AN EXPLORATION OF CULTURAL PRACTICES IN RELATION TO WOMEN'S SOCIAL EXPERIENCES IN RURAL COMMUNITIES, a case study of King Cetshwayo District Municipality

BY

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DECLARATION

I, **Mkhize Nontobeko Mildred,** declare that the contents of this thesis represent my own work, that I have not copied the whole or any part thereof from any source whatsoever, and where I have copied, verbatim or otherwise, I have acknowledged and referenced the sources used, and that the thesis has not been submitted for academic examination towards any qualification. In addition, it represents my own opinions and not necessarily those of the University of Zululand.

Date: …….. Signature: ……..

DEDICATION

I dedicate this work to my late parents, Prince Absalom Abi Mlotshwa Mngomezulu and Mrs Mirriam Qhamkephi Macwele-Mngomezulu, I owe it to you, my heroes. May your souls rest in peace.

My dedication extends to my sons Thabani and Njabulo Mkhize who walked this journey with me, encouraging me all the way.

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Matthew 6:33

But seek ye first the Kingdom of God, and His righteousness; and all these things shall be added unto you.

ABSTRACT

This study is an exploration of the scale of the harmful impact of the cultural practices on women in rural communities. It explored the impact of: ukuthwala (bride abduction), ilobolo (bride price), female genitals mutilation, virginity testing, ukungena (levirate custom), African rituals, traditional initiation, wife beating and polygamy on women which are cultural practices that the study paid focus on. These practices were explored within King Cetshwayo District Municipality (KCDM), KwaZulu Natal Province, South Africa.

The study set out to achieve six specified objectives: (i) to explore the experiences of women within societies where cultural practices are administered and assist them to reflect on those experiences (ii) to determine the challenges encountered by women due to customary rules, and their coping means (iii) to identify measures put in place to assist women living under customary rules (iv) to determine positions of women in structures in which traditional rules are imposed (v) to put forward interventions which protect women's rights against discrimination (vi) to determine if the cultural practices discriminate against women and if so how far such discrimination goes and it was premised on theoretical lenses of post-modern feminism which evolved within the third wave of feminism, African feminist theories, patriarchy theorization, critical theory and legal pluralism. Women within the rural community were given a chance to retell their own versions of cultural practices. Methodologically, the study used a qualitative approach which was guided by an in-depth semi-structured style of interviewing, and followed an exploratory research design.

Data gathering methods comprised of semi-structured interviews with participants while data was collected through in-depth one-on-one interviews, narratives, notes taking and a focus group discussion of men. The study used non-probability methods of sample selection, specifically, snowball sampling combined with purposive sampling in order to confirm issues, validate, compare and collect more information. Using these techniques, a total of twenty women comprised the sample plus five men. Data was analysed qualitatively through thematic analysis. The study revealed the following: cultural practices are indeed a reality; they have an immense impact on women and they are viewed as manipulative practices that encourage the subordination of women. These are central to the performance of the rituals that continue to aggravate violence against women. Furthermore, it transpired that culture is incapable of holding its goalposts; the unfriendly policies on cultures are a driving tool to cultural practices' elevation; political infiltration of cultures and community forums as avenues of cascading the benefits of the practices.

The study discovered that despite legislative intervention and policy framework, cultural practices still persist among the African communities in KCDM. The reasons for this persistent existence are discussed, followed by recommendations for possible resolutions. The study concludes that cultural practices play a pivotal role in shaping men to demonstrate authoritative power on women.

ACRONYMS AND ABBREVIATIONS

ACHPR	African Charter on Human and People's Rights
ADC	African Democratic Change
AFF	African Feminism Forum
ANC	African National Congress
AU	African Union
AIDS	Acquired Immune Deficiency Syndrome
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CGE	Commission for Gender Equality
CL	Customary Law
CP	Cultural Practices
CPF	Community Policing Forum
COGTA	Cooperative Governance and Traditional Affairs
COPE	Congress of the People
DV	Domestic violence
FGD	Focus group discussions
FGM	Female genital mutilation
GBV	Gender based Violence
HIV	Human Immunodeficiency Virus
ICESCR	International Covenant on Economic, Social and Cultural Rights

ID	Independent Democrats
IKS	Indigenous Knowledge System
KCDM	King Cetshwayo District Municipality
MEC	Member of Executive Committee
NGO	Non-Governmental Organization
NFP	National Freedom Party
RCMA	Recognition of Customary Marriage Act
RSA	Republic of South Africa
S.A.	South Africa
SADC	Southern African Development Community
STDs	Sexually Transmitted Diseases
TA	Traditional Authority
TC	Tribal council
UN	United Nations
UNICEF	United Nations International Children's Education Fund
UNESCO	United Nations, Educational, Scientific and Cultural Organization
WHO	World Health Organization
WLSA	Women and Law in Southern Africa

Contents

CHAPTER ONE 1
OVERVIEW OF THE THESIS 1
1.1 Introduction 1
1.2 Research Problem 3
1.3 Research Questions 3
1.4 Research Objectives 4
1.5 Research Background 5
Location of King Cetshwayo District Municipality 9
1.6 Population under study 10
1.7 The aims of the Study 11
1.8 Significance of the Study 13
1.9 Format of the Study 14
1.10 Chapter Summary 16
CHAPTER TWO 18
LITERATURE REVIEW 18
2.1 Introduction 18
2.2 Historical formation of cultural practices 23
2.3 How cultural practices were established 26
2.4 Cultural practices and their challenges 28
2.5 Marriage and divorce 31
2.6.3 Customary Law 34
2.7 Implications of harmful cultural practices 38
2.8 The South African Perspective on harmful cultural practices 41
2.9 African Perspectives on harmful cultural practices 58
2.10 International Perspective of cultural practices 63
2.11 The impact of cultural practices 64
2.12 Positions of women within structures 67
2.13 How structures are defined, informed and influence the society of women 72
2.14 How women negotiate their existence and identities 73

2.15 Strategies/measures to assist women living under customary rules and cope 77
2.16 The debate around ethnicity and tribalism 79
2.17 The relationship between the leadership that is tribal and traditional authority 80
2.18 Common Law and Civil Law 84
2.21 Critiques 89
2.22 Strengths of Arguments 91
2.23 Weaknesses or gaps identified 91
2.24 How could these gaps be closed? 92
2.25 The Researcher's arguments and views of cultural practices 94
2.26 Chapter Summary 98
CHAPTER THREE 100
THEORETICAL FRAMEWORK - AFRICAN FEMINISM AND CULTURE 100
3.2 Problems faced by women 101
3.5 Generation Equality 107
3.6 Emancipation of women 117
3.7 Policies and Empowerment 122
3.9 Cultural diversity 126
3.10 Key elements (constructs) used in this study 129
3.11 The selected theory of customary law 129
3.12 Critiques of the selected theories 131
3.13 Chapter Summary 134
CHAPTER FOUR 137
RESEARCH METHODOLOGY 137
4.1 Introduction 137
4.2 Areas of field research and the research assistant 138
4.3 Rationale for the Methodology 142
4.4 Research Design 144
4.5 Research Philosophy 147
4.6 Research Paradigm 150
4.8 The Research Instruments 160
4.9 Data Collection 163
4.10 In-depth Research 168

CHAPTER FIVE 184
THE REALITY OF CULTURAL PRACTICES IN RURAL SETTINGS 184
Theme: Impact of cultural practices on women 184
5.1 Introduction 184
Demographic Information of the Interviewees 186
5.3 Discussion of findings as per identified themes and sub-themes 193
5.4 Sub-theme one: Effects on women's health 195
5.5 Sub-theme 2: Social Development 207
5.6 Theme: Implications of the harmful cultural practices on women 210
5.9 Chapter Summary 245
CHAPTER SIX 246
THE PLIGHT OF WOMEN LIVING IN PATRIARCHAL DOMAINS 246
6.3 Theme: Facing Patriarchal Authority 263
6.4 Theme: Challenging the patriarchal customs 269
6.5 Chapter Summary 290
CHAPTER SEVEN 291
THERE IS TROUBLE IN PARADISE 291
7.1 Introduction 291
7.4 Chapter Summary 314
CHAPTER EIGHT 315
ANALYSIS AND DISCUSSION OF THE RESULTS, CONCLUSION AND RECOMMENDATIONS 315
8.1 Introduction 315
8.2 The aim of the study 317
8.3 Issues identified and current realities 317
8.4 Findings linked to literature cited in literature review 318
Brief summary of the research objectives and major findings of the Study 327
8.6 Drawing logical conclusions from the data that was interpreted 333
8.7 Recommendations drawn from the conclusions 337
8.9 Overall Conclusions 344
8.10 Chapter summary 346
References 348

CHAPTER ONE

OVERVIEW OF THE THESIS

1.1 Introduction

South Africa (S.A) is a country of many cultures. This is reflected in its many religions, languages, races and ethnic communities. The country has faced many challenges regarding cultural practices, political and socio-economic upheavals since the rebirth of democracy in 1994. According to Grant (2006:3), the cultural rights originated in the fractured history of the South African society, in which the cultures and cultural diversity of people were ignored. This affected societies negatively, first under colonialism and then under apartheid from 1948 to 1994.

The study sought to investigate the processes through which cultural practices are inculcated on women and how they are consciously and unconsciously embraced by society. Worldwide, each and every social grouping has specific traditional cultural practices, customs and beliefs which define and differentiate it from others. The study has also investigated how the practices have affected participation of women in community activities.

The study considered using theories of gender inequality in order to substantiate dominant points of view. Moreover, the concepts of feminism and the thought processes of the African women are discussed. This introductory chapter spells out the reasons for undertaking the study and also explains why it was important to focus on women in trying to unpack cultural practices. This research was conducted to identify the causes of traditional practices, culture, customs and beliefs and to ascertain their impact on women. Cultural practices such as *ukuthwala* (abduction), *ilobolo* (bride price), *ukungena* (levirate union), virginity testing, *isithembu* (polygamy) and others take away women's rights to decide in the places where they are performed**.**

The argument in this thesis is that practices, such as the ones enumerated above tend to enforce the subordination of women. The current research targeted rural areas in King Cetshwayo District Municipality (KCDM) because they are the locus of cultural practices (Stocks;

April & Lynton, 2012). The majority of women in this research area are affected by customs enforced by society. This study builds on what Cranny-Francis; Waring; Stavropoulos and Kirkby (2017) have put forward to address the question of gender politics.

Harmful cultural practices include early marriages, forced marriages and virginity testing. These practices have continued to happen because they were not questioned or challenged regardless of being harmful to women and despite their violation of women's human rights. Noticeably, there are instances whereby these practices continue to happen even after they have been challenged by various stakeholders.

Moreover, feminist theories focusing on the use of cultures as tools to undermine and subjugate women sexually and physically have also been discussed. Therefore, this study did not only seek to explore cultural practices in relation to experiences of women but also assessed people's perceptions on the need to revive those cultural practices that are good. Oyewumi (2002) states that Western feminists used gender to explain suppression of women by implying that "woman" and her inferiority are common.

Oyewumi (2002); Nzegwu (2004) and Bakare-Yusuf (2003) have refuted to generalise gender. They have argued and rebutted that some African cultures are not directed to specific people. Torres et al (1999) opined that sex should not conclude that men are superior to women. Oyewumi (2016) continued to bring African experiences to bear in discussions on women, society and gender. This was done with the intention that this could be discussed from a multi-disciplinary viewpoint in Africa. So, this study seeks to provide information necessary for a clear understanding of where, why, how and by whom the cultural practices are practiced.

Basically, some practices such as that of *ukuthwala* have somewhat disappeared. However, these cultural practices are still practiced among African people in KwaZulu-Natal, South Africa (Nkosi, 2009). Mfono (2000) emphasised the prevalence of this practice in the Eastern Cape among amaXhosa and amaMpondo communities. Some prominent public leaders encourage cultural practices in many ways.

1.2 Research Problem

Throughout history and in many nations, women have been discriminated against, both consciously and unconsciously. Researchers have been engaged with debates on how to handle and reconcile the disputes between harmful cultural practices and human rights (UN, 2001; De Gay Fortman, 2011 & Sossou, 2002). This is viewed and perceived as harmful cultural practices whose effects continue to pose a culture of violence and destruction as well as lack of respect among one another.

This needs to be addressed if societies are to regain their culturally normative and acceptable behaviours. Because of this, the researcher was prompted to rerearch how harmful cultural practices have negatively impacted on women. This endeavour was undertaken to hopefully advocate for renaissance, cultural regeneration and for harmful cultural practices to be eliminated so that all people gain their virtue, rehabilitation and enjoy their democratic equal rights.

Due to these wide-ranging traditions, women are subjected to patriarchal customary and religious norms, and are compelled to endure abundance of cultural practices related human rights violations (Korang-Okrah & Haight, 2014; Tei-Ahontu, 2008; Merry, 2003; Iwobi, 2008 & Robertson, 2010).

Hellum, Stewart, Ali and Tsaga (2007:407) contested for women to have equal rights in the African context. Izumi (2007) mentioned that women are exposed into vulnerability status just because of the harmful cultural practices. Most studies revealed, in the introduction and background of this study the fundamental motivations for the practices related human rights violations are connected to traditional cultural beliefs (Korang-Okrah & Haight, 2014; Tei-Ahontu, 2008; Robertson, 2013 & Whitaker, 2012).

1.3 Research Questions

The study was informed and guided by the following main research question:

Do the cultural practices in a democratic South Africa have the motive to render women subjective to men?

Around the main question, the following sub-questions were derived:

- Why and how have societies as institutions, facilitated the enslavement of women in places where cultural practices are administered?
- To what extent has culture frustrated endeavours to guarantee equal rights for women?
- What measures if any, have been taken by the state to eradicate exploitation of women perpetuated by the cultural practices?
- How effective are structures and programs designed to support women living in communities where customary practices are enforced?
- What can the state do in terms of law and policies, to stop the enslavement of women caused by the cultural practices, and what are the best practice models of confronting them.
- To what extent can it be possible to eliminate the cultural practices?

1.4 Research Objectives

The basic objectives of the study were:

- To explore the experiences of women within societies where cultural practices are practiced and assist them to reflect on those experiences.
- To determine challenges encountered by women due to customary rules, and their coping means.
- To identify measures put in place to assist women living under customary rules.
- To determine positions of women in structures in which traditional rules are imposed.
- To put forward interventions which protect women's rights against discrimination?
- To determine if cultural practices discriminate against women and if so how far such discrimination goes.

1.5 Research Background

Women find themselves involved in arranged marriages they never thought of. This is not only an African practice as it is popular in the Indian culture too (Hasan, 2000). Westermarck (1926) enlisted places where the practices happened and where they were deemed important. He states that the custom of *ukuthwala* occurred in Tierra de Fuego. He further states that marriage by capture occurred mostly among different tribes in India.

Furthermore, Monger (2004) and Thompson (1993) asserted that examples of the practices are prevalent in Thailand and in India; in Britain, in China, and among Australian Aborigines traces of this practice can be found in Africa in general (Bryant, 1949), in Lesotho (Molapo, 2004), in Mozambique (Pritchard, 2006), in Nigeria (Olaniyi, 2003), in South Africa (Soga, 1931), and in different parts of KwaZulu-Natal province (Krige, 1950; Bryant, 1949; Vilakazi, 1962; Msimango, 1995; Nyembezi & Nxumalo, 1995). This shows that the issues of some cultural practices are a global concern. A cultural practice such as virginity testing is still practiced in South Africa and is considered as part of Zulu custom (Moodley, 2008). About eighty-three percent of human societies permit polygamy in the Republic of South Africa (Berkowitz, 2007).

In Western countries practices such as polygamy is as irresistibly fascinating to the American public as it is controversial. In the Western countries, there are diverse cultures such as Islam and also the Mormon culture, all of which participate in cultural practices. Although cultural practices are not legal in most Western countries, it is practiced in specific ethnic and religious communities (Al-Krenawi, 1997; Phillips, 1999). The Muslim community, estimated to be six million in the United States (Goodwin, 1994 & Power, 1998), is an example of a religious group in which cultural practices are administered as part of their culture.

Cultural practices continue to be widely practiced by statesmen in 26 countries of Africa which constitutes forty-eight percent (Myers, 1997). WHO (2012) estimated that between one hundred million and one hundred and forty million girls and women have experienced some form of cultural practices. It is further estimated that three million girls in sub-Saharana Africa, are at risk of these practices annually (Sipsma; Ross-Sheriff; Orwenyo, 2012 & Weir, 2000). In

Zimbabwe almost fourteen percent of married women are in a polygamous union (Khumalo-Sakutukwa (2003).

Sharmon (2010) and Weir (2000) agreed with UNICEF (2005) that female genitals mutilation (FGM) is performed in order to control women's attitudes and to ensure virginity for marriage. In Sierra Leone approximately forty-one percent of women and girls were abducted, three percent were forcibly married to the group of rebels (Gong-Gershowitz & Palmer, 2009). Cultural practices are more common in Africa than everywhere else in the world (Anderson, 2000). It is estimated that twenty to fifty percent of marriages are polygamous (Elbedour, 2012).

In parts of African countries especially, those in the Western region, polygamy is a socially accepted practice among tribes (Timaeus & Reynar, 1998). This increases women's vulnerability to diseases such as HIV/AIDS (Madiba & Ngwenya, 2017). Zeitzen (2020) emphasises that polygamy is not just an exotic non-Western practice, but also exist in modern Western societies. According to Rafudeen (2016) a debate arose over virginity testing, denting traditional followers of Zulu viewpoint and cultural practices against human rights advocates.

In South Africa, the proportion of women in polygamous marriages is estimated to sixty-five point six percent (Mabaso, 2018). Virginity testing is linked to the Zulu royal ceremonies such as the reed dance ceremony (*umkhosi womhlanga)* and first fruit festival *(ukweshwama*) (Bennet; Mills & Munnik, 2010). The tests are conducted in young girls of between seven and twenty-five years old (Bennet et al 2010; Durojaye, 2016 & Mhlongo, 2009). Hence, they only submit under the pressure of their parents and society (Bennet et al, 2010). Commentators are divided into two camps on this issue (Maluleke, 2012). Some embrace the practice as an attempt to preserve Zulu custom while others perceive it as a sign of women oppression.

Traditionalists claim that virginity testing and other cultural practices are performed to educate girls to abstain and prevent teenage pregnancies (Maluleke, 2012; Swartbooi-Xabadiya & Nduna, 2014; Mhlongo, 2009). On the other hand, Chapter 9 institutions feel that such practices violate the privacy, dignity and integrity of young girls (South African Human Rights Commission (SAHRC), 2003). Wadesango; Chabaya and Rembe's (2011:121) review titled

“harmful traditional and cultural practices “argued that this practice amounts to the violation of women’s rights in the SADC region and argue that measures should be taken to address it.

In addition, Wadesango et al (2011) reviewed studies, policy documents, surveys and reports from different data sets and concluded that such practices have devastating psychological and physical effects on women. These authors argued that such practices continue even though states have put in place legislation and other measures to outlaw them and the question of culture appears to be central in the determination to revive Indigenous Knowledge Systems (IKS) which are often cited when sustaining a number of social ills that South Africa faces today.

According to Battle and Cousin (2011) Africans need African solutions to deal with African problems. Nonetheless, these problems have been explained in the diverse theories on culture such as those of Magubane (1998), Kaarshom (2006), Nyaumwe and Mkhabela (2007), Amukowa and Ayuya (2013) and Kange’the (2014). The proverb that says “those who abandon their culture are slaves” (Ndalu & King’ei, 1989:32-42) cited in Kange’the (2014) encapsulates a sentiment that this chapter explores.

The chapter delves into the ways in which colonialism continues to haunt the African continent culturally, in particular the South African society in the current dispensation. This is pertinent because the question of culture in S.A. is highly contested, hence positioning culture as one of the most fundamental issues on social and cultural domains (Kange’the & Nomngcoyiya, 2014).

Furthermore, in rural communities, patriarchal norms are entrenched and communities subscribe to beliefs and cultural practices which suppress women (Kuokkanen, 2015). Traditional and cultural practices such as levirate customs, bride price and polygamy maintain the subordination of women in society (Duffy, 2005: 16:23-31); Mugweni; Omar & Pearson (2015: 30: 388-399) & Wadesango (2011: 121-129). Women are not allowed to negotiate and cannot ask their partners to use protection during intercourse. Men’s refusal to engage in sexual intercourse without using a condom may result in violence (Mkandawire-Valhmu; Wendland & Stevens, 2013, 8:187-201).

Practices such as female circumcision or female genital mutilation often happen in villages but not in hospitals and medical facilities. The routines followed are unhygienic, using unclean and filthy instruments (Grant, 2006; Shelley, 1993, 1944, 1946; Lewis, 2009; Mswela, 2009; Sipsima, et., al 2012). Since antiseptic techniques are not used, the chances of contracting infectious diseases are too high. Although FGM is not practiced in South Africa it is still prevalent in some African countries such as Lesotho, Uganda, Kenya and Egypt (Achia, 2014). To stop the practice, there are still some issues around cultural and religious beliefs that need to be taken care of.

Women also face the scourge of disinheritance. Mqeke (2003) challenged the right of succession belonging to the firstborn male child through what is referred to as primogenitor. He proclaimed that the rule excludes women and extramarital male children. Richardson (2004) supports the disagreement by Mqeke by indicating that plans of inheritance and property awarding at death are rooted in the judgments of culture and traditions, not in the modern practice. The nature and practice of these activities might be a direct violation of the woman on whom such customary practices are performed. This mainly affects women who are widows.

Due to illiteracy, ignorance and loyalty to culture, women find themselves victims of abuse and exploitation. The rights of women to equality are undermined and sabotaged under the disguise of cultural practices. For fear of being frowned upon, many women do not take legal action if their rights are violated (Horn; Puffer; Roesch & Lehmann, 2016). They do not even seek for legal assistance when they are robbed of their estates after the death of their husbands. Due to this problem the focus of the study was directed to the devastating experiences that tend to impact on women than on their male counterparts.

The study aimed at getting to understand the impact of these practices towards women; with the hope of generating solutions where problems exist. Cultural practices can sometimes become barriers to women accessing services and resources. Racial and gender bias also compromise access to justice. Women are invisible in the communities where customary practices are enforced. This invisibility makes them vulnerable to discrimination and exploitation and exposes them to social inequalities**.**

The post-apartheid government of South Africa has put mechanisms in place through inter alia the Domestic Violence Act 116 of 1998 to provide protection to women. While this is a commendable effort, the law is restricted in terms of protecting women when it comes to cultural practices. Domestic violence cases in rural communities are dealt with in tribal courts that are always presided over by men who were raised under the same traditions and believed in the preservation of those traditions. Seemingly, there is a link between gender and culture in that most cultures are patriarchal and "have one aim the control of women by men" (Wood & Eagly, 2002).

Location of King Cetshwayo District Municipality

The study was executed among young and older women in King Cetshwayo District Municipality (KCDM), formerly known as UThungulu which is a category C Municipality (Nkonde, 2012). KCDM covers an area of 94,361 km squared (Abegunde; Sibanda & Obi, 2019).

KwaZulu Natal is made up of the eleven districts of which KCDM is one of them. KCDM comprises five Local Municipalities, namely: City of uMhlathuze, Mthonjaneni, Nkandla, uMfolozi and uMlalazi. The City of uMhlathuze Municipality is an administrative area of the district (Jili; Masuku & Nzimakwe, 2019). It comprises the economic powerhouse of Richards Bay and Empangeni. KCDM forms a gateway to some of the finest game reserves and is rich in cultural heritage, offering a unique Zulu Kingdom experience.

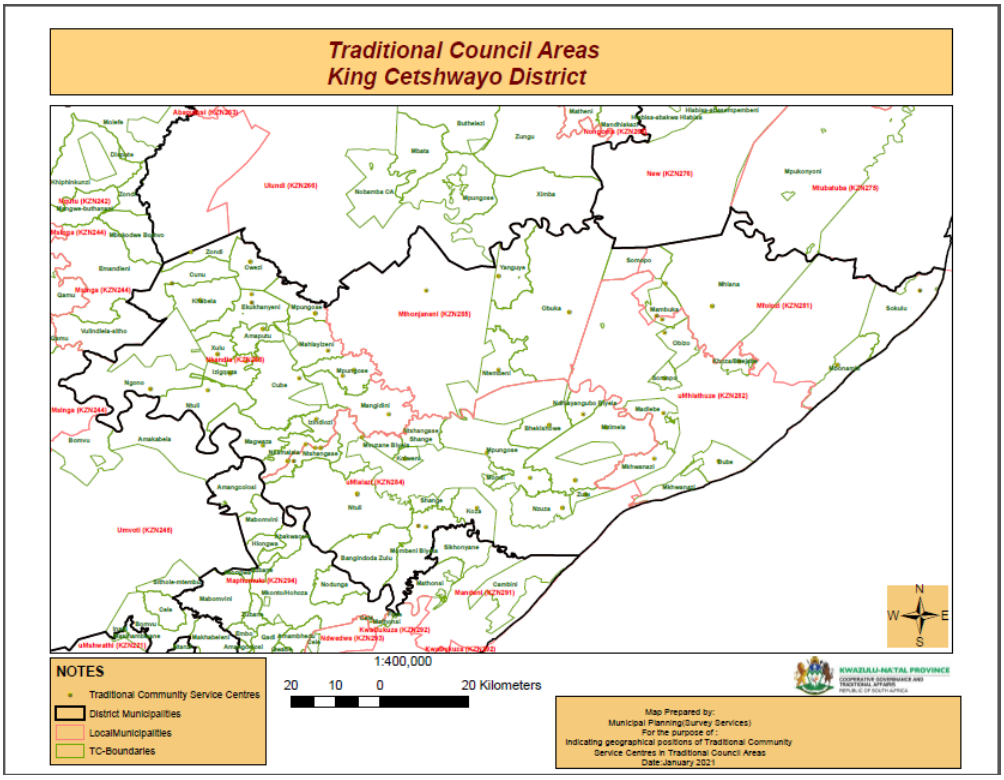
The study did not cover all rural areas available in KCDM. However, it was confined to rural communities and semi -urban areas only. The study limited the research to those areas because of their involvement in executing cultural practices and carried the high incidences of intimate partner violence. In this research women in rural communities within KCDM were targeted to participate because of their exposure to various situations emanating from cultural practices being implemented in their neighbourhoods.

The study was conducted in uMhlathuze Local Municipality. UMhlathuze Municipality incorporates places like Empangeni, eSikhaleni, Ngwelezane, eNseleni and Vulindlela, including rural areas that are traditionally-led, namely, Khoza (Bhejane) where the study was carried out, Zungu (Madlebe), Obuka (Biyela), Somopho (Mthembu) and Obizo (Cebekhulu). It is at these

traditionally-led locations where women are not afforded equal rights to men due to cultural demands that reduce their voices (Detert & Trevino, 2010).

The map below shows the District Municipalities, Local Municipalities as well as Traditional Council Areas of King Cetshwayo District Municipality (Uthungulu DC28).

Map 1: Map of the five District Municipalities under KCDM



Source: Municipal Planning Survey Services, 2021.

1.6 Population under study

According to Statistics S.A. (2016) the most recent population of KCDM is estimated to 971135. The majority of its 885 944 people speak isiZulu, (Census, 2001). This study focused on the target population of women living in the rural setting located at kaBhejane Tribal Authority and in an urban setting located at the City of uMhlathuze under KCDM.

The population investigated in the current study included women and traditional leaders in the communities practicing cultural practices, cultural-based organisation's representatives as well

as young men and women who had undergone these cultural rites. This was a group of people, events and documents which the study was interested to collect data from (Moule & Goodman, 2014).

The population of eNseleni is approximated to be 410 456 (Community Survey, 2016). However, according to census (2011) it was estimated to be 334 459. Females constitute a total number of 217 542 at uMhlathuze Local Municipality. KaBhejane Tribal Authority is situated at the outskirts of eNseleni which is under uMhlathuze Local Municipality. So, the district office for uMhlathuze is KCDM.

Women are more than men in numbers at this village. This is just because men migrate to urban areas to hunt for jobs while women are left to perform their domestic responsibilities. In this rural area, people are faced with poverty, unemployment, lack of proper medical care, illiteracy and high numbers of HIV/AIDS infections (Moletsane; Mitchell & de Lange, 2007). In a nutshell, this is the socio-economic context of the research area. It is important to understand this context so that the rest of the discussion could make sense even to an outside reader.

1.7 The aims of the Study

The overarching aim of the study was to explore how communities have facilitated the exploitation and enslavement of women under the guise of culture through the cultural practices.

The aim of this study was to conduct research on what women have experienced in terms of cultural practices carried out in their neighborhoods. The study was keen to find out if women were offered a privilege to be influential in their communities and beyond in the sense that they would become and undergo their identity formation. The main focal point was to create an account that would help people understand how cultural practices contributed to the discriminatory treatment of women.

“In my own life experience, I became a victim of the Zulu culture. I was born in a polygamous home and I have observed cultural practices being administered in my father’s kraal. However, instead of personalizing the study, I sought to understand it in a broader context so that I could

interpret my own experience within that context". As stated by Jeffreys (2014), these harmful traditional cultural practices have become increasingly brutal and pervasive; therefore, there is a need to scrutinise and dismantle them. Violence continues to be a taboo for most people where women are mistreated by in laws (Raj; Sabarwal; Decker, Nair & Jethva, 2011).

In addition, the aim of the study is to create a narrative platform that gives a forum for all competing social factors with regards to cultural practices and human rights. Therefore, this research is about building a platform for women to voice out their real life experiences because there is a necessity to identify the subordinations which still exist in traditional cultural practices.

Walker (1990:34) highlighted that "the history of African women in Southern Africa is the history of their oppression." Moon (2006) describes South Africa's history as spoilt with colonial defeat, violation of human rights and brutality which was seen as the foundation in stabilising and continuing the apartheid period.

The impact of culture amongst women has not been fully addressed by past researchers (CEDAW, 2004). The study was of the opinion that for the problem of cultural practices to be effectively addressed among women, there was a need for solutions that suit the socio-cultural milieu. Cultural traditions are still intact at King Cetshwayo District Municipality, KwaZulu Natal in South Africa.

Through this study the mentality that defined women as, "domesticated" might be exposed. While the researcher envisaged that women would know their human rights, be emancipated by breaking the chains of oppression, shedding the light on the conditions of those women who live in rural areas, is imperative. It is necessary for women to understand each other's experiences so that they could exchange ideas and shared acquired experiences on the subject in order to promote good practice to prepare legal steps and measures possible to stop harmful cultural practices. Traditional orders teach them to stomach all sorts of torment (Ndonyo, 2005; UNAIDS, 2008).

The motive behind this study was to debate the impact of culture, customs and traditions on gender equality. The study also resolved that it would also discuss how much colonialism and apartheid have influence on the African culture. African culture, traditions and customs were based on humanity *(Ubuntu*). This *Ubuntu* is a principle that colonialism and imperialism could not manipulate as it was endorsed by elderly people whom people adored and respected (Dauda, 2017).

1.8 Significance of the Study

This study will influence governmental structures and the custodians of cultural practices to review, redefine and reorganise cultural practices in order to mobilise all people to work towards achieving a common goal. Information generated from the study may empower African women on Human rights issues.

It will assist all people entrenched in cultural practices to gain better understanding in order to develop policies to eliminate the harmful cultural practices. Everyone may reconsider correct ways of using the practices to enhance positive social functioning.

The findings may also provide important insights into the development of effective cultural practice policies in order to bring back stability within communities. Other researchers who wish to pursue research on cultural practices will benefit as this study will add more information regarding the negative impact of implementing cultural practices in the broader South African context and specifically in the context of KCDM. Using narratives will uncover problems and possible solutions that could be applied in practice.

Thus, this study will contribute to existing scientific knowledge on cultural studies as produced knowledge will be used to inform policy development. Through this study a platform for women to continue to be a voice of change and be more vocal would be created. It is envisaged that there will be a paradigm shift in the way in which traditional practices are viewed and applied. The expectation is that all people will join hands to fight against inhumanity and injustice entrenched in cultural practices. Programmes on awareness campaigns will be initiated in order to promote *Ubuntu* (humanity) among rural communities.

1.9 Format of the Study

The study has been structured according to the following chapters:

Chapter One: Overview of the thesis.

This chapter gave the background of this study and located the study within a focus area. It discussed the concern or research problem that necessitated the research, explored the aims, objectives and identified the research questions. In this chapter the study also looked into the significance of the study, and then concluded by presenting the format of the entire research project in order to prepare the reader's mindset. Lastly, this chapter presented the chapter summary which pulled the chapter together.

Chapter Two: Literature Review

In this chapter a range of various literatures that are related to this particular study was presented. In it, the study introduced and mapped how other authors have approached the theme of this study. In other words, the chapter located the study within the already existing body of knowledge. The dual aim was to understand how the present study fits with other studies and to identify any gaps in the literature that still needs to be filled. These aims were achieved by considering the major discourses around the phenomenon being researched as a way of setting the scene and the context within which the present study should be interpreted. Important themes explored in this chapter were: historical formation and challenges of cultural practices, marriage and divorce, customary law, South African and the Sub-Saharan perspectives on harmful cultural practices and how structures define, influence and inform the society in general and women in particular. The chapter also established how women negotiate their existence and identities within this cultural milieu. In a nutshell, Chapter 2 reflects on the works of other scholars.

Chapter three: Theoretical Framework: African feminism and Culture

This chapter of this study discussed the theoretical lenses that informed and guided the phenomenon under study. Various theories on which the present study is predicated were discussed. As part of the discussion, the rationale behind the selection of the theories was presented as a way of demonstrating that such theories were cogently thought through as opposed to just picking them up randomly. In other words, the appropriateness of the chosen

theories was demonstrated. In instances where similar theories have been used before, this shall be explained. The experiences of using the selected theories in the past were highlighted. Since no theory is perfect, identified critiques of the selected theories were highlighted and a justification for still using the theories despite such criticism was provided.

Chapter Four: Research Methodology

This chapter discussed all dimensions of the research methodology including research design, procedures for data collection and analysis and the instruments that were used to collect empirical data sets. This chapter argued for the epistemological and methodological choices made in producing the data. Moreover, the chapter provided the justification for the selected sampling procedure and also addressed issues of reliability, validity and bias. The issues of credibility and trustworthiness of data collected was addressed in detail. The chapter also considered ethical issues that the study had to pay particular attention to in compliance with conventional practice within the research community. Additionally, the chapter investigated if the beliefs of the researcher make her predisposed to reason that her data points towards a certain conclusion. As part of positionality and reflexivity the chapter then described how the researcher's identity influences and potentially biases, the understanding of and outlook on the world. How biases were eliminated are also reflected upon in this chapter. Finally, the chapter discussed the limitations in the research design and clarified how they were addressed during the research process.

Chapter Five: The reality of the cultural practices in rural settings

Findings, Interpretation and Discussions: Part One

Due to the fact that the study had six research questions and six research objectives the study decided to discuss them in three different chapters namely chapter five (part one), chapter six (part two) and chapter seven (part three). In chapter five the study will focus on the first and fourth research objectives of the study. In this chapter, the study will also deal with data organization, analytical framework, state how datasets were categorised and discuss the themes within which the datasets were organised and presented. Finally, the chapter will link the findings to literature reviewed in Chapter 2. Information discussed in this chapter will include the following: demographics and personal details of individuals, the two themes, (first

theme: exploring impacts of cultural practices on women and the second theme: implications of harmful cultural practices). Each theme consisted of sub-themes that emerged out of it and these shall be discussed accordingly.

Chapter Six: The plight of women living in patriarchal domains

Findings and Discussion (Part two)

This chapter will continue from where the previous chapter left off. It will tackle and discuss the next two research objectives under the following themes: facing the patriarchal authority and the fourth theme being: challenging the patriarchal customs. The sub-themes that emerged from the themes shall also be discussed.

Chapter Seven: There is trouble in Paradise

Findings and Discussion (Part three)

Like Chapter 6 this chapter shall be the continuation of the findings, interpretation and discussion. It will discuss the last two objectives under the following themes: the influence of policy on cultural practices as well as proffering policies or interventions which protect women against discrimination. The sub-themes which emerged from these two themes shall also be discussed in full.

Chapter Eight: Analysis and discussion of the results, Conclusion and Recommendations

In this concluding chapter the study pulls the thesis together. This goal shall be achieved by reflecting on the key findings of the study as per the voices of the various participants. There will also be a reflection on the research aim and objectives as well as the research questions which the study set out to address. Importantly, the chapter will reflect on the theories used to guide the study. This shall be done with the view to demonstrate the relevance of the theories to the entire study. Lastly, the chapter will make recommendations on the way forward.

1.10 Chapter Summary

The first chapter presented an overview of the study. It set the stage for the other chapters after providing the background within which the study should be interpreted. Put succinctly, the chapter thoroughly described the background of the study, stated the research problem, and presented the aims and objectives of the study, stated the research questions and then discussed the significance of the study. The literature review, theoretical frameworks, research

methodology, data analysis and discussion of the findings, conclusions and recommendations were introduced so that when these are discussed under the relevant chapters they could fit neatly within the broader discussion. Lastly, the chapter outline prepared the reader's mindset so that it could be clear what to expect under each of the subsequent chapters.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The focus of the present study is to discuss the impact of cultural practices on the women of South Africa. Within that broader context, this chapter discusses the literature that is relevant to the study. It pays a particular focus on the cultural practices that could have negative effects on the development of women, as well as implications thereof. These adverse effects are checked against the experiences of women who inhabit the rural settings where those practices are being carried out to date as they have been carried out in the past. Reflecting on similar studies on the theme of this study, it was deemed critical in terms of locating the study within the broader context.

Reflecting on other studies was important so that it could become easy to understand the place of women in matrimony and to understand their low-ranking status in matters of sexuality. The literature discussed in this chapter captivates the customs, gender and women who are married by customary rights.

This chapter presents the literature, concentrating on documented sources that examine the existing discourse of the different theoretical perspectives on the subjective experiences of women due to cultural practices that keep them dominated and subordinate. The discussion will attempt to demonstrate how the practices have contributed to keeping women silent even when they are being unfairly treated by their male counterparts and by society at large.

Previous studies by Makama (2013) described patriarchy as the system that subordinate women in economy, society and culture while Mahtab (2007:20-21) states that it is women who are found at the “bottom rung of poverty, illiteracy and landlessness.” This is evidently affecting women in all spheres of their lives. According to Joshi (2013), there is a greater need for women to have their privacy, and safety while being subjected to humility. These are truths that degrade women to an extent that they end up being responsible for cleaning at homes.

Joshi (2013) further stated that such issues happen to be feminine and establish inequalities by gender.

This study is unique because it explores the cultural practices by looking at the subjective experiences of women who have been victims of culture in a specific setting. Moreover, this study discusses the impact of culture, customs, tradition and law on gender equality. Subsequently, the study focuses on the literature from various sources of information, all pointing to exploring women's experiences by creating opportunities for them to reflect on those experiences, on the difficulties and challenges experienced by African women, identification of measures to support women living under customary rules and their coping strategies (Curran & Bonthuys, 2005).

This will further determine positions of women in structures in which customary rules are imposed. The availability of policies which protect women's rights against discrimination was ascertained. Lastly, the chapter expounds on the support programs that women require in order to eliminate the harmful cultural practices. These harmful cultural practices being investigated include female genital mutilation, *ukungena* (levirate and sororate unions), *ukuthwala* (abduction), widow's rituals, *ilobolo*, early and forced marriages, virginity testing, and witchcraft, not eating hot food on Saturdays, wearing a doek, fortune telling and ancestral spirits beliefs. These reinforce the inferior status of females in communities and continue to violate their human rights (Merry, 2003).

In line with the research aims, this chapter provides insights into what constitutes a deeper understanding of what women have experienced about cultural practices administered in their communities. The specific aim was to pay attention to the aspects that shaped and informed cultural practices and their impact on women, keeping in focus the main question of the study.

The history of cultural practices has been traced from the colonial to the post- colonial period and the developments thereof (Beidelman, 2012).

The focal point in previous works was to disclose how cultural practices contributed to the discriminatory treatment of women. Using these sources, the study tried to demonstrate how this discourse has affected women. Gender issues are recognised as having influences that are harmful to the health and well-being of women and that work towards the promotion of such (Fleming & Lee, 2014).

Furthermore, the study explored cultural practices in the context of difficulties women experience due to the application of traditions, beliefs and customs in rural areas. In many countries such as Eswatini, Uganda, Nigeria, Kenya and India, cultural practices are still practiced and those posed a serious threat to women's equality rights (Hope, 2017). The ways in which these are carried out are equated to criminal activities as the nature of corruption has been identified when they are performed.

In this chapter, the study further elaborate on what cultural practices are based on and, describe how they were established by reading around customary law. Focus in this chapter will be directed on the implications of the cultural practices in the lives of women by defining the implications around social, economic and political structures in the society. Clarity on how those structures were developed is provided through specifying how they define, inform and influence women.

This study focuses on analysing the effects of cultural practices. In that sense the study used theoretical frameworks that have been used in the past to analyse the discrimination, exploitation and the subordination of women and put forward how customary and common law have influenced and perpetuated women's subjugation.

In Part One of this study, the study deal with exploring the subjective experiences of women who are victims of cultural practices by describing the historical formation thereof, highlight on how cultural practices were established and pay specific focus on the law relating to marriage and divorce.

Part two of this project focuses on the extent to which culture has frustrated endeavours to guarantee equal rights to women by discussing the implications of cultural practices around

social structures, economic and political aspects by stating how they were developed, how they defined, informed and influenced the society of women.

In Part three of the research, the study identifies support measures available to support women, identify their coping strategies by creating a space where women's voices would come out and be heard and talk around the question of identity.

In Part four of this project, the study discusses women's positions within structures and look around ethnicity and tribalism, the relationship between leadership and tribal authority- led structures. The study further state how that can be organised and stated why was it difficult when it comes to civil law which is judiciary intervening on the whole experience which takes place in rural areas.

In Part five of this study, ethnicity, tribalism, customary law and civil law is debated by showing the extent to which these were rooted, and then explain the best practice modes of confronting them.

In Part six of this study, an overview of how far cultural practices discriminate against women is given and then highlight a little on theories that framed and shaped the study.

Patriarchy is looked at from a feminist perspective. The majority of people living in rural and semi-rural areas are women. In most cases people who live in rural and semi-urban areas are African people. Therefore, it is them only who are governed under the leadership of traditional leaders and must abide by traditional rules.

Focusing on the family the study looked at the law relating to marriage and divorce. Then the study proceeded to look at the rules relating to land tenure and succession as these are elements that prevent women from escaping abusive relationships. The study then examined a variety of social responses regarding customary law and its impact on females. Culture has an upper hand in determining divorce as divorce cases keep on increasing. What is clear from literature is that other determinants of divorce include high rates of unemployment (Adegoke, 2010), property distribution laws within marriages (Gray, 1998), child support (Heim, 2003) and

custody of children (Gonzalez-Val & Marcen, 2012). Culture plays an important role in submerging women.

Customary authorities carry control powers as they are responsible for accepting or refusing the settlement of the household on land. The acquiring of land is very important in rural areas. When you have land, your living condition is sustained. People who live in rural areas draw on land for food. With cultural rules suffocating married or divorced women regarding land tenure, we are left with many unanswered questions. There is no clarity on future plans in the area of fair land distribution that includes women and girls.

The Customary Marriages Act 120 of 1998 (Chapter 5:07) stipulates that men are allowed to have more than one wife. According to Aluko (2015) women are not allowed to own any property except to have personal belongings. According to my point of view, the regime of property rights that prohibit women to own properties affects gender relations in a home environment.

Moreover, the interest in this study was on investigating if there was an implementation of the Domestic Violence Act 116 of 1998 in rural areas. This would be accomplished through an investigation of associations between current data analysis of a sample of women from the indicative areas in KCDM and previous works. To strengthen this argument, the theories that have examined the relationship between gender-based violence and culture were reviewed. According to Fakunmoju (2017) smacking is a consequence of rules, cultural values and cultural practices that give men more status and power than women.

Obviously, within many cultures, patriarchy may resurface in numerous ways (Taylor & Latham, 2001). In African cultures men rule and this causes women to occupy a low status within the family setting. Usually, men are given a priority even at workplaces and they are paid more than women. This automatically places a man in a position of controlling the family finances (Ibragimova & Guseva, 2017). Regardless of abuse women may experience, they become unwilling to disclose their sufferings of domestic violence. So, when women are seeking help for DV they may see a need to put their gender identity above their ethnic identity (Yoshihama, 2002).

The three phenomenal concepts of this study were cultural practices, women's experiences and rural communities. The study has aligned the literature with the objectives of the study. One of the objectives is to explore the subjective experiences women encounter in their lives. The fight with the cultural practices is far from being over. The study is testing dominant point of view that most men use the patriarchal mindset of Africans to rule over their wives by controlling everything in order to keep them voiceless and perplexed. The South African Constitution (1996) condemns all forms of domestic violence that violates women's rights.

King Buyelekhaya Dalindyebo of Abathembu has done many things that are questionable. He was blamed for abducting a woman and her six children, setting their home ablaze and thumping four young people. This happened because one of their family members failed to introduce himself under the steady gaze of the King's customary court. Despite the harm he caused he claimed innocence, arguing that he restrained his subjects under standard law. Such treatment towards humanity causes dire consequences that call for investigation (Barrie, 2016).

The Abathembu King was apprehended in 2015 but, he was released on parole after serving a sentence of four years only (Nkosi, 2020). That did not send a strong message to other potential offenders. Seemingly, the South African law is letting women down as it fails to punish the perpetrators in the name of the cultural practices. The power of dominance was demonstrated over the powerless, which symbolizes the oppression women experience under traditional leadership.

The study categorized all the authors according to what they have cited about cultural practices. Thereafter, the study identified the reviews according to historical issues, factual issues, critiques and evolution.

2.2 Historical formation of cultural practices

Cultural practices or traditional practices are developed within ethnic cultures, focusing mainly on the characteristics of culture that have been practiced since earlier periods. These reflect beliefs and values held by people of a specific group of people. Cultural practices emerged from the roots of customary law being the law that deals with family law, traditional leadership and law of property (Rautenbach, 2008:5).

This study explored the nature of cultural practices over a long period of time. Customary practices existed during the pre-colonial era. When the colonial settlers arrived in South Africa (S.A.) in 1652, this was when new developments in customary law started to be observable and were given new meaning. This situation continued after the Union of South Africa in 1910 and under apartheid from 1948. The new political dispensation which was ushered in by the first democratic election in 1994 brought about many changes. However, cultural practices were protected by the new Constitution which was adopted in 1996.

Weeks (2011) stated that for customary law to be legitimate as a legal system, its legitimacy has existed in cultural traditions of people. Through applying a historical approach, the status of customary law can be measured less than three periods, namely colonialism, apartheid and democracy. Ndulo (2011:87-120) asserts that before colonisation, the "law in most African states was essentially customary law in character, having its sources in the practices, traditions and customs of the people."

In S.A., the making of law was highly influenced by colonialism. Therefore, the Dutch settlers brought the Roman-Dutch law because of colonization. This was the formal law of the Netherlands. According to Rautenbach (2008:333-343), "not a single individual can witness that the Dutch people recognised the customs of the indigenous people they encountered." There are many aspects of customary law that are good and that can continue to be used even in this modern era. However, these are overlooked for various reasons.

In most African countries, the status of customary law is protected. In section 211 (1) of the South African Constitution of 1996 the status and role of traditional leadership is acknowledged. Furthermore, traditional authority that aligns with customary law may work in conjunction with legislation and customs. Section 211 (2) gives power to courts to apply customary law only if it is applicable.

Shabalala (2015) explores that inequality in South Africa displays that the spatial separation resulting from the apartheid era has an important impact on the high levels of inequality and highlights the link between closeness to urban facilities and well-being of households.

Historically, the elements of customary law included patriarchy and the forcing of children to be under the head of the family who was mostly a man (Cape Articles of Capitulation, 1806).

According to McClendon (1995) “the resulting system emphasised the rights and authority of males and elders while it also emphasised the powerlessness and deference of women and juniors.” Customary law’s recognition was conditional. Its application was recognised provided that the customs and usages were not offensive to ethics or justice, and did not clash with any policy or written law (Ndulo, 2011).

These sets of laws were consolidated in the Native Administration Act of 1927 and later the title was amended to the Black Administration Act. Section 11 provided the first account of a universal recognition of customary law (Rautenbach, 2008). Customary law was given full power in both chief and Commissioner Courts. But it would be applied at the discretion of the Commissioner.

Sibanda (2010) claimed that, the dual system created a separate and inferior system of justice for all South Africans. In 1948, the National Party introduced apartheid and later the system of racial segregation was enforced. An administrative hierarchy of tribal and territorial authorities was created, led by chiefs, councilors and headmen.

With democratization of S.A., the status of customary law shifted. The interim Constitution of 1993 and the new Constitution of 1996 established the place of customary law in S.A. The Constitution of South Africa of 1996 provides the legal framework for equality and non-discrimination. Section 9 of the Constitution guarantees equal protection and expects every citizen to be free from unfair discrimination regardless of sex, gender, religion and marital status.

Seemingly, the practice of customary law is questionable due to the clash between the new Constitutions that recognizes human rights and the Bill of Rights which guarantees the human rights and the practices. Ndulo (2011) argues that the Constitution recognises the utilization of customary law. Although it acknowledges it, it fails to resolve the conflict between customary law standards and the promotion of human rights (Ndulo, 2011). In 2004 the Constitutional

Court of S.A declared the practice unconstitutional since customary law consists of an element of discrimination. In practice it violates the human right to equality (Himonga, 2000).

The Human Rights Treaties for the promotion of gender equality in Africa, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW or the Convention) and the African Charter on Human and People's rights (African Charter, or the Charter) are dismissive of culture and gender equality.

CEDAW (2004) failed to consider the power and meaning of cultural practices and membership of the community in women's lives. Instead, it created a backlash in any given conflict between gender equality rights and cultural rights. However, S.A. is a signatory to these instruments, yet customary law is recognised**.** Gender inequality and global instruments are related to customary law in the sense that in traditional courts women are subjected under authority of men by their own culture.

Culture is acknowledged in instruments such as the African Charter on Human and Peoples' Rights, International Covenant on Economic, Social and Cultural Rights and the Women's Protocol in Africa (Art 17 (3) of ACHPR). Culture demands that women must be submissive and always comply with traditional rules that are imposed in their societies.

It reflects patriarchal values and is observed as not being sensitive to the rights of women and children. Onyango (2005) cites that traditions are made for and by men to justify human rights violation. In most cases it is women only who are targeted in the name of witchcraft and black magic (Federici-Sozial, 2010). Brutal assaults against women alleged to be witches still exist in present-day South African society (Quarmyne, 2010).

In the following paragraph I discuss how cultural practices were established

2.3 How cultural practices were established

In this modern era, different political, social and economic aspects have seen that culture is being contravened from its original position into something that is complicated to explain. In the true sense, it takes a person only a minute to become the past tense. The thoughts of the

traditional way of living between people should be based on equality and trust. Thus, it is important to note that through culture the structural change should be implemented.

The essence of the cultural practices is slowly fading away. The reason for the practices to have no roots is because of the way they were established. Dennis (2004) stated that some families combined culture with Christianity. Because of this, the foundation on which culture is built is cracked, shaky and skewed. Of late, culture has been used to degrade and inconvenience women as it carries an element of enslavement.

In the United of Arab Emirates (UAE), women are competing with patriarchy in search of equality. Sharia law continues to discriminate against women (Al Obeidli, 2020). Thus, it is obvious that culture is engulfed by patriarchy which prioritises the rights of males and elders of the community. In and outside of the family domain, society is dominated by men. Across the globe subordination of females is excessive (Adisa & Abdulrahim, 2019). In rural settings, culture is still a way of living that regulates the performance of women (Mapara, 2009).

According to Aguilar (2000), beliefs and practices are developed within the parameters of a specific culture. These beliefs can emerge in various ways depending on the cultural context. African people are connected to their culture through the implementation of the cultural practices which are transferred from generation to generations by the elders.

African culture can be detected from facets of social backgrounds that control people's behaviour and conduct. Basically, the conduct of the people within a community is rooted in African philosophy of humanity (Herbst & Reitsma, 2016). Aguilar (2000) further states that in African cultures, women are the implementers and transmitters of the traditions as they are responsible for transferring it to their children.

Culture is used as a milestone for shaping behaviour as it is used as a measure to instill discipline in communities where it is carried out (Magubane, 1998 & Afolayan, 2004). Ceremonies such as mourning rituals, cultural celebrations, traditional weddings, burial procedures, funeral rites and inheritance procedures emanated from culture (Rosenblatt & Nkosi 2007; Manyedi et al. 2003).

Some of these ceremonial celebrations are attached to ancestral beliefs. Ancestral traditions do not fit in modern society. Although these were meant to manage the behaviour of all people in a particular society, the way they are administered is one-sided. They are imposed to afflict and impact the hearts of women in a negative way. Cultural beliefs give culture that African signature which highlights where we are coming from as black people.

2.4 Cultural practices and their challenges

Women living in rural areas are faced with so many challenges that affect their lives in different ways. The big question is how can you carry yourself with dignity while you are surrounded by patriarchal authority? Cultural practices which can also be called customary practices present themselves in different shades such as *ukuthwala*, virginity testing, widow's rituals and others. These are crafted to supersede over equality in the villages where they are practiced (Maluleke, 2012).

African families associate themselves with ethnic groups that comply with specific cultural practices (Art 22 & 27 (1) of the Universal Declaration of Human Rights). Some of these cultural practices are harmful to the lives of women. In reality, these practices should not violate the rights of women as they appear in the human rights instruments.

According to Maluleke (2012), cultural practices display the values and beliefs held by people for ages past over generations. Every social group in the universe has its own traditions of which some are helpful and some have become harmful to a certain group of people such as women. When men dominate, a culture such as this leads to the vulnerability of women.

A lot of myths and habits have been attached to cultural practices. To name a few, the study can point at the wearing of a black or navy -blue dress after the loss of a spouse. According to Magudu (2004), there is no consensus about the origins of the custom on women wearing black as a symbol of mourning. He further mentioned that this practice did not originate from the Nguni people but, is associated with colonisation.

The Customary Marriages Act of 1998: (chapter 5:07) prescribes that customary marriages are conducted at the Magistrate Court and the Department of Home Affairs. This allows men to

have more than one wife. Women are evicted from their households after the death of a husband under a customary marriage. They are not entitled to inherit property. Because such marriage is unregistered and is not given full recognition, a divorce does not exist. Women whose marriages are not registered or not recognised suffer prejudice. South Africa has made a legislative intervention by recognising the Customary Marriage Act of 1998 in order to remedy the situation. However, this is neither effective nor practical.

In rural communities, there are many cultural institutions, beliefs and traditional practices that undermine women. This contributes to the violation of their human rights. According to Bowman (2003), certain marriage practices can disadvantage families, especially where customs such as dowry and bride wealth have been corrupted by western consumer culture. Dowry has become part of the marriage transaction over many years now and its demands can escalate into harassment, abuse and threats. In some cases, partners are driven to suicide, divorce or pursue another marriage (Sharma; Pandit & Pathak, 2013).

Most of traditional African societies were governed under patriarchal arrangements. Here, the place of a woman was put under a man (Bowman, 2003). Bowman (2003) further states that this inequality was committed and remained intertwined in African customary law. Based on the customary system a woman has no right to inherit from her husband and is not regarded as sharing ownership of marital property. Seemingly, there is power in African tradition, and there are norms that explain why culture is surrounded by elements of autocracy.

According to Bowman (2003), there are cultural practices that perpetrate gender-based violence through including uneven distribution of power within traditional African marriages. Bowman (2003) states that some marriage practices can disadvantage families especially where the payment of *ilobolo* has been corrupted by Western consumer culture. Hanzi (2006) asserted that a number of cultural practices are harmful to the physical integrity of the individual, in particular, women and girls.

Cultural practices that contribute to the problems of women are polygamy, mourning and wife inheritance. A woman who is in a polygamous marriage is expected to provide for the family just because the man cannot afford to cater for everyone due to insufficiency of resources

(Whiteside et al 2006:11). *Kusadliwa ngoludala* (still eaten old-fashioned) it was a taboo for a woman to fend for her household but today women have become bread-winners.

Bowman (2003) further states that dowry has become a marriage transaction such that its demand sometimes escalates into some form of harassment, abuse and/or threats. According to Armstrong (2002) a serious threat of violence arises frequently in Zimbabwe out of quarrels over money and jealousy. A wife is always portrayed as challenging the authority of her husband when she questions him about certain issues that negatively affect their relationship and expresses her unhappiness about those issues. According to Jehl (1999), cultural perceptions towards women abstinence and male honour contribute to gender-based violence.

Arguments and miscommunication are the major causes of partner abuse. According to Kennedy and Prock (2018), these include: (i) partners engaging in more than one love affairs (ii) disagreements about the husband in terms of supporting his extended family financially, this is regarded as a threat to the economic survival of the whole household (iii) violence that emanates when the wife talks back, this indicates failure to comply to her role of submission (iv) sexual assault and intimate partner ill-treatment.

It is clear that marriage traditions, cohabitation and polygamous marriages manipulate women and expose them in settling for less in their relationships. For example, in Indian culture it is a taboo for a girl to return home after the failure of her marriage. Parents are reluctant to allow their daughters to come back home for fear of having to pay back the dowry to the former husband (Visaria, 1999 & Grover, 2017).

According to Jehl (1999), in the Arabian countries, women are assassinated in what they refer to as “honour murder.” Sexual coercion is accepted as the norm in most African cultures (Eaton; Flisher & Aaro, 2003). It is expected that boys should sleep with girls without their consent. This establishes a culture of rape that is then conveyed into marriage (Onyango, 2002).

In many African cultures, the rights of women are not respected nor considered. Women are not allowed to do whatever they want and whenever they want. When you are a minor you

cannot oppose the views of an adult person. It is a taboo, because older people's words are final (Moore & Himonga, 2019).

Manthwa (2019) stated that communities are still regarding the giving over of the bride as important to validate a customary marriage. This adds salt to the open wound of a woman in question. The implication is that women have gone through a transition from beliefs and activities assuming traditional values to a society where these beliefs and activities are based on manipulative grounds. Women who challenge these cultural practices are often despised.

2.5 Marriage and divorce

The issue of divorce and marriage is another problem in which men have absolute power. In many African communities, men could marry many wives as they wish and the husband could divorce his wife for any reason.

Since 1998, the law in South Africa began to recognise polygamous marriages conducted under African customary law that a man can marry more than one wife. For a divorce to be legally binding, it must be decided in a legal court. The KwaZulu Act on the Code of Zulu law No 16 of 1985 enhanced the legal status of married women under customary law in present-day KwaZulu- Natal. However, it did not give women equality to their husbands. As such, the status of women has not changed where cultural practices are still enforced even today.

According to Mbaku (2017), ever since the colonial period, elites who were in power have manipulated laws of citizenship to fulfill their own political and economic interests. By so doing, they maintained their ability to exercise control over colonies and prevented Africans from having to fight for independence. This mentality which was adopted from the elites is still putting Africans in an awkward situation where they are reluctant to stand for what they believe in.

On divorce or separation, the position of a wife is likely to fall and she can be demanded to return to her household or the husband may marry a second wife and take the property. At the death of a husband, the woman's situation is determined by her in-laws. If they do not favour her, she is disinherited and sent packing. Although the KwaZulu Act on the Code of Zulu Law

recognises customary marriages and seeks to enhance the legal status of women, the Code does not have an effect in the legal status of women who are married according to customary law.

South Africa has experienced homelands that were established by the Apartheid government before 1994 and only black people were settled there. Bantustans were used to divide the Black population into ethnic tribes. This was the mechanism used by the apartheid government to remove Blacks from the political system of the country. Homelands were meant to divide Whites from Blacks. The latter were expected to run their own so-called "independent" governments away from Whites. So, all Blacks were given homelands and were separated by their cultures. Blacks had rights only in their homelands and were governed under the Bantu Authority Act, Act 68 of 1951. These relied on the economy of the White government.

As mentioned above the homelands or Bantustans carried the divide and rule strategies which divided Black people into ethnic groups. This was aimed at weakening Blacks by dividing them. This practice created an irreparable cleft among Blacks. Thus, there are so many cultural rules that continue to devastate women. These homelands stopped to operate on 27 April 1994 shortly after the dawn of democracy.

However, the seed that was sown is still burdening the people of South Africa (Attwell, 1993 in Butler; Jeffrey; Rotberg & Adams, 1978). Msimango (2018) emphasised that the scars of apartheid are still reminding the people of S. A. where they are coming from. Moore (2019) raised his concern about knowing who has a duty to support, take care, practice and offer legal responsibilities in our country.

2.6 POLICIES AND MEASURES FOR THE PROTECTION OF WOMEN

2.6.1 The Constitution and the Rights of Women

It is very important for women to make meaning out of their daily experiences and desperate situations in order to cope. Women find themselves in situations that are determined by customs and traditions reinforced by a patriarchal society. The grip of custom and traditional

rites has not loosened though the South African Constitution, legislation and human rights norms and standards have improved.

Customary law embodies and underpins customs and traditions that discriminate against women (Akuffo-Addo, 2002). The Beijing Declaration cried out to state parties to ensure that any harmful aspect of traditional, customary or modern practices that violates the rights of women is prohibited and eliminated (Beijing Declaration and Platform on Action, 1995). Positive obligations were imposed on states to eradicate cultural practices that undermine the dignity and rights of women.

Hopefully, this can only be achieved if judges can take up the challenge and interpreted the constitutional provisions and international conventions in a manner that show sensitivity to the objectives of the norms entailed in those instruments. Article 2 of CEDAW sets out to ensure that the enjoyment of women become real and not just remain a dispute. The provision implores all States that are parties to the Convention to condemn and stop discrimination against women. South Africa a party to CEDAW and if it adheres to its provision, it will go a long way to help the course of the fight against discrimination of women.

Agents of social change are the law, customs and traditions, political ideology and religion. Law has limited influence to change certain situations and this is where education comes in because of the role it plays in the lives of people. In African jurisdictions the relevant law consists of customary law, the common law and legislation of the colonial and post-independence era of which customary law has an impact in the area of personal law with regards to marriage, inheritance and traditional authority. This is because it developed in an era dominated by patriarchy (Bennett, 1991).

In areas such as bride price, exercise of traditional authority, inheritances and age is often discriminatory. The Vienna Declaration (1995) stated that the rights of women are also human rights and that all human rights are universal. Most of the African Constitutions promote equality, human dignity and prohibit discrimination based on gender (Indiana Journal of Global Studies 18.1). The law can be respected only if it furthers the needs and conforms to the circumstances of society subject to the law.

2.6.2 The Constitutional Context

The South African Constitution (1996) which was adopted after the advent of democracy in 1994 was made to accommodate a number of views. Cultural rights are protected in section 30 and 31. Section 30 provides for an individual right to culture and language while section 31 provides for rights of cultural and religious communities. It introduces and emphasizes the idea of belonging to a community and underpins the whole concept of culture (Devenish, 1998:422).

Additionally, the protection of cultural rights in section 30 and 31 is given continuous impetus by section 185 of the Constitution and this provides for the creation of a Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. It is also recognized by Section 211 (3) which provides for the application of customary law by courts, subject to the Constitution and any legislation that deals with customary law.

Grant (2006:7) argues that culture implies the right to culture to recognition and application of customary law. According to Grant (2006:8), traditional leaders lobbied to have culture excluded from the reach of the Bill of Rights and this lobbying and attempt to exempt culture from the requirements of the right of equality enshrined in Section 9 of the 1996 Constitution was resisted by women's groups. Support for equality over culture and customary law carried the day. So, any attempt to undermine the right to equality under the guise of cultural rights can be seen as a contradiction and violation of constitutional position of that right. Cultural practices and traditions might become problematic.

2.6.3 Customary Law

Customary law (CL) of intestate succession is confined to the countries of South Africa, Ghana and the Kingdom of eSwatini formerly known as (Swaziland). The three countries were under the British rule and administration, where the recognition of African customary law was disregarded. All three countries have new constitutions giving a wide variety of rights. Ghana's laws are dissimilar to both South Africa and eSwatini.

The population in South Africa is diverse and consists of a number of ethnic groups, including the Zulus, Xhosas, Swati, Ndebele, Sotho, Tswana and the Venda. Unlike South Africa and

Ghana, eSwatini lacks any tribal differentiation. The people there consider themselves as emaSwati (the Swati people). African states pursue the pluralistic form of law that entails customary law (Ndulo, 2011).

There is no law in Zimbabwe that prohibits cultural practices, although sexual abuse and exploitation of children is protected under the Criminal Law Act 257 (Hanzi, 2006). The same law recognises non-conceptual sex as rape. At present, the Act is silent on cultural practices and there is no law that addresses cultural practices in Zimbabwe (Hanzi, 2006). It is not known whether the provisions of the Domestic Violence Bill that incorporates sexual abuse under physical abuse will cover cultural practices (Harris, 2004 & Hanzi, 2006). The Bill defines sexual abuse as any conduct that humiliates, degrades or violates the sexual integrity of women.

2.6.4 Customary law in a South African context

Customary law may be defined as "the customs and usages traditionally observed among the indigenous people of South Africa and which form part of the culture of those people (Section 1 of the Recognition of Customary Marriages Act 120 of 1998). The application of Customary law in S.A. is sanctioned by section 211 (3) of the Constitution of the RSA (Act 108) of 1996 which provides that "the courts must apply CL when that law is applicable, subject to the Constitution and any legislation that deals with CL." (Ndulo, 2011:98).

Section 211 (3) of the Constitution has the effect of raising CL to the same level as the common Law (Bennett; in Bekker; Rautenbach & Goolam, 2006) and this was not the case because CL was often viewed as inferior to the common law and was always disregarded or ignored as a source of South African law.

2.6.5 The unwritten nature of customary law

The biggest challenge facing communities today is that customary law consisted of rules that were not written, but developed from their customs and traditions (Ndolu, 2011). The courts utilized customary law norms that victimized women. My point of view sees women as people who had been disadvantaged by the old system and continue to be disadvantaged by the current system. They are oppressed and taken advantage of because of the mistakes of the past.

This is emphasised by the statement made by Van Nicker (1995) when he stated that originally, CL was largely unwritten. This means, that such law is seen as a danger to the rights of women (Devon, 2015). Proceedings in the tribal courts like the chiefs and the headman's courts were conducted orally and the law was also transmitted verbally from one age group to the next (Bekker, 1989).

Because of that the larger community possessed basic knowledge of the law. According to Staubach (2018) the huge benefit of custom because of being a source of customary International law lies in the fact that it is an end- result of trial and error instead of being the product of proper planning.

2.6.6 The customary nature of customary law

Customary law is often based on the customs of indigenous African people. The customs are passed down from generation to generation by older members of the group, especially older men. The customs of an indigenous community are adhered to for fear of ancestral punishment. This means that as the values in the community change over time, so does the law (Anspach, 2004).

The way CL was positioned; is that it created a problem for women to advance equality (Daniel, 2016). Under customary law women have denied their human rights as they are often regarded as minors. If a woman is seeking assistance in a traditional court, she may not get it because according to CL she cannot stand for herself (Nhlapo, 2014).

The rules of customary law are found in codified and uncodified laws. These laws give the impression that there is only one customary law system. They also confuse and exclude some of the principles and areas of unrecorded customary law. This law is used by ordinary courts only. This is relevant in the principles of legality that is consistent with the Constitution.

The magistrates and judges who use customary law depend on written law and it is not easy for them to locate unwritten customary law unless they know it well. This tells a story that customary law is less understood; therefore, it cannot be properly used when required in a situation. The use of customary law has limitations as the Law of Evidence Amendment Act

states clearly that it can be used where there is a dispute. It permits people to choose which law to apply if the dispute can be decided by either customary or common law.

The Constitution and the Bill of Rights changed the way people should use customary law, saying the regulations of customary law should tally with the principles in the Bill of Rights. The Bill of Rights deals with the protection of equality, culture, the right to dignity and non-discrimination. Therefore, courts are mandated to evaluate rules of customary law that gives unequal treatment to the people. Those customary rules that infringe other rights and are not in line with the Bill of Rights can be declared unconstitutional.

Customary law, together with traditional authority, is recognised in the South African Constitution under section 211. This section empowers and, enables customary law to satisfy the democratic dispensation that seeks to address the legal imbalances of the apartheid era and embraces the African customary law and traditional beliefs into the new era as long as it is consistent with the Constitutional order (Msimang, 2018).

2.6.7 Classification of customary law

Customary law is classified into "living" and "official" customary law (Bennett, 2004). Living customary law may be defined as: "the law that is actually observed by communities (Lehnert, 2005). Official customary law may be defined as: customary law that is contained in legislation and precedents (Ibid). According to Ndulo (2011) customary laws are the sources of law in African countries during colonial and post-independence era.

All activities of the people are conducted according to customary law. The same customary law has an impact in matters of marriage as it was crafted in a period that was dominated by patriarchy (Ndulo, 2011). The same author further mentioned that the norms of customary law conflict with people's rights of equality.

Epstein and Gluckman (2018) provided an analysis which dealt with the necessity of analysing and comparing the different systems of customary law. This focused more on succession, inheritance, land rights and marriages found in African traditional systems of law. They evaluated the requirements and problems of alteration to changing conditions.

2.6.8 *Conclusing the way forward in South Africa*

It is clear that that dealing with the clash between culture and human rights requires a pragmatic, open-minded and multi-faceted approach so that a meaningful measure of success is obtained. The legislative and constitutional measures are important, however, there cannot be complete reliance on them.

If the cultural practices can be criminalised, may be they could be pushed underground. Cultural practices may appear senseless or destructive to others. People will change their behaviour when they understand the indignity of harmful practices and when they realise that it is possible to give up harmful cultural practices without giving up meaningful aspects of their culture.

2.6.9 The belief in ancestral spirits

The observance of South African CL, Ghanaian law and Swazi law and customs is rooted in the strong belief in ancestral spirits. The Swazis believe that the ancestors live in the spiritual world and that all living conventions, and thus also Swazi law and custom originate from and are protected by the ancestral spirits (Whelpton, 2004).

The ancestral spirits are interested in the welfare and prosperity of the kinship (Hammond-Tooke, 1993) and also ensure that the rules for living and Swazi law and custom are adhered to (Kuper, 2009). Failure to comply with law, customs and the rules for living "may lead to punishment by the ancestral spirits. Because such disregard or deviation is regarded as disrespectful and neglectful of the ancestors" (Whelp ton, 2004**).**

In such cases, reconciliation or the appeasement of the ancestors is achieved by slaughtering an animal and by partaking in a communal meal (Hammond-Tooke, 1974). The belief in ancestors is unique in Africa and it promotes mechanisms to keep people in line with acceptable standards of conduct, without the need for regulation by law (Whelp ton, 2004**).**

2.7 Implications of harmful cultural practices

Early international initiatives on harmful traditional practices focused on the practice of female genital mutilation and other practices that impacted on the health of women and children.

Ninety-three percent of parents in Bangladesh preferred a son as a blessing to their families and to the country. The majority of people felt that the birth of a daughter would be a problem to the family and the State (Coltrane, 1996).

It was reported that pregnant mothers seek median from Imams to have a boy child and it was expected that a baby girl would receive a different treatment. Female genital mutilation (FGM) involves the ritual that entails the removal of some or all other female genitals (Boyden et al. 2012; Brady 1999; Kelly & Hillard 2005). This practice is more common in Sudan and Somalia than here in South Africa.

This tendency of son preference encourages the treatment of the girl child as unwanted and often resulting in neglect. In Bangladesh, the legal minimum age of marriage is 18 years for women. The widespread socially accepted practice of child or early marriage is openly a violation of the rights of the child and a harmful traditional practice (Cloward, 2016). This looks as if women are traded off without compassion to ruthless and old patriarchal men regardless of the pain that they have to go through.

The results of early marriage were clearly detrimental to girls. Such marriages robbed girls of their childhood and changed them into adults before they reached adulthood. Generally, these girls face the trauma of having relationships with older men at a tender age; they are unable to stand up for themselves when it comes to sexual advances as they are unable to negotiate safe sex and are being vulnerable to domestic violence. They are taken out of school to be given up in marriage. This affects their quality of life. Mkandawire-Valhmu and Wendland (2013) arguably put marriage as a risk factor that exposes women to HIV infection in countries like Malawi.

Some families force girls to marry to protect cultural expectations that eschew unsuitable relationships and to safeguard the family honour. Many families force victims of rape to marry the perpetrator in order to protect the honour of the girl as they are perceived to be not marriageable. There have also been instances of girls sold by economically deprived parents to suitors in order to better their economic situation.

In the past, girls whose families rejected marriage proposals were kidnapped or raped by suitors. Most of such forced marriages could end in murder. From the time a girl is born, parents are concerned with the problem of providing a dowry and the dowry has become the problem that families endure. If a family needs a bride price, they compel their daughters to marry elderly men, men who are already married or even uneducated (Hayward, 2000).

Female genital mutilation (FGM) or cutting contributes to the injuring of female genital organs for non-medical reasons. Some studies on FGM indicate that girls on whom this practice is performed tend to suffer from depression, phobias and sexual disorders (Lightfoot-Klein, 2003). The author further stated that FGM violates a person's physical completeness. This assertion is emphasized by Fontana and Rosenheck (1994) who alluded that the practice inflicts harm to a girl child since it is culturally embedded and therefore hard to challenge.

Hanzi (2006) and Iyanuolo (2008) add that perpetrators use emotional and psychological abuse as a form of intimidation and to cause harm to the victims. Women are forced to do painful, humiliating and degrading activities in the name of culture. Moser & Clark (2001) stated that many women blame themselves for keeping silent about matters of abuse.

Hanzi (2006) and Iyanuolo (2008) added that *ukuthwala* perpetrates emotional and psychological stances as perpetrators intimidate and cause harm to their victims. Furthermore, Hanzi (2006) suggested that in other countries young girls are married to settle family debts through the payment of bride price and as a compensation for pledging. Hanzi (2006) added that perpetrators use any form of abuse to intimidate and victimize their victims.

The reality is that our country will continue to have problems of illiteracy in future for as long as such cultural practices are continued. This may result into reproducing children who may become violent towards their fathers or even kill them to protect their mothers. A child who comes from a violent family background is often nervous, withdrawal and has low school performance level and suffers from regular illnesses. Wife beating, although it is not a cultural practice but is somehow attached to culture will breed hostile children.

Children who grow in polygamous marriages tend to witness the abuse of their mothers and there is a great possibility that they may copy this irresponsible behaviour when they become husbands or wives when they are matured (Osofsky, 1999:36). Cahn and Lloyd (1996:13) mentioned that above this, abused children may as adults become abusers themselves. Lately, this has been cited by Goodman; Gutarra and Billingsley (2017) who opined that research on physical and sexual abuse is needed to protect children from polygamous marriages.

2.8 The South African Perspective on harmful cultural practices

Cultural practices affect the whole world. Therefore, the most common practices that are still widespread and that need to be scrutinized and evaluated are discussed below:

2.8.1 *Ukuthwala* (Bride abduction custom)

Young girls are being abducted by total strangers and forced into marriage under the guise of the old-fashioned custom of *ukuthwala* (Nkosi, 2009). This is viewed culturally, and is seen as the legitimate carrying of a female with the aim to marry her (Nkosi 2009). Dent and Nyembezi (1969:1) refer to this practice as "kidnapping" (*ukuthwala ngenkani*). This has been practiced in African culture for a period of time (Kheswa & Hoho 2014). However, it was not done in a forceful manner.

The female is targeted to be abducted from her home or place she usually visits when she is alone. Although the practice can sometimes be done in an arranged manner, it can also be done without the knowledge of the female (Kheswa & Hoho 2014). It is thought that the custom has disappeared from the face of the earth; but it is still enforced among Zulu people in King Cetshwayo District Municipality (KCDM), KwaZulu Natal (KZN) (Nkosi, 2009). It is also observed among rural Xhosa and Mpondo communities (Mfono, 2000).

Culturally, *ukuthwala* is considered to be a form of a marriage. These marriages are famous in the culture of the Indian communities (Hasan, 2000). Women in King Cetshwayo District Municipality have been victims to the system similar to the Indian practice. *Ukuthwala* is

basically a Nguni culture that has been adopted across the whole country. Msimango (1991) states that *ukuthwala* is a Zulu custom that opens up marriage negotiations.

Mwambane and Sloth-Nielson (2011) averred that *ukuthwala* has been viewed as a custom where force is used to carry a girl without having asked for her hand in marriage. Girls are abducted when they are on their way to fetch water or to pick up firewood. Matthews and Abrahams (2001) stated that because of poor communication and power relations that are patriarchal, women find themselves helplessly trapped in situations where they have no choice. According to Fishbein and Ajzen (2009) an individual's intention to perform behaviour is influenced by internal and external factors.

Ukuthwala is executed in King Cetshwayo and culture does not condemn it. However, this cultural practice retards the childhood development of the girl child. When the girl is abducted she is removed from school. In the process the victim drops out of school and that deprives the child of educational opportunities. All these occurrences indicate that girls and young women who are victims of *ukuthwala* are from poor families. To justify this argument, it is correct for me to expose the truth that says without education it is almost impossible to have a decent job.

The lack of education and underdevelopment for the girl child due to *ukuthwala*, is a sensitive issue that perpetuate the cycle of poverty. Particularly, poverty is prevalent in rural communities where *ukuthwala* is rife (Mwambane & Sloth-Nielson, 2011). *Ukuthwala* as practiced today is an act of criminality because it happens without having an agreement with an abductee.

With incidences of underage forced violent marriages, the cultural practice of *ukuthwala* has deviated from being a cultural practice to something that disregards the values of the community (Van der Watt, 2012). With the custom of *ukuthwala* there is no severe beating of a woman that occurs whereas with bride abduction there is gross violation of human rights due

to beating that happens, sexual harassment, rape, black magic and emotional abuse (Nkosi, 2009).

A study conducted by Maluleke (2009) pointed out that *ukuthwala* will remain a controversial issue and will progressively be evaluated against the provision of Section 39 (3) of the South African Constitution. Monger (2004) concurs with De Jager (1971) that there is "coerced bridal abduction "and there is "consensus bridal abduction" (Monger, 2004:2). This practice slowly, destroys the very same women men want as wives and mothers to their children. Women are emotionally wounded, because they are voiceless.

The South African Constitution stipulates that for this practice to be legal, it should comply with the legal age of consent which is 18 years. Females who are subjected to this practice are often denied an education and the social development that would allow them to uplift themselves. HIV transmission remains a serious problem when this practice is carried out as HIV-positive men transmit the virus to their new wives (Maluleke, 2012).

Young girls cannot negotiate for safer sex to be practiced therefore this practice violates the human rights of the girl child in terms of the Children's (Act No. 38 0f 2005). While the focus of this study is on KwaZulu-Natal, this practice is still being carried out among some Xhosa communities in the Transkei, which is located in the Eastern Cape Province of South Africa, and possibly in other areas as well (Mfono, 2000).

The subordinate position of the girl or young woman is encouraged by the fact that in most recorded cases the girl children have been forced to marry men old enough to be their fathers (Van der Watt & Owens, 2012). Cultures are an integral part of society; people of society have no choice but to adhere to them. When they fail to comply, non-adherence to norms of the society can lead to isolation. People fail to understand what it means to be African that is why they impose the cultural practices on other people.

Ukuthwala has turned girls into sex slaves. Marriage by abduction infringes on the rights of the young woman to such an extent that she is forced into marriage without her consent.

Wadesango et al (2011:121) concluded that this practice has destructive physical and psychological effects on women.

Woods (2005) states that when bridal abduction is undertaken; sexual advances are involved. If the bride-to-be resists the advances, force is used against her. According to Woods (2005), this form of sexual encounter endorses the union between the girl and the man. Traditionally, the act is not regarded as rape.

The media platforms when they report *ukuthwala*, describe it as kidnapping, rape and abduction. All these terms are associated with criminal activities (Thulo, 2003; Prince, 2009). On the other hand, Bhengu (2005) opined that *ukuthwala* is two-fold, sometimes it is done for the good practice and sometimes it can have a bad motive towards the woman being carried.

2.8.2 *Ilobolo*

This custom is widely discussed in the literature on culture and gender. Geisler (2000) stated that there is a connection between power relations and the *ilobolo* custom. The payment of *ilobolo* equates women to property. The background of women is underestimated just because this custom places women in an inferior position to men.

According to Shope (2006), *ilobolo* is a cultural practice that gives awareness into the gender and power relations in African marriages (Shope, 2006). He further stated that *ilobolo* has diverse meanings for Blacks. Earlier writings on *ilobolo* portrayed it as a practice of entrepreneurship. Raglan (1930) and Mizinga (2000) have severely criticized people for misusing the purpose and meaning of *ilobolo*.

Mamdani (1996:91-92) pointed out that: “The early Cape colonists argued, *ilobolo* was a way of selling women for a highest price and it was also a means of suppressing women.” According to Mizinga (2000), failure to pay *ilobolo* makes the marriage not valid, the groom cannot claim the children as his own and they cannot take his surname. *Ilobolo* is a practice associated with the provision of gifts usually in the form of money or livestock to the parents of a bride- to- be. The

groom's family is in charge of providing these gifts after negotiation between the two families (Ansell 2001). It is a token of appreciation to the bride's family although recently there are concerns about its commercialization after Western influence.

Despite its cultural benefit some men misconstrue the payment of *ilobolo* as their right to control and treat their partner as their property. In some marriages, this has resulted in GBV (Ansell 2001; Ludsin & Vetten, 2005). Those men justify their abuse by asserting that "I paid *ilobolo* for you" (Ludsin & Vetten, 2005:24). Women internalize this abuse in their marriages.

In the study conducted by Ludsin and Vetten (2005) in Mpumalanga, Eastern Cape and Limpopo, the interviewees accorded that once the man has paid *ilobolo*, culture gives him power to own his wife. Additionally, he has the right to beat her if she misbehaves. Some women feel trapped in abusive marriages because they fear to be embarrassed and mocked if they leave their marriages, being called names and also seen as failures in life and because of their inability to pay back the *ilobolo*. They end up tolerating all the oppression (Ludsin & Vetten, 2005).

The Women Legal Centre Report (2010:98) alluded that parents sell their children for financial gain. Poverty is the next primary reason that parents sell their children. This is seconded by Hanzi (2006) who suggests that in other countries young girls are married early to settle family debts through a payment of *ilobolo* and as a compensation for pledging.

So, poverty has been identified as having been one of the conditions within which the cultural practices continue to flourish (Crane, 2013). Mubangizi (2016) highlighted some gender-related cultural practices and traditions that cause a clash between culture and human rights. He further indicated that such things perpetuate women's poverty. This has compromised the safety of our girls.

2.8.3 Female genital mutilation (FGM)

This practice is common among the Venda community of North-East of South Africa. However, the government does not acknowledge that FGM exists in South Africa. When performing this practice, the clitoris of the female is cut. It also includes changing the form of the labia or

lengthening it. This is practiced by Tsonga and Sotho communities (Maluleke, 2012). The results of this practice are health hazards.

The alteration of female's genitals could be done without considering the legal principles of equality. This is done to humiliate, degrade and violate the dignity of a woman to whom this is administered. A study in Cameroon revealed that the country introduced the practice of breast ironing. This is a practice that is forced on girls who have just entered puberty by their mothers (Tchoukou, 2014). When you relate on the challenges encountered by women on their daily living, one often wonders how they survive and cope.

2.8.4 Virginity testing

This practice entails testing whether the young girls are still virgins or not. This is commonly practiced in KwaZulu Natal. The practice disappeared over the years (Scorgie, 2002 & Vincent 2006). However, it was revived by King Goodwill Zwelithini after it was abolished by King Shaka kaSenzangakhona around 1800s. It was later revived to promote sexual abstinence in the 1990s in the era of HIV/AIDS (Scorgie & Vincent 2006). Since then, the practice has remained.

Some people complain that this practice invades the privacy of young girls (Commission for Gender Equality 2000) while others disagree with this assertion of abuse (Scorgie & Vincent 2006). Studies have reported that this practice could harm the girl physically, psychologically or socially (Olson & Garcia-Moreno, 2017). Virginity testing has been revived in communities in KwaZulu-Natal in order to promote abstinence to prevent HIV/AIDS (Rumsey, 2012).

Rumsey (2012) agree with the Human Rights activist when they say this practice endangers girls. The practice exposes virgins to rape while those who did not pass the testing are abandoned and turn to harlotry (Rumsey, 2012). Testers check if the hymen is still intact to certify the girl a virgin (Rumsey, 2012:12). This assertion is supported by Hugo (2012) who asserted that the public announcement of the status of the virgins makes them targets of rape.

Proponents of virginity testing such as the late King of the Zulus have been encouraging the practice as a way of fighting HIV/AIDS, and has people attesting that virginity testing can indeed promote the fight against diseases and that it reduces pregnancy by teenagers (Mhlana, 2011:1). He further informed people that the practice is at the core of their pride (Vincent, 2006:18).

Authors like Shisana, Rehle, Simbayi, Zuma, Jooste, Zungu, Labadorios & Onoya (2014) appealed to the government for the need to empower girls on strategies that could be used to prevent HIV infections on the basis that HIV is higher among women. Khoza (2013:2) observed that there is a belief that goes around among the Zulu people that virginity testing helps to curb teenage pregnancies. Mokoboto-Zwane (2016) in Scorgie (2002) and Vincent (2006) alluded that virginity testing is an age-old practice that is surrounded by controversy. She stipulated that the practice made its comeback around South Africa's first democracy, but it coincided with the time when HIV became a health challenge.

The Swazi culture under King Mswati 111 of the Kingdom of eSwatini also motivates virgins to participate in the Reed dance ceremony (*Umhlanga*) where cultural dance is performed. The girls are needed to undergo virginity testing before they partake in the royal dance. The philosophy about virginity testing that the Zulus believed in is similar to that of the Swazis. During the dance the King chooses one of the maidens to become his wife (Ndabeni, 2015:11).

Authors including the Commission on Gender Equality initiated programmes that challenged the continuity of the practice in an effort to halt it. They partnered with the Human Rights Commission and held a conference in the year 2000 at Richards Bay to educate people on how the practice ignores certain clauses in the Bill of Rights (Vincent, 2006:18). The legislation of 2002 empowers the Commission to capacitate and report on issues of people's cultural and religious rights.

Opponents of the practice pointed out that testing may create health problems just because girls engage in anal sex to protect themselves from being detected that they do engage in sexual activities (George 2007:12). Chapter 2 of the Children's Act (Act No. 38 of 2005 section 12 speaks about virginity testing and the implications thereof (Government Gazette, 2006). Ngcobo (2005:1) considered the new Children's Bill of Rights as an uncontested success for the radicals. The Bill prohibits anyone to conduct virginity testing even the parents who permit it to take place.

According to Ngobese (2015:11), the practice of virginity testing is spiritual and holy. He further stated that it is about promoting abstinence from sexual intercourse. However, Mubangizi (2012:34) argued that this practice clashes with human rights norms as it is rooted in a culture engulfed by discrimination against women. Those who are testers claim to be defenders of cultural rights and consider themselves to be active participants, who fight against HIV/AIDS, empower young people and promote abstinence (Leak, 2012:5).

Nomagugu Ngobese as cited in Barnes & Seabi (2006) led a march of virgins who marched against the ban of virginity testing. Traditional circumcision rites are contended in the Children's Bill of rights. However, they were not banned like virginity testing. Simelane is the tester of virgins who campaigned against the eroding of virginity testing cultural practice in Pietermaritzburg, KwaZulu Natal (Leak, 2012).

The Commission of Gender Equality (2000) argued that the practice is discriminatory as those who are found not to be virgins are publicly embarrassed. There is a view that the practice also discriminates according to gender because girls are expected to be virgins while boys who experiment sexually at a young age are celebrated and seen as heroes (Bhana & Pattman, 2011; Langa 2012; Selikow, 2002; Wood & Jewkes, 2001). But despite the CGE's call, there are no observable changes on the practice as it continues unabated.

It is obvious that this matter of virginity testing is far from over. Recently in KwaZulu Natal (KZN) there was uproar over the proposed bursary to be offered to virgin girls only. The whole

maiden's bursary saga costed the Mayor of uThukela District Municipality, Dudu Mazibuko, her job due to her involvement in promoting virginity testing (Biyela, 2019). She awarded a bursary to virgins only and this landed her into trouble as she was accused of discriminating other girls.

Even the Commission for Gender Equality (CGE) was involved in this matter. This was an embarrassment to the ANC; which eventually dropped its cadre from being the Mayor of uThukela. The whole notion of her being a progressive Mayor disappeared. According to Chisale and Byrne (2018) the practice of virginity testing has caused a conflict between culture and human rights. They declared that the way used to give bursaries to virgins to be discriminatory, unconstitutional and unlawful.

Stander (2016) mentioned that oppression cannot be confirmed as it happens in many different ways. In addition, she indicated that women residing in South Africa have been troubled by racism, sexism and classism which are issues that are hard to tolerate. Nonetheless, the Mayor of uThukela lost her job out of ignorance but the young women in question and the members of the community were supportive of her initiative (Ngcobo, 2016). This raised questions on whether the girls who were being "protected" actually needed such protection.

It has been believed in many social groups that having sexual intercourse with a virgin can heal HIV/AIDS. This is a myth that has put at risk the lives of young girls who happened to be virgins. Studies by Groce & Trasi (2004); Leclerc-Madlala (2002) & Meel (2003) argue that virginity testing put young girls at a risk of rape based on the myth that was dominant in the early 2000s that sleeping with a virgin will cure HIV and AIDS.

There is a ritual that is attached to virginity testing and that ritual is known as *umemulo*. This *umemulo* (rite of passage) is a sister to virginity testing. When the girl is found to be a virgin, when she comes of age, then this ritual is thrown for her as a token of appreciation for her good behaviour. Zondi (2012) opined that *umemulo* focuses on songs that respond to an incident which took place in a traditional village. She further said that the lyrics serve as a case of how new *umemulo* songs emerged out of community concerns. Her article further examined

the role of women in perpetuating gender inequalities which challenges gender oppression of any kind.

On top of *umemulo* there is another practice which is linked to virginity testing and it is known as *umhlonyane*. In Zulu culture women have been faced with many influences in their cultural lives. The *umhlonyane* ceremony is organized for girls with ages between six and eighteen. Traditionally, this initiation is meant to prepare the girl child for marriage. Metu (2014) highlighted that this ceremony is performed to indicate that the girl is now moving to womanhood. When preparing for the ritual, the maiden who will be having *umhlonyane* invites other girls to stand with her during the ceremony.

Time is spent to learn songs and dances taught by elderly women and those who have already undergone the initiation (Metu, 2014). This ceremony resembles the Western style birthday (Hammond-Tooke, 1958). A girl is expected to undergo this ceremony to mark her first menstruation and have her virginity tested (Nozibele, 2010). The initiation is meant to modify behaviour and curb social ills such as HIV/AIDS.

As much as *umemulo* is linked to virginity testing, it is imperative to draw on *umhlonyane* experiences because it links to virginity testing even better. There is a difference between the right of passage and the event conducted because a girl reached 21 years. In a situation where a married woman experiences misfortune, traditional healers are of the view that this happens because there was no rite of passage that was conducted for her. Above all, this rite of passage is not as harmful as *umhlonyane* in which the girl's virginity is tested and the results are broadcasted publicly.

2.8.5 *Ukungena* (Levirate custom)

Women's rights are human rights. The South African Constitution notably includes the Bill of Rights which provides protection of cultural rights. These cultural rights are protected in Section 30 and 31 of the Constitution. The competition between cultural rights and human rights are manifested through cultural practices (Ntuli, 2019).

This custom of *ukungena* can be explained as a union with a widow undertaken on behalf of her deceased husband by his brother or relative to raise an heir to inherit the widow's property (Proclamation R, 151 of 1987). Ramphele (1996:101) stated that according to customary law, even after the spouse is deceased, nothing can end the marriage. The widow will remain married into the family of the deceased, honour and continue to respect her deceased husband and in-laws as was the case while the spouse was alive.

Ukungena is a cultural practice that is practiced when a married man dies before he can bear a son with his wife. One of his relatives will inherit her in order to bear a male child for the deceased to keep his name. In customary law, it can be concluded that the death of a male spouse does not dissolve a marriage.

Men behave like they bought their wives and brought them home to follow their instructions (Wadesango, Rembe & Chabaya, 2011). Wadesango et al (2011) asserted that there is a need for perpetrators to be arrested for defeating the ends of justice. According to Bekker (2009) women who discover themselves in abusive relationships, find it difficult to discuss their ordeal with elders of the families, but eventually, they manage to disclose their problems when they need to be motivated and be attended to.

According to Pillay (2017), traditionally, necessities of reformation are grouped as tools for oppression. The oppressed individuals may adore traditions in order to keep a sense of masculinity and women take part without realizing the pardon of patriarchy they are putting themselves into. Motseme (2004) cited that because women are often silent, this is interpreted as non-communication. Women remain quiet because our society is quick to misjudge them. Where women stand as a society, they are compromised and forced to back off.

Ramphele (2002) and Motseme (2004) encouraged everyone who researched about what women have experienced to improve on this stillness as an element of defiance, their steps, words, beliefs and calmness were clarified as opposition in situations where resisting would

incur terrible results. It is time to show the world that women are present and that they cannot be forgotten. People should get rid of the thoughts that women are not relevant.

Douglass (2019) in his book "My bondage and my freedom," examined strategies that depict the lives of Black women and presented his narrative histories of Black heroism. Low positions have restricted access into exploring life to the fullest for women. It is hard to love if you can't be yourself. Women need to take the necessary steps to deal with this catastrophe that is standing between their freedom and emancipation.

The widowhood practices outlined above are summarized by Korang-Okrah's (2012) doctoral thesis entitled "Widowhood & Resilience: Akan Widows Experience of Challenges & Survival." The Ghanaian profiles of widowhood practices vary across the country; they tend to consist of widowhood ritual ceremonies. These ceremonies are problematic and oppressive towards women because they carry an element of slavery.

The positive widowhood rites attribute "cultural healing" which is cited by Aborampah (1999); Korang-Okrah and Haight (2014) as well as Tei-Ahontu (2008). It is also repeated in the South African widowhood practices literature. Makatu, Wagner and Ruane (2008:573) stated that one of the purposes of these practices is to help the widows to heal. If I may raise a concern regarding the healing process of the widows, how and when can they get closure to mourn their husbands when a lot of practices and rituals are imposed on them?

The levirate union does not build a new matrimony, the original one continues. No further marriage goods or *ilobolo* is needed for the levirate custom to be valid. Baloyi (2013); Nkwashu (2012); Potash (1986); and Tei-Ahontu (2008) suggest that the motives for forcing the widow to stay at her home after the death of her husband may be the cause of greed. Jealousy may push the in-laws to demand that the widow remains in their home and marries her late husband's brother.

Reaffirming this within a Southern African context, Baloyi (2013) asserts that the reason why the in-laws force the widow to stay is encouraged by selfishness, especially when the in-laws wish to keep their deceased son or relative's wealth in the home. The issue of greed being the driving motive behind levirate marriages and associated sexual cleansing customs is powerfully documented by a Southern African real life widowhood rite story in an article by Nkhwashu (2012) titled "Culture Shock for Rich Widow." This source provides a detailed discussion.

2.8.6 African rituals

African people who are committed to the cultural practices tend to abide and associate themselves with ancestral worship. This ancestral worship drags with it so many rituals that step on the toes of women. To mention a few of these rituals I can add to the list: *amadlozi* (ancestors), *ukuhlola* (alter), *ukugcaba* (jont cutting) *ukuqiniswa* (to be made stronger), *ukuzila* (seclusion) and many more. According to Ngubane (1984), several researchers have written articles on these rituals without consulting with the custodians of the cultures. *Amadlozi* are still an important part of life for a significant portion of the Zulu population (Armstrong, 2008).

According to Armstrong (2008), *utshwala* (sorghum beer) is a nutritious drink and an alcoholic beverage, consumed daily and at joyous occasions honouring ancestral spirits, or *amadlozi*. Beer is taken for granted when there is a ceremonial slaughter for a feast. Whatever the cause for the ceremony, the senior man of the homestead gives the final word to women of his domestic affairs (Armstrong, 2008). This sorghum beer is usually prepared by women and it demands a lot of work to prepare.

Regarding the practice of *ukugcaba nokuqiniswa* (joint cutting and making stronger with *umuthi* or medicine), Van der Poll (2009) stated that the time has come to recognise that denials of individuals' rights on the ground only that they are women are human rights violation. He argued that, state practices that expose women to degradation, indignity and oppression on account of their sex need to be independently defined, condemned, compensated and prevented.

It is not women alone to whom these practices are performed; men also are victims of *ukugcaba nokuqiniswa* rituals. This exposes people into catching diseases like HIV/AIDS due to unhygienic ways that are followed. Razors that are used for cutting are not sterilised and are not changed when the next person is cut.

Widows are forced to remain faithful to their deceased husbands and honour their memories. They are forced to mourn for their dead husbands for a period between six months and two years not whereas men are encouraged to get into a quick remarriage. Widows show the departure of a spouse by wearing black clothes while males do not wear them at all but only a black cloth on the arm. Later in the years, this was changed and was infused under culture of which African people adopted without asking any questions.

According to Makhunga, Thwala and Edwards (2014), the wristband was experienced as a source of hope, security, respect and pride. In addition, he averred that the wristband is also perceived as connecting the Zulu people with ancestors, their families and customs. This assertion of the picture that is portrayed here is to say women are belittled and equated to being dumb, is challenged. It is because they are seen as people who cannot separate between something useful and useless. Other people's intentions are to irritate women, defining them inappropriately and further decide their fate which is not right.

2.8.7 Traditional initiation

This is a familiar cultural practice among Xhosa men in the Eastern Cape. This is performed on men as proof of achieving or reaching the stage of maturity (Kometsi, 2004 & Mgqolozana, 2009). Today, re-interpretation of this rite suggests that traditional circumcision gives young men undisputed right to engage in sex with numerous partners (Kometsi 2004 & Mgqolozana 2009).

In the ceremony known as "house of the lamp" the newly initiates are motivated to sleep with women who are not married (Mgqolozana, 2009:164). This is done to check the effectiveness of the penis. Moreover, this is to celebrate the achievement of manhood and to teach the new

initiate behaviours such as how to have sex, how to express self and also learn activities of responsibility (Mgqolozana, 2009:164). This practice appeared to be eroding with increased urbanization and modernization but its remnants still remain to-date.

Tsemese (2009) advocated for traditional circumcision schools to be resuscitated. Preferably, these must be schools in which initiates are taught to be responsible men who are not violent towards women. He suggests that this might help in dealing with GBV and HIV and AIDS in post-apartheid South Africa.

2.8.8 Sharia Law

This is an Islamic law that regulates private and public aspects of life for Muslims. Marriages of Muslims are not recognized as legal in South Africa. The South African Act No. 17 of 2006 states that a valid wedlock should be between a man and a woman. In Islamic law a man is allowed to have polygamy. Marriages for Muslims are not legally recognized; when divorce strikes, Muslim women are left with nothing (Amien, 2006 & Moosa 1996).

2.8.9 Wife beating amongst Africans

African people are known for honouring their marriages. Regardless of how much they respect their marriages, it is confusing to realize that beating of wives is a habit among them. Fidgen (2009) pictures this like this: “The majority of women enjoy a beating, because they are made to believe it is part of their tradition.” According to Maluleke & Nadar (2002:10) the beating of a woman can put her in hospital, or she can kill herself.

Men have adopted this bad tendency from a customary perspective which views the wife as a property they have purchased with other belongings (Hinga, 2008:170). This view is further segmented by Waruta & Kinothi (2000:123) who say: “Therefore, the men own the women for they bought them, just like shoes, cars or other properties.”

In spite of their plight, women are quiet and voiceless. Their quietness makes their husbands think that they accept and enjoy patriarchy (Day, 2013). *Ilobolo* is a custom that is practiced by

the majority of Africans tribes. However, the reason for beating wives emanates from it due to misconceptions about it. *Ilobolo* has been used by some as an encouragement for beating their wives. Generally, if used correctly, *ilobolo* is good because it prevents cohabitation. Cohabitation is not approved by many African people (Baloyi, 2001:51).

Many marriages fall apart due to childlessness. Some women are prone to beatings and are marginalised because they cannot bear children in their marriages. Childbearing is God given. Women cannot accept the stigma of being single, that is why they want to remain in their marriage at all cost regardless of the beating.

This notion is maintained further by Kameri-Mbote (2000:20) when saying: "most women in Kenya do not report and testify against their violent husbands." Similarly, Phiri (2003:23) voiced out his concern by mentioning that some women internalized being beaten, remarking that they are to thank their husbands for giving them their surnames. Waruta and Kinothi (2000:130) say that directly or indirectly children are also beaten in domestic violence or get affected when they watch their mothers being beaten.

According to Hunt (2008:30), many pupils born from a family where parents abuse one another, do not participate actively at school or even drop out. Initially, wife beating was not a cultural practice but it consists of elements which are related to cultural practices. Because a husband has paid *ilobolo*, he assumes that a woman is his property that can be treated anyhow.

According to Carlison and Mazurana (2007) the beating of wives is caused inter alia by alcoholism and customs that are patriarchal. They further stated that women who challenge male-dominated household structures are liable to be beaten more and clan leaders promote and justify the beating of women. Moreover, these authors alluded that clan leaders force women to abide to the difficult codes based on the values of domination, traditional and cultural practices.

Khan and Islam (2017) spoke about the attitudes of women towards the practice of wife beating and its connectedness with health problems. They cited that the practice is justified in a

number of situations where husbands apply it on their wives. UNICEF (2018) highlighted that girls who were forced to early and child marriages are exposed to risks of violence. The two marriages are part of the practices that occurs under cultural unions.

2.8.10 Polygamy and its impact on women

In polygamous households, resources are never enough for all. This has a negative impact on women and children. The point of view raised by Calhoun (2005:1038-40) is that in places where polygamous relationships are recognized, husbands and wives should have equal rights and responsibilities and see both polygyny and polyandry as permitted. According to Mbatha (2011) in and out of polygynous marriages Black women experience gender inequality, infidelity and ill-treatment.

In the United States of America, polygamy is a criminal offence. However, according to Thobejane (2014) in CAPWOI (2004) the estimation of people who still practice polygamy is over three billion around the world. The Western countries that have diverse cultures are Islam and Mormon. Their cultures allow them to engage in polygamy. Polygamy is not legal in most Western countries, but it is still practiced in specific ethnic and religious communities (Al-Krenawi, 1997 & Phillip, 1999).

An example of a religious group that still practices polygamy as part of its culture is the Muslim community in the United States (Goodwin, 1994 & Power, 1998). In Africa polygamy continues to be widely practiced. Africans continue to practice polygamy and have resisted viewing the family through a Western prism (Njoh, 2006).

A study by Mbirimtengerenji (2006) found that in eSwatini patriarchy and polygamy are very strong in both the culture and history of the country. This makes everything difficult for King Mswati and his government to adjust cultural norms such as polygamy and the fight against HIV/AIDS. Among North African countries, it is Muslims only who widely practice polygamy (Atman & Ginat, 1996).

In South Africa customary marriages are recognized. It has been argued that the right to culture implies the right to recognition and application of customary law (Grant, 2006:7). Women get married at the age of fifteen while men get married when they are eighteen years old. Women who got married at the tender age are coerced into marriage by their elders in respect of culture.

Regardless of their age once married a woman is forced to engage in sexual intercourse with her spouse. To be involved in forced sex at an early stage can impact sexual practices of women in later years (Jewkes, 2000), plus engaging in sexual intercourse without using protection (Varga & Makhubalo, 1996) might cost a young woman her life. This exposes them to greater risks of sexually transmitted infections and pregnancy. Ironically, interviews with pregnant adolescent Xhosa women conducted by Woods & Jewkes (1997) revealed that many young women view assault as an expression of love.

Based on the previous studies it can be established that polygamy gives men a better position to be superior to women. Moreover, this alone can cause harm and have bad effects on the life of a woman married under a polygamous marriage. Fortune (2004) observed that in some African societies when bad omens follow them in their marriages, it may be attributed to ancestral anger, witchcraft or evil spirits. These instances may permit people to seek the views of the traditional healer (Nichols, 2010). Wives who are now part of these families are expected to comply.

2.9 African Perspectives on harmful cultural practices

Africa is divided into a vast number of ethnic cultures. Nigeria alone has 250 ethnic groups. East Africa also has many ethnic groups. Some of the countries that practice forced traditional marriages are discussed below:

2.9.1 Malawi

In Malawi the process of forced marriages is performed by the families who cannot attract the wives and daughters- in- laws, either because they lack sufficient social standing or are unable

to afford the bride price. They then resort to abduct young girls. Once the girl is kidnapped, even if returned to her family she will be less desirable to other potential husbands and will have no choice but to marry the man who kidnapped her (Mwambane & Sloth-Nielson, 2011).

According to Koyana (2000) early marriages on the basis of either religious or economic grounds place young women on vulnerable positions. In Malawi young girls are married off to older men who may be having other wives. Campbell (2003) attests that cultural factors contribute to women's vulnerability to HIV infection through traditional forced marriages whereby women are coerced to sex and are expected to be sexually innocent while men are expected to be sexually experienced.

It is accepted in Malawi for men to have more than one wife to an extent that if a man engages in extramarital relations the community blames the wife for failing her husband (Cayemittes & Gringle, 2006).

2.9.2 Zimbabwe

In Zimbabwe marrying young girls to older men is organised through churches. This process is called spiritual calling where a man has a premonition about a girl which is interpreted by the church council and the elders of the church would endorse and encourage the marriage (Wadesango, Chabaya & Rembe, 2011).

Koyana & Bekker (2007) mention that girls as young as 12 to 15 years of age are targeted, and forced to marry older men through this practice with the consent of their parents. Koyana & Bekker et al (2006:139-144) and Maluleke (2009:16) focused on traditional themes where the family and community become involved in the abduction of a woman. However, the practice of *ukuthwala* shifts from a cultural practice to abuse and violation of rights. It has been manifested that many abused women do not open cases of abuse because they suspect that their victimizers may not be punished or obtain a guilty verdict (Koyane & Bekker, 2007).

Mesatywa (2012) also argues that poverty and inequality places women at risk of this practice. Campbell (2003) observes that many young women are involved with older men offering sex in

exchange for gifts. Seemingly, there is lack of endeavours by the state to intervene and condemn the breaking of human rights. Women are treated as slaves and their voices have been silenced.

2.9.3 eSwatini

Ukuteka and Ukumekeza

This cultural practice is commonly practiced among Swazi Nationals although it is not confined to that country. Swazis pursue the culture of *ukuteka* (where a woman is seized without *ilobolo* being paid). Nhlapo (1990) advocated for those who are voiceless by disclosing the high level of violence in neighbouring eSwatini where people are generally subjected to cultural practices.

Ukuteka involves women and young girls being involved in the formal amalgamation of the bride into the bridegroom's family. During this practice a woman is abducted or kidnapped to marry without her consent. *Ukuteka* is a vital component of customary law marriages according to the Swazi people. Even in eSwatini the dowry *(ilobolo*) practice is performed where a man gives about 11 to 15 cattle to the bride's family.

Ukumekeza is a practice that is performed to integrate the bride into the family of a husband for a customary marriage. This practice is still performed fully in the Kingdom of Eswatini. Although this customary marriage is valid under the Recognition of Customary Marriages Act 120 of 1998, its legitimacy is still under investigation (Bakker, 2018). For this practice to be approved, three stages must be fulfilled which are payment of *ilobolo*, presence of family members of the bride and integration of the bride into the new family (Mkabe, 2016).

In addition, Mkabe (2016) stated that even though the Supreme Court of Appeal granted the incorporation of the bride, the families can cancel the amalgamation by reaching a consensus. Manthwa (2019) in Motsoatsoa (2011) concurred that the payment of *ilobolo*, meeting of the two families and agreeing on the formalities concludes a customary wedding. The woman gets handed over by her parents through a celebration (Motsoatsoa v. Roro, 2011). *Ukuteka* and

ukumekeza are two customary practices undergone in eSwatini that are used to seal a marriage.

The subordinate position of the girl or young woman is reinforced by the fact that in most of the documented cases the girl children have been forced to marry men old enough to be their fathers (Van der Watt & Owens, 2012). Above this the young girl becomes an additional member of a polygamous marriage.

As mentioned earlier, The Kingdom of eSwatini also embraces the Reed dance ceremony which they share with Amazulu of KwaZulu Natal. Through this ceremony the Swazis are trying to educate the youth, modify character and disseminate sex education information to their girls (Twala, 1952). Virginity testing is associated with the Reed dance and keeps amalgamation very strong between the Zulus and the Swazis. The Zulu maidens gather at Enyokeni, the Kings royal palace for the annual Reed dance (Hugo, 2012:1). The late King Zwelithini used to encourage virginity testing to eliminate HIV/AIDS by holding the reed dance celebration (Mhlana, 2011:1).

In eSwatini, King Mswati 111 performs the Reed dance which is attended by virgins. For girls to participate in the royal Reed dance they are required to undergo virginity testing. The King will then choose one girl to become his wife during the ceremony (Ndabeni, 2015:11). Ndabeni (2015) further emphasized that Zulus and Swazis both are of the opinion that virginity testing is a good practice. According to Vincent (2006:23) the Reed dance is about celebrating the beauty and the power of the young women.

In the post-apartheid era, the King of the Zulus stands for the Zulu ethnic group. So, the Reed dance, virginity testing and the ritual of *Nomkhubulwane*, the rain goddess gives legitimacy to the Zulu King to stand as a representative of the Zulus (Leak, 2012). The Reed dance grasps signs from *Incwala* (the ritual of kingship) and *umchwasho* (an innocence rite for unmarried girls) of the Swazi monarchy. The Reed dance is one of the epitomes of majestic identity in modern KwaZulu- Natal.

2.9.4 Egypt

In Egypt girls are taken out of school to prepare them for marriages to men who tour Egypt from the Gulf States looking for young wives, the deals are facilitated by brokers and once money has reached the hands of the buyer, the girls are removed out of Egypt (Wadesango, Chabaya & Rembe, 2011).

Wadesango, Chabaya & Rembe (2011) stated that sometimes young women are brought back in a couple of months being pregnant. They are returned when their husbands are tired of them. Others are sent packing while other young women are kept in their new homes as slaves, working under the commands of their husbands. Wadesango, Rembe & Chabaya (2011) further stated that cultural practices promote the inferior status of women in society and continue to violate their rights. This has serious implications on the achievement of gender equality in communities.

Soucie (2011) agrees that these young girls are sometimes beaten and used as sex objects and other wifely duties. They are often raped to prevent parents from initiating efforts to have the girls return or to report the matter. Regardless of their vulnerabilities they are left alone raising children who are fatherless. They are also faced with lack of participation in the affairs of their communities. In other words, they suffer exclusion and become outcasts.

When it happens that they continue with school, the domestic demands placed on them often results in undesirable education and that leads to poor academic performance (Soucie, 2011). Soucie (2011) goes on to say that cultural practices occur in different ways and in the process they violate women's rights. Mesatywa (2012) stated that cultural practices perpetuate the cycle of inequality since the rights of women and girls are not respected. This is the thought of a patriarchal discourse that has been placed in traditional practices (Mesatywa, 2011).

Londt (2004) claimed that sexual assault is often a form of rape which is accompanied by the use of a weapon and beating (Mesatywa, 2012). He also mentioned that some victims of gender- based violence may suffer physical injuries that may lead to post traumatic stress disorder (Mesatywa, 2012). Londt (2004) when refers to forced sex as rape. Every community has its own offenders or wrongdoers. Sadly, cultural practices are used to shield such evil acts.

When men are causing harm to their partners, the question that is often asked all the time: "where is an element of remorse and what happened to humanity?" This is how MacDougall (2000) reiterates that at times when spouses can cause harm to partners through acts of violence, some men display no hint of remorse for their actions. MacDougall (2000) stated that some men blame their spouses for their acts of violence. Njovana & Watts (2006) argued that 60-80% of young African women with HIV have only slept with one man in their lives.

2.10 International Perspective of cultural practices

The following discourse highlights some traditional and cultural practices that are reinforced globally which are similar to the practices discussed above in the African context.

2.10.1 Bangladesh

In Bangladesh the practice of bride price is found mostly in Eurasian societies (Goody, 2007). What is done from Japan to Ireland is different from what the African societies do. They practice "homogenous inheritance instead of dowry which they use as inheritance (Goody, 2007). This gives both sexes the opportunity to inherit property.

Goody (2007) noted that most of the work is done by women; hence young girls are sought and forced to marriage as they are still strong to endure forced and unpaid labour. Yanagisko (2007) argues that there are numerous societies such as those in Japan and China that are not in agreement with the citation made by Goody (2007) who claimed that dowry is a way of inheriting a woman.

2.10.2 South Asia

Most of the world's brides are found in this region. They are responsible for having more early marriages than in any other regions. These marriages are likely to affect girls. The number of boys who get married at an early stage is not very high (Mwambene & Sloth-Nielson, 2011). In Bangladesh, 32 percent of women get married when they are about 15 years old; the rate is 18 percent in India and 12 percent in Nepal (Mwambene & Sloth-Nielson, 2011).

2.10.3 United Kingdom

In the United Kingdom (UK) registration of marriages has been proactive in addressing early and forced marriage through domestic legislation (Forced Marriage Act, 2007). United Kingdom's unit for forced Marriage unites the Foreign and Commonwealth Office and Home Office to support British individuals who are forced into marriages. Motivations for early forced marriages outlined by the Forced Marriage Unit deal with controlling behaviour with regards to sex, gays and lesbians (Griffith; Myers & Harvey, 2011).

The Forced Marriage (Civil Protection) Act was introduced in 2007. The Act that forces a person to marry is a civil and not a criminal offence. Many authors argue that the law does not do much to protect women and that forcing them to marry should be considered a criminal activity (Myers & Harvey, 2011).

From the above discussion it is clear that the burdens that hurt women must always be juxtaposed against potential benefits of exercises of cultural rights. At the same time protection against clear violation and harm must be ensured (Mwambene & Sloth-Nielson, 2011).

2.11 The impact of cultural practices

Seemingly, cultural practices rob young girls of their childhoods and innocence. This contributes to the violation of the girl's human rights.

2.11.1 Health

Studies pursued on women and young girls who have been victims of cultural practices revealed many health complications. These are in line with what the United Nations Secretary General's Report on Violence against Children (2006) and united agencies such as WHO, UNICEF and UNIFEM have discovered in states that are bedeviled by compulsory marriages (Maluleke, 2009).

Child marriages reinforce problems such as malnutrition, infectious diseases and low life expectancy for women. Deaths during pregnancy are a leading cause of demise for young girls. Getting married at a very tender age may affect both the mother and her unborn child (Maluleke, 2009).

Such marriages can have bad results on the health of young girls, thus increasing the level of being exposed to sexually transmitted diseases such as HIV/AIDS (Maluleke, 2009). According to Maluleke (2009) emotional anger is the exposure to an extreme stress involving direct personal experience of an event. The issue of early marriages in KCDM makes one raise eyebrows. Children are not given a chance to choose their marriage partners.

There are factors attached to female age in marriage (Subramanian, 2008). Machel; Pires & Carlsson (2013) argue that many girls marry whilst they are very young and this brings severe impact where girls end up suffering from psychological trauma and get Sexually Transmitted Diseases. This might put the girl's health in danger because they get exposed to complications that may result into death during childbirth.

Nour (2006) agreed with Machel, Pires and Carlsson (2013) that these girls are also exposed to HIV/AIDS and other STIs due to the fact that they are forced to marry while still very young and marrying older men. There is a relationship between health and early marriages. The sound and the magnitude of this are not in favour of the young girl and her health. The results are always intimidating for the poor girl child.

2.11.2 Social Development

Cultural practices indirectly undermine the point of entry for women to opportunities and their development. Certain aspects of culture are considered to foster and facilitate development within societies. Sometimes practices are a stumbling block on the way of enhancing women when it comes to issues of development.

Hamman (2004) is of the view that development of the community is entirely dependent on its inhabitants. He argues that this may include what they know, how much education they have, what skills they can offer and how they can control resources placed under their care.

Most of the victims of cultural practices are less fortunate in terms of their backgrounds being underestimated. Young brides are often marginalised from society with few support systems. This contributes to lack of confidence and low self-esteem which in turn increases their powerlessness and vulnerability to poverty (Myers & Harvey, 2011). Cultural practices contribute to turning women into commodities that are purchased by perpetrators.

Kumar (2000) commented on cultural practices where he asserted that Black African women are perceived as "ignorant, poor, uneducated, tradition-bound domestic and family oriented." This concurs with Myer's (2006) statement that poor communities and profitable situations under which African women in rural areas lives may contribute to their distress. This is condemned by the South African Constitution (1996).

This may lead to a situation of bonded labour for the victim. Debt bondage is a basic control tool used by traders to impose a state of acceptance onto their victims (Monyane, 2013). According to Monyane (2013), a marriage proposal should be done in a decent and respectful manner and should not involve dragging a person as if she is an object. There is a study that was carried out in Egypt in four rural communities in which it was reported that early marriage was pictured as the main stopper to achieving general primary education (Maluleke, 2009).

According to Ozcebe and Bicer (2013) these child marriages have a negative impact on the health of the girl as the physical development of the child gets affected; even her growth is somehow retarded. All these problems are due to loyalty to culture. The children from whom the rights are removed will be affected in their old age. So, early marriages need to be prevented and awareness must be raised on such issues.

Goli, Rammohan and Singh (2015) analysed the end results of early marriages, early childbearing and developmental status of Indian women. They discovered that women

marrying and giving birth early face hazardous health conditions. According to Jepkemboi (2007) the practice of early forced marriages has become a problem in Kenya where their human rights are violated. He further stated that the consequences thereof are poverty and high numbers of HIV/AIDS. Thus, the health, education and social development of women and girls are negatively affected.

2.12 Positions of women within structures

Culturally, there are positions that are meant not to be led by women. In many societies, positions like being a headman or a chief cannot be presided over by women as culture does not allow it. Foucault (1977, 1982) recognizes that despite gender, political, social and economic status both men and women own a capacity to administer and combat domination, ill-treatment and oppression. These assertions are discussed in details below.

2.12.1 Social Structures

Cultures are acknowledged for the role they play in maintaining peace and order in human-beings' lives. In a community setting, people are influenced by the beliefs and norms of their culture and society. This influence takes an intimate level that affects a number of people in a community. Social structure consists of components that include social class, social group and social institutions. The behaviour of people is guided by social structure in a society.

A person may develop attitudes and behaviours which assist them to fit to all the components of social structure. These components work together in order to maintain social order that organizes human behaviour. For communities to understand human behaviour, it is crucial to grasp social structure and social interaction.

Social norms influence social structure through relations between individuals. Social structure is patterned arrangement in society that is determined by the actions of the individuals. In an African culture people control their personal space by avoiding eye contact which symbolizes a sign of respect. They use body language in order to give and interpret messages to others.

Women in traditionally led social structures need to be assisted to understand social life that is relevant to human experience. They are not afforded the recognition they deserve. Some of

the harmful gender inequalities are pushed within human resources practices. This affects the promotion of women in terms of leadership, culture and policies. Gender inequality can perpetuate discrimination (Stamarski & Hing, 2015).

2.12.2 Economic Structures

Women from rural areas experience economic discrimination and this has impacted negatively on the South African wealth. Women represent the majority of South Africa's population and as such represent the majority of South Africa's economic productivity. Women in rural communities are regarded as unproductive workers due to the fact that they do not have decent jobs. This situation cripples the entire economy in S.A. (Avolio & Aryee, 2011).

Sen (2000) argued that the exclusion of societies can be seen as deprivation of capabilities because when you are excluded from the social relations that may contribute to poverty. This is echoed by Smith (1976) who suggested that when you are not able to interact freely with others, that is deprivation in itself.

Cultural practices are being used as the epitome of patriarchy which endorses a structure that retains control from men and women are largely excluded. Inequality does not serve to bring justice among African people but it defames women down to nothing. The question becomes: Where do you start as a woman when you wake up to such defamation of your name and character? This is a difficult question to answer.

It is believed that when you teach a woman you educate the nation. This is an outright indication that if a woman is involved in sharing the resources, more money is generated from their hard labour and everyone benefit. Eviction of widows after the death of their husbands leads to extreme poverty for many people.

When the husband is deceased the clansman proposes a man to inherit the widow and when she declines her household items are taken thus contributing to the economic decline (John, 2017). The way resources are distributed in various South African ethnic groups aggravates poverty (Olufemi, 2000:229). According to John (2017) the inheritance laws are discriminatory

against women as they encounter many challenges under customary and Islamic laws. Women are disadvantaged in many ways as they cannot access credit due to the fact that they are regarded as minors. This hinders them from participating freely in economic development (WLSA, 2001:7). By all accounts, this amounts to economic discrimination.

Shaw, Cooper and Antkiewicz (2007) stated that most of the people in Africa are robbed of the opportunity to make their lives better and move out of deprivation, just because resources and services are only available to those who have power. Therefore, women are found in unskilled jobs such as domestic work while men are privileged by education they possess (Mzamane, 1994).

Cooperation is a norm that contributes to economic values of the traditional African society. Therefore, the economic values of the traditional African society are found on hard work. As women experience hardships in getting finances, this becomes a stumbling block that prevents them from having inputs to improve productivity (WLSA, 1998:96). According to the United Nations (2002:11) productivity could be enhanced by reducing gender inequalities.

There are still vast gaps in salaries earned by women, Blacks and Whites. Further details can be found in Meyiwa et al (2014) where they cite the work of the HSRC titled: “women in Agriculture”, “women in mining”. According to Mubangizi (2016), there is a link between cultural practices and poverty among women and human rights. The link entails unequal positions of women which prevent them from having property, decent employment and education. The school of thought would be to try to fight against the cultural and traditional practices that are harmful to women and also decrease poverty that affect them negatively in their societies.

Meyiwa; Maseti; Ngubane; Letsekha and Rozani (2014) have recognised the role played by women in rural areas in eradicating poverty which is associated with the practices. Meyiwa et al, (2014) indicated that poverty has a face of a female because women are always poor as they serve in farming and are paid less. Govender (2012) opined that women’s participation in the

agricultural labour force is applauded however; the role they played in food security is greatly ignored. By culture it is a female's responsibility to fetch water, wood and prepare meals.

This creates vulnerability for women and exposes them to social problems which include gender violence. In my view point, cultural practices deepen feminisation of poverty among rural women (Ajiboye & Yussuf, 2017). These authors mentioned that culture does not favour women in their communities. Women are more likely to be poor than men. Culture is shaped in such a way that it shows bias to one group of people who happen to be women.

According to Meyiwa et al, (2014) poverty can be read from the face of a woman. This assertion is supported by Tandrayen-Ragoobur and Kasseeah (2013) who opined that in Mauritius poverty has a face of a woman. These authours analysed the economic situation in a male-headed household and the one headed by a female. Homes that are led by females are poorer than those led by males.

Women are associated with jobs that pay less such as agricultural activities and domestic work. Cultural issues place women in low positions as they are undermined and expected to abide by cultural demands. The other groups of people who are suppressed by poverty are widows and the divorced. Apparently, the latter live in worse conditions of poverty than the married females (Tandrayen-Ragoobur & Kasseeah (2013).

There is a relationship between poverty and the cultural practices (Colclough, Rose & Tembon, 2000). These authors further stated that poverty can also be associated with under-enrolment of school-age children and the product of such is the cultural practices. Cultural practices hinder the achievement and participation of girls. In rural Zimbabwe, Dakwa, Chiome and Chabaya (2014) looked at poverty-related causes of girl's dropout from school as a result of ill-treatment and labeling of girls who are victims of cultural practices by teachers.

2.12.3 Political Structures

People define themselves through their cultures and conform to their values. In politics the involvement and the level of participation of women is very low. This can be determined through the fewer high positions that women hold in governmental structures. Low levels of

female participation in the legislature are thought to result from two factors: the “supply” of female candidates and “demand” for female candidates (Norris 1977; Randall 1987).

Plans about the role of women and their positions in society can increase or force their ability to seek political power (Arceneaux 2001; Giele & Smock, 1977; Kohn 1980; McCammon et al., 2001). Communal opinion has been shown to matter for a variety of political results (Burstein, 1998).

An important thing about the society that administers traditional practices is that their political hierarchy begins with the family. Every family setting has a man as a head and each homestead has someone who is in charge. Prior to the arrival of Western colonization, African people had their chiefs, advisors, *izinduna* and headmen. It is the political merit that people hold which enabled them to earn respect.

The literature on women and politics defines how participation is achieved in the political space. However, this has a major impact on gender equality. The way women and gender activists navigate the political economy is considered not fair enough. What is missing here is whether women are represented in parliament. The debate in South Africa is about 50-50 gender equality in cabinet and whether S.A. is ready to have a female president.

The 2017 African National Congress (ANC) conference was dominated by these arguments. For instance, Baleka Mbete, Nkosazana Dlamini-Zuma and Lindiwe Sisulu were some of the females who were ANC presidential candidates, but the outcome of this conference demonstrated lack of unity among women because these candidates contributed in splitting the votes which assisted Cyril Ramaphosa and David Mabuza to emerge as patrons of male hegemony in ANC politics. The fact that Ramaphosa won by 179 votes only buttresses more assertion.

There is no doubt that there are females who are members of parliament, ministers, MECs, judges, businesswomen and mayors but the argument remains: are such women perpetuating patriarchy and male domination? That is what this study aims to contribute in. Party Organizations which were once led by women such as the Democratic Alliance (DA) of Helen Zille and the Independent Democrats (ID) and the new political party of Patricia de Lille called

Good Party, the National Freedom Party (NFP) oF Zanele-Magwaza Msibi survived, but Mamphela Aletta Ramphele's Agang SA and Makhosi Khoza's African Democratic Change (ADC) were characterized by leaders who were kicked out of the political parties they established.

The debate here is not whether they faced these challenges because they are women, but it is broader patriarchy that is at stake here. Rwanda is celebrated with the largest number of females in parliament globally. However, this country is governed as a one-party state since 1994, under a Tutsi minority government of Paul Kagame.

The United Kingdom tasted having two women who are conservatives, Margaret Thatcher and Teresa Mary May as Prime Ministers and Ireland had a female President, Mary Robinson. In Africa, Joyce Banda was a President of Malawi by virtue of being a deputy president when President Bingo wa Mutharika died in office and Ellen Johnson Sirleaf remains the first woman to be democratically elected to be a President of a West Africa state (Liberia). Recently, Samia Hassan assumed the Presidency in Tanzania because of the constitutional arrangement which states that if the incumbent president dies in office the Deputy President assumes power. All these could be regarded as successes, but the issue is: should all of these females be celebrated?

2.13 How structures are defined, informed and influence the society of women

Globally, the subject of women's empowerment and gender equality is at the peak of agendas, as gender inequality affects all cultures. In developing countries, gender imbalance is highly uncontrolled when compared to developed countries (Ahmed et al., 2001).

Gender equality is known to mean that the rights, responsibilities and opportunities of individuals will not depend on whether they are born male or female (Warth & Koparanova, 2012). Human beings are at liberty to enlarge their own abilities and make choices without the restrictions set by harsh distribution of roles (Holzner et al., 2010).

Studies have shown that sustainable development is impossible without women's empowerment and gender equality. It is asserted that gender equality is both a human rights issue and a precondition for, sustainable development (Alvarez & Lopez, 2013). Stevens (2010) emphasises that multiple studies stipulate that inequalities between men and women are removing high economic value and leading to social differences and climate decline around the world.

From such explanations it is obvious that without women included nothing can be accomplished. Economic growth cannot be possible when women are excluded (Solomon & Memar, 2014, OECD, 2008). Access to education has excluded women from jobs needing skills and certain qualifications. Therefore, women are considered unassertive spectators in the line of business.

For women to become active participants in politics the economic empowerment is very important. Women that are economically poor will not have time and attention to allocate to politics (Solomon & Memar, 2014). Women can better influence politics when they are economically independent.

Chimere-Dan (1996:7) indicated that in South Africa economic and political policies have transformed rural areas into reserves of cheap labour for the services of the mines, industries and commercial agriculture. This has placed women in the lower positions. According to Wolfendale (1996) mothers are forces behind the schooling of their youngsters.

To all of this cultural practices are linked by the unequal positioning of men and women to inheritance in societies (Ajiboye & Yusuff, 2017). According to Madziyire (2013), polygamy does not believe in modern medicine and that puts lives of the innocent women in danger.

2.14 How women negotiate their existence and identities

People in positions of power and those in the media should create the space where women's voices, viewpoints and perspectives are to be heard. Women are faced with persistent daily challenges because they are under-represented everywhere. In many cases women's thoughts

and feelings are reflected in art as they don't always get to experience that because they are not given as many platforms to create or express themselves as men (Samoluk & Pretty, 1994).

We live in a society where sexism is rampant and in which women are viewed as being lesser to males. In theory, it is believed that women face no barriers to success. But even when a woman has a seat at the table she may not be seen as an equal, their success often depends on their ability to navigate the behaviour of their superiors (Batalha & Reynolds, 2011). Bernauer; Giger and Rosset (2015) emphasized that men and women are categorized according to poverty and riches.

Authors associated female gender and low income since disadvantaged groups in society are none other than women. Cultural practices advance this kind of predicament by being bias against women who acquire low income and smaller rates (Bernauer; Giger & Rosset, 2015). Women's potentials are not recognized because they are always misunderstood and wrongly judged and their voices are not audible.

Beliefs in witchcraft are common in rural communities. The people that suffer the most from matters of bewitchment are females. Such beliefs are associated with culture, and receive momentum and high communal acceptance, before even checking whether or not they are granted soundness from a scientific view. From this viewpoint, the reason is trusted to be straight and unique (Bakker & Mokweana, 1998).

2.14.1 Women's sense of identity

It is very important to know how women can sustain their identities in the face of oppression and how they struggle to emerge from cultural embeddedness and regain their sense of identities. Cultural practices reinforce the inferior status of women in society and continue to violate their rights (Wadesango; Rembe & Chabaya, 2011).

Yigezu (2001) cited that women of the Mursi tribe in Ethiopia are known for their custom of a plate on their mouth, from the tender age of 15 years two or four of their teeth are pulled out and then the lip is cut to insert a plate. Larger plates are inserted into the lips to cause them to stretch wider; when the plate is wider, the more the women are worthy of marriage or more

valuable because the plate symbolizes her own social and economic value so to attract men that will bring more cows to the bride's family.

The author also mentioned that this practice has a bad effect on the speech of women because it alters the lower jawbone needed for speech. According to LaTosky (2015) the emphasis is that the lip-plates are harmful. It is only girls and women who are pierced and stretched at puberty. So, wearing a pottery lip-plate is a harmful cultural practice among Mursi girls (LaTosky, 2015).

Under this section, I have discussed concepts of identity. The setup of personal identity has been investigated in terms of separate identity, male and female viewpoints of identity, and formation of identity (Ashmore et al., 2004). Personal identity relates to features of oneself or to be unique to the self (Sedikedes & Brewer, 2001).

2.14.2 Defining Identity

Fearon (1999) suggests that identity "is a set of attributes, beliefs, desires or principles of action that a person thinks distinguish her in socially relevant ways and that: the person takes a special pride in, the person takes no special pride in and the person feels she could not change even if she wanted to." This view is shared by other authors (Abdelal, Herrera, Johnson & McDermott, 2006). A sound identity includes within itself all the different attributed roles and attitudes (Pfadenhauer & Berger, 2013).

2.14.3 How women negotiate their existence

The role of a woman in their culture is in the kitchen. Women are expected to perform domestic responsibilities. Many cultures are heavily gender divided. Women's identity is broken down because of the suppression they receive from their male partners. Women settle for less advantageous employment terms than men do. The gender gap between men and women creates violations for women (Kulik & Olekalns, 2012).

Regardless of all pain inflicted on women, the system that puts them in a box and rejection by their own, women should not allow patriarchy to oppress them and apartheid imperialism to define who they are. The shame is not on women but it is on the perpetrators. Identity crisis

that affects women requires restoration. Because of identity crisis women refused and resisted change because they think they are not good enough, clever enough, or wise enough to participate in activities of masculinity (Clare, 2010).

The alienation of women can be defined as experiencing powerlessness, loneliness and isolation, lack of intrinsic engagement, lack of consensual order and meaninglessness and depersonalisation or a loss of identity (Lapierre & Cote', 2016). Rayce et al (2018) stated that the measurement of alienation on young girls establishes the scales of the prior enlisted problems. Women's identities are defined by their cultures.

This is justified by Chimissos's (2003) description of identity. He pointed out that identity refers to what creates who the women are. To maintain their identities, women go through physical and emotional distress. Women who are professionals like teachers, nurses, social workers and many more are in a bargaining position and thus are able to negotiate their space even if in a limited way.

When women are faced with the cultural practices one of the struggles that they face is the lack of women in positions of power (Politico Magazine, 2019). According to Blain (2018) patriarchy is a biggest challenge that faces women in the realm of politics. The perception shows women as less qualified and incompetent than men. Patriarchy feeds the message of placing women to occupy a subordinate position in all areas of society.

As discussed earlier, in countries like Bangladesh and Egypt women have to contend with practices such as genital mutilation, child marriages and honour killings (Al-Huwaider, 2008). The same practices are devastating women with fear and panic in South Africa. However, educated women are now making their presence felt. They are gearing towards achieving gender equality and inclusion. All those who stand with women should recognise the urgency of inaction and ensure that all women lead a life to their fullest potential.

The social capital should enable moms and their children to move out of poverty, in a sense that women are not sidelined from a bright future. The economy should be made to work for women and their families all over the world. Various departments should introduce measures

that will provide protection for women submerged by cultural practices. It is high time that the voices of women and young girls everywhere are heard that they could be empowered. Let women be given seats at the decision-making tables in rural areas as well.

2.15 Strategies/measures to assist women living under customary rules and cope

Cultural practices can be devastating to women and can also be perceived as a trauma that robs the victim a privilege to enjoy life to the fullest. The survivors need support towards recovery in order to have their power and control restored. Empowerment refers to the intent to hand over the power, interpret, analyze and come up with solutions to the affected people themselves (Curran & Bonthuys, 2005).

Curran and Bonthuys (2005) pinned patriarchy as one of the contributory factors to multiple sexual partners and victims of gender-based violence and blame themselves for allowing the perpetrators to rape them. Curran and Bonthuys (2005) averred that the cultural practices are possible to end in trauma and that victims may feel depressed and hopeless. Women cannot oppose the cultural practices imposed on them. Sossou (2002) regards them as "silent victims."

According to Goodman and Smyth (2011) it is the responsibility of the social service practitioners to assist the survivors to recovery by establishing safety nets. If safety has not been secured survivors of abuse may feel unsafe within their emotions. Building safety should not focus only on the outside but should also deal with the inside of the body.

Women who have experienced cultural practices may threaten suicide or may need finance so that they can flee from the oppressive environment. As such, they need to be protected from harm from either their immediate family or the perpetrator (Monyane, 2013). Monyane (2013) further stated that the cultural practices are supposed to be shared by all and not to be oppressive to others.

Safe refuge is an intervention that needs to be provided to survivors of the practices. Each new environment must be thoroughly checked for security or danger. The kind of friends they mingle with must also be considered. In cases of acute trauma, crisis intervention may often

include meeting with supportive family members, relatives or close friends. Women appreciate the sacrifice they receive from their neighbours and friends (Thornberry, 2013).

Social worker's responsibility is to establish a safe environment for these women by mobilising caring people and by developing a plan for future protection. Also, in the matter of criminal reporting as in all other matters the South African Police Services practitioners may help the survivor to make informed choices with the full knowledge of risks and benefits (Monyane, 2013). Monyane (2013) suggested that counseling should form part of empowering clients who find themselves in abusive and depressive relationships.

A platform where affected women would be assisted to share their experiences and voice out their concerns should be made available. This should shape women and show them the need to stand up and liberate themselves. Victims need caregivers to encourage them to share their experiences openly.

The Human rights approach must be emphasized which entails the principle that governments are accountable to the people. African women are disempowered and are prone to cultural practices which make them vulnerable to HIV infection due to the fact that their lack of resources and understanding constrains them to all sorts of physical, psychological and emotional abuse (Koyana, 2007).

Koyana (2007) state that in South Africa especially in rural areas due to economic hardship which the country is facing women are getting poorer and continue to be dependent on men. What this means is that women have less control over when and whether they have sex (Abdool, 2003). This scenario is also as a result of the patriarchal practices which are rife in the country. It gives men an upper hand over women. This male dominance pervades every aspect of women's lives and influences their inability to be assertive so as to defend themselves from abuse by their partners (Kaufmann, 2004).

There is a need for families to share, pray together and encourage one another so that healing and rehabilitation may be achieved (Waruta & Kinothi, 2000:135). Waruta and Kinothi (2000:139) observed that a tendency for husbands to beat their wives in front of their children

to humiliate them has emerged. Through these groups survivors can be taught to fight discrimination and unaccepted embarrassment.

Campaigns should be conducted, in order to teach women who are captured by culture. Women need to expose abuse. Police are regulated by law which they must respect. Zain (2004) argues that government needs to channel more resources to the formulation of guidelines so as to capacitate women and young girls.

2.15.1 How can women empower themselves?

Some of the weapons, women have, includes education as a social force and economic development such as entrepreneurship. These are some of the mechanisms women can employ to have their voices heard and be given the relevant places they deserve in their communities (Olakulehin & Ojo, 2006).

Being well-educated can open new doors for women in rural areas because through education they would attain economic emancipation and skills development. When they are educated it would become easy for them to get out of abusive relationships because education will make them attain knowledge that would put them in better positions in order to be able to achieve their aspirations.

According to Ahmed (2009), women can be set free through struggle and hard work. For many years, women have been subjected by their societies to oppression, inequality and injustice. Through the help of the Non-Governmental Organisations (NGOs) women can be uplifted, emancipated and empowered (Giri, 1998). According to Hampel-Milagrosa (2009) women can be set free through empowerment.

2.16 The debate around ethnicity and tribalism

Some authors like Eriksen (2012) apply rational choice to ethnicity looking for an objective interest upon which ethnic identity is based. Still others study the cultural construction of social identity, often ignoring questions of power (Brubaker, 2004). Yet others stress the political instrumentalisation of ethnicity by social movements (Platteau, 2011) or competing elites (McDoom, 2014).

Tribalism may further refer to the way people think or behave showing more loyalty to their tribe. Ethnicity involves demand by one group on other competing groups (Nnoli, 2008). Ullah and Chattoraj (2018) describe ethnicity as "discrimination against a citizen because of his/her place of birth."

Tribalism has been raised to divide people and to control the way how they perceive things. The way tribal animosities and differences affected the youths in places in SADC, created hatred which the generation carries like a mantle (Karodia & Soni, 2014). According to these authors democracy and the Constitution of South Africa was compromised by the monster called tribalism. As South Africa is made up of many different racial groups, the rights of the people have to be protected by the rule of law and the constitution.

2.17 The relationship between the leadership that is tribal and traditional authority

Leadership qualities are traditionally associated with strong, masculine characters which include taking charge of aggressiveness. Previous studies found that women leaders are different from males in leadership styles. Women are willing to share power and information than men. Men are too reluctant to share power with women. Tribal councils render women inferior to men. They control rural areas in a way that suites them, detecting who gets to farm or where cattle are grazed.

In the hands of men in tribal courts women face countless incidents and feel powerless to stand up. Women who have experienced attacks on their dignity do not know that their voice matter due to insubordinate positions they are placed in. Powers that are not properly exercised are discriminatory and have traditionally denied women's rights.

In a given situation people are influenced and directed to commit and achieve a shared goal freely, through leadership (Aykut, Apinya, Billy, Christal, Gilbert & Ritina, 2008). It is not just a person or group of people in a high position, but it is interactions between a leader and a follower. Tribal leadership can further be defined as a shared leadership, organised by the clan system guided through telling stories. According to Hart (2006) a tribal council is often dominated by extended families. Ancestral leaders emphasise the need of the tribe, not

individuals (Lee, 2006). Leadership is based on knowing your community, the culture and traditions. The leadership shares, serves and protects the tribal community.

Traditional power puts the community in front of the leaders. It contributes to autocratic structure of rule. Lineage places a chief in office, as he is not voted for. Traditionally, in many countries women are excluded from being participants from the office of the chief. The authority for traditional leaders stemmed from ritual and favouritism power.

Bekker (2008) argues that the title of "Supreme Chief" was introduced by the previous colonial regime to give the Governor-General ruling power over Africans. In post-1994, the South African democratic constitution ensured that issues of traditional authority were negotiated to address the damage done to the traditional system of leadership by previous administrations. Chapter 11 of the constitution of South Africa recognises the role and status of traditional leadership according to customary law.

It is in tribal courts where unfair treatment of women is carried out. Apparently, traditional leaders adopted this ill-treatment of women since they learnt it from the government of the past. To ease their pain women became victims. There is no dignity in the way women are treated under traditional leadership. Their dignity is being taken away. Based on what women experiences, they are too scared to share their stories or speak about the challenges they encounter at the hands of traditional leaders.

According to Williams and Klusener (2013), the Traditional Courts Bill should it become law, it will affect lives of the people of South Africa. Its main intentions are to give recognition to traditional leaders in the criminal and civil justice dispensation. Currently, this Bill does not give protection to women. The Bill is ineffective when it comes to any progressive development which occurs in customary law in relation to women (Williams & Klusener, 2013).

So, women are vulnerable where traditional courts function. These courts push a patriarchal nature which fails to check on the power of traditional courts that are undermining women. In terms of inheritance women's rights have remained unchanged in societies despite the intervention of government legislature. Because of lack of education, knowledge of law and

insufficient financial resources, women in rural areas are reluctant to assert their rights. They are always bound by social pressure that causes them not to seek legal recourse and they choose to resolve the cases domestically (Getz, 2012).

Whitehead (1984) indicated that kinship structures tend to make men and women to act differently regarding inheritance of property. She further stated that the kinship system keeps women disempowered to act in full as humans while males remain unaffected. This happens after the death of the property owner to his heir. Culturally, women are considered as non-recipients of property in the form of land after the death of a husband.

There are important and different roles that are played by women who come from royal families. However, there are very few instances where a princess acted as a traditional leader. The Vhavenda culture is based on the role of VhoMakadzi, whose influential role is similar to Princess Mkabayi kaJama in the History of the Zulus. This historical location of women in traditional leadership talks to issues of agency within traditional communities. VhoMakadzi is more powerful as compared to uncles of the sitting traditional leader and members of the Vhavenda traditional council. But this is more of an exception than a rule.

MaKadzi just like Mkabayi kaJama is empowered to depose a traditional leader whose behaviour is found to be unacceptable according to the Vhavenda culture. Mkabayi ka Jama deposed many of her brothers'sons such as Shaka, Dingane and even Mpande through killing them. This is an example of agency built within these cultural practices.

2.17.1 Tribalism and cultural practices

Tribalism refers to the state of being organised by tribes. The apartheid regime ensured that South Africa remained a divided nation. The previous government used the divisions in ethnicity and tribes to manipulate Black South Africans. Tribalism was implemented to perpetuate the divisions through the formation of homelands. Khumalo (2016) asserts that the slogan "I am not an African, no, I am 100% Zulu" sketched the picture of tribalism. It is at the tribal courts where cultural practices are strengthened and are given more power.

Tribalism became a major concern to the ruling party (the ANC) in South Africa. The factions were between Xhosa speaking and IsiZulu speaking cadres of the organization. The Polokwane conference of the ANC was the climax of the tension between the ruling class and the social structure because of the pressure from the ruling class that was in charge of controlling the economy (Bulumko, 2010).

Nevertheless, salt was added more to the wound because of tribalism. After the African National Congress (ANC) conference which was held in Polokwane a split between the members of the party was announced. In Polokwane there was a competition of power between Thabo Mbeki who is a Xhosa and Jacob Zuma who is a Zulu by birth.

After Jacob Zuma had won the elections of Presidency, members of the ANC were divided into groups according to their tribes. In 2008, Mbeki was recalled from office as President of the country. This led to the formation of a new party called the Congress of the People (COPE). Those who supported Thabo Mbeki who did not win the elections migrated and formed COPE. That was the beginning of the nightmare surrounding the ruling party –something that has continued to-date.

2.17.2 How deep-rooted is the problem of tribalism?

The danger of tribalism is so scary because it is associated with our kings. Colonialism contributed in inflicting pressure on tribes. Tribalism in South Africa contributed into keeping black people separated through their tribal divisions. The issue of Senzeni Zokwana is on record where he was dragged to court on claims of being discriminated against (Ndenze, 2016).

Another example was the moving of “Phalaphala FM” from Polokwane to Thohoyandou. In this way, it was returned to its people where it belonged. These instances build up Boahen’s (1992) argument in which he concurs that the cultural and ethnic divides have not only continued to visit our nation but also affected its competitiveness.

Baloyi (2016:43) argues that: “One of the pressing issues in the present-day South Africa is in reconciliation and unification across the racial and ethnic divides that the black ethnic groups did not only undermine one another but also subjugated one another” (Ashimolowo,

2007:271). Tribalism is visible in all government departments. It is destroying South Africa (Bevhula, 2017:10).

As part of the injustice of the past, tribalism is delaying the reconciliation and unification of society which has been fragmented for a long time now (Lyborn, 2016:12). I agree with Lyborn (2016:12) when he opined that tribal remarks must be condemned as they are as bad as racist remarks. They brought divisions among people of different tribes. Hence, today there are many faction fights that are experienced among African people.

Women are faced with diverse cultural issues and activities whereby they are deprived of their human rights due to the cultural practices that are administered in their surroundings. According to Katiuzhinsky and Okech (2014), it is only the United Nations (UN) that could justify those practices which discriminate against, harm and degrade women. Feminists have highlighted concern regarding cultural practices in terms of sexuality, marriage, inheritance and succession (Okin, 1998). They have indicated that the rights of women are violated in the sphere of the family life and are justified by interest to cultural norms.

2.18 Common Law and Civil Law

The Common Law system emerged in London and was used by the colonisers. In Case Law there are no legal rules and statutes compiled. It relies on separated statutes which are legislative decisions. The Common Law system works as contest between two opposing parties before a judge who moderates. Glendon et al (1999) discussed this issue and noted that there is a shared cognitive tradition between the two laws irrespective that they are seen as obvious systems.

The legal order falls under common and civil law systems. In countries that exercise common law, case law in the form of pronounced judicial school of thought is important whereas in civil law systems codified statutes predominate. The Common Law system originated from the English monarchy. Its role was to give formal orders when justice was to be implemented. These orders did not balance all circumstances. Therefore, courts of equity were entrenched to listen to complaints.

2.19 How far do cultural practices discriminate against women?

Customary law has its “sources in the practices, traditions and customs of the people” prior to colonialism. It has roots that are grounded in the idea of relationships that were used by colonisers to instill morals within tribes. This law was perceived as dangerous to the rights and interests of women. Civil law and customary law created a problem for women to obtain gender equality and human privileges. Under customary law some women’s rights were denied. Women were not allowed to own land and succession was also prohibited.

Legislation and courts in S.A. make an effort to promote women’s rights. The Recognition of Customary Marriages Act was passed in order to get rid of customary law of marriages that discriminated against women. However, despite this development, cultural practices continue to place women in inferior positions and have their rights violated. Thus, it becomes difficult to achieve gender equality within communities (Wadesango; Rembe & Chabaya, 2011).

Although states have created legislation and other measures to cast out harmful traditional and cultural practices imposed on women, these continue at full strength due to continuity of cultural viewpoints, absence of space, assets and dedication among the facilitators (Wadesango, Rembe & Chabaya, 2011).

Due to illiteracy, the source of their employment is in Agricultural sector. Therefore, they are regarded as having their roles in farming, looking after cattle and feeding them. Women in rural communities are the ones that are given low social status in comparison to women in urban areas. These women cannot access proper medical care, clean water and electricity as is the case with other women from urban areas. They walk long distances to collect wood and fetch water from rivers. Customs of the community make them insubordinate to men and suppress them to be dominated by their husbands.

These women do all kinds of domestic works of cooking, cleaning, grazing the cattle, washing, caring for the children and elderly people of the household. Although they do so much in the home their endeavours and efforts go unnoticed. They are not paid any salary. They are not consulted when decisions are to be taken. They are not allowed to own land and other

properties. So, being a woman appears to be a curse in society. This is part of their social identity.

2.20 Feminist theory

This theory is built on a belief that rules have been radical to the ranking of women in lower levels. It is concerned about describing the part played by the law in gender bias and takes into consideration the variations in what women experience (Barlett, 1993:3). In addition, it is based on the belief that gender is a socially constructed notion of femininity and masculinity which is not a product of one's biological sex (Akpotor, 2009).

This research positions matters within a womanish legal framework. The feminist theory is employed in this study to investigate how customary law denies women their freedom. The theory is about empowering women so that they understand their oppression and domination and strive for social change (Turner & Masch, 2014).

2.20.1 Legal pluralism

In countries that are still developing legal pluralism has difficulties as more disputes are often handled and authority is retained (Swenson, 2018). According to Beinart (2018), the land rights of so many South Africans who hold their land in customary tenure is unknown especially those in homelands and informal settlements. However, the Constitution of 1996 has promised people to upgrade their tenure. Regardless of the promises made, this has not materialized so far (Cousins, 1955-2011).

Historically, South African people who dwelled in the former homelands had their land in customary systems which were changed by government commands (Beinart, 2018). Nonetheless, they are not registered as landholders. Authors argue that the attainment of land and houses by South Africans is chaotic and not well understood (Cousins, Kingwill, Royston & Rubin, 2017).

Secure tenure needs to be clear. It is very crucial because landholders with customary and informal rights are among the poorest. To all the families the land rights are their major assets.

Furthermore, RDP houses were issued and they carried a private ownership arrangement even though there is a pile of titles that owners are awaiting (Rubin & Royston, 2017:306).

The study also adopted this theory in order to know which legislation works to protect rights to land and other properties. Merry (1988) and Woodman (2012) ensured that using this concept makes it easy to understand what is at play. The use of the term indicates that contact exists between the contrasting laws. My great concern is to establish how African culture expects women to subdue the pain of losing their land ownership. The culture is about frustrating and making women angry although neither their anger nor frustration solve no problem.

2.20.2 Patriarchy

To verify the inferiority of women in King Cetshwayo District, this study added on what other authors have said in as far as patriarchy is concerned. Older men choose to engage in early marriages because they have discovered that it is easy to control an adolescent, and they enjoy sustaining the pattern of unequal power within the family (Foucalt, 1977, 1982).

hooks (2000: ix) elaborates that patriarchy is a disease that affects societies and is "institutionalised sexism." According to Alcoff (1990) it is the head of the household who makes decisions, controls monies and other resources. He also dominates over women and children.

Walby (1990) opined that in a patriarchal setup, women are restrained in every walk of their lives, their activities, producing children, sexuality and possessions are all controlled by fatherly command. Gasteiz remarks that women have never refuted the inferior gender roles dictated over them. De Beauvoir (2010) stated that when a woman is joined with her new family by marriage, she is enslaved by brothers and fathers. Hoza (2010) argues that black women's subordination is constructed and maintained through traditional African marriage institutions.

2.20.3 Black African feminism

Nkealah (2006) alluded that Black African feminism "struggles to build a new flexible, fruitful and self-directed African woman within the diverse cultures of Africa." Thus, this theory was also adopted. African feminism can be used to approach women's lives through an analysis of

their own networks, which were used to overcome obstacles placed in the way of survival (Steady, 1981). African feminist theory encourages self-reliance. African feminists concern themselves with race, gender, class, religion, age and ethnicity in the cultural survival of the people.

The immense evidence seems to suggest that gender-based rankings and gender subordination combined with constitutional racism are being fortified by globalization and African women are among the most severely affected (Macedo Piosiadlo & Godoy Serpa da Fonseca, 2016). Low (2003) encourages people to scrutinise the connections between White and Black women. Moreover, he proposed that this should be observed based on an angle that places black women as an exploited category.

According to Gqola (2007), the limitations about gender, sexuality and violence are demonstrated to deepen our understanding of the high levels of GBV in post-apartheid South Africa. She referred to masculinity as being violent and that it supports violation of women's rights (Gqola, 2008). Gqola (2001) suggested that most theories on black women do not negate what is written by white feminists or colonialism. Instead, they refashion the world in good ways that are not a threat to humanity.

Gqola (2015) is more concerned about what she calls "a South African nightmare" where women are raped and killed on daily basis. Gender-based violence is a leading factor in our country; we have lost many women in the hands of men. This has been a national trend more especially during this Corona virus outbreak. Things went out of control and yet one may say there is nothing that has been done about it because it never stopped.

McFadden (2016) expressed concern about the challenges feminists are facing in regards to traditions of resisting patriarchy and where women should learn to celebrate each other. She further spoke about the journey of radical living which will take women forward. Feminists are curious about activities, choices, lives and directions that others enact on other people. To understand patriarchy even much better one needs to create a doorway of giving joy to self as pleasure is not acknowledged among societies (McFadden, 2016).

Win (2007) debated on the issues that stereotype the image of African women. He indicated that African women are always poor, powerless, pregnant, loaded with many children, carry tons of loads on their backs or heads. This is an indication of how much patriarchy affects our women. These poor women are suffering silently; they walk bare-footed to sell in order to pull in financial resources that would benefit their families (Win, 2007).

2.21 Critiques

Scholars and judges have accepted customary law in Southern Africa. However, the acceptance has not benefited from a legal theoretical explanation. Its conceptualisation might be accused of agitating obscurity; this is evident in the failure of scholars to account for its emergence and flexibility. Men cannot take responsibility. Instead, they blame colonization to defend themselves.

Women are forced into silence in rural communities. They are oppressed; hurt and their voices are disregarded and disrespected. The government is not doing enough to transform women's lives. Inequality is growing; hunger and crime are also increasing. Section 27 of the Constitution grants women less power than men and makes women unsafe to sexually transmitted diseases. Customary law is an important law for many people. However, it controls certain aspects such as their property, marriages and even their right to inherit. It further discriminates unfairly between families in underpinning their gender.

Traditional and cultural practices that contribute to violence must be perceived as harmful. They cannot be interpreted, justified and validated on the argument of respect for cultural diversity or that they are rated as immemorial customs that have positive influence in communities. Beliefs, lifestyles and habits are never stable in any country.

Such are modified by numerous value systems and influences. Rights of citizenship standards can influence and aid to strengthen characteristics of culture and tradition that are useful, undermining those that promote gender-based violence perpetrated to offend women and infringe their privileges.

Chondoka (2001) contends that practices have been forfeited by powerful elements such as modernisation. By this he maintained that the major practices are wiped away due to modernisation. In the same vein, Chondoka (2001) is acknowledging the advantage of modernisation. He further invites all people to participate in conserving the practices particularly, the harmless ones. My view regarding this statement is that whether the cultural practices are preserved or not it makes no difference because for a very long time these have been continuing without impacting people in a positive way. Instead, they have created a number of problems for many people, especially those who live in rural areas.

To critique this further, diverse sources in the cultural domain suggest that young men during the traditional initiation process are encouraged to sexually engage with various women in order to test their penile functioning. This results in or motivates promiscuity (Vincent, 2008; Ntombana, 2011; Nomngcoyiya & Kange'the, 2017). This has given rise to a cocktail of social ills such as risks to contract HIV/AIDS and other STIs, especially when such sexual activities are unprotected (Adebule & Ibimiluyi, 2012).

According to Kange'the & Nomngcoyiya (2014) and Mpateni (2017) young men that graduated from traditional initiation seem to be implicated in criminal activities that involve rape and various kinds of sexual abuse on women and children. Also, young women are increasingly associated with unplanned teenage pregnancies leading to burgeoning incidents of abortion and a cocktail of other promiscuous behaviours (Jacobs, 2013; Lebese et al. 2014; Bala, 2017).

According to Holomisa (2009); Douglas & Nyembezi (2015), the government is ironically seen by stakeholders to be clandestinely advocating for societies to embrace medical male circumcision at the expense of traditional male circumcision. This means that instead of making our customs better the government wants to ensure extinction of our own cultural beliefs and to promote Western ways of doing things.

Furthermore, the elderly bemoaned that the cultural practices were being overtaken by the events of modernity, which include modern policies (Pelltzer et al. 2007, Maseko, 2008; Nomngcoyiya & Kange'the, 2017). It is not a great idea to eliminate what is African at the

expense of promoting and imposing foreign cultures on African people. Why not assist us to improve and make our traditional initiation better?

2.22 Strengths of Arguments

Many studies revealed that women are victims of their cultures. There is flexibility in observing customs and traditions without waiting for codified mechanisms. The literature locates the study within the body of knowledge so that one understands how his/her study fits with other reviews. The examples cited from different countries paint a better picture on how women suffer globally.

2.23 Weaknesses or gaps identified

Mostly, debates have been conceptual, consolidating and less effective. The ways in which women act with agency, engaging with and reformulating cultural policy have received insufficient attention. Many women value cultural identity rather than working towards eliminating discrimination within their cultural communities. The International Human Rights community has not viewed women as committed and active members of their cultural communities.

Women are always targeted for sexual assault based on gender and ethnicity by perpetrators of sexual violence. They are not recognized as members of cultural communities. Even the activists for women's rights do not view women as active members of the community. The constitution preserves the disconnection between customary and statutory laws. Little is said by sources in terms of exposing this lack of clear action to reverse the current situation.

Many African states have retained the structures of the parallel legal system which governs issues of divorce, custody, marriage, inheritance and burial. Under customary law women are still poor, unemployed, illiterate, raped and murdered. Inequality is still high and rural women lead impoverished lives. Cultural traditions have survived and have even become stronger. Crimes that affect women are hard to recognize as victims are taken less seriously than men.

Customary law is likely to expire or be downgraded to be law of the poverty-stricken unless it is integrated. For years, resolutions by traditional courts pulled a fixed perspective of common law and do nothing to reverse discrimination. Courts have failed to recognize that cultural law is active and that it disregards women and their concerns. Rural societies tend to implement cultural practices which oppress women and national governments do nothing to defend these women. More still needs to be done in this regard.

2.24 How could these gaps be closed?

Some authors have used qualitative data to try and respond to this question. In this study, qualitative data was also collected. Previous studies have focused on urban and semi-urban centres but in this research, the focuse is entirely on rural and semi-rural areas in order to give a different dimension to the broader discussion. The study proposed the cancellation of customary law to ensure that women are protected. The study argue that human rights should be upgraded through litigation so that women's oppression could be combated.

The power of customary law should be limited if the fate of women is to be improved. Focus should not be on norm definition because this has already been accomplished through the drafting and adoption of the Protocol. Instead, focus must be on implementation. States and civil society must ensure fairness and minimize inequalities in the communities.

Moreover, the study sought to do a comparative analysis of customary and statutory law. Statutory laws exist to outlaw some of the customary and religious practices such as female genitals mutilation. It further allows women to inherit property from their deceased husbands.

The most common problem of customary law is that it is used to undermine women's rights by sustaining patriarchy. The patriarchal system that is entailed in customary law prevents women from being heirs and infringes their rights to own property. This needs to be eliminated and it is possible that through this study hidden agendas of African culture would be revealed and be corrected.

This study also filled the gap by suggesting the mechanisms used to prevent culture from being used as an excuse for discriminatory practices that have excluded women from their rights of inheritance. The study encourages the need for customary law to be made a formal entity and has emphasized the need for female leaders to be involved in customary justice structures with the intention of encouraging female leadership.

There is too much tension between women and men caused by the imbalances that are created by culture. Women and children are not safe. Sadly, women who have been killed were killed by people who were supposed to protect and cherish them. This is triggered by many different factors such as the fear of physical violence, separation or divorce. Dependence may be another factor that keeps women in bondage.

This study is contributing by opening platforms that would assist women to openly discuss challenges of gender inequality which they face in their surroundings. Communities might be introduced into trying to accept, respect and tolerate each other's rights and dignity. The blanketed truths that sabotage women's emancipation would become transparent. A gesture that captures the hearts and minds of many people who hunger for freedom will be revealed.

Practices such as bride price renders women inferior, powerless and give men more power to dominate and force women to submit under authority. This situation should be revisited and it needs the involvement of all parties. Practices that constitute barriers to the freedom of women and children should be eliminated.

In societies where males dominate, messages to sensitize communities about cultural practices that look down upon the efforts of liberating women should be constructed. It is important to develop ways that are culturally accepted in order to put these practices in a context where traditional leaders may assist their subordinates to discuss and abolish practices that cause dire consequences to human life.

The study will bring efforts to intensify the fights against problems women are confronting as they have been considered helpless, put a stop to issues that define and label women as less

important. Anyone found violating the order should be sanctioned. In the light of the new developments, it is crucial for the public to uphold basics that bring stability into their communities. Traditional leaders have an important role to play in starting communication and discussion campaigns in which young boys are targeted to be conscientised about gender issues.

This would send good signal to everyone that more efforts should be concentrated in the areas which affect women the most. This will help in bringing the scourge of undermining one another under control. With regards to the general perception of the people, necessary steps to deal with patriarchal power should be implemented. Women have rights; their matters should be deliberated in courts. Targeted women who are widows or divorced that are always robbed of their properties should be assisted so that this discriminatory practice could cease. Labeling them as witches with an intention of robbing them of their property or punishing them away for refusing sexual advances would be the thing of the past if everyone works together.

The desire in this study is to see changes in the way women are treated; the nations should make them see that they are accepted, the economy belongs to them as well, implement a developmental and sustainable approach which is about empowering them, engage them in skills of today that are different from the skills of yesterday. Cold environments that are created by men and cruelties against women should not be continued. It is equally crucial to educate women about their rights and let them know how to fight for their rights. These are all gaps that this study intends to fill.

2.25 The Researcher's arguments and views of cultural practices

The formation of customary law of marriage is based on payment of *ilobolo*, kidnapping and rape *(ukuthwala*) and levirate union (*ukungena*). The customary wife is absorbed after *ilobolo* has been paid. If a woman refuses to conform, she is accused of witchcraft by their husbands and their relatives. This method of resolving matrimonial difficulties includes physical abuse.

According to the argument raised by Musgrave (2016), the prevalence of customary law in African countries is the "inconvenient" truth of modern African society. This is inconvenient because many academics perceive customary law as repressive of women and the traditional institutions with which customary law is associated. There is a view that customary law is incompatible with the working of a democratic state which requires a body of statutory and common law.

Customary law is supposed to help and support rural women. However, it makes women vulnerable as they entirely depend on men for their survival as women are not economically independent. The law of succession does not allow females and girls to acquire belongings or have land of their own. This study wishes to propose that there is a need for women to inherit and that women in customary marriages as well as polygamous marriages should be allowed to have their husband's property divided according to current democratic rules.

The Customary Marriages Act 120 of 1998 states that customary marriages that happened after the 15th November 2000 will be in community of property. This meant the wife and husband have a right to a half share of the property if the marriage ends. Nevertheless, this is not happening in rural areas to those rural women married under customary law. Law enforcement must be exercised and that people must be forced to abide by the rules and comply.

Different cultural practices and beliefs such as virginity testing and male ritual circumcision have been linked to HIV/AIDS. Basically, customary practices are not liable for causing infections, but it is the way they are conducted that leaves women exposed to diseases. It was a debated issue that customary practices, like virginity testing help stop the spread of HIV. However, this is unconstitutional and should be stopped. This perpetuates violence towards a girl child and it must be discontinued.

According to a customary law marriage, a man is allowed to be polygamous while women do not have the right to have more than one husband. Nonetheless, polygamy goes against the right to equality. Under customary law, even if the husband is deceased, the customary law marriage does not end. The wife will be subjected under this cultural practice of *ukungenwa* in

which she is expected to have sexual intercourse with her husband's brother in order to provide the deceased with an heir.

This practice should be declared unfair and discriminatory against women. It is important to note that these practices need to be watched with an eye of an eagle to ensure that they do not violate the right to freedom of choice. The woman should be given a privilege to choose whether she wants to enter into a relationship with the man or not.

According to the African Union (2003), there is an attempt to remedy the shortcomings of CEDAW and the African Charter to offer hope that promotes gender equality. In addition, the protocol offers traditional rights to make sure that women have a say in the reformation of cultural practices. The researcher argues that the Protocol provides unexplored procedures and rights that engage women in debates that modify customary law.

Furthermore, the study argue that this will advance equality for women within African customary law. Although the process of democratic consolidation looks attractive as it seems and is supposed to unlock closed doors for women, the application of speculation falls short because it is not sufficient to encounter the challenges that women face. Apparently, values emanating from patriarchy and masculinity have been ingrained in cultural customs and traditions dictating the borders of gender role and differentiation.

Statistics South Africa (2016) discovered that in KwaZulu Natal (KZN) there are high numbers of girls between 12 to 17 years who are married. Common law declares that no child who is a boy can marry below 14 years and no girl child should marry below 12 years old. The Marriage Act of 1961 states that no girl child 14 years and below should marry. Where this happens, it is illegal.

The Children's Act also states that no girl child can marry when she is under the age of 14 years. It further states that the girl can only marry if she agreed to do so and parents should also agree. The Act clearly states that if you force the child to marry or pay *ilobolo* for the child who is a minor, you are breaking the law.

However, religion and customary law refute and oppose all these laws by allowing young girls to marry very early. In communities, people make excuses such as the fact that they have been forced by church laws to marry. Young girls are living under pressure because they cannot refuse even when they are chosen by an older man or by a man whom they are not in love with.

It has become obvious that after virginity testing if the child has been touched parents would take the child to the boy's home and demand *ilobolo*. Traditional leaders make these marriages lawful. Traditional religion engages in customary law marriages. These young women remain depressed and even dropout of school as discussed earlier.

Some parents arrange *ukuthwala* (abduction) in order to reduce mouths to feed. Abduction should be considered as rape or sexual assault. This is echoed by Monyane (2013) who stated that the abduction of a woman or a girl is an attack on the integrity of that woman. In rural areas people abuse culture by abducting young girls. Domestic violence is not cultural. This procedure of oppression needs to be investigated. In addition, Zulu marriages promote polygamy and unwanted marriages. This adds to violence against women.

Ukuthwala as proposed by Mwambane and Sloth-Nielson (2011:6-7) is also described by Koyana and Bekker et al (2006:139-144) and Maluleke (2009:16) adheres to traditional issues where the family and community become involved in the abduction of a woman. However, the *ukuthwala* practice shifts from a traditional practice to a form of abuse and violation of human rights. This is the area of investigation of the present study.

It could be concluded that some cultural practices violate women and girls' rights. Also, there are legal cultural goals that come with the practice, which are not a step in the right direction. To sort the offensive forms of cultural practices provides an appropriate vehicle to pursue the argument on whether enacting or criminalizing a complete refusal of discretionary legislation is the way to go.

Seemingly, there is hope towards improving the lives of women and girls affected by customary practices which are harmful or detrimental. In terms of customary law, there are aspects of culture that need to be protected. In terms of the future, one legal system needs to be created. This will combine both customary law and the received law for the betterment of the lives of women and girls.

2.26 Chapter Summary

Indigenous legal systems resulted from age-old traditions and customs that happened to be categorised and classified as "law." Indigenous courts had no legal system. Disputes affected the wider communities and decisions taken had to consider future human connection between people within communities. Equally, the administration of justice did not concern legal justice as determining who was right or wrong but the reconciliation of people.

In rural areas, traditional leaders, headmen and traditional authorities make decisions that are likely to affect the rights of people, in particular women. Poverty breeds illiteracy and illiteracy breeds ignorance of basic rights. Hence victims of rape are unlikely to know that what is happening to them is wrong and not acceptable. Even if they know, they have no way of knowing who to approach or how to address their situation.

There is an urgent necessity to phase in strategies to address challenges that prevent women from exploring their lives. The instruments used to measure women are wrong because they entail a Western element instead of being African. Culture is an African activity and needs to be treated as such. It is aligned with ancestors of which other cultures would not understand.

Chapter 2 has outlined the literature on cultural practices and their effect on women and how society plays a positive or negative role in the implementation of cultural practices. The different examples discussed in this chapter demonstrate the broadness of the issue under discussion. While the focus of the present study is on KwaZulu-Natal and specifically on KCDM, the chapter has demonstrated that women's suffering transcends geographical boundaries.

Now that the literature on the theme of this study has been discussed, the following chapter dwells much on the theoretical framework which guided this research project.

CHAPTER THREE

THEORETICAL FRAMEWORK - AFRICAN FEMINISM AND CULTURE

3.1 Introduction

This chapter discusses the theoretical background, particularly the concept of "feminism" and the adjective "feminist." It is fundamentally essential for the study to focus on using the feminist theories because the study is relating to women and their challenges. A brief discussion on the theories so that an understanding can be obtained is provided including why multiple theories are used in this study. This will be done with full knowledge that these theories are pitched and evolved from the Western framework and are also not routinely aligned with African requirements. However, they do assist in explaining the phenomenon which is the subject of this study.

The study will further look into the critiques of both theories. However, more attention shall be devoted to the objections presented by African feminists. A debate on the connection between African and Western feminisms by looking at how theories of Western feminists are criticized by African feminists is espoused in this chapter. The theories of focus include theories of gender inequalities and theories of culture. This theoretical framework provides the background into the discriminatory treatment of women, their oppression and their subordination which is embedded in different cultural contexts.

In this chapter all the different conceptual lenses considered suitable in this thesis are explored. According to Corbin and Strauss (2015), theories fulfill the function of helping the investigator and participants to comprehend their experiences. In addition, a theory attempts to expand a common description for a fact (Bell, 2008).

Following what is prevailing across the country, especially in rural areas it was important for the research to delve on the theories of culture and gender inequalities due to the nature of the study. The theories considered in this study explain the problem being investigated and make arguments with regards to women's inferior status to men in a South African context.

This thesis is informed by theories such as: womanism, motherism, Black African feminism, legal pluralism and patriarchy. The chapter focuses on post-modern feminism because it argues that gender is a social construct. It is anchored in examining the effects of cultural practices on women. This will be accomplished by using structures that other authors have used to explore the suppression of women and put in the open how law has or has not failed women in African societies.

Structurally, the chapter discusses and outlines what other bodies of knowledge have contributed to the theoretical understanding of the cultural practices that affect women in a negative manner. The framework made steered the research process and served as a map to guide the study towards realising the objectives of the study. Furthermore, the design principles informed the theoretical and empirical work on the practices. Variables that informed and that were required in the research were identified and their ability to respond to women's challenges was also indicated. This chapter is framed according to the six objectives of the study and each objective was given a topic to elaborate on.

3.2 Problems faced by women

Globally, issues and problems encountered by women in their daily lives are numerous. According to Ladner (1986), sexism, poverty and racism remain forces that impact the achievement of African women negatively. Even in places of work women who are black are still at the bottom in earnings than males and White women. This can develop into a catastrophe if it is not resolved amicably. There is a lack of gender diversity in societies where cultural practices are administered. The storyline about African women needs to change.

Belle and Doucet (2003) identified poverty, inequality and discrimination as sources of depression among United States' women. Globally, women are facing much vulnerability because they are not prioritized. Humanity must understand where women are coming from. It is being irresponsible to expose women and young girls to early marriages influenced by cultures.

Women continue to be marginalised even in modern times by society in processes that include decision making. This affects the most, those women who are not educated because men can get opportunities of getting a job even though they are uneducated. Men cannot take the pressure when women are infiltrating the spaces that men occupy and cannot tolerate it when their wives are paid more than them.

Men feel intimidated and become insecure when their wives are progressing in life. Their fear is that women could be arrogant as they become providers and that a man cannot be respected as it should be. Once respect has been lost, that would be the beginning of trouble for the family. Men love power and they do not want to be overpowered, particularly not by women.

In general, women need to be celebrated when they get opportunities and they should find independence like everybody else in society. Women know oppression from homes and from work. Once they have power, they would want to use it at their highest level. They get ill-treatment in the name of culture which teaches that a woman should respect her husband and never ask questions. It is high time that racism, sexism and poverty should be decolonised so that women also should enjoy their freedom (Villarreal Sosa & Lesniewski, 2020).

3.2.1 Feminism

The term “feminism” advocates for the rights of women by reason of equality. This concept represents reliance in gender equity and an eagerness to put an end to male supremacy and to usher in transformation (Pilcher & Whelehan, 2004). Walter (2000) illustrated that “feminism” means acquiring similarity between both male and female species. Best (2003) maintained that feminism has a potential to empower an individual who is much concerned about mounting “awareness regarding a mixed scope of developments in regards to equivalence and ranking.” This concept indicates a legislative attitude of someone who is determined to redressing the status of women in all dimensions.

3.2.2 Feminist

African culture exhibits behaviour as a way of life that stands for people’s ideas and thinking (Kasongo, 2010). But some aspects of it are due for debates and scrutiny because of their acts of omissions as they contravene girls’ and women’s human rights (WHO, 2008 & Maluleke, 2012). Oyewumi (2003) asserted that the concept “feminist” can be summarised as “a range of behaviours indicating female agency and self-determination.” Positivists have hunted reliable targets that are foundations of instruments that cease continuation of the manipulation of women, uncover the male-dominated arrangement together with its chain of command, viewed validated decrees and guidelines (Marysia, 2000 & Kwesiga, 2002).

Furthermore, feminist theories advocate for equality between humankind economically, humanly and directorate (Ngwenya, 2015). These views include liberal, socialist, radical and African feminists. Feminism sought to disturb patriarchy, especially the “patriarchal” conception of both sexes’ roles; its main emphasis has always been on seeing to it that women gain greater individual freedom and autonomy (Shamase, 2017).

In this study feminism is used to call and announce setting free of our ladies from persecution that prevents their freedom to enjoy and discover themselves as human beings. The study has used the many forms of feminism, because of their different strands and different focuses on nature.

3.3 African Feminism versus Western Feminism

A discussion on African feminism lays a foundation of this study as it is the central theoretical lens. It became necessary to be explored thoroughly due to White Western feminism that excluded the experiences of the black woman and that of the African woman. White Western feminism does not consider issues that black women face at the intersection of their womanhood together with their blackness. Carby (1996:69-86) in *White Women Listen* writes

“history has constructed our sexuality and our femininity as deviating from those qualities with which white women, as the prize of the Western world have been endowed.”

Nkealah, (2006:133-141) writes that African feminism “strives to create a new, liberal, productive and self-reliant African woman within the heterogeneous cultures of Africa.” Okome (1999) disagrees and states that the normal feminist writings on African women are incorrect, proposing that the works display African woman as powerless individuals who are unable to decide for themselves when it comes to both the changes needed in their lives and the means to conduct these changes.”

In the same vein, Kuma (2000) adds that African women are portrayed as “ignorant, poor, uneducated, tradition-bound, domestic and family oriented.” This is an arrogant and corrupted understanding of the African feminists arising with such a passion and momentum to object to Western feminists (Kuma, 2000). Okome (1999) asserts that the Western feminists picture themselves as “principals, who hand down valuable knowledge, define the relevant issues for African women, and how these issues ought to be promoted and pursued.”

Taiwo (2003) believed that theories promoted by the Western feminists are impoverished in such a way that they are inaccurate or insufficient, meaning that they are unacceptable and unsuitable for Africa’s wealthy diverse communities. Okome (1999) and Taiwo (2003) uniformly record that Africa’s perplexing differences is obvious in its chronicles, its customs and its humans are a case in point which makes simplification troublesome.

As much as the study appreciate the effort fellow African feminists have taken in relation to the Western feminists, the argument still stands. These arguments come from questions whether Africa has misrepresented itself or not in terms of its diverse culture which is unique. Buiten (2009) in her theory on Gender Transformation disagreed that “the resistance has entreated the plan that African feminists have misled, contravened or polluted “culture” (Buiten, 2009:44).

Kwesiga (2002) argued that male dominance in Africa had existence prior to colonialism and therefore cannot be completely blamed on colonization or private enterprise. There is no point

that African feminists can be limited to make their own theories that foremost update the African context. The study recognises the attempt that womanism theories have constructed in trying to describe the root and treatment in which women are treated in their societies. So, the theories have been important tools created to advise legislators and authorities about affairs that surrounded and continued impacting on women's lives.

According to Busia (1990), the discrepancy present among the African and Western women proposes that absolute dissolution from feminism could be purposeless; it is a stance this study concurs with as theory needs to be evaluated and be observed in a critical way before it is used. The study therefore, appreciates the arguments of the African feminists and applauds their participation.

White feminism cannot erase African feminism because stories and incidents affecting women in Africa will always be pertinent. Feminism expresses the real life of women's experiences in African countries. The oppression of women, their requirements and empowerment can be handled better by having a clear understanding of women's cultural backgrounds. Feminisms in Africa are aiming to modify culture as it affects women in all societies.

There is something common about the way women experience struggles; the common factor is male dominance and privilege. In this 21st century modern African women are strong, resilient, smart and have woken up to the options they have. They are no longer receptive to everything that comes along their path nevertheless they seek to create new alternatives and choices for the future generation of African women.

In a Western gender theory, research and post-colonial and feminist standpoint, there is tension that needs further exploration. This challenges feminists to re-define their roles as they work with colonized and marginalized communities. Discussions entailed how African and Black feminists' approaches can enable the establishment of knowledge of African women's power in terms of family, motherhood and friendship.

The cry sounded by Arnfred (1999) is that above all, for the African feminists to cast their own theories that will determine the African actualities there is one good proposal that should be

observed, i.e. to consider the local context. Nonetheless, the African continent as distinguished by Bakare-Yusuf (2003) is a "diverse continent, with thousands of cultural traditions and linguistic groupings that dwarf all the different European cultural practices and languages combined."

Oyewumi (2002) refuted what she calls the "universalisation of gender." In addition, she opined that Western feminists make use of gender as "the explanatory model to account for women's subordination and oppression worldwide." Arnfred (2002) opining on Oyewumi's (2002) description of gender as the solution organising proposition of the ancestry in the West and foreign in African societies highlighted that men and women are essential zed, declaring that "these gender identities in western cultures attach all social arrangements."

The next controversial issue elevated by the African feminist is the matter of "sisterhood". The shadowing of "sisterhood" pushed on by the Western feminists is not willingly received by the African feminists who perceive it as an enlarged wing of a managing point of view of the Western feminists on the so-called African "sisters" (Okome, 1999). Okome (1999) encapsulates what the African feminists maintain of the Western sisterhood control to the African sisters: "African women are oppressed by male domination and patriarchy," while "the Western gigantic sisters are competent of setting the "helpless "and "voiceless" African sisters at liberty."

This is corroborated by Johnson-Odim (1991) firmly by demanding that there is a wide foundation on which First and Third World Feminism should concur. This research is not promoting the affirmed corrupted determination of Western feminists but recognises efforts that the feminist theories have made in trying to explain the sources and redress for the different Western ways in which women are nursed in their societies. So, the reason for using the feminist's theories was to show the elements that influence women and define the low-ranking positions women have.

3.4 Efforts to explain reality

In reality, Africa has its own beliefs and traditions that make it unique from many continents of the universe. Most of its beliefs help to ensure that there is peace and harmony in the societies and unity while other beliefs are weird. South Africa is one of the countries that still have many individuals that are sticking to their roots hence following the traditions accordingly.

Beliefs and traditions are associated with customary rules which always challenge and place the lives of women in dire consequences. Women face all sorts of dilemmas that frustrate them, displace them as women and have their powers taken away from them by people who are supposed to be protecting them. It all boils down to their defamation of character and being humiliated as well as forced into arranged marriages. Sadly, nobody says anything about it.

However, in modern days, women are associated with feminism. It is very important to treat people with dignity and respectfully by avoiding to use insulting or insensitive language when addressing or talk about them (Reamer, 2008). Hekman (2013) explored the elements of a post-modern feminism and also traversed the link between the two perspectives by joining and studying the relationship between them.

The present study is guided by post-modern feminism which evolved within the third wave of feminism and further discusses the feminist theories which will assist me to acknowledge the diversity and similarities among these theories. Feminism is referred to as a political discipline that is directed at changing existing power relations between men and women across all spheres of life (Hassim, 2001; Weedon, 1997). Furthermore, authors sought to understand feminist theory as it is explored within the research literature.

This type of feminism argues that there are ways that feminism is lived out by women through a multitude of discourses (Frieze & McHugh, 1998; Krdokke & Sorensen, 2006). Feminist postmodernism highlights the variants of women's identities, lives and checks how they are recognised and framed (Frost & Elichaoff, 2014). Baber and Allen (1992) defined postmodern feminism as a framework that deconstructs the ideologies and practices that support gender inequities between women and men while also challenging essentialist feminist theories that ignore differences among women related to factors such as age, race, class and sexual orientation (p.2).

This is an approach to the feminist theory which entails postmodern and post-structural theories and moves beyond the polarities of liberal feminism and radical feminism. Liberal feminism is more focused on the rights of women, as in the access to education, the right to vote, economic independence, citizenship and other issues of equality (Saulnier, 1996). The study considered exploring this further because of the low positions accorded to women.

This thesis focused on post-modern feminism, which has been established on the ideas of Foucault, De Beauvoir and Derrida. The proponents of this theory criticize the structure of society and the dominant order. Beck (2018) debated the issue of those who advocated ideas around postmodernity and claimed that modernity itself is democratic. In summary, his view was based on the incorrect notion about the middle phase in the development of a modern society.

3.5 Generation Equality

Men and women do not share equal status, especially in places where cultural practices are still practiced. Women who live in rural areas have not experienced equality as they are supposed to be. They conceal the exploitation they receive from their fellow brothers in the communities in which they live. Because of their lenience and generosity, they end up being victimised and people tend to ignore the things they do.

Human rights need to be promoted to advance gender equality and achieve freedom for all (Raj, Henry, Klugman & Darmstadt, 2019). The inability of states to push progress brings an impact of gender inequalities among communities (Raj & Henry, 2019). Thus, the study decided to elaborate on the theories of gender inequalities guided by the feminist theories.

Action needs to be taken to eradicate the suppression of women in our communities. Women living under customary rules need to be assisted in order to escape patriarchy. A set of coping strategies need to be designed so that women may be able to refuse a submissive sexual posture and refuse the advancement of the cultural practices.

As long as women do not understand the power they have, it is likely for them to stay under bondage indefinitely because of the cultural practices. Women have the power to build and the

power to destroy. To implement sustainability, the government should dismantle the patriarchal leadership structures by ensuring gender equality.

Schools of feminism grasp that in most of the known cultures, women are deemed to be of lower status and are deemed unimportant than men. This is transparently observed when it comes to the allocation of resources and opportunities where women receive fewer and reduced access to amenities as compared to men. According to Sapiro (1986), gender inequality is socially produced and therefore, it can be abolished. The abolishment of this will mean victory for females and the end to the White supremacy tactics.

Women in rural areas continue to bear the cross of unemployment and are condemned to the ranks of the unemployed. They are used as domestic and farm workers. Regardless of the level of education women have, they are still disadvantaged in structures that are traditionally governed. This does not mean that women are less privileged in all spheres of life. However, in most instances women are suppressed in the name of culture and transformation bypasses them.

3.5.1 Theories of Gender Inequalities

This Chapter, start by explaining terms like gender, sex, woman and identity. All these terms are at the centre of the feminist discourses and can be a problem if not properly understood. According to Kwesiga (2002) and Oyewumi (2002), gender is a social construction. Kwesiga (2002:20) further states that “gender has come to refer to the culturally and socially shaped cluster of expectations, attributes and behaviours assigned to each one of us by the society into which we are born.”

This is also quoted by Andersen & Taylor (2006). As explained by Kwesiga (2002), this community-based and ethnic erection has a possibility to be converted. There is also the term “sex” which is also a problem due to many meanings attached to it. Andersen and Taylor (2006:302) mentioned that “sex refers to the biological identity of male or female.”

Kwesiga (2002:20) opined that gender is “what is biological, inborn and cannot be changed.” Oakley (1981) debated that gender is what a society has made. This study refers to sexuality as

a construction by society while sexual category is an anatomical break-up into male and female. The main concern with the cultural background is the genetic body, which includes inequality. In South Africa, the sex of a child is very important.

In all the ethnic groups in S.A., mostly among the Zulu people this could be truthful. Such information is backed by Young (1931), Chondoka and Bota (2007). Williams and Stein (2002) claimed that people are born either female or male due to their living categories that define their positions as attached to their bodies from birth. According to Oyewumi (2002), Western feminists have utilized "gender" as a description of subordination and oppression of women.

Some of the African feminists such as Oyewumi (2002), Nzegwu (2004) and Bakare-Yusuf (2003) have challenged popularizing gender and have contended and attempted to demonstrate that some African cultures are gender-free. A living variation between men and women has been noted. Torres et al (1999) asserted that even if there is a difference between a man and a woman that should not be summarised as meaning that men are superior to women. Artchison (2003) recalled that feminists stated that, sexuality and gender are the results of role distribution.

Equality could mean a state of being identical, especially, due to social ranking or basic rights (Hughes, 2002). As argued by Hughes (2002), it is not about "equal amounts of treatment" because equal treatment may not always produce equal results. Although men and women may share ordinary compassion, they are not the same in nature. Therefore, they may be handled distinctively on similar basis (Kabeer, 1994; Hughes, 2002; & Frawley, 2005).

Wollstonecraft (1995) opined that regardless of a woman's sexual difference and her generative dimensions, women should not be downgraded to a second-class status. Nzegwu (2001:1) argues that "women and men are equivalent, namely equal, in terms of what they do in the maintenance and survival of the community." According to Bemiller and Schneider (2010), the issue of gender is part of women's everyday lives. Women are gauged according to gender roles that are determined by the current cultural norms.

The next subject of discussion is females' identity. The definition of "a woman" is considered not solid in meaning but soapy, culturally and historically discrete. This is the thinking of African women (Oyewumi, 2003; Pilcher & Whelehan, 2004). A woman has been identified as a bride, mother and caretaker. Sometimes the way women are identified may not be embraced by some while others proudly accept such identities. In other words, some women would gladly accept to be identified as women and mothers while others would resist these labels (Oyewumi, 2004).

Taylor (2006) pointed that an important part of gender relations is marriage which stands for an important feature of maturity. Ollenburger and Moore (1998) have maintained that feminists see childbearing as an issue that is very sensitive because females are socialised to give motherhood merit. They continued to say that maternity persecutes women.

3.5.2 Liberal Feminism

The strategy is to attain a situation of equality through measured orderly reforms contrary to other filaments of feminism such as the radical feminists who desire to challenge patriarchy from the radicle. These feminists see no point in an insurgent adjustment in terms of economic, social or political sphere. They see gender inequality as an element that influences both males and females. Nonetheless, they try to describe the place of women in society and further put in the open the positions of women with regards to unequal rights in public domains. Liberal feminism's great ambition is to create equal chances for all by preventing discrimination (Marysia, 2000:6).

Pilcher & Whelehan (2004) state that the liberal position is widely believed to be the controlling "common-sense" attitude on feminism, relevant to most women who are identified as "feminists" one way or the other, who don't want to reverse the present state of affairs for the purpose of achieving greater social status for women (Pilcher & Whelehan, 2004:49). Broad-minded feminism endeavours to change the practices with an intention to finish intolerance inclination and viewpoints (Best, 2003 & Kaber, 1994) while Marxists assert that the gender disparities could be uprooted by removing all its form of oppression (Bryston, 1999 & Kwesiga, 2002).

In line with other feminists, there is a general belief that tendencies of inequality can cause roadblocks to the development of women (Andersen & Taylor, 2006). These authors pursue exposing the "old-fashioned ideas about what men are and should do, and to allow, even encourage women to do the same things as men" (Marysia, 2000:6).

The study has opted to use this theory to describe the challenges women are experiencing, their inequalities and the need for equal opportunities creation. Although men can also experience and suffer inequality, the focus of this study is on women and girls. Women are afflicted by traditions and customs because of the ethnic needs demanded by society (Mushibwe, 2013).

Liberal feminism tries to revamp social interaction practices in order to terminate habits of bias and attitudes by introducing legislation in the actual social set up (Best, 2003 & Kaber, 1994). Bryson (1999) indicated that the problem with liberal feminists is that they fail to detect that "private" domains may be the site of sexual politics and that gender-based violence is not simple but regrettable individual events that are connected to corridors of power which are the real root cause of ill-treatment of females.

The reality is that it is important to work together as human beings to bring about change which will benefit everyone. As the study is exploring the cultural practices in relation to what women are experiencing under traditional governance, liberal feminists are also concerned about the emancipation of women, their access to education, equal opportunities, and acceptance. The strategies they apply are about changing the attitudes and making use of the current legislation to confront power and patriarchy (Best, 2003).

3.5.3 Marxist- Socialist Feminism

Based on different readings, the Marxist theory was actively involved in the advancement of women's rights and practice. Marxists adopted a perspective focusing on women's needs and valued the politics that subordinate others and that looks to erase all forms of abuse, male dominance, bias, prejudice, human rights violation, favouritism and other forms of discrimination (Costello & Smith, 2000).

The other theory considered in this study is Marxist feminism. This theory focuses on the emancipation of women through a concern for the production of labour in family life as it relates to capitalism (Andermahr, Lovell & Wolkowitz, 1997). MacKinnon, (1997) stated that, "Sexuality is to feminism what work is to Marxism: that which is most one's own, yet most take away" (p.65). According to Bryson (1999); Marysia (2000); Pilcher & Whelehan (2004) men's jobs are highly rewarded even though they have similar jobs with women. Due to the low positions given to women, there was a need to conduct this study because change is required.

Women as part of the working class should be given a chance to show their capabilities. In the Marxist theory, Aronowitz (2016) substantiates the problems of nature, gender and race relations which affect women in greater numbers. Jensen (2017) argued that a culturally unbiased society needs no less than a female guerrilla revamped of the controlling fatherly structures.

3.5.4 Radical Feminism

Radical feminists are introduced by Marysia (2000) as "the ones the media love to hate." In case of the radical feminist, society is seen as patriarchal, with men as the ruling class while women are the dominated subjects (Marysia, 2000). They insist that women are "considered inferior beings whose only purpose is to enhance men's lives" (Marysia, 2000:11).

Radical feminism focuses on the oppression of women to men. Having male power scrutinised and understood but not reduced to explanations like labour relations is deemed necessary. They perceive the family as the key establishment that persecutes women (Bryston, 1999). Radical theorists observe the term "patriarchy" as signaling the power that men have over women (Pilcher & Whelehan, 2004).

These feminists proclaim that male control over the women is likely to construct "hierarchal social relations" that are established on inequality (Beasley, 1999:60). Andersen & Taylor (2006) emphasize that the genesis of the prejudice against women or girls lies in men's control. According to McClendon (1995) and MacNally (2009), "the resulting system emphasised the

rights and authority of males and elders while it also emphasized the powerlessness of women and juniors."

Radical feminists further insist that: "patriarchy as male domination was not widespread only in the home over women but "structural domination" which is a "system of hierarchical values embedded in society" (Marysia, 2000:11). This is confirmed by Beasley (1999) and Andersen & Taylor (2006). According to Figes (1970), change cannot be accepted fast more especially if it entails men decreasing their supremacy. Figes (1970) continues to say that the last fortress that a man will acknowledge is the idea of his own eminence.

Radical feminist claim that patriarchy is a structural domination since the grading values are entrenched within society (Marysia, 2000:8). Moore (1999) argued that men's activities allow their capacity to enlarge while those of women are reduced. Patriarchy is defined by Bakare-Yusuf (2003) as "the organisation of social life and institutional structures in which men have control over women's lives and actions," (Bakare-Yusuf, 2003:2). In most cases radical feminist theories maintain that the oppression of women can only be removed by putting an end to patriarchy (Marysia, 2000).

The theory is used as an indicator to the prevalence of the inferiority of women. As affirmed by Marysia (2000), the approach "captures the depth, pervasiveness and interconnectedness of different aspects of women's subordination" and can be spread to an extent of taking an account of the different forms of gender imbalance over a period of time (Marysia, 2000:12). According to Campbell (1998), radical feminists view violence as the women's problem occasioned by lack of power**.**

Radical feminists view cultural practices as a vehicle that assists women in understanding privileges that males carry and also unpack the ways power imbalance between men and women affects women's lives (Crow, 2000). Jeffreys (2014) argued that practices represent an aspect of women's oppression as they have become progressively cruel and prevalent. The author further argued that they need to be demolished as soon as possible.

Furthermore, the radical feminists hold the view that sexuality in a male-dominated society involves danger because sexual practices maintain violence against women (Ferguson, 1984). Feminists do not think about sexuality but emphasize the rights for women to pleasure and legal protection including protection against unwanted pregnancies. Later on, they began to stress the danger of violence against women and all the oppressed and dominated groups.

3.5.5 Post-modern Feminism

Post-modern feminism operates on the premise that gender issues are socially constructed through language and in interaction. It argues that those universal claims about women, gender and patriarchy should be avoided (Anderson & Cudd, 2005; Butler, 1995). The most notable distinguishing factor of post-modern feminism is its belief in multiple truths, multiple roles and multiple realities (Olson, 1996).

Most feminists have the love or hate relationship with postmodernism. The reason of their love or hate is because postmodernism is the most difficult to define since it is an incomplete story. In many cases, postmodernism claims the end of narratives and totalizing truths. Sometimes postmodernism is seen as a problem to such an extent that it looks visually impaired to the results of womanhood in relation to the ill-treatment and the putting together of women (Evans, 1995).

Simultaneously, the non-acceptance of metanarratives gives a platform for women to reexamine themselves. However, the basic interest of all types of feminism is to understand gender politics, power relations and sexuality. Some of the discourses explored in feminism are patriarchy, stereotyping and discrimination (Butler, 1995; Byrne, & Carr, 2000).

This study is trying to present a viewpoint about what Black South African women and girls experience in relation to cultural practices. In as much as the need to redefine feminism in South Africa is acknowledged, most South African feminists need to concentrate on the liberation of sexist roles, domination and oppression (Padayachee, 1997).

South African feminists contest the cultural oppression that women face on a daily basis (De la Rey, 1997 & Kotze', 1994) as well as the unfair distribution of power (Gouws, 1998). Campbell

(1993) also argues that in the South African society, men are awarded dominance and culture poses restraints on women in terms of how they should behave. Consequently, women form an identity that supports the cultural expectations, sometimes doing so even against their will.

A suggestion that is put forward in this study is basically about feminist postmodernism that it forces people to confront unasked questions and puts forward the view that through them our politics somehow undergo a degree of transformation and change. Postmodernism first appeared in France and was taken by American academics (Jameson, 1984). The reason was that it wanted unity and argued that any questioning of complete political thought and any loss of faith was a sign of success.

Faludi (1991) argued that feminism and women's rights were undermined by the media and highlighted that feminism and not inequality was the source of women's frustration. Their freedom can only be achieved by breaking the boundaries of male dominance which is premised on cultural practices.

Berdhahl and Fiske (2007) stated that power is socially situated and relative within a particular social relationship. This means that one person can be powerful in one social context and not have power in another context. For example, this implies that one person can have power at work, but at home he may be powerless. A woman can hold a position of power at work but when she arrives at home culture places her under a doormat.

McHale (1992) argues that the post-modern individual finds himself or herself in a society in which there are no constructed norms or values. Gergen (1992) argues that people are exposed to countless contradictory opinions from multiple forces and this makes it challenging for one to believe that objective conclusions can be reached about anything.

From a post-modern perspective, any form of knowledge is viewed as a social construction in language (Kotze, 1994). Post-modernism introduced a shift from the belief in linear causality to a view of the universe as consisting of interrelated parts (Lyell, 1998). In systemic thinking the emphasis shifted from understanding objects to understanding events and patterns (Keeney, 1983). The post-modern framework is viewed as individuals telling their own stories with

different meanings. In other words, post-modernists refute the view that things happen in a linear fashion. Conversely, they advance the idea of complexity and interrelatedness.

3.5.6 Womanism

Both Black and White women experience feminist identity development in different ways (Ossana, Helms, & Leornard, 1992). Womanists regard those experiences and observe the power of women surrounded by oppression (Miller-McLemore, 2000). Grant (2000) defines a womanist as someone who developed strategies to survive regardless of the oppression of her race and sex. She does this to keep the members of her family and her people alive. Women have a voice which comes with concerns (Collins, 1996).

The concept of womanism focuses mainly on class, race and gender. Gender in African societies is classified and equated with women in a way that gender studies focus on women's problems. Kolawole (2004) assumed that African women are reluctant to speak about their problems of oppression and inequality and that this means that they accept being degraded and marginalized.

Some female authors hopped from the silencing of women's voices or culture of silence to manifest how African women suffer and deal with muting of their voices (Kolawole, 2004). With regards to the cultural practices, Black womanists are counseling Black women not to keep silent whenever they are faced with abuse but advised that women should actually have a standpoint about Black womanhood (Collins, 1990).

Mubangizi (2017) is of the view that all stakeholders should unite, attempt to address and eventually eradicate gender-related cultural practices that encourage women's oppression. This is rooted in the two schools of thought that are: an endeavour to finish cultural and traditional practices, especially those that are harmful to women and take a joint action into ending culture which is silent when it comes to addressing gender inequalities in society.

3.5.7 Motherism

Women are mothers of their nations. It is within this context that we say in a South African lingo: “You strike a woman and you strike a rock.” The harder you try to silence them the louder they become. Life is proof that to be a hero you only need to be yourself as opposed to mimicking others. Forcey (1991) describes mothering as a role that is socially constructed which rotates around nurturing and taking good care of other people.

Sharoni (1997) argues that women are inspired to act according to their maternal identities by motherist movements which believe that involved people show up to adhere to traditional gender roles just because they embrace their maternal identities. Henceforth, political actions by women can be masked only when they act as mothers (Neuman, 2004). According to Hammami (1997), the best way to advocate women’s rights to resources is by serving others.

This can be an indication to show how undervalued women are in their societies since the same societies look down upon women who advocate for themselves. In some cultures, women are seen to be of lower status and are deemed less important than men. Women can also receive fewer chances and get reduced access to resources when compared to men (Sapiro, 1986).

3.6 Emancipation of women

The next objective of the study is about determining positions of women in various structures. There is no cause for alarm now as women are on top of the situation. Women should move forward, challenge the attitude, norms and their inferior status and subject them to treatment as early as possible before their problems snowball. They must be given the voice, inspiration, hope and courage that will lead them to freedom. If these things cannot be given to them, they must claim them.

Since the study is addressing the issue of cultural practices which have a lot to do with culture, the research decided to include one or two theories of culture to balance the equation. Therefore, the other theory which was deemed relevant to this study is discussed below. This theory strongly puts emphasis on the consideration of social and cultural aspects of society.

3.6.1 Socio-cultural theory

This theory carried a strong emphasis on what is considered as a social and cultural aspect of society. Socio-cultural theory contributes to understanding cultural practices and the cultural contexts surrounding the phenomena. This theory is able to share some meaningful light on the societal values which are entrenched within cultural roots. The theory also provides an insight and in-depth knowledge of social capital embedded in the cultural practices by determining, informing and directing people's well-being as portrayed by songs, dances, drumbeats and enjoying of the feast together (Ingraham, 2008; Kang'ethe, 2013 & Sotewu, 2016).

Wang et al (2011) argued that the major work of socio-cultural theory is supported by the idea that reality is a social establishment. It is steered by the premise that there is reciprocal reliance of social and single activities in the creation and understanding of human conduct that should be considered and recognized within the social and cultural context where it happened (Mahn & John-Steiner, 2005). The theory also helps to describe how a person's intellectual operation is associated with social and cultural contexts. Thus, it is disposed towards holding and valuing the results that social connections and institutions of culture play in forming mental development.

This theory appeared from the efforts of Lev. S. Vygotsky, who used the Russian Revolution of 1917 in 1931/1997 to present socio-cultural theory (Cole & Engestrom, 1994; Cole, 1996; Armenakis & Keifer, 2007). The main idea of Vygotsky was to develop a modern way of looking into and come up with explanation to problems of education and society (Lantolf, 2000). To dig deeper Swartz et al (2011) proposed that the theory encourages native understanding and that the custodians of culture are experts in executing their culture and practices.

A critique of this theory is that it puts more emphasis on the collectivism; and in the process undermines the role of the individual in shaping their cultural and social paths (Saifer, 2010). On the other hand, the theory disregards the fact that individuals have the capacity to ascend above social norms based on their individual ability to bring about personal understanding (Lui & Matthew, 2005). Cultural practices evolve from the chronicle of the ancestors and all people involved are forced to comply and participate in all cultural activities.

Chaiklin (2003) opines that one of the down sides of this theory is that it is not applicable to all social and cultural groups and contexts. Mbiti (1986) believes that traditional practices are not individualistic in their nature, but communal practices, which have to be understood in their historical context of phenomena such as Ubuntu, where the identity of each person is respected equally.

Women's experiences of cultural practices are explained through socio-cultural theory given its delicate approach that holds up the ideology of accepting what is called the "wealth of the poor" (James, 2012). This is so because poor societies may have insufficiency of money and resources. However, they could have their rituals, mutual relationships, skills and traditional knowledge (Peplau & Taylor, 1997).

The theory contributed into understanding the cultural practices as it is able to segment values that are linked within cultural roots. Additionally, the theory provided a perception of social funds rooted in the cultural practices by leading people's welfare through cultural dances, songs and feast celebrations (Ingraham, 2008; Kang'ethe, 2013 & Sotewu, 2016).

This theory expanded from the work of Vygotsky who anticipated that culture was in charge of creating higher order purposes. The emphasis highlighted would be to say that people may learn from one another through interactions. Furthermore, this theory emphasises that one culture teaches while the other encourages. This makes people to adjust to what their cultures teach them.

3.6.2 Cultural feminism theory

This theory is another theoretical lens chosen in this study in order to bring forward a voice of feminists and how they perceive the notion of culture being the tools of continued oppression of women. Cultural feminism emphasizes originality and qualities of women, the same females who are undermined and underestimated in almost all dimensions of society (Staggenborg, 2001).

This theory is the work of Brooke Williams who was the first theorist to use it in 1975 to explain radical feminism (Taylor, 2009). Kramarae and Spender (2000) suggest that feminists are

rooted from the cognizance of male dominance as being a system of male authority that legalised the oppression of women through institutions of political, social, economic, legal, cultural, religions and military.

Further, African Feminists Forum (AFF) (2006) admits that the patriarchal teaching promotes and legalises the arrangement of every aspect of people's lives by authorising the structures within which society defines and views men and women to build male dominion. This, in my view, can be achieved through being aware of other theories such as socio-cultural theory that promotes the values of social values and cultural contexts.

The theory is about the belief of the feminists whose thinking supports and builds up normal diversity that is available between men and women that should not be used as a vehicle to perpetrate inequalities (Ghodsee, 2004 & Beckette, 2005). So, the cultural feminists applauded women's positive characteristics that are rooted in their feminine nature such as calmness and empathy (Beckette, 2005 & Baehr, 2013).

In true sense, culture is meant to be used as a tool of growth and development among community members. However, both culture and tradition can qualify, disturb or free people at variance (Jolly, 2002). Cultural feminists opined that cultural practices encourage male dominance over women by means of using gender crooked cultural glass (Okech, 2008).

Women are defined as and trained to accept that a married woman must submit under the authority of her husband (Okech, 2008). By contrast, males are trained as heads of the families and it is instilled from their early stage that they are stronger than women (Kanengoni, 2013). Wilson (2013) alluded that due to the cultural practices, the infringement of a fatherly position remains permanently unchanged of which the intervention of the feminists is necessary in order to challenge it in totality. Women should be given a voice to be vocal and to be heard in terms of issues that affect their well-being. Moreover, a new era should be set for their emancipation.

This theory shows how cultural practices have been used in rural communities as the tool to degrade, devalue women and to continue the suppression. The gaps and critiques highlighted

in this theory include its failure to emancipate women. Beckette (2005) indicated that the theory put emphasis on differences rather than paying focus on similarities between men and women.

The similarities shared promote division among women and encourage them to work and pursue individual interests. Furthermore, this theory does not consider issues such as social, political and economic issues that are useful in advancing patriarchal ideologies (Ghodsee, 2004). Its major criticism is its deception of reality.

Proponent such as Ahmadu believed that Western feminist sisters continue to deny Africans the chance of becoming women based on their uniqueness and strong cultural heritage (Hasson, 2017). The next proponent of female genital cutting, Dr Richard Shweder mentioned that Westerners ignore the fact that they also practice their own cultural practices by the way of medical circumcision for men (Thomas, 2013).

3.6.3 Intersectionality Theory

The central purpose of using intersectionality was to foreground the experiences of marginalised individuals. It speaks of varied issues coming into play to determine the impacts of culture on women from rurality, sex, gender, tradition and societal statuses. This theory provides people with a mindset and language for examining interconnections and interdependencies between systems and social categories. It was relevant to be used in this study because it draws attention to individuals and groups multiple positionality at micro and macro levels. It makes clearer the figures of the different forces in terms of intensifying or deepening (Mckintosh, 2012:198) impacts of power in individual lives and in societal structures.

This theory addresses the manner in which racism; patriarchy, discriminatory systems and economic disadvantages contribute in creating inequality that structures positions of women and men, races and other groups. So, the power of this theory as a framework is that it has a potential to tap into theoretical, applied and lived experiences (Brewer; Conrad & King, 2002).

The theory is central to advancing our understanding of the world, separating between mere observations of a phenomenon and academic evidence and data around which new knowledge

can be constructed (Atewologun, 2011). Intersectionality may be best conceived as a critical theory in understanding and organizing new knowledge (Else-Quest & Hyde, 2016. Thus, the theory is differentiated from a traditional falsifiable grand theory because it advances social justice goals, in contrast to grand theories that are more aligned with positivist traditions (Else-Quest & Hyde, 2016). Furthermore, this theory is aligned with social constructionist and feminist standpoint epistemologies (Else-Quest & Hyde, 2016).

Warner; Settles and Shields (2016) heed that standpoint feminist theory applied to intersectionality runs the risk of essentialising. They therefore, recommend that researchers should avoid the risk of consolidating by highlighting how individual participant's lived experiences give insights in dynamics at play in the given context relative to the intersecting identities rather than claim a universal advantage held by oppressed groups in knowing power dynamics.

3.7 Policies and Empowerment

This part will discuss the role that the government should play to intervene in matters that impact women negatively and come up with empowerment strategies to emancipate women from male domination and subordination. It is the responsibility of every state to ensure safety and security for its members. Government policies should contribute towards the well-being of its citizens and implement policies that influence behaviours of all people within their communities.

Government should create environments that are conducive and promote equal rights for both men and children. Activists for human rights should mobilise people to not violate the human rights of women and children. There should be different organisations, forums and associations that must pay attention to women and their problems. Women's movements should be put in place and Non-Governmental Organisations (NGOs) should be available in order to focus on women and deal with their troubles.

Certain programmes should be made available to advance the development of women, their empowerment and equality rights. Professionals should form different organisations in order to foster women's rights. Even educational workshops should be conducted to advance the status

of women in their communities. All these strategies can be used to curb the plight that women face. Programmes that work with marginalised groups must aim to alter their oppression and empower them with ways of opposing lawlessness and unequal gender relations (Moletsane, 2017).

3.7.1 Protection against discrimination

The theoretical framework adopted in this study was the feminist perspective. The researcher selected this theory because the feminist theory is the extension of feminism into theoretical discourse. Womanist epistemologies claimed that knowledge is dynamic, relative and variable and that it cannot be considered an aim itself but a process. Realizing this idea, the theoretical framework of this study is based on gender inequalities and promotion of women's rights.

Furthermore, the feminist theory scans women's and men's social roles, experiences, interests, chores, and feminist politics in a variety of fields such as philosophy, sociology, anthropology and communication. The theory focuses on analyzing gender inequality. It explores themes like oppression, contemporary art, objectification, stereotyping, discrimination patriarchy, art history and aesthetics.

Moreover, this theory focuses on those families that foster patriarchal family structure where male dominance is a norm. The umbrella under which all these other theories fall is the cultural consideration. To understand people's behaviours, this theory has to be available. The feminist theory directed this research study since its doctrine captures the meaning of the research questions as well as the research problem.

The investigation applied the African feminist and the Black feminist theories as the two theories which include factors such as culture, race, sexuality and ethnicity. These theories understand problems of Black African women. Critical theory was also employed as a theoretical framework as an approach to uncover assumptions and ideologies that help to conceal implicit power relations (Pillay, 2013:36).

This theory assisted the researcher by conveying the purpose and gives direction of the study. It also shows how factors impact on each other and interact to influence the problem. It further identified all actions and interventions that leads to desired results.

Much of the literature regarding feminist identity has drawn from Downing and Roush's (1985) five stage model of identity development for females, intended for women, which describes the process by which women come to learn about feminist values and incorporate them into their lives. This model is the only one that is available regarding women identity development.

It describes the process by which women move from a denial of the repercussions of sexism towards an awareness of and commitment to ending oppression. A positive feminist identity has been linked to: positive social and psychological well-being (Hurt, 2007; Moradi & Mezyldo Subich, 2002; Saunders, & Kashubeck-West, 2006; Witte & Sherman, 2002; Yakushko, 2007) self-esteem (Carpenter & Johnson, 2001) feminist self-labeling (Duncan, 2010; Henderson-King & Stewart, 1997; Liss & Erchill, 2010) and positive self-concept (Ng, Dunne & Cataldo, 1995).

While these are important critiques of Downing and Roush's (1985) model, (Downing Hansen, 2002; Ng et al 1995; Moradi, et al, 2002; Shibley-Hyde, 2002; Vandier, 2002), it remains widely cited in the feminist identity literature (e.g Carpenter & Johnson, 2001; Duncun, 2010; Hurt et al., 2007; Moradi & Mezyldo Subich, 2002; Saunders & Kashubeck-West, 2006; Witte & Sherman, 2002; Yakushko, 2007).

Although these critiques are highlighted, this study did not pay attention to the Downing and Roush (1985) model but sought to explore feminist identity development outside of the parameters of the model. Research available draws from the model of Downing and Roush (1985) although it has been critiqued for being outdated and ignorant of a woman's social location (Downing Hansen, 2002; Ng et al., 1995; Moradi et al., 2002; Shibley-Hyde, 2002; Vandiver, 2002). The analysis in this study sought to capture how women with lived experiences define their feminist identities.

Many theories are used in this study to provide crucial comprehension and exposition to the elements that influence women. Focus was on the criticism of the Western feminists that

looked down upon black women and their culture. Probing female participants using a phenomenological inquiry may cast light on these factors.

3.8 How far do cultural practices discriminate?

From a woman's point of view, culture has been silent, infiltrated and corrupted the beautiful relationship that ever existed among the black human race. The crown that was taken away from women through deceit and manipulation of culture needs to be recovered. Women are enduring pain caused by men who use culture to exercise their male privilege on them.

3.8.1 Patriarchy Theorization

Problems start when we try to balance gender issues between men and women. A problem can be created among communities when one group of people is given more power than the other. It is possible for the suppressed group to lose self-esteem due to the violation of their freedom. When people don't speak out but bottle everything hurtful, they may become violent. The sexist has pushed women back in all cultures such as Islamic, Jewish, Christian and even African cultures.

Women are used and placed in a position that men can control them. They do not understand that when you oppress a woman you submerge the whole nation. When you uplift a woman you uplift yourself because women have a potential to build, destroy or mould you. In the whole world women are suffering. There is no society on earth in which women have the freedom that God intended for them to have.

In exploring the inferiority of women in King Cetshwayo District Municipality, this research builds on the assumption postulated by Walby's (1990) theorization of patriarchy being a method of social structure and practices in which females are dominated, oppressed and exploited by men (Walby, 1990:20). Patriarchy is used theoretically to investigate the true basis of the subordination of women. For that reason, the concept of patriarchy is very important for feminist analysis.

Morrell (2005) and Hartman (1980), define patriarchy as a form of male domination vested on the major role of the father. Dominance and authority are indispensable in the interpretation of patriarchy (Kalabamu, 2006:238). The males derive power from culturally established rules on marriage and inheritance social status, (Kandiyoti, 1998:145).

In general, people are born either male or female in terms of biological traits. However, it is through socialisation that people are shaped according to the attributes that society creates for them. These are learned behaviours that constitute a gender identity and represent socially constructed norms regarding the division of labour, distribution of power, responsibilities and rights between men and women (Borgata & Montgomery, 2000).

According to Quek and Knudson-Martin (2008) gender is an intrinsic part of institutional systems such as law, education and economics. They argue that gender is so embedded in institutions that it is often unnoticed and unquestioned in everyday life. Gender places people in hierarchies and assigns power to those groups of people placed at the top of the hierarchy (Shope, 2006).

Gender constructed roles in cultures and in societies dictate appropriate behaviour for both men and women, with men occupying positions of power (Ruben, 2006). Within the framework of traditional African culture, a woman is expected to carry herself in a submissive and dependent manner (Jacobs & Gerson, 2004; Moen, 2003).

In African culture, a woman is judged and valued based on her abilities to bear children. This construction of women leads to discrimination against them (Hoesen, 2000; Kuumba, 2006). This is an insult to women, to gauge their productivity according to something which is immaterial and that does not add value to their well-being.

3.9 Cultural diversity

The use of legal pluralism theory is adopted in order to understand which statutory laws are operational when it comes to the protection of women's rights to property inheritance. The complete description is given herein so as to establish the extent to which the present legal dualism has damaged women's rights to attain land and other properties.

This has increased cognitive thinking which has assisted in interrogating the credibility of the conformity of the so many sets of principles which govern life (Woodman, 1996; Sibanda, 2010 & Mamdani, 1996). Woodman (1996) defines this theory as "the class of situations which a population observes more than one law" (Mostert & Bennet, 2012:36). Mamdani leads the South African academics that criticise legal pluralism's features as "unnecessary complex as denying the principle of equality before the law and underpinning grossly unjust modes of production or racial discrimination" (Woodman, 1996:159).

3.9.1 Differences between African and Black feminists

Black feminists do not focus on women only but they also focus on the struggles of black women (Kanneh, 1998). Collins (2000) saw the concern of black feminism as resisting oppression through empowerment. This involves understanding the intersection of racism and sexism. Black women face social practices within a historical context that represents "a unique matrix of domination characterised by intersecting oppressions" (Collins, 2000 p.23). Black feminist analysis insists on understanding what it means to be a black woman in a racist patriarchy (Johnson, 1983).

In the case of African feminism sometimes it is aligned with or in conflict with Black feminism because it is perceived that African feminism is for African women. It is argued, that African women are the first feminists and that they have been recognizing each other's contributions.

3.9.2 Black Feminist and Colonization

Black people are beneficiaries of a colonial era. There are African people who pay allegiance to colonisation and pursue the mandate of the colonizers. This is funny because all of us are not immune from it, people from rural and urban areas, the church, the government and everybody else. This is displayed in the way African people still treat one another. Men are treated with respect when compared to the kind of respect given to females.

Women are subjected under the authority of males in so many different ways. The subjection of women was executed first through the beliefs of female household management (Cock,

1990). Cock (1990) commented that “black female domesticity” was a merit brought in from westward feminine doctrines and imposed through missionary establishments.

McClintok (1990) stated that many imperialistic administrators were bred in extremely patriarchal societies and they enforced it on the colonies. The colonial ideas of gender emphasised that women were “reproducers” instead of being “producers” (Walker, 1990:10). According to Wolpe (1972) in 1910, as industrialist structures of production started to be inspired by the racist state, black men migrated to work in the mines while women stayed behind in the “reserves” and carried on with farming and took care of children.

According to Ramphele (2000:114), apartheid incapacitated the character of black men as family heads and defenders. Ramphele confirms that the non-existence of men from their families is due to labour immigration, commercially incapable environment due to low salaries, illiteracy, the prohibition of women and children from the towns all added to the catastrophe of men to undertake their culturally decreed roles to safeguard their households.

Hassim (2009) stated that “migrancy and unemployment resulted in dreadful outcomes for women.” According to Walker (2013), the very high levels of domestic violence in South Africa can be said to have come up as a result of a “backlash on the part of many men angered by what they see as usurpation of their formerly unquestioned domestic authority.”

This study is about filling the space in the literature on how patriarchy manifests itself in culture and its influence on how the law operates. Most researched writings tend to paint widows in terms of victimisation to male supremacy, prejudiced and biased cultural ideologies (Albertyn 2003) Ramphele 2000, 2002; Gqola 2007; Hassim 2009). Through the study, the researcher displays that women are capable to exercise power in response to oppression.

3.9.3 Unequal gender norms

Regardless of the ushering in of the new Constitution and the Bill of Rights of 1996, young women and girls continue to face harmful traditional practices in their communities. Practices are characterised by gender inequality and violence. These make women and girls find it difficult to decide who to marry or have sex or bear children with (Moletsane, 2017). When

women try to exercise their sexual or reproductive choice they get exposed to sexual harassment, physical abuse or death in the hands of the lover.

Poverty and unemployment are other factors that cause women to remain undecided about how they wish to live their lives. Cultural practices informed by unequal gender norms expose women to illiteracy and poor health conditions. To remedy this situation, we need to change the ways in which men relate to women.

3.9.4 Discriminatory values

In this topic the aim is to divulge on how culture and cultural practices discriminate against women. The struggle to conquer discrimination in our country is by raising uncompromising freedom fighters in terms of working together to deal with traditional attitude that divides people. It is the desire for the State to never allow patriarchy to oppress women and never allow imperialism to define who women are.

3.10 Key elements (constructs) used in this study

The key elements used in this chapter are *feminism and theory*. Feminism refers to "a view that values women and that confronts systematic injustices based on gender" (Chin & Wheeler, 1985:74). Therefore, a feminist lens allows authors to see families, individuals, groups and organisations in their political, social, ethnic, economic and cultural contexts. So the feminist theory is associated with the rights of women.

Theory is about understanding our world and everyday experiences. Flax (1999:9) stated that we are all engaged in a "systematic analytic approach to everyday experience". "To theorize is to bring the unconscious process to a conscious level so it can be developed and refined" (Flax, 1999:9). Flax (1999:10) delineated that "men and women have different experiences" in that their worlds are not the same.

3.11 The selected theory of customary law

Having realised that cultural practices are the product of customary law, it is therefore proper to include a theory that will address this law. Among the so many theories of Customary Law, "Sovereign Recognition theory" is selected because it was suitable for this study as it deals with

the recognition of customs. John Austin suggests that customary laws originate as rules of positive morality, which arise from the consent of the governed.

For moral rules to be changed into positive and working laws the state may establish customary laws by statute or by judicial decree. Under Austin's approach, customary behaviour does not make law; custom becomes law only when it is the subject of statute or judicial decision (Bix, 2001).

Customary law is based on the traditional marriage which is documented under the Recognition of Customary Marriage Act 12 of 1998 (RMCA). This refers to any marriage that has been performed in accordance with the customs and practices that are traditionally observed among the African people and which forms part of their culture (Hosegood, McGrath & Moultrie, 2006; Mamashela, 2004).

This gesture accords a wife equal legal status to that of her husband and grants the wife full capacity to enter into contracts, to acquire assets and to dispose of assets (Mamashele, 2004). The legislation further acknowledges that the wife or married woman is capable of making decisions that are sound and it therefore recognizes the married woman as an independent individual (Mamashela, 2004).

The decision to use all these theories was about indicating the factors that affect women and explain the lower status of women in society. The chosen theories are considered in light of the suggestions of Kourany (1992), regardless of whether the theories are able to analyse the problem, whether the proof is absolute, and whether they are convenient and are capable to give solid action for managing the burdens of the events under exploration.

The concepts of gender, sex, woman and identity are important to this chapter. Kwesiga (2002) and Oyewumi (2002) dispute that gender is a communal erection. Kwesiga (2002) continues to say that "gender" refers to the constructed collection of expectations which are culturally and socially modified, qualities and behaviours allocated to all of us by the society into which we are born." A comprehension such as this is reiterated by Andersen and Taylor (2006).

This study holds the view that the sex of an individual is important because immediately when the child is born all eyes quickly go to check the sex. From the first day of a child's journey to adulthood already a stigma is attached, especially if the child is a girl.

3.12 Critiques of the selected theories

The feminist theory has developed into a huge feminist movement trying to challenge traditions and methodologies in all spheres of life. The movement began a widespread call for a major reassessment of concepts, theories and methods employed within and across the academic disciplines (Hesse-Biber, 2002:57). Hesse-Biber and colleagues assert that, "research conducted within a feminist framework is attentive to issues of difference, the questioning of social power, resistance to scientific oppression, and a commitment to political activism and social justice" (Hesse-Biber, Leavy, Yaiser, 2004:3).

Flax (1999) explained that the feminist theory views women's oppression as "a unique constellation of social problems and has to be understood in itself…" (p. 10). Oppression is seen as part of the way the world is structured and is not due to pockets of "bad attitudes" (p. 10) or backward traditions, but oppression is embedded in the very socio-economic and political organisation of our society. The structure is the patriarchy which has deep roots in the culture at large (Flax, 1999).

The term oppression has been defined as the "absence of choices" (Hooks, 1984: 5). Women in Western societies have choices with regard to everyday human experiences, which include production of resources, reproduction and the merger of the biological and psychological (Flax, 1999). It is due to these reasons that women do not consider oppression as a concern or identify as feminists. The silence of the law and the absenteeism of limitations make women to disregard sectors in which they are oppressed, exploited or discriminated against, it may lead them to imagine that no women are oppressed (Hooks, 1984: 5).

The legislation recognises wives in customary marriages as independent. This contradicts the customary or traditional role expectations as set by these cultures. Traditional customs continue to dictate and construct women as inferior and secondary to their husbands (Chireshe & Chireshe, 2010). Hoza (2010) argues that Black women's subordination is constructed and

maintained through traditional African marriage institutions. The quality status accorded to women by the laws surrounding customary marriage is therefore currently more of an illusion than a reality (Mamashela, 2004).

The positions within the marital setup are socially constructed and defined in accordance with sex role stereotypes (Carlson & Sperry, 1991). On the other hand, women are expected to take care of the emotional needs of their families, thus assuming a nurturing role (Greef & Malherbe, 2001).

This thesis focuses on the continual conduct of cultural practices regardless of the equal status accorded to women by the laws regulating customs. A common custom that relates to marriage amongst Black Africans and which forms the basis of traditional or customary marriages is the practice of *ilobolo* (Ansell, 2001; Chireshe & Chireshe, 2010; Heeren, Jemmott, Tyler, Tshabe & Ngwanye, 2011; Mawere & Mawere, 2010; Mbatha, 2011).

Radical feminism attributes the oppression of women to men. Cultural feminism has been critiqued because it provides moral grounding for men to make claims that they cannot help being oppressive. This takes a further turn in that it was natural for women to be submissive (Ferguson, 1996). Coming to lesbian feminism, it perceives the male agenda as dominant in the culture at-large (Andermahr, Lovell, & Wolkowitz, 1997). Compulsory heterosexuality is challenged by lesbian feminism (Rich, 1986). It is challenged because compulsory heterosexuality is linked to the oppression of all women as well as to capitalism.

Marxist feminism is focused on the emancipation of women via a concern for the production of labour in family life, as it is concerned with capitalism (Andermahr, Lovell, & Wilkowitz, 1997). MacKinnon (1997) stated that, “Sexuality is to feminism what work is to Marxism: that which is most one’s own, yet most take away” (p.65). This theory sees work as creating people’s social lives and further creates who we are.

It is argued that an alternative way of thinking through feminism and postmodernism has been to set feminism alongside the questions of culture. Nava (1992) and Bowlby (1992) argue that far from being invisible modernist culture, women played a vital role in the new public spaces

of the modern city and in so doing came to represent the growth of capitalist consumer culture. The majority of the work is flawed by what has been done to postmodern theory which led to it being criticized.

Hall (1992) explores a different set of possibilities. He argues that the new world is a very different one. Contrary to defending modernity, Hall reminds us of its other side. Where others have seen reason and achievement, humanity and vision, he sees savagery. His is a post-colonialist voice. The question that remains to be asked is whether other feminists should explore the other side of modernity.

Braidotti (1992), Butler (1992), Flax (1992a, 1992b) and from a feminist post colonialist position, Gayatri Chakravorty Spivak (1992) help us to do this by pursuing a radical critique of modernity. As people we need to respect the differences which include the experiences of damsels who did not choose a political space of feminism. Nevertheless, they undergo and demonstrate an aspiration to attain fairness.

In most African countries the sources of law are common law, customary law and the legislation. Mostly, in African societies people conduct their activities under the influence of customary law. It regulates people's matters of marriages and inheritance. Customary law has a big impact on the lives of women in rural areas. Some of its norms are in conflict with human rights because it was developed during an era which was dominated by patriarchy.

In rural communities, women are facing many challenges as they are customarily ruled. They are encountering rejection from people who claim that they love them. One fails to understand the mindset of a man who pushes the hideous cultural practices to sabotage women. The Black Administration Act 38 of 1927 was used as a vehicle to regulate the lives of African people during the times of the British colonial era; and it included the management of African people's estates.

Through this Act the order of the law twisted the family and classification attitude of the law (Bekker & Koyana, 2012). The portrayal of customary law into common law by courts was a problem as property ownership was explained in CL as associated to the heir (Bekker, 2014). In

common law it was understood that the heir was the owner of property and had power to use it as he saw fit (Mamashela, 2004). A lot needs to be done to address these issues today.

In structures in which traditional rules are enforced, the law seems to be silent. Let there be rehabilitation for young men to prevent further exploitation of women. Mothers must be given opportunities to go through their own healing process. Policies implemented should entail counseling for victims of the cultural practices. Empower the boy child because it is easy to transform the boy's mind than that of a man.

So, the courts need to ensure that customary law conforms to the norms of human rights and should focus on promoting equality between men and women. It should be responsible in taking cognisance of the lived experiences of the people it serves. It is not women only who are submerged by the implementation of the cultural practices. Men also have experienced the scourge of the practices. Therefore, there should be organisations that should cater for men as well.

The next section gives the conclusion of this chapter.

3.13 Chapter Summary

The examination of the theoretical frameworks relating to this study is aimed to clarify the problem under investigation and to provide action for dealing with the problem. The chapter have thoroughly considered the choice of theories to help in this study, particularly theories of gender inequalities and theories of culture are included. The theoretical framework was deemed necessary in order to examine the phenomenon under investigation. Furthermore, the study used the conceptual framework for organizing and elucidating the results of this study.

This thesis explored the diversity of views on feminism and catapulted how other researchers have applied feminist theories as a lens to conduct their research. The review of the feminist literature uncovered many textbooks and a lot of literature cited in order to bolster the argument presented. There were concepts that were discussed in this chapter. These included sex, gender and sexuality.

Most importantly, all feminists question binary opposition. They use gender categories because each gender category is divided by ethnicity, religion and social class. There are six sexualities referred to in the discussion above. These are: lesbian, heterosexual woman, gay man, bisexual woman, heterosexual man and bisexual man. All these gendered sexual statuses encompass many different feelings and experiences and they are all socially constructed.

The theoretical framework chapter has located the present study within the broader theoretical context. The fight for the legal status between men and women has not been won in almost all the countries of the world. Gender segregation at the workplace, cheap labour and less pay for women are some of the issues that are still deemed controversial in many countries.

The premises and clarification of theories of gender inequalities discussed above explain the questions of discrimination of women in society, male dominance, control at households, persecution and subordination of women in society. In addition, through these theories the experiences of the participants discussed in subsequent chapter shall be described in a manner that highlights the context within which these experiences occur.

These theories are interested in removing the imbalances against women in social, political and economic domains. The dissimilarities of the theories lied in the point of view each theory explores to employ to get rid of the inequalities. The assertion of the African theorists gave an opposing view to that of the Western feminists. Despite the differences between Western and African feminists, they both reach the consensus that inequality is present between males and females and concur that this should be eliminated.

This chapter facilitated the integration of the literature review and theoretical lenses that have been considered very important in understanding the impact of cultural practices on women from a rural setting and focused on the challenges they meet when they navigate this life. The theoretical lenses debated enabled the study to understand the subjective experiences of women better regarding the effects of the different cultural practices on women. By using the socio-cultural theory, the thesis was able to detect the context within which these experiences happen.

Gender inequalities theories assisted in explaining and understanding the proclamation that equality is very important to all people in every society. The utilization of various theories simply meant that issues needed to be explored in details in order to come to the bottom of the problems experienced by women when studying the social phenomena. Nevertheless, this chapter expedited the combination and affirmation of related literature review and theoretical mirrors that have been relevant to acknowledging the impact of cultural practices to humanity.

The role of patriarchy is to explain the subordination of women and the domination of men. The aim was to establish if those families that are dominated by men are not the reason for inequalities that exist between the genders. In addition, this chapter have further discussed terms such as identity and equality in order to get the broader picture of how women are defined.

The theories of gender inequalities used in this chapter assisted in explaining the questions that place women at the bottom, their less representation in society, male dominance in the workplace and at home and subordination of women in their communities. The main interest of these theories was to assist in how to suspend the inequalities amongst the sexes.

Women should be afforded important positions in all spheres of life regardless of their gender. Inequalities and the oppression that women experience in their societies should be eradicated due to the fact that they defame and destroy women's self-confidence. Women should be given educational opportunities so that they may feel accepted and become independent.

Equality should be a priority for women. Laws, harmful cultural practices, traditions that are oppressive, rituals or any activities that block equal rights and equal chances should be withdrawn. Education of female children should be valued in order to balance the segregation that exists between boys and girls – and by extension men and women.

The next chapter details the plan of action on how this research was carried out to answer the research questions. In other words, the next chapter focuses on the research methodology that was followed in executing this research.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.1 Introduction

The purpose of this chapter is to unpack the research process the researcher followed to get the desired data on the impact of the cultural practices enforced on women. The researcher discussed, argued and justified the master plan for choosing and using certain methods in executing this investigation. This study employed a qualitative method of collecting lived experiences of women. The study used a feminist approach in the analysis of these narratives in order to give them a broader meaning.

The various feminist ideas discussed in the previous chapter supported the theoretical framework fundamental to the topic under investigation. Drawing from the literature the study consulted, this chapter focuses on the research methodology and methods used. This chapter discusses major components that provide the background of how the study was actually conducted.

The chapter illustrates the data collection and analysis methods employed. In addition, it outlines the research methodology which included: the research design, research approach and the sampling strategy. The chapter further examines the possible limitations of the research and reflects on the processes followed to keep those to a bare minimum.

Having explored the different methodologies of activists and scholars, the study decided to undertake a research characterised by people living under customary jurisdiction and who experience many difficulties in their lives. As the findings chapter will show, there was an essential variation as to how the customs and traditions were applied and practiced in rural areas.

So, this study was exploratory rather than being a comprehensive review of cultural practices that impact on women's rights. It included the following procedures: the use of in-depth interviews, the rationale for the methodology and the research philosophy. The paradigm selected for this study is a critical paradigm which questions how we come to understand the

various configurations of power in society and considers how some kind of social change may be brought about that will benefit groups seen as having little power, with few opportunities or choices open to them (Cohen et al., 2007).

In this chapter, the researcher also discusses the sampling of the population, data collection instruments, questions validation, instrument administering and methods of data analysis. The intention for using this method was to gain information on victims of cultural practices from their own accounts. The rationale behind this approach was to collect empirical data that assisted in fully addressing or answering the research question.

The expected outcome was to achieve the aim of the research that is, by delving deeper into a phenomenon (Gallagher, Rocco & Landorff, 2007), to allow women to describe what they have experienced with regard to the phenomenon (Creswell, 2007) and in this way to give meaning to women's experiences of the cultural practices.

The initial discussion elucidates the philosophical position and the significance that it may have on the strategies and results of the research. The identity, positionality, values and beliefs of the researcher were included in order to minimize and eliminate bias that the researcher could have on the entire work. Furthermore, the next issues discussed in this chapter are sampling, ethics and then a conclusion. The chapter has discussed ethical issues which were carefully observed to avoid violation of secrecy. The ethical considerations included solicited from the informants and an explanation of the project to them upfront so that they knew what they were participating in and what the study was meant for.

4.2 Areas of field research and the research assistant

Collection of data was carried out in kaBhejane Tribal Council, the Traditional Authority which is located at eNseleni in uMhlathuze Municipality which is situated within the King Cetshwayo District Municipality (KCDM) in KwaZulu-Natal (KZN). The Province accommodates an estimated population of 10.9 million people (Statiscics South Africa, 2015).

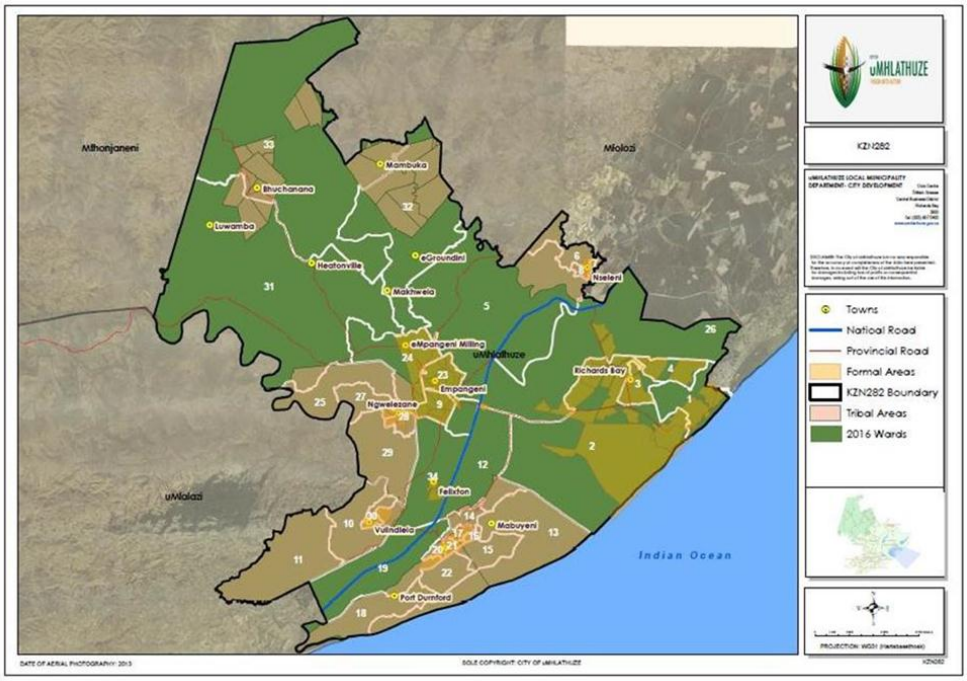
KCDM is a category C Municipality. This means it shares executive and legislative authority with a category B local municipality. These settings brought to the study diverse dimensions,

experiences, insights and knowledge because they present semi-rural and semi-urban areas' background of participants. Therefore, the choice of this research domain provided a distinct research opportunity.

The chosen research domains provided the study with a different and special platform to explore the impact of the cultural practices. So, these settings were deemed relevant and valid for the investigation as cultural practices are still widely and strongly practiced in these domains. The following is the Map showing the location of the City of uMhlathuze Municipality where kaBhejane Tribal Authority is located.

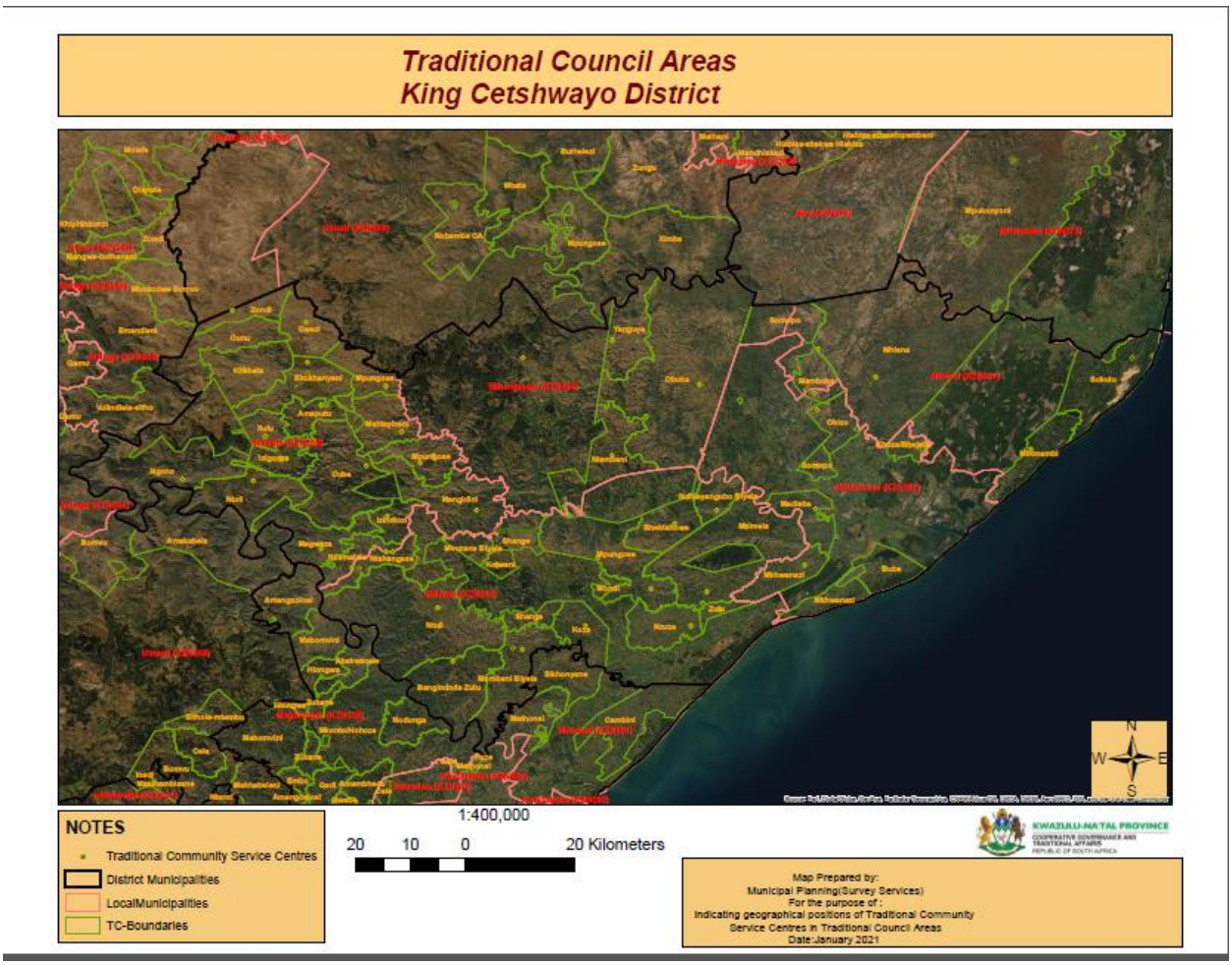
4.2.1 Map of the City of uMhlathuze Local Municipality

The map below shows a list of places found under uMhlathuze Municipality with their surrounding rural areas. It also shows where kaBhejane Tribal Authority is located within the Local Municipality.



Source: uMhlathuze Local Municipality Map (2016)

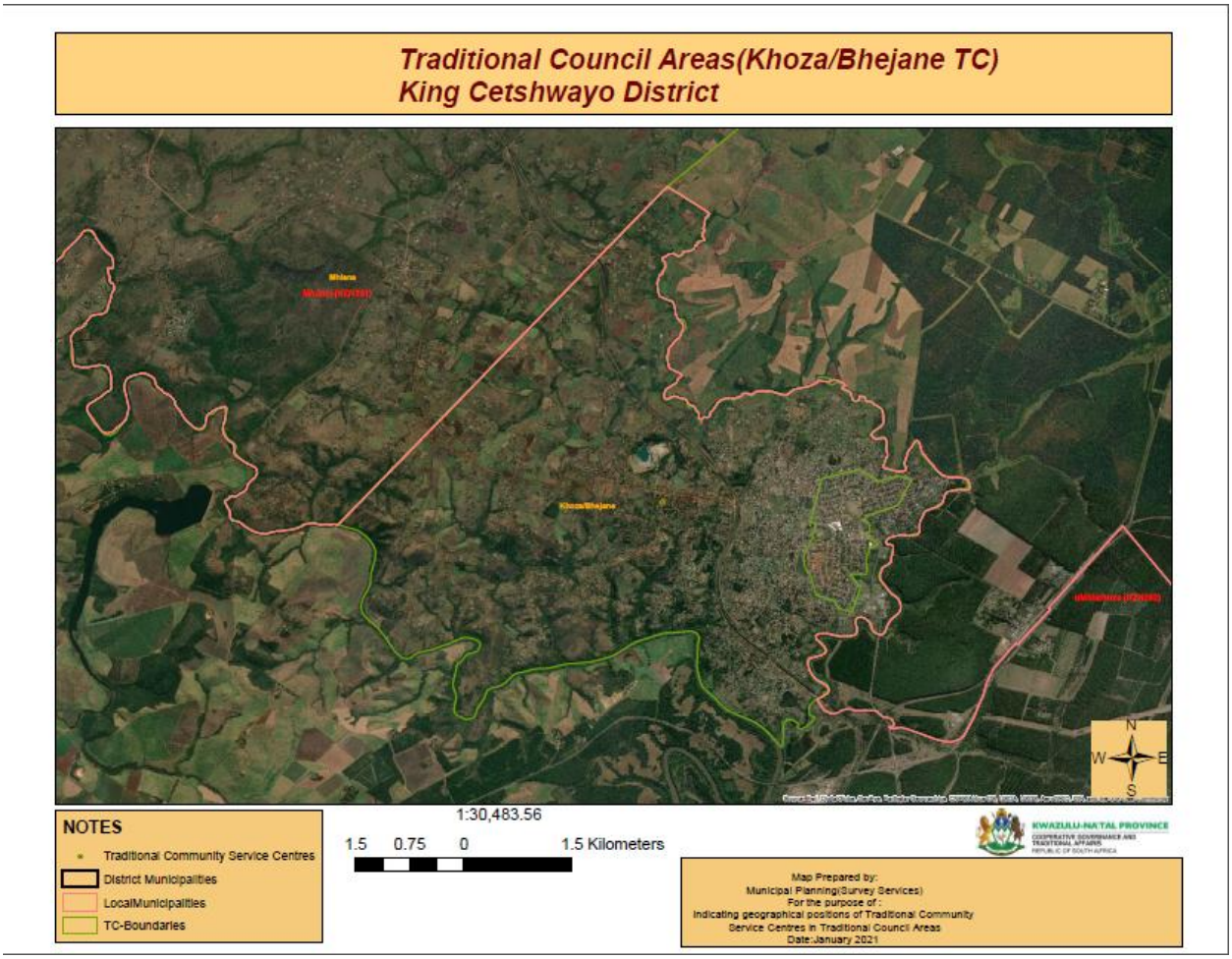
4.2.2 Map of the Traditional Council Areas at KCDM.



Source: Municipal Planning Survey Services, January 21, 2021

The purpose of the map above is to indicate the geographical location of Traditional Community Service Centres in Traditional Areas. The map below depicts the Traditional Council Areas of kaBhejane which is also known as Khoza Tribal Council (TC) under the leadership of INkosi Khoza.

4.2.3 Map of Khoza/ Bhejane Traditional Council



Source: KZN Government, 2021

The purpose for including the maps is to orientate the reader about the research site and to provide a justification of why this particular community was chosen. This community was purposively selected because it was realized that it would provide the best information to achieve the objectives of the study (Creswell, 2007). Hence, those who were likely to have the needed information and were willing to share it were selected.

The researcher conducted this research work with the help of a research assistant. The research assistant ensured that arrangements were done on behalf of the researcher. She arranged

meetings for researcher with traditional council members and the Chief of the area. She was chosen on the basis that she had the ability to work with women as she worked as a care-giver in the area and she had connection to the locality and knew the language spoken in the area.

The researcher oriented her on the role of a research assistant, as well as the aims and objectives of the research. In fieldwork she was required to assist the researcher with the logistics only but was not involved in the interviewing process itself. In-depth interviews and any follow-ups that carried sensitive information were solely done by the researcher.

Certain areas in KCDM contained a huge body of research on the cultural practices. Women and girls were asked to share their experiences and opinions with the researcher and they were not coerced into engaging or to participate in the research. In the next paragraph the chapter addresses the rationale for the methodology.

4.3 Rationale for the Methodology

The researcher chose the qualitative approach because the data sets that were going to be used are not quantifiable, in which case the study would have used numerical data which fall under the quantitative approach. However, the study falls within an epistemology of Indigenous Knowledge System (IKS), which rendered positivism unsuitable for the study. Within IKS, knowledge is developed within different communities before the arrival of the present scientific knowledge system (Tharakan, 2015).

IKS from several cultures developed into wide and complete knowledge systems which address issues of traditional skills crucial to people's continuity and welfare. In carrying out this study the researcher was not necessarily interested in gathering statistical data normally used to achieve objectivity. Instead, the primary concern was to obtain data predicated on subjective meanings of the respondents but which could still be authenticated through cross-referencing of information in order to ensure accuracy.

The nature of the study required the participants to attach their cultural practices in the responses and mention that these cultural practices are not quantifiable but need to be explained in a qualitative manner.

The research process in this study encompasses three dimensions which are epistemology, ontology and methodology (TerreBlanch, Durrheim & Painter, 2012). Following on the footsteps of Mathebula (2016) the research methodology is looked at as being a systematic process which is used to collect and analyse data that entailed interviews, observations and voice recordings.

The researcher's choice of the qualitative research approach was about evaluating its quality based on ontology, epistemology and methodology. The study specifically aimed to discuss their (participant's) contribution and interconnection. The researcher deliberately used epistemology to guide her choices for the methods chosen. Epistemology can only be visible through voice, analysis and writing. Hence, qualitative research attends to all elements and shows stability between them.

When one is building the methodology of a study, one begins by identifying the standpoint of the paradigm that informs one's study. The researcher identifies the theories that inform his/her research topic and questions s/he intends to ask. In this chapter an attempt has already been made to describe in detail the methodology followed and have identified the theories selected to underpin this research.

Qualitative studies aim for an in-depth understanding in order to generate rich observations (Henning, 2004). This perspective was embraced in this study so that the researcher could get a deeper understanding into how those women described, interpreted and gave meaning to their life experiences.

Qualitative methods were used because of a need for a comprehensive understanding of a community (De Vos, 2011). Qualitative studies have the advantage of being flexible, as they allow the interviewer to respond to new theories and concepts raised by the interviewees (Leyden, 2009). The focus of this research was to gain an understanding of the nature of women's experiences of traditional rule and culture. The description consisted of *how and what* they experienced regarding the phenomenon (Moustakas, 1994).

The researcher chose to do a qualitative thesis because of a distinctive taste and a belief that the themes that the study is interested in could be explored better through qualitative approaches. The researcher was not committed into keeping the study strictly qualitative. If it happened that she came across quantitative materials that could help her elaborate or expand her analysis, she would not hesitate to use them (Weinberg, 2002). But this did not change the nature of the study being primarily qualitative.

4.4 Research Design

An exploratory research design together with a descriptive design and an element of a case study design were used. A case study design offered an opportunity and a unique example of real people in real situations (Babbie & Mouton, 2010). Thomas (2011:511-521) opined that a case study is an empirical inquiry that investigates a contemporary phenomenon with its social and cultural milieu using heterogeneous sources of evidence. Thus, this study was embedded on qualitative datasets gathered through in-depth interviews and focus group discussion as primary methods.

This design was chosen because previous research studies on women and cultural practices did not address the impact of these cultural practices on women's lives. Furthermore, based on the same line of argument, the study was informed by the research questions to which the study hoped to find some answers. The exploratory research design was used because it allowed the researcher to make initial exploration into the issues that affect women.

Actually, the research design is crucial to a study because it is a process of building a plan and provides the framework for data collection in order to answer a research question or solve certain problems (Levy, 2017:10). This statement is alluded by Maree', Marcum, Saghafi and Weiner (2016:949-963) that a research design is a plan of action that explains the approach, the data collection method used and the data analysis.

The researcher was keen to use open and flexible perspectives in order to explore new insights regarding cultural practices. As pointed out by TerreBlanche, Durrheim and Painter (2014), the exploratory research design functions much better when primary stakeholders are interviewed,

and have their views used to measure the dimensions of societies regarding the practices that are administered in rural areas.

Trochim (2007:61) concurs with this when he mentions that: “In qualitative research, the researcher makes use of research questions instead of a hypothesis.” Qualitative research seeks to describe life worlds from the viewpoint of the people who partake, so as to create a superior understanding of their experiences. Gilbert (2001) asserts that a qualitative investigator is concerned with variation of keenness and is interested in many real worlds within which people live.

Neuman (2011); Blaikie and Maree (2007) suggest that it is possible to integrate exploratory, descriptive and explanatory research purpose within a single study. In the same vein, Fouche and De Vos (2011) indicate that most researchers encompass components of all three purposes. However, Creswell (2014:1-12) concedes that the three research purposes can be linked or can be discussed independently, although they are interconnected components to accomplish the same goal.

The exploratory research design enabled the researcher to obtain a deeper understanding into how women described, interpreted and gave meaning to their experiences. Due to the advantage and flexibility of this approach the researcher was able to respond to new theories and concepts raised by the participants (Lyden, 2009).

In the current study the researcher has chosen the exploratory strategy to acquire insights, discover new ideas and enhance understanding and knowledge of the impacts of the cultural practices. The exploratory design blueprint is embarked upon when little is known about the topic under study (Marlow, 2011). Furthermore, this author believes that an investigative study often regulates a study’s probability and raises questions to be investigated by more substantial studies utilizing either descriptive or explanatory strategies.

The explanatory research design answers the questions people have especially questions of “why” and “how” of the situation being investigated (Cresswell, 2013). It further assisted with

the creation of a link by emphasizing the determining factors and end results of an incident in question (Bhattacherjee, 2012).

The nature of the problem being investigated and the research question needed the utilisation of Thematic Analysis (TA) using the interpretive inquiry which is an approach that is naturalistic and descriptive, and qualitative in nature. The researcher used TA to explore and interpret empirical evidence on women's beliefs, insights and facts regarding their perceptions of the practices.

The design was suitable because it sought genuineness and helped to acknowledge the beliefs, feelings and shared experiences of women when they are faced with their own cultural rules. Last but not the least; this approach was used to collect useful information through extensive discussions. The intention was to discover and describe the episodes as they happen in their actual form (Sekaran & Bougie, 2013).

4.4.1 Triangulation

The researcher used triangulation of data sources to establish the effectiveness of qualitative data. But the emphasis has tended to be on methods of investigation and sources of data (Bryman, 2012:392). So, the researcher used triangulation to establish and ensure credibility, trustworthiness and rigour of the qualitative data by drawing from different sources (Shenton, 2004).

Triangulation in this study improved the study's rigour by increasing validity and reducing subjectivity. It assisted the researcher with the validation and exploration of the new concepts and themes of this study (Jonsen & Jehn, 2009). Additionally, triangulation was used to review data collected in order to achieve accurate and valid results and it enabled the researcher to study attitudes of women and girls during interviews (Oliver-Hoyo & Allen, 2006).

Concerning the data acquired three observations were made (i) compared data led to an iterative process (ii) put together data led to increased understanding of the factors of the facts and (iii) convergence of the data intensified trustworthiness of findings (Lambert & Loiselle,

2008). Eventually, the results were compared using each method and described how the researcher combined them to reach the study results.

4.5 Research Philosophy

This may be referred to as a worldview which is regarded as beliefs that guide any action taken and it also underpins the study (Creswell, 2014). So, within the research community, research paradigms are perceived to be theoretical attitudes that can be sketched through the ontology and epistemology of the study (Mertens, 2010). Schneider, Whitehead, Lobiondo-Wood and Haber (2016) alluded that a paradigm indicates a philosophy that is based on values and analytical beliefs that are shared by the community and that escort its research approach. In a qualitative study there are many alternatives that can be followed by researchers when dealing with powerful ontological positions (Bird, 2015).

According to Willis (2007), interpretivists like to support qualitative procedures that include case studies and ethnography. Qualitative approaches always present reports that are required for interpretivists so that they can fully recognize contexts. Thomas (2003:60) asserted that qualitative methods are mostly supported by interpretivists just because this paradigm pictures the world wherein reality is socially constructed. Interpretivists do not favour to use methods that put forward objective information.

McQueen (2002) maintained that interpretivists see the world through individual eyes and select participants that interprete reality as they want to. Therefore, the above mentioned assertions were more suitable to this study which investigates and explores the experiences of women in relation to cultural practices.

The researcher employed qualitative research because she wanted to obtain the views of women's groups and individuals on the other hand and from the custodians of cultures on the other, it was fit to engage in discussions and probe participants to acquire in-depth information about the responsibilities of the parties in traditional courts.

4.5.1 Ontology

Ontology is concerned with "what kind of world we are investigating, with the nature of existence, with the structure of reality." In other words, the ontological premises are those that answer the question "what is there to be known? Or "what is the essence of the truth? (Guba & Lincoln, 2005). Ontologically, this study was generally idiosyncratic (Denzin & Lincoln, 2010) as it was influenced by different stakeholders practicing the rites on perceptions, ideas, and experiences surrounding the impact of cultural practices and its effects on women in KCDM.

In the context of ontology, the researcher had to assume that the domain she explored is an area that is influenced by ideas, perceptions and thoughts of the people. Her exploration of this domain is demonstrated in the study as she used different research methods, techniques and designs such as in-depth interviews and open- ended questions to get the attitudes of women on the effects of cultural practices. The knowledge accessed here is focused on culture and emphasizes the significance of the ontological assumption.

The researcher's desire was that the knowledge should not fit only the past realities but should also encompass future generations. The focus was on individuals and their interaction with culture and how positions of power have become a power phenomenon that is abused. In the quest for power men use women's essence to enhance their own essence and power. This is happening in our communities though it is not supposed to happen.

Men are carrying positions of authority and become a weakest link at the presence of cultural practices. It was envisaged that the most knowledge to be acquired through this study would be the creation of gender-based violence and femicide safe zones (Taylor & Jasinski, 2011).

4.5.2 Epistemology

The aim of highlighting epistemology was to provide a philosophical grounding so that the researcher would be able to decide on the kind of knowledge that is possible and how she make certain that it is enough and legal (Maynard, 1994). This is connected to ontology which is the study of reality (Lincoln & Guba, 1985:37). According to Crotty (1998) an ontological stance suggests an epistemological stance one way or the other.

Crotty (1998) emphasized that the two terms complement each other and mentioned that in ontology the essence of realism puts forward that realities take place outside of the brain and observe objectivism. The researcher's task was to understand reality of cultural practices in a way that is easy to simplify. The study adopted the use of theories of knowledge construction because is based on how knowledge was socially constructed.

Data was collected amongst the people who have experienced the impact of culture and traditional practices in their lives. The knowledge that was constructed with the participants was engaged on their subjectivity and the researcher was supposed to be transparent with her own position of subjectivity so that readers could make judgments about everything.

The participants' interactions were studied and recorded including the different ways in which they brought their issues and challenges affecting their lives by discussing those problems and acted around them. In addition, study illuminated the nature of the experience and determined what women believe about cultural practices. Questions were asked in a non-leading and impersonal manner to ensure that the true viewpoints, beliefs and motives of the participants were discerned and tried to put aside what is already known about cultural practices to prevent influencing the study. Data collection involved listening and collection of what women were revealing that was happening behind their closed doors.

Creswell and Plano (2007) have identified various stances in both qualitative and quantitative methods, namely, one paradigm pragmatism and transformative (Mertens, 2003); multiple paradigms (dialectic perspective) (Greene, 2007); linking paradigms to design features (Creswell & Plano, 2007); epistemological stance (ontology, epistemology, methodology and axiology) (Guba & Lincoln, 2005); and shared beliefs in a research field (Morgan, 2007).

Epistemology is used in community-based science research to refer to analysis of knowledge, or methods of knowing something (Edwards, 2012). Therefore, this study leans more and is inclined towards epistemological stances (Creswell, 2014). The researcher's epistemological stance towards the essence of knowledge was based on subjectivism and not objectivism. This underlined the whole research process and ruled the theoretical point of view delegated, which is interpretivism.

The researcher interacted with the participants, thus presenting the epistemological assumption. This is concerned with the relationship between the "knower" and the "would-be-knower" (Ponterotto, 2005). According to the interpretivism approach, there should be a relationship between the interviewer and the interviewee so that lived experiences of participants are clearly captured and described. The choice of how the researcher investigated cultural practices was connected with epistemological issues relating to her topic. This entailed recording what happened and included illustrative attributes of how the study was advanced and organized.

Epistemology is needed before differentiation between honesty and fabrication since knowledge is acquired from the world around us (Kawulich, 2012). Focus was also paid on epistemology in order to accept the truth. Each paradigm has its own view of epistemology or ontology. Constructivism is about believing that knowledge is personal because it is culturally erected and intelligence reliant (Mertens, 2009).

It is believed that this could be the way in which data about phenomena should be gathered, analysed and used. Epistemology is important because it encompasses different philosophies of research approach. According to Galliers (1991), the two important research beliefs have been identified in the Western tradition of science, namely positivist and interpretivist. The philosophical assumptions underlying this research come from the interpretivist tradition.

4.6 Research Paradigm

The use of qualitative paradigm in this study is qualified by Polit and Beck (2010), who claims that qualitative paradigms use a constructivist/naturalistic approach which suggests that reality can be constructed. This means people produce and construct their own knowledge and understanding from the way they interact with one another and with the world around them. Hence, the naturalistic paradigm assumes that people are not homogenous. This is because we are all unique so a number of realities can simultaneously exist (Scotland, 2012).

The interpretivist paradigm was chosen because it attempts to study human action. According to Creswell (2014) a paradigm is considered as "a way of describing a worldview" which is a basic set of beliefs that helps to guide the action and underpin the study. To support the assertion by Creswell (2014), Mertens (2009) mentions that paradigms can be described through the epistemology and ontology of the study. This paradigm was useful for the researcher because it assisted her to unearth the in-depth underlying beliefs and assessments

of a few samples with regards to cultural practices on women's behaviours. This allowed her to interprete meanings brought by those people practising the rites in KCDM.

4.6.1 Interpretivism

The research process consists of three dimensions that can be used to define the nature of the scientific inquiry. These include methodology, ontology and epistemology (TerreBlanche & Durrheim, 1999) as cited by Thomas (2010:292). TerreBlanche & Durrheim (2014) suggest that paradigms can be pigeonholed through their ontology, epistemology and methodology. Moreover, TerreBlanche & Durrheim (2012) contend that the above distinguishing features generate a complete perspective of how researchers observe knowledge; how they think of themselves regarding this understanding and the procedural programmes they use to locate the knowledge.

A research paradigm suggests the approaches, pattern, assumptions, values and framework for the research project. Therefore, this study is informed by an interpretivist paradigm. For Schwandt (2001), a paradigm is a divided philosophy that constitutes the doctrines and principles in a field of study. This shows how disputes and problems are solved.

It can further be described as an attitude that is informed by philosophical assumptions about the nature of social reality (ontology). Epistemology is about how we know what we know (Patton, 2002). The researcher's ontological position is that reality is subjective and influenced by the context of the situation which is the experience and perceptions of an individual, the social environment, and the interaction between the individual and the researcher (Ponterotto, 2005).

In research, the well-known paradigms are constructivist, positivist and interpretive paradigms (Schreiber & Asner-Self, 2010). According to De Vos (2011) "interpretive approach is suitably used to phenomenological studies that intend to understand people." Babbie & Mouton (2001) states that an interpretivist approach means that you are using people to interpret, give meaning, create, justify and define their daily actions. For this study the participants

constructed their own social world. That is why the researcher opted to use an interpretive approach.

According to Kumar (2014:8) “in an interpretive paradigm, the meaning is not on the surface however the researcher has to connect different messages to get the clear meaning, as the researcher conducted reading in order to get into depth and clarity embedded in the text.” Thomas (2010:60) states that “interpretive researchers believe that reality consists of people’s subjective experiences of the external world; thus, they adopt an inter-subjective epistemology and ontological belief that reality is socially constructed.”

Therefore, the reality perceived in this research by women about the unfair treatment they receive in tribal courts was based on what they have experienced. The reality was constructed based on the degree of their exposure to exploitation and humiliation they have endured. The focus here was on *how* women were willing to elaborate their subjective experiences and observations coupled with meaning that centred on the explored social occurrence.

Purposive interpretative research is about understanding what people have experienced. The questions are normally unlimited, expressive and undirected (Creswell, 2003). However, constructivism and interpretivism are related concepts that address understanding the world as others experience it. The constructivist’s point of view can be transferred to the philosophy of Husserl’s phenomenology (Eichelberger, 1989 & Neuman, 1997).

For this research the study decided to adopt and utilised interpretivism as a paradigm because of the subjective experiences of women and these also believe that knowledge is subjective. This also acknowledged and explored the historical and cultural interpretations of the cultural practices in KCDM. This helped the researcher to understand and interprete culture and cultural practices from the angle of those who have experienced it. This would be answered within an interpretive model. An interpretive perspective is based on the idea that qualitative research efforts should be concerned with revealing multiple realities as opposed to searching for one objective reality (Blandford, 2013).

Interpretivists assume that reality is constructed through interpretations of study participants. Reality is constructed by the experiences of women who were survivors of harmful cultural practices for this study. Working with these women enabled the researcher to understand their pain and experiences much better. The interpretive paradigm enabled her to consider many factors that were based on the participants' experiences. In addition, this paradigm assisted the researcher to treat the context of her research as unique as possible.

Interpretivism also assisted the study in deepening the analysis and it was useful because it enabled the thesis to unearth the in-depth beliefs and perceptions of women in regards to the cultural practices. It assumes that reality is subjective and can vary in as much as different individuals do. This can extend to an understanding that the participants would not supply ordinary expositions (Scotland, 2012 & Collins, 2010). The data collected and analyzed was explicit through acquisition of this paradigm because all the data were reliant on perspectives and practicality (Saunders & Rojon, 2012).

The adoption of the interpretivism paradigm provided in-depth mastery of contexts such as cross-cultural studies, elements underpinning definite development through gathering and interpretation of qualitative data leading to deep perceptions and conclusions that are dissimilar to others (Myers, 2008 & Saunders et al., 2012). The adoption of this paradigm led to the creation of trustworthiness in data as it was based on the contributions made by the participants considering the different variables (Myers, 2008).

Above all, the paradigm helped the research to consider some factors that were based on the experiences of participants and thus able to clarify reality when given assumptions and beliefs of an interpretivist research. This also assisted the study to treat the conditions of research and its position as distinctive when looking at the state of affairs of the participants involved. It also made the research to be more focused on the topic and prevented it from being unfocused.

Through this paradigm, the researcher was able to explore the experiences of the participants by conducting interviews and discussions. So, qualitative methods were suitable for the study to gain deep insights of the contexts of the study.

4.6.1 Sampling Procedure/Methods

Marlow (2011) argues that a sample can be selected through two main methods, which are probability and non-probability sampling methods. Moreover, Walker (2010) states that probability sampling enables the researchers to choose a sample where each element in the population has an equal opportunity of being selected (Occupy theory, 2016).

In non-probability sampling (snowball) method the elements do not have known an opportunity of being selected as subjects (Occupy theory, 2016). This type of sampling is occasionally used by most researchers when they conduct a qualitative study (Haque, 2011). Probability sampling can be done through simple random, stratified or systematic sampling (Bryman & Bel, 2004).

This study drew the sample from the thirty women through referrals (snowball sampling). Those women selected for sampling had attributes and understanding that were of specific attraction to the study (Miles & Huberman, 1994; Morse, 1998; & Silverman, 2001). Using available individuals in the surrounding (Wellington, 2000) was an additional benefit because those contacts knew of the kind of participants that the study was pursuing.

The sampled participants who manifested episodes of cultural practices were picked because they would contribute pertinent facts. Identified participants assisted with identifying and introducing others whom they knew have information as far as the topic was concerned (Chen et al., 2000; Robson, 2002; Crang & Cook, 2007).

Snowballing and purposive sampling belong to the same group. Merging them helped the research to substantiate issues, validate, verify, match and gather additional information. This increased value to the investigation as it augmented rigour. In purposive sampling there is a question of bias which has been identified as a deficiency by authors (Chen; Goldman & Chen, 2000 & Silverman, 2001). That element was completely checked and sorted out.

The aim of probability sampling is to achieve representation which is the level to which the sample correctly represents the whole population. The study therefore, employed the non-

probability technique in this study. This allowed the study to select elements that could be used to collect data.

So, designs for non-probability sampling are purposive, convenience and snowballs (Mbambo, 2009). The testing manner could not prioritise offering opportunities to all elements but purposely targeted participants that could bring rewarding results (Babbie, 2013). The use of the non-probability method was anticipated to give good results.

A qualitative study with thirty women and five men was considered to be a big study. In the end, the final sample was slightly less than this number (twenty women and five men) but still served the purpose. Normally, qualitative comparative studies have at least ten participants per group. So, the twenty women were chosen on the basis of what and how they have experienced the cultural practices.

As mentioned above, the selection and inclusion in this study involved participants that have undergone and experienced cultural practices but still pretend as if everything was normal. They were given a chance to identify and classify themselves as members of the following ethnicities: Zulu, Xhosa, Swazi, Tsonga and Pedi women. Moreover, the size was big enough to generate data that was used to draw conclusions.

4.6.2 Sampling Techniques

In this study purposive sampling and snowballing techniques were used. The sampling methodology used was meant to choose women that have experienced the impact of cultural practices in their own lives. Therefore, “snowball” meant that each of the interviewees suggested others who could be included in the study based on their relevance (Grinnell & Unrau, 2008:153; Royse, 2004:197-198).

Participants were recruited with the help of the traditional leadership. Indigenous knowledge was sought by engaging traditional leaders of the different traditional houses. The main reason for involving them was because it was imperative to make them feel that they had ownership of the project. The women were from the cross-section of socio-economic and religious groups

including Christians, educated, uneducated, married, single, separated and widowed. Women, who were selected for interviews were those who have been victims of the cultural practices.

The study sample constituted twenty women who were purposely selected because of the experiences they had regarding cultural practices and five men. Among the women there were victims of the cultural practices as well as survivors of domestic violence which emanated because of the cultural practices regulated in their surroundings.

A single case who was a victim of the cultural practices was approached and she referred the researcher to other similar persons who were visited for data collection (Bryman, 2012:100). The selection of participants continued until nobody else with those specific characteristics could be found or until data saturation took place (Alston & Bowles, 2003:90; Sarantakos, 2000:153). To prevent the chain from breaking, the study participants were requested to give three names instead of one. Snowball sampling was appropriate for this study because it was difficult to locate the members of the population.

Purposive sampling which is another kind of non-probability sampling was used whereby those to be observed were chosen on the researcher's judgement regarding their relevance and usefulness in the study. In using purposive sampling, the members of the sample with a certain purpose were selected so that they could represent a particular location and people's concerns to major issues (Maruster, 2013).

So, the purposive sampling which was employed constituted the non-probability sampling technique which identified women who were chosen for theoretical reasons in order that the study could gain information on how to redress power imbalances between men and women in rural areas. Similarly, this technique enabled the researcher to utilise the experience she had in the field of study to bracket the best candidates to be used during data collection.

4.6.3 Personal Profiles of Individual Participants

The table below encapsulates the demographic profiles of women interviewees. To ensure adherence to the principle of confidentiality and anonymity of participants' true identities were

not revealed. Therefore, pseudonyms were used to refer to them. The profiles of all participants are presented below, followed by their in-depth descriptions and analysis:

Table 4.6.4 Details of the participants

Pseudonyms	Age	Level of Education	Marital status	Religion	Race	Employment history
maGxekwa	41	Matric	Single	Christian	African (Xhosa)	Employed
maQwabe	55	Matric	Widowed	Shembe Follower	African (Zulu)	Employed
maMhlongo	64	None	Widowed	Shembe Follower	African (Zulu)	Unemployed
maKhoza	70	Grade 8	Widowed	Christian	African (Zulu)	Unemployed
maShabalala	43	Certificate	Widowed	Christian	African (Zulu)	Employed
ma Adams	30	Degree	Single	Christian	African (Coloured)	Employed
maNgema	19	Certificate	Single	Christian	African (Zulu)	Employed
maNsele	20	Matric	Single	Christian	African (Zulu)	Employed
maSimelane	59	Degree	Married	Christian	African (Swazi)	Employed
maGumede	73	None	Widowed	Shembe Follower	African (Zulu)	Unemployed
maMthethwa	49	Masters	Married	Christian	African (Zulu)	Employed
maNdlovu	45	Grade 7	Cohabitation	Non-Christian	African (Zulu)	Unemployed
maZungu	42	Diploma	Married	Christian	African (Zulu)	Employed
maNdlazi	50	Matric	Cohabitation	Christian	African (Swazi)	Unemployed
maSibaya	44	Honours	Married	Christian	African (Zulu)	Employed
maZulu	26	Honours	Single	Christian	African (Zulu)	Employed
maMthembu	19	Grade 5	Single	Christian	African Tsonga	Unemployed
maNzama	19		Single	Christian	African	Unemployed

		Certificate			(Zulu)	
maSibiya	54	Degree	Married	Christian	African (Zulu)	Employed
maCele	60	Diploma	Married	Christian	African (Zulu)	Employed

The above table shows that the youngest woman that had undergone the various cultural practices among the participants was as young as 19 years old.

4.7 *Focus Group Discussions*

Focus Group Discussions according to Neuman (2011) is about construction of topics of discussion in a manner that enables those who take part in the study to deliberate, debate and express themselves freely without intimidation or fear that may be presented by in-depth interviews. In this study FGDs were used as a data collection technique to compliment the in-depth one-on-one interviews in soliciting views, perceptions and thinking of the five men on the impact of cultural practices.

There was a FGD for men but there were limitations due to the issue of ethics involved. Questions were posed in an interactive group setting in which participants were free to interact with other group members (Krueger & Casey, 2014). In terms of the assertion by Maree' and DiFabio (2016:503), FGD is of the idea that group interaction is useful to spread relevant responses and activate details of experiences that are forgotten.

To cater for all representatives of the focus group discussions the researcher considered that there were things some men would not be able to say in public or in front of others. Therefore, planned open-ended questions were planned to collect data from them.

Kumar (2014) put forward the idea that the "focus group is" a form of strategy in qualitative research in which attitudes, opinions or perceptions towards an issue are explored through a free and open discussion between the group and the researcher." During the interviews, discussions were tape-recorded for further transcriptions. Listening very attentively to their viewpoints was very crucial and it took about 45 minutes to finalize the discussions.

Noticeably, the FGD enabled them to build on one another's ideas and made additional comments to give an in-depth view which was not easy to get from individual interviews. There were debates and arguments that emanated between me and the group of five men but I noticed that they supported each other's responses and added more value to the discussions and contributed new insights.

The feminist theorists believe that rules are radical to ranking women in lower levels. Above that they view gender as a constructed notion of feminity and masculinity which is not a product of an individual's biological sex (Akpotor, 2009). For the FGD men were represented as follows: three of them were members of the kaBhejane Tribal Council and two were community leaders (a Minister of Religion and a Ward councilor). Their real names were not used to uphold confidentiality. Thus, pseudonyms were used:

Mr Sithole is a 69 year-old male who is traditionally married with three wives and lives in the community of Ezikhaleni. He is an induna (headman) of the Mhlongo clan (*isizwe).*

Mr Mkhize is a 57 year-old male. He is *iphoyisa lenkosi* (police of the chief) and is not married to his wives (cohabitation).

Mr Nsele is a 31 year-old Minister of Religion and is married to one wife.

Mr Mthembu is *induna yakaKhoza* and he is 47 years old. He is married customarily.

Mr Mzimela is a Ward councilor for ward 6 at UMhlathuze Municipality and he is 39 years old. He is legally married.

Strydom & Venter (2002:207) agreed that the respondents in attainability case are those who are nearby and most readily available. Questions for the focus group discussion were written in English although interviews were conducted in isiZulu. These five men came from the same background and have common interest (Schurink & Poggenpoel (1998:314). men from one rural setting were interviewed so that the study could establish various facts about the same area.

In the focus group discussion guide there was a portion that dealt with cultural practices and their implementation in their community. The same consisted of open-ended questions which

were arranged from the general to the definite questions. Questions with enormous importance were put to them in the beginning and those with minor implications were positioned at the end (Stewart & Shamdasani in Schurink; Aarts & Malina, 2000:318).

4.8 The Research Instruments

The researcher used different sets of data collection instruments in this research. Conventionally, a researcher needs to develop instruments with which to collect the necessary information. She used an interview schedule as the research instrument which was arranged according to the objectives of the study. Questions were also crafted based on the objectives. They were designed with two different sections.

Questions one to six formed the first section which dealt with the biographical information of the participants. Question one established if cultural practices affect a certain age group cohort or if it affects all women across ages. Question two was to check the marital status of the participants. Question three investigated the race of people that administer cultural practices. Question four looked into the level of education; question five established the religions that pay homage to culture and question 6 touched upon employment history of the participants. The aim was to check if unemployment contributed to the oppression of women because of poverty.

Section B entailed a set of open-ended questions which had twenty-five questions. In question one participants were asked to explain if they knew how cultural practices originated. Questions two and three were about elaborating how cultural beliefs and practices mould the character and behaviour of girls. This point was carried over to question four. In questions five to eight they were asked to narrate the sorts of problems cultural practices have created for them.

From question nine to fifteen they were asked to describe and evaluate how the practices are performed and what can be done to improve conditions around these practices. Questions sixteen and seventeen established which practices are still administered and they were asked

to explain if they believe in ancestral spirits and why. Questions eighteen to twenty-three expected them to give their perceptions and viewpoints regarding cultural practices and were asked to state how structures defined, informed and influenced the society of women.

Then in questions twenty-four and twenty-five women were asked to say how they negotiate their existence and identities. Lastly, they were probed to give the type of support that was needed from the government and from NGOs in order to eliminate harmful cultural practices. Similar questions were posed during the focus group discussions. The reason for using open-ended questions was because these types of questions allowed me to observe and experience the emotions and free expressions of the participants.

The instruments used in this study included an interview guide which was used in face-to-face interviews. The responses were recorded in an audiotape. In order to control against making the interviews stressful, all questions were posed in the form of a dialogue instead of presenting them in a question – and - answer format. Probes were made whenever the participant was showing signs that they were comfortable to narrate their stories.

Noor (2008) notes that tape recording the interview guarantees comprehensiveness of the verbal interaction and provides an opportunity for accuracy checks. In this study the researcher used the audio recorder during the in-depth interviews and focus group discussions. The use of the audio-recorder helped during the formulation of study questions and probes. She used the notes to verify information from the recordings during the transcribing and coding process. After each session the researcher ensured that the interviews were transcribed to avoid forgetfulness and missing of important data collected.

The research instrument was firstly developed in isiZulu then translated into English. The majority of the people interviewed were isiZulu speakers.

4.8.1 Semi-structured Interviews

As a data collection method, semi-structured interviews were used and administered. Semi-structured qualitative research builds upon a set of questions asked to drive the conversations.

The semi-structured interviews were used because they are flexible and allowed new questions to be established while interviews were in progression because of the utterances of the interviewee. The interviewer had a framework of themes to analyse. The interviews were guided with the support of an interview guide. Appointments were arranged telephonically in cases where telephones were available and in instances where telephones were not available the interviewer had to send a research assistant to arrange meetings on her behalf.

During interviews questions about women's beliefs, views, opinions, behaviours and ideas were asked (Maree' et al, 2015). Qualitative interviews are conducted with an aim of seeing the world through the eyes of the people participating in the study (Hashemnezhad, 2015). Such an understanding was used as a guide in the research.

It all started by establishing a friendly relationship, trust and credibility with them prior to the beginning of the interviews, as suggested by Sbaffi & Rowley (2017). The researcher allowed them to confide in her about their personal issues that were outside of these phenomena. She then described her mother's own lived experience regarding cultural practices as stated in the introduction to the study. This she did so that she kept them relaxed and enabled them to feel at ease to narrate their own experiences. Her intention was not to intimidate nor influence them one way or the other but she emphasized that they should remain focused on their own stories. She explained that she had to do this with an intention of trust building so that they would loosen up and feels welcomed in order to provide truthfull information in return.

Methods of data gathering in phenomenological studies may comprise of semi-structured interviews with participants (Arksey & Knight, 1999; Creswell, 2007; May, 2001). Additionally, one-on-one in-depth interviews facilitated the discussion with the key participants such as women, community leaders and managers on the cultural practices. Participants were interviewed individually; each person was visited in her own home. They were asked to present their better understanding of their perceptions of cultural practices and the impact thereof.

As a technique for data collection in-depth tape recorded interviews for illiterate participants were used. Semi-structured qualitative interviews were developed with open and close-ended questions. The interviewer asked probing questions so that the participants could elaborate more on the topic.

Since semi-structured interviews combine both the structured and unstructured interviews styles, they can give detailed information on a topic being investigated. Through interrogation the researcher adopted an in-depth semi-structured style of interviewing. The aim was to encourage the participants to speak in person and at length about their lives as survivors of the cultural practices. Data collection started from the beginning of July 2019 till the end of September 2019 and three full months in the field were spent collecting empirical data.

Interviews continued after the participants had signed the consent forms. During the interviews, enquiries were made and the interviewer elaborated where she felt that clarity was necessary (Henning et. al, 2004). She had a flexible approach to the investigation, allowed for further information and insight (Bryman & Bell, 2003). Her responsibility was to probe. Therefore, she requested them to elaborate, clarify and give examples where it was necessary. Examples of probes used included: “Would you like to elaborate on your statement” or “How does that make you feel?”

4.9 Data Collection

The gatekeepers such as the area Chiefs, leaders of Faith-based Organisations, Ward Councillors and other stakeholders were consulted in order to give an approval for data collection. This gave the researcher an opportunity to explain to them the aims and objectives of the study. During the data collection process, a direct interaction with participants was developed, trying to collect their viewpoints, opinions and facts.

According to Neuman (2013), data collection is dependent on the variables being sought. While Salkind (2012) refers to methods of information gathering as a clear-cut and methodological data collection tool applicable to the complications of the study using interview methods, observation participant’s method, focus group discussions, narratives and case studies.

As mentioned earlier, different methods of data collection in this study were exploited which included in-depth interviews techniques, field notes, one-on-one interviews complimented by one focus group discussion with five men whom were not initially part of the study? Nevertheless, their viewpoints were needed in order to balance them with women's statements.

The main objective of the data gathering exercise was to help the study to address questions that emanated from the study. Saunders and Lewis (2012) maintained that a built process of data collection can be used to remove information from chosen participants in an agreed understanding. So, this means that the participants will give the information without being forced to do so. In this study, interviews were conducted using an interview schedule which gave participants an opportunity to describe their stories. This provided the study with the primary or original data (Flick, 2018).

Secondary data emerged from various sources that dealt with different aspects of cultural practices (Rubin & Rubin, 2012). For example, new literature helped with the understanding of the problems facing women and how these have been addressed across the globe. Babbie (2010) indicates that one-on-one in-depth interviews enable the researcher to follow certain issues of concern that may lead to focus and positive suggestions.

In the field the researcher came across issues of patriarchy that submerge women to inferior status. As shall be seen in the results chapter, most of the women complained about injustice that is displayed in the name of culture which forces them to surrender under male dominance. Another obvious problem highlighted by most women was that of inequality and the violation of human rights. It transpired that in rural areas women are still living under oppression. Cultural practices pave the way for men to torture their spouses under the guise of following culture.

According to Collins (1998: as cited by De Vos, 2011) "qualitative studies employ unstructured or semi-structured interviews, which are known as in-depth interviews." An in-depth one-on-one interview to collect data from the participants was utilised. To understand women's experiences of cultural experiences each participant had to be interviewed only once.

The interviews lasted for an average of between forty-five minutes and one hour. This allowed the researcher to do immediate follow up in order to gain more clarity. The pre-set questions were utilised to initiate and lead discussions. These made the researcher's work to be easy because she followed up on a discussion edge by continuing to ask questions that were not included in the interview schedule.

The themes of the semi-structured questions were (i) exploration of women's experiences and their subordination (ii) challenging the patriarchal customs (iii) the impact of cultural practices on women (iv) implications of harmful cultural practices (v) facing patriarchal authority (vi) proffering policies or interventions that can protect women against discrimination. From each theme a number of sub-themes emanated. This assisted the study to get a complete information about personal feelings, opinions and perceptions.

The terms "template" analysis and "thematic" analysis were used together because they are the same. Codes used related to the themes that emerged from the data collected which were selected for elucidation with themes and code categories identified. The codes used in this study were words and phrases related to the themes that emanated from the data which was considered important for explanation.

The interviewer was able to sense themes in the data. Codes were developed and generated coding as soon as possible to check and clarify data that was not completed and to search for frequent data before leaving the field. Codes which were words and clauses connected to emanating data were applied. The data was coded because it formed part of analysis as the researcher came across the emerging themes in the field. These codes were not part of what was in her interview and focus group schedules. However, the emerging themes formed part of the responses provided to follow-up questions. The same were attached to the objectives.

Sekaran and Bougie (2010) as cited in Jones (2015) alluded that focus groups are crucial because they are aimed at receiving impressions of the participants, expositions and opinions due to the fact that members speak about circumstances, ideas, effects or solutions. So, this work was to steer the discussions as the researcher probed for information required and kept the members on track.

Some data was collected using sources like books, internet, journals, articles from newspapers and policy documents. This was regarded as secondary information. The prober was aware that some people were shy to express themselves freely in front of others. She therefore, requested her research assistant to intervene and conduct those interviews.

In transcribing recorded interviews, the investigator carried out a parallel process with the research when time was available to do so. This she did shortly after the completion of interviews for the day. She reconstructed the field notes and attached rules to familiar pieces. This procedure would take two to three hours depending on the number of interviews conducted for the day. Walker and Myrick (2007) stated that "coding is an interactive, inductive yet reductive process that organizes data", it is from compiling that enables the researcher to "construct themes, descriptions and theories."

What was narrated was sensitive and could raise emotions. For instance, in the case of MaShabalala she could not contain herself when she recalled that she was chased away from her home for refusing to be inherited by her husband's younger brother after the death of her husband. Others remembered the pain they had to endure when they were not given opportunities to mourn their departed spouses because culture was to be implemented.

Some women collapsed when they narrated their stories, the prober exercised the professional skill of a social worker to give comfort where it was necessary to avoid emotional breakdown of the participants. For medical care a professional nurse was arranged because the researcher realized that some of the participants were victims of gender-based violence. Such cases were not reported to the police and the victims were given medical attention during the interviews.

The medical care provided included oral medication to reduce spiked sugar levels and high blood pressure. Some women were given time to cough out their pain by telling the social worker what they went through. Tape recordings and field notes taking made it easy for me to transcribe the information afterwards.

The use of transcriptions enabled the researcher to make a thorough examination of the participant's utterances. These texts were arranged around topics and themes extending across

the interviews. The language used to conduct the interviews was isiZulu and the findings had to be translating into English.

These women lived in a male-dominated world but it was noticed that they were prepared to take up space and cement their places behind the scenes. The researcher asked them if there is anything that they can tell about customary law, only to find that they were not familiar with the codes of what customary law was about. This made it difficult for the researcher to engage them into giving their perspectives on customary law which is the law that has been passed from generation to generation since the ancient time (Van Wyk, 1999).

This law is also known as indigenous law and it is acknowledged in the South African Constitution. It relished formal acknowledgement in KwaZulu Natal, the province where this research was conducted. Indigenous law is associated with the KwaZulu Amakhosi and Iziphakanyiswa Act No. 9 of 1990, which is an Act that provides for the formation of tribal authorities, positions, powers and duties of traditional authorities in issuing land were elaborated.

The study adopted Atlas Ti for coding, organizing, analyzing, presenting and interpreting the qualitative data. This was considered in this research due to its richness of collected data and also because of its development in the method of data analysis (Rambaree, 2008). Atlas Ti was adopted in this study due to its popularity. Its recent version 7.5.10 was used to scrutinise all the collected data. Azza (2013) observed the use of Atlas Ti 7 in helping the procedure of data analysis which is trusted to entails a potential in ushering more rigour and trustworthiness to qualitative investigations.

The researcher chose to use the software regardless of the number of participants to analyses the collected data, then combined and triangulated the findings of the study. Hwang (2008) championed the usage of Atlas Ti for its empirical advantage of increasing credibility establishment by making the research activity clearer and forgeable.

By using Atlas Ti the researcher was able to execute analysis at the various phases and validated the collected data through the interviews to identify major themes of this study. Furthermore,

Atlas Ti promoted a restructured procedure which was meant to enlarge credibility and dependability of the study.

4.10 In-depth Research

This was achieved through recordings which were later transcribed. In this male-dominated world the lives of women are characterized by controversy (Jorgensen (1989; Seale (1999); Denscombe (2003); Sikes (2004) and Denscombe (2007) have postulated the significance of the researcher proclaiming her /his viewpoint and ideological point inside the exploration due to its possible effect on the research process and conclusions.

In-depth interviewing is a qualitative research technique that includes conducting individual interviews with participants to explore their views or perspectives on a certain situation. As a technique for data collection, for illiterate participants in-depth tape-recorded interviews were employed. Semi-structured qualitative interviews were developed with open and close-ended questions. Probing questions were asked so that the participants could elicit and elaborate more on the topic. This was achieved through recordings which were later transcribed.

4.10.1 Participants and Settings

KaBhejane Tribal community includes one district Municipality known as KCDM and one local Municipality called the City of uMhlathuze. As mentioned earlier, only one focus group discussion was held with five men. These people were identified at a communal meeting held on monthly basis (which is called Operation Sukuma Sakhe). All the women were identified from different areas such as Mazimazane, Ezikhaleni, Bhekane, Ovondlo and eMabhuyeni.

To participate in the study was voluntary hence there was no specific number of each category. The participants represented a wide range of ages with the youngest being nineteen years old and the oldest was seventy-three years old. Participants were black Africans from all language groups. The majority of the research participants were isiZulu speaking.

During interviews many challenges were encountered like gender issues, family politics, inheritance disputes, patriarchy, gender inequalities, gender-based violence and many more.

In order to enhance confidentiality, pseudonyms were assigned to each and every participant and this was also consistent to the focus group as well.

4.10.2 Invitation to interviews

The researcher phoned each participant on her list to check their availability, and she discussed time and place of the interviews with each one of them. She gave each one of them a chance to ask questions regarding the interviews. After confirming their availability, the interviewer then scheduled the interview session.

Before the interview began the research process was explained. The following is the process that was exercised:

- Introduction of the research team.
- Purpose of the interview and the research.
- Explanation on why the biographical data should be completed.
- Stating why the consent form should be signed.

It was necessary to inform them why the interview had to be recorded and asked for their permission. Taking of field notes during the interviews was also discussed. By so doing the prober was planning the interview in a systematic manner as suggested by Arksey & Knight (1999). Furthermore, rsaercher explained that she had been granted permission to conduct the research by the iNkosi of the site and King Cetshwayo District Municipality which is an entity that regulates all the communities with Amakhosi included. With all referrals, the researcher repeated the same procedure.

4.10.3 Feedback on interviews

The interview feedback form was completed shortly after the interviews which was later attached to the personal data form, informed consent form and notes taken during the interviews and filed it in a secure filing system (Burns & Grove, 1997).

4.11 Data Analysis

The study employed the narrative or qualitative data content analysis strategy. This strategy is adopted to answer questions such as what, how and why; patterns in the data are explored by

making use of themes to organise text with the same content (Heikkila & Ekman, 2003:138). Therefore, content analysis is used to classify written or oral material into themes of the same meanings (Moretti; Vliet; Bensing & Deledda, 2011).

The data was systematically analysed to bring order, shape and meaning by clarifying the findings and dispensing detailed responses (Creswell, 2014; Leedy and Ormrod, 2005 & TerreBlanche et al., 2012). This enabled the researcher to arrange the data collected so that she could reach conclusions. Data analysis conducted allowed the reaserch to achieve the objectives of the study, give answers to the research questions and extract helpful information.

The narrative content analysis was framed around the thematic topics. Meanings were extracted from research questions and theme categories. These were produced by the narrative content analysis. The thematic headings were the six themes that were derived out of the six objectives of the study. A thematic analysis was used to write a qualitative report that used themes that emanated from the literature review and some emanated from the fieldwork (De Vos, 2011:204).

Data was arranged into themes after conducting the interviews. Participant's responses were analysed under themes based on the importance of occurrences of certain words spoken. This was performed by reading carefully the themes to identify patterns. According to Clarke and Braun (2013), thematic analysis identifies, analyses and reports themes and patterns within data.

Many researchers use the thematic approach to emphasize organization and rich description of the data sets as it goes beyond simply counting phrases or words in a text and moves on identifying implicit and explicit ideas within the data (Creswell, 2002). Hence, the same approach was adopted. This assisted the researcher in analysing and identifying patterns and themes in data collected to provide brackets for data scrutiny (Fereday & Muir-Cochrane, 2006).

Themes were generated out of the coded data. The data was then organised according to themes such as women's experiences and their subordination, challenging the patriarchal customs, facing patriarchal authority and implications of the cultural practices on women. Themes produced sub-themes that emanated from the fieldwork.

Those categories and themes were categorised from the collected data using inductive content analysis. Content analysis was used for categorising verbal or behavioural data so that it was easy to classify and summarise the information (Brown, 2018). As argued by Ryan (2011) this kind of analysis assisted this study to determine words, concepts, phrases and themes available to estimate the analysis in a factual way.

The stages of analysis included creating categories, open coding and abstraction and inductive content analysis was employed to understand, generate topics and sub-topics in order to submit the results of the research study. Moreover, it was necessary to assign successive elements of data to the themes of the coding frame. This perspective was flexible as it could be used to report data on meanings and experiences in a social context (Braun & Clark, 2006). The interviewer double checked the themes to ensure that they spoke to the aims and objectives of the study.

To tag all the important information codes such as perspectives, emotions, attitudes and behaviours that were linked to the research codes were applied. Along those lines this helped in the study to write comments to reflect on a quotation. In case where the researcher was not sure which code to apply if a certain passage was not relevant to the themes, she began with the comment and returned to the quotation later (Friese, 2019).

The coding frame was the gist of the qualitative content analysis and it covered all the meanings that are featured in the description and interpretation of the gathered data (Schreier, 2012). A tape together with field notes taken following in-depth interviews and semi-structured

interviews were transcribed based on thematic approaches. In-built mechanisms were used to check data truthfulness.

After identifying the unit of analysis a system for recording was created. This system included how often certain words or themes were used. Voices of women were recorded and some notes were taken while the participants were describing their experiences. Patterns or themes were discovered after summarizing the interviews.

4.11.1 Rigour and trustworthiness

The two main forms of validity are internal and external validity (TerreBlanche & Durheim, 2002). Qualitative researchers favour to relate to "trustworthiness" of the study (Guba & Lincoln, 1982; Oosthuizen & Naidoo, 2010). The four elements linked to the concept of trustworthiness: are transferability, dependability, credibility and conformability (Creswell, 1998; Guba & Lincoln, 1981). These are attestation tools used to assess or contribute to the rigour of the study (Morse; Barret & Mayan, 2002). Hence, authors use these elements to judge the trustworthiness of the qualitative study (De Vos & Taylor, 2012).

Designs that could compute rigour in a qualitative research include the evidence and verification of research results with the research informants who expressed an interest in this feedback (Lincoln & Guba, 1985). Since suggested by Chawane, Roodt and Van Vuuren (2003), the phrases and statements recorded in the interviews were quoted verbatim. This was done so as to meet the believability necessary for this study.

In order to attain measures of trustworthiness, the researcher always observed verification of the mechanisms used during the research by using the iterative approach to the qualitative research, and oscillating between the design and the implementation thus safeguarding congruence (Morse, 2002). For measures of rigour, theory development, theoretical thinking methodology, data collection, sufficient sampling size, and data analysis was included (Hildebrandt & Prenoveau, 2020).

Rigour is reflected when there is enough accuracy, precision and completeness using clearly defined procedures (Argyris, 1980 & Friedman 2001), thereby possibly improving transferability. To suspend judgement, experiences of self-reflection were utilised to distinguish between my prejudices and assumptions. The researcher retained a field diary which she used to point out her consideration on questions in the semi-structured interviews, and to identify certain biases and inferences so as to learn from the experience.

Furthermore, the interviewer used concepts of Husserl's (1970) bracketing out of her own viewpoints pertinent to the research study before commencing with the semi-structured interviews so that she pays attention to the experiences from the new perspective (Creswell, 2007 & Moustakas, 1984). According to Miller and Crabtree (1992:24), bracketing an individual's own perceptions apposite to the research signifies that the researcher "must bracket her own preconceptions and enter into the individual's life-world and use the self as an experiencing interpreter."

4.11.2 Credibility

Credibility deals with issues of establishing that the results of the qualitative study are considered to be a true reflection of the participant's views on the phenomenon under study (Trochim, 2007). A qualitative study depends on the ability and effort of the researcher (Fortune, 2004).

This construct is concerned with the accuracy to credibility, showing that the study was carried out in a way to ensure that the participants were identified accurately and delineated (De Vos et al. 2011). De Vos et al., (2012) argue that credibility is built while the research is still in progress. Moreover, credibility is a replacement of internal validity and its purpose is to prove that the investigation was conducted to make sure that the subject was identified and described accurately.

Lincoln and Guba (1999) asserted that "credibility involves establishing that findings of qualitative inquiry are believable from the perspective of the participant in the study." The use

of semi-structured interviews allowed the researcher to observe how the respondents form their social reality during interviews. Credibility was strengthened by the information collected from interviews and observation.

During interviews the researcher was very careful to not influence data interpretation. Therefore, she managed to remain neutral during interviews in the field. For this study credibility was achieved through flexibility of data collection methods and spending more time in the field. By so doing she developed an in-depth understanding of the phenomenon under investigation. This is collaborated by Vosloo (2014) that the more experience the researcher has with the participants in their setting, the more accurate or sound will be the findings.

She worked with the data intensively, checked the transcripts to ensure that they do not contain errors made during transcriptions (Gibbs, 2007) in Creswell (2014). The data collected through the field notes, interviews and audio tape were stored for keeping originality and be evidence that the results were credible.

She also ensured credibility in this study by using triangulation of different study agreements like data collection, research methods and data analysis. Thus, triangulation is considered as a way of reciprocal validation of findings that can expose biases when the phenomenon is investigated by a single researcher. This assertion is supported by Creswell (2014).

This study used different data gathering methods and sources to validate, merge, or light up the situation under study. Participants were given a chance to comment on data presented regarding findings and interpretations. To strengthen the usefulness of the study for other settings, diverse participants were used.

4.11.3 Transferability

Lincoln and Guba (1990) state that, “transferability is concerned with the extent to which findings of the qualitative inquiry can be transferable or generalized to other cases or

situations." Creswell (2014) points out that "in order to ensure transferability a researcher must use rich description to convey findings."

When the study results fit into contexts that are outside of the study situation and the viewers recognise its results as meaningful according to their cultural and social context then transferability is accomplished (Creswell, 2014). Transferability is the degree to which the findings of a single study can be usable to other situations (Walker, 2010).

According to Moule and Goodman (2014) transferability may be used to transfer data from one background to the next by means of describing the data and classify sampling and designs.
In this study, to ensure transferability, non-probability sampling was employed. Transferability was achieved through snowball coupled with purposive sampling, in which saturation of data applied and the description of the strategy and method were intended to be used in this study.

4.11.4 Dependability

The bigger question was based on the research process whether it was logical, audited and well documented. The researcher was curious to know if the research would produce the same results if it is repeated under the same setting and same participants (Guba & Lincoln, 2005). Thyer (2010) defines this concept as the extent to which the reader can be assured that the findings occurred as the researcher maintains that they did happen.

Obviously, dependability is more concerned with the researcher's ability to account for any design changes with conditions surrounding the research study included. It was necessary to align the methodology of the study with the nature of the objectives, following qualitative procedures for a scientific enquiry to ensure dependability. In addition, field notes were kept and audiotapes were available for an audit trail.

The last but not the least follow-up interviews were conducted with the participants at the end of the study to strengthen dependability. This was done as part of benefiting the community out of this research and also wanted to involve them to have a say in the findings of this

project. In this study dependability was achieved by using rich and detailed explanations of the information procedures and good selection of sites. The statements of all methods used to collect and scrutinise data, the recordings and transcripts thereof all added value to dependability.

The researcher ensured dependability by speculating whether she had deviated from the final goal of truth seeking by assessing the quality of the research process soon upon its completion. She made sure that all the findings, interpretations and recommendations of the study were correctly evaluated as it was received from participants. She gave room to other researchers to confirm her findings.

4.11.5 Positionality of the Researcher

It is very important for the researcher to declare his/her standpoint and philosophical position within the research because of its potential influence on the procedures and the findings of the research (Jorgensen 1989; Seale, 1999; Denscombe, 2003; Sikes, 2004 & Densombe, 2007). Therefore, the researcher is the key instrument who can affect the research. According to Wellington (2000), the researcher should inject rigour in the research in order to improve the credibility of the research. In trying to distance myself from studied normal everyday beliefs and suspend judgements on social issues inorder to reduce biases my ontological and epistemological stances were declared (Denscombe, 2007). Nonetheless, the researcher did not distance herself completely to the end of the continuum just because Lofland; Patterson and Morin (2006:20) states that extreme distance may result in failure to collect rich data.

The title of the research is culturally oriented and its centre of attention is women. Nevertheless, a big percentage of the population was of women (83%) with only a small percentage of men (17%). My gender (female) and being born in a Royal family played an important role in accessing the nature of information. My age (57), marital status (widow), my background of growing in a home where cultural practices were administered and motherhood were very crucial in building trust and rapport among those studied.

The researcher's past experiences and prior knowledge of the topic were relevant to the research (Wellington, 2000). She was engaged to traditional teachings since birth and has observed these practices being imposed on women in her father's Kingdom. Attending traditional initiations, attending marital ceremonies, traditional teachings she received, growing in the environment where practices were enforced, all these are part of the driving force and passion behind this study. She observed through her entire youth life that cultural practices were instilled with emphasis on the inferior position of the woman in marriage and male superiority.

She clearly understands that her experience and prior knowledge could contaminate the collected data nonetheless, the question remains of whether her philosophical bias underpins the "theory laden" nature of how she made sense of what she has observed, heard and what she included in the transcription. She put in place the following checks to minimise as much as possible any influence her identity, beliefs, values, motivation, knowledge and prejudices on the entire research process (Symon & Casell, 1998; Wellington, 2000 & Denscombe, 2007).

To minimise the researcher influences, fortunate enough she had a research assistant who was able to check and advise whenever her emotions seemed to resurface during the process of data collection. Her assistant compared her transcriptions with the recorded information, and together they crosschecked their field notes (Jorgensen, 1989; Seale, 1999 & Denscombe, 2003). As a researcher she had to be reflexive and reflective throughout the research process as recommended by Seale (1999). It was an on-going activity that she carried out as part of self-checking and cross-checking information.

She had a contact summary sheet which she used to review field contacts (Miles & Huberman, 1994). This assisted and enabled her to assess, analyse and contrast information collected and was able to see what needed to be confimed and consequent follow up. During the data collection process she had to suspend her personal values, beliefs and exercise enough self-

control over her normal attitude. Lastly, she had to consider negative data and rival explanations as important (Denscombe, 2007).

Having injected rigour into the research helped the researcher to establish the truth (Pring, 2000:144-145). So, this research aimed at collecting rich and real data from the participants studied and she have used qualitative procedures focusing on individuals. She did this in order to understand personal contructs hence perceive knowledge as established in the mind of the individual (Sikes, 2004).

4.12 Ethical Considerations

Ethical consideration is important in each and every study conducted. If the study is investigating human beings caution should be considered in terms of ethical implications (Leedy & Ormrod, 2010:101). A researcher may not ignore ethical considerations when conducting a research project (Welman & Kruger, 2002:171).

These authors further argue that ethical considerations should be acknowledged when the participants are recruited, throughout mediation and during the release of the results. Creswell (2014) suggests that the researcher is forced to respect the rights, values, needs and desires of the participants. Salkind (2012) put forward that a credible research adheres to research ethics.

The study needed to comply with the principles of no harm to participants, no deception, informed consent and confidentiality. The interviewer assured all participants of their rights, including rights of consent, protection from disclosure of information and respect of their privacy. Walker (2010) proposed that the most concern of ethical considerations is to protect the rights and interests of the participants. According to De Vos et al., (2011), these rights include the rights to confidentiality, privacy, informed consent and the right to participate voluntarily.

Neuman (2003:127) is of the view that even anonymity is not possible, researchers should protect confidentiality. She regards confidentiality as information that may have names attached to it, but the researcher should hold it in confidence or keep it secret from the public.

She honoured this requirement and considered it from planning to interaction with participants.

Throughout this study the researcher followed the guidelines of the World Health Organization (WHO, 2001) for conducting sensitive research with vulnerable population. Data collection only proceeded with informed consent of the participants, meaning that it was participation by consent. The participants were informed that their participation was voluntary and they were allowed to withdraw from the study at any point without being negatively affected by that decision.

Documentary interviewing "is invasive", agonies and wounds may be regenerated (Miller, 2000:104). This study observed major ethical protocols. The shielding of the participants was very important for this study. To protect against revealing information about the participants, pseudonyms were used throughout the entire study. When participants were interviewed on sensitive issues, a social worker was made available in order to cater for emotional breakdown.

The next ethical issue considered was the integrity of the researcher. According to Sarantakos, cited by Ikoja (2002:188), there are eight elements a researcher must follow to do faithful and thorough work. These are: accuracy in data collection and processing, use of appropriate research methodology, appropriate interpretation of the data, accurate reporting, and non-fabrication of data and or criminal misconduct. Therefore, she attempted to the best of her ability and capability to stick to these principles.

Neuman (2003:145) points out that the rights of subjects need to be protected or the statutory rights of members of the social community or groups being investigated, avoiding undue intrusion, obtaining informed consent, and protecting the rights to privacy of individuals and social groups. This study was informed by Neumans' views on protecting the rights of the population targeted.

Neuman further emphasized that it is the responsibility of researchers to make sure that they do not put themselves in situations that are outside of their professional competencies. The full

explanation and the purpose of the study was provided to participants to enable them to give informed consent to participate in the study and to foster full co-operation on their part.

Ethics was ensured in this study by complying with the principles of no harm, voluntary participation, confidentiality, informed consent, no deception and bias to participants. The researcher's research assistant and her were very cautious about any potential harm to participants. She made sure that their emotional, physical and psychological conditions were well protected. As argued by Welman & Kruger (2002:171) the risks involved in the study should not be more than the risks in which women are subjected to everyday.

Since the research deals with people it became important to conduct it in a way that would cause no harm to them. To do this end, ethical considerations were established in order to protect and respect the moral, cultural, beliefs, customs and religious values. Because of these facts, whenever the researcher carries out a study on humans he/she ought to protect participants from any physical harm, mental or any other harm, hence a diversity of codes of ethics have been formulated by professional societies (De Vos et al., 2011:68).

This study was monitored by the code of research ethics at the University of Zululand. The researcher ensured that the study was ethical, by observing the ethics discussed below. Gardner (2011) asserts that ethics must be observed and individuals should be treated fairly, sensitively, with dignity, and within an ethic of respect and freedom from prejudice regardless of age, gender, sexuality, class, nationality, cultural identity, faith, partnership status, disability, political belief, or any other significant variable.

4.12.1 Permission

The University of Zululand Research and Ethics Committee (UZREC) approved this study in terms of ethics. The interviewer obtained permission to conduct this study from the Acting Manager of King Cetshwayo District Municipality (see appendices). To get permission from participants she had to explain her intentions of carrying out the research; explain how collected data would be used and then reassured them of the confidentiality of the information. This gave them surety that even what they narrated should remain within the four

walls of the study. Babbie (2010) posits that even the settings and participants must not be distinguishable in print.

4.12.2 Confidentiality and Anonymity

To protect personal information De Vos et al (2011) proposed that participants must be enlightened about any protection relating to the safeguarding of their identities and personal information. So, the researcher kept in mind and considered the policy of the University of Zululand which promotes privacy and confidentiality when dealing with human resources. To maintain anonymity, confidential information was kept safe and pseudonyms were used instead of the participants' real names.

To avoid traceability, their names were not recorded as well as their personal details could not be traced nor identified. All the information supplied by the respondents in focus groups and during interviews was kept confidential. Participants were not informed about the responses of other participants; even names of those who participated in the study were not disclosed to others. The tapes for qualitative interviews were locked and computer files were password protected to ensure confidentiality and privacy.

4.12.3 Informed Consent

To follow the principle of informed consent, goals, nature, benefits and potential risks of the study were explicitly explained to the participants. Participation was entirely voluntary. Participants were given a consent declaration form to sign. She also asked permission to use a tape recorder.

Berg (2014) indicated that in a study, participants must not be in any way coerced into taking part. She ensured that participants participated willingly and voluntarily by including a short letter which is in line with the recommendation by Berg. This letter gave them a guarantee that their involvement was voluntary and also clarified that there were no risks associated with their participation.

The assurance was supported by explanations of the essence of the study and its purpose. As a way of reducing tension the researcher had to explain the purpose of the research, how it would be conducted and how much time it was going to last (De Vos et al., 2011). Furthermore, she explained that participants had the right to withdraw from their interviews if they felt not comfortable. They participated by consent. They were given a chance to decide whether to participate or not by means of allowing the briefing session before the actual interviews. Consent forms were issued and collected shortly after being signed by the participants.

4.12.4 Avoidance of harm or distress

To protect participant's privacy is very crucial when research is conducted. It is also imperative that certain steps are taken before the interviews happen. This is done in order to let them know that no harm will happen to them. At the same time, participants need to be informed that they have the right to agree to partake or withdraw if they feel or perceive they are vulnerable.

Such is in line with the perspectives of De Vos et al (2011) as well as Du Plooy-Cilliers, Davis and Bezuidenhout (2014), who alluded that it is the researcher's responsibility to protect the participants. Harm could be either psychological or physical and can happen at any time during the interviews.

It was ensured that participants were not exposed to emotional harm, discomfort, injustice, pain and destruction due to their involvement in the study. They were protected from harm by conducting the interviews at suitable times and in a comfortable and conducive environment during office hours.

4.12.5 Deception of the Participants

There was nothing concealed from participants that they needed to know. Certainly, the researcher made sure that she told them the whole truth about the nature of the study and its benefits. She explained to them about the risks involved by participating in the study as the study might cause emotional breakdown and that it could invoke painful memories. She did not coerce the participants nor deceive them in order to participate in the study.

Providing any false name or statement to your participants may jeopardise the whole study. In all cases a researcher should provide motivation that is supported by scientific grounds for all decisions taken to resort to such actions. There was no valid reason why information should be hidden from participants in this research. Names for the team members were revealed and the purpose of the research was clarified upfront.

4.13 Chapter Summary

In summary, a well-organized design and methodology is the core of a successful research study. This chapter unpacked how the sentiments of this study unfolded from the notion of the study topic to conclusions. It outlined the process of data collection and analysis. In addition, the chapter provided a theoretical base that informed all the aspects of the thesis from the problem statement, research aim and objectives, research questions and literature review.

Issues such as ethical considerations, trustworthiness, confidentiality and anonymity were addressed. The researcher has documented all the steps that were used in the research methodology. The rationale for the use of an interpretivist paradigm within qualitative research was discussed. The sampling strategy and the technique was further described, and the demographics of the sample were explained. The scientific rigour of the study was suggested and other concepts of the study were reviewed.

Various sections of the chapter discussed how interviews were mastered, the data analysis process, and how issues of trustworthiness were achieved. Additionally, the issue of bias was addressed and ethical considerations of the study were scrutinised.

The following chapter focuses on the findings, interpretation and discussion of results. This chapter is divided into three sections due to the number of research questions and objectives to that were tackled. The first part of the chapter is considered as part one, followed by part two and lastly parts three. For ease of reference there are two objectives discussed in each section and this is revealed in the themes employed.

CHAPTER FIVE

THE REALITY OF CULTURAL PRACTICES IN RURAL SETTINGS

Findings, Interpretation and Discussion: Part One

Theme: Impact of cultural practices on women

5.1 Introduction

The previous chapter (Chapter 4) was centred on the different methodological issues underpinning this study. In this chapter, the findings of the study are presented and interpreted. An analysis of participants' narratives identified two themes encapsulating the reality of cultural practices in rural settings. The researcher has grouped together all the ach chapters that carried themes that speak to a certain issue or rather co-related issues. The researcher did this by merging all themes that speak to/and carry an idea that is only supported by relevant themes.

The themes discussed here emanated from the first and fourth research questions and from the objectives of the study. The themes are: (1) Exploring impacts of cultural practices on women and (11) implications of harmful cultural practices on women.

The qualitative findings are supported by verbatim quotations from different women affected by the cultural and traditional practices enforced in their communities. The data showed that the level in which participants adopted ideas and attached meaning to cultural practices was shaped by their personal backgrounds, experiences, values and the time they spent succumbing under traditional rules.

This chapter presents a detailed argument on the results obtained from the semi-structured in-depth interviews of the twenty women and five men. Responses from all interviews and notes taken during field visits were examined, compiled and evaluated to answer the research question raised at the beginning of the study. Additionally, the chapter focuses on analyzing the findings which were gathered through multiple techniques mentioned in Chapter four.

The key research question is: Do cultural practices in a democratic South Africa have the motive to render women subjective to men? All data was consolidated and put together with an aim of

discerning and identifying any patterns that gave clear and best interpretation of the results of the study.

From all the categories that emerged in the data six key themes were identified which included the following: exploration of women's experiences and subordination, challenging the patriarchal customs, the impact of cultural practices on women, implications on harmful cultural practices, how far cultural practices discriminate against women and proffering interventions and measures which protects women's rights against discrimination.

Discussions were accompanied by the views of the participants. The emerging themes were used as sub-headings or sub-themes. The study was conducted with an aim of addressing the six objectives relating to the experiences of women captured by culture. These objectives were:

- To explore the experiences of women within societies where cultural practices are administered and assist them to reflect on those experiences.
- To determine challenges encountered by women due to customary rules and their coping means.
- To identify measures put in place to assist women living under customary rules.
- To determine positions of women in structures in which traditional rules are imposed.
- To put forward interventions which protects women's rights against discrimination?
- To determine if cultural practices discriminate against women and if so how far such discrimination goes?

The literature was also linked to the findings in order to back up the discourse. It is important to remember the main aim of this study, the research question and its objectives. The study targeted a sample of thirty female participants to take part based on their experience and five men. However, the researcher was able to reach only twenty women. So, she was able to collect data from a sample of twenty-five participants in total. To start the interviews, interviewees were requested to give their ages, marital status, race, level of education and religion.

Demographic Information of the Interviewees

Age of participants

The age column under chapter 4 showed women that undergone the different cultural practices at an early age. Women remain mute on issues that affect their well-being.

The story of MaNdlovu, traces tension by the way culture defames women's dignity. Her story is:

> *Bengisemncane kakhulu ngesikhathi engingena ukuze ngizomzalela indodana* (I was very young when it was decided that he can take me as his wife to fulfill the sororate custom). Nobody from my family ever sympathized with me. Instead, they were excited over the few cents he offered them. I am not recognized as his wife here because he is not traditionally married to me nor married by civil rights. Today I am 45 years old but still under siege (MaNdlovu, 09 August 2019).

Therefore, this finding shows the reality that cultural practices have not shifted in favour of young women that are over the teenage years and is showing no signs of improvement from cultural dictates of early child marriages that happen as early as from the ages of twelve to fourteen years.

My viewpoint with regards to MaNdlovu's narrative, I cannot say that raising a seed can be a problem created by culture for women (or even by men) in the research area. It is an old tradition beyond Africa. In summary, what happened to MaNdlovu was a fulfillment of the pure cultural norm. MaNdlovu told me that she was coerced into this arranged marriage when she was only 14 years old, although she is 45 years old today.

Mesatywa (2011) opined that age is related to the increased incidents of household violence. Apparently, the account given by this woman based on her age did have an impact on her narrative in as far as her experiences on cultural practices were concerned. This implies that cultural practices are still vigorously practiced in KCDM among rural Zulu people and perhaps in

other areas as well (Mfono, 2000). These practices are not properly explained to young people. Therefore, this is a cause for concern.

5.2.2 Marital status of the participants

As indicated in the table, the majority of the participants were widows. This finding revealed that there were more widowed women who have undergone the rite than their single and married counterparts that took part in this study. Perhaps, this is because after the loss of a spouse, women adjust to the new situation of becoming influential and navigate culture in a modern way.

MaGumede, a 73-year-old widow narrated her story as follows:

> *Angimgananga ngoba ngimthanda kodwa ngendiswa kuye* (I did not marry him out of love but I was given to him). She continued to say: *Wayemdala kakhulu ukunami*. (He was much older than me). *Kwafanela ukuthi ngishiye isikole ngiyogana* (I had to leave school in order to get married) (MaGumede, 03 August 2019).

In the case of MaGumede, her narrative indicated brokenness of her spirit when she remembered the past. She was involved in a loveless relationship almost the rest of her life. Obviously, she did not have the privilege of being happy in life. Someone else's judgment caused her to stop experiencing true joy – including furthering her education.

Radical feminism proclaims that male authority over women is likely to manufacture hierarchal connections of societies that are established on inconsistency (Beasley, 1999). Andersen and Taylor (2006) emphasize that the beginning of women's manipulation lies in men's dominance.

These findings suggest that although women live under suppression regardless of their marital status, there is a changing nature of the cultural practices in the modern era. The small number of women cohabiting could be explained by the fact that they are no longer interested in unregistered and unrecognized marriages. Contrary to the large number of single women, this could mean that the value of marriage in a social cultural system is believed to have been eliminated in the modern society**.**

5.2.3 The race of participants

In the race category, all of the participants were Africans. This was so because of the demographic population of the study. The participants came from the following clans: Zulus, Xhosas, Swazis, Tsongas and a black person of coloured origin. The diversity of the clans revealed that cultural practices affect all ethnic groups regardless of who they are. All races uphold their culture and keep it alive. This implies that cultural practices do exist and work across all races.

When probed to identify other races that still abide by their traditions, MaNdlazi stated:

> Seemingly, traditions were meant for African women only. You go to Eastern Cape Province, Mpumalanga, Limpopo or any other Province where African people are the majority, you are likely to come across these practices and the problems they create escalate everyday (MaNdlazi, 03 August 2019).

Mbiti (1986) believes that traditional practices are not individualistic in their nature, but communal practices which have to be understood in their historical context of phenomena such as Ubuntu and others. Mubangizi (2017) explored that all people should unite and try to work together to address and eradicate gender- related cultural practices that promote the oppression of women.

Such statements are real in the sense that it is not a single person that is affected by the end-results of the practices. This is a global pandemic that keeps women quarantined. It became clear that cultural practices are a national issue that has a huge impact on women. Clearly, it is not only the Zulu people who are affected by the cultural practices. While the focus of this study is on Zulu people, other races too are not immune.

5.2.4 Level of education of the participants

Women can be empowered through education which is an important tool that could liberate them to take control of their lives. So, if education was an important tool, I (the researcher) desired to know how people thought of it. To find real answers, I looked at the records in one

school that was close to the area where I was collecting data. I looked at the school registers for the years 2015 - 2019 with the help of the Head Master.

The main focus was on the admission and attendance registers that were used from 2005 till 2019 because this covered the period a particular group spent in primary school. Unfortunately, there were no records available for the years 2005 to 2014. The reason for doing all this work was because the intention was to evaluate the registration and progress of schoolgirls admitted.

The study findings caused a concern because it was discovered that in all the classes girls were fewer than boys. Girls withdrew from school for many different reasons. These results revealed the gender imbalance in the continuation of girls to other grades. The finding revealed that more girls are not in the classroom compared to boys. In addition, the research revealed that more girls are leaving school than boys. An outcome such as this, raised queries on the significance of learning in the area. When participants were asked if all the girl children attended school, one of the responses was that:

> It depends on the parents of the child and what they want. In most cases, some parents feel [that] it is a waste of time and money to educate a girl child who will end up going to get married sooner or later. So, paying for her school fees is a loss to her parents (MaNgema, 01 August 2019).

The narrative above implied that it is the responsibility of the parent to send her girl child to school in order to get education with the view that there will be returns.

Wolfendale (1996) asserted that parents are influential and play a key role in the education of their children. Cullingford (1996) recognizes parents as head teachers. Consequently, their decisions regarding their children's participation in school is pivotal. This is emphasized by Herbst and Reitsima (2016) who stated that in African cultures, it is women who implement and transmit traditions to their children.

During interrogations all participants of this study stated that school was important to all of them. One of the informants said the following:

> Who does not know that school is important? Despite my illiteracy but I know [that] (MaZulu, 29 July 2019).

One male participant said:

> Education is important but it is more important to send a boy child to school. Education is a life time investment. Who wants to invest to a girl child? It does not matter whether she is educated or not (Mr Sithole, 08 August 2019).

From the responses it is clear that some people from this village have mixed feelings about sending girl children to school. MaZulu acknowledged the seriousness of education and was enlightened that only if she was literate her life would not be the same. Her retaliation further communicated that with education she would be empowered and would have attained some freedom and independence to do what she wanted.

The response received from the male participant demonstrated arrogance and ignorance. Although this response revealed that he was aware that knowledge was the key to success, however, there was evidence that he undermined the intelligence of a girl child. This finding impacts negatively on the education of a girl child. Muranga (1997) mentioned that some learned girls and women are liable to separate themselves from their origin or accept careers that are not allowed culturally. Mapara (2009) mentioned that in rural settings culture is still seen as a way of living that adjusts the performance of women.

Kwesiga (2002) stated that schooling of the mom is very significant. She assumed that adolescents would have a strongly preferable chance of gaining an education and winning at school if the mothers were literate and well-taught. Kelly (1999) equitably pointed out that mothers who are uneducated struggle to inspire their female children to go to school.

5.2.5 Religion of participants

Cultural practices affect all people irrespective of denominational affiliation. This is because women in this study felt that when it comes to culture, the church is not taken into consideration. Some women mentioned that there are cultural practices that influence sexual

behaviour. Uncertainty among women to support the cultural practices emerged and at the same time there was a strong feeling not to support them.

MaQwabe mentioned that:

> I belong to the Nazareth Baptist Church (in Zulu it is known as kwaShembe). There are too many expectations that a woman should fulfill in our church. For example, both men and women should walk bare-footed when attending services, we are expected not to eat warm food on the Sabbath day, married women must wear *isidwaba* (leather skirt made with the skin of a cow, it is worn under your dress or skirt) and must have *isicholo* on the head (a traditional wide hat) and *ibhayi* (is a cloak or shawl worn around the shoulders as a sign of respecting the in-laws). She frowned before she continued to say: I really, fail to understand why and for what should we be put in all this (MaQwabe, 14 August 2019).

Seemingly, the are so many rules attached to cultural practices and MaQwabe's church is becoming monotonous. Looking at these findings it seems that women have reached a point where they regard cultural practices as punishment. According to Moore and Himonga (2019), older people's words are final and cannot be questioned. Whether women like it or not they have to abide by and be submissive to the rules of their church which were crafted by the elders. Manthwa (2019) indicated that communities believe that the giving over of the bride is important to validate a customary marriage. The implication in this assertion is that women have gone through a transition from beliefs and activities accepting traditional values of the society although these beliefs and activities are based on manipulative grounds.

Cultural practices continue to place women in low positions and violate their rights. According to Wadesango, Rembe and Chabaya (2011) it is difficult to achieve gender equalities within communities. It is only women in rural communities who are given low social status in comparison to women in urban areas. Customs of their communities make them insubordinate to men and cause them to be dominated by their husbands. It is time that women should understand their oppression and domination so that they could strive for social change (Turner & Masch, 2014).

South African feminists have contested the cultural oppression that women face on a daily basis (De la Rey, 1997; Kotze, 1994) and the biased dissemination of power (Gouws, 1998). According to the Women Legal Centre Report (2010:98) parents sell their children for financial gain. Stander (2016) argued that oppression cannot be confirmed as it happens in many different ways.

The findings of this study confirm what these authors cited, it is undeniable that men are granted superiority and culture puts restrictions on women in terms of how they should behave. Women are submerged by the cultural rites that they face in their communities. Looking at all the dress codes imposed upon women of this church makes one conclude that indeed cultural practices are a problem.

Another person who raised her eyebrow, when asked to pour out what was in her heart regarding the cultural practices said:

> I am out of my matrimonial home because I could not stand the pain he caused me. We have been married in community of property. We have been Christians, committed in our faith. I was very much surprised when one day he asked me to allow him to take a second wife who was already pregnant for him. I couldn't believe what I was hearing. Therefore, I was so shocked and embarrassed. I thought we were happily married, only to find that he was cheating (MaZungu, 04 August 2019).

This finding puts emphasis on something that is on display and that affected every woman in this study. To be in a Christian right marriage does not guarantee your safety and security from being affected by the cultural practices. De Beauvoir (2010) argues that when a woman is joined with her new family by marriage, she is enslaved by all members of that family. Hoza (2010) proclaimed that subordination of black women is constructed and it is maintained through African marriage organisations.

5.2.6 Employment history of the participants

When the participants were probed if they were employed, most of them had many things to tell such as:

> From my family background noone has ever worked. I had a father who was not working. We were so poor so the only way to help my family was for me to marry. The husband I am married to was unemployed and had other wives. This village is dominated by unemployment as the majority of the men are not working. We are very much attached to our customs such as appeasing the dead and paying homage to them. These practices are costly and you cannot afford them yet culture demand that they must be performed (MaMhlongo, 09 August 2019).

Such assertion suggests the possibility of shortages sustained in the family seemingly because of unemployment. MaMhlongo believed that for the family to have a good life, a man must be employed. Moreover, the findings reveal that cultural practices are expensive for societies to perform. It is under such circumstance that Sotewu (2016) argues that expenditures associated with the cultural practices prove to be unaffordable.

In the face of unemployment, how would an unemployed man or woman afford the animal to be slaughtered as a sacrifice for the dead? The findings revealed that it is possible for people not to honour all the rites as demanded by culture not because they don't want to do so but due to their inability. Additionally, it is possible for unemployment to cause desperation to people due to poverty.

5.3 Discussion of findings as per identified themes and sub-themes

Themes within which the data was organized and presented were identified. Out of the themes, sub-themes were derived. Identified themes and sub-themes were arranged in a table as shown below.

Findings were integrated into the literature review. This was done in order to move the discussion further (Goulding, 2005) and to conceptualize the viewpoint of each participant according to the literature, before comparing the findings. New themes emerged from the data presented and through the follow-up questions asked towards the end of the interviews. Participants were asked follow-up questions to allow the researcher to examine unexpected themes or new ideas that had arisen or to understand and lay hold of the nature of answers that were provided by the participants (Arksey & Knight, 1999).

Table 5.3 A snippet of the identified topics and sub-topics that emerged from the interviews is presented below:

Themes	**Sub-themes and related factors**
Subjective experiences of women	• Male dominance • Inequality • Coercion • Identity crisis • Negative sense of identity • Positive sense of identity
Challenging the patriarchal customs	• Problems and obstacles • Low self-esteem • Depression and anxiety • Rape • Defamation of character • Verbal abuse • Physical abuse • Emotional abuse • Disinheritance and animosity • Culture and identity
The impact of cultural practices on women	• Effects on women's health • Physical effects • Emotional effects • Psychological effects • Cultural beliefs • Forceful grabbing • Violence • HIV/AIDS and Sexually Transmitted Diseases • Lack of power • Social development
	• School dropouts
The implications on harmful cultural practices	• What are the risk factors of: • Admired traditional practices: Umemulo, ukuzila, ukugcatshwa, ukuhlola namadlozi, umhlonyane, umsamo nomabo • Ukuthwala (bride abduction • Ukungena (levirate custom) • Ilobolo (bride price) • Polygamy • Wife beating • Virginity testing

Facing patriarchal authority	• Hopelessness • Self-blame • Denouncement • Poverty
Proffering interventions which protect women	• The role of the State • SAPS • Arrests • Social workers • Exposure of corrupt officials • Support groups • Towards a less patriarchal democracy • Awareness campaigns and Women representatives • Social media, social networks and women movements. • Safety and protection. • Feminine role expectations
Positions of women in structures where traditional rules are imposed	• Social structures • Economic structures • Political structures
The influence of policy on cultural practices	• Unfriendly policies on cultural practices strengthening • Justice system is biased • Contribution of community forums to disseminate the benefits of cultural practices

5.4 Sub-theme one: Effects on women's health

5.4.1 Physical effects

Women receive ill-treatments that expose them into many forms of abuse globally. According to Maluleke and Nadar (2002:10), the beating received by one woman did not only land her in hospital, but she also attempted suicide as a result. Recently, in South Africa the high rate of women' abuse and murder has become a serious concern.

Mesatshwa (2012) mentioned that some victims of GBV may suffer physical injuries that may lead to post traumatic stress disorder. This is because most women fear their husbands once

they have been beaten. They cannot share their pain with any one. They chose to keep quiet and die inside and thus develop anxiety and depression.

Among the twenty participants interviewed three of them claimed that they have suffered indelible scars on their bodies due to bad treatment they have received from their husbands. They alluded that they have suffered physical harm through beating, chasing and dragging. Regardless of how much they were injured, medical care was not sought. Their injuries were kept a secret. Regarding the physical effects sustained, one participant stated that:

> Beating was my everyday lifestyle. I sustained many injuries on my face; my body would remain bruised and would have a bleeding nose. Do you think he cared my daughter? Never at all, *bengizithoba ngamanzi ashisayo ukupholisa izinhlungu* (I would use hot water to ease the pain) (MaGumede, 03 August 2019).

Some men and women in rural communities are not ready to change for various reasons. With the power that men have they take decisions by themselves about almost everything in their homes. Everyday a woman dies as result of abuse. Women are beaten for anything. From the look of things MaGumede was unhappy in her marriage. No one from her family cared for her after she had sustained some injuries.

The fear that women face is explained by one woman who said that:

> His word is final. I cannot oppose what he has decided because he does not listen to me (MaZungu, 04 August 2019).

The reason for a man to threaten a woman is to instill fear in her. Men succeed with the strategy of making women to fear them. Fear of men will prove to be a snare for a woman. Fear is one of the most powerful enemies that women have to face. Women would comply with and abide by what a man wants and says.

The abuse of culture has given rise to patriarchy whose main characteristic is oppression of women through bullying them. Patriarchy suppresses the freedom of expression of women whereby a man seeks to rigidly control the relationship or marriage by being the sole voice.

Another participant who expressed her ordeal was MaGxekwa who sadly said:

> I was carried by three men on the day I was abducted. They grabbed me mercilessly. I sustained a fracture on my right arm. My head was banged against the wall when they tried to pull me inside the hut. He raped me. (MaGxekwa, 04 August 2019).

> I learnt to fight back after I was beaten almost every day. One day during a fight he punched me on the mouth and I lost a tooth. I was also kicked so many times. I bled profusely. I was heartbroken and hated him more (MaGumede, 03 August 2019).

Women felt that the truth about abuse resulted in women holding back their voices. Men are taking advantage of women in their families. Some women fight back although they fight a losing battle. In many Zulu cultures, men pay the bride price and also abduct a woman they like without her permission. The woman is exposed into rape and faces other difficulties. Abduction is inherited from previous generations and ancestors.

These findings elaborate what is asserted by Hanzi (2006) who states that a number of cultural practices are harmful to the physical integrity of the individual and especially women and girls.

Below, the chapter is discussing the impact of the cultural practices on the lives of women.

5.4.2 Emotional effects

The majority of the women interviewed expressed their anger about what they have experienced in the hands of their partners. They were angry towards their spouses due to rape and beating. Anger and bitterness were also demonstrated towards own families for not supporting them when reporting the incidents of abuse. These were some of their experiences:

> I was upset and cross at my father for accepting his cows. I don't understand why he agreed on his terms because he was older than me. Sleeping with him was like he was raping me (MaGxekwa, 04 August 2019).

When listening to MaGxekwa and looking at her facial expressions, one could read that she was torn apart about what happened to her. One could read from her face that she was emotionally

drained. The tone of her voice was shaky, and that indicated how much pain she was feeling within. It is clear that MaGxekwa was not part of the negotiations when *ilobolo* was paid. She equated sleeping with her husband to rape. This told me, that she has not accepted this man as part of her life. One could sense that pressure was exerted on her and that made her uncomfortable, as this man was imposed on her and was not her choice. Her right to choose a partner was not acknowledged. Due to her low status, she cannot question her parents and her in-laws about what is happening around her. Thus, she lives in incessant emotional pain.

The other one said:

> Instead of loving him I developed animosity and hatred towards him. Only if I had courage and strength to kill him, I would have done it (MaMhlongo, 09 August 2019).

Due to hurting, MaMhlongo felt like killing her husband. The finding reveals animosity and hatred between the couple which may lead to murder. Anything can happen in this relationship, which might not end well. One can see that there is too much tension that she has bottled for the sake of keeping her marriage and to please her parents. The finding indicates that MaMhlongo has surrendered her whole being to the control of her husband.

> I wanted to kill him only to find that I was powerless (MaMhlongo, 09 August 2019).

Powerlessness and fear seemed to be what is keeping the women safe in their marriages. The study concludes by saying that if the women had power to revenge for themselves something really terrible would have happened.

These findings reveal that emotional abuse may cause mental and physical distress to an individual who has been exposed to it. Women are forced to pay allegiance to the cultural practices administered in their communities. So, the status of women needs urgent action. The challenges posed by the practices should not expose women to exploitation and humiliation, just because there are people who want to prove a point out of women's oppression.

According to Maluleke (2009), emotional anger is the exposure to an extreme stress involving direct personal experience of an event. Men know that if they can conquer the mind of a

woman she is completely enslaved. So, when conflict has broken out in the mind it becomes easy to attack and influence the adversary. Fear is one of the greatest causes of failure in human life. Its specific mission is to make an individual deviate from the purpose she is expected to perform. Any woman who submits to serve a man is a slave to that which she is subjected to.

Any form of abuse induces fear, which in turn induces hatred and animosity. If these untoward feelings are acted upon, they may have dire consequences and there will be no stability in a family setup encompassed by these. Faced with all these challenges women's answers to their plight is God.

5.4.3 Psychological effects

All of the participants highlighted that because of the abuse they have received, they are psychologically traumatized. They reported their nightmares and bad feelings when they recalled their past experiences.

One participant mentioned that:

> The number of miscarriages I had endured causes me sleepless nights (MaMhlongo, 09 August 2019).

The next one said:

> "He slept with me without using protection, knowing very well that his wife died of HIV/AIDS (MaShabalala, 10 August 2019).

The third one claimed:

> I cannot walk properly because of pains from my strained ankle (MaGxekwa, 04 August 2019).

There is a notion that two people marry out of love, mutual understanding and respect. However, the manner in which the cultural practices are performed makes one raise eyebrows. Cultural practices are a matter of exercising power over women, invading their privacy,

degrading and bossing them around. In fact, in my opinion women are suffocated by the so-called culture.

This view is supported by Hanzi (2006) & Iyanuolo (2008) who add that perpetrators use emotional and psychological abuse as a form of intimidation and to cause harm to the victims as women are forced to do painful, humiliating and degrading activities in the name of culture. These findings of the study concur with Moser & Clark's (2001) statement that many women blame themselves for keeping silent about matters of abuse.

Research conducted on women and young girls who have been victims of cultural practices revealed many health complications. These health complications are in line with the findings of the United Nations Secretary General's Report on Violence Against Children (2006) and the United Nations agencies such as WHO, UNICEF and UNIFEM in countries that are bedeviled by forced and early marriages (Maluleke, 2009).

Child marriages reinforce problems such as malnutrition, infectious diseases and low life expectancy for women. Pregnancy-related deaths are a leading cause of death for girls between 15 and 19 years of age. The dangers of early marriage affect not only the girl child but the child born to her as well (Maluleke, 2009).

Child marriages can have devastating consequences on the sexual and reproductive health of young girls, increasing the risk of contracting sexually transmitted diseases such as HIV/AIDS (Maluleke, 2009).

This statement was echoed by MaGxekwa who pleaded her case as follows:

> Hmmm! Jesu (Jesus) when I remember the trouble he put me through yooh-yooh (exclamation) after he kidnapped me. I was too young by that time. He raped me repeatedly. I contracted a sexually transmitted disease and my vagina was swollen and sore. He took me to a local clinic for medical care and I was treated for the STI. The clinic nurse suggested to have my vagina stitched because it was badly torn (MaGxekwa, 04 August 2019).

This finding exposed animosity that continued behind the scenes which could cost the poor girl her life. It manifested the kind of society we live in that does not consider the importance of mutual respect. Women are not regarded as human-beings who must be treated with care, dignity and who must be protected. Even if they shout nobody listens. Their cries fall on deaf ears.

Maluleke (2009) postulated that child marriages have many devastating results because we have seen many girls losing their lives at an early stage. Even the children born to them become more aggressive as early as possible. This is a sign that is demonstrated by engaging into a marriage when you yourself still need to be guided by someone who is matured.

Apart from an increased risk of injury and death, women who experience intimate partner violence have an increased chance of suffering from mental disorders.

5.4.4 Cultural beliefs

Cultural practices and beliefs such as bride abduction and *ilobolo* perpetuate the idea that a woman is property. When it comes to sexual intercourse, men refuse to take responsibility of protecting the woman from contracting sexually transmitted diseases. In most cases men refuse to use condoms regardless of having more than one sexual partner. Men think that paying the bride price gives them a mandate of not using a condom to ensure safe sex. The narratives from the women suggested that men believed that they were entitled to have sex because they had paid *ilobolo*. One woman had the following to say:

> He has a Mistress now. However, he slept with me without using protection knowing very well that he might infect me with HIV. He claimed that he did not pay *ilobolo* for a plastic (referring to a condom) (MaZungu, 04 August 2019).

In the case of MaZungu, her husband showed how much he did not honour his marriage vows by having an affair with another woman outside of his marriage. Mostly, all the participants blamed the cultural practices as a means of their ordeals. This finding is obviously indicating that a woman has no say in deciding whether her husband should have extra love affairs or not. Her feelings as a wife are overlooked and the interest of patriarchy prevails in her marriage. It

looked difficult for MaZungu to leave the marriage because of the fear of the unknown although she knew that her life was in danger of contracting sexually transmitted diseases.

The other participant said:

> When I ask him to use a condom he says: Do you think I paid so many cows, married you to be told by you how and when should I sleep with you? How much did you put to assist me pay lobola? (MaCele, 24 August 2019).

These cultural practices and allegiance to culture might be putting women's lives in danger. A woman may find herself in an awkward situation that she may not be ready for, but would succumb to it for the respect of culture and the elders. When things are done in this fashion, one could assume that the practices are promoting fornication and adulterous activities. It is not easy to describe this manner of behaviour where a man can hurt his wife without taking her feelings into consideration. However, it is not cultural for men to behave recklessly. Being engaged in more than one partner without using protection would mean being selfish and reckless.

One of the males said:

> A woman cannot deny me my right. If I want sex, I must get it with or without a condom. Paying lobola has given me the right to own her body (Mr Nsele, 08 August 2019).

Looking into these narratives, it is obvious that a man can have more than one sexual partner while a woman can be insulted, be called a prostitute if she has more than one partners. The women told me that their partners cannot be told by women when and how to have sex. During sex engagement all goes according to the terms of a man. A woman has no choice. Sometimes it is good for a man to have more than one spouse because you can be somehow relieved from having it especially, when you are on your monthly periods or when you are sick.

It is clear that societies are characterized by male dominance and gender inequality that creates power imbalances within a marriage or relationship. A man occupies a high status in a

relationship while a woman occupies an inferior or subordinate position and is not involved in sexual decision making.

This finding is supported by Monyane (2013) who stated that the abduction is an attack on the integrity of a woman. The findings concur with the literature which states that a man occupies a high status in a relationship.

5.4.5 Forceful Grabbing

Three of the participants claimed that they got married under the orders of other people. They were never given a chance to choose their spouses but they had to obey their relatives and family members. Only one among the three married at a very young age. She got married to an elderly man who already had other wives. She maintained that she did not have prior knowledge of the perpetrator who connived with her uncle to grab her. This is how she presented her story:

> I was going to collect firewood in a nearby forest when I saw three men approaching to my direction. I did not bother to run away because I did not know them. In a twinkle of an eye I found myself hanging on the shoulders of the abductor. I screamed for help but there was no one to help (MaGxekwa, 04 August 2019).

The above story shows that the participant did not know the assailant; however, she was given away to him by her own uncle whom she believed and trusted. She did not love the man but she was given to him on a silver platter, which means that she was forced into an unplanned marriage without her consent. The research findings indicate that what happened to MaGxekwa is something that can be called bride abduction because it happened without her willingness. So, one can sum it up as an element of criminality used in the name of culture. This form of abduction grossly violates the rights of a woman. This is against the Constitution of the Republic of South Africa (1996) which affords everyone equal rights and respect.

This finding is in line with what Monyane (2013) cited that young women are forced to marry without their consent or knowledge. He further stated that the abduction is an attack on the integrity of the woman (Monyane, 2013).

5.4.6 Violence

Women agreed that they have experienced violence in their marriages. Violence is highly enforced when the cultural practices are administered. This is learnt from the majority of the women interviewed in this study. They all maintained that they had to endure the swearing and being kicked.

> When he sees his friends, he smacks me with his open hand (MaNsele, 08 August 2019).

It is obvious that the man enjoyed showing off his masculinity when he was in front of his friends. This he would do by abusing and beating his poor wife in order to draw the attention of his acquaintances. This tells me that the man is a coward who would want to be saluted by being abusive. Smacking a woman is an act of cowardice because a woman cannot defend herself and cannot fight back.

This finding aligns with a finding by Londt (2004) who claim that forced sex is often a form of rape which is accompanied by the use of a weapon or beating (Mesatshwa, 2012). MacDougall (2000) reiterates that at times when spouses can cause harm to partners through acts of violence, some men display no hint of remorse for their actions. Violence can expose a woman to intimidation and fear may develop, the two can keep a woman under bondage.

One cannot imagine why males can resort into applying violence while a woman is an adult who could be spoken to without being ill-treated. On the other hand, men are humans, they are not animals. The question is: what pushes them to become violent towards their wives? It is not culture and the cultural practices that can be blamed for this kind of behaviour. The reality is that some of the participants admired culture and the traditional practices.

This is happening during one of the most difficult moments in human history where moral values have deteriorated because of the presence of total confusion regarding sexual identity and when promiscuity is the norm. Society has labelled women to be things that can be humiliated and violated anyhow. Only if people can learn to share responsibilities, live harmoniously together by beginning to respect one another that the world would be a better place to live in.

Women will remain invisible victims in their societies as long as they continue to sugar-coat the abuse. They get exonerated for mistakes they did not commit due to their sense of tolerance and understanding in all circumstances they face. Ignorance and negligence of taking themselves seriously has reduced them to just a historical annexure. Women are most powerful beings in the world that should be given an opportunity to take up space in different structures.

5.4.7 HIV/AIDS and Sexually transmitted diseases

Women's lack of control over their sexual statuses contributed to HIV/AIDS. Most of the participants complained about infidelity of their partners which led to so many health problems including HIV infection and Sexually Transmitted Diseases. Women do not have the powers to control their sexuality; therefore, they are vulnerable to contract sexual diseases. Out of the participants who put their stories forward the story of MaShabalala who said the following is a living testimony:

> He slept with me without using protection, knowing very well that his wife died of an HIV/AIDS related disease (MaShabalala, 10 August 2019).

MaShabalala did not know for sure whether she was HIV/AIDS positive or not because she did not go for testing. She mentioned that chances of her being positive were high. Having intimacy with someone who has more than one partner whom he sleeps with is equated to digging your own grave while you are still alive. HIV is an incurable pandemic which is common in African countries. She feared for her life as she explained that his wife died of an unknown disease. When a man has more than one wife, and if one of them has the virus, so the virus may be passed to all of them as protection is not used.

There are many children-headed households in KCDM, due to the fact that the prevalence of HIV/AIDS is on the increase. HIV/AIDS has had a great impact on children at KCDM. Children are compelled to drop out of school in order to take care of their younger brothers and sisters. This is so, because of the irresponsibility of the parents when it comes to sex. This leads to child labour. The practice needs to be reviewed because some cultural practices contribute to the spread of HIV/AIDS. This is because women are denied an opportunity to decide whether to use

condoms or not. This was stated by one of the interviewees who indicated that her man refuses to use a condom during sexual intercourse. The vulnerability of women to HIV infection and exposure to STDs mighty be the result of patriarchy demonstrated in African culture.

The above finding is confirmed by Njovana and Watts (2006) who argued that 60-80% of young African women with HIV have only slept with one man in their lives. So chances are that women are exposed to the HIV/AIDS pandemic through their spouses. Men should be determined to protect their families. Women should be recognized as existing beings that have life and purpose. The storyline about women should change.

5.4.8 Lack of power

The participants were probed to talk about their childhood memories, first impressions and experiences that are associated with the cultural roles. The notion of power became dominant. One of them had the following to say:

> I had to do all the household chores. My brother would go wherever he wanted to go and come back home to demand food from me. He would swear at me and I was not allowed to talk back because I was a girl (MaNsele, 08 August 2019).

Gender roles are attached to culture and they are determined by power. This is evident in the above finding where girls are expected to do all household chores while boys were exempted. Such a comment confirmed lack of power for the ladies. In the context of this study, boys carried more power than girls. The way boys and girls respond to their environments, is shaped by gender.

Women do not have enough time to take care of their own lives because they are overburdened with a multiplicity of responsibilities while men and boys have less work to do within a family setup. In this finding it is obvious that boys are groomed from childhood and are created from a young age to know that they are superior to girls. This creates an understanding to the growing boy that the girl child's position is lower than his in the society.

This is captured in the narrative of MaNsele who recalled that her brother would go anywhere he liked while she was expected to remain at home and do house chores. It is surprising that women are expected to do so many things in a family but their well-being is looked down upon. It sounds unfair that a woman has a list of duties she is expected to perform alone, and some family members would come and demand services from her.

This finding is on par with the literature which states that this is a reflection of a patriarchal discourse that has been institutionalized in traditional practices (Mesatshwa, 2011). The findings of this study concur with the assertion made by Mesatshwa (2011). Culture suppresses women and teaches young boys to grow up knowing that they can use their superiority status to demand attention from a girl child. When a girl child tries to stand up for herself, the society would remind her of her low status in the hierarchy. Even the parents would reject her and take the side of the boy child. This is something that needs to change if the plight of women is to improve.

Clearly, women's lives remain under subjection by the cultural practices which need to be reviewed. The allocation of certain duties to boys only or to girls only, needs to be corrected in order to accommodate both boys and girls to share equal power. There should be no responsibilities that are assigned to a particular gender to avoid domination. Seeing a woman as a minor in the whole family is disappointing.

5.5 Sub-theme 2: Social Development

South Africa is a country still in transition. Many men feel proud and have a sense of ownership of property including women. Beliefs have powerful influence and have a great impact on society. Women's economic and social status is still very low. One of the participants said:

> Since young girls are coerced into marriages with older men, these men take advantage of our young girls. Older men use their wealth to entice young girls. Young girls are lured into getting involved in polygamous relationships. They end up dropping out of school, become illiterate and poor. No education and poverty escalates (MaNsele, 08 August 2019).

Older men take advantage of young girls and exploit them into marrying at an early stage. Men are aware that by depriving and suppressing women through implementing the patriarchal cultural practices women might fail to get opportunities that would enable them to improve their financial status. The fear of engaging in early marriages has devastated women and made them destitute. Poverty is an element that makes women continuously tolerate all forms of abuse. In such relationships there is no love at all.

Research indicates that most of the girls and women who are victims of cultural practices are from poor families. This contributes to the cycle of poverty in the communities, particularly rural communities where cultural practices are dominant (Maluleke, 2009).

The subordinate position of the girl or young woman is reinforced by the fact that in most of the documented cases the girl children have been forced to marry men old enough to be their fathers (Van der Watt & Owens, 2012). This statement was echoed by most of the women when they agreed that *ilobolo* was paid for them. In most cases the rich old men would propose marriage from poverty-stricken families and they would agree to give their daughters to older rich men. Sometimes the practice of *ilobolo* is used as a poverty alleviation tool.

It has been observed that women are most affected by unemployment and poverty much more than their male counterparts. Chimere-Dan (1996:7) observes that in S.A. economic and political policies have transformed rural areas into reserves of cheap labour for the services of the mines, industries and commercial agriculture. The high rate of unemployment and many people living in poor conditions has placed women in the lower positions.

5.5.1 School dropouts

Girls drop out of school for various reasons. Early marriages deprive the girl child opportunities to be educated as she becomes a housewife whose main role is to reproduce children. Cultural practices influence the education of a girl child either positively or negatively. All the participants understood the importance of education, but they mentioned that they cannot stop the girl child from getting involved in early marriages because culture is equally important.

So, when the participants were asked about their level of education, they quoted various reasons that caused them to leave school early.

One participant claimed:

> I was abducted when I was fourteen years' old that's why I am not educated (MaGxekwa 04 August 2019).

In this finding it is clear that the woman was taken to become someone's wife without her agreeing to it. This destroyed her career aspirations as it led to her illiteracy. Because of allegiance to culture, her chance of getting education was compromised. Now MaGxekwa was left without education and she was left without the source of income. As she is less educated, it is obvious that she entirely depends on the control of her husband for survival. Unless early child marriages are reviewed, this means MaGxekwa will be bound to her husband for the rest of her life. So, the element of inequality will continue throughout her life. This has long-term negative effects that include lack of skills development that would cause women not to be positive contributors to the economy of the country. One participant lamented thus:

> I liked schooling but circumstances prevented me from accessing it (MaNsele, 30 July 2019).

Education is an important tool that could empower and set women free so that they can take control of their own lives. However, some practices and traditional rules prevent young girls from accessing school. This transpired during the interviews that were conducted with some women who blamed the cultural practices which were the hindrance to their education. It is the duty of the parent to ensure that his/her child gets formal schooling. Wolfendale (1996) pointed out that parents are the most important force in the education of their children.

The study findings corroborate Wolfendale (1996), that it is a parent's responsibility to protect his/her child from exploitation. It is the parent who has the power to stop any marriage proposals when the girl is still under age. Parents need to stop being selfish and think for

themselves but, they need to consider and make sure that the education for their children is not tempered with.

5.6 Theme: Implications of the harmful cultural practices on women

This section continues the discussions on the findings that emanated from the collected data and focuses on the above-mentioned theme. Theme four addressed the following sub-themes: *ukuthwala, ukungena, ilobolo,* polygamy, wife beating and virginity testing.

Cultural practices determine the identity of a particular given society. This may determine the types of roles considered appropriate for each person in that society. Kwesiga (2002:55) argues that children "assimilate society's values and norms, which help to shape their attitudes, preferences and behaviour and may engender certain expectations and beliefs."

Kwesiga (2002:55) states that "society's views about women reflect the values of that society and shape the attitudes, values and self-image of its girls". Therefore, the behaviours of the members are governed by the customs which tend to be difficult to break away from. The traditions are a crafted order which benefits those for whom it is meant. The majority of the women in this study were in defence of their traditions despite the fact that such traditions negatively affected their lives.

The importance of cultural practices is discussed in order to make comparisons with the responses given in the previous chapter. This will lead to a discussion of some cultural practices and beliefs that can be dangerous to the lives of women. Narratives by individuals of their experiences will provide key evidence. An analysis of the effects that the cultural practices appear to have on the women was used to assess how these can militate against their human rights.

It is important to mention that the emerging themes overlap and hence the sub-themes and certain categories have been merged to avoid duplication.

5.6.1 Sub-theme one: Admired traditional practices

In light of the findings of this study, there is a lot that needs to be improved. Women were asked to identify the cultural beliefs and practices that have played an important role in forming character, behaviour and the way of living among their family members. On top of that question, they were asked to talk about how the behaviour of girls is traditionally controlled, to what extent and in what domains? Furthermore, they were asked to identify the cultural practices they consider as good and give reasons.

Women's responses provided a firm assertion that the traditions were good. From the tones of their voices some women's responses seemed defensive in favour of the practices. When each woman was asked to identify some of the cultural practices that they would love to preserve they provided an endless list of them. Most of the women interviewed here, showed a lack of trust to those women who neither consider the cultural practices important nor respect them.

This is what they have to say:

> The following cultural practices have been there for a very long time. They are ours. They are there to be respected because they are good and there is nothing wrong with them. It is only the educated people who don't consider the practices important. These help to prepare a woman for marriage (e.g. virginity testing). To count a few of those that I would love to preserve I can count: *ukuzila* (mourning), *umemulo* (rite of passage), *ukuqiniswa* (to be made strong using muti), circumcision, respect for adults, prolonged breastfeeding, traditional dance and weddings and slaughtering an animal for a ritual are very important to us as African women (MaKhoza, 30 July 2019; MaAdams, 05 August 2019 & MaMhlongo, 09 August 2019).

For them these practices emerged as helping young girls to behave well. Although this was mentioned, however it could mean maintaining the patriarchal order, a system that the radical feminist theorists insist is the underlying cause of all the inequalities that lead to the oppression of women. Every community has its own ways and principles on how the cultural practices are conducted.

Out of the study, the lesson learnt is that out of one cultural practice, there were many traditional rituals that are attached to it. This forced the reader to pay attention on those that he or she did not know. Therefore, the study had to dig deeper for new information around those rituals.

5.6.2 Umemulo (the rite of passage or coming of age)

Umemulo is an old ritual that is familiar to Zulu people. It is an important Zulu ritual which is enforced on Zulu girls who are coming-of-age. A parent does it for his/her girl child as a token of appreciation for good behaviour. The importance of the continuation of this practice to the locals was shown in MaKhoza's response:

> My most favoured practice is *umemulo* (interpreted as the rite of passage). Wu shame! (Clapping her hands) they can try to stop all of our customs but, this one I can die for it. *Umemulo* helps me as a parent; to acknowledge and celebrate my girl's journey into womanhood" (MaKhoza, 30 July 2019).

She insisted that this practice should be continued. The tone in her voice indicated the importance and the need to continue with this customary practice. This may also suggest unwillingness for any change when it comes to such cultural practices. *Umemulo* can be defined as a ceremony marking a stage in a girl's life as being a transition from childhood to adulthood or marriage.

She continued thus:

> I gave *umemulo* to my daughter as a gift in recognizing her good behaviour. To keep the traditional practices authentic is what I live for. It feels good to dress her in *umhlwehlwe* (fat around the intestine and tripe of a cow) and *isiphandla* (animal wristband) in front of all the members of our community (MaKhoza, 30 July 2019).

According to Makhunga, Thwala and Edwards (2014), the wristband was seen as a source of hope, security, respect and pride. In addition, they argued that the wristband is also interpreted as connecting the Zulu people with their ancestors.

The participants highlighted the reasons why they partake in all these rituals. MaKhoza explained that *umhlwehlwe* symbolizes purity while *isiphandla* is worn with a sense of pride and honour; it is worn to give thanks to the ancestors for doing something good for you. The belief behind pursuing these rituals might be that spiritual alignment is a pilgrimage every woman goes through to appease the elders and the ancestors.

It is not understandable why women should undergo all these sort of things. To hear all the trauma that the girl has to endure when these rituals are enforced is emotionally draining. In her article, Shabalala (2015) argued that inequality in South Africa demonstrates that the spatial segregation resulting from the apartheid era has a significant impact on the high levels of inequality and highlights the relationship between proximity to urban amenities and well-being of households. As long as these rituals do not tap on the toes of the girls it is directed to, let whoever who loves it continue with it. On the look of things, this practice can directly or indirectly contribute to the factors that perpetuate gender inequality.

Zondi (2012) opined that *umemulo* focuses on songs that respond to an incident which took place in a traditional village. She further said that the lyrics serve as a case of how new memulo songs emerged out of community concerns. Her article further examined the role of women in perpetuating gender inequalities.

5.6.3 Ukuzila (Seclusion)

When men were probed to identify the practices that they would like to preserve for generations to come they mentioned the following:

> I like to see my wife going on seclusion *(ukuzila*) when I have joined my ancestors. This must be practiced. I will turn in my grave with joy to see her wearing that black rob until it becomes a rag (Mr Nsele, 08 August 2019).

Not in so many words, Mr Sithole shared the same sentiments as Mr Nsele by saying:

> Ya neh. It's not a choice but a must (Mr Sithole, 08 August 2019).

Men emphasized that those cultural practices bring order and peace in the community. Seclusion is part of a tradition which believes that women are ritually unclean and therefore may not come near the traditional sanctuary. *Ukuzila* (seclusion) is carried out in case a woman has lost a husband or a loved one. When a woman is in mourning, she is expected to be alienated from the society.

A woman is expected to wear a black or navy-blue dress for a period between six months and two years. The participants mentioned that there is more emphasis on the dress and the grieving is less considered. During this period a woman is restricted from engaging in sexual relations and economic activities. This discriminates against women because the mourning attire comes with prohibition of the woman to engage in sexual activities during the mourning period. In addition, the mourning gown restricts a woman's movements and she is confined to stay in the house for a month and cannot attend community activities.

African people, especially the Zulu nation can show their heartbrokenness in many different ways. Sometimes a small piece of black cloth is used to mourn a loved one. You attach it on your shirt or dress with a safety pin and keep it for about two weeks. In Man 3's account this was stressed with the use of the word "must" in order to imply the obligatory requirement to be practiced and adhered to.

As much as it is believed that the wearing of black or navy-blue attire for *ukuzila* is Zulu culture, in reality, this was introduced by the missionaries. Even the colour to wear in churches today is prescribed by Christian's religious denominations, as there is a different colour for the Roman Catholics, Anglicans, Methodists and many Zion's churches. It is high time that the distortion of African cultures to justify patriarchy be corrected.

Even the ancestral worshipping that most participants spoke about is Western. For example, the unveiling of a tombstone is associated with the Catholics, Anglicans, Methodists and other main-line churches but it is not an African culture. It is practiced in the name of Christianity and it is confused with ancestral worshipping which was never practiced in a graveyard. If it was a Christian practice, why do Charismatic Churches, Pentecostal churches such as Apostolic Faith

Mission, African Gospel and Assemblies of God not unveil any tombstone and wear the black or navy-blue clothes?

Radical feminists have insisted on the fact that the domination of men is the key to the oppression of women. Through seclusion it is evident that it is only women who must comply with this practice. This makes it obvious that the society is dominated by men. The Marxist-socialist feminists also agree with the Radical feminists that women are exploited because of the low position that a woman is expected to take. Like the radical feminists, liberal feminists also insist that gender inequalities exist in the family and society.

Men like this ritual because it compels a woman to mourn her husband if he is dead. Again, women go on seclusion soon after giving birth for 40 days and 40 nights praying. The *ukuzila* custom is performed when a husband has died and when a girl is going to marry. A married woman stays indoors for a week before a deceased husband's funeral and 30 days after the funeral.

With such responses, it is clear that the cultural practices were not bad originally. However, culture has evolved and has been wrongly administered, corrupted and abused to suit men's desires. Women are taught from a tender age to accept the rule of a man and not to challenge him.

While a woman is expected to spend so much time in mourning, the man is not expected to grieve the death of his wife in the same manner. Men can continue to pursue their sexual needs without any restrictions. During the period of mourning women are considered as unclean, no man will want to either make sexual advances with her or engage in a sexual relationship with her for fear of calamity that can befall that particular man who sleeps with her.

According to Magudu (2004), there is no consensus about the origins of the custom on women wearing black as a symbol of mourning. He further mentioned that this practice did not originate from the Nguni people but, it is associated with colonization (Magudu, 2004). Whether this custom is associated with colonization or not, it was not meant to submerge the woman.

5.6.4 Ukugcatswa (joint cutting) nokuqiniswa (making stronger)

This is mostly done by black people. A person visits a *sangoma* (traditional healer) whereby muti is used to make him/her strong. A *sangoma* relies on divination for healing purposes. Most of the participants supported these two rituals:

> *Ukuqiniswa nokugcatshwa* (small joint cuttings and using traditional medicine to make yourself stronger) is the best ritual for me (Mr Mkhize, 08 August 2019).

This finding puts it clear that there are some unseen and unknown spiritual forces African people believe in. There is no doubt judging from his facial expression that Mr Mkhize believed wholeheartedly in joint cutting and in the use of traditional herbs that they will make him stronger. The question becomes: what is it that African people know that other nations do not know that is found in cultural beliefs? These practices are discriminatory to the women because they participate in them not by choice. If they can refuse, they can be dismissed from their marital homes for disobedience and disrespect to the dead.

The other male stated:

> Traditional circumcision is the best among all the other practices (Mr Mthembu, 08 August 2019)

This ritual is about the removal of the foreskin from the human penis. However, circumcision is called *ukwaluka* in African culture. It is a Xhosa word that refers to the customary practice of male circumcision. The isiZulu word is *ukusoka*. This is traditionally done by an unprofessional person and is done in a forest. It is a transition from being a boy to manhood. In Xhosa culture a boy becomes a man after undergoing the ritual process of circumcision.

Although Mr Mthembu acknowledged that the initiation was good but the effects traditions have on an individual take different forms. This tradition may act as a deterrent hence it makes all men obey it. Men are obligated to perform this tradition.

Regarding the practice of *ukugcaba nokuqiniswa*, Van der Poll (2009) averred that the time has come to recognize that denials of individual's rights on the ground only that they are women

are human rights violations. State practices that expose women to degradation, indignity and oppression on account of their sex should be independently defined, condemned, compensated and prevented (Van der Poll, 2009). It is not women alone to whom these practices are performed; men also are victims of these rituals as shown above.

As the women were naming the practices, they indicated that they would like to preserve some of them. MaMbatha talked about this issue:

> Respect for adults and prolonged breastfeeding are part of African culture (MaMbatha, 30 July 2019).

In African culture a woman is not allowed to make eye contact when talking to a male or an older person [the same goes for the youth when talking to adults]. A woman is expected to be docile and not to look at an adult in the face. This is contrary to what the modern world requires from a modern woman. The modern world expects a woman to be active and to look up. Therefore, there is a conflict that exists between the cultural practices and the expectations of the current societies.

Chondoka (2001) argues that culture has been lost by strong factors such as modernization. By this he claims that the crucial cultural practices are slowly being eroded by modernization. While acknowledging the benefits of modernization, Chondoka (2001) calls for an awakening to preserving the cultural practices that are good.

5.6.5 Ukuhlola namadlozi (Future-prediction and the ancestors)

MaQwabe when asked why these practices were important, she said the following:

> I like the way we do our traditional dances, traditional weddings and burial ceremonies. *Amadlozi* (ancestors) I like them because they solve problems for me when things are difficult I talk with them (MaQwabe, 14 August 2019).

There is an emphasis on the value of and the need to maintain the cultural practices within the communities. Ancestral worship and paying homage to the dead are believed to be the way of communicating with them. In African culture it is believed that the dead are closer to God

therefore, they speak to Him on their behalf. Above that they believe that success can be achieved through the ancestors. This is what one of the informants said:

> Yes, I believe in the ancestral spirits because they intercede to God on my behalf (MaGxekwa, 04 August 2019).

This is the African tradition which believes that the dead are not really dead but joined others in the world. The ancestors are considered to be closer to God than the living beings and therefore are better qualified to intercede on behalf of the living. MaGxekwa pointed out that the ancestral spirits had a way to relate with God on behalf of the people. Ancestral worship helps to connect the dead and the living through dreams or nature.

Tradition teaches that the living may not talk directly to God but only through those who have passed on and are nearer to God. This is contrary to the Biblical scriptures which allow people to pray directly to God. There is a view in the Christian community that it is not correct for churches to allow Christians to claim to be born again and yet worship the ancestors at the same time. This is syncretism and the majority of Black people are implicated.

According to Ngubane (1984), several researchers have written articles without consulting with the custodians of the cultures. *Amadlozi* are still an important part of life for a significant portion of the Zulu population (Armstrong, 2008).

According to Armstrong (2008), *utshwala* (sorghum beer) is a nutritious drink and an alcoholic beverage, consumed daily and at joyous occasions honouring ancestral spirits, or *amadlozi*. Beer is taken for granted when there is a ceremonial slaughter for a feast. Whatever the cause for the ceremony, the senior man of the homestead gives the final word to women of his domestic affairs.

As indicated in most of the findings, *amadlozi* are associated with ancestral worship for both men and women of the Zulu population. This is instilled from an early age to Zulu people which is one of the forms of violating the rights of the children and the women in a home because they are not given a choice but are forced to comply as culture demands.

5.6.6 Umsamo nomabo (Alter and traditional price-giving)

MaNsele raised very interesting points when she described an experience she had with *umsamo* (alter). Her point of view seems to suggest the goodness she receives when she communicates with the dead.

> *Umsamo* (a place in the house where you go to speak to the dead) works for me. *Umabo* (giving gifts to your in-laws during a wedding ceremony) made me feel welcomed in my matrimonial home (MaNsele, 30 July 2019).

The belief women have about the cultural practices here is that the community trusts and appreciates the values of their culture which they don't want them to be substituted by any other value. They gave various reasons why these practices should be preserved. Like the practice of ancestral worship, they claimed that ancestors speak to God on their behalf; one gets success through them and they claimed that *ukuhlola* (fortune-telling) reduces witchcraft in the community.

However, the women in this study have all experienced these practices in their own lives. Those who were widows further stated that they spent two years and more wearing black or navy-blue clothes in mourning the death of their husbands (MaGumede, 03 August 2019; MaKhoza, 30 July 2019 & MaMthethwa, 29 July 2019).

When the participants were asked at their respective locations to identify the cultural practices that are harmful, this is what they stated:

> For me *ukuthwala* was my worst nightmare followed by *ukungena, ilobolo* and then polygamy. I hate the practices with my whole heart (MaGxekwa, 04 August 2019).

MaGxekwa's account demonstrates how she hated the cultural practice of bride abduction and that of levirate custom. Her list was endless as she added *ilobolo* and polygamy on the list. She did not divulge much on her reasons for refuting the other practices. She spoke much about

abduction citing that the man has authority over a powerless and defenseless woman and that he can do anything he likes.

Such a statement agrees with the radical feminists who insist that men use societal structures and other methods of control to keep women dormant (Marysia, 2000). Here is one response:

> Nxa! (Clicking her tongue) when I think about being involved in a polygamous marriage, I feel like vomiting, running and never looks back (MaMhlongo, 09 August 2019).

The fear of the cultural practices devastated the women and made them feel insecure and unprotected. It is easy to see the suppressive nature of patriarchy rooted in the family and in that particular cultural practice in question.

Radical feminist theories argue that the oppression of women can only be eradicated by abolishing patriarchy (Marysia, 2000). The man is placed in a controlling position in his family. He controls his wife who in turn is expected to respect him.

When I asked men to tell me of the cultural practices they would like to preserve and why, the following were their responses:

> My wife should always wear a doek (headscarf) on her head and no pants wearing for her. Doek wearing tells everyone, you are taken and you are a married person. I don't expect my girls to wear *izigqebhezane* (miniskirts) in my home (Mr Mzimela, 08 August 2019).

This finding by Mr Mzimela entails a huge debate regarding the dress code of the people. By the way, doek wearing is not an African culture and it did not originate from African people, it is Western culture. African women wear *inkehli* (Zulu married woman's hat) and other attires to cover their hair. The impression created that doek wearing is African and that the wearing of miniskirts is not African is refuted in this thesis.

The resaercher decided to attend an *umemulo* and *umhlonyane* (is a traditional ceremony for Zulu girls when they reach womanhood) ceremonies in order to confirm certain things. Actually, there is a difference between *umemulo* (coming of age ceremony carried out when a girl reaches 21 years) and *umhlonyane*. *Umemulo* shows a young girl's journey into womanhood while *umhlonyane* is a ritual that indicates that a girl has reached her teen years.

What the researcher observed from these ceremonies is contrary to what people say. The outcry about short skirts which people think is not part of the Zulu culture is not true. The researcher observed that all the single girls who participated in the *umemulo* ceremony were wearing grass-reed beads, white vests and very short skirts. This confirms that even long time ago short skirts were part of the Zulu maidens' attire. In an *umhlonyane* ceremony the researcher noticed that girls were wearing colourful short skirts, white tekkies and white t-shirts. Therefore, some of the views are not grounded in Zulu tradition.

But the main maiden who was only 16 years old was wearing a grass-made costume. To understand the significance of *umhlonyane*, the researcher spoke to an elderly lady who was seated next to her. She gladly explained that this ceremony was done with an intention of introducing the girl to the different stages of adulthood and also to teach her how to behave when she reaches puberty.

Zondi (2012) argues that the songs sung in *umemulo* condemn a fiancée for infidelity to her fiancé. She further stated that such condemnation is leveled against women, where infidelity by men is tolerated. In addition, she argued that the root of this inequality lies in patriarchal social practices where male power is viewed as natural. Monyane (2013) argued that these cultural practices are supposed to be shared by all and not to be oppressive to others.

With regards to this finding is that in principle and culturally, a woman can gain respect when she abstains from wearing pants or anything designed for men. However, today the textile industry is designing ladies' pants due to the demand from secular women. Literally, wearing

men's clothing while you are a woman is a taboo or abomination according to African cultures. Although Zulu women should be emancipated to wear whatever they desire, it is still important for them to think about how society perceives them.

The dress code is a big debate even in Charismatic churches. This does not affect African women alone. It needs to be corrected once and for all. In Charismatic churches there is a huge debate which questions whether women should wear pants or not. Currently, Moslem women and Jewish women in the same manner as Christians are wearing pants. Therefore, this limits the contradiction to Christianity where there are many versions of what constitutes reality.

There are habits that people do that are dangerous for everyday living. There was a purpose in creating uniquely men and women. So, the attires should align with the way people are created. Perhaps, it is wrong for women to wear clothes that are designed for men, for example pants. It is also wrong for men to wear women's clothes. It will remain questionable even if the pants can be designed for ladies. Generally, women's wear is dresses and skirts but not pants.

Muslims have adopted clothing based on Western traditions while others wear traditional Muslim dresses (Esposito, 2019). Basically, pants and doek wearing are wrongly used as they are perceived to be cultural, while in the true sense of the word they are not. This needs to be corrected before it destroys our African women to whom this is applied.

To summarise this, culture should not be used by perpetrators to inflict pain on women, but should influence people to live in peace and harmony together. So, African cultures deny women the right to wear pants for other reasons such as veneration of the ancestors.

5.7 Sub-theme one: Bride abduction (Ukuthwala ngenkani)

The custom of *ukuthwala* (traditional bridal abduction) can allow the carrying of a young woman to a young man's home marry her. According to Nkosi (2009), the traditional abduction of the bride is a custom to open up marriage negotiations whereas bride abduction is an abuse

of the custom of *ukuthwala* which is an act of criminality and is illegal whereas the custom of *ukuthwala* is not. Dent and Nyembezi (1969:1) refer to this practice as abduction (*ukuthwala ngenkani*) which means to abduct without consent. This has been practiced in African culture for some time now (Kheswa & Hoho, 2014).

The participants were asked if they have experienced the abduction in their lives and if they could explain how they felt when they were abducted? This is one of their responses:

> I hate my uncle for conniving with him to grab me. On the other hand, I blame myself for going to the jungle to fetch fire wood (MaGxekwa, 04.08.2019).

It is obvious that MaGxekwa had no choice but she got married under the orders of her uncle who connived with the abductor. For you to be abducted you must be somewhere at a wrong time. For her she was found in the forest where she went to fetch wood. When the habit occurs, wrong motives and agendas are pushed through to benefit the perpetrator.

Many things happen including fear and abuse. There was no prior knowledge of the perpetrator for the participant; however, she was forced by her uncle to comply through *ukuthwala*. Most of the community members see nothing wrong with this but believed that it is a societal norm.

This view is supported by Hanzi (2006) & Iyanuolo (2008) who add that in *ukuthwala* perpetrators use emotional and psychological abuse to intimidate and cause harm to their victims. These findings also concur with Moser & Clark's (2001) statement who stated that many victims blame themselves for keeping silent about issues of abuse**.**

This is considered as a form of abuse because when a girl is abducted there is no permission sought. Mwambane and Sloth-Nielson (2011) observed that *ukuthwala* has been viewed as custom where force is used to carry a girl without having asked for her hand in marriage. But girls are grabbed while they are on their way to fetch water or to pick up firewood. This is echoed by Matthews and Abrahams (2001) who mentioned that due to patriarchal power relations and miscommunication, women find themselves helplessly trapped in awkward situations where they have no choice.

MaGxekwa poured her heart:

> This man who forcefully grabbed me was much older than me. He destroyed my life and I was left infected with HIV/AIDS as he sleeps around with many different partners (MaGxekwa, 04 August 2019).

The man did not take the woman's refusal to be kidnapped seriously. This man who abducted her connived with her uncle and this means that MaGxekwa was caught unaware. It was actually not to kidnap her but was to steal her. In Zulu and Xhosa culture *ukuthwala* is done by men who are fearful and shy to propose love. This way of doing, is the abuse of the cultural practice of *ukuthwala*. In this case power display by powerless men is directed to vulnerable females. In this situation women are the victims of cultural practices. There is no agreement between the man and the woman.

In the above case, nowhere is it indicated that the woman's consent was sought. The woman was forcefully grabbed and this is not traditional bride abduction but criminality and a form of GBV which violates women's rights. This practice is condemned by society and it is also condemned by the South African Constitution (1996). Such acts are criminal and should be perceived as such.

The same practice is described by Koyana, Bekker et al (2006:139-144) and Maluleke (2009:16). These authors argue that the family and community become involved in the abduction of a woman, however the practice of *ukuthwala* shifts from a traditional practice to a form of abuse and violation of human rights.

The South African law fails to deal with criminality of this cultural practice claiming that there is no evidence to arrest the perpetrator. There was no evidence that MaGxekwa loved the man who abducted her, he just assumed that she did. Based on this statement above this is an example of patriarchal power being imposed on women.

The other participant who had to talk like this about the custom of abduction was the Queen Mother of kaBhejane Tribal Authority:

> In this area people come to abduct the girl and come to pay lobola the next day. This happens especially if the girl is no longer interested in the boy. Therefore, the boy and his friends will come to carry her to the boy's homestead without her permission (interviewed on 30 July 2019).

Such remarks indicate that these practices are not harmful but are painted to look harmful. Sometimes the abduction is planned by two parties in love and sometimes it is not. From the look of things, abduction on its own in this regard is an attack on the integrity of the woman. In fact, when things are right and normal, a marriage proposal should be done in a decent and respectful manner and should not involve dragging a person as if she is an object (Monyane, 2013).

The findings of the study concur with statements by Van der Watt (2012) who asserted that the practice of *ukuthwala* has deviated from being a cultural practice to a basic agenda that disregard the values of the community. The custom of *ukuthwala* does not entail severe beating of the woman whereas with bride abduction there is gross violation of human rights because there is beating, rape, sexual harassment and emotional abuse involved (Nkosi, 2009).

Moreover, this finding is on par with the literature which states that the notion of men being in control is the hierarchal factor of ownership of women who cannot voice their opinions and this is the reflection of a patriarchal discourse that has been institutionalized in cultural practices (Mesatshwa, 2011).

5.7.1 Sub-theme two: *Ukungena* (Levirate custom)

According to the participants, wife inheritance is a practice they were very familiar with in their community. A widow is taken over by a male relative of the deceased as his wife. Many men behave like they have bought their wives and brought them home to follow their instructions. Violation of women's human rights by harmful traditional practices (Wadesango, Rembe & Chabaya, 2011) is observed in the narrative of MaShabalala, a 43 years-old widow. She described her story thus:

> I did not have a good relationship with my sisters-in-law. They actually treated me very badly. They forced their brother to inherit me after the death of my husband. He told me that he wanted to take over from his brother. I thought it was a joke because he lost his wife through HIV/AIDS. He told me it was part of our culture. I did not love him. One day when I returned from work, I took my clothes off, bathed and jumped into my bed to sleep, I saw him resurfacing from under my bed. He jumped and climbed on top of me. He raped me for the whole night without using protection knowing very well that he was HIV positive (MaShabalala, 10 August 2019).

In MaShabalala's narrative the levirate custom can be viewed as a cultural practice that has subjected her and her children to suffering. She described it as a practice that supports and perpetuates the subordination of women. The suppression ranges from violating women's inheritance rights to perpetrating health problems. The family of the deceased has imposed pressure on MaShabalala to persuade her to conform to what they wanted to happen. In this case MaShabalala surrendered herself to the control of her in-laws for a while. She did not have powers to question her in-laws because of her minority status.

The experience above was similar to that of MaGxekwa (a 41 year-old Xhosa woman) who narrated how she was raped by a man who abducted her:

> I did not have feelings for him. Sleeping with him was like rape to me. He was so irresponsible. He loved women and he was sleeping around. He was not using protection but refused to go for HIV testing. I wanted to kill him in order to get rid of the problem. I have been beaten up not once, not twice but many times (MaGxekwa, 04 August 2019).

Although MaShabalala (like MaGxekwa), had endured such pain and never had support from their families, they were both able to share their pain. MaGxekwa and MaShabalala experienced different ordeals as one was abducted while the other was inherited. The pain was equally experienced and the feeling was mutual. Seemingly both of them were subjected to the stressful conditions.

The custom of levirate creates animosity between family members. This is because the practice of levirate is demeaning to the first wife as she loses respect of the family and she now has to share her belongings with the inherited wife. In the case of MaGxekwa, she did not choose to marry but, the marriage was arranged. This means that she was deprived of the choice of a partner. So, the bride abduction custom is opposed to freedom of choice. She recalled:

> He caused me a lot of pain, since that day he raped me. He started to abuse me verbally, emotionally and physically. I had no one to turn to. A friend of mine advised me to go to the police to have him arrested. The police refused to open a case for me. I then went to court to apply for a protection order. They did not stop to insult me, calling me a witch. They dispossessed me of my house and furniture; I had to leave my matrimonial home. He is residing in my house till today. I am not allowed to visit my own house (MaShabalala, 10 August 2019).

The in-laws cannot be predicted nor can be trusted. In fact, they are capable of doing anything to satisfy their egos. It is typical in the Zulu culture (unlike in other African cultures) that a woman would tolerate every hardship she encounters in life. The violence that emanated from the cultural values resonates with the GBV perpetrated against women globally. When asked if women have an equal status in their area, MaGxekwa had the following to say:

> Women are always holding an inferior status to men. My voice was not audible enough. I had no one to support me; his family always takes his side. At work a woman is oppressed with her salary less to that of males. Police would not open a case for you when reporting crime. Women's human rights are trampled down. Always you need to approve yourself. Equality is a myth (MaGxekwa, 04 August 2019).

The levirate custom increases HIV infections. It is possible for a man to catch the disease when inheriting his brother's wife after he died of unknown diseases. Moreover, it is a custom that exposes women to vulnerability of domestic violence (DV). The worst nightmare is that women feel embarrassed to report or tell others that they are experiencing violence. They are unaware that keeping it a secret prevents assistance.

> If you are married in this family, when I die one of my brothers would take over from me and continue taking care of my wife and children. My brother has a right to inherit my wife after my death to secure my properties. A woman is informed not asked if she wants to be inherited or not. This is a matter of you take it or leave (Mr Sithole, 08 August 2019).

Women do not have power at a family level. The above statement is obviously violating human rights and fundamental freedom of women. The finding of this study shows that men are leaders while women are followers. Women lack the confidence to question men and men use this to their own advantage where you find them controlling and manipulating them**.**

According to Fishbein and Ajzen (2009), an individual's intention to perform in a particular way is influenced by internal and external factors. The above finding shows that people inherited customs from their elders and forefathers. However, the culture is executed without fully knowing why the culture was implemented. Many women in this study feel weak and powerless when they are before men. According to Douglas (2019), culture and loss of self-confidence cause women who live under bondage to believe that their low status has placed them there. Women who find themselves in abusive relationships find it hard to discuss their problems with the elders of their families (Bekker, 2009). Pillay (2017) indicated that traditionally, necessities of reformation are grouped as tools for oppression.

5.7.2 Sub-theme three: *Ilobolo* (dowry)

According to this practice, once the bride has been transferred to the groom's family and the bride price has been paid, she is expected by her in-laws to bear children. The participants were asked if *ilobolo* was paid for them. They all agreed that indeed *ilobolo* was paid and the payment had childbearing attached to it. They all attested that *ilobolo* is a good cultural practice and that they would like to see it continuing. In addition, they mentioned that *ilobolo* was paid to their parents as a form of financial gain. The practice is sealed with the discussion between the two families. Once they have agreed and have concluded the discussions, the woman is expected to comply. The following are the statements that sealed the conversations:

> For me *ilobolo* was paid in order to avoid cohabitation. It was paid to strengthen the relationship between families. After *ilobolo* was fully paid I did *ingqibamasondo* which is also called *umbondo* (Hoove's-covering) and this was followed by umembeso, and then *umgcagco* (traditional wedding) happened. During the *umgcagco* ceremony I sealed my traditional wedding by *umabo* (Zulu wedding in which the bride gives presents to her in law in the form of Zulu mats and blankets) (MaNsele, 08 August 2019).

Reading from her facial expression it is noticed that MaNsele was happy that *ilobolo* was paid for her and that made her a complete woman. She also displayed a sense of pride for having done all the other rituals that are attached to the cultural practice of *ilobolo*. She explained the significance of *ingqibamasondo* as a way of appreciating the bridegroom's family by giving them gifts in the form of groceries. This ritual is done when *ilobolo* is fully paid to announce to the public that the bride will be married soon.

Although these rituals might be appreciated by the women who participated in this study, they are a waste of resources such as money. The fact that the string of these rituals is performed by women only is a concern. Apart from paying *ilobolo*, the groom is only expected to do *umembeso.* This looks unfair on the side of women. It does not end there; a woman is also expected to do *imbeleko* (a ritual performed for a new-born baby) ceremony to introduce her new born child to the elders and ancestors.

In Zulu culture all these rituals (except for *imbeleko*) are to be done before a woman is fully married, with *umabo* being the final stage. It does not make sense that a woman could be exposed, encounter and have her rights trampled because of what culture demands. The issues around the rituals are misaligned.

All of the participants stated that *ilobolo* still exists. This practice is associated with the provision of gifts, usually in the form of money or livestock to the parent of the bride-to-be. These findings concur with statements by Shope (2006) who mentioned that the practice of *ilobolo* creates good relations in African culture. This finding confirms the statement of Shope

(2006) when he said that *ilobolo* is a cultural practice that offers insight into the gender and power relations in African marriages.

These findings agree with Shope's statement because they confirm that *ilobolo* has different and contradictory meanings for African women. There is relatedness between power relations and the ilobolo custom. This "obscures women's efforts to claim their rights" (Geisler, 2000). The study by Geisler (2000) is contested and contradicted by the findings of this study regarding *ilobolo* because in an African context a woman becomes a woman when all customary expectations are fulfilled. Regardless of financial gain for the bride's family, all African women love *ilobolo* to be paid for them to fully belong with their new families and fit in.

Earlier statements on *ilobolo* depicted it as an economic transaction (Raglan 1930). Such people have been heavily criticized for misunderstanding and misrepresenting the purpose and meaning of *ilobolo* (Mizinga 2000). In MaGxekwa's narrative, the *ilobolo* custom can be viewed as a cultural practice that has been manipulated by parents of the abducted girl. She recalled:

> After he abducted me, *ilobolo* was paid and my parents accepted it. I felt betrayed by my own parents because instead of standing by me to protect me they sold me. Parents must stop this habit, it is unacceptable. I am not for sale (MaGxekwa, 04 August 2019).

She was not happy about the incident she found herself in. This finding shows that there was no consensus reached between her and the perpetrator. The woman was coerced into loving him. *Ilobolo* was used to seal the deal between the abductor and her parents. The involvement of her parents in this amounts to betrayal. The parents did not refuse the completion of the transaction. Due to the fact that she felt betrayed she cannot trust easily. She blamed her parents for allowing this abduction to continue instead of standing by her to stop it. She felt she was sold to the highest bidder as if she was property.

Mamdani (1996:91-92) points out that the early Cape colonists argued that the practice of *ilobolo* was a means of selling women to the highest bidder and that it was a way of enslaving

women. The findings of this study are in agreement with Mamdani (1996) when he points out that *ilobolo* means that the woman is sold to the highest bidder because some women whom lobola was paid in this study, mentioned that their stay in their matrimonial homes was not as good as gold.

They lived under fear since their husbands considered them as their commodities. Wife beating was very high and they could not open cases against their spouses for the respect of culture. Bride wealth discriminates against women who cannot bear children. It is the reason why men send their barren wives packing. *Ilobolo* is used as a form of justifying the violation of women's rights.

According to Mizinga (2000), non-payment of *ilobolo* renders the marriage invalid; the groom has no claim over the children that he bears with the bride. If he has daughters, he cannot participate in their *ilobolo* negotiations when they get married (Mizinga 2000). In the Zulu culture if *ilobolo* was not paid, children from that marriage setup cannot belong with the father and they cannot adopt his surname. They can only use the mother's surname and when the time for *ilobolo* negotiations comes, the event would take place at their mother's side and the uncles would be the ones entitled to negotiate on their behalf. Such happens in a marriage where the parents were married in a white wedding only. In African culture the woman is only accepted as a complete bride only if she has fulfilled the custom of *umabo* and bile has been poured on her to introduce her to the dead.

The findings of the study concur with the statement asserted by Mizinga (2000). If *ilobolo* is not paid for you as the woman, you are not considered as the man's legitimate partner. Even if you bear him children and stay with him, that does not qualify you to be his wife. The children you will bear for him will not carry his surname. You are called his concubine. This is a reflection that happens in rural areas. However, when it comes to townships such as eNseleni, Esikhaleni and even in peri-urban areas such as KwaDlangezwa, people have arrangements to stay together and *ilobolo* and terms like concubines might not even exist.

MaNdlazi was cohabiting with her late spouse for over 18 years, he never paid *ilobolo* and this means that culturally she was not his wife. She put her story as follows:

> He did not pay lobola but he asked me to come and stay with him (vat en sit). We stayed as husband and wife until he fell sick and did not make it through. I am a Shembe follower. It was common in our church for such to happen. If lobola was not paid that would traditionally mean I don't belong to the family. So I was sent packing with my four children because I refused to be inherited by my brother-in-law who wanted to pay lobola. In fact, I was banned from the community with nothing. Nobody sympathized with me. I was not cleansed of the deceased's spirit. My elder son was forced to perform funeral rituals. It was very sad (MaNdlazi, 01 August 2019).

The women's stories indicated efforts made by the patriarchal order to keep women in subordinate positions within their communities. It is clear that cultural practices violated women's rights and stimulated violence against women. The above statements show that parents indulged in *ilobolo* because they are poor while others wanted to become richer through *ukulobola*.

This is further viewed to be in agreement with Hanzi (2006) who suggests that in other countries young girls are married early to settle family debts through the payment of the bride price and as a compensation for pledging.

5.7.3 Sub-theme four: Polygamy

Polygamy has a potential to introduce inequality between spouses by phasing in some lower values such as fidelity. The participants were asked if they were involved in a polygamous relationship and were asked to state their feelings about this practice. All participants concurred that the practice of polygamy does exist. Polygamy is one topic people shy away

from, because it is very controversial. In a polygamous marriage the concept of compromising and sacrificing was normal for survival.

One of the participants had the following to say:

> There is a lot of talking, noise, fighting, hatred, bad heart and witchcraft in my marriage. I cannot return to my family home if my marriage fails. My husband abandons one wife, quarrels with the other; you are turned into a witch to sustain your marriage. In order to keep us cared for, he must be wealthy to afford all of us. The problem he had was, he did not love all of us equally (MaZungu, 04 August 2019).

A practice like this one violates dignity and human rights. A wedded wife is not consulted to check if she agrees that a second wife is taken. A woman who can survive in this practice is the one who can persevere and be a great pretender, tolerating all situations. The root cause of GBV lied in unequal power relations between men and women. This practice allows a man to be unfaithful as it allows him to have sexual freedom while women are restricted to have one partner.

In any system which recognizes polygamous relationships, husbands and wives should have reciprocal rights and responsibilities and both polygyny and polyandry should be permitted (Calhoun, 2005:1039-40). May-be, it will make sense if a woman can be consulted before the husband marries a second wife, and may be given a chance to cast her views. This practice promotes competition among wives as they compete against one another to be loved more instead of supporting each other.

The other participant who presented her lived experience was MaNdlovu a 45-year-old mother of three. This is how she narrated her story:

> I did not choose polygamy but polygamy chose me. I was very young when I fell in love with him. I fell in love with his character; I only discovered after our customary marriage that he loved other women too. This has affected my happiness directly. In any marriage you need to compromise, I had to do the same in order to fit in. It is disastrous to stay in

> one homestead despite of having separate houses. I did not choose to be part of a polygamous setup. We are residing in one home but I had to see him after three days in a week. That kills me spiritually (interviewed MaNdlovu, on 09 August 2019).

In this narrative it is clear that the woman did not enter into this marriage arrangement by choice. She found herself trapped in the situation which was not easy for her to retreat from. Sharing your man with others can be painful. This indicates that MaNdlovu was involved in a polygamous marriage. For her this practice seemed totally unfair and toxic. A man is allowed to have more than one wife but if a woman can have more than one spouse, she is called a whore.

The treatment she received was different from that of the other wives. For her to be involved in this family setup was a thorn in the flesh. Furthermore, she could not enjoy the benefits of being a married woman. Closely related to MaNdlovu's experience was MaKhoza's narrative that demonstrated the importance of a functional family structure further.

> He did not treat me like his other wives. Because of his infidelity I ended up developing hatred towards his other wives. This promoted witchcraft because each wife wanted to be loved. I used muti to clean myself of bad spirits (MaNdlovu, 30 July 2019).

The unplanned situations a wife finds herself in may create division among family members. The division may lead to the wife having to resort to using unconventional methods to gain affection from her husband, such as the use of witchcraft.

The next participant to present her problems was MaMhlongo, a 64 year-old Shembe follower. She put her story as follows:

> *Sasigane sibathathu* (we were three in this marriage). *Ngagcagca ngokwesiko lesintu* (I was culturally married). My life is sour and difficult. After the death of the second wife I was accused of bewitching her. They call me a witch. They don't eat in my house. My house was burnt by the community members. I was banned to an evil forest to die alone. God's grace saved me. I was suspected of being a witch because after she died a sangoma (fortune teller) was consulted. She accused me of being a murderer. People

> are burnt alive in this community for witchcraft. I lost everything (MaMhlongo, 09 August 2019).

From the way women presented their experiences it became clear to me that polygamy can be bad for the other woman. In a polygamous marriage the husband cannot love all of his wives equally. The way the husband treats his wives may create division among family members, hatred and animosity. Isolation becomes paramount in a divided family setup.

In the case of MaMhlongo her life was not safe because of the accusations of witchcraft directed at her. The lack of support from her husband created more frustration for her, which placed her life in more danger. The siblings of the second wife have automatically become her enemies because of the accusation which is based on no evidence. MaMhlongo was all alone in this situation. She was disowned by her husband, which was very unfortunate.

Calhoun (2005:1039-40) has asserted that husbands and wives should have mutual rights and responsibilities and that both polygyny and polyandry should be permitted. Both men and women are sharing equal rights as outlined in the Constitution of this country. Therefore, a principle of 50/50 should apply. If a man can have more than one partner, what can stop a woman from having more than one partner?

The following are the words of MaGumede:

> The practice of polygamy promoted witchcraft, division among family members, fighting all the time, commotion among families, animosity and hatred. When things were bad for me, I would go to see a sangoma or a witchdoctor. A sangoma would give me, traditional medicine (muti), to appease the dead (MaGumede, 03 August 2019).

A desperate woman may seek solace in a time of distress from any source. Polygamy can create pain among families. Going to a sangoma is a way of showing how much one is hurt. However, at times it turns out that you are looking for comfort in wrong places that will cause more discomforts for you as an individual. Appeasing the dead involves the ritual of greeting the

departed. If there is no sign of being accepted by them, this can be awkward and disastrous as you can provoke the spirits of the dead into bringing more bad luck on your way.

Fortune (2004) stated that when bad omens follow some African people in their marriages, it may be attributed to ancestral anger, witchcraft or evil spirits. These instances may warrant seeking the views of the traditional healer (Nichols, 2010). These findings concur with the participants when they indicated that when things went wrong in their marriages, they had to seek traditional healing.

According to Thobejane (2014), people who practise polygamy are estimated to three billion around the world. With such big numbers, it is clear that serious action needs to be taken to uproot this problem. Women end up practicing witchcraft when bad omens follow them in their marriages, the same provokes ancestral anger or evil spirits (Fortune, 2004). According to Nichols (2010), these instances may force people to seek the views of the traditional healer with the hope that they would be able to address their situations.

5.7.4 Sub-theme five: Wife Beating

Wife beating is not a cultural practice but is a bad habit that people have attached to cultural practices because it coincides with what happens around the cultural practices. It is obvious that men beat their wives because they want to humiliate them. One participant agreed:

> I call it humiliation when a woman had to flee naked when she is beaten. Out of the beating I ended up losing the pregnancy (MaGumede, 03.08.2019).

MaGumede became emotional while she was narrating her story. The social worker was invited to comfort her before she continued with her interview. This (beating) did not only embarrass MaGumede but it caused her to lose more than one pregnancy. Women are coerced into marriage by their families as well. Some men have no respect for women. Abuse is demonstrated in all ways. What started as love ends up in tears! The acute physical and mental pain is too high. The anguish or suffering or struggle precedes death.

This was echoed by the narrative presented by MaGumede who put her story as follows:

> I did not marry him out of love but I was handed over to him by my family. He was much older than me. I had to leave school because I was expected to go and marry. I was unable to do all household chores because of my age. I was unable to carry a 25L water-carer. He was unsympathetic towards me; instead, he would beat me with a knobkerrie and would chase me pointing a spear towards me. I was his second wife. I came along with my brother's daughter to dwell with me as culture demands. In a twinkle of an eye she was pregnant for him. She never got a chance to go to school (MaGumede, 03 August 2019).

When she narrated her experience, she became emotional and would not stop weeping. The resaercher would wait for her to calm down while the social worker would give her some counselling. Narrating her story was just like a fresh wound that was oozing. When she was calm, she continued thus:

> All what happened wounded me spiritually. I had miscarriages many times due to continuous depression problems. I was beaten almost every day. He would have sex with me every time even if I was not ready for it. He did not give me money and would not buy food instead he would ask me to provide it. I survived by cultivating the fields for other people and do their laundry (MaGumede, 03 August 2019).

Stories like this can mean that wife beating and other ways in which women are tortured have become very common among people, both married and not married. This calls for the intervention of all parties, including pastoral intervention and the law to stop the battering of women. Many women have scars on their bodies and faces and are bruised by their husbands. I cannot imagine the loss of a pregnancy due to ill-treatment that women had to endure. The woman was put into an arranged wedding by her family for them to gain financially. However, she had to endure the pain of being beaten by her husband alone.

MaGumede did not have a choice as she was put into this marriage at a tender age. She did not get an opportunity to improve herself by going to school. Due to this, her husband felt that she was his property that is why he did as he pleased with her to the point that he impregnated her brother's child who was younger.

Fidgen (2009) pictures this state of affairs in the following manner: "The majority of women enjoy a beating, because they are made to believe it is part of their tradition." Although wife beating could be part of culture, in fact, there is no woman who likes abuse. Women have become punch bags under the disguise of this cultural practice and it has placed women's lives in danger. Most of the women interviewed put it in the open that wife beating is a cultural practice they cannot tolerate.

Many males think that wife beating is part of their marital rights and privileges. This comes from a traditional understanding which views the wife as a chattel along with other property belongings to the husband (Hinga, 2008:170).

This view is also shared by Waruta & Kinothi (2000:123) who say: "Therefore, the men own the women for they bought them, just like shoes, cars or other properties." Such a statement is insulting to the society of women. In fact, this practice is horrible and there is no way it can be used as a corrective measure for bad behaviour.

Day (2013) commented that in spite of their plight women are quiet and voiceless. Women think that the beatings are part of the marriage collection (Day, 2013). Phiri (2003) voiced out that women internalized being beaten, stating that women should thank their husbands for giving them their surnames. That sounds like an insult to women. Adopting a man's surname cannot be seen as a reward which should be accepted in return for beating.

The beating of women is caused by alcoholism and customs that are patriarchal (Carlison & Mazurana, 2007). Khan and Islam (2017) spoke about the attitudes of women towards this practice and its connectedness with health problems. The majority of the participants indicated that they have received beatings from their husbands but cases of assault were never opened.

5.7.5 Sub-theme six: Virginity Testing

Virginity testing is a common practice in Zulu culture. It has no bearing on a person's worth. This is a practice that is based on determining whether a young girl is still a virgin or not. When the participants were probed to present their views regarding the practice of virginity testing they had a lot to say:

> I love virginity testing because it builds the character of young women. Through it young women are taught discipline, how to behave themselves, helps to minimize diseases and teenage pregnancies (MaMbatha, 30 July 2019).

An interesting point noted in the response above is the positive affirmation that the women were aware of the significance of the practice of virginity testing and its benefits to the young girls. Reading from their faces when they spoke about this practice, it could be detected that it was highly favoured and anything that will bring any threat on it is not welcomed.

In a separate interview with MaNsele she added to MaMbatha's story by saying:

> Virginity testing helps young girls to keep their virginity. It promotes life skills, encourages respect, teaches young women to become responsible citizens and qualifies girls for reed dance attendance. It is a disgrace for a girl to fall pregnant out of wedlock. It becomes more embarrassing when her family has gathered to receive her *inhlawulo* (damages paid to the family of a woman who become pregnant before marriage) (MaNsele, 08 August 2019).

This finding was further explored by MaGxekwa as per her response below:

> Virginity testing prevents STDs and early pregnancies (MaGxekwa, 04 August 2019).

The above-mentioned findings affirmed that women's responses signified the importance of this cultural practice to the lives of the young girls. They declared the lack of negative impact attached to the practice on the lives of girls. The women appeared to be of the opinion that they love to see this practice continuing. They all admired this practice just because they

believed it modifies behaviour for girls. Sometimes upbringing from the people that you trust may influence the attitude and self-esteem of an individual person to whom the attribute is conveyed. The women were of the opinion that there was no conflict attached to virginity testing.

> The problems created by the practice of virginity testing is that people that are known as virgins sometimes get raped just to defame them and reduce their self-esteem out of jealousy. People hate virgins, it is unlike before. Due to hatred virgins are exposed to rape (MaMbatha, 30 July 2019).

Women who keep their virginity pure are exposed to an extra level of shame and sexual assault. In many settings virgins are not accorded with respect they deserve. Virginity testing reinforces stereotyped notions of female gender inequality. It can be detrimental to a girl's physical well-being where girls end up being raped.

The findings above are contradictory with what the statement by the Commission of Gender Equality (2000) which mentioned that:

The Commission argued that the practice of virginity testing is discriminatory as those who are found not to be virgins are shamed and mocked (Commission of Gender Equality 2000). This statement is very much true. The practice is also sexist because girls are expected to be virgins while boys who experiment sexually at a young age are celebrated and seen as having achieved an important social status (Bhana & Pattman 2011; Langa 2012; Selikow, 2002; Wood & Jewkes 2001).

Looking at what other authors had to say about this cultural practice of virginity testing some victims felt trapped in it. This is an insult to girl children where they are expected to abstain while boys are at liberty to explore. It is obvious that this matter of virginity testing is far from over and women's journey to freedom is a difficult one. There are so many hindrances on the way in terms of culture, economic factors and knowledge.

Regardless of the Commission on Gender Equality's (2000) concerns, no visible changes on the marginalized, poor and illiterate. As discussed in the literature review chapter the state's legislative changes post -1994 paint a brighter picture for women but this study found that the battle is far from over because the changes had to contend with the long existing traditional practices.

For instance, Dudu Mazibuko, the Mayor of Uthukela District Municipality cited in Commission for Gender Equality (CGE) Investigatory report (2016:4) introduced a bursary to motivate girls to keep their virginity as per the Zulu customary practice. Some hailed this as a move in the right direction while others accused her of contributing to the continued oppression of women. The reality is that the Mayor did not act in a vacuum; she was interpreting what was embraced by a certain section of the community.

Because of this, recently in KwaZulu Natal (KZN) there was uproar over the proposed bursary to be offered to virgin girls only. Because of pressure, girls end up lying to themselves and become a laughing stock if they did not pass the test. They are mocked, gossiped and feel hopeless. Girls are sometimes forced to pay bribes to the testers in order to fit in. The girl's fate is now defined by this practice. When they bribe, corruption pops in, thereafter the practice is spoilt.

Other studies argue that virginity testing put girls at risk of rape based on the myth that was dominant in the early 2000s that sleeping with a virgin will cure HIV and AIDS (Groce & Trasi 2004; Leclerc-Madlala 2002; Meel 2003). The findings of this study concur with this statement by Groce and Trasi (2004), Leclerc-Madlala (2003) and Meel (2003) when they say that virginity testing might put girls to risk of rape.

What other writers have argued about virginity testing is echoed by the statement made by MaMbatha below:

> I cannot forget the ordeal my younger sister had to endure. Virginity testing is the most admired cultural practice among blacks. However, people who are known as virgins get raped just to lower their self-esteem. People tend to hate virgins because of jealousy. In

> the past being a virgin was praiseworthy but today you become everyone's enemy. This I know from experience because it happened to my own flesh and blood sister (MaMbatha, 30 July 2019).

It is not everyone who recommends and loves this practice. Some people like it while others despise it. Studies have reported that the practice can be harmful to girls, harming them physically, psychologically or socially (Olson & Garcia-Moreno, 2017). Rumsey (2012) believed that the practice was revived in communities in KZN to promote abstinence in order to prevent HIV/AIDS. This paints a positive picture about the practice.

There are always two sides of a coin. What someone else may consider good might be bad for the other person. The argument above shows that there is a clash between what is believed to be good about virginity testing and what really happens around it. This is perceived as cruelty to girls. The women emphasized the importance of this practice and a need to maintain it. A person who is at the centre of this problem is the girl child who happens to be caught in the middle of this practice**.**

The findings of this study agrees with the Human Rights Activists when they say that this practice endangers girls as it exposes virgins to rape while those who failed the test are abandoned and turn to harlotry (Rumsey, 2012). The assertion is supported by Hugo (2012) who stated that the public announcement of the status of the virgins makes them targets of rape. Until his passing the King of the Zulus had been encouraging virginity testing as a way of fighting HIV/AIDS. Mhlana (2011) attested that the practice promotes the fight against diseases and that it reduces teenage pregnancies. Khoza (2013) emphasized that indeed the practice curb teenage pregnancies.

Authors like Shisana; Rehle; Simbayi; Zuma and Jooste (2014) appealed that the government needs to intervene and provide strategies to empower girls to prevent HIV infections rather than exploiting them. Mokoboto-Zwane (2016) in Scorgie (2002) and Vincent (2006) affirmed that this is an age-old practice which is surrounded by controversy. To prove that the practice is admired by some people, Ngobese (2015) even mentioned that it is spiritual and holy while

Biyela (2019) declared that the bursary awarded to virgins only costed the Mayor of uThukela District Municipality her job. Because of carelessness around virginity testing someone's life was ruined.

5.8 Theme: Positions of women in structures where traditional rules are imposed

A number of women especially, in this study are experiencing emotional imbalance and pain. A lot of women have lost their lives at the hands of their partners. In some cases, men are also victimized by their female counterparts. This is a social problem that needs to be addressed.

5.8.1 Sub-theme 1: Social structures

Cultural practices emphasize the position of a woman in society. For a woman to be fully considered by members of the community as a member-in-good-standing she needs to abide by the rules crafted by traditional leaders. In communities that practice cultural practices people often accept it as normal (Van Rossem; Meekers & Gage, 2015).

> For me to be fully accepted by my in-laws as a member of their family, I had to give up my own freedom and allow them to treat me like a slave (MaCele, 24 August 2019).

Based on the finding above it is clear that women are only accepted when they accept the low status detected by their in-laws. Both men and women should be given power over their own lives and chances to live the way they had reasons to value. In traditionally-led social structures women are not afforded proper recognition and women get affected in terms of leadership, culture and policies (Stamarski & Hing, 2015).

> Because I refused to be told what to wear and how should I dress myself up, I became an outcast (MaSibaya, 24 August 2019).

The above mentioned finding reveals hardship women of the current study face in their villages. Gender inequality can perpetuate discrimination (Stamarski & Hing, 2015). The basic idea of

increasing human development involves the assertion of the unacceptability of such biases pursued in social communities.

5.8.2 Sub-theme 2: Economic structures

The economic sector of societies is one area where discrimination against women has been high. Most of women work in informal sectors with poor working conditions and are paid low salaries and they do not have social protection. Sustainability appeared as an obligation to preserve the present-day economic opportunities for the future. Opportunities of future generations need to be preserved so that they may lead worthwhile lives (Solow, 1991:13).

> I am paid a very low income which I generate to support my entire family because I am a solitary bread-winner in the family of thirteen siblings (MaSibaya, 24 August 2019).

Sen (2000) contended that exclusion of people can be interpreted as deprivation of potentials because if you are excluded from the social relations that may contribute to poverty. This is echoed by Smith (1976) who opined that if you are not given freedom of free participation with others that is deprivation in itself. If women can be afforded equal rights in the business sector, great change can be obtained because if women are involved in sharing the economy of their communities, more money can be generated and this could benefit everyone. The economic values of the African Traditional society are found on hard work. The gaps in salaries earned by women, Blacks and Whites are still available (Meyiwa et al., 2014).

5.8.3 Sub-theme 3: Political structures

The South African Constitution guarantees the rights of women participation in politics. During this decade we have seen an increase in their participation. There are high numbers of women who vote during the elections, a number of public offices held by women however, there is a high level of under representation of women in politics when compared to men (Nkechi, 1996). All human beings are equal and women possess the same rights as men to participate in governance and public life.

Male domination in politics, culture of formal political structures and political parties hinders women's political affiliation. Women are not usually elected at the positions of power within traditional courts and in political organisations. Women's participation and involvement in politics is very low in rural areas. This is witnessed by the assertion of MaMbatha (30 July 2019) who cited that:

> There is not a single induna in kaBhejane Tribal Council and that the INkosi Khoza always get opposition from Council members who are men.

This finding stipulates that women of this study are still not recognized as active participants to hold positions of power in tribal courts. For them to be active in politics, education of both men and women is necessary. According to Madziyire (2013) cultural practices does not believe in modern medicine and that contributes into putting women's lives in jeopardy. Solomon and Memar (2014) cited that women who are poor will not have time to allocate to politics and they can better influence politics when they are economically independent.

5.9 Chapter Summary

Chapter five dealt with the findings, interpretation and discussion of the findings of this study. It has also analyzed, interpreted and presented the findings of the study in terms of the themes and sub-themes identified during data analysis. The findings have contributed to new knowledge and the two objectives discussed under this chapter were achieved. Serious social issues surrounding the cultural practices and how they have affected women were discussed. Empirical evidence presented in this chapter was informative. Linking such information to the existing body of knowledge as presented by various authors located the study within broader context.

The following chapter further focuses on the findings, interpretation and discussion of the next two research questions and objectives.

CHAPTER SIX

THE PLIGHT OF WOMEN LIVING IN PATRIARCHAL DOMAINS

Findings, Interpretation and Discussion

6.1 Introduction

This section analyses, present and interpreted data that was gathered among the categories of samples drawn from the research site. The samples included women that have undergone cultural practices from kaBhejane Traditional Council and five men. Findings on specific groups of the study participants are discussed below in their respective categories.

Cultural practices expose women to various forms of violence and abuse and they have fear that seemed to be what is keeping them safe in their marriages. If women have power to avenge, a different story would be narrated by now. This chapter discusses another set of themes that emanated from the women's interviews.

These findings reveal that emotional abuse may cause mental and physical distress to an individual who has been exposed to it. Women are forced to pay allegiance to the cultural practices administered in their communities. So, the status of women needs urgent action. The challenges posed by the practices should not expose women to exploitation and humiliation, just because there are people who want to prove a point out of women's oppression.

According to Maluleke (2009), emotional anger is the exposure to an extreme stress involving direct personal experience of an event. Men know that if they can conquer the mind of a woman she is completely enslaved. So, when conflict has broken out in the mind it becomes easy to attack and influence the adversary. Fear is one of the greatest causes of failure in human life. Its specific mission is to make an individual deviate from the purpose she is expected to perform. Any woman who submits to serve a man is a slave to that which she is subjected to.

Any form of abuse induces fear, which in turn induces hatred and animosity. If these untoward feelings are acted upon, they may have dire consequences and there will be no stability in a family setup encompassed by these. Faced with all these challenges women's answers to their plight is God.

6.2 Theme: Subjective experiences of women

Communities characterized by male dominion and masculine inequalities created the imbalance of power among men and women. In most cases in various societies men hold a high social status while women occupy a subordinate and inferior status. Social structures create and reproduce inequalities linked to race, sex, class, religion and ethnicity. In the context of this study, women reported that they are not awarded the same equal status as men in their own homes. The following are findings of subordination that were visible in the field:

> Men are becoming household rulers. We are sports ground of defamation of character. (MaCele, 24 August 2019).

Another participant said:

> Men think that dominance is part of their marital rights and privileges. He sees me as his property and belonging because *ilobolo* was paid. He expects me to be silent; my silence makes him think that I am accepting what he is doing to me. We do not sit down to discuss issues that influence our family (MaNsele, 08 August 2019).

The power dynamics in an African family setup is such that a man holds absolute power and the expectation is that since he paid *ilobolo* (dowry) the woman must submit to him. In the context of these findings, the man has absolute power to decide by himself to take decisions without consulting the wife. It lies within a man's prerogative whether he consults or does not consult the wife.

Men often decide on the religious denomination to be followed by the family. It lies in the power he holds also to decide the cultural practice to be adopted by the family. This could be done without consulting the woman. Women movements emphasize that women "are considered inferior beings whose only purpose is to enhance men's lives" (Marysia, 2000:11).

Feminists maintain that male control over women is likely to construct "hierarchical social relations" that are established on disproportion (Beasley, 1999:60). According to Gqola (2007) the control about gender, violence and sexuality intensifies the understanding of the high

degrees of gender-based violence in post-apartheid, South Africa. She positioned masculinity as being violent and argued that it underpins violation of the rights for women (Gqola, 2008). She further suggested that most of theories on black women do not dispute what is written by White feminists. However, they revamp the world in good ways that are not a threat to humanity. She called this a South African nightmare where women are killed and raped on a daily basis (Gqola, 2015).

Radical feminists further insist that male power was not only common in dwellings over females but "structural domination, a system of hierarchical values embedded in society" (Marysia, 2000:11). Beasley (1999) and Andersen & Taylor (2006) also agreed with this observation.

The findings from MaCele and MaNsele highlighted that it would be difficult for men to change their point of views. That is why the individualistic form of theory insists on rectifying the problem by reason of making changes in human groupings. MaNsele felt that:

> Men are sometimes heartless; however, we must not hate them.

Looking deep into this narrative it becomes evident that men are considered as people who do not show sympathy or remorse towards other people. On the other hand, their female counterparts have learnt to tolerate them and to still love them. Despite the hardship that women experience from men, they still find space in their hearts to love them and to make a family with them.

In the context of this study, it means that Zulu women over time have developed coping strategies to deal with men who do not show affection to them. Liberal feminists have declared that it would be good if ladies could receive treatment equal to men and be allowed to exercise their human rights.

Apparently, the main goal of feminism is to create equal opportunities in all spheres of life (Beasley, 1999:50; Marysia, 2000). MaNsele welcomed the view that women should be treated equally. Obediently, feminists indicated that inequality determination can set forth barriers to the development of women (Andersen & Taylor, 2006).

MaNsele calls upon women to love their husbands and that they should not revenge for any bad treatment they give them. This extends further to men as well that they must become considerate by considering women as their equals. Liberal feminists stand their ground in uncovering the "old-fashioned ideas about what men are and should do, and to allow, even encourage women to do the same things as men" (Marysia, 2000:6). Although there is a call to share equal rights, some women do not agree to it. The case below attests to that.

> A woman who disrespects culture, her husband despises her and she is playing with fire. A man was created to be above a woman that is why if you are a woman you cannot decide on issues without getting a go ahead from your husband (MaMthethwa, 29 July 2019).

The response of MaMthethwa shows a traditional mind set. She claimed that if you are a married woman you cannot take your own decisions and you cannot employ self-reliance to fulfill your desires and do anything you want. Cultural practices are believed to be in the custody of men. Therefore, a woman is expected to obey culture which is a sign of obeying the man. Disrespecting the man is equal to disrespecting your own culture. There is a general belief that the body of a woman belongs to a man, therefore disrespecting the man is equated to disrespecting your own body and that could have dire consequences.

The consequences can lead into losing your marriage or being divorced. Based on this finding my thinking says that a woman who disrespects culture disowns the respect of her husband. A man is the custodian of culture and holds power over a woman. Chitsike (1995) claimed that it is by choice that women agree to the fact that it is "cultural" for them to be inferior to men. Mbaku (2017) highlighted that ever since the colonial period, elites have manipulated laws of citizenship with an intention of fulfilling their political and economic interests. This mentality puts Africans in a position where they cannot fight for their independence.

The assertions were confirmed by the story presented by MaKhoza who explained that:

> We were born with those practices and will die with them. They are still going to continue for future generations because they are part of our traditions. She continued

> to say “our forefathers lived with them what can stop us from living with them. There was nothing wrong with the way we lived (MaKhoza, 30 July 2019).

The above statement clearly shows that cultural practices have long existed. The participant attested to the popularity of the cultural practices. Zulu women see beauty in the way culture regulates their lives and have adapted to its demands. African women who are customarily married are the kind of society which prefers not to talk about stuff that happened behind closed doors regardless of how much their lives are destroyed.

This aligns with the statement by Mamashela (2004) who asserted that the quality status accorded to women by the laws surrounding customary marriage is therefore currently more of an illusion than a reality. The following is another lived experience put forward by one of the ladies who were interviewed for this study:

> In my home I am sometimes well treated and in certain days I am treated as thrash and in some cases I am called names such as *isidwedwe* (a rag). This cause heartbreak and sadness. Sometimes I feel useless and not worthy to live. I don’t like culture to define my existence anymore (MaNsele, 08 August 2019).

The above narrative was echoed by MaShabalala who put her experience as follows:

> It was on the 1st of July 2007 when my husband died and had to face the wrath of his brother and sisters. I did not love him but that did not stop him from taking over as my new husband without my consent. This affected me emotionally. Sometimes when I talk about it or recall what happened that day, I feel like ending my life. I still feel the pain.

Looking at both the narratives of MaNsele and MaShabalala one can see that although an element of inequality is displayed, one needs to understand that men will display different emotional treatment towards their wives to an extent that sometimes they will display positive emotions, but which are short-lived. To a greater extent the women experience negative emotions from men. Men view women as objects that they use based on their whims. There seems to be fear of the cultural requirement. Men do not want to be opposed or challenged.

On the other hand, we have the Constitution in our country which entails equal rights for all people. According to Chireshe & Chireshe (2010) traditional customs continue to dictate and construct women as inferior. The following finding is consistent with Chireshe & Chireshe's (2010) citation.

MaQwabe shared her experience as follows:

> I serve in the tribal court and I hate it that there is no female *induna* (headman). Women are still sabotaged. There are nine tribal areas in our jurisdiction but there is not a single woman who is holding a position in the tribal court.

This finding above denotes that in places where cultural practices are administered, women are under-represented to the point that there is no woman appointed into a leadership position. Women are starting to question the practices because traditionally, a woman cannot be an *induna* or a chief. When women raise a valid point, the males go out of their way to make sure that the point raised is invalid, try to expose all the flaws on that point, and raise it in a different context as though it is theirs. The issues presented by MaQwabe are flawed as there are influential women leaders within the Zulu structures. Although there is no female induna at kaKhoza Tribal Council, in some other structures there are women holding positions of power.

Traditionally, in an African context, women are viewed as inferior to men. Their culture, customs and beliefs downgrade them to inferior status compared to men. Women seem to be stressed and seem to be under pressure of non-recognition in tribal structures. Historically, this finding has nothing to do with the Zulu culture because in the past Princess Mkabayi ka Jama was responsible for appointing and disposing Zulu Kings. She was responsible for the death of King Shaka, appointment of King Dingane and his death later on.

Mpande ka Senzangakhona was also enthroned after being endorsed by Princess Mkabayi. This shows that sometimes women are very powerful. In Venda culture, the king is recommended and advised by Makadzi, an aunt and a sister to the late king. Without this endorsement by a Kadzi your throne will be characterized by troubles. Recently, in the Zulu Kingdom after the demise of King Goodwill Zwelithini Zulu, Queen Mantombi Dlamini- Zulu was appointed as the

Regent Queen Mother of the Zulus. In her will she anointed her son Prince Misuzulu to take over the throne. This shows the power women hold in traditional settings. As much as Makhotsimnene (uncle) advises the Venda King, the chief adviser remains Makadzi.

The true African culture is rather opposed to male domination in traditional councils. In eSwatini, as per Swazi custom, Her Majesty became Queen Mother when His Majesty, King Mswati 111 was crowned as king of eSwatini. Prior to that, the Queen Mother was Regent of eSwatini from 1983 until 1986. In essence, the "*Indlovukazi*" is the Mother of the Swazi nation, and as part of her traditional role, she rules together with His Majesty the King (Nyane, 2019).

The radical feminists attested to this by claiming that patriarchy is a structural domination because the hierarchical values are established within society (Marysia, 2000:8). In terms of our culture it is not true that men cannot allow women to take a male position. The biggest challenge facing communities is that customary law consisted of rules that were not written, but developed from people's traditions and customs (Ndolu, 2011).

Our women are disadvantaged and oppressed due to the mistakes of the past. If the law is unwritten (Van Nicker, 1995) then it is seen as a danger to the rights of women (Devon, 2015). Nhlapho (2014) alluded that whenever a woman is seeking for assistance in a traditional court, she may not receive it because according to customary law she cannot stand for herself. However, there is light at the end of the tunnel as CL and traditional authority is now recognised in the S.A. Constitution under section 211.

This is relevant in the democratic dispensation that fights to address the legal imbalances of the past and embraces the traditional beliefs and African customary law into the new era as long as it is in line with the Constitutional order (Msimang, 2018).

6.2.1 Sub-theme one: Male dominance

According to culture, women are seen as less human than men. The more unequal power is shared between men and women the more differences will be observed.

Participants were asked to state if women have equal rights with men in their village? The Queen Mother of kaBhejane Tribal Authority replied thus:

> The fifty- fifty status does not apply in my home. The father of the home is the head and it ends there. Every man is the head; of his own house in the village (MaKhoza, 30 July 2019).

Her tone and response indicated discouragement and excitement on the other hand. The way she put it showed that she enjoyed being led and being under the leadership of her husband. The kaKhoza Queen Mother's assertion shows that there are women who value the patriarchal system.

Men are powerful in terms of having enough resources. They are therefore; accorded the high status which is at the level to be called "real men" in the communities they live in. The response is clear enough for one to be able to observe that a man who is not respected by his wife and children cannot command respect outside his home. This is the case even in church. Some congregations cannot appoint a man into a leadership position unless he is married.

This was further emphasized by Mr Sithole a 69-year-old male who said:

> I abide and live by the cultural rules and nothing will change. Women should abide and submit under the leadership of their spouses like it or not. A married woman is forced to look after children; cook for my mother, no woman should go to work (Mr Sithole, 08 August 2019).

The response from Mr Sithole set off with a firm assertion that the cultural practices are good. Even Mr Mzimela indicated that the practices are valued because they are good. This was detected from the tone of their voices because their responses were in favour of the cultural practices. Men do not take into cognisance how women are treated. Gender roles are used to define people. From the accounts given above it is evident that the patriarchal system is valued by men. Women of this study are warned to comply or failing to do so punishment would be enforced. Punishment can be both physical and sexual (Buss, 2000). So, physical violence is a tactic that men use to restrict an intimate partner's behaviour (Buss, 2000). Among the women

who have experienced the beating, they stated that objects like sticks and knobkerries were used to beat them. Some of the participants claimed that they were beaten by their partners as force was used to make them cooperate. They told me that they have sustained injuries such as joints dislocation, bruises, fractures and bleeding.

This led to depression and other health problems. The daily beating was identified as being a negative physical curse. This is a painful experience that carried a negative effect. A man would pursue the beating regardless of the effect that it would have on the life of a woman.

It is transparent that women in this study are not supposed to question the rules in their homes. Women's roles are reduced into taking care of the children, cooking and doing all the household chores (Sakai & Fauzia, 2016). Culturally, a man is expected to hold formal employment. In the context of this finding a woman is confined into being a housewife (Mcllwaine, 2010 & Gu, 2015).

The findings above are backed up by Mushibwe (2013) where she stated that women are the most affected by the traditions because the cultural requirements are strictly demanded by society. Liberal feminism tries to alter the practices in order to finish discrimination liabilities and attitudes (Best, 2003). Marxist feminists claim that gender inequalities could be eliminated by getting rid of all its forms of maltreatment (Bryston, 1999 & Kwesiga, 2002).

McFadden (2016) raised a concern about the challenges feminists are veneering in regards to traditions of combating patriarchal culture and where women should learn to embrace each other. Cloward (2016) added that there are practices such as child or early marriages that are openly a violation of children's rights and are a harmful traditional practice. Mkandawire-Valhmu and Wendland (2013) arguably put marriage as a risk factor that exposes women to HIV infections in countries like Malawi.

6.2.2 Sub-theme two: Inequality

Women were asked to indicate if cultural practices continue to operate in their villages and to mention the consequences thereof. All participants stated that cultural practices are spiritually draining because of the pressure they exert on them. Experiences of feeling reduced to low

status as described by women, may result in them complying with demands of inequality enforced upon them.

The uneducated women blamed the practice of abduction being the one that led to their ordeal of illiteracy. This is evident in the findings of this study as articulated by MaGxekwa who felt that:

> He is more learned than me, so he reduced me to a housewife and cheap labour. He believes that he is superior over me thus he oppresses me. I cannot make my own decisions. I have to ask permission from him even when I want to go to town. He treats me like a baby (MaGxekwa, 04 August 2019).

MaGxekwa felt that she was less educated due to her dropout of school as she was abducted at the age of fourteen years. She further stated that because she is less educated she was reduced far below her husband. Her account portrays a lack of trust in the educated people who she feels do not consider her important nor respect her. For her the benefits of the cultural practices are that they enable her to obey and respect her husband.

From her point of view, she is more concerned about her illiteracy status. She insisted that the low position she was made to assume tend to affect her participation in various activities including her social life which is being dictated by her husband. Traditionally, women are supposed to occupy a low position as taught by culture.

In African traditional setup women are not supposed to pursue formal employment. However, they do a lot of household chores. Modern women consider the amount of household work they do as huge and perceive it as being tantamount to labour exploitation. Modern women have come to realize that the dominance of a man in the family is belittling them and has reduced them to people who are believed to not contributing positively to the development of the family. This was witnessed by MaKhoza who claimed that:

> He was sick and then he passed on. After the funeral I was forced to wear a black dress that was sown for me. I had to wear this dress for two years. There was the first dress I worn which was followed by the one called *eyokuphendulela* (turn the garment inside

out). The mourning period of a man is different from that of a woman. It is acceptable for a man not to put anything to honour his dead wife. Even the mourning period is only one month or less. Culture cannot be questioned" (MaKhoza, 30 July 2019).

The above findings show that the oppression that submerges women cannot be easily detected. It is an African culture for a woman to wear a black dress or a navy blue dress to mourn the departed loved one.

For centuries, prior to World War 1, it was common for wedding dresses to be black. It was Anna of Bretagne, a French Duchess who introduced black as the colour of mourning (American Mourning Dress, 1850-55). Since then, African women have to wear this colour when in mourning.

Historically, wearing the black colour is associated with the absence of light and has different meanings in other cultures. In a Zulu context wearing black is sending a message of grief. This study established that adherence to those cultural customs subject women to defaming outdated cultural practices. The woman is obligated to acquire the cultural knowledge and live according to its requirements.

Frost and Elchaoff (2014) highlight the differences of women's identities and lives and scrutinize how they are acknowledged and shaped. By so doing this allows men's activities to grow while those of women may not. Women in this study believed that culture is meant to bring order in the village. In this study, women are viewed as confined to activities that would make them not to defy the cultural expectations.

In MaKhoza and MaMthethwa's narratives, cultural practices can be viewed as practices that have been manipulated from their original purposes of ensuring the welfare of women to a practice that encourages the subordination of women. This subordination is viewed as a tool used to violate women's human rights and a perpetration of health problems.

This is endorsed by the study conducted by Somhlaba & Watts (2009) who investigated the intellectual welfare of widows after the demise of their husbands. The research revealed that at least 87.88% of their participants suffered mild depression and 69.19 endured anxiety

symptoms (Somhlaba & Watts, 2002; 2009). The findings of this study were consistent with other previous studies that have reported depression among women. There were some women who highlighted having sought psychological help for depression related illnesses. MaGumede said:

> The daily beating led to many miscarriages due to continuous depression problems (MaGumede, 03 August 2019).

It is clear in both narratives that culture and tradition are not correctly applied. Instead, it is used to perpetuate abuse and suppression. Women's narratives collected in this study suggest that patriarchs manipulate culture and traditions for their own benefit. Poor human relations between cultural practices and women's rights are evidenced in their stories.

The custom of levirate, bride abduction and *ilobolo* showed that women are considered as property that can be inherited. A male counterpart cannot be inherited nor abducted. However, women can be passed over to the next surviving man in the family. This was echoed by the narrative of MaKhoza who mentioned that:

> Men are opportunists who are after the inheritance of the late husband. There is no love at all in the levirate custom. Why should a woman be taken over by the brother of her deceased husband? These practices are oppressive and may lead to stress and short span of life (MaKhoza, 30 July 2019).

The participants seemed to have knowledge of the reasons why men want to have a relationship with them when their husband's pass away. In the above narrative a woman has no choice except to comply whether she is interested or not. She is expected to comply out of the fear of the family members. There is an element of unfairness from both sides - that is from her family and from the family of her late husband.

In the context of this study, the cultural practice emerged as an established order that exists to maintain order in the society. Despite that, women are bound by cultural stereotypes which do not reflect reality. The cultural practice displayed in this setting might be good for the children

because there is no change of the environment while bad for the mother who is subjected to being unfairly treated. This is unsafe for the mother and her inheritance.

When the next participant was asked to tell her understanding regarding how structures are defined, informed and influenced the society of women, this is what she said:

> Traditionally, a woman is not allowed to sit in the house of traditional leaders. She can only go there if she has been invited to come to defend herself or summoned to come to witness in a case (MaKhoza, 30 July 2019).

Looking into the two lived experiences of MaKhoza, it is clear that the battle of inequality is still far from over. Traditional councils are presided over by men who are custodians of culture. This is witnessed by Chireshe & Chireshe (2010) who asserted that traditional observances persist to command and design women as second-class citizens to men. So these findings are similar to those of Grigsby's (2004) observation that even when women have parliamentary or constitutional support; the dominant cultural and social structures tend to posture strenuous challenges for women to equal rights.

Suocie (2011) continues to say that cultural practices transpire in different directions and while in progress they contravene women's rights. The rights that are infringed include the right to human dignity, the right to freedom and the right to quality education. The findings of this study maintained that cultural practices promote inequality between men and women in rural communities.

Cultural practices reinforce the subordinate status of women in society and continue to violate their rights. This has serious implications on the achievement of gender equality in communities (Wadesango, Rembe & Chabaya, 2011). Cultural practices have a way of affecting women, most likely because of the disgrace attached to them.

Cultural practices perpetrate a circle of inequality and the most divulging information maintained that because of illiteracy, women are confined in the brutal cycle of patriarchy and their human rights are disrespected (Mesatshwa, 2012).

Intolerance and arrogance are just some of the blades in men's hands cutting away at the women's hair to an extent that women have been shaven bald and do not know that they have fallen into bondage.

6.2.3 Sub-theme three: Coercion

This study showed that the scale and extent of the cultural practices is different. Participants spoke of different ways in which they experienced the "cultural practices." The most problematic custom was the one known as *ukungena* which meant "a woman whose husband passes away is inherited by a brother or a relative of a late husband." The two participants put their narratives as follows:

> After the death of my husband they refused me to marry a man I loved. Instead my in-laws wanted his brother to take me as his fourth wife. I was told I cannot bear children for a man not related to them. I refuted this marriage arrangement (MaQwabe, 14 August 2019."

The other participant narrated her story as thus:

> He ambushed me by hiding under the bed. When I was preparing to sleep he resurfaced from under the bed. He told me he has come to repossess what belonged to his brother. When he told me that he wanted to take over from his brother, I thought he was joking. He told me he wanted to fulfill his culture (MaShabalala, 10 August 2019).

To ambush means to attack a person unexpectedly by lying in a concealed position. Both MaQwabe and MaShabalala refused the marriage proposals. They were told they were disrespecting the Zulu culture. It was clarified that in Zulu culture a widow is expected to be inherited by a brother or a relative of a late husband. The purpose of *ilobolo* was used and interpreted as a means of buying a wife. It was obvious that according to Zulu culture a married woman would remain the property of a family.

The *ukungena* practice can be defined in section 1(1) of the KwaZulu-Natal Codes of Zulu Law as a union with a widow undertaken on behalf of her deceased husband by his brother or relative

to raise an heir to inherit the widow's property (Proclamation R, 151 of 1987). The finding is in agreement with Shope's (2006) findings, that *ilobolo* has different and sometimes contradictory meanings for black women.

The widows in the current study were never accorded a period of mourning and healing for the loss of their spouses. According to Women Legal Centre Report (2010) parents sell their children for financial gain. Crane (2013) opined that poverty has been identified as having been the conditions within which the cultural practices continue to flourish.

According to customary law, marriage does not cease with the death of a spouse. The widow is considered to be still married and is expected to honour and respect her deceased husband and her in-laws (Ramphele, 1996:101).

Seemingly, every person has a story to tell. When the interviewees shared their stories, they revealed the pain that is hidden in them. Each story has probably affected each person differently and had an effect that is either positive or negative. If women have a voice, they will be able to conquer the world and they will have confidence and strength to use it without hesitating. Women's voices must be heard so that they must be free to seek justice in their villages. It is time that the world should know that women have feelings and emotions because they are human beings too.

6.2.4 Sub-theme four: Identity crisis

Identity is an important feature that gives the participants a recognized attribute from other cultures. The way women expressed their concerns indicated that they attached meaning to their experiences of identity within their societies. The quest for identity and belonging were threads which featured in the narratives. When the word culture is used, it is inclined towards attaching identity and belonging to a particular group.

Culture is a set of rules, customs and practices that have been passed from generations to generations. Because of those reasons, women believed they had to adhere to it. In this study women believed it was cultural to be silent. The same culture has been used to violate women's rights.

In this sub-theme an objective opinion is provided as the participants had to reply to the question posed, namely:

"How does structures define, informed and influence the society of women in your communities?"

In reply to that question participants when expressing their sense of identity indicated that:

> "Because I am a woman I do not fully belong to my matrimonial home. When a cow is slaughtered, for any celebration I am expected to wear a doek and a scarf as a sign of respecting the dead. Above that I should vacate the household when the cow is skinned. Actually, it is not me alone who moves out of the premises during the slaughtering and skinning of a cow but the brides move out because they were not born in this home. I should stay there for a very long time and would only return when skinning has been completed. This is done so that I don't see the fresh meat" (interviewed MaKhoza on, 30 July 2019).

Another participant expressed a feeling about her identity and had the following to say:

> Even now at the 21st century because of culture, women are still struggling to find their identity. We do not control our own lives. What we do is what society wants us to do" (MaCele, 24 August 2019).

To illustrate women's experiences of identity both sides were looked at. Both positive and negative feelings were looked at as they expressed them.

6.2.5 A negative sense of identity

On negative feeling participants noted unhappiness within their societies. Women are struggling to find identity and feel frustrated by the way they are treated. In a Zulu context, women are isolated as they are excluded within societies. More than two participants expressed this view.

A good woman cannot be defined by how she dresses. Wearing a scarf or a doek cannot be considered as a cultural practice which indicates inequality between a woman and her husband. It is a habit that many families practice as a sign of showing respect to their ancestors. It is not all women who see wearing a doek as problematic. In fact, some do it willingly.

The response of MaKhoza establishes the point raised by Chireshe & Chireshe (2010) who stated that traditional customs continue to construct women as inferior to their husbands. So, in the narrative above patriarchy is accepted as normal for some women. This statement is backed by Hoza (2010) who argued that Black women's subordination is constructed and maintained through traditional African marriage institutions.

Men need to enlighten women by explaining why such a habit is implemented to avoid negativity. Once people control others, then there is a problem that needs to be corrected. Women's identities are manipulated by those who claim they possess higher power over them.

6.2.6 A positive sense of identity

To have a positive feeling at your home is very crucial. In the following finding the participant displayed her positive experience by citing:

> Sometimes I am well treated (MaNsele, 08 August 2019). I learnt to live with the cultural practices because they are part of us (MaKhoza, 30 July 2019).

It is scary to witness an animal being killed. The participants accepted culture for them to live in harmony. They both explained why it is important to accept culture as it is administered. Their expressions reflected being courageous, independent and being positive towards building their own identities.

The meaning of creating a sense of identity seemed consistent with a few of Czaminiawska's (1997) suggestions, namely "a continuing social erection," and Ely's (1995) theory of identity, entailing contradictory and conclusive feelings.

The meaning women attribute to their identity crisis becomes relevant to notice that participants expressed themselves either from social identity or personal identity. The feelings

of being alienated from the home as one participant described it, may result in feelings of subjection and conflict with expectations in order that a person would comply with demands made upon them.

Being alienated during the skinning of an animal may be described by some as experiencing powerlessness, loneliness and isolation, lack of intrinsic engagement, lack of consensual order and meaninglessness and depersonalization or a loss of identity (Lapierre & Cote', 2016) and (Rayce; Kreiner & Damsgaard, 2018).

Most of the participants in this study confirmed that they have experienced negativity at their dwellings and explained that they were sharing their views with the hope that this would resolve the problem and turn away the negativity in order not to experience the change in identity.

Cullingford and Din (2006) suggest that identity could refer to a personal identity. Hall (1992) equally states that identity symbolizes the character of an individual. The narratives of the participants seem to indicate that their individuality is constructed by the culture within which they are imprisoned.

6.3 Theme: Facing Patriarchal Authority

The South African government and courts tried to advance women's rights since 1998. Parliament passed the Recognition of Customary Marriages Act to rid the customary law of marriage that discriminated against women.

The participants were asked to tell how far they think cultural practices discriminate against them. Some of them perceived themselves as victims as they blamed themselves, to some extent blamed their families for adopting the practices and also blamed the justice system. Two of them stated that they had a low self-esteem and mentioned that they blame themselves for not standing their ground to fight for justice to prevail.

6.3.1 Sub-theme two: Hopelessness

The majority of the participants claimed that their hopes have become shuttered. They felt hopeless because out of all the misery they come across in their homes; at the end of everything they are the ones who are expected to ask for forgiveness, regardless of who was wrong in the first place. Anyone who finds herself in their shoes is likely to lose hope. If you are faced with a situation which is very complicated and there is nobody around to rescue you, definitely you will lose hope. This is how the participants reacted when they were asked to share their views:

One participant mentioned that:

> I trust nobody. My rights are infringed on a daily basis. I am not allowed to talk to my neighbours not even to greet them. My husband feels that they are bad influence to me. He thinks they are teaching me rudeness (MaSibaya, 24 August 2019).
>
> "My own house has become hell. I am a prisoner in my own house. I wonder when this will end" (MaCele, 24 august 2019).
>
> I feel so hopeless about everything (MaZulu, 26 July 2019).

The first finding is in fact a tactic used by the husband to protect his wife from mixing with bad people who might influence her negatively. To be in isolation would assist her to focus on important issues and be able to develop herself and use the available time profitably. In the second narrative the woman is telling us that in her house there is no harmony. Her house is equated to a prison, which means that there is no freedom. She is incarcerated by house rules that are violating her rights as a person. In the third finding the participant is devastated by the treatment she receives.

For her to come with a brother's daughter was a big mistake. There was a lack of proper orientation and training for the young girl. The second participant was negligent about the times we live in. Negligence propelled the man to impregnate the young girl. In summary the participants displayed an element of losing hope and expressed their dissatisfaction into trusting easily. They have been betrayed by the people they trusted. Thus, they removed their hopes from other human beings even if they are related.

Apart from being hopeless, helplessness can also engulf you. Participants of this study mentioned that they felt helpless when their views were not taken into consideration but were ignored and disregarded by their husbands. They felt more concerned when even their own families were reluctant to assist them by giving them support.

Campbell (2003) confirms that women are reluctant to expose abuse. They choose to die quietly in their cocoons. Other studies reveal that victims of domestic violence feel trapped, isolated and hopeless in their conditions. These findings concur with Curran and Bonthuys (2005) who argued that the impact of cultural practices is likely to result to trauma and victims may feel depressed and hopeless**.**

Blain (2018) argued that male dominance is a biggest challenge facing women in all spheres of life. In countries like Bangladesh and Egypt, women are contending with practices like FGM and honour killings (Al-Huwaider, 2008). This can be equated to hopelessness. Once you have lost hope the next stage to follow is depression or even death. The findings of the study concur with Monyane (2013) when he says that cultural practices are supposed to be shared by everyone but not to be oppressive to others.

6.3.2 Sub-theme three: Self-blame

Participants were probed to explain how they feel about these cultural practices continuing to operate in their villages. Most of the participants interviewed argued that they are victims of the discriminatory traditional rules. They put the blame on themselves as they thought it was them who caused all what was going on in the homelands to happen. They blamed themselves for not having the courage to face the perpetrators and escape. These were their reactions:

> Mxm! He is a drunkard. Who to blame? Me? (MaZungu, 04 August 2019).
>
> “He decided to marry a second wife because I don’t respect him enough. I caused it (MaNdlovu, 09 August 2019).
>
> There are no good relations between me and his parents. He chose me (MaQwabe, 14 August 2019).

The women put the blame on themselves. Self-blame is a type of abuse. In the first finding the man indulged in liquor and the wife was blamed. With the second participant, the man chose to become a polygamist and the wife was accused of being the cause. The first woman felt that her husband's drinking problem was her fault. The second woman believed that her husband took a second wife because she did not respect him enough.

The third participant's husband showed assertiveness and fully understood the responsibilities attached to a marriage. Hence, he chose to be on his wife's side regardless of what his family thought of her. In the context of this study all what goes wrong in the families of the participants is pinned on these women.

These findings are supported by Hanzi (2006) who added that perpetrators use any form of abuse to intimidate and victimize their victims. MacDougall (2000) cited that some men blame their spouses for their acts of violence.

These findings also agree with Moser and Clark's (2001) statements that many women blame themselves for being silent about matters of abuse. They feel that they should not talk openly about their experiences as they might lose even more. The literature also opines that some women blame themselves for not having a voice due to pressure from their families. Family members present these cultural practices as a norm that should be accepted in African societies (Mesatywa, 2011).

6.3.3 Sub-theme four: Denouncement

As mentioned earlier, there are customary practices that a woman is expected to undergo after the death of a spouse. These practices operate in various complex ways that ensure the continued subordination of women. Women come from different backgrounds which entail diverse personal attributes. These diversities carry different experiences for women. Women have suffered loss of respect, face instant punishment, have been accused unfairly, have experienced poor reputation and have had their images tarnished or dented. The discussion that follows demonstrates the ways in which some women are rejected and jilted, condemned and falsely accused. This is what one of the women said:

> I was disowned by my in-laws shortly after I received false bewitchment accusations. One of our neighbours, who were unable to conceive, made me her punching bag. She managed to convince everyone in the community to believe that I was a bad person. Her witchcraft-related gossip was confirmed by a local witchdoctor who casted bones against me. Due to those accusations I found myself being a prodigal daughter in my own village (MaMhlongo, 09 August 2019).

MaMhlongo is a 64-year-old widow who ended up being an outcast in her own community. Reading from the finding above, it looks as if no one was willing to be associated with her, due to certain accusations that were directed at her. Although a traditional healer endorsed her ordeal, witches and wizards are not professionals and their predictions cannot stand in the court of law.

MaMhlongo was disturbed by the misfortune and stigma attached to her name and she found herself unwanted and was denounced by members of her family for a crime she never committed. It is a norm in African culture to believe and act upon what the traditionalist has predicted without proper verification. Just imagine a person losing her self-image, reputation, self-confidence and self-independence just because of a mere false accusation.

Women, in this study were not offered a meaningful explanation for negative life events. This is a problem that most women experience in rural communities because once you are suspected, everyone will stand against you, start to judge you, denounce you, and you are hated and humiliated just because of what a sangoma or spiritual leader may have said about you. Sadly, sangomas cannot be opposed as they are considered to be having superior powers.

The literature by Geshiere (2000) revealed that in northern African countries the opposite was found to occur. Increasing modernisation and access to resources often led to an increase in supernatural beliefs, especially the fear of being bewitched. Although this finding cannot be generalised to the broader South African society but it is true that bewitchment beliefs are considered prevalent in black South African communities. Incidents related to witchcraft beliefs and practices are documented and they affect women more than men.

As a result, certain beliefs are adhered to because of communal acceptance, regardless of whether or not these are accorded validity from a scientific perspective. From this viewpoint, causality is believed to be linear and personal (Bakker & Mokweana, 1998). Women are falsely accused by their in-laws. To make an accusation against someone can create animosity and hatred which the generation carries like a mantle (Karodia & Soni, 2014). These findings show that the rights of women should be protected by the law and the constitution.

6.3.4 Sub-theme five: Poverty

The participants were asked to identify the problems or conditions that are created by the cultural practices for them. One of the participants mentioned poverty, which is a condition into which you find yourself extremely poor. This is a lived experience of MaGumede:

> Weeee *mtanami* (oh my child) it is the survival of the fittest. I am poor to the core. My husband does not give me money nor buy food for us. I survive through cultivating the fields and wash clothes for the well- to- do. I married very young thus I am not educated (MaGumede, 03 August 2019).

According to MaGumede, you pay the price for being poor in her community. The above statement indicates that, to be able to survive you are expected to indulge in working very hard. As mentioned earlier, MaGumede married when she was very young. It was obvious that she was not educated. Therefore, it is clear that illiteracy and poverty are sisters.

This finding demonstrates that affordability is for the rich. She is surrounded by poverty. She only survives through doing odd jobs for a living. She mentioned that to be able to survive you need to be strong. Poverty terrorizes the lives of girls in the sense that they give themselves to older men who entice them with their wealth. Young girls become dependent on these men for survival. Every man has a responsibility to fulfill regardless of whether he is employed or not. In this case he has lost interest in his family by not supporting them financially.

Koyana (2007) states that in South Africa, especially in rural areas, due to economic hardship which the country is facing, women are getting poorer and they continue to be socially and

economically dependent on men. What this means is that women have less control over when and whether they have sex (Abdool, 2003).

The Women Legal Centre Report (2010:98) allude that the motives for financial benefit and poverty are the primary reasons that parents sell their children. This is corroborated by Hanzi (2006) who suggests that in other countries young girls are married early to settle family debts through a payment of *ilobolo* and as a compensation for pledging. So, poverty has been identified as having been the conditions within which the cultural practices continue to flourish (Hanzi, 2006).

Authors such as Avolio and Aryee (2011) agreed that women in rural areas are regarded as unproductive workers because they do not have decent jobs. The economy of the country is crippled one way or the other. John (2017) declared that the clansman asks a man to inherit the widow after the demise of the husband and when the widow declines, her possessions are sequestrated. This contributes to the woman's economic challenges.

Olufemi (2000) added by saying that the way resources are distributed in different South African ethnic groups increases poverty. Again, John (2017) emphasized that the inheritance laws are biased against women because they encounter challenges under customary and Islamic laws. The nail is hit on its head by Shaw (2007) who stated that most of the people in Africa are robbed of the chance to make their lives better just because assets and assistance are only obtainable by those who have power.

Govender (2012) ventured that women do a good job by working in the agricultural sector however; their contribution to food security is ignored. Therefore, in summary females are more likely to be poor than males just because culture is moulded in a way that reveals favouritism to a single group of people who happened not to be ladies.

6.4 Theme: Challenging the patriarchal customs

During the interviews the following question was asked from the interviewees with an intention of diagnosing the challenges they are encountering in their lives with regards to the practices:

What is the most challenging or difficult aspect of cultural practices to learn and what obstacles make it difficult for you to come out until later in life?

> It is difficult to get a lawyer to plead your case in the village due to lack of finances and illiteracy (MaMhlongo, 09 August 2019 & MaGumede, 03 August 2019).

The majority of women interviewees stated that legal representation was too expensive and cannot be easily accessed by illiterate women from rural communities, especially black women.

MaShabalala captured this as follows:

> When I remember how I was treated at the hands of the police when I wanted to lay charges against my in-laws, I feel like banging myself against the wall. Ha! Ha! Ha! (Laughing). *C*ome to South Africa to see wonders. I refused to stay in a levirate marriage. I was dispossessed of all my belongings and was evicted from my matrimonial house. I was advised by a friend to go and open a case against them. I was perplexed to learn that the case cannot be opened. The police claimed that it was a family matter which must be resolved within and by the family (MaShabalala, 10 August 2019).

The assertion above shows how unfair police can be. Violation of human rights of MaShabalala is recognised. The finding reveals that men have absolute power. There is a lack of public education about the law. MaShabalala had nothing more to do despite trying to fight for her rights. Generally speaking, lack of knowledge on how the law operates was a problem faced by the majority of women in this study. Daniel (2016) stated that the way CL was positioned; it created a problem for women to advance equality. Nhlapo (2014) asserted that if a woman is seeking assistance in a traditional court, she may not get it because according to CL she cannot stand for herself.

Furthermore, this citation is in line with what is entailed in the KwaZulu Act on the Code of Zulu law No 16 of 1985 which failed to give women equality status to their husbands. Akuffo-Addo (2002) stated that CL embodies and underpins customs and traditions that discriminate against women.

Section 211 of the Constitution empowers CL to satisfy the democratic dispensation that seeks to address the legal imbalances of the past and embraces the African CL and traditional beliefs into the new era as long as it is consistent with the Constitutional order (Msimang, 2018).

Women of the current study were hesitant to go to police stations to look for assistance because they wanted to avoid mockery. Therefore, women are faced with patriarchal power on their daily living. Furthermore, her in-laws used a mechanism of authoritative power to disinherit her.

To verify the truthfulness of the statement presented by MaShabalala, she was asked to reveal the location of the police station, the name of the police officer, the date and the year in which this incident happened. The researcher paid this police station a visit. On her arrival she was assisted by the Police Station Commander who referred her to the Detective Inspector who is in charge of domestic violence cases. Books were opened but nothing was found and nobody was willing to take responsibility of the matter. This confirmed MaShabalala's claim.

It is evident that patriarchy has been attached as the vital element of women exploitation (Curran & Bonthuys, 2005). The perpetrators do not see anything wrong when they inflict pain to their spouses. They consider everything as normal. Cultural practices dictate that women should access their inheritances through their husbands. The stereotypes about women's rights explain why women are segregated and are not recognized as equal human beings in society. One conclusion is that the contradicting legislation, policies and cultural practices contribute to gender discrimination in King Cetshwayo District Municipality.

The next women are MaQwabe, MaSibaya and MaCele whose experiences are recounted below as an insight into the various mechanisms women use to resist, redefine and change the suppressive cultural system and the hardship they faced as individuals. One of the women who resisted the patriarchal custom of levirate was a 55-year-old woman of Zulu origin. She described her life as a difficult one after the death of her husband.

She did not have adequate education due to getting married at an early age. She first cohabited with her husband who paid *ilobolo* later and they got married.

During the course of their marriage MaQwabe did not work. At the time of the interview two years had lapsed since the death of her husband. She narrated her story as follows:

> It was very difficult for me and my three children. Hey, people change. The family turned against me. They fought me over my late husband's properties. They claimed I bewitched him because I was after his things. They put terms that I cannot inherit his property unless I allow his brother to inherit me as his second wife. They further explained that culture demands that I must be inherited.
>
> Because I resisted to be inherited, his family wanted to evict me from our matrimonial home. I was bailed out by the High Court in Pietermaritzburg and ordered that I should keep our property including the homestead. His brother was angered by this and he punched me with a fist on the face. I did not open a case of assault against him. I feared they would send me back to my maternal home (MaQwabe, 10 August 2019).

Such utterances were common to most of the women that were interviewed. MaQwabe used her intelligence and her traditional marriage certificate to challenge her in-laws. MaQwabe was prepared to stand her ground and fight for her rights that her property should not be given to anyone and would fight to protect herself and her children.

Apart from having a marriage certificate MaQwabe had a supportive family evidenced by the fact that on the day of an interview she was visited by her biological mother. She indicated that her mother is a source of her strength. The findings show the challenges women are facing in their societies.

It is obvious that the quality of good human relations among families is very important. Despite the challenges MaQwabe was going through, she relied on her family for support in order to be able to resist suppression from her in-laws. Her bravery enabled her to refuse eviction orders and exploitation of being inherited as a second wife to her brother-in-law unwillingly in the name of culture.

Below an account of MaCele who is 60 years old is detailed. Fortunately, enough for her, she is married by civil marriage, but that did not prevent her in-laws from trying to sequestrate her belongings:

> I did not allow them to define who I am by dictating what to do or not what to do. I do what I do on my own terms. It is patriarchy when I am told not to sit on a chair in my own house when males are present because culture does not allow it. It is patriarchy to force me to wear a doek to show respect for my in-laws. When I enter at home, I am not allowed to walk on the side of the yard designated for males only and inside the hut there is a side where only men must sit.
>
> I defiled and opposed this habit. I am maintaining that it was patriarchy in the 19th century and it is still patriarchy at the 21st century. No, something needs to be done. Patriarchy never changed but it changed its shape. As women we are under bondage of sexuality, poverty and slavery. I cannot allow anyone to dictate what I must do and how I must do it. Because of all this I have been disowned and been made an outcast by my in-laws including my own husband. He claimed that I am disrespectful so he cannot stand to be humiliated by a woman in his father's home. Our marriage is sour because of my resistance of some cultural practices that are an element of patriarchy (MaCele, 24 August 2019).

In this finding MaCele felt hopeless and also felt abandoned by her family including her husband. She found herself in a situation between the malice of culture that allowed her in-laws to exploit her and her husband consenting with them. Culture cannot be summarized as oppressive because some women feel that there is nothing wrong with how it is administered.

The threats of being disowned by her husband and accusations of being disrespectful were equated to being marginalized. Furthermore, her background, the so many cultural rules and the abuse she endured while staying in rural areas with her husband and her in-laws contributed to her demise because patriarchy still rules people in rural communities.

Black feminists that include Collins (1990) motivate people to scan the relations between white women and black women. They see black women as an oppressed group. Unfortunately, in this study MaCele was not being oppressed because there are women who don not have a problem with cultural rules and beliefs. This becomes her subjective interpretation.

Campbell (2003) confirms that women are unwilling to freely reveal harm. Other studies state that victims of injustice feel cornered in their circumstances. Elders know how they can intervene (Haase & Whirlwind Soldier, 1993:22). Piper (1995) pushed the view that "always identify your personality through respecting and appreciating your elders". According to Mcleod (2002) "a commander acquires a point of view and pays attention on an assignment, serves as a good example for others, and allows others to act."

MaSibaya is 54 years old. She holds a degree in Education and she is a teacher by profession. She resides with her husband, children and in-laws in one big homestead. Her situation is energy draining because it is not clear why it matters what she wears in a democratic South Africa? She gave her account thus:

> I really hate to be a woman in this patriarchal society. I like wearing pants especially when it is winter season. However, culture forbids me to wear as I see fit. My husband is refusing me to wear pants, claiming that I cannot wear them as long as he is still alive. This causes tension between us. I fail to understand why I have to receive patriarchy multiplied from him while he claims he loves me. He forgets that we are now in another dispensation. Really, we need to get rid of the pulling Down syndrome demonstrated towards us. She started to feel emotional (MaSibaya, 24 August 2019).

MaSibaya was not in talking terms with her in-laws. They felt that she was abusing their child because of her refusal to refrain from wearing pants. In an attempt to probe deeper in order to know exactly who was creating problems for her and she indicated that all of them were cruel to her. This indicated that this might be another way of rejecting patriarchal power.

Previous studies by Bowman (2003) discussed male supremacy as the way for men to demonstrate power over female subordination in economy, society and culture while Mahtab

(2007:20-21) debated that women are always found at the bottom level of poverty, illiteracy and landlessness. The findings of this study disagree with these authors. Most of the women who were interviewed never worked, they were housewives and life was hard for them. This was supported by the five men who were interviewed as well. One of the males uttered these words:

> *Sisaphila ngamasiko esakhula ngawo* (we still live according to the customs we were raised in) women must abide by the rules. White weddings do not apply here. Bile is poured on a woman and informs the ancestors about her arrival to join the family. They are expected to adhere to traditional customs. A woman is not allowed to wear pants in my father's home instead she must wear *isidwaba* (a leather skirt made with the skin of a cow). If a woman is wedded in this family when I die one of my brothers older or younger has a right to take over from me. Women are not allowed to loiter around or go to town. If she goes up and down who is going to cook for me. My wife is at home as we speak (Mr Mkhize, 08 August 2019).

We are in the 21st century; however African women are still struggling to find their feet. There are many cultural institutions, beliefs and traditional practices that diminish women. This adds to the infringement of their human rights (Bowman, 2003).

Dowry has become part of the marriage deal throughout and its demands can lead to harassment, abuse and threats. In some cases, spouses are propelled to commit suicide, divorce or fish for another marriage (Armstrong, 1994). According to Bowman (2003) some marriage practices can inconvenience families mainly where customs like *ilobolo* have been contaminated by Western cultures.

Most of traditional African societies were ruled under male dominance power and a woman's place was obviously lower-ranked (Bowman, 2003). This inequality was into African customary law. Based on the customary system, a woman has no right to inherit from her husband and is not regarded as sharing ownership of marital property. Seemingly, there is power in African tradition, and there are norms that explain domestic violence.

In traditional African culture, beating a wife is regarded as normal. Baloyi (2008:161) says: "It has become a normal way of living to some husbands to beat their wives." The practice of wife beating has become an accepted way of keeping wives under control among some traditional African people. Fidgen (2009:1) sees this sad state of affairs in the following way: "The majority of women enjoy a beating, because they are made to believe it is part of their tradition."

Other cultural practices that perpetuate gender violence include uneven dissemination of power in traditional African marriages, the effect of polygamy, the welcome of male license and the power of extended family over the married couple (Bowman, 2003). According to Armstrong (2002), brutality arises regularly in Zimbabwe because of quarrels over money and envy. A wife is seen as wanting her husband's power when she questions his extra marital affairs.

Based on the above statements it is obvious that patriarchy has been pinned as one of the contributory factors to having multiple sexual partners and women being victims of GBV (Curran & Bonthuys, 2005). The study contends that patriarchy has existed within societies to an extent that men see it as normal. In most cases women have learnt to live with the degrading cultural practices.

The literature studied for this research shows women as passive victims of the cultural practices. The idea from the literature is that women accept all of the cultural practices and therefore according to Sossou (2002), "are silent victims." However, this study negates such perceptions; there are women in this study who refused to be victims. Because of their refusal they found themselves fighting against the patriarchal customary system.

Below the sub-themes that emerged out of the findings are discussed:

6.4.1 Sub-theme one: Problems and obstacles

The following are the participants' views on a number of problems they have encountered regarding the nature of the cultural practices in their communities. The following case encountered at eNseleni shows that cultural practices are done according to cultural rules. These rules create problems for other people, especially women. The study aligned this finding

with the negative cultural practices by powerful men where MaAdams gives an account of her problems. This is what she said:

> These cultural practices have created problems for me such as low self-esteem, identity crisis, no critical thinking, depression, anxiety and attachment to pleasing others and not self (MaAdams, 05 August 2019).

Giving an account of her state of life MaAdams stated that she was not happy in her life due to the cultural practices that were continuing to violate her rights. She stated that she had accumulated a number of social ills associated with the cultural practices enforced on women in her surroundings. From this finding it is clear that women encounter many problems that are life-threatening. These problems include low self-esteem which is characterized by a lack of confidence and feeling bad about oneself. When one faces such a predicament, one often feels incompetent. Such a person engulfed with low self-esteem can sometimes be unable to think cognitively. A person becomes nervous and uneasy about her experiences. Women of this study give to their husbands who rarely reciprocate the favour.

There are high hopes of men changing someday. In the context of this study the relationship is based on the idea that love means sacrificing oneself for the sake of the other. Seemingly, women in this study are afraid to voice their feelings to avoid rejection by society. They desperately want to fit in and be included in the setup of their families and beyond. With regards to this Kumar (2000:5), asserted that African women are portrayed as “ignorant, poor, uneducated, tradition-bound, domestic and family oriented”. Women are forced by cultural demand to comply and it is not by choice.

This concurs with Myer’s (2006) statement that poor social and economic circumstances under which African women live in rural areas may contribute to their vulnerability to violent partner relationship which in turn causes anger. From the way MaAdams narrated her story one can read between the lines that she blames the cultural practices for her poor state of health.

Traditional cultural practices are genuine if they are done according to set cultural rules of the community. However, in this case an element of cruelty has been displayed. In the above case it

is indicated that women's rights and body integrity are violated. This is condemned by the South African Constitution (1996). One participant had the following to say:

> When a man is paid less than you, he loses self-confidence and start abusing you verbally, physically and emotionally. He blamed me for every misfortune that comes along his way (MaMthethwa, 29 July 2019).

The economic status is a factor in the power balance between the man and his wife. If the man is a breadwinner, he might take advantage of the wife and intimidate her with sanction. Mostly, the man would be using gender to suppress and oppress the woman. Once again, these beliefs come from our culture and our traditions which promote the wrong idea that women in general are inferior to men.

Domestic abuse includes any attempt by one person in an intimate relationship to dominate and control the other. This strategy is used by men to gain and maintain total control over their wives. A man uses fear, shame and intimidation to pull down their wives. The abuse escalates from threats and verbal assault to violence. Money can be a stressful factor in any relationship. It can also be a source of conflict between a woman and her husband. In a healthy relationship when it comes to money each partner feels like they have a say in decision-making.

The other participant mentioned that:

> Since the male child carries power and becomes influential in the society, he lives a life without purpose, becomes ignorant about important issues, rejects the responsibility of studying hence they end up illiterate. Today all my brothers have become dependent on me financially (MaNsele, 08 August 2019).

There is clear evidence that parents can influence their children either positively or negatively. Boys learn many things through their daily experiences when they interact with the social world. In a traditional society there is a high potential of a bias towards male favouritism.

This is done at the expense of females who may otherwise have been much more productive and progressive had such an opportunity been fairly presented to them. Some training that

occurs throughout childhood works to prepare children to adapt to different life roles and different contexts as children grow older. Societies set various standards for people at different stages of development. In modern societies there are different contexts into which a boy child is trained and groomed in order to become a mature and responsible citizen.

The above statements concur with those made by Matthews and Abraham (2001) when they say that due to patriarchal power, women find themselves helplessly trapped in situations in which they have no choice and cannot negotiate. Seemingly in all walks of life women are a centre of exploitation and abuse. There is a culture of patriarchy which promotes unfair male dominion in all societal aspects irrespective of whether the aptitude is there or not. Women are manipulated and pressurized by their own culture. Some of the sub-themes brought this into the open.

6.4.2 Sub-theme two: Low-self esteem

Having their rights violated causes women to lose confidence in them thus resulting in reducing their self- esteem. Culture works in favour of men in terms of their desires and egos. However, it hurts women and children in particular because of its disadvantages as shown below.

> It puts me off to have a traditionalist or patriarchal man dictate my life because all what they say about their culture makes no sense to me (MaAdams, 05 August 2019).

Reading from her facial expression it was noted that the participant was full of contempt of culture and was not willing to give into the norms of the people's culture. She felt that culture undermines the way of living for black people as she is a member of the mixed-race community.

The authors who support this finding are Myers and Harvey (2011) who asserted that young brides are often marginalized from society with few support systems. This contributes to a lack of confidences and low self-esteem which in turn increases their powerlessness (Myers & Harvey, 2011).

My view is that tradition is something that should be celebrated as a reflection of one's culture which strengthens one's sense of identity, belonging and uniqueness. However, this has been

senselessly and selfishly abused in most cultures, almost exclusively by men as a conquering weapon against women. Patriarchs and traditionalists are pervasive in almost every sector of our societies--that is from the households to workplaces. Tradition, an otherwise noble cause has been shamelessly misapplied by men as a way of domineering women through violence, debasement and any other cruel means deemed necessary to enhance their inexplicable need to appear to be in control.

6.4.3 Sub-theme three: Depression and anxiety

Women are entitled to human rights including the fundamental rights to health. They can suffer depression when they are faced with the loss of a spouse or are ill-treated. This can have adverse consequences on their physical or mental well-being. One participant said the following:

> I was not given enough time to mourn my husband. The pain of losing him cannot be measured (MaMhlongo, 09 August 2019).

Women are prone to depression after the death of their spouses. Considering the pain, she endured makes one think what kind of society we are building. Women can easily breakdown when faced with hardship because they do not have the skills of taking care of themselves.

Mushibwe (2013) supports the above findings by attesting that women are the most affected by the traditions because the cultural requirements could be strictly demanded by society. Campbell (1992) also argues that in the South African society men are awarded dominance and culture poses restraints on women in terms of the cultural practices.

Obviously, women are prone to vulnerability due to how societies view and define them. It becomes difficult for women to stand when they feel that their reputation has been dented. This may lead to their breakdown because of their continuous failure to balance the stride of being a woman with culture.

6.4.4 Sub-theme 4: Rape

Culture and sexual orientation affect how women experience the social meaning of rape. It can also affect how women respond to different images of sexual identity. The participants alluded that in their marriages they have been exposed to sexual assault by their partners. The participants confirmed that they have undergone marital rape, where they have engaged in sexual intercourse unwillingly just to satisfy their husbands sexually. This is what they said:

> I sleep with him without affection and that is rape. I sleep with him to avoid violence (MaGxekwa, 04 August 2019).

> I cannot ask for permission to have sex with my wife. I have sex with her any time I want. She cannot deny me from using her body any how I want to use it. The difference here is that I can go to her house whenever I feel like to go, however she is not allowed to enter my chambers without being summoned (Man one, 08 August 2019).

These findings indicate that women are suffering in their marriages. Perhaps, they tolerate this pain because they fear that if they do not cooperate, they might lose their marriages. Sexual intercourse without any agreement between two people is rape (MacKinnon, 2005). It has been found that rape homicides are suspected to be very high in the United States and in Africa (Abraham, 2008). In this study participants indicated that they have been raped so many times. This form of subjection contributes to women's humiliation to a low status. Obviously, men take advantage of their wives and subject them to bodily abuse. In such marriages, men control women's sexuality and this shows the unequal power balance (Abrahams, 2004).

These findings are supported by Londt (2004) who claimed that forced sex is often a form of rape which is accompanied in most cases by use of weapon and beating (Mesatywa, 2012). The statements made by Londt (2004) and Mesatywa (2012) are contested. To sleep with someone without affection is not necessarily rape because the arrangement might be purely for business purposes. Business purposes in this case may take many meanings or forms, namely:

- Purely for money e.g. prostitution.
- Purely for employment or promotion
- Entrapment towards marriage, especially with rich, educated or powerful men.

- As a concubine.

The above-mentioned examples do not require affection and more importantly do no constitute rape. In communities where poverty is rife or where the breadwinner is a domineering father or male partner, he often times abuses his financial superiority to sexually take advantage and molest the wife or partner who has absolutely no or very little say in the matter due to her financial enslavement by him.

Refusal by the wife to do the bidding of the abuser may be met by threats, financial deprivation, withdrawal of resources, or even divorce.

6.4.5 Sub-theme 5: Defamation of character

It is a fact that in a traditional marriage the husband has marital power to overrule. The powers which men are perceived to have, facilitates their ability to dominate their families by taking and making decisions without consulting the wife. The authority that a man holds within his home cannot be questioned nor negotiated. During the interviews when rural women were probed to narrate how they are treated at their homesteads, this is what they had to say:

MaMhlongo stated:

> He calls me an idiot in front of my children and in front of everybody else in the family. He makes me feel little by calling me names (MaMhlongo, 09 August 2019).

A woman's character is defamed without considering her well-being. A woman is constantly ridiculed in front of her siblings by someone whom she considers her life partner. A man can continually call her degrading names just to humiliate her and make her to have no value in the community.

Women tolerate all kinds of treatment they receive, probably just because the man is the owner of the family resources such as the livestock, money and the land. If you are a woman you can have access to these resources, but to control them is a dream in rural areas. This shows how powerful the Zulu culture is to those who uphold it. So, women who are

traditionally married have difficulty in contributing when decisions are to be taken just because all the power belongs to the man.

The Constitution of the Republic of South Africa of 1996 provides the legal framework for equality and non-discrimination. Section 9 of the Constitution guarantees equal protection and expects every citizen to be free from unfair discrimination regardless of sex, gender, religion and marital status (Constitution of the Republic of South Africa, 1996).

This speaks to a sense of insecurity for the man who desperately wants to show whoever might be paying attention that he is in control when he actually is not. Public insults directed towards the wife or the partner by the husband is the hallmarks of an abusive relationship. In such cases this may escalate to physical abuse with usually disastrous outcomes at the end.

6.4.5.1 Verbal abuse

In most cases it is discovered that women had experienced all forms of abuse. Out of all these cases of abuse they were committed by lovers, spouses or partners. Apparently, the perpetrators are those who are close to the victim. The perpetrators see no mistake in the way they ill-treat their partners. This is what is picked up when interviewing men.

> If she refuses I can use power to force her to comply. She is a child to me so I can scold her anyhow (Mr Sithole, 08 August 2019).

Both the husband and the wife have different backgrounds and personalities. Because the husband has a stronger personality, he is likely to be assertive and domineering in the home. It appears as if the wife is naturally a meek person, the kind of treatment she experiences can work to her disadvantage. This finding indicates that the woman can be treated anyhow. She is reduced to being property and subordinate in the relationship. Her voice is not heard, when it comes to sexual sensitive issues.

Culture has a huge influence and still has a lot of bad and outdated influence within families. Men like using culture to subjugate women. This creates a situation whereby the wife is treated like a child whereas there should be mutual respect. In this finding the man feels that the

woman has no say in the relationship, and according to him, she is obliged to abide by his rules. Any defiance from her will be punished in the form of verbal or physical abuse. The man feels that in society the woman holds the same position as that of a child.

The findings are in agreement with those of Jewkes (2000) who argues that experiencing forced sex can influence women's sexual behaviour in later years including, having unprotected intercourse (Varga & Makubalo, 1996), thereby exposing themselves to greater risk of STDs and pregnancy. The findings of this study concur with these statements because very often verbal abuse quickly graduates to physical abuse and most of the time the abuser believes that his actions are justifiable. He feels that he is entitled to handle the wife or partner in any manner he deems fit.

Belittling partners or wives publicly is the key ingredient towards total control and continued abuse. Women are expected to be accepting all kinds of abuse from their partners, even if the partner's behaviour puts them at risk of being killed.

6.4.5.2 Emotional abuse

A larger number of the women who were interviewed had experienced emotional abuse. Being humiliated in front of others was commonly reported.

One of the participants stated:

> He sometimes calls me a lunatic or an idiot if I fail to prepare his food fast (MaNsele, 08 August 2019).

If the husband is not well educated it is likely that he would take advantage of the wife because faith and culture teach that women should respect and submit to the authority of the husband. Here the victim is constantly made to feel little by her spouse, by calling her by all the undermining names which make her feel worthless to him. The man does this on purpose so that he can have an upper hand or hold on her, so that he can stay in the controlling position.

This shows woman's powerlessness to oppose the unworthy treatment she received from the so-called husband. A woman in this case is overburdened with the responsibility to work her

soul out in the name of trying to please her husband. The whole scenario reveals that a man is a king in the homestead. It is clear that women in this study are taken for granted. The women stated that in their communities, females are exploited and are not protected by their own husbands including their in-laws.

This finding concurs with Myer's (2006) statement that poor social and economic circumstances under which African women live in rural areas may contribute to their vulnerability to violent partner relationship which in turn causes anger in young women. In this study women are poor because they are still enslaved by a cultural system that keeps them poor. This cultural system denies them their freedom.

When culture is abused, this may lead to abusive marriages. The abuse often commences with verbal abuse which is intended to demean or debase the wife. This eventually has a high potential to graduate to violent physical assaults. If a woman is confronted by fear she dares to stand up for what is right.

6.4.5.3 Physical abuse

Most women in this study had experienced physical abuse. They have been smacked; pushed or shoved, grabbed, slapped or hit. Some of the men uttered these words as a way of confessing that they have abused their wives physically. The excerpts below confirm this observation:

> It is not a crime to beat your own wife. Anyway, she is mine (Mr Mkhize & Mr Sithole, 08 August 2019).
>
> If I feel she deserves to be beaten up, I will not hesitate to beat her (Mr Mthembu, 08 August 2019).
>
> Who told you it is a case to beat an uncooperative woman? (Mr Mzimela, 08 August 2019).

In these findings Mr Sithole and Mr Mkhize felt that it is okay to physically assault their wives in an attempt to instill discipline since they own them. They believe that once you have settled the

dowry you can do as you please with a woman. They both considered a woman to be a piece of property and not a living human being.

What emanated from the discussion with Mr Mthembu is the absence of remorse towards women. He felt that a woman deserves to be beaten up whenever she failed to deliver the service of carrying out her wifely duty as per the expectation.

According to Mr Mzimela, a woman is expected to comply and abide by the rules of her husband. Mr Mzimela believed that physically abusing his wife is not a case. This shows that a woman cannot take legal action against the abuser as long as she is still under his roof.

These findings are supported by Waruta & Kinoti (2000:139) who stated that some husbands beat their wives in front of their children to humiliate them. The perspective of this study based on the findings in this regard tends to differ from the statements of Waruta and Kinoti (2000) in the sense that the abuse of cultural values through patriarchy has turned an otherwise divine, dignified, progressive and happy institution of marriage into a GBV dark pit. Due to the fact that the man paid *ilobolo*, the wife can be assaulted at the husband's whim for any senseless reason.

A person who is controlled by being beaten up will refrain from taking any bold steps in life, which blocks her from the road to success. When someone has problems regarding the kind of treatment she receives, she often has deep emotional wounds hidden in her heart. She cannot take courage to face the giant in front of her.

6.4.5 Sub-theme 6: Disinheritance and animosity

All the participants agreed that when they are married under customary law, the disposition of their deceased husband's estate is decided by the relatives of the deceased who happen to be males. Out of hatred and animosity between men and women women are seen suffering the loss of their properties after the death of a spouse. In a number of countries, the rights of women to own land are an on-going human rights issue. One man had the following to say:

> No woman is allowed to own property in this village. Women are not allowed to khonza, (khonza is a Zulu word referring to allocation of land in a village owned by a traditional

> leader through communal ownership dispensation such as Ingonyama Trust in most parts of KwaZulu Natal), there must be a husband, even an unmarried boy cannot be allowed to khonza (Mr Mkhize, 08 August 2019).

The view by Mr Mkhize reveals what widows have to go through after the death of their spouses. She was not given a time to mourn her husband. Instead, she had to forfeit her properties because she resisted the exploitation. This study established that widows have been dispossessed of their belongings and disinherited because of greed and animosity.

Women who are strong in nature were at an advantage compared to those who were reserved when it comes to dispossession and eviction from their marital homes. Drawing from the works of Ramphele (2002) and Motsemme (2004) that encourage researchers on women's experiences to hone in on silence as a form of resistance, their actions, words, thoughts and silences were interpreted as resistance in situations where resisting would incur dire consequences.

Based on the finding above, there is an element of neither remorse nor sympathy from men when issues of land are involved. In rural areas women frequently lose their possessions and are evicted from their matrimonial homes due to disputes that arise out of hatred. Women are not given the value they deserve when the spouse is dead. Instead of giving the woman the right to inherit her late husband's property, the power to inherit everything is given to the eldest son.

For the woman to be able to benefit from her husband's property she must agree to be inherited by the deceased's brother who becomes an overseer of his brother's household. Given the nature of traditional marriages, a woman can only register what is outside of the rural area. Traditionally, women are regarded as minors and they do not qualify to inherit assets of value such as livestock but they can only keep chickens under their names.

This finding is supported by Baloyi (2016:43) who argues that "one of the pressing issues in present-day South Africa is in reconciliation and unification across the racial and ethnic divides

that the black ethnic groups did not only undermine one another but has been fragmented" (Rikhotso, 2016:10).

The findings of this study agree with the statement presented by Rikhotso (2016) that blacks are fragmented. Refusing women to own land or to be allowed to *khonza* can be explained as a form of manipulation of power and a continuation of women's subordination. It is not proper to use gender or sex as a tool that will qualify one to own land. Every person needs recognition irrespective of their gender, sex or identity. In this case pain and struggle is inflicted on women for no apparent reasons. Women carry a stigma that hangs on them for generations to come.

These cultural practices work against women who do not have children. So, upon the death of the husband, women in a traditionally controlled community can only benefit through her children who will control and administer the estate. When the widow is inherited, in practice

this means an exchange of sexual favours to prevent property grabbing and appropriation by the relatives of the deceased husband.

6.4.6 Sub-theme 7: Culture and identity

In the narratives of the participants, it surfaced that once the word culture was mentioned it was attached to belonging to a particular group. Most of the participants believed that it was cultural to be silent. In this study it was revealed that culture has been used as a tool to violate women's rights. Again, in this study there were women who resisted some aspects of culture and its practices. Some women have been silenced; this is revealed in the following narrative:

> Who am I to fight against our culture? (MaZungu, 04 August 2019).

The finding above leads to the conclusion that culture has negative effects on women. It is clear that there is a conflict between culture and the people it is enforced upon. MaZungu confessed that as a Zulu woman there are some aspects of Zulu culture that she cannot fight. She had a belief that culture cannot be opposed. The knowledge of culture is good and appreciated by the locals, especially males. How much choice these women have considering that South Africa is a

highly patriarchal society, remains highly contested. Women have been indoctrinated into silence by a sexiest society (Motsemme 2004, Ramphele 1995, 2000 & Wing, 1996).

According to Wing (1996), the oppressed groups may cherish traditions in order to maintain a sense of manhood for men. Women partake in this without realizing the burden of patriarchy they are absorbing themselves into (Wing, 1996:951). It is established that women suffer in silence. As Motsemme (2004) interprets it, women's silence is often interpreted as non-communication. The suppression of women under the umbrella or banner of culture has led them to their denial of meaningful participation in many different aspects that affect their lives. This hinders their productive participation in marriages, communities and society at large. Women are seen as standing on the way of cultural values.

MaMthethwa is a 49-year-old married woman. She felt useless after she was sexually molested by a family friend due to a consensus reached between her husband of eleven years and a male family friend. Her husband connived with his friend and allowed him to sleep with her after he failed to settle the loan. At the time of the interview, she indicated that she was still in pain. This is what she told me:

> He sacrificed me alive; I hate him and will never forgive him for what he has done. He went too far this time around. How could he borrow some money and bet on me. He is taking me for granted. I remember very well on the day of the ordeal he pretended as if he was too drunk only to find that it was a plan. To allow his friend to violate me like that, it was totally unnecessary. He will pay for this, humiliation he caused me. Nxa! (Clicking her tongue) (MaMthethwa, 29 July 2019).

Like every woman who was betrayed by a person she trusted, MaMthethwa was spiritually and physically broken. Her identity was ruined. Her pride was taken away from her. Her privacy was exposed. She was totally humiliated. Instead of packing her things to go, she decided to accommodate and live with the shame for the rest of her life. This she did to protect her image from the scornful society members.

MaMthethwa was not the only woman who shared such a painful story with me. Another woman who reflected a similar experience was MaMhlongo. She was also a woman of Zulu origin. She did not want to challenge her Zulu culture when she was accused of killing her husband's second wife.

> It was up to God to fight for me and prove my innocence; MaMhlongo said (interviewed MaMhlongo, 09 August 2019).

Trusting God to intervene in her situation can be considered as a coping strategy. Believing in God to defend and fight on her behalf calmed her and eased her pain. During the interviews both women indicated that they had sour and bitter relations with their in-laws. Both of them were much concerned about what culture demanded from them. Wing (1996:952-953) states that, "spirit injury leads to the slow death of the psyche, of the soul and of the identity of the individual".

To emphasize on this statement Wing (1996) reports that oppressed women end up believing in their inferiority because of the inferior positions bestowed on them by their culture. They experience loss of self-confidence. The oppression of women through the abuse of culture has rendered them powerless and vulnerable such that they resort to believing that only the divine intervention is their redemption from this bondage they are facing.

6.5 Chapter Summary

This chapter paid focus on the analysis of the findings on various issues according to the themes and sub-themes observed during data analysis. The findings of the study contributed to the generation of new knowledge and objectives one and four of this study were achieved. The chapter that follows discusses and interprets the study's findings by focusing on the other objectives of the study.

CHAPTER SEVEN

THERE IS TROUBLE IN PARADISE

Findings, Interpretation and Discussion: Part Three

7.1 Introduction

This chapter is a continuation of the findings, interpretation and discussion which began in Chapter 5. It focuses on the following theme: proffering of interventions which protect women's rights and also addresses the availability of policies and measures which protects women's rights against discrimination. The chapter is informed by the themes: (1) Contribution of policy in existence of cultural practices and proffering policies or interventions which protects women's rights against discrimination. Each theme consists of its own sub-themes that emerged from the findings. Sometimes a sub-theme also produced its own categories. The key point to note is that power displayed by men in rural settings, violates human rights of women.

The adoption of special measures designed to provide protection to vulnerable women might be seen as a positive step. South Africa is a country of many cultures and its multicultural nature is shown in its array of languages, religions, races and ethnic communities. Globally, the South African Constitution (1996) is regarded as one of the most progressive and contains a Bill of Rights which provides all categories of human rights.

The history of South Africa is characterized by gross human rights violations. Cultural practices expose women to various forms of violence and abuse as these are linked to the unequal position of women in structures of the societies where they are practiced (WHO, 2008).

The study aims at investigating how the clash between culture and human rights in the South African context could be remedied and minimized. It is obvious that legislation is just part of the holistic solution which lies in education, empowerment, consultation and promoting positive deviance from cultural practices by both women and men.

7.2 Theme: The influence of policy on cultural practices

Women of this study are adamant about efficiency and effectiveness of policy framework because of illiteracy and carelessness. Seventy percent of them affirmed that the existing policies were neither efficient nor effective in promoting and developing of cultures.

> To me there is nothing that can change the way we were raised up. Cultural practices are ours and we love them (MaNsele, 08 August 2019).

Based on this assertion, this revealed policy gaps in facilitating the development of culture. It is clear that policies have not been strong tools to discourage cultural practices. From my point of view women of this study have no choice but to adapt so that they can be welcomed in societies they live. What MaNsele cited is supported by Maluleke (2012) when he mentioned that cultural practices have existed for ages past over generations.

According to Akkuffo-Addo (2002), customs and traditions are embodied and underpinned by customary law that discriminates against women. Regardless of the outcry of Beijing Declaration and Platform on Action (1995) to State parties to ensure the prohibition and elimination of any harmful aspects of traditional practices that violates women's rights. Article 2 of CEDAW sets to ensure that women must be allowed to enjoy their freedom. Therefore, all States that are parties to the Convention are implored to condemn and stop discrimination against women. It is only the law that has an influence to change certain situations and this is where educating the people comes in (Bennett, 1991). In another vein, this is emphasized by the Vienna Declaration (1995) which stated that the rights of women are also human rights therefore, all human rights are universal.

7.2.1 Sub-theme 1: Unfriendly policies on cultural practices strengthening

Women of this study, in their majority indicated that, unfriendly policies on cultures were one of the challenges militating against the successful promotion of cultural practices in South Africa.

> Cultural practices are supported in traditional courts. Once your husband reported you for wrong doing to tribal court, judgment will be passed over you without a fair trial. Trying to defend yourself is unnecessary because nobody from the council will want to listen to the side of your story (MaQwabe, 10 August 2019).

There is inadequacy of current policies on cultures to safeguard the practices and a lack of current policy implementation and also extremely contributes to reinforcement of the

practices. This might be the reason that cultural stakeholders seem to view policies as unfriendly. Such a challenge was further aggravated by the government policies intended or unintended results that runs counter the objectives and goals of cultural practices in influencing the behaviour of women (Marie Stopes South Africa (MSSA, 2015).

The Constitution of South Africa embraces women's decision as an important right to that should be consistent with their psychological, physical and social health (RSA Constitution, 1996 & MSSA, 2015). In addition, the Constitution provides equality to all both women and men (Constitution of RSA, 1996 & Kheswa et al., 2014).

Interestingly, cultural practices were created by societies practicing these practices to be a platform to mitigate social ills related issues. The scenario indicated above is unfortunately for traditional people and it favours them. There seems no hope for the future although the law clearly stated that equal rights and justice for all.

> I feel more can be done to conserve our cultural practices from attrition. Practices instill good behaviour to our girls, mothers of tomorrow. Virginity testing is one of the practices we want to keep for ages to come. It teaches abstinence. So, our girls are protected from social ills including HIV/AIDS (MaMhlongo, 09 August 2019).

Young girls have been encouraged through cultural practices to maintain their virginity by emphasizing the principle of no sex before marriage (Maluleke & Troskie, 2003 and Somtewu, 2016). South Africa has been placed in a spotlight for its failure to maintain human dignity and uphold the right of women in its cultural practices as enshrined in the RSA Constitution (Maseko, 2008; Douglas & Nyembe, 2015).

The South African government has passed circumcision legislation which is clearer about the procedures to be followed before and during the rite of passage from girlhood to womanhood (Mpateni, 2017). My point of view would be to argue that the government has not been willing to strengthen the policies and procedures to eliminate the challenges facing these practices (Kheswa et al., 2014).

It is necessary for the government and the custodians of culture to reach a consensus to avoid escalation of traditional practices to embrace and promote IKS with a view that cultural custodians are experts of their own practices (Swart et al., 2011). Policies should be consistent with social and cultural contexts of the people.

7.2.2 Sub-theme one: Justice System is biased

Most of the women interviewed complained about the lenience of the law towards the perpetrators. They stated that litigation was too expensive and the poor cannot afford it. The following are some of the experiences cited by the individual participants:

> The justice system of our country is biased and is not doing enough to protect us. It promotes male dominance in disguise. The law is so near yet so very far. I am raising my children alone in a difficult environment. On the other hand, I blame myself. I did not do enough, when he defeated the ends of justice. He failed to maintain his children and I did not fight for justice to prevail (MaNsele, 08 August 2019).

In the narrative given above, the participant was basically saying that legal representation is not usually available. If it is available, it was too expensive and unaffordable. Lawyers cannot be afforded by a poor, unemployed and uneducated woman. In a nutshell, the current study has revealed that although the law is available but it is unreachable.

It could also mean that the majority of the women did not understand how the law worked. Instead of approaching the civil courts, women from rural areas resorted to traditional courts which are presided over by the same men who oppress them. Women who are in abusive relationships always believe that the reason they get abused is their fault.

There is lack of public education about the law, thus I conclude that the law is one-sided. Women failed to separate the differences between customary and common law because the two laws seem to function concurrently.

The finding above is consistent with what is stipulated by the Customary Marriages Act (Chapter 5:07) that men are allowed to have more than one wife. That is a solid proof that the law of our country is one-sided. One of the women had the following to say:

> The law is letting us down. After they took all my belongings I went to the police station to lay a charge against them, the police refused to open a case for me. The lawyers I tried to consult asked me to register with them then I can qualify for legal representation. Unfortunately, I did not have finances. Sometimes I fail to cope with what happened to me. Death seemed a quick solution to my problems (MaShabalala, 10 August 2019).

Being unable to access justice when needed could spell a major problem. The government system has created fear in the communities. As a result, it becomes scary to see people ignoring to honour the law. The state should bring men and women together to discuss the strengths of the justice system to ensure that there is change in their communities. Police are expected to provide assistance to the victims.

According to Currie (1994:327), women may not own anything other than a few personal belongings. Bennet (1995:327) extends this point by mentioning that customary law wives do not have the right to control their earnings. As a researcher I agree with these writers.

In tribal authorities traditional leaders utilize the law that is based on their own beliefs. They consider the whims of the less educated and less privileged. Here, the experiences of culture, rituals and such practices are considered. The practices sometime have a derogatory element towards women. Weeks (2011) stipulated that for customary law to be lawful as a valid system, its legality has existed in cultural traditions of the people.

Sibanda (2010) argued that the dual system created a split and inferior system of justice for all the people of S.A. Hence, Ndulo (2011) claimed that the S.A. Constitution of 1996 accepted the implementation of customary law, but fails to solve the conflict between CL standards and the supply of human rights. According to Al Obeidli (2020), Sharia law continues to discriminate against women in countries/places where it is used.

Adisa and Abdulrahim (2019) emphasized that globally subordination of females is excessive. Mapara (2009) debated that in rural settings, culture is still a way of living that controls the conduct of women. The performance of people within a community is rooted in the African ideology of humanity (Herbst & Reitsima, 2016).

These citations are a true reflection of what is still happening in rural areas where women's lives are rated close to nothing. Due to such treatment which women receive in their communities some are driven to suicide, divorce or pursue another marriage (Sharma; Pandit & Pathak, 2013). The law is sometimes not on the side of an abused woman, even their parents are reluctant to take back their daughters for fearing to pay a second dowry (Visaria, 1999 & Grover, 2017). My conclusion after listening to the women who participated in this study is that women are disowned and disregarded even by the justice system of their country.

7.2.2 Sub-theme: Contribution of Community Forums to disseminate the benefits of cultural practices

Political structures including community forums were not doing enough to emphasize the benefits espoused in cultural practices.

> We would appreciate if communal meetings can be used as a platform of exhorting community members to consider their cultural rites serious. Such a try could help to stop these practices from continuing (MaMthethwa, 29 July 2019).

The finding above proved that communities in their own efforts can make it happen in ensuring that indispensable aspects of the practices are cascaded in community forums. According to Ross and Deverell (2010), African socialization embraces family as they are essential for support and care. This is explained by socio-cultural theory as one of the lenses that increases all the people's understanding about the phenomenon under study (Hornby, 2006).

> There can be a difference in the way cultural practices are presented in our communities. If the change can be adopted by traditional leaders, all can be well (MaMthembu, 08 August 2019).

This finding proves that women have put their trust on the shoulders of the traditional leadership. They expect cultural custodians to lead the way by showing other cultural stakeholders how they should carry out new ways of eradicating the harmful cultural practices in order to accommodate all. This assertion is confirmed by what Nhlapo (2014) cited, that if women are looking for help in a traditional court she may not find it because according to CL a woman cannot stand for herself. Thus, they have put their trust on traditional leaders who are men.

7.3 Theme: Proffering Policies or interventions which protect women against abuse and cultural discrimination

In most cases the literature reviewed suggests that women who are victims of the cultural practices have more stress than those who have not experienced it. However, it is notable that women might also need different levels of support in order to cope. Therefore, this section focuses on the coping strategies, support structures used by survivors and also evaluate empowerment requirements to support women living in communities in which cultural practices are administered.

From the data collected, it resurfaced that all the participants were faced with challenges that were life threatening. In this regard, the participants emphasized the importance of support from various stakeholders including families and their communities. The forms of support received by the survivors to improve conditions around these practices were grouped into different sub-themes. These opportunities were discussed in relation to the participant's comments.

I asked the participants to tell me if there are programmes available to support women living in communities in which cultural practices are enforced. This is what they said:

> The South African Police Services can help. Women should use social media as platform to raise awareness. Education of females about their rights and the Human Resource Department could assist by educating men. Imprisonment that is accompanied by longer sentences to offenders should be implemented (MaGxekwa, 04 August 2019).

One participant raised a point of law enforcement to deal with the matter of gender-based violence against women. There should be some form of an educational programme to train women about their rights. Sexual offenders should be given severe sentences to serve as a reminder of how punishable is the crime they have committed.

The next participant put her response thus:

> Yes, there are programs available. However; the females don't want to be part of them because they fear humiliation from their husbands and in-laws if they take a stand (MaMbatha, 30 July 2019).

MaMbatha mentioned that there are programmes available however; women cannot utilize them due to fear of their male counterparts and their families. Women are pressurized to consider their husbands and their in-laws as a main priority, to the point that they sacrifice their own well-being in order to please others.

The next participant highlighted:

> I have heard about them but they only exist in urban areas. In rural areas I have never heard of such programs (MaNsele, 08 August 2019).

Some women are aware of the programs but only to find that they don't have access to them. In rural areas the government doesn't see the need to implement such programmes as people stated they have never heard of such programmes. This could be due to certain limiting factors that make it hard for the government to implement particular programmes in such areas.

MaNdlovu said:

> Yes, Social Networks, Movements, Blogs and Platforms and create groups which empower women (MaNdlovu, 09 August 2019).

Women in this study wanted to see the law taking its cause whereby the offenders would be arrested for crimes committed. Some of the participants were aware of the existing initiatives

which have been implemented with a purpose to protect women however; they do not utilize them as they feel they clash with their cultural beliefs.

Women issues are dealt with, from the National level down to Provincial levels as well as the Municipality and District levels. However, all these programmes seem ineffective because cultural practices continue to be used to exploit women's rights.

I suggest that programmes should be decentralized to all places including rural areas, and there must be people appointed to monitor that rules are carried out effectively. These programmes should not be confined to urban and sub-urban areas only. Awareness should be raised across all platforms of social media**.** At local level, all mayors should ensure that these programmes work for the people. Training of all the traditional leaders and the custodians of the cultural practices should be a priority. Gradual eradication of the customary practices should be implemented. Follow-up strategies should be enforced within each and every rural setting.

When probed on how women can be assisted to stop the cultural practices that are harmful, this is how they replied:

> It is hard to say because the government speaks about woman empowerment by the word of mouth only. Nothing practical happens. They must get rid of corruption especially, asking women to sleep with them before help can be offered (MaGxekwa, 04 August 2019).

It is so unfortunate that MaGxekwa's assertion created an impression that government departments are dominated by males who solicit sex before they could offer any services to women. Although MaGxekwa felt this way about the government, this is not true about all officials.

Those who misuse their powers are a minority. Some women are holding high positions within the government structures. In the South African Police Services (SAPS) today there are women holding high ranks and who are in charge of rape cases. Even most of the child protection units are managed by women. However, patriarchy is not only limited to males, there are also

women who make derogatory statements about other women who wear short skirts and thus fall victims of rape.

There are studies that highlight the "Pull her Down Syndrome" which are more common amongst females, more than what you can find amongst men. The necessary action that should be taken jointly is to implement women empowerment movements in order to minimize whatever conflict that may emanate within societies rather than to point fingers to one another.

The next participant cited the following in response to the question:

> Provide training and encouragement. Close gaps in salaries. Put women at the upper end of the range as men. Involve women for opportunities available for men. Allow women to express their brokenness, and have their viewpoints honoured (MaNsele, 08 August 2019).

This particular participant raised the point that women should be considered as equals as their male counterparts. She argued that women should receive the same benefits as men in the workplace in terms of salary adjustments, they should be given the same job opportunities as men and they must be allowed to voice their views and suggestions in public and at their work environments just like men do.

In regards to this finding, I feel that the effort of the government departments needs to be applauded and acknowledged because they are leading in South Africa when it comes to salary adjustments and gender equality. The challenge remains with the private sectors. There are still vast gaps in salaries earned by women, blacks and Whites (Meyiwa et al (2014). The State of the Nation published by the HSRC uses phases such as "women in Agriculture", "women in mining." These are some of the attempts by the government to deal with these gender inequality notions.

The criticism must be rather on the effectiveness of such initiatives beyond launches such as the recent launch of Women in Agriculture that took place in Dundee on the 8th of March. I

therefore, expect to see the Minister doing much more than the launch, but to see a group of commercial farmers who are women as the outcome of the launch.

The other participant said:

> Alert the community authorities about the harmfulness of the cultural practices (MaMbatha, 30 July 2019).

This particular individual wished to voice her concerns to traditional leaders regarding how harmful the cultural practices that are administered in their communities are. She wished there could be a solution or change in cultural practices that could be implemented, which would be more favourable and accommodating to women.

In the focus group discussions one of the men said:

> Women must have own platforms. Appoint own leadership to represent them. Take their problems to induna who will take it further to iNkosi (chief). They must stop electing men, but must start to elect their own female representatives (Man, 5).

Change is required in the thinking capacity of women, where it is necessary that women get more educated to broaden their thinking abilities. They must break free from the stereotype of thinking males are the only people that have the ability to lead people, and they should appoint their own female representatives.

What Man 5 highlighted is rather problematic. For example, in 2017 at Nasrec in South Africa even big political parties such as the African National Congress (ANC) paid lip service to electing a woman president. People who contributed to Dr Nkosazana Dlamini-Zuma not being elected are not just male delegates, but women too who were part of Ramaphosa's CR17 camp.

By voting for Ramaphosa these women defied their Women's League President Bathabile Dlamini and divided a women voice at the NASREC conference. This goes back to the "Pull her Down Syndrome" I referred to above. How do we then expect rural women to be assertive when even sophisticated women who lived in exile and went to Robben Island for the total emancipation of women and black people in particular are so divided?

There were prominent leaders of the ANC who made statements that South Africa is not ready for a woman president. This means that Britain and Ireland who had women Prime Ministers are more progressive as compared to South African women. America's Hillary Clinton faced the same fate in 2016 when Donald Trump emerged victorious in the presidential race.

The sentiments above were echoed by MaZungu who said:

> Through women representatives, women will be mobilized to honour themselves. They will be taught to value their female counterparts. It is high time women uplift one another, elect and vote for each other, promote and support each other in order to elevate the society of other women over men (MaZungu, 04 August 2019).

Awareness campaigns and women representatives can help our communities to stay informed about the different forms of violence and teach women about their human rights; enlighten their understanding about issues related to their well-being.

The next question probed was: What can be done to improve conditions around these cultural practices? Women responded as follows:

> There is no way of fixing this mess. Sleeping with an official will not solve the problem. Educate women about their rights. Awareness campaigns to be conducted. Create Women's Movements. Expose corruption. Give women a platform where they will raise their concerns. Train and educate women to stand for their rights (MaGxekwa, 04 August 2019).

This participant felt that women need capacitation, empowerment, education and involvement in matters that affect them. She felt that they should be given a platform where they can voice out their concerns, where they can expose the corruption in the system which makes them vulnerable.

The other one said:

> Teach men to respect women. Involve boys in doing all house chores. Capacitate females by involving them in empowerment and training. Open platforms in which

> women will share their problems. Involve feminists to instill confidence into women (MaNsele, 08 August 2019).

The eradication of the confinement of women to household chores such as cooking and cleaning should end. Boys should also be involved in doing these chores in the house. Men have to be taught how to respect women in society. Women have to be empowered, by all means necessary, such as having the involvement of feminists to instill confidence in them.

The next participant said:

> Protect all those who are involved. Medical practitioners should be involved during female circumcision (initiation) and virginity testing (MaMthethwa, 29 July 2019).

To eradicate or avoid the spread of HIV/AIDS, the involvement of Medical practitioners is necessary. They must teach men and women about the safe ways of conducting sex and also assist in practices such as female circumcisions and virginity testing. Such traditional practices ought to be weighed against life and death and should be performed properly.

7.3.1 Sub-theme one: The role of the state (government)

The state or government should play a more co-ordinated role to enforce laws that already exist in the country's Constitution and legislation. It should consider allocating more awareness campaigns by instituting legal measures. The government should also communicate and interact more with community leaders and chiefs who hold authority in rural areas and also use services of the Non-Governmental Organization (NGOs) which are also available.

7.3.1.1 Training and education

The participants remarked on the importance of training and educating the women about the ways of adaptations so that they would know how to deal with the stressful situations they encounter in their communities. They indicated that training and education of women need to be conducted in order to combat the stigma attached to their identities. By so doing it is hoped that this will address the struggles women are faced with. One of them said the following:

> These trainings are needed because they will enlighten us and bring back the lost hope (MaZulu, 29 July 2019).

The finding tells us that there was an element of not knowing about issues. Something needed to be done to lighten the dark areas in their lives and have the lost hope reinstated. The participants also felt that training would help eradicate the inhumane practices to which women are subjected. Regarding the above case by MaZulu, it is clear that her comments were directed at the government (education department). For them, if the government is serious about making lives of women better, the issue of educating them should be made a priority.

She cited the use of education as an instrument of change that should be implemented. By so doing women would be sensitized to the need of social transformation. They felt that training and education must be offered to women pertaining all dimensions of life so that they would become bold enough to stand their ground thereby healing themselves.

It was remarked that:

> Since we know nothing about our rights and cannot be able to stand up when we are faced with marital problems of abuse, disinheritance, eviction and subordination, I think something needs to be done in terms of training and education (MaShabalala, 10 August 2019).

Notably, the participants were of the view that training on cultural practices would change the attitudes, belief systems and practices that continue to deny women their right to dignity, life, freedom and equality.

Therefore, training and education were suggested as a tool that would hopefully empower women by imparting knowledge and skills on how to cope regardless of the problems created by the implementation of the harmful traditional cultural practices. In other words, they felt that this would serve as a guide on how to deal with such issues of abuse perpetuated against women. To this effect, the following remarks were made:

> The programs that we need would be the ones where women would be taught on how they should defend themselves and stand in solidarity with other women on the same what Sapp group (MaZulu, 29 July 2019).

One of the participants differed from the rest of the group by confirming that there are already programmes in place to support women in her village. In this regard she stated that:

> "I have seen the police coming to rescue my neighbour on the day she was tortured by her in-laws after she refused to comply with the new setup of allowing her husband's brother into her house to inherit her as culture demands. I don't know who phoned the police who came in a twinkle of an eye. Justice was served" (MaCele, 24 August 2019).

In each and every community there are people and police representatives that constitute the Community Policing Forums (CPF). These people work together to enforce the law by arresting the offenders, solve problems and prevent crime. Around kaBhejane Tribal Council including places like Mazimazane, eNseleni and eMpangeni Police Station people make use of the Thuthuzela Care Centre which is a one stop facility that has been introduced as a critical part of South Africa's anti-rape strategy for children, men and women who are victims of sexual violence. Such structures need to expand their roots and reach even unreachable places.

Participants also felt that training would help with raising awareness on the cultural practices. To this effect they stated that:

> When training is provided, more souls will be saved (MaGxekwa, 04 August 2019).

In the majority of findings above it was clear that women needed training and education so that they would be equipped with skills of defense and know how to remove obstacles created by culture and have knowledge on how to approach situations of patriarchy they encountered.

There is a view that healing as well as rehabilitation may come as a result of sharing, praying together and encouraging together (Waluta & Kinoti, (2000:135). It is in these ways that the survivors can be educated to fight discrimination and reject humiliation. Caregivers can use

these groups to conduct awareness campaigns and to educate those women who are still captured and are held hostage by culture and tradition.

Getz (2012) contended that due to lack of education, knowledge of the law and shortage of resources women in rural areas are reluctant to assert rights. They are bound by social pressure. In that way they are hesitant to seek legal resources. Instead, they choose to resolve the cases privately (Getz, 2012).

7.3.1.2 South African Police Services

Our police officers need to do their work loyally and honestly.

7.3.1.2.1 Arrests

The majority of the participants claimed that the police could not help them as they refused to open the cases for them. When they went to the police stations to open the cases, they were told that they cannot intervene in family related matters. The police suggested that such matters should be resolved within families. This means that the perpetrators remained unpunished for the act of criminality conducted. Some of the participants revealed that some victims of levirate custom received assistance from the magistrate court when they were dispossessed of their belongings and evicted from their houses.

Most of the participants stated the following:

> I went to the High Court in Pietermaritzburg which assisted me with pleasure (MaQwabe, 14 August 2019).
>
> "He hid under the bed while I was gone to work. When I returned he jumped into my bed and raped me for the whole night. I opened the case with the police; however, the case was never opened. The police claimed it was a family matter that was to be resolved within the family" (MaShabalala, 10 August 2019).
>
> Longer sentences must be initiated to serve women from these criminals (MaNsele, 08 August 2019).

These findings suggest that some women that were affected by the cultural practices did go to the police to look for help but the perpetrators were not arrested. They insisted that the perpetrators must be imprisoned for longer periods in order to save women from abuse. The literature that concurs with these narratives states that many abused women do not go to the police because they anticipate that their perpetrators may not be punished when they are referred to court (Koyane & Bekker, 2007).

Stevenson and Parsloe (1993) highlighted that the social service practitioners can assist the survivors to recover by establishing safety nets. If safety has not been secured survivors of cultural practices may feel unsafe and neglected.

7.3.1.3 Social Workers

When I probed, the participants how women can be assisted to escape the abusive cultural practices they mentioned the following:

> I have sought counseling with the social worker. Then I joined the support group for healing.
>
> He took me to the clinic.

Out of all the participants I interviewed only a few mentioned that they sought help from the social workers. After victimization, one participant claimed to have received some counseling from the local social worker. She then stated that she joined the support group for survivors.

Monyane (2013) suggests that counseling should form part of empowering clients who find themselves in abusive cultural practices and depressive relationships. Campbell (1998) concurs that radical feminist's view violence as women's problem.

7.3.1.4 Exposure of corrupt officials

A few of the participants in this study were of the idea that corruption should be exposed. Some women were interested into seeing justice prevailing accordingly. They were also keen to be empowered about court interdicts and protection rights. They felt that there was a need to

empower them with strategies that would help them to be able to stand against any government official who practices infidelity on them and would learn not to tolerate nonsense. This transpired in the finding of MaZulu who shared the following sentiments:

> Only if I had the courage, I was going to expose him, together with his drinking acquaintances for ruining my life to satisfy their egos (MaZulu, 29 July 2019).

> One could read from her facial expression which was full of sadness and sorrow. I could see that what she was narrating was coming from the bottom of her heart which was bleeding. People fail to understand that we are no longer living in the past, which means that things of the past must not be brought in this era. She was willing to expose her partner and his friend who was a government official who covered for his friend when MaCele wanted to take legal action against him.

However, I am not dismissing the notion of MaCele when she states that power has been misused and abused by cultural custodians to hide their evil deeds. In many societies culture has been used as a vehicle to devalue women's virtues and continue to oppress them instead of liberating them. The challenges that women encounter when they seek legal intervention in their cases causes them to lose confidence on the law enforcement agencies. Therefore, women disregard government officials since they do not get enough support from them.

These findings are supported by different scholars. Most surveyed literature tends to portray widows in terms of their victimhood to male dominance and biased cultural beliefs (Albertyn, 2003); Ramphele, 2000, 2002); Gqola (2007) and Hassim (2009). In response to their oppression, some women are able to exercise various kinds of power which is available at their disposal.

7.3.1.5 Support Groups

Participants raised concern on the need for the establishment and existence of support groups within their communities. The data revealed that participants needed a women's forum that should provide them with the chance to express their views and share their experiences within the support groups. One of them put this view thus:

> There is a need for a support group in our village (MaGxekwa, 04 August 2019).

The participants were of the opinion that support groups would benefit them to learn more about their human rights. They would learn how others have coped and gained support from one another based on exploring the cultural practices of women's experiences.

This shows that participants were of the idea that support groups would allow them to have their experiences validated through supporting one another.

It was evident in the data that the support groups were also construed as a platform where women would educate one another on how to deal with issues that infringe them of their rights and benefits of enjoying their freedom. One of them said:

> I wish we would have support groups where we would meet to share our experiences about the invading practices (MaSimelane, 02 August 2019).

They also felt that support groups would put them into communicating with people same experiencing the same problems. This is how one informant captured this viewpoint:

> I want to state that if we can have more programs of support and empowerment more lives can be changed for the better (MaNgema, 01 August 2019).

Some of the findings indicated that they wish some of the officials would address the shortage of support groups in their communities. If support groups can be available and accessed by people, their lives can be transformed for the better. There would be less exploitation when people are supported.

Generally, building safety should not focus only on the outside but should also deal with the inside of the body. Women who have experienced cultural practices may threaten suicide, need finance so that they can flee from the oppressive environment and need to be protected from harm from either their immediate family or the perpetrator (Monyane, 2013).

7.3.2 Sub-theme two: Towards a less patriarchal democracy

To achieve a less patriarchal democracy calls for the mobilization of every individual to put their hands on the deck. This view is based on the fact that the patriarchal practices are rife in the country, which gives men an upper hand over women. There is an urgent need to sensitize and educate the traditional leadership on human rights and on gender issues so that they may learn to appreciate and respect women. This male dominance pervades every aspect of women's lives and influences their inability to be assertive so as to defend themselves from abuse by their partners (Kaufmann, 2004).

7.3.2.1 Awareness Campaigns and Women Representatives

All participants mentioned the necessity of having awareness campaigns. They argued that the women should be represented in all structures of their communities. These would deal with and address issues around the cultural practices that perpetuate domestic violence. They held the view that the availability of awareness campaigns would help with women empowerment so that women and young girls would become vocal about the abuse exerted on them through the different cultural practices administered in their villages. Women representatives would work towards the closure of gaps that are available between men and women. One informant said:

> It will be wise for us to start working together as women. We need to initiate awareness campaigns that will address issues of women problems (MaMbatha, 30 July 2019).

Women have realized that they need to join hands and work together in order to overcome the problems created by the cultural practices in their communities. It was their joint feeling that women are obliged to educate their citizens on the need to give them an equal opportunity for education and inform their girls that when they are educated chances for them to live a good life are high.

Women felt that it was necessary to raise awareness that some cultural practices such as polygamy, wife beating, *ilobolo*, bride abduction, virginity testing and the levirate customs constitute violence against women and young girls. Therefore, they felt that civil society organisations should educate and sensitize communities.

Authors such as Peltzer et al (2007); Maseko (2008); Nomgcoyiya & Kang'ethe (2017) stated that elderly people complain that cultural practices are overtaken by events of modernity which incorporates modern policies. They further mentioned that it is not a good idea to suspend what is African at the expense of encouraging and forcing foreign cultures on African people. Their view was that we need to be assisted to make what is ours better.

7.3.2.2 Social Media, Social Networks and Women Movements

The participants were further probed to list areas of support which are at their disposal. They listed the above. Some women claimed they found solace by engaging more on social networks. Social media helped them to forget about their sorrows for a while. They suggested that platforms should be made available in which women only can be members. Through these platforms women will be able to share their sorrows and devise mechanisms for survival. They can be rescued even by their friends on what Sapp or Facebook lists when a need arises.

> I was saved by my friend from our whatSapp group who phoned the police when he was beating me (MaGxekwa, 04 August 2019).

The other participant said:

> "My neighbour sent me an email to warn me about the conspiracy my rival planned. We chat over issues via WhatSapp (MaZungu, 04 August 2019).

From the above findings it became clear that the social media was a life saver for the participants. Social media enables people to easily communicate with one another. Participants appreciated the sacrifice they received from their neighbours and friends (Thornberry, 2013).

The findings above correlate with other studies which states that although abused women may find it difficult to discuss their ordeal with family members, they manage eventually to disclose, their problems when they need to be motivated and be attended to (Bekker, 2009).

7.3.3 Sub-theme three: Safety and Protection

There is a saying which goes: “When you educate the woman you educate a nation.” Giving lessons to women can be equated to having educated the nation. Women from this study needed education on safety and protection measures so that they would know how to defend themselves. These were some of their comments:

> I haven’t heard a thing about a court interdict because we are neglected in rural communities (MaSimelane, 02 August 2019).

> I read on a newspaper about protection orders without anyone clarifying it for me. (MaMthembu, 30 July 2019).

The findings above suggest that fear; danger and insecurity can erode efforts of the victims of abuse to leave abusive relationships due to lack of knowledge of safety networks and shelters.

These narratives concur with Wadesango et al (2011) who said that there is a need in the legal arena for arrests of the perpetrators and advocacy of the abused women. Those who are found guilty of perpetrating violence against women should be apprehended and the sentences should be long enough for them to learn a lesson.

7.3.4 Sub-theme four: Gender role expectations

All women interviewed confirmed that male domination is prevalent among African societies and also highlighted that some men conform to cultural practices to prove their masculinity, power, manhood and authority. One of the women stated:

> He is a coward that exploited me to satisfy his ego. If it was now, I was going to lay charges of assault against him for continuous beating (MaGxekwa, 04 August 2019).

MaGxekwa felt uneasy when she remembered her past and the hard times she went through. It was revealed that there is something she had learnt regarding the cultural practices in this post-apartheid era. She threatened her spouse with laying charges against him. She was not happy about how she had been treated before. She even called her spouse a coward. This showed an element of hatred towards him. She displayed symptoms of intolerance towards the way cultural practices played a role in her life.

Zain (2004) argues that the government needs to channel more resources to the formulation of guidelines so as to capacitate women and young girls. I agree with the statement by Zain (2004). I am also of the same view that the state needs to do something towards providing the relevant infrastructure in rural communities to make women's lives better.

What became clear from these findings was that the status of women should be elevated to be equal to that of the men they are married to. Those practices that undermine women should be abolished. In addition, traditional marriages should receive recognition by being registered.

7.3.5 Sub-theme five: Measures adopted to support women

Cultural practices have a way of affecting women, especially due to the emphasis attached to them. There are many struggles that women go through when they try to resist these cultural practices. For women's survival, strategies to cope must be implemented. Policies that are designed to facilitate prevention of the cultural practices are found to be not enough. Interestingly, stakeholders of the cultural practices voiced out that those legal prescripts are in place to ensure that cultural practices are protected, while women unanimously agreed that their efficiency and effectiveness in regards to implementation was dismally poor.

Due to unclear modes to coping, women felt that they were affected due to the government's failure to address them timeously. Cultural practices that contribute to forcing women to do what they don't believe in should be eliminated. Women must be educated on their inheritance rights. The state needs to introduce changes to inheritance laws as they are contemplated in the Constitution. If it calls for the Constitution to be amended, the same should apply, in which polygamous marriages that legalize early child marriages should be made illegal.

The government and NGOs should conduct more educational programmes that would increase access to sex education, particularly in rural areas. More family planning programmes should be implemented in rural areas. Mass media platforms can be utilized as a tool to promote culture. We need to use audio-visuals and print to disseminate cultural education that would influence African cultures with Western views. After all, culture is not static; it evolves over time.

7.4 Chapter Summary

The qualitative data analysis presented in this chapter confirms that cultural practices do exist. The results obtained from the field concerning the cultural practices that affect women highlight the main problems affecting these women. Among them is the lack of support by the community and government authorities who are holding statutory powers to sort out all the problems women are facing.

Some of the cultural practices discriminate against women. These harmful practices include: polygamy, *ilobolo, ukungena, ukuthwala*, wife beating, virginity testing and some rituals added to the hardships that women are facing in their communities. The control of women through cultural practices will continue to prevail, if the custodians of the practices remain unchallenged.

Each cultural practice has its own interpretation. What is clear is that each of these practices places men in advantaged position to continue to misuse their power by abusing women and young girls. The government will be required to eliminate discrimination against women in the context of family relations. Moreover, the government has to ensure that men and women have equal rights before the law, receives same rights to enter into marriage with their full consent and should be given freedom to choose a spouse. What is already in the legislation should be put into practice.

Men and women should carry the same rights and responsibilities when they are married and when the marriage is dissolved according to the dictates of the Convention of the Elimination of all forms of Discrimination against Women (CEDAW) people should be sensitized to their provisions. The Constitution of the Republic of South Africa was launched in 1996. However, laws to render it functional are still not fully respected by the people, including the custodians of the cultural practices. Sadly, little or no action is taken against those who disobey the law.

This was the penultimate chapter. The next chapter is the last one. It pulls the study together by reiterating key findings and then makes some recommendations that might assist future researchers who would be interested in the theme of the present study.

CHAPTER EIGHT

ANALYSIS AND DISCUSSION OF THE RESULTS, CONCLUSION AND RECOMMENDATIONS

8.1 Introduction

Chapter 1 provided an overview of the study, reflecting on the problem statement, rationale and significance of the research. It also presented the research questions. In chapter 2 literatures were reviewed in detail. Then chapter 3 dealt with the theoretical framework underpinning the study. Chapter 4 focused on the research methodology, research design and processes linked to it, data collection and analysis and looked at the ethical considerations.

Chapter 5 dealt extensively with the findings, interpretation and discussion of objectives one and four of the study with supporting literature. Chapter 6 was a continuation of the findings, interpretation and discussion focusing on objectives six and two of the study. In chapter 7 the focus was on the findings, interpretation and discussion of objectives three and five of the study. In Chapter 7 parts of objective 5: to put forward interventions which protect women's rights against discrimination is discussed in detail. The major findings of the study were presented in chapters 5, 6 and 7. This contributed to the existing body of knowledge dealing with African cultural practices in general and Zulu practices in particular with specific reference to KCDM.

This last chapter (Chapter 8) focuses on the conclusions and recommendations of the study. The Chapter deals with the recommendations which are deemed important to the critical issues which have been established, as constituting the essence of the experiences that women have to endure, due to cultural practices that govern the communities wherein they live.

The overall aim of the study was to explore women's experiences of cultural practices and to come up with empowerment strategies to help them cope. In addition, this chapter revisits the aims and research questions presented in chapter 1 and follow the methodological approaches outlined in chapter 4 in order to discuss and analyses the narratives in support of the theoretical debates in chapter 3. The chapter draws on all the preceding chapters to reply the

overarching research question of the study. Drawing from the discussion of the key findings, the chapter makes recommendations for future research and concludes the study.

This research study has interrogated the important issues that have influenced women's experiences of cultural practices. It was found that South Africa has committed necessary resources such as its Constitution to guarantee the emancipation of women from subordination. Recommendations are made in the light of the findings, which might be of use in the debates towards the intervention of women's movements and platforms.

This chapter, therefore, focuses on the discussion of the findings against available literature in the same theoretical domain. The purpose of the discussion is to support and validate the findings while enhancing our understanding of subject matter being investigated.

The collected data demonstrated that women are not interested to rule men or even take their authority. They know their place clearly as taught by their traditions. This research did not establish that male line groupings are automatically patriarchal but that male line groupings are strongholds of patriarchal functionality.

In general, I argue that cultural practices have an adverse impact on women in KCDM. Culture can dictate how women should live their lives and what information can be absorbed. While cultural practices are not stagnant, they are subject to change. The danger here is when the good values of a society are eroded due to exposure to such cultural norms. This research has clearly demonstrated that there are some cultural practices that are harmful and have a debasing effect on women.

This can neither be ignored nor accepted since these practices shape the identity of the women. Ignoring the harmful cultural practices could result in losing many women and young girls. The most important goal to seek is to apply gender equity between men and women in rural settings and use culture in a proper way.

This chapter will give the summary, conclusion and recommendations arising from this research. Themes that emerged from the objectives and the research questions of this study are revisited to indicate the study goals were met and to give direction to future research.

8.2 The aim of the study

The aim of this study was to explore how communities have facilitated the exploitation and enslavement of women under the guise of culture through the cultural practices. The study has generated a lot of insights and perceptions on the impact of the cultural practices on women. As the researcher, I believe that the study has adequately met its aim. This is because of the information that the participants presented regarding the cultural practices. However, the full realization of the main aim rests on scrutinizing and diagnosing every research problem as outlined below.

8.3 Issues identified and current realities

The data was collected through qualitative methods. These included in-depth interviews, focus group discussion, narratives and secondary data. The local language which is isiZulu was used throughout the data collection process. The interviews were carried out in places that were suitably convenient to the interviewees. Face-to-face interviews were conducted; notes were taken while also the tape recorder was used to record the interviews. A list of questions to probe the interviews lasted about 45 minutes to one hour long.

The data were transcribed and translated into English. However, this was not easy because some words could not be easily translated without losing their meaning. To correct and remedy this I used a research assistant who was fully bilingual and also the Department of Linguistics at the University of Zululand assisted with the corrections, and gave alternative words or clauses and phrases that were close to the actual meanings. In other instances, the original isiZulu words were retained and explained in brackets. Rigor was injected into the research process improving the validity and reliability of the findings through this action.

There are other means that were done to improve the validity of the research and to minimize my influence in the research process. I used the same research assistant who was more fluent in the local language to cross check the data collected. The service of a social worker was also available to help the participants in case they broke down.

Ethical procedures were considered throughout this research process to ensure that the rights, privacy and freedom of the participants were respected and protected (Wellington, 2000 &

Madison, 2005). Before the interviews could start, all participants were assured of anonymity and confidentiality.

This study used a number of theories each offering a different dimension to the problem under investigation. Theories of gender inequalities that I frequently referred to as feminist theories are: radical, Marxist-socialist and liberal theories. These gave explanations of gender inequalities, women's oppression and subordination. Marxist-socialist theory argues that capitalism and patriarchal systems are responsible for the inequalities and oppression of women.

In the responses, it was evident that the man is always on top, ruling and controlling the whole family and the community. This structural domination is reinforced and maintained by women and girls who are at the bottom. Women and girls tend to be discriminated against. Such structures always discriminate against girls and women in society.

In addition, I made reference to African feminists in respect of their relationship with Western feminists. The theories used in this research were coined by the West. However, they provided a good framework within which to pursue this study. The concern of the scholars and Western feminists to misinterpret and misunderstand African women played a big role in this study. This helped me to be able to accurately represent and portray the reality of the community under investigation.

A total of twenty women and five men comprised the sample of the study. These were selected purposely. Snowballing ensured that I reached even the participants that were unknown to me. Thematic analysis used to transform data into meaningful information commenced as soon as data started accumulating to avoid late analysis and "weakening the analysis" (MacMillan & Schumacher, 2006). A number of themes emerged, which were explored further to illuminate the findings.

8.4 Findings linked to literature cited in literature review

To capture the claims, opinions, experiences and explanations, the discussion and analysis of the findings have included the voices of the participants.

The findings of the study are discussed below.

Cultural practices have immense impact on women to whom the practices are imposed. Women have scars, they are broken, they have spiritual and emotional pains to endure and they feel alienated from their societies. Women find it difficult to find their identities. This finding links with the statement presented by Lapierre & Cote' (2016) where they stated that alienation of women can be defined as experiencing powerlessness, loneliness and isolation, lack of engagement or a loss of identity.

Rayce et al (2018) argued that analysis of alienation on young girls creates scales of the prior enlisted problems. Above this, Cullingford & Dion (2006) suggest that identity could refer to a personal identity. Chimisso (2003) justified the description of identity by pointing out that women are created by what they are.

Cultural practices can be viewed as manipulated practices that can encourage the subordination of women. Curran (2005) pinned patriarchy as one of the contributory factors to multiple sexual partners and victims of gender-based violence. Curran & Bonthuys (2005) stated that the impact of the cultural practices is likely to result in trauma and victims may feel depressed and hopeless. According to Sossou (2002), women are silent victims because they accept all of the practices.

Women are still captured and held hostage by culture and traditions. This finding can be linked to what Zain (2004) argued when he said that the government needs to channel more resources to the formulation of guidelines so as to capacitate women and young girls.

The major area of inequality exposed by women relates to cultural exploitation and property rights including economic and social rights which are area women are excluded and rendered invisible. This finding links to what radical feminism has viewed in regards to women's oppression as it exists in families and societies. Moreover, radical feminism has identified the role that patriarchy plays in reinforcing and maintaining the subordination of women.

The study established that the combination of the patriarchal rule and man line structure can be fueling fear which could be so difficult to describe. Kwesiga (2002) argued that the

subordination of the African woman cannot be blamed on Colonialism and Western capitalism since it existed during colonial Africa. This comes from a traditional understanding which views women as a chattel along with other property belongings to the husband (Hinga, 2008:170). This view is also articulated by Waluta & Kinothi (2000:123) who said that the men own women for they bought them, just like shoes, cars or other properties.

Mesatjwa (2011) acknowledges that most activists of gender-based violence recognizes the cultural practices as including all acts of violence that men perpetuate against women and some support the traditional practices. Such cause psychological, social, economic and physical harm to women. Therefore, cultural practices operate on discriminatory basis against women.

Challenges encountered cause conflict due to absence of legal representation and difficulties to reach legal assistance. The women would live in obedience and succumb to the dictates of the cultural practices for fear of facing unwelcome consequences or actions. The women are forced to live according to the expectations of the cultural practices. The fear makes them to make decisions or accept responsibilities they would rather avoid. These challenges that women face in their daily lives are confirmed by Bowman (2003) who echoed that most of the traditional practices undermine women and that they contribute to human rights violation.

Cultural practices are central to the performance of the rituals that continue to aggravate violence against women. This finding links to Rosenblatt & Nkosi (2007) and Manyedi et al. (2003) who stated that the interaction of culture and religion is evident in specific complicated ceremonies connected with burial procedures, funeral rites, mourning rituals and inheritance procedures.

The obligatory nature of the rituals revealed an oppressive and controlling manner of the cultural practices. Women explained how they are mistreated when their husbands are deceased or migrated to urban areas for job hunting. According to the radical feminists, women are considered to be inferior beings, whose only purpose is to enhance men's lives (Marysia, 2000). They further argue that male domination would produce hierarchical social relations over women.

The participants stated that men demonstrated aggressiveness towards them by beating them up, raping them and sometimes dispossessing and evicting them from their marital homes. Some of them mentioned that they did not know where to report issues of abuse. Blacklock (2001) attests that there is high level of abuse among African women. The cultural practices give men a right to beat their wives. Women are beaten by their spouses even for no apparent reasons. Baloyi (2008:161) confirms this finding by saying that it has become a normal way of living to some husbands to beat their wives. This practice has become an accepted way of keeping women under control. Fidgen (2009) pictures this sad state of affairs by stating that some women enjoy the beating, because they are made to believe that it is part of their culture. According to Maluleke & Nadar (2002), the beating received by one woman did not end her in hospital, but she also attempted suicide as a result.

Culture has continued to claim lives because of poor management and administration. Authors such as Nyembezi (2015) and Abrahams (2017) confirmed this. Moreover, this was echoed by Nomngcoyiya, Kange'the and Mpateni (2017).

Interaction is needed between the state, Chiefs and Community leaders in areas affected by the presence of the cultural practices. Women empowerment is a major requirement that will promote equality; women can only be emancipated through empowerment. The literature that attests to this finding is by Hampel-Milagrosa (2009); Joireman (2006); Pandey (2003); Roy and Tindell (2004) who agreed that empowerment is a major instrument to women's liberation from abusive relationships.

A need for women to support one another was revealed. In line with this finding the main goal of the liberal feminists is to create equal opportunities in all spheres of life (Beasley, 1999:50) and Marysia (2000). Liberal feminists insist on exposing the "old-fashioned ideas about what men are and should do, and to allow, even encourage women to do the same things as men" (Marysia, 2000:6).

Communities should join hands, work together to come up with solutions that will emancipate women. Many studies have shown that sustainable development is impossible without women's empowerment and gender equality, it is asserted that gender equality is both a

human right and issue and a precondition for, sustainable development (Alvarez & Lopez, 2013). Furthermore, Stevens (2010) underlines that an increasing number of studies indicate that gender inequalities are extracting high economic costs and leading to social inequalities and environmental degradation around the world. Economic development is unthinkable without the involvement of women (Solomon & Memar, 2014; OECD (2008).

Customs and traditions cannot be dislodged by instituting legal measures only. There are more gaps in salaries earned by women, blacks and whites. According to Bryson (1999); Marysia (2000); Pilcher & Whelehan (2004), men's jobs tend to be highly rewarded even when they have similar jobs with women.

Women do not have power at a family level and in society at large. They are constantly reminded that they are bought and owned by their husbands. In line with this finding is what Kumar (2000:5) commented on by saying that African women are portrayed as "ignorant, poor, uneducated, tradition-bound domestic and family-oriented" due to the cultural practices. This concurs with Myer's (2006) statement that poor social and economic circumstances under which African women live in rural areas may contribute to their vulnerability to violent partner relationship which in turn causes anger.

In a rural community setting, people are influenced by beliefs and norms of their cultures. Osofsky (1999) stated that children who grow up under such conditions might copy this violent behaviour in their own roles as husbands or wives when they grow up. Cahn and Lloyd (1996) said that abused children may as adults become abusers.

Cultural practices are given legitimacy through their acceptance by a group of elders and headmen. The finding links to what Wadesango, Rembe and Chabaya (2011) have asserted when they said men behave like they have bought their wives and brought them home to follow their instructions. Many studies (e.g. Holt et al., 2008; Krug et al., 2015) have shown that violence is a learned behaviour for both men and women.

Some women dropped out of school just because they were forced to go and marry. The traditions have emerged as a major factor that restricts educational opportunities for women in

communities where cultural practices are administered. Women need education as much as men do. In support of this finding Koyana (2000) pointed out that early marriages place young women on vulnerable positions. Campbell (2003) attests that cultural factors contribute to women's vulnerability to HIV infections through forced marriages. Koyana and Bekker (2007) mentioned that girls as young as 12 to 15 years of age are targeted, and forced to marry.

This study has also established that some women are active social agents and custodians of the cultural practices. Kwesiga (2002) and Oyewumi (2002) contested that gender is a social construction that refers to culturally and socially shaped cluster of expectations, attributed and behaviours assigned to each one of us by the society into which we are born. Gasteiz (2010) remarks that women have not shown much resistance to the inferior gender roles prescribed to them.

This study revealed evidence that patriarchal attitudes and harmful cultural practices do not recognize women as equal partners with men in both private and public domains. This is confirmed by Flax (1999) who explained that feminist's theory views women's oppression as a unique constellation of social problems that need to be understood on its own. Wadesango, Rembe and Chabaya (2011) stated that cultural practices reinforce the inferior status of women in society and continue to violate their rights and this has serious implications on the achievement of gender equality in communities.

Women's identities are defined by their cultures. This is confirmed by Chimissos (2003) who pointed out that identity is what makes who the women are. To maintain their identities, women go through physical and emotional distress.

Diverse sources in the cultural domain suggest that young men are encouraged to sexually engage with various women in order to test their penile functioning. This promotes promiscuity (Vincent, 2008; Ntombana, 2011; Nomngcoyiya & Kange'the, 2017). This has created a cocktail of social ills such as risk to contract HIV/AIDS and STIs (Adebule & ibimuluyi, 2012).

Women have many problems and these problems that affect women continue to happen regardless of the advances made to protect them. Bowman (2003) stated that there are many

cultural institution, beliefs and traditional practices that undermine women and contribute to violation of their human rights. He further mentioned that certain marriage practices can disadvantage families especially, where customs such as dowry and bride wealth have been corrupted by western consumer culture. Then, Armstrong (1994) added by saying that dowry has been part of the transaction and its demand can escalate into harassment, abuse and threats. He also mentioned that in some cases partners are driven to suicide, divorce or pursue another marriage.

There are women who have experienced psychological and physical harm due to the cultural practices. This is attested by Hanzi (2006) when he said that a number of cultural practices are harmful to the physical integrity of the individual in particular, women and girls. Hanzi (2006) and Iyanuolo (2008) added that ukuthwala perpetrate, use emotional and psychological abuse to intimidate and cause harm to their victims. Wadesango et al (2011) concluded that the practices have devastating physical and psychological effects on women.

The study findings also revealed that virginity testing puts the life of an innocent girl at risk and expose her into danger of rape; this is confirmed by other studies that argued that virginity testing put young girls at risk of rape based on the myth that was dominant in the early 2000s that sleeping with a virgin will cure HIV and AIDS (Groce & Trasi, 2004; Leclerc-Madlala, 2002 & Meel, 2003).

Cases of abuse are not reported to government authorities and institutions because the victims fear of victimization. According to Bekker (2009) abused women find it difficult to discuss their ordeal with family members. Motsemme (2004) stated that women's silence is often interpreted as con-communication. Additionally, Kameri-Mbote (2000) added by saying that most women in Kenya would stop reporting and testifying against their violent husbands. Instead of reporting the abuse women would rather appreciate their husbands because they gave them name of being Mrs Somebody (Phiri, 2003:23). Literature states that many abused women do not go to the police because they anticipate that their perpetrators may not be punished referred to court or obtain a guilty verdict (Koyane & Bekker, 2007).

Women who refuse to comply to engage in the cultural practices are severely sanctioned. I can link this finding to what has been cited by Whelpton (2004) when he said that failure to comply with law, customs and the rules for living may lead to punishment by the ancestral spirits, because such disregard or deviation is regarded as disrespectful and neglectful of the ancestors.

Among women there are high levels of HIV/AIDS and STIs. This statement is supported by Adebule & Ibimiluyi (2012) who stated that the use of girls as sex objects has given rise to a number of social ills. A study conducted by Maluleke (2012) pointed out that HIV transmission remains a serious problem, with HIV positive men transmitting the virus to their new wives.

Cultural practices promote a sense of infidelity where you find a man having a string of love affairs with different women. Patriarchy and male dominance play a vital role and is displayed in the cultural practices. Africans continue to practice polygamy and have resisted viewing the family through a Western prism (Njoh, 2006). A study in eSwatini by Mbirimtengerenji (2006) found that patriarchy and polygamy are strong in the culture and history of the country and this makes it difficult for the Monarch to fight against HIV/AIDS. Cayemittes and Gringle (2006) attest that in Malawi it is accepted for a man to have more than one wife to an extent that when a man engages in extramarital relations the community blames the wife for failing her husband.

The law and legislation fail to dismantle the cultural practices. Many authors argue that the law does not go far enough and that forcing people to marry should be considered a criminal act (Myers & Harvey, 2011).

The remedy for all the difficulties women are facing could be mobilization of community and traditional leadership. One of the remedies could be that women's own voices and solidarity must lobby for elimination of the practices. In that note liberal feminism tries to alter the practices in order to end discrimination tendencies and attitudes (Best, 2003 & Kaber, 1994) while the Marxists feminists claim that the gender inequalities could be eradicated by removing all its form of oppression (Bryston, 1999 & Kwesiga, 2002).

Women cannot access courts and law enforcement agencies because they are dominated by males. This finding is linked to the suggestions of Kramarae and Spender (2000) who suggested that feminists stemmed from the understanding of patriarchy as being a system of male authority that legitimises the oppression of women through political, social, economic, legal, cultural, religions and military institutions. Further, African Feminists Forum (2006) concedes that the patriarchal dogma facilitates and legitimizes the configuring of every aspect of people's lives by enabling the framework within society defines and views men and women to construct male supremacy.

Men are leaders while women are followers. This links perfectly with the assertion of Shabalala (2015) where he explored that inequality demonstrates that spatial segregation resulting from the apartheid era has a significant impact on the high levels of inequality.

Cultural practices have robbed the girl child of their childhood. Hanzi (2006) suggests that young girls are married early to settle family debts through a payment of lobola and as a compensation for pledging. Therefore, poverty has been identified as a having been the condition within which the cultural practices continues to flourish.

Girls and women have suffered many health complications. This is confirmed by the United Nations Secretary General's Report on Violence against Children (2006); United Agencies such as WHO, UNICEF and UNIFEM (Maluleke, 2009).

Women are used as sex objects during traditional circumcision. This finding is backed by the literature presented by Vincent (2008); Ntombana (2011); Nomngcoyiya and Kang'ethe (2008).

Women who are victims of the cultural practices come from poor family backgrounds. Mwambane & Sloth-Nielson (2011) attested that poverty is prevalent in rural communities where *ukuthwala* is rife.

Women are often marginalized for various reasons. Phaswana (2005) stated that some older women may be suspected of witchcraft, some are rejected for childlessness and others are suspected of having no intimate feelings.

Brief summary of the research objectives and major findings of the Study

The findings discussed below are based on the information obtained from the in-depth interviews with the participants. The findings are discussed in relation to the objectives of the study with an intention of addressing all the key questions as set out in chapter 1 of the study. The following discussion pits the themes derived from the objectives of the study with the empirical findings.

8.5.1 Subjective experiences of women

The study has found that cultural practices have immense impact on women, especially among societies practicing them in KCDM. There is a need to capture and document the narratives of the cultural practices and the experiences of women who have been affected by them. It was noted that in relation to the objective above, one of the major findings that emanated from this study is that the major area of inequality exposed by women relates to cultural exploitation and property rights including economic and social rights in women's communities which is an area where women are excluded and rendered invisible.

There is too much brokenness, scars, spiritual and emotional pains endured by women who are affected by the imposing of cultural practices on them. It was manifested that women feel alienated from society by their own acquaintances. Moreover, the nature of the practices on women was revealed and put forward why it is imperative that such rituals must be eliminated and banished in modern day South Africa.

The findings confirm that women's vulnerability is connected with the social location of women who are suppressed and culturally enslaved in marriage. The findings revealed that societies in rural areas are characterized by gender inequality and male dominance and such created power imbalances between men and women as women are not awarded with same equal status as their male counterparts.

The bondage of women lies within the cultural practices that are administered in their communities. Other findings that captured my attention is that modern women have come to

know that the dominance of a man in their families is belittling women to such an extent that women are believed not be contributing to the development of a family.

In terms of identity, two senses of identity protruded, both positive and negative. The latter one makes women to struggle with finding their own identities. Cultural practices can be viewed as practices that have been manipulated from their original purposes of ensuring the welfare of women to a practice that encourages the subordination of women.

Mesatshwa (2011) acknowledges that most activists of gender based violence recognizes the cultural practices as including all acts of violence that men perpetrate against women and some supported by traditional practices. That causes psychological, social, economic and physical harm to women.

During my research I noted that in this setting and from the perspective of this community, these customs and norms do not constitute a differentiable legal domain, but rather embedded in and are expressed through the structures that constitute these cultural practices.

8.5.2 Challenging the patriarchal customs

A range of challenges emerged in this research regarding the cultural practices and cultural rules of the people. The challenges encountered by women in rural areas caused conflicts for them due to the absence of legal representation and difficulties to reach legal assistance. Women believed that men can own them because the bride price was paid. Men interviewed acted like they bought their wives and brought them to their homes to follow instructions. They felt proud to control women and the fact that women obey them made them excited.

In the culture of this community, participants understood that cultural practices such as *ukuthwala, ukungena, ilobolo*, polygamy and virginity testing are central to the performance of cultural rituals (*amasiko*) that continuously aggravate violence against women.

The obligatory nature of these rituals is recognized and revealed in an oppressive and controlling manner. Participants in their experiences did not believe that they can exclude

themselves from the practices as this will interfere with the authority of their ancestors. They also explained how they are mistreated with the husband's family after the husband dies.

Participants confessed that they have suffered severely in the hands of their male counterparts who demonstrated their aggressiveness towards them by beating them, raping and sometimes dispossessing and evicting them from their marital homes. Furthermore, power and authority are vested with existing traditional authority at the level of neighbourhoods. Some women in this study mentioned that they do not know where to report issues. They further explained that even if they report they struggle to get their rights, the government officials do not support them because of the patriarchal system.

During the battering, women ended up bruised, injured and would run away from their homes to look for safety and protection. Blacklock (2001) attests to the high level of abuse amongst African women where people are generally subjected to customary laws that place them at the risk of abuse.

According to Douglas and Nyembezi (2015) and Abrahams (2017) culture has continued to claim lives due to poor management and administration. This is echoed by Nomngcoyiya, Kang'ethe and Mpateni (2017) who stated that such poor administration has given rise to the phenomenon of botched circumcision in cultural practices which has ruined any possible value and benefits embedded in this rite.

8.5.3 Proffering interventions to assist women against discrimination

The government should play a major coordinated role in enforcing laws that already exist in its Constitution and legislation. Customs and traditions cannot be dislodged only by instituting punitive legal measures, but government should allocate more resources on training and awareness campaigns. The use of radio, newspapers and televisions could be very useful in this regard because the most affected women are rural dwellers.

There must be more interaction between the government and the Chiefs and all Community leaders who carry enormous authority in areas affected by the presence of the cultural

practices. Women empowerment is a major requirement that will promote equality between men and women. Women must be empowered to express their voice, to break the silence, come out of their cocoons and to have their voices heard. Empowerment is the most fundamental instrument to women's liberation from abusive relationships (Hampel-Milagrosa, 2009; Joireman, 2006; Pandey, 2003; Roy & Tindell, 2004).

According to Human Rights Watch (2004), millions of women around the world, suffer abuses in terms of the rights to own and inherit, manage and dispose of property. Within the Zulu lineage in KCDM in those developing areas, women may inherit property only through men, especially their husbands. However, they lose those rights when their relationships end through death or divorce (Abbas, 1997; Awusabo-Asare, 1990 & Ewelukwa, 2002).

As a coping strategy from harmful and discriminating cultural norms that hinder individual and community development, women have to set themselves free from oppression. The findings revealed that they require transformation. However, they fear the elders, men and the community at large.

Educational programming for men and women should be provided to bring communities together and discuss strengths of both genders in problem solving, decision making and management. A change in men's perception about the strength and intelligence of women will be needed in order to move forward.

8.5.4 Impacts of cultural practices on women

It was clear that women do not have power at the family level. This was reported by almost all the participants. In a community setting, people are influenced by so many different things including the beliefs and cultural norms. Cultural practices are given legitimacy through their acceptance by the homestead group of elders and headmen in a given neighbourhood.

Social structures can contribute to a person's development whereby one can develop attitudes and behaviours which assist them to fit to all the components of a social structure. Women in

socially and traditionally led structures need to be assisted to understand social life that is relevant to human experience.

The culturally produced characteristics of women are manipulated by men to restrict them from participating. Based on my observations, the behaviours of women seemed to be controlled by the cultural practices, and a hierarchy is strictly adhered to. When looking at Williams and Klusener (2013), it is clearly stated that should the Traditional Courts Bill become law, it will affect people lives in S. A. because this gives power to traditional leaders in the criminal and civil justice systems. At present this bill does not protect women. So women are at risk where traditional courts work.

8.5.5 Policies to protect women's rights

This study revealed that regardless of the advances made towards the protection of women's rights under the national and international legal instruments and policy frameworks, the problems of women continue. Under the disguise of tradition and customs, cultural practices which are maintained by patriarchy and other institutions. Women, continue to endure emotional, psychological and physical suffering, as well as humiliation and loss of identity.

Due to the fact that cultural practices are deeply embedded in the communities and institutions, the victims of abuse are reluctant to report cases of abuse to government authorities because they fear being victimized or are scared to disrespect their societal norms. I also learnt that those women who refuse to comply to engage in the cultural practices such as *ukungena* or *ukuthwala* are heavily sanctioned.

The study revealed many problems that women had to endure. These problems included social and psychological stress that is embedded within customs, beliefs and traditions. Societal norms and practices have not lightened or eased the lives of women. Equally, the law and legislation lack the reach and effectiveness to dismantle these old-fashioned cultural practices. In case of Mursi women in Ethiopia, the lip-plate custom is their worst nightmare that is a symbol of humiliatio (LaToksy, 2015). This is a hazardous experience for young girls and women because of the harmful cultural practices that inflict pain and disgrace to humanity.

As a remedy to this, mobilization of community and traditional leadership including education and awareness campaigns could prove to be the solution or remedy for all difficulties facing women that the government must be prepared to invest in. By mere observation, one of the solutions could be that women's own voices and solidarity must lead in mobilizing and lobbying for elimination of practices that undermine and humiliate them.

The institutions that have been put in place to protect women in society also find themselves overpowered by the dictate of a patriarchal society. The courts and law enforcement agencies are dominated by males which make it difficult for women to have justice or in some instances feel free to access these institutions. These factors make it difficult to change the status quo and better women's human rights in KCDM.

8.5.6 Implications of the harmful cultural practices on women

The findings of this study highlighted that men are leaders, while women are followers. Cultural practices have robbed the girl children of their childhoods. This contributed to the violation of their human rights and caused them to drop out of school. It was revealed through this study that young girls and women have become victims of the cultural practices and have suffered many health complications.

The health complications that women face are confirmed by the United Nations Secretary General's Report on Violence against Children (2006) and United Agencies such as WHO, UNICEF and UNIFEM in countries that are bedeviled and early marriages (Maluleke, 2009).

The high level of pregnancy-related deaths is a leading cause of death for young girls and child marriages reinforce problems such as malnutrition, infectious diseases for women (Maluleke, 2009). Social development of the girls and women is compromised due to the cultural practices that undermine women's access to opportunities of community development.

The participants revealed that women are used as sex objects during traditional circumcision because young men are encouraged to sexually engage with various women in order to test their penile functioning. This results in or motivates promiscuity (Vincent, 2008; Ntombana,

2011; Nomngcoyiya & Kang'ethe, 2017). This has given rise to a number of social ills such as risks to contract HIV/AIDS and other STIs especially when such sexual activities are unprotected (Adebule & Ibimiluyi, 2012).

Mostly, women who are victims of the cultural practices are from poor families. The study also revealed that women are often marginalized with few resources to support them. This led to their inferiority complex engulfed with low self-esteem, powerlessness and vulnerability to poverty. Therefore, cultural practices contribute into turning women property that is bought.

8.6 Drawing logical conclusions from the data that was interpreted

All of this work was informed by the feminist theories and patriarchy, in particular African feminism. Cultural practices in relation to lived experiences of women were explored. Therefore, the findings were anchored in the objectives of the study and the focus was on exploring the cultural practices that are related to women's experiences. Women's own voices on how the patriarchal customs have impacted them were recorded and transcribed.

In addition, a number of theories that complemented each other were used to explain the reasons why cultural practices were administered. This study situated issues within a feminist legal framework. The approach was used to dissect how cultural practices deny women their freedom in their marriages. It further considered the qualitative exploratory strength of the feminist legal theory. It is known that the post-apartheid South Africa enacted legislative laws that protected all people's rights including women and young girls.

In South Africa everyone has equal rights and dignity before the law. The study also investigated why efforts to protect women's rights failed.

In addition, the study looked into the women's individual attributes that included marital status, age, types of marriages and levels of education. The reasons for including these was to ascertain if these had any effect on the ways they take as individuals in order to claim and allude their rights and their responses regarding the violation of their human rights.

The study was conducted through interviewing and listening, tape recordings, notes taking, transcribing and analyzing the narrative accounts of women. The analysis used the qualitative content analysis to explore women's experiences of cultural practices. To recognize the aims of the study I used a qualitative narrative approach that prioritized the lived histories of the participants. This was adopted with the observation of the ethical considerations as discussed in chapter 4 of the study.

The study was based entirely on the perspectives and experiences of women who were victims of the cultural practices. The limitations of the study were that the findings may be somehow manipulated. I find it difficult to translate some English words into isiZulu because some English words cannot be directly translated into isiZulu and some of English words do not exist in the isiZulu dictum.

The experiences of women provided in-depth insights into the nature of the cultural practices that it is very important in learning how to prevent the continuous negative experiences depicted in this report. Poverty affects women and they are the most vulnerable. It is the creation of the cultural practices. It is one of the underlying causes of the abuse and exploitation of women. This needs to be addressed in order to minimize cases of sexual exploitation that are abusive.

The discriminatory habits of customary law are displayed in cultural practices. The cultural practices and rituals that women are expected to undergo are gendered because of the ideologies of patriarchy which is embedded in them. Culture, traditions and customs operate in different ways that promote and pursue subordination of women in a society dominated by patriarchy. More research is needed on cultural practices in King Cetshwayo District Municipality. The reason for further research is that women's experiences of cultural practices are under researched in academic studies.

In this study, a historical view of customary practices and patriarchy was provided. This was investigated as from prior to 1994 and argued that cultural practices and patriarchy in South Africa is a colonial creation and entails customs that are hazardous to women. The study also

illustrated that traditional laws and state laws that operated during the apartheid era were still used to perpetuate oppression against both black men and black women.

The study has further revealed that in cases where the law is known and understood people chose to ignore it and pursue what is contrary to the law to fulfill their egos. The law is ignored because it clashes with the principles of the cultural practices which are still very influential in the privacy of the family and marriage.

It emerged that legislation is not sensitive to the context to which it is applied. The law is regarded as a foreign law that does not take into account the idea of the extended family. In addition, survivors are scared to take their in-laws and abusive husbands to court. They fear of intimidation and destroying family ties and bonds.

It was also revealed that perpetrators go unpunished, because most victims were ignorant about how the law works, did not know about their rights and cannot disrespect their culture. So, they could not contest the law that suppresses them due to poverty and respect of culture. The information collected and the findings in the study results give a clear message that cultural practices are discriminatory towards the society of women.

For most women, customs, beliefs, traditions and practices ensure that women are suppressed and do not inherit property. Cultural beliefs hold women responsible for the death of their husbands. Cultural practices are dehumanizing, stigmatizing and excluding women from society. This ill-treatment silence women from becoming expressive and voicing out their concerns. Women cannot stand for what they believe in. They cannot support one another. They cannot stand up for their right. They cannot resist and cannot question this patriarchal power. This finding confirmed that cultural practices use different mechanisms to violate women's rights.

There are a few themes that emerged from the content analysis of the narratives. Among them is that it is not all women who are ignorant and helpless victims about these patriarchal practices. There are some brave women who refuted and resisted patriarchal dominance. Various mechanisms were used to oppose and contest these biased cultural tendencies.

Women who are educated used to their advantage what the Constitution of post-apartheid South Africa entails concerning their rights.

Those women with a high level of education displayed that they are aware of their human rights. They valued the support offered by their families to curb the entailed in customary law. For them to be able to report abuse and domestic violence they needed to have easy access into the state facilities. Ramphele (2002) and Motsemme (2004) encourage researchers on women's experiences to hone in on silence as a form of resistance, I argue that though some women did not show signs of resistance, their words, actions, silence and thoughts were explained as resisting some situations that can lead to dire consequences.

Furthermore, the study established that the nature of customary law is not only a threat to its credibility. However, it has been manipulated with its legitimacy compromised to the core by greed. The study discovered that there was involvement of relatives and families in forbidding women to share equal rights and sequestrating their belongings. Culture has been used to pursue the spirit of greed by male counterparts.

The existence of a dual legal system in South Africa created more problems for women who are customarily married because some of them did not understand the difference between customary and common laws. This created confusion for them because they did not know under which law their situations featured. Hence this denotes there is a huge gap between law and cultural practices.

Through this study it has been revealed that the literature and data generated have depicted the ways in which patriarchal customs, beliefs and practices influence women's human rights, their social and economic positions. The study also attempted to collect knowledge on women and their experiences of patriarchal domination and contribute towards fostering research on cultural practices, the law and culture in South Africa. This study will serve as a source of reference for the researchers who want to pursue research on this subject.

The study further observed South Africa's interventions that are implemented to protect the interests of all its citizens and liked to see all people enjoying their independence and freedom in a democratic society. The only challenge is in the implementation process.

The first chapter of the study outlined the premises on which its other parts of the thesis would be built. The second chapter undertook a review of literature and the critical review of literature within themes were examined. The third chapter presented the theoretical framework guiding the thesis.

The fourth chapter focused on the research methodology, research paradigm, data collection and analysis then touch on ethical considerations. The fifth, sixth and seventh chapters focused on the findings, interpretation and discussion of the findings. The chapters concluded with linking the findings to literature reviewed. The eighth chapter presented the recommendations and conclusions of the study.

In terms of the practical application of the qualitative methodology adopted for the study through using the content analysis approach, the study examined the role of S.A. in terms of women's inequalities. The data were gathered through the secondary sources within the purview of existing literature.

Theoretically, the adoption of the feminist theory and patriarchy assisted in understanding reasons behind of S.A.'s role in the liberation of women from any form of oppression. The study revealed that women are still incarcerated by the cultural practices in their communities.

8.7 Recommendations drawn from the conclusions

The study offers the following recommendations, which if properly adopted would have a positive impact in improving the cultural practices and their conditions. I am of the view that the role of the traditional leaders, the courts and the legislation and support services should work towards improving and equipping women with a mind that questions and challenges the debasing, restrictive and out-dated cultural practices.

The role of the House of Traditional Leaders should be to educate and equip women and girls with an analytical mind that questions and challenges the out-dated and restrictive cultural

practices. It should promote development of the self and not promote cultural mind set. Therefore, it will be proper if these recommendations should be implemented with immediate effect especially, those that are applicable in the short term.

Based on the findings of this study, the following is recommended:

8.7.1 Theme one: Subjective experiences of women

Recommendations

- There is an urgent need for the country (South Africa) to reaffirm its responsibilities by ensuring that the constitution of the country is taken more serious by its entire communities, align it with the domestic and needs of its citizens.
- Inequality and patriarchy are plagues that threaten women's daily living conditions. If the current situations regarding cultural practices are not addressed there is a danger that women's rights would be violated for eternity. This must change.
- The government should improve the living conditions of women in rural areas. On top of that the living conditions should be accompanied by the infrastructure that could bring back life in rural settings where women live. Improving on the living conditions of the people and the infrastructure could rehabilitate the rural communities.
- Reducing poverty should be a priority for the government by ensuring that the social grants offered are properly utilized.
- In line with the theories of gender inequalities, the inequality and patriarchy tendencies should be eradicated and have the status of girls and women in the home and in the community improved.

8.7.2 *Theme 2: Challenges faced by women due to customary rules*

Recommendations

- The system that defines women in a negative way should be done away with. Women should be emancipated from patriarchy by fighting against injustice and enslavement.

The attitudes, norms and the inferior status of women should be challenged by everyone.

- The extent of the cultural practices should be redefined within the parameters of the Constitution of South Africa.
- The government must tighten legislation and close gaps where needed.
- Clear legislation which inhibits the administering of the cultural practices and outlines the punishment of any person who is found guilty of the practices needs to be enacted.
- Seminars on human rights should be conducted globally to protect young girls from humiliation in the name of culture as it is clear that some parents fail to uphold the rights of children.
- Mass media should be utilized as a tool to promote cultures. Both audio-visual and print media has a capacity to disseminate cultural education that will work to counter the influence of the African cultures with a Western perspective.

8.7.3 Theme 3: Action to be taken to support vulnerable women and copying strategies thereof

Recommendations

- It is recommended that awareness campaigns should be embarked upon. This might help in ensuring that cultural elements are restructured. This will further remove the myths that are surrounding the cultural practices.
- Women should seek help from professionals to eliminate abuse as they have become endangered species. Perpetrators must be brought in and become part of the solution.

- There is a need for the service providers to form networks that would assist women and young girls who are not sure how they can deal with the situations of trauma.
- Counseling programmes that would help women to bring back self-esteem and self-worth should be provided.

- Furthermore, schools should be engaged in order to educate and create awareness campaigns which would educate the whole community.
- Parents should be involved in the education of their girl children as much as possible. If parents are included in the learning of their children and report back, this would motivate the participation of the girls in schools.
- Sensitising mothers on the importance of the education of the female child should be an on-going activity. This would bring change to the mindset of the parent and we would see a new generation of mothers who value the education of girls.

8.7.4 Theme 4: The role of women in traditional councils

Recommendations

- It is certainly important to open a good line of communication where women would be given a platform and the right to affirm their own gender. Empowering women is the key to building a future we all want.
- Extra-marital affairs should be condemned as they trigger more abuse on married couples and increase sexually transmitted diseases including HIV/AIDS.
- The South African Constitution should challenge violence that is perpetrated against women and afford women protection against abuse.
- Skills training programmes and social networks should be created to help women who are victims of the cultural practices.
- In tribal courts traditional leaders should consider upgrading the legal status of women by acknowledging that the process to heal those wounds is necessary.
- Legal courts should intervene by declaring unconstitutional customary rules that limit other rights.

8.7.5 Theme 5: Policies to protect women's rights

Recommendations

- Women should learn to elect their own representatives and promote them.
- Establish Women Movements where they will voice and share their concerns. Put women at the upper end of the range as men and afford them opportunities available to men. These women movements should be initiated in order to close the gap between men and women.
- Provide training opportunities to the communities and introduce women to learn about their rights. Government policies must be concise and explicit to avoid confusion and close loopholes.
- Government officials who are not trustworthy and corrupt should be prosecuted and their contracts terminated to avoid perpetuation of their actions.
- The government should create a platform where both men and women will address their issues.

8.7.6 Theme 6: The extent to which cultural practices discriminate against women

Recommendations

- Government working in collaboration with NGOs should focus its training in rural areas.
- Both men and women should be discouraged from practicing the cultural norms and taboos that discriminate against women and reduce the power imbalances in the patriarchal structure.
- There should be enough police stations in the villages to assist women in abusive relationships and get assistance with protection orders.
- Women should be empowered to get skills that will help them access the criminal justice system.
- Police services should be supportive and should act fast when cases of abuse are reported.
- There should be no mercy for criminals; they should be harshly convicted when pursuing harmful cultural practices.

- Medical care should be readily available to help women who are physically battered.
- Awareness programmes should be available to empower communities and the survivors of the cultural practices.
- There is a need for domestic forums, social networks and social media to assist survivors of abduction.
- NGOs should provide shelters to survivors of the practices and encourage women to form community-based organizations to help with the building of crisis centres.
- Awareness campaigns should be available for mobilizing women to support one another.
- Discriminatory cultural practices following the death of the husband should be revisited.
- The state of affairs requires immediate action from the government and decision makers to review the cultural practices that hinder the participation of women in decision making regarding sexual matters.

8.8 Limitations of the study

Every study consists of its share of limitations. However, I tried as much as possible to work around these limitations for the success of the study. Fouche (2010:118) states that although problems are never completely eliminated from any study, the researcher must spell out the various means by which he/she tries to limit the problems.

I faced translation problems and when the participants were sharing their lived experiences, it was not an easy task. Some participants were shy to talk while others were reluctant to share their stories with me just because of the age gap. To overcome this limitation, I employed all possible means and employed all necessary skills to make them ventilate. I had to continuously reassure them of the confidential nature of the research. In addition, I had to maintain privacy at all times. This strategy worked to my advantage because they ended up relaxed and vented their experiences.

In qualitative research, interviews are commonly used as a method of collecting data. The way questions are asked may influence the participants one way or the other. There were those participants who became too emotional when they were narrating their stories. Some of them experienced emotional breakdown when recalling the incidents that they have encountered.

Counselling was provided to those participants as I brought with me a social worker and a professional nurse due to the sensitivity of the study. At the end of the interviews there was a debriefing session.

Furthermore, the majority of the participants refused to be tape recorded and were holding back, hiding information from me. They responded with one-word answers such as "*angazi"* (I don't know) instead of answering the questions by narrating their experiences. I had to plead with them to say a bit more.

Another strenuous part that I came across was to travel long distances on the gravel road as the field of research was too far from the place I work and reside at. Even the homes of the participants were too far apart from each other. Because of the distance, to conduct the interviews became very costly. However, I had to endure these hardships to achieve my goal.

Semi-structured interviews were conducted in a native language which was isiZulu and translated into English language. This created a problem for me when I had to translate some Zulu words into English because there are Zulu words that lose meaning when they are translated into English. To curb this problem, I had to visit the Department of Linguistics at the University of Zululand to ask for assistance with the translation.

8.8.1 Recommendations *for future research*

- The study has been conducted at the stage where women seem to be expressing sorrow over social ills associated with the cultural practices and rituals and posing questions around the use of these cultures in mitigating some of this social immorality. I am therefore proposing research to map up on-going support programmes to empower women on their way to curbing the harmful cultural practices.

- It is critical that more research studies are directed to the challenges that women are facing today. Perhaps, it is a pointer that more studies on the empowerment strategies that can be used to prevent suppression of women could be carried out.
- Moreover, research studies could be conducted to explore the negative psycho-social impact caused by the cultural practices on the lives of women beyond KCDM.
- I believe that the research studies to be conducted would possibly further unearth the underlying challenges associated with the cultural practices.

8.9 *Overall Conclusions*

This research study has addressed the impacts of the cultural practices on women in King Cetshwayo District Municipality. However, this was not an easy study to carry out due to the fact that the topic was sensitive and complicated. The study was prompted by the challenges on the rituals and challenges that affect women.

Regardless of all the challenges, everything was done to ensure that all factors that contributed to the cultural practices were brought up. It is my wish that this thesis reaches the Department of Cooperative Governance and Traditional Affairs (COGTA) and all the custodians of culture so that the recommendations made here get implemented.

Specifically, the study investigated and explored the cultural practices of twenty women and five men in order to ascertain if the cultural practices have violated women's human right bearing in mind that post-apartheid South Africa enacted legislative measures to protect women's equal rights, identity and dignity. A broader sample might shed more light on this subject.

The study further investigated why so many efforts to protect women's rights have failed regardless of the endeavour researchers and the government have put into this.

This study paid focus and full attention on patriarchal cultural customs, rituals and religious beliefs that have contributed to the violation of women's rights and the well-being within their communities. The study tried to fulfill this by investigating how individual elements were common to all women's experiences.

This chapter captured briefly the findings of the study and analyzed them in attempting to answer the research questions and compared it with the objectives of the study presented in chapter one. The major themes that emerged from these findings were analyzed through a gendered lens. This study will be bedrock of other studies in the cultural discourse.

This is about ensuring that scholars address all the challenges that are culturally based and are troubling societies. The capacity of the cultural practices and their and contribution in community building cannot be overemphasized in South Africa. The empirical findings of this research indicates that their existence continue to infringe on the rights of young girls and women.

Therefore, the study's findings show a need for more community involvement in eradicating all the harmful cultural practices that oppress, degrade and humiliate women. In addition, the study findings indicate that there is a need for strengthening the implementation of policies and procedures as well as the need to improve women participation in cultural undertakings. As a way of responding to those who might question the wisdom of revisiting some of the cultural practices, the reality is that culture is not static, it evolves over time.

Moreover, the study demonstrated that women's position in sexual matters is attributed to the cultural practices that men use to keep women under their control as they control their sexual and reproductive rights by invoking some of the cultural practices.

In traditional marriages, women have the subordinate status and that restricts their participation in family matters including choosing the religious affiliation of the family. It also looked at how women's social identities contributed to their experiences.

The study continued to expose an unequal balance of power which exposes women to health challenges such as HIV/AIDS. So, the promotion and protection of sexual rights are a must to happen between men and women so that health sex goals can be achieved.

The study also explored the oppression women receive when it comes to family matters. Women should be offered freedom to choose marriage partners and to make decisions about bearing children. The study also paid attention on women's individual attributes that included

age, marital status, level of education, religion and also considered their type of marriages. This I did in order to ascertain whether these had any impact on women's individual lives. Another reason for doing this was because I wanted to check if these had any effect on the paths that women take to claim and assert their rights as well as their responses to their suppression.

Cultural practices were chosen to be investigated with the view to establish whether they did not act as a vehicle for the spreading of the social ills that affect women. Additionally, I wanted to check how much is customary law entrenched into the cultural practices. There are customary rituals and practices that women are expected to undergo, and these are highly gendered just because of the patriarchal ideology embedded in them.

Culturally, customs, culture and traditions work in complicated ways that ensure the continued subordination of women in a patriarchal society. This necessitated the investigation by this study.

Women are unique and they come from different backgrounds with diverse personal attributes. These diversities give them different experiences all defined by the cultural practices. That is why I have a strong feeling that cultural practices are an under-researched area in academic studies and therefore more research is needed to understand them better.

I would like to mention that aligning all marriage laws with the Constitution of the Republic of South Africa adopted in 1996, which entails provision for liberating women, especially from the cultural practices that render them powerless is so very important. Currently, the supremacy of the Constitution has not been fully realised in connection with the traditional practices.

Therefore, I will conclude by stating that until the reviews and reforms of the cultural practices and laws are put into action, women and young girls will continue to be subjected to the difficulties, hardships and challenges of being recipients instead of being active participants on issues affecting their lives. The empirical findings of this study have made this point explicit.

8.10 Chapter summary

This chapter has discussed all the findings of the study, analysed and interpreted them so that the meaning could be clear. Importantly, the chapter linked the findings to the existing body of

literature on the theme of the present study. An attempt was made to link the findings to the research questions and the objectives of the study. Lastly, the chapter has provided the recommendations and drew reasonable conclusions.

Having explored and investigated all the necessary pieces of this research together, this puts to an end the expectations of this study that sought to explore the cultural practices in relation to women's experiences in rural areas – using KCDM as a case study. The study has contributed to the existing body of knowledge on the theme of this research project. It is envisaged that future studies will build on it and shed more light.

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APPENDICES

APPENDIX A

Research Instruments

Strictly confidential

All information will be regarded as confidential and no personal details of any woman/respondents will be mentioned in the findings, nor will any of the results be related to any particular person.

Appendix B

Section A: Biographical Information

Draw a cross (x) in the block which applies to your case.

1. Race

African	
Coloured	
Indian	
White	
Other (if other please specify)	

2. Age

18 – 30	
31 – 40	
41 – 50	
51 – 60	
61 & Above	

3. Marital status

Single	
Married	
Separated	
Widowed	
Divorced	

4. Level of education

Matric only	
Matric & certificate	
Matric & diploma	

Matric & degree	
Honors	
Masters	
PhD	

5. Religion

Christian	
Islamic	
Shembe follower	
Hindu	

6. Employment history

Employed	
Not employed	

Section B: Open-ended Questions

1. Can you please explain how cultural practices started in your village? Do you know how and where tradition originated?

   ……

   ……

   ……

2. Do cultural practices continue to operate in your area? Elaborate.

   ……

   ……

   ……

3. Which cultural beliefs and practices have played an important role in forming character, behavior and the way of living among your family members? How is the behavior of girls traditionally controlled, to what extent, and in what domains?

……

……

4. Among the traditions or customs practiced in your community which ones can you make an effort to preserve? And Why?

……

……

5. Considering your past experiences regarding these cultural practices. What sort of problems have these created?

……

……

a) Health

……

……

b) Social Development

……

……

6. Explain how these challenges impact on your daily living ways.

……

……

7. Are there traditions or practices that you have given up or changed? Why?

……

……

……

8. Do women have equal rights with men in your area? If not why is it so?

……

……

9. What are your childhood memories, first impressions and early experiences that are associated with these cultural practices?

……

……..

10. In your family who holds the most status? Does he listen when discussions are held and does he consider opinions of others?

……

……

……

11. Explain how did you and your spouse come to meet and marry?

……

……..

12. What is the most challenging or difficult aspect of these cultural practices to learn and what obstacles make it difficult for you to come out until later in life?

……

……

13. What do you think is the future of these cultural practices? What are their challenges and opportunities?

……

……..

14. What standard and criteria are used to evaluate the way the practices are performed? What makes someone respected in your community?

……

……

15. What can be done to improve conditions around these practices?

……

……..

16. Can you please identify the cultural practices that are still performed in your community? What are your perceptions about these?……

……

……..

17. Do you believe in ancestral spirits? Do women wear black/ blue clothes after the death of a spouse?

……

……

……

……

18. Is the levirate custom in operation in your area? What is your viewpoint about it?……

……

19. Are you involved in a polygamous relationship or not?

……

……..

20. Is virginity testing still practiced in your community?

……

……

21. Is the custom of bride abduction still practiced in your area? What is your opinion about it?

……

……..

22. Was lobola paid for you before your marriage? How are you treated in your home?

……..

23. How does structures define, informed and influence the society of women?

……

……

24. How do women negotiate their existence and identities?

……

……

25. How women can be assisted to stop the harmful cultural practices?.....
.....
.....

Appendix B: Permission Seeking Letter

KING CETSHWAYO

13 December 2017

University of Zululand
Faculty of Arts

Att: mildredmkhize@gmail.com

Dear Madam

APPLICATION FOR APPROVAL TO CONDUCT RESEARCH ACTIVITIES INVOLVING HUMAN SUBJECTS

With reference to the above mentioned subject.

King Cetshwayo District Municipality hereby grants you permission to conduct your research within the region on; An exploration of the cultural practices in relation to women's experiences in rural communities.

Yours Sincerely

.....

Ms TF Mnguni
Acting Municipal Manager

Postal Address Private Bag X 1025 Richards Bay 3900 **Address** King Cetshwayo House Richards Bay CBD **Tel** (035) 799 2500 **Fax** (035) 789 1409
Web Address www.kingcetshwayo.gov.za

Appendix D: Letter of editing

25 March 2021

TO WHOM IT MAY CONCERN

Dear Sir/Madam,

RE: CONFIRMATION OF EDITING

The subject above refers.

I hereby confirm that I edited a PhD Thesis submitted in the Department of Development Studies at the University of Zululand by **Ms Nontobeko Mildred Mkhize**. Her Thesis title was: “An exploration of cultural practices in relation to women’s experiences in rural communities.”

Should you have any question regarding this letter, please do not hesitate to contact me directly.

Sincerely,

Prof. Bheki R. Mngomezulu

Deputy Dean of Research, EMS Faculty

University of the Western Cape

Tel. 021 959 3228

Cell. 072 351 1947

Email: kizulu@yahoo.com