"INGCWABA LENTOMBI LISEMZINI": A SOCIO-CULTURAL AND GENDERED CONSTRUCTION OF UKUTHWALA AMONG THE ZULU PEOPLE IN SELECTED RURAL AREAS OF KWAZULU-NATAL

by

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DECLARATION

I, **PROMISE NAKHOSAZANE NKOSI**, the undersigned, declare that the contents of this thesis titled, "'Ingcwaba lentombi lisemzini': a socio-cultural and gendered construction of ukuthwala among the Zulu people in selected rural areas of KwaZulu-Natal",constitutes my own original work. It has not previously been presented to another institution, either in part or as a whole, for obtaining a degree. Where use has been made of the work of others, this has been acknowledged and referenced accordingly.

_____   _____

Signature   Date

_____   _____

Supervisor: Prof. T.M. Buthelezi   Date

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DEDICATION

I dedicate this work to all the *thwalwa'd* women in deep rural areas of KwaZulu-Natal, and elsewhere in South Africa. I also dedicate this work to my grandmother, Gogo Thomani, uMaShangase Dimba, *Ugwayimane ongasayikufa! Nakuba ngingakwazanga, ngikholwa ukuthi amandla engibe nawo okuzabalaza kuze kufike kulesi siphetho uwena obungibhekile kanye nawo wonke amaNgcolosi amahle angasekho. Lala uphumule! Kumama wami* uPhilda Bhengu (uMaDimba), *ngithi ukwanda kwaliwa umthakathi! Lala ngoxolo! Kubaba* uNdozana Bernard Bhengu*, ngithi Ukuthula Makwande Ebantwini! Lala uphumule!* I also dedicate this work to my boys Mikuwo and Ntsika Nkosi.

TABLE OF CONTENTS

ACRONYMS

AIDS   Acquired Immunodeficiency Syndrome

ANC   African National Congress

CGE   Commission for Gender Equality

DHA   Department of Home Affairs

ESP   Extrasensory perception

GBV   Gender-based violence

HIV   Human Immunodeficiency Virus

HIVAN   Centre for HIV/AIDS Networking

KZN   KwaZulu-Natal

LGBT   Lesbian, gay, bisexual and transgender

NCS   National Curriculum Statement

UNESCO   United Nations Educational, Scientific and Cultural Organization

SABC   South African Broadcasting Commission

SADTU   South African Democratic Teachers' Union

SALRC   South African Law Reform Commission

UKZN   University of KwaZulu-Natal

GLOSSARY OF TERMS

Some of the terms used in this study need explanation for clarity. For some isiZulu terms, the translated version does not convey the proper meaning that I intended to portray. I therefore used the isiZulu terms to convey accurate meaning, in most instances with an English translation in brackets.

Balekela: Synonym for *ukubaleka.*

Ingcwaba: A grave

Lentombi: For a young unmarried woman, including those who are engaged, and a married woman.

Lisemzini: Belongs with her in-laws unto death.

Thwalwa'd: Carried away.

Ukubaleka: The custom whereby a young woman may go *iyokuma* (to stand) for any man, for as long as he has cattle for *lobola.*

Ukudla izinkomo: The same as *ukubaleka.*

Ukuma: Synonym for *ukubaleka.*

Ukuthwala: The custom of carrying away the bride by her sweetheart, his friends and relatives with the intention to marry.

KEY CONCEPTS

In this section I briefly define the general characterisations of the fundamental concepts that I employ later on during the more detailed discussion and analysis of the cultural practiceof*ukuthwala*.

A woman

This study focused on the concept of females as being those from the age of 15 years to 65 years of age. Within these ages even females who are regarded as young adults have the potential to bear children. In this thesis the '"women" must be understood to include *izintombi*(young unmarried women who have come of age) and *omakoti* (both young and old married and engaged women).

Custom / tradition

Traditionis a way of behaving that is specific to a society and has continued for a long time without changing. Thompson (1993) states that customs are a way of legitimising actions and clearly reflect certain members of a community's expectations about how particular actions should be carried out. In this thesis the two concepts are used interchangeably to mean people's actions that are based on a belief that they are correct because they have continued for a long time without changing. Examples would include *ukuthwala*, Zulu Reed Dance, payment of *ilobolo*,and so on. However, over time and with social transformation, some people have developed habits (*imikhuba*), which they also term *amasiko (tradition / customs)*. Msimang (1991) differentiates between bad and good habits and / or customs/ traditions . In this thesis, the term tradition carries the same meaning as presented by Msimang (1991).

Culture

Writing an editorial, Magwaza (*Agenda*, 2006, p. 2) argues that definitions and descriptions of what constitutes culture abound and vary distinctively according to the theories they refer to. She further states that in an attempt to consolidate variant strands of culture, a UNESCO (2002) document provides a long list comprising of art, literature, lifestyles, value systems and beliefs, spiritual, material, intellectual and emotional features of society. De la Rey (1992, p.85) maintains that culture plays a large part in what we become. It helps us adapt to our environment, and gives us a sense of continuity with our past. My thesis suggests that culture is a contested terrain. What culture means, stipulates and represents continues to be one of the major challenges facing KwaZulu-Natal today, and even South Africa for that matter. In this thesis culture refers to patterns of human activity entangled with symbolic structures, indicating that such activities have been cultivated over a long period. There is a very slight difference between custom (*isiko*) and culture (usikompilo). In this thesis,culture is used interchangeably with tradition, beliefs, and traditional culture to refer to Zulu cultural beliefs concerning *ukuthwala*.

Patriarchy

This is about the power relations between men and women, where men control society and use their power to their own advantage,and this is possible because of the gendered way in which society operates. Women's interests are thus subordinated to those of men.

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ABSTRACT

Ukuthwala evokes emotive responses, with those who either support or oppose the practice. This is an area of human interaction that has remained outside of the public arena as a result of social transformation, which made people think it had totally disappeared, but it has increasingly come under public scrutiny in post-1994 South Africa due to the forced *ukuthwala* (bride abduction) of young women aged 12-16 years. *Ukuthwala* has also resulted in public debate due to bride abductions which are viewed as against the young women's consent, but not much has been done to investigate the practice of *ukuthwala* among the Zulus living in rural areas of KwaZulu-Natal (KZN) in post-1994 South Africa and the impact this has on the social lives of the *thwalwa'd* women. Therefore, this study investigates the reasons for the practice of *ukuthwala* by the Zulu males who reside in Bergville, Zwelibomvu and KwaNgcolosi, and explores the social meanings of *ukuthwala*. The study is interdisciplinary in nature and adopts qualitative methods of data collection. Themes emanating from the research findings are analysed in relation to the theoretical framework.

An analysis is undertaken of some of the gendered constructions related to *ukuthwala* and sexual identity relating to *ukuthwala* as perceived by Zulu men and women residing in selected areas. The processes involved in *ukuthwala* practice for the *thwalwa'd* woman and the abductor are examined in order to establish the context for the study

and to extrapolate the processes in order to reflect on the meaning of *ukuthwala.* Drawing from its historical context, and using feminists' theories and Young's theory of oppression, the study argues that *ukuthwala* is a customary practice that has no evidence of criminality, as women involved collude in the practice to solve a problem relating to love relationships. However, the study identifies the illegal practice of abduction or *ubugebengu* (criminality); in the words of participants, that is being practiced in the name of *ukuthwala*.

This study highlights the ongoing debate as to whether *ukuthwala* may be practised as a means to open up the marriage negotiation process, and concludes that both men and women understand *ukuthwala* as a Zulu custom which opens up marriage negotiation process. Accordingly, *ukuthwala* in this traditional form is understood as not violating the rights of young women and children. However, the manner in which it is currently practiced by some men in some communities it exposes young women and children to harmful practices, similar to forced abduction and this was referred to as *ubugebengu* (criminality), which violates women's rights and was condemned by all. Communities are not yet empowered to manage these situations. Like many other Zulu cultural practices, information about *ukuthwala* has been mostly conveyed through the word of mouth and the original intentions at times have thus been distorted. This study encountered the challenge that the South African laws fail to ensure that the abuse of *ukuthwala* is firstly eradicated and secondly that there are criminal sanctions for the violation.

Ukuthwala is a Zulu custom that opens up a space for women's agency where they can decide to marry a man they choose and end the relationship they do not want. In this way the women are able to command the men whom they love, and who have resources and therefore are also powerful to act in a way the woman wants with regard to initiating negotiations for the marriage. However, it can also be viewed as a Zulu custom carried out by powerful men who have resources and therefore can pay *ilobolo* (bride wealth)*,* as a power display directed at other men who happen to be their

competitors. On the other hand, forced abduction is carried out by emasculated men and is a power display directed at women.

The study also conceives of *ukuthwala* as a cultural practice, and as a social construction that is gendered; it adopts zero tolerance to the abduction of young women. The study suggests that if all stakeholders work together through the process of collaboration, interventions are possible and criminals can be sanctioned. The study recommends further research of issues pertaining to culture, sex, sexuality, gender, masculinities and *ukuthwala,* in order to support an intervention into the socialisation of boys, to help them in making informed decisions before engaging in *ukuthwala.*

CHAPTER 1

BACKGROUND TO THE STUDY AND INTRODUCTION TO THE THESIS

1.1 INTRODUCTION

The expression*"Ingcwaba lentombi lisemzini"*, which is embedded in the title, is an old one used inthe isiZulu and isiXhosa languages; its literal meaning is that a young female's grave is in her marriage family[1]. The marriage family includes all members of the lineage and includes community members where the husband's family lives.

Generally, the expression's functional meaning is that the society expects a woman to be married and stay in her marriage home throughout her life. Among traditional Zulu societies in particular, the concept of divorce is non-existent. This is because marriage is not understood as a matter between two people (a bride and a groom), but between two families, including their ancestors (Nyembezi & Nxumalo, 1995). In this way, when a female is entering into a marriage she is finding a new home for herself, where she will live for the rest of her life. In the event that the husband dies, the marriage family takes care of the widow by assigning specific responsibilities to one of the family members who has the ability to undertake them.This could be a brother or cousin of the deceased, and the society refers to this practice as *ukungena*.

In situations when the husband does not love the wife any more and does not want to stay with her, the married people still do not divorce. If the family fails in their attempts to get the husband and wife to reconcile and stay together, they allow the husband to take another wife. However, he is still responsible for providing for the "unloved" wife's needs, including shelter, clothing, groceries, health and sexual needs, and so on. He is also

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[1] Marriage family is the family of the in-laws for a married woman.

responsible for providing for her children's needs. This is because of a societal rule that states *"umfazi akalahlwa"*, which means "you cannot throw away a wife".

I argue here that the Zulu society developed such rules to ensure justice and fairness. The reasoning behind this is that during the wedding processes a man's family fully incorporates the woman being married as a family member. As such, a family never throws away its members, so it would be unfair to throw her away. In addition, a man marries a young virgin and takes away her virginity. If a man cannot restore a woman's virginity, youthfulness, and the dignity that goes with it, he therefore cannot return that woman back to her home. The society obligates him to keep that woman and give her all the benefits and dignity of a married woman. Therefore, the expression *"Ingcwaba[2] lentombi[3] lisemzini"[4]* means thata woman will grow up and marry into a family that will be responsible for her until she dies. However, in some parts of KwaZulu-Natal (KZN) certain people use this expressionto justify the *ukuthwala*practice.

Thulo (2003, p.3) reports "South African girls as young as 12 years old are being abducted, locked up, raped and forced into marriages under the pretext of an age-old custom of *ukuthwala*." Furthermore, "Parents sell girls as child brides" and "teens as young as 14 are kidnapped, locked up and tradition is used as an excuse for 'horrific child rape'" (Prince, 2009, p.1). Moreover, some Sotho commentators (see, for example, Molapo, 2004) argue that *ukuthwala* is not a culture or a tradition and is also not a custom but *"ke mokhoa lichomane"* (it is the way of doing things by young men who do not have girlfriends) (talk show debate on Radio 2000, Tuesday 22 March 2011, 6pm-9pm, presented by K.G.). These commentators further argue that *ukuthwala* started as a

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[2]A grave

[3]For a woman

[4] Is with her marriage family / in-laws' family

practice that *izishimane* (young men who do not have sweethearts)did, then it became a norm, and consequently developed into a culture.

The above media reports describe *ukuthwala* as "kidnapping", "rape", and "abduction", which are criminal activities. The above media reports confirm a view that often contemporary societies explain African cultures from a European perspective, and portray them as barbaric, primitive and oppressive to women; hence they need to be "identified", "scrutinised", "regulated or stopped" by law (Thatcher, 2005). Buthelezi (2011, p.72) also raises this argument when she states:

> Lacking a good understanding of local culture, the western missionaries and colonisers, criticised and stigmatised African beliefs and practices, labeling them as harmful, superstitious, and barbaric. Colonialism and Christianity (and apartheid in South Africa) - forcibly changed the Zulu way of life. Many Zulus abandoned their traditional beliefs, converted to Christianity, and assimilated western values. As a result, indigenous Zulu customs, tradition, and philosophy were lost.

Fanon (1959) reiterates Buthelezi's assertion and argues that most of what is understood as 'culture' in contemporary Africa is largely a product of constructions and reinterpretations by former colonial authorities in collaboration with African male patriarchs. Fanon (1959, p.23) contends:

> After a century of colonial domination we find a culture, which is rigid in the extreme, or rather what we find are the dregs of culture, its mineral strata.

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Tamale (2010, p.54) concurs with Nkosi (2005) that culture has numerous manifestations and that it is not static but constantly changing and responding to shifting socio-economic and political conditions.

This chapter therefore discusses the background to the study and introduces the thesis. In this chapter I present debates about *ukuthwala* to show that the practice is contested not only in KZN but also in other provinces in South Africa. Furthermore, I present media reports as evidence that the practice still exists in KZN. I then discuss moves by the South African Law Reform Commission (SALRC) to outlaw the *ukuthwala* practice. The move to outlaw the practice of *ukuthwala* indicates that some people see the law as a solution to the problems occasioned by the practice of *ukuthwala.* In addition, the chapter discusses research reports about *ukuthwala* and conflating views about the practice*.* Finally, the chapter presents a problem statement, the purpose of the study, research objectives, key research questions, significance of the study, rationale for the study, and structure of the thesis.

1.2. THE CONCEPT OF *UKUTHWALA*

Different definitions of the concept of *ukuthwala* prevail. For example, the word *ukuthwala* means to carry something on your head, which can be wood, luggage, a bucket of water, a hat, *iduku* (a headdress), and so on. Sometimes when the word *ukuthwala* isused with another noun, it forms a blend. When this happens, its literal meaning (to carry) becomessubsumed. This usually happens in expressions or proverbial sayings. Dent and Nyembezi (2009, p. 500) give several examples of such expressions; for instance, *ukuthwala amaphiko* (to show off); *ukuthwala ikhanda* (to be rude); and *ukuthwala ilunda* (to be proud). When the word *ukuthwala* changes its form, the meaning can also change. For example, *ukuzithwala,* which literally means to carry oneself, functionally means to be pregnant or to be arrogant.

The second definition of *ukuthwala* is a practice of getting supernatural powers that enable one to be rich or powerful or have more dignity. In this practice a person (usually male) goes to a traditional healer, who will give him/her medication and let him/her undergo some rituals in order to acquire the dignity or riches she/ he wants. People who usually engage in this practice are those who want to be rich or who want to hold powerful positions in communities.

The third definition of *ukuthwala* is that of carrying a young woman away to a young man's home with the aim of marrying her. This practice is sometimes referred to as *ukuthwala intombi*. Dent and Nyembezi (2009, p.1) refer to this practice as *ukuthwala ngenkani* (abduction). This thesis deals with this concept of *ukuthwala,* which means physically carrying a young woman to a young man's home with the aim of marrying her, which I further explain in the following section.

UKUTHWALA (INTOMBI)

Origins:

Ukuthwala among the Zulu people dates back to pre-contact times, or before the whiteman encountered them (Bryant, 1949; Msimang, 1991; Nyembezi & Nxumalo, 1995).

Meaning and process:

Ukuthwala is a Zulu practice that opens up marriage negotiation process when it is difficult to have these started. Msimang (1991) explains the process of *ukuthwala* as it was taking place in traditional Zulu communities. He states that a young man and his "sib-mates" carried the woman to the young man's home. On arrival, they would dress the young woman in an *isidwaba* (leather skirt). Professor Hulumende Maphalala of the University of Zululand says a *thwalwa'd* woman must not cry, because if she does, there will be *izimpi zezigodi* (faction fights). After a young woman was *thwalwa'd,* a message through *abakhongi* (marriage negotiators) was sent to her parents telling them that *funelani nganeno* (search from this side for your missing daughter), which is an expression that simply informs them about where she was. In this case, *ilobolo* (bride price) negotiations resume and the marriage negotiation process becomes open. This is an indication that the man who *thwala'd* the young female did not mean harm. Places where *ukuthwala* takes place and the times of occurrences vary, but it usually happens when the woman is not at home (for example, during traditional ceremonies, or when young women go to fetch water or firewood).

Reasoning:

The *ukuthwala* practice was meant to solve a problem between a young man and a young woman who were in a love relationship and intended to marry, but werefaced with

obstacles to realise their dream (Nyembezi & Nxumalo, 1995).The obstacles could be that the young woman's parents were not ready to let their daughter marry. It could also happen when a young woman who is about to marry someone met another young man that she loved more than the one who had paid *ilobolo* and was about to marry her. In this situation a plan would be made to break the love relationship with the man who has paid *ilobolo* by arranging that the woman is *thwalwa'd.* Those who have *thwala'd* the young woman would send a message on the following day to the young woman's parents to tell them to *funela nganeno*, which means search from this side. This is a cultural way of reporting to the young woman's parents about the whereabouts of their daughter. The family who had *thwala'd* the young woman would then immediately pay *ilobolo* to her parents. This was done immediately so that the young woman's parents would be able to return the *ilobolo* that was paid by the first lover back to his family (Nyembezi & Nxumalo, 1995, p.115). The young man's family who had *thwala'd* the woman takes care of the woman. No sexual intercourse happens between the young man and woman until the marriage negotiations are finalised and the two are officially married. Hence the practice of *ukuthwala* was not regarded as a criminal offence because the young woman was not harmed in any way, and often she would have colluded with the young man in the situation.

Other authors, such as Doke, Vilakazi, Malcolm and Sikakana (1990), sometimes refer to*ukuthwala*as bride abduction. According to the *Oxford Advanced Learners Dictionary of Current English: New International Students' Edition* (Soanes, 1995, p.2), abduction means 'to take away illegally using force or deception'. Based on this definition of abduction, Seleoane (2005) argues against referring to *ukuthwala* as abduction, which he explains is illegal from start to end; hestates that *ukuthwala* is a custom, and a custom is legal.

Ukuthwala is a controversial term, both in terminology and in practice. Different countries of the world use different terms to refer to practices similar to *ukuthwala* (see,

for example, Westermarck, 1926, p.110). Also, within each country different geographical areas use different names to refer to such practices. Some people view *ukuthwala* as an illegal practice and remain shocked about and disagree with it (see, for example, Mashile, 2006; Seleoane, 2005; Molapo, 2004; Thulo, 2003; Mfono, 2000). The shock emanates from the presumption that *ukuthwala* is said to have vanished during the social changes in KZN and elsewhere in Africa. The view of u*kuthwala* as an illegal practice emanates from the democratic principles of human rights protection and human dignity in the context of South Africa. On the other hand, other people see it as a custom (Bhengu, 2005; Msimang, 1991; De Jager, 1971; Vilakazi, 1962; Hunter, 1961; Krige, 1965; Kohler, 1933; Bryant, 1964, 1949; Soga, 1931). In addition, sometimes public debates about *ukuthwala* are projected with anger, especially by people who view the practice in terms of human rights violation and particularly asgender-based violence (GBV) (Reddy, 2004; Mashile, 2006; Mfono, 2000).

Mair (1969, p.13) defines *ukuthwala* as forced marriage or bride abduction. Westermarck (1926, p.110) discusses marriages that facilitate choice, or to carry off, bride stealing, seizure of a girl, rape, marriage or forcible abduction. Monger (2004, p. 2) and Abrahams et al. (2004, p.7) define *ukuthwala* as rape. Monger (2004, p.3) also defines *ukuthwala* as wife stealing or arranged marriage (ibid: 13). Monger concurs with De Jager (1971), Soga (1931) and Molapo (2004) that there is forced *ukuthwala,* which is called bride abduction, and there is agreed *ukuthwala*, which is called elopement (Monger, 2004, p.2).

Labuschagne and van den Heever (in Bekker, Labuschagne & Vorster, 2002, p.99) and Soga (1931, p.271) define *ukuthwala* as 'delict' or to carry off. *Ukuthwala* is also known as kidnapping (Laubscher 1937, p.192; Soanes 1995, p.2). *Ukuthwala* is also known as forced marriage (George, 2005, p.1) or bride snatching (George, 2005, p.1) or jackrolling (Abrahams, Okumu & Rabenoro, 2004, p. 6; Vettan, as cited in Park, Fedler & Dangor, 2000, pp.45, 69). *Ukuthwala* is also known as bride abduction (Doke et al.,

1990; Mfono, 2000; Molapo, 2004). According to the *Oxford Advanced Learners Dictionary of Current English* (Soanes, 1995, p.2) abduction means 'to take away illegally using force or deception'. Seleoane (2005) argues that commentators have spoken about *ukuthwala* as abduction: "I am not sure that it is. Abduction is illegal from start to end. The *ukuthwala* custom is not" (Seleoane, 2005, p.1). Msimang (1991) states that *ukuthwala* is a Zulu custom that opens up the marriage negotiation process and it means 'to carry away'. Literally, *ukuthwala* means to carry something (Nyembezi, 1992; Nyembezi & Nxumalo,1995).

Currently the custom of *ukuthwala* is still practised in rural areas of KZN such as Zwelibomvu, Bergville and KwaNgcolosi, and more so in their surrounding rural areas, which include EMaPhephethweni, and at KwaNyuswa (EMaQadini). In these areas*ukuthwala* is a normal, customary practice, as is the case in Olundi (EMahlabathini)in the district of Okhukho (EMaChunwini) and in the district of EZiKhumbeni (EBaThenjini).

While some earlier studies on *ukuthwala* in KZN have been carried out,the documentation on *ukuthwala* is nothing more than conjecture. My research presents comprehensive and extended arguments from a gendered analysis perspective of the practice as it exists today (post-1994) in rural areas of KZN.

1.3. MOVES BY THE SALRC TO OUTLAW *UKUTHWALA* PRACTICE

Subsequent to negative views about *ukuthwala,* moves towards developing laws to outlaw the practice started. The SALRC as a statutory body was tasked with reviewing and reforming South African law, and held a round-table discussion on the practice of *ukuthwala* on 30 November 2009 at the SALRC in Pretoria. I was part of the round-table discussion as a nominee for Dr Olive Shisana (Chief Executive Officer: Human Sciences Research Council, Pretoria). I represented the Gender Studies Department at UKZNas a

researcher dealing with the topic at hand. The aim of the Commission was to investigate the impact of *ukuthwala* cultural practice on females, the appropriateness of *ukuthwala* in the context of human rights, and its compliance with women's human rights.

The Commission reported that in the first and second quarters of 2009 the media reported cases of the emergence of the practice of *ukuthwala* in some parts of the country. Furthermore, it was reported that girls as young as 12 years old are forced to marry older men, in most cases with the consent of their parents or guardians. In addition, the SALRC reported that cases of *ukuthwala,* that were referred to as 'abductions', prompted the then Minister in the Presidency, Dr Manto Tshabalala, to visit the affected areas and places used for refuge by the young females. It was stated that the practice had been widely condemned by traditional leaders, government and civil society. As a result the government isin the process of imposing law and sanctions on the abductors, based on the violation of young women's rights. The Commission hosted a round-table discussion on the practice of *ukuthwala* as part of its preliminary investigation to determine whether the proposal should be included in their law reform programme and in an effort to gather information on the subject. According to Michael Palumbo (Deputy Chief State Law Adviser, SALRC), the round-table discussion sought to explore issues such as:

1. The magnitude and nature of *ukuthwala* practice in South Africa.

2. The extent to which *ukuthwala* practice clashes with international law, the South African Constitution, and legal statutes in the country.

3. Whether the current legal framework provides adequate protection against this practice to women and girlchildren or whether there is a need for law reform.

4. The extent to which the investigation would contribute to the implementation of broader government policy.

5. Whether the problems occasioned by the practice of *ukuthwala* can be overcome other than by a change in the law, for example by improved implementation of existing legislation.

6. Whether the Commission is the appropriate institution to undertake this investigation.

7. The extent to which this investigation will benefit previously disadvantaged communities.

At the round-table discussion Advocate Dumisa Ntsebeza SC (Commissioner, SALRC), gave the background to the pre-investigation on *ukuthwala*. He mentioned that the Commission was requested by the Minister of Gender Justice and Development of the Gender Directorate in the Department of Justice to investigate the emergence of the practice of *ukuthwala* in South Africa. This was as a result of the fear that young women were 'abducted' at the age of 11-14 years of age, with the knowledge of their parents, who are alleged to have accepted a form of bribery in exchange for *ilobolo*. *Ukuthwala* practice was also linked to poverty alleviation. The law was seen as a solution; hence the intervention sought from the SALRC.

Facilitating the discussion, Advocate Ntsebeza focused the debate on whether the custom of *ukuthwala* exists or not; what a customis; to what extent it has changed; and what the impact of Section 39 of the Constitutionis. He questioned whether the current practice is a custom or not and how it relates to criminal law. Furthermore, he highlighted the fact that the South African Constitution is in favour of human rights in the same way that it favours group rights, such as the freedom of groups to practise their cultures, which include customs and traditions. He concluded by highlighting the fact that this poses a conflict of interests and is a problem to be solved, hence the discussion about the practice of *ukuthwala.*

During the discussions Fanyana Mdumbe (Principal State Law Adviser, SALRC) highlighted the international and domestic legal frameworks impacting on *ukuthwala,*and indicated that *ukuthwala* practice has taken another dimension. He expressed his frustration that incidents of *ukuthwala* are rarely reported to the law. The views of the CGE and the South African Human Rights Commission as well as the Children's Rights Commission on *ukuthwala* practice were that it violates human and women's rights. These views were contradictory to those of the local government and the House of Traditional Leaders that were in favour of the practice of *ukuthwala,* arguing that it is a custom. However, the local government and the House of Traditional Leaders highlighted that we need to take out that which is not part of the custom in order to distinguish between the custom and the abuse of it.

Justice Mokgoro (Chairperson, SALRC) stated that *ukuthwala* is not a problem if it is used in a way not contrary to the Constitution, and does not impinge on children's rights. She expressed her concern that increasing incidents of the practice involve young women. She further indicated that it is not a legal issue alone. She stated that Section 31 of the South African Constitution protects the cultures and religions of our people, and the aim was to revive Africanism as it had been abandoned in the past, during the apartheid era. In conclusion, the Principal State Law Adviser of SALRC, Fanyana Mdumbe, together with all the stakeholders who were part of the round-table discussion, adopted zero tolerance of *ukuthwala* for children and promised to determine the age of consent. Furthermore, the discussion took a resolution to educate society on the Constitution of South Africa in order to stop the practice of *ukuthwala.*

1.4. MEDIA REPORTS AND VARIOUS VIEWS ABOUT *UKUTHWALA*

Media reports indicate that the practice of *ukuthwala* still exists in different parts of the country, and some present *ukuthwala* as similar to abduction. For example, the *Sunday Tribune* reported that the Bergville community in KZN frequently experiences

*ukuthwala*practice. It reported that the abuse of ancient traditions has resulted in young women being kidnapped and raped in the Bergville district (Thulo, 2003, p.3). It further stated that South African girls as young as 12 years of age are being abducted, locked up, raped and forced into marriages under the pretext of the age-old custom of *ukuthwala.*Reporting a specific incident, Thulo (2003) writes that Nomndeni Mkhulise's daughter, Impikayise, aged 15 and a Grade 7 pupil at IkhaliHigh School, is the latest victim of this type of abduction. The author reports that before Impikayise (whom she calls a 'victim of abduction'), was 'kidnapped', she told her mother that a man had proposed love to her and that she had told the man that she did not love him. The man then sent an older man to try to convince her but in vain. A few days later Impikayise disappeared. Later on her mother stated that girls sent by the older man informed her that Impikayise had been *thwalwa'd*. When asked why she did not contact the police Impikayise's mother said she had no confidence in them.

From the above discussion it can be seen that*ukuthwala* is reported negatively by the media and is described as kidnapping, rape and abduction, which are criminal activities. From the above report, a young man had proposed his love to Impikayise, an 'alleged victim', who reported the matter to her mother. She refused the love proposal and an older man tried to convince her to change her mind. Then she was *thwalwa'd.* Later on a message was sent to her parent about where she was. While the media reports this incident as a criminal activity, there is no evidence that the parties involved see this as such. On the one hand, it seems the man who *thwala'd* the young female did not mean harm, because he sent a message to inform the young female's parent where she was. This is part of the processes involved in the cultural practice of *ukuthwala,* referred to as *funelani nganeno,* as discussed earlier in Chapter 1. On the other hand, the mother of the young female did not report the matter to the police, stating her lack of confidence in them. This might be an indication that knowing the cultural practice, she did not see the relevance of the police in this matter.

As documented by Bhengu (2005, p.3), another incident of *ukuthwala* was reported in *Isolezwe,* an isiZulu daily newspaper in KZN, under the heading *Kuthwalwe obeyingoduso kwaboshwa abakhongi'* ('A fiancee was *thwalwa'd* and marriage negotiators got jailed'). In this case Bhengu (2005) gives a positive view of *ukuthwala*, indicated in the choice of words she uses to report the incident. In another example, in an article titled '*UKhanyile osolwa ngokuthatha* u Vamisile' (Khanyile who is alleged to have taken Vamisile), the terminology used does not refer to the incident as a criminal act. The report states that a 20-year-old female, Vamisile from Bhamshela, an area in KZN, who was engaged to Ntombela of Mthunzini, was *thwalwa'd* by another man, who was her new boyfriend.

After Vamisile was *thwalwa'd,* Khanyile sent *abakhongi* (the marriage negotiators) to Vamisile's home to pay *ilobolo* so that her parents could reimburse Ntombela, the original lover. The *abakhongi* were jailed because Vamisile's mother reported the matter to the local police. However, later on the *abakhongi* were released as they were not found guilty. According to Khanyile (the new lover), his relationship with Vamisile was two months old. He told the police that he was aware that *ilobolo* had been paid for Vamisile, but argued that *"Phela isiZulu siyasho ukuthi oseyishayile akakayosi"* (a woman does not belong to her man until the marriage is consummated, and they are a married man and wife).

OSEYISHAYILE AKAKAYOSI

Origin:

This proverb relates to misfortune. It originates from the saying *'Noseyishayile kakayosi, noseyosile kakayidli, noseyidlile udle icala'* (The one who has beaten it, has not toasted it. The one who has toasted it, has not eaten it. The one who has eaten it, has eaten a

part) (Nyembezi & Nxumalo, 1995, p.149). According to Buthelezi (2006) this is a 'poetical expression' that highlights the fact that in traditional Zulu culture love relationships among young people were not expected to last too long and were not solely for the purpose of marriage. She argues that love should develop further and then culminate in marriage, or it should end. If it lasts too long, it might portend evil (Buthelezi, 2006, p.4).

Context:

When proposing love to a young female, a man would use the above 'poetical expression'.

Meaning:

The relationship could be terminated even when *ilobolo* had been paid and the wedding day set. Hence the words 'The one who has toasted it, has not eaten it.' (Buthelezi, 2006, p.4): "Even on the wedding day, *umkhongi* (the main marriage negotiator) and overseer of the processes leading to the wedding) had to be alert because it was possible for a female to end the relationship if she changes her mind, because even 'the one who has eaten it, has only eaten a part'".

Reasoning:

Usually a female would end the relationship if she found another man she loved better. Furthermore, a young man shows his passion to a young woman that he loves, even if he knows that she has entered into a love relationship with another man. This is because he knows it is possible for a woman to change her mind and terminate the relationship with her lover if she is not yet married, even when *ilobolo* has been paid. This made men compete in how well they treated women in order to keep relationships (Buthelezi, 2006; Nyembezi & Nxumalo, 1995).Specific customary practices and behaviours that were

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socially approved guided women on how to end relationships, and the custom of *ukuthwala* is one such. Social rules in Zulu society do not allow men to end love relationships, since they are the ones who start it (Msimang, 1991; Buthelezi, 2006). A man who does that is regarded as intellectually weak, in that he cannot think and make proper decisions and cannot be trusted since he contradicts himself: today he says to a woman that he loves her and tomorrow he says he does not.

As reported by Prince (2009, p.1) in the *Sunday Times*, a terrifying picture is paintedabout *ukuthwala*. He states that "Parents sell girls as child brides", and "teens as young as fourteen are kidnapped, locked up and tradition is used as an excuse for 'horrific' child rape". He was reporting on *ukuthwala* taking place among Xhosa communities in the Eastern Cape villages of Lusikisiki, Bizana, and Flagstaff. He claims that he spoke to dozens of young girls who had been set up, sometimes with the help of their families, to be kidnapped, locked up in guarded huts, and forced to have unprotected sex with strangers who had suddenly become their husbands. He states that in most cases girls are beaten if caught trying to escape. If they managed to run away, their own parents disown them for defying tradition. He claims that in most cases the men who kidnap girls are between 55 and 70 years old, widowed and HIV-positive, and believed that sex with a virgin would cure them from HIV.

Prince (2009) states that OR Tambo Municipality has set up a place of safety, called Palmerton, in Lusikisiki to deal with the many girls who flee at the first opportunity, and points out that this prompted the intervention of the former National Minister in the Presidency, Manto Tshabalala-Msimang, and former National Minister of Social Development, Zola Skweyiya, who travelled to the area to investigate the situation. Consequently the then newly appointed Minister of Women, Children and People with Disabilities, Noluthando Mayende-Sibiya, was informed about the matter. Prince (2009) reports that Mayende-Sibiya's department started discussions with the Human Rights

Commission, the Department of Social Development and the House of Traditional Leaders to deal with the abuse of *ukuthwala.*

However, the INkosi of KwaCele community denied that young women were forcibly married. She claimed to have received only one complaint, which was resolved when brought to her attention. The *Sunday Times*report is negative and portrays the cultural practice of *ukuthwala* as a violation of women's and children's rights. Prince highlights the issue of the age at which young females are *thwalwa'd,*and argues from the point of view of the Western norm of the legal age for consent to marriage. In South Africa, according to the Western norm, 16 years is the legal age of consent. Children aged 15 years and under have to get permission from the Minister of Home Affairs to marry. A child of this age is not ready to make decisions on her own, let alone to manage a household.The question is whetherfrom the African perspective it is age that counts, or is it rather the individual's developmental stage?

In KZN there has been much media coverage and debate about the practice of *ukuthwala.* For example, Sikhakhane and Ncalane (2010, p. 2) report in *Isolezwe* about INkosi Yase Nhlangwini's practice of *ukuthwala* ('*Sigxekwe safaniswa nobushimane isenzo senkosi sokuthwala*'). In the same newspaper Mjoli (2010, p. 4) also reports on this: '*Kubhedile enkosini ebiyothwala intombi: Ikhe phansi 'intombi nto'.* Mjoli (2010) states that the INkosi of Nhlangwini, uMntwana uMelizwe Dlamini, sent messengers in three black cars at daylight to *thwala* Ms Monica Msani, aged 24, of High Flats, an area on the northern outskirts of KZN. Ms Msani ran away. Mr Sonani Msani (Monica's father) sought protection against INkosi Melizwe from the law. He says he received a phone call the previous day (Thursday 25 March 2010) from INkosi Melizwe, who notified him of his coming the following day, with the intention to *thwala*his daughter. Mr Msani states that he then went to the High Flats Police Station to report the matter. When he came back with the police on Friday he found INkosi Melizwe, his local INduna, and his messengers in his homestead. He states that negotiations took place until they finally left his

homestead, but in vain. The High Flats Station Commander, Superintendent Mlungisi Ndwalane, confirmed the occurrence but indicated that no case had been opened.

Sikhakhane and Ncalane (2010) state that commentators such as Professor Jabulani Maphalala of the University of Zululand, Mr Sbani Mngadi (a spokesman for the Member of the Executive Council of Women, Children and People with Disabilities), Ms Nomusa Dube (the Member of the Executive Council of Traditional Affairs in KZN) and Mrs Thembi Nzuza (the then General chairperson for Inkatha Freedom Party Women's Brigade) are seriously condemning INkosi Melizwe's action. While Professor Maphalala indicated that the uproar about INkosi Melizwe's actions are a result of lack of information and ignorance about the custom of *ukuthwala*, he maintains thatit is an outdated tradition. He further states that even in traditional Zulu societies where *ukuthwala* was practised, only *iqhikiza* (a youth leader) was*thwalwa'd,* not *itshitshi* (a teenager). As the head of Traditional Affairs in KZN, Ms Nomusa Dube indicated that she does not believe there is a law that pertains to *ukuthwala*; hence legal investigation into this matter is necessary.

The above media reports indicate that *ukuthwala* is still happening in some parts of the country. It is also apparent that people have different views about the practice, and some people seek solace from the law for protection against the practice.

Various views about *ukuthwala*

Ukuthwala practice has been viewed from several different perspectives by various people, institutions and bodies. For example, in March 2009 the South African Broadcasting Corporation (SABC) News Online reported that:

> Teenage girls in South Africa are still being forced into early marriages. In Eastern Pondoland in the Eastern Cape, children between the ages of 12 and 15 are living in fear of being abducted to marry adult men they've never met. In the

past two years more than 200 school girls have been forced into marriages in the Lusikisiki area alone. The amaCele, amaBhaca and amaMpondo communities in the Eastern Cape used to believe in *"ukuthwala"* or forced marriage. In remote areas like Cele village at Lusikisiki it's still practised.

Resident Lumka Mbutho says: "This is exactly what we call 'back to our roots'. I approve it because these young girls get pregnant at the age of 12, so it is better to have them married." Inkciyo, a cultural organisation promoting virginity and education on the dangers of early sexual activity, believes virgins are being targeted. A victim of *ukuthwalwa* says: "When the people arrived at my home I was crying because I was thinking of the difficulties I would be faced with if I became a wife of someone. My mother locked me in a room and I hid there-that is how I escaped." The Congress of Traditional Leaders in South Africa and the Human Rights Commission have condemned the abductions. Police say they are acting against it. Police spokesperson Mzukisi Fatyela adds: "We do not have mercy towards people who violate other people's rights. So we arrest those who abduct children and force them into marriage." Human Rights Watch says it will conduct educational campaigns in the Eastern Cape to educate residents about the importance of children's rights.

In June of 2009 the SABC News Online asserted that "*ukuthwala* marriage custom has been declared illegal". The then South African Minister responsible for Children and Persons with Disabilities, Noluthando Mayende-Sibiya, said forcing young girls to marry under the custom of *'ukuthwala'* had been declared illegal and immoral by all government departments and traditional leaders. She was addressing traditional leaders and other government departments at Qaukeni Royal House in Lusikisiki in the Eastern Cape.

Meanwhile, the then South African Minister of Police, Nathi Mthethwa, instructed the police to apply the law and arrest the fathers and mothers of young girls in Eastern Pondoland who were forced to marry men unknown to them. Mthethwa described those marrying younger girls as rapists and accessories to such practice. He also labelled the practice as amounting to statutory rape.

Furthermore, in August 2009 the SABC News programme online reported that the current South African Deputy President, Kgalema Motlante, had condemned the 'abduction' of young girls under the guise of traditional marriages. Speaking at the HIV Prevention for Women and Girls Summit in Kempton Park, he labelled the practice "a dead culture".

However, *ukuthwala* practice still prevails despite the negative publicity in the media. As indicated in the following section, I argue that *ukuthwala*resembles other global practices, and there is no single homogenous meaning of what the practice signifies, because it differs within and between cultures and is performed at different stages and ages in a person's life, depending on the context. Every society has its culture, and culture is a way of life of the people. However, different meanings about a cultural practice also emanate where a cultural practice exists in the context of human rights culture. Next I discuss the different meanings of *ukuthwala* practice.

1.5. DEBATES AND DIFFERENT UNDERSTANDINGS OF *UKUTHWALA* PRACTICE

Ongoing debate about the practice of *ukuthwala* has emerged (see, for example, SALRC, 2010) with several researchers and women's rights activists arguing against the practice. They claim that it is unconstitutional, it violates the human rights of those being *thwalwa'd,* and undermines gender equality, freedom and human dignity as well as body integrity, and violates children's rights. The debate omits essential elements of social transformation that occurred among Zulu communities of KZN that led to some transmutation of cultural practices over a long period. This omission severely distorts understanding and information, particularly because it falls short of clarifying the purpose, nature, context and impact of the practice in the areas where it continued to exist, versus its change in form as it is practised in the postcolonial era. In addition, as Buthelezi (2011) argues, such debates about cultural practices fail to acknowledge the power of

the colonial philosophy discourse that has shaped our current understandings of cultural practices in South Africa. As Thatcher (2005) argues:

> The approach that cultural practices be identified, scrutinised, regulated or stopped by law coincides both historically and conceptually with the previous imperial demand that the 'natives' in the 'dark continent' be brought under the rule of civilisation.

Similarly, the opponents of the practice of *ukuthwala* have used the same "strategies of surveillance, scrutiny and discipline" (Thatcher, 2005) to deal with the practice of *ukuthwala* in KZN and in other provinces such as Eastern Cape. This is a problematic approach, given that it presents judgemental attitudes that do not seek to understand, affirmand refine African cultures, and is challenged by Buthelezi (2011). It istherefore imperative to understand the practice and determine if and to what extent social transformation in Zulu communities affected the practice of *ukuthwala.*

Furthermore, some scholars conflate *ukuthwala* with marriage, where it is regarded as another form of marriage. For example, De Jager (1971) gave an account of four 'types' of marriages in the rural areas of the Ciskei, namely: traditional or customary marriage, Christian marriage, marriage by civil law, and *ukuthwala*. This was inappropriate because, as explained earlier in this chapter, *ukuthwala* happens before the negotiations of marriage start. It is after the woman has been *thwalwa'd* that negotiations start, and only when the two families reach an agreement that any of the forms of marriage, for example, customary, Christian or civil law, may take place. De Jager (1971) did not fully explain *ukuthwala* cultural practice, but mentioned it briefly in passing, stating that there were two forms of *ukuthwala.* Monger concurs with De Jager (1971) that there was forced *ukuthwala,* which was called bride abduction, and agreed *ukuthwala,* which is called elopement (Monger, 2004, p. 2). Furthermore, *ukuthwala* practice is conflated with

arranged marriage (Radio Talk Show Debate on 23 March 2011 at 6 – 9pm on radio 2000 presented by K.G.). This is also problematic as it conflates the *ukuthwala* custom with the abuse of the custom that is happening in some communities.

Schapera (1946, p.112) observed that *ukuthwala* was practised among the Nguni people. However, he conflated*ukuthwala* and *ukubaleka*. He incorrectly classified*ukubaleka* as one form of *ukuthwala.* For example, he distinguished between two forms of *ukuthwala,* which he termed firstly as *ukubaleka* (elopement), explaining it as *ukuthwala* as per 'agreement' between 'the abductor' and 'the abducted' whereby the 'abducted' 'pretends' as if she is abducted. He then defined*ukuthwala* as forced marriage or bride abduction.

According to Krige (1969) there was a form of forced *ukubaleka* known as *ukuthwala*, which sometimes took place when an engaged young woman broke her contract (Krige, 1969, p.125). This was another conflation of *ukuthwala* and *ukubaleka*. Krige maintained that if it was the young man who broke the contract the young woman had no hold over him, except in cases where the young man's father was in favour of the marriage, when he might press his son to marry the young woman. If, however, the young woman rejected her lover and the young man was determined to marry her, he might resort to *ukuthwala.* The young man with a number of his sib-mates arrangedto carry off the woman secretly to the kraal. On arrival there they dressed the young woman in an *isidwaba* (a leather skirt) as though she were a married woman. Mahlobo argued that in that way the woman had been made to *balekela* the man against her will, and had been made to dress in *isidwaba* against her will, but by virtue of these actions she was morally bound to marry the man (Mahlobo, as cited in Krige, 1969).

Ukuthwala and *ukubaleka* are two different cultural practices. The traditional views reported in earlier studies on *ukuthwala* in KZN, such as those by Msimang (1991),and

Nyembezi and Nxumalo (1995), concur that *ukuthwala* is a customary practice that opens up marriage negotiation processes, and it means to carry away a woman, as discussed earlier in this chapter. On the other hand,*ukubaleka* is a customary practice where a woman goes to a man's kraal with the aim of marrying him. Its meaning, process and reasoning differ from those of *ukuthwala* (Msimang, 1991, p.253; Vilakazi, 1962, p.65). *Ukubaleka* is also known as *ukuyodla izinkomo*(meaning to go and claim cows) (Nyembezi & Nxumalo, 1995).

UKUBALEKA OR UKUYODLA IZINKOMO

Origin:

Ukubaleka is an old Zulu custom dating as far back as the 18th century, at the formation of the Zulu nation by King Shaka (Msimang, 1991). The custom is still popular and practised even today in some rural areas of KZN, such as in the far north of KZN in areas like OKhukho, KwaYanguye, EZikhumbeni, ESilutshana, and others.

Meaning:

Ukubaleka allows a young woman to initiate the proposal for marriage. Normally in Zulu communities a man initiates the proposal for love and marriage. However, in situations where a young woman is not approached by any man with a marriage proposal, she may *balekela* to any man of her choice in the community so that she gets married (Msimang, 1991). Community members may advise the woman about the possible 'right man' to *balekela*. Usually it is a man who has the resources to pay *ilobolo* and also to take care of the woman and her children (Nyembezi & Nxumalo, 1995); the age-mates of the young woman accompany her and they all carry *izinduku zamaphahla* (sticks of a species of tree) or *umhlanga* (reeds). They quietly enter the home of the identified man before dawn. The woman and others who accompany her would go straight inside the

house and remain quiet. They would then *'khwehlekhwehlela'* (make slight coughing sounds) to draw the attention of the people in the household. Msimang (1991) and Raum (1973) state that sometimes on arrival at the young man's home the young women stand in the upper part of the household and remain quiet. The young man's sisters come out and ask *"Nikhwela ngobani?"* (By whom have you come?). They then name the young man to whom they have come, that is, the name of the young man she wants to marry. The man's family gives the women a cow to slaughter and eat. The woman stays in that family for a certain number of days, which will mark the number of cows for *ilobolo* that she has come to claim from this family (Nxumalo & Nyembezi, 1995, p.114). Thereafter she goes back home and all the other processes to arrange for the wedding occur as usual.

Reasoning:

This customary practice ensures that all women get married. In Zulu traditional communities women do not approach men to propose love or marriage. In a situation where no man approaches a particular woman, society advises the woman to *balekela* a certain man (Msimang, 1991). However, she goes with her age-mates so that she does not speak for herself; ratherthe age-mates speak. This custom protects the woman's dignity, because it makes it appear that the group of age-mates is proposing love and marriage for her, and not the woman herself.

In traditional cultures Zulu men do not reject women, since this is an offence to the young woman. So when a woman *balekela*'s a man, usually they end up marrying. In certain cases some people would tell the young man before the day of *ukubaleka* (Msimang, 1991). The man would then wake up and run away from home before the young women arrive to *balekela* him. Alternatively, he may not sleep in his home at all on that night. If they arrive when he is already gone, then he does not marry that woman, because young women cannot *balekela* a man who is not in the household.

1.6. PROBLEM STATEMENT

From the previous discussion it is apparent that the meanings people make about *ukuthwala* vary. Most importantly, it is imperative to distinguish the custom of *ukuthwala* from the abuse of the custom before one can make a judgement about the practice. Media reports show that some people are against *ukuthwala* and seek help from the law; this is a negative view of *ukuthwala*. On the other hand, traditional views, for example those of Msimang (1991), Nyembezi (1992), Nyembezi and Nxumalo (1995) and Vilakazi (1962), of *ukuthwala* are positive, where the practice is viewed as a custom.

Some people see the law as a solution for the practice of *ukuthwala,* and the moves by the SALRC aim to outlaw the practice. Yet embedded in the law are subjective meanings that people make, because people also make the law. There is a danger of the law 'outlawing' cultural practices without fully understanding them, or the law promoting a particular perspective about a cultural practice depending on whose subjective meanings become dominant in the making of it. In addition, while some people see the law as a solution, others in communities do not see the relevance of the law in this cultural practice. Hence the law might not be a solution where people regard *ukuthwala* as a cultural practice by consenting partners.

As the President of the Congress of Traditional Leaders of South Africa argues, before people pronounce hasty judgements on the propriety or otherwise of various aspects of African culture towards gender, human rights and the law, proper research must be conducted (Holomisa, 2005, p.49). He further states that, importantly, care must be taken to ensure that in the pursuit of the promotion of a Western-inspired individualistic human rights culture, we do not end up denying vulnerable and insecure groups of people the protection which our cultures, customs and traditions avail (Holomisa, 2005, p.49).

Regarding *ukuthwala*, limited research has been conducted to investigate 'the custom' of *ukuthwala* among the Zulus of KZN as it existed or exists among the traditional Zulu communities, and to determine how it has been affected by the cultural contact and social transformation that took place in KZN. Such information as does exist is very fragmentary and often biased, so that it would not amount to much more than conjecture.

The extent to which the right to practise one's culture is protected in the Constitution, such as in s15, s30, and s31, which respectively deal with the rights to belief, religion, and opinion; language and culture; and the rights of persons belonging to a particular cultural, religious and linguistic communities, is contained in a number of provisions (Republic of South Africa, 1996). The common feature in all these provisions is the internal limitation that the right is recognised to the extent that it is not inconsistent with other rights in the Constitution. Chapter 2 of the South African Constitution provides that the Constitution is the supreme law of the country, and that any law or conduct inconsistent with it is invalid. Section 31 of the Constitution deals with rights to belong to cultural, religious and linguistic groups, and arguments relating to women's rights and customary law have arisen in the context of women as members of cultural communities. Section 31 of the Constitution provides as follows:

(1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community –

(a) to enjoy their culture, practise their religion and use their language; and

(b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

(2) The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights.

Furthermore, writing about the philosophical background on human rights, Fagan (2003) contends that group rights do not supersede human rights. Fagan's contention is echoed

by Okin (cited in Moore,1994) and further extended by Delanty (2000), who argues that human rights "have to be achieved rather than being discovered" (Delanty, 2000, p.80). He further asserts that human rights also require social consensus on what constitutes them. Delanty (2000) further argues that it is not surprising that we find growing discussion on what constitutes a human right and what constitutes a crime against humanity, since neither of these can easily be defined in absolutely definitive terms (Delanty, 2000, p.80). The human rights contention serves as a source for human rights activists and gender activists alike, who argue that debates on cultural rights have continued as if the internal limitation does not exist. They argue that it is a deliberate misreading of the Constitution that in the instance of the right to culture, where culture is protected by the Constitution, it has to be protected at all costs. During the round-table discussion held by the SALRC in which I was a participant, the CGE, Human Rights Commission and Children's Rights Commission denounced the practice of *ukuthwala* as the violation of human rights and those of women and children.

The above gender debates are problematic in that they are based on a research gap. Therefore, this study seeks to understand the practice of *ukuthwala,* which is the practice relating to both group rights and human rights, particularly because the society that the South African Constitution aspires towards is an egalitarian one.

1.7. PURPOSE OF THE STUDY

This empirical study investigates *ukuthwala* among the Zulu-speaking people of selected rural areas in KZN with the aim of finding the reasons behind the persistent practice, as well as determining its effects on those individuals concerned and society at large. The study determines the socio-cultural and gendered construction of *ukuthwala* among the Zulu people in selected rural areas of KZN. A review of literature on *ukuthwala* has been carried out to contextualise the research findings on *ukuthwala* as it takes place today in

Zulu societies of KZN. This also explains the extent to which the practice has been influenced by cultural contact and social transformation.

Therefore, this study raises an argument on how Zulu culture, customs, and traditions can be perceived and interpreted from an African perspective, while taking into consideration the gender dynamics that prevail.

1.8. RESEARCH OBJECTIVES

The study has the following three objectives:

1. To determine meanings people make about *ukuthwala* cultural practice.

2. To investigate people's experiences of *ukuthwala* cultural practice in selected rural areas of KZN.

3. To determine the interconnectedness of *ukuthwala* cultural practice with people's ideas and meanings about sexuality, power relations, cultural identity and GBV.

1.9. KEY RESEARCH QUESTIONS

1. What meanings do people make about the practice of *ukuthwala*?

2. What are people's experiences of *ukuthwala* cultural practice in selected areas of KZN?

3. To what extent is *ukuthwala* cultural practice connected to people's ideas and meanings about sexuality, power relations, cultural identity, and GBV?

1.10. SIGNIFICANCE OF THE STUDY

The thesis is in part an intellectual attempt to 'document' and critically examine how a gendered analysis develops our understanding of important cultural questions. In addition, gender research on marriage has focused largely on women's oppression in their marriages, but none has established preliminaries to marriage and cultural practices such as *ukuthwala* as an issue to be explored in-depth. Empirical research of this kind is therefore important to fill this gap.

The important aspect of my study is a gender analysis of the cultural practice of *ukuthwala* and the meanings people make about this cultural practice. This will therefore pave the way to how the cultural practices are viewed, and may trigger a different approach to researching cultural practices and determining how these can coexist with human and women's rights.

1.11. RATIONALE FOR THE STUDY

The thesis is framed in terms of existing scholarship in the area, but identifies principal gaps in the critical literature by turning to a gendered analysis related to 'experience', 'evidence' and 'knowledge' by men and women from selected communities in KZN. In providing such an analysis of the cultural practice of *ukuthwala*I hope to critically 'map' contemporary understandings of the practice through a situated analysis of context, experience (contemporary and new data) and theoretical investigation. *Ukuthwala* has for some time preoccupied my thinking as a 'cultural insider' by virtue of my personal background and witnessing of this practice in the area from which I originate.

My personal experience and training in anthropology, political science, sociology, languages, education and gender have stimulated me to critically question our cultural practices by asking what knowledge exists, how such knowledge is constructed, how it is

resisted and, more importantly, how it could be reconstructed to show how we remake meaning about ourselves in a changing 'culture'.

In addition, my experiences of participating within the SALRC as a structure that was particularly looking at *ukuthwala* reinforced my desire to investigate the practice. This is because the SALRC looked at the practice of *ukuthwala* from the legal point of view, as the belief was that the practice is a threat to women's rights and therefore needs appropriation by the law. In my view this indicated that the practice needs to be investigated and understood properly by the lawmakers before judgment could be made.

Furthermore, the opportunity presented to me by the Law, Race and Gender Unit at the University of Cape Town to participate in a joint seminar on *ukuthwala* under the Rural Women's Action Research project seminar series, where I was one of the presenters, further reinforced the need to investigate the practice of *ukuthwala.* My co-presenter, Dr Patricia Henderson (a social anthropologist from the University of Cape Town) and an ethnographer who undertook a five-year study of people living with and alongside HIV and AIDS in Okhahlamba, a sub-district of Bergville within KZN, spoke about *ukuthwala*. As a 'cultural outsider' she termed the practice of *ukuthwala*an "informal marriage", defined as a "publicly acknowledged form of relationship". In addition, the custom of *ukuthwala* was seen as one of the elements that spread HIV and AIDS. As a result, Dr Henderson was challenged by some participants in the seminar, who as 'cultural insiders' viewed her presentation as another attempt – as argued by Buthelezi (2011) – by 'cultural outsiders' to 'rubbish' African customs without fully understanding them. The debate further inspired my research of the practice of *ukuthwala.*

Fortes (1962, p.1) could be close to the truth when he stated that so much was known about the customs and institutions of marriage in all human societies that it was doubtful if anything new could be added. However, De Jager (1971, p.160) observed that

anthropologists and sociologists continued to study this phenomenon for various reasons: "Some to re-establish old truths and facts, others in the belief that some new insights may be gained". He maintained that, by comparison, very little was known about what had happened to African marriage under conditions of culture contact and change in the rural parts of South Africa. He argued that limited recent research existedthat dealt in any detail with that phenomenon in the rural set-up (De Jager, 1971, p.160). Although this statement was made several decades ago, there is a relevance of this view for my study, since in an attempt to address this gap, De Jager (1971) made an erroneous conflation of two different practices, that is, *ukuthwala* and marriage. This study is also an attempt to show that *ukuthwala* is not a form of marriage, but a practice that leads to marriage. In addition, I show that *ukuthwala* is still practised vigorously in KZN, although it is assumed to have disappeared due to social transformation. Furthermore, I show that different views prevail regarding *ukuthwala.*

There is a dearth of empirical research, literature and thus knowledge about *ukuthwala* in KZN as it exists today. Feminist studies have long viewed men as the oppressors, withfeminist researchers concentrating on women and their disadvantaged position. A polarised view of men exclusively as the perpetrators of female subordination and victimisersseems to exist which fails to see men also as victims who are prone to societal expectations because of their gender. Gender research on marriage has focused largely on women's oppression, but none has established the understanding of marriage negotiation processes.

Furthermore, this study shows that cultures and customs are not static; they evolve with the changing times, but could still be contained within at least some modifications due to cultural contacts, and are valued by traditionalists as a way of life.

1.12. STRUCTURE OF THE THESIS

In line with the research objectives addressed in the study and the research questions above, the thesis consists of seven chapters, structured as follows:

Chapter 1: BACKGROUND TO THE STUDY AND INTRODUCTION TO THE THESIS

This chapter aims to provide a background to the study and introduction to the thesis. The expression '*ingcwaba lentombi lisemzini*' sets the tone for the thesis and the concept of *ukuthwala* is discussed in order to give a clear understanding of what it signifies and to define what it is. The chapter discusses the debates about *ukuthwala* to show that the practice is contested not in KZN alone but also in other provinces in South Africa. Media reports about the practice of *ukuthwala* are also presented as evidence that the practice is still taking place. The chapter discusses moves by the SALRC to outlaw the practice of *ukuthwala,* which isan indication that some people see the law as a solution to the problems occasioned by the practice of *ukuthwala.* In addition, the chapter discusses research reports about *ukuthwala* and conflating views about the practice of *ukuthwala.* Finally, the chapter provides the problem statement, purpose of the study, research objectives, key research questions, significance of the study and rationale for the study, and concludes by giving the structure of the thesis.

Chapter 2: *UKUTHWALA* IN THE CONTEXT OF SOCIAL TRANSFORMATION AND OTHER CULTURAL PRACTICES

This chapter aims to provide an anchor and justification for undertaking this study, by outlining and analysing the contribution of earlier studies on the practice of *ukuthwala* undertaken within South Africa. Scholarly works conducted beyond the borders of South Africa are also reviewed with a view to broadening understanding of the research topic, and in particular the various meanings that prevail in respect of the practice of *ukuthwala*. Accordingly, this chapter discusses various works that are relevant to contemporary *ukuthwala* as they relate to my current study conducted specifically within the African

continent in KZN. I hope that this literature review emphasises and clarifies the reasons behind the persistent practice of *ukuthwala* in contemporary Zulu communities, despite the widespread negative media coverage about the practice. Furthermore, this literature review also assists in drawing conclusions about the similarities and differences between traditional *ukuthwala* and the abuse of the custom. Only literature that seems to point towards the direction of my area of interest has been reviewed and commented upon.

Chapter 3: AFRICAN PHILOSOPHY AND THOUGHTS ABOUT LIFE

In this chapter I explain the philosophical framework underpinning this study. The study mainly employs Gyekye's (1987) theory of African philosophy in relation to African cultural life. The psychoanalysis theory and the concept of a man's ego or man's personality of Freud (1973, cited in Gyekye, 1987), which is equivalent to the theory of *sunsum* (spirit) of Gyekye (1987), is discussed. Worldview concepts are employed in order to discuss how Zulus view, perceive and interpret life, death and nature in general. This also encompasses their beliefs, values, tradition, culture, politics and language, which influence the way they interact among themselves.

Chapter 4: THEORETICAL AND CONCEPTUAL FRAMEWORK: FEMINISTTHEORIES

In this chapter I discuss the theoretical and conceptual framework of the study, which focuses on the socio-cultural and gendered construction of *ukuthwala* among the Zulu people in selected rural areas of KZN. I therefore unravel the different concepts that are relevant to this study; for example, gender, sex, sexuality, culture, patriarchy, masculinity, and feminism. The chapter also discusses African Feminists theories and aspects of Poststructuralism that have been used and are relevant for this study. In addition, related theories of intersectionality and oppression are briefly discussed as they are alluded to in the analysis in later chapters.

Chapter 5: **EXPLICATION OF THE RESEARCH DESIGN AND METHODOLOGY**

This chapter discusses the research methodologies and approaches used in the study. Firstly I discuss the research design in the study. The study is qualitative in design and multiple methods of data collection were employed in the data gathering process. Secondly I discuss the research programme, which includes the training of field assistants, intensity of involvement in fieldwork, and language utilised. Thirdly the chapter discusses in detail how I conducted the pilot study. Fourthly I discuss the population and project areas, and then I render the profiles of research participants in the case studies. I also discuss the selection of research participants, and data collection methods, with the method of analysis and synthesis of data. I then discuss the validity and reliability of the study, ethical considerations, problems encountered in the field and limitations of the study, the social and political significance of the study, and finally conclusions are drawn.

Chapter 6: **UKUTHWALA PRACTICE AND ITS METAMORPHOSIS: EMERGING THEMES**

This chapter presents the findings of the study, and is structured according to the themes that emerged from the data. These themes are discussed in relation to the research questions and research purpose. The chapter then discusses *ukuthwala* practice and its metamorphosis, and the meanings of the practice of *ukuthwala* for a Zulu man and woman living in the Bergville (eMangwaneni), Zwelibomvu and KwaNgcolosi (eMshazi) rural areas of KZN. It further explores and analyses the process and modifications of the practice of *ukuthwala,* with the aim to reflect and reinforce the context of this study. This is followed by a discussion of the reasons behind *ukuthwala* practice, women targets for *ukuthwala*, *thwalwa'd* women's age and consent, and the role of other women during the *ukuthwala* process. Lastly I discuss the impact of *ilobolo* on the *ukuthwala* practice, and end the chapter with a conclusion wherein I indicate key aspects discussed in this chapter.

Chapter 7: ANALYSIS OF FINDINGS, RECOMMENDATIONSAND CONCLUSION

This chapter presents the new knowledge that developed, and provides a model on understanding culture from an African perspective. In this chapter I discuss the overall analysis of the findings, the recommendations and conclusion that I draw from this study. This chapter is followed by the list of references and appendices.

CHAPTER 2

UKUTHWALA IN THE CONTEXT OF SOCIAL TRANSFORMATION AND OTHER CULTURAL PRACTICES

2.1. INTRODUCTION

While there are some earlier studies on *ukuthwala* in KZN, documentation on *ukuthwala* is little more than conjecture, and my research suggests that there are no comprehensive and extended arguments that present a comprehensive, gendered analysis of the practice as it exists today (post-1994) in rural areas of KZN. Given the contributions of feminism and gender studies to a developing body of knowledge, my research indicates that a gendered perspective of *ukuthwala* is absent in South African scholarship.

This chapter is therefore aimed at providing an anchor and justification for undertaking this study. This will be done through outlining and analysing the contribution of earlier studies on the practice of *ukuthwala* undertaken within South Africa. In addition, scholarly works conducted beyond the borders of South Africa have also been reviewed, with a view to broadening understanding of the research topic and in particular the various meanings that prevail in respect of the practice of *ukuthwala*. Accordingly, this chapter discusses various works that are relevant to contemporary *ukuthwala* as they relate to my current study conducted specifically within the African continent in KZN.

I hope that this literature review will emphasise and clarify the reasons behind the persistent practice of *ukuthwala* in contemporary Zulu communities despite widespread negative media coverage about the practice. Furthermore, this literature review will also assist in drawing conclusions about the similarities and differences between traditional *ukuthwala* and the abuse of the custom of *ukuthwala*. Only literature that seems to point toward the direction of my area of interest has been reviewed and commented upon in the following section.

This chapter contextualises the practice of *ukuthwala* within social transformation as brought about by different agents and as it took place in KZN and beyond.Other cultural practices are also discussed in relation to the practice of *ukuthwala*.At the outset background to the importance of the institution of marriage among the Zulu nation is laid as a foundation. The social transformation which took place within the Zulu nation is highlighted to give a clear picture of the split of the Zulu nation, and the impact this had on the practice of *ukuthwala* and on Zulu customs in general. I also review literature on 'marriage by capture', which includes the practice of *ukuthwala.* Then I discuss rurality to put the study into context, and finally provide a conclusion.

2.2. SOCIAL TRANSFORMATION IN KZN

Generally every society has its own culture, and culture is a way of life imbued with customs and traditions (Nkosi, 2005; Vilakazi, 1962; Tyrrel, 1996). However, culture is dynamic. In Africa and South Africa cultural change was influenced mainly by 'waves' of change, such as civilisation, Christianisation, and westernisation that swept Africa. For many years Africa had been colonised mostly by European countries such as Britain, Portugal, France, and so on. Consequently, as Etherington (2002) states, the Western type of education and religions influenced the greater part of Africa, including KZN in South Africa. He further states that in KZN mission stations began in the 1830s, and missionaries were mostly from New England and America and 'scrambled' to turn Africans into not only Christians but also readers who would read for themselves "the catechism and other printed material containing doctrines of the western religions" (Etherington, 2002). As Buthelezi (2010) argues, this social transformation greatly affected the traditional understandings and meanings of customs and traditions in many Zulu communities.

Culturally, and particularly among the Zulu people in South Africa, the way of life of the people was integrated with complex religious rituals and cultural practices that sought to sustain life and bring about harmony (Nyembezi & Nxumalo, 1995, p.100). However,

the Zulus' conceptualisation of life was unfamiliar and strange to the Western thought. As a result, missionaries and colonists criticised and stigmatised African beliefs and practices as harmful, superstitious and barbaric (Etherington, 2002). Nyembezi and Nxumalo (1995, p.100) also argue that different races usually undermine customs of each other because of the lack of understanding of the meaning and importance of the 'foreign' customs to those who are practising them. In articulating the missionaries' perspective of Zulu cultural practices, Balia (2007) states that"In the missionaries' minds, Zulu superstitions hardly deserved the name of a religion" (Balia, 2007).

Notwithstanding the powerful systems of colonialism, Christianity, and later apartheid in South Africa, Africans were thus conditioned to think of themselves, their views, cultures, language and dress as inferior to those of the Europeans. As such, fascinated by Western civilisation and eager to assimilate Western ways of living, most Zulus abandoned their beliefs and cultures as they became civilised, educated and converted to Christianity (Buthelezi, 2010). As a result, African customs, tradition and philosophy were lost, and most cultural practices such as *ukuthwala* had their meanings distorted or lost because the Western interpretations became popular (Buthelezi, 2010; Msimang, 1991). However, one needs to acknowledge the fact that in some parts of deep rural KZN, such as Bergville (Emangwaneni), Zwelibomvu, and at KwaNgcolosi, some societies refused to subscribe to Christianity, urbanisation and civilisation and chose to continue with their cultural way of life, meaning that most of the cultural practices continue to exist even today in such areas.

The Zulu nation was cohesive and characterised by Zulu culture and traditions. The nation had been small, and in the late 18th century during the reign of King Shaka Zulu he formed a large Zulu nation by amalgamating more than 300 different nations (Msimang, 1991, p.218; Deflem, 1999). This strong, cohesive Zulu nation crumbled at the collision ofWestern religion and civilisation on the one hand and traditional life on the other, and two new groups emerged in society from this fragmentation (Buthelezi, 2010). New labels also emerged among the Zulus to distinguish the two groups from

each other – the converted group was referred to as *amakholwa* (the Christianised), or *abaphucuzekile / amagqoka* (the civilised), whereas the group that continued with its traditional life was known as *iziqhaza / amabhinca* (the traditionalists) or *amaqaba* (the heathens) (Buthelezi, 2010). This societal division also marked the division of rural areas where each of the groups lived: for example, *emabhinceni / eziqhazeni,* (where traditionalists lived), and *emakholweni* or *ezimishini* (where Christians lived). To this day, several deep rural areas referred to as *eziqhazeni* exist in rural KZN where people follow many of the traditional customs. A few examples of such areas in KZN where *amabhinca* still exist are EZwelibomvu, EBergville, KwaNgcolosi (EMshazi), EMaphephethweni, KwaNyuswa, and in the north of KZN at ENgome, EMachunwini, OKhukho, EMakhabeleni (Kranskop), KwaNxamalala, KwaMajozi, ENquthu, EMabomvini and EMbangwini.

The coexistence of the two groups – *iziqhaza* (heathens) and *namakholwa* (Christianised) – meant that some people among the Christianised group found it difficult to part completely with their cultural way of life. They then reverted to the cultural way of living, but in a context of Western religions, civilisation and Western education. Most of the cultural practices that survived in such contexts were distorted.

Tamale (2010, p.56) states that in feminist legal studies culture is often viewed as a deviation from the path of human rights. Most feminists also argue that culture is gendered (see, for example, Moore, 1994; Magwaza, 2006; Nhlapho, 1992). On the other hand, scholars like Mohanty, Russo and Torres (1991), Mohanty (2003), as well as Moraga and Anzaldua (1983), effectively demonstrate how 'First World' feminists have represented 'Third World' women as helpless victims of culture, objects devoid of any agency. Contrary to this, African scholars such as Zondi (2008), through analysing Zulu women's use of *izigiyo* (the Zulu female dance) in his thesis titled '*Bahlabelelelani?*' (meaning 'Why do they sing?') substantively argues that 'Third World' women – in this case rural Zulu women in KZN – are not helpless victims of culture. Zondi's argument is that Zulu women's voice, which they express in a cultural

way using *izigiyo*, is loud and clear.

However, one has to understand this cultural way of expression to comprehend the assertiveness, anger, joy and other emotions and ideas expressed by Zulu women. Magwaza (2001) echoes Zondi's (2008) argument in her article (titled 'Private transgressions: the visual voice of Zulu women'. Magwaza discusses Zulu women's 'dress' as a form of expression, which women use to voice their concerns especially directed at males who in most cases are their husbands or lovers. Furthermore, writing about African / indigenous philosophies, Goduka (2000, p.71) writes that the naming of children in indigenous communities is regarded as a sacred and spiritual ceremony because it foretells the future of the child. I add that Zulu women use naming of a child as a form of expression used to express their concerns directed at their husbands, family or community members and especially their neighbours. Therefore one cannot generalise and say culture in itself is oppressive to women, since radical transformation of women's sexuality and women's emancipation can happen within culture. Some aspects of culture empower women and some maybe used as a tool to liberate women. I further elucidate this point in my analysis of *ukuthwala* practice in Chapter 7 of this thesis.

Mohanty (1991) extends her criticism of 'First World' feminists who speak for 'Third World' women as helpless victims of culture, to the urban middle-class 'Third World' scholars who write about their own cultures and rural sisters in the same colonising fashion. She argues that such approaches are "myopic and dangerous as they create an extremely restrictive framework within which African women can challenge domination" (Mohanty, 1991, p.5) and calls for a nuanced and refreshing approach to culture that seeks to integrate its local understanding within the human rights discourse, advocating for internal "cultural transformation". An-Na'im and Hammond (2002, cited in Tamale, 2010, p.59) make a persuasive argument for the dynamic concept of internal "cultural transformation" as the most practical guarantee of entrenching human rights in African societies. They use the term "cultural

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transformation" to refer to "the dynamics of change as internal processes of societal adaptation by a variety of actors in response to a wide range of stimuli at different levels, rather than simply the product of internal hegemony or external imposition". They argue that culture has a significant impact on human rights paradigms around the world and as such, culture is the best-suited vehicle for protecting rights. Hence, African feminists (see, for example, Amadiume, 1987, 1997; Mohanty, 1991; Oye'wu'mi', 2002; Buthelezi, 2010; Tamale, 2010; Arnfred, 2010) call for re-conceptualisation of African cultures. They argue that African cultures continue to be "stereotyped" "demonised", and "suppressed". Furthermore, they state that the values and philosophy that underpinned cultural practices have also been lost.

Writing about virginity testing among the Zulus of contemporary KZN, Buthelezi (2010, p.78) argues that "the reawakening of indigenous cultural consciousness in South Africa, which occurred in the wake of political liberation struggle, has led to cultural self-assertion". She further argues that one of the major challenges facing black Africans in the post-independence South Africa is how contemporary societies "disentangle" themselves psychologically from the oppressive control of colonists and Western religions. Accordingly, cultural identity is clearly one of the key tools currently deployed in the current search for a new sense of importance among black South Africans. She thus concludes that revivalist movements of the previously oppressed and marginalised people that celebrate traditional culture negotiate a new place in the society and history (Buthelezi, 2010, p.78). Buthelezi (2010) further argues that for the Zulus virginity testing has become an important site of resistance to cultural crisis and in seeking to maintain relevance in a fast-changing world.

This thesis presents similar arguments that the approach to *ukuthwala* practice should not be simplistic and monopolistically suggest that the practice is a violation of human rights. Rather, arguments about *ukuthwala* practice should consider its origin and existence in traditional societies, its nature and purpose, as well as its link to the traditional values of such societies. Furthermore, arguments about this practice should

also consider the influence of social transformation on the practiceover the years. In other words, analysis and debates about *ukuthwala* should not be delinked from the context and its dynamics. Therefore, this thesis discusses *ukuthwala* practice and attempts to link it to its historical, traditional and contemporary contexts and their dynamics.

This thesis presents arguments that challenge a view that *ukuthwala* practice in its traditional form is oppressive to women. It argues that what is generally presented as *ukuthwala*, that is oppressive to women and that violates women's rights, is actually not *ukuthwala* practice but *ubugebengu* (criminality). The thesis concludes that intervention programmes that deal with issues such as women's human rights, gender sensitisation, GBV and poverty in societies can address this criminality without attacking *ukuthwala* practice per se.

2.3. 'RURALITY'

This study is based in selected rural areas of KZN. I therefore discuss 'rurality' here and show the different rural areas and diversity of people living in such areas. 'Rurality' is a derivative from the term 'rural', with rural having to do with the countryside rather than the town (Soanes, 2002, p.787). According to Howarth (n.d., p.5) the terms 'countryside' and 'rural areas' are not synonymous. Countryside "refers to rural areas that are open. Forest, wetlands, and other areas with a low population density are not countryside"(Howarth, n.d., p.5). The United States Census Bureau, the Bureau's Economic Research Service and the Office of Management and Budget have come together to help define rural areas as those that "comprise open country and settlements with fewer than 2500 residents and areas designated as rural can have population densities as high as 999 per square mile or as low as 1 person per square mile" (Howarth, n.d., p.2) This is applicable in South Africa today. Furthermore, rural areas are designated by the South African Census as those that do not lie inside an urbanised area or urban cluster. This definition is based on population density. The

National Center for Education claims that rural areas are subdivided by their proximity to an urbanised area into the categories 'fringe', 'distant', or 'remote' (Howarth, n.d., p.2). In KZN today we find various forms of rural areas populated by various groups of people.

The apartheid government of the Nationalist Party that ruled South Africa for more than 40 years ensured unequal distribution of resources among different racial groups, with Africans receiving the lowest allocation of resources. As a result, and because Africans predominantly occupy rural areas, none of the rural areas were developed. Although much development work has happened since 1994 when the African National Congress (ANC) government took power in South Africa, much redress of past imbalances still needs to occur. For example, districts in the rural areas of Zwelibomvu, KwaNgcolosi and Bergville are under-developed. These places are the opposite of the developed rural areas, such as the eNguqwini district of Zwelibomvu, eMaNgwaneni and ePotshini districts of Bergville, eMShazi district of KwaNgcolosi and eMaPhephetheni across KwaNgcolosi. The under-developed areas are highly populated by *iziqhaza / amabhinca* (heathens), and cultural practices are strictly observed. It is in these areas where the *ukuthwala* practice still prevails.

As mentioned above, some people in KZN turned to Christianity and also received a Western type of education, while others refused to adopt a Christian way of life. The 'civilised' and 'Christianised' group of people called *amakholwa* segregated themselves from the *iziqhaza* (heathens), those who refused to take up Christianity and civilisation. As a result, in the rural areas of KZN one would find a part referred to as *eziqhazeni* (where the heathens live). *Iziqhaza* or *Iziqhaza*wereare referred to as heathens because people who have taken up Christianity look down upon them, and is because they were 'taught' to look down upon their own culture and tradition that was categorised as 'ungodly'. They live a traditional way of life and adhere to cultural norms, values and practices as handed down from generation to generation by word of mouth. They are significantly 'uneducated' by Western standards, and usually

characterised by their traditional dress code. They also wear red ochre on their faces, especially when performing domestic chores like tilling the land and even when at home.

On the other hand, the term *amakholwa* means 'the believers'. Most of them are educated. *Amakholwa* are Christian converts by European missionaries such as Wesleyans, Lutherans, Romans, Presbyterians, and the American Board. Missionaries established mission stations in rural areas of KZN which are characterised by churches and schools, and this is where Christians live today, for example:uMngeni, the American Board (United Congregational Church of Southern Africa)mission station at KwaNgcolosi; Emaus Lutheran as well as Anglican mission station at Begville; and ePanekeni Roman Catholic Church mission station at Zwelibomvu. The missionaries as they exist today have changed from what they were back then. For example, missionaries were then all white people.

Most people who adopted the Christian and Western way of life later found that their lives were missing the traditional way of living. They therefore started to incorporate their traditions into the Christian way of life (Buthelezi, 2010). This meant that while they went to churches, they also continued some of their cultural practices. The problem with this 'mixed' way of life is that people had lost their cultural values and knowledge regarding practices. As Buthelezi (2010) argues, because of the loss of cultural values, knowledge and the philosophical underpinnings of cultural practices, the practices became distorted and lostmeaning. When talking about *ukweshela*, (proposing love to a woman), Msimang (1991) also argues that some people practise witchcraft and abuse in the name of culture.

2.4. THE INSTITUTION OF MARRIAGE AMONG THE ZULUS

Fortes (1962) observed that so much was known about the customs and institutions of marriage in many societies that it was doubtful that anything new could be added

(Fortes, 1962, p.1). However, De Jager (1971) stated that anthropologists and sociologists continue to study this phenomenon for various reasons. He stated that some scholars re-established old truths; others believed that some new insights might be gained; and yet others merely to fill in the gaps in existing knowledge of particular ethnographic areas, or to see how this phenomenon had'fared' under the 'onslaught' of the conditions and circumstances of cultural contact and change (De Jager, 1971, p. 160).

De Jager further asserted that limited research existed relating to African marriages in South Africa, particularly in the context of social transformation and cultural contact, as well as developments that were continuously occurring in rural parts of South Africa (De Jager, 1971, p.160). Although the above statements were made decades ago, they are still relevant for my study. Anthropologists and sociologists continue to study the phenomenon of customs and institutions of marriage for various reasons (see, for example, Brindley, 1982; Molapo, 2004; Bekker, 1983). This study is an addition to the body of knowledge that exists on the customs and institutions of marriage in many societies.

Zwelibomvu, Bergville and KwaNgcolosi are rural communities of the Zulu people. Appropriate to this study are various topics addressed by Krige (1965) in *The Social System of the Zulus*, where this author outlined certain *rites de passage* that marked the transition of Zulu people from childhood to adulthood. According to Krige (1965), marriage among the Zulus could be called a *rite de passage* for the couple concerned, since both were transferred from the group of the unmarried to that of the married (Krige, 1965, p. 121):

> For the young woman it is a double transition, for she has to be loosened from her own group and incorporated into that of her husband. Hence, the separation rites, such as the wearing of a veil, the seclusion of the girl during the greater part of the marriage ceremonies, her quiet, restrained behaviour, and finally the series of aggregation rites by means of which she is incorporated into the group of her husband.

Krige further maintained that gall was poured over her, and while at first she might not eat the meat or milk in her husband's home, after some timeshe was enabled to do so through a special ceremony.

Several researchers, such as Nyembezi and Nxumalo (1995), Msimang (1991) and Buthelezi (2010), argue that, like many other African nations, Zulus have a holistic view of life. In traditional Zulu culture life is understood as a journey that each person has to travel on earth. This journey begins at birth and ends at death, and is marked by different stages or phases. The phases include life at birth, toddler, through to childhood, puberty (adolescence), youth, adulthood, old age and death (Nyembezi & Nxumalo, 1995, p.100; Msimang, 1991). The youth stage prepares individuals for marriage. Therefore, marriage is a "rite of passage" to manhood for a young man and to womanhood for a young woman, as Msimang (1991, p.249) states:

> *Ukugana nokuganwa kungukuphelela kwalawo mabanga okukhula. Ongaganiwe kakapheleli ebuntwini, ngesiko owesilisa waziwa ngokuthi ungumfana kungakhathaleki noma useneminyaka emingaki yobudala, futhi ngeke ahlala ebandla aphendulane namadoda ngisho angaze abe mpunga ekhanda. Ngokunjalo owesifazane ongendanga uyintombazane aze afe, angeke ahlale esithebeni namakhosikazi, ngeke asike ivenge kanye nawo ...izinsuku zomuntu ezibalulekile zintathu vo empilweni yakhe; olokuqala usuku azalwa ngalo, olwesibili usuku agana noma aganwa ngalo, olwesithathu usuku afa ngalo*
>
> [Marriage is the fulfillment of the stages of growth in a person's life. An unmarried man is like a boy and culturally he forever remains a boy no matter how old he may be in terms of age, he may not sit in important gatherings with other men and deliberate in matters of men. Likewise, an unmarried female forever remains a girl; she may not eat from the same meat board and share a piece of meat with married women. Basically there are three important dates at a person's developmental stages in life; firstly it is the birth date, secondly is the marriage date, and thirdly the death date]

Mahlobo (cited in Krige, 1965) stated that among Zulus marriage created a very special relationship between a man and his wife's clan. Bryant (1949) maintained that Zulus were "patrilineal", in that children of the married couple become members of the clan of the bridegroom's father. This is because the bride herself becomes a member of that

clan. Bryant (1949) argues that marriage for the Zulus was simply a private family contract and had nothing to do with the State. On the other hand, De Jager (1971) argued that marriage is not an isolated occurrence in any human society. He further states that in all human societies it is an institution which is integrated and interrelated with the social structure and organisation, as well as other aspects of the culture of the particular society concerned.

According to De Jager, marriage had three important implications for any girl. Firstly, it elevated her from maidenhood to the status of wife and mother. Also, upon marriage she assumed her natural role for which she had been groomed since childhood. Secondly, marriage signified her departure from her own group and its ancestors. De Jager stated that this did not mean that she completely abandoned her own people and ancestors, but that she then stood in a new relationship to them. Thirdly, De Jager argued that marriage signified her affiliation to a new group and its ancestors, which he argued is not a single event but a process which took place gradually.

Similarly, marriage marks an important stage in a boy's life. It elevates him to a man's status and this means more respect from other people but also more responsibility. Importantly, it is known among the Zulus that a man's best advisor on all matters is his wife. In polygamous marriages a man consults only with his first wife to seek advice (Msimang, 1991). As they grow up, girls are socialised to be responsible, so that as they become adults they give sound advice to their husbands. Communication skills are also developed among girls so that in their adult life, as they communicate with their husbands, their wisdom and good ideas do not make the women arrogant and superior to the husbands. Therefore some of the qualities of a good wife were wisdom and tactful communication.

Discussing courtship and marriage among Nguni people in KZN, Tyrrel and Jurgens (1983) state that traditional Africans' purpose in life is to increase the number of people in the group. They argue that a person who does not marry and procreate is not

fulfilling his or her duty, and thus failing the group. They therefore conclude that initiation signifies the beginning of adulthood, but this status is accepted and confirmed only with marriage (Tyrrel & Jurgens, 1983, p.145).

The above accounts by various scholars emphasise that among the Zulus marriage is important for individuals and valued by all community members. These accounts are relevant for my study because they reinforce marriage as an important reason behind the practice of *ukuthwala* as it takes place in KZN today. However, this thesis does not deal with marriage as an institution per se; this section provides a background on Zulu marriage, its social importance and its impact on *ukuthwala* practice. In the introductory chapter it was highlighted that the present study incorporates Zulu culture and traditions as they apply to and are practised by the Zwelibomvu, Bergville and KwaNgcolosi communities.

2.5. SOCIETAL PRACTICES AND RULES RELATING TO MARRIAGE

As discussed earlier, traditional Zulu societies view life as a long journey that an individual has to travel (Nyembezi & Nxumalo, 1995; Buthelezi, 2010). Buthelezi (2010) argues that in this journey of life an individual does not travel alone but s/he is guided by people who have travelled before him or her, and supported by his or her peers. Buthelezi (2010) further argues that constant communication between the living and the dead is part of traditional Zulu culture, because the ancestors are believed to have acquired wisdom through experience as they have travelled and completed the journey of life. In this way an individual is not an isolated entity but a member of a society. Since s/he is guided, mentored and supported by society in his or her journey, s/he therefore has an obligation to guide, mentor and support other members of the society.

Regarding the marriage institution society has established rules and cultural practices that guide relationships among young people and adults(Nyembezi & Nxumalo, 1995). Some established socio-cultural practices also assist individuals to enter into marriage.

In the following paragraphs I discuss the socialisation of children and some of the societal practices relating to marriage.

2.5.1. The socialisation of children

As discussed earlier, marriage is important among the Zulus. As a result, the concept of marriage is thus introduced to childrenearly on. At their developmental stages children are taught and mentored by older peers so as to prepare them for their adult life (Buthelezi, 2010; Msimang, 1991; Nyembezi & Nxumalo, 1995; Vilakazi, 1962). Youth leaders in Zulu societies are *amaqhikiza* (for females) and *izingqwele*, *obhekeni* and *izinduna* (for males). Traditional education among Zulus is continuous and is integrated with other life activities such as *ukwelusa* (cattle herding) for boys and *ukukha amanzi* (fetching of water) and *ukutheza* (fetching of wood) for girls. The education intensifies during ceremonies and celebrations that mark the different developmental stages and integrate nature, the living and the dead, for example, *umkhuliso* (the celebration done when a child reaches puberty).

Children are socialised in a manner that prepares them for motherhood or fatherhood; this socialisation is reinforced by gender roles ascribed for boys and for girls. For example, girls are socialised to fetch water and wood, cook and wash clothes, while boys are socialised to herd cattle, plough and be able to fight. However, these gender roles are not totally exclusive. Depending on the context and the situation in each family, some boys do the cooking and fetching of wood and some girls engage in ploughing and cattle herding, in which case they will also learn to fight. The main emphasis is that the last stage in a person's life is that of marriage. Therefore, as Krige claims, Zulu children are brought up and prepared for future adult life in their marriages. However, young people are assisted all the way by youth leaders to determine the stage at which they may enter into love relationships, the choosing of the right partner and managing relationships (Msimang, 1991).

Therefore, in Zulu culture a person's life is not only his concern but also that of other people, both within his or her family as well as outside of it, particularly youth leaders. As such, and as Msimang (1991) argues, marriage is not just a matter between the couple concerned, but rather a matter between the two families involved, and this includes the ancestors(Msimang, 1991, p.250). Nyembezi and Nxumalo (1996, p.119), further state that marriage among the Zulus means that a woman moves from her home to enter into a new home (with her husband's family). When she gets married, she is married to a family. The family, rather than only her husband, takes care of her.

She is thus incorporated into the new family and reported to the ancestors of that family. Therefore the old Zulu expression that *"ingcwaba lentombi lisemzini"* emphasises that once married, a woman will belong to the new family for the rest of her life. The new family is responsible to ensure her welfare, health and security. In the event that the husband becomes deceased,the family's obligation still stands. Hence *isiko lokungena umfazi kamfowenu uma eseshonile* (levirate marriage).[5] If the man who is marrying the widow is already married, and has no other brother, it means he will be a polygamist and the widow will be his second wife. However, both women have to consent to the levirate marriage. If the man is not married, it means the widow will be his first wife and when the man decides to get married to another woman later on, then the second woman will knowingly and willingly involve herself into a polygamous marriage. However, the widow has a choice to get married for the second time from outside her husband's family. However, if this happens, *ilobolo* goes to her deceased husband's family and not to the widow's maiden surname. Children from the second widow's wedlock belong to her deceased husband. Reason being, it is a common understanding that a woman gets married to keep her husband's lineage.Furthermore, if the woman gets divorced, the husband is still liable for her welfare, health, security

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[5] The practice of marrying the widow of one's childless brother or even if she has children in order to maintain his line, as required by the custom.

and for her sexual desires, hence her husband gives her a plot of land and build her a house nearby her in-laws. If the woman is found to have commited adultery she is sent back to her home to come back with *inkomo yenhlawulo* (a penalty cow) but will never be chased away from her marriage family.   If the new family ignores the woman's welfare, health and security then the woman suffers in silence and has to have a say in the proper platform convened by men and which is male headed for her to air out her tension using *ukuhlonipha* (respect) if she is lucky to have such an opportunity. For example, if the husband no longer have sexual intercourse with her, she may say *ukhezo alusaphaki* (the spoon does not dish up anymore), then her audience will know exactly what she is talking about.   In gendered terms,in this context, marriage becomes the oppressor to women as men are privileged than women in patriarchal Zulu communities. In this context, girls grow up knowing that in one way or the other, they belong to their husbands to death. However, culture is not static, but dynamic. It is therefore, important to note at this stage that the Zulu culture under discussion is still taking place as I describe it, at least in the deep rural areas of Zwelibomvu, Bergville and KwaNgcolosi. However, in the urban areas and some rural areas where social development has occurred, this way of life has changed with time; for example, some women are just incorporated into the new family without being reported to the ancestors when they get married. However, some families still fulfill all/most/some cultural rites even as they live in urban areas.

2.5.2. Practices relating to marriage

As discussed above, in traditional Zulu culture a person's life is a concern of the family and society. Since marriage is valued, the society ensures that young people get their life partners and that an individual chooses the right person as a life partner (a husband or wife), and the society developed certain practices to ensure this. *Ukuthwala* (which I discuss later) is one such practice. Below is a brief description of some other such practices.

Ukweshelela

Zulu culture allows a man to court a woman for his brother, friend or relative. This happens when a man is either too shy to speak to a woman, or has some form of disability, or is just unsuccessful with women – then his brothers, sisters or relatives propose love on his behalf to the woman of his choice.

Ukukhipha isinyama ngobulawu

In traditional Zulu culture and even today it is not a shame to use *umuthi* (herbs). Anybody who believes in herbalists or traditional Zulu medicine may visit a trusted *inyanga* (herbalist) or a Zulu herbal chemist to get treatment for *isidina* or *isinyama* (a condition where a person is not liked by other people for no apparentreason),or to get medicines which are used as treatment for good luck with love relationships. It was customary for a young man to cleanse himself with appropriate herbs before going out courting a woman (Bryant, cited in Krige, 1965).

Ukuphosa / izizwe

Vilakazi (1962)contended that socially, the girl who accepted a young man as a lover, even for a short time, boosted his ego and gave him status. He further contended that the Zulu way of putting it is *"umenze umuntu"*, that is, she had made a human being of him by recognising him as an adult personality and as a man. However, Vilakazi (1962, p.50) asserted that:

> To fail to win a woman is to be a social failure (*ishimane or isigwadi*) and it is to be cursed with a social stigma which, in its effects, is worse than an organic disease. Young men usually break down under its strain and may even get afflicted with *ufufunyane* (a condition similar to hysteria), or behave as if they were mentally deranged.

Vilakazi (1962, p.51) maintained that whatever a man ultimately blamed for his failures in love, he suffered much social and psychological pain, for he had failed to get confirmation of his manhood from women. Therefore, to avoid social stigma and to boost their egos as well as to attain social approval and status, Msimang (1991) states

that *izishimane / izigwadi* used medicine to bewitch the woman they love so that she goes to the man herself; this is called *ukuphosa*. This is not a practice that is approved by society because it is believed to be witchcraft.

2.6. RESEARCH REPORTS ABOUT *UKUTHWALA*

Research reports show that *ukuthwala* practice is not unique to KZN and South Africa, although it is not referred to as such in other parts of the world. Westermarck (1926, p. 110) argued that "marriage by capture"was a global practice, and research shows that it is not unique to Africa. He mentioned different words used in different parts of the world that referred to this practice, and stated that the list was endless. Summing them up under "marriage by capture", these words included to carry off; bride stealing; seizure of a girl; rape marriage; and forcible abduction. *Ukuthwala* and forced *ukuthwala* (bride abduction) can be added to the list. It is notable that Westermarck grouped violent practices and non – violent practices under one umbrella named " to carry off" or " marriage by capture". Westermarck (1926) argues that what is common in these practices is that a woman is carried away. He further gives an example of a non violent marriage whereby he argues that by lifting up his bride at their wedding, the bridegroom symbolizes "carrying off". He argues that carrying away a bride by her bridegroom has since become a norm such that even nowadays it had become a tradition amongst the marrying couples. He argued that the process varied from place to place; hence, different words. However, what was common across all communities wasthat a man or his relatives and friends carried off a woman with the intention to marry her.

Westermack (1926, p.110) also gave details of places where the practice existed or wasstill prominent. He stated that in Tierra del Fuego it occurred among both the Yahgans and the Onas. He further stated that marriage by capture occurred among the Brazilian tribes; South American Indians; Luiseno Indians on the coast of Carlifornia; and among the Chuchee inhabiting the North East of Asia. He further reported that marriage

by capture occurred among Samoyeds, Votyaks and Ostyaks, and also occurred among various other people belonging to the former Russian Empire, such as the Kalmucks. He also mentioned that marriage by capture occurred among the several tribes in India, among the Bhuiyas of the Orrissa States as well as the Hos in Bengal. Thomas (1939, p. 71) also reported that evidence showed that marriage by capture existed in India.

Westermack (1926) further stated that marriage by capture wasalso witnessed among the Chittagong hill tribes in general. He concluded by stating that it also occurred in the Malay Archipelago, Melanesia, and all parts of the Australian continent. Park et al. (2000, p.18) also state that coerced marriages occur in Thailand and in India. Monger (2004, pp. 1-2) mentions that forced marriages or bride abductions occur in Brtitain, China and among Australian Aborigines. Westermarck (1926, pp.111-113) further discussed "marriage by capture" as it occurred and is still happening in various African states, and stated that it occurs / occurred among Ancient Semites. He further stated that in Arabia it was common before Muhammad and it also occurred among the Hebrews, the Indo-European peoples as well as among Hindus (according to the laws of Manu – *Rakshasa* (forcible abduction).

Westermarck (1926) further stated that marriage by capture occurred in Greece, Rome and Scandinavia, as well as in Irish Nennius (Picts from the Gael) and in Slovakia among Southern Slavs, in Russia among Cossacks and Ukranians, in America at High Albania, among the Caucasian mountain tribes, the Akamba of British East Africa, the Roro of British New Guinea, and Mongols of Scandinavia. Furthermore, he argued that it also occurred in some parts of Morocco and Burma. Marriage by capture is also reported among Araucanians in Chile and in Greenland among Turkomans and Spartans. Olaniyi (2003) states that forced marriages and the trafficking of women occur in Nigeria. Westermarck (1926) claimed that this list of peoples among whom marriage by capture took place might easily be enlarged. He concluded that many of the people regard marriage by capture as the usual or normal mode of contracting a marriage.

Like Westermarck (1926), Monger (2004) concurs on bride abduction as wife stealing and seizure of the bride. Monger (2004) also highlights the practice of "marriage by capture" or abduction as it takes place in different parts of the world. He gives an account of different forms of abduction throughout the world, and offers cases of abductions and places where they have occurred. He highlights that some abductions are arranged by the abductor and the abducted girl, while others are genuine cases of forcible abduction. In his book *Marriage Customs of the World: from Henna to Honeymoons,* Mongerstates thatmarriage by abduction was a theory suggested by some 19th century anthropologists, notably John F. McLennan (1865). He argues that others have considered this to be a rare form of marriage, and some have even doubted that it ever occurred as a widespread and valid marriage form.

Monger (2004) presents cases of bride abduction as it took place in different parts of the world. He states that according to the Hindu laws of Manu, of eight forms of marriage recognised, four are considered "blessed", and the other four are condemned as "blamable" unions. He states that one of these is known as *rakshasa,* a union by forcible abduction of a maiden from her home, either by stealth or by breaking into her house and slaying or wounding her kinsmen. Monger asserts this is not a genuine case of abduction (2004, p.1). He further argues that there are some cases in Britain that appear to have been genuine cases of abduction. He states that because abduction was a problem in Britain, legislation was enacted to prevent the practice, but they did not cease. Monger (2004) highlights the ineffectiveness of the law to control abductions, by stating that a statute of 1487 (at the time of Henry VII) ranked abduction as a felony, and an Elizabethan Act of 1596 denied those found guilty of abduction the benefit of the clergy.

Monger (2004) continues to state that there were some high-profile cases of abduction, such as that of the daughter of Sir Thomas Puckeringe, Jane, who was abducted in 1649 while walking with her maid in Greenwich Park, London, by a group of mounted

men led by one Joseph Walsh. Monger states she was carried off to Dunkirk and the law failed to secure her release, and presents several cases of abduction of young women with intent to marry from different parts of the world, where some were only 16 years old. He argues that the age of the couple at marriage varies among cultures according to religious and civil law and local customs (Monger, 2004, p.7). In one case Monger (2004, p.7) states that the abducted bride was returned to her parents, and the marriage (which had not been consummated) was annulled because there was no consent from the abducted girl.

Monger (2004) argues that there are occasional contemporary accounts of abduction of women for marriage, giving examples of where this takes place, such as China, Rome, Russia and Greece. He argues that it is doubtful that there can be a true marriage by capture; rather, Monger claims forcible abduction and the subsequent unwilling consummation would be rape, and the relationship at best more like concubinage (Monger, 2004, p.2). Monger vividly outlinesthe process of abduction and states that there is an outward sign of resistance on the part of the bride to going with the groom, so that there may be a ritualised battle between the groom and his followers and the bride's attendants. However, Monger also states that in some cases the bride might have been carried off by force, and there might have been some violence, but the abduction was planned by the couple. This author also observes that similarly, some form of reluctance and force on behalf of the bride and of the groom respectively has often been noted among the ancient Greeks, Romans, Spartans, Russians, Bedouis and Wahabys.

McLennan (1865) concurred with Westermarck and Monger on "marriage by capture", but his unique contribution was of giving the origins thereof. McLennan stated that many wedding customs and practices in different parts of the world included some form of ritual or mock battle, or the apparent abduction of the bride by the groom's family and friends. He argued that these practices gave rise to the 19th century theory of

"marriage by capture" (McLennan, 1865), and says that others had considered that to be a rare form of marriage.

Discussing "marriage by capture" he used the same example used by Westermarck and Monger, the Hindu laws of Manu. *Rakshasa*was given as an example of "marriage by capture", and was regarded as a not acceptable form of union. McLennan further claimed that capture was also said to have been the means by which the founders of Rome obtained their wives from the neighbouring Sabine women, and was the beginning of the Roman marriage rites. McLennan made no distinction between elopement and abduction, but did acknowledge that his contemporary accounts did not provide evidence that marriage by capture still existed in the 19th century (McLennan, 1865, pp.136-137). It was suggested by McLennan (1865) that the custom of lifting a bride over the threshold of her new home was related to the practice of "marriage by capture", making a link with the rape of the Sabine virgins, who did not go voluntarily.

According to McLennan's (1865) argument, even when there was agreement and willingness on the part of a young woman, she had to give an appearance of resistance. He claimedthat this could be through modesty or the young woman's fear of an unknown future, although she might want to marry. For him marriage by capture was the norm for any woman who entered into marriage.

While the above discussion on marriage by capture is important to show that this practice existed in other parts of the world, this discussion is important for my thesis as it provides evidence of the complexities surrounding the nature and causes of bride abduction, and converges with the research findings discussed later in this study and that shows *ukuthwala* and abused *ukuthwala*.

2.6.1. Research reports about *ukuthwala* in Africa

Bryant (1949) argued that Australians, Brazilians and natives of Central India still practised marriage by capture. Bryant continued to argue that in Africa the custom was still going strong among the Congo Pygmies, the Mongala Forest tribes, the Bantu-speaking abaBua, baBati, and baLeu of the upper Wele, and the Bomokandi of the upper Rubi Rivers. He claimed that even the Nyasa Bantu were said to still indulge in the practice. Bryant further stated that mockcapture enlivened the proceedings among the Kamba Bantu in Kenya, where he claimedthat although marriage was by purchase, the groom might then "carry off" the bride by force or a stratagem. He also maintained that while the Hausa bride in Nigeria veiled and screaming,was carried off by her husband's people.

In describing what marriage by capture (*tshobeliso* – Southern Sotho, and *chobeliso* – Northern Sotho) means among the Basotho people of Lesotho, Molapo (2004) indicates that there is no such thing as "agreed *ukuthwala*" in Basotho society. He maintains that a female is forcibly abducted to enter into a marriage with somebody she does not even know. She is being forced and dragged to enter into an unplanned new pattern of life which will make her totally dependent on her husband for her social and economic basic needs. Molapo (2004, p.5) claims that in his experience with abductions as a herd boy in Lesotho, he has evidence that abduction happens against a female's will:

> I could hear a piercing cry of a girl who was being captured when she was trying to resist the abduction. And a young girl will always try to free herself. She could be beaten like a dog if she was persistently resisting the abductors. When this drama takes place, the Mosotho girl would definitely know that she is being forced to enter into a marriage with somebody she does not even know.

According to Molapo *ukuthwala* is performed like a "drama". He argues that his sister's dream of becoming a teacher faded away as she got abducted and was denied her human rights to pursue her studies. He argues that this compelled him to investigate

the practice. Reflecting on his past experiences with abductions in Lesotho he says (2005, p.5):

> It has been always painful for me to experience this form of harassment and abusive violence done against the consent of the Mosotho girl, to force her to enter into unplanned marriage. Her career and dreams of a future life are being disrupted and completelyjeopardized …Basotho girls are denied the right of movement to any place at any time, let alone their choice.

The weakness in his study is that Molapo (2004) discusses the practice of *tshobeliso* (forcible abduction) among the Basotho people of Lesotho from a Christian analytical approach. He maintains that this practice is a challenge for pastoral care ministry. In his findings, Molapo (2004) maintains that despite several attempts by missionaries to curtail African culture and traditions, which they regarded as paganistic, *tshobeliso* is still vigorously practised among the Basotho of Lesotho, albeit in changed conditions at least for the people in urban areas. This approach of criticising African cultures is problematic as it assumes all Africans should leave their cultures and adopt a Christian way of life. Despite some weaknesses, Molapo's (2004) study forms an important basis for other studies to follow.

An informant (my colleague), who is the son of the soil of Lesotho, told me that Molapo's (2004) *tshobeliso* (forcible abduction) happened in the past and not in the 21st century. He further stated that *tshobeliso* was carried out universally among the Basotho of Lesotho, but by certain individuals from some of the deep rural areas. He also mentioned that *tshobeliso* (as used by Molapo, 2004) has a South African spelling with a British influence, as compared to *chobeliso* (Northern Sotho) which has a French influence and a genuine Lesotho spelling. However, the two refer to marriage by capture (personal communication, informant, 22 August 2011).

Molapo (2004) further stated that generally there are three ways to get married in Lesotho, namely: civil ceremony (district administration or court marriage); church weddings; and the traditional way of getting married (customary marriage). He indicated that these types of marriage are found in Lesotho, and added marriage by

abduction *(tshobeliso)* as the fourth type (Molapo, 2004, p.10). However, my informant stated that *tshobeliso / chobeliso* is not a type of marriage but a way to open up the marriage negotiation process, where a young woman would agree to be carried away by her sweetheart in order to open up the marriage negotiation process, and this is called "agreed *chobeliso"*. He claims this happens despite the parent's knowledge of both parties concerned. However, on arrival the young man introduces the young woman to his parents, who in turn, on the following day, send the marriage negotiators to go and report to the parents of the young woman who has been carried away with a penalty of six cows for tarnishing the young woman. If the young man has slept with the young woman, then "slept cows" would be paid equal to six cows.

The main aim of the young man's parents is to open up the marriage negotiation process. If they agree, then the process continues, but if they disagree then a penalty is paid. If the young woman's parents disagree to open up the marriage negotiation process, and the young man has slept with the young woman (perhaps the young woman has fallen pregnant), the six cows paid as a penalty serve as 'maintenance', then there is no need for the young man to pay towards maintenance in the future. The informant claims *chobeliso* still happens today among the Basotho of Lesotho but in a moderate way, and that it is a matter between a young man and a young woman who engage in "agreed *chobeliso"* so there is no beating of a young woman because she has agreed to be carried away (personal communication, informant, 22 August 2011). However, research needs to be done on *chobeliso*.

In his study focused on marriage preliminaries and marriages, Westermarck (1926, pp. 111-113) provided a list of places where marriage by capture occurs and / or occurred in Africa. He stated that it occurs / occurred among Ancient Semites, in Arabia was common before Muhammad and also occurred among the Hebrews. He further stated that it occurred among Mongols and in some parts of Morocco. Olaniyi (2003) states that forced marriages and the trafficking of women occurred in Nigeria. Westermarck added that his list of peoples among whom marriage by capture had

been found might easily be enlarged (1926, p.113), and concluded that marriage by capture had never been a usual or normal mode of contracting a marriage anywhere in Africa. Ogutu (2007, p.4) states that forcible bride abductions take place among the Luo and Turkana of Kenya.

Marriage by capture is also mentioned in Kenyan fiction. Although fiction is not 'truth' in as much as research reports are, it might indicate that people in Kenya may have experienced this practice in one way or another. For example, in a story of Judy Mbugua and her struggle with the dilemmas of early marriage, with her education being cut short, and how she resolved to change the course of her life (*Judy: A Second Chance, She Refused To Give Up*), Mbugua and Kisuke (1997) write about marriage by capture as it takes place in Kenya. Mbugua narrates the story of how Judy's grandparents got married through abduction, and her father was the product of a mixed marriage between a Kikuyu father and Maasai mother. His parents' marriage was one of the occasional incidents during those days which used to happen during tribal conflicts between two tribes. During such confrontation the conquering tribe would not only capture the cattle but also beautiful young females who would be carried off to become wives to different men decided on by the tribal elders. Rarely did such women tried to find their way back home. This was one of the situations that women accepted as a reality of the day without question; however, this does not imply that women agreed to being given away, rather that they had internalised oppression.

2.6.5. *Ukuthwala* in the Xhosa context

The above discussion concentrated on relevant research related to marriage by capture as it occurred outside the borders of South Africa. My present study takes place in rural areas of KZN in South Africa, and I consider it important to discuss studies relating to *ukuthwala* that have been conducted in South Africa.

In his work *The AmaXhosa: Life and Customs*, Soga (1931) outlined Xhosa culture and traditions. Certain *rites de passage* that marked the transition of the Xhosa people from childhood to adulthood are also presented. Discussing the custom of '*ilobolo'* and steps in a Xhosa marriage, researchers such as Soga (1931) and Hunter (1961) brought the dimension of two forms of *ukuthwala*, namely: (1) *ukuthwala* as a custom; and (2) the abuse of the *ukuthwala* custom, which they term genuine cases of abduction by force. Soga claimed that *ukuthwala* customary practices were "faked cases of abduction" where both the young man and woman had agreed to elope,but the woman did not wish to appear to be 'flouting' her parents and preferred to disguise the elopement with abduction.

However, Soga (1931) maintained that forced marriages prevailed in the Xhosa culture and argued that forced marriages took place among civilised people. He asserted that a large number of *"ukuthwala"* cases among Xhosas were love romances, and that in many of these the term simply denoted that the couple had mutually arranged to elope so that the female's parents would be faced with a *fait accompli* if they were unfavuorably disposed towards the young man. Soga (1931, p.31) concluded that the female agreed to this procedure in order to marry the man she loved, and escaped from the man which her parents sought to marry her to. According to Soga (1931) there was no intention on the part of the man to evade *ilobolo*, but he was determined to marry the woman of his choice.

Soga (1931) and Hunter (1961) maintained that real cases of forcible abduction also existed, but that this does not alter the fact that many cases of so-called abduction were actually cases of mutually agreed upon elopement. Soga (1931, p.45) further asserted that "Many a female eloped with a worthless swain, so far as the character and material worth is concerned, and fled from a wealthy suitor because love was the impelling force". Soga further argued that if carefully scrutinised, it would be found that very often parents of a female who refused to marry a young man chosen by them for

her privately advised the young man to carry her off by force, not from her home but from some spot at a distance off.

Soga (1931) further stated that after a woman had been carried away, some boy from the groom's kraal was sent to the young woman's people to tell them where she was. Hunter (1961) also reported that then *ilobolo* negotiations would begin. Hunter (1961) observed that to carry off a female to marry her was considered quite respectable, and there was no shame in such a marriage for either bride or groom. However, Hunter said that for a female to elope was rather shameful, because she should never admit that she willingly went to any man (ibid, 1961). According to Hunter (1961) a woman would always weep and protest when getting married, and not to do so was immodest. He further reported that of the 26 marriages investigated in Pondoland, 5 were arranged, in 5 cases the female had been carried away, in 13 the couple had eloped, and in 3 cases the female was married off by her people and then had run away and married a lover (Hunter, 1961, p.189). Hunter therefore concluded that there is considerable freedom of choice in the selection of partners. Furthermore, Hunter concluded that a man was not forced to marry a woman he did not love, and although ideally a woman was supposed to submit to her father's choice of a husband for her, the number of cases of elopement shows that many disregarded their fathers' wishes. However, I argue here that like several other authors, Hunter conflates *ukuthwala* with marriage.

De Jager (1971) included marriage by abduction *(ukuthwala)* in his account of the four types of marriage in the rural areas of the Ciskei. However, De Jager did not give a full account of the custom of *ukuthwala,* justbriefly mentioned it. He stated that marriage by abduction (*ukuthwala*) dated from pre-contact (with white colonisers) days. However, he claimed that it was never and is still not regarded as normal social behavior. De Jager (1971, p.160) observed that most often the underlying motive was to place before either the woman or her parents a *fait accompli*. Both Laubscher (1951, p.56) and De Jager (1971, p.192) claimed that *ukuthwala*was kidnapping by consent of the parents.

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According to Laubscher (1951), in this form of marriage all arrangements were made as in the ceremony of *ukwenda* (traditional wedding), except that the woman was kidnapped before the cattlekraal ceremony was performed at her own kraal; He therefore concluded that this complied with the accepted customs of the Thembu people (Laubscher 1951, p.192). De Jager (1971) further argued that *ukuthwala* had to be legalised. De Jager (1971, p.160), like Mayer (1980), concluded that in this type of marriage the abduction was forced and brutal according to Xhosa values, whereas in traditional marriage procedures it was with the consent of the woman's parents and permitted symbolic and ritual behaviour. Commenting on *ukuthwala* among Swazis, Seleoane (2005) also makes a distinction between the *ukuthwala* custom and the abuse of the custom.

According to Bryant (1949, p.534), among the Khoisan marriage by capture was more painful. In another related study Krige (cited in Schapera, 1946) discussed abduction or elopement as it took place among the Tonga, Venda and Lobedu. According to Krige abduction or elopement among the Tonga was not recognised as *ukuthwala*, and it was considered a disgrace. Krige found that these tribes had "*ukuthwala* as a kind of abduction in which a young man and his friends carried away a young woman (sometimes even at the instigation of her own father)" with the aim of marrying her (Krige, cited in Schapera, 1946, pp.112-113). He observed that the *thwalwa'd* young woman would run away with her lover to some "indulgent" relative and the man's people reported the matter to her father who, among Venda and Lobedu, usually accepts the situation but demands *ilobolo.*

Several authors, such as Bryant (1949), Krige (1965), Vilakazi (1962), Schapera (1946), Msimang (1991), and Nyembezi and Nxumalo (1995), have reported on *ukuthwala* as an age-old custom among the Zulus. Apparently the custom was carried out when the two people involved (that is, a man who *thwala'd* the woman and the woman herself) had agreed on it, although during the *ukuthwala* incident the woman

would pretend not to like it. This therefore means that a young man would *thwala* a woman he had a love relationship with, and not just any woman.

As can be seen from the above, some authors regard *ukuthwala* as abduction. In my discussion in Chapters 6 and 7 of this thesis I highlight the distinction between *ukuthwala* and marriage, and also argue that the custom of *ukuthwala* is not the same as abduction. As argued by various other authors, the *ukuthwala* practice was agreed upon between the woman and the man involved, and there is therefore no clear evidence that the men used violence during the incidents.

Nyembezi and Nxumalo (1995) maintain that *ukuthwala* carried out by a young woman's lover and his relatives or friends. It was used when the young man found it difficult to start marriage negotiations with the woman's parents. The young man would resort to *thwala* of the woman so that the negotiations could start. Nyembezi and Nxumalo (1995) also state that sometimes it happened when the young woman had met someone that she loved more than her current lover, so, the new lover would *thwala* her to end her relationship with her current lover. Those who *thwala'd* the woman would send the marriage negotiator to her parents to officially tell them "*funelani nganeno*" ('search from my side'), culturally, an official way of reporting that the woman has been *thwalwa'd* by that particular man's family. The man's family would immediately pay *inhlawulo* (penalty) and *ilobolo* so that the woman's parents are able to return the *ilobolo* to the original lover's family (Nyembezi & Nxumalo, 1995, p.115).

According to Bryant (1949), only in exceptional cases was a woman *thwalwa'd* against her will. In his book *The Zulu people as they were before the whiteman came,* Bryant (1949) discusses *ukuthwala* among the Zulu people as it took place during ancient days. He stated that he personally witnessed an "exceptional case" of a bridegroom "forcibly carrying off" on his shoulders (with her guardian's concurrence) a "recalcitrant" female who was struggling wildly and unwilling to go to him. However, the female had previously consented to be *thwalwa'd*, and later on was found to be a happy and

cheerful wife of the same man (Bryant, 1949, p.573). He asserted that "marriage by capture" was a great sport in olden times (Bryant, 1949, p.573).

Bryant (1949) and Schapera (1946) classify *ukuthwala* under forms of marriage. Bryant (1949) asserted that the Zulu marriage was a quiet, "effeminate" proceeding, except in exceptional cases (such as that referred to above). According to Bryant (1949), during the ancient days no man would just abduct a female without having made any attempt to woo her first. Schapera (1946) also discussed forms of marriages within the Nguni people, of which he claimed *ukuthwala* was one form. However, I argue here that both Bryant (1949) and Schapera (1946) do not clearly distinguish between *ukuthwala* and marriage; I highlight this distinction later in my discussion of *ukuthwala* in the research findings and analysis chapters (that is, Chapters 6 and 7).

Krige (1965) argued that among the Zulus *ukuthwala* took place when an engaged young woman or her father broke her contract relating to marriage negotiation processes. A penalty over and above *ilobolo* would be demanded only if the young man had no right to *thwala* the young woman. He further argued that from his study, there was no evidence whether *ukuthwala* obligated a woman's parents to allow their daughter to marry the man who *thwala'd* her, or if they would still refuse to consent to marriage. Furthermore, Krige (1965) did not clarify whose consent was sought, the young woman's or her parents'. Krige's contribution to *ukuthwala* is not substantive; nevertheless, his significant endeavour was in highlighting the practice of *ukuthwala* among the Zulus, although this is confused with abduction.

In contemporary Zulu societies some males forcibly marry unwilling women and abuse them under the name of *ukuthwala*. In such cases witchcraft is also practised (Msimang, 1991) and GBV (Thulo, 2003) becomes part of the process of carrying the target woman away. Msimang (1991) partially addresses some aspects of traditional *ukuthwala* in contemporary Zulu communities; his book *Kusadliwa ngoludala* reports his study which examined traditional Zulu culture and traditions. Discussing courtship

and betrothal among the Zulu, Msimang (1991) reports alternative ways embarked upon by *izishimane* (a derogatory term used to refer to young men who do not have skills in courtship and therefore end up not having love relationships with women), and he argues that *ukuthwala* is one such. He found that *izishimane* employ different forms of *ubuthakathi* (witchcraft) on target women.

Thulo (2003) states that "The abuse of ancient traditions has resulted in young women being kidnapped and raped in the Bergville district". Thulo (2003) confirms Molapo's (2004) assertion that the abuse of the ancient traditions has resulted in young women being raped and forced into undesired marriage unions in Lesotho, and states that a target woman is severely beaten with sticks and sometimes with sjamboks, her arms twisted, and even her body dragged on the rough paths and her clothes torn apart.

While Msimang (1991) admits that *ukuthwala* is a well-known patriarchal weapon or tool employed by some men (*izishimane*) to suppress women's interests, he nevertheless agrees that there is no unanimity regarding the exact meaning of *ukuthwala* practice as far as different societies in contemporary Zulu cultureare concerned. He states thatsometimes *ukuthwala* takes place when a young woman has jilted her sweetheart; the jilted lover then decides to *thwala*the young woman with the intention of marrying her. He claims in this case a woman is beaten and forcibly *thwalwa'd* (Msimang, 1991). Furthermore, Msimang claims that the woman's brothers may come to rescue her, and this may result in a faction fight. He concludes that if the men who *thwala'd* the woman are victorious, the young woman would be married off (Msimang, 1991, p.228).

Describing the process of *ukuthwala* Krige (1965) maintained that a young man with a number of his sib-mates arranged to secretly "carry off" the young woman to his home. On arrival there the young man's family dressed the young woman in an *isidwaba* (a Zulu leather skirt) which symbolises that she is about to marry or is married.

2.7. CONCLUSION

This chapter presents an extensive literature review on the meanings that people make about the practice of *ukuthwala.*Drawing from international and local studies, dated and recent literature, it has been pointed out how various communities perceive, interpret and practice "marriage by capture", with*ukuthwala* added to this list. The review has not been restricted to a specific people or gender, but has taken national interests into account.

Emanating from this literature review is the fact that there are two forms of *ukuthwala,* namely the custom of *ukuthwala* and bride abduction. Furthermore, *ukuthwala* is conflated as another form of marriage. Emanating from this literature review is the fact that various reasons prevail for persistence of the practice of *ukuthwala.* The themes presented through this literature review (the institutionof marriage, social transformation, rurality) have indicated how complex the practice of *ukuthwala* is. Having provided traditional views on *ukuthwala* and views on bride abduction, I hope to find the reasons behind the persistent practice of *ukuthwala* despite negative coverage in the media. To do that I employed the theoretical and conceptual framework discussed in the following chapter.

CHAPTER 3

AFRICAN PHILOSOPHY AND THOUGHTS ABOUT LIFE

3.1. INTRODUCTION

In this chapter I explain the philosophical framework underpinning this study. The study mainly employs Gyekye's (1987) theory of African philosophy in relation to African cultural life. The psychoanalysis theory and the concept of a man's ego or man's personality of Freud (1973, as cited in Gyekye 1987, p.213) which is equivalent to the theory of *sunsum* (spirit) of Gyekye (1987), is used in this study.

Worldview concepts are employed in order to discuss how Zulus view, perceive and interpret life, death and nature in general. This also encompasses their beliefs, values, traditions, culture, politics and language, all of which which influence the way they interact among themselves. This in turn will help in analysis of the data and findings from this study, and consequently making recommendations regarding the practice of *ukuthwala.*

My study mainly tries to seek knowledge(s) or meaning(s) of the practice of *ukuthwala* and the reasons for them among the Zulu-speaking people in selected rural areas of KZN. There is therefore a need to bring forth African worldviews and philosophy of life. This will help to provide a better understanding of how the Zulus perceive and interpret life in general. In so doing I hope to achieve a better understanding of the topic at hand.

3.2. AFRICAN PHILOSOPHY

3.2.1. The idea of African philosophy

Gyekye (1987, p. 213) claims that African philosophy has always been there for as long as Africans and African communities have existed. He uses African (Akan) proverbs as a reflection of life by Africans which, he argues, is philosophy. He uses the term

'traditional' in the sense of indigenous and aboriginal, something handed down from generation to generation (Gyekye, 1987, p.213).

Gbadegesin (1991) argues that there are at least four schools of thought regarding the question of the nature of African philosophy. He mentions that for one group, it is the philosophical thought of traditional Africans as could be sifted from their worldviews, myths, proverbs, and so on. He further argues that in this sense it is the philosophy indigenous to Africans, untainted by foreign ideas. To attain a deep understanding of this philosophy one needs to go to its roots in the traditions of the people, without the mediating influence of westernised folks. For another group, he contends, African philosophy is the philosophical reflection on and analysis of African conceptual systems and social realities as undertaken by contemporary professional philosophers. He further contends that for the third group, African philosophy refers to a combination of these two approaches without suppressing or looking down on either. He concludes by stating that there is a fourth group for whom African philosophy is none of the above, but just any collection of texts produced by Africans and specifically described by their authors as philosophy (Gbadegesin, 1991, pp.1-2).

African philosophy is a disputed term used in different ways by different philosophers (Hountondji, 1983; Wiredu, 1980; Gbadegesin, 1991). The debate includes Hountondji's (1983) assertion that worldview cannot be a source of African philosophy, because it is communal or collective thought and unwritten. Gyekye (1987) disputes this, arguing that African philosophy is not collective thought but rather originates from an individual, and that it is thus individual thought shared by community members, which render it a collective thought. Wiredu (1980) asserts that African philosophy "is still in the making". Responding to this assertion, Gyekye (1987) argues that what is still in the making is modern African philosophy, which is to be distinguished from traditional African philosophy.

African philosophy as such isrelegated to 'limbo', and its existence is doubted (Gbadegesin, 1991). Philosophy is thus assumed to be a special 'relish' of the peoples of the West and the East (Gyekye, 1987). Gyekye argues that the lack of writing in Africa's historical past, which in turn led to the absence of a 'doxographic tradition' (a tradition of recorded opinions), and the fact that African traditional thought is not always accepted as philosophy, could be reasons why the existence of African philosophy is debatable. In addition, increasing controversy is being generated by the phrase 'African traditional systems of thought' (Hallen & Sodipo, 1997, p.5). Attempting to deny the existence of philosophy as a species of African thought, Horton states that traditional cultures did not develop logic and epistemology: "Since logic and epistemology constitute the *core* of what we call philosophy, we can say that the traditional cultures have never felt the need to develop philosophy"(Horton, 1967, cited in Gyekye, 1987, p.4).

Gyekye (1987) questions whether, if it makes sense to talk of Western or Eastern philosophy, would it not also make sense to talk of African philosophy (Gyekye, 1987, p.189)? He argues that the common features discernible in the cultures and thought systems of sub-Saharan African peoples justify the existence of an African philosophy. These common features, he states, comprise the beliefs, customs, traditions, values, sociopolitical institutions and historical experiences of African societies. He also claims that it is beyond his scope to argue that there is or ever will be either a unitary or a uniform African philosophical perspective, for such an argument "will not hold water". According to him, it rather argues that justification exists for talking of African philosophy or describing a body of ideas as African – not in the sense that these ideas are not to be found anywhere else in the world, but in that this body of ideas is seen, interpreted and analysed by many African thinkers and societies in their own way. Gyekye (1987, pp. 189-190) asserts that:

Thus, by 'African' I do not mean to imply that a particular body of philosophical ideas is uniquely or exclusively African. I am using 'African' in the sense in which one might use 'Western' or 'European' or 'Oriental'.

He states that such a basis would therefore justify a discourse in terms of 'African philosophy', just as the similarity of the experiences, traditions, cultural systems, values, and mentalities justify the appropriateness of the labels European philosophy, Oriental philosophy, Western philosophy, and so on.

3.2.2. Traditional African philosophical thoughts

African philosophy isseen as the philosophical thought of traditional Africans (Gbadegesin, 1991; Gyekye, 1987). Gbadegesin argues that this is the view attributed to the so-called ethno-philosophers, prominent among whom are the author of Bantu philosophy, Placide Tempels (1969), Leopold Senghor (1964) and Mbiti (1981). Gbadegesin shares the same sentiments as these authors, but appeals for room for the idea of modern African philosophy which, he states, need not be regarded as foreign or unauthentic.

Gyekye (1987) states that the core of Western philosophy is metaphysics. He further argues that metaphysics lies at the heart of African thought, for the sources do indicate that African peoples, like others, have given reflective attention to such fundamental matters as being, God, the nature of a person, destiny, evil, causality, free will, and so on. He further states that the reflective impulse is also manifested in African religious thought. In religion we seek answers to questions of ultimate existence. Gyekye (1987, p. 8) states thus:

> To deny African peoples philosophical thought is to imply that they are unable to reflect on or conceptualise their experience, whereas the proverbs that can be used with other materials as a source of African philosophical ideas are the undeniable results of reflection on their practice in the world. Philosophy proceeds from the facts of experience. In short African thought must encompass philosophy. It is this philosophy that must be distilled from the comprehensive thought of the community, and it is this philosophy that stands in need of elaboration, clarification, and interpretation. I cannot, therefore, accept the suggestion that the term 'African philosophy' should be reserved for 'that needful

enterprise', the fashioning of 'philosophies based upon contemporary experience with its many-sidedness'.

The above argument indicates that Gyekye's beliefs are contrary to Wiredu's (1980) suggestion that African philosophy "is still in the making". Gyekye approaches African philosophy through a detailed study of the conceptual scheme of the Akan (the largest ethnic group in Ghana), studying their traditional concepts and ways of thinking. Gyekye (1987, p.51) states that the most obvious and greatest difficulty in studying or researching African philosophy stems from the fact that it is unwritten and undocumented. He further states that the question then becomes how one can succeed in resurrecting the philosophical doctrines and arguments of African thinkers.

Gyekye argues that in Africa philosophy can be found in the myths, proverbs, folk tales and beliefs of the people; however, he cautions that there are enormous difficulties in understanding and interpreting them. He further mentions that the possibility of misunderstanding and misinterpretation is real, since the potential to attribute views wrongly is always there. He says that one may undertake interviews and discussions with living traditional wise people in an attempt to overcome this difficulty, but "one can never be sure that the conceptions or interpretations of the traditional elders are themselves not coloured by ideas and doctrines of Christianity or other religions such as Islam with which some of them are acquainted" (Gyekye, 1987, p.52).

Gyekye argues that although some philosophical ideas can certainly be distilled from such sources (as mentioned above), and from discussions with traditional thinkers, a further difficulty arises in connecting isolated and sometimes unrelated ideas into a coherent system, even assuming the compatibility of those ideas. Gyekye (1987, p.53) suggests:

> the scholar of African philosophy must pay attention to the logic of ideas, that is, the logical relations between them, draw inferences, and suggest explanations that introduce some order into the fragmentary and chaotic mass of discrete ideas. This exercise in logic, conceptual ordering, and theorising is not easy.'

Gyekye states that it is generally accepted that Africans are religious people, in the sense that they possess elaborate systems of religious beliefs and practices. He further states that some of these are philosophical in that they deal with such fundamental questions as the meaning of life, the origins of all things, death, and related questions. He further asserts that in religion we seek answers to questions of ultimate existence; philosophy is concerned with similar questions.

On the justification of traditional thought as philosophy, and particularly as African philosophy, Gyekye argues that the culture of a people comprises the people's beliefs, values, mentalities, institutions, habits, ways of life, and so on. In addition, in Africa philosophical ideas are not to be found in documents, for traditional African philosophy is not a written philosophy, although this does not mean that it cannot be written down. Such ideas were embodied in proverbs, aphorisms or fragments (as such pithy philosophical sayings are called in the context of pre-Socratic Greek philosophy). Yet this does not in any way imply the non-existence of African philosophy (Gyekye, 1987, p.10): "Socrates did not write anything, although he inherited a written culture, but we know, thanks to Plato, that he philosophised". In addition, "Buddha wrote no book, but taught orally" (Gyekye, 1987, p.11).

Gyekye thus argues that traditional African philosophy is none the worse for the absence of written philosophical literature, for this absence does not in anyway imply the absence of philosophical thinking or philosophical ideas (Gyekye, 1987, p.11). He further argues that it is a mistake to maintain that the term 'African philosophy' should be used to cover only the philosophy (that is, the written philosophy) that is being produced by contemporary African philosophers. Philosophy – whether in the sense of a worldview or of a discipline (systematic critical thought about the problems covered in philosophy as worldview) – is discoverable in African traditional thought (Gyekye, 1987, p.11).

Responding to Wiredu's (1980) assertion that African philosophy "is still in the making", Gyekye (1987) argues that what is 'still in the making' is modern African philosophy, wherein to be African and have a basis in African culture and experience, there must be a connection with the traditional African philosophy: "By modern African philosophy, I refer to the philosophy that is being produced by contemporary African philosophers, but which reflects, or has a basis in African experience, thought categories, and cultural values" (Gyekye, 1987, p.32).

By traditional African philosophical thought Gyekye (1987, p.32) refers to the indigenous philosophical thought of the Akan people that has been handed down from generation to generation. The sources of traditional African philosophical thought are expressed both in the oral literature and in the thoughts and actions of the people. Thus a great deal of philosophical material is embedded in the proverbs, myths and folk tales, folk songs, rituals, beliefs, customs and traditions of the people, in their art symbols and their sociopolitical institutions and practices.

Based on the above claims, this study is set within the context of African philosophy; the Zulu philosophy of life is inclusive in this, and forms the basis of my argument later in the thesis.

3.3. CONCEPTUAL FRAMEWORK AND THE ZULU PHILOSOPHY OF LIFE

Gender is a social construct. Customs like that of *ukuthwala* are cultural practices and are therefore socially constructed and socially represented. Therefore, it is important that the theories I employ recognise the influences of social constructions, power relations and subjectivity on gender and gender relations, as well as how people identify and function within their various role frameworks. These have implications for how the Zulus perceive themselves as well as their roles in their respective communities.

3.3.1. A brief overview of the Zulu people

Msimang (1991) suggests that before one discusses anything about the Zulu nation, their way of life and how they viewed life, their customs and traditions, it is imperative that we first outline their background (Msimang, 1991, p.1). The Zulus are the descendants of Nguni-speaking people. Most of the Zulu history and way of life was handed down from generation to generation by word of mouth. The written history can be traced back to the 14th century. In the early 19th century a young Zulu prince, Shaka, came onto the scene and welded more than 300 Nguni tribes into the powerful Zulu kingdom. Shaka ruled from 1816 to 1828 when he was assassinated by his brothers. During his reign Shaka recruited young men from all over the kingdom and trained them in his own novel warrior tactics. After defeating competing armies and assimilating their people, Shaka established a large Zulu nation. Within twelve years he had forged one of the mightiest empires the African continent has ever known.

During the late 1800s British troops invaded the Zulu territory and divided the Zulu land into thirteen chiefdoms. Throughout the mid-1900s the Zulus were dominated by different white governments, first the British and later on the Afrikaner. Although the Zulus lost a measure of political autonomy before South Africa's first democratic election in 1994, they have been successful in surviving as a nation (Msimang, 1991), mainly in KZN. This brief history of the Zulus is important for understanding that while one nation,the Zulus were once small different nations before the amalgamation by Shaka. The domination by white governments also had impact on the Zulu's traditional cultures.

3.3.2. Zulu philosophy of life and religion

Worldview is a concept fundamental to German philosophy and epistemology, and refers to a "wide world perception" (Hiebert, 2008). In addition, it refers to the framework of ideas, beliefs, attitudes and values through which an individual or a group interprets the world and interacts with it:

A comprehensive world view (or worldview) is the fundamental cognitive orientation of an individual or society encompassing natural philosophy, fundamental existential and normative postulates, or themes, values, emotions, and ethics (Palmer, 1996, p.114).

The philosophy of life of the Zulus has been described by authors in several ways one of which is the interconnectedness of life. This means life is not disconnected; everything is connected as one, and the life of a person is a journey characterised by stages in his lifetime and even after death. Life is viewed as a complete entity or as a whole (Msimang, 1991; Nyembezi & Nxumalo, 1995; Vilakazi, 1962). In addition, life does not end with death – there is an afterlife that has a place of its own, where ancestors live. That place is known as *izwelobabamkhulu* (the land of our forefathers). The concepts of life and death are connected and the Belgian priest, Father Placide Tempels (1969) scholar of African religions, describes every misfortune that Africans encounter as "diminution of vital force". Illness and death result from some outside agent: a person, thing, or circumstance that weakens people because the agent contains a greater life force. The belief is that there is a cause for every misfortune or fortune and the ancestors have the power to protect people from misfortunes or to plead to *UMvelinqangi* (God) for the people (Msimang, 1991, pp.16-24); misfortune is believed to be caused by either evil forces or angry ancestors.

Death does not alter or end the life or the personality of an individual, but only causes a change in its conditions. This is expressed in the concept of 'ancestors', people who have died but who continue to 'live' and communicate with their families (Msimang, 1991). According to Msimang (1991), the Zulus believe that whoever is deviating from the values and norms of society is punished while on earth through misfortunes. There was also *inkosazane yezulu* (a first woman called 'a woman of rain') known as *uNomkhubulwano.UNomkhubulwano* was known as *indodakazi KaMvelinqangi* (the daughter of God) since she appeared after God, who existed first before all the people. The belief is that *uNomkhubulwano* gives community members good harvests from the fields and safeguards them against famine. *UNomkhubulwano* as a female figure is

highly respected. In other districts they used the term *uNomhhoyi* to refer to *uNomkhubulwano* (Nyembezi & Nxumalo, 1995, p.131).

In this life philosophy there is a connection between life and death, and there is life after death. Death although a dreaded event is perceived as the beginning of a person's deeper relationship with all of creation, the completion of the journey of life (Msimang, 1991, p.16) and the beginning of communication between the visible and the invisible worlds. The purpose of life is to be the ancestor one day, as the belief is that only those who lived a 'clean' life can become ancestors after death. The dead are believed to have power over the living; they can cause misfortunes or bring good luck.

In traditional Zulu culture there are only two genders being the male and the female (Msimang, 1991) who perform different gender roles. For example, males would do chores outside home such as cattle herding, looking after the livestock such as goats, sheep, donkeys or hunting animals in the bush, gardening, whilst females would do domestic chores such as cooking, tilling the soil, fetching water from the river and wood from the bush in order to make fire. These differential gender roles are based on the positions that male and female occupy in society as men are accorded superior status than woman and society view women as the property for men in the sense that women will get married and become subjugated under male domination. However, in contemporary Zulu communities such gender stereotypes are changing depicting that culture is forever changing suggesting that one cannot fix culture and tradition as authentic. Furthermore, there has been a tremendous amount written by feminist authors about Zulu culture and tradition through the lens of Jacob Zuma's rape trial and the ways in which debates and theorising around the trial foregrounded contested interpretations of culture, tradition, morality and Zulu masculinities. However such debates will not be incorporated in this study as the focus of this study is mainly to understand the phenomenon of *ukuthwala.*

3.3.3. Zulu customs, traditions and the use of *umuthi* (traditional medicine)

Zulus believe observing customs and tradition is a way of life. A person who does not observe customs invites trouble and misfortunes that will be brought to him by angry ancestors (Msimang, 1991, p.12). Among the Zulu communities stages in life such as birth, puberty, marriage and death are all marked by specific rituals and customary practices, as well as the slaughter of animals such as cows and goats. For example, for a newborn baby *izinyamazane* (parts of certain animals which are burnt and inhaled by a child) are burnt for the baby, and if this is not done properly it is believed that the person will be affected later on in life. Communication with the ancestors also happens in each stage of life.

The Zulus also believe in the use of magic as well as of *umuthi* (traditional medicines). Anything beyond their understanding, such as bad luck and illness, is considered to be sent by an angry spirit. When this happens, the help of a diviner (soothsayer) or herbalist is sought, who in turn seeks power from the spirits of the dead.   He or she will communicate with the ancestors or use natural herbs and prayers to get rid of the problem. Zulus also believe in traditional healers, witchcraft and sorcerers.

Many Zulus converted to Christianity under colonialism. Although there are many Christian converts, ancestral beliefs have far from disappeared. Instead, there has been a mixture of traditional beliefs and Christianity, which is particularly common among urbanites. In deep rural areas the Shembereligion (mixture of traditional beliefs and following the prophet Isaiah Shembe) is dominant. There are also fervent Christians who view belief in the ancestors as outdated and sinful (Haskins, 1995; West, 1976).

3.3.4. Zulu concept of *ubuntu* (humaneness)

Contrary to being known for 'warriorism' during the period of Shaka and the Mfecane wars, the Zulu people nowadays in South Africa are quite diverse and like in many cultures some are violent and others are not. However, the culture of *Ubuntu* is still prevalent.

Respect is one of the key underlying values in life, and it is embedded in the concept of *ubuntu* (Msimang, 1991; Nyembezi & Nxumalo, 1995). *Ubuntu* (which literally means 'humaneness', 'good moral nature', 'good disposition') shapes the everyday life of the Zulu people. This comes from the notion that a human being is the highest of all species. As a result, there are lots of proverbs written about *ubuntu,* relating to the treatment of people, good and bad behaviour, pride, ingratitude, bad manners, moral degeneracy, conceit, cruelty, obstinacy, pretence, helping others and so forth (Khuzwayo, 1994).

Ubuntu has always been alluded to as humanity, and is indeed the promotion of ethics for humankind (Ramose, 2003). *Ubuntu* promotes peace and is also associated with generosity. In this thesis I argue that *ubuntu* is a traditional Zulu philosophy that provides an understanding of the Zulus as human beings in relation to the rest of the world. The Zulu proverb *"Umuntu Ngumuntu Ngabantu"* (I am what I am because of you/because of other people)states this clearly. In spite of temporary misery, the Zulu people would keep a positive sense of life while trying to overcome the situation because it is important to maintain harmonious relationships with all people because one needs other people for his / her own survival. South African Nobel Laureate Archbishop Desmond Tutu in his book titled *No Future Without Forgiveness* (1999) and (as cited in *Ubuntu* Women Institute, USA, 2009) describes *ubuntu* as follows:

> It is the essence of being human. It speaks of the fact that humanity is caught up and is inextricably bound up in yours. I am human because I belong. It speaks about wholeness, it speaks about compassion. A person with *ubuntu* is welcoming, hospitable, warm and generous, willing to share. Such people are open and available to others, willing to be vulnerable, affirming of others; do not

feel threatened that others are able and good. For they have the proper self assurance that comes from knowing that they belong in a greater whole. They know that they are diminished when others are humiliated, diminished when others are oppressed, diminished when others are treated as if they were less than who they are. The quality of *ubuntu* gives people resilience, enabling them to survive and emerge still human despite all efforts to dehumanise them.

Mandela (1994, p.542), the first President of post-apartheid South Africa, narrates his profound conviction rooted in the *ubuntu* approach:

> I have always known that deep down in every human heart, there is mercy and generosity. No one is born hating another person because of the colour of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than the opposite. Even at the grimmest times in prison, when my comrades and I were pushed to our limits, I would see a glimmer of humanity in one of the guards, perhaps just for a second, but it was enough to reassure me and keep me going. Man's goodness is a flame that can be hidden but never extinguished.

Mandela's narration is profoundly deep-rooted in the *ubuntu* perception of life, providing an understanding of how being human is the key meaning of life for any human being. The fact that he could still find humans' goodness in spite of extreme hardship indicates how deep-rooted the philosophy of *ubuntu* is in the hearts of the African people. He further outlines how being human is the key meaning of life for any human being (Mandela, 1994, p.544):

> It was during those long and lonely years that my hunger for the freedom   of my own people became a hunger for the freedom of all people, white and black. I knew as well as I knew that the oppressor must be liberated just as surely as the oppressed. A man who takes away another man's freedom is a prisoner of hatred; he is locked behind the bars of prejudice and narrow-mindedness. I am not truly free if I am taking away someone else's freedom, just as surely as I am not free when my freedom is taken from me. The oppressed and the oppressor alike are robbed of their humanity […] When I walked out of prison, that was my mission to liberate the oppressed and the oppressor both […] For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others.

Mandela asserts that both the oppressor and the oppressed are robbed of their humanity; they are both losers. He argues that the oppressor has lost humanness, just

like the oppressed. Furthermore, Mandela (2006), gives us his explanation of *Ubuntu*, in an interview with South African journalist, Tim Modise:

> A traveller through a country would stop at a village and he didn't have to ask for food or for water. Once he stops, the people give him food, entertain him. That is one aspect of *Ubuntu*, but it will have various aspects. *Ubuntu* does not mean   that people   should   not   enrich themselves. The question therefore is: Are you going to do so in order to enable the community around you to be able to improve?

This understanding underpins the philosophical dimension of communalism (people are people through other people) found in Zulu communities, as well as the religious dimension in *ubuntu* perceptions about relationships among human beings. Mandela's assertion also reinforces the philosophical dimension of *ubuntu* which embraces diversity.

3.4. THEORIES OF AFRICAN PHILOSOPHY

3.4.1. Metaphysics

> I have claimed that metaphysics is the core of (Western) philosophy. Metaphysics lies at the heart of African thought, for the sources do indicate that African peoples, like others, have given reflective attention to such fundamental matters as being, God, the nature of the person, destiny, evil, causality, free will, and so on. (Gyekye, 1987, pp.7-8)

Discussing categories of being in African ontology, Mosley (1995) contends that a critical examination of the scholarly literature on traditional African religions shows that most African peoples do have a concept of God as the Supreme Being who created the whole universe out of nothing, and who is the absolute ground of all being. Mbiti (1981, cited in Mosley, 1995, p.341) states that God is also held by African peoples to be 'immanent' in that He is "manifested in natural objects and phenomena, and they can turn to Him in acts of worship, at any place and any time". According to Mosley (1995) African ontology is, however, a pluralistic ontology that recognises other categories of

being besides the Supreme Being. These are the lesser spirits (variously referred to as spirits, deities, gods, nature gods, and divinities), ancestors (that is, ancestral spirits), man, and the physical world of natural objects and phenomena. Mbiti (1981), p.102) observed that "Myriads of spirits are reported from every African people", and that "the class of the spirits is an essential and integral part of African ontology".

Mbiti (1981) states that even after death a person continues to be part of the present, or '*Sasa*', as long as they are remembered by those who are alive and can be recognised by name. However, when there is no one who personally remembers the dead person, then that individual passes from the '*Sasa*' to the '*Zamani*', and enters a state of collective immortality. Rituals commemorating the dead are thus an important way of allowing them to retain their personal identity and remain a part of the present (Mbiti, 1981). Mbiti (1969, cited in Mosley, 1995, p.87) states that in accordance with this view of time, there is a continuum of spirits between man and God; this consists of:

> …the living, the living dead, the long dead, national heroes who have become deified, spirits who have never lived, and finally God. It is believed that spirits can communicate directly with God and often may possess the living and speak through them. In addition to the unseen world of spirits, there is also believed to be a mystical force or power that can be manipulated by magical means, both to help and to harm the living. Because spirits have a more direct access to this power, it is important that the living appease the dead and appeal to them for help and aid. For the African cause and a spiritual cause, and each must be identified for a full understanding of any event.

Mbiti's work has been widely discussed and debated (see Gyekye, 1987). Mosley (1995) concludes that the reality of the ancestral spirits is the basis of the so-called ancestor worship that has been considered by some as an important feature of African religion. Fortes (1965, p.122) states: "It has long been recognised that ancestor worship is a conspicuous feature of African religious systems. Parrinder (cited in Mosley, 1995, p.341) observed that "Thus, there is no doubt that ancestral spirits play a very large part in African thought; they are [so] prominent in the spiritual world."

The physical world is also considered real in African ontology. Mbiti thought that in addition to the four entities in African ontology, namely God, the Absolute Being; lesser spirits (consisting of superhuman beings and ancestral spirits); man; and the world of natural objects, "there seems to be a force, power or energy permeating the whole universe" (Mbiti, 1969, p.21), which in his opinion is to be added as a separate ontological category.

Tempels (1969) attempts to articulate the basis of the African view of reality, stating that the basic categories of African thought are dynamic forces that ebb and flow, and that these are of different kinds, including divine forces, human forces, and so on. There is no idea among Africans of 'being', which is divorced from the idea of 'force'. Without the element of 'force', 'being' cannot be conceived. Force is the nature of being, force is being; being is force. Based on the above argument, Onyewuenyi (cited in Mosley, 1995, p.421). states that the concept of force or dynamism nullifies the idea of separate beings, or independent entities that exist sidebyside.

Onyewuenyi (cited in Mosley, 1995, p.421) argues that the arts within traditional Africa were intimately involved with communal values and the practical realities of daily living, and concludes that traditional African aesthetic values were functional, depersonalised, contextualised and embedded within communal activities: "Existence in relation to communalism, being for self and others sum up the African conception of life and reality" (Onyewuenyi, 1977, cited in Mosley, 1995, p.424). Tempels, 1945, cited in Mosley, 1995, p.424) asserts that:

> The African thought holds that created beings preserve a bond one with another, an intimate ontological relationship. There is an interaction of being with being ... This is more so among rational beings, known as Muntu which includes the living and the dead, Orishas and God.

As a result of this ontological relationship among beings, the African knows and feels himself to be in an intimate and personal relationship with other forces acting above

and below him in the hierarchy of forces (Tempels, 1945, cited in Mosley, 1995, p.424). A corollary to this relationship is the traditional African view of the world as one of extraordinary harmony. Moreover, in spontaneous religious outbursts references are made to the Supreme Being rather than to the lesser spirits (Mbiti, 1969, p.55). The lesser spirits are thus on the lower level of reality. African ontology is therefore hierarchical (McVeigh, 1974, p.139), with the Supreme Being at the apex and the world of natural objects and phenomena at the bottom. African ontology appears to be essentially spiritualistic, although this does not imply a denial of the reality of the non-spiritual, empirical world. Reality in African thought appears to be homogeneous (Mosley, 1995).

3.4.2. Causation and the concepts of person, fate and destiny

African ontological structure constitutes the conceptual framework for explaining the notion of causality. Implicit in the hierarchical character of that structure is that a higher entity has the power to control a lower entity. Since living human beings and the physical world are the lower entities of that hierarchy, occurrences in the physical world are causally explained by reference to supernatural powers, which are held to be the real or ultimate sources of action and change in the world. Mbiti (1969, p.222) wrote that African peoples:

> … feel and believe that all the various ills, misfortunes, and accidents, tragedies …which they encounter or experience, are caused by the use of (this) mystical power… It is here that we may understand, for example, that a bereaved mother whose child has died from malaria will not be satisfied with the scientific explanation … She will wish to know why the mosquito stung her child and not somebody else's child ... Everything is caused by someone directly or through the use of mystical power.

The African philosophy of a person is, according to Mosley's (1995) view, rigidly dualistic, since the person consists of body and soul. The African belief in the soul and hence in the dualistic nature of the person leads directly to their conception of an ancestral world inhabited by departed souls. Thus the logical relation between belief in the soul and belief in the ancestral world is one of dependence; the latter belief

depends on the former. It is the immaterial, undying part of a person, namely the soul, that continues to live in the world of the ancestral spirits. Thus, McVeigh (1974, p.26) was correct when he wrote: "…it is impossible to deny that African thought affirms the survival of the human personality (that is, soul) after death". For this reason, "the Christian Missionary", in McVeigh's view, "does not go to Africa to inform the people that there is a spiritual world or that the personality survives the grave". The African experience provides them with this knowledge (McVeigh, 1974, p.37). Thus the psychophysical conception of a person common to African thought systems and the commonly observable phenomena of psychophysical therapeutics practised in all African communities presuppose a belief in psychophysical causal interaction (Mosley, 1995).

As the absolute being in the African metaphysic, the Supreme Being constitutes the controlling principle in the world. This fact, together with others to be mentioned presently, is the basis of the belief in fate (or destiny) common in African thought systems (Mosley, 1995). McVeigh (1974) observed that "running through the African conception of God, is a clear sense of fate or destiny" (McVeigh, 1974, p.37).

However, most African peoples deny that God is the source of evil. Thus, even if it is the lesser spirits and not God which are held as the sources of evil, evil still remains a genuine problem for African philosophy and theology (Mosley, 1995). According to Tempels (1969) evil is the use of divine, celestial, terrestrial, human, animal and/or plant forces and fire, water and mineral forces to diminish the vital force of a particular person or group, whereas good is the use of these to amplify vital force.

3.4.3. Epistemology: Paranormal cognition – an important mode of knowing in African thought

According to Gyekye (1987), historically Western epistemology has acknowledged two main sources of knowledge: reason (mind) and sense experience. The theories associated with these sources are known as rationalism and empiricism. He argues

that despite the activities of the Society for Psychical Research (founded in England in 1882) and much-publicised experiences in clairvoyance and telepathy, which are forms of extrasensory perception (ESP), ESP has not been formally accepted as a form of knowing in the Western philosophy of knowledge. To be sure, there are some individuals in Western societies who believe in ESP as a source of knowledge, but this is far from implying the recognition of ESP.

Gyekye (1987) argues that the case is different in African ways of knowing. Reason and sense experience are not unknown to African epistemology even though, as in other areas, epistemological concepts in African thought have not been extensively investigated (Gyekye, 1987). Gyekye asserts that in Akan thought proverbs indicate the Akan belief in innate ideas, such as "no one teaches the leopard's child how to spring" (that is, it is born with that knowledge even though that knowledge is developed through experience). Sense experience as a source of knowledge is also recognised in African thought. This is depicted by the Akan proverb "All things depend on experience", which indicates the high regard Akan thinkers have for knowledge based on experience.

However, Gyekye (1987) pointed out an important feature of African epistemology that makes it distinct from Western epistemology, namely spirit mediumship, divination and witchcraft. These modes of cognition are of course occasioned by means that differ from but work alongside the normal. Divination, witchcraft and spirit mediumship are psychical phenomena common in all African communities (Gyekye, 1987, p.346; Gyekye, cited in Mosley, 1995, p.346). Middleton and Winter (1963, cited in Mosley, 1995, p.347) said: "Beliefs about witches and sorcerers have a worldwide distribution; in Africa their occurrence is almost universal". Evans-Pritchard (2006, p.vii) wrote: "most, perhaps all, African peoples have witchcraft or sorcery beliefs or both – in some degree". Hallen and Sodipo (1997, p.94) also noted that "Witchcraft beliefs are prominent all over Africa". Mbiti (1969, p.232) writes that with few exceptions, African systems of divination have not been carefully studied, although diviners and divinations

are found in almost every community. Spirit mediums and spirit possession are just as widespread (Beattie, 1966a). Parrinder (1970) observed that "Divination ... is very popular in Africa".

Gyekye (1987) claims that in African communities it is commonly believed that some individuals are born with certain abilities that are not acquired through experience. Diviners, traditional leaders and witches are believed to possess ESP, with which they can perceive and communicate with supernatural entities. African thought maintains that perception does not wholly or exclusively occur through the physical senses, and that human beings are not entirely subject to the limitations of space and time.

Telepathy is a form of ESP in which information originating in the mind of one person is sent to that of another. Clairvoyanceis ESP in which people can see objects that are far away or otherwise hidden from sight. Precognition is ESP where people acquire information about the future. All these forms of Western parapsychology are, in the African context, aspects of divination and spirit mediumship, for the African diviner claims knowledge of the thoughts of other persons and certain facts (Msimang, 1991, pp.303-323) that have been acquired without the use of the normal senses. In Africa this information is thought to be the result of the activities of discarnate minds, that is, spirits. Divination thus links the physical and the spiritual worlds, and in Africa (as perhaps elsewhere) there are numerous stories about individuals communicating with the dead which, if true, would attest to survival after death.

Gyekye(1987) asserts that divination and spiritual mediumship are "parapsychological phenomena" and should, if possible, be investigated scientifically, for if they are found to be genuine they might establish that the human mind is not material but a spiritual entity – a conclusion with obvious implications for epistemology and the philosophy of mind. However, he concludes that in Africa, judging from the popularity of diviners and mediums and the assiduity with which people in an African community seek certain kinds of knowledge from them, it can legitimately be claimed that paranormal cognition

is by and large recognised as a mode of knowing (Gyekye, cited in Mosley, 1995, p.347).

The above presented discussion will help in the analysis of data and with the understanding of the findings of this study. This is because the practice of *ukuthwala* has much to do with diviners, traditional healers, the use of *umuthi* (natural herbs), ancestor beliefs, the use of proverbs, and indigenous knowledge handed down from generation to generation, which are all discussed above. The Zulu philosophy of life will also give an understanding of the nature of *ukuthwala.*

3.4.4. Psychoanalysis theory – a man's ego or man's personality, by Freud (1973; Alegi, 2004)

Soanes (2002) defines a man's ego as a person's sense of self-esteem. In addition, psychoanalysis refers to a method of examining or treating mental conditions by bringing to light certain things in a person's subconscious mind that may be influencing behaviour and mental state (Hawkins, 1982, p.504). Psychoanalysis is a method of treating mental disorders by investigating conscious and unconscious elements in the mind. The ego is also the part of the unconscious mind consisting of a person's basic inherited instincts, needs and feelings, while superego refers to the part of the mind that acts as a conscience, reflecting social standards that have been learned (Soanes, 2002). Freud (1973) states that it is indeed the case that large portions of the ego and superego can remain (and are normally) unconscious. That is to say, the individual knows nothing of their content, and it requires expenditure of effort to make them conscious.

According to Alegi (2004), for African male youths stick-fighting was sport; stick-fights were public spectacles serving leisure and socialisation objectives. Through this youth demonstrated physical strength, forged an assertive masculine identity, and enhanced their reputation as warriors. The outcome allowed the meritorious youth to gain status

within an age group or district, and to do so within the legitimising framework of dominant social norms and cultural practices. Stick-fights provided an arena for playing out male youth hierarchies (Mager, 1999, cited in Alegi, 2004, p.9). Alegi argues that these skills underpinned the later development of ways of playing football. The men's skills and tactics for stick-fighting, hunting, competitive dancing, foot races, and cattle racing developed physical strength and masculinities and boosted men's egos and power. In some communities the masculinities and men's egos are showed off during the practice of *ukuthwala. Ukwelusa (*cattle herding) reinforced the development of men's characters. Alegi (2004, p.8) states that:

> It was then, in the struggle for dominance within herding groups, that the fighting skills, the physical toughness and the aggression which one needs to deal successfully with the world were developed.

The above quotation indicates that men have been socialised to seek dominance; in the current dispensation that promotes gender equality, they feel emasculated. Discussing the Akan psychology, Gyekye (1987) argues that there are some similarities between the functions and activities of the *sunsum* (spirit) of Akan psychology and the ego of Freud:

> An essential task of the ego is to engage in intercourse with the external world. Like the *sunsum,* it directs the business of everyday living; it is the executive of the personality and the representative of the id in the external world.

Self-esteem is very important among Zulu men, as it relates directly to manhood. Manhood is a dominant category in the hierarchical, patriarchal structure of the Zulu community. Alegi (2004) states that during the pre-colonial era stick-fighting inculcated Zulu boys' personal pride. A Zulu boy was honoured as a hero once he had defeated his age-mates during stick-fighting. As teenagers they engaged in hunting animals. The more successful a man is during hunting, the more power and authority he gains over his age-mates, consequently becoming a hero and being accorded status and recognition. These activities boosted men's egos.

Alegi (2004) argues that during the colonisation era all that boosted men's egos, as indicated above, disappeared. Men had to engage in migrant labour to provide for their families in terms of cash, not as hunters anymore. Manhood was then measured against these colonial standards. Alegi claims that during colonisation men diverted their interest to football/soccer, and thus through football a man was able to gain status and recognition as an excellent or good player, which in turn, somehow, boosted a man's ego. This relates to my study, as in post-1994 South Africa there was a call for an African Renaissance and cultural revival (of which *ukuthwala* is one practice), by the then State President, Thabo Mbeki. The more successful a man is in *ukuthwala*, the more power and authority he gains over his age-mates, consequently becoming a hero and being accorded the status of manhood and recognition. This boosts a man's self-esteem. The above discussion will help to analyse the gendered implications of *ukuthwala* as a cultural practice.

Moore (1994a) argues that men are closer to culture and women are closer to nature. For example, African people (Zulus) believe that it is a man who is entitled to communicate with the ancestral spirits through the burning of incense when certain customs are performed, such as the rite of passage. Only old women can also have such a privilege.

In some cultures women are viewed as dirty. Hence Moore (1994b) argues that since women menstruate and give birth and undergo a period of seclusion from the public, they are regarded as dirty. She further claims that they are closer to nature, because all of these circumstances are natural phenomena. In addition, women are viewed as witches, and it is therefore seen as not proper for them to come closer when certain rituals are performed. The belief is that they will contaminate the spirit of the *amadlozi* (ancestors). Women are also considered evil and untrustworthy, and hence are to be excluded (Nkosi, 2005, pp.61-62).

Zulus' philosophy of life promotes male power over women. However, women have domestic power over men, and women have a voice to express their grievances (see, for example, Magwaza, 1999, 2001). This form of cultural exclusion of women by men, which I view as evidence of discrimination, is also referred to in the work of Moore (1994) who claims that in the celebration of culture women are often discriminated against. If men in Zulu society are in control of culture, and culture is supreme – whereby cultural traditions like communication with ancestors maintain the status quo – then women are rendered subordinate to culture. This notion that the superiority and dominance of men is sanctioned through culture is echoed by Ngcongo (1993). She further argues persuasively that this subordination of women to men istransmitted from generation to generation through the spoken language, which in this study is isiZulu.

3.5. CONCLUSION

In this chapter I explained the philosophical framework underpinning this study. I discussed Gyekye's (1987) theory of African philosophy in relation to African cultural life. Furthermore, the psychoanalysis theory and concept of a man's ego or man's personality by Freud (1973), which is equivalent to the theory of *sunsum* (spirit)of Gyekye (1987), was explained. Worldview concepts were employed in order to discuss how Zulus view, perceive and interpret life, death and nature in general. This encompasses their beliefs, values, tradition, culture, politics and language, which influence the way they interact among themselves. It is expected that the theory will contribute to interpretation of the research findings and analysis that are presented in Chapters 6 and 7.

CHAPTER 4

THEORETICAL AND CONCEPTUAL FRAMEWORK:FEMINIST THEORIES

4.1. INTRODUCTION

Customs like *ukuthwala* are cultural practices and are therefore socially constructed and socially represented; "While some experience it as oppressive, for many women, customs and social norms , traditionally observed as part of their culture, provide them with a sense of dignity and belonging"(Jobson, 2005, p.19).Therefore, what is important is that the theories I employ in this study recognise the influences of social constructions, power relations and subjectivity on gender and gender relations, as well as how people identify and function within their various role frameworks. These have implications for how the Zulus perceive themselves as well as for their roles in their respective communities.

In this chapter I discuss the theoretical and conceptual framework of this study which focuses on the socio-cultural and gendered construction of *ukuthwala* among the Zulu people in selected rural areas of KZN. I therefore unravel the different concepts that are relevant to this study; for example, gender, sex, sexuality, culture, patriarchy, masculinity and feminism. The chapter also highlights the different feminist theories,but chooses African feminisms,and I draw on aspects of feminist poststructuralist theory that closely relate to African feminisms for their relevance in my study.Although this study utilises some aspects of feminist poststructuralist theory, the thesis is mainly foregrounded on the theory of African feminisms. I also briefly discuss the related theories such as the intersectionality theory and Young's (1990) theory of domination and oppression, although these are also not the main theories for this study. "Not all studies require explicit theoretical frameworks. For example, they may not be needed in explorations of new areas of research where well – developed theories may not exist" (Vithal and Jansen, 2010, p. 19). In the light of this citation, there is no explicit theory that explains the complex phenomenon of *ukuthwala.*

Tamale (2011, p.25) states that "though it is extremely important to develop our home-grown theories of African sexualities and to always be keenly aware of the dangers of uncritically using theories that are constructed from the global North to explain African societies, the latter cannot be completely ignored." Tamale substantiates her claims based on three reasons. Firstly, she argues that Western theoretical perspectives define the underlying rationale and practice of the legal regime governing sexualities in Africa. Secondly, she claims if we were to totally discard the Western concepts and theoretical frameworks, we would spend considerable resources reinventing the wheel, which she views as an unnecessary enterprise. Tamale (2011) further argues that there is a lot of sense in using existing theoretical bases as a starting-point and then correcting or revising them in light of the contextual evidence collected in current studies, with the exception of studies that adopt grounded theory methodology. The third reason why Western theories can be relevant and useful to African contexts is that gendered sexualities, whether in the West or in Africa, are primarily based on similar predictions, namely labour, authority and performance (Bennett, 2000, cited in Tamale, 2011, p.26).

The above discussion therefore tells us that we cannot completely reject Western theoretical foundations, because they provide some useful tools for researchers to reflect upon and to develop insights concerning African sexualities. Hence this study cannot only use African feminisms and leave out the Western feminisms,and liberal feminism is also employed.

4.2. DISCUSSION OF RELEVANT CONCEPTS

Sex is broadly defined as a biological construct which refers to differences in bodies; that is, biological and physiological differences between male and female. Such differences include hormones, genitalia, facial hair and breasts, to mention a few.However,sex also refers to sexual activity, lust, intercourse and arousal as in "to

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have sex" (Ratele, 2011; De la Rey, 1992). Most societies use the concept of sex that refers to biological and physiological differences between male and female to categorise infants as male (boy) or female (girl), and except a few individuals (for example, hermaphrodites), most people are born as either male or female according to this categorisation. In other words, the two categories are socially constructed based on the biological and physiological nature of a person. Once categorised, from infant stage people are then socialised to think, act and behave in ways that meet their particular given sex category. The secondary construct that becomes imposed over the 'primary' natural distinction is gender. Based on this secondary construct of gender, the two male / female genders would receive differential treatment from society. For example, **sexism** refers to the cultural, institutional and individual set of beliefs and practices that privilege men, subordinate women, and denigrate values and practices associated with women (Msibi, 2012).

Gender refers to socially and culturally constructed (Butler, 1999, p.11) attributes and opportunities that are associated with being female and male, and the relationships between men and women (or boys and girls), as well as the relationships between women and those between men. Such attributes, opportunities and relationships are time- and context-specific, and are not innate as people learn these through socialisation processes. In other words, people are not innately gendered, and Simone de Beauvoir (cited in Butler, 1999, p.12) reiterates that one is not born a woman, but rather becomes one.This makes the gender of a person changeable and not fixed. While gender is associated with being male and female, it means far more than just differences between male and female, because gender relations include both difference and dichotomy, as well as many other patterns (Connell, 2002, p.9).

Connell (2002, p.10) defines gender as "the structure of social relations that centres on the reproductive arena,and the set of practices (governed by this structure) that bring reproductive distinctions between bodies into social processes". Connell (2002, p.10) argues that his definition of gender originates fromthe objections tothe most common

usage of the term gender as meaning the cultural difference between women and men, that is based on the biological differences of male and female. Arguments against the view that gender means cultural differences of women from men are based on the observation that human life and human character are both complex and do notsimply divide into two realms, or two types. I also concur with Connell's argument that our images of gender might often be dichotomous, but the reality is not (Connell, 2002).

Connel (2002, p.8) also asserts that a definition in terms of differences means that where we cannot see differences, we cannot see gender. A definition based on dichotomy also excludes the patterns of difference and hierarchies of power, among women, and among men (from the concept of gender) that cannot be reduced to male/female differences. In other words, with such a definition we could not "recognise the gendered character of lesbian or homosexual desire (based on gender similarity), nor the powerful gender dynamic of an all-male army" or all-male prison or all-female prison (Connell, 2002, p.8). Other examples by Connell (2002, p.8) are the difference between violent and non-violent masculinities as well as between femininities which are oriented towards heterosexual relations and those which are not. Furthermore, a definition based on personal characteristics does not consider processes that are beyond the individual person (Connell, 2002, p.9).

In any given context, gender determines what the society expects, values and approves of a man or woman. Usually differences and inequalities exist between men and women regarding their roles and responsibilities, and their access to opportunities, including opportunities for decision-making powers. However, gender intersects with and does not stand apart from other concepts such as class, ethnicity, poverty levels, race, age, and so on, that are also used in analysing a broader socio-cultural context. This discussion highlights the complexity of the concept 'gender' that I use later in this thesis in my analysis of *ukuthwala.* However, the concept of sexuality that I discuss in the following paragraphs encompasses both gender and sex, together with a number of other concepts.

Sexuality is the most important part of the life of human beings and biological, psychological, moral, religious, political, cultural, social, ethical and economic factors influence one's sexuality. As it encompasses such a number of factors, it has been difficult to come up with one definition of sexuality. Phillips (2011, p.285) has the following view of sexuality:

> Sexuality can be defined by referring to a wide range of anatomical acts and physical behaviour involving one, two or more people. We can relate it to emotional expressions of love, intimacy and desire that can take an infinite variety of forms. Or it can be implicated in the reproduction of social structures and markers through rules and regulations that permit or prohibit specific relations and / or acts. In the end, it emerges that these definitions are far from exhaustive. None of them are adequate on their own but that when considered all together they reflect the multiple ways that sexuality is manifest and impacts on our lives, and that above all; these definitions all consistently involve relations of power.

Tamale (2011, pp.11-12) explains sexuality as follows:

> The various dimensions of sexuality include sexual knowledge, beliefs, values, attitudes and behaviours, as well as procreation, sexual orientation, and personal and interpersonal sexual relations. Sexuality touches a wide range of other issues including pleasure, the human body, dress, self – esteem, gender and identity, power and violence. It is an all-encompassing phenomenon that involves the human psyche, emotions, physical sensations, communication, creativity and ethics.

With its all-encompassing nature, no clear boundaries exist for the phenomenon of sexuality. Apparently we can never come up with a single coherent definition of sexuality. According to Msibi (2012) sexuality refers to three intertwining strands: firstly, the sexual desire or attraction strand, which means to whom or what someone is attracted to physically or emotionally; secondly, sexual activity or behaviour, which means what a person likes to do sexually, for example, intercourse, masturbation, and oral sexual activity; lastly, thesexual identity strand, which means how someone describes their sense of being sexual, that includes being gay, straight, bisexual, queer, and asexual (Msibi, 2012). Reddy (2004) contends that the constructed correspondence between sexuality and the personal, political, social, class, gender, and power concepts cannot be overstated. Reddy further claims that Butler (1999) hasclearly articulated that "sexual identities are cultural fictions, performative effects of reiterative acts" (Reddy, 2004, p.4).

Tamale (2011) asserts that we speak of **sexualities** in the plural, in recognition of the complex structures within which sexuality is constructed and in recognition of its pluralist articulations. Tamale (2011, p.2) further states that:

> Sexualities are often thought of as closely related to one of the most critical of biological processes, namely reproduction. But contemporary scholarship understands sexualities as socially constructed, in profound and troubling engagement with the biological, and therefore, as heavily influenced by, and implicated within, social, cultural, political and economic forces. The study of sexuality therefore offers unending lessons about pleasure, creativity, subversion, violence, oppression and living. Attempts to define the term sexuality often end in frustration and become in themselves exercises about writer's own orientations, prioritisations and passions.

Table 1 indicates what entails sex, gender, and sexuality.

Table 1: Sex, gender and sexuality

Sex	Gender	Sexuality
Male	Woman	Lesbian
Female	Men	Gay
Intersex	Transgender	Straight
		Bisexual
		Queer
		Asexual

Sexuality is dynamic. What our great grandparents thought regarding their sexualities may not necessarily be what we think today. Individual sexuality also changes over time and over lifespan, and sexual desire may change with age or with experience. Expressions of sexuality may be positive (when they involve choice, consent and pleasure) or negative (when they involve coercion, exploitation, abuse, or violence). Sexualities are quite diverse, for example, some people may be celibate or desire the same or other gender, prefer multiple or single sexual partners, have sex outside or within marriage, and so on. However, social norms define what is considered good or bad when it relates to sexual expression or behaviour. Although diverse sexualitiesexist, most societies have preference for particular sexualities, for example, sexual norms across many societies/cultures are heteronormative.

Heteronormativity in societies means that people suppress or dismiss sexual desire for same gender people and reject these feelings in others. It alsorefers tothe institutions, structures of understanding and practical orientations that make heterosexuality seem to be coherent(that is, organised as a sexuality) and privileged (Berlant & Warner, 2000, p.312). Heteronormativity is perpetuated and maintained through social institutions such as culture, schools, healthcare, religion, law and family. It also underpins homophobia.

Homophobia refers to the fear, hatred, or intolerance of same-sex-desiring individuals or any behaviour that is outside the boundaries of traditional gender roles. Homophobia can be manifested as fear of association with gay and lesbian individuals or of being perceived as gay or lesbian. Homophobic behaviour can range from telling jokes about lesbian and gay people to physical violence against people thought to be lesbian or gay and to curative rape. Homophobia is rife in KZN (Msibi, 2012). Derogatory names are used against lesbian, gay, bisexual and transgender (LGBT) people such as *stabane, ngqingili*, and faggot (Msibi, 2012). Gay men are beaten and undermined and religion and culture are used as the main drivers of these violations. Msibi additionally notes that LGBT people experience violence and are being forced to conform to cultural gender roles (Msibi, 2012). In this study homophobia emerged as one of the reasons for the abuse of *ukuthwala*cultural practice in selected rural areas of KZN (see Chapter 6, the case of Bazamile). Lesbian women are abused in the name of*ukuthwala* and are being raped to 'correct' or 'cure' them (see Chapters 6 and 7). This is not *ukuthwala* but is *ubugebengu* (criminality). The discrimination that gay individuals receive from heterosexual males also shows that different forms of masculinities exist.

Masculinity defines certain traits as typically maleand as suchmasculine in nature. Connell (1995) asserts that we speak of **masculinities** in the plural in recognition of the complex structures within which masculinity is constructed and in recognition of its pluralist articulations. A starting-point of much of his work in his second book titled *Maculinities* is rejection of the idea that all men are the same. Consequently this has rendered the shift from the concept of masculinity to that of masculinities. According to Ouzgane and Morrell (2005, p.4) "the concept of mascuninities provides a way to understand the evident fact that not all men have the same amount or type of power, the same opportunities, and consequently, the same life trajectories".Furthermore, Connell (1995, pp.67-68) states that 'masculinity' does not exist except in contrast with 'femininity'.Within patriarchy, masculinity is a privileged category over femininity. Connell (1995, p.67) argues as follows:

In its modern usage the term masculinity assumes that one's behavior results from the type of person one is. This means an unmasculine person would behave differently; being peaceable, rather than violent, conciliatory rather than dominating, hardly able to kick a football, uninterested in sexual conquest, and so forth.

The above definitions make us realise that masculinities are fluid and should not be considered as belonging in a fixed way to any one group of men, nor can masculinity be viewed as absent from women. However, masculinity is also a term that refers to a specific gender identity, belonging to a specific male person (Ouzgane & Morrell, 2005). Connell (1995, p.68) describes masculinities as follows:

Masculinities mean the various forms of masculine identity in which many dynamics of violence take shape. …A strategy for peace may need to include a strategy of change in masculinities, contesting the hegemony of masculinities which emphasise violence, confrontation and domination, replacing them with patterns of masculinity more open to negotiation, cooperation and equality**.**

In this definition Connell (1995) associates masculinity with power that men display through violence, confrontation and domination. Mills (2001) shares the same view that associates masculinity with violence. Based on a study of the relationship between violence and masculinity within schools, Mills (2001) argues that substantial evidence exists that boys are the main perpetrators of violence in schools. According to Mills, forms of violence that boys perpetrate in schools range from extreme acts of violence (for example, school shootings in the United States of America (USA)), to common forms of violence such as schoolyard bullying (Mills, 2001). Mills (2001) further argues that the

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'masculinisation' of violence leads to boys often perpetrating violence to demonstrate their perception of what counts as a valued form of masculinity. Such boys victimise girls to demonstrate their superiority over targeted girls. In addition, they victimise other boys to 'punish' them for their non-conformity to dominant images of masculinity (Mills, 2001).

Connell (1987) demonstrates how gender is a concept of power by showing men's benefits arising from the overall subordination of women (Connell, 1995, p.79). However, Connell argues that being a man conferred power, but not all men equally shared this power; and not all were individually exploitative (Connell, 1987, p.79). In developing this argument Connell (1995) states that a hegemonic masculinity exists (one that dominates other masculinities and which succeeds in creating prescriptions of masculinity, which are binding, or at least partially so), and which created cultural images of what it meant to be a 'real man'. Three non-hegemonic categories of masculinity also exist, namely: subordinate, complicit and marginalised. Generallythese were masculinities developed outside the corridors of power (Connell, 1995).

However, Morrell argues that the understanding of masculinity is subjective,thus depending on the person. He argues that all minorities – defined in terms of race, class, ethnicity or sexual orientation – characteristically understand what being a man means differently from members of the ruling class or elite and from each other too (Morrell, 2001, p.7). Morrell (2001) and Ouzgane and Morrell (2005) argue for a dynamic masculinity, suggesting that it is evidence that men differ and do not all have the same masculinity.

Anderson (2009) echoes these views,basing her argument on the study that identified different forms of masculinities found in Wentworth community. Specifically, regarding South Africa, Morrell (2001) argues that there is no one typical South African man. He states that there are many different masculinities, some of which support violent and

exploitative gender relations, others which accept such gender relations, and still others which oppose them (Morrell, 2001). A country such as South Africa, which is undergoing radical change, forces gender responses, argues Morrell (2001). Some of these are exceedingly violent, and may be seen as part of a wider social attempt by men to deal with feelings of emasculation or the actual loss of status and power (Morrell, 2001, p.33). Although there is some evidence of changing masculinities in post-apartheid South Africa (Morrell, 2001, 2005) change has been uneven and the continuing economic disparities may both hinder change and exacerbate violence (Bhana, 2002; Morrell, 2007).

However, Anderson (2009) and Bhana (2009) challenge the portrayal of girls as just victims. Anderson (2009, p.64) argues that violent hegemonic masculinities among some of the boys are often upheld by those girls who encourage violent masculinities (Anderson, 2009, p.64). Similarly, Bhana (2009, p.97) challenges the discourse that positions girls as innocent and non-violent, contending that:

> The view of girls as victims merely "fragments our knowledge about their schooling experiences and creates an unhelpful dichotomy, which reduces girls to homogeneous stereotypes and ignores the possibility of multiple forms of femininities, just as there are multiple forms of masculinities".

Anderson (2009) identifies the changing forms of hegemonic masculinities found in Wentworth community, namely the 'Condyes' (a word derived from 'bus conductors') (Anderson, 2009, p.64), and argues that all the women want them, and this also applies to the gangsters, the soccer players and the naughty boys. She states that the females are implicated in determining the 'in' masculinity, which compels the boys in the community to negotiate these multiple and fluid identities, and argues that females are central and powerful in regulating and prescribing the hegemonic masculine positions the Wentworth boys take up (Anderson, 2009).

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In his book titled *Gender and Power,* Connell (1987, p.79) demonstrates how gender is a concept of power, by showing men's benefits arising from the overall subordination of women. Connell argues that being a man conferred some power.However, Connell arguesthat not all men share this powerequally, and not all were individually exploitative (Connell, 1987, p.79). Connell (1987, p.107) gives examples of transactions involving gendered power:

> Mr Barrett the Victorian patriarch forbids his daughter to marry; parliament makes homosexual intercourse a crime; a bank manager refuses a loan to an unmarried woman; a group of youth rape a girl of their acquaintance.

However, he notes that actions like those listed are not intelligible without the socialstructure (Connell, 1987). In certain societies gendered power also manifests itself through male dominance in society – that is patriarchy.I discuss this concept later in this chapter.

4.3. INTERSECTIONALITY THEORY

Central to Intersectionality theory is the idea that race, class, and gender are interconnected, and as a result the particular configuration of these factors in a given life is critical to understanding a person's or group's experience (Anderson & Hill Collins, 2004, p.xiii).These authors argue that with the "growth of race, class, and gender studies, many people have included sexuality, nationality, and disability as other sources of oppression and inequality".

Crenshaw (1994) mentioned that the intersectionality experience of black women is more powerful than the sum of their race and sex, and that observations that do not consider intersectionality may fall short ofaccurately addressing the manner black

women are subordinated. According to feminists of colour (see, for example, the work of Collins, 1990; Davis 1981; hooks, 1984; Mohanty et al., 1991; Moraga & Anzaldua, 1983; Smith, 1983) and many white feminists, experiences of class, gender, sexuality and so on cannot be adequately understood unless the influences of racialisation are carefully considered. For this reason I also draw from this theory to analyse *ukuthwala* cultural practice.

Intersectionality is a methodology of studying "the relationships among multiple dimensions and modalities of social relationships and subject formations" (McCall, 2005). Intersectionality theory seeks to understand how various biological, social and cultural categories such as gender, race, class, ability and other axes of identity interact on multiple and often simultaneous levels, contributing to systematic social inequality. Ritzer (2007, p.204) maintains that an example of intersectionality theory might be "the view that women experience oppression in varying configurations and in varying degrees of intensity".

Like Crenshaw (1994), Collins (1998) argues that cultural patterns of oppression are not only interrelated, but are bound together and influenced by the intersectional systems of society such as race, gender, class and ethnicity (Collins, 1998, p.42). Feminists argue that an understanding of intersectionality is an important element of gaining political and social equality and improving our democratic system. For example, socialist feminism primarily sees the oppression of women in terms of the subordinate position women hold in relation to patriarchy and capitalism (for example, Eisenstein, 1979; Mitchell, 1990; Roberts & Mizuta, 1993). For these feminists capitalism is an extension of a mode of production that reinforces patriarchal power and creates the sexual division of labour between women and men.

Drawing from the historical background of intersectionality, the concept came to the forefront of sociological discourses in the late 1960s and early 1970s, in conjunction

with the multiracial feminist movement as part of a critique of radical feminism[6] that had developed in the late 1960s and was known as 'revisionist feminist theory'. This revisionist theory challenged the notion that 'gender' was the primary factor determining a woman's fate, and came from the realisation that feminists have used gender as the central organising category of analysis to understand and explain the unequal distribution of power between men and women. The movement led by women of colour disputed the idea that women were a homogeneous category sharing essentially the same life experiences (hooks, 1984; Mohanty et al., 1991). Recognising that the forms of oppression experienced by white middle-class women were different from those experienced by black, poor or disabled women, feminists sought to understand the ways in which gender, race and class combined "to determine the female destiny" (hooks, 1984). According to McCall (2005) intersectionality theory within sociology addresses specifically the experiences of people who are subjected to multiple forms of subordination within society.

However, Nash (2008, p.1) exposes and critically interrogates the assumptions underpinning intersectionality by focusing on four tensions within intersectionality scholarship: the lack of a defined intersectional methodology; the use of black women as quintessential intersectional subjects; the vague definition of intersectionality; and the empirical validity of intersectionality. She encourages both feminist and anti-racist scholars to grapple with intersectionality's theoretical, political and methodological murkiness to construct a more complex way of theorising identity and oppression (Nash, 2008, p.1).

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[6]Radical feminism views the oppression of women in respect of patriarchy (a system that valorises men over women), and this is manifested in sexuality, personal relationships and the family. For these feminists, male power is manifested in male-dominated institutions such as work, religion, home, culture, etc. (see, for example, the work of Daly, 1978; Echols, 1989; Harne & Miller, 1996).

Nash's views concur with that of McCall (2005), who claims that the emergence of an intersectional perspective has introduced new methodological problems in research and thus limited the range of methodological approaches used to study intersectionality. In the conclusion of her paper McCall states that the major restriction within feminist research on intersectionality, besides its philosophical and theoretical problems, has to do with methodology. However, I have just discussed the intersectionality theory here to highlight that the concepts which I discussed earlier are not each independent but intersect. In fact, the main theoretical underpinning for this study is African feminism(s), which I discuss below. However, before discussing African feminism(s), I first introduce the term feminism(s).

4.4. FEMINISM(S)

This study adopts a feminist approach to determine the gendered implications of the practice of *ukuthwala* among the Zulu-speaking people of KZN. A feminist research method emphasises that women should have a space to make sense of their lives and experiences. There is no single meaning of what feminism is; hence, we talk of feminisms because of differences among feminists (Nkosi, 2005, p.11). For a very long time feminism has been understood as a term or a movement that is used to describe women's efforts to challenge patriarchy and gender inequality. However,with the emergence of African feminisms, which I discuss later in this section, this approach has been exhausted. Writing on women's issues in developing countries, Jayawardena (1986, p.2) says that a broader understanding of feminism does not look at women's demand for equal rights alone:

> The meaning of the word has been expanded to mean an awareness of women's oppression and exploitation within the family, at work, and in the society, and conscious action by women and men to change the situation.

According to Beasley (1999, cited in Nkosi, 2005, pp.11-12) feminism is a contested term which lacks clarity, and it inconveniently defies simple explanation. Beasley (1999) states that feminisms' complexity and diversity provide obstacles to those wishing to gain a satisfactory grasp of its meanings. Beasley (1999, p.xiii) notes that:

> In contrast to this lack of uniformity in response to the question of 'what is feminism?' there has often been a considerable degree of consistency in the images said to represent feminism and feminists. When you consider that images may refer to styles of dress, haircuts, ways of behaving, attitudes and so on, you can probably conjure up a number of graphic pictures yourself.

According to Beasley (1999, p.3) feminism is 'innovative', 'inventive', and 'rebellious'. He further mentions that feminist thinkers see their work as attending to the significance of sexual perspectives and offering a challenge to masculine bias. Feminism, according to Weedon (1987), is politics directed at changing existing power relations between women and men in society. These power relations structure all areas of life: the family, education and welfare, the worlds of work and politics, culture and leisure. They determine who does what and for whom, what we are and what we might become (Weedon, 1987, p.1).

Like all politics, contemporary feminism has its roots in a political movement, the women's liberation movement, which has been an active force for change since the late 1960s. The concerns of the women's liberation movement are many and affect every aspect of women's lives. They include the very question of what it is to be a woman, how our femininity and our sexuality are defined for us, and how we might begin to redefine them for ourselves. They include campaigns against the objectification of women as sexual objects for male consumption, against pornography, rape and other forms of violence against women within and outside the family. The women's liberation movement is concerned with education, welfare rights, equal opportunity, pay and conditions, the

social provision of childcare, and the right to choose freely whether and when to have children. It is concerned with the ways in which the oppressions of patriarchy are compounded for many women by class and race.

4.4.1. African feminism(s)

African feminist perspectives are "numerous, not easily categorised, and not mutually exclusive" (Griffin & Foss, 1997, p.118). What they have in common is their search for how gender is constructed and what that means for the rights of women. I will not focus here on the differences among African feminisms, as such differences are beyond the scope of this study. In other words, the theory analysis of this study (discussed later) does not relate to the differences in African feminisms in relation to the *ukuthwala* cultural practice that is the subject of this work. I therefore highlight the main theorising of the African feminists' perspectives, and within these I specifically discuss the concepts of situational gender, invented tradition and motherhood, that I consider relevant for this study and which I uselater in the analysis of *ukuthwala* in Chapter 6. Since culture and power are central in the study of *ukuthwala* I therefore also discuss the concepts of culture and patriarchy.

In the late 1980s and1990s the key figures involved in African feminism(s) debates comprised Amadiume (1987, 1997), Kolawole (1997), Nnaemeka (1997, 1998), Oye'wu'mi' (1997), Ouzgane and Morrell (2005), and they set a background for African feminism(s) discourse, and with much effort and determination also reviewed Western feminism. Later many other voices emerged, among which were those of Amina Mama, Pumla Qqola, Thabisile Buthelezi, Ngiri Nzegwu, Signe Arnfred, Vasu Reddy, Jane Bennett, and Patricia McFadden – and the list is endless. These scholars have a shared intellectual commitment to analyse gender, de-linking the continent and African issues from imperialist attitudes and perspectives and focusing on a continental identity.

A number of elements for this review that most of the works share areas follows: that Western feminism is predicated on an oppositional gender binarism that translates into theories that emphasise disharmony between men and women; and that Western feminism locates women as victims and overemphasises sexuality (and sexual orientation) and has ignored the history of African women, which speaks of agency and achievement (Ouzgane & Morrell, 2005, p.5).

African feminism theorising originates from postmodernism, that is in turn influenced by Marxism. This theory speaks mainly about colonialism and its oppressive legacy and effects; hence some of the elements of African feminism(s)'s attempt to break the ties with colonialism. Some aspects of African feminist theory relating to gender relations which I use in this study are drawn from Arnfred (2010), Leshabari (1991), Nnaemeka (1998), and Morrell and Ouzgane (2005).

There is not yet a distinct African feminist theory: 'African feminism(s)' is a term that is not fully defined. However, even at this stage where the theory has not yet reached its full maturity, it is used by many African authors to distinguish the collective nature of their work, which has connections with both the 'womanism' of African American writers such as Alice Walker and Third World feminist writers such as Alexander and Mohanty (1997) and Mohanty et al. (1991). Although being aware of the different variants of African feminism, which are still not yet fully developed but lead to use of the plural term 'African feminisms', in this discussion I use the singular term 'African feminism', as I intendto focus more on what connects African women rather than what differentiates them.

4.4.1.1. Culture, patriarchy and African feminism(s) discourse

As alluded to earlier on, **culture** is central to the study of the cultural practice of *ukuthwala.*When a child grows and is socialised into particular ways of seeing the world, and into the roles and behaviours expected of him or her either as a man or a woman, it is socialised into both a culture and a gender. Gender and culture are both key aspects

of the identity of the individual (Jobson, 2005, p.16), however, culture is not fixed, as it evolves and changes over time. Fanon (1959, p.23) contends that "After a century of colonial domination we find a culture which is rigid in the extreme, or rather what we find are the dregs of culture, its mineral strata". Tamale (2010, p.54) concurs with Nkosi (2005) that culture has numerous manifestations and is not static but constantly changing and responding to shifting socio-economic and political conditions.

However, most of what is understood as culture in contemporary Africa is largely a product of constructions and reinterpretations by former colonial authorities in collaboration with African male patriarchs (Women and Law in Southern Africa, 2000) Mama, 2007). The practice of *ukuthwala* cannot be isolated from culture and power relations between men and women. UNESCO (2002) documents a list of what constitutes culture, namely: art, literature, lifestyles, value systems and beliefs, spiritual, material, intellectual, and emotional features of society. Magwaza (2006) states that definitions and descriptions of what constitutes culture vary according to theories they referto. Magwaza (2006, p.2) further states that some scholars make reference to culture as "patterns of human activity interlaced with symbolic structures – indicating that such activities have been cultivated over a long period of time". Simply put, culture is a way of life.

Tamale argues that the value-assessment that is often made of cultures and cultural practices is misplaced, given that all cultures have aspects that are positive and others that disempower. Tamale (2011, p. 20) further argues that "the tendency is to commence from the premise that views culture as being hostile to women, an antithesis to their rights". She further contends that "researchers and theorists speak of rights as if they are culture–less at best or, at worst, born of a superior culture" (Tamale, 2010, p.20).

Sharing the same sentiment Bigge and von Briesen (2000, p. 289)observe that culture is interpreted narrowly and grouped with custom or tradition on the assumption that these are natural and unchangeable. On the other hand, Wanyeki (2003) argues that culture is viewed in negative terms by mainstream feminist scholarship within and outside Africa, and culture is considered as a stumbling block to legal reform (Tripp, 2004). However, Tamale (2011) observes that this "indictment" is not totally unfounded, but pushes the idea that such beliefs have the effect of obscuring the potential that culture may hold as a tool for emancipation.She writes (2011, p.20):

> In fact, culture is a double-edged sword that can be wielded creatively and resourcefully to enhance women's access to sexual justice.

The assertion of culture as gendered was highlighted by several scholars (see, for example, Jobson, 2005; Khumalo, 2005). However, current proponents of 'African culture' view it as an assertion of their identity (see, for example, Buthelezi, 2010). As Makgoba (2000, p.59) states: "culture goes right to the heart of the identity issue". Furthermore, according to Nyembezi and Nxumalo (1995, p.100) "customs and tradition link all life, they are like glue because they stick together different parts and the life system becomes one big system" (translated from isiZulu).

Traditional Zulu culture ensured that people lived in harmony by imposing a penalty on all those who did not conform to customs (Msimang, 1975). Writing about the African worldview, (Makgoba, 2000, p.85) contends that "Africans have a mindset…a philosophy and interpretation of the world". The African mindset manifests itself in the culture of the people and their way of thinking and doing things. Therefore, culture and cultural practices are crucial aspects in bringing about harmony in the world (Buthelezi, 2010).

In this thesis culture means a way of life, and borrows Tamale's (2010, p.54) broad interpretation of culture where it means "the various ways that social business is conducted and mediated through language, symbols, rituals and traditions and influenced by issues such as race, ethnicity, religion, material base and so forth". Tamale (2011, p. 4) notes that feminists and gender activists on the continent have forged global alliances in the struggle for women's bodily integrity and sexual autonomy. However, she cautions that as feminists across the continents increase their global political activism for women's reproductive health and sexual rights, they should account more carefully for the differentials in culture and history:

> So, although it is important to pay attention to the intersections among nations regarding gender inequality, it is crucial that the strategies employed by African feminists be informed by the lived experiences of women and men on the continent and the specificities of what they hold as their culture, taking into account that there is not always agreement among people in the same locale about the nuances and meanings of culture.

The above excerpt indicates that even in the same locale there is disagreement among people about the meanings of culture. These differences in understandings and meanings raise a question as to whose meanings will then dominate the discourse on gender and culture.

Feminism is resistant to patriarchy. By definition, patriarchy is a form of social organisation in which the father or the eldest male is the head of the family, where men hold most or all of the power in society (Soanes, 2002). Liberal feminists scholars like Mary Wollstonecraft (1759-1797), John Stuart Mill (1806-1873); and Friedman Engels (1820-1895) argue that patriarchy is the system that valorises men over women. Weedon (1987) sees patriarchy as the social system that positions men to occupy a dominant and

privileged category over women, who occupy the subordinate and disadvantaged position in a heterosexual norm. Weedon (1987) notes that patriarchy is entrenched in institutions like family, church, workplace, customs, tradition, culture, and so on. The practice and experience of patriarchy differs according to many factors, such as race and class; however, the power of men in relation to women remains common. Gough (cited in Bazilli, 1991, p.9) also writes that what remains constant in all patriarchal societies regardless of class and race is:

> … men's ability to deny women their sexuality or force it upon them; to command or exploit their labor or control their produce; to control or rob them of their children; to confine them physically and prevent their movement; to use them as objects in male transactions; to cramp their creativeness; or to withhold them from large areas of the societies knowledge or cultural attainments

Patriarchy is therefore about the power relations between men and women in which women's interests are subordinated to those of men's, and which is possible because of the gendered way in which our society operates. Despite the fact that it may be present in relations between men as well, this aspect becomes secondary in the male unity of their domination over women. Hassim (1990, p.15) also notes that:

> Patriarchy is more than merely male domination. It is a set of relations between men, which have a material base, and which, though hierarchical, establish or create interdependence and solidarity among men that enable them to dominate women. Though patriarchy is hierarchical and men of different classes, races or ethnic groups have different places in the patriarchy, they are also united in their shared dominance over women; they are dependent on each other to maintain that domination.

Zulu society has been largely patriarchal (Nkosi, 2009, p.114), and Zulu women have been given minimal or marginal opportunity to air their views. However, this does not mean patriarchy is a paradigm through which African (Zulu) women's concerns will be viewed. It also does not necessarily mean Zulu women are passive and have no power and opportunity at all to express their dissatisfaction within the Zulu patriarchal system. African feminists argue that the erosion of women's power was caused by the intrusion of foreign systems with different gender orientation and new paradigms of power organisation. African feminists like poststructuralists believe that although women are subordinated and oppressed in patriarchal societies, they still have their own power.

Women have used visual and oral forms to express their feelings. Among other avenues of expression, dress is one means to communicate dissatisfaction with the social state of affairs (Magwaza, 2001, p.25). Women also use *izigiyo* (Zulu female dance) as a form of expression (Zondi, 2009). Women have used naming of a child as a form of expression. Naming of livestock such as cattle, dogs, and horses, and so on, was/is also used as a form of expression by both men and women. I therefore argue that Zulu women have a form of power and a voice that they use to express their dissatisfaction with the status quo within Zulu patriarchal communities.

Chinweizu (1990, p.16) makes a distinction between the nature of female and male power and states that:

> Whereas male power tends to be crude, confrontational and direct, female power tends to be subtle, manipulative and indirect. Whereas aggressiveness is the hallmark of male power, maneuver is the hallmark of female power; and where man is the great physical aggressor, woman is the great psychological maneuver.

From a male-centred point of view of what power is, it is easy to be misled into thinking that a female form of powerdoes not exist at all; and even when female power is recognised, it is easy to dismiss it as power of an inferior form, just because it is not as aggressive and confrontational as the male power.

According to Ouzgane and Morrell (2005) African feminism claims to be part of a broader, global feminist movement but also makes a claim for specificity.Ouzgane and Morrell further argue that most frequently this is a claim based on the specific history of Africa and the achievements of its women. Furthermore, a second basis for the claim is that African women share specific concerns that give them a joint interest in expressing a specific interest not adequately captured by other feminist positions. For this study the importance of African feminism lies in the claim by Oyèwùmï (1997) that gender is not a primary signifier of identity in Africa. Oyèwùmï pushed the boundaries laid by Amadiume (1987), who argued that colonialism distorted local gender patterns and particularly reduced the power of women.Amadiume (1997) criticised the universalistic tendencies in Western feminism, for example, and using a comparative and historical analysishad explained how African gender systems differ strikingly from European ones. Amadiume highlights some differences between the material and ideological worlds of African and Western women (Tamale, 2011, p.330).

Another notable area of African feminist work is on sisterhood, womanhood, and motherhood. Each of these concepts tries to establish some kind of unity among African women, as well as making a claim about the strength (agency) and historical achievement of African women. Nnaemeka (1988) highlights Western feminists' choice of language in feminists' struggles and academic engagements.

The role of motherhood, which Western feminists underrate, is considered important by African feminism because it provides the basic measure of self-worth and identity for

African women (Leshabari, 1991). Amadiume (1987) argued against the anthropological and feminist lack of understanding of African motherhood. She states that "At no period in the history of the patriarchal cultures of Europe has motherhood been accorded the same status and reverence as it has had in African cultures" (1987, p.3). Ifi Amadiume shows that even in patrilinial Igbo societies, the mother-focused,"matricentric" unit of mother and children has great importance; the relation to one's mother and to one's maternal siblings who are "children of the same womb" are the closest kinship bonds. This is a general phenomenon across many African cultures (Amadiume, 1987, p.19). According to Amadiume, a major reason that the centrality of motherhood has not been acknowledged is the racialised and patriarchalising gaze of (Western) observers, men as well as women, anthropologists as well as feminists.

The problem for Western feminists in acknowledging motherhood as a locus of power and autonomy is that in the patriarchal societies of the West, motherhood has been linked unilaterally to wifehood, and the concept of 'illegitimate children' exists, if the mother is not a wife. Motherhood in an African context is certainly something different from wifehood; where the position as wife denotes subordination, the position as mother denotes power (Amadiume, 1997, p.21). On the contrary, a mother is a central person, and mother-child ties are crucial: "The mother is the pivot around which familial relationships are delineated and organised (Oyèwùmï, 2002, p.5)." The recognition of the motherhood paradigm means that we do not take patriarchy as given, or as a paradigm (Amadiume, 1997, p.21). Oyèwùmïargues that 'wife' is the relevant concept with which to characterise the 'universally subordinated woman' of Western feminism. Subordination thus is linked to wifehood conditioned by patriarchal marriage, not to womanhood as such. In African settings you can be a mother without being a wife, as is so in Zulu culture.

The importance of adulthood, agency within a collectivity, and a recognised place for all who compose the collectivity are important contributions. African feminism provides a

paradigm shift from the individualist thrust of some Western feminist work, and makesa case for the importance of ethnic groupings, kinship, and family groupings(Ouzgane & Morrell, 2005, p. 6). Nnaemeka (1998) observes that "collaboration, negotiation, and compromise" are key features of African gendered life.She argues that this is because African women and men face the challenges of daily life together, and their unity is their strength. Nnaemeka specifically states that African feminism rejects the exclusion of men (Nnaemeka, 1998, p.8). African feminism is not antagonistic to men, but "it challenges men to be aware of aspects relating to women's subjugation and which are different from the generalized oppression of all African people" (Mekgwe, 2008).

Ouzgane and Morrell (2005, p. 6) note that while African feminism is not antagonistic to men, there is still a lack of attention to men and masculinity in this body of work. They argue that while there is great deal of work that focuses on womanhood and motherhood, there is no equivalent discussion of manhood and fatherhood. They argue that this paucity of work in such an area undermines the opportunity to grapple with the complexities of gender relations in which widespread violence (mostly by men) needs to be understood in gendered terms, and the identities that emerge from these contexts need to be subjected to a careful analysis. This study will partly contribute to the understanding of the complexities of gender relations in *ukuthwala* cultural practice.

African feminism voices advance inclusiveness and interpersonal caring. The theory embraces African worldviews, which are demonstrated in the encoding in many African languages of gender-neutral third-person singular pronouns. The theory advocates good gender relations where all actors (as in environmental issues) are considered to be alike and together in fairness (Fatoua Sow, 1997). Collins (1998) urges black women to use their position as "outsiders within" to reject imposed hierarchies and take up new positions that they define and determine.Much of African feminists' debate resembles that of poststructuralismfeminists, that is, debate on gender and power relations. Both view gender as de-linked from bodies, and both distinguish between sex and gender.

African feminists resist radical feminism that states that men are evil and therefore should be eradicated. Like feminist poststructuralists (Weedon, 1987), African feminists argue that change in the use of language can bring about equality between men and women.

In South Africa, for example, language is used in promoting peace; for example, Ms instead of Miss or Mrs. In addition, negotiations used to bring about democracy in South Africa thus promoted peace and stability in the entire African continent. However, an illiterate woman, woman in a rural area or at grassroots level, would not understand the interface of African feminism. Hence there are quite a few variations among feminists themselves. For example, a woman writing from an Islamic background would differ in other aspects from the woman who writes from the Christian background.

Within African feminism, the African feminist is challenged always to be conscious of the context in which her feminist stance is made (Mekgwe, 2008). The African context has women of diverse cultures and classes and therefore diverse realities. Therefore, as Mekgwe (2008) argues, the African feminist must delineate such concerns that are perculier to the African situation, and when "pointing out the flaws on her culture, she must be careful not to be seen to be aspiring to westernisation at the expense of her own African customs". Furthermore, Mekgwe (2008) cautions that the African feminist discourse that questions African traditional culture should do so "without denigrating them, with an understanding that these might be viewed differently by the different classes of women".

In writing about African feminists who produce scholarship, Mohanty (1997, p.55) challenges as follows:

Middle-class urban African and Asian scholars producing scholarship on or about their rural or working class sisters, which assumes their own middle-class culture as the norm, and codifies peasant and working class histories and cultures as 'Other'

This argument challenges African feminists themselves to self-reflect, and it raises questions about who has the space or platform to speak? What has granted that person platform to speak? It also raises questions about the 'neutrality' or 'subjectivity' of the African feminist voice, the power it usurps to define the experiences of women of different classes and their contexts, and the extent to which that voice is oppressive to voices of other women and their culture. Chinweizu (1990) argues that women live under different cultural, material, political and ideological conditions, and because they have different means at their disposal and different ends in mind, they resist conditions that oppress them, but not in the precise manner which contemporary [African] feminists might expect.

This line of thinking closely relates to some aspects of feminist poststructuralist theory, propounded by Weedon (1987), which objects to the notion of a rational individual, arguing instead for a concept of **subjectivity.** I briefly discuss this theory later in this section, highlighting the aspects that relate to and complement African feminism.

I am an African and a feminist. I align myself strongly with African feminism. I therefore suggest that feminist struggles should address problems relating to cultures such as *ukuthwala* (albeit without denigrating them)*,* gender role socialisation and social developments in African societies. I am aware of the different classes of African women and therefore subscribe to a view that African feminism aims to free different types of women.

This thesis borrowed the concept 'situational gender' from Arnfred (2010) who is an ally of Amadiume (1987, 1997) and Oyèwùmï's (1997) thinking in terms of gender: "Situational gender means gender *ad hoc*, de-linked from bodies, depending on social relations" (Arnfred, 2010, p.125). In this respect Amadiume (1987) and Oyèwùmï (1997) take a point of departure in pre-colonial Nigerian society (Igbo and Yoru'ba' respectively) in re-investigating and re-interpreting the ways in which pre-colonial social structures have been depicted by colonial anthropologists and others. As a result of these investigations they argue that 'gender' is not a foundational category of analysis in dealing with power relations between men and women, and that notions of gender are flexible and fluid, rooted in social positions, and not in 'biological sex'. Arnfred (2010) dubbed this line of thinking "situational gender" in an attempt to stress that in these conceptualisations, gender differences are not rooted in bodies, but in situations and/or relations. African feminists like Amadiume (1987) assert that gender is not a foundational category in Africa. However, in this theorising, the biological categories of men and women still exist. What is argued is the power and authority that are not always aligned to one's gender but rooted in social positions. In this way, Arnfred (2010, p.124) maintains that "gender is volatile, changing, depending on social relations, and depending on the context, bodies simply fit in". She further states that this may look like social constructionist thinking, well known from much contemporary feminist theorising, but is more radical as it is an effort to think beyond male / female bodies.

In addition, within this line of thinking power is de-linked from the body but linked to social contexts. Delinking gender from bodies mean that a person with a male body (a man) can be accepted as a woman, and that a person with a female body (a woman) can be accepted as a man. This means gender in this case is being determined by the social position that a person is occupying in that particular context, which accords him / her power and authority. For example, in Zulu culture *amaqhikiza* (headgirls) have more power than young men in the context of courtship between young men and young

women in their communities (Msimang, 1991). Msimang (1991) elaborates extensively on the power of *amaqhikiza*, which is not covert and aggressive but which they exercise to control matters of sex and sexuality of the young women until their rite of passage to womanhood, and they also use it to maneuver relationships. In this context a man is powerless and therefore perceived as *umfazi* (a woman) in patriarchal Zulu communities. Obviously, as *amaqhikiza* power is critical in maintaining or ending of relationships between young women and young men; in the cultural practice of *ukuthwala* the young woman's decision to voluntarily initiate the process and participate is supported by *amaqhikiza*. Furthermore, the situational gender concept is evident in that an unmarried Zulu man has no say in the deliberations of his community, and thus has no power. He is forever a boy until he gets married. However, being married does not guarantee that he is a 'real man', because his biological construction does not determine his gender. He has to act in ways expected of a man.

While gender is a central and foundational category for women's emancipation in Western feminism, African feminists like Amadiume (1987) assert that gender is not a foundational category in Africa. Amadiume (1987, p.15) states that "gender is located in social positions, not in bodies *per se*". Using the example of the Igbo community, Amadiume (1987) states that male and female are relational categories, depending on social positions. She further argues that usually, but not always, female positions will be occupied by women and male positions by men. According to Amadiume (1987, p.15) gender is separate from biological sex. In Igbo grammatical construction of gender, a neuter particle is used in Igbo subject or object pronouns, so that no gender distinction is made in reference to males and females in writing or in speech. As for Amadiume, in her first book *Male daughters, female husbands* (1987) there is therefore, "no language or mental adjustment or confusion in reference to a woman performing a typical male role" (Amadiume, 1987, p.17).

Thus, according to Amadiume, "the flexibility of Igbo gender construction meant that gender was separate from biological sex" (Amadiume, 1987, p.15). Her views are echoed by Butler's first important book, *Gender Trouble* (1990). Oyèwùmï'sfirst book *The Invention of Women* (1997) also echoes Amadiume's assertion on gender as located in social positions. Writing about Yoru'ba' society she says that what was important in Yoru'ba' society were not bodily characteristics (that is, as man or woman) but "social positioning", which is always relative and situational. Oyèwùmï (1997, p.13) asserts that:

> From a Yoru'ba' stance, the body appears to have an exaggerated presence in Western thought and social practice, including feminist theories. The principle that determined social organisation was seniority, which was based on chronological age. Yoru'ba' kinship terms did not denote gender and other non-familial social categories were not gender-specific either.

The idea of situational gender offers insights into understanding changing practices and understandings of *ukuthwala* because it renders a framework for analysis in Chapter 7, where it will be highlighted that gender is not important in certain contexts within patriarchal Zulu communities, rather the position in the that situation. This will provide an analysis of what motivates *ukuthwala*. In highlighting the metamorphosis that *ukuthwala* has undergone (or is undergoing), which I discuss in Chapter 6, I draw from the term "invented tradition"of Arnfred (2010). I therefore discuss this term in the next subsection.

4.4.1.2. Invented tradition

According to the African feminists, oppression of women got its influence from the West through colonisation, Westernisation, and religion (Christianity and Islam). The way in which patriarchy is viewed by Western feminists suggests that it is rigid, but patriarchy has changed over time. African feminists like Arnfred (2010) note that in much ethnographic research on Africa, and certainly in colonial and missionary interventions,

'African tradition' is seen as patriarchal and woman-oppressive. She further notes with concern that this general approach has been extended into contemporary development thinking. It perpetuates notions of gender that are often based on assumptions of Africa as 'underdeveloped' and 'behind', and of 'African tradition' as inherently patriarchal cultures where women are perpetual minors, with few or no rights of their own to land or property, and little personal freedom. Such assumptions are increasingly being questioned by African gender scholars (see, for example, Amadiume, 1987; Oyèwùmï, 1997; Arnfred, 2010; Buthelezi, 2010).

These scholars acknowledge that present gender relations of power in most African contexts are patriarchal and male-dominated, but suggest a different historical approach to the mainstream notion of African women oppressed by traditional culture and harmful practices. Rather than seeing the roots of contemporary African patriarchal structures as 'African traditional culture', these scholars point to "the new and growing patriarchal systems imposed on our societies through colonialism and Western religions (Christianity and Islam) and educational influences" (Amadiume, 1987, p.9). Through Amadiume's eyes and those of her allies, much of what is claimed by development agencies and by African leaders to be 'traditional African culture' is in fact **"inventedtradition"** (Arnfred, 2010, p. 124). Magwaza, 2007 (cited in Sithole, 2008) calls this "contemporary culture".

Simply explained, "Invented tradition" and "contemporary culture" refer to culture as it is nowadays and culture as it has taken up influences of the waves of social transformation that have swept Africa over the past decades. These scholars argue that gender oppression in its present form results from the influence of the West through colonialism and religion (Christianity and Islam). Their view is that before these interventions, gender relations were mostly different rather than oppressive. These scholars call upon a challenge to reconceptualise and understand the past (from a gender point of view) in different ways, in order to be able to point to new strategies for the future. It is based upon this challenge that my thesis is premised.

Looking into the past in relation to African culture and gender relations in Zulu communities, I argue that invented tradition, which I call "the abuse of culture and tradition", is oppressive to both men and women, although the level of oppression varies as women are more oppressed than men. For example, Ngubane (1977, p.7) stated that women had no right to land ownership; they were subordinated to their husbands. She claimed that this subordination was supported by many (including some women) in the name of 'African culture'.

In traditional Zulu culture women and children were and still are in possession of land. For example, it was/is called *insimu kamama* (a mom's piece of land to plough) and *insimu kadade* (my sister's piece of land to plough). Likewise, *izimpahla ziyabiwa* (resources, for example, cattle, goats, chickens, houses in the homestead) are distributedl among all members of the family in traditional Zulu culture. When a woman is about to get married, she goes to *ukocimela* (visit of female to her relatives to ask for wedding gifts). Even in *ilobolo* negotiations a woman is given resources, for example, *inkomo yamasi* (a cow reserved by her family from her in-laws' *ilobolo* as a milk cow for a woman in her in-laws' homestead). In Zulu traditional culture everybody owns resources, for example, *ilawu lentombi* (a house for a young woman) and *ilawu lensizwa* (a house for a young man). One therefore wonders how untruths have been invented as truths that African culture denies women ownership of resources and land rights.

In Zulu society such untruths were invented by Somtseu's (Sir Theophilus Shepstone's) analysis of African cultural systems and his laws relating to 'natives' (Msimang, 1991). Discourse on women's oppression is based on his own analysis, that is, his Western interpretation of African cultures. Somtseu invented themat the time of colonisation, and theythen evolved over time until today. It was Somtseu's laws that denied land and property rights to Zulu women, and he used culture as an excuse (Msimang, 1991).

This is not, however, to claim that Zulu culture is not patriarchal: even if the woman can have land ownership and property rights, she is still subordinated to a male. Therefore, to understand women's oppression and gender relations nowadays we must first look at the original culture. As alluded to earlier on in this section, some aspects of feminist poststructuralist theory closely relate to African feminism, which I briefly discuss below.

4.4.2. Feminist poststructuralism theory (Weedon, 1987)

Feminist poststructuralist theory,propounded by Weedon (1987), provides an analysis of the patriarchal structures of society and the positions that we occupy in society. Thisis a mode of knowledge production that uses poststructuralist theories of language, subjectivity, social processes and institutions to understand existing power relations and to identify areas and strategies for change. This theory offers detailed and specific analysis and explanations of why and how women have less power than men.

Weedon (1987) argues for employment of poststructuralism, maintaining that it is a way of conceptualising the relationship between language, social institutions and individual consciousness. This is the theory that analyses how power is exercised and how possibilities of change can be achieved through education. The common factor in the analysis of social meanings and individual consciousness is language. The primary assumption of feminist poststructuralism is that it is language thatenables us to think, speak and give meanings to the world.

The terms 'subject' and 'subjectivity' are central in feminist poststructuralist theory (Weedon, 1987, p.32). Subjectivity is a noun that refers to conscious and unconscious thoughts and emotions of an individual, his/her sense of self and his/her ways of understanding, and her/his relation to the world (Weedon, 1987). Therefore, to be

subjective (an adjective) means to base on or being influenced by 'self' or one's personal opinions. According to this theory, subjectivity is the product of culture and it opens up to change and is constructed; that is, it is not innate, not genetically determined, but socially produced (Weedon, 1987). The terms subject and subjectivity are central to poststructuralist theory and mark a crucial break with humanist conceptions of the individual that are still central to Western philosophy and political and social organisation. Humanist discourses presuppose an essence at the heart of the individual which is unique, fixed and coherent, and which makes her what she is.

As we acquire language we learn to give voices to meanings and to our experiences;furthermore, we learn to understand it and to apply it to particular ways of thinking (Weedon, 1987, p. 83). This theory says it is in language that we construct meanings; in other words, words have no inherent meaning, but we give meaning to experience via language (Weedon, 1987). Feminist post-structuralism states that "as common sense changes,'human nature' has to undergo redefinition, and gender is a particularly active site of such change" (Weedon, 1987, p. 77 – 78). According to feminist poststructuralism theory gender is fluid rather than rigid as portrayed by liberal feminist theory. This means "men can involve themselves in previously female spheres such as childcare and domestic chores to a much greater degree without risking censure or derision" (Weedon, 1987, p. 78).

According to this theory, people should be judged according to their experiences (ibid, p. 80). The ways of thinking constitute our consciousness, positions with which we identify structure, our sense of ourselves and our subjectivity (Woodon, 1987, p. 80 - . Poststructural feminists argue that being brought up in particular system(s) of meanings and values, people may resist alternatives. Also, by moving out of familiar circles through education or politics, people are exposed to alternative ways of constituting the meanings of their experiences (Weedon, 1987, p. 108). Moving out of familiar circles is itself a practice of consciousness-raising which is an activity used by women's liberation

movements and embraced by radical feminists. Contradictions and conflicts between what you were taught and what you discover for yourself or reality can lead to a positive change in social practices. This is the theory that offers how imbalance can be challenged and transformed. The theory also accounts for the limitations of change.

Poststructuralist feminist theory by Weedon (1987)suggests that patriarchal power is structural and exists in the institutions and social practices of our society and cannot be explained by the intentions, good or bad, of individual women or men. This is not to deny that individual women and men are often the agents of oppression, but suggests that we need a theory which can explain how and why people oppress each other, a theory of subjectivity, conscious and unconscious thoughts and emotions which can account for the relationship between the individual and socialist feminist poststructuralism (Weedon, 1987, p.3).

The social institutions thatwe enter as individuals, that is, the family, the church, pop culture and so on, pre-existed before us. We learn their modes of operation and the values thatthey seek to maintain as true, natural or good. As children we learn what girls and boys should be, and later what men and women should be. These "subject positions", ways of being an individual and the values inherent in them, may not all be compatible, and we will learn that we can choose between them (Weedon, 1987, p.3). Weedon (1987, p.3)says women have a range of possibilities:

> In theory almost every walk of life is open to us, but all the possibilities that we share with men involve accepting, negotiating or rejecting what is constantly being offered to us as our primary role, that of wife and mother. Whatever else we do, we should be attractive and desirable to men and ideally, our sexuality should be given to one man and our emotional energy directed at him and the children of the marriage. This message comes to us from a wide range of sources, that is,

children's books, women's magazines, religion, through advertising, television, and so on.

The concept of subjectivity in feminist poststructuralism means that the relationship between experience, social power and resistence recognises the importance of the subjective in constituting meaning of women's lived experiencesand accounts for different subject positions. This questions some of the feminists' implicit assumptions about women's experiences. The main questions raised within this theory relates to how we know what we know. What is the legitimacy of these understandings and whose interest is being served? So, like African feminism, this theory challenges feminists themselves to self-reflect and question the truth of their own thoughts, which are subjective. Like the African feminist theory that challenges the position of middle-class feminists that speak on issues relating to peasant or working-class women, this theory challenges feminists to seek ways of dealing with gender and women issues "that include humility, skepticism and self-criticism" (Weedon, 1987). Our own "positionality (gender, race, class, age, and so on) are markers of our relational positions" and we should be able to "account for cultural diversities and differences between women" (Weedon, 1987).

Weedon (1987) says patriarchy refers to power relations in which women's interests are subordinated to those of men. Patriarchal power rests on the social meanings given to biological and sexual difference. In patriarchal discourse the nature and social role of women are defined in relation to the norm, which is male. This finds its clearest expression in the generic use of the terms 'man' and 'he' to encompass all of humankind. These power relations take many forms, from sexual division of labour in the family, to gender roles in procreation and parenting, and the social representations and constructions of femininity and masculinity. Weedon (1987) sees patriarchy as the social system that positions men to occupy a dominant and privileged category over women, who occupy the subordinate and disadvantaged position in a heterosexual norm.

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Foucault's (1981) theory of deconstruction, discourse and power produces an analysis of patriarchal power relations which enables the development of active strategies for change. Feminist poststructuralist approaches deny the central humanist assumption that women or men have essential natures. They insist on the social construction of gender in discourse, a social construction that encompasses the desire, the unconscious and the emotional. Furthermore:

> Patriarchy implies a fundamental organisation of power on the basis of biological sex, an organisation which, from a poststructuralist perspective, is not natural and inevitable, but socially produced. While biological differences exist, the degree to which they are emphasised, and the meanings they are given, vary. For example, sexual difference can be looked at as a fundamental binary opposition or as a continuum thatallows for degrees of difference. Regarding poststructuralism, biological differences do not have inherent 'natural' or social meaning. Their meanings are produced within a range of conflicting discourses – from medicine and sociobiology to radical feminism – and are not uniform. (Foucault, 1981, cited in Weedon, 1987, p.127)

According to Foucault, a discourse (which is seen as a structuring principle of society, in social institutions, modes of thought and individual subjectivity) produces the subjectivity. It produces that quality we take most for granted – our very sense of self. Discourses represent political interests and in consequence are constantly vying for status and power (Weedon, 1987, p.41):

> Discourses, in Foucault's work, are ways of constituting knowledge, together with the social practices, forms of subjectivity and power relations which are inherent in such knowledges and the relations between them. Discourses are more than

ways of thinking and producing meaning. They constitute the 'nature' of the body, unconscious and conscious mind and emotional life of the subjects which they seek to govern.

The ways in which discourse constitutes the minds and bodies of individuals is always part of a wider network of power relations, often with institutional bases. Foucault points to the way in which women's bodies were given meaning by and became subject to modern science from the beginning of the 18th century onwards. They were, he argued, subject to a process of "hysterisation", made into nothing but wombs, and simultaneously made "nervous". As such, discourses become the most invisible and most insidious sources of oppression (Foucault, 1981, cited in Weedon, 1987, p.108). Feminist poststructuralist theory therefore offers a useful framework for understanding the custom of *ukuthwala*, which, in some way, relates to patriarchy, gender, gender roles, sex, sexuality, body, power relations, masculinities, and manhood in the families and communities at large in some of the rural parts of KZN.

4.4.2.1. Foucault's concept of bio-power, knowledge and the body, as explained by Smart (2002)

The concept of bio-power (women's bodies) as not being blank slates or 'docile' is interrogated in this thesis. Within women's bodies, women are subjected to meanings they make about life; for example, they have choices to connive with men who *thwala*them. Foucault, (1976 cited in Smart, 2002) argues that "within sociological discourse a conception of the body has generally been absent from analysis and when present it has assumed the form of a natural body, a body that is without either history or culture".

In Foucault's work a conception of the body as a central component in the operation of power relations has occupied a prominent place (Smart, 2002). Genealogical analysis

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reveals the body as an object of knowledge and as a target for the exercise of power. The body is shown to be located in a political field, invested with power relations which render it 'docile' and 'productive', and thus politically and economically useful. Focault's genealogical analyses begin with an examination of the character of modern power relations and questions how power is exercised and how it is alsoassociated with knowledge. Foucault is relevant for this study, which deals with women's bodies that are literally carried away by men with the intention to marry.

4.5. THEORY OF OPPRESSION (YOUNG, 1990)

Embedded in gender relations are also unequal power relations. Since *ukuthwala* practice relates to gender and power relations between people, it is relevant for me to discuss here the theory of domination and oppression as explained by Young (1990), which highlights power relations between groups of people. Later in this thesis I analyse the findings of this research integrating the discussion with Young's (1990) theory of domination and oppression to highlight whether *ukuthwala* serves as a space for domination and oppression of one group by another.

In her theory of domination and oppression Young (1990) explicates five faces of oppression, which she argues are a useful set of comprehensive categories and distinctions: (1) exploitation; (2) marginalisation; (3) powerlessness; (4) cultural imperialism; and (5) violence.

4.5.1. Exploitation

The Marxist theory of exploitation states that some people have their power and wealth because they profit from the labour of others. Young (1990) states that many writers (for example, Giddens, 1992; Brittan & Maynard, 1984; Murphy, 1985; Bowles & Gintis, 1986) have argued that the Marxist concept of exploitation is too narrow, and thus difficult to apply to all forms of domination and oppression. Young (1990) further argues

that particularly the Marxist concept of class does not adequately encompass the explanation of important phenomena of sexual and racial oppression.

According to Young (1990), feminists have shown that women's oppression partly consists of a systematic and unreciprocated transfer of powers from women to men that results in inequalities of power, status and wealth between women and men.However, men do not often rise in power, status and wealth independently, as in most cases they receive support from women. Some authors (for example, Ferguson, 1979; Delphy, 1984); Alexander, 1987) have argued that women's domestic labour represents a form of capitalist class exploitation. In most situations, as women continue to be domestic 'wage workers' or to do work that supports the jobs that are done by men, women are making it possible for men to accumulate their wealth, power and status. According to Young (1990) this is "gender exploitation", and she argues that it has two aspects, namely the transfer of the fruits of material labour to men, and the transfer of nurturing and sexual energies to men.

As a group, women experience specific forms of gender exploitation when their energies and power are expended in domestic labour, usually to benefit men who are released to do more important and creative work that enhances their status (Young, 1990, p.51). Men also benefit when they receive sexual or emotional 'service' from women in the domestic sphere. However, much work is needed to deal with the exploitation of women, as Young (1990, p.53) states:

> Bringing about justice where there is exploitation requires reorganisation of institutions and practices of decision making, alteration of the division of labour, and similar measures of institutional, structural, and cultural change.

4.5.2. Marginalisation

According to Young (1990, p.53), 'marginals' are people which the system of labour cannot or will not use. She states that in most Western capitalist societies a growing

underclass of people permanently confined to lives of social marginality exists, and this class of people mostly comprises Blacks or Indians (in Latin America), and Blacks, East Indians, Eastern Europeans, or North Africans (in Europe). However, Young (1990, p.53) argues that marginalisation does not only apply to racially marked groups, because in the USA old people who are not old enough to retire become marginal when they get laid off from their jobs and cannot find new work. Similarly, young people, especially Black or Latino, who cannot find first or second jobs, many single mothers, other people who are involuntarily unemployed, and many mentally and physically disabled people also form part of the marginalised groups in society. In arguing against marginalisation, Young (1990, p.53) states:

> Marginalisation is the most dangerous form of oppression, [because] a whole category of people is expelled from useful participation in social life and thus potentially subjected to severe material deprivation and even extermination. The material deprivation marginalisation often causes is certainly unjust, especially in a society where others have plenty.

Furthermore, Young (1990, p.55) maintains that marginalisation does not cease to be oppressive when one has shelter and food: "even if marginals were provided a comfortable material life within institutions that respected their freedom and dignity, injustices of marginality would remain in the form of uselessness, boredom, and lack of self-respect."

4.5.3. Powerlessness

According to Young (1990) an adequate conception of oppression includes the experience of social division structured by a division of labour between professionals and non-professionals, and this is reflected in a distinction between the 'middle class' and the 'working class'. Young (1990) further states that professionals are privileged in relation to non-professionals, because of their position in the division of labour and the status it carries. In addition to the exploitation they suffer, non-professionals suffer a form of oppression, which Young (1990, p.56) calls "powerlessness". She further claims

that when in a state of powerlessness, people lack the authority, status, and sense of self that professionals commonly have (Young, 1990, p.56).

According to Young (1990), the status privilege of professionals has three aspects: (1) progress in acquiring expertise, and then in the course of professional advancement and rise in status, (2) authority over others, for example, consumers' lives often stand under the authority of professionals, and lastly, (3) respectability, which relates to the privileges of the professional that extend beyond the workplace to a whole way of life. This means professionals receive more respectful treatment than non-professionals

4.5.4. Cultural imperialism

According to Young (1990), cultural imperialism involves the universalisation of a dominant group's experience and culture, and its establishment as the norm. She states that "to experience cultural imperialism means to experience how the dominant meanings of a society render the particular perspective of one's own group invisible at the same time as they stereotype one's group and mark it out as the Other" (Young, 1990, p.59).

4.5.5. Violence

According to Young (1990), several groups of people suffer the oppression of systematic violence, where members of some groups live in fear of random unprovoked attacks on their persons or property. Often the motive for such attacks is to damage, humiliate or destroy the person (Young, 1990). Young (1990, p.61) gives examples of groups that lived under such threats of violence in the USA: women, Blacks, Asians, Arabs, gay men and lesbians. According to Young (1990, p.61), "what makes violence a face of oppression is less the particular acts themselves, though these are often utterly horrible, than the social context surrounding them, which makes them possible and even acceptable". Furthermore, Young (1990) argues that what makes violence a phenomenon of social injustice and not merely an individual moral wrong is its systemic

character and existence as a social practice. She writes that "violence is systemic because it is directed at members of a group simply because they are members of that group" (Young, 1990, p.62).

Young asserts that any woman has a reason to fear rape, and that regardless of what he/she has done to escape the oppressions of powerlessness or marginality, lives knowing he is subject to attack or harassment. In addition to direct victimisation, the daily knowledge shared by all members of oppressed groups that they are liable to violation, solely on account of their group identity also exists. Living under such a threat of attack on oneself, or family or friends deprives the oppressed of freedom and dignity, and needless to say expends their energy (Young, 1990).

Young (1990, pp.42-43) argues that our daily discourse differentiates people according to social groups such as women and men, age groups, racial and ethnic groups, religious groups and so on. However, Young (1990, p.45) contendsthat "social groups are not themselves homogeneous. Although social processes of affinity and differentiation produce groups, they do not give groups a substantive essence". According to her, groups exist only in relation to other groups; therefore, in this view, oppressionis something that happens to people when they are classified in groups. Young (1990, p.47) claims that:

> Because others identify them as a group, they are excluded and despised. Eliminating oppression thus requires eliminating groups. People should be treated as individuals, not as members of groups, and allowed to form their lives freely without stereotypes or group norms.

Young (1990, p.42) asserts that whether a group isoppressed depends on whether it is subject to one or more of the five conditions or the five faces of oppression as mentioned earlier, and further argues that:

> because different factors, or combinations of factors, constitute the oppression of different groups, making their oppression irreducible, she believes it is not

possible to give one definition of oppression. The five categories articulated in this chapter, however, are adequate to describe the oppression of any group, as well as its similarities with and differences from the oppression of other groups.

In different groups oppressions exhibit different combinations of these forms, and this applies to different individuals in the groups. The above theory was preferred for this study, as it is used in the analysis of data to determine the existence or non-existence, nature and extent of oppression in the practice of *ukuthwala* that still prevails in selected rural areas of KZN. However Young's theory of oppression is used in conjunction with the intersectionality theory, which was discussed earlier, to understand how gender, culture and rights intersect and shape the experiences of Zulu women in selected rural areas of KZN.

4.6. CONCLUSION

The idea of re-interpreting the past in order to understand the present and find new strategies for the future discussed in this chapter is crucial for this thesis. The practice of *ukuthwala* is looked at from this angle. To do this some concepts need to be unpacked for clear understanding of the argument that emerges in this study. Consequently, various ways of understanding the meanings and implications of patriarchy from within feminism prevail and result in different forms of feminist politics. Liberal feminism does not offer a radical critique of the family, but aims to achieve full equality of opportunity in all spheres of life without radically transforming the present social and political system. The realisation of its aims, however, will mean transformation of the sexual division of labour and of contemporary norms of femininity and masculinity. It will also require provision for domestic labour and childcare outside the nuclear family.

Feminist poststructuralism critiques liberal feminism and argues that while families may be natural, the sexual division of labour is not. Liberal feminists argue that domestic labour and childcare offer little scope for self-development and self-realisation. Feminist poststructuralism argues that this is due to the nature of domestic labour, women's

economic dependency and their lack of choice in the sexual division of labour. It also argues that the answer to these problems lies in the professionalisation of domestic labour and childcare on a commercial basis. This is the theory that is attempting to address questions of how social power is exercised and how social relations of gender, class and race might be transformed. Feminist poststructuralism sees discourses as sources of women's oppression. Liberal feminists view patriarchy as gendered and advocate for gender equality in the public sphere, while viewing the domestic sphere (home) as not important.

African gender scholars acknowledge that present gender relations of power in most African contexts are patriarchal and male-dominated, but they suggest a different historical approach compared to the mainstream notion of 'African women oppressed by traditional culture and harmful practices'. Rather than seeing the roots of contemporary African patriarchal structures in 'African culture', these scholars point to "the new and growing patriarchal systems imposed on our societies through colonialism and Western religions (Christianity and Islam) and educational influences" (Amadiume, 1987, p.9).

African feminism says men should be brought on board for real women's emancipation – that is, men should not be excluded from women's issues. They critique gender from an African perspective and base their argument onremoving Western thoughts of imperialism.

Theories discussed in this chapter and employed in the study will enhance an adequate theorisation and explanation of the custom of *ukuthwala,* as well as aid in the conceptualisation of why this culture is sustained in some rural areas of KZN in an era of social change and democracy in South Africa. It is expected that the theory will not only contribute to the interpretation of the research findings, but this study is also expected to contribute to further development of theory of African feminism(s). The theory is also

expected to contribute towards indigenous knowledge systems. Findings of this study are expected to contribute towards social development in rural KZN. This will, however, depend on the reliability and validity of the study, which are encompassed in the research methodology and discussed in the following chapter.

CHAPTER 5

EXPLICATION OF THE RESEARCH DESIGN AND METHODOLOGY

5.1.INTRODUCTION

This chapter discusses the research methodologies and approaches used in the study. Firstly I discuss the research design in the study. The study is qualitative in design and multiple methods of data collection were employed in the data gathering process. Secondly I discuss the research programme, which includes the training of field assistants, intensity of involvement in fieldwork, and language utilised. Thirdly the chapter discusses in detail how I conducted the pilot study. Fourthly I discuss the population and project areas, then render the profiles of research participants in the case studies.I also discuss the selection of research participants, data collection methods, and method of analysis and synthesis of data. I then discuss the validity and reliability of the study, ethical considerations, problems encountered in the field and limitations of the study, the social and political significance of the study, and finally the conclusion is presented.

5.2. RESEARCH DESIGN

This study is qualitative in design and uses a qualitative approach to data collection. This approach uses written, spoken and observed data or behaviour. The qualitative approach tells a story from the participants' point of view (Rossman & Rallis, 1998), thus providing the rich descriptive information necessary to demystify taboos and break silences about issues pertaining to sex and sexuality that are under discussion in relation to *ukuthwala*. Qualitative research methods aregenerally used for identification, description and explanation, an approach relevant for this research. This study draws on the characteristics of this design as well as my background knowledge and experience in rural life as the daughter of the soil of one of the research sites of this project. According to Edgerton (1974, p.3) the best tool for studying 'alien' culture and coming to understand

it is the intellect, sensitivity and emotion of another human being, and the fact that culture must be seen through the eyes of those who live in it.

Edgerton (1974) also claims that to get hold of the realities of human feelings under investigation, the principle of 'naturalism' needs to be employed. Naturalism, according to Edgerton (1974, p.4) "requires that human behavior be viewed in the context in which it naturally occurs (as part of an ongoing life in a society rather than of an experiment in a laboratory)". The principle of naturalism is therefore employed to capture the realities of the feelings of AmaZulu males and females who reside in some rural areas of KZN pertaining to *ukuthwala*. According to Alasuutari (1995), Edgerton (1974), Frankfort-Nachmias (1992), Mouton (1996), and Nachmias and Nachmias (1981), qualitative research designs usually depend on the written or the spoken word as well as observable behaviour as data sources, and excel at telling the story from the participant viewpoint, thus providing rich descriptive data.

Principles of feminist research methodologies also guided my study. In accordance with feminist studies' methodologies and approaches propounded by Bowles and Duelli-Klein (1983) and Mies (1983), feminist research is different from patriarchal or male-dominated research and raises the issue of subjectivity versus objectivity by claiming that feminist research cannot be value-free. Bowles and Duelli-Klein (1983) also state that feminist research must be grounded in female culture and experience. Being aware of the potential for researchers to become oppressors, feminist research methodology expresses a commitment to confronting power differentials through the establishment of non-hierarchical researcher-researched relations (Reinharz & Davidman, 1992; Neuman, 1997). The practice of *ukuthwala* under investigation in this study is about women who are *thwalwa'd* by men. Therefore, feminist research is appropriate for my study because its basis is on women's experiences.

Furthermore, feminist research is appropriate in researching *ukuthwala* practice because although "Feminist research . . . consists of no single set of agreed upon research guidelines or methods nor have feminists agreed upon one definition of feminist research" (Maguire, 1987, p.74, cited in Brayton, 1997, p.1), "Empirical feminist research is guided by feminist theory" (Reinharz& Davidman, 1992, p.249). Brayton (1997, p. 3) attempts to provide the shape and forms of feminist research in her essay:

> Having read through a wide range of feminist research papers as well as feminist essays on methods and methodology, it has become apparent that what makes feminist research uniquely feminist are the motives, concerns and knowledge brought to the research process.

Brayton (1997) notes that certain themes consistently seem to arise when authors attempt to define feminist research. She therefore states that while there is no standard agreement over what constitutes feminist research, "many authors seem to draw upon certain elements as defining features to feminist research" (Brayton, 1997, p.2). She therefore concludes that these features help distinguish feminist research from traditional social sciences research, research that studies women and research that attends to gender.

In discussing the shape and forms of feminist research, Brayton (1997) states that methodologically, feminist research differs from traditional research for three reasons: it actively seeks to remove the power imbalance between research and subject; it is politically motivated and has a major role in changing social inequality; and it begins with the standpoints and experiences of women (Brayton, 1997, p.3). Harding (1987) makes similar claims on the defining features of feminist research when she argues that studying women from their perspective, recognising the researcher as part of the research subject and acknowledging that the beliefs of the researcher shape the

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research is what makes feminist research feminist. She states: "they can be thought of as methodological features because they show us how to apply the general structure of scientific theory to research on women and gender" (Harding, 1987, p.9).

According to Brayton (1997), features that shape and define what is meant by feminist research involve the following: First, the unequal power relationship between the researcher and the subject is restructured to validate the perspective of the participant. The premise is to remove the hierarchical relationship between researcher and participant. Changing research terminology from that of hierarchy to equality is the first step. Brayton argues that many authors talk about the use of 'participant' as a preferred term instead of 'subject' or 'researched'. However, addressing the imbalance in power relations between the researcher and researched is more than simply changing the language of research. Changing the power relationship would entail involving the participants at all levels of the research process.This method is appropriate in researching the practice of *ukuthwala* so that the researcher views the practice of *ukuthwala* through the lens of the research participants.

According to Brayton (1997), recognising the participants as the experts and authorities on their own experiences is taken as the starting-point to research. Participants are part of the social world, and as critical thinkers are also conscious and aware of the patterns of social relationships that can impact upon their own lived realities. As Ralph (1988, cited in Brayton, 1997, p. 3) indicates, it is important that feminist researchers recognise and identify women engaged as participants who are "often actively working to change the conditions of their oppression". Brayton (1997) further states that one of the concerns of feminist research is to ensure the accuracy of the research in depicting women's lives and experiences. It is important for the researcher to take the finalised information back to the participants for verification, since they are the experts and owners of their own personal experiences.

While the standard within traditional social science research is to see the research as 'owned' by the researcher, "feminist research that seeks to restructure inequality also seeks to remove the notion of ownership of knowledge" (Wolf, 1996, p.3). Maintaining the originality and authenticity of how the participants give meaning to their experiences is also part of what constitutes changing the power imbalance in feminist research: "A feminist method gave me the flexibility to be able to relate to women in subjective ways on their terms rather than in objective ways on the researchers' terms" (Edwards, 1990, p.489). Just like Edwards,the wide media coverage on the practice of *ukuthwala,* as discussed in Chapter 1, had an impact on how I looked at the practice of *ukuthwala*, but a feminist method helped me to view the practice in the research participants' terms.

Lather (1988) maintains that recognising the researcher as part of the research process also constitutes changing the power relation between the researcher and the participant. The social location of the researcher (for example, age, race, orientation, class) plays a role in shaping the research process. It is important for the researcher to identify their own location in order to address biases that may result from their own location in the social world. As Lather (1988, p.576) puts it: "Our own frameworks of understanding need to be critically examined as we look for the tensions and contradictions they might entail". The researcher is as much an active agent in the world as the participant, and acknowledging individual agency is important to restructuring the power relationship. The choices being made by the researcher are shaped and motivated by social location, from the choice of research topic to decisions on how to present the material.

Matsumoto (1996) argues that women as researchers bring their own experiences and history into the role of researcher and the research process. The feminist researcher may be both insider and/or outsider to the environment and topic they are exploring. As insider, they have a stronger understanding of the dynamics and play of social relationships that inform the situation under investigation. The issue of inequality may be overcome through the affiliation of the researcher with the context, where participants

may feel more comfortable in sharing information with someone who is within the situation (Matsumoto, 1996, p.165). Indeed, as an insider in this research project, I had a stronger understanding of the dynamics and play of social relationships that inform the practice of *ukuthwala* among the Zulus of KZN. Matsumoto further states that in contrast, the feminist researcher who lives outside the situation being examined may also be able to change the imbalance of the power relations with the participants. Having to explain personal experiences and feelings with an outsider allows women the space to critically assess their own lived realities. It reinforces their location as author and expert in the situation. It also potentially gives women the opportunity to safely criticise their community, organisation or situation without fear of discovery. Striving for balance and equality between researcher and participant entails negotiating the often blurry insider/outsider relationship between the two parties (Matsumoto, 1996).

The location of the researcher also plays a significant role in the research process through the dynamics of the interactions between researcher and participant (Brayton, 1997). As women both researcher and participant share a common location in the social world on the basis of their gender, and can communicate on the basis of this similarity.However, the location of the researcher as different can also have consequences on the research process: "Bringing feminist concerns into research entails recognising the differences between women. Gender similarities may not transcend all social locations. Regarding some participants, factors other than gender, may play a more prominent role in their experiences" (Brayton, 1997, p.4).

Issues surrounding the race and class or orientation of the interviewer to the participant are important to address in feminist research. As Edwards (1990) notes, race can be a barrier for women seeking to do research 'outside' of their own race, where finding participants willing to take part in the research can be difficult (Edwards, 1990, p.483). Questions about the motivations of the researcher to study women of other races,

cultures, ages, abilities and classes need to be addressed as part of the research process.

Addressing inequality in the research relationship is more than simply acknowledging different social locations; it is also taking an active role in negotiating across these differences with the participants. Difference in social location is not an 'insurmountable barrier' to the research process, but difference must be recognised and addressed as part of the process:

> How this negotiation can occur is not defined by feminist research and no perfect solutions are given. Instead, feminist research involves context driven choices, the recognition that the choices of the feminist researcher are guided by feminist principles and how these principles are negotiated are unique to each research project" (Brayton, 1997, p. 4).

On a final note, Brayton says changing the problematic power relationships in research means addressing inequalities within the research team. The research process is informed by the relations of power among the team players, where traditionally women have been exploited as research labourers without being credited for their work involvement. As feminist researchers it is important for women to question the nature and structure of their own research team, and look at the differences in power relations within the group.

Furthermore, research for the sake of research is insufficient. As Mies (1983, p.135) states: "the change of the status quo becomes the starting point for a scientific quest". Research must serve the interests of women instead of being a tool to support the dominant masculine worldview. Feminist research must not be abstract and removed from the subject of investigation, but instead must have a commitment to working

towards societal change in the form of recommendations for policy or with the researcher being part of a collective involved in political activity. The research cannot simply seek to present data and information: "Feminist research is, thus, not research about women but research for women to be used in transforming their sexist society" (Cook & Fonow, 1986, p.13).The commitment to feminism as the underlying motivation to feminist research means that research and action cannot be separated (Cook & Fonow, 1986, p.13).

In part, a commitment to societal change involves a commitment to the participants in the research. Feminist research can be thought about in terms of consciousness-raising for the participants. Women's involvement as active members of the research process gives them the space to question and critically assess their experiences. It also permits the recognition of the connections and links between events in their lives, as well as the connections to the social world (Kasper, 1994, p.273). Identifying the connections between individual experience and social relations can facilitate personal analysis and transformation. Empowerment arises with education and knowledge about issues, and the affirmation that one's individual experiences are part of a larger social structure.

Finally, Weston (1988) argues that it is not sufficient simply to add women to the research equation. Feminist research is not simply having women engaged as researchers; nor is it about studying gender as a category or including women as a variable in research. Feminist research is about taking women's location and standpoint in the world as the basis for research, where "research will proceed from a perspective that values women's experiences, ideas and needs rather than assuming we should be more like men" (Weston, 1988, p.148). The multiple and often contradictory perspectives of women act as the orientation and starting-point for grounding the research process. This means women's experiences and standpoint must be grounded in the larger social and political context of culture.

Knowledge of women's lives has been absent or constructed from the perspective of men; what is valued as areas to study, where knowledge arrives from, are areas that are of interest to men. Specifically, public places or men's social worlds are what are investigated in both qualitative and quantitative social science research. Women's experiences in public places are made invisible, or are spoken about from the viewpoint of men – what they think the important questions to ask about the public world are. The overt ideological goal of feminist research in the human sciences is "to correct both the 'invisibility' and 'distortion' of female experience" (Lather, 1988, p.571). According to Brayton (1997, p.5): "Feminist research takes women's situations, concerns, experiences and perspectives as the basis for research. It embodies women's experiences in the social world from their own interpretation and using their language. Therefore, feminist research is appropriate in researching *ukuthwala* practice, a practice that directly relates to women's lived experiences.

Maguire (1987) points out that issues that are important to women become the starting-point for doing research. Research has meaning in the world, and feminist research must attend to the meaning women give to their experiences and what they identify as being topics that concern them. Women's societal identification with the private sphere has meant that issues of importance to women's lives in the private realm (marital rape, the experience of being a mother, violence, incest) have been ignored or not defined as issues of importance to research. What are viewed as important questions to ask and which social phenomena get defined as problem areas for exploration have been defined by male researchers. Women's lives, experiences, ideas and needs have been absent from social science research because we live in a world which values male knowledge and perspective and defines it as being objective truth. "A male view of the social world has become *the* view" (Maguire, 1987, p.82).The questions women have about the world and areas they experience as problematic are issues that must be addressed by feminist research.

Kasper (1994) states that feminist researchers must attend to language when trying to accurately represent women's perspectives and realities. Taking women's standpoint as the grounding for research means attending to how women construct and articulate their experiences in their own words: "the essential meaning of women's meanings can be grasped only by listening to the women themselves" (Kasper, 1994, p.266). Kasper however states that this is problematic for feminist researchers. She further argues that the writing of social reality is grounded in a language that reflects male power, male perspective and male control of the definitions of the world. Language does not equally value women and men, and "language, to some extent, shapes or constructs our notions of reality rather than labeling that reality in any transparent and straightforward way" (Ehrlich, 1995, p.45).

This thesis is trying to understand women's meanings about their lived experiences. According to DeVault (1990), women use a language not their own to articulate their reality. She uses the term "translate" to illustrate the process women experience when trying to use language to convey their perspectives (DeVault, 1990, p.96). Listening to how women use language to translate and convey their experiences as women is of importance to feminist research. Since women are the experts and authorities in the situation, the way they create and give meaning to their experience becomes central. Language shapes the words, concepts and stereotypes of society, and in turn also shapes actions, behaviours and expectations. Listening includes hearing how women reflect upon their experiences and the feelings and meanings that are conveyed through their use of language (Anderson, 1987, p.111).

Brayton (1997) concludes that feminists may not agree how to shape or define feminist research, but there is a high degree of concurrence over the epistemological grounding to the research process. She states that she used three principal categories to outline the defining features of feminist theory, as discussed above. However, she argues that different authors construct these issues in feminist research in different ways. Brayton

states that Cook and Fonow (1986, cited in Brayton, 1997, p.5) identify five basic epistemological principles in feminist methodology. These include the taking of women and gender as the focus of analysis; the importance of consciousness-raising (the feminist researcher inhabits a double world of women/researcher and brings feminist knowledge into the process); the rejection of subject and object (between researcher and participant - means valuing the knowledge held by the participant as being expert knowledge; how research valued as objective is still biased); a concern with ethics (that is, use of language, use of research results); and an intention to empower women and change power relations and inequality (new knowledge is generated when one challenges the inequalities in society, and validates a new perspective and definition of events). Brayton argues that these five principles have been addressed in different ways within the body of her essay. It is this concurrence over the epistemological grounding to the research process that justifies grounding of my thesis on feminist research methodology.

On this note, a dual-gender approach is therefore adopted in studying male and female members of participating communities. By adopting this approach I wanted women to speak for themselves, and men to account for their practice of *ukuthwala*. In short, I wanted to hear from both sides (the *thwalwa'd* and those who *thwala* women) on why there is persistence of this practice despite the negative coverage of it in the media.

It is believed that the design and approach enhanced the quality of the study, as well as the usefulness and applicability of the study findings. Through this method I elicited personal reactions, specific emotions and opinions concerning their cultural background, issues of *ukuthwala*, their knowledge about the South African Constitution and human rights, as well as issues pertaining to HIV and AIDS and rape.

5.3. RESEARCH PROGRAMME

Before commencement of the fieldwork, field assistants (some were members of the selected communities), had training sessions in advance (June 2005) on the research focus and procedures. Practical demonstrations were conducted in isiZulu to ensure competence and mastery of data collection methods. Field assistants were enlisted to assist with conducting in-depth interviews where the need arose. This helped where male respondents felt that they could not talk taboos with a female; they were at ease at least to talk if there was a male intervention (this was more so when discussing sex and sexuality issues).

The data gathering process took place between June 2007 and June 2008. I spent four months in Zwelibomvu from June 2007 to September 2007. I then proceeded to Bergville where I spent five months from October 2007 to February 2008. Thereafter I proceeded to KwaNgcolosi where I conducted research from March to June 2008. The process was not smooth. For example, in Bergville and Zwelibomvu the areas were characterised by faction fights at the time of data collection. The faction fights erupted as a result of *ubugebengu* (GBV) embarked in the name of *ukuthwala* and combined with political violence that took place in the area at that particular time where the members of Inkatha Freedom Party were fighting with the members of the African National Congress (Interviews with local Inkosi and research participants. Therefore I had to go back to these research sites to conclude data collection, even though I had already proceeded with the next scheduled area.

Sometimes scheduled interviews were not honoured by the research participants due to community activities that emerged after an appointment was made. This was due to funeral services or cultural activities or ceremonies like weddings. As a result, at times I had to reschedule my interviews. Many times I had to walk a very long distance from one residence to another to conduct interviews. Bergville (Emangwaneni) is characterised by

gravel roads. Only the main road leading into the city is tarred. As a result I had to conduct at least two interviews a day (If I happened to be lucky). Upon my arrival I could not zoom into the interviews straight away. I had to settle down first, find out about the state of affairs of the family, and check if it was conducive for me to engage in the business for the day and recap on my past visit. This was time-consuming. At times my interviews were turned down because something had cropped up (for example, one of my scheduled interviews clashed with government grant and pension day). Furthermore, my key informant and a key contact, a local *INduna* (headman) at Bergville, passed away just at a time when I had to start data collection. Then I had to wait for my colleague to introduce me to the newly elected *INduna*.

Four interviews were conducted per participant, with the first being the lengthiest (an average of two hours), and the three subsequent ones lasting for an average of about one hour. Thirty (30) research participants were involved in Life History, with in-depth interviews with ten participants, That is, five women and five men from each research site respectively (that is, Bergville, Zwelibomvu and KwaNgcolosi). I conducted the interviews in the participants' own homes.

At the first interviews I discussed the aim of the research and explained to them that this is my own investigation for academic purposes; however, presentations of the findings and recommendations would be made to various stakeholders to serve as a springboard for social development. Furthermore, I discussed the major themes in the study, which included the meanings of the practice of *ukuthwala*, the procedures entailed, the reasons behind the practice, the perceptions, and the implications thereof. I encouraged them to tell me the stories of their lives from childhood to teenagehood to adult life, taking as much time as they would like, with a single probe: "I would like you to tell me the story of your life". I avoided interrupting their narratives except for confirming their utterances, eye contact and body language. If a participant was stuck, that is, did not know what more to say or how to continue, I tried to reassure him/her and encouraged him/her to

continue by repeating the last statement made without posing a new question.I tried not to interrupt their narratives, but with single probes (Please tell me who are you? Where do you come from (your lineage)? How were you raised / socialisation process? What is your current state of affairs?), I guided their narratives in order to get information about the general life of the community members, that is, how they lived. The aim was to get to know if their lifestyle has any impact on the practice of *ukuthwala* or not. For example, I asked them to tell me more about their lives in certain areas (civilisation, tribal authorities and power relations between genders, employment opportunities, schooling system, belief systems, economic background, courtship and marriage). These were of interest particularly to address my major themes in the study, and this information helped me most in data analysis.This interview session was also used to make clarifications regarding specific details, events and dates, and to collect data pertaining to the socio-historical and socio-cultural backgrounds of the participants' communities (that is, history of community, taboos, religious and community practices, as well as cultural practices that are still upheld in their communities, their way of living, for example, how they earn a living).

This method was used to elicit data on the interviewees' life experiences within their socio-historical contexts. Moreover, a major reason that influenced my inclusion of this methodology alongside other methods is because I wanted to understand to what extent their socialisation process has an impact on the cultural practice of *ukuthwala* in their communities, from childhood through teenagehood, to adulthood and old age. Furthermore, it was through this interview that I managed to get to know whether the participant was *thwalwa'd* or not, or whether the participant has witnessed the practice of *ukuthwala,* or if he had been engaged in the practice, or if she was *thwalwa'd* and escaped. I collected 30 life histories, from which I selected five for the purpose of providing evidence in this thesis. The analytical scheme proposed by Mandelbaum (1973) for the analysis and interpretation of life history data was adopted for in-depth analysis of the five selected life histories.

The second interview session was an in-depth interview used to probe further data on the major themes in the study (as mentioned above). I probed further using phrases like: "Well tell me more about your life in the area of adulthood" (specifying area where a gap has been identified which is my area of interest). Direct questions were posed in this session and included the following: What is *ukuthwala?* How is it done? Why is it done? What are the implications thereof? What are your perceptions regarding the practice of *ukuthwala?* These were linked to their life experiences as elicited during the first interview session.The interview guide used during the life history and in-depth interviews, containing a list of prompting questions, is included in this thesis as Appendix 6.

During the third interviews clarifications were made where needed, regarding data collected during the previous interviews. The fourth interviews were particularly used for validation of all data collected during the previous sessions. During these sessions I shared the life-history transcripts, data on community socio-historical backgrounds and data on the major research themes with the participants. This step served a dual purpose: it afforded me an opportunity for confirmation and validation of data, and also afforded the participants the opportunity to listen to their own stories as told, to confirm or refute where necessary.

I was actively involved in all aspects of the fieldwork. I conducted and recorded all interviews, carried out transcriptions and translations, took of field notes, and made systematic observations. Transcribed data were personally word-processed and edited to enhance data quality. All interviews were conducted in isiZulu, the local language in the project area. The researcher and field assistants translated the audio-taped interviews in order to retain the original intentions and meanings. Aspects of data transcribed and translated by the field assistants were cross-checked with the audio-recordings for correctness and completeness.

5.4. PILOT FGD

An initial FGD was conducted with educators at Buhlebemfundo Secondary Schoolin Clermont – KwaDabeka, Durban, South Africa, in June 2006. This is the school where I was teaching at that time. Permission was first sought from the school principal. The school comprised 38 educators in total, both males and females, 31 from different rural areas of KZN, three educators from Eastern Cape as well as two educators from Western Cape, one from Swaziland and one from Basotholand. All of them attended these sessions because it was during the writing of half-yearly examinations at school and fortunately there were no absentees. The pilot was only for the FGD and lasted for only five days. Prior to the FGD a list of topics to be explored was developed, based on the research questions as set out in the research proposal. One question was piloted on each day and the session took one hour. Pilot discussions took place in the staffroom after school. Questions that were piloted were as follows:

(1) what knowledge(s) exist about *ukuthwala?*

(2) What are the processes underpinning such a practice?

(3) To what extent do the processes of socialisation (including customs and traditions such as, for example, virginity testing and *umemulo* (that is, coming of age) have an impact on *ukuthwala*?

(4) What are general perceptions on *ukuthwala?*

(5) To what extent does *ukuthwala* play a role in controlling culture in Zulu society with special reference to *ilobolo* (bride price)?

The aim of conducting the pilot FGD was to explore and identify possible research sites, and gain more insight into the practice of *ukuthwala.* This also helped in conceptualisation of the questions to be used in the in-depth interviews and subsequent

FGDs. The involvement of the research participants at this stage was meant to enhance the instrument's content validity, by recognising them as experts in their own right (Munnally, cited in Olley et al., 1997). As a result the instruments were reviewed appropriately as required. For example, the questions were rephrased as follows:

(1) What is *ukuthwala?*

(2) How is it done?

(3) Why is it done?

(4) How do the Zulus perceive and interpret *ukuthwala?*

(5) What are the implications of *ukuthwala?*

The pilot FGDs also informed my decision to use single-sex FGDs instead of mixed groups. This was because women did not feel free to talk about the practice of *ukuthwala* in the presence of their male counterparts. Furthermore, the pilot FGDs also informed my decision to select research sites. Guidance regarding the research method for focus group technique was sought from the literature, in particular from Bloor et al. (2001)and Kitzinger (1995). My research assistant (a Masters student in Gender Studies who is a Zulu by birth) was present at this discussion as a 'moderator' and as a note-taker. The sessions were audio-recorded and transcribed verbatim soon afterwards so that a preliminary assessment of the success of the session could be made and the tools be adjusted as necessary .

5.5. POPULATION AND PROJECT AREAS

The purposive sampling method was adopted for the selection of communities under investigation, that is, Bergville (Emangwaneni), Umbumbulu (Zwelibomvu) and Ndwedwe (KwaNgcolosi). This was because the pilot FGDs identified these communities as where the practice of *ukuthwala* is still vigorous. These communities were also purposively selected due to their geographical locations, as pilot FGDs indicated that *ukuthwala*

differs from place to place and different names prevail. This study is not comparative in nature, but I wanted to find out the socio-cultural aspects of *ukuthwala* as it exists in different rural areas of KZN, and possibly to highlight modifications and transmutations of it, if any. I was privileged in a sense that some of my colleagues were originally from these communities and served as my research contacts. I am originally from the third community (KwaNgcolosi). The population of all these communities consists largely of Zulu-speaking people, whose cultural practices and traditions are still very much respected, preserved and observed.

Participants were informed ahead of time and were ready on arrival for interviews. I was accompanied by my research assistants, who were members of these communities. Although I had to reschedule my interviews at Bergville due to faction fights that were taking place at the time, there was no problem in gaining access to the area, and neither were there any problems regarding trust. The initial sample for this study was five men and five women in each site, but it was not possible to meet this number due to time constraints and the inaccessibility of men, who serve as migrant labourers and were not available during the times of the interviews. However, 18 women and 12 men have been included in the sample for analysis.

According to Patton (1990), qualitative inquiry that uses in-depth interview methods is not rigid about the number of participants to be included in the study. What matters is the purpose of the inquiry, credibility, and what can be done within available time and resources. Another criteria used for the selection of respondents was any men or women who had experienced or witnessed the process of *ukuthwala* in his/her lifetime and was willing to participate in a study.

Also, some sources of this research were identified using the 'snowball' technique of sampling. According to Rubin (1989) a snowball approach is a method whereby

information from one person or information source leads to another. The process commenced with FGDs identifying individuals who had experiences of the practice, that is, who had been *thwalwa'd* or who had *thwala'd* women. Also, families of couples married through *ukuthwala* were identified by FGDs. Thereafter a preceding individual named each successive participant, if any. I did not face many difficulties in getting hold of research participants, and I personally collected all data analysed and reported in this study. All interviews were conducted in isiZulu, a language common to the interviewer and interviewees.

I discussed the project areas in Chapter 2 of this thesis, under 'Rurality', but would like to highlight the socio-historical context of the communities under investigation. The reason is that Roberts (2002) observes that how individuals account for their life experiences can only be understood within the contemporary cultural and structural settings, which influence the course of the major changes in their societies over time. His views are echoed by Giele and Elder (1998),who note that individual and social behaviour is multi-layered, involving different levels of the social and physical contexts. They further argue that both the general and unique aspects of individual location affect personal experience, and can thus be understood as being socially and individually patterned through time.

According to Farr (1996), social psychological phenomena and processes can only be properly understood if they are seen as being embedded in historical, cultural and macro-social conditions. This section therefore describes the socio-historical contexts of the communities under investigation, and also introduces the research participants. The inclusion of this section is to enhance an understanding of the narratives discussed and interpreted in the following chapters, within the socio-cultural constructions and socio-historical contexts of the research participants, as prescribed by the social representations framework.

5.5.1. What is common to the three studied communities?

➢ The communities are populated by Zulu-speaking people.

➢ All communities are in rural areas of KZN but divided into *izigodi* (districts / neighbourhoods).

➢ Social stratification in these communities involve *amakholwa* (Christians) or *abaphucuzekile* (the civilised); and *amaqaba* or *iziqhaza*(heathens or traditionalists).

➢ These areas are largely occupied by traditionalists.

➢ People living in these communities are agriculturalists and pastoralists.

➢ Courtship in these communitiesis still traditional and takes a long time.

➢ '*Ukubuthwa kwabafana'* (creation of age group regiments) still occurs, at least to a minimal level.

➢ *Izintombi ziyahlolwa* (virginity testing) is vigorously practised.

➢ Several cultural practices are still observed, for example, *ukumisa iduku/ ukuqoma* (accepting a man as a lover), *ukugana*(betrothal), *ukwemula*(coming of age), *ukwelusa*(cattle herding), *ukushaya induku*(stick fighting).

➢ *Kusahlobongwa / kusasomwa* (sex between the thighs) is still vigorously practised.

➢ The people still hold the INkosi (traditional leader) in high esteem, and his word is final. The INkosi governs the land with the help of *IziNduna* (headmen).

➢ These areas are characterised by the custom of *ukuhlonipha* (respect). This custom mainly prescribes an acceptable manner of behaviour and expression.

➢ The negative impact of climate change, poverty and lack of proper facilities (for example, clean water and sewerage), distant shops, lack of proper health facilities, and the impact of HIV and AIDS result in most men engaging in migrant labour to big cities.

For the purpose of this study I have highlighted a few activities taking place in Bergville, Zwelibomvu and KwaNgcolosi; however, this must not be taken as an exhaustive list of all the types of activities that are performed in these areas. These include:

> *Ilima* - which is a collective word for a group of women who live in the same neighbourhood and who help one another with any kind of women's home-based activities, such as tilling of land, collection of firewood, and building of a house or its maintenance within a homestead. *Ilima* is generally organised to ensure that work that otherwise would have taken a longer time to accomplish, for example in the fields, takes a short time due to many people working together collaboratively (Mathonsi & Gumede, 2006; Nketia, 1974). *Ilima* bears the values of *ubuntu*(humaneness) in African philosophy and it means cooperative community farming (Letseka, 2000, p.183). Letseka states that cooperative community farming(*letsema* in Southern Sotho) has for many years been a joint effort for families in subsistence economies. There is no competition among the people who perform *ilima*; it is about the traditional values of *ubuntu* and caring for one another. This is volunteer work. The family that has asked for assistance usually prepares food and drinks (Zulu beer and *amahewu*) to take to the fields. Eating together also gives a sense of togetherness among community members and reinforces the spirit of sharing, which is a value of *ubuntu.* Letseka (2000) contends that the maxim 'divided we fall but united we stand', is most appropriate as a description of the fundamental principle underlying the *letsema*. Usually both men and women can be part of *ilima* (Zondi, 2008).

> *Umgcagco* is a traditional Zulu wedding which involves two parties, namely *umthimba* (bridal party) and *ikhetho* (groom's party). On this day the families of the bride and the groom officially declare and seal the relationship. This is facilitated by *iphoyisa lenkosi* (a local and traditional policeman).

- *Umemulo* is a coming of age ceremony which Magwaza (1993, p.7) describes as the ceremony for the girl reaching marriageable age. The girl remains in seclusion with her age-mates for a certain period of time, where they are initiated into adulthood by an *iqhikiza* (head girl).

- *Amacece* are among many rituals and ceremonies celebrated in Bergville. The word is a plural form of *icece.* These are traditional functions which neighbourhood communities come together to perform according to *izigodi* (districts). *Amacece* are attended by both young men and young women. Usually *amacece* are performed overnight. Songs are sung with young women singing and clapping hands for the young men, who perform Zulu dance. At these functions Zulu beer (*amahewu*) and meat form part of a feast.

5.5.2. What is peculiar to each community?

5.5.2.1. EMangwaneni

Bergville is characterised by faction fights, and the people of Bergville strongly believe in and use *umuthi* (traditional Zulu medicine). Bergville houses are mostly mud rondavels with thatched roofs. People depend on a subsistence economy: they plough the fields to earn their living. Most people are unemployed. Few houses have electricity, water, sewerage and modern furniture. There are no tarred roads leading to residences, except to leading major cities. There are territorial links between neighbours residing in the same geographically delimited area called *isigodi* (neighborhood), which partly reinforce and partly cut across lineage solidarity. People of Bergville are mostly characterised by their hospitality.

5.5.2.2. Zwelibomvu

Zwelibomvu is situated few kilometres away from the city of Durban and is very close to Pinetown (an industrialised area); it is also close to the industrial areas of Westmead and Hillcrest, and close to the Marianhill St Francis Catholic Church and mission station. At

the entrance of Zwelibomvu there is a Roman Catholic Church. The area is characterised by slums (coffee farm). There is one tarred main road leading to Umbumbulu. Zwelibomvu is under INkosi Kusakusa Mkhize (Uhlanga LwaseMbo) and INkosi Langalasembo Mkhize. Residents of the area still pay respect to the local INkosi and IziNduna. Zwelibomvu consists of seven areas:

1. EPanekeni: This area is said to be rural and close to KwaNdengezi Township. It has a little bit of a township influence, and is at the entrance of Zwelibomvu from Ethekwini.

2. EMkhangoma and

3. EMadwaleni: These areas are also rural and usually use cultural traditions for entertainment and for economic purposes. They are the second and third districts respectively after EPanekeni. They are where Olwambeni Primary and Zwelinjani Secondary Schools are situated.

4. EPhangweni: A traditional deep rural area. The community is active in school functions and shows great interest, al though most not literate. It is where Wiliwili Primary school is situated.

5. EZimbokodweni: This is a rural area at the outskirts of Zwelibomvu. The area consists mainly of an illiterate community using land as a form of sustenance.

6. KwaMagcaba: This area is mostly populated by Magcaba families who live a rural life.

7. EMasomini: This area borders Zwelibomvu and AmaNganga, and is mostly populated by Msomi families who live a rural life.

The above 'districts' derive their names from rivers that provide water for the people. The people of Zwelibomvu are widely spread all over the seven districts constituting kwaZwelibomvu, with a community of approximately 8500 - 9000 people. According to

aninformant,three municipalities (namely eThekwini, Ugu and Mkhambathini) service Zwelibomvu, with local councillors evenly distributed between the ANC and Inkatha Freedom Party (IFP) political parties.

According to informants the area has not experienced any political unrest, as compared to other rural areas. Remarkably, Zwelibomvu was characterised by *izimpi zemibango* (faction fighting) for a very long period, that was manifested by violence which left the area unoccupied by people for about three decades(interviewees, 2008). Informants claim that only animals could be seen in the area during faction fights. They further remark that such violence cost the community several lives. Some informants claim that to a certain extent such violence was resolved in the 1990s due to the then *INkosi* Zwelinjani Mkhize and his *INduna* Magcaba's intervention strategy. They both calledan *imbizo* (a community meeting of the entire region), in which they appealed to people to put behind them their past hatred and to create a peaceful and healthy environment in which to raise future Zwelibomvu descendants. It is claimed that the *imbizo* was successful. Currently Zwelibomvu community is characterised by ritual, cultural and social gatherings, and the practice of *ukuthwala* is still prominent.

Zwelibomvu is an area which is lagging behind in terms of development; for example, there are no tarred roads to residences, no sewerage, no electricity, no tap water (only tanks), and no local shops. During January and February as well as in June, July and August the majority of school-going children attend a gathering at EBuhleni (ENhlangakazi) with the local INkosi, and join school after these months. Ebuhleni is a mountain where the people go for their Shembe (Nazareth) religion. Some parents around the area do not value the education of their children (for example, they do not participate in school activities such as parents' meetings, or do not turn up when called to school regarding their registered children). Also, many children are quite often absent from school. Most families are poor and do not have a source of income because people are unemployed. As a result, many parents cannot afford school fees of R70 for the year

and fail to buy a school uniform for their children, not to mention a sports kit costing R50. They cannot afford to buy stationery, tracksuits and school jerseys for their children.

5.5.2.3. KwaNgcolosi

KwaNgcolosi is an area where Inanda Dam is situated. Inanda Dam is a tourist attraction area and holiday resort situated on the Inanda Road in the Valley of a Thousand Hills (Botha's Hill) below Hillcrest in KZN. Just outside of Hillcrest, about half an hour from Durban, is where the stunning Inanda Dam Reserve is situated. It is amazing how you can drive 200 metres past the Camelot Golf Estatecumfortressforrichpeople (Kloof, Hillcrest and Waterfall) and suddenly be in the most rural KZN, with goats, cows and various other wildlife walking and lying in the road. There are no tarred roads to residences except on the main road leading to the big cities.KwaNgcolosi lies just inland of the coastal belt of KZN, in the north of the Valley of a Thousand Hills, close tothe Umngeni River. KwaNgcolosi is a region divided into *izigodi* 'districts', which in turn are divided by *imifula* (rivers) and *imihosha* (streams). According to the Tribal Authorities, KwaNgcolosi was for decades under the Ndwedwe Magisterial District and the local court was at Verulam. However, after 1994, when South Africa got independence, Reserve areas fell under Local Municipalities. As for KwaNgcolosi, the area now is under Ethekwini Municipality but under *INkosi* Bhekisisa Bhengu.

KwaNgcolosi comprises the following *izigodi* (districts), namely, EMshazi (an area where *ukuthwala* is still vigorously practised), EMolweni, EWushwini andEMngeni (EMahlabathini / EHlanzeni). KwaNgcolosi at Inanda Dam is the same clan and part of KwaNgcolosi at Ndwedwe and Kranskop (EMakhabeleni), but governed by different *amakhosi* (local chiefs). There are also other Ngcolosi people who live at Port Shepstone, but they pay their allegiance to INkosi YaMaNgcolosi (chief of KwaNgcolosi).

There are no reliable population figures for the Ngcolosi area, but I estimated the population of the area covered by this research to be 8500 people.

Regarding climate and rainfall, KwaNgcolosi with the rest of KZN enjoys "a subtropical climate with warm-to-hot wet summers and mild-to-cool, comparatively dry winters" (Vilakazi 1962, p. 2). It has a very healthy climate which offers no handicap to the vigour of persons who wish to follow any kind of outdoor activity or occupation. It is also remarkably free from debilitating diseases such as malaria, nor is it known to be infested with any kind of stock diseases. There is as a general rule no really dry month in this region, yet there is a short period of marked water deficiency in winter.

Regarding agricultural potential, KwaNgcolosi is mainly hilly and has poor food yields because, as a general rule, most of the former 'Native Reserves' are unsuited for crop farming on a large scale as they have limited arable land, and this is being rapidly depleted of all the fertility it originally had. Also, the material resources of individual families upon whom cultivation depends are extremely poor. Any scheme of rehabilitation based on a redivision of land, and hopes of developing farming peasantry, will have to reckon with these hard geographical facts.

With regard to location in relation to industrial centres and communications, KwaNgcolosi is about 50 km from Durban and about 30 km from Pinetown, the biggest industrial centres in the region (Vilakazi, 1962). It is about 15 km away from the small townships of Botha's Hill and Hillcrest at the farthest points. Most men work in the city of Durban or in Pinetown, while a few work in the neighbouring towns. Work in the neighbouring towns is considered purely temporary and casual because they offer very low wages. In terms of employment opportunities, people of this area are mostly civil servants (teachers, nurses, clerks, policemen) and there are a few attorneys from the area. The majority serve as maids and 'garden boys'. The means of communication between KwaNgcolosi and the outside world has improved drastically in the past few years: people use cell phones, and public phones, there are postboxes in the vicinity, and a tar road which extends to Inanda Dam. There is also reliable means of transport, e.g. taxis and buses.

5.6. SELECTION OF PARTICIPANTS

For the in-depth interviews the snowball method of selecting research participants was used, where one research participant was requested to identify another potential research participant, who in turn did the same. Contacts were already established with the key figures in the research sites, for example with chiefs, headmen, headwomen, and head girls, and with some of the research participants. This had been done through my contacts (colleagues and family members), and I was acquainted with the third research site. I initially intended to carry out in-depth interviews with five women and five men in each research site, but this goal was not realised since more men were engaged in migrant labour and absent at the time of conducting fieldwork.

The purposive sampling method was adopted for the selection of communitiesand participants in the study because this allowed for inclusion of families who had existed because of *ukuthwala* from different communities in KZN, and those who either had witnessed or are part of the communities that practise *ukuthwala.* In each of the three selected communities the community chiefs, headmen, and key informants were requested to identify families that existed as a result of *ukuthwala*. These families were targeted to give an account of their life histories (narratives). The aim was to find out the reasons behind the practice of *ukuthwala* and what knowledge exists about*ukuthwala,*and the impact of their socialisation process.

In each research sitethe conveniencesampling method was employed in recruiting research participants for FGDs.The recruited sample accommodated participants in the communities who were available and willing to take part in the study. At Zwelibomvu I requested the school principal of X school to recruit local community members and children who are above the age of 18 years to form part of the FGD, and most were children from his school who were doing Matric. There was no age limit, except that

participants had to be above the age of 18. There was also no limit of attendance, and as a result the male group consisted of 15 and the female group of 12.

At Bergville I managed to conduct two FGDs. One focus group comprised only women and the other men. For the women's group, I found them during the time when they were performing *ilima*. My research contact organised a session after *ilima.* Thus the session took place in the home of the host for *ilima.* There was no specificity in terms of their composition, except that they were women of various ages (above 18 years). These women were very useful in giving more information about the practice in the area. This was because among them were women who married through *ukuthwala.* They shed light on the features of traditional *ukuthwala* and the abuse of the practice. Some of the case studies in this thesis were extracted from life histories of research participants who also formed part of FGDs, who were later interviewed individually in depth.

At KwaNgcolosi I managed to get only a male FGD, because it was difficult to get women together as it was the season to till the land. Most women performed domestic chores timeously and getting them together was a big challenge. As a result only in-depth interviews were conducted in this area. Seven women were interviewed in their homes and 12 men were interviewed (eight of whom formed a focus group session and four were interviewed in their homes), and five of each were selected randomly for analysis. Life histories were also carried out with the selected research participants. Focus group sessions took place in the home of the contact person (where there is also a bottle store).

Findings from the groups are considered to be representative of the community members, because rural communities have similar features: they are rural-based, share the same socio-cultural values, speak the same language, live a communal life, interact

freely with one another, and have a sense of belonging to each other and their communities. The cases reported below are from participants in the interviews.

5.7. PROFILES OF RESEARCH PARTICIPANTS IN THE CASE STUDIES

Profiles of the following research participants were based on their demographic data, turning-points in their lives, and stressful situations they had experienced. The profiles presented below are based on how the participants narrated their stories, and names used are not the real names of the participants.

RESEARCH PARTICIPANT 1: Mrs Zola Mazibuko

Mrs Zola Mazibuko is a wife living apart from her husband from Bergville community, at EMangwaneni district.Zola Mazibuko was a 23-three-year old female (when I met her during fieldwork). She was at Injisuthi Secondary School doing Grade 11. She was *thwalwa'd* at the age of 15 and got married after she was *thwalwa'd*. Now she is in a polygamous marriage. Her husband lives in Umlazi, in Durban. He lives with another wife but comes occasionally to visit Zola. Zola was born and raised in the rural areas and patriarchal community of Estcourt. She was raised like any other Zulu girl living in rural areas and performing gender roles as would be expected of her. She is the daughter of Fakazile Mazibuko and Xolani Mazibuko and blessed with two children (a boy and a girl) from her marriage by abduction.

RESEARCH PARTICIPANT 2: Mrs Dleni Tholakele Nene

Mrs Dleni Tholakele Nene is a wife living with her husband who *thwala'd* her from Zwelibomvu community. Dleni does not know her date of birth, but she is +/- 45 years old. She is from Zwelibomvu and now resides at Nguqwini (a district at the outskirts of Zwelibomvu) due to wars that erupted at Zwelibomvu.She married after she was *thwalwa'd*.She was born in the rural areas of Ezimbokodweni and was raised like any

Zulu girl in the rural area. She performed domestic chores as would have been expected of her. They were only two girls at her home. She is illiterate (according to the Western norms), does not know her date of birth, but has an Identity Document with a date of birth calculated through estimation of time. I estimated her age as +/- 45 years old (from her life history). She was blessed with nine children, of whom are all disabled except one girl of 18 years of age, who is the eldest at home and attended a local secondary school up to matriculation (which she wrote in 2007 and failed). Dleni is cheating in her marriage with another man in the local community. She said cheating is a means to "sustain her marriage", and further explained that she does not love her husband but has no choice but to stay in her marriage for the sake of her children growing up in a "stable family". Dleni said she had never loved her husband at all but claims she was made to love him through the use of *umuthi wentando* (love spells) during the process of *ukuthwala*. She claims "*umuthi usuphelelwe isikhathi*" (herbal medicine has expired). She has a child (a boy) from her lover, but claims her husband thinks the child is his.

Vilakazi (1962) says *"akukuhle ukuba undabamlonyeni"* (it is not nice to be loved by everyone as a woman). Dleni says she grew up in a background of *ukuthakathwakanye nokuphonswa* (she was bewitched time and again) by her different suitors. She says there was intense competition among her suitors as they were so many, which consequently impacted negatively on her life. Dleni was bewitched by the man who *thwala'd* her in order for her to marry him. She says she grew up sickly because of this.

RESEARCH PARTICIPANT 3: Mrs Zoleka Zondi

Zoleka Zondi was a 19-year-old female when I first met her in 2008. She looked and dressed like a young girl when I met her for interviews during fieldwork. I say this because she was wearing a short (above her knees) navy blue skirt with a white sleeveless top, contrary to the dress code for married women at Zwelibomvu. Zwelibomvu is predominantly a traditional setting and the residents of the area still wear traditional attire according to the stages in their lives. A married woman *uyahlonipha*

(pays respect) through her dress code. Magwaza (2001) and Msimang (1991) maintain that one of the functions of dress is to serve as a symbol of the rite of passage. She entered marriage when she was *thwalwa'd* and she has three children. I met her in her sixth year of marriage. The incident that threw her into marriage and adult life occurred on 28 June 2002 when she was about 12 years old. She grew up in rural areas of Zwelibomvu and has been a farm girl all her life. She grew up subjected to the rules and regulations of *amaqhikiza*. Zoleka later escaped from her marriage.

RESEARCH PARTICIPANT 4: Mr Ndoda Ngcongo

Mr Ndoda Ngcongo is a husband living with his spouses at Zwelibomvu community, and is a native of the community. He was 58 years old at the time when I collected data. He has no formal education, and is a member of Shembe Nazareth Congregational Church. His parents were farmers and he too had been a farmer from childhood. He used to combine farming with a full-time job as a security guard at Zwelinjani High School. He is currently unemployed. He has two wives who live in different districts. He married his first wife through the normal marriage negotiation process. After a long process of courtship, he was first accepted as a lover, and then followed the process of *ukumisa iduku*, then *ukucela*. He then sent *ilobolo* to the parents of his bride-to-be, then *waganwa* (was betrothed) and finally *wagcagcelwa* (traditional wedding) was performed to finalise their marriage. A few years thereafter he *thwala'd* his second wife, who is 20 years younger than him. He claims he was and will always be an *isoka* (a man who is popular with women). He has 12 children, 9 by the first wife and 3 by the second. Educating his children is his first priority, but he is faced with financial difficulties. He says he also grew up in a polygamous family, and thus has no problem handling two wives. Mr Ngcongo gave invaluable insight into the practice of *ukuthwala* by giving an account of his experiences with *ukuthwala* from his childhood. He also gave differences between the custom of *ukuthwala* and the abuse of *ukuthwala.*

RESEARCH PARTICIPANT 5: Mr Lucky Mazibuko

Mr Lucky Mazibuko is a man who had been involved in *ukuthwala* practice from Bergville community. He was 48 years old at the time of collecting data. He is a staunch traditionalist and a local *Inyanga* (herbalist). He has no formal education. His parents were farmers and he too had been a farmer from childhood. He combines farming with a full-time job as *Inyanga*. His topmost desire in life is to build a huge house in Bergville (Emangwaneni); he has land, but is not yet able to commence building due to financial constraints. He is the last born of his mother, who was the third of his father's four wives. His father had 15 children. His uncle, a famous former *Inyanga* in Bergville, brought him up. Mr Mazibuko married his only wife at the age of 31 years and is blessed with four children. He highlighted that only those men with difficulty in getting girlfriends *thwala* young women. He gave valuable insight into powerless men who *thwala* females. He does not associate himself with this group, as he did not get married this way. However, it is interesting to note that Mr Mazibuko was involved in assisting his brothers to *thwala* a number of women.

5.8. DATA COLLECTION METHODS

Multiple methods of data collection were employed in the data gathering process. According to Brewer and Hunter (1989) multiple methods allow a systematic exploration of new avenues of research. They further state that multiple methods provide rich opportunities for cross-validating and cross-fertilising research procedures and findings (Brewer & Hunter, 1989). They further argue that each type of method, if appropriately applied, could lead to potentially valid empirical and theoretical generalisations about society and social life. The investigation of *ukuthwala* carried out in this study is a relatively new avenue of research, hence the adoption of multiple methods of data collection techniques to elicit rich qualitative data. Data collection methods used in this study include life history methodology, in-depth-interview techniques, systematic observations, taking of fieldnotes and FGDs, discussed later in this chapter.

5.8.1. The life history methodology

Goodson and Sikes (2001) state that life histories are interested in the way people narrate their lives, and not in the way they should. Rosenthal (1993) maintains that life history and life story are always dialectically linked. The term 'life story' is commonly applied to the narrated story by the other, while 'life history' refers to the interpretative and presentational work of the researcher (Rosenthal, 1993, p.4). While Goodson and Sikes (2001) argue that there is a distinction between life histories and life stories, Roberts (2002) observes that such distinction is usually difficult to maintain in practise, where, for example, the researcher conducts interviews with participants. Atkinson (1998) defines a life story as the story a person chooses to tell about the life he or she has lived, told as completely and honestly as possible, what is remembered of it, and what the teller wants others to know of it, usually as a result of a guided interview by a researcher. Life history, on the other hand, as argued by Roberts (2002), is usually taken to refer to the collection, interpretation, and report writing of the 'life' (the lifehistory method) in terms of the story told, or as the construction of the individual's past experience.

It is worth mentioning that my study is not basically lifehistory research, but life history methodology is one of the methods I employed in collecting data. Since the aim in the study of lives is to gain insight and understanding of individual life experiences, this method was used to elicit data on the interviewees' life experiences within their socio-historical contexts. A major reason that influenced my inclusion of this methodology alongside other methods is because I wanted to understand to what extent the participants' socialisation process has an impact on the cultural practice of *ukuthwala* in their communities from childhood, through teenagehood, to adulthood and to old age. In a way I was also interested in finding out what was (during childhood) and also is (now) perceived as important in their lives, and to understand what makes them happy / will make them happy / what they thought would make them happy for their entire lives.

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Another reason is the fact that stories are uniquely and individually constructed, and that what individuals say about them is much more illuminating than several other research methods.

The life history methodology was used in gathering data from the male and female participants, focusing on their life experiences. I collected 30 life histories, from which I selected five as evidence. The analytical scheme proposed by Mandelbaum (1973) for analysis and interpretation of life history data was adopted for an in-depth analysis of the five selected life histories (three females, two males) out of those collected from the 30 adult participants in the study. This method offered the research participants chances to review aspects of their lives from childhood and to articulate their experiences in relation to the research themes.

The narrative interview method was employed to collect participants' life histories. I also used oral narratives focused on past and present experiences pertaining to *ukuthwala*. By bringing in interviewees' narratives I want to demonstrate that by 'talking about sex' women and men also demystify the taboos about sex and sexuality. It is demystified because in talking about sex, the secrecy, silence and mysticism about sex is thereby also challenged. Equally so I want to demystify the taboos about the cultural practice of *ukuthwala*. The narratives also challenge conventional social science research methods, where in most cases there is a tendency by some researchers to speak on behalf of women (see, for example, Brayton, 1997; Bowles & Duelli-Klein, 1983; Mies, 1983). I do not speak on behalf of women. In my study I present the experiences and perceptions of both men and women regarding *ukuthwala* and the impact that the practice has on their lives.

This project investigates *ukuthwala* as it exists today among the Zulu-speaking people who live in some rural areas of KZN. *Ukuthwala* is an event at a certain place in a certain

time. Therefore the narrative interview is very appropriate for this study as it leaves the field completely open to the interviewee, simply asking participants to tell the story of the event being studied, which in this case is *ukuthwala*.

5.8.2. Self-reflexivity

Reay (1996, pp.59-60) describes reflexivity as a continual consideration of the ways in which the researcher's social identity and values affect the data gathered and the picture of the social world produced. Reflexivity involves a process of self-consciousness, of researching one's own position in the research process. My subjectivity as a researcher could not be avoided, as I equally record my personal life experiences and particularly my experiences with *ukuthwala.* My biography reveals the lens through which I view the world in relation to my research interest.

Feminist research welcomes emotion into the research process and as a research topic. Personal involvement is therefore deemed necessary by feminist researchers because the researcher must and does identify with the women she is researching, and inevitable because she is part of what is being researched, that is, she is involved. This means reflexivity is essential. The researcher must constantly be aware of how her values, attitudes and perceptions are influencing the research process, from the formation of the research questions, through the data collection stage, to the ways in which the data are analysed and explained (Abbott & Wallace 1990, p.27).

Self-reflexivity forms a vital part of this study, as I equally record my emotions and feelings coupled with the reactions of the respondents to the questions posed to them. My subjectivity as a researcher could not be avoided. It not only played a significant role in the conceptualisation of the study but during the data gathering process. Having grown up, been educated from pre-primary school until matriculation and even worked in the rural areas of KwaNgcolosi (one of this project's sites), and with my mother's experience

as a country woman and relating to my teenagehood, I recalled things that I am not proud of.

At the time when I was growing up, I did not understand some of the things that took place in my life and why and how they happened. I was completely ignorant about *ukuthwala* as I grew up in a mission station run by the American Board, a place that was completely dominated by Christians of different denominations at the time. However, when the research participants narrated their stories, I remembered vividly a friend of mine at a local high school whispering in my ears "*asibaleke bafuna ukukuthwala. Kunemoto yakwa… eqashiwe. Kuthiwa mina angikugade…*" (Let us run away! They want to *thwala* you. There is a car organised to take you and that car is for…They said I must watch your moves….). Lord God knows, I did not know what she was talking about! All I did was to cooperate in the escape, as I sensed something dangerous was about to take place.

It was a long walk from my high school to my home. When my friend narrated the story to my mother, I had never seen my mother so angry as she was then. I only recall her utterances:*"Lamabhinca, amaqaba afuna ukukuthwala?"* (These barbarians, heathens, they want to *thwala* you?). Later my mother explained to me what they wanted to do to me. From then on I was completely watched / guarded.

I also recall quite a number of incidents where I do not know how I managed to escape those planned events of *ukuthwala*. At some stage my sister and my friend (during teenagehood) were paid to arrange that I be *thwalwa'd*; the arrangements never materialised. Hence I related very well to the respondents' articulated feelings, and had a sense that their responses were resonating with my own feelings and experiences. Reflexivity in this study meant that I had to acknowledge my knowledge and experiences, but equally engage with respondents' stories. Sullivan (2002) notes that it is necessary

for a researcher to recognise the impact of language, theories and experiences that co-create a phenomenon that is studied. He argues that:

> It is important that we continue to be reflexive and subjective in our research in ways that cannot easily be dismissed as biased and anecdotal. Research (needs to) draw, as it must, on our experiences as individuals who live and grow in one part of the global city of language, while recognising that we cannot live as individuals in every suburb (Sullivan, 2002).

The above warning was heeded during the data collection process, and subjectivity was also observed.

5.8.3. FGDs

FGDs are collectivist rather than individual data collection methods that bring the multivocality of participants' perceptions and experiences to the research process (Madriz, 2000, p.836). FGDs allow the researcher to interact directly with research participants, thus providing opportunities for clarification of responses, follow-up questioning and probing of responses (Stewart & Shamsadani, 1990). The advantage of FGDs is that they are unique in giving more room for the voices of participants, and decrease the influence of the researcher on the interview.

In my study I started the data collection process with the FGDs. These provided me with opportunities to explore and gain more insight into the topic at hand. The FGDs were very useful, as some participants in them not only served as key informants in identifying women who had been *thwalwa'd* and men who had *thwala'd* women, but also made it possible for me to penetrate quite easily among identified possible research participants, as some of them in turn served as my research assistants in the communities.

Six single-sex FGDs were held. In Bergville FGDs were held on 2 April 2008 and took place in the research assistant's home; one took place in one of the participants' homes. At Zwelibomvu two single sex FGD's were held on 19 March 2008 and took place at Zwelinjani High School. At KwaNgcolosi one FGD comprised of only male participants took place on 5 April 2008, at the research assistant's home, that is, KwaNqetho Bottle Store. I failed to get an FGD with females only at KwaNgcolosi because most women were working at their paying jobs. The aim of using single-sex discussions was to bring out issues that men or women might feel inhibited discussing in a mixed-gender group. The group sizes varied, ranging from 8 to 14 members, and only one meeting was held with each group. All of these meetings were arranged by my research assistants, and each FGD lasted for a maximum of two hours.

I used the open-ended questions (1) What is *ukuthwala*?;(2) How is it done?; (3) Why is it done?; (4) How do the Zulus perceive and interpret *ukuthwala*?; and(5) What are the implications of *ukuthwala*? to elicit data focusing on research themes (meanings of ukuthwala; procedures involved; reasons behind the practice; implications thereof; perceptions regarding the practice). Participants were encouraged to respond one after the other, in narrative form, with minimal interruption. All interviews, including the FGDs were audio-taped. This method provided an opportunity for me to observe non-verbal responses such as gestures, smiles andfrowns, which carry information that supplement or even sometimes contradict the verbal responses.

5.8.4. In-depth interviews

In-depth interviews using open-ended questions wereused to collect data from respondents. This method was appropriate for this study because it enabled the researcher to have direct personal contact with people in their natural environment, to personally understand the realities and minutiae of their lives. Denzine (1978, cited in

Patton, 1990) states that the description and understanding of both external observable behaviours and internal states are possible when one interacts with individuals. In addition, this method enables the researcher to understand the stance, position, feelings, experiences and worldview of others (Denzine, 1978, cited in Patton, 1990).

Due to time constraints (in Bergville and at Zwelibomvu there were faction fights during my data collection), and to limit the scope of my study, a total of 30 interviews were conducted, 10 from each of the three sites. Theinterviewees were all isiZulu-speaking people. Those interviewed included 5 males and 5 females from each site, of all ages (ranging from 18 years to 70 years) and of varying social and economic class. Women who had been *thwalwa'd* and men who had *thwala'd* women, as well as those who assisted friends / relatives who *thwala'd* women and general members of the communities under investigation, were among those interviewed. The study intended to gather information from women who were *thwalwa'd* and stayed in their marriages and those who were *thwalwa'd* and ran away, family members of the *thwalwa'd* women and those of the men who *thwala'd* women, general members of the selected communities, AM*akhosi*, headmen and youth leaders. Written reports from local police stations, clinics, and from local schools were also analysed.

The interview sessions with each interviewee lasted more or less an hour and a half to two hours. Questions were rehearsed with respondents for clarification, to enable them to respond to them. At times respondents turned to other issues during interview sessions. For example, there was a tendency by some respondents to interview me while I was in the process of interviewing them. Some interviewees focused on the purpose of my research, my use of the information, and whether their names would be disclosed, and they questioned how they would benefit from my research. For ethical considerations I explained to them that this is my own investigation for academic purposes; however, presentations of the findings and recommendations would be made

available to various stakeholders to serve as a springboard for social development. I explained that their names would not be used in the reports.

After being satisfied with my reasons for the interview, I gained access into their 'private' lives. As a woman I was sometimes told by some men that some information is too confidential to be revealed to a woman who could 'antagonise' the ancestors. However, the presence of my male research assistant (my husband), who was trained prior to conducting interviews and who was well equipped with the intentions of the research,was in my favour in this regard, as I got information that I would otherwise have been denied access to.

Using my knowledge of abductions as per the literature review, my personal background, my country life, my motherhood, and my married life as a reference point to probe further discussions and to dig deeper into respondents' personal lives, eased their disclosure of information which otherwise would have been difficult. Zulus in general are very careful in disclosing *ihlazo* ('shame'); this culture is taught in early childhood and internalised and passed on from generation to generation.

I conducted in-depth interviews in the participants' homes. The process was slow and rigorous, and at times we had to end the interview when interrupted by unexpected visitors. However, this did not alter the content or quality of data collected. The interruptions during interviews allowed me to observe interviewees and to personally understand the realities about *ukuthwala*. Research participants instructed me to stop interviews when unwanted guests arrived. This sometimes led me to conduct interviews in a car to assure interviewees' privacy. By consciously sharing their beliefs, values, symbols, rituals and emotions, I was able to understand their fears, experiences and perceptions.

All interviews were conducted in isiZulu; all interviewees responded in isiZulu, and where emotions were evoked some respondents, especially males, used idioms, phrases and proverbs to illuminate their responses or to answer directly. I had to slow interviews on a number of occasions for clarifications of certain words that were specific dialects of isiZulu. IsiZulu is my mother tongue, but different dialects prevail according to geographical locations. This also indicates different terms relating to the practice of *ukuthwala* within and in-between Zulu communities in rural areas of KZN, but these are the geographical terms and include *ukuzeka, ukuqukula, ukumbiza epupuyini*and *ukumphonsa azithwale yena.*

As I began to identify with some of the participants' feelings and their memories, especially of pain and endurance, brought about by *ukuthwala* and varying circumstances that led to incidents of the practice, discussions became more intimate. I recall the memories of the time when I had to leave; it became so sad that I began to realise the bond I had created with my research participants. Something told me that I was a symbol of light to come in their future, as one research participant said "*ubukephi sonke lesisikhathi sihlukumezeka*" (where have you been all this time when we are abused and traumatised?). Some of my research participants literally had tears running down their faces. I had to remain firm and control my emotions as a researcher, but part of me said that a mission needs to be accomplished.

My interviews were sometimes disrupted when women participants had to go to fetch wood from the bush, or fetch water from the river or taps, or when it was time to go to the garden and find *imifino* (green herbs) to cook for supper. On these occasions I had to accompany my interviewees and engage myself in that activity, so long as I would complete the session scheduled. Young siblings of some interviewees were sometimes disturbing the interview process, as I had to stop when they cried and needed to be attended to, or when it was time to be fed, or teenage girls asking their mothers what was to be cooked for supper for the day. Men took breaks to smoke or when confronted by

questions relating to things that were taboos to mention in front of women. I must acknowledge that it was not an easy task to process what was sometimes revealed to me about what took place at some of the *ukuthwala* incidents.

Ukuthwala among the Zulu of some rural areas of KZN as it exists nowadays is investigated by comparing fieldwork findings and the literature review. I undertook literature reviews regarding bride abductions. A series of articles from the print media werecollected through Internet searches. Local and international publications, unpublished documents, pamphlets, journals, theses, conference papers and books informed the intellectual and research basis of the study. Television documentaries that sometimes deal with bride abductions (for example, a programme called 'Latitude' that presents documentaries, presented and researched by Lebohang Mashile on SABC 1), all inform the insights in my study.

The interview questions were open-ended with an emphasis on investigating peoples' attitudes and beliefs regarding the practice. People also provided anecdotes regarding their experiences. I explored and stimulated participants' reflection in respect of their social lives in their cultural context and in the context of their transition from boyhood to manhood as well as from girlhood to womanhood. *Ukuthwala* is a symbolic practice that affects an anthropological milestone. As indicated earlier on, prior to conducting interviews a list of possible open-ended questions was drawn up. However, this list was not adhered to strictly; the list of questions evolved and changed as more interviews were conducted and I became better acquainted with the issues involved.

All interviews were recorded by means of a tape recorder and were later transcribed and translated into English. Not all participants in the in-depth interviews were part of the FGDs, but some participants were part of FGDs and also interviewed individually. This happened in the case where a participant had indicated that she was *thwalwa'd* or if a

participant has indicated having engaged in the process of *ukuthwala*. For ethical considerations these participants had to be interviewed privately.

5.8.5. Interactive observations and field notes

During the interactive interview sessions I closely observed research participants and took note of all non-verbal cues, especially considering the topic in question. This, according to Frankfort-Nachmias et al. (1992), is an attempt to understand their experiences and perceptions in consciously sharing their beliefs, values, symbols, rituals and emotions as far as circumstances allow. Rossman and Rallis (1998) claim that working in the field face to face with real people entails an understanding of how they make sense of their world through multiple methods that are interactive and humanistic. These methods focus on talking with people, listening to them, observing their physical behaviours, clothing, decorations and space, and reading them. During interviews I likewise observed respondents very closely. Talking and listening to most of the participants in this project as they narrated their stories generated my understanding of their perceptions regarding *ukuthwala*, and further stimulated my understanding of the gendered implications thereof among the Zulus.

The fact that all interviews were audio-taped provided an opportunity for me to observe non-verbal responses, such as gestures, smiles, and/frowns, which carry information that supplement or even sometimes contradict the verbal responses. There was an emotional outburst and crying by one young woman who claimed the man who *thwala'd* her left her alone starving, and she has to take care of her child. She claims she was impregnated through rape during the *ukuthwala* incident. This young woman stated that her husband who *thwala'd* her is living at X Township in Durban with another woman, as she was informed by him. I found her on her return from receiving a social grant for her child, after she had attended her classes at school. She says she is hiding from anyone who might

see her wearing a school uniform, because her husband would not take it kindly that she is attending school.

The point about emotions in the fieldwork experience emphasise that the researcher works with people who carry emotions with the experiences they share. It is therefore impossible, despite the claims for objectivity in intellectual scholarship, for any researcher to remain entirely neutral. My argument is that I was equally emotionally moved by some of the stories of people who shared their experiences with me. There were emotional outbursts, crying, hissing, and at times complete silence for two to three minutes from some of the participants. The expression on the faces of some women registered feelings of pain and helplessness. This was more so in the cases of those women whose husbands had left them for other women. In contrast, some women proved not to see anything wrong with *ukuthwala* practice as they see this as a cultural practice.

When talking to women who had emotional outbursts, I found myself grappling with the little knowledge of counselling skills that I acquired from counselling training I got atthe University of KZN's Edgewood campus in 2006, that I was not very competent to handle. For example, I had to divert to some other issues to allow a grieving respondent to gather up courage before we could continue. The rule of a counselling session is that a counsellor has to concentrate on her client (a person being counselled) and try to help him/her to be able to help himself/herself.

I went to my research sites prepared in anticipation of such circumstances, and hence I revised and reviewed my counselling knowledge and skills. It was, however, noted that most of these emotional reactions came from the women, while male respondents maintained 'manly' attitudes. Actually, one could notice the pitch of their voices change when narrating their experiences or rather their involvement with *ukuthwala* practice, as did their body language, with expressions made using both hands, and continual body

movements accompanied by praises and the use of idioms and phrases to reinforce narrations pertaining to manhood, of which *ukuthwala* is a symbolic vehicle for a man to attain his manhood thus gaining status in his community.

Having established a good rapport with the communities under investigation and also with the help of my research assistants who were members of these communities, I was given full cooperation. I was always welcomed with warm hands and sometimes even given food (for example, meat, mealies, green herbs, *amadumbe* (African potatoes), *ubhatata* (sweet potatoes), *amahewu* (fermented porridge), cool drinks) which one could easily say was already long prepared for the coming guests. On arrival neighbours quickly came to see the anticipated guests. This sometimes worked in my favour, in using the opportunity to gain some insight regarding the topic on an informal conversation basis. Zulus are well known for their culture of giving food; as an idiom says,*"isisu somhambi asingakanani, singangenso yenyoni"* (give a guest food, by so doing you are not losing anything). On my departure, as a way of communicating good wishes for the journey I was about to undertake, and to sustain good memories, I was also given provisions in the form of food from their gardens, for example, *umbila* (mealies), which is a staple diet of the Zulus in rural areas. Indeed, the memories still prevail.

5.9. ANALYSIS AND SYNTHESIS OF DATA

All taped interviews were transcribed, translated and cross-checked for errors before being used for the final analysis. The content of the data collected was in the form of words, symbols, impressions, gestures or tones, which is a representation of a real message that was communicated by the respondents during the course of narration of their experiences. Data analysis is the process of bringing order, structure, and meaning to the mass of collected data. Sokoya (2003) maintains that data analysis involves sorting, categorising, grouping, and regrouping of data into meaningful chunks. She

further maintains that analysing and interpreting qualitative data is the process of systematically organising the interview transcripts, fieldnotes and other collected materials, bringing meaning to them to give a coherent story (Sokoya, 2003, p.103). In this study all data from life histories, in-depth interviews and observations were reduced to text, and I personally word-processed and edited it before final analysis was embarked upon.

Rossman and Rallis (1998) proposed three approaches to generic analysis of qualitative data: analysis by subjects, by data collection methods, or by themes. The analytical procedures proposed by Rosman and Rallis (1998) were employed in this study. These procedures include six categories as follows: data organization; familiarisation of oneself with the data; generation of categories, themes and patterns; coding of the data;searching for alternative explanations of the data; and report writing. The approach of analysis by themes was adopted in this study, and data systematisation was achieved by constructing coding frames for each of the data sets that emerged.

The thesis is structured according to the major themes that emerged from the research findings, of which there were two. These are structured around the research questions, and are reported on in Chapters 6 and 7. Also, the analytical scheme proposed by Mandelbaum (1973) for the analysis and interpretation of life history data was adopted for an in-depth analysis of five selected life histories (three females, two males) out of those collected from the 30 adult participants in the study. This is presented as multiple case studies on *ukuthwala* among the Zulu as it exists nowadays (in post-1994 South Africa) in some rural areas of KZN.

This study further employs Sokoya's (2003) analytical scheme of the case study approach. Her analytical scheme uses three concepts, which she terms "dimensions, turnings and adaptations" of an individual life. Sokoya states that:

dimensions are described as categories for understanding the main forces at work in life (these include biological, cultural, social and psychological). Turnings are periods in an individual's life that take place as a result of major changes, and adaptations are changes and continuities chosen throughout the life course to adjust to the new condition. Adaptations are the coping resources and resources adopted by the participants studied. (Sokoya 2003, p. 104)

Dimensions in this study are the cultural constructions of *ukuthwala* and the process thereof; turnings are the life after abduction and the implications thereof; and adaptations are coping strategies employed by the participants studied.

To focus the study, information collected was compared with my literature sources in order to find modifications and concerns in the practice of *ukuthwala* in post-1994 or democractic South Africa.

However, some difficulty was experienced, since literature dealing with *ukuthwala* is sketchy. Some interviewees' narratives are framed in my study to provide an understanding of issues at hand from the participants' perspectives. I grouped the males' narratives and also females' narratives, and analysed their views with regard to the meaning of *ukuthwala* to them. The information was then synthesised, summarised, and conclusions were drawn. The success of this method of data collection is measured against the research findings discussed in Chapter 6. The names of people that appear in this thesis are pseudonyms used to protect interviewees' identities.

5.10. VALIDITY AND RELIABILITY

Mishler (1991) describes validity in qualitative research as "Trustworthiness: grounds for belief and action". This is affirmed by Scheurich (1997, p. 82), who argues that validation is the process through which researchers make claims for and evaluate the

trustworthiness of reported observations, interpretations and generalisations. On the other hand, Hammersley (1990) states that reliability refers to the degree of consistency with which instances are assigned to the same category of different observers, or by same observer on different occasions (Hammersley (1990, p. 67). There is an ongoing debate as to what constitutes valid and reliable research. Different scholars, such as Caelli, Ray and Mill (2003, p.14), argue that such research should be rigorous, while scholars such as Richardson (1991), Atkinson (1998) and Cheek (1996) try to understand and come up with what makes a qualitative research credible. Overall, trustworthiness, dependability and credibility are terms used to describe validity and reliability in qualitative research. All of the above features were ensured in my study.

Multiple methods of data collection were employed to provide rich opportunities for cross-validation and cross-fertilisation of research findings (Brewer & Hunter, 1989). The multi-method approach adopted in the study is a means of triangulation. According to Denzin (1970) triangulation is a method of cross-checking and confirming the information elicited from qualitative data sources. He proposed multiple methods of data collection as part of the methodology; these yield rich data and provide opportunities for more in-depth analyses, which is a major benefit of the research design used in this study. Data were interpreted from many perspectives.

Crystallisation instead of triangulation in qualitative research projects is an emerging concept, and recognises that any given approach to study the social world as a fact of life has many facets. The image of a crystal thus replaces that of a triangle. Moving beyond triangulation to crystallisation, Richardson (2000) identifies five criteria for evaluating social scientific studies: "substantive contribution to understanding of social life, aesthetic merit, reflexivity, impact, and expression of reality (Richardson, 2000, p.84).

The idea of crystallisation in qualitative research is supported by Denzin and Lincoln (2000) as well as Janesick (2000). According to Janesick (2000) crystallisation can provide a deep understanding of a topic at hand. This study meets all of the above criteria, that is, triangulation as well as crystallisation. The use of six single-sex FGDs which were held in three selected communities complemented and confirmed data collected through life histories and systematic observations. In-depth interviews were conducted with four interviews per participant, thus offering them opportunities to confirm, correct or refute earlier submissions. Transcribed and analysed data were also shared with participants in the various communities before the final compilation, to enhance authenticity and quality. To further enhance reliability and validity of my study in addition to the above, the steps outlined below were also employed.

5.10.1. Intensity of involvement in fieldwork

I was actively involved in all aspects of fieldwork. This includes conducting and recording of interviews, transcriptions, taking of field notes, and systematic observations. In addition, I personally transcribed and edited transcribed data. This gave me ample opportunities to engage with the data.

5.10.2. Training of field assistants

Three of my colleagues assisted with the mobilisation of Emangwaneni community in Bergville, in view of the fact that they are the "sons of the soil". While serving as Deputy Principal in one of the schools next to Zwelibomvu, I was also serving as the Gender Convener for the South African Democratic Teachers Union (SADTU) in Pinetown South Branch, of which Zwelibomvu was one of my project sites. I was an acquainted with Zwelibomvu as I was running the Department of Education's HIV and AIDS community outreach project and SADTU's community outreach projects for HIV and AIDS orphans and female-headed families in the area. My project also dealt with unemployment in the area. I was later employed by the Department of Education as School Principal in one of

the local schools at Zwelibomvu. I also worked at Zwelibomvu as the Senior Education Specialist (Subject Advisor-Life Orientation), where I visited all schools in the area (both primary and secondary). Therefore my contacts were my colleagues (one of them was an educator in one of the schools at Zwelibomvu, and she was also studying with me at the University of KZN doing a Masters in Gender Studies). Some members of the School Governing Bodies of some schools served as my contacts. Two field assistants (both with Masters in Gender Studies) who are Zulu by birth and had been raised in rural areas were enlisted to assist with conducting in-depth interviews. Two training sessions were held for both the four school principals, held in one of the local schools, and for field assistants on the research focus and procedures. Practical demonstration sessions were also conducted in isiZulu to ensure competence and mastery before commencement of fieldwork.

5.10.3. Pilot focus group interviews

Initial focus group interviews wereconducted with male and female colleagues at Buhlebemfundo Secondary School. The interviews assisted with the further conceptualisation of the questions used in the subsequent focus group interviews, in-depth interviews, and life histories.

5.10.4. Accessible language

Both the in-depth and focus group interviews were conducted in isiZulu, which is the local language in the project areas. Both the researcher and the field assistants did translations of audio-taped interviews in order to retain the original intentions and meanings. Aspects of data transcribed and translated by the field assistants were cross-checked with the audio-recordings for correctness and completeness.

5.11. RESEARCH PROTOCOL AND ETHICAL CONSIDERATIONS

Ethical considerations require that the researcher takes every possible precaution to ensure that no harm occurs to the participants as a result the study conducted. This researcher took the necessary precautions before, during and after the research, as cautioned by Miles and Huberman (1984). These include issues of informed consent, harm and risk, honesty and trust, confidentiality, and intervention and advocacy. This study was conducted in vulnerable groups (the majority of participants are illiterate and living below the poverty line, and some are sick); hence power relations between the researcher and the researched was highly safeguarded.

In view of the topic at hand, this study maintained the necessary ethical standards. Firstly, before interviews commenced the proposal had to pass through the University's Ethics Committee for approval. Permission to conduct this research had to be sought from the Faculty of Human and Social Sciences. The programme director granted permission in the form of the written letter of approval in order to access target groups (see Appendix 1). Information sessions were undertaken with key community figures (*AMakhosi* (chiefs); *izinduna* (headmen and youth leaders); principals of schools, and some families) in respective communities to familiarise them with the research intentions, focus and procedures. In view of the topic in question, there was a clear agreement with the respondents about the necessity of confidentiality and informed consent. They were given detailed information regarding the nature and purpose of the study and further clarification was made before interview sessions. Respondents were informed of their right to withdraw from the interviews at any stage they wished.

I re-emphasise that I had no difficulties in gaining access to participants. My study and the objectives were acceptable to the interviewees, and they also hoped that it would contribute to social development in rural areas. They were also assured of confidentiality of data collected; hence this study employs pseudonyms. Informed verbal consent as

well as written consent (see Appendix 2) were sought from the participants and received before commencing the study. These agreements reinforced my relationship with research participants throughout the research process.

Despite the fact that people are sceptical of signing any document for fear of being manipulated, all forms seeking written consent were signed; illiterate participants put crosses (as signatures). This has been noted by a HIVAN senior researcher and anthropologist Patti Henderson (2005) in her seminar on 'Mortality and the ethics of qualitative rural research in a context of HIV/Aids' held at UKZN Howard College Campus on 29 September 2005. Patti Henderson with her research assistant (a HIVAN community worker in Bergville) researched HIV/Aids at Bergville in an area called Okhahlamba. Okhahlamba is a remote, rural, Zulu-speaking region in South Africa's Drakensberg. This is also part of my research site in this study. Henderson (2005) suggests the importance of not pre-empting too quick an understanding of the topic at hand, and of allowing space for the research participant to set the pace and the content of the relationship between a researcher and those with whom she works. She further mentions how she was taught through mutual interaction with her research participants how to listen, how to remain silent, and how to suspend a particular approach when surprised by her "interlocutor". Henderson (2005) warns that as a researcher, if your research participant says you must not pay attention to this, then you must do so. She also suggests not pressurising research participants. Further, she suggests that as a researcher one must show compassion and warmth, allow your research participants to inculpate your understanding, and allow the person to set the pace of the conversation. She also warns that letting your research participants sign consent forms is a controversial issue that a researcher has to take necessary precautions for. Finally, Henderson is of the opinion that counselling should be given to research participants when the need arises. The researcher is a trained HIV/Aids peer educator and counsellor, trained by UKZN (Community Development Association, HIV/Aids Associate in 2006 at Edgewood Campus); therefore, counselling was offered (to a certain limit, as

there limited time) to research participants when and if the need arose. The research on *ukuthwala* adopted Henderson's (2005) ethical considerations.

Traditional research may be seen as recreating a power relationship between researchers and 'research objects', who, it is sometimes forgotten, are subjects in their own right. Reinharz (1983) describes conventional research as 'rape', a description which often antagonises the researchers who take, hit and run. They intrude on their subjects' privacy, disrupt their perceptions, and utilise false pretences, manipulate the relationship, and give little or nothing in return. When the needs of the researchers are satisfied, they break off contact with the researched (Reiharz & Davidman 1992, p.80). Not only is the research process constructed in terms of a power relation, the researcher is also the ultimate arbiter in terms of producing the final written report and deciding its uses and goals.

The research on *ukuthwala* hopes to have a social value to the communities under investigation. The research findings and recommendations will be communicated to various stakeholders in the hope of serving as springboard for social development in these areas.

5.12. PROBLEMS ENCOUNTERED IN THE FIELD AND LIMITATIONS OF THE STUDY

"As a pre-literate society, the Zulus relied entirely on the spoken word and the image or symbols to convey the essence of both myth and history" (Magwaza, 2001, p.27). Orality was dominant in pre-colonial Zulu society, and handed down from generation to generation by word of mouth; as a result, there is little but not precise documentation on the custom of *ukuthwala*. The study compares existing literature with fieldwork findings in order to discover changes in the practice in post-1994 South Africa. The same applies to

the guiding principles thereof. Professor Sihawu Ngubane of UKZN (in *Mail & Guardian*, April 7-12, 2006, p.5) states that: "Our culture is not written and there are no books that we can go back to for reference." In addition, an anthropologist, Professor David Copland of the University of the Witwatersrand (in *Mail & Guardian*, April 7-12, 2006, p. 5) states that "People shouldn't use culture to protect their deeds because culture varies from person to person. Someone would say this about culture while the other could say the opposite".

A challenge of 'absence' was envisaged in this study, because respondents did not say 'everything' during the in-depth face-to-face interviews. The issue of absence, according to Gervais, Morrant & Penn (1999), positions the researcher at the very heart of research practise, providing the link between the theoretical and analytical dimensions of research (Gervais et al.,1999, p.419). Absences in the study were not taken as non-communication; rather, it was expected that the multi-method of data collection through life histories and observations was going to enhance identification and interpretation of the participants' non-verbal cues. This was particularly so when I was confronted with a problem, where research participants were reluctant to share their life histories in spite of their consent to participate in the study. Others were unable to remember their past.

Equally problematic are issues prioritised in this study, namely the contested issues of sex, sexuality, masculinity, the body, and *ukuthwala*. There is growing body of knowledge regarding these issues, and the interpretations I offer do not universalise these concepts. Also, the feminist approach adopted in my study is not focused on etherising this diverse field, but rather to read insights from this field into the subject of *ukuthwala*. In many ways I see my study as contributing to a developing body of knowledge that may be conceived of as an African feminist approach to *ukuthwala*.

5.13. SOCIAL AND POLITICAL SIGNIFICANCE OF THE STUDY

This research is of social value to the research participants, most of whom benefitted from of the study. During fieldwork I discovered that most of the research participants had no Identity Documents, and thus could not access social grants and other benefits that would have been accessible to them if they had had such a document. I then spoke to the principals of local schools (particularly my comrades in the revolutionary movementSADTU) to organise such a service to school children in their schools as well as to local community members. In the case where a *thwalwa'd* woman was wedded through *ukubhala* (engagement) and no public marriage ceremony was undertaken, I advised them to go and register their marriages with the Department of Home Affairs (DHA). I appealed and relied on my contacts in the said communities to follow-up on this matter and assist where necessary, for example, in escorting or directing them to the local DHA, as most of the women did not even know what this was. In most cases they did not even have their children's Birth Certificates, as they gave birth in their homes, assisted by local traditional midwives using indigenous knowledge of midwifery.

In community X a young school girl who managed to escape after being *thwalwa'd* and went back to school was faced with difficulty in managing her school life due to lack of finance. Both her parents had passed on and she was left with a brother who cannot afford to help her much with her school fees. She ended up living with an aunt who also has her own children to take care of. I then arranged for her exemption from paying school fees in her school, as per the Department of Education Regulation. Further, I got her a part-time job with a colleague who is a businesswoman, in order for her to work on weekends and during vacations and to get paid for services rendered. When I first met the school girl it was in winter and very cold. She asked me for a school jersey, which I bought and offered to her freely. She became very useful during fieldwork in identifying young females who were married through *ukuthwala,* and even arranged and accompanied me to conduct interviews with identified women.

In community Y I gave assistance to a young girl who was *thwalwa'd* and returned to school. Her dream is to become a social worker. In order to realise her dream she needed assistance to access basic funding, and also to apply to relevant institutions. With the vast task to be performed to meet her goal, I needed to consult other relevant people on how she could be assisted. I met her while she was doing Grade 11 in 2007. She kept contact as we communicate quite often by telephone, and am still engaged in attempts to assist her realise her dream.

For most of the women it was their first time to talk about the incidents of their *ukuthwala*. They were also given a chance to reflect on their marriages, and to give their perceptions and interpretations regarding the practice of *ukuthwala* nowadays. None were in favour of the practice, especially for their children. They expressed education as the goal to be attained by their children, and their wish that their children may marry educated people. In the process of reflecting on their past and present and their wishes in their future, a lot of breakdown took place, with feelings of remorse, anger, frustration and loneliness, and signs of depression and stress. Coping strategies were expressed with grief, and the future was expressed as hopeless. In such cases basic counselling was mandatory and was offered through an analogy of problems encountered by all married women, being a married woman myself and having grown up in the rural area of KwaNgcolosi.

5.14. CONCLUSION

This chapter discussed the research methodologies and approaches that were used in the study. First I discussed the research design in the study, and then the research programme, which included the training of field assistants, intensity of involvement in fieldwork, and language utilised. Then the chapter discussed in detail how I conducted the pilot study, after which I discussed the population and project areas. I then rendered profiles of the research participants in the case studies.I also discussed the selection of research participants and data collection methods, and the method of analysis and

synthesis of data, validity and reliability of the study, ethical considerations, problems encountered in the field and limitations of the study, and social and political significance of the study.

The approach of analysis by themes was adopted in this study, and data systematisation was achieved by constructing coding frames for each of the data sets that emerged. The findings are structured according to the two major themes that emerged from the research findings. Several sub-themes emerged under these two major themes, which are structured around the research questions and reported on in the next chapter.

CHAPTER 6

UKUTHWALA PRACTICE AND ITS METAMORPHOSIS: EMERGING THEMES

6.1. INTRODUCTION

This chapter presents research findings that resulted from the analysis, synthesis and interpretation of qualitative data that were collected from selected KZN rural areas. As explained in Chapter 5 of this thesis, in this study all data from life histories, in-depth interviews, field notes and observation were reduced to text and personally word-processed before final analysis was done. Rossman and Rallis (1998). DHA proposed three approaches to generic analysis of qualitative data: analysis by subjects, by data collection methods, or by themes.

This chapter is structured according to the themes that emerged from the data. These are discussed in relation to the research questions and the research purpose. I also integrate the theory that I discussed in Chapter 4 into my discussion,.

6.2. THE PROCESS DURING *UKUTHWALA* PRACTICE

Research findings indicate that *ukuthwala* is a centuries-old *isiko* (custom) among the Zulu people, and it is still practised today. In the *ukuthwala* process a woman is physically carried away, being taken from somewhere (usually on the way to school, shop, to fetch water from the river or to fetch firewood from the bush) by a young man who is helped by friends and relatives, to the man's home where she is incorporated into the family that awaits her arrival. This process is arranged with the *thwalwa'd* woman herself. Then through *abakhongi* (marriage negotiators),a penalty plus *ilobolo*(bride wealth) is immediately sent (usually in the early morning of the following day)to the woman'shometo 'alert the young woman's parents of her whereabouts'. Her parents would then seek her consent or confirmation,by sending a messenger to the*thwala'd*woman to ask her if she likes where she is. On getting her confirmation/

consent, then marriage negotiations start,and *ilobolo* is paid by the marriage negotiators on behalf of the prospective husband, and consequently marriage follows soon.

The following participant, Manyokazane,encountered at Bergville in the district of Emangwaneni, gave an example of *ukuthwala*which indicates that a woman is found in an arranged place and is physically carried away:

Manyokazane

Saxoxisana, savumelana ukuthi angithwale, ngazihambela ngazifikela lapho ababezongithwala khona, base beyangithwala.Ngeqa ekhaya.Bangifaka elawini salala nodadewabo, ngakusasa ekuseni kwathunyelwa abakhongi nenhlawulo kanye nelobolo. Ngabona sekufika umalume ethi uthunywe ubaba ukuzobuza ukuthi ngiyathanda yini la engikhona. Ngathi abofika amtshele ukuthi ngiganile akathathe izinkomo angiyeke phansi, kwase kuqala izingxoxo zamalobolo - ke. Ngase ngigqokiswa isidwaba, ngagcatshwa, ngase ngiphuziswa imithi ngahogeliswa impepho nezinyamazane. Ngaleyondlela ngangibikwa edlozini lala ekhaya. Ngangena kanjalo – ke ebufazini kuze kebe namhlanje.

[We discussed and agreed he must *thwala* me. I walked voluntarily and got to a place where I would meet the people who would *thwala* me. I eloped from home.On arrival in his home, I was kept in his room where I slept with my sisters-in-law. Early in the morning on the following day, marriage negotiators were sent home with a penalty and *ilobolo*. My father sent my uncle to come and ask if I like where I am, and I said uncle must tell my father that I am betrothed, he must take his *ilobolo* and leave me alone, then marriage negotiations were opened. Then I was made to wear *isidwaba* [leather skirt]. Incision was performed on my body. I was given herbal medicines to drink and to sniff *Impepho*[incense] and *izinyamazane* [Zulu mixture of portions of animal medicines] were burnt and I was made to inhale them. By so doing, I was reported to my in-laws' ancestors. I then entered into womanhood, till today.]

From the above narrative it is clear that *ukuthwala* was done with MaNyokazane being a participant in that decision, and she availed herself ofa place where she would be *thwalwa'd*. Msimang (1991) concurs with Nyembezi and Nxumalo(1995) that such connivance happens when it is not possible for the two people who are in love to get married in a proper way because of some barriers. So *ukuthwala*becomes a solution to their problem, because when a woman has been *thwalwa'd* and if she confirms that she likes where she is, all barriers that might exist disappear, and marriage processes go ahead.

In Manyokazane's case it is also clear that the prospective husband had no bad intentions, as no sexual intercourse or violence took place on the night of *ukuthwala*. On the following day*abakhongi* were sent to Manyokazane's family, showing that *ukuthwala* was planned and the prospective husband had resources to pay *ilobolo*. Manyokazane's family sought her consent before marriage negotiations were initiated. Accepting *isidwaba* was a symbol of her consent to her rite of passage to womanhood. She was also introduced to the family ancestors through the rituals that were performed (see the Zulu philosophy of life, Chapter 3).

It is also not surprising that Manyokazane was given herbal medicines to drink and to inhale; in so doing, she was reported to the ancestors of her new home. As discussed in Chapter 3, this is in accordance with the African philosophy of life and Zulus' worldviews (Msimang, 1991, p.12 ; Nyembezi & Nxumalo, 1995, p. 131). All new members of the family are incorporated into the family, and this includes reporting them to the ancestors by burning relevant incense and slaughtering of animals. As the *umakoti* (bride) is regarded as a new member of the family, the ancestors are asked to incorporate and look after her. This happens to all new members of the family, such as a new born baby who is also incorporated into the family by the burning of *izinyamazane* (specific incense). As discussed in Chapter 3, Zulus believe that ancestors are elders in the family who have more experience and wisdom ((Msimang, 1991, p.12 ; Nyembezi & Nxumalo, 1995, p.131).

6.2.1. A liberating and / or oppressive culture

Tamale (2011, p.20) argues that culture is a double-edged sword that can be wielded creatively and resourcefully to enhance women's access to sexual justice. In this case culture was used to liberate Manyokazane to marry a man she wanted,and at the time when she wanted to do so. She participated in the planning of *ukuthwala* and physically walked all by herself to a place where she would be *thwalwa'd*. This liberated her to do what she wanted; that is, to marry a man that she wanted to marry.

The cultural practice of *ukuthwala* shows women's agency regarding their own sexuality; that is, it shows women's capabilities to make choices and decisions about and for themselves. Women are asserting themselves using their bodies. The reasons for*ukuthwala* show women as being powerful enough to make their own decisions, and to manipulate situations to their advantage, using *ukuthwala*. Another participant, MaVilakazi from Zwelibomvu, said:

MaVilakazi

Ngathwalwa ngino 38 years. Nami ngase ngikhulile. Ngase ngiqomile kaZungu sengilimisile iduku. Ngimsokela iminyaka emibili, idolo phezu kwelinye. Ngithwalwa umfowabo kamnakwethu ukuthi ngiyogana yena kusale udadewabo. Wangishela isikhathi eside sengivele ngiqomile iminyaka emithathu. Ngase ngivumelana nalona omusha ukuthi angithwale angikhiphe kulo ngoba sengimthanda kakhulu kunalo engivele ngimqomile. Isizathu wayengaqhubeki namalobolo kodwa efuna ukungiqhekeza ngimsabisa ngokuthi ngizomceba ezinkehlini.

[I was *thwalwa'd* at an age of 38. I was grown up. I was already engaged with a man from Zungu's family.For two years we had sex between my thighs, one knee on top of the other. I was *thwalwa'd* by my sister-in-law's brother (a brother to the woman who also got engaged to the Zungu family with me) so that I will get engaged with him. For a very long time he engaged in courtship with me and by then I was already engaged

with another man for three years. Because I had more love for the new one I then engaged in agreed *ukuthwala* with him, although I was already engaged with another man, so that I may be taken out of the engagement. The reason being that the one I was engaged with showed no signs of interest in continuing with the payment of *ilobolo,* but wanted to break my virginity. I threatened that I will report him to the headgirls.]

The above case of MaVilakazi shows her agency as a woman; by using the custom of *ukuthwala,*she decided and chose what was best for her. The man she was engaged to had made little progress regarding marriage plans, and MaVilakazi decided to speak to another man she was newly in love with, so that he could*thwala*her to break the relationship that was not progressing as she wished. That arrangement worked for her, as she married according to her wish. She used her 'bio-power' and sexuality to connive with the man she loved to *thwala* her, which is allowed by her culture. This therefore indicates that women's bodies are not "docile" (Focault, 1976, as discussed by Smart, 2002) but are active. They show resistance, which opens up more possibilities.

Usually discourse on patriarchy assumes males to have power over females (Weeden, 1987), and females to be powerless victims of male power. However, in MaVilakazi's narrative, female power that is subtle and not confrontational or aggressive, that Chinweizu (1990) argues about, was evident because she was able to maneuver the situation for her own benefit. Rather than MaVilakazi being a victim of male power, the jilted male was the victim of female (MaVilakazi's) power. This also gives evidence of power de-linked from bodies, but linked to social positions. Besides her own power to make her own decision for her own interests, MaVilakazi states that when her previous 'male friend' insisted on having penetrative sexual intercourse with her against her will, she threatened to report him to her *amaqhikiza*. This is in line with Msimang's (1991) argument that *amaqhikiza* had/have such great power that they were/are feared even by young males in Zulu communities.

Women's agency regarding their own sexuality is also depicted by the following participant (Thandekile from Zwelibomvu), who gives the reason for her *ukuthwala*as follows:

> **Thandekile**
>
> *Uma ubanjiwe wena ntombi uhleli nomfana noma nimi naye. Bese umzali uyabuza ukuthi uphumaphi. Intombi iqamba amanga okuhlonipha . Umama uthi phinda lapho uvela khona. Uyakuxosha ekhaya. Umfana uzobe esekhuluma nabakubo , bese kulethwa izinkomo kubo kantombi. Seniyaganiswa njalo. Uma ungasamfuni usuthole omunye omthanda ngempela, nizovumelana nalona omusha ukuthi akuthwale. Iyona ndlela-ke yokumala. Lona omusha uma eselobola, kuzophinda emuva ilobolo lowokuqala.*
>
> [When a girl gets caught sitting or standing with a boy,then a parent questioning where she comes from, the girl is expected to tell lies to show respect. Then the mother would say the girl must go back to where she comes from. This means a girl got expelled from her home. A boy would then talk to his parents to forward *ilobolo* to the girl's home. By so doing, then the boy and the girl gets engaged. Later on, when a girl comes across the man she really loves, she will connive with him and engage in agreed *ukuthwala*. This is the way to come out from your engagement. When the new lover brings about *ilobolo,* then the girl's parents will forward it to the jilted man].

According to Thandekile, when parents have arranged marriage for their daughter with a man she does not love, the daughter speaks to a man she loves to *thwala*her so that she breaks away from the arranged marriage. *Ilobolo* that is paid by her lover refunds the husband who was arranged by parents. In this way, *ukuthwala* is a tool for a woman to counteract and defy parental power by preventing and breaking off an arranged marriage.

A similar account of *ukuthwala* being used to break away from a marriage is given by MaMsomi Chili of Zwelibomvu:

MaMsomi

Umkhwenyana wesibili uphuca umkhwenyana wokuqala ngokuvumelana nentombi ukuthi akayithwale ngoba isithanda yena.

[The second fiancee' connives with the engaged woman and both agree to engage in agreed *ukuthwala* in order to take the woman away from her engagement with an intention to marry her as she now loves him.]

Although here the marriage was not arranged by parents, the woman breaks away because she has found a new and better person to marry. In other situations, when a young woman's lover wants to pay *ilobolo* for the woman so that marriage plans progress, parents stifle the progress and become a barrier to such plans if they do not like and approve of the young man who wants to marry their daughter. Then the woman arranges with her lover that he *thwala's* her.

Benzakuphi and Msizi of Zwelibomvureiterate this:

Benzakuphi

Ngigane ngino 16years u Sizwe Shozi. Savumelana sahlela ukuthi angithwale. Ingoba ekhaya babengamfuni.

[I got got married to Sizwe Shozi when I was 16 years old. We agreed and planned to engage in *ukuthwala*. It is because he was not my family's favourite.]

Msizi

Ukuthwala kuhle uma nivele nithandana. Kuyenzeka umfana angafunwa kubo kantombi bese evumelana nentombi ukuthi uzoyithwala.

[*Ukuthwala* is good when you are already in love with one another. It happens that a boy is disliked by a girl's family. In that case a boy connives with a girl and engage in *ukuthwala*.]

All participants above indicate that women are part of the decision, arrangements and agreement with the men who *thwala* them. They also show that the cultural practice of *ukuthwala* is used by women in their own interests, and it benefits them. In such situations where *ukuthwala* practice liberates women, connivance between a *thwalwa'd* woman and her prospective husband is evident. The arrangement is made in such a way that it is also not obvious that the woman has agreed to the situation, although she is later asked to confirm if she agrees to the marriage before negotiations start. There is no woman abuse and there is no physical assault or beating of a woman. Another respondent, Zodwa from Bergville,expresses her views as follows:

> ### Zodwa
> So many people take *ukuthwala* literally whereas it is not the case. It is arranged with the woman who will be *thwalwa'd* who then avails herself. The question we need to ask ourselves is: do men who *thwala* women enter the woman's house and take her out of her home, the answer is no, men find a woman somewhere.

However, while culture (*ukuthwala*) liberated Manyokazane and all participants as explained above, it did not allow these women to state openly theirdecisions and theirwishes to marry men that they wanted to,except by using their bodies through *ukuthwala*. In other words, they could not articulate verbally their decisions and wishes; they had to 'operationalise' their decisions within the culture. This inability to verbally articulate their decisionscould be construed as a sign of women oppression in respect of patriarchal Zulu communities in KZN where they are culturally constrained.

However, Magwaza (2001) wrote about the visual voice of Zulu women in rural KZN, where she counteracted many Western feminists who portrayed Zulu women as passive and powerless in their writings about Zulu women in patriarchal rural communities. Magwaza argues that rather Zulu women use dress as a form of expression to communicate what they want to say and as a way of expressing their dissatisfaction with the status quo or any circumstance they find themselves in, of

which courtship, love relationships, engagement and/or marriage are issues alluded to (see, Magwaza's 2001book, *Private Transgressions: The visual voice of Zulu women*). She further argues that this form of expression is centuries old and well understood, respected, and therefore people oblige to it. Zondi (2008) also concurs with Magwaza (2001), and adds that women use songs as a form of expression.Thus *ukuthwala* is another form of expression that Zulu women use to their advantage.

Furthermore, the above participants mayindicate that some women see no possibilities in their lives except to conform to patriarchy, which subordinates their interests to those of men through marriage. This is because in many Zulu families girls are brought up aware that they are a source of wealth for their family, and the training they get at home is supposed to prepare them for marriage anyway. As a cultural insider,as I grew up in one of the research sites, I know that we were raised (and this happens even now) knowing that as girls we are forever minors and subjected to our father's or brother's authority, and later to our husband's. Therefore, we will have to get married at a certain stage in our lifetime. hence, women's connivance with the men to *thwala* them is a sign of internalised oppression, that it is accepted as a norm that a woman must be married to a man at a certain stage of her lifetime.

Women aspiring to get married is evident in MaVilakazi's narrative above. MaVilakazi resorted to *ukuthwala* in order to jilt her lover who was not making progress regarding the payment of *ilobolo* and marriage plans. She chose a man who could make her realise her dream of getting married faster, and *ukuthwala* enabled her to do that.

However, Chinweizu (1990) reminds us that different women live in different cultural, material, political and ideological conditions, and therefore do not resist oppressive conditions in a precise manner that we might expect. Mekgwe (2008)also cautions us to critique cultures with an understanding that these might be viewed differently by different classes of women. Weedon (1987) also reminds us that because of our own

subjectivities, as we constitute meaning of experiences of women we should simultaneously be questioning the truth of our own thoughts and selves.

Although I regard myself as a 'cultural insider' as I grew up in one of the rural areas involved in the study, and am also of female gender, I am also aware of my education that puts me in a different class to that of the participants. For this reason, I was sceptical and self-critical of leaning towards arguments that relegate the cultural practice as oppressive to women. That said, it was evident in this study that with the pervasive violence against women and poverty in rural communities in South Africa, this cultural practice has been abused by certain people in communities. I discuss this later in this section.

Furthermore, evidenceshows that not every young woman can be targeted for *ukuthwala*, but only strong women. Almost all research participants confirmed that *"akuthwalwa nje yinoma ubani"* (not any woman is *thwalwa'd*). Findings of the research reveal that sex, sexuality, physical attributes and femininity of a woman as well as her social background serve as characteristics of a good woman who can make a good wife, as Lucky of Bergville indicates:

> **Lucky**
>
> Research must be done first about a woman to be *thwalwa'd*. Virginity of the woman is important. Being respectful is another most important aspect of a woman to be targeted for *ukuthwala*. This is because if a woman is not respectful, she will not respect her in-laws.

The above views on a strong woman as a target for *ukuthwala* are complemented by those of Sibajabulisile Mazibuko of Bergville, who says:

> **Sibajabulisile**
>
> *Ikhuthele yini?* (Is she not lazy?) *Ayigcwali umgwaqo?* (Does she spend more time at home rather than on the streets?) *Ayigqoki amabhulukwe?*(Does she wear pants?)

Ayigcwali edolobheni? (Is she always found in town?), *ibuya nini ekhaya?* (usually at what time does she come back home?)*Iqomile yini?* (Is she having an affair?)

The above characteristics of a good woman are gendered. Writing about power, culture and the African woman, Ngcongo (1993) distinguishes between a "real woman" and an "omen" in patriarchal Zulu communities, and argues that the one who is perceived as a "real woman" is submissive and compliant to the expectations of a patriarchal Zulu community. Among many examples that she gives are the characteristics for an unmarried young woman depicted in the above case by Sibajabulisile. She further gives examples such as respect, not back-chatting her husband, not questioning his authority, doing domestic chores such as cooking and washing for her husband and in-laws, to mention a few. She argues that a woman who does the opposite is therefore referred to as an "omen", meaning a bad woman. Therefore, this is evidence that a powerful woman in Zulu communities is held in high regard and has authority. In gendered terms this renders women as subordinates to males and promotes gender inequalities and male power over women. Women have to live to please men.

Women should not be judged as powerful based on their physical body build, as this renders their bodies sexualised to satisfy male needs. Furthermore, domestic chores as criteria to judge women renders women inferior to men and locates them within the domestic sphere and men in the private sphere (Moore, 1994a). Vilakazi (1962, pp. 59- 60) observes that among the Zulus personal qualities which are thought of as important in a wife are a well-built body, diligence, and respect. This means that when choosing a prospective wife, a young man must do his research thoroughly to identify a suitable woman to be his wife.

A woman who has characteristics of a potentially good wife has many *izesheli* (men who propose love to her). This is because many men would love to have her as their wife and therefore they compete for her love. This is usually not a problem for the woman because it gives her a broader pool of good men from which to choose her

future husband. However, it becomes a problem if among the men who are competing for her love, some use witchcraft. In this case she is subjected to *ukuphonswa* by her wooers. *Ukuphonswa* is a kind of witchcraft medicine used to make a woman hallucinate and want to run to the man who *phonsa* her. This affects the health of a woman as she will often hallucinate and attempt to run to the family of a man who *phonsas* her. Usually when this happens the woman is not in a healthy mental state and may injure herself. Her health may even be more affected if more than one man use such medicinal substances. This was expressed in the life history of Dleni Ntinga of Zwelibomvu, presented later in this chapter. Dleni says she grew up in a background of *ukuthakathwakanye nokuphonswa* (when she grew up she was bewitched time and again) by her different wooers, and that there was intense competition among her wooers and as a result she was sickly.)

As alluded to earlier, a woman who would make a good wife should come from a family with good social standing. This is often expressed as marrying a daughter of people who do not starve. The reason is that if a woman comes from a poor or starving family, it is assumed she would have developed a habit of "counting grains" and will not know how to dispense hospitality. Bongani Khumalo of Bergville concurs with MaMsomi Zulu of Zwelibomvu, who highlights the significance of a woman's social background in *ukuthwala*. They state that not any woman is *thwalwa'd*, it depends on who she is and where she comes from. This is what Bongani says:

Bongani

The social background of a woman to be *thwalwa'd* is very important. This is because by taking a woman through *ukuthwala*, you intend to stay with her for the rest of your life. For example, questions such as *Iphuma emzini onjani? Kuyalanjwa noma kuyasuthwa kubo, ngoba uma kulanjwa kubo, izoba inkinga izoncisha abazali bendoda kanye nomndeni wayo ukudla. Izobe yenza into eyijwayele.* (How is her family background, for example are they starving, because if they do, that is a problem as she will starve her in-laws as this is something that she is used to). Another question that needs to be answered is relating to her social background:*Akuthakathwa yini*

kubo? *Ngoba intombi ezalwa abathakathi ayiganiswa endaweni. Izoshisisa umuzi wakubo kandoda (izokwenza kushiswe umuzi wakandodayayo.* (Is she not coming from the family of witchcraft? Because if she is, she will make her in-laws ostracised by community members.

It is therefore evident that while physical beauty is appreciated, it is not important in choosing a wife. At KwaNgcolosi participants emphasised that a young man is not deceived by the physical beauty of a woman; the emphasis is rather on a woman's goodness, and her *ubuntu* (humaneness). This is also linked to an isiZulu saying,*ikhiwane elihle ligcwala izibungu,*that means 'a fine fig is full of maggots inside'.

6.2.2. A space of powerplay and contestation

Sakhile Khoza of Isitulwane district of Emangwaneni in Bergville said he assisted many of his friends during the *ukuthwala* process, and indicated that he had witnessed a lot of *ukuthwala* in the area. This is what he says in support of *ukuthwala*:

Sakhile

Ukuthwala intombi isiko kithina maZulu. Ukuthwala kusho ukuthatha ngenkani intombi yomnumzane engakazali iyiswe ekhaya kubomfana iyoganiswa. Intombi ithwalwa yisoka nabangani balo noma nezihlobo zayo kusetshenziswa amandla. Ithathwa umuntu oyaziyo noma umfana oseke wayeshela yamehlula noma sebeke bathandana naye. Awuyilali ngosuku oyithwale ngalo kuze kube kuvunyelwane namalobolo esekhokhiwe yaze yagcagca yasina esigcawini. Kufika abakubo imvamisa abafowabo bazobuza ukuthi iyaqhubeka yini nokugana noma iyathanda yini la ikhona. Intombi ethwaliwe inezwi ukuthi iyavuma noma cha, kanye nabazali bayo banezwi. Uyithwala ngoba kukhona ohlela ukuyithatha ngendlela ezokwenza ivume kanti nawe uyithanda ngempela. Umuntu othwalayo usuke ehlelile unezinkomo kanye nemali ukukhokha ilobolo, uzimisele nokukhokha inhlawulo okuyi nkomo yokuthwala.Ingakho ngakusasa ethumela abakhongi kubokantombi ethwaliwe ukuthi mabafunele ngaiweno.Uma ivumile intombi ukugana bese kushaywa izinkomo-ke.

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[Ukuthwala is a Zulu custom. It means tophysically carry away by force a young woman to the young man's home with an intention to marry. She is carried away by her boyfriend and his friends or relatives using force. She is taken by her acquaintance or maybe a boy who had engaged in courtship with her and she refused, or it could be her previous boyfriend. You do not have sexual intercourse until marriage consummation. Once marriage negotiators have been sent to her home to report her whereabouts, her brothers come to ask from her if she likes where she is. A *thwala'd* woman has a voice, just like her parents. Marriage negotiations will not resume unless consent has been sought from a *thwala'd* woman. If she agrees, then marriage negotiations resume. A young man engages in *ukuthwala* because of love and fear of his competitors who also want to marry the same woman. Ayoung man who engages in *ukuthwala* first has a plan, has money and/or cows to pay for the penalty first, then to pay for *ilobolo*. Hence immediately following *ukuthwala*, marriage negotiators are sent to a young woman's home to report her whereabouts. If a *thwala'd* woman agrees, then marriage negotiations become open and consequently marriage.]

The above narrative indicatesthat *ukuthwala* is also about powerplay between men. A man contemplating *ukuthwala* should be a strong or powerful man in terms of resources, that is money and cows, because he should be able to pay the penalty and *ilobolo* immediately after *ukuthwala* has been done. Such men are therefore accorded the status of 'real men' in the communities where they live.

Furthermore, *ukuthwala* provides a means for a man to conquer other men who are also contesting for the same woman.The above account (Sakhile's narrative) of *ukuthwala* indicates that it is a good and strong woman who is contested by two or more strong men who fight for her using culture, *ukuthwala*practice. These men are contesting for one woman, and because of this contestation culture then becomes a way which allows one man to be a winner. This is evidenced by the following narrative by Ngcongo, who *thwala'd* his wife:

Ngcongo

> I had courted this woman for eight years. I had loved her since her childhood. I was faced with a high number of competitors who also wanted this woman. I realised that the woman loves me but is confused because of so many wooers she is faced with and her mother who did not like me. I then planned to *thwala* her.

The above excerpt indicates *ukuthwala* used as a display of power (by a man) that isdirected mostly at other men.In Ngcongo's narrative, many other men who approached her also loved this woman. According to Ngcongo, who had courted the woman for eight years, she could not make a decision although he felt she loved him. The young woman's mother did not like Ngcongo, which complicated this state of confusion. Ngcongo thus saw *ukuthwala* as a solution to this problem. In resorting to *ukuthwala*, Ngcongo conquered the other male suitors, because he married the woman. Ngcongo's views are echoed by Sipho of Zwelibomvu:

> **Sipho**
> Sometimes aman is fearful of his competitor. It could happen that he views his competitor as above himself in one way or the other, therefore he sees himself left with no option than to *thwala* the woman before the competitor wins the woman's love.

Therefore, *ukuthwala* provides a space of contestation, where it is not culture per se that is contested. As shown in the above narratives, men were not fighting *ukuthwala* as a cultural practice, and were not fighting about *ukuthwala* as a cultural practice,but were fighting for power among themselves using culture as an enabling means of success in the fight. Usually, and to show that a man who had *thwala'd* a woman has more power,when a woman has been *thwalwa'd*other malesuitors back off and accept defeat. However, when other men do not accept defeat, faction fights occur. Sometimes faction fights occur when the *thwalwa'd* woman's brothers declare a fight against the young man who *thwala'd* her.

Msimang (1991) also saidthat a *thwalwa'd* woman should not cry, because if she did there would be *izimpi zemibango/zezigodi* (faction fights), and his views are echoed

byProfessor Hulumende Maphalala (2005) of the University of Zululand. Faction fights did erupt at Zwelibomvu as a result of *ukuthwala,* as the following account by Thembelani Magcaba indicates:

Thembelani:

The area has not experienced any political unrest as compared to other rural areas. Zwelibomvu was characterised by *izimpi zemibango*[faction fighting], for a very long period, that was manifested by violence as a result of *ukuthwala,* which left the area unoccupied by people for about three decades. It was all started by a group of young man from another district of Zwelibomvu who *thwala'd* a young woman of another district of Zwelibomvu. The woman cried and was heard by her brothers, who then attacked the group of men who were engaged in *ukuthwala*, and managed to rescue their sister. In turn, this group of young men retaliated and a fight began where both sides got support from their age-mates, and consequently it became a war which affected everybody at Zwelibomvu.

Only animals could be seen in the area during faction fights. Such violence cost the community several lives and was resolved in the 1990s due to the then INkosi Zwelinjani Mkhize and his INduna Magcaba's intervention strategy. They both called an *imbizo*[a community meeting of the entire region] in which they appealed to people to put behind their past hatred and create a peaceful and healthy environment in which to raise future Zwelibomvu descendants. The *imbizo* was successful. Currently Zwelibomvu community is characterised by ritual, cultural and social gatherings and truly so, the practice of *ukuthwala* is still prominent.

Connell (1995) states that there is a hegemonic masculinity that dominates other masculinities, and which succeeds in creating prescriptions of masculinity that are binding (or at least partially so). Such masculinity creates cultural images of what it meant to be a 'real man'. In the above narrativesmen were fighting for power. The cultural image created is that in order to be 'a real man', one must be able to beat other male

competitors in courtship by using *ukuthwala*. The winner portrays a hegemonic masculinity characterised by power that results from having adequate resources, and this I call powerfulness.

According to Ouzgane and Morrell (2005, p.4), "the concept of masculinities provides a way to understand that not all men have the same amount or type of power, the same opportunities, and consequently, the same life trajectories". Connell (2000) associates masculinity with power that men display through violence, confrontation, and domination. The differences in power among men (Morrell, 2001) in the above narratives are evident.Men who are jilted by women clearly possess limited power; whereas powerful men use their power to break up relationships of other men and then take their female lovers as their wives.

Change has been uneven, and the continuing economic disparities may both hinder change and exacerbate violence (Bhana, 2002; Morrell, 2005). Anderson (2009) argues that females are central and powerful in regulating and prescribing the hegemonic masculine positions.In the above narratives *amaqhikiza* who regulate and maneuver relationships, together with the power of young women to decide for themselves regading their choices, make women (both *amaqhikiza* and young women) powerful in regulating the hegemonic masculinity, as most men will strive to work towards the 'position' of a conquerer in the cultural practice of *ukuthwala.*

The findings indicate that before engaging in the process of *ukuthwala*, the man who is going to *thwala* a woman uses *ubulawu* (love charms). All young people (men and women) in Zulu communities use love charms to cleanse themselves (Msimang, 1991) so that they are more attractive and are loved and liked by peers. This is because social life with a person's peer group is important, as an individual spends more time with peers of the same and/or opposite sex.

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6.2.3. Expression of sexuality

After three years of intensive fieldwork it became clear to me that, apart from being a cultural practice in the Zulu tradition, *ukuthwala* has many connections to ideas around sexuality (for example, the kind of a young woman who is *thwalwa'd*) and masculinity (for example, power display by men). In addition, it became clear to me that controversy surrounding *ukuthwala* practice revolves around the process rather than what the practice signifies. Furthermore, the process signifies the aims of the man who *thwala's* a woman and the *thwalwa'd* young woman.

Generally, *ukuthwala* does notfollow a similar pattern in all selected rural areas of KZN. This indicates that *ukuthwala* has some aspects of trado-Zulu culture but which vary significantly from place to place and within each area. I argue here that this variance signifies an 'invented' or 'developed' culture that is used to cover up criminality in the name of Zulu culture, and is directed at the vulnerable and marginalised young women. I elaborate further on this point later in this chapter.

Furthermore, the study reveals that the custom of *ukuthwala* symbolises a rite of passage for both the *thwalwa'd* woman and the man who *thwala'd* her. A *thwalwa'd* woman leaves her girlhood and enters a stage of womanhood, and the man leaves his boyhood and enters a stage of manhood. In most cases, on her arrival to the home of her in-laws, a *thwalwa'd* woman is made to wear *isidwaba*.The wearing of *isidwaba* by a Zulu woman symbolises entry into wifehood stage in Zulu culture.At this stage a woman is accorded the status of *umfazi* (a married woman). Once a woman wears *isidwaba*, it is a symbol that she has entered another stage in her lifetime and the wedding is imminent; therefore it is not easy for other men to court her as now she belongs to someone else. However, if another manregardshimself as more powerful than the prospective husband of that woman, he can still continue to court her, but with the full knowledge that and readiness for a fight that could erupt.

Glover and Kaplan (2000) noted that a failure to observe culturally valued and gendered prescriptions for behaviour can lead to social disapproval and even punitive social action. Their explanation of how culture influences the perpetuation of gender ideologies also explains the reason for some men to engage in *ukuthwala*. In Zulu traditional society in particular one is not a 'real man' if not married at his marriageable stage, and the same applies to young women.

During the *ukuthwala*process no sexual intercourse occurs between the man and the young woman. A woman's virginity is highly respected among the Zulus. If a woman did not sleep at home because she was *thwalwa'd*, on her return the older women practise *ukuhlola* (virginity testing) to ascertain that she is still a virgin. This is evidenced by MaMsomi Chili of Zwelibomvu, who says:

MaMsomi

Kusahamba amakhosikazi ayobuza entombini ukuthi ulana ngesivumelwano. Uma ithi angimthandi sibuya naye. Ubuzwa ukuthi umlalile yini. Ulale kanjani. Usomile noma ukonile yini. Bese kuyiwa kumfazi wenduna abese eyihlola intombi. Uma yonakele bese oyithwalile ekhipha inhlawulo izinkomo ezintathu (ekababa, ekamama, inhlawulo okuyinkomo yokuthwala) kanye nembuzi ebizwa ngokuthi ingezamuzi, kanye nembuzi noma imali yezintombi yokuthi uzethukile.

[It is the women who visit the *thwalwa'd* woman with an intention to find out if she agreed to her *ukuthwalwa*. If the *thwalwa'd* woman says 'no' then we bring her back. She is questioned if the man who *thwala'd* her had sexual intercourse or sex between the thighs with her. If the woman is taken back, she is brought before the headman's wife to perform virginity test. If her virginity is broken, the man who *thwala'd* her would pay a penalty of three cows (i.e. for the mother, for the father, and for *ukuthwala* penalty) plus a goat which is called *ingezamuzi* (a goat to cleanse the girl's home), plus a goat or money worth a goat for the *thwalwa'd* girl's age mates because he has insulted them.]

Furthermore, MaVilakazi observes that there should be no sexual intercourse with the *thwalwa'd* woman before *ilobolo* has been paid. On her return, a *thwalwa'd* woman has to undergo virginity testing. This is what she says:

MaVilakazi

Ayilalwa intombi ethwaliwe kuze kukhokhwe amalobolo. Abafana bayakwazi lokho. Bafundiswa izinsizwa ezindala. Izintombi ziyazi ziyalwa amaqhikiza ukuthi azisome, idolo phezu kwedolo. Uma ithwaliwe, uma isibuya iyahlolwa ukuthi ayiqhekeziwe yini.

[It is not allowed for a *thwalwa'd* woman to be penetrated until *lobolo* has been paid and marriage consummated. Boys know that. They are taught by their older brothers. Girls are taught by headgirls how to sleep with boys and how to have sex between the thighs, a knee on top of the other. When a young woman gets *thwalwa'd*, on her return, if it happens, virginity test is performed on her .

Among the Zulus inKZN not only a woman's virginity is respected, but also her dignity. A man who has *thwala'd* a woman pays a penalty for keeping her from sleeping at home, and this is regardless of whether he had sexual intercourse with her or not. If the man had sexual intercourse with the woman, it is an offence and there is a separate penalty for that. In this way, men who still practise *ukuthwala* custom have adequate resources to pay penalties and all the necessary *ilobolo* and other payments that lead to marriage. They also do not have sex with the *thwalwa'd* woman because they know it is an offence.

Amaqhikiza teach young women and men teach other young men about cultural rules regarding *ukuthwala,* as MaVilakazi stated above. Sakhile of Bergville also confirms that no sexual intercourse takes place with a *thwalwa'd* woman. He states:

Sakhile

Awuyilali ngosuku oyithwale ngayo. Uma kungabikelwa inkosi, izokuhlawulisa ngoba ubugebengu loko.

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[You do not sleep with a *thwalwa'd* woman on the day of her *ukuthwala.* If it happens, then you are reported to the local INkosi, He would let you pay the penalty because that is crime.]

The above narratives by various research participants point to the process of *ukuthwala* as perceived and currently practised by the Zulu-speaking people in selected rural communities of KZN. Some elements confirm literature by Msimang (1991) and Nyembezi and Nxumalo (1995) on *ukuthwala* process (see Chapter 1). However, all research participants indicated that *ukuthwala isiko*(culture)among the Zulus,which concurs with Nyembezi and Nxumalo (1995, p.115), while Msimang (1991) says *umkhuba omubi* (it is a habit) done by *izishimane* (men who are not successful in courtships)*.* The issue here could be the question of what is the difference between *umkhuba* and *isiko* (as highlighted by Igagasi Radio talk show on *ukuthwala*, presented by Mr Sithembiso Shangase-Mzukulwane kaMvula on Monday 3 December 2012 from 7–9pm).

Furthermore, I observed that *ukuthwala* as a process has been abused in different ways by people who have developed bad 'habits' and strange conducts, which they practice in the name of culture. In the next section, I discuss this abuse of culture.

6.3. *UKUTHWALA* PRACTICE AND ITS METAMORPHOSIS

The research findings indicate that *ukuthwala* custom which was thought to be abandoned as far back as the 1960s is still vigorously practised in KZN rural areas of Zwelibomvu, Bergville and KwaNgcolosi (eMshazi) and in their surrounding rural areas, including EMaphephethweni and KwaNyuswa (EMaqadini). Furthermore, an isiZulu newspaper based in KZN, *Isolezwe ngesonto*, on 25 November 2012 added onto the list the areas of iXopo, uMzimkhulu and kwaMaphumulo. As the discussion in the above section reveals, in these areas *ukuthwala* is a common social practice. This is

also the case in Ulundi (EMahlabathini) in the district of Okhukho (EMachunwini) and in the district of Ezikhumbeni (EBathenjini).

However, in all the places involved in this study the practice is not carried out in a similar way. In some places *ukuthwala* practice still has characteristics of the original traditional practice as was discussed in Chapters 1 and 2. The findings reveal that in other places the practice has been affected by social transformation. Social transformation in South Africa has come along with social ills such as poverty, violence, GBV, a materialistic culture, and so on. Thus, such social ills pervade all societal institutions, including culture.

Not all participants in the study had experienced *ukuthwala* as an enabling culture that gives women a space to make their choices of husbands without being judged by society. Some people had experienced a culture that has been pervaded by the social ills that prevail in communities. As the practice shifts,I refer to this act as *ubugebengu* (criminality), a term that was used by participants in the study to refer to practices they thought were un-cultural.

My positioning is shaped by my experience of *ukuthwala* and my exposure to the abuse of *ukuthwala.*It is very difficult to talk about statutory rape carried out in the name of *ukuthwala,* especially when you are a victim and you had nobody to listen to you, not mentioning being given support by your family and later on realising that some of the members of your family were part of the plot. As an insider researcher (also see my biography in Chapter 1) I have intimate knowledge of the phenomenon under investigation. I talk from experience and therefore identify with the research participants. Although I have insider status, as a researcher, I do not allow it to have distinct disadvantages and prevent me from maintaining a critical distance from the phenomenon under study.

Women who are targets of the abuse of *ukuthwala* may be good women, but they are also vulnerable. They come from poor families, and might not have men such as brothers or fathers who will protect them. For example, the following situation of Cebi Mabaso from Zwelibomvu:

Cebi

Abazali bami nabafowethu sebashona. Mina ngihlala no Anti eSgumbuqwini. Ngisizwa uAnti esikoleni naye ofundayo eMathinta High School eNteke ngezansi kweTafelkop.

[My parents and my brothers are deceased. I stay with my aunt at Sgumbuqwini who assists me to go to school. She is also a learner at Mathinta High School at Nteke, below Tafelkop.]

There is increasing gender based violence (GBV) and women and child abuse in society. Although Chapter 2 of the South African Bill of Rights (*Constitution of the Republic of South Africa, 1996)* protects the rights of women, violations against women still continue in South Africa today; for example, rape, spousal abuse, domestic violence, sexual harassment, pornography and human trafficking, to mention a few (see Bennet, 2005; Judge W.J. van der Merwe's judgement in the State vs the South African President, Jacob Gedleyihlekisa Zuma, 2006; Dworkin, 1984). Violence against women in South Africa has become normative. GBV in South Africa affects all communities and takes many different forms (Bassadien & Hochfeld, 2005).

A study by the United Nations Development Fund for Women in 2010 found that women in South Africa who had experienced violence at the hands of their partners were 48% more likely to be infected with HIV than those who had not. A woman in South Africa has a greater chance of being raped than she does of learning how to read (British Broadcasting Corporation, 2003).

Acts of violence overwhelmingly experienced by South African women include sexual harassment, rape, domestic violence, particular kinds of murder (such as witch burnings, rape-murders,sexual serial killings, intimate femicide (murder by a husband or boyfriend)), forced prostitution and trafficking of women (Bassadien & Hochfeld, 2005, p.4). Rural women are at the receiving end of violations, but urban women also experience violations, across race. South Africa is not alone in the violations of the rights of women. The World Health Organization (2010) concluded that GBV or violence against women is a major public health and human rights problem throughout the world. Women and girls experience physical, psychological and sexual abuse, often at the hands of those males most close to them (Hargovan, 2005, p.48).

As in all other areas of society, GBV and women abuse are also practised in the name of *ukuthwala, as* the following narratives indicate*. Ukuthwala* cultural practice was discussed extensively earlier in this chapter, but the abuse of the practice that is discussed below is recognisable in terms of the reasonsfor the practice, targeted women, the use of witchcraft to get women's consent, and the lack of a woman's consent. For example, research participants indicated that *"intombi iyathwalwa ngisho isiganile. Inqobo nje uma ingakasini esigcawini noma ingakagcagci"* (a woman is *thwalwa'd* even if she is engaged as long as she has not been officially declared married). As discussed earlier, in *ukuthwala* women are *thwalwa'd* by their lovers and women participate in the planning and arrangement for this practice. Gugu from Bergville also indicated that in most cases a woman who is *thwalwa'd* is the one who already has a lover but is *thwalwa'd* by another. This is what she says:

> **Gugu**
>
> *Ukuthwala* is linked to the Zulu saying: *'oseyidlile udlicala',* which is interpreted as 'it's not your wife until marriage is consummated'. In most cases a woman who is *thwalwa'd* is the one who is already having her sweetheart. However, her other wooer is not satisfied that he has been beaten in the game of courtship by his competitor. In

Zulu culture, '*intombi iqoma kanye*' (a woman gets engaged once). The only option he is left with is to *thwala* the woman.

The above case indicates that a woman is at the core of the competition among her wooers, which renders her a victim of circumstance. In a situation where a woman is already engaged to a man she loves, and thereafter another man who is driven by jealousy decides to *thwala* the engaged woman who is not his lover, and without her consent, then this becomes a violation of the culture and of the woman's right to choose her spouse. If the woman has not consented, this is violation of her rights.

An earlier discussion about the findings showed that there are various reasons behind *ukuthwala*. However, although reasons behind *ukuthwala* vary slightly, a common characteristic of the practice is that all men who *thwala* women and follow the cultural way of *ukuthwala* are driven by love for that particular woman,including in the context where there are other men who love the same woman. This creates a situation where many men compete for the same woman. The man who would then *thwala* the woman fast-tracks the *ilobolo* and other processes that lead to marriage. He thus becomes the winner in the 'competition'. In this way the man who *thwala's* a woman must be more powerful in terms of having more resources and status in the community, because all expenses, including penalties for *ukuthwala*, should be paid in full within a short time and the woman gets married.

Gyekye (1987) argues that "philosophical concepts, ideas and propositions can be found embedded in African proverbs, linguistic expressions, customs and traditions of the people". Based on the above saying ('*oseyishayile akakayosi…oseyidlile udlicala*', I argue that the above case indicates Zulus' philosophical thought which justifies the practice of *ukuthwala.* Buthelezi (2006) argues that among the Zulus love relationships between young people are not expected to last forever, they can be terminated at any time, even after *ilobolo* has been paid. *Ukuthwala* is one way of allowing a woman to change her mind about the choice of a man without harming her own dignity.

The following are some of the participants' views regarding thereasonsfor *ukuthwala* as it takes placenowadaysin the selected rural communities of KZN.

From the FGDs

Ukuthwala happens when a man loves a woman. They may just engage in *ukuthwala* without even having started by courtship. Sometimes, it happens when a man was still engaged in courtship, and the woman has not accepted him, or has not spoken to him to indicate whether she loves him or not, suddenly the man decides to *thwala* her.

The above narrative is an indication of women abuse and GBV, as women are sometimes waylaid and consequently find themselves in a nuptial bed with a total stranger. The fact that she has not agreed means it is against her will;therefore, it is a violation of her rights to choose her own husband. The man may *thwala* a woman because she refuses to love him. In this case a woman is punished for her refusal to engage in a love relationship with a man she does not love,as in the following situation of Zola (presented later in this section).

Another reason for *ukuthwala* which is an indication of GBV is depicted in the following narrative by Mr Ngcongo, who *thwala'd* his wife. This is what Ngcongo says:

Ngcongo

…I then planned to *thwala* her. I connived with her friend to take her out of home to the local shop so I can get a chance to *thwala* her. I was accompanied by other men who were my friends. We managed to escape with her despite her outcries. On arrival at home, everything was prepared. She was made to sniff burnt Zulu medicine *(izinyamazane)* and incision was performed on her body and love charms were given to her in order to love me and not runaway. I made her wear *isidwaba*[leather skirt] despite her refusal.

In the above case,nowhere is it indicated that the girl's consent was sought. The woman was even forced to wear *isidwaba* against her will. This is therefore not *ukuthwala* but *ubugebengu* (criminality) and a form of GBV which violates women's rights and body integrity, and is condemned by the South African Constitution (1996). Such criminal acts are subjected to conviction by law. In Ngcongo's case it was not only a matter of competition between him and other men, but there was also the problem of the woman's mother who did not like him. There is no evidence that the woman loved Ngcongo, he just assumed that she did. This is an example of patriarchal power imposed on a woman. The man thinks and concludes for the woman that she loves him, he does not take her refusal seriously. Contrary to the participants in the previous discussion who connived with their lovers, this man connived with a friend of the woman, which means that this woman was caught unawares. It was therefore not *ukumthwala* but *ukumtshontsha* (stealing her).

In most cases everything is planned accordingly before a woman is taken away by force. Reasons could be that the new lover sees *inkawu idlala ngesikhwebu* (the literal meaning is that the monkey plays with the corn). The actual meaning is that his competitor is undermined and viewed as not being the right match for the woman. This statement was frequently encountered, in the field as highlighted by Nokwazi from Zwelibomvu:

> ### Nokwazi
> *Ukuthwala* is from the saying '*isikhwebu sidlala inkawu*' (the monkey is playing with the corn). This phrase implies that the couple does not match, the woman being too good for the man, and thus he does not deserve her, but the new lover views himself as a good match for the woman. In most cases the man knows who the 'monkey' that is playing with the corn is. He therefore decides to *thwala* the woman.

The above account by Nokwazi indicates the gendered language used to refer to a woman as 'corn' (something to be eaten), and as something to be played with. In

gendered terms, this is an indication of women being seen as 'objects belonging to males' in patriarchal societies. The evidence presented above also indicates that *ukuthwala* is sometimes used to match the right couple in cases where the woman's lover is seen as not the right match for the woman.

Apart from being the tool to open up the marriage negotiation process, *ukuthwala* has connections to ideas around sexuality, masculinity, gender, power and cultural identity, which renders the practice a social and cultural construction. Culturally, men should have dignity and status in the community. They attain this status through the way they conduct themselves. For example, they must be *amagcokama* (people who are clean and healthy), *amagagu* (people artistic in music, dance and talks), *amaqhawe* (people who are not cowards), and must also have resources or at least come from families who have resources to show that they are not lazy (Msimang, 1991).Through their artistic ways of talking to women they are able to attract the love and attention of women. Similarly, women who attract the love and attention of many young men are those with status, wisdom and good characters. They also have to come from families with social standing in the community, because such families are respected for the way they bring up their children (Msimang, 1991). Msimang (1991, p.225) contends that if a man has resources and wealth or his father is a wealthy man, or has a position and is respected in his community, all of this acts in his favour during courtship, because women like to marry into families where they will live a good life. Such an account was frequently encountered in the field from all research sites. Therefore, in *ukuthwala*the identity of the young man who *thwala's* a woman is important. The woman agrees to be *thwalwa'd* because she herself would prefer to be married to the young man with social standing in the community. At the same time the young woman who is *thwalwa'd* attracts the love and attention of many young men because of her status and qualities.

On the other hand, men who lack social standing or status resort to abusing *ukuthwala* to assert their power, by abusing the women they *thwala*. For example, Lucky Mazibuko of Bergville (aged 35) asserts that those who engage in *ukuthwala* and

witchcraft are *izigwadi/izishimane* (men who are rejected by women). Lucky states that he himself engaged in a number of *ukuthwala* incidents in Bergville to assist *izishimane* to get engaged. Lucky's view concurs with that of Msimang (1991, pp. 227 - 228), that those who *thwala* women are called *izishimane*. According to Msimang (1975) *izishimane* / *izigwadi* are powerless men who lack *ugazi* (charm to attract women). He contends that some of the *izishimane* engage in *"ukuphonsa"* (witchcraft) and *"ukuthwala intombi uma seyalile"* (to *thwala* a woman once she has jilted her lover) (Msimang, 1991, p. 228). Young (1990) states that the powerless lack authority, status, and a sense of self. I therefore argue that the privileges and recognition enjoyed by the powerful man serves as oppression for *isigwadi* / *isishimane,* who therefore resort to the abuse of *ukuthwala* because they cannot face their competition. In other words, the man cannot face other male competitors, and then turns to the woman who becomes his victim of abuse.

All of the research participants stated that **"ukuthwala kunye nje vo" (there is only one form of *ukuthwala*).** From the above cases, I therefore deduce that the *ukuthwala* that research participants refer to in contemporary society is that which has some aspects of the original practice of *ukuthwala* in trado-Zulu communities. This statement was frequently encountered during fieldwork in all of the selectedcommunities. Research participants insisted that anything that does not follow these established social rules and procedures should not be referred to as *ukuthwala,* because it is not *ukuthwala* but *ubugebengu* (crime).

However, the findings also reveal that when a case of *ukuthwala* is reported to the police, the law cannot prosecute because the woman colludes with the process and the police state that there is no evidence to open a case against the men who *thwala'd* her*.* For instance, after Vamisile was *thwalwa'd*, Khanyile sent *abakhongi* (negotiators) to Vamisile's home to pay *ilobolo* so that Vamisile's parents could reimburse Ntombela (Vamisile's first original boyfriend). The *abakhongi* got arrested by the police, because Vamisile's mother had reported the matter to the local police. However, later they were

released because they were not found guilty. Nhlapo (cited in Richter, 2003, p.4) states that:

> Where there is no clear constitutional ground for ousting a particular practice or institution, (as when, objectively, it causes no demonstrable harm) the courts are urged to have regard to considerations that will protect the practice even when it is considered 'unusual' by the dominant culture. One of the considerations may well be the notion of human dignity.

The above citation speaks about the consideration of human dignity, whichrelates to *ukuthwala*. It also highlights the complexities with regard to prosecution of the culprits where *ukuthwala* has been reported to the police and a case has been opened. Nhlapo confirms that it is difficult to prosecute such cases. This is one of the difficulties I encountered in the field; the local courts of the studied communities could not come up with a clear-cut indication of the statistics on*ukuthwala* in their communities. An important reason put forward for this was that when the police are opening up a case of *ukuthwala*they do not say on record that it is a case of *ukuthwala*, but rather look at what criminality is involved in the process of *ukuthwala,* and put that forward as a case. If there is no criminality involved, then there is no case. This is evidenced by Superintendent General Shicilelo Bhengu, who was based at Pinetown Court, who was in charge of KwaNdengezi Police Station and stated that:

> *Akukhona ukuthi izinhlaka zomthetho azilusukumeli udaba lokuthwala. Inkinga ukuthi awukho umthetho oqondene ngqo nalokhu okwenza zingabi bikho izibalo ezikhombisa izinga lokuthwala emiphakathini yakithi.*

> [It is not that law stakeholders do not pay attention to the issue of *ukuthwala*. The problem is, there is no law that particularly addresses *ukuthwala.* This makes it difficult to determine statistics relating to the practice in our communities.]

The above observation was later confirmed by Mr Mzoxolo Rusi, an Ethekwini National Prosecutor responsible for prosecuting statutory rape, in *Isolezwe ngeSonto,*November

25, 2012, in an article titled '*Yikuphi ukuthwalwa okusemthethweni ngokwesiko?* (Which is the correct *ukuthwalwa* according to culture?)*,* Nhlapo (cited in Richter, 2003, p.144) further recommends that if changes are to be made, creative ways should be found to give prominence to those customs that attribute value to women, while either altering existing customs that bring about gender inequality or creating new ones.

Another respondent who was 'victim' of GBV particularly a victim of homophobia in the name of *ukuthwala* is depicted in the following narrative by Bazamile Mhlongo of Zwelibomvu:

> **Bazamile**
>
> I and my girlfriend were on the way to the shops nearby my home, when I saw about five boys approaching us. They said hey you, *zitabane!* [a derogatory name referring to the lesbians], where are you off to? We kept quiet and carried on walking. I was holding my girlfriend by her hand. They came between us*,*   two   grabbed   my girlfriend with her clothes and three whipped me with a sjambok, putting a cloth around my mouth, whilst telling us that they are here for   *ukusithwala.* They took us to the nearby village where I finally managed to escape on the very same night. My girlfriend, who was   taken to another house, got raped by her prospective husband. Even though she also finally managed to escape her marriage through *ukuthwalwa*, but it became difficult to carry on with her afterwards.

Bazamile's narrative reveals abuse of women and homophobia through the fake use of the *ukuthwala* custom practised by some people, who have 'developed' it to deal with their own social circumstances. It is an unusual case of GBV in the name of *ukuthwala.* I did not find another case similar to this during fieldwork, although at Bergville I was told by research participants that lesbians are *thwalwa'd* with an aim to be "corrected" and brought back to society as they had gone astray. The above case of homophobia reveals that the root causes are enshrined in the patriarchal attitudes of the community, emphasised by the gender stereotypes and inferiorityof homosexuality. This perpetuates discrimination on the basis of sex. Here power is directed more at the

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female rather than the male competitor. The social rules of *ukuthwala* are not adhered to; for example, the man who *thwala'd* Bazamile's girlfriend had forced sexual intercourse with her, and had no respect for her virginity and for her dignity as a human being. Another respondent who was 'victim' of GBV in the name of *ukuthwala* is depicted in the following narrative by Zola Mazibuko of Bergville:

Zola

On the way to school from home, I noticed a car with a very low noise. I said to my friend hey this car that is sounding so low, it had been sounding like this since we were still at the top [of a hill]. When I was close to the car, five men came out and grabbed me with my clothes and arms. I got shocked and lost control. I said to them 'No! I do not play games!'. I repeated, saying 'No! I do not play games!'. I was crying. They twisted both my arms. They kept hold of me. I got swollen. I cried until I had no voice to cry anymore. They grabbed me and kept me under their control whilst I was trying to escape until sunset. They took me to his [the man who *thwala'd* me] home. On arrival… [*"What happened?", I asked her, as she looked terrified and her facial expression changed as she paused*… "*Umhlanzo* (vomitus)?" She continued]:

They burnt other things at the dining room, next to the room where I was kept. They made me to eat and swallow his vomitus (*bangidlisa umhlanzo wakhe*!). *Mina bangigcaba* (incision was performed on my body). Even now, I still have marks on my body for that incision. Look [*showing us].* They kept a close eye on me, all five men. When others went out to eat, others would remain behind and keep an eye on me. They were alternating.It was time to sleep…he had sexual intercourse whilst others were watching ...

Zola's narrative reveals abuse of women through the fake use of the *ukuthwala* custom practised by some people, who have 'developed' it to deal with their own social circumstances. It is an unusual case of GBV in the name of *ukuthwala.* I did not find another case similar to this during fieldwork, although some elements of the abuse of the custom were found in other participants.

Zola's situation of GBV in the name of *ukuthwala* and many more encountered in the field reveal that the root causes are enshrined in the patriarchal attitudes of the community, emphasised by the inferiority of women. This perpetuates discrimination on the basis of sex. The way it is practised is not different from the bride abductions that I discussed in Chapter 1. Similar to bride abduction, the abuse of *ukuthwala* is characterised by criminal activities such as violence against women, witchcraft and sexual assault.

Here, power is directed more at the female rather than the male competitor. The social rules of *ukuthwala* are not adhered to, for example, penalty and *ilobolo* are not paid immediately, the man who *thwala's* a woman also has forced sexual intercourse with her, and has no respect for the virginity and dignity of a woman. As shown in Zola's case, the woman is subjected to humiliating situations. For instance, Zola was forced by men to take off all her clothes, and the prospective husband had sex with her in front of other men. Zola was also forced to swallow vomitus. This was humiliating for her and is also aligned to witchcraft, where filthy and inhumane activities occur. This is against established social rules of the Zulus, where the virginity of a woman is highly respected, and as a result it is regarded as a greatly punishable offence to have penetrative sex with a young woman.

In my study I did not come across a case of fake *ukuthwala* that was reported to the police. Therefore I could not determine how the law would deal with this form of *ukuthwala,* except explanations given by the Superintendents of the local police stations in the studied communities, as alluded to above.

Use of physical power is directed at the woman, who is overpowered through the abuse of *ukuthwala*. Such men use witchcraft to control women. The man would go to the witchdoctor to get *umuthi* (medicinal substance) to bewitch the woman. In addition, men who *thwala* the woman beat her up severely during the process of *ukuthwala* to

prove their power and to punish her for her choice of the other male competitor. They lock her up indoors, have sexual intercourse with her against her will (which I could term rape) with the aim of breaking her virginity to leave her with no option except to surrender to the man who *thwala'd* her. Men watch on her so that she may not escape. They force her to take herbal medicines in an attempt to kindle in her love for the man who *thwala'd* her. Commenting on the adverse effects of bride abduction, Tshabalala-Msimang (2009, cited in Wadesango et al., 2011, pp.123-124) stated:

> Child marriage is regarded as a form of gender-based violence against girl child. Given this, we need to acknowledge that this practice will ultimately compromise the development of the girl child and can result in early pregnancies, increasing the chances of maternal mortality. Furthermore, the young girl will suffer from social isolation, with little or no education, poor vocational training, responsible for household chores in running families at young age, will increase her vulnerability to domestic violence. This simply then reinforces the gendered nature of poverty.

The above statement indicates that bride abductions serve as the patriarchal tools in communities embedded in the patriarchal attitudes which reinforce gender stereotypes that women are inferior and men are superior to women.

Young (1990) states that the powerless people are those who lack either authority or power, and argues that

> An adequate conception of oppression cannot ignore the experience of social division reflected in the colloquial distinction between the 'middle class' and the 'working class', a division structured by the social division of labour between professionals and non-professionals. Professionals are privileged in relation to non-professionals, by virtue of their position in the division of labour and the status it carries. Non-professionals suffer a form of oppression in addition to exploitation (Young, 1990, p.56).

Powerlessness also designates a position in the division of labour and the concomitant social position that allows persons little opportunity to develop and exercise skills. The

powerless have little or no work autonomy, exercise little creativity or judgement in their work, have no technical expertise or authority, express themselves awkwardly, especially in public or bureaucratic settings, and do not command respect. According to Young (1990, pp.56-57), powerless status is best described negatively: the powerless lack authority, status, and a sense of self. In other words they lack recognition, authority over others, and respectability.

According to Young, the powerless have to prove their respectability due to exposure to disrespectful treatment because of the status one occupies. Young concludes by saying that these injustices have distributional consequences, and I argue in this thesis that the abuse of *ukuthwala* is one such consequence of powerlessness among some of the Zulu men in selected rural areas of KZN. Applying Young's (1990) theory of powerlessness to Zulu men in contemporary society, some powerless Zulu men who lack status, recognition and the charm to attract the love and attention of women resort to the abuse of the *ukuthwala* custom to assert their power. Even as they *thwala* a woman using physical strength to overpower her, they still feel powerless in themselves. Hence, in attempting to empower themselves, such men first consult with the witchdoctor to get medicine that will assist them to overpower the woman. The case of Zola is an example of the abused *ukuthwala* which takes place in contemporary Zulu communities.

6.3.1. *Ukuthwala* practice and a form of masculinity

The study reveals that 'emasculated' men assert power over women through the abuse of *ukuthwala.* Most research participants revealed that it is unlikely that women would accept an emasculated man who lacks resources, especially financial resources. This is apparent in Zola's case, where her husband who *thwala'd* her could not afford even to pay *ilobolo* for her. He cannot compete in courtship with powerful men who have resources to pay *ilobolo.* Most men are emasculated by poverty and unemployment in the contemporary society of KZN. Consequently, men are deprived of their male role or

identity. Powerless men resort to the abuse of the custom of *ukuthwala* by asserting power over vulnerable women, as in Zola's case above.

Since men who engage in GBV in the name of *ukuthwala* are powerless, they carefully choose their victim. Women who come from vulnerable families become the victims, as in the situations of Cebi, Zola, Dleni and MaVilakazi discussed in the previous section. For example, in Zola's case, she did not have a father or brothers to protect her. The males in her life (the grandfathers) were old and weak and thus unable to protect her and to file a case against the 'abusers'. However, not only men without resources feel powerless; sometimes those who can afford to pay *ilobolo*abuse women in the name of *ukuthwala*.

6.3.2. Appropriation, punishment and women's oppression

Sometimes when a man proposes love to a woman who does not love him, the man then *thwala's* the woman to punish her and show her that he cannot be rejected. This is women appropriation, as it happens against their will for men's own benefit. Men do this to show women and society that men are in control and dominant. The motive is to render women subjective to men; if women refuse to submit, therefore they need to be appropriated. Sometimes such men *thwala* a woman even when they have no intention of paying *ilobolo* for her or of marrying her, as Sabelo states below:

> **Sabelo**
>
> It happens that a man *thwala's* a woman just to abuse her. He is not even prepared to pay *ilobolo for* her. He sleeps with her and then abandons her afterwards without paying her parents *ilobolo*. If a man *thwala's* a woman then pays*ilobolo* for her, that man is honest. It happens that after *ukuthwala*, the woman develops love for her man who *thwala'd* her, only to find that the man was just using her and had no intentions of marrying her. Then a woman becomes a laughing stock in her community when she returns home after she was *thwalwa'd*.

The above views by Sabelo indicate that women are abused in the name of *ukuthwala* and men get away with it. Such respondents were found mostly in Zwelibomvu and were associated with *ubugebengu* (criminality), as Ntokozo stated:

> Sex is done nowadays immediately after a woman has been *thwalwa'd*. This is because *abafana abasayalwa* (boys are no longer given advice) as compared to girls who are still given advice when they are put together in virginity testing camps.

Ntokozo's views are echoed by MaVilakazi, who stated that even weapons such as guns are used nowadays in the process of *ukuthwala,* and she contends that this is *ubugebengu* (criminality). As highlighted earlier, in some cases powerless men who abuse women in the name of *ukuthwala* bewitch their targeted victims. They engage in *ubuthakathi* (witchcraft) through the use of herbs to blind and confuse women to accept things they would not accept in their normal senses, as in the following case of Dleni from Zwelibomvu.

Dleni

I was 16 years old when I got *thwalwa'd [repeated statement four times]*. I cried hysterically. They put a towel into my mouth…On arrival at my prospective husband's home, they made me drink different kinds of herbal medicines by force. They also performed incision on my body. After a while I then developed love for my husband. I frequently felt like hugging him because of love that had developed in me for him. The following day when my father came to fetch me, I told him that he must leave me alone as I was betrothed with someone I love. He had to go back home and wait for *ilobolo*.

The above case depicts witchcraft practised by men. Yaba Badoe (2005), writing about the conditions under which the Ghanaian women live, highlights the negative consequences of being single for Ghanaian women; she observes the gendered dynamics in witchcraft accusations in northern Ghana, which she argues "is a dynamic that appears to be rooted in a visceral terror of women's procreative power and

sexuality" (p.40). Single Ghanaian women were targets of ill will (pp. 42-43). Such an observation was made by Nkosi (2005) in her study of traditional circumcision among the Xhosa, where it was given as one of the reasons why women were not allowed during traditional circumcision processes. Therefore, the above respondent is contrary to what is perceived as a 'norm', that witches are almost always women in all senses, that is biologically, socially and culturally (Badoe, 2005, p.40).

In Dleni's situation it is apparent that her husband *thwala'd* her because of the many competitors he was faced with. However, he did this because he felt he was unlikely to win in the competition, as Dleni did not love him. In other words, he was scared that his competitors were more powerful than him. He abused *ukuthwala* to take Dleni away and used *umuthi* (medicine) to make Dleni develop love for him. In this case, Dleni was *thwalwa'd* against her will, although later she developed love for her husband because of *umuthi* that was used. Dleni's case is an indication of witchcraft used in the process of *ukuthwala.* However, the Zulu philosophy of life allows the use of *umuthi* (traditional herbs) among those who believe in it. It is African culture to consult with an *Isangoma* / *umthandazi* (diviner) or traditional healers for good reasons, such as to heal one when ill. There are many reasons that prevail, however, for *ubuthakathi* (witchcraft) being condemned – so much so that if a person is perceived as being an *umthakathi*, his/her life is in danger and he/she is liable to a death penalty.

However, in gendered terms, the above cases by Dleni and that of Zola depict the women living in the marriages resulting from criminality and who do not seem able to dismiss it easily as it seems to have had a profound impact on every aspect of their adult lives. The abuse of *ukuthwala* emanates from the deeply entrenched patriarchal and discriminatory views and beliefs about the role and position of women in society. The role differentiation and expectations in society bring women to an inferior position than that of men who occupy the superior position from birth throughout their lives. The abuse of *ukuthwala* (bride abduction) serves as the patriarchal tool to maintain the subordination of women in society and legitimise and perpetuate gender based

violence as the practice reduces women to sub – human assets belonging to men. That Dleni and Zola were forced to marry their abductors undermines social changes that have occurred over the past years which brought about rights for women to choose their sexual partners. In patriarchal Zulu communities girls are brought up and socialised along specific gender roles. Therefore, even if abducted women are aggrieved by the fact that they married through abduction but they end up conforming for the fear of going back home for if they do they will forsake the marriage status they had already acquired through abduction. Furthermore, the woman may stay in such a relationship for fear of being ridiculed by the members of her community that she has failed in her marriage.

On the other hand the above evidence also shows that *ukuthwala* is carried out for various reasons. For example, in the case of Dleni's son, they *thwala'd* his wife for him because he has some disability and presumably could not attract the love of women himself. His story was told by his mother, Dleni (who was also *thwalwa'd*),who participated in the study; her son could not be found to be interviewed, nor his wife.His *thwalwa'd* wife also has a disability, and therefore was the 'ideal victim' for the practice.

The above case of Dleni's son is an indication of the perpetuation of the vicious cycle of *ukuthwala*. A similar case was encountered at ENtshongweni, where a research participant was a *thwalwa'd* woman who used to live at Zwelibomvu but had relocated to ENtshongweni because of *izimpi* (wars at Zwelibomvu). MaNtinga indicated that she connived with her daughter's prospective husband to *thwala* her daughter, because she was refusing to marry the man who wanted her, on the basis that the man was too old for her. However, MaNtinga saw nothing wrong in that, and told me that she also got married through *ukuthwala* – so be it with her daughter, rather than risking the misfortune of not getting married at all or being impregnated by a boy who will later abandon her. This is what MaNtinga said:

Ukuthwala kuyenzeka nakwabanye. Wafika umfana ezongibikela ukuthi ufuna ukulobola intombi yami kodwa iyamphika. Savumelana ukuthi akayithwale.

[*Ukuthwala* is happening to most people. A boy came to report that he wants to pay *ilobolo* towards my daughter but she is refusing. We agreed that he must *thwala* her.]

The above case is evidence that some parents connive with abductors who abuse women in the name of *ukuthwala* in exchange for *ilobolo*. This is an indication that due to pverty, other people have resorted to commercializing the *ilobolo.* This connivance is also an indication that women abuse other women.

6.4. MEANINGS OF *UKUTHWALA* PRACTICE FROM ZULU MEN AND WOMEN'S PERSPECTIVES

Research findings in relation to the meaning of *ukuthwala* practice confirm views held by Msimang (1991) and Nyembezi and Nxumalo (1995) that *ukuthwala* is a centuries-old Zulu custom that opens up the marriage negotiation process, and it means 'to carry away'. All research participants in all selected rural areas unanimously told me that *'ukuthwala isiko kithina maZulu'* (*ukuthwala* is a custom among the Zulu). Their views reflect their ideas on the practice of *ukuthwala* as a vehicle to open up the marriage negotiation process in situations where there are difficulties in starting such negotiations. A custom is a traditional way of behaving or doing something that is specific to a society, place or time (Soanes, 2002, p.214).

All research participants indicated that currently some men practise *ukuthwala* in a way that is contrary to traditional *ukuthwala,* and they believe that this constitutes rape (that is, contemporary *ukuthwala*). It is this formwhich participants referred to as *'ubugebengu'* (crime). In addition, it is this form of *ukuthwala* that is termed 'bride abduction' by human rights activists, feminists, gender activists, and by legal practitioners (CGE, 2009).

The term u*kuthwala* is usually translated into English as bride abduction (Dent & Nyembezi, 2009). However, based on the research findings of this study, I concur with Seloane (2005), who argues that abduction has illegal connotations and activities throughout, whereas the custom of *ukuthwala* does not. The abuse of *ukuthwala* is the form that I term bride abduction, as it involves illegal practices, and one who engages in such an act may be termed an abductor.

Hence this study adopted the use of the original isiZulu name, *ukuthwala,* since interpretation in English is misleading. The use of the English term 'abductor' is confusing, because in the original *ukuthwala*and the abuse of *ukuthwala* there are different intentions and actions happening during the process. In the original custom the male in the *ukuthwala* process cannot be referred to as an abductor, because his actions are planned in agreement with the woman.

6.5. THE ROLE OF OTHER MEN AND WOMEN IN *UKUTHWALA* PRACTICE

In the studied traditional Zulu communities young women are led by *amaqhikiza* (peer leaders) who educate, mentor, support and advise them on any matter relating to life, life skills and love relationships. When a young woman wants to accept a love proposal from an *isesheli* (a young man who proposes love to her), she does not personally tell *isesheli* that she accepts the love proposal but sends *isesheli* to *amaqhikiza,* who will convey the message. *Amaqhikiza* also play a major role in organising a date, time and place where young people who are in love would meet and have non-penetrative sex (*ukusoma*). During *ukuthwala amaqhikiza* play a role in arranging for a place where the young woman would be taken away by men who would *thwala* her.

The female in-laws, that is,a young man's sisters, his mother and a grandmother, play a major role in socialising and integrating the *thwalwa'd* woman into her new home. Once a *thwalwa'd* woman reaches her prospective husband's home, the research

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participants stated that the grandmother counsels the *thwalwa'd* woman to be happy for being chosen to get married in this home as the family is rich, and therefore she will be taken care of and will not starve. This is what one participant said:

Ngcongo

Kube sekuqhamuka isalukazi sala ekhaya noma umama osemdala, simtshele ukuthi angasulokhu ekhala. Akajabule ukuthi uzogana la ekhaya ngoba phela kunothiwe kulomuzi, ngeke ahlupheke. Omakhelwane bangaba nomona ngoba phela bebefisa kube ezabo izingane ezithwalwayo. Amantombazanyana akubo mfana alokhu eletha izinhlobonhlobo zokudla neziphuzo esho ukuthi akulanjwa la ekhaya. Ngjsho ngakusasa iwo lamantombazanyana ahamba nomakoti ayokhamanzi emfuleni, emkhombisa neminye imisebenzi okumele ayenze lapha kubo nokuthi yenziwa kanjani. Enza lokhu nje amgadile ukuthi angabaleki abuyele kubo…

[Then comes a grandmother or an old woman who tells a *thwalwa'd* woman not to cry. Rather she must be happy for being chosen to be made a wife in this home for it is a rich home and she will not starve. She is warned to be on the lookout for the jealous neighbours who might have wanted their children to be *thwalwa'd* and get married to this home…Her sisters-in-law keep on bringing in different kinds of food and drinks and never stop saying there is no hunger in this home. The following day, it is the very same sisters-in-law who accompany the *thwalwa'd* woman to the river to fetch water and show her other domesticchores to be performed by her whilst they watch /keep guard that the *thwalwa'd* woman should not run away back to her home.]

The grandmother or an old woman also tells the *thwalwa'd* woman that she must be careful of theirneighbours, as they would obviously be jealous of her getting married into thisrichfamily, as they would have loved to marry their daughters into such a family. Sisters-in-law keepthe *thwalwa'd* womancompany, serve her with food, orientate her to their home, and perform domestic chores with her. Adult females make her wear *isidwaba* (traditional leather skirt).

However, in the abuse of *ukuthwala* female in-laws give a *thwalwa'd* woman *isidwaba* to wear; however, females do not play a major role because this is done against a woman's will. Males, who have more physical strength to overpower the woman, do the beatings and force the *thwalwa'd* woman to drink prepared medicines and have sexual intercourse with the prospective husband. Males also have to guard the *thwalwa'd* woman so that she does not escape.

6.6. POVERTY, *ILOBOLO* AND *UKUTHWALA* PRACTICE

Ilobolo is one of several gifts or prices that are exchanged between the families of the two young people who are about to marry (Msimang, 1991). Although in the literature *ilobolo* has been translated into English as the 'bride price', in traditional Zulu society it was never linked to the bride. In other words,*ilobolo* is not the price that is paid for the young woman who is going to marry. It was also not fixed until between 1856 and 1878, when the British Sir Theophilus Shepstone passed a law that restricted *ilobolo* to 11 cows for the daughter born of an ordinary man (Msimang, 1991, p.226). *Ilobolo* was not meant for the parents to make gains out of their daughter. Vilakazi (1962) argues that in actual fact, parents of the young woman suffer a tremendous loss financially because they also give exchange gifts to the young man's family before and during the wedding day. For example,the young woman gives *imibondo*, *ingqibamasondo* and *umabo* (various gifts given at specific stages of the processes towards marriage) to the family of her prospective husband.

However, due to the abject poverty that is facing some societies in KZN, some families think of *ilobolo* as some form of material gain they can make. The study reveals that in such families, apart from it being a Zulu custom, *ilobolo* plays a major role in perpetuating the abuse of *ukuthwala*. Parents of some young women connive with men to *thwala* their daughters in exchange for*ilobolo.* Zoleka's case serves as evidence of this:

Zoleka

The incident which threw me into married life happened when two strange men walked into the hut in which I was preparing the evening meal for my widowed mother and younger siblings. I recall that those men asked from my mother about the person she had referred to in their previous conversation with them. My mother responded that I was the one, and she promptly walked out of the hut. The two men grabbed me by my hands and pulled me out of the hut. I cried for help, but no one in the densely populated rural area responded to my cries...this is how I got married...After three days, *umkhongi* (negotiator) was sent to my home with *ilobolo* (price paid to the young woman's family during negotiations before the wedding)... I knew I could report *ukuthwala* to the police, but couldn't, especially because my family was against me and *ilobolo* was already paid to them. In my community *ukuthwala* is regarded as a family matter; therefore, community members wouldn't dare to intervene anyway. Because I ran away from my marriage, my in-laws want *ilobolo* back and they also want to keep my children. My mother agrees with them and states that at home we can't afford to bring up my children. I am very angry and disappointed that even up to now I do not have a say.

From the above narrative it is clear that Zoleka's mother knew and had probably contributed to arranging that Zoleka be *thwalwa'd*. The fact that Zoleka's mother is widowed might indicate that she was desperate for money in the form of *ilobolo* in exchange for her daughter. Discussing the gendered construction of the mourning and cleansing rites among the Zulus of the Ndwedwe community, Daber (2003) asserts that most Zulu widowed women living in rural areas of KZN live in poverty. This is further elucidated by the fact that even when Zoleka had managed to run away from her marriage back to her home, her mother agreed with Zoleka's in-laws that they (in-laws) keep Zoleka's children. Her mother states that they (Zoleka and her mother) cannot afford to raise the children.

Zoleka's situation is not an isolated incident. Frequently in the field participants stated that most women in the rural areas marry off their daughters in exchange for*ilobolo,*

and this is due to poverty experienced by such families. Poverty in rural Zulu communities was earlier identified by several scholars, who claim that the majority of Zulu-speaking people who live in some rural areas of KZN are poor and are confronted with a series of social, economic and political problems which have a negative effect on their lives (see, for example, Mbatha, 1960; Vilakazi, 1962; Nhlapho, 1991; Nkopane, 1996; Daber, 2003; Silberschmidt, 2004, 2005). Very few of these people are aware of the Bill of Rights, particularly the clause on human rights as contained in Chapter 9 of the South African Constitution (Willan, 1998). Their life experiences are to a very large extent influenced by their unique socio-historical and cultural contexts.

6.7. THE *THWALWA'D* WOMAN'S AGE AND CONSENT

According to Vilakazi (1962, p.46), among the Zulu communities in the Nyuswa reserve a young girl begins to receive the amorous attentions of adolescent boys at the tender age of 14 years. However, he states that these attentions are never serious in the adult sense, as neither the boy nor the girl is thinking in terms of marriage. For the boy, he continues, they are important in that he is trying out his manhood and making the first attempt to establish himself as an adult personality. Girls who are less than 16 years old are regarded as too young to engage in love matters. Men do not regard it as fair game to propose love to such girls. However, there is a custom of *ukubekisa,* through which a man who feels attracted to a young girl who is not above 16 years of age, makes known his feelings to her and asks her to wait for him until she is a little more grown up (Vilakazi, 1962, p.46).

In *ukuthwala* young women are *thwalwa'd* when they are already at the stage where they engage in love matters – that is, 16 years of age and above (see Cebi, Zola and Dleni's cases). Tyrrel (1996) observed that in traditional communities marriageable age is usually achieved by completion of the initiation rites (in Zulu communities that would be *umemulo*).This therefore suggests that no young women should be *thwalwa'd.* Research participants indicated that it is the developmental stage (see Chapter 1) of

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the woman that is considered for marriage to be initiated. However, this observation contradicts the findings of this study in relation to the abuse of *ukuthwala.*

What is contrary to this norm is rape that is associated with the abuse of *ukuthwala.* According to Western standards, the age at which a girl is abducted raises serious concerns. According to international conventions, 18 years has been established as the legal age of consent to marriage (see, among others, the Universal Declaration of Human Rights (1948); the Convention on the Elimination of all forms of Discrimination Against Women (1979); The Convention on the Rights of the Child (1989); and the African Charter on the Rights and Welfare of the Child (1990)). Bekker (1983, p.7) discusses prohibited customary marriages. He argues that the parties must not be under the age of puberty; he states that in common law the age is 12 for the girl and 14for a boy, but argues that it is difficult to say what this stage is among the Africans. Monger (2004, p.7) argues that the age of the couple at marriage varies among cultures according to religion, civil law and local customs. In addition, he states that the age at which a person can be married is obviously related to the legal 'age of consent' for sexual intercourse, which in turn relates to the age of puberty and perceived ages of adulthood. Monger (2004) argues that the marriage of children occurs mainly among native societies, but that in developed societies the age for marriage is based on the age of consent for sexual activity.

Evidence suggests that in the studied communities and possibly in other parts of KZN, as well as in other areas of South Africa, children are abused in the name of *ukuthwalwa* at the age of between 12 and 16 (see Cebi's, Zola's and Dleni's cases in this chapter). This is confirmed by *Dispatch Online*: Friday, February, 18, 2000, p.1); Thulo (2003); Jacoby, Martinuxxi & Ngcobo (2005) and an SABC I documentary (2006) on *ukuthwala.* However, in this study there was no evidence of cases of children that were *thwalwa'd* in both the traditional and the contemporary *ukuthwala* because of ethical issues. The cases I present are of adult participants who were interviewed but mention that they were *thwalwa'd* when they were below the age of consent. My study

did not intend to interview children below the age of legal consent (18 years) according to the South African Constitution.

Feminists, human rights activists and gender activists often argue that girls are abducted and married off against their consent. In this thesis I argue that in the *ukuthwala* practice, a *thwalwa'd* young woman's consent is key to all negotiations and activities that will take place before marriage. Even when the woman is *thwalwa'd* against her will in the abuse of *ukuthwala,*the young woman's consent is important to open up *ilobolo* or marriage negotiations, as in the case of Zola.

> **Zola**
>
> The following day, when *umkhongi* (the negotiator) went to my home, I was told to write a letter informing my parent that I like where I am.

The above point of obtaining a girl's consent before *ilobola* negotiations begin is also witnessed in Dleni's case, discussed earlier.

Usually the young woman has to give consent verbally so that there is evidence that the consent comes from her. However, in the abuse of *ukuthwala* a written consent is used, and men may forge this consent (as discussed earlier in Zola's case, where another girl in the man's family was asked to write a letter as if it was written by Zola). In addition, where mothers have connived with the man who *thwala's* the young woman (such as in Zoleka's case), consent is not sought, and hence most participants termed this practice *ubugebengu* (criminality).

6.8. CONCLUSION

This chapter has discussed *ukuthwala* practice and highlighted that the practice has various meanings to different people. The practice is a Zulu custom which aims to open up the marriage negotiation process where there are barriers to this happening. I also

discussed the assertion of masculinities relating to powerful men versus other men, and powerless men versus vulnerable women. In my discussion I generated two themes of *ukuthwala*, which I discuss as *ukuthwala* that is a cultural practice, and an abused form of *ukuthwala* that is influenced by social ills that are pervasive in society. *Ukuthwala* is carried out with a willing woman, whereas the abuse of *ukuthwala* is a 'claimed culture' which uses criminality in the name of culture.

CHAPTER 7

ANALYSIS OF FINDINGS, RECOMMENDATIONSAND CONCLUSION

7.1. INTRODUCTION

In the previous chapter (Chapter 6) I discussed *ukuthwala* and the abuse of *ukuthwala* which is practised in the name of *ukuthwala*; this chapter reported that all participants said that *isubugebengu* (criminality) is practised in the name of culture.

In this chapter the term *ukuthwala* will be used to refer to the customary practice, whileabuse of the custom will be referred to as abduction (*ubugebengu /* criminality). This chapter discusses the overall analysis of findings, the recommendations and conclusion that I draw from the findings of this study.

7.2. OVERALL ANALYSIS, SYNTHESIS AND INTERPRETATION OF FINDINGS

Thirty research participants, both men and women, from three research sites, all said the practice of *ukuthwala* is a centuries-old custom among the Zulus of KZN, and its original purpose is to solve a problem for two people who want to get married in the way they want to. Furthermore, research participants asserted that the practice of *ukuthwala* means *ukuqukula* (to carry away), and its purpose is to open up the marriage negotiation process.

From the findings it seems that to both men and women the practice of *ukuthwala* is a normal social behaviour which is understood as a custom. Nobody saw anything wrong about it, because the custom is never wrong when people have agreed to it; hence, it is observed in silence. As the Zulus' worldview is very much embedded in their belief in ancestral spirits and also in culture, tradition and customs, they therefore cannot oppose *ukuthwala* as it is their culture, and culture is a way of life. Thus, the meaning

and understanding of *ukuthwala* among the Zulus of selected rural areas of KZN is based on the fact that it is a custom.

As the findings of this study show, the process of *ukuthwala* varies from place to place and within each place. This therefore suggests cultural evolution due to the changing times. As a result, the purpose of the practice of *ukuthwala* changes and, in some places, it ends up not being aimed at what it was originally intended for. I therefore argue that this is the reason why we end up having varying practices occurring in KZN; that is: (1) abduction that is the abuse of the custom; and (2) the genuine practice of *ukuthwala*. It is apparent from the findings that not just any woman is *thwalwa'd*; it is good women who, because of their qualities that will make them good wives, attract many men. The males then compete over such women, and the most powerful man with resources *thwala's* the woman so as to hasten the wedding processes.

As discussed in Chapter 4, Arnfred (2010) came up with the term 'situational gender' which means gender ad hoc, de-linked from bodies depending on social relations. The notion of a weak, oppressed woman is challenged in the *ukuthwala* custom. A woman who is *thwalwa'd* in the *ukuthwala* customary practice is not a weak woman. She is a powerful woman, and her power is embedded in her qualities, social standing, social background, beauty, and so on. It is this power that attracts many men to wish that she was their wife. The men who compete for this woman are also powerful men. In this instance, the woman is in a position to choose her life partner (husband) from among men of social standing. The man who *thwala's* this woman is the most powerful in terms of resources.

The custom is not oppressive to the woman, but liberating. It also aims to allow a woman to end a relationship with a man she is already engaged to, and to choose another man that she wishes to marry instead, without 'harming' her dignity. She connives with the man who will *thwala* her. In other words, she contributes to the plan, and is therefore not a helpless victim. During the *ukuthwala* process there is no sexual

intercourse, and the woman is not beaten or harmed. Therefore, in the *ukuthwala* custom there is no clear evidence of the woman's rights being violated. This was also evident in Vamisile's case (discussed in Chapter 6), when *abakhongi* were arrested and later released because they had done nothing that was against the law.

As discussed in Chapter 4, Morrell (2001) cautions us when he argues that the understanding of masculinity is subjective, depending on who the person is. He also argues that there is no one typical man, as there are many masculinities. I therefore argue that in the *ukuthwala* practice, masculinities cannot be viewed in relation to women, but it is about men competing among themselves. In addition, the display of power among the competitors is not manifested in violence or violent behavior, it is embedded in social status, resources, qualities, and so on. The only time violence occurs is when competitors do not accept that they have been conqured after the man has *thwala'd* a woman; in this situation faction fights may erupt.

However, while no evidence can be provided that the *ukuthwala* custom violates women's rights and oppresses women, *ubugebengu* (criminality) or abduction that is practised in the name of *ukuthwala* is oppressive to women. As discussed in Chapter 4, African feminists such as Amadiume (1987) and Arnfred (2010) talk of invented tradition – the new, growing patriarchal systems imposed on our societies through colonialism, Western religions and educational influences. *Ubugebengu* or abduction that is practised in the name of *ukuthwala* custom is in fact the invented tradition.

Morrell (2001) talks of changing masculinities in post-apartheid South Africa (see the discussion in Chapter 4). He argues that gender responses are exceedingly violent, and may be seen as part of a wider societal attempt by men to deal with feelings of emasculation or the actual loss of status and power. Violence against women that occurs in the *ubugebengu* or abduction practice disguised as *ukuthwala* directly relates to this argument. Several waves of change in South Africa, for example apartheid, colonialism, and so on, emasculated many African men. Such men, having lost their

power and standing among other men, they exhibit violent behaviour towards women whom they see as weaker targets.

The practice of *ubugebengu* or abduction termed *ukuthwala* is determined by pressures that a male is faced with from his other male competitors. Such pressures also influence the male to engage in sexual intercourse with a *thwalwa'd* young woman straight away. This suggests that there is a connection between *ubugebengu* termed *ukuthwala* and sexuality, sex, gender, gender roles, power, masculinity, and the body. Apparently, this practice occurring among the Zulus who reside in Zwelibomvu, KwaNgcolosi and Bergville takes place using different processes, but is justified as being a common cultural tradition among the Zulus. The Zulu males living in urban areas and cities travel to rural areas during Easter, summer and winter vacations, to *thwala* women. They do not *thwala* women in theurban areas and cities where they reside as migrant labourers. As a result of this invented *ubugebengu* / abduction tradition, the meaning of *ukuthwala* has been distorted.

Ukuthwala can be confirmed as a socio-cultural construction determined by society. It is apparent that the social meaning of *ukuthwala* for Zulus living in Bergville, KwaNgcolosi and Zwelibomvu is also contested. For example, five older men who were interviewed appealed to the value of the practice of *ukuthwala* in terms of socialisation and the maintenance of the custom, as compared to ten male youth who appealed to the value of the practice of *ukuthwala* in terms of black masculine identity. Such contrasting views indicate that there is no cultural consensus among men about the precise meaning of *ukuthwala*. However, I argue that the practice of abductiontermed *ukuthwala* acts as a means of inclusion of a male into a certain group, in order to gain recognition and status as a member of a 'particular group' which has privileges over other groups (consisting of powerless men, and women).

Therefore, I argue that the abduction practised in the name of *ukuthwala* acts as an affirmation of identity in terms of masculinity as well as group identity in a marginalised

social world, in rural post-apartheid South Africa. Powerful men and families (in terms of having money and resources to pay *ilobolo*) engage in the practice of *ukuthwala* as a power display to their competitors (that is, powerless men and families who have no money and resources to pay *ilobolo*). In this case, powerless men and families are marginalised in a social world in rural post-apartheid South Africa. Powerless men and families, on the other hand, engage in the practice of *ubugebengu* or abduction as a power display to vulnerable women who are marginalised in a social world. Marginalisation is perhaps the most dangerous form of oppression, argues Young (1990, p.53). *Ukuthwala* and abduction or *ubugebengu* in turn become vicious cycles as children of *thwalwa'd* women get *thwalwa'd* or engage in *ukuthwala,* as evidenced by my research findings presented in Chapter 6. Furthermore, while it may be agreed that the practice of *ukuthwala* is a custom that opens up the marriage negotiation process between the parents of the young man and those of the young woman who has been *thwalwa'd*,this thesis argues that *ukuthwala* symbolises manhood and masculinity among the Zulus. The symbolic carrying off of a woman, it seems, relates to male power. Furthermore, the symbolic wearing of *isidwaba* by a *thwalwa'd* young woman, it seems, relates to the rite of passage from boyhood to manhood, and from girlhood to womanhood, which accords status and power to a man over a woman.

Connell's (1995) idea that masculinity is a privileged category within patriarchy is equally applicable to the issue of *ubugebengu* or abduction termed *ukuthwala,* as evidenced in my project. My study verifies that *ubugebengu* or abduction termed *ukuthwala* promotes a form of masculinity within Zulu society as a privileged category over femininity. The process of *ubugebengu*, or abduction termed *ukuthwala* as noted, perpetuates ideas about patriarchy. The majority of women interviewed disclosed that they were sexually abused by their prospective husbands who were older than them in terms of age, and all of these women claimed that they were then virgins. This translates into two different opinions.

Firstly, Leclerc-Madlala (2002) claims that as a result of the HIV and AIDS pandemic which is predominant in KZN, most infected old men sexually abuse young women because of the myth that when an HIV-positive man sleeps with a virgin, he gets cured. Secondly, this could be a punishment of women by their 'abductors', who break young women's virginity just to get hold of them by force. This happens because young men pay a penalty for breaking a young woman's virginity; thereafter *ilobolo* negotiations will follow. A young woman will have no objection, as it is assumed that no other men will be interested in her for she is no longer a virgin and her pride is diminished. For example, in Zoleka's case that was discussed in Chapter 6, it is apparent that she became a 'sex slave' for a man she did not love, who raped her only to make her pregnant. Zoleka's narrative indicates that she experienced no sexual pleasure, and her experience also confirms violence against women as a result of abductiontermed *ukuthwala.* Her narrative reinforces male sexual pleasure as well as women's subordination to men.Hence I conclude that the practice of abduction termed *ukuthwala* is a gendered practice.

However, I argue that such GBV and sexual abuse only takes place among young women who are abducted by powerless men who abuse the custom of *ukuthwala* to suit their needs, which is definitely against women's interests and consequently violates women's rights. In traditional Zulu culture a man does not beat a woman and a woman's virginity is respected (Msimang, 1991). In fact, in traditional Zulu culture a woman is highly respected. Therefore, a practice that perpetuates violence against women and children is gendered, and cannot claim the status of Zulu 'culture', but it is the abuse of culture.

Whether women are men's sexual objects is a controversial debate because, as indicated earlier, some women prove not to be men's sexual objects, as was the case with Manyoka, a *thwalwa'd* woman from Bergville, who indicated that there was good 'intimate' communication between her and her *umthwali* (a man who *thwala'd* her) regarding sexual intercourse and other related matters and in general. I argue that this

is because Manyoka got married through the traditional custom of *ukuthwala* (which in most cases is done by a powerful man who does not abuse women), where she agreed to be *thwalwa'd,* as compared to Zoleka, who got married through the abuse of the custom of *ukuthwala* (done by powerless men who abuse women in the name of culture).

However, I argue in this thesis that generally most men have power and control over women, such that this control even extends to sexual control of women. For example,14 out of 15*thwalwa'd* women interviewed stated that they fail to negotiate condom usage by their husbands, although they are now living in polygamous marriages. Furthermore, all women stated that they could not plan their families, no matter how hard it may be to provide for their children. They understood themselves along the lines of procreation and nurturing of children as being their duty, and their husbands as providers for their families. This is an indication of how gender stereotypes are entrenched in institutions like that of the family. However, this lack of power is not only exclusive to women who were *thwalwa'd and not exclusive to Zulu women either*.

According to Zulu society, sex and gender is intertwined. Accordingly, sex and gender are two different concepts, such that sex is defined as a biological construction and gender as a cultural and social construction (see, for example, Butler, 1999, 1993; Bristow, 1997; Glover & Kaplan, 2000). Through abductiontermed *ukuthwala* women are taken as male sexual objects, and *ukuthwala* favours men to enhance their dominance over women, as Young (1990, p. 51) argues:

> Women are exploited in the Marxist sense to the degree that they are wage workers. Some have argued that women's domestic labour also represents a form of capitalist class exploitation insofar as it is labour covered by the wages a family receives. As a group, however, women undergo specific forms of gender exploitation in which their energies and power are expended, often unnoticed and unacknowledged, usually to benefit men by releasing them for

more important and creative work, enhancing their status or the environment around them, or providing them with sexual or emotional service.

In most cases I was told that abductors have to leave their *thwalwa'd* women and engage in migrant labour as a sign of manhood in order to be able to provide for the woman and the family. This is indeed so for Mantinga Ngcongo of Zwelibomvu, Zola Mazibuko of Bergville, Cebi Mkhize of Zwelibomvu, Dleni Nene of Nguqwini (Zwelibomvu), Zoleka of Zwelibomvu, Jabu Chili of KwaNgcolosi and many others.

Furthermore, in my opinion there is a connection between the poverty experienced in rural areas of Zwelibomvu, Bergville and KwaNgcolosi, and*ukuthwala* and *ilobolo*. As the findings of this study indicate in Chapter 6, some parents (especially women) connive with abductors of their daughters in exchange for *ilobolo*. If a young woman isfound standing with a young man on the streets, they are sent to the young man's home to come back with *ilobolo*. Such a statement was frequently encountered in all three research sites. The implication is that the young man and the young woman are in love. Therefore they must be engaged to avoid unwanted children.

In most cases, as was the case with Zola Mazibuko of Bergville, Cebi of Zwelibomvu, Dleni Nene of Nguqwini (Zwelibomvu), and many others, once a woman is abducted the parents do not care; as long as they are paid *ilobolo*, it is fine by them. According to traditional *ukuthwala*, the following day *umkhongi*are sent to the young woman's parents to shout *'funelani nganeno'*. However, in the cases of abduction it takes more than a week for the young man's family to go to the abducted woman's family to start negotiations. Parents usually know about this (abduction), as sometimes *ilobolo* has already been paid in advance, and it is only the victim of the abuse of *ukuthwala* who knows nothing. This therefore suggests a connection between the poverty experienced in rural areas of the selected research sites and the practice of abuse of *ukuthwala*.

Furthermore, feminists have for a very long time seen men as oppressors of women, failing to see women as oppressed by other women and men as oppressed by other

men. In this thesis the practice of *ukuthwala* demonstrates that not all women are forcibly *thwalwa'd*, but some women like to be *thwalwa'd*. Also, some women are not only oppressed by men, but also by other women, where, for instance, a mother connives with a man to abduct her daughter. In addition, some men are also oppressed by other men. The above observation therefore calls for a careful and full understanding of the practice of *ukuthwala* as it takes place nowadays, before one can make a judgement about it.

Furthermore, the above analysis indicates that an analysis of *ukuthwala* should not be undertaken at surface value. Soanes (2002, p.945) defines a theory as an idea or set of ideas that is intended to explain something. I therefore, suggest that any cultural practice in a contemporary society should be looked at by firstly examining its original nature and purpose, its historical context and its philosophical underpinnings. Then analysis should determine how the practice has been influenced by social transformation. Answering these questions will allow an informed judgement about any cultural practice that is currently being practised. This suggests that one cannot analyse culture in just one way; first one has to look at traditional culture and then how the cultural practice has evolved over time.

7.3. RECOMMENDATIONS

The recommendations proposed in this thesis are directed at the government, Department of Education and communities under study, and further research is encouraged.

7.3.1. Law and Government

The Ministers in the Presidency and in KZN local government, that is, the Minister of Health, Minister of Social Development, Minister of Women, Children and the People with Disability, the Human Rights Commission, House of Traditional Leaders, Minister of Home Affairs, law enforcers, policy makers and analysts, should come together and

have discussions to deal with the abuse of *ukuthwala*. If the South African Government is serious about making the lives of women, children, youth and the disabled better, the issue of forced / abused *ukuthwala* (bride abductions) should be made a priority. This needs to be dealt with alongside interventions that deal with the culture of violence and violence against women and children that is pervasive in society.

7.3.2. Capacity building

Law and Government should also ensure that there is a gender-sensitive educational plan within the traditional, civil and church laws. This is because churches are the central social organisations where the majority of people gather; however, churches do not know how to intervene in terms of social aspects for social development in their communities. Churches should be organised and teach parents, who in turn should teach their families, who in turn should teach their communities about the importance of bringing up a girl child as well as the boy child.

Parents should be taught about their role in the socialisation process of their children. This is because the available structure in communities is meant only for girls; that is, *ukuhlolwa kwezintombi* (virginity testing). With the exception of areas where the Royal Kingdom of the Zulus is (for instance, KwaNongoma) and in sporadic areas in KZN such as KwaMachi on the South Coast where there are organised mountain schools, there is very limited action done about the boys, whereas in original Zulu culture boys had to enter *ukubuthwa* traditional school. In Xhosa culture boys still enter into circumcision lodges where cultural teachings take place. Girls are still headed by *iqhikiza* (headgirl), but there are no headboys for boys. Attempts by the Zulu Royal King to pull the nation together to self-reflect on socio-pathological issues need to be supported by government and civil society, and ways of expanding such interventions should be forged.

7.3.3. Education as an instrument of change and social transformation

The use of education as an instrument of change and social transformation is highly recommended in this study. The National Curriculum Statement (NCS) currently taught in schools makes it compulsory for life skills in the Life Orientation Learning Area to be taught from Grade R to Grade 12. To achieve the prescribed Learning Outcomes for each grade, educators should derive relevant content (in this case on*ukuthwala* and bride abductions) to be taught in schools.This is highly possible; hence it is recommended, since the educator has the right to choose content to be taught to his/her learners based on their environment. In actual fact, the NCS recommends using content that will address the community's problems.

An educator will derive the relevant content to be taught to her/his learners to address the community's problems. To do this s/he will be guided by the set Assessment Standards obtained from the Learning Programme Guideline specific to the grade s/he is teaching. S/he will do this in order to achieve the set Learning Outcome prescribed for the grade being taught. Using the 'extended opportunity' (prescribed by the NCS), which is part of her/his lesson plan, s/he will be able to send her/his learners to do research about the topic and come up with information to be shared in the classroom.

The school in particular, with all the stakeholders involved – that is, the School Governing Body, social partners in the Department of Education, and so on – have a major role to play in children's identity construction, as well as in the transformation of the larger society, working directly through the teachers and indirectly through the parents. One of the initial strategies that should be adopted in providing a conducive climate for gender identity construction and empowerment is to ensure that the agencies involved in socialisation of children are aware of the need and direction for change.

In actual fact, education is an essential tool for enhancing equality, development and peace in all societies. If girls and boys from the rural areas of Zwelibomvu, Bergville

and KwaNgcolosi, and possibly other parts of KZN, are to be prepared for the demands and possibilities that their adult world will offer them, we need schools that will work to liberate both boys and girls from gender-based constraints, and allow all members of the school community to be more fully involved in an environment that is safe and challenging, and encourage all learners to move beyond the negative constraints that current understandings about gender can impose.

Education should, therefore, not only be seen as a means for survival and role fulfilment, but seen and utilised as a social transformation tool to prevent the perpetuation of stereotypic gender roles in families and society. The Department of Education in South Africa has adopted the 'Education for All' framework through Adult Basic Education and Training. Projects like Masifundisane are community projects by the Department of Education to eradicate illiteracy in South Africa. These projects should use the opportunity to educate 'all' in this regard, particularly about customs that serve as patriarchal tools to entrench gender stereotypes in their communities.

7.3.4. Women in development

Recognising the vital role being played by the socialisation process in rural areas, and the perpetuation of gender stereotypes and the value placed on education in the studied areas, all agencies concerned with the upbringing and socialisation of children need to be sensitised to the need for social transformation. 'Women in development' projects need to take these findings and recommendations head on, and take the lead in bringing about social transformation in rural areas like Zwelibomvu, Bergville and KwaNgcolosi by working together with social institutions in the said communities. The family, schools (as indicated above), religious bodies and society at large have crucial roles to play in preventing transgenerational perpetuation of gender stereotypes and its evils, of which internalisation of domination and oppression are paramount.

7.3.5. Need for improved rural infrastructures

Poverty in rural areas has been revealed to have a direct impact on the practice of *ukuthwala.* There is therefore the need to improve rural infrastructure. The Government has a responsibility to improve funding of the agricultural sector. Focused actions by the Government should also include provision of credit facilities and micro-financing opportunities for people living in rural areas who depend on farming, and making needed agricultural inputs available and affordable for the farmers.

Government should provide basic infrastructure and make sure that it is maintained, for example water facilities, electricity, provision of educational opportunities for rural children and adults, and provision of health facilities, to mention but a few. Job opportunities should be created and maintained in rural areas to better the lives of the rural people. In most cases in the studied communities the women are farmers as their husbands engage in migrant labour. The very same women have a responsibility to provide shelter for their children, and for their husbands on their return from towns.

7.3.6. Need for further research

The direction for future research emanates from the findings and recommendations proposed above. This study is exploratory. It has opened up a wide area of research of bride abductions and *ukuthwala* in rural KZN and beyond. Due to the exploratory nature of the study it has not been feasible to conduct an in-depth analysis of the various findings. Hence it is recommended that further qualitative research be conducted in the following areas:

- Having discovered that bride abduction is a global practice and that it varies from and within cultures, it is pertinent to conduct further research that will be comparative in nature.

- Case studies presented in this study reveal effects of bride abduction especially

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for the women. I therefore suggest further research on the effects of the abused *ukuthwala* for the abductor, the abducted, family members of both the abducted and the abductor, and community members. This kind of research should go to the extent of further investigating the family life of marriage through abduction.

- Having discovered that the socialisation process plays a major role in the gender identity construction of children living in the studied communities, and that it has a direct impact on *ukuthwala*, it is pertinent to conduct further research on the roles of mothers and fathers in their children's gender identity construction, with a view to identifying strategies for stemming perpetuation of gender ideologies.

7.4. CONCLUSION

Based on the overall argument in this thesis, I conclude that there is only one form of *ukuthwala,* and that is *ukuthwala* that relates to trado-Zulu culture. Anything other than this is the abuse of *ukuthwala,* which is usually referred to as 'bride abduction' in contemporary Zulu culture, and as *ubugebengu* by participants.

Ukuthwala is a short form of *ukuthwala intombi,* which is a custom among the Zulus. There is no appropriate English word that can be used as the translation; hence I use the Zulu term *ukuthwala.* In the *ukuthwala* process there is no women abuse such as physical violence, beatings or sexual abuse, but rather women pretend that they do not like to be *thwalwa'd.* Even on the wedding day the women usually cry to show remorse for leaving their families to join that of their in-laws. This is presumably due to fear of the unknown in their future lives.

This thesis concludes that in the *ukuthwala* process there is connivance with a young woman. In fact, women like it and contribute their ideas towards the process to be followed during *ukuthwala*. Furthermore, there is immediate follow-up with penalty payment and immediate payment of *ilobolo*. The woman's consent to open up marriage

negotiations is sought before *ilobolo* negotiations are opened. The use of *umuthi* in the process of *ukuthwala* is not something new, and is not surprising as the Zulus believe in it and it is part of the African philosophy of life. Therefore *ukuthwala* is not meant to punish women; instead women are empowered by the practice of *ukuthwala* as they have freedom of choice of their spouse. Also, women are empowered since through *ukuthwala* they are liberated to jilt those sweethearts they are no longer in love with in favour of the new ones they have met who can pay *ilobolo*. Otherwise this would not have been possible, as in Zulu culture a woman gets engaged once in her lifetime; therefore, *ukuthwala* is a solution to solve this problem. *Ukuthwala* is a mere display of power by powerful men who have possessions and particularly *ilobolo*. This display of power by powerful men is usually directed at the powerless men who lack such possessions and happen to be competitors. Rules are obeyed in the practice of *ukuthwala,* such as payment of a penalty and *ilobolo* following immediately. There is no engagement in sexual intercourse until the marriage has taken place and is consummated.

This thesis has extensively covered evidence of *ukuthwala* from text and narratives from research participants who have engaged in or witnessed *ukuthwala* in their communities. Narratives of the research participants serve as strong evidence to indicate that despite social transformation that has taken place in KZN and elsewhere on the African continent, *ukuthwala* is still vigorously practised in the Zwelibomvu, Bergville and KwaNgcolosi rural communities of KZN and other rural areas.

I have indicated throughout this thesis that *ukuthwala* is centuries old among the Zulus of KZN. Furthermore, I have indicated that the social transformation which took place in KZN resulted in the emergence of various social groups, namely *iziqhaza / amabhinca* (pagans who did not accept change and are usually referred to as traditionalists who stand for trado-Zulu culture), and *amakholwa* (Christian converts) or *abaphucuzekile* (the civilised). The thesis indicates that the custom of *ukuthwala* is popular among *iziqhaza.*

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Furthermore, I have demonstrated that there is an abuse of *ukuthwala* which is usually referred to as 'bride abduction'. Based on the overall analysis in this thesis, I conclude that the abuse of *ukuthwala* (bride abduction) as practised and perceived by the Zulu-speaking people living in rural areas of Zwelibomvu, Bergville and KwaNgcolosi in KZN is a fundamentally gendered practice. 'Bride abduction' is carried out by emasculated, powerless men and is meant to punish and control women. It is an abusive practice and there is no connivance with the female. It is a mere display of physical power, which is directed at the female rather than the male competitor. No rules are followed (such as penalty or *ilobolo* payment that follows immediately after a female has been abducted). There is also immediate engagement in sexual intercourse, which I regard as rape. There are beatings of the woman, and the community members observe bride abduction with silence in the name of 'culture'. Throughout the thesis I have provided evidence of 'bride abductions' taking place in KZN, and all participants termed this an abuse of culture or *ubugebengu* (criminality).

Given the fact that *ukuthwala* is a ritualised process that is integrally connected to culture and the value systems inherent in a culture, it is incorrect to assume that such a practice is not reflective of cultural beliefs and values. The experiences of Zulu-speaking people from Zwelibomvu, Bergville and KwaNgcolosi with regard to *ukuthwala*indicate that the practice holds deeply rooted cultural meanings for them. Furthermore, *ukuthwala* is perceived and justified as a 'cultural symbolism'. Despite various forms of marriage preliminaries available among the Zulus, such as *ukucela, ukubaleka* and *ukuganisela,* some men in these areas actively choose *ukuthwala.* Therefore the symbolism that accrues in respect of *ukuthwala,* as reflected by the Zulu men from Zwelibomvu, Bergville and KwaNgcolosi, cannot be simply viewed without cultural and ethnic terms.

I have demonstrated, verified in part by the extended conversations with my respondents, that *ukuthwala* is reflective of particular gendered meanings that are

perpetuated by cultural beliefs and social mobilisation. These gendered meanings suggest that *ukuthwala* practice promotes the superiority and privilege of men, according men a status of manhood when they have wives. Manhood occupies a dominant category within patriarchal communities, and the Zulu community is largely patriarchal. This status, I conclude, does not accrue to young men without wives, who are forever referred to as young men, no matter how old they may be in terms of actual age.

Given the fact that culture is not static but fluid, I am suggesting that in contemporary Zulu communities *ukuthwala* be viewed in relation to trado-Zulu culture. In this thesis I have put in place the yardstick against which to measure the *ukuthwala* which I regard as a custom among the Zulus. Anything beyond should be viewed as the abuse of the custom, and nullified. This thesis has also demonstrated that *ukuthwala* with traditional aspects of Zulu culture does not involve children, but rather young women of marriageable age. The '*ukuthwalwa*' of young girls is abduction, which is illegal from the beginning to end – whereas the custom of *ukuthwala* is not. Therefore, this study promotes and argues for zero tolerance of the abduction of young girls in KZN and beyond.

Furthermore, in *ukuthwala* practice a young woman's consent is sought before the marriage negotiation process is opened up. That is why after *umkhongi* (the negotiator) has been sent to the woman's parents to tell them to *funela nganeno!* (to search from this side for your missing daughter), then a messenger is sent to seek consent from the woman. If she says no, then a penalty fee (*inkomoyokuthwala*) is paid and that is the end of the story. If she gives consent then over and above *inkomo yokuthwala, ilobolo* is immediately paid to her parents and the marriage negotiations are opened up.

Therefore, it is on these grounds that I suggest that opponents of the practice of *ukuthwala* in KZN and beyond should first distinguish between the custom of *ukuthwala* and the abuse of the custom, then judgements can be made. I say this because it is

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dangerous to judge a cultural practice without fully understanding it. Furthermore, I suggest that disputes arising in communities because of *ukuthwala* be resolved locally and referred to the local INkosi and community *izinduna* (headmen), as they are the ones who fully understand their culture and customs and thus would be in a position to make fully informed judgements. In the event traditional leaders have different views and seek further clarity on such issues, the House of Traditional Leaders (which is responsible for traditional leadership in KZN) should take leadership to capacitate all traditional leaders in communities regarding this matter.

I further suggest that the cultural practice of *ukuthwala* as the custom among the Zulus be accommodated, and that those people who want to practise it be respected in their choice. I strongly believe this would reflect the changing socio-political, cultural, public health, and legal ethos of democratic South Africa. All *thwalwa'd* women indicated being proud that they were *thwalwa'd,* compared to abducted women who showed feelings of regret. The qualities of a woman who is *thwalwa'd* are socially and culturally created, and not every woman is *thwalwa'd*. For example, only 'good' women who are potentially good wives are *thwalwa'd*.

To conclude, the practice of *ukuthwala* with intent to marry and bride abductions continue, despite the wide negative coverage in the media and despite the fact that it has been declared illegal by the South African Minister responsible for Women, Children, and Persons With Disabilities, Noluthando Mayende-Sibiya.

As I explained in the social transformation section of the thesis, missionaries tried to end the practice of *ukuthwala*, and some feminists see the practice as oppressive. While I have criticised aspects of the practice of *ukuthwala* that have some facets of trado-Zulu culture, I do not conclude that *ukuthwala* is oppressive, and nor do I see the need to remove it as a cultural practice. However, I have argued for zero tolerance of forced abductions and the abduction of young girls in the name of *ukuthwala* cultural

practice. I have argued that this is a gross violation of human rights and undermines the bodily integrity of women.

LIST OF REFERENCES

Abbott, P. & Wallace, C.(1990). *An introduction to Sociology: Feminist perspectives.* Routledge: London & New York.

Abrahams, N., Okumu, M. & Rabenoro, M. (2004). *Sexuality in Africa Magazine.* Lagos, Nigeria: ARSRC. 1(3), 1-16. Retrieved June 26, 2005, from: www.arsrc.org.

Alasuutari, P. (1995). *Researching culture: Qualitative method and cultural studies.* London: Sage.

Alegi, P. (2004). *Laduma! Soccer, politics and society in South Africa.* Pietermaritzburg: University of KwaZulu-Natal Press.

Alexander, D.J., (1987). Avian influenza — historical aspects. In: *Proceedings of the Second International Symposium on Avian Influenza,* 1986. Madison: University of Wisconsin, pp. 4–13.

Alexander, M.J. & Mohanty, C.T. (Eds.). (1997). *Feminist genealogies, colonial legacies, democratic futures.* New York: Routledge.

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Amadiume, I. (1987). *Male daughters, female husbands: Gender and sex in an African society*. London: Zed.

Amadiume, I. (1997). *Reinventing Africa: Matriarchy, religion and culture*. London: Zed.

Anderson, B. (2009a). *'Coloured' boys in 'trouble': An ethnographic investigation into the constructions of coloured working-class masculinities in high school in Wentworth, Durban.* Unpublished doctoral dissertation, University of KwaZulu-Natal, Durban.

Anderson, B. (2009b). I'm not so into gangs anymore. I've started going to church now: Coloured boys resisting gangster masculinity. *Agenda*, 80, 55-67.

Anderson, M.L. & Hill Collins, P. (2004). *Race, Class & Gender: An Anthology.* Wadsworth: Thomson Learning.

Anderson, K., Armitage, S., Jack, D., & Wittner, J. (1987). "Beginning Where We Were: Feminist Methodology in Oral History". *Oral History Review*, *15* (Spring), 103-127.

Arnfred, S. (2010). Situational gender and subversive sex? African contributions to feminist theorizing. In C.O. Izugbara, C-C. Undie, & J.W. Khamasi (Eds.), *Old*

wineskins, new wine: Readings in sexuality in sub-Saharan Africa (pp. 123-138). New York: Nova Science Publishers.

Arnfred, S. (ed). (2004). *Rethinking Sexualities in Africa*. Uppsala: Nordiska Afrikainstitutet.

Atkinson, R. (1998). *The life story interview.* Thousand Oaks, CA: Sage.

Badoe, Y. (2005). "What makes a woman a witch?", *Feminist Africa, 5*, 37-51.

Balia, D. (2007). True lies: American missionary sayings in South Africa (1835-1910). *Black Theology: An International Journal*, *5*(2), 203-219.

Bassadien, S.R. & Hochfeld. (2005). " Across the public/ private boundary: contextualizing domestic violence in South Africa". *Agenda,* 66, 4-15.

Bazilli, S. (1991). *Putting women on the agenda.* Johannesburg: Ravan Press.

BBC News online: *South African Rape Survey Shock*. Retrieved 2007/07/23 from:

> http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/africa.

> Published: 2003/06/18.

Beasley, C. (1999). *What is feminism? An introduction to feminist theory*. London:

> Sage.

Beattie, J. (1966a). *Other cultures.* London: Routledge & Kegan Paul.

Bekker, J.C. (1983). *Marriage, money, property, and the law: A guide to the legal and*

> *financial consequences of a marriage between Africans*. Durban: Butterworths.

Bekker, J.C., Labuschagne, J.M.T. & Vorster, L.P. (Eds.). (2002). *Introduction to legal*

> *pluralism in South Africa*. Durban: Butterworths.

Bennet, J. (2005). 'An old Rag': South African research on GBV and debates on

'cultures' and 'rights'. *Agenda Special Focus (Gender, Culture and rights)*, 24- 35.

Bhana, D. (2002). *Making gender in early schooling: A multi-sited ethnography of power and discourse: From grade one to two in Durban.* Unpublished doctoral dissertation, University of Natal, Durban.

Bhana, D. (2009). Girls hit! Constructing and negotiating violent African femininities in a working-class primary school. In J. Dillabough, J. McLeod & M. Mills (Eds.), *Troubling gender in education.* London & New York: Routledge & Taylor Francis.

Bhengu, S. (2005, November 15). Kuthwalwe obeseyingoduso kwaboshwa abakhongi. *Isolezwe, Ulwesibili*, p. 3.

Bigge, D.M. & von Briesen, A. (2000). Conflicts in the Zimbabwean courts: women's rights and indigenous self-determination in Magaya v. Magaya. *Harvard Human Rights Journal*, *13*, 289 - 313. Retrieved February 24, 2013, from *harvard*hrj.com/archive/

Bloor, M., Frankland, J., Thomas, M., & Robson, K. (2001). *Focus Groups in Social Research*. London: Sage.

Bowles, G. & Klein, R.D. (Eds.). (1983). *Theories of women's studies*. London:

   Routledge.

Brayton, J. (1997). *What makes feminist research feminist? The structure of feminist

   research within the social sciences.* Retrieved July12, 2011, from

   www.unb.ca/PAR-L/win/feminmethod.htm.

Brewer, J. & Hunter, A. (1989). *Multimethod research: A synthesis of styles*. London:

   Sage.

Brindley, M. (1982). *The role of old women in Zulu culture: with special reference to

   three tribes in the district of Nkandla*. Unpublished doctoral dissertation, University

   of Zululand.

Bristow, J. (1997). *Sexuality*. London: Routledge.

Brittan, A. & Maynard, M. (1984). Sexism, racism, and oppression. New York: Blackwell
Publishers.

Bryant, A.T. (1949). *The Zulu people as they were before the white man came*.

Pietermaritzburg: Shuter & Shooter.

Bryant, A.T. (1964). *A history of the Zulu and neighbouring tribes.*Cape Town: Struik.

Brayton, J. (1997). *What Makes Feminist Research Feminist?: The Structure of*

Feminist Research within the Social Sciences. Department of Sociology, University of

New Brunswick. Retrieved February 24, 2013, from

from:http://www.unb.ca/PARL/win/femininmethod.htm

Bowles, S., & Gintis, H. (1986). *Democracy and Capitalism: Property, Community and*

the Contradictions of Modern Social Thought. New York: Basic Books.

Buchbinder, D. (1994). *Masculinities and identities*. Carlton, Victoria: Melbourne

University Press.

Buthelezi, T. (2006). The one who has eaten it, has only eaten a part: Exploring

traditional Zulu premarital sexual practices. *Sexuality in Africa, 3*(2), 3-5. Retrieved

July 12, 2010, from: http://www.arsrc.org

Buthelezi, T. (2010). Sexuality and virginity testing in Zulu culture: Emerging issues. In

    C.O. Izugbara, C-C.Undie & J.W. Khamasi (Eds.), *Old wineskins, new wine:*

    Readings in sexuality in sub-Saharan Africa (pp. 71-80). New York: Nova Science

    publishers.

Butler, J. (1993). *Bodies that matter: On the discursive limits of sex*. New York:

    Routledge.

Butler, J. (1999). *Gender trouble: Feminism and the subversion of identity*. New York:

    Routledge.

Caelli, K., Ray, L., & Mill, J. (2003). 'Clear as mud': Toward greater clarity in generic
qualitative research. *International Journal of Qualitative Methods, 2*(2), Article 1.
Retrieved March 1, 2013, from
http://www.ualberta.ca/~iiqm/backissues/2_2/html/caellietal.htm.

Carton, B., Laband, J. & Sithole, J. (Eds.). (2008). *Zulu identities: Being Zulu past and*

    present. Pietermaritzburg: University of Natal Press.

Cheek, J. (1996). Taking a view: Qualitative research as representation. *Qualitative*

    Health Research, 6(4),492-505.

Chinweizu, N.N.(1990). *Anatomy of Female Power: A Masculinist Dissection of Matriarchy.* Lagos, Nigeria: Pero Press.

Collins, P.H. (1990). *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*. Boston: Unwin Hyman.

Collins, P.H. (2000). *Black feminist thought: Knowledge, consciousness, and the politics of empowerment* (2nd ed.). New York: Routledge.

Collins, P.H. (1998). *Fighting words: Black women and the search for justice.* Minneapolis: University of Minnesota Press.

Commission for Gender Equality,Department of Social Development,United Nations Population Fund. (2009). *Traditional practices and the Constitution: A policy dialogue.* New York: USA United Nations Population Fund.

Connell, R.W. (1987). *Gender and Power: Society, the Person and Sexual Politics.* Cambridge: Polity Press & Basil Blackwell Publishing.

Connell, R.W. (1994). Bodies and Genders. *Agenda, 23,* 7-18.

Connell, R.W. (1995). *Masculinities*. Cambridge: Polity press.

Connell, R.W. (2000). *The men and the boys*. Cambridge: Polity.

Connell, R.W. (2002). *Gender*. Cambridge: Polity Press & Blackwell Publishing.

Cook, J. & Fonow, M. M. (1986). Knowledge and women's interests: Issues of

epistemology and methodology in feminist sociological research. *Sociological

Inquiry, 56*(1), 2-29.

Crenshaw, K. (1994). Mapping the margins: Intersectionality, identity politics and

violence against women of color. In M.A Fineman & R Mykitiuk (Eds.). *The public

nature of private violence: The discovery of domestic abuse*, pp. 93 – 118. New York:

Routledge.

Daber, B. N. (2003). *The gendered construction of mourning and cleansing rites of

widowhood amongst the Zulu speaking people of Ndwedwe community, KwaZulu –*

Natal. Unpublished M.A Thesis, Department of Gender Studies, Durban: University of KwaZulu-Natal (Howard College).

Davis, A. (1981). *Women, Race, and Class.* New York: Random House.

De Jager, E.J. (1971). Traditional Xhosa marriage in the rural areas of the Ciskei, South Africa. In E.J. de Jager (Ed.), *Man: Anthropological essays presented to O.F Raum.* Cape Town: Struik.

De la Rey, C. (1992). Culture, tradition and gender: Let's talk about it. *Agenda, 8*(13), 78-86.

Deflem, M. (1999). Warfare, political leadership, and state formation: The case of the Zulu Kingdom, 1808-1879. *Ethnology, 38*(4), 371-391.

Delanty, G. (2000). *Citizenship in a global age: Society, culture, politics.* Maidenhead, Berks: Open University Press.

Delphy, C. (1984). *Close to Home: a materialist analysis of women's oppression.* Amherst: University of Massachusetts Press.

Dent, G.R. & Nyembezi, C.L.S. (2009). *Scholar's Zulu dictionary: English-Zulu, Zulu-English.* Pietermaritzburg: Shuter & Shooter.

Denzin, N. (1970). *The Research act in sociology.* London: Butterworth.

Denzin, N. K. & Lincoln, Y. S. (Eds.). (2000). *Handbook of qualitative research* (2nd ed.).Thousand Oaks, CA: Sage.

DeVault, M. L. (1990). Talking and listening from women's standpoint: Feminist strategies for interviewing and analysis. *Social Problems*, *37*, 96.

Daily Dispatch Online. (2000, February 18). Retrieved March 1 2013, from: http://www.dispatch.co.za/2000/02/18/southafrica/AMARRIAG.HTM.

Doke, M., Vilakazi, B.W., Malcolm, D.M., & Sikakana, J. M. A. (1990). *English-Zulu, Zulu-English dictionary*. Johannesburg: Witwatersrand University Press.

Dworkin, A. (1984). "I want a twenty-four-hour truce during which there is no rape". Speech originally published under the title "Talking to Men About Rape," in *Out!*, *2*,(6), April 1984, then under the current title in *M.*, No. 13, Fall 1984.

Edgerton, R.B. & Langness, L.L. (1974). *Methods and styles in the study of culture*. San Francisco: Chandler & Sharp.

Edwards, R. (1990, December). Connecting method and epistemology: A white woman interviewing black women. *Women's Studies International Forum, 13*(5), 477-490.

Ehrlich, S. (1995). Critical linguistics as feminist methodology. In S. Burt & L. Code (Eds.), *Changing methods: Feminists transforming practice* (pp. 45-47). Peterborough, Ontario: Broadview Press.

Eisenstein, Z.R. (1979). *Capitalism, patriarchy, and the case for socialist feminism.*New York: Monthly Review Press.

Epprecht, M. (2000). *This matter of women is getting very bad: Gender, development and politics in colonial Lesotho.* Pietermaritzburg: University of Natal Press.

Erlank, N. (2004). 'Plain Clean Facts' and initiation schools: Christianity, Africans and 'sex education' in South Africa, c. 1910–1940. *Agenda, 18*(62), 76-83.

Etherington, N. (2002). Outward and visible signs of conversion in nineteenth-century KwaZulu-Natal. *Journal of Religion in Africa*, *32*(4), 422-439.

Evans-Pritchard, E. E. (1950). Marriage customs of the Luo of Kenya. *Africa*, *20*(2), 132-142.

Evans-Pritchard, E.E. (2006). Marriage Customs of the Luo of Kenya. Africa: *Journal of the International African Institute, 20*(2) (April), 132-142.

Fagan, A. (2003). *Human rights.* The Internet encyclopaedia of philosophy. Retrieved March 1, 2013, from www.iep.utm.edu/hum-rts

Fanon, F. (1959). *Black skin, white masks.* New York: Grove Press.

Farr, R. (1996). *The roots of modern social psychology.* Oxford: Blackwell.

Fortes, M. (Ed.). (1962). *Marriage in tribal societies.* Cambridge: Cambridge University Press.

Foss, S.K.,Griffin, C.L. & Foss, K.A. (1997). Transforming rhetoric through feminist

reconstruction: A response to the gender diversity perspective. *Women's studies*

in communication, 20, 117-135.

Foucault, M. (1976). *The history of sexuality.* London: Professional Books.

Frankfort-Nachmias, C. & Nachmias, D. (1992). *Research methods in the social*

sciences. New York: St Martin's Press.

Gbadegesin, S. (1991). *African philosophy: Traditional Yoruba philosophy and*

contemporary African realities. New York: Peter Lang.

George, Z. (2005, April 09). Teenager snatched, forced to marry. *Daily Dispatch*.

Retrieved from March 1, 2013, from http://www.dispatch.co.za

Gervais, M.C., Morant, N, & Penn, G. (1999). Making sense of "absence": Towards a

typology of absence in social representations theory and research. *Journal for the*

Theory of Social Behaviour, *29*(4), 419-444.

Giddens, A. (1981). *Transformation of intimacy: Sexuality, love and eroticism in modern societies.* Cambridge: Polity.

Giele, J.Z. & Elder, G.H., Jr. (Eds.). (1998). *Methods of Life Course Research: Qualitative and Quantitative Approaches.* London: Sage Publications.

Glover, D. & Kaplan, C. (2000). *Genders: the new critical idiom.* London: Routledge.

Goduka, I.N. (2000). African / indigenous philosophies: Legitimizing spiritually centred wisdoms within the academy. In P. Higgs (Ed.) *African voices in education* (pp. 63-83)*.* Cape Town: Juta.

Goodson, I. & Sikes, P. (2001). *Life history in educational settings: Learning from lives.* Buckingham: Open University Press.

Gyekye, K. (1987). *An essay on African philosophical thought: The Akan conceptual scheme.* Cambridge: Cambridge University Press.

Hallen, B. & Sodipo, J.O. (1997). *Knowledge, belief, and witchcraft: Analytic experiments in African philosophy.* London: Ethnographica.

Hammersley, M. (1990). *Reading ethnography: A critical guide.* New York. Longman.

Harding, S. (1987). Is there a feminist method? In *Feminism and methodology: social science issues.* Bloomington: Indiana University Press.

Harding, R. (2011). *Regulating Sexuality: Legal consciousness in lesbian and gay lives.* New York: Routledge.

Hargovan, H. (2005). Restorative justice and domestic violence: some exploratory thoughts. *Agenda, 66,* 48-56.

Haskins, J. (1995). *From afar to Zulu: A dictionary of African cultures.* New York: Walker & Company.

Hassim, S. (1991). Gender , social location, and feminist poilitics in South Africa. *Transformation,15,* 65- 82.

Hawkins, J.M. (1982). *The Oxford senior dictionary.* London: Oxford University Press.

Henderson, P. C. (2005). Morality and the Ethics of Qualitative Research in a Context of

    HIV/AIDS. *Anthropology Southern Africa, 28*(3/4), 78-90.

Hiebert, P.G. (2008). *Transforming worldviews: An anthropological understanding of how*

    people change. Grand rapids: Baker Academic. Retrieved February 17, 2013, from

    ojs.globalmissiology.org

Holomisa, N.S.P. (2005). A traditional leadership perspective of gender, rights, culture

    and the law. *Gender, culture and rights: Agenda Special Focus*, 48-49.

Hooks, b. (1984). *Feminist theory: From margin to center.* Boston, MA: South End

    Press.

hooks, b. (1989) *Talking back: Thinking feminist, thinking black.* Boston: South End.

hooks, b. (1990) *Yearning: race, gender and cultural politics*. Boston: South End Press.

Howarth, W. (1996). The value of rural life in American culture. *Rural Development*

    Perspectives, *12,* 6-12.

Human Rights Watch Africa & Human Rights Watch Women's Rights Project. (1995).

    The position of women under South African law. In B. Nowrojee, *Violence against*

    women in South Africa: State response to domestic violence and rape (pp. 27-37).

    New York: Human Rights Watch.

Hungwe, C. (2006). Putting them in their place: "respectable" and "unrespectable"

    women in Zimbabwean gender struggles. *Feminist Africa, 6*, 33-46.

Hunter, M. (1961). Reaction to conquest: Effects of contact with Europeans on the Pondo

    of South Africa. London: Oxford University Press.

Jacoby, J., Martinuzzi, H. & Ngcobo, M. (2005). *Shuter's life orientation* (Grade 10

    learner's book). Pietermaritzburg: Shuter & Shooter.

Janesick, V. J. (2000). The choreography of qualitative research design. In N.K. Denzin

    & Y.S .Lincoln (Eds.). *Handbook ofqualitative research* (pp. 379-399). Thousand

    Oaks,CA: Sage.

Jayawardena, K. (1986). *Feminism and nationalism in the Third World*. London: Zed

    books.

Jobson, M. (2005). 5, 25 million minutes: gender and culture after 10 years of

    democracy. *Agenda,* (special focus), 14-23.

Judge W.J. van der Merwe's judgment in the State in the High Court of South
Africa/ES (Witwatersrand Local Division), vs the South African President, Jacob
Gedleyihlekisa Zuma, on 8/5/2006. Retrieved February 14, 2013, from
www.tlac.org.za/wp- *content/.../01/**judgment**-acquitting-**Zuma***.pdf

Kasper, A. (1994). A feminist, qualitative methodology: A study of women with breast
cancer. *Qualitative Sociology, 17*(3), 263-281.

Khumalo, B. (2005).The role of men in the struggle for gender equality: possibilities for
positive engagement. *Agenda, vol?,* 88-95.

Khuzwayo, W. (1994). *Kinship Substitutions.* Paper presented at the PAAA Conference
in Cameroon, West Africa. Retrieved February 17, 2013, from
http://www.everyculture.com/wc/Rwanda-to-Syria/Zulu.html#ixzz2LAPXsf3s

Kohler, M. (1933). *Marriage customs in southern Natal.* Pretoria: Government Printer.

Kitzinger, J. (1994), The Methodology of Focus Groups: The Importance of Interaction
Between Research Participants. *Sociology of Health & Illness, 16*(1), 103-121.

Kolawole, M.E.M. (1997). *Womanism and African consciousness*. Trenton, New

    Jersey: Africa World Press.

Krige, E.J. (1965). *The social system of the Zulus.* Pietermaritzburg: Shuter & Shooter.

Labuschagne, J.M.T. & van den Heever, J.A. (2002). Law of delict. In J.C. Bekker,

    J.M.T. Labuschagne, & L.P. Vorster*, Introduction to legal pluralism in South Africa*.

    Durban: Butterworths.

Lather, P. (1988). Feminist perspective on empowering research methodologies.

    Women's Studies International Forum, *11*(6), 569-581.

Laubscher, B.J.F. (1951). *Sex, custom and psychopathology: A study of South African*

    pagan natives. London: Routledge.

Leclerc-Madlala, S. (2002). On the Virgin Cleansing Myth: Gendered Bodies, AIDS and

Ethnomedicine. *African Journal of AIDS Research*, *1*, 87-95.

Legalbrief Africa. (2002). *Royal dictatorship.* Retrieved June, 28 2005, from

    http://www.legalbrief.co.za/article.php?story=2002111480619999

Leshabari, S. (1994). The concept of motherhood as an instrument of women's

    oppression. In R. M. Besha (Ed.), *African women: our burdens and struggles* (pp.

    34-38). Papers from an IFAA residential course held in Dar es Salaam, Tanzania

    (1991). Johannesburg: Institute for African Alternatives.

Letseka, M. (2000), African philosophy and educational discourse, in P. Higgs, N.C.G.

    Vakalisa, T.V. Mda & N.T. Assie-Lumumba (Eds.). *African voices in education* (pp.

    179−193). Juta, Landsdowne.

Madriz, E. (2000). Focus groups in feminist research. In: Denzin, N.K. & Lincoln,Y.S.
(eds).*Handbook ofQualitative Research, pp. 835 – 850.* London: Sage Publications.

Maguire, P. (1987). *Doing participatory research: A feminist approach*. Amhurst, Mass.:

    University of Massachusetts.

Magwaza, T. (2001). Private transgressions: the visual voice of Zulu women. *Agenda,*

    16(49), 25-32.

Magwaza, T. S.C. (1999). *Function and meaning of Zulu female dress: A descriptive study of visual communication.* Unpublished doctoral dissertation, University of Natal, Durban.

Magwaza, T.S.C. (1993). *Orality and its cultural expression in some Zulu traditional ceremonies.* Unpublished master's thesis, University of Natal, Durban.

Magwaza, T.S.C. (2006). Editorial. *Agenda, 20*(68), 2-6.

Mair, L. (1969). *African marriage and social change.* London: Cass.

Makgoba, M.W. (2000). *Mokoko: the Mokgoba affair: A reflection on transformation.* Florida, Gauteng: Vivlia.

Mama, A. (1995). *Beyond the Masks: Race, Gender, and Subjectivity.* New York & London: Routledge.

Mama, A. (1996). Women's studies and studies of women in Africa during the 1990's *CODESRIA Working Paper Series*, 5, 96.

Mandela, N.R. (2006). Interviewed by Tim Modise. Experience Ubuntu Interview. May

    24, 2006. Retrieved February 17, 2013, from

    http://en.wikipedia.org/wiki/File:Experience_ubuntu.ogg

Mandela, N.R. (1994). *Long Walk to Freedom. The Autobiography of Nelson Mandela*

    (1st ed.). New York: Hachette Book Group.

Mandelbaum, D.G. (1973). The study of life history of Ghandi. *Current Anthropology,*

    14(3),177-206.

Mashile, L. (2006, April 11). *Ukuthwala* [Television documentary]: in
Latitude.Johannesburg: SABC.

Masolo, D.A. (1994). *African Philosophy: In search of identity*. Bloomington: Indiana
University Press.

Mathonsi, N. & Gumede, M. (2006). Communicating through performance: *izigiyo*
zawomame as gendered protest texts. *Southern African Linguistics and Applied*
language Studies 24(4), pp. 483 – 494.

Matsumoto, V. (1996). Reflections of oral history in a Japanese American community, In D.L. Wolf (Ed.) *Feminist dilemmas in fieldwork* (pp. 160-169). Boulder, Colorado: Westview.

Mayer, P. (Ed.) (1980). *Black villagers in an industrial society: Anthropolgical perspectives on labour migration in South Africa*. Cape Town: Oxford University Press.

Mbatha, M.B. (1960). Migrant labour among the Nyuswa of Botha's Hill. Unpublished M.A. thesis, University of Natal, Durban.

Mbiti, J.S. (1981). *African religions and philosophy* (2nd ed). New York: Heinemann.

Mbugua, J. & Kisuke, C. (1997). *Judy: A second chance, she refused to give up.* Nairobi, Kenya: Precise Communications.

McCall, L. (2005). The complexity of intersectionality. *Signs, 30*(3),1771-1800.

McLennan, J.F. (1865). *Primitive marriage: An inquiry into the origin of the form of capture in marriage ceremonies.* Edinburgh: A and C Black.

288

McVeigh, M.J. (1974). *God in Africa: Conceptions of God in African traditional religion and Christianity.* Cape Cod, Mass.: Stark.

Mekgwe, P. (2008). Theorizing African Feminism(s): The 'Colonial' Question. *Quest: An African Journal of Philosophy / Revue Africaine de Philosophie,* XX, 11-22.

Mfono, Z. (2000). The custom of bride abduction holds its own against time. *Agenda, 16*(45), 76-80.

Middleton, J. & Winter, E.H. (1963). *Witchcraft and Sorcery in East Africa: Anthropology and Ethnography.* London: Routledge & Kegan Paul.

Mies, M. (1983). Towards a methodology for feminist research. In G. Bowles & R.D. Klein (Eds.), *Theories of Women's Studies* (pp. 117-139). Boston: Routledge & Kegan Paul.

Miles, M. B. & Huberman, M. A. (1984). *Qualitative data analysis: A source book of methods.* Beverly Hills, California: Sage Publications.

Mills, M. (2001). *Challenging violence in schools: An issue of masculinities*. Milton

   Keynes, Bucks: Open University Press.

Mishler, E.G. 1991. Representing discourse: The rhetoric of transcription. *Journal of

   Narrative and Life History*, *1*(4), 255-280.

Mitchell, J. (1990). Women: the longest revolution. In K.V. Hansen, & I.J. Philipson

   (Eds.), *Women, class, and the feminist imagination: a socialist-feminist reader*.

   Philadelphia: TempleUniversity Press.

Mjoli, P. (2010, March 29). Kubhedile enkosini ebiyothwala intombi: ikhe phansi intombi

   nto. *Isolezwe,* p. 4.

Mohanty, C.T., Russo, A. & Torres, L. (Eds.). (1991). *Third World women and the

   politics of feminism*. Bloomington: Indiana University Press.

Molapo, J.M. (2004). *A Christian analytic approach of marriage through abduction

   among the Basotho people of Lesotho: A challenge for pastoral care ministry*.

   Unpublished master's thesis, University of Pretoria.

Monger, G.P. (2004). *Marriage customs of the world: From henna to honeymoons.* Santa Barbara: Calif: ABC-CLIO.

Moore, H. (1994a). The cultural constitution of gender. In *The Polity Reader in Gender Studies.* Oxford: Polity & Blackwell Publishers.

Moraga, C. & Anzaldua, G. (Eds.). (1983). *This bridge called my back: Writings by radical women of colour.* New York: Women of Color Press.

Morrell, R. (2005). Youth, fathers and masculinity in South Africa today. *Agenda*, *30*(8), 84-87.

Morrell, R. (Ed.). (1996). *Political economy and identities in KwaZulu-Natal: Historical and social perspectives.* Durban: University of Natal, Indicator Press.

Morrell, R. (Ed.). (2001). *Changing men in Southern Africa.* Pietermaritzburg: University of Natal Press.

Mosley, A.G. (1995). *African philosophy: Selected readings.* London: Prentice Hall.

Mouton, J. (1996). *Understanding social research*. Pretoria: Van Schaik.

Moya, F.N. (2006, April 7-12). 'Zuma culture' not 'Zulu culture'. *Mail & Guardian*, pp. 4-6.

Msibi, T. (2012). `I'm used to it now': experiences of homophobia among queer youth in South African township schools. *Gender and Education, 24*(5), 515-533.

Msimang, C.T. (1991). *Kusadliwa ngoludala*. Pietermaritzburg: Shuter & Shooter.

Msimang, S. (2002). African feminisms II: Reflections on politics made personal, *Agenda, 17*(54), 3-15.

Mudimbe, V. Y. (1988). *The invention of Africa: Gnosis, Philosophy, and the Order of Knowledge.* Bloomington: Indiana University Press.

Murphy, R. (1985). Exploitation or Exclusion? *Sociology ,19*(2), 225.

Nachmias, C. & Nachmias, D. (1981). *Research methods in the social sciences*. New
York: St Martin's Press.

Narayan, U. (1997). *Dislocating cultures: Identities, traditions, and Third-World
feminism*. New York: Routledge.

Nash, J. .C. (2008). Re-thinking intersectionality. *Feminist Review*, *89*, 1-15.

Neuman, L. (1997). *Social Research Methods:Qualitative and Quantitative approaches*.
London & New York: Routledge.

Nketia, J.H.K. (1974). *The music of Africa*. New York: W.W. Norton Company.

Nkopane, M. (1996). Empowering rural women. *Agenda*, *12*(28), 118-120.

Nkosi, P.M. (2005) *Ukwaluka / ukusoka: A gender analysis of the symbolism of male
circumcision as perceived by amaXhosa men and women of Clermont-
KwaDabeka, Durban*. Unpublished master's thesis, University of KwaZulu-Natal,
Durban.

293

Nkosi, P.M. (2009). Bride abduction in KwaZulu-Natal schools and its effects on

    education. *Agenda*, *23*(80), 109-114.

Nnaemeka, O. (Eds.). (1997). *The politics of (M)Othering: Womanhood, identity, and*

    resistance in African Literature. London: Routledge.

Nnaemeka, O. (Eds.). (1998). *Sisterhood, feminisms, and power: from Africa to the*

    diaspora. Trenton: Africa World Press.

Nnaemeka, O. (1998): Introduction: Reading the Rainbow. In: O. Nnaemeka (Eds.),

Sisterhood, Feminisms and Power (pp. 1-35). Trenton: Africa World Press.

Nyembezi, S. (1992). *Isichazamazwi sanamuhla nangomuso*. Pietermaritzburg: Reach

    Out.

Nyembezi, S. & Nxumalo, O.E.H. (1995). *Inqolobane yesizwe*. Pietermaritzburg: Shuter

    & Shooter.

Ogutu, E.M.G. (2007). *Marriage rights and privileges: Luo leviratic union revisited.*Paper

    presented on the *5th* African Population Conference, on Emerging Issues   on

    Population and Development in Africa, 10 – 14 December, 2007, Arusha, Tanzania.

Session 40: Cohabitation, Marriage and Remarriage Patterns. Retrieved February 17, 2013, from uaps2007.princeton.edu/papers/70600

Olaniyi, R. (2003). No way out: The trafficking of women in Nigeria. *Agenda*, *55,* 45-52.

Olley, L.B., Brieger, W.R. &. Olley, B.O. (1997). Perceived stress factors and coping mechanisms among mothers of children with sickle cell disease in Western Nigeria. *Health Education Research*, *12*(2), 161-170.

Organization of African Unity (1990). African Charter on the rights and welfare of the child. Retrieved March 1, 2013, from www.unhcr.org

Ouzgane, L. & Morrell, R. (2005). African masculinities: An introduction. In L. Ouzgane, & R. Morrell (Eds.), *African masculinities: men in Africa from the late nineteenth century to the present*, pp. 1 – 20. New York: Palgrave Macmillan.

Oyewumi, O. (1997). *The invention of women: Making an African sense of Western gender discourses*. Minneapolis: University of Minnesota Press.

Oyewumi, O. (2002). Conceptualizing gender: the eurocentric foundations of feminist concepts and the challenge of African epistemologies. *JENDA: A Journal of*

Culture and African Woman Studies, 2 (1). Retrieved May 28, 2008, from

www.Jendajournal.com

Palmer, G.B. (1996). *Toward a theory of cultural linguistics.* Austin: University of Texas

Press.

Park, Y.J., Fedler, J. & Dangor, Z. (Eds.). (2000*). Reclaiming women's spaces: New

perspectives on violence against women and sheltering in South Africa*.

Johannesburg: Nisaa Institute for Women's Development.

Parrinder, G. (1970). *Witchcraft: European and African*. London: Faber & Faber.

Patton, M.Q. (1990). *Qualitative evaluation and research methods*. New York: Sage.

Phillips, O. (2011). Teaching gender, sexuality, and law in Southern Africa: locating

historical narratives and adopting appropriate conceptual frameworks. In: A, Tsanga &

J. Stewart (Eds.). *Women and Law: Innovative approaches to teaching, Research, and

Analysis, pp. 279 – 306.* Harare: Weaver Press.

Posel, D. (2004). 'Getting the nation talking about sex': reflections on the politics of

sexuality and nation-building in post-apartheid South Africa. In S. Tamale (Ed.),

African Sexualities: A Reader (pp.130 - 144).Cape Town: Pambazuka Press.

Prince, C. (2009, May 31). Parents sell girls as child brides. *Sunday Times*, p. 1.

Ramose, M. B. (2003). The philosophy of *ubuntu* and *ubuntu* as a philosophy. In P. H.

Coetzee & A.P.J. Roux (Eds.), *The African philosophy reader* (2nd ed., pp. 230-

238). New York / London: Routledge.

Raum, O.F. (1973). *The social functions of avoidance and taboos among the Zulus*.

Berlin: de Gruyter.

Ratele, K. (2011). Male sexualities and masculinities. In S. Tamale (Eds.), *African

Sexualities: A Reader* (pp.399 – 419). Cape Town: Pambazuka Press.

Reay, D. (1996). Insider perspectives or stealing the words out of women's mouths:

interpretation in the research process. *Feminist Review, 53*, 59-60.

Reddy, V. (2004). African feminisms, sexuality in Africa: Some trends, transgressions and tirades. *Agenda, 62*, 3-11.

Reinharz, S. & Davidman, L. (1992). *Feminist methods in social research.* New York: Oxford University Press.

Republic of South Africa. (1996). *Constitution of the Republic of South Africa. Act 108 of 1996.* Pretoria: Government Printers.

Richardson, L. (1991). Postmodern social theory: Representational practices. *Sociological Theory, 9*, 173-179.

Richardson, L. (2000). Writing: A method of inquiry. In: Denzin, N.K. & Lincoln, Y.S. (eds). *Handbook of Qualitative Research* (pp.923 - 948 ???). Thousand Oaks: Sage Publications.

Roberts, M.M. & Mizuta, T. (Eds.). (1993). *The reformers: socialist feminism.* London: Routledge.

Roberts, B. (2002). *Biographical research.* Buckingham: Open University Press.

Rosenthal, G. (1993). Reconstruction of life histories: Principles of selection in generating stories for narrative biographical interviews. In R. Josselson & A. Lieblich (Eds). *The narrative study of lives, pp. 59 – 91. Newbury Park, CA: Sage.* Narrative Study of Lives Publications.

Ross, C. E. & Huber, J. (1985). Hardship and depression. *Journal of Social Behaviour, 26, December, pp. 312 – 327.*

Rossman, G.B. & Rallis, S.F. (1998). *Learning in the Field: An Introduction to Qualitative Research.* Thousand Oaks, California*:* Sage.

Roth, P. (2001).*The Superego.* London: Icon Books.

Rubin, K.H., Hymel, S. & Mills, R. (1989). Sociability & Social withdrawal in childhood: stability and outcomes. *Journal of Personality,57*, 237 – 255.

Schapera, I. (1946). *The Bantu speaking tribes of South Africa: An ethnographical survey*. Cape Town: Maskew Miller.

Scheurich, J.J. (1997). Research method in the postmodern (Qualitative Studies Series, 3). London: Falmer.

Seleoane, M. (2005, April 21). King Mswati's actions unacceptable in modern times. *The Herald*, retrieved May 21, 2005, from: http://www.peherald.com/

Senghor, L. (1964). *Liberte' I: Ne'gritude et humanism*. Paris: Seuil.

Silberschmidt, M. (2004). Men, male sexuality and HIV/AIDS: Reflections from studies in rural and urban East Africa. *Transformation: Critical Perspectives on Southern Africa*, *54*, 42-58.

Sikhakhane, C. & Ncalane, K. (2010, March 29). Sigxekwe safaniswa nobushimane isenzo senkosi sokuthwala. *Isolezwe,* pp. 1- 3.

Silberschmidt, M. (2005). Poverty, male disempowerment, and male sexuality: Rethinking men and masculinities in rural and urban East Africa. In L. Ouzgane, & R. Morrell (Eds.), *African masculinities: men in Africa from the late nineteenth century to the present* (pp. 189 – 203). New York: Palgrave Macmillan.

Smart, C. (1984). *The ties that bind: Law, marriage and the reproduction of patriarchal relations.* London: Routledge & Kegan Paul.

Smart, B. (2002). *Michel Foucault* (revised ed.). Cornwall: Routledge.

Smith, B. (Ed.). (1983). *Home girls: A black feminist anthology*. New York: Women of
Color Press.

Soanes, S. (2002). *Oxford English dictionary*. Oxford: Oxford University Press.

Soga, J.H. (1931). *The Ama-Xosa: Life and customs*. Lovedale: Lovedale Press.

Sokoya, G.O. (2003).*Socio-cultural constructions of gender roles and psychological
wellbeing in farm-families of Ogun-state, Nigeria: exploring the complexities*.
Unpublished doctoral dissertation, University of Natal, Durban.

South African Law Reform Commission. (2010, December 7). *Media Statement by the
South African Law Reform Commission: Government mandates the South
African Law Reform Commission to investigate the practice of ukuthwala.* Issued
by the Secretary:South African Law Reform Commission. Retrieved February
15, 2013, from www.justice.gov.za/salrc/media/2010_ukuthwala.pdf on
15/02/2013.

Stewart, D. W. & Shamdasani, F. N. (1990). *Focus groups: theory and practice
(AppliedSocial Research Methods Series* 20). London: Sage Publications.

Tamale, S. (2010). The right to culture and the culture of rights: A critical perspective on women's sexual rights in Africa. In C.O. Izugbara, C-C.Undie, & J.W. Khamasi (Eds.), *Old wineskins, new wine: Readings in sexuality in sub-Saharan Africa* (pp. 53-69). New York: Nova Science Publishers.

Tamale, S. (Eds.). (2011). *African Sexualities : A Reader.* Cape Town: Pambazuka Press.

Tempels, P. (1969). *Bantu philosophy.* Paris: Presence Africaine.

Thatcher, A. (2005). Some issues with 'Some issues in human sexuality'. *Theology and Sexuality*, *11*(3), 9-29.

Thomas, P. (1939). *Women and marriage in India*. London: George Allen & Unwin.

Thompson, E.P. (1993). *Customs in common*. London, Penguin.

Thulo, T. (2003, March, March, 9). Lock up your daughters. *Sunday Tribune*, p. 3.

Tomasevski, K. (1993). *Women and human rights*. London: Zed.

Tripp, A. (2004). Women's movements, customary law, and land rights in Africa: the

    case of Uganda. *African Studies Quarterly*, *7*(4), 1-19.

Tutu, D. (1999). *No Future Without Forgiveness*. New York: Doubleday, Image.

Tyrrell, B. & Jurgens, P. (1983). *African heritage*. Johannesburg: Macmillan.

Tyrrell, B. (1976). *Tribal peoples of southern Africa*. Cape Town: T.V. Bulpin.

Tyrrell, B. (1996). *Her African quest.* Cape Town: Lindlife.

Ubuntu Women Institute USA (UWIU) with SSIWEL as its first South Sudan Project.

Retrieved Febriary 5, 2013, from http://www.ssiwel.org.

UNESCO (2002). *UNESCO Universal Declaration on Cultural Diversity*, issued   on

    International Mother Language Day, February 21, 2002. Retrieved February 24,

    from http://www.fact-archive.com/encyclopedia/Culture#References

UN Development Fund for Women (UNIFEM), *Addressing Conflict-Related Sexual*

   Violence: An Analytical Inventory of Peacekeeping Practice, 30 June 2010.

   Retrieved March 1, 2013, from

   http://www.unhcr.org/refworld/docid/4c2c3c8e19.html

UN General Assembly. (1948). *Universal declaration of human rights,* 217 A (III),

   Retrieved March 1, 2013, from www.unhcr.org/

UN General Assembly. (1979). *Convention on the elimination of all forms of*

   discrimination against women, United Nations Treaty Series, 1249 (13). Retrieved

   March 1, 2013, from www.unhcr.org/

UN General Assembly. (1989). *Convention on the rights of the child.* United Nations,

   Treaty Series, 1577(3). Retrieved March 1, 2013, from www.unhcr.org/

Vilakazi, A. (1962). *Zulu transformations: A study of the dynamics of social change.*

   Pietermaritzburg: University of Natal Press.

Vithal, R. and Jansen, J. (2010). *Designing your first research proposal: A manual for*

   researchers in Education and the Social Sciences. Claremont: Juta and Company.

Wadesango, N.; Rembe, S. & Chabaya, O. (2011). Violation of Women's Rights by

    Harmful Traditional Practices. *Anthropologist*, *13*(2), 121-129.

Wanyeki, M. (Eds.). (2003). *Women and land in Africa: culture, religion and realising*

    women's rights. London: Zed books.

Weedon, C. (1987). *Feminist practice and poststructuralist theory*. Oxford: Blackwell.

Welton, D. (1999). *The body: Classic and contemporary readings*. Malden, Mass:

    Blackwell.

West, M. (1976). *Abantu.* Cape Town: C. Struik Publishers.

Westermarck, E. (1926). *A short history of marriage*. London: Macmillan.

Weston, M. (1988). Can academic research be truly feminist? In D. Currie (Ed.), *From*

    the margins to the centre: Selected essays in women's studies research (pp. 142-

    150). Saskatoon: Women's Studies Research Unit, University of Saskatchewan.

Wing, A.K. & De Carvalho, E.P. (1997). Black South African women: Toward equal

rights, In *Global critical race feminism: An international reader*. New York: New

York University Press.

Wiredu, K. (1980). *Philosophy and an African culture*. Cambridge: Cambridge

University Press.

Wiredu, K. (1984). How not to compare African thought with western thought, In R.A.

Wright, (Ed.). *African philosophy: An introduction* (pp.1 - 25). Lanham, MD:

University Press of America.

Wolf, D.L. (1996). Situating Feminist Dilemmas in Fieldwork. In D. L. Wolf (Ed.),
Feminist Dilemmas in Fieldwork (pp. 1-55). Colorado: Westview Press.

World HHealth Organization (2010). *Addressing violence against women in HIV testing
& counseling: A meeting report.* Retrieved March 1, 2013, from
www.**womens**enews.org/

Young, I.M. (1990). *Justice and the politics of difference*. Princeton, N.J.: Princeton

University Press.

Zondi, N.B. (2008). *Bahlabelelelani: Why do they sing?: Gender and power in contemporary women's songs.* Unpublished doctoral dissertation, University of KwaZulu-Natal, Durban.

APPENDIX 1: EVIDENCE OF ADHERING TO RESEARCH ETHICAL PRINCIPLES

UNIVERSITY OF KWAZULU-NATAL
Gender Studies
Howard College Campus
King George V Avenue
Durban
4041
T. 27 31 2601114
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magwazat1@ukzn.ac.za

11 October 2007

Dear Madam/Sir,

Request for permission to conduct research/ access documents

This letter serves to certify that **Ms Makho Promise Nkosi**, 202527803 is currently a student at the University of KwaZulu-Natal, Howard College Campus. She is registered with a Gender Studies graduate programme that requires she conducts scholarly based research. The object of the research is an investigation on a gender related topic, towards the writing up of a doctoral dissertation. Makho has entitled her project as *"Ingcwaba lentombi lisemzini": A critical investigation of socio-cultural and gendered constructions of ukuthwala* amongst the Zulu people in selected rural areas of KwaZulu-Natal. She requires to access documents, individuals or structures identified essential for the study.

Please note that this study is only conducted for an academic purpose towards a degree. It is not for public consumption. None of the material collected or information given will be published in whatever format without your approval.

We appreciate your help in this regard and trust that you will assist the student in gathering the necessary information. I trust that you will have time to share your experiences, opinions or documents with the student.

Please refer any queries you have direct to me.
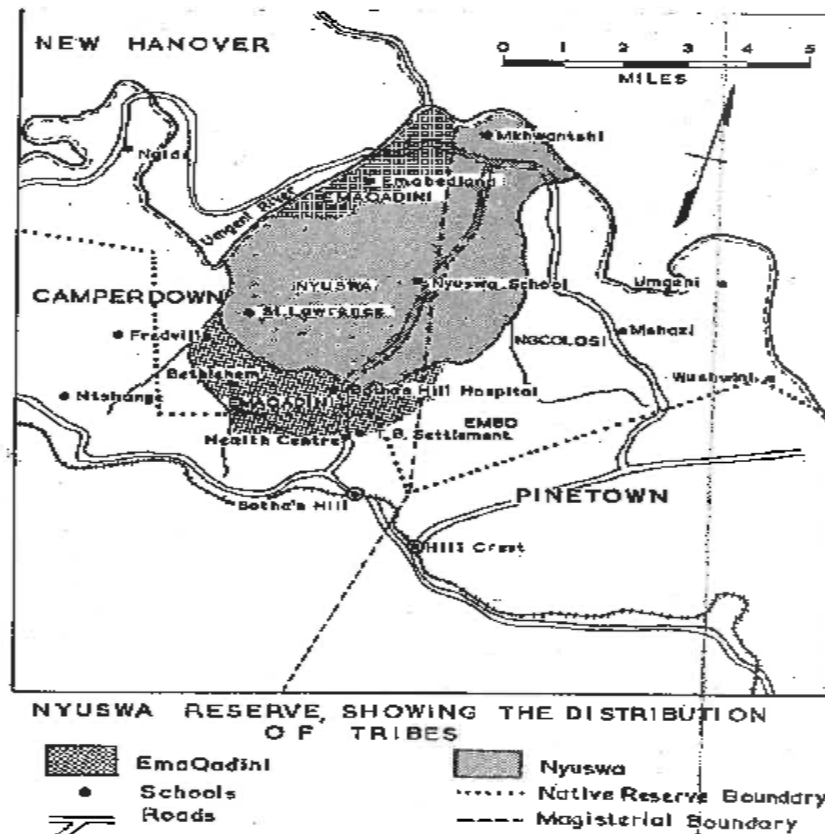
Thanking you in advance,

Dr Thenjiwe Magwaza (Programme Director)

APPENDIX 2: AN AERIAL MAP OF ZWELIBOMVU
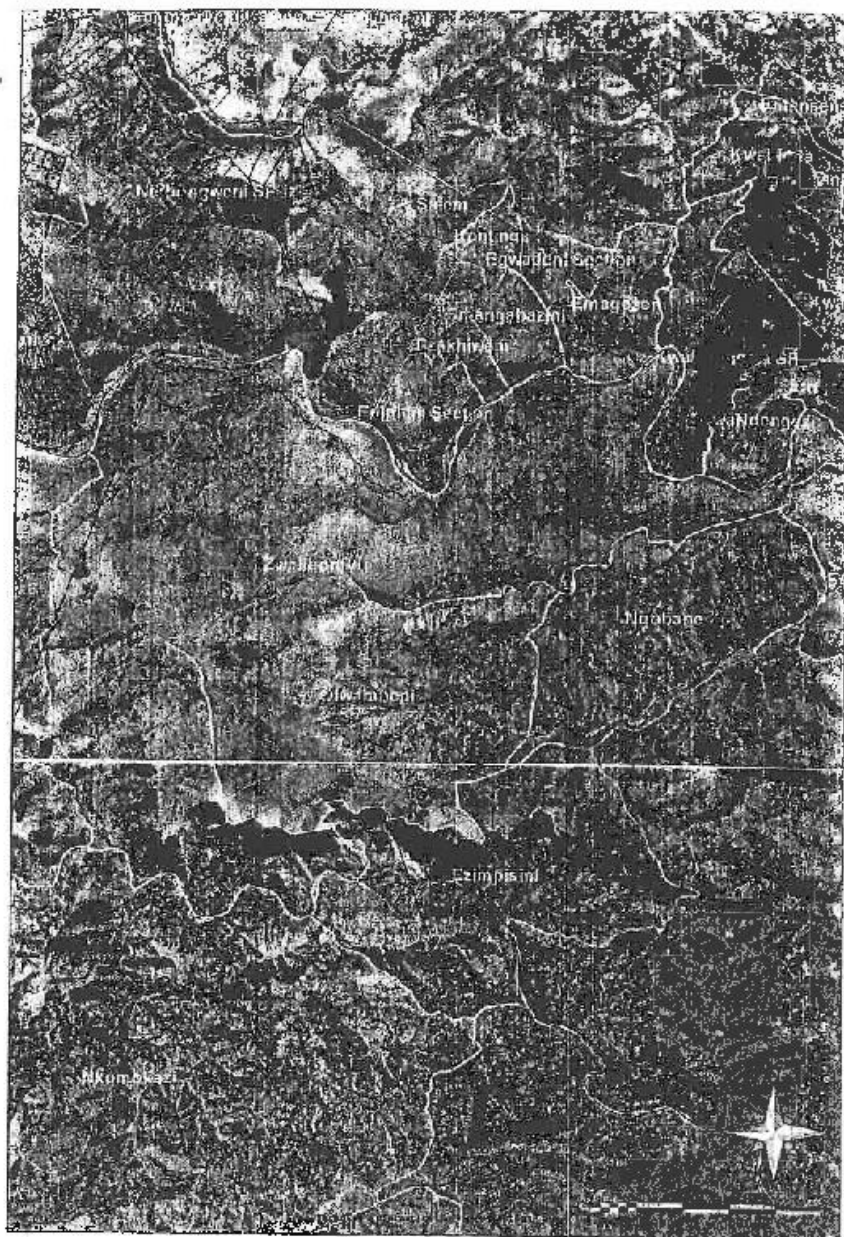
An Aerial Map of Zwelibomvu

APPENDIX 3: AN AERIAL MAP OF KWANGCOLOSI (FROM VILAKAZI, 1962, P. 7)

NYUSWA RESERVE, SHOWING THE DISTRIBUTION OF TRIBES

APPENDIX 4: AN AERIAL MAP OF BERGVILLE

Showing results for Aerial surveys in Bergville
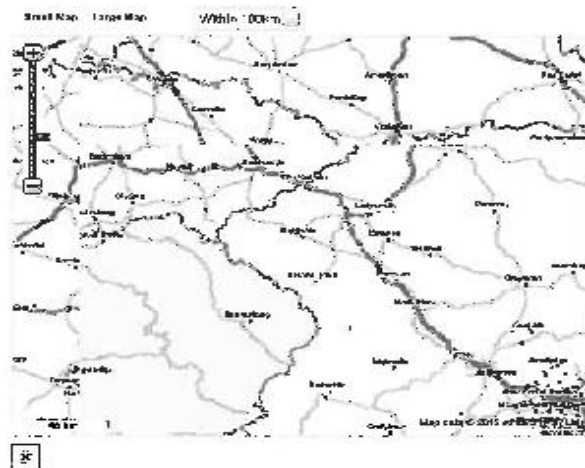
APPENDIX 5: THE CONSENT FORM

As @ 24 october 2006
The consent form

This serves to notify that I ....do give consent that my name be disclosed / not disclosed in the research on ukuthwa'a among the Zulu speaking people of KZN.

By P.M. Nkosi – ID no. 6912220339089

Signed............................ Date........................Age.......................
    Respondent

Signed...............................Date...........................
    Researcher

APPENDIX 6: RESEARCH QUESTIONS

All interviews were conducted in isiZulu . The English version of the same questions are provided for each phase.

Phase A:

Pilot Focus Group Discussions (conducted at one of the secondary schools, comprising educators of different genders and from different rural areas in KZN and beyond).

Questions that were piloted involved the following:

(1) What knowledge(s) exist about *ukuthwala*?

(2) What are the processes underpinning such a practice?

(3) To what extent do the processes of socialisation (including customs and traditions such as, for example, virginity testing and *umemulo* (coming of age) have an impact on *ukuthwala*?

(4) What are general perceptions on *ukuthwala*?

(5) To what extent does *ukuthwala* play a role in controlling culture in Zulu society with special reference to *ilobolo* (bride price)?

(6) In which areas is *ukuthwala* vigorously practiced? Do you have experiences of abductions or do you know people who have been married through *ukuthwala*?

Phase B:Subsequent Single-Sex Focus Group Discussions

(1) What is *ukuthwala*?

(2) How is it done?

(3) Why is it done?

(4) How do the Zulus perceive and interpret *ukuthwala*?

(5) What are the implications of *ukuthwala*?

(6) Do you know people who are married through ukuthwala? Or who escaped from their marriages through *ukuthwala*?

Phase C: Life histories

"I would like you to tell me the story of your life from childhood, to teenagehood, to adult life".

Phase C: In-depth Interviews

"Well tell me more about your life in the area of adulthood" (specifying area where a gap has been identified which is my area of interest).

 Direct questions were posed in this session and included:

(1) What is ukuthwala?

(2) How is it done?

(3) Why is it done?

(4) How do the Zulus perceive and interpret *ukuthwala*?

(5) What are the implications of *ukuthwala*?

These were linked to their life experiences as elicited during the first interview session.