntu, and Afrocentric punishment aims to mend relationships rather than just punish the individual (Kang'ethe, 2023, 2024a, b). The reintegration of offenders into society is emphasised by mechanisms like truth-telling circles, communal courts, restitution, and reconciliation procedures (Francis & Mugabo, 2025).

Punishment is less about retaliation and more about restoration in many African contexts, where the justice system incorporates moral, spiritual, and familial aspects in addition to legal requirements (Murhula & Tolla, 2021). Eurocentric and Afrocentric systems frequently coexist in eclectic contexts, especially in post-colonial African states. Indigenous dispute resolution techniques were layered with Western-style judicial systems brought by colonial legacies (Ntlapo & White, 2022). Statutory courts coexist with traditional courts in hybrid systems that are emerging today. In addition to causing conflicts, this also presents chances for creative justice models that incorporate elements of both traditions (Nortje, 2024). In environments characterised by globalisation, cultural pluralism, and continuous fights for social justice, it is essential to comprehend how these systems interact, conflict, or support one another. This review of the literature aims to investigate the conception, application, and assessment of Eurocentric and Afrocentric punishment systems in diverse settings. Key themes such as justice philosophies, social impacts, cultural legitimacy, and integration prospects are highlighted through the comparison of these systems.

Problem statement

Punishment systems in many African societies today are a reflection of two distinct traditions: indigenous (Afrocentric) normative orders focused on restoration, reconciliation, communal responsibility, and values like Ubuntu, and colonial (Eurocentric) legal institutions emphasising retribution, deterrence, and state control (Mpofu et al., 2024). Axiomatically, formal justice systems have been dominated by Eurocentric models brought in by colonial legal systems, which frequently marginalise or replace conventional forms of social control or punishment (Moore, 2024). Afrocentric viewpoints, on the other hand, incorporate punishment into social interactions; they take into account the harm to victims, families, and the community in addition to the state or the law, and they aim to heal rather than just punish (Funes, 2025).

According to Nortje and Nanyunja (2024), there are many difficulties when Eurocentric and Afrocentric penal systems coexist in diverse settings. Formal institutions are dominated by Eurocentric systems, which frequently marginalise indigenous Afrocentric practices that have cultural resonance. This produces a duality where communities are split between two frequently incompatible theories of punishment, legitimacy is questioned, and justice is fragmented (Cunneen, 2023). The issue is the lack of academic and practical integration of these systems, which causes conflicts in the administration of justice, alienation of communities, and doubts about the suitability of punitive models in various sociocultural contexts (Marovatsanga & Garrett, 2022b). The purpose of the study is to assess the philosophical underpinnings, real-world applications, and consequences for justice and social cohesion of Eurocentric and Afrocentric penal systems in diverse settings.

METHODOLOGY

Through a traditional literature review, this study investigate the conception, application, and assessment of Eurocentric and Afrocentric punishment systems in diverse settings. A literature review is an organized synopsis and evaluation of previous studies on specific subject. The following questions guided the research:

- (1) How do Eurocentric and Afrocentric punishment philosophies differ?
- (2) How do Eurocentric and Afrocentric systems approach punishment?
- (3) How do punishment systems influence cultural legitimacy and community engagement?
- (4) What tension exist in hybrid justice systems?
- (5) To what extent punishment systems affect justice and social cohesion?

Thematic findings were used to assess the philosophical underpinnings, real-world applications, and consequences for justice and social cohesion of Eurocentric and Afrocentric penal systems in diverse settings. The inclusion and exclusion criteria are depicted in the table below:

Table 1: Inclusion and exclusion criteria

Inclusion criteria	Exclusion criteria
● JSTOR, ResearchGate, Sabinet, PubMed, iWS online library, EBSCOhost, and Google Scholar (2018-2026) ● Sources not older than a decade ● Articles/sources written in English ● Scholarly sources ● Peer-reviewed sources ● Book chapter	● Non-English sources/articles ● Source not written about Eurocentric and Afrocentric data ● Sources older than decade

THEMATIC FINDINGS

Thematic findings are significant ideas, issues, or patterns that researchers discover when analyzing data or sources pertaining to a common subject. Each theme's recurring concepts contribute to the explanation of the subject under study (Rech et al., 2025).

Table 2: Emergence of themes

No	Themes
1	Divergent philosophical foundations of punishment
2	Punishment as retribution versus restoration
3	Cultural legitimacy and community engagement
4	Coexistence and tensions in hybrid justice systems
5	Implications for justice and social cohesion

Divergent philosophical foundations of punishment

Although punishment is often abhorred, it remains a potentially justifiable mechanism for achieving justice and addressing the complexities of criminal behavior (Levy, 2022). The fundamental differences between Eurocentric and Afrocentric penal systems primarily stem from their divergent philosophical foundations (Authority & Harcourt, 2025). Crime is viewed as a breach of the social contract between the state and the individual in Eurocentric systems that are strongly influenced by Enlightenment ideas. Through codified laws and legal institutions, punishment was positioned by thinkers like Cesare Beccaria and Jeremy Bentham as a logical mechanism intended to deter crime, impose proportionate retribution, and maintain order (Prasad, 2024). Therefore, Eurocentric approaches frequently place higher priority on state authority than on community relations, which is reflected in formal judicial systems, prisons, and punitive measures (Kang'ethe, 2024). According to this framework, punishment is a universal and impersonal legal tool that is primarily intended to control behaviour rather than mend broken relationships.

On the other hand, Afrocentric systems, which are based on the Ubuntu philosophy, view crime and punishment through a relational and communal lens (Craig, 2025). Ubuntu, which translates to "I am because we are," emphasises how interdependent people are and how communities have a shared responsibility to confront wrongdoing (Kang'ethe, 2023; Ajitoni, 2024; Kang'ethe, 2024a,b). Accordingly, Afrocentric punishment systems view justice as mending harm, restoring harmony, and reintegrating the wrongdoer into society rather than imposing suffering on them (Ewuoso & Hall, 2019). By emphasising reconciliation and the welfare of both victims

and offenders, this perspective frames justice as fundamentally restorative and ensures that punitive exclusion does not splinter the community (Funes, 2025).

The combination of these viewpoints shows that punishment is a cultural expression influenced by philosophical and ideological worldviews rather than an impartial legal instrument (Nabiebu, 2025). According to Saleh-Hanna et al. (2023), Eurocentric models exhibit an individualistic orientation, where the state takes the lead in enforcing the law, and coercion and deterrence are the main methods used to combat crime. Afrocentric systems, on the other hand, represent a collectivist philosophy in which social involvement, spiritual equilibrium, and cultural resonance are the sources of justice's legitimacy (Nortje, 2024). The difference between the two illustrates how the philosophical underpinnings of punishment ultimately impact its intent: Afrocentric systems aim to promote healing and reconciliation, whereas Eurocentric systems seek to discipline and regulate.

Given that both models frequently coexist in post-colonial African contexts, this difference has greater implications for modern justice systems (Cooper, 2015). Because they prioritise state-centered methods, Eurocentric frameworks that were imposed through colonial legacies run the risk of undermining cultural legitimacy and alienating communities (Johnson & Van Schalkwyk, 2022). However, Afrocentric customs emphasise the lasting importance of culturally ingrained practices that promote social cohesiveness, like truth-telling, restitution, and reconciliation circles (Murhula & Tolla, 2021). Designing justice systems that strike a balance between effectiveness and legitimacy, deterrence and restoration, and individual accountability and the welfare of the group requires an understanding of these conflicting philosophical underpinnings.

Punishment as retribution versus restoration

Retribution is a major component of the Eurocentric model of punishment, which holds that criminals should face penalties commensurate with the harm they have caused (Comaroff & Comaroff, 2004). This method, which has its roots in classical criminology, emphasises deterrence and the preservation of social order by highlighting the consequences of engaging in deviant behaviour (Saleh-Hanna et al., 2023). This kind of justice is state-centered, and punishment is a tool used to establish and uphold power. However, detractors contend that retributive frameworks are constrained because they frequently ignore the socioeconomic and structural elements, such as poverty, inequality, or marginalization, that influence criminal behaviour (Moore, 2024). Instead of addressing the root causes of crime and alienation cycles, Eurocentric systems run the risk of escalating them by punishing offenders with severe penalties and incarceration. Criminals who are imprisoned begin to learn other types of criminal behaviour; consequently, Eurocentric punishment greatly increases the likelihood of criminals being released to reoffend. This phenomenon is called recidivism (Kang'ethe, 2016).

On the other hand, Afrocentric methods that draw from native African customs are essentially healing (Moreroa & Rapanyane, 2021). Wrongdoing is viewed as a disruption in social relationships and moral order rather than just a breach of the law. Accordingly, justice necessitates making amends and re-establishing equilibrium via procedures like truth-telling, restitution, and reconciliation (Murhula & Tolla, 2021). This is based on the Ubuntu philosophy, which emphasises the connection between the welfare of the community and the well-being of the individual. Afrocentric punishment promotes accountability and guarantees the offender's reintegration into society by incorporating victims, offenders, and community members in the legal process (Francis & Mugabo, 2025). Instead of emphasising exclusion or retaliation, these strategies promote social harmony and stop conflict cycles from happening again.

Combining the two viewpoints reveals important distinctions in the conception and application of justice. In contrast to Afrocentric restorative systems, which aim to restore damaged relationships in order to promote collective healing, Eurocentric retributive systems isolate the offender and present justice as a one-way act of punishment imposed by the state (Marovatsanga & Garrett, 2022a). This distinction shows that punishment is about forming social relationships and values, not just about controlling behaviour. Restoration places more emphasis on social cohesion and reconciliation than retribution does on deterrence and order. Reconciling these disparate models to guarantee that justice both discourages crime and restores communal well-being is a challenge for modern justice systems, especially in African contexts (Laloo, 2022).

Cultural legitimacy and Community Engagement

The extent to which legal procedures align with the norms, values, and life experiences of the community they serve is known as cultural legitimacy, and it is one of the most important characteristics of justice systems (Cunneen, 2023). Due to their preference for Western legal traditions over native customs, Eurocentric punishment frameworks, which were primarily imposed during colonial rule, frequently fall short of achieving such legitimacy in African contexts (Moore, 2024). These systems, which may seem foreign or unrelated to the social structures of African societies, mainly rely on state power, codified laws, and adversarial court procedures. Such

dislocation, according to Cunneen (2023), leads to the marginalisation of local customs and establishes a justice system that is perceived as being imposed from without rather than being owned by the community, which breeds mistrust and alienation.

On the other hand, Afrocentric systems derive their legitimacy from shared values and strong cultural roots. Afrocentric justice, which has its roots in Ubuntu, emphasises empathy, compassion, and interdependence (Mugumbate & Chereni, 2020). Ubuntu upholds the idea that a person's identity is inextricably linked to the welfare of the larger community (Francis & Mugabo, 2025). This approach guarantees that the administration of justice is both legally sound and culturally significant. Communities can actively address wrongdoing through traditional practices like restorative dialogues, communal courts, and reconciliation circles, which strengthen a sense of accountability and ownership (Nortje, 2024). Afrocentric systems make sure that justice enhances rather than weakens the social fabric by integrating punishment into the moral and spiritual foundation of society.

These viewpoints emphasise that cultural congruence and significant community involvement are just as important to the legitimacy of justice systems as legal authority. While Afrocentric models integrate justice into culturally shared values, they run the risk of being marginalised in formal legal frameworks (Marovatsanga & Garrett, 2022a). Eurocentric models, on the other hand, may achieve procedural consistency but frequently lack resonance with local realities (Cunneen, 2023). This conflict highlights the fact that the efficacy of justice is contingent upon both its capacity to reflect the identities and values of the communities it serves, as well as its capacity to punish or deter (Moore, 2024). To create justice systems that are reliable, inclusive, and socially sustainable in African contexts, it is imperative to advance cultural legitimacy through community engagement.

Coexistence and tensions in hybrid justice systems

Afrocentric and Eurocentric penal systems coexist in hybrid legal frameworks in many post-colonial African nations, resulting in a complicated justice system. Established during colonial rule, statutory courts continue to hold sway and favour Eurocentric principles like formalised procedures, state authority, and codified law (Ntlapo & White, 2022). However, indigenous customs and traditional courts based on Afrocentric ideas like Ubuntu continue to be important at the local level, offering culturally significant alternatives to settle conflicts (Murhula & Tolla, 2021). This dichotomy acknowledges the tenacity of indigenous justice systems that have persevered in the face of decades of marginalisation while also reflecting the lasting effects of colonial legacies.

There are advantages and disadvantages to coexisting with these two systems. On the one hand, hybridity can be a springboard for creativity, allowing for the creation of justice models that blend the relational and restorative emphasis of Afrocentric traditions with the procedural rigour of Eurocentric approaches (Nortje, 2024). For instance, while upholding standards of legal consistency and fairness, incorporating reconciliation procedures into statutory frameworks may make justice more inclusive and culturally relevant. By recognising both formal law and indigenous practices, such hybrid models can increase community trust in justice institutions and promote a pluralistic approach to justice that meets both local and international standards (Craig, 2025).

On the other hand, tensions and disputes over legitimacy are frequently brought on by hybridity. The state-centered retribution system and the community-based restoration system are two opposing systems that communities may have to navigate (Nortje & Nanyunja, 2024). Confusion, forum shopping, or even a feeling of unfairness may arise from this fragmentation if the two systems' results differ. Furthermore, despite their cultural legitimacy, Afrocentric mechanisms are easily marginalised due to power imbalances that favour Eurocentric institutions, which are officially recognised and supported by the state. Combining these dynamics shows that hybrid systems represent both the current quest for justice pluralism and the historical struggles of colonialism. Harmonising these systems to make hybridity a place of complementarity rather than conflict is the difficult part.

Implications for justice and social cohesion

The legitimacy of justice systems and social cohesion are severely impacted when one punishment model is given preference over the other Eurocentric strategies, which emphasise state power, retaliation, and deterrence, frequently solidifying cycles of punishment that alienate communities and offenders (Saleh-Hanna et al., 2023). These systems, which prioritise punitive sanctions and incarcerate offenders, may preserve short-term order but ignore the underlying structural causes of crime, such as poverty, inequality, and marginalisation (Mpofu et al., 2024). Consequently, Eurocentric frameworks run the risk of causing societal disintegration where punishment is perceived as exclusion rather than accountability, which would erode confidence in the legal system.

Afrocentric models, on the other hand, view crime as a communal rupture that necessitates collective healing to maintain and strengthen social cohesion. Afrocentric justice, which is based on the Ubuntu principles, emphasises dialogue, restitution, and reconciliation as ways to mend broken relationships and bring the community back into balance (Ewuoso & Hall, 2019). According to these perspectives, justice is not just a reaction to an

offence but also a chance to improve ties within the community and restore confidence between victims, offenders, and society as a whole (Funes, 2025). Afrocentric punishment avoids social isolation of offenders and fosters a culture of accountability that is both socially and culturally sustainable by emphasising reintegration rather than exclusion.

CONCLUSION

With codified laws and incarceration, Eurocentric punishment systems, which have their roots in Enlightenment ideals, emphasize deterrence, retribution, and state authority. However, they frequently overlook fundamental problems like poverty and inequality, which cause alienation. Afrocentric approaches, which are based on Ubuntu, on the other hand, treat crime as a break in relationships rather than just a legal infraction, placing a higher priority on reconciliation, reintegration, and communal harmony. In post-colonial Africa, these systems coexist to produce hybrid justice frameworks that can encourage creativity but also cause conflict when indigenous practices are marginalised by Eurocentric structures. In the end, justice in African contexts serves as a cultural and social force that has the power to either bring communities together or drive them apart, in addition to being a legal tool.

Recommendations and Way forward

- To develop inclusive, context-sensitive frameworks, African justice systems must consciously incorporate Eurocentric and Afrocentric methodologies. This entails fusing Eurocentric advantages like consistency, international recognition, and procedural safeguards with Afrocentric values like empathy, reconciliation, and community involvement. Moreover, to ensure that justice brings about both legal accountability and societal healing, hybrid models should enable statutory courts to integrate restorative practices like truth-telling, restitution, and reconciliation circles.
- Further, to prevent marginalisation, enhance legitimacy, and advance culturally responsive systems that support common values of empathy, interdependence, and social cohesion, it is imperative to acknowledge and institutionalise indigenous practices.
- Alongside legislative changes, justice reform must address poverty, inequality, unemployment, and marginalisation to address the underlying causes of crime. Reoffending cycles can be broken, and alienation can be decreased by integrating social development programs into justice systems.

To foster accountability and trust, it should be a top priority to actively involve victims, offenders, families, and larger communities in the justice system. Building the capacity of community leaders, social workers, and attorneys is also essential to guarantee cross-cultural competency when implementing hybrid philosophies. African justice systems can become more socially cohesive, inclusive, and sustainable by addressing systemic inequalities, promoting restorative practices, and embracing pluralism.

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