Bergville residents' construction of the cultural practice of *ukuthwala*: A discourse analysis

by

Sfiso Emmanuel Mabizela

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SUPERVISOR: Dr A Fynn

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Declaration

Name: Sfiso Emmanuel Mabizela

Student number: 3737-556-3

Degree: Doctor of Literature and Philosophy in the subject of Psychology

I declare that Bergville residents' construction of the culture of *ukuthwala*: a discourse analysis

is my own work. All sources used in this thesis have been acknowledged through in-text

citations and references.

I further declare that I submitted the thesis to originality-checking software and that it falls within the accepted requirements for originality.

I further declare that I have not previously submitted this work, or part of it, for examination at Unisa for another qualification or at any other higher education institution.

Signature   Date

                                                                  22 August 2022

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I have a deep sense of happiness and contentment from pursuing a PhD/doctoral project to completion. I am grateful for contributing to the body of literature. I am happy for being strong and persevering against the odds I faced as a student. I dedicate this thesis to my late parents.

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Abstract

Ukuthwala is a convoluted cultural practice that has attracted criticism and scrutiny from the public, academia, and the media. While it may be endorsed and contested simultaneously, ukuthwala envelops various forms of abuse which culminate in serious negative outcomes for most young girls and women. *Ukuthwala* is generally conceived as an old cultural practice where a girl or woman is abducted to for marriage when there are hindrances from the families. This study aims to critically interrogate and understand the discourse modalities used by the residents of specific areas in Bergville to construct the cultural practice of *ukuthwala*. The study was framed within a qualitative discourse approach. Objectification theory, the feminist perspective, and the philosophy of *ubuntu* were used as the theoretical framework. Informed Discourse Analysis was used to analyse data. The nine participants were recruited using purposive and snowball sampling strategies. The diverse sample of nine participants comprised: a police officer, a legal representative; three social workers; a priest; a teacher; law students and a taxi driver participated in this research. Three discursive themes were identified: the first theme was some members of the community of Bergville have detached themselves from the practice of *Ubuntu* when they engage in matters relating to the cultural practice of *ukuthwala*. This manifests in degrading ways by which contextual perceptions and enactment of *ukuthwala* are engineered to disempower women. The families play pivotal roles in disempowering, commodifying, and exploiting women and young girls in the name of *ukuthwala.* These constructions of *ukuthwala* produced three conflicting discourses: a discourse of lobola, a discourse of the 'submissive wife', and a discourse of the 'runaway wife'. All of which goes against the core elements of *ukuthwala* based on building family relations.

In the second theme, *ukuthwala* was constructed as a cultural practice that allows for the expression of various forms of patriarchal masculinity. Patriarchal masculinity in the practice of *ukuthwala* was constructed in two different forms/ways. Firstly, *ukuthwala* was constructed as a practice allowing collective acts of dominance. Secondly, *ukuthwala* was constructed as the practice makes possible the expression of patriarchal masculinity that fails to accept any rejection of love advances. The production of these constructions arises from, reflects shared personal and contextual experiences of *ukuthwala,* and further reveals how a 'discourse of entitlement' and 'toxic masculinity' are used to construct and sustain the practice of *ukuthwala*. The discourse of entitlement speaks primarily to the particularities of the context of Bergville and the socialisation of men to the idea of *ukuthwala* as means to access women. The discourse of 'toxic masculinity' was used to construct *ukuthwala* as a shield to hide the premeditated sexualisation of young girls. In the last theme, the participants' constructions of *ukuthwala* suggested that the act itself is a criminal offence. Amongst the aspects mentioned as offences were that women are subjected to emotional and physical abuse, some are abducted to be raped, and they are denied the right to education. Another component is that *ukuthwala* is tantamount to kidnapping and therefore warrants the arrest of the kidnapper. In this discursive theme, the participants used the discourse of criminal offences, rape culture, and legal discourse to construct *ukuthwala* as one of the forms of violence meted towards women and children. The discourse of *ukuthwala* as a criminal offence was deployed to account for abduction and emotional abuse incidences. Likewise, the discourse of rape culture was deployed to express the realities of contextually approved sexual violations against women and girls. The legal discourse was used to account for the use of *ukuthwala* as a cultural tool to deny young girls the right to education. The critical aspect of the participants' construction of *ukuthwala* was that the legal orientation towards *ukuthwala* clashes with its traditional perspective. In the light of these issues, it became evident that the practice of *ukuthwala* poses

a threat to the lives of both men and women regarding education, sexually transmitted disease and building healthy relationships. The discourses used to construct *ukuthwala* are rooted and shaped by the history of romantic relationships, context, and people's worldviews. The economic and social constructions of gender have infiltrated *ukuthwala* and have contributed significantly to its evolution over the years. The nexus between these components elevates people as agents of change. Based on the notion that people develop cultures to serve them, people have the power to reconstruct their cultures for their wellbeing. From this position, this study argues for community dialogue to enable residents to determine paths that can help resolve the mistreatment of women through the culture of *ukuthwala.*

Key words

Ukuthwala, Marriage, Abduction, Culture, families, *lobola*

Abstract (IsiZulu)

Ukuthwala kuyinkambiso yesiko esisuse ukugxeka nokubukisiswa emphakathini, kwezemfundo ephakeme, nasezikhungweni zezindaba. Nakuba ukuthwala kungemukelwa kuphinde kuphikiswe khona lapho, kuphethe izimo ezehlukene zokuhlukumeza okugcina kunemiphumela emibi emantombazaneni nakwabesifazane abaningi. *Ukuthwala* kujwayeleke ukuthathwa njengesiko elidala lapho intombazane noma owesifazane wayethunjwa khona ngenhloso yokumganisa uma kukhona iziphazamiso ezivela emindenini. Lolu cwaningo luhlose ukucubungula nokuqonda ngokujulile izindlela zokucabanga ezisetshenziswa yizakhamuzi zezindawo ezithile eBergville lapho zakha incazelo yesiko lokuthwala. Lolu cwaningo lwakhelwe endleleni yohlaziyo lwezingabunjalo lwengxoxo. Injulalwazi ekhuluma ngokwehliswa komutu athathwe njengento nje, ukubuka ngeso lokucabangela labesifazane, kanye nesikompilo lobuntu kusetshenziswe njengohlaka lwenjulalwazi. Kusetshenziswe Uhlaziyongxoxo Lwenkulumo Esekelwe Olwazini ukuhlaziya ulwazi oluqoqiwe. Ababambiqhaza abayisishiyagalolunye bakhethwe ngokusebenzisa amasu ukuqoka ngenhloso kanye nokuqoka okunikezelanayo. Leli qoqo labantu abehlukene elikhethiweyo lakhiwe: yiphoyisa, ummeli wezomthetho; osonhlalakahle abathathu; umfundisi; uthisha; umfundi wezomthetho nomshayeli wetekisi babambe iqhaza kulolu cwaningo. Kuhlonzwe izindikimba ezintathu zokuxoxa ngokubuka amaqiniso: indikimba yokuqala ibithi amanye amalunga omphakathi waseBergville ase eseziqhelelanisile nenkambiso yobuntu uma ezibandakanya nezindaba ezihambisana nesiko *lokuthwala*. Lokhu kuvela ezindleleni ezithunazayo zokubuka nokwenza ukuthwala ezenzelwa ukubukela phansi abantu besifazane. Imindeni ibamba iqhaza elibalulekile ekufenyiseni, ekuqedeni ubuntu, nokuhlukumeza abantu besifazane egameni *lokuthwala*. Le miqondo *yokuthwala* yakhe izinkulumo ezintathu eziphikisanayo: indaba yelobolo, indaba yenkosikazi ezithobayo, nendaba yenkosikazi ebalekela umendo. Konke

lokhu kuyaphikisana nomongo *wokuthwala* ogxile ekwakhiweni kobudlelwane phakathi kwemindeni.

Endikimbeni yesibili, *ukuthwala* kuchazwe njengenkambiso yesiko evumela ukubonakaliswa kwezindlela ezehlukene zokukhombisa amandla omuntu wesilisa. Ubudoda babantu besilisa enkambisweni *yokuthwala* ichazwa ngezindlela ezimbi. Okokuqala, *ukuthwala* kuchazwa njengenqubo evumela ukuthi kubonakale ubudoda obehlulekayo ukwamukela ukungavunywa lapho umuntu eshela. Ukuvela kwalezi zincazelo kusukela futhi kukhombisa izigameko ezifanayo ezehlela abantu abehlukene abathwalwayo, futhi kuveza kuphinde kukhombise indlela 'umqondo wokuba nelungelo' kanye 'nobudoda obubi' okusetshenziswa ngayo ukwakha nokusimamisa inkambiso *yokuthwala.* Umqondo wokuzinika ilungelo phezu komunye umuntu ubhekise kakhulu esimweni esiqondene neBergville nokujwayezwa kwamadoda umqondo *wokuthwala* njengendlela yokufinyelela kubantu besifazane. Lo mqondo "wobudoda obubi" wasetshenziswa ukwakha *ukuthwala* njengehawu lokufihla ukubukwa ngokuhleliwe kwamantombazane amancane njengezinto ezidalelwe ucansi. Endikimbeni yokugcina, ukuchazwa kocansi yilabo ababambe iqhaza kulolu cwaningo kukhombisa ukuthi lesi senzo uqobo lwaso siwubugebengu. Ezintweni ezibalwe njengamacala kube khona lapho abantu besifazane behlukunyezwa khona ngokomphefumulo nangokomzimba, abanye bayathunjwa ukuze bayodlwengulwa, futhi bancishwe ilungelo lemfundo. Enye ingxenye yilena ethi *ukuthwala* kufana nokuthunjwa, ngakho-ke umuntu ongumthumbi kufanele aboshwe. Endikimbeni ehlaziya amaqiniso asendabeni, ababambe iqhaza ocwaningweni basebenzise inkulumo ekhomba ubugebengu, umkhuba wokudlwengula, nenkulumo yezomthetho ukuchaza *ukuthwala* njengesinye sezimo zodlame olubhekiswa kwabesifazane nasezinganeni. Ukubuka *ukuthwala* njengobugebengu kusetshenziselwe ukuchaza izigameko zokuthumba nokuhlukumeza. Kanjalo futhi, umqondo womkhuba wokudlwengula usetshenziselwe ukukhombisa amaqiniso okuhlukunyezwa ngokobulili

kwabesifane namantombazane okuvunywa yisimo. Inkulumo yezomthetho isetshenziselwe ukuchaza ukusetshenziswa *kokuthwala* njengendlela yangokwesiko yokuncisha amantombazane ilungelo lemfundo. Ingxenye ebalulekile kulabo ababambe iqhaza ocwaningweni lapho bechaza *ukuthwala* ukuthi iso umthetho obuka ngalo *ukuthwala* liyaphikisana neso lenqubo yendabuko. Ngenxa yalezi zinkinga, kucacile ukuthi umkhuba *wokuthwala* uyingozi empilweni yamadoda kanye nabesifazane uma kubhekwa ezemfundo, izifo ezithelelwana ngocansi nasekwakhiweni kobudlelwane obuhle. Imiqondo esetshenziwe ekuchazeni ukuthwala igxile futhi yabunjwa umlando wobudlelwanp kwezothando, isimo okwenzeka kuso, kanye nendlela abantu ababuka ngayo umhlaba. Indlela umphakathi obuka ngayo isimo somnotho nesokuhlalisana komphakathi okuqondene nobulili sekungenile enkambisweni *yokuthwala* yase iba nesandla esikhulu ekuguqukeni kwakho *ukuthwala* ekuhambeni kweminyaka. Ukuxhumana phakathi kwalezi zingxenye kwenyusela abantu ezingeni lokuba ngamashoshozela oguquko. Ngokusukela emqondweni othi abantu bakha amasiko ukuze abasebenzele, abantu banamandla okwakha kabusha amasiko abo ukuze babe nenhlalakahle. Ngokusukela kulo mcabango, lolu cwaningo luphakamisa ingxoxo emphakathini ezokwenza ukuba izakhamuzi zihlahle izindlela ezingelekela ekuxazululweni kwenkinga yokuhlukunyezwa kwabesifazane ngesiko *lokuthwala*

Key words

Ukuthwala, Umshado, Ukuthumba, Isiko, Imindenis, Ilobola

Abstract (isiXhosa)

Ukuthwala sisenzo esitenxileyo senkcubeko esizidontsele umntsalane wokugxekwa nokuphononongwa luluntu, zizifundiswa kunye namajelo osasazo. Nangona inokuxhaswa kwaye iphikiswe ngaxeshanye, ukuthwala kuqulethe iindlela zokuxhatshazwa ezohlukeneyo ezineziphumo ezimbi kuninzi lwamantombazana asemancinci nakwabasetyhini. *Ukuthwala* kubonwa gabalala njengesenzo senkcubeko yantlandlolo apho intombazana okanye ibhinqa lixhwilwayo liyotshata kube kukho ubunzima phakathi kwamakhaya. Olu phando lujolise ekugocagoceni nzulu nasekuqondeni iindlela abenza ngayo abahlali bendawo ezithile e-Bergiville kumbandela wenkcubeko *yokuthwala*. Oluphando lwancwangciswa ngendlela yentetho esemgangathweni. Ithiyori engakhethi cala, imbono yamabhinqa kunye nengcingane yobuntu isetyenzisiwe njengethiyori esisiseko. Uhlalutyo lwentetho lusetyenzisiwe ukuhlalutya iinkcukacha. Abathabathi nxaxheba abalithoba bafunyenwe ngendlela yokuba kungqalwe kubo ngokwenjongo, ukanti abanye bafunyenwe ngendlela yokuthunyelwa. Iindidi ezohlukeneyo zabathabathi-nxaxheba abalithoba ziquka: ipolisa, ummeli osemthethweni, oonontlalontle abathathu, umfundisi, utitshala, umfundi wezomthetho kunye nomqhubi wesithuthi sikawonke-wonke, ngabo abathabathe inxaxheba kolu phando. Imixholo emithathu edala ingxoxo yaye yachongwa: umxholo wokuqala ubugxile ekubeni amanye amalungu oluntu lwaseBergville azikhwebule ekwenzeni Ubuntu ngokuzibandakanya kwimiba enxulumene nenkcubeko *yokuthwala*. Oku kubonakalisa iindlela zokujongela phantsi iimbono nokugunyaziswa kokuthwala kuliyelenqe lokunciphisa isidima samabhinqa. Iintsapho zidlala indima ebalulekileyo ekunciphiseni ukugunyazisa, ekutshintsheni nasekuxhwilweni kwamabhinqa namantombazana amancinci egameni lokuthwala. Lo mba wokuthwala uvelise iintetho ezintathu eziphikisanayo: intetho yelobola, intetho ethi 'umfazi makathobele', nentetho 'yomfazi owabalekayo'. Konke oku kuchasene nemiba engundoqo yokuthwala okusekwe ekwakhiweni kobudlelwane beentsapho.

Kumxholo wesibini, ukuthwala kwakhiwe njengenkqubo yenkcubeko evumela ukubonakaliswa kweentlobo ezahlukeneyo zobudoda bosolusapho. Ubudoda bosolusapho kwindlela yokuthwala bakhiwa ngeendlela/iintlandlo ezimbini ezahlukeneyo. Okokuqala, ukuthwala kwakhiwe njengendlela yokuvumela izenzo ezidibeneyo zolawulo. Okwesibini, ukuthwala kwakhiwa njengesenzo sokuba amadoda kungabilula ukuba kwaliwe uthando lwawo xa beqhasa. Imveliso yesi sakhiwo ivela, ibonakalisa amava ekwabelwana ngawo ngabantu buqu kunye nomxholo wokuthwala, kwaye ityhila ngakumbi indlela 'intetho yelungelo' kunye 'nobudoda obuyityhefu' ezisetyenziswa ngayo ukwakha nokugcina isenzo sokuthwala. Intetho yokubanegunya ithetha ikakhulu kwiinkcukacha zomxholo waseBergville kunye nentlalo yamadoda kumbono wokuthwala abawuthatha njengendlela elula yokufikelela kumabhinqa. Intetho 'Indoda eyityhefu' yayisetyenziselwa ukwakha ukuthwala njengekhaka lokufihla ukucingelwa ngokwesini kwamantombazana aselula. Kumxholo wokugqibela, abathabathi-nxaxheba baveza ukuba isenzo sokuthwala sisenzo esophula umthetho. Phakathi kwezinto ezikhankanyiweyo njengezingekho semthethweni kukuba abasetyhini baxhatshazwa ngokwasemoyeni nangokwasenyameni, abanye bayaxhwilwa emveni koko badlwengulwe, bavinjwa nelungelo lokufunda. Elinye icandelo lelokuba ukuthwala kufana nokuxhwila ngoko ke abantu abophula umthetho kufanele babanjwe. Kulo mxholo wengxoxo, abathathi-nxaxheba basebenzise intetho yolwaphulo-mthetho, inkcubeko yokudlwengula, kunye neengxoxo zomthetho ukubonakalisa ukuba ukuthwala sesinye sezenzo zobundlobongela esijoliswe kwabasetyhini nakubantwana. Intetho yokuthwala njengetyala lolwaphulo-mthetho yapapashwa ukuze inike ingxelo ngeziganeko zokuxhwilwa kunye nokuxhatshazwa ngokwemvakalelo. Ngokunjalo, intetho yenkcubeko yokudlwengula isetyenziswe ukuvakalisa iziganeko zokuxhatshazwa ngokwesondo okuvunyiweyo kwabasetyhini kunye namantombazana. Intetho yomthetho isetyenziswe ukuchaza ukusetyenziswa kokuthwala njengesixhobo senkcubeko esivalela amantombazana aselula ilungelo lokufunda. Owona mba

ubalulekileyo odandalaziswe ngabathabathi-nxaxheba ngokuthwala kukuba ukuthwala kuyangqubana nendlela yayo yemveli. Ngenxa yale miba, kuye kwacaca ukuba isenzo sokuthwala sibeka emngciphekweni ubomi bamadoda kunye nabasetyhini kwicala lezemfundo, izifo ezosulela ngokwabelana ngesondo kunye nasekwakheni ubudlelwane obusempilweni. Iintetho ezenzelwe ukwakhiwa kokuthwala intsusa kunye nokubunjwa ikwimbali yothando, umxholo, kunye nendlela abantu ababona ngayo ngehlabathi. Ulwakhiwo lwesini ngokwezoqoqosho nangentlalo kunqongophalise ukuthwala kwaye oko kubenegalelo elikhulu ekwenzeni inguqu ekuhambeni kweminyaka. Unxulumano phakathi kwala macandelo luphakamisa abantu njenge arhente yezotshintsho. Ngokugxile kwingcinga yokuba abantu babanenkcubeko ukuze bazincede, abantu banamandla wokuyakha kwakhona inkcubeko besenzela impilo yabo. Kwesi sigaba, olu phando luphembelela iingxoxo zasekuhlaleni ukuze abahlali bamisele iindlela ezinokunceda ukuphathwa gadalala kwamabhinqa, kusetyenziswa inkcubeko *yokuthwala.*

Key words

Ukuthwala, Umtshato, Ukuthimba, Isithethe, Usapho, *ilobola*

List of tables

1. Table No: 1 composition of the sample

Definition of terms and phrases

1. Bulawayo

    a. Bulawayo is the name of King Shaka's royal palace.

2. *Ilobolo*/lobolo/lobola

    a. It is a common marriage custom in Sub-Sahar Africa where a groom pays in cattle or money the peremptory gift to the family of the father of the bride he intends to marry.

3. *Impepho* (Incense)

    a. It is an indigenous plant often burnt to communicate with ancestors.

4. *Impohlo*

    a. It is a derogator name used to refer to unmarried older men.

5. *Inkomo yomemulo*

    a. It is a cow slaughtered or to be slaughtered for an *umemulo* ceremony.

6. *Indlamu*

    a. It is a Zulu dance common among young Zulu boys and girls.

7. *Iqhikiza/Amaqhikiza*

    a. It is a woman who has been given the right to date a man of her choice and acts as a head girl to young girls.

8. *Isidwaba*

    a. It is a knee-high pleated leather skirt usually worn by married women, women who are about to be married or in some traditional ceremonies.

9. *Ishaka*

    a. It is an intestinal beetle characterised by irregular menstrual cycles and was used to mock Nandi's pregnancy.

10. Isigcawu

    a. It is a hidden, sacred and demarcated area where the wedding ceremony takes place.

11. Isiko

    a. The term *isiko* refers to the general cultural practices of a particular ethnic group passed from one generation to another.

12. Itwani

    a. It is part of the chambers of the cows exchanged between the two families during the marriage process.

13. Izilinga

    a. A name used to refer to a girl's first breasts.

14. Izinyamazane

    a. A mixture of plants, herbs and animal portions burnt and inhaled.

15. Madala

    a. A slang name for an older man.

16. Ubulanda

    a. A form of ancestral appraisal during the wedding ceremony where the families recite their family clans to thank and ask for a fruitful marriage and bond between families.

17. Ubuntu

    a. Is African philosophy encapsulating various social and personal qualities that accentuate the positive aspects of being human.

18. Ukokhela umlilo/ukwakha isihlobo esihle

a. It is the first visit of the groom delegates to the bride's family in the context of marriage, or it may generally mean the beginning of something.

19. *Ukucela*

a. *Ukucela* is similar to *ukokhela umlilo* but may encapsulate the formal request for a women's hand in marriage. *Ukucela* is also used to refer to one of the payments requested by the bride's family during the lobola discussion.

20. *Ukubaleka*

a. *Ukubaleka* refers to a woman's act of proposing marriage to her lover.

21. Ukungqashiya

a. Refers to different types of dances performed by young women.

22. *Ukuhhoyiza*

a. It is one of the practices where a woman visits friends and relatives to ask for gifts before or after seclusion.

23. *Ukugana/ganile/ganiwe/Ukuganisela*

a. It is also one of the forms of informal marriage usually initiated by women to choose a husband who can afford to pay *lobola*.

24. *Umkhongi*

a. Is a person appointed to represent and relay the wishes of the groom's family to the bride's family.

25. *Ukuthwala/thwalad/thwaliwe*

a. It is generally understood to refer to an act of abducting a woman for marriage. It may also be used to refer to an act of carrying something.

26. *Ukusoma*

a. is a form of sexual activity marked by non-vaginal penetration between people in a relationship.

27. *Ukwetha*

    a. It is an act of de-skinning or marking to points where the deskinning of a cow should commence. *Ukwetha* also refers to naming or giving a name.

28. *Umabo*

    a. It is a custom where the brides offer gifts (blanket, head couch, and mat) to all important members of her husband, including her husband.

29. *Umemulo*

    a. It is an optional custom performed for a girl who may have many suitors but chooses to remain single. It may also be performed by a father to thank her daughter for maintaining her maiden status.

30. *Umncamo*

    a. It is a cultural practice of slaughtering a goat and a beast for a woman who is about to leave her maiden family for marriage.

31. *Umgonqo*

    a. It is a secluded area usually used by girls for different ceremonies.

32. *Umhlalisi*

    a. It is usually the girl that accompanies the bride to serve her on her needs.

33. *Umhlonyane*

    a. It is a sacred cultural practice performed for a girl after her first menstrual cycle, marking the transition to adulthood.

34. *Umjendevu*

    a. It is a derogatory word for an old unmarried woman.

35. *Umuntu*

    a. It is a human being.

36. *Ungiyane/isicoco*

a. It is a head-ring worn by mature Zulu men.

37. *Umqholiso*

a. It is a cow slaughtered for the new wife by her husband.

38. *Umthimba*

a. It is a bride's group comprising of friends, relatives, and family, except her mother.

39. *Usiko*

a. *Usiko* refers to the family traditions that differentiate them from other families.

Phrases

1. *ingquthu kanina*

a. One of the cows reserved for a mother from the cows paid for a *lobolo*.

2. *ukuthwala ngenkani*

a. is a non-negotiated abduction executed by force.

3. *ukugugela ezinsisheni, umlobokazi uhamba esangcobile*

a. It is a term referring to a woman growing old unmarried.

4. *Ukungena emgonqweni*

a. It is a time marking the beginning of various traditional ceremonies such as *umemulo*, *umhlonyane*, *umshado* etc.

5. *ukuyodla izinkomo*

a. It is a strategy where a woman initiates marriage, and the man will be required to pay lobola for her hand in marriage.

6. *ingcwaba lentombi lisemzini*

a. The woman's grave is at her in-law's place.

7. *ukuthelwa ngenyongo*

a. It is a gesture of accepting the new wife by pouring a gall bladder on her head, wrist and ankles.

8. *Ukuthwala intombi*

   a. It is one of the forms of *ukuthwala* characterised by consensual and nonviolent abduction of a woman common amongst Zulu and Xhosa people.

9. *ukuthwala ngenkani*

   a. It is one of the non-consensual, violent forms of *ukuthwala* where women are involuntary abducted.

10. *Umuntu umuntu ngabantu'*

    a. It is a Nguni phrase, meaning that a person is a person through others.

Chapter 1: Overview of the study

1.1 Introduction

This study aims to expand the literature in the area of the culture of *ukuthwala* by exploring it from a different vantage point. In many studies of *ukuthwala*, the literature and the victims' accounts are reported thematically. However, there is a paucity of research addressing the discourses used by communities to construct the practice of *ukuthwala.* This study aims to unpack participants' discursive construction of *ukuthwala* to demonstrate the myriad ways the participants' constructions of ukuthwala expand beyond the text's limitations to reveal the roles of other dynamics in the productions of discourses of *ukuthwala.*

1.2 Rationale

Generally, ukuthwala is understood as a form of marriage contemplated when couples encounter difficulties in their romantic journey. In an attempt to facilitate the marriage process, the woman will be kidnapped by the man and his accomplices to a man's place to force the family into marriage negotiations. I adopted a very open stance towards ukuthwala because my knowledge was limited and uninformed. Drawing on my initial knowledge, I considered it a unique practice that should be preserved and practised by people who deem it a crucial aspect of their identity as an ethnic group and an expression of that identity. My view was that if *ukuthwala* is appropriately executed with the couple's consent, it reflects a cultural avenue that couples have at their disposal to express their interest in getting married. Furthermore, I had assumed that *ukuthwala* builds family relationships and contributes to strengthening the fibre of cohesiveness in communities where it occurs. As I engaged with the literature and media outlets, my knowledge was amplified, and I could not find evidence on the value of *ukuthwala* to justify its continued existence.

On one hand, I understand that cultures evolve and I also understand the meaning of cultures to people to identify and practice them, on the other hand, I strongly believe that the distorted practice of *ukuthwala* compounded with the media reports, has produced an authentic narrative on *ukuthwala* as a harmful practice that create conditions for escalating levels of Gender Based Violence (GBV). In essence, the historical and contemporary practices of *ukuthwala* are not without violent incidents or the intimidation of women. It is therefore of critical importance that the meanings and elements of *ukuthwal*a be teased apart, interrogated, call out to cultivate a path towards a GBV free communities. As a researcher, I understand the importance of bracketing my views to engage with participants in a non-judgmental way. By reflecting on my evolving personal positions during the study, I foresaw that this study would yield fresh perspectives that can perhaps be used to inform dialogue on required changes to prevent the incidences of GBV concealed in the name of *ukuthwala*. I also hope that this research project will help form a new epistemological lens through which the practice of *ukuthwala* can be re-imagined by the contemporary society conscious of GBV.

1.3 Problem statement

The abuse of *ukuthwala* practice, where young schoolgirls or women are abducted, forced to drop out of school and often sexually abused in the name of culture, is a serious issue that requires urgent research attention. *Ukuthwala* is often referred to as abduction, and in this study, these terms are used interchangeably (Karimakwenda, 2020; Moreroa & Rapanyane, 2021). Some criminal offences occurring under the veil of *ukuthwala* have been reported to the police and dealt with by the courts of law (Mwambene, 2018; Prinsloo & Ovens, 2015). In some cases of *ukuthwala,* the parents and legal guardians are implicated in the cases of *ukuthwala,* where they grant consent on behalf of their daughters in marriage in exchange for *lobola* or some payment (Geldenhuys, 2021). Poverty has been identified as one of the factors

driving the practice of *ukuthwala* as the potential to earn payments in exchange for brides is a growing enterprise demonstrating a lack of concern about the girl children's future welfare (Modisaotsile, 2013). The issue of gender inequality plays a vital role in the enactment of *ukuthwala*, especially when the practice is abused by men using economic and social power to access women's bodies in disguise of culture. Put into perspective, it is not uncommon for men to negotiate a woman's or girl's abduction without their consent and to feel entitled to women through the practice of ukuthwala ((Jaco) Smit & Notermans, 2015).

Furthermore, men utilise their economic advantages to exploit the culture of *ukuthwala*, where they manipulate or discuss the abduction of young girls in exchange for money (Mwambene & Sloth-Nielsen, 2011; Wadesango et al., 2011). Although anecdotal evidence suggests that abduction cases are slowly declining, some cases of ukuthwala are not reported because of fear of being shamed and disowned (Kaschula et al., 2013; Mwambene & Sloth-Nielsen, 2011; Rice, 2014). The abuse of *ukuthwala* has produced discourses that are contradictory to the original character of *ukuthwala*, where the goal was to solemnise a customary marriage (Mwambene & Sloth-Nielsen, 2011). The media has played a vital role in reporting cases of abuse, leaving the public wondering about the meaning of this practice where it is common. In light of the scale of GBV in this country, it is essential that the meaning and values underpinning harmful practices such as *ukuthwala* are unpacked and condemned (Karimakwena, 2020; Moreroa & Rapanyane, 2021). This thesis addresses the meanings of *ukuthwala* using discourse analysis to analyse data from a diverse sample to understand its current value.

1.4 Objectives and aims

The cultural practice of *ukuthwala* has for decades been a subject of scrutiny. Although there is substantial research on ukuthwala where the victims were interviewed, people who may have witnessed or know about ukuthwala have not been afforded an opportunity to voice

their view on the subject. This study sought to address this gap through the following objectives:

1. To understand the individual discursive meanings of ukuthwala

2. To explore the contextual meanings of ukuthwala

3. To explore the discursive meanings of the different forms of ukuthwala

The overarching aim of this study was to critically interrogate and understand the discourse modalities used by a diverse sample of residents of Bergville to construct the cultural practice of *ukuthwala*.

1.5 Overview of Chapter 2: Social Construction of Marriage

This section introduces the reader to the traceable history of the Zulu Nation founded by King Shaka KaSenzangakhona. The crux of the discussion touches on the birth of Shaka through one of the then socially endorsed practices called *ukusoma*, which often results in unintended consequences, as was the case for Shaka's mother, Nandi. Also, this section discusses the social constructions of gender, the organisation of romantic relationships and competition for the throne. The other important element of this section was the discussion of King Shaka's palace, known as [1]Bulawayo, where most of the cultural practices of the Zulu nation were formed, initiated, and performed. The subsequent section offers a detailed discussion on the broader social construction of marriage. The researcher narrowed down the discussion to unpack the intricate components of marriage and procedural steps considered necessary for a complete Zulu marriage.

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[1] King Shaka palace (Gluckman, 1960)

1.6 Overview of Chapter 3: The Social Construction of the Culture of Ukuthwala

In this chapter, the culture of *ukuthwala* is introduced as an object of inquiry. The discussion commenced with the appraisal of the literature on the topic and then the granular details concerning the social constructions of the forms of *ukuthwala*. Beyond the forms of *ukuthwala*, various components such as culture itself as an entity, gender, sexuality, and the interplay of material conditions were discussed. The complex connections of these aspects were discussed to demonstrate how the practice of *ukuthwala* has evolved to envelop these factors which are integral to its modern definition.

Ukuthwala was also discussed from the media perspective. The purpose was to offer a discursive discussion of how *ukuthwala* is introduced to the public, especially those who live in areas where this practice is not common. Furthermore, as the mouthpiece of the public, the media has covered the topics of *ukuthwala* for decades and that has shaped the production of discourses used to construct *ukuthwala*. In that section, media articles from various media outlets were reviewed to understand how the practice of *ukuthwala* is constructed.

In furthering the discussion on the practice of *ukuthwala*, the secondary data of individual subjectivity experiences were deemed critical tools to construct *ukuthwala*. As a result, this section provided a discursive discussion of the experiences of abducted people on how they constructed the practice of *ukuthwala*. The intricate details of the events were analysed and reported as the individual discursive constructions of *ukuthwala* grounded on their experiences.

Interestingly, *ukuthwala* is constructed within the realm of culture and legal framework. On the one hand, the South African Constitution recognises the diversity of the population and provides a legal framework for expressions of culture. Within this perspective, *ukuthwala* is considered one of those cultural practices performed for marriage purposes which is expressed.

On the other hand, specific characteristics of *ukuthwala* have ignited the legal discussion where *ukuthwala* is constructed among cultures that violate, oppress, and create conditions for myriad forms of legalised abuse against women and girls and in the climate of GBV; this is an increasingly non-acceptable and age-old cultural practice'. The final discussion of the literature on *ukuthwala* engages with these discourses to tease out the legal elements of *ukuthwala* that have both historically and contemporary shaped the cultural practice of *ukuthwala*.

1.7 Overview of Chapter 4: Theoretical framework

The theoretical framework is one of the central components shaping the researcher's approach to this study. The social constructionism was used as the paradigm to engage with the plurality of perspectives and discursive constructions of the single object of *ukuthwala*. Furthermore, the theory of self-objectification offered a theoretical framework for understanding various forms of objectification, such as sexual and self-objectification, resulting in psychological conditions like shame, anxiety, peak motivational states, and awareness of internal bodily states used to explain to understand further how *ukuthwala* was constructed. The feminist perspective, involving the concepts of patriarchy, intersectionality, family structure, and experiences, were all used as lenses to explain the participants' discourses of ukuthwala. Lastly, Ubuntu's African philosophy, primarily considered a moral fibre that holds people together, was used as an additional explanatory theoretical framework.

1.8 Overview of Chapter 5: Research methodology

This chapter introduces the methods used in the study. The study was framed within the qualitative approach, and discourses analysis was used as a method and data analysis tool in order to emphasise the language as a critical element constituting social and individual

reality. Foucauldian-informed discourse analysis, basic assumptions, and philosophical dimensions of discourse analysis were discussed. The approach to data analysis grounded on Willig's (2013) six stages of discourse analysis was discussed.

1.9 Overview of Chapter 6: Research Results

Three discursive themes were produced and reported. The first theme focused on how the culture of *ukuthwala* disempowers women through the commodification of women and the use of *umuthi* to impose compliance. In the second theme, *Ukuthwala* was constructed as a culture that encapsulates and creates conditions for the expression of patriarchal masculinity manifesting in the domination of women and failure to accept the rejection of love advances. The last theme offered multi-shared discursive constructions of the cultural practice of *ukuthwala* through the lens of the legal perspective.

1.10 Overview of Chapters 7: Discussion of the Results and Conclusion

This chapter is dedicated to discussing this study's results using the literature and the theoretical framework. The discourses used to construct *ukuthwala* suggest the need for intervention and context-based solutions.

Firstly, the way *ukuthwala* was constructed showed that the purpose of the act was not marriage as it would be expected by its definition. This chapter explicitly explored the way the families are accountable for myriad forms of abuse endured by women and young girls in the name of *ukuthwala*. In addition, the glorification of patriarchal masculinity driven by a sense of entitlement and failure to accept rejection plays a vital role in abduction cases. The discussion also discusses the clash between the Rule of Law and the cultural practice of ukuthwala. On the one hand, the culture of *ukuthwala* passes itself as a way of life and is

therefore considered to be beyond reproach. On the other hand, the South African Constitution is clear regarding acts that constitute criminal activities that infringe on fundamental human rights. The continued enactment of ukuthwala has produced a site of conflict between the law and cultures in general. This study argues for dialogue and education by addressing the provisions in the Constitution that protect the expression of cultures. The other issues addressed in this chapter are the study's contribution, limitations, and implications for future studies.

Chapter 2: History of Zulu people and the social construction of marriage

2.1 Introduction to Zulu culture

In this section, the history of the isiZulu people is traced back to orientate the reader about context, the people, their worldview, and specifically on the practice of *ukuthwala*. The isiZulu nation was a small clan originally emanating from North Africa and living in separate parts of the South-Eastern belts of Africa (Reader, 1966). The expansion of the Zulu clans is attributed to King Shaka, who, with the help of Dingiswayo, the King of Mthethwa, succeeded Senzangakhona in becoming the King of the Zulu nation in a year.

It is important to note that King Shaka was born out of wedlock and his father, Senzangakhona, denied paternity, claiming he never had sexual intercourse with Nandi as they performed the practice of *ukusoma* (Fuze, 1979). The practice of *ukusoma* is a form of sexual activity marked by non-vaginal penetration between people in a relationship (Harrison, 2008). *Ukusoma* was a traditionally endorsed strategy of releasing sexual tension without defloration and premarital impregnation (Harrison, 2008). Girls were allowed to practice *ukusoma* at least once a month (Fuze, 1979). As girls practice *ukusoma*, they must keep their legs closed to prevent vaginal penetration, resulting in an untimely and disgraceful pregnancy. This practice was organised and controlled by older girls called *amaqhikiza*[2] to avoid pregnancy, as it was considered a shame for a girl to fall pregnant before marriage (Fuze, 1979; Harrison, 2008). According to Fuze (1979), it was Nandi (the princess of Mbhengi) who asked to see Senzangakhona (the prince of Jama) after hearing about his generosity and handsomeness. Upon arriving where Senzangakhona was herding cows, Nandi initiated the idea of *ukusoma*,

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[2] *Iqhikiza* is a term used to refer to a mature woman who has been given a right to date and acts a head girl for young girls (Nkosi, 2011; Nkumane, 2001).

despite meeting him for the first time. Unfortunately, that was also the moment that Nandi fell pregnant.

The pregnancy of Nandi was kept secret and later referred to as the result of *ishaka.* This intestinal beetle results in abdominal disorders for whoever inquires about her illness (Fuze, 1979). The concealment and construction of Nandi's pregnancy as *ishaka* revealed how the clan of Elangeni was actively contesting and ashamed of Nandi's pregnancy. The premise for the Elangeni reaction to Nandi could be the social sanctions imposed on the girl's family who fell pregnant before marriage. When Shaka was born, Senzangakhona first denied paternity out of shame and fear of retribution. However, he eventually admitted that he was the father (Fuze, 1979). Again, the denial of paternity by Senzangakhona could be attributed to the social norms of that time and the claim that no sexual intercourse happened.

After Shaka was born, he briefly grew up in her mother's home. However, due to his firm behaviour, his grandmother took him and Nandi to the Mthethwas, where she was born, for fear of being killed (Fuze, 1979). It was at the Mthethwa's where Shaka received military training and the admiration of Dingiswayo for his bravery and heroism. The news of Shaka's bravery reached his father, Senzangakhona, who decided to visit the Mthethwa to see his son. After Senzangakhona's visit to the Mthethwa and meeting Shaka, he returned to his home not feeling well and later passed on (Fuze, 1979; Reader, 1966). Shaka and Dingiswayo had a father-son relationship because Dingiswayo sheltered Shaka and his mother, Nandi and later played a crucial role in helping Shaka to succeed Senzangakhona (Fuze, 1979).

Soon, after forcefully taking the reins, Shaka attacked and conquered surrounding tribes and established a sizeable Zulu nation under a single King (Fuze, 1979). The result was the birth of the nation called *amaZulu* under the leadership of one king (Fuze, 1979). His palace was called *kwaBulawayo*, where about 80 000 Zulu people lived (Gluckman, 1960). It was

within this context that all the laws, army, and cultural values governing the lives of the Zulu nation were enshrined and performed by all tribes under one Zulu monarch (Fuze, 1979; Gluckman, 1960). When queen Nandi passed on, King Shaka was inconsolable, and he prolonged the mourning period, prohibiting sexual intercourse, farming and milking of cows to communicate that the late queen was the mother of the Zulu nation. Mkabayi and his half-brother were dissatisfied and conspired to kill King Shaka (Gluckman, 1960; Ntuli, 2020). King Shaka was assassinated in the cattle kraal by his half-brothers Dingana and Mhlangana and his chamberlain Mbopha of Sithayi at Kwa-Dukuza on the 24th of September 1828 (Ntuli, 2020). Having discussed the controversial birth of Shaka, who was later the progenitor of the Zulu Nation, the following section focuses on discussing the social construction of marriage from a Zulu perspective.

2.2 The social construction of marriage

In its broadest sense, marriage is constructed as the formal, legalised union between a man and woman who express permanent and exclusive commitment to each other, which may also be fulfilled by bearing children together (Girgis et al., 2012). An extension to the accepted definition of marriage encompasses a man and a woman and includes people of the same sex who make an explicit commitment to love, care, enjoy the benefits and endure the challenges of being married (Girgis et al., 2012). However, no same-sex marriages have occurred by ukuthwala. This extension overrides the emphasis on sexual orientation by accentuating the aspects critical for marriage. The construction of general or modern and isiZulu marriage is imbued with essential elements that propel the union, and various discourses of marriage are used as the constitutive prerequisite of the marriage. These discourses are extracted from the institution of marriage, organised into themes and discussed below.

Central to most marriage institutions, the procreation of children is a social desired fundamental step for the married couple. Marriage is the foundation of a prosperous society and a system that safeguards and promotes children's interests (Solomon-Fears, 2011). Discourses such as *"it is better to wait until marriage to have a child"* are widely circulated amongst and during marriage processes, supposedly entrenching beliefs against children born out of wedlock (Regnerus, 2007). Furthermore, protective aspects are used to support the sanctions imposed on non-marital births (Gibson-Davis, 2014). These sanctions are constructed in ways that surface the benefits for children born within marriage and the challenges linked with non-marital childbirth. Some strategies used to circulate these discourses focus on children's economic, emotional well-being, and educational plans (Gibson-Davis, 2014; Kane, 2016). These strategies communicate the potential possibilities of sharing resources accrued within the institution of marriage, which creates a secure environment for children and parents. On the flip side of the idealised state of security provided by marriage, poverty, behavioural and psychological problems, academic problems, and early sexual debuts are the features constructed as the ramifications of children born out of wedlock (Duncan & Magnuson, 2013; Zoutewelle-Terovan et al., 2014). Although childbearing is the privileged expected to occur within marriage, children born out of wedlock marriage are also not uncommon. The changing dynamics of lifestyles, job opportunities, and contraceptive availability have allowed people to delay childbearing, and some prefer to have children outside the marriage institution (Edin & Kefalas, 2011; Mills et al., 2011).

The institution of marriage is also configured as a union that brings forth a sense of security for the spouses (Morley et al., 2008). In constructing the security that is a vital feature in the marriage system, a statement such as: "*until death parts us*" are used to mark the couple's future together as a long-term relationship goal. Such a perspective refers to the security that the state of marriage provides. Lastly, the security enveloped in the marriage institution creates

a sense of belonging and serves as an example for generations (Rankins, 2008). At a micro level, marriage serves as a pledge from one spouse to be a permanent life partner of the other partner. At a macro level, this pledge, often expressed in a social context, surfaces the union of marriage as a recognisable and socially approved system by the families of the spouses and the wider society (Rankins, 2008).

Although marriage is a socially-constructed institution, certain legal aspects form an integral part of marriage and govern the union. For example, for the couple to get married, they must satisfy the requirements for age, which are the constitutional legal requirements they must meet for their marriage to be legally recognised. According to Nour (2009), the United Nations and other national agencies have stipulated that individuals must enter into marriage with full consent and be above 18 years. The move to declare the marriage age prevents child marriages and other concomitant health consequences such as sexually transmitted disease and the death of a mother or an infant during labour (Nour, 2009). In South Africa, the legal age of marriage is 18 years, as stated in the Marriages Act of 1961 (SALRC, 2014). However, the adoption of this law seems to vary from country to country as child marriages continue to engulf South Africa and other parts of the world (Mwambene, 2018; Walker, 2012).

In the South African post-apartheid context, the Recognition of Customary Marriages Act no. 12 of 1998 was passed to recognise the diversity of cultural and religious traditions in South Africa and that move position the role of the state in protecting the rights of women and children (Chambers, 2000). Only marriages solemnised based on customary laws are recognised as legal marriage (Hosegood et al., 2009). Although the marriage institution is configured as the legal union where parties involved voluntarily declare their vows to love each other to death, this study has issues of critical importance, namely forced marriage and rape within marriage. According to Ouatta et al. (1998), many countries in Africa and abroad have endorsed most of the international and regional human rights standards. However, through the

enactment of their traditions, some of these countries continue to subordinate and violate the rights of women and girls (Ouatta et al., 1998). The rights of women and girls are being violated through Female Genital Mutilation (FGM), domestic violence, child, and forced marriage, naming but a few ways that abuse occurs (Ouatta et al., 1998). According to Ouattara et al. (1998), it is not uncommon for an 11-year-old girl to be given away as a child bride or kidnapped and sent to their prospective husband. In countries like Ivory Coast, Nepal, Benin and Mozambique, child and forced marriages are standard practices (Male & Wodon, 2016; Ouattara et al., 1998). Despite child and forced marriages, a range of social vulnerabilities underpinning issues giving rise to child marriage. For example, beliefs in the exchange of gifts for a child in marriage, whom girls providing free domestic services for the boy's family and child elopement with an unsuitable suitor are some aspects linked with child marriages (Falb et al., 2015; Ouattara et al., 1998).

In some cases, parents arrange marriages. Alternately marriages may be initiated by girls as an attempt to escape poverty (Warner, 2004). However, parents arrange to marry their girl children out of concern about their safety, escape poverty, and protect them from rape (Raj, 2010). Within the sphere of child marriage, incidences of rape are also not uncommon (Ouatta et al., 1998). According to Ouattara et al. (1998), unfortunately, the practice of child marriage also creates conditions for sexual abuse and rape, which further creates the context for the institutionalisation of marital rape.

Moreover, rape within child marriages should be understood in the context of gender inequalities, marginalisation of women, and fewer employment opportunities for women (Raj, 2010). Commercial sex accounts for exchanging goods and resources the girls' families receive to give away their girl child (Burris, 2014). The acts of exchanging gifts are used to hide the plight of rape in child marriages. Also, the exchange of goods legitimises abuse and limits

intervention when the incidences of abuse surface because the abuser is the husband who paid for the girl (Warner, 2004).

In conclusion, the institution of marriage as a social entity discussed above shows that marriage has both traditional and legal aspects. Also included in the above section are critical issues within the marriage institution that highlight women and girls' plight. The issues of child marriages have a strong bearing on this study. We now look at the social construction of marriage among the Zulu people.

2.3 Marriage amongst Zulu people

From a Zulu cultural perspective, marriage is configured as the culmination of developmental stages towards adulthood (Msimang, 1991; Nkumane, 2001). In Zulu culture, marriage is a union that connects the living families and their ancestors and families, which tend to have more power than the couples (Msimang, 1991; Ntshangase, 2021). As a result, marriages that do not involve parents have limited chances of success, given the cultural traditions that require parents to communicate with their ancestors (Msimang, 1991; Ntshangase, 2021). The phrase "*ukwakha isihlobo esihle,*" which means starting a good relative relationship, also accentuates the involvement of two families as an essential element for a successful marriage (Msimang, 1991; Nkosi & Van Niekerk, 2018).

Marriage is a social system that establishes and elevates one's status as a man or woman in a society and marks the point of family expansion, expectation and procreation (Ngidi, 2012; Nkumane, 2001). An old unmarried man is referred to as *impohlo* and is perceived as a boy irrespective of his age as long as he remains unmarried (Masuku, 2015; Ngidi, 2012). An unmarried man is not allowed to express his views during meetings and social gatherings because of his unmarried status (Msimang, 1991). For Knight (2008), the social status of marriage was so crucial for Zulu men that on the eve of the wedding, Zulu man put on a head-

ring, often referred to as *isicoco or ungiyane,* which is a socially recognised sign of achievement. The same applies to a woman; an unmarried woman is called *umjendevu* and other derogatory words and remains a girl until their death as long as she remains unmarried (Masuku, 2015). Furthermore, during family ceremonies, an unmarried woman is not allowed to sit with married people and serve food to the wedded wives of the family. In essesnce, there are things said and done to differentiate the married from the unmarried adults.

One of the most important cultural elements of the Zulu people is that they are a patrilineal clan; thus, the social construction of marriage amongst Zulu people signals the expansion of the family, given that the bride and children born of the couple become the clan takes the fathers surname (Ngidi, 2012; Vorster et al., 1996). The children's names suggest future family prospects for girls and boys. For example, a boy child with the name *Vusumuzi* is constructed as the expansion of the clan on the basis that he will marry and continue his father's last name, whereas a girl child with the name *Buyisiwe* symbolises potential wealth or the return of the *lobola* cattle paid and an opportunity for a future extended relationship when she gets married (Msimang, 1991; Ngidi, 2012). For parents with only female offspring in their marriage, such a situation is deemed a massive shame because there will be no continuity of the family (Ngidi, 2012).

It seems like young adults must marry while their parents are still alive, especially the sons (Msimang, 1991). To clarify this, if a boy child is eligible to get married but ignores the issue. In that case, his parents will encourage him to find a wife in two ways either by using a strategy of: "*mntanami, sengikhulile, sengizoya koyihlomkhulu, ngakho bengingathandi ukukushiya ngingakakwakheli umuzi*" to translate this saying it means that: "My son, I am old and could pass on to your forefathers, it is not in my best interest to die before you are married." In this situation, the father encourages his son to get married by emphasising that his time is

limited and it would not be good if he were to die before seeing his son getting married (Msimang, 1991).

The other strategy is that a mother may put forward her concerns by emphasizing her inability to carry out house chores as she ages, which is why his son must get married soon (Msimang, 1991). Likewise, eligible female children are encouraged continuously to marry because staying unmarried was and is still constructed as a shame on the family. Sayings or proverbs such as "*ukugugela ezinsisheni*", which refers to a woman growing old unmarried or "*umlobokazi uhamba esangcobile*", which refers to the importance of getting married when in one's prime, are often uttered as a friendly taunt towards single older women who are not married (Blose, 2002). These proverbs include ideological values that encourage young women to prioritise marriage and discourage staying unmarried while one is eligible for marriage (Nyembezi & Nxumalo, 1995).

Having touched on some of the strategies used to introduce the proposition of marriage and to steer young people to marriage, the institution of marriage itself comes with responsibilities organised against dichotomous gender categories (Msimang, 1991; Nkosi, 2011). Although these responsibilities may vary from one family to the other and from one society to the other, it is worth engaging some of them to surface how underlying meanings are embedded in marriage from the perspective of Zulu people. In Zulu, it is a requirement for a wife to cook for the entire family, and the man is, on the other hand, responsible for providing for the family (Nkosi, 2011; Rudwick & Posel, 2015).

In its broadest sense, marriage is a gradual process amongst the Zulu people that encapsulates three stages involving both the bride and the groom and their ancestors (Ngidi, 2012). Firstly, marriage transfers the man and the woman from the group of unmarried people to the group of married people, bringing forth changes in their social status (Nkosi, 2011).

Secondly, in most Zulu societies, marriage shifts the woman from her group of peers to her husband's group (Nkosi, 2011). The stage of leaving one family to live with her husband's family is characterised as lonely and frightening as the woman is usually unsure how her man's family will treat her and maybe other wives (Muller, 1999).

Lastly, the marriage involves specific actions from the bride and the groom, which solemnise the relationship (Reader, 1966). For Zulu people, marriage is conceived as involving two families (Ngidi, 2012); however, with the introduction of laws that govern marriage, such as the Customary Marriage Act of 1998, the boundaries of marriage have been expanded from the families to allow for legal protection. Despite the role of the law in marriage, marriage is still associated with expanding the clan and continuity of the specific surname.

The concept of marriage can be understood as an adulthood stage that young people learn about through socialisation (Nkosi, 2011). Boys are socialised to embrace masculinity's gender roles and attributes, such as fighting skills, herding cattle, and ploughing. On the other hand, girls are socialised to embrace and enact socially considered feminine practices such as cooking, washing, and fetching wood and water (Nkosi, 2011). These attributes are parcelled out against the backdrop of gender roles to teach boys and girls about their future adult life in marriage (Nkosi, 2011). However, the inscribed gender attributes are not static and vary from family to family (Msimang, 1991; Nkosi, 2011). Before one may marry, certain developmental stages are of critical importance as they propel a person from one stage of life to another. These stages are associated with socially constructed meanings, which vary from one context to another.

2.4 The construction of procedural paths toward marriage among Zulu people

Zulu people love and still identify with their cultures even after colonisation and apartheid. The literature surfaces their way of life as organised on different developmental stages leading up to adulthood. This section discusses the stages of development to identify where women are socially expected to get married.

2.4.1 *Umhlonyane* and *umemulo*: Developmental stages for girls

There are critical developmental stages for boys and girls, which ease the transition from one stage to another (Manyaapelo et al., 2019; Msimang, 1991; Nkosi, 2011). The stages coincide with specific rituals relevant to that developmental stage and are performed for boys and girls at a certain age: When the girl child is between the ages of ten and twelve, she will develop her first breasts, called *izilinga* in Zulu (Blose, 2002; Manyaapelo et al., 2019; Msimang, 1991). The older woman, usually the grandmother, will then wipe the first breasts with a broom while spitting on them (Blose, 2002). The wiping and spitting are accompanied by friendly swearing. Doing so is believed to arrest the development of her first breasts to allow her to mature (Msimang, 1991). Although there is an apparent decline in keeping and performing some of the rituals for the developmental stage due to the adoption of Christian beliefs, Westernisation, and urbanisation, amongst other things, these developmental rituals remain an integral part of many Zulu people (Gluckman, 1942; Msimang, 1991).

Consequently, breasts would develop, and her body begins to change, which is configured as a sign of growth. At that time, older women would inform her to wait for her first menstrual cycle and quickly notify them when it happened (Turner, 2018). When a girl experiences her first period, she is supposed to report the incident and elders; she will be ordered to sit in a secluded area (*umgonqo*) while inviting girls her age to sit with her. In addition, her first period is the commencement of *umhlonyane* ceremony. The menstrual cycle

is a secret female issue such that it will be kept a secret from her father and brothers (Msimang, 1991), but they will be indirectly informed through the disgusting puberty songs sung by other girls (Fuze, 1979). While the girl is sitting in seclusion, she is educated about womanhood, relationships, how to accept a lover, and sexuality issues because the first-period signals a transition to adulthood and the capacity for reproduction (Fuze, 1979; Msimang, 1991). While the girl is in a secluded area, some ceremonies are underway, and women and neighbours will be preparing for the day of coming out of seclusion. The father will slaughter a goat on the day of coming out to inform the ancestors that the girl has reached a developmental milestone. The message is primarily centred on communicating two key messages. Firstly, to report to the ancestors that the girl is now beginning the phase of adulthood and secondly, to request the ancestors to protect the girl and give her a rightful partner when it is time to marry (Mlangeni, 2010; Msimang, 1991). By the end of the *umhlonyane* ceremonies, the girl is pronounced to be grown up. This is echoed by Herbst and Du Plessis (2008), who stated that puberty and initiation ceremonies are viewed as prerequisites for the community to accept someone as an adult.

In addition, the *umhlonyane* ceremony is not just a ritual that signals adulthood for a girl but has a sacred cultural aspect. During *umhlonyane*, men learn about the uniqueness and fragility of women, their body, their nakedness, the role of women in society, and their beauty (Mlangeni, 2010). Furthermore, during the *umhlonyane* ceremony, the rituals performed, the songs, and the dress code teach men to respect women and value a woman's virginity and sexuality as her individual property (Nkumane, 2001). Thus, a man must not rape, and if a man had done so, he would be fined heavily for his actions, and his family censured (Mlangeni, 2010). The following step will be *Umemulo*. *Umemulo* is now confused with *umhlonyane* as the coming of age. These two traditional rites have some similarities. *Umemulo* is not as crucial as *umhlonyane*; for one reason, *umhlonyane* signals transition from one stage to another, but

umemulo is a thanksgiving ceremony done for an unmarried girl who is eligible to be married but not yet married (Msimang, 1991). Although some may say a girl who did not do *umemulo* will encounter misfortunes and difficulties in attracting a husband (Magwaza, 2001; Zondi, 2012), *Umhlonyane* is the only ritual signifying the transition from being a young girl into an adult woman because it comprises of disseminating important values through initiation songs about morals, sex and procreation (Mudaly, 2012; Ngubane, 2018; Turner, 2018). Put into context, the motives for the performance of these two traditional rites are different. For *umhlonyane*, a father reports to her ancestors that the girl has reached adulthood and asks them to protect her and help her find a suitable husband when she is ready for marriage (Ngubane, 2018). *Umemulo*, on the other hand, is, first and foremost, optional and is done for a girl who may have many suitors but chooses to remain single for her pride or to improve her father's social status (Msimang, 1991; Turner, 2018). Secondly, in some instances, the father will, out of love for her daughter, choose to do *umemulo* for her (Msimang, 1991). The reasons for a girl's inability to find a husband point to the social construction of *umhlonyane* as a coming-of-age ritual, not *umemulo,* from a Zulu cultural perspective.

Back to the traditional rites called *umemulo*, a father usually communicates his wishes to do *umemulo* to his daughter and encourages the girl to maintain her maiden status (Blose, 2002; Mathonsi & Gumede, 2006; Ngcobo, 2020). Even though the girl may have a secret lover, she publicly declares her love to him during or after the *umemulo* ceremony (Msimang, 1991). Even though *umemulo* is a ceremony done for a maiden eligible for marriage (Magwaza, 2001), nowadays, being a maiden is not a deciding factor for conducting *umemulo* as people do it way beyond marriage and for the deceased.

The ceremony of *umemulo* has four phases, each characterised by its uniqueness (Magwaza, 2001; Msimang, 1991). The first phase is called *ungungena emgonqweni* which means that a girl has to enter the secluded area with her peers for one to two weeks, where they

are initiated and educated on womanhood (Nkosi, 2011; Sirayi, 2003). For a girl to enter a secluded area, her father should slaughter a goat on the set date (Msimang, 1991). In this secluded area, the girl stays with girls her age for approximately two weeks, and her father continues to slaughter as many goats as possible, thanking her for staying pure (Msimang, 1991). The second stage is *ukuhhoyiza* (visits to relatives and neighbours), which commences during the seclusion period, usually after two weeks. The girl comes out of seclusion and starts visiting relatives and neighbours together with other girls to collect gifts (Msimang, 1991). The third phase of *umemulo* is when the father identifies *inkomo yomemulo,* which is a beast to be slaughtered for the ceremony. A girl will take her father's spear and enter the kraal dressed in *isidwaba* to see the beast her father had identified to slaughter for her ceremony (Sirayi, 2003). After seeing the beast, a girl will sing her personal hymn and do a dance called *ukugqashiya* with the help of other girls, and all will disappear to their hut (Sirayi, 2003). The last phase, which comes the day after the third, marks the end of the ceremony. This phase is open to everyone who wants to attend.

The father introduces the daughter to the audience, and the girl would quickly sings her song, break away from her mates toward her father, and thrust the spear into the ground in front of him (Sirayi, 2003). During this time, a girl may take the spear and thrust it in front of the man she loves, which is an avenue to publicly declare her love for him in front of everyone (Msimang, 1991; Sirayi, 2003).

2.4.2 Courtship

There are multiple ways to discuss courtship from a Zulu perspective as ways vary from one context to another (Biyela, 2013). Changes in lifestyles have influenced how people approach courting these days. As this thesis aims to explore the meaning of *ukuthwala*, it is also essential to explore courtship. A critical aspect central to courtship is that it is intended to

cultivate a path towards marriage. However, it is not uncommon for courtship to end before marriage for many reasons that fall beyond the scope of this study. To contextualise this section, a discussion of the differences in how young men and women approach courtship was explored. Courtship is, by far and large, still initiated by a man (Mlangeni, 2010). In Zulu culture, courtship was a minimum of not less than two years; the intention for prolonging courtship was to identify compatibilities and areas of incompatibility prior to marriage (Biyela, 2013). Parents take pleasure in witnessing their children participating fully in courtship; however, a failure to win the interest of the opposite sex in courtship is seen as a disgrace (Sibiya, 1981). In the past, young men were required to court women for marriage only (Sibiya, 1981). In expressing their interest, more emphasis was placed on wooing the girl to assist with domestic chores at home and asking for a girl's acceptance as a lover so that their father would receive *lobola* (Sibiya, 1981). Currently, courtship has drastically changed in many ways and there is a paucity of research in this area.

2.4.3 The Practice of Lobola

The custom of *lobola* is defined by the Recognition of Customary Marriage Act of 120 of 1998 as property that may be in the form of cattle or money paid by the man to the bride's family for marriage purposes (Mtshali, 2014). According to (De Schryver, 2008), *ilobolo* is a noun derived from the verb *lobola*, which is conceived as a traditional gift that a man makes to indicate his intention to marry or his guardian must give to the father or the guardian of his intended bride. The *lobola* often referred to as 'bridewealth' in the literature (Rudwick & Posel, 2014), is widely accepted and performed by the Zulu people and other ethnic groups. Involves giving gifts by the bridegroom to his father-in-law (Posel & Rudwick, 2011; Shope, 2006). The *lobola* negotiations begin a lengthy process involving exchanging gifts between the two

families (Ansell, 2001; Dlamini, 1985; Sibisi, 2019). Prior to colonisation, the payment of *lobola* was constructed as a mere gift to the bride's family, and no value was attached to it. During colonisation, the construction of *lobola* was changed by Theophilus Shepstone, who was a Natal Secretary for Native affairs, to be a payment of 10 cows for ordinary people, 15 cows for chiefs' children, and 20 cattle for Chiefs and all *lobola* payments are accompanied by one cow for the mother, referred to as *ingquthu* (Rudwick & Posel, 2014). *Lobola* is tendered mainly through cows, and sometimes money is calculated to correspond to the headcounts of cows requested by the family (Dlamini, 1985; Ojong & Ndlovu, 2016; Shope, 2006). Through the payment of full *lobola*, an essential step towards a complete marriage was finalised (Dlamini, 1985).

Presiding over the *lobola* ceremony is the meeting between two families, starting with *ukukhonga,* where the groom delegates beseech the bride's family to be allowed to enter, consent to and open the marriage discussion (Dlamini, 1985). *Ukukhong*a coincides with *ukucela,* which can be understood as the actual act of visiting the bride's family to request unity through marriage (Sibisi, 2019). *Ukucela* involves the usual procedure where there is a consensual agreement between the couple after a man has asked for the woman's hand in marriage (Mtshali, 2014; Reader, 1966). Both of them will inform their families of their intentions to marry. If no potential objections arise after the couple discloses their intentions to marry, their families and significant others begin preparations for the ceremony (Reader, 1966). *Ukucela* is also the money paid to the bride's family, usually the father, to open marriage discussions (Hunter, 2016).

Within the Zulu culture, there are three ways by which a girl becomes engaged and has *lobola* paid to her family: ukucela, ukubaleka and *ukuthwala* (Nkosi, 2011). *Ukucela* involved the usual procedure where there is a consensual agreement between the couple after a man has asked for the woman's hand in marriage (Mtshali, 2014; Reader, 1966). Both of them will

inform their families of their intentions to marry. If no possible objections arise after the couple discloses their intentions to marry their families and significant others, preparations are made for the *ukucela* ceremony (Reader, 1966).

The arrangement is then made within the family on who will represent them and negotiate with the girl's family, and that person is called *umkhongi* in Zulu (Msimang, 1991; Mtshali, 2014; Reader, 1966). On the set date, *umkhongi* will leave for the bride's family to arrive and be seen standing at the bride's gate before the sun rises; that first visit is often referred to as "*ukokhela umlilo*", which means to start a fire (Nkosi & Van Niekerk, 2018). As soon as *umkhongi* is allowed inside the home, girls will be called to confirm if they know anything about *umkhongi*. The first visit would mark the beginning of the family relationship if the negotiations yield desired results for the families involved (Nkosi & Van Niekerk, 2018). During the process of *ukucela*, the *lobola* negotiations are also on the agenda. The bride's father or any uncle will name their price for *ukucela* and *lobola*, and the negotiations will continue until the families reach a consensus. On the date of delivering the *lobola* payment, *umkhongi* will name the *lobolo* cows by the colour of their skin and type of horns while standing at the gate as means through which the groom wishes to establish desired relations (Msimang, 1991).

Another way to open marriages and *lobola* negotiations is through the custom of *ukubaleka*. *Ukubaleka* is the most obvious strategy for a woman to propose marriage to her lover. A girl with the closest friend, often called *umhlalisi* (one who stays with the bride), runs to the prospective husband with the hope of hastening marriage arrangements and the payment of *lobola* (Nkosi, 2016; Reader, 1966; Sibiya, 1981). *Ukubalela* is also referred to as *ukuyodla izinkomo*, meaning it is a strategy to get a man to pay a *lobola* (Nkosi, 2016). In the case of *ukubaleka*, the man's consent is not negotiated, and if she refuses a woman, he is liable for a fine (Nkosi, 2016; Reader, 1966). Despite the paucity of research on *ukubaleka*, it is common in some areas of Kwa-Zulu Natal Province (Nkosi, 2016). Upon arrival, they will wait where

they will be seen and when asked why they are standing, *umhlalisi* responds by naming the prospective husband as the reason for their arrival (Msimang, 1991; Reader, 1966). Many reasons underpin the girl's initiating marriage through *ukubaleka*. Firstly, when she falls in love with another man despite being engaged to another man. Secondly, when she is in a relationship with someone she is not engaged with, another suitor comes and promises her marriage. Thirdly, a girl may resort to *ukubaleka* when her current lover was taking too long to propose marriage or does not respond positively when the issue of marriage is proposed (Sibiya, 1981). Fourthly, a girl may decide to *ukubaleka* to avoid being given away in marriage to a man she does not love (Sibiya, 1981). The *lobola* payment is negotiated if the girl is accepted, and marriage can be solemnised.

Ukugana is also one of the forms of informal marriage usually initiated by women to choose a husband who can afford to pay *lobola* (Henderson, 2013; Sibiya, 1981). *Ukugana* is the most common form of informal marriage with elements of social legitimacy among Zulu people in rural areas because minimal *lobola* payments have been made (Claassens & Smythe, 2013; Hunter, 2016). Furthermore, *ukugana* can be expanded to refer to marriage by which a man instructs his daughter to go and marry a man of her choice, irrespective of whether he can afford the *lobola* payment or not (Sibiya, 1981). The purpose was to establish desired relativeness, which brings forth social status for the father (Sibiya, 1981). In some instances, *ukugana* is a 'damage control' tactic to avoid shame from out-of-wedlock pregnancies where a father will take her daughter to a man desired by him (Sibiya, 1981). On the other hand, (Mtshali, 2014) argues that *ukuganisela* is one of the marriages arranged by the parents without the girl's knowledge. In extreme circumstances, young girls are forced to marry by their parents because the groom promises to offer the *lobola* (Mtshali, 2014).

The social construction of the practice of *lobola* has been subjected to scrutiny. For Hlophe (1984), *lobol*a was constructed as a custom that used to offer women security in the

form of protection, good treatment, and care, but these securities no longer existed. Other arguments for the abolishment of *lobola* are that it is a constraint stopping many men from marrying due to inflated prices, unemployment, or insufficient salaries (Hlophe, 1984; Posel & Rudwick, 2011; Rice, 2018). Lobola has also been criticized for enslaving women, and it was the means through which debt incurred by parents during their marriage could be settled (Hlophe, 1984).

On the contrary, there is a strong resistance for keeping *ilobolo* even in modern times. First, *ilobolo* is constructed as a custom that goes beyond the payments of gifts to involve the elements of identity and spirituality (Rudwick & Posel, 2014). The unity of families made possible by the *lobola* as an essential aspect which is also communicated to the ancestors (Rudwick & Posel, 2014). Sibisi (2021) argues that using words such as; 'bridal-price', 'bridewealth', and 'good marriage' constructs women as commodities and produces indirect discrimination based on gender. To sum up, *lobola* is, is one of the integral parts of the customary marriage. However, there is a distinction between unmarried cohabiting couples after the *lobola* payments have been advanced and married couples who have satisfied all requirements associated with customary marriage (Claassens & Smythe, 2013; Hunter, 2016).

2.4.4 Description of common practices in Zulu wedding ceremonies

The social construction of marriages in South Africa has undergone significant transformations, and the marriages of Zulu people are no exception. This section discusses the most crucial practices for a complete traditional Zulu wedding.

Before the bride's family leave for the wedding, three important cultural aspects must be performed. Firstly, the father will slaughter a goat and a beast called *umncamo* (Cele, 2010). The social construction underpinning *umncamo* is that it marks the point where she cuts off the boundaries she had with her maiden family. During this point, the bride's secluded house is

frequented by older women who come to advise her about marital life and shower her with gifts. Secondly, In the dawn, the father will take her daughter to the kraal to report that she is leaving her maiden home for official marriage and ask for blessings (Cele, 2010). The family hymn often used when there is death in the family is sung to invoke ancestors' spirits and communicate to the ancestors that she is permanently leaving. This stage is constructed as sad and painful for the bride and everyone in the family because it is constructed as her death in her maiden family. The bride must only use a blanket to cover her body. The father will call out his clan names during this stage while strolling around the kraal. Thirdly, in the kraal, there is a bride's kist. The kist symbolises her death in her maiden family as she is permanently leaving to be joined to her husband's family (Cele, 2010; Thabede, 2020). It is also compulsory to stay with her kist throughout the wedding ceremony.

On the day before the wedding ceremony, the bride's group, called *umthimba,* comprises friends, relatives, and family, except her mother, who will leave to arrive at the groom's house in the early morning hours. *Umthimba* is welcomed by the groom's group, referred to as *ikhetho* (Cele, 2010). These two groups performed various types of dance in celebration of the marriage. On the last day of the marriage, the groom's family will slaughter a beast known as *umqholiso* to welcome the bride. The bride will be asked to enter the kraal to perform a ritual called *ukwetha*, where she cuts the beast as if she is deskinning it. Specific parts should be exchanged between families from the *umncamo* and *umqholiso* beasts. From *umncamo*, the bride's family will take one unopened chamber of the beast's stomach called *itwani.* Itwani will be opened, and its contents are buried at the groom's kraal, symbolising that her husband's family will decide her burial place. This concurs with the Zulu proverb: "*ingcwaba lentombi lisemzini*", which means that once a woman is married, she belongs to her husband's family for the rest of her life (Nkosi, 2011). The bride's family will also take specific

parts from the *umqholiso* beast, including the leg with its heel, *itwani*, liver, end of the tail, and one side of the entire rib cage (Cele, 2010).

Another critical element in the Zulu wedding is called *isigcawu*, the demarcated scene where the actual wedding ceremony will occur. Both u*mthimba* and *ikhetho* compete with each together with the bride and the groom. Usually, *isigcawu* is kept secret to avoid it being bewitched, and traditional medicine is commonly used to protect it (Cele, 2010). The bride's kist is placed at the centre of *isigcawu* to mark the point where the solemnisation of marriage occurred. During the ceremony, the families will perform a ritual called *ubulanda. Ubulanda* is constructed as a sacred ritual marked by quietness. The bride's family, led by her father or the family leader, greets and extends gratitude to the groom for *lobola* cows while head counting the cows. They stroll around *isigcawu* calling their clan names to invoke ancestral spirits while asking for a healthy marriage and unity between families. When the bride's family has completed, the groom's family will greet and thank the bride's family for their daughter. Similarly, they call their clan names, communicate to the ancestors that they are at the end of the marriage, and ask for blessing and unity.

The last two vital aspects of the Zulu wedding are *umabo* and *ukuthelwa ngenyongo*. The *umabo* is a custom where the bride offers gifts (blanket, head couch, and mat) to all important members of her husband, including her husband. When all the wedding ceremonies and rituals have been completed, older women will visit the bride and pour the gallbladder sludge on her head, ankles, and wrists. In conclusion, completing all Zulu marriage formalities constitutes a full Zulu marriage (Claassens & Smythe, 2013) and other forms of conjugal relationships where couples cohabitate whether or not *lobola* payments were made; it does not constitute a complete Zulu marriage. The following section focuses on the culture of *ukuthwala*

as one of the arrangements intentionally used to hasten marriage processes, though most common cases of *ukuthwala* do not materialise in marriage.

2.5 The social construction of the culture of *ukuthwala*

The cultural practice of *ukuthwala* is common in some parts of the Kwa-Zulu Natal and Eastern Cape provinces of the Republic of South Africa and is more common in rural black communities (Nkosi, 2014; Ntuli, 2019). The *ukuthwala* practice is a convoluted practice that has taken diverse interpretations. For example, in the media, *ukuthwala* is defined in a sensational way to invoke various emotions in consumers of media outlets (Ziyanda & Oscar, 2020). It is conceived of as a practice that violates other people's rights from a legal perspective (Ziyanda & Oscar, 2020). The abduction of young schoolgirls by older men has also invited harsh criticism of the practice (Ziyanda & Oscar, 2020). In brief, *ukuthwala* practice is a custom where the suitor identifies a prospective bride and eventually abducts her with the help of his peers for marriage (Maluleke, 2012; Mubangizi, 2012; Nkosi & Wassermann, 2014).

Preliminary literature suggests a glaring incongruence in how scholars surface the custom of *ukuthwala*. The enactment of *ukuthwala* and its circumstances have primarily shaped the incongruence in how the *ukuthwala* is constructed. After critically reviewing the literature, two forms of *ukuthwala* were identified: a socially endorsed and a socially opposed practice.

A socially-sanctioned form of *ukuthwala* has three strides. The first form of *ukuthwala* surfaced as a collaborative practice in which the prospective bride is aware of what will happen to her and obscurely co-operated with her suitors' peers in the execution of *ukuthwala* because both parties usually plan it (Choma, 2011; Mtshali, 2014; Mwambene, 2018). According to Koyana and Bekker (2007), during the implementation of a collaborative *ukuthwala*, the girl will exhibit some resistance to imply some pretentious unwillingness to bystanders to maintain

her maiden dignity. In this case, the prospective bride is constructed as being complicit in her abduction (Mubangizi, 2012).

The second socially endorsed stance is when the couple encounters challenges in their relationship and resorts to *ukuthwala* as an alternative to getting married (Nkosi, 2011; Rice, 2018). The challenges vary from one couple to another. The most prominent issues compelling the couple to use *ukuthwala* are spousal choice, economic issues and stagnant relationships. In the case of a spousal choice, the woman may be pressured to choose the family's desired boyfriend when she has her own (Rice, 2018). In this form of *ukuthwala*, a girl is constructed as an orchestrator of her own abduction if her lover is not her parent's choice for a husband ((Jaco) Smit & Notermans, 2015; Nkosi, 2011). Also, *ukuthwala* can be resorted to when an engaged girl has a new lover whom she wants to marry (Msimang, 1991; Nkosi, 2011).

The last form of the socially endorsed stance of *ukuthwala* is constructed as an avenue to hasten marriage when the girl is pregnant, and the family seeks to avoid the disgrace that comes with children out of wedlock ((Jaco) Smit & Notermans, 2015; Msimang, 1991). In all the forms of *ukuthwala*, there is consent between the parties, and the whole process concurs within the approved social character of the practice. Furthermore, this form of *ukuthwala* is constructed as an enactment of traditional practices of Zulu culture, which is consensual, accompanied by non-violent actions devoid of non-consensual sexual intercourse (Nkosi, 2009).

Many forms of *ukuthwala* are condemnatory, socially disapproved and widely contested. Generally, the use of aggression and violence are constructed as basic tenants of *ukuthwala*, and it is these elements that have attracted widespread criticism and call for the abolishment of *ukuthwala* (Nkosi, 2009; Ziyanda & Oscar, 2020). The premises for contestation are due to the undesirable particularities of *ukuthwala*. Some of the critical

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particularities socially understood to be contradictory to the practice of *ukuthwala* is the lack of consent for both abductions, which is often followed by the rape of women (Jokani, 2017; Nkosi, 2009; Nkosi, 2011). These particularities are often linked with the contemporary practice of *ukuthwala*. In constructing the contestation of the undesirable particularities of *ukuthwala*, Smit & Notermans, (2015) stated that violence and sexual intercourse are utilised as a tool to compel women to submit. Lastly, in constructing the undesirable form of *ukuthwala* (Nkosi & Wassermann, 2014) used the words "*ukuthwala ngenkani*" (abduct by force), which means *ukuthwala* practice is marked by a violent and physical assault of women, which is a gross violation of a woman's rights and bodily integrity. Consequently, sexual abuse often happens below the age of consent and mainly at the hands of older men (Rice, 2018).

Hence, the practice of *ukuthwala*, whether enacted in a socially-desirable way or not, does not always result in marriage from a Zulu marriage perspective. In some instances, the absence of consent is why *ukuthwala* often fails to solidify marriage. In constructing the practice's failure where consent was not obtained, the family will send someone to inquire if the girl is consenting to marriage, if the girl says: "No", Then the girl is sent back home ((Jaco) Smit & Notermans, 2015; Nkosi, 2014). Again, if the girl confirms consent, but the *lobola* negotiations are unsuccessful after the *ukuthwala* event, the bride must go back to her family home, and the suitor will be required to pay for the damages (Koyana & Bekker, 2007). The payment for an unsuccessful abduction is called *inkomo yokuthwala* (Nkosi & Wassermann, 2014). It is intended to serve two purposes. Firstly, it compensates the prospective bride for having undergone the trauma associated with *ukuthwala* on the instructions of an incompatible suitor. Secondly, it penalises the unsuccessful suitor who initiates the *ukuthwala* event, which leads to unfruitful results (Nkosi & Wassermann, 2014). In addition, if the suitor had sexual intercourse with the prospective bride prior to the commencement of *lobola* negotiations (which is now a common thing) but, in sharp contrast with the actual practice of *ukuthwala*,

where any form of sexual intercourse with the prospective bride/s was prohibited, the suitor will have to pay penalty fee called *ingquthu kanina* (Nkosi & Wassermann, 2014).

Amid the confusion, there is a dire need to distinguish between the *ukuthwala* in its unique traditional form and the detrimental, exploitative, inhuman and distorted contemporary practice enacted in the name of the *ukuthwala* (Karimakwenda, 2013; van der Watt & Ovens, 2012). The distorted practice of *ukuthwala* is evident in situations where young girl children between the ages of 12 to 15 years are kidnapped, sexually abused and forced to marry older men (Jokani, 2017). Furthermore, it is not limited to young girls but also is a reality for older women (Choma, 2011). This appalling disregard for individual dignity and self-determination masquerades as the practice of *ukuthwala* has far-reaching implications for everyone and warrants serious dialogue and intervention to realise tangible solutions that promote formidable relations amongst people (Choma, 2011). The above section provided a summary of the dominant forms of *ukuthwala*. Despite the existing contradictions in how the practice is constructed, there is a need to unpack further other inextricable elements associated with *ukuthwala*.

2.5.1 *Ukuthwala* cultural practice: The collision of contemporary culture, gender, sexuality, and material conditions

The cultural practice of *ukuthwala* is constructed as a custom located within the web of intersecting different categories such as culture, gender inequality, sexual offences, and materiality. These categories are crucial for understanding the contemporary practice of *ukuthwala*. This section aims to demonstrate the interrelations between these categories and critically unpack the way they function to create the conditions of possibilities for the practice of *ukuthwala*.

The cultural diversity in the South African context is constitutionally acknowledged and enshrined, and the people are afforded the freedom to practice their cultures without the fear of being subjugated to the values and norms of other people (Currie & De Wall, 2013). Wadesango, Rembe, and Chabaya (Wadesango et al., 2011) construct culture as the unit constitutive of numerous colours, with each colour representing categories like customs, practices, and belief systems that afford an individual a sense of identity. Culture could be defined as human knowledge, beliefs, and shared practices that define people as a collective unity (Haviland, 1993; Taylor, 1997). From a Zulu perspective, culture is referred to as *isiko*, which is derived from the word *sika*, which means to cut off, distinct, differentiate, and cut apart (Moshoetsi, 2016). The *isiko* is a crucial aspect of the Zulu people and is constructed as a blueprint governing their way of life (Moshoetsi, 2016). The noteworthy elements of culture are that the meaning-making processes, social interaction, and influence play a crucial role in the production of cultures. For example, in Zulu, marriages are constructed as ceremonies that unite the living and the dead. For this reason, the entire marital processes discussed by the living are communicated to the dead, which is a common practice amongst Zulu people.

The practice of *ukuthwala* operates within the realm of culture, with all its features widely constructed as tools often used by men to abuse and oppress women and girls (Monyane, 2013; Mwambene & Kruuse, 2017). These features often included, amongst other things, incidences such as abduction and rape of young girls by older men and abuse of women (Monyane, 2013; van der Watt & Ovens, 2012). Such incidences have produced conditions where *ukuthwala* is discursively constructed as 'bride abduction' (Karimakwenda, 2013; Mfono, 2000; Mtshali, 2014). Although traditionalist vigorously contests these discourses as a violation of their right to a culture based on practices incongruent with the social character of *ukuthwala*, it is not easy to isolate the negative aspects widely pronounced as the aspects of *ukuthwala*.

The cultural practice of *ukuthwala* has produced discourses pointing to the social construction of gender. According to Holmes (2007), Gender is a socially constructed category that distinguishes people born as male and born as a female and those who do not fall between male and female gender identities (Cheung et al., 2020; Fiani & Han, 2019, Holmes, 2007; Wenzlaff & Dekker, 2018). While there is a biological distinction between men and women, Oakley (2015) stated that gender is different from sex which refers to the biological differences between males and females. This was already stressed by Butler (1999), who pointed out that gender is a culturally and socially constructed entity, and sex does not determine it. Moreover, Butler (1999) also submitted that even in circumstances when pre-given-sexes are complicated, it cannot be granted that gender will be so. Thus, gender is an independent category assumed by every person irrespective of biological sex.

On the contrary, Peterson and Hann (1999) argued that the construction of gender commences from biological sex, and that is evident in the naming and dressing of babies and the parenting roles. No literature shows the Zulu construction of gender that deviates from the biological perspective. Instead, the patrilineal perspective of Zulu people takes the central role in how gender and roles are allocated and organised for boys and girls and later wives and husbands. The stages of development preparing boys and girls for marriage show that gender is primarily explained through a biological perspective. As a result, the social construction of gender plays a vital role in the practice of *ukuthwala*. Patriarchal authority explains how the production of the bride abduction discourses is sustained as most abducted women and girls are quickly given domestic responsibilities (Kheswa & Hoho, 2014). Hence, bride abduction demonstrates that widespread patriarchal power relations afford men more power than women in the practice of *ukuthwala* (Monyane, 2013). In the practice of *ukuthwala*, this power is utilised to subjugate the independence of women and girls by compelling them into unwanted marriages. As observed in the literature on *ukuthwala*, men used their physical, economic, and

social power to subordinate women to marriage by *ukuthwala* (Mtshali, 2014; Mubangizi, 2012).

The discursive orientation embedded in the links between gender and *ukuthwala* serves to point out that *ukuthwala* is a harmful practice that exposes women and girls to sexual and domestic violence, among other things (Kheswa & Hoho, 2014; Modisaotsile, 2013; Nkosi, 2016). Furthermore, *ukuthwala* is a culture that enables men to rape as consent may not be negotiated (Nkosi, 2009). This non-consensual behaviour serves to show that *ukuthwala* is used merely as a tool to realise the domination of women and renders women as male sexual objects (Ziyanda & Oscar, 2020). Despite the literature that reveals the extent of gendered abuse meted out by men on women and girls through the practice of *ukuthwala*, some women still perceived the practice as good and stressed the uniqueness of men who opt for abduction ((Jaco) Smit & Notermans, 2015; Nkosi, 2011). The above discussion frames the practice of *ukuthwala* as a cultural practice associated with gender inequality which reinforces gender roles by placing women and girls in positions vulnerable to various forms of abuse.

Material conditions play a vital role in the cultural practice of *ukuthwala*, more often in circumstances where the guardians stand to benefit by marrying the girls (Geldenhuys, 2021; Nkosi, 2014). In other forms of marriage processes, the agreed payment of *lobola* is offered to unite families. However, in *ukuthwala*, it is constructed mainly as payment in exchange for the safe return of abducted women (Modisaotsile, 2013). Marriage is a social contract by which *lobola* is one of the steps to express that contract (Ngidi, 2012), and its purpose was to value a woman and cement the relationship between the families (Modisaotsile, 2013; Nkosi, 2014), but it is now commercialised chiefly through the practice of *ukuthwala* (Maphalala, 2016; Mtshali, 2014; Mwambene & Sloth-Nielsen, 2011). These abuses of the *lobola* custom have produced a discourse where *lobola* is now constructed as a tool to commodify women as tokens who can also be abused (Wadesango et al., 2011). However, these discourses are challenged

by the proponents of *lobola* argue that the patriarchal power relations between men and women are also evident in relationships where the *lobola* payments have not been paid (Osirim, 2003).

The need to acquire wealth from *lobola* is one of the critical features in *ukuthwala*. In some instances, families arrange with a man to have their daughter abducted if the *lobola* payment is promised or is paid in advance ((Jaco) Smit & Notermans, 2015; Mtshali, 2014; Nkosi, 2011). In some instances, parents do not care about the welfare of their young daughter after receiving *lobola* payments (Geldenhuys, 2021). What is apparent in the above is that the potential to acquire wealth is of more significance than the lives of women or girls. It is important to locate this attitude of the commodification of women within broader rural areas where most people live below the poverty line (Carter & May, 1999; Tschirley et al., 2015). Hence *ukuthwala* has open opportunities to capitalise on the rural economy through ukuthwala marriages with men capable of paying *lobola* for abducted girls (Modisaotsile, 2013; Nkosi, 2014; Smit, 2012). By so doing, girls are constructed primarily as objects that can bring money through *ukuthwala* and the possibility of forfeiting the envisaged wealth when *ukuthwala* fails to materialise results in shaming the girl ((Jaco) Smit & Notermans, 2015; Nkosi, 2014). Thus, the prospect of securing wealth through *ukuthwala* has added another dimension to the practice and serves as a key economic survival strategy, although it often results in an incalculable loss for girls and women's dignity.

In conclusion, each of the social categories discussed above impacts the social construction of *ukuthwala*. *Ukuthwala* is constructed within the broad spectrum of culture as an evolving entity and changing with time. The discourses used to construct *ukuthwala* using categories like culture, gender, sexuality, and material conditions warrant critical review to eliminate its harmful aspects for the betterment of society.

2.5.2 The media construction of *ukuthwala*

The media has contributed significantly to shaping views on the construction of *ukuthwala*. Various media outlets are more easily accessible to many people through the internet and Newspapers than scholarly articles and have reported many cases of *ukuthwala* occurring mostly in Kwa-Zulu Natal and Eastern Cape provinces (Nkosi, 2014; Ntuli, 2019). For this reason, it was also necessary to discursively review how the practice of *ukuthwala* is constructed in the media, which also spills over to shape people's understandings and constructions of *ukuthwala*.

Ukuthwala is constructed as the practice of force used to compel the family into marriage negotiations (Maduna, 2017). Secondly, *ukuthwala* is also constructed as an unacceptable practice which is derived from times when *ukuthwala* was widely accepted, but its practice is now frowned upon in modern times (Lee, 2021; News24, 2015; Nkgadima, 2020). Thirdly, *ukuthwala* is constructed as a practice driven by a wreath of poverty which often culminates in the commodification of women and girls and the glorification of male power. Lastly, there is a nostalgic construction of *ukuthwala*, which is used to defend and contrast the current cases of *ukuthwala* with the historical, social character of *ukuthwala* (Shange, 2014). The discursive construction of *ukuthwala* by the media differs considerably depending on the message they intend to convey. The analysis of the discursive object reveals at least five distinct discourses used to construct *ukuthwala*. The media used mainly the legal discourse to construct *ukuthwala*. The legal discourse is used to dismantle the traditional argument that justifies *ukuthwala* (Hyman, 2020),

> *"Aberration of the traditional mock abduction of a bride to initiate marriage negotiations would not be a defence in the case against her and her fellow accused"* (Hyman, 2020)

The legal discourse was also used to construct *ukuthwala* to explain the cases where minor girls are raped, and marriage is used to waive consent for age and to engage in sexual intercourse (Mokati, 2017).

> *"The Sexual Offences Act allows consensual sex for persons 16 years and older; however, some individuals are using marriage as a loophole to sleep with minor girls as means of protecting themselves from being charged with statutory rape"* (Mokati, 2017).

The other instance where the legal discourse was used to construct *ukuthwala* was to explain other legal issues associated with the practice, such as human trafficking (Hyman, 2020).

> *"Nine years ago, in a small Eastern Cape village, a 14-year-old girl was put into a taxi by her cruel aunt Zukiswa Bangi to be sold into a life of rape and abuse as a child bride under the twisted pretext of ukuthwala"* and rights to education (Holmes, 2015) *"this practice serves to perpetuate the cycle of poverty. Girls who are subject to child marriages are usually not able to complete their education and, therefore, do not develop to their full potential. This condemns them to a life of servitude and poverty."* (Hyman, 2020).

Different media outlets also widely used the modern discourse to construct *ukuthwala* as a cultural practice that has little or no relevance in today's life (Lee, 2021; News24, 2015). In employing the modern discourse, *ukuthwala* is constructed as a piece of the past that cannot fit in modern society.

> *"Ukuthwala is a remnant of a backward past and must be jettisoned to the scrapheap of history,* (Lee, 2021).*"*

Furthermore, the changes produced by education and personal interest have produced more options for women, and marriage is no longer the only destiny for adult women as it was in the past.

"Women were raised with one expectation; a girl child was born, raised to become a wife" there is a broader world for a girl child; women may be abducted by a man she did not want, but it may be okay because this was the option at that time, that is not the case now when women have more choices, (News24, 2015)*."*

The media have also used an intersecting discourse derived from economic, contextual specifics, romantic and personal affiliation to construct *ukuthwala*. The intersecting discourse was utilised to construct *ukuthwala* as an approved practice, mainly in societies where marriage brings forth a positively recognised social status for the family and the women.

"The perception that marriage will provide protection, family honour, and social norms like customary and religious laws condone the practice, as well as inadequate legislative frameworks. All these things are at play, but it is a complicated issue, (Holmes, 2015)*."*

To discourage people from participating in the practices of ukuthwala, the media used religious beliefs as the yardstick for acceptable behaviours. For example, a religious discourse was used to appeal to Christians to take a stand against *ukuthwala*.

"As followers of Jesus Christ, we need to do everything we can to stop the practice of ukuthwala, (Holmes, 2015)*."*

In the media, the context was critical in constructing *ukuthwala*. For example, rural settings are constructed as hot places for the practice of *ukuthwala* context specifics. As a result, it is easy for people to expect headcounts of cattle for *lobola* because there are many subsistence farmers. The links between the context lifestyles and relationship matters produce a romantic

discourse deployed as an avenue to facilitate marriage processes whenever familial hindrances stop the couple from getting married (Wadesango et al., 2011).

> *"I couldn't afford lobola at the time," Mahlangu told the commission briefing in Johannesburg; during the release of its latest report on ukuthwala, Mahlangu said his wife's family had wanted 20 cows for her hand in marriage, "I fetched her with my friends on a Tuesday. A traditional ceremony was done on Wednesday by my family).* *(Shange, 2014)*

The purpose underlying the construction of *ukuthwala* using the past and present times is intended to clarify that although *ukuthwala* may have worked in the past, it has limited relevance in today's life. There is a prioritisation of individual choices of spouses and the preferences of the individual. There is also more emphasis on other life choices against marriage as the only alternative for women. The underlying orientation embedded in constructing *ukuthwala* using a modern and legal discourse is to advocate for change in behaviour by letting go of specific cultural practices and for the law to take its course. Moreover, the rationale underlying constructing *ukuthwala* using romantic discourse appears to surface women's agency to initiate and collaborate with their partners in cases where women are commodified through *lobola* customs. Lastly, the ideological constructions involving the legal discourse invoke institutional power to act against the individuals using *ukuthwala* for nefarious ends and to advocate for the practice to be abolished.

The analysis of discourses used by the media to construct *ukuthwala* reveals that the media adopt a single position of being a mouthpiece to raise public awareness about the specifics of the culture of *ukuthwala*. Depending on the case reported, the media used different strategies to raise awareness about the culture of *ukuthwala*. The sensitive aspects of *ukuthwala,* where the family participates in the abduction of young girls and subsequent cases of rape, thus creating positions where the media sympathises with abducted girls for the abusive

conditions they were subjected to at the hands of guardians whose duty is to love and protect them (Maduna, 2017). The construction of *ukuthwala* using a modern discourse produced a civilised position. It is from within the civilised position that the media drew from the changes in lifestyles to assert that in a civilised society, the culture of *ukuthwala* should not be performed because being civilised is not associated with abusive cultural practices (Lee, 2021). However, limited opportunities in rural areas coupled with saturated patriarchal ideas have created a position where *ukuthwala* is constructed as one of the cultural practices that condemn women to a life of poverty and servitude (Holmes, 2015). Lastly, the modern discourse produced a judgemental position within Christianity that illegitimate *ukuthwala* as a sinful act not expected from South African Christians.

The legal discourse used to construct *ukuthwala* states that it passes itself off as the ultimate rule through the Rule of Law, thus superseding any defence of culture when the cases end up in court. Some specific laws, such as rape, assault, kidnap and Acts like the Children Act 38 of 2005, can be used to challenge the cases of *ukuthwala* even though the Constitution makes provisions for the expression of different cultures. Similarly, the nexus between discourses is that they denounced ukuthwala as a repulsive act by revealing the interrelationship of categories like poverty, patriarchy, and culture as important factors in enacting *ukuthwala.* The use of a modern discourse by the media invites people's opinions of *ukuthwala* to use the modern lifestyle as the yardstick for understanding and commenting on the culture of *ukuthwala*. In this way, there is no space for people who are pro-*ukuthwala* in modern life because it constructs *ukuthwala* as one of the cultures that should be left in the past.

Concerning subjectivity, one can deduce from the discursive construction the media used to construct *ukuthwala* that there are concerns about girls' future lives, health, and education when they are caught up in a deadly web of abuse that threatens their lives. The fact that young girls are sold by the people who are supposed to protect them in order to earn some

money raises eyebrows about the brutality of poverty. It can also not be stressed enough that the means to survive by marrying young girls also reinforces the grips of poverty because the girls are robbed of the opportunity to educate and improve their lives. There is also a sense of sadness at the nexus between the social construction of dominant masculinity and the disregard for the law that often manifests in the enactment of *ukuthwala*.

The discursive construction used by the media to construct *ukuthwala* suggests that *ukuthwala* is a social construct that needs to be addressed through community dialogue. The continued enactment of *ukuthwala*, irrespective of legal, traditional, and institutional prohibitions, points to the communities as the agents who can proactively influence a change to stop *ukuthwala* should they wish to do so. The legal discourse used to construct *ukuthwala as a* recognised *cultural practice* is essential but reactive because it does not prevent damage from occurring. The missed opportunity by the media in constructing *ukuthwala* using modern discourse is that the media fails to recognise that most Zulu people still identify with their cultures and tend to resist 'top-down' changes unless there is a tangible approval at the community level. The intersecting discourse shows that ukuthwala is not just a cultural practice but a symptom of many social issues that negatively affect the community. Any intervention aimed at preventing the future enactment of *ukuthwala* should consider addressing the categories of poverty and social constructions of gender (patriarchal masculinity) to realise the social changes to the use of *ukuthwala.* Although the media use different angles to construct and report the cases of ukuthwala, it has contributed significantly to shaping views about *ukuthwala*, which helped inform approaches to collect data from people of different social positions.

2.5.3 Individual discourses of ukuthwala

Another possible angle to understand the social construction of *ukuthwala* is through the women and girls upon whom the practice occurs. There are numerous discourses used to construct *ukuthwala*. However, there is a noticeable paucity of research that covers the individual or a collection of shared meanings as distinct discourses of *ukuthwala*. This section is dedicated to critically engaging the available literature that recounts individual experiences of women and girls to illustrate the discourses used by women and girls to ascribe meanings to the culture of *ukuthwala*.

In as much as *ukuthwala* is understood as a cultural practice that benefits men at the expense of women, *ukuthwala* is a cultural practice through which the needs of women are expressed. From a Zulu perspective, a woman who dates more than one man is degraded and discriminated against (Sibiya, 1981). Suppose a woman had publicly declared her love for a man but is no longer keen on continuing the relationship and is in love with a new man. In such a case, *ukuthwala* could be constructed as one of the alternatives available for that woman (Msimang, 1991; Nkosi, 2011). In the account extracted from Nkosi (2011), the cultural practice of *ukuthwala* is constructed as a possible exit point allowing women to cut ties with men they are no longer interested in as partners. Nevertheless, it is not without risk. The woman is on her own, and the outcome of the future relationship with the new partner is also unknown and cannot be guaranteed. Within this construction, the age and type of sex are pointed out to emphasise the level of independence to make individual choices and the type of sex for unmarried couples. Although the woman interprets *ukuthwala* as a means to end her fruitless relationship, it is unclear if her needs were met as the only positive thing about the new relationship is that she was more in love with the new boyfriend.

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, 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 head girls." (Nkosi, 2011)

In the second account extracted from Nkosi (Nkosi, 2011), the women's accounts are centred on arranging abduction plans well in advance. The planning phase illustrates the collaboration between the parties involved in how the whole process of *ukuthwala* will be carried out. In this account, *ukuthwala* was contemplated because the family did not like the man. This is congruent with the desirable social character of *ukuthwala*, more so because there is consent and the two people are in love (Msimang, 1991; Nkosi, 2011). From this individual account, *ukuthwala* is constructed as a process to declare one's intention to choose one's spouse and take the initiative to live with them.

"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 a betrothed, he must take his ilobolo and leave me

alone, then marriage negotiations were opened. Then I was made to wear isidwaba.

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."

In the above account, *ukuthwala* is seen by women as a solution that serves two purposes. First, it hastens the initiation of *lobola* negotiations and functions as a cultural tool for the couple to get married when they encounter difficulties in their relationship (Msimang, 1991). It is worth noting that in the above accounts relating to the practice of *ukuthwala*, consent was not discussed because women were actively involved in the whole process. Lastly, sexual intercourse was not the ultimate goal, but the marriage was because the primary aims of *ukuthwala* are to facilitate the marriage process. These individual accounts are in sharp contrast with other forms of *ukuthwala*, such as *ukuthwala ngenkani*, where girls and women are forcefully abducted without consent, raped and compelled to stay in abusive marriages (Nkosi, 2014).

The way in which *ukuthwala* is enacted lately is marked by brutal force where men exercise power to abduct, assault and rape women and young girls (Wadesango et al., 2011). These events of *ukuthwala* have shifted the social constructions of *ukuthwala* to accommodate the myriad forms of abuse and violence embedded with the contemporary state of ukuthwala. Below are abducted persons' accounts collated by (Prinslo, 2009 cited by van der Watt & Ovens, 2012).

In these individual accounts, *ukuthwala* is constructed as an act of coercion and in which her appeals against her abductors are disregarded. This account contains her plea by

using the term: "my husband was waiting" to justify the resistance to abduction and to console herself by calling her abductor a 'husband' although the usual marital processing requirements are yet to commence.

"I screamed and told them to let me go, but they told me to shut up as my husband was waiting for me."

Building on the construction of *ukuthwala* as an act of coercion, this account uses ukuthwala to justify the arranged forceful intergeneration marital relationship. In addition, the woman further interprets her experiences as that of being a 'living movable asset' whose fate depends on her elders' discretion in picking financial offers tabled before them in exchange for her to go and marry.

"Elders shoved us (her and the man) into a hut and told me how this man was now going to make me his wife…It was painful. I cried for days, I cried; this man could have been my father and he was so frail and sickly, I didn't want to marry a 'madala'; I just wanted to go to school."

In conclusion, three perspectives were identified in the accounts mentioned above. In the first two construction, *ukuthwala* was constructed as a collaborative process underpinned by the consent of adults. There was no violence or abuse. However, *ukuthwala* was a resource available to women to exercise their individual agency to exit consensual relationships. On the other hand, in the third perspective, *ukuthwala* is a gruesome act of coercion against young girls who may not have the authority and resources to defend themselves. In the following section, these individual discursive constructions are located within broader discourses.

The presence or absence of consent to marriage is a defining feature in the cultural practice of *ukuthwala*. The analysis of the construction expressed in these accounts shows how *ukuthwala*, a single object, is constructed differently. In the first two accounts, women actively

organised their journey to marriage in collaboration with their partners without outside pressure. Even though they have different situations, one exiting a relationship and the other defying family restrictions, *ukuthwala* is constructed here as a tool to realise a specific goal. Constructing *ukuthwala* as an exciting point and tool to declare one interest resonates with the discourse of personal agency. The Western discourse of personal agency was deployed to show that women have decision-making capacities and know what is best for them in any situation.

In contrast, constructing *ukuthwala* as an act of coercion through abuse and violence produces compliance because abducted women fear being subjected to those situations for an extended period by people who overpower them. As seen in the accounts, the guardian, constructed as elders, have switched roles; instead of nurturing and protecting, they are subjecting the girls, who may be a minor, to horrific experiences of abduction, abuse and possibly rape under the guise of *ukuthwala*. These constructions resonate with a 'powerful-powerless discourse marked by profound power inequalities encompassing conditions where the minors are totally ignored and never manifest in their desired outcomes.

An environment plays a crucial role in how discourse is deployed because it facilitates understanding the goal underpinning the discourse (Willig, 2013). The analysis of the discourse of personal agency appears to capture the individual use of the available tools to realise certain ends. For example, the person who plans her abduction with the new partner could have done so to communicate with her new partner where her loyalty lies. Also, it may be that the previous partner could not meet her needs instigating her to resort to *ukuthwala*. The versions of *ukuthwala* resonate with socially approved forms of *ukuthwala* where there is collaboration, and the act is a mere formality (Koyana & Bekker, 2007). Furthermore, the personal agency discourse contains a subject position of choice to emphasise that the two women who participated in the practice of ukuthwala were adults capable of making their own choice.

The act of coercion as a discourse used to construct *ukuthwala* may suggest the presence of multiple factors culminating in marrying young girls in the name of *ukuthwala*. For example, poverty is one of the well-cited reasons why young girls are abducted (Mwambene, 2018). *Ukuthwala* may not be the problem instigating elders to marry young girls, albeit without consent, but the inability to cope with poverty may move people to resort to *ukuthwala*. In the light of forceful abduction, the construction of *ukuthwala* as an act of coercion embodies the subject's position of victimisation. As can be seen in the text above, abducted young girls were forcefully abducted against their will to marry older men at the orders of their elders.

Discourses pass themselves as the way things are, limiting what can be said or done. The discourses used to construct *ukuthwala* in this section are no exception. On the one hand, *ukuthwala* is bound up with an individual choice to express one's interest which may be to exit a relationship or to force parents into marriage negotiations (Mwambene & Kruuse, 2017). This version of *ukuthwala* agrees with the socially accepted way it is supposed to be done (Nkosi, 2016). On the other hand, coercion and victimisation highlight the power imbalances existing between men and women and family and girls. To break this down, the men who abducted young girls, despite her visible objection (crying and talking with them), suggest that male power overrides girls' choices when *ukuthwala* is enacted. Also, the family has a noticeable power deployed by forcing young girls to marry older men in the name of *ukuthwala*. In conclusion, this section identified and critically discussed individual accounts of *ukuthwala*. The salient meaning is that even at an individual level, the cultural practice of *ukuthwala* is constructed differently. The difference lies in the purposes underpinning *ukuthwala* and how the issue of consent is discussed. If the aims are to benefit the family, then consent is waived, and the force used utilised in the abduction is justified.

2.5.4 Ukuthwala and South African Law

The Republic of South Africa's Constitution acknowledges and respects the plurality of cultures and makes provisions for their expression. By far and large, this law fits the diversity of South African cultural practices. However, *Ukuthwala* is one of the oldest cultural practices that is still performed to this day despite the clashes it has with the law. Recently, *ukuthwala* has sparked legal debates, and the courts have dealt with some cases. The salient aspects of these various constructions of a single object reveal a clash between culture and law ((Jaco) & Notermans, 2015; Jokani, 2017; Monyane, 2013). This section offers a discursive discussion on the uneasy relationship between *ukuthwala* and the South African legal system.

Even though the constitution allows for the expression of diverse cultures, *ukuthwala* is considered a criminal offence from a legal perspective. The use of words like rape, kidnapping, trafficking in person, Child Acts, marital age, and right to education are all discursive construction showing that ukuthwala is constructed as an act of crime.

The legal discourse is primarily used as the angle to make sense of the conflict between culture and South African laws (Ntuli, 2019). Furthermore, a multispectral task team commissioned to investigate the cases of ukuthwala concluded by criminalising some aspects of ukuthwala such as forced marriages without consent, the people involved in the abduction cases and created an aggravated offence for the abduction of persons under eighteen years old (SALRC 2014). The literature documenting court cases dating back to 1800 shows that *ukuthwala* has always been forcible, violent and marked by power inequality. First, such a case was the account of King Cetshwayo testifying on behalf of the Zulu population; he approved the murder of four women who refused to marry soldiers in his regiments (Karimakwenda, 2013). Thus, it can be assumed from this account that a top-down sanctioning of forced marriages exists back then as it is evident today through the practice of ukuthwala. Another

interesting point is the extent of the royal utilisation of power, which in this case was deployed to interfere with women's spousal choices.

Another court case heard was that of Nongwa in 1890, which occurred in King Williams Town, where she was abducted, raped by her would-be husband, and left him after mistreatment (Karimakwenda, 2013). An extreme form of *ukuthwala* that occurred in 1946 was that of *Nompethu*, who was on the run for three years, expressing a clear objection to a forceful marriage arranged by her father and brother. Last but not least, the case was that of *Situwe Nqayi*, who was forced into a marriage arranged by her father. Her attempts to escape were futile as four men overpowered her, acted violently, and raped her to tame her into submission. After realising that her attempts to escape were in vain, she sank an axe into her husband's head (Karimakwenda, 2013). These court cases contradict the widely circulated construction that the violent forms of *ukuthwala* are a modern-day norm, in fact, there are solid grounds for the argument that *ukuthwala* and of course force marriages have always been associated with violence and subjugation of women's autonomy.

2.5.5 *The politics of consent and trafficking in persons*

In this section, the discussion still frames the practice of *ukuthwala* from a legal perspective as a criminal offence, strongly linked with non-consensual sex and trafficking in persons. From a legal perspective, the differences in consent for abduction and sexual intercourse are critical for understanding the practice of *ukuthwala*. In most cases of *ukuthwala*, consent for abduction is granted by the parents or legal guardian, mostly in cases where the parents stand to gain from marrying the girls (Geldenhuys, 2021; Smit, 2012). This form of *ukuthwala* constitutes a criminal offence as the South African Law Reform Commission (SALRC, 2014) resolved to criminalise the acts of compelling people to unwanted marriage (SALR, 2014). If parents grant consent for abduction, consent for sexual intercourse is usually

not negotiated with abducted women (Matthee, 2014). On the one hand, this may highlight the existence of marital rape cases arising from marriage by *ukuthwala* (Karimakwenda, 2020), as observed in Jezile (Mwambene & Kruuse, 2017). On the other hand, it may still constitute rape on the grounds that parents or guardians cannot grant consent for sexual intercourse on behalf of someone else (Matthee, 2014). If no consent was obtained for both abduction from her family or subsequent sexual intercourse with her, such acts might amount to a criminal case of trafficking in persons and rape, depending on the age of the person (Jokani et al., 2018). If a man abducts a minor below the age of consent and has sexual intercourse with her, the man may be charged with statutory rape even if she may have consented (Jokani et al., 2018).

Another vital element concerning *ukuthwala* is that minors are abducted by older men who have sexual intercourse with them, albeit without consent, without the use of sexual protection measures. Power inequality between the abductor and the minor is considered a valid justification for not being able to negotiate with the abductor for the use of condoms (Maluleke, 2012). Several scholars submit that early marriages may predispose young girls to contract incurable diseases like HIV and AIDS and other sexually transmitted diseases because they are too young, submissive and cannot ask for condoms (Kheswa & Hoho, 2014; Monyane, 2013). Men engaging in sexual intercourse with a minor while aware of their positive HIV status may amount to attempted murder as long as there is no cure for HIV/AIDS (Jokani et al., 2018).

2.5.7 Marital age and the right to education

Several protection measures for children are outlined in the Children Act 38 2005 (2005) preamble. According to the Act, a child is defined as a person under the age of 18 years Under Section 7 of the Children's Act 38 of 2005:

"(l) it is affirmed that a child needs to be protected from any physical and psychological harm that that may be caused by (i) subjecting the child to maltreatment, abuse, neglect,

exploitation or degradation or exposing the child to violence or exploitation or other harmful behaviour; (ii) exposing the child to maltreatment, abuse, degradation, ill-treatment, violence, or harmful behaviour towards another person." (Children's Act 38 of 2005).

Furthermore, Section 12 (1) of the Children's Act states that every child has the right not to be subjected to social, cultural, and religious practices that are detrimental to his or her well-being, including not to give out the child below eighteen years in marriage. In light of this Act, the practice of *ukuthwala* contravenes this act as minor children are abducted or given away by their families, which negatively impacts the girls' livelihood and chances of building the life they desire (Nkosi, 2009; Smit, 2012; Wadesango et al., 2011). The practice of *ukuthwala* also violates this Child Act as it infringes on a child's education prospects, exposing the child to forceful marriage, abuse and psychological harm (Wadesango et al., 2011). The practice of *ukuthwala* has severe consequences on young girls' education and negatively contributes to producing a pool of people with limited education and economic opportunities (Nkosi, 2014).

Concerning the subject position arising from the discourses deployed to construct *ukuthwala*, one can decipher a constitutional position as a framework for constructing *ukuthwala* as a criminal offence. Through this position, the various aspects of *ukuthwala* could be disentangled to understand further how these support the culture that violates the livelihoods of others. The crime of rape is both a serious societal problem as much as it is a legal issue, backed up by a cultural practice used as a powerful tool to subordinate women and children (Nkosi, 2009). The act of trafficking in persons is embedded in the practice of *ukuthwala*, revealing a dire state of desperation and a lack of humanity that perpetrators and collaborators descend to earn income through the abuse of minor girls, including their own daughters.

The diversity of South African people and cultures has produced challenges for the legal system. One such challenge is when constitutional law operates parallel with the provisions of cultural practices and traditions shaping people's morals and worldviews. One of the conflicts with the cultural practice of *ukuthwala,* which is used and operated within the realm of culture, is its use to defend criminal activities meted out on other people under the veil of culture. Another issue emerging from this discussion is that *ukuthwala* functions as both the worldview and law unto itself. From this perspective, *ukuthwala* is a treasured generational cultural artefact and practice that governs people's lives even though it runs counter to the constitutional law which prohibits criminal activities. Thus, *ukuthwala* is an unwelcome and interfering traditional practice. For these reasons, *ukuthwala* undermines the constitution by making it appear to protect individual rights while creating conditions for the abuse of other people by allowing the expression of cultures. To cultivate a cohesive co-existence of understanding the expression of cultures and the law, the communities need to engage in dialogue to educate and discuss these issues to realise the balance of practising one's culture in ways that do not infringe on other people's rights.

2.5.5 *ukuthwala* and Gender-based violence

Gender-based violence is characterised as a web that encapsulates various forms of discrimination of people based on their gender (Enaifoghe et al., 2021; Gouws, 2016; Moreroa & Rapanyane, 2021). The wide spectrum of violence against women covers incidences such as battering, sexual abuse of children in the household, dowry-related violence, marital rape, and traditional practices that are harmful to women (Enaifoghe et al., 2021; Gouws, 2016). The practice of *ukuthwala* encompasses various forms of GBV and is one of the cultural practices that subjugate women to a lower status than men (Karimakwenda, 2020; Venganai, 2015).

Through the veil of *ukuthwala*, many young girls, mainly from Eastern Cape and Kwa-Zulu Natal, are victims and GBV as they were forced into unwanted marriages, kidnapping, rapes, physical assaults, and human trafficking (Karimakwenda, 2020; Nkosi, 2009; Venganai, 2015). Furthermore, during the process of *ukuthwala,* women are often coerced, threatened, verbally and emotionally assaulted and raped within those marriages (Karimakwenda, 2020), and these forms of violence as critical elements of GBV, as submitted by (Enaifoghe et al., 2021; Gouws, 2016). While GBV affects all people, women and children are the most affected groups (Enaifoghe et al., 2021; Moreroa & Rapanyane, 2021). South Africa has a significantly high murder rate of women killed by their spouses, and intimate partner violence is one of the extreme forms of GBV (Merten 2017).

Gender inequality which is essentially constructed as unequal treatment of people based on their gender, is identified as one of the many courses of GBV which manifest in disempowering women and girls and silencing their voices (Enaifoghe et al., 2021; Graaff & Heinecken, 2017; Moreroa & Rapanyane, 2021). In a South African context, GBV is constructed as a widespread pandemic impacting all dimensions of life (Enaifoghe et al., 2021). The nexus between gender inequality and *ukuthwala* can be understood as contextual patterns of behaviour and values. For example, in Zwelibomvu, another hot spot for *ukuthwala*, male dominance and ill-treatment of women in lobola practices reflects deeply entrenched inequalities and subjugation of women (Nkosi, 2016; Zondi, 2019). Furthermore, gender inequality is observable through songs by Zwelibomvu women contesting fathers' little to no agency in allowing them to exercise their individual spousal choices (Zondi, 2019). This highlights that in such areas, men's gratifications far outweigh that of women, who are seen as men's property, and men are not reluctant to abuse women (Graaff & Heinecken, 2017; Zondi, 2019).

The defence mechanism of "it's my culture" when men have to account for their personal entitlement in practising harmful practices such as ukuthwala, and lobola offers lenses to

understand the indirect interlinks between GBV, income disparities and masculinity (Ansell, 2001; Jokani et al., 2018). Although GBV affects women and girls irrespective of their economic outcomes, violence against women is more pronounced in low-income or poverty-stricken areas (Enaifoghe et al., 2021; Moreroa & Rapanyane, 2021). *Ukuthwal*a is mainly prominent in rural areas characterised by limited opportunities, and most victims are vulnerable orphans (Karimakwenda, 2020; Nkosi & Buthelezi, 2013). According to Seedat et al. (2009), men need to achieve a certain level of economic success to attain a social status of manhood. The inability to meet the status of manhood is constructed as one of the factors triggering violence, rape and intimate partner violence (Graaff & Heinecken, 2017). As in the cultural practice of *ukuthwala,* the abduction, abuse and rape of young girls, most vulnerable or orphans (Kheswa & Hoho, 2014; Monyane, 2013; Nkosi, 2009; Ziyanda & Oscar, 2020), could be attempts to reaffirm the deprived social status of manhood (Graaff & Heinecken, 2017).

Currently, there are efforts by the government to curb the spread of GBV; however, it remains a critical issue affecting people every day. The purpose of framing *ukuthwala* as one of the cultures linked with GBV is that it profoundly enables many forms of crime against women. For example, *ukuthwal*a violates protection measures outlined in the Children Act 38 2005 (2005) by exposing children to violence, amongst other things. Furthermore, *ukuthwala* also violated rights such as physical, sexual, emotional and economic abuses of women and children, protected by the Domestic Violence Act 116 1998 (1998) for people in domestic relationships. The root cause of GBV is patriarchy which emphasises gender, class, and heterosexual privilege, enabling oppression, violence and devaluation of women (Moreroa & Rapanyane, 2021). The culture of *ukuthwala* is patriarchal in that it creates unsafe conditions for women, and that is highlighted in its forms where young girls and women are unable to protect their bodies against men who utilise violence and physical and emotional abuse to abduct them without consent.

Victims of GBV are reluctant to seek help or to leave abusive relationships. This pattern is reinforced by limited opportunities for women and the dependability encouraged by the disparities in earnings between men and women (Enaifoghe et al., 2021; Moreroa & Rapanyane, 2021). For example, the scourge of GBV may limit women from realising their true economic potential, which may be due to the stigma, and physical and psychological trauma arising from enduring violence (Enaifoghe, 2019) GBV is constructed as something that destabilises the family when other family members observe their love one experiences abuse (Moreroa & Rapanyane, 2021). Furthermore, male children exposed to GBV are more likely to internalise violence, which may also manifest in their relationship with their counterparts (Jewkes et al., 2015; Moreroa & Rapanyane, 2021). The victim of GBV are prone to further victimisation, such as rape, sexual exploitation, suicide, AIDS-related deaths, human trafficking, sexual objectification and social repercussions (Enaifoghe et al., 2021; Moreroa & Rapanyane, 2021).

In conclusion, the discussion of *ukuthwala* from a GBV perspective clearly indicates that the fight against GBV is complex and systematic as the core elements underpinning GBV. It is essential to point out that women and girls need to be capacitated in many areas of their lives to augment their psycho-social strengths and limit the chances of GBV. In addition, men and boys need dialogue and context-based solutions to discourage endorsing harmful cultures and violent expressions of masculinity.

2.5.6 Conclusion

In this chapter, the elements of marriage as a social institution were discussed in detail. The most salient aspects of marriage were the involvement of the families, law and the procreation of children. The social constructions of marriages from a Zulu perspective were

discussed together with developmental paths and aspects constituting a complete marriage in Zulu. The last section of this chapter introduced ukuthwala as an old-age form of marriage. Using sources from the literature, the different forms of ukuthwala were discussed to demonstrate the differences and the implications of each form. Lastly, the media, gender, legal, and GBV constructions of ukuthwala were critically discussed.

Chapter 3: Theoretical framework

3.1 Theoretical Framework

This chapter aims to orient the reader concerning the analytical positions used to approach and analyse the data. The study is framed within the social constructionist approach (Gergen & Gergen, 1991), in which the researcher aimed to illustrate how individual and socially constructed versions of *ukuthwala* are negotiated, contested, and produced. As this study is centred on the cultural practice widely deemed to perpetuate the oppression of women and girls, the researcher borrows from four widely-used perspectives from the feminist theory: patriarchy, intersectionality, family formation, and experiences (Wolpe, 1998). The purpose is twofold. Firstly, the aim is to employ these concepts to understand how the participants construct the cultural practice of *ukuthwala*. The second aim is to understand how these concepts of feminist theory can contribute in understanding the cultural practices of ukuthwala that are considered to marginalise women and girls. In addition, objectification theory (Fredrickson & Roberts, 1997) was used to understand and explain *ukuthwala* using sexual objectification, self-objectification, shame, and anxiety as analytical lenses to make sense of how the cultural practice of *ukuthwala* is constructed. Lastly, the African philosophy of *Ubuntu* was used as an additional perspective to understand further how the practice of *ukuthwala* is constructed.

3.2 Research paradigm: Social constructionist paradigm

Underpinning this study is the social-constructionist paradigm (Gergen & Gergen, 1991). This section provides an overview of this paradigm to orient the reader regarding analytical mechanisms used as the epistemological framework for data collection and analysis.

The remainder of this discussion is focused on the ontological and epistemological positions that foreground the social construction paradigm and how it is associated with this study.

According to Gergen and Gergen (1991), the social constructionist is mainly concerned with explaining and describing the processes by which people construct the world in which they live. For Berger and Luckmann (1966), three aspects are used to construct social reality: externalisation, objectification, and internalisation. These processes rest heavily on knowledge, which people define as the conviction that the phenomena are genuine and possess specific characteristics and the social constructivist aims to reveal these processes (Gergen & Gergen, 1991). In illustrating the ontological positions used to construct reality, Rogers and Rogers (2001) define externalisation as socially-constructed entities used as references to make sense of social realities. In linking the externalisation of reality with the cultural practice of *ukuthwala*, it appears that people may construct it as a socially available alternative of solemnising a relationship in marriage or simply getting married when there are obstructions in the path of getting married. In this way, the existence of *ukuthwala* appears to be sustained by its role and meaning in society. As a humanly developed cultural practice, *ukuthwala* may be discontinued when people consider it to serve no purpose in their lives. Likewise, its continued practice arises from its benefits for certain groups of people. In light of the abuse of ukuthwala, which has attracted protracted criticism, there are also contradicting constructions in terms of its meaning, purpose, its past and the ways it is currently performed.

Objectification represents a shift in thinking about social phenomena where what is socially configured as real and vital is sanctioned (Rogers & Rogers, 2001). The objectification of *ukuthwala* is a widely-held perception that the practice is a realistic alternative for the couple to get married when circumstances block the marriage process (Mtshali, 2014). In instances where *ukuthwala* culminates in a marriage without any significant hindrances, *ukuthwala* is perceived as a vital practical tool for getting married. In light of this perspective, *ukuthwala*

becomes a deeply entrenched and socially accepted cultural practice passed on from one generation to another.

However, the elements of abuse occurring in the performance of *ukuthwala* represent a different reality of what constitutes *ukuthwala*. The cases of rape, physical abuse, and lack of consent are constructed as a shift away from perceptions of *ukuthwala* as a practice meant to hasten marriage processes to *ukuthwala* as a form of a myriad of abuses (Mtshali, 2014). What arises from the contradicting constructions of *ukuthwala* is that they tend to represent it as multi-shared constructions of the single object, which has become its authentic social representation.

Lastly, internalisation refers to how what is constructed as reality is assimilated and then transferred through socialisation and enculturation (Rogers & Rogers, 2001). In essence, people accept external phenomena as an objective reality during internalisation even though it is an intangible human artefacts. The internalisation of *ukuthwala* occurs when people accept and participate in *ukuthwala* as part of their culture and identity. Within the realm of this narrative, *ukuthwala* becomes one of the endorsed cultural; practices used as and when people deem it fit.

The social constructionist approach to understanding reality links well with the study insofar as it allows for multiple versions of reality to manifest simultaneously. This theory breaks away from the positivist ontology that the only way to understand the nature of reality is realised in unbiased and objective observations (Gergen, 1985). The social constructionist approach offers new possibilities for understanding *ukuthwala* because it treats reality as a socially constructed entity that is realised through individual interactions within a society (Andrews, 2012). In that sense, epistemological stances guiding understanding are not shaped by forces of nature but result from active social interactions (Gergen, 1985).

According to Andrews (2012), social constructionists acknowledge that reality is objective. However, more emphasis is placed on knowledge production, which influences objective reality. The reciprocal interactions between people and the environment produce objective reality. To clarify this, language makes thoughts and concepts possible in people's conversations around social issues and determines people's views on what constitutes objective reality (Burr, 1995). On the other hand, subjective reality is realised at the micro-level through appraising what is socially regarded as objective reality (Berger & Luckmann, 1966). For example, Burr (1995) submits that what we understand as reality or realities are, in fact, projections of our values, perceptions, and experiences of the world, not an accurate reflection of everyone. This reinforces the ontological position of the social constructionist perspective but also touches firmly on the production of reality centred on language. Of more importance to this study is how individual realities located around the cultural practice of *ukuthwala* are mediated, permitted, and constrained by individual values, perceptions, and other aspects such as gender, social and occupational positions. Lastly, it is also important to stress that individual realities exist within extensive sociocultural regimes that legitimise or delegitimise realities. As the culture of *ukuthwala*, some people identify with ukuthwala as an important part of their culture. On the other hand, some construct it as an abhorrent and unacceptable practice. These differences in social structures, discussed below, are critical because they surface the elements of power in the production of realities.

Social hierarchy classifies the processes of knowledge production because people who produce knowledge enjoy the privileges of power and the status of having expert knowledge (Berger & Luckmann, 1966). For Andrews (2012), people present themselves and their realities in ways that are used to dominate others. In addition, Burr (1995) argued that people in positions of power in societies are usually the most successful in circulating knowledge that dominates societies. In synthesising this within the realm of *ukuthwala,* this practice is widely

endorsed by men and families for their benefit, which manifest in creating opportunities to access women, commodify and promote economic domination of women and is essentially used as a blanket to conceal myriad criminal activities (Maphalala, 2016; Mtshali, 2014; karimakwenda, 2020). Employing this approach will increase our understanding of how issues of gender domination are presented and negotiated around the issue of *ukuthwala*. Furthermore, the successive enactments of those common practices have infiltrated Zulu society and become established institutionalised knowledge to the extent that future generation experiences it as a normalised practice. This aspect will reveal how people of different social standings and gender influence how the practice of *ukuthwala.*

Knowledge is influenced by the interrelationships of people from different standings on a societal hierarchy, and sufficient analysis of those context particularities is critical for understanding what is deemed essential and what is considered not significant (Berger & Luckmann, 1966). Within the social constructionism paradigm, any quest to understand knowledge production does not have to rely heavily on empirical knowledge, but cognisance of the processes establishing knowledge as reality is also critical (Berger & Luckmann, 1966). In other words, the processes that govern what receives a stamp of truth and knowledge worth sharing and that which does not are more important than the outcome, which would be a true reflection of the social phenomena (Berger & Luckmann, 1966). Furthermore, the context specifications such as the environment, family formations, education, and family economic status are all fundamentally important elements in understanding the practice of *ukuthwala* as these reveal the key aspects in the production of what we understand as ukuthwala. These aspects also reveal who holds power and authority in the production of truth that others take as objective and realistic knowledge.

In conclusion, the social constructionist approach presents various possible ways of approaching, analysing, and reporting data that broaden our understanding of the cultural

practice of *ukuthwala*. The perspective of multiple versions of reality is essential because it creates spaces for underrated and critical versions of truth to be expressed and heard. Building on that, employing the social constructionist approach as an epistemological position allows the researcher to understand participants' context-specific understanding of *ukuthwala* and the embedded power inequalities in the enactment of *ukuthwala*. Lastly, this study will address the meanings and societal perceptions of various categories concerning the cultural practice of *ukuthwala*.

3.3 Feminist perspective

As already mentioned above, four concepts borrowed from the feminist body of knowledge (Wolpe, 1998) are used as an additional explanation base to approaching and explaining the cultural practice of *ukuthwala*. The feminist scholarship in academia detailing and theorising about gender took some time to make its mark (Wolpe, 1998). Its roots were not underpinned by or branching out of any locally based feminist schools of thought. Also, it is challenging in South Africa to remove feminist activism from women's movements against the apartheid regime (De La Rey, 1997). Most feminist activism was foregrounded on making visible the apartheid system which primarily oppressed both men and women of different races and to varying degrees (De La Rey, 1997). The focus here will be centred on the unifying general principles of the feminist movement: patriarchy, intersectionality, family formation and experiences, and an epistemic lens for understanding the discourse used to construct the cultural practice of *ukuthwala.*

3.3.1 Patriarchy

Patriarchy is a widely used term in feminist literature to refer to universal principles of male power over women (Sultana, 2010; Sydie, 1994). The foundation of all feminist

movements is to contest patriarchy as a pervasive ideology producing various forms of oppression for all genders. The scope of women's subordination through patriarchy is too broad and complex, but in most patriarchal societies, women and girls are constructed as tokens and commodified exclusively for men's benefit (Tyson, 2014). That being said, it is crucial to recognise that the nature of experiences of patriarchy differs considerably from one culture to another (Chilisa & Ntseane, 2010). Patriarchy is constructed as an ideology that exclusively caters for the participation of males in spaces of economic, political, cultural, and religious power to the exclusion of female and subordinate males. Patriarchy is a system of social structures and practices that allow men to dominate, oppress and exploit women (Sultana, 2010; Walby, 1990). In addition, patriarchy finds expression in cases where power is distributed unequally between men and women to control women's education opportunities, sexuality, and production. The exclusive male power allows for the ideology of subservient motherhood that curtails women's opportunities and ties them with only domestic responsibilities (Sultana, 2010). While the perspective of motherhood is widely circulated, women are constructed as confined within the boundaries of domestic lives where their roles are limited to unpaid household chores and reproduction (Manes, 2016). As suggested by Tyson (2014), one of the ways to challenge patriarchy is in the same ways in which it is learned, and that is through language. In furthering this point, Wolpe (1998) argued that certain cultural aspects and socialisation practices play a vital role in the subordination of women. While patriarchy may benefit men, it also desensitises them to tolerate injustice committed to other men and women while it also hurts those who embrace it (Ratele, 2013). The practice of *ukuthwala* is located on the male domination side of women, given the abuse associated with some forms of *ukuthwala*. The concept of patriarchy will help further understand how *ukuthwala* is constructed by the participants. It is also interesting to see how the finer details about who holds power to sanction the practice of *ukuthwala* are enacted. Lastly, the composition of

participants selected for this study will help understand the institutional power concerning the practice of *ukuthwala*.

3.3.2 Intersectionality

Intersectionality refers to the connection of various social categories, such as race, class, gender, sexuality, and ethnicity, to understand how merging these categories influences and creates conditions for women's oppression (Moolman, 2013; Morrell & Clowes, 2017; Wolpe, 1998). Intersectionality was coined by Kimberley Crenshaw in 1989, offering multiple epistemologies to understand the intersection of social and structural pillars determining social life and the power relations embedded in them (Cho et al., 2013). In this study, intersectionality was used to provide a theoretical muscle to understand the social construction of *ukuthwala* as a separate category that is shaped by the intersection of gender, economy, and culture. The shared meanings of gender that, in many ways, offer men power over women have a strong bearing on the cultural practice of *ukuthwala*. While there are three distinct forms of *ukuthwala*, in most cases, the practice of *ukuthwala* is surfaced as marriage through abduction when consent has not been obtained from the woman or the girl. This is one of the highlights of masculine power exercised and disguised in the cultural practice of *ukuthwala*. Furthermore, the link between men with economic power and the economic realities of families of women they consider as wives is also vital in understanding the social construction of *ukuthwala*. In some cases, the *lobola* payment to a financially struggling family is sufficient to give a daughter away in marriage which is one of the indicators of the intersections between culture and poverty. Consequently, this silences the family from reporting abuse to the relevant authorities or the police, even when they disagree with the abduction. The abuse endured by women in some forms of *ukuthwala* is sustained by the fear of rejection or, in some cases, the outright disowning of women who object to ukuthwala because they are refusing the bridewealth, which can, to some extent, be beneficial to the family. Furthermore, the payment of lobola is primarily

accepted as a justification for ukuthwala. The societal perception of gender in terms of how men and women perceive each other in the practice of *ukuthwala* offers a new lens to understand the three forms of *ukuthwala*. However, the diverse of the sample opens up new possibilities to understand the ideologies that make possible the social construction of *ukuthwala*.

3.3.3 The structure of the family

According to Wolpe (1998), the family is the site of women's subordination. The social construction of masculinity and femininity is developed within the family and normalised before being widely circulated beyond family structures (Wolpe, 1998). The subordination and oppression of women could be understood as occurring on macro and micro levels marked by different power inequalities (Herz & Johansson, 2015; Juan et al., 2016). While the pervasive ideals of patriarchy dominate women in society, families are the micro-level genesis where the oppression of women is engineered, reinforced, and produced (Herz & Johansson, 2015; Juan et al., 2016). The traditional and religious ideologies that the men are the heads of families may also translate to women's ownership and everyone in the family. Moreover, the societal expectation that a man is responsible for making the first move in a romantic relationship while women are perceived to be sexually available also fuels the power imbalances (Rood, 2011) which are observes in how women and girls are treated during and after abduction (Claassens & Smythe, 2013; Nkosi, 2009).

In some families, girls and women are only expected to serve, cook for the entire family and hold lower positions than men, while men enjoy positions of power in the family (Leatham et al., 2015). This does not mean the divisions of labour in families are always wrong, but the social construction of gender and roles are critical in the practice of *ukuthwal*a as women are often involuntary abducted for domestic chores. Furthermore, women's educational aspirations are frustrated, which reinforces their position of servitude while the men pursue educational

and professional opportunities (Longwe, 1998; Ziyanda & Oscar, 2020). In some rural areas of South Africa, women and girls' autonomy concerning romantic relationships rests heavily with men who expect to gain financial royalties from marital negotiations (Maluleke, 2012). In some instances, *ukuthwala* is initiated within the family for the benefit of the family at the expense of women and girls (Maluleke, 2012). Furthermore, women are being offered to men in return for *lobola*, which sets women up for future abuse. The concept of family and its formation has a considerable application in this study to enhance understanding of the interplay between the concept of gender and gender roles within the practice of *ukuthwala*.

3.3.4 Experience

The women's subjective experiences and social identities are meaningful in understanding *ukuthwala*, and the social constructionist theory ties in well with this concept to allow participants to share their experiences of *ukuthwala*. As McClintock (1991) puts it, feminist theory is used to represent women of different cultural groups, races, classes and ethnic groups, it inherently wields interpretation power over them and may not fully grasp the uniqueness of their experiences. In light of this, it is vital to recognise the feminist ideology and the origin of the most prominent feminist perspectives developed in Europe in that they may not be sufficient to understand the experiences of Black women. On this point, Funani (1992) stressed that there are possibilities of not fully understanding the real experiences of Black women. This, however, does not suggest a binary perspective in attempting to understand the oppression of women but highlights the importance of paying attention to context-specific experiences as expressed by Black women participants from their frame of reference. Hence, the sample selected for this study comprises a diversity of people with unique contextual knowledge and experiences of *ukuthwala*. It is expected that different perspectives also shape participants' experiences, which requires a greater level of openness to understand the social construction of *ukuthwala*. Furthermore, Chilisa and Ntseane (2010) advocated for power and

African women's agency to theorise their culture from their subjective experiences to produce local epistemology.

3.3.5 Conclusion

The concepts extracted from the feminist literature were carefully selected for their explanatory application in the practice of *ukuthwala*. The execution of the cultural practice of *ukuthwala* is underpinned mainly by patriarchal ideals where women and girls are abducted for the myriad benefits of men. The intersection of gender, power and socio-economic factors play a vital role in the abduction of young girls by men who take advantage of the living conditions of the abducted girls. The social constructions of gender where the women's roles are constructed to begin and end within the regime of domestic responsibilities are critical for understanding the discourses used to construct *ukuthwala*, particularly in the context of Bergville. Lastly, the multi-shared experiences of abducted women and those who have witnessed such incidents are essential to the study. In a nutshell, the cultural practice of ukuthwala and the feminist perspectives illustrated above have immense potential to gain a critical understanding of the participants' critical meanings of *ukuthwala*.

3.4 Objectification theory

In building on the feminist body of knowledge, objectification theory was selected as an additional theoretical framework to understand the cultural practice of *ukuthwala*. The objectification of women's material bodies is sanctioned by a society that upholds heterosexual ideals and has been a concern for feminist scholars (Bartky, 1990; Westkott, 1986). Objectification theory was postulated as the framework for understanding the various forms of objectification, such as sexual and self-objectification, resulting in psychological conditions like shame, anxiety, peak motivational states, and awareness of internal bodily states

(Fredrickson & Roberts, 1997). One of the basic tenets of objectification theory is that women are socialised to internalise an observer's perspective as a view primarily focused on their physical bodies (Fredrickson & Roberts, 1997). The girls and women who self-objectify have largely accommodated their observers' views on their bodies and consistently monitor their bodies concerning how others will judge and eventually act toward them (Fredrickson & Roberts, 1997). The culmination of such experiences creates possibilities for shame, anxiety, reduced opportunities for peak motivation, and a marked diminished awareness of internal bodily states (Fredrickson & Roberts, 1997). Furthermore, the psychological implications of objectification lead to internalised perceptions of being considered an objectified subject (Calogero & Thompson, 2009). The section below discusses the concepts of sexual and self-objectification.

3.4.1 Sexual objectification

Firstly, the concept of sexual objectification in its broadest sense is configured as a form of gender oppression that encapsulates a range of abuses experienced by women, such as sexual violence, employment discrimination and the trivialisation of women's work and their accomplishment (Fredrickson & Roberts, 1997). Further, sexual objectification is deeply entrenched in society and manifests on macro and micro levels. On a macro level, the domination of heterosexual and patriarchal ideals in societies creates conditions for objectifying women and girls as a socially sanctioned right to sexualise all-female subjects despite age and gender (Tolman, 2002; Westkott, 1986). According to McRobbie (2000), print media and culture play a vital role in the transference of objectification in terms of how they should look, dress, behave and be treated. The researcher proposes a link between objectification and *ukuthwala* in that men and women are socialised to understand *ukuthwala* as their socially approved culture where men can abduct women of their choice for marriage, domestic responsibilities and sometimes just for sex. Similarly, women have learned to comply

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with it because it is part of their culture despite often being forced. The circumstances where women and girls are abducted without their consent and used as sexual objects by men further highlight the links between objectification theory and *ukuthwala* (Kheswa & Hoho, 2014). Such patriarchal ideology allows for the manifestation of cultural expressions to go unchallenged, and if noticed, it is still considered normative practice. For example, a study by Van Wyk (2015) explored adolescent girls' experiences and their construction of gender and how they negotiated their positions as girls found that girls preferred to befriend girls for protection against aggressive boys, and when girls reported aggressive boys, teachers took boys' side and conceived boys aggressive behaviours as usual while pathologizing girls when they resisted boys' aggression.

On a micro level, sexually objectifying females occurs subtly through sexual gazing, which also creates possibilities for sexual objectification (Fredrickson & Roberts, 1997). Also, Bartky (1990) describes sexual objectification as the perception of a female's body parts or sexual functions as separate from her as a person, reduced to the mere status of instruments deemed to represent her. Crawford and Unger (2004) argued that parents, teachers, peers, and relatives also play a crucial role in producing sexual objectification through subtle and overt pervasive messages underscored by patriarchal values. Regarding the cultural practice of *ukuthwala*, immediate families, parents, siblings, friends and other significant others conspire and actively participate in the enactment of *ukuthwala*, where the victims are lured to be taken away in the form of *ukuthwala* mostly without their consent (Karimakwenda, 2013; Mwambene & Sloth-Nielsen, 2011; Nkosi, 2011; Venganai, 2015). Furthermore, Bartky (1990) argued that the objectification of women creates conditions for the treatment of their bodies as aspects that exist solely for the use of pleasure of others which finds expression in sexual violence and sexualised evaluations (Fischer et al., 1993). In a study by van Wyk (2015), the participants reported an intense competition among girls for attention, looking beautiful

and admired by boys who produced a hierarchical structure and set standards of beauty for girls and strengthened power inequality between boys and girls. This reveals the convoluted ways girls embrace internalised masculine evaluative standards to construct their identities (Van Wyk, 2015). In light of this, sexual objectification of women and girls under the veil of *ukuthwala* could be conceived as occurring on the continuum where women and girls are viewed in a sexual evaluative way which may culminate in them feeling anxious about the possibility of being abduction based on the way they look.

3.4.2 Self-objectification

In the view of Fredrickson and Roberts (Fredrickson & Roberts, 1997), self-objectification is a psychological condition evident in situations where girls and women perceive themselves as objects deserving the appreciation of others. The self-perception gives rise to a kind of self-consciousness marked by continuous monitoring of the physical appearance of the body (Fredrickson & Roberts, 1997). In furthering the concept of self-objectification, Heinämaa and Jardine (2021) conceive it as assimilation of the masculine gaze, which results in the internalisation of others' perspectives and ongoing evaluation of one's body in relation to others' imposed standards. Van Wyk (2015) stressed that women and girls associate masculine gazing as indicators of their physical attractiveness. Resulting from this is the notion that physical appearance determines the kind of treatment from others, and more time will be spent on maintenance and enhancing physical attractiveness (Van Wyk, 2015). In this way, women's looks other than their capacities influence their social and economic profiles (Fredrickson et al., 1998). The negative aspects of women and girls adhering to the 'masculine gaze' ideology and self-monitoring to comply with the ideal perspectives of beauty are two-fold; firstly, they separate women from each other, and secondly, women's bodies are disconnected from their inner voices (Bartky, 1990). The four themes of the objectification

theory (shame, anxiety, peak motivational states, and awareness of internal bodily states) are discussed below.

3.4.3 Shame

Shame is defined as continuous monitoring of one's appearance, which leads to body shame mostly if one is not pleased about his/her outlook (Calogero & Thompson, 2009; Schaefer et al., 2018). Furthermore, shame generates feelings of withdrawal, escaping the piercing gaze of others, and powerlessness and worthlessness (Lewis, 1992). The crux of shame is that women continuously evaluate themselves according to the difference between their actual body and the mythical ideal body they desire, which is all driven by the culture that objectifies women, and that is the source of shame (Fredrickson et al., 1998).

According to Harder (1995), shame is a complex construct to measure because people often shy away from disclosing their feelings of shame. According to Fredrickson et al. (1998), self-objectification produces shame, and mostly obese women reported shame compared to emaciated women. Tiggemann and Kuring (2004) found that self-objectification leads to self-monitoring, resulting in body shame and appearance anxiety. Self-surveillance and body shame often culminate in eating disorders and depression (Filice et al., 2020). In a study of two Zulu maiden girls who performed topless in a tourist cultural village, girls stated that they felt that tourists were more interested in seeing their breasts and that their piercing gaze made them feel uncomfortable (Naidu, 2009). Although topless maidens have never been viewed in a sexual way for a long time, the view of Western cultures where breasts are associated with sex and thus have been censored in the media has penetrated the Zulu communities (Naidu, 2009); in this way, a non-sexual African women's toplessness practice intersects with the European

perspective of viewing the maiden breast in a sexual way to produce a feeling of shame in African women.

3.4.4 Anxiety

Anxiety is experienced when people perceive themselves to be in a dangerous situation (Lazarus, 1991). Being a woman in a masculine-dominated culture that sanctions the objectification of women creates multiple opportunities for anxiety (Fredrickson & Roberts, 1997). Two types of anxiety are identified: 'appearance anxiety' and 'safety anxiety' (Fredrickson & Roberts, 1997). Appearance anxiety is the possibility of being looked at and evaluated, which increases the chances of experiencing anxiety. Appearance anxiety manifests through constant checking and adjusting one's appearance (Dion et al., 1990). Safety anxiety entails taking measures to guard against potential victimisation. It may manifest through jogging with a dog, staying in after dark, and carrying keys between fingers (Fredrickson & Roberts, 1997). In linking these types of anxiety with ukuthwala, the main goals are to understand how participants' discourses of ukuthwala are shaped by both appearance and safety concerns.

Sexual objectification, as indicated above, underscores the various forms of gender oppression; for example, perpetrators of rape construct their defence on the woman's physical attractiveness as threatening and deserving retaliation (Maeder et al., 2015). This also shows the links between the types of anxiety and *ukuthwala,* as some women are abducted and raped for their looks. The evidence of this is realised in cases where victims of sexual abuse are said to have "asked for it" by looking the way they did at the time of the incidence (Fredrickson & Roberts, 1997; Maeder et al., 2015). This implies that sexual objectification is a critical feature in sexual offences, which are robust elements in some forms of *ukuthwala*.

3.4.5 Peak motivational states

According to objectification theory, being a female in a culture that objectifies women reduces peak motivational states (Fredrickson & Roberts, 1997). For example, girls' activities are often disturbed by boys. This disruption on girls tends to have heterosexual undertones, primarily when focusing on the girls' appearance, weight, and breast development (Thorne, 1993; Van Wyk, 2015). The second way in which objectification reduces peak motivational states is through their increase in self-consciousness. This happens when females are made aware that they are being watched and internalise their observers' perspectives of their bodies. In some forms of *ukuthwala* pre-abduction, negotiations occur between parents and the prospective husband. That could be another example pointing to the links between *ukuthwala* and objectification theory, as most often, girls are abducted by strangers they have never met before, which may give rise to a diminished peak for motivational states. Furthermore, living in a culture that objectifies the female body creates possibilities for women to neglect their internal body status and focus more on their outer body appearance.

3.4.6 Limitations of the self-objectification theory

Women and girls do not experience sexual and self-objectification in the same way, and it may not have similar consequences for all of them (Fredrickson & Roberts, 1997). There are possibilities for different interpretations of what is experienced by women as objectification. An example is the case of *ukuthwala*, where a woman is identified by a suitor and abducted on his instruction with or without consent (Nkosi & Wassermann, 2014). Others conceive the cultural practice of *ukuthwala* as a brutal act that is reflective of hetero-patriarchal constructions and expressions of masculinity ((Jaco) Smit & Notermans, 2015; Kheswa & Hoho, 2014; Maluleke, 2012; Wadesango et al., 2011). In the light of these different descriptions of constructions, the possibilities for different interpretations of a single definition

cannot be overruled. However, this creates opportunities to reconstruct objectification as the women personally experience it. Generally, *ukuthwala* bears strong patriarchal hetero-masculinist traditionalism marked by social and economic power differences between men and women and male authority (Daluxolo Ngidi et al., 2021; Kheswa & Hoho, 2014; Mshweshwe, 2020; Ratele, 2013; Willie et al., 2018). However, objectification theory offers little in explaining the couple's agency to use *ukuthwala* if both consent to its use.

Thus, taking the position of the social constructionist paradigm as an epistemological perspective and marrying it with the discussions above on how reality is constructed means that, firstly, the language is deemed to be the gateway towards understanding participants' realities around the issue of *ukuthwala*. Secondly, the participants' constructions of *ukuthwala* would be treated as what they perceive to be the fundamental contextual characteristics of *ukuthwala*. Borrowing from Burr's (1995), participants' multilayers reality accounts on *ukuthwala* will also reveal more of their values and experiences of their world. In conclusion, positioning this study through the perspective of the social constructionist epistemological position will allow the researcher to unpack how the participants utilise language to construct the practice of *ukuthwala*.

3.4.7 Conclusion

This section discussed the analytical mechanism used to approach the data. The social constructionist approach has been discussed in terms of its application in the study, which shapes the researcher's orientation in approaching the research project. The feminist concept enriches the study to offer lenses to understand *ukuthwala* from a feminist perspective. Objectification theory provides a detailed explanation for understanding participants' construction of *ukuthwala*. In a nutshell, the adopted theoretical framework positions connect well with the discourse as an approach and data analysis method concerning the ontological

and epistemological standpoints. The following discussion is centred on discourse analysis employed as a methodological perspective.

3.5 African philosophy of *Ubuntu*

This section aims to add another layer of a theoretical framework to analyse the data. While the theoretical framework sections in the preceding chapters are rooted in the feminist paradigm, the African philosophy offers the African perspective on understanding *ukuthwala*. The discussion commences with the general discursive constructions of *Ubuntu*. The subsequent part of the section will orient the reader to four inductively identified principles of the African philosophy of *Ubuntu* to lay the foundation to explicate further the discourses used to construct the practice of *ukuthwala*. The last section discusses the critiques levelled against the African philosophy of *Ubuntu* and the implications these criticism have for this study.

3.5.1 The African philosophy of Ubuntu

The social construction of the African philosophy of *Ubuntu* is an umbrella concept encapsulating various social and personal qualities that accentuate the positive aspects of being human (Mnyandu, 1997). To illustrate this social construction further, the disposition of good qualities like humaneness, caring, sharing, respect and compassion are the manifestation of the essence of *Ubuntu* (Mnyaka & Motlhabi, 2005). The community is constructed as an entity responsible for inculcating human qualities embodied in the concept of *Ubuntu* to individuals as the internal state of being human (Mnyaka & Motlhabi, 2005). Suppose assimilated and internalised, the quality of being human functions as a defining factor for what could be considered socially acceptable and nonacceptable behaviours (Mnyaka & Motlhabi, 2005). The analysis of the historical socio-linguistic construction of *Ubuntu* requires that the prefix "*ubu*" be separated from the suffixes "*ntu*", where the former refers to the abstract, and the latter refers

to the ancestry of being and the birther of the core values of *Ubuntu* (Mnyaka & Motlhabi, 2005). At the core of the African philosophy of *Ubuntu* is the Nguni expression of '*Umuntu umuntu ngabantu'*, which means one's humanity is defined in relation to other people. For Sparks (1990), this expression creates possibilities for individual actions to aim toward the community's greater good instead of committing selfish acts that disregard other people. In the light of the cultural practice of *ukuthwala*, which has a widespread negative optic, the African philosophy of *Ubuntu* discussed in this section fills the vacuum as a perspective that offers alternative discourse to the object of *ukuthwala*.

3.5.2 Ubuntu and the vicarious reinforcement of respect

The principle of respect is one of the central concepts in the African philosophy of *Ubuntu*. From the *Ubuntu* perspective, respect is a central attribute afforded to all individuals irrespective of their social status, gender or race (Mnyaka & Motlhabi, 2005). There is widespread knowledge about behaviours that are acceptable and those behaviours that are not acceptable. Individuals deserve and expect to be respected, and they are distressed in incidences when they feel undermined and disrespected (Mnyaka & Motlhabi, 2005). Furthermore, the incidences of disrespect are viewed and challenged through the discourses of *Ubuntu* in the sense that other people witnessing the event could stress to that other person that he/she is "*umuntu*" (he or she is human) or the individual him or herself could respond by stating that "*ngingumuntu*" which means "I am human and deserve to be treated in a human way" (Mnyaka & Motlhabi, 2005). The constructions of *umuntu* and *ngingumuntu* encourage having respect for one another because people must inherently embrace the values of respect as virtue of being human. The literature above tells us about the forceful nature, the physical abuse, and the level of disrespect meted out on women and young girls by men, all considered everyday practices in enacting *ukuthwala* (Mwambene & Sloth-Nielsen, 2011, 2011; Venganai, 2015). The nature of disrespect for women and girls' personhood and rights in the name of *ukuthwala* often

culminates in criminal offences, and the dignity of women is completely disregarded. In this regard, the African philosophy of *Ubuntu* will be employed to explain the participants' discourses of *ukuthwala* to accentuate the importance of reciprocal respect one for the other. As stated above, women and girls deserve unconditional respect by being human, and therefore, men must afford that respect, including in the practice of *ukuthwala.*

3.5.3 Ubuntu and social justice

In the African philosophy of *Ubuntu*, social justice plays a critical role. The principle of social justice is constructed as the manifestation of empathy, fairness, equitable access to resources, accountability, and demonstration of good (Matolino & Kwindingwi, 2013; Mnyandu, 1997; Msila, 2009). The web of social justice values enveloped in the African philosophy of *Ubuntu* entails that it should come naturally for people to share pain and joy and enjoy equal privileges irrespective of social status, gender and background. Moreover, there is a strong sense of being responsible for one's actions, coupled with a guiding sense of right and wrong. It is discernible that the position of *Ubuntu* on social justice promotes social balance, and the essence of being is entrenched through the interdependence of people (Matolino & Kwindingwi, 2013). What is apparent in the concept of social justice is that individuals are observant of how exercising their rights influence other people and the community at large (Mabovula, 2011). In the practice of *ukuthwala*, where women's and girls' rights are grossly violated, there is a strong need for the application of social justice to restore their human rights and dignity. Marriage is socially constructed as a union where a couple expresses their vows publicly to commit themselves to each other, and likewise in Zulu culture. In the literature of *ukuthwala*, the women's and girls' rights to spousal choice are not respected (Rice, 2018). More often than not, traditional medicine is used to induce 'voluntary 'commitment to marriage by *ukuthwala*.

Furthermore, women's individual rights to belong to their families are threatened as they are sometimes disowned by their families, leaving them no choice but to enter in and endure forced marriages (Kaschula et al., 2013; Rice, 2014). In the realm of social justice, men must be held accountable for violating women's rights, both socially and through the criminal justice system. The community is socially accountable for taking necessary actions in line with its social conscience to take a stand against perpetrators of violent forms of *ukuthwala* and prevent the recurrence of such incidences. The African philosophy of *Ubuntu* is an inclusive philosophy, as the community comes together in celebrations of various ceremonies; the principle of social justice has a strong application that can form both legal and moral regeneration, filling the vacuum that creates possibilities for crime and violence occurring against women and girls in the practice of *ukuthwala*.

3.5.4 Unconditional tolerance

The African philosophy of *Ubuntu* is concerned with promoting actions that contribute to all people's greater well-being. At the heart of *Ubuntu* is the firm belief to tolerate one another. Tolerance is constructed as values endowed in each individual to disregard self-interest to prioritise other people's interests (Mnyaka & Motlhabi, 2005). Mabovula (2011) explains that tolerance is the nourishing characteristic of the community discernible when people fully understand humanity's origin, evolution, and achievements. In addition, tolerance is realised in exploring common and diverse cultural heritage (Mabovula, 2011). Tolerance allows people not to disregard others' opinions, even in cases relating to moral issues (Mabovula, 2011). In the absence of tolerance, there is fear. In the light of *ukuthwala*, the safety, dignity, and freedom of women and young girls are severely compromised in many ways. Firstly, when both young and older men execute the cultural practice of *ukuthwala* with selfish interest at the expense of vulnerable women and girls without consent (Karimakwenda, 2013). Secondly, when women and girls are not safe at schools, during community ceremonies

and during holidays, incidences of *ukuthwala* occur in these contexts (Nkosi, 2014). Thirdly, when men disregard women and young girls' viewpoints regarding whether or not they consent to marry. Fourthly, when young girls are forced to drop out of school, which diminishes their future career plans. Lastly, when the family members engage in *ukuthwala* and, in so doing, disregard individual autonomy regarding spousal choice, educational aspirations, and personal goals of the young women under their custody. The concept of tolerance helps to understand the participants' experiences of intolerance in *ukuthwala* that make possible the disregard for the mistreatment of women. In contrast, tolerance may be used to forge a way forward to realise adherence to good behaviour patterns through *Ubuntu*.

3.5.5 Ubuntu as the ethos of collectivism

The community is constructed as a theatre for the manifestation of *Ubuntu*, and it is realised through the interdependence of people (Mabovula, 2011; Mnyaka & Motlhabi, 2005). Such as when an individual counts on supporting his/her fellow community member for support in times of difficulty (Letseka, 2012). Furthermore, each individual is expected to contribute tangible or intangible support to the individual in need, which is constructed as a manifestation of *Ubuntu*. The converse is also true. Behaviours perceived as lacking the qualities of *Ubuntu* are not encouraged (Mnyaka & Motlhabi, 2005). Again, the primary principle of '*umuntu ngumuntu ngabantu*' emphasizes that each human being cannot be divorced from the rest of other humans. In this context, this principle entails that it is only through relations with other people that the conscience of one's being is fulfilled (Ramose, 2003). The discourse of collectivism covers the whole spectrum of the individual being insofar as the community shares his grief, the community enjoys his joy, and even his death engulfs the whole community. What is discernible here is that the individual belongs totally to the community, and the community belongs to him. The contemporary practice of *ukuthwala* has deservedly attracted ample criticism from all angles. As the literature suggests, the current modern form of *ukuthwala*

depicts a diminished sense of *Ubuntu* to men and society. In the name of *ukuthwala,* women are abducted and forcefully dragged into cars in full view of the people, sometimes with the knowledge of their families and mostly against their will (Choma, 2011; Kheswa & Hoho, 2014). It raises public disapproval why such acts, including cases where women are forced to drop out of schools lacking in the values of Ubuntu, are not challenged and afforded the critical attention they deserve. (Choma, 2011; Nkosi, 2009). It is also surprising that women who cry for help while abducted are rarely met with the support they need from their families or community. Although in some instances, specifically when both couples plan the act of *ukuthwala*, the women would cry hysterically by pretending to be forced (Karimakwenda, 2013; Mubangizi, 2012), the enactment of *ukuthwala* is against the spirit of *Ubuntu* must touch and instigate every member of the community to intervene. The African philosophy of *Ubuntu* is utilised to understand participants' discourses of *ukuthwala* from the position of collectivism.

3.6 Conclusion

Ubuntu is a central living principle of many people in South Africa, and it is widely practised in settings where the community is dependent on one another. The context of Bergville is one such context where the values of *Ubuntu* are expressed regularly. The cultural practice of *ukuthwala* is one of the aspects of the community of Bergville that appears to stand in stark contrast with the values of *Ubuntu*. In this study, *Ubuntu* will be utilised to understand how the discursive constructions of *ukuthwala* are expressed in communities bound up with the values of *Ubuntu*. The philosophy of *Ubuntu* will be used while acknowledging the diversity of constructions of *ukuthwala*. Of more importance will be to understand the links between the values of *Ubuntu* discussed above and various forms of *ukuthwala*.

Chapter 4: Methodology

Research Methodology

4.1 Introduction

The chapter provides the methodological route followed in the study. The study's ultimate goals and the overarching questions that guided both the epistemological lens and methodology are discussed in this chapter. In the preceding chapter, the social constructionist approach was discussed to elucidate the researcher's position concerning social realities determined by the parameters of power and knowledge regarding the practice of *ukuthwala*.

In this chapter, the discourse is discussed as a qualitative approach and data analysis technique to explore and understand the organisation of discourses used to construct the cultural practice of *ukuthwala*. Informed Discourse Analysis (IDA), initiated by Michel Foucault and post-structuralist scholars, was used to analyse data. The central aspect of the IDA is the view that language has the capacity to constitute social and psychological life (Foucault, 1972; Parker, 1992; Willig, 2013). By employing IDA analysis, as demonstrated by Willig (2013), the data were analysed to critically explore the discourses and resources available to them to construct their understanding and meanings attached to the practice of *ukuthwala*.

4.2 The purpose of the study

The cultural practice of *ukuthwala* has for decades been a subject of scrutiny. Although there is substantial research on ukuthwala where the victims were interviewed, people who may have witnessed or know about ukuthwala have not been afforded an opportunity to voice their views on the subject. This study sought to address this gap through the following objectives:

4. To understand the individual discursive meanings of ukuthwala

5. To explore the contextual meanings of ukuthwala

6. To explore the discursive meanings of the different forms of ukuthwala

The overarching aim of this study sought to critically interrogate and understand the discourse modalities used by a diverse sample of residents of Bergville to construct the cultural practice of *ukuthwala*. Some of the participants were not originally from Bergville and were not residing in areas where ukuthwala is practised; however, they all have experience with ukuthwala, as shown in Table 1. In keeping with the discourse analysis, the study was guided by the following research questions.

1. What discursive constructions are used to construct the practice of *ukuthwala*?

2. What discourses are produced in constructing the practice of *ukuthwala*?

3. What is achieved by the discursive constructions used to construct *ukuthwala*?

4. What subject positions are contained by the discourses used to construct *ukuthwala*?

5. What is enabled or limited by the discourses used to construct *ukuthwala*?

6. What subjective experiences are produced by the discourses used to construct *ukuthwala*?

4.4 Research design

The qualitative explorative approach was employed as a framework underpinning the discourse analysis used as a method and data analysis tool. Discourse analysis is an approach in social sciences that comprises methodological and conceptual aspects that allow researchers to link discourse as a method and consider various discourses as 'units of analysis' (Wood & Kroger, 2000). Discourse analysis is a set of related ideas that can be identified in textual and verbal communications and linked up with broader society (Lupton, 1993). According to Cheek (2004), discourse analysis offers an alternative way to investigate the operatives of knowledge

production in specific contexts by creating interpretive ways of understanding the function of the power discourses of one group on the other while refraining from postulating a generalisation of those discourses. All forms of discourse analysis accentuate language as a unit of analysis rather than merely a mode of communication (Cheek, 2004; Willig, 2013). However, there are also noticeable differences in discourse analysis. For example, Discursive Psychology, initiated by Potter and Wetherell (1987), is based mainly on micro-sociology, focusing more on linguistic practice. On the contrary, Critical Discourse Analysis, started by Michel Foucault (Foucault, 1972), is based on post-structuralism and emphasises the concept of subject positions (Willig, 2013). Unlike traditional qualitative and quantitative approaches, discourse analysis is propelled by a set of fundamentally critical assumptions: language discourse as a focus of interest and variability (Wood & Kroger, 2000). These assumptions are critically important and justify the use of informed discourse analysis in a particular research study.

4.5 Basic assumptions of discourse analysis

4.5.1 Assumption 1: Language in action

According to Wood and Kroger (2000), utterances have the potential to go beyond meaning to encapsulate states, persons and events. Furthermore, utterances consist of what they are about, what the speaker does with them, and their effects on the hearer. In this way, language appears as a social activity that does multiple things simultaneously. Language in itself is more significant than a set of linguistic units but has a specific function that affords actions to be enacted through it and has results for both the speaker and the hearer (Foucault, 1972; Wood & Kroger, 2000). Also, the language used to constitute a statement can be conceptualised as a discursive junction box in ways that words and objects converge to signify relations and regimes of power, which give rise to interpellation events (Foucault, 1972). The

ways in which language is used by men and women were considered critical in this study as the chosen sample comprised of diverse people with different standings in terms of social, educational, and economic positions. The language used by the participants to construct *ukuthwala* was explored to understand different individual dimensions of how the language operates to shape their constructions of *ukuthwala.*

4.5.2 Assumption 2: Discourse as a focus of interest

One of the ways in which discourses constitute the phenomena requires a shift from the actual phenomena to what the discourses refer to as the unit of analysis (Parker, 1992; Willig, 2013; Wood & Kroger, 2000). For example, one can use a biomedical discourse to construct the experiences of diagnosis, treatment and other health-related matters (Willig, 2013). Furthermore, a shift away from the actual words' regimes to treat them as behaviour or social activity is a tricky move but also a central key in discourse analysis (Wood & Kroger, 2000). In this study, participants' discursive constructions of *ukuthwala* constitute social action or phenomenon, reflecting socially produced contextual pieces of knowledge of *ukuthwala*.

4.5.3 *Assumption 3:* Variability

Variability is the third assumption for discourse analysis which is foregrounded on the basis that participants construct their realities differently from each other and in relation to their aims, audience and the situations in which these constructions are expressed (Wood & Kroger, 2000). Participants may treat their constructions as reflective of their cognitive aspects or treat their constructions as reflections of their real actions (Wood & Kroger, 2000). In this study, the adopted epistemological position allows for variability in the discursive construction of *ukuthwala*. Furthermore, treating language as an event allowed the researcher to acknowledge multi-shared versions of *ukuthwala* and critically explore the conditions of possibilities and the

organisation of such constructions. The following section outlines the procedure through which discourse was employed as a method of data analysis.

4.5.4 Assumption 4: **The application of discourse**

Discourse analysis presents more than a shift in methodology from an abstract quantitative approach to a detailed qualitative approach. This way requires a critical examination of the theoretical elements underpinning discourse to treat data as discourses (Wood & Kroger, 2000). For example, in discourse analysis, language is not just a passive reflection of the world or a tool utilised to describe events (Parker, 2014), one central assumption of discourse analysis is that language is treated as a social activity (Parker, 1992; Willig, 2013; Wood & Kroger, 2000). In this way, the subjects' constructions of *ukuthwala* materialise through the language used as a production tool (Parker, 1992).

Discourse analysis is a fluid concept that depends mainly on the theoretical framework used as an epistemological position (Graham, 2005). As already discussed, the theoretical framework guiding this study is the social constructionist approach. The vital nexus between the social constructionist approach and discourse analysis lies in the philosophical assumptions that the former allows for multiple constructions of realities to emerge while the latter allows for further examination of how such versions are constructed. While these approaches collectively reject an objective representation (White, 2004), they embrace that language is the birther of all that becomes social realities (Nikander et al., 2006).

4.5.6 Assumption 5: Validity

The validity of research where discourse analysis is used is a subject of scrutiny, given the lack of absolute validity. The concept of validity is also convoluted because discourse analysis is centred on the interpretation of meanings people attach to their experiences (Gee,

2014). However, Jaipal-Jamani, (2014) stresses that the credibility of discourse analysis interpretations are strengthened when the researchers use common epistemologies to interpret data. According to Gee (2014), four important concepts exist for achieving validity when using discourse analysis. These are 'convergence', 'agreement', 'coverage', and 'linguistic details'. Convergence entails using different discourse analysis questions that produce interpretations that support a discourse (Gee, 2014; Jaipal-Jamani, 2014). The collective agreement arising from the interpretation of subjects and conclusions could be a sign of validity. For example, a green traffic light is collectively interpreted as a sign communicating the driving rules to the driver that he or she must go (Jaipal-Jamani, 2014). This study also borrowed and applied the concepts of credibility and transferability to strengthen and ensure the validity of this study from Guba and Lincoln (1982). Credibility is essentially a qualitative method to test whether research conducted in a similar situation with the same methods and participants can produce similar results (Shenton, 2004). It refers to the extent to which the study results are believable (Forero et al., 2018; Guba & Lincoln, 1982). This is an important criterion given the subjects' plurality of realities about similar topics (Guba & Lincoln, 1982).

In the practice of *ukuthwala*, the exchange of gifts that are standard practices amongst Zulu people in marriages may resonate with a collective notion of *lobola* traditions that requires that a man should pay in cattle or money a bridewealth as requested by the bride's family. Coverage entails the future applicability of discourse analysis to analyse data. In furthering this, coverage also involves using discourse to explain past and future interpretations of particular phenomena (Gee, 2014). Detail linguistics entails that the validity of discourse analysis is tightly linked with linguistic structure. This implies that discourse analysis is grounded on subjects' constructionist tools rooted in the grammatical structures that allow such constructions to manifest (Gee, 2014). Transferability is a method to establish confidence that the sample is adequately representative and generalisable to other contexts or the same

population from where the data was collected (Forero et al., 2018; Guba & Lincoln, 1982; Stahl & King, 2020). The main goal of this study was to understand the discourses used to construct the practice of *ukuthwala*, and a diverse sample of people holding varied positions of power was considered the most suitable group to inform the study. The recruited sample offered rich and multi-shared constructions of *ukuthwala*, which were primarily informed by their positions in the communities of Bergville.

4.5.7 Assumption 6: Reliability

Reliability is one of the most critical aspects of studies framed within the qualitative approach. Discourse analysis's validity and reliability requirements differ from those expected of scientific inquiry (Jorgensen & Phillips, 2002). Most importantly, for discourse analysis, the approach to the text should be to understand how discourses came to be, which entails what enables and or constrains what can be said (Cheek, 2004).

In qualitative research, reliability refers to the extent that findings are independent of the research circumstances (Nikander et al., 2006). One of the strategies to ensure reliability rest on the ability of the researcher to evaluate his/her influence on research in the maintenance of or resistance to the ideological implications of the research (Jorgensen & Phillips, 2002). For example, participants' discourses of *ukuthwala* may reveal the power relations between the participants and the people who are the proponents of *ukuthwala*, often described as traditional, rural-based, uneducated and uncivilised, which may confirm their perceived power over those people. Another example of promoting reliability is the collective data analysis and ensuring that the entire analysis is not based on the researcher's interpretation (Nikander et al., 2006). In this study, some participants felt at ease speaking both English and IsiZulu. The transcripts were shared with some of the participants for corrections and confirmation of translated aspects

of the interview. Transparency was ensured as the selected data used for analysis is provided verbatim in the results section.

In addition to other measures to ensure reliability, Guba and Lincoln (1982) proposed 'dependability', which is primarily concerned with the extent to which the results of the qualitative study can yield the same results if the study is conducted with the same participants through various methods such as focus groups. However, most qualitative studies are emerging in the sense that changes may be made during the study, which may affect the replicability of the findings (Guba & Lincoln, 1982). In this study, the interview schedule was prepared in advance. However, engagement with the participants was different from the above-planned methodology in that they tended to construct *ukuthwala* based on their social positions. It is not clear or specific if they would hold similar views if they were approached as general members of the community members. With that being stated, the researcher is confident that similar results could still be realised from different participants who share and occupy similar social positions as the participants of this study. The last point to be discussed is the confirmability of the results, which entails that other researchers could still obtain the same results (Forero et al., 2018; Guba & Lincoln, 1982). The researcher strongly believes that other researchers can still obtain the same context-specific results through triangulation.

4.6 Philosophical underpinnings of the Foucauldian Informed Discourse Analysis

4.6.1 Critical social theory

The critical social theory criticises historically based political and social institutions for oppressing people while aiming to mitigate the scale of oppression (Leonard, 1990). The practical dimension of the social critical theory is intended to empower people to change

oppressive situations (Leonard, 1990; Powers, 2007). The critical social theory offers lenses to identify the historically-based dominant ideologies that influence and sustain group existence. The critical social theory aims to alert people by highlighting the oppressive conditions affecting people's lives (Leonard, 1990; Powers, 2007). In bringing about self-initiated liberating practices, the critical social theory states that anyone should not force ideas on people (Powers, 2007). In practical terms, by using the notions of ideology and false consciousness, the social critical theory offers multiple interpreting lenses to identify and interpret positives in oppressive conditions to enhance the emancipation of people towards a self-determined quality of life (Powers, 2007). The assumptions of ideology and false consciousness play a key role in discourse analysis and are discussed in the following sections.

4.6.2 Ideology and false consciousness

Ideology is configured as an imaginary social representation of individual relationships regarding their living conditions (Althusser, 2001). Furthermore, ideologies are the social processes that conceal operating unacknowledged value systems that oppress people (Althusser, 2001). In this way, ideology functions as a governing profit-generating tool for the oppressor while oppressed individuals are prevented from consciously understanding the pervasive network of oppressive ideology (Althusser, 2001). The false consciousness derived from Marxist theory is a blind appreciation of an oppressing theory gained from it, which produces more benefits for the beneficiaries of that ideology (Powers, 2007). From this, it becomes apparent that the beneficiaries of an oppressing ideology deliberately ignore the victims' accounts of the same ideology in order to continue benefiting. Critical social theorists argue that when people are aware of the ideology, they can identify the direct consequences of the oppressing dominating ideology on them and act against it (Powers, 2007). For example, the widely circulated ideology of patriarchy, which also finds expression in some forms of the cultural practice of *ukuthwala*, constitutes an exemplar of how ideology can benefit and oppress

people. *Ukuthwala* is a treasured cultural practice in areas where it is performed, and many of its proponents argue for its preservation because they see it as part of their identity. On the contrary, there are widespread concerns about the harmful nature of *ukuthwala* in many aspects of girls' and women's lives. As a result, framing this study within this perspective will help to understand how the participants' constructions reflect operating ideologies within the practice of *ukuthwala* that should be revealed for change to be realised.

4.6.3 Foundationalism

The concept of foundationalism describes the foundational principles of empirical traditions or logical empiricism of all scientific inquiries (Powers, 2007). The goals of foundationalism were initiated to institute a qualitative status bar for all research inquiries. At the core of foundationalism is the perception that reality is objective. This suggests foundationalism leans towards the positivist paradigm as an ultimate approach to discovering the truth. The empirical traditions were designed to manipulate and control natural sciences (Friedman, 1999; Powers, 2007). The foundationalism standpoint was underpinned by four assumptions, namely: the existence of objective facts available to people through senses, direct correspondence between our senses and the facts, that facts and values were distinct views, and thirdly science was concerned with facts and lastly, that empirical science is the only way to understand concepts and their relationship thereof (Weinberg, 2013).

In addition to these assumptions, logical positivists assumed a value-free orientation and argued that enquiries that deviate from the abovementioned values must be rejected as illegitimate as the logical inference can only be established through logical methods (Friedman, 1999; Weinberg, 2013). However, the critical social theorist challenged the very founding principles of logical empiricism in that its positions are strongly linked to social projects, values, interests, genders, races, classes and agendas (Powers, 2007). Furthermore, in the

process of producing value-free facts, the logical positivist has failed substantially to prove how the values of prediction control, standardisation, exploitation and efficiency are satisfactorily met (Powers, 2007). Furthermore, the logical positivist fell short in foreseeing the possibility of a change in the perception of facts under different circumstances besides those produced through scientific methods (Powers, 2007). Lastly, people are social beings; as a result, they are influenced by and influence social structures, environment and they also influence each other; thus, foundationalism has failed to recognise the role of context, history and human agency, which are all are critical in shaping reality (Powers, 2007). Given that the critical theory considers human agency within the context as the site of critical reflection, its critique of foundationalism is also in accordance with discourse analysis (Powers, 2007).

4.6.4 Postmodernism

The postmodern approach could be described as a perspective that considers specific contextual power relations as the site of analysis to recognise meaning-making processes within that context (Powers, 2007). Furthermore, the postmodernism approach criticises the critical social theory for the notions of transcendental and theory-building mechanisms because the approach presumes the existence of facts (Powers, 2007). Lastly, post-modernists are more interested in history, morals, and political issues as entities of interest. The postmodern perspective has a profound influence on discourse analysis. In the light of the critical points discussed, postmodernism and discourse analysis embraces the notion of context-specific realities and power relations embedded in those contexts. In linking this with *ukuthwala*, the postmodernist approach paves the way for the analysis of local narratives specific to the context under study, while power relations are inherent in the historical, present, and future constructions of *ukuthwala*.

4.6.5 Power

The central theme for Foucauldian discourse analysis is the concept of power relations, mainly concerning the forms of power, the channels in which power manifest itself, the discourse it allows to become authoritative and how that dictates human behaviour and the structure of social life (Foucault, 1978). According to Harwood (2001), power is always present in human relationships, institutions and economic relationships. According to Cheong and Miller (2000), Foucault explicated the multiplicity of power relationships structuring social life and building on his concept of power. The fundamental forms that power takes are discussed below.

Firstly, power exists in the context where it is enveloped in discourses, pieces of knowledge and regimes of truth, and it operates in unequal and changing relations (Powers, 2007). Since power characterises social organisation, it produces tensions among people and its application is not entirely wielded as a decree of one group over other groups of people, but people or groups are subjected to power at the expense of others (Foucault, 1978). Furthermore, power is not a reified ferment that one can acquire and deploy in a particular context. However, the utilisation of power is primarily determined by micropolitics (Powers, 2007).

Foucault (1978) distinguished between two types of power: repressive and normalising power. On the one hand, repressive power is exercised to produce a fear of sanctions, while on the other hand, productive power functions to elicit stimulating self-interests (Cheong & Miller, 2000; Foucault, 1978). In relating the concept of power to the study, *ukuthwala* could be conceived as a cultural entity that allows people to exercise repressive power over other people, where women are coerced into unwanted marriages for fear of being disowned, amongst other things. In this way, *ukuthwala* is a practice that embodies repressive power to make possible marriages and reflects the ideological consequences in people's lives in contexts where

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ukuthwala is approved. There are also possibilities of the interplay of gender and socio-economic circumstances in the application of repressive power to achieve particular ends. Another aspect is the issue of normalised power concerned with shaping beliefs concerning what people can or cannot do, making people believe they own their realities while denouncing society's influence (Foucault, 1978). The concept of normalised power within the practice of *ukuthwala* is evident in its actual enactment, which is to access women, rape, and misused, amongst other things, under the veil of culture. For Foucault (1978), these two structures of power are both socially constructed realities that operate in a continuous tension between struggle and resistance, altering or reinforcing power relations.

In furthering the discussion on the concept of power as the fundamental principle for discourse analysis, power generates a web of interacting influences between two centres of power, reinforcing and complementing power relations or tensions (Powers, 2007). In this case, the enactment of the two forms of *ukuthwala* where consent is not an essential criterion is sustained by the normalised definition that men hold power to approach women, men are capable of paying for damages incurred by women, and women are obliged to accept men as their future husband when there are prospects of paying *lobola*. Furthermore, in cases where the couple negotiates the process of *ukuthwala* against the family's wishes, the practice of *ukuthwala* functions as the form of power that makes it possible for an official union against perceived resistance (Nkosi & Wassermann, 2014; Prinsloo & Ovens, 2015; Rice, 2014). In this way, there is operational justification for different forms of *ukuthwala.*

The concept of power is also understood to embody contrary relations between power and resistance (Powers, 2007). From this perspective, a distinction could be drawn between the goals and objectives of both power and resistance. For instance, Foucault (1978) argued that 'discourse transmits and [re]produces power. In so doing, a discourse can function as a tool and effect of power, while on the other hand, it can function to prohibit and obstruct power.

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Ukuthwala as a cultural entity is the shelter of power, while some people with specific reference to its original goals openly tolerate its enactment. On the other hand, there is an outright criticism of *ukuthwala* relating to its effects on other people's lives, especially on abducted women. These contradictory positions of power operate in the space of forced relations and operate without changing their form as each is necessary to the other, and one is defined by the other (Foucault, 1978).

According to Powers (2007), power should not be considered an institutionalised conflict between authorities and target groups. In explaining this submission, Foucault (1978) stressed that there is no binary and all-encompassing opposition between rulers and ruled at the function of power relations. Power exists within economic, political, knowledge, and sexual relationships (Powers, 2007). The apparatus, such as families, societies, nations, and institutions, are the immediate hosts of divisions, inequality, and disequilibrium that affect and distribute power (Foucault, 1978). The function of power lays bare the limitations and possibilities the relations of power place on families, societies, nations, and institutions.

According to Foucault (1978), power is always accompanied by resistance which is not functioning from exteriority. At all times, people are captured by either power or resistance. The plurality of resistance finds expression in many points such as an adversary, target, support, or handle in the web of power relations (Foucault, 1978). Furthermore, the multiplicity of resistances can be described as possible, necessary, and improbable; in some instances, resistance can be spontaneous, concerted, violent, and so forth. Powers (2007) pointed out that resistance functions against power and alters tensions while developing alliances, fracturing units, and influencing groups amongst individuals. In the light of *ukuthwala*, there are countless forms of resistance and condemnations effected through the media, by civil society groups and other people, all calling for the outright end of the practice or change. On the contrary, the proponents of *ukuthwala* continue to voice their support for preserving the practice while

condemning criminal activities occurring under the veil of *ukuthwala*. These forms of resistance are distributed over an extended period at varying scales influencing groups and individuals and producing particular behaviours (Foucault, 1978).

4.7 Ethical issues

Ethical considerations were applied and adhered to throughout the entire project. The ethical clearance was obtained from the Ethics Committee of the Department of Psychology at UNISA (Ref: PERC-1669); prior to that, no formal contact was made with participants. During the study, especially during data collection processes, the participants were recruited on the basis that they volunteered to participate in the study. This means that they could withdraw from the study at any given time without prejudice. In light of the social character of *ukuthwala* in the public eye, finding participants was extremely hard, and four participants elected to withdraw from the study before they were interviewed. Even in such circumstances, participating in the study was still voluntary. The participants were ensured that their names will be kept confidential and none-identifiable names will be used. All participants were required to sign informed consent forms.

4.8 Research context

In this section, I reflected on salient issues arising from my engagement with the residents of Bergville from different villages. While building rapport, I asked each of my participants and other people to describe the context of Bergville and the people. The information gathered helped me understand the links between the context and the cultural practice of *ukuthwala*.

The context plays a crucial role in realising a meaningful understanding of the analysis of discourse. The context of Bergville may be perceived as a physical location where the cultural practice of *ukuthwala* exists. However, *Ukuthwala* is enacted in ways that are primarily shaped by the particularities of the context of Bergville. It is, therefore, necessary to understand the links between discourses used to construct *ukuthwala* and the context in which they exist. Bergville is a small town in KwaZulu Natal located on route R74 within Okhahlamba Local Municipality. It is situated below the famous Drakensberg mountains. Based on the municipal data, the population was 135 132 in 2016. About 43.4 of the population was unemployed (Okhahlamba Local Municipality, 2016). By 2016, 16.1% of people aged 20 and older had received no formal schooling, 27.5 had Grade 12, and 6% had formal higher educational qualifications (Okhahlamba Local Municipality, 2016). Regarding the dependency ratio, 78.9% of people between the ages of 16-64 per 100 were dependent (Okhahlamba Local Municipality, 2016).

The context of Bergville is, in many ways, similar to other areas dominated by Zulu-speaking people in terms of cultural practices and lifestyle, albeit with distinguishing features. Most people live a typical rural lifestyle characterised by subsistence farming, communicating in one language, adhering to traditional gender roles and lifestyles, and wearing traditional outfits during ceremonies. They still respect and adhere to cultural activities (Nkosi, 2009). Some of the cultural practices are also marked by gender, stage of life and village life. For example, young maidens and adult women have their exclusive ceremonies like *umemulo*. These activities are for women who are not sexually active. While engaging with participants and local people about such ceremonies, most stated that women who attended higher education institutions were prohibited from participating in the ceremonies because they were

suspected of having stopped living according to the maiden values. On the other hand, men were described as keen on pursuing activities such as hunting, fishing, playing soccer, and participating in *indlamu*. Practices such as slaughtering cattle, goats, and sheep to communicate with or to honour the ancestors are also described as everyday cultural practices.

During my engagement with the participants, I was told that Bergville is a profoundly patriarchal community. Women and men are described according to traditional gender roles. The fundamental difference between men and women is the unequal distribution of power and the specific tasks assigned based on gender. Women tend to focus on doing domestic chores such as cooking, taking care of the kids, washing, and cleaning the home. Men's roles are more outdoors, and they are required to provide for their families, protect them, and manage the houses and livestock. In relationships, male dominance is expected of men, while women's submission is a requirement (Nkosi, 2009). Certain practices, such as the cultural practice of *ukuthwala*, are an expression of male dominance.

The people of Bergville are well known for their strong beliefs in the use and the power of traditional medicine, which in IsiZulu is referred to as *umuthi* or *muthi. Umuthi* is used widely by traditional healers for healing, self-protection and family protection from evil spirits. In other cases, *umuthi* is believed to play a critical role in strengthening relationships and marriages. Both single and married men and women used *umuthi* to engender faithfulness in a relationship (Nkosi, 2011). Also, *umuthi* is used during courtship where men use a variety of *umuthi* to be attractive and to cast a spell on women, which may cause them to dream about or run to that man's house. *Umuthi* is used to get women and girls to comply and commit to marriage in the cultural practice of *ukuthwala*, which will be discussed later in this section. Lastly, umuthi is used for witchcraft, which is believed to result in death, misfortune, marriage problems, sickness, and so forth (Nkosi, 2011).

Marriage is constructed as something that ensures dignity for both men and women. There is a widespread sense of shame for unmarried adults in Bergville. Both single adult men and women do not enjoy the same social status as married men and women, which indirectly feeds the culture of *ukuthwala*. Furthermore, young female adults who left Bergville to study at universities and other higher education institutions are shamed and seen as unsuitable for marriage because there is fear that they have adopted a new lifestyle and not fitting the role expected of maidens in Bergville. On the other hand, young women and their mothers view educated men as desirable potential husbands. What was alarming to me was the perception that educated people are not seen as role models who can positively influence others to pursue education. These social perspectives shape people's lifestyles and, by far and large, influence them to consider marriage to be a priority. I was told that married women must take care of their in-laws while men are responsible for providing for the family.

Most young people do not consider either primary, higher or tertiary education as an essential step that can open multiple career opportunities. In engaging with the participants to describe the context, they pointed out that most residents depend on a government social grant for survival. The participants also told me that young schoolboys often discontinue school to look for opportunities in Johannesburg and Durban. However, with limited means of survival, they usually end up staying in hostels. Trading marijuana and running taxi businesses were described as popular businesses in Bergville. The prevalence of these businesses creates conditions for young people to leave school to drive or trade in marijuana.

The expressions of *ubuntu* principles are some of the most positive aspects of Bergville. As a researcher, I was greeted respectfully by every person I met. At one point, I had no place to sleep when one of my participants rescheduled an interview after I had checkout at the guest house. I was offered a place to sleep by generous strangers. The residents of Bergville show the utmost respect for each other. My participant described a situation when she was

commuting using the local taxis after doing a grocery, and an older woman went out of her way to help her carry her groceries, and she even stacked up some of the items on her lap. Furthermore, Bergville people are also described as people who share each other joy and sorrow. Traditional ceremonies are open to everyone in villages. When a person passes away, the villagers send food parcels to the bereaved family while older women come and sleepover with the bereaved, and on the day of the funeral, men would dig the grave and bury the deceased while women help with domestic chores.

4.9 Sample composition

The practice of *ukuthwala* is the most contested topic by general people without direct experience of *ukuthwala*. On the contrary, people married through *ukuthwala* and their immediate significant others tend to confine it to secrecy. Different ideologies and experiences influence these contradicting positions, and social positions shape people's views of the practice of *ukuthwala*. This initial study's goal was to sample people married through *ukuthwala* only. While recruitment of participants was underway, a handful of potential participants expressed unwillingness, while others withdrew after agreeing to participate. The reasons for their withdrawal were not explicitly stated. It would be reasonable to assume that they did not want to talk about *ukuthwala*. Hence, it was evident that the sample's composition needed to be reconsidered. The focus was shifted from the subgroup of people married through *ukuthwala* as initially planned to have a sample of a diverse group of participants from various positions of power and authority in Bergville, where the practice is in common. The plan was to recruit police officers, social workers, teachers, pastors, chiefs, traditional healers, general members of the community and lawyers. The diverse sample composition was considered suitable as a means to inform the study better as selected participants play essential roles in their respective communities and know something about *ukuthwala*. The candidate inquired

about the areas where ukuthwala is practised, asked for contact details, and wrote a letter to the hospital CEO (Referral letter). Afterwards, the candidate visited the police station, taxi rank, magistrate court, church, and the students to invite them to participate. The participants who agreed to participate were asked to refer others willing to participate. The other participants (the law student and teacher were recruited using the snowball technique). Two social workers were recruited through the snowball technique. From that point, the researcher met with the participants, presented them with an overview of the study, and asked for their formal consent to participate. Thereafter, interview appointments were arranged with participants who voluntarily agreed to participate in the study. The sample's final composition included participants serving as priests, social workers, police officer, taxi driver, students, and legal representative. The sample was living or working in different areas of Bergville and were all considered ideal target groups for multi-shared meanings about the practice of *ukuthwala*.

Table No: 1 composition of the sample

Participant	Gender	Social position	Experience with *ukuthwala*
P1	Male	Taxi driver	The mother's sister was abducted.
P2	Male	Priest	Have witnessed incidences of *ukuthwala*.
P3	Female	legal representative	Have seen cases of abduction as a prosecutor.
P4	Male	Police officer	Investigates cases of abduction.
P5	Female	Social worker	Have witnessed incidences of *ukuthwala*.
P6	Female	Social Worker	Have witnessed incidences of *ukuthwala*.
P7	Male	Social worker	Have witnessed incidences of *ukuthwala*.
P8	Female	Law student	Brother abducted a girl.
P9	Female	Teacher	She was abducted but escaped.

4.10 Data collection and analysis

4.10.1 Data collection strategies

Data were collected through individual interviews with the participants after giving verbal consent. It was essential to obtain consent for both verbal and recording of the interview, as the interview site was 373 kilometres away, so the researcher could travel there if the interviews were scheduled and confirmed. The second crucial data collection phase was being at the interview site at a convenient time for the participants. Arrangements were made with each participant to negotiate where and when they felt comfortable meeting the researcher. The purpose of giving the participant power to decide where and when they can meet the researcher was to empower the participant to understand that their participation in the study was voluntary and to guard against infringing unnecessarily on the participant's daily routines.

The crucial aspects of the study, such as the aims, interview schedule, recording of the interview and informed consent form, were discussed with the participants. Participants were asked to sign an informed consent form to be interviewed and recorded. After the introduction was completed, the researcher discussed the interview schedule with each participant. During that process, participants were asked to reflect on questions they would feel uncomfortable answering and what they did not want to be recorded. To make it more convenient for participants, they were given the recording device and explained to them how they could quickly switch off recording when reflecting on parts of their responses they did not want to be recorded. However, that step was not necessary as all participants felt comfortable with being recorded and did not express discomfort during interview sessions. The English language was the most preferred language used in the interviews. However, some participants felt comfortable using IsiZulu and English simultaneously. For the entire sample, English was their second language. Both languages were not a hindrance as the researcher is fluent in IsiZulu.

The interviews were transcribed in the original languages and then translated into English for analysis. The authentication of the transcripts was confirmed by an external person fluent in both IsiZulu and English after they were verified by the participants first.

4.10.2 Data analysis stages

This study employed the Foucauldian informed discourse analysis and relied on Willig's (2009) six stages of analysis. The main goal was to understand and identify the discursive strategies used to construct myriad issues around the practice of *ukuthwala*. The transcribed text was utilised as the unit of analysis. The rationale for using the Foucauldian discourse analysis (Foucault, 1972) is widely centred on its capacity to allow the researcher to understand how power relations and ramifications of power embedded in discourses played out in the participants' [re]constructions of *ukuthwala* practice.

Stage 1: Discursive constructions of ukuthwala

The first step in applying the Foucauldian discourse analysis was to explore critically the modalities through which the participants discursively constructed *ukuthwala*. This phase depended mainly on the overarching research questions to understand the participants' discourses used to construct *ukuthwala*. The patterns in meanings and lexical references in which the practice of *ukuthwala* was socially constructed were identified (Parker, 1992, Parker, 2014; Willig, 2013). The ultimate goal of identifying the discursive construction of *ukuthwala* was to understand the participants' shared meanings of a single entity. This phase was critical because of the diverse sample of which their individual characteristics influence the way they think and talk about *ukuthwala*. The participants' discursive construction of *ukuthwala* cultivated an understanding of myriad ways in which *ukuthwala* as the object of inquiry, was constructed, the power relations, and the salient meanings shared by the participants.

Step 2: Discourses of the practice of ukuthwala

The second step entailed locating the different discursive constructions within broader discourses to identify the patterns in which the practice of *ukuthwala* is constructed in diverse, contradictory, and complementary ways and the purposes that such constructions were intended to achieve (Willig, 2013). The stage offered a gateway to consider discourses as a set of meanings that constitute the practice of *ukuthwala* (Parker, 1992) and further represent the object it has constructed (Foucault, 1972; Parker, 2014; 1988). The participants' discursive constructions of *ukuthwala* were connected and placed in the context in which the practice of *ukuthwala* is performed to understand the participants' realities.

Step 3: Action-orientation of talk and text regarding ukuthwala

The third step of the analysis was concerned with examining discursive contexts to engender a broad understanding of what the various constructions of *ukuthwala* accomplish (Willig, 2013). In practical terms, the researcher unpacks the goals that the participants aimed to achieve by constructing *ukuthwala* in the way they did during the time of the interview (Willig, 2013). The transcripts were analysed to identify the 'conditions of possibilities' for authoritative and subtle discourses and the enablers and constraints of such discourses. During this analysis step, the circumstances reinforced by the constructed versions of *ukuthwala* were reviewed to understand how the circulation of such discourses advantaged and certain disadvantaged people. Lastly, the transcripts were analysed to explore how participants' constructions of *ukuthwala* relate to the perspectives of other participants on the practice of *ukuthwala*.

Step 4: The discursive constructions of ukuthwala from different subject positions

The fourth stage is concerned with locating and discussing participants' positions within a 'network of meanings to understand various categories around the practice of

ukuthwala. The subjects' positions offered lenses to understand the power relations embedded in the discursive locations from which the participants constructed *ukuthwala* (Willig, 2013). The researcher will also analyse the participants' discourses to explore further subject positions contained to understand the discursive rules that shape such constructions. Essentially, the analysis of the subject position is based on exploring the worldviews of the participants arising from the discourses they used to construct *ukuthwala*. In this stage, the participants' subject positions will also help understand how the institutions promote particular discourses, which mays endorse a widely circulated narrative of *ukuthwala* and those that resist and contradict the specific dominant narratives of *ukuthwala*.

Step 5: Practice

The fifth step of the Foucauldian discourse analysis, as Willig (2013) outlines, focuses on the relationship between discourse and practice. Therefore, it is essential to study the transcripts critically with the aim of identifying ways in which the positionality of the participants inherent in the discursive constructions creates and/or limits possibilities for action (Willig, 2013). In this stage, the focus is centred on discourses that legitimise, sustain, and condone the practice of *ukuthwala* as a way to solemnise the marriage and the discourses that resist the actual practice of *ukuthwala*. The participants' constructions are mediated by the subject positions they occupied, which in turn reveals the discourses used to permit what can be said about *ukuthwala* and by who and in what ways.

Step 6: Subjectivity

The last analysis step is focused on the connection between discourses and subjectivity. Discourses offer researchers new lenses to see the world and ways of being in the world (Willig, 2013). In this stage, the focus was on emotions, thoughts and experiences embedded in the subject positions occupied by the participants in their discursive constructions of *ukuthwala*

(Willig, 2013). In addition, the relationship between discourse and subjectivity also reveals the participants' constructions of the malpractice of and the current role of *ukuthwala*.

4.10 Limitations of Foucauldian Informed Discourse Analysis

According to Harwood (2001), researchers, in their quests to prevent a positivist orientation marked by essentialising the phenomena, are unable to maximise the possibility of remaining open and untouched by the realities that are surfacing before them. For Foucault (1972), discourse does not constitute reality's genuine nature. However, it does so through how reality is constructed in language. On the contrary, Foucault's reluctance to be clear about the method to explore and understand discourses, which could be used to augment epistemological claims, functions as a limitation in itself (Graham, 2005; Meadmore et al., 2000). Harwood (2001) believes that Foucault's unwillingness to declare specific methods was an attempt to avoid criticism of his position in critiquing truth and science. Consequently, there are studies framed within discourse analysis because they cite Foucault, and arguments are made about power relations which further fuels criticism concerning a lack of a coherent procedure to perform a discourse analysis (Graham, 2005). Expanding this, the connection between Foucault's unwillingness to declare specific methods and rely on ambiguity opens possibilities of scrutinising scientific work on the background of other epistemological positions. Another criticism levelled at Foucauldian discourse analysis orientation is that discourses offer people particular positions. Discourses may not be sufficient to constitute personal identity, are not stable, and largely depend on individual circumstances (Willig, 2013). Lastly, the assumption that discourse constructs reality makes it hard to conceive the extent to which it can limit other versions of realities, more so because there are multiple versions of reality. Each articulation represents nuances of what constitutes reality. With reference to this study, Willig's (2013)

analytical method provided a more straightforward guide to approach Foucault's informed discourse analysis because the steps maps out the procedure to be followed.

4.11 The Reflexive role of the researcher

In describing reflexivity, Macbeth (2001) emphasised the researcher's ability to recognise his/her impact and influence on the research project and specifically examine the role of power dynamics, points of resistance, and social-historical influences impacting the data and analysis stages of research. Expanding on this, Lynch (2000) configures reflexivity as a tool in qualitative research, which does not engender critical understanding but depends mainly on how it is applied and under what premises. Applying reflexivity, Sullivan, (2002) cautions researchers that they should continuously be reflective and subjective as they embark on their research. More important in this study is the extent to which the researcher should be aware of the impact of language, theories and experiences that constitute the phenomena under study (Sullivan, 2002).

First and foremost, I am a proud Zulu man who identifies strongly with Zulu culture. I confess that when I started this project, I had a limited understanding of *ukuthwala*. Although, I knew a little about *ukuthwala* from media (mostly Newspapers) and social interactions with people. When I started to engage with the literature on the practice, which both supplemented and contradicted what I knew about *ukuthwala,* my understanding broadened. I was more open to respecting people's choices, especially when they resort to *ukuthwala* after agreeing to marry. However, I had a personal disagreement with other forms of ukuthwala and always questioned myself about the profile of men who would initiate *ukuthwala.*

It was hard for me to be neutral, especially after taking into cognisance the knowledge I had acquired from different sources. Nevertheless, I have subconsciously approved (as

mentioned above) and criticised certain aspects of *ukuthwala*. However, it was not symbolised to me that these positions could influence my research approach. Furthermore, my background may have influenced my understanding of *ukuthwala* since I was raised in a family where my late mother was forced to drop out of primary school to work on a farm as a domestic worker. She later married my father, and all her roles were largely domestic work. My father was the only person working, and we saw him once a month until his untimely passing in 2004. As a young boy, the first boy in the family after four girls, I grew up herding the family livestock (cattle and goats). At the same time, my sisters were responsible for helping my mother. These well-defined gender roles were played out and normalised even in social settings. I did not think there was something wrong with the ways our lives were organised around gender roles. These social conditions shaped my views about the social constructions of gender and the roles expected of men and women in society and the home. It was essential to be upfront about these aspects in my background as it may impact how I approached this study as the researcher. I was also aware of the influence of my visible masculine in a setting where there are gender imbalances. Furthermore, asking about personal aspects of people's lives was intrusive, especially because *ukuthwala* is now kept secret. All of the participants knew or had witnessed someone who was or had abducted a woman or girl.

As a researcher, I have tried to suspend my views and keep the conversation neutral and unbiased. I also observed that in my engagement with the participants, we jointly constructed the practice of *ukuthwala* in the sense that they have seen or dealt with cases which I have only read about. During the analysis phase, I was the primary instrument for the entire data analysis and interpretation. I constantly have to bracket my views to engage with the data.

According to Cupples (2002), researchers researching sexual issues must be aware of their positionalities and of those constructed by participants. While the study is not entirely about sexual issues, *ukuthwala* embodies various personal experiences, and sexuality is also a

key issue. The application of reflexivity was to openly discuss issues openly to demonstrate my willingness to listen and understand each participant on their terms without interference from me as a Zulu male researcher about their *ukuthwala* experiences (Macbeth, 2001).

Chapter 5: Discourses of Ukuthwala

5.2 Findings

The participants expressed their own understanding of the issues surrounding the cultural practice of *ukuthwala*. The participants' constructions of *ukuthwala* were analysed following Foucault's Informed Discourse Analysis (IDA). Three discursive themes were produced, and for each theme, the six stages of analysis as described by Willig (2013) were followed. These discursive themes addressed the critical research question (Section 1.5) regarding the discourses used by the residents to construct the cultural practice of *ukuthwala* from their experiences. Furthermore, these constructions of *ukuthwala* were unpacked to understand the underlying factors of the diverse constructions of ukuthwala. Within these themes, different social categories emerged and were unpacked to understand further the meaning attached to the practice of *ukuthwala*.

5.2.1 Theme 1: Disempowering women in the practice of ukuthwala: How the families participate, negotiate and facilitate the process of ukuthwala

The motives for the continued practice of *ukuthwala* opened up various discussion points and allowed for different interpretations. In keeping with the social constructionist perspective followed in this study, the participants' discursive construction reflects the shared meanings about the participation of the families in the practice of *ukuthwala*. The overarching discursive themes were that ukuthwala was constructed as a social practice that allows families to disempower women. The disempowerment of women was constructed to occur in two broad ways, firstly, the commodification of women and secondly, the use of *umuthi* to impose compliance. In the following sections, a presentation of the participants' constructions of the families' participation in the practice of *ukuthwala* is detailed and reported.

Stage 1 of theme 1: The commodification of women and the use of umuthi in the practice of ukuthwala.

According to P7 (lines 469-485), *ukuthwala* is constructed as an existing cultural tool available for families to commodify women and girls. From this perspective, the family perceives women and girls as commodities that can be exchanged for cows or money if the practice of *ukuthwala* is initiated. While the prospects of receiving cows may entice the family to agree to marriage by *ukuthwala*, there is a sense of disregard for women's autonomy, dignity and what life may be like for them under this type of forced marriage.

469	P7:	I would not know, hey, but then it would mean that the family is selling their child
470	Int:	Mmmh
477	P7:	By putting their daughter in an abusive situation
481	P7:	The girl's family gets the cows, and that's what makes them happy
482	Int:	Mmmh
483	P7:	Or maybe they are happy to make a relationship with that particular family

From constructing *ukuthwala* as the practice that makes possible the commodification of women by the families, P6 and P8 construction of *ukuthwala* suggest that the families are open to accepting money marks the beginning of women's disempowerment in the practice of *ukuthwala* mainly because marriage by *ukuthwala* is something expected of women. Secondly, if the payment has been accepted, she is disowned as a family member.

288	P6:	Then the girl's family gladly accepts it. It's what's expected of her traditionally, to get married in some stage of her life, so why delay it if it's coming sooner? It's actually a blessing in disguise
289	Int:	Mhhh
290	P6:	So, if we have taken the *lobola*, it's a sign that we are sending her off or it's a sign that we agree that she should be married to that particular family, no objections about it, it is what's expected of a woman of her age

To further emphasise how the family may use *ukuthwala* to disempower women, the construction by P8 suggests that despite the family position, the disempowerment of women is

realised when they are not allowed back to their maiden families after the payment has been received.

| 593 | P8: | They even force you to go back, should you come back home because of any reason. They cannot return the payment; you just do not belong there anymore. So sometimes parents have a hand |
| 603 | P8: | They are turning a blind eye just to see the bond between the two families growing stronger, and maybe they are even still benefitting from their son-in-law. |

The lack of accountability is at the heart of the participants' constructions of *ukuthwala* as the culture that allows the family to disempower women. The families are not concerned about the woman's welfare, the nature of the relationship with her prospective husband and whether or not she has consented to marry by *ukuthwala*. Thus, the family's decision overrides the woman's autonomy for self-determination.

282	P6:	What they would rather say is; the guy's family would say we have gotten a sister-in-law and the girl's family would say we have gotten a brother-in-law
283	Int:	Mhhh
284	P6:	No one says 'wait a minute, can't we find common ground on this issue? Are these people in a relationship? Do they want to get married to each other? Does he understand how she feels and does she understands how he feels? Where is this thing going? Does the girl actually knows you as you have thwalad her? Have you both gotten the time to know each other better? All of those questions you know?
285	Int:	Mhhh

While *ukuthwala* may exist as a cultural avenue through which people can solemnise their relationship, its continued practice is sustained mainly by the family's approval. For P3 (lines 97-105), constructions depict that the position of the family as a collaborator will also influence women's decisions on marriage; that is to say, if the family approves *ukuthwala* as a regular practice, then there is no possibility for women to object, given the position women occupy in the families as stated by P6 (lines, 280). Furthermore, the family's position shows

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that the family may not hold their members accountable for any of the consequences of *ukuthwala* because they have already sanctioned the practice, as P3 said:

97	P3:	Family
98	Int:	Is it the family?
99	P3:	Definitely the family, this practice will only survive if it strongly upheld by specific family or family groups
103	P3:	Definitely, that's why she will go with it, if the family feels strongly about this she will.
104	Int:	mmmh, ok
105	P3:	She will feel pressured to do it and she will

The family's position on *ukuthwala* was also emphasised by P5, who stated that *ukuthwala* is constructed as a way of life by the community of Bergville and *ukuthwala* cases reported to the Chief are quashed as he is also a strong proponent of the practice as P5 explains:

474	P5:	They believe so much in it, they really do. (fiddling with paper) During the case I have mentioned to be my first, I went on with my investigation
480	P5:	They said "this is how we live," I tried to ask why they didn't go to the police and they told me that they report to the chief first before anything else, and the chief will never rule against the process of ukuthwala, never. He will only give orders to continue with the process in the way they believe is the right way; like to say 'now that you have taken the child you must pay *lobola* to her family'

The act of ukuthwala is intricately associated with using traditional medicine or *umuthi.* The widely circulated constructions of *umuthi* are that it enforces compliance such that a woman who may be explicitly against *ukuthwala* may suddenly agree and commit to that type of marriage. The most important aspects are not just the use of *umuthi* but how *ukuthwala* makes it possible for the families to use *umuthi* to disempower women further. The construction of P7 and P2 illustrates the consequences of using *umuthi* in the practice of *ukuthwala*, where the primary purpose is to engender what can be said, a manipulative consent to commit to marriage.

334	P7:	And she is forced to take muthi that is believed to soften her

206   P2:   Yes, She will be abducted by someone she does not know, when she get home, they will burn some muthi. By the time her family member arrives with the police, she told them she is marrying, she is fine and there is no problem, that is how is it, that is where you pick up something is wrong.

According to P5 and P6, *ukuthwala* is constructed as a practice in which *umuthi* facilitates and solemnises the marriage. In these processes, the family plays a pivotal role in harbouring abducted women and fully using *umuthi* to realise the commitment to the union. As P6 states, the use of *umuthi* is an act of victimising women through the practice of *ukuthwala:*

422   P5:   It is said that they keep you inside the house for days while they give you their stuff to eat and drink
423   Int: Mmh
424   P5:   Until you do not fight anymore
425   Int: Mmh
426   P5:   Because when you see the girl you could tell that she has already accepted it, she is even dressed up as a wife, yet she is still a child.
512   P6:   That happens, but now from what I am hearing, I get a sense that muthi is being used to rubber-stamp that authority
513   P6:   Mhhh

Now that the participants' shared constructions have been unpacked, the focus is on locating these constructions within broader discourses around the subject of *ukuthwala*.

Stage 2 of theme 1: They are turning a blind eye just to see the bond between the two families

Ukuthwala was constructed as the practice that creates conditions for families to disempower women by commodifying and using *umuthi* to engender manipulative consent. This section presents the similarities and differences in the participants' construction of ukuthwala. Furthermore, the participants' discursive constructions of *ukuthwala* were explored and explained using broader discourses.

The commodification of women and girls was constructed in different ways. The resounding theme is that *ukuthwala* creates conditions for women to be sold and bought, and both families are constructed as active participants in these engagements. The participants

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shared meanings concerning the first aspect of women's commodification are, that families attached prices on women for anyone who may ask for their hand in marriage. The granular elements revealing the commodification of women are that the acceptance of payment signals that women relinquish their position of independence within the families. These perceptions of women in the practice of *ukuthwala* also show that the payment is a substitute for women and that the family can now rescind their everyday responsibilities, as P6 and P7 elaborate:

290	P6:	So, if we have taken the *lobola*, it's a sign that we are sending her off or it's a sign that we agree that she should be married to that particular family, no objections about it, it is what's expected of a woman of her age
469	P7:	I would not know hey, but then it would mean that the family is selling their child
470	Int:	Mmh

603	P8:	They are turning a blind eye just to see the bond between the two families growing stronger, and maybe they are even still benefitting from their son-in-law
626	P9:	But at the end of the day your family will be happy to see you getting married, they will get cows, yet you are unhappy

The low-income family living conditions and the lack of employment opportunities may play a key role in how *ukuthwala* is constructed and how women are perceived, as stated by P2 (lines 20-24). For example, not investing in women yet expecting payments for them through *ukuthwala* suggests that *ukuthwala* is constructed as a tool through which a family may escape the grasp of poverty:

20.	P2:	They do not want to invest in a woman by maybe educating her; instead they expect her to bring something quickly like *lobola* cattle. If she is abducted they wait for people who'll come and say 'we took your daughter and we are here to pay *lobola*. You see, they will then leave cattle for *lobola* once her parents mention that how many cattle they want that is how she'll be gone. I think poverty is the motive because at least 90 per cent of this community depends on social grants and is unemployed, therefore they resort to *ukuthwala* as means of chasing poverty by accumulating cattle. So that is why there are so many cases of '*ukuthwala* ' abducting young girls and also planned abduction.

| 21. | Int: | What kind is planned abduction? |
| 22 | P2: | When it is planned they target a wealthy family with many cattle in that way the girl must be abducted strategical to that family to marry their son in exchange of *lobola* cattle. It must not be a poor or average person who cannot give them cattle. |

P2 surfaces a deliberate attempt where families use ukuthwala to earn money by marrying [off] women to emphasise women's commodification further. Again, the intersection of *ukuthwala* and the perception of women as assets may culminate in conditions where the family disempowers women because of poverty. The other element that emerged from P2 constructions of *ukuthwala* is that the man's family oversees and negotiates the payment for the woman. Hence, when the family pays, it is equally complicit in disempowering women because it is leveraging its economic power to access women through the cultural practice of *ukuthwala*. As explained by P6 (lines 282-285), the family would instead not look at the circumstances of the present situation by appreciating the euphoria of marriage.

22.	P2:	When it is planned they target a wealthy family with many cattle in that way the girl must be abducted strategical to that family to marry their son in exchange of *lobola* cattle. It must not be a poor or average person who cannot give them cattle.
23.	Int:	Mmh, in such cases what happens if a woman is refusing, what normal happens?
24.	P2:	That is where police intervene because sometimes you find a girl that was abducted changing the story once the police are involved and reject the police intervention by saying she is there with consent. It is she who now says that, they use strong 'muthi' that will confuse her so when they come to fetch her she refused to leave and want to remain there. That is why there are two ways of 'ukuthwala' it is either planned or the muthi was used.

P5 (lines 501-508) construction of *ukuthwala* incidence shows the family's participation in a woman's planning, execution, and harbouring of abducted women. The whole process of *ukuthwala* shows how women's autonomy is taken away by families using *ukuthwala,* as P5 explains.

500	P5:	I was standing by the gate and this lady was at the store which was nearby on that same street. Suddenly I saw a taxi carrying a handful of man stopping by the store and right there and then they forcefully carried her into the taxi. I heard later elders talking, they said that this man was from another village called Mhlangani and apparently he has worked in Johannesburg and is now a taxi owner.
501	Int:	Mmh
502	P5:	The guy was very ugly, so bad looking (raising a voice)
503	Int:	(Laughing)
504	P5:	That was troubling
505	Int:	(Laughing)
506	P5:	(laughing) They took her away just like that, with everyone looking at the scene as she was screaming and trying to fight them, but she failed as there were so many of them and she was on her own.
507	Int:	Mmmh
508	P5:	They then took her into the taxi and they left. After some days they came back with her and the guy's family

In the context of the Bergville community, the participants drew on the widely circulated beliefs that marriage is a priority for every Zulu adult. The constructions of *ukuthwala* and the use of *umuthi* suggest that it has an immediate and irreversible power to solemnise the marriage. However, *umuthi* does not guarantee commitment, but its power can produce specific behaviours in abducted women where they may suddenly agree to marry even though they may have expressed clear objection, as P9 explains.

179	P9:	When the woman gets to his house, they use muthi on her.
180	Int:	Mhhh, so what role do muthi plays in ukuthwala?
181	P9:	I can say it has a big role, because no matter how stubborn the girl may be…
182	Int:	Mhhh
183	P9:	After they have used muthi, she will end up cooperating and even agreeing to love him
184	Int:	Mhhh
185	P9:	She may end up accepting him
186	Int:	Mhhh
134	Int:	Mhhh
135	P8:	Now, back then not many people had easy access to cars, and so the girl would be literally carried through the entire distance or otherwise she would be beaten up and be forcefully made to walk to the intended direction. However, things are much easier now, almost everyone can

easily access a car, thus making the whole process a lot more effortless. They just grab her and get her into the car and off they go. When they get to their destination, in the guy's home, it is said that different sorts of muthi is used; they burn some and force the girl to inhale the smoke, they forcefully feed her some as well. All of this is believed to manipulate her emotions, her thinking, and under the influence, the girl who may have not even known the guy ends up agreeing to become his wife. The girl's family will eventually come looking for their daughter after a few days. Now if the muthi has worked as intended, the girl would not want to go back home with her family. She would "willing fully" stay. Just like in my brother's case, she denied to go back with her family when they came to fetch her.

The intersection between *ukuthwala* as a cultural practice and the contexts of Bergville with its community, where marriage is seen as a prioritised achievement, depicts *umuthi* as an additional tool to facilitate disempowerment. Also, the participants' traditional constructions of the beliefs of the undisputed power of *umuthi* as used in the practice of *ukuthwala* may prevent *abducted* women from outperforming such beliefs of *umuthi* in the practice of *ukuthwala*. For example, there are no tangible guarantees that *umuthi* will produce the desired outcomes. However, the beliefs are that once *umuthi* is used, women have no escape, as P8 elaborates.

136	Int:	Mhhh
137	P8:	However, she changed her mind after a few months, admitting that she never liked my brother in the first place and so now she is leaving. I guess what happened was that the muthi used on her had lost its effect.
138	Int:	Mhh
139	P8:	That is when she decided to leave.
140	Int:	So, are you thinking that maybe muthi had something to do with her agreeing to stay at the time?
141	P8:	Yes, I do. Because most of the men in Bergville believe strongly in muthi

Furthermore, the participants' constructions suggest that the context plays a crucial role in influencing both men and women to marry by *ukuthwala*. It may also be that knowing other people of different age groups in forced marriages by *ukuthwala* where *umuthi* was used may be modelled by others to think marrying by *ukuthwala* is something one can expect to do or to happen to anyone.

520	P5:	They take her even when she does not want to, even when she is screaming outrageously
521	Int:	Mmmh
522	P5:	As I have mentioned that when they get to the guy's home they keep her inside the house, and it is expected that she will be fighting at least for the first day right?
523	Int:	Mmmh
524	P5:	So when the husband comes in, she will fight him, as expected. I heard that they bring her food which they have spiked with umuthi
525	Int:	Mmmh
526	P5:	I only heard, I do not know much about it, but I heard that they spike the food with something that is going to soften her, make her fight no more and agree to what they expect of her.
427	Int:	Mmmh
428	P5:	The guy regularly goes into that isolated room in which she is locked up, and apparently during those visits he forces himself on her. So now it means that the guy gets into bed with her before she becomes her wife, before they consult with her family about marriage negotiations.

The commodification of women and girls occurring in *ukuthwala* resonates deeply with the discourse of *lobola* marked by the bride paying money or sending livestock to get the woman's hand in marriage. The payment of cows by the groom and the euphoria of receiving them and gifts by the bride's family is in keeping with the regular practice of *lobola* payments. As a result, the discursive constructions of *ukuthwala* are derived from the *lobola* discourse, suggesting that marriage by *ukuthwala* facilitates the traditions like *ukucela* and *lobola* negotiation, which may take time to complete in uniting the two families. The participants used *lobola* to explain the commodification of women in the practice of *ukuthwala*, which is not in keeping with the customary practices of *lobola*. The words such as "selling their daughter" (P7, lines 469), "sending her off" (P6, lines 290) and "family will be happy to see you getting married, they will get cows, yet you are unhappy" (P9, line 626) are explicit examples of the commodification of women and girls.

The use of *umuthi* in the practice of *ukuthwala* resonates with a submissive wife discourse. A submissive wife discourse symbolised a woman who would commit to the marriage after the incident of *ukuthwala* and taking *umuthi.* These women accept the situation as part of their culture and society's expectation. As stated by P9 (lines 181-185), a submissive wife discourse was used to construct *ukuthwala* as a practice in which *umuthi* can be used on every woman post the incidence of *ukuthwala* to realise an outcome of compliance and submission. The discourse of a submissive wife was also accentuated by P2 (lines 204-206) to explain his shock at the situation in which an abducted young school girl would suddenly change her mind and choose to marry despite being abducted by a stranger.

204.   P2:   I think umuthi, as I have said before, in cases that I have come across, you found an abducted girl wearing *isidwaba*, she was just at school yesterday. She was abducted afternoon and the following day she is wearing *isidwaba*, when you ask them, the tell you they are now married and are dropping out of school, they use muthi to confuse the child

205.   Int: Can muthi make a woman fall for the man she does not love?

206.   P2:   Yes, She will be abducted by someone she does not know, when she get home, they will burn some muthi. By the time her family member arrive with the police, she told them she is marrying, she is fine and there is no problem, that is how is it, that is where you pick up something is wrong.

The version of the dominant social reality that abducted women commit after taking umuthi has its own counter-discourse, which can be conceived of as a 'runaway bride'. The 'runaway bride' was captured by P8, who recounted a situation in her family where her brother abducted a woman and used *umuthi* to manipulate her into staying in the marriage, but she left him after a few months. Also, the discourse of the runaway wife was used to highlight the situations where the families come short up of commercialising women utilising the practice of *ukuthwala* and umuthi. Lastly, another element emerging in P8 (lines 193-197) in a runaway wife discourse is women's autonomy against some cultural practices used by the families to oppress them.

193   P8:   It made me realise that *ukuthwala* is not right

194	Int:	Mhhh
195	P8:	Because at some point it is a waste since he wasted so much money buying cows, blankets and clothing to send to her family (as it is done traditionally), only to find that she does not love him; never had, never will because of what he did to her
196	Int:	Which was?
197	P8:	The *muthi* he used to make her stay, even for that while. As time went by, apparently she realised that she never felt anything for my brother and so she decided to leave

In conclusion, the participants' construction of *ukuthwala* shifted from the culture as a usual way of life to refer to the actions and situations as an integral part of *Ukuthwala*. The salient realities that emerged are that the disempowerment of women is facilitated by the perception of women as commodified objects that can be controlled. A discourse of l*obala* was used to conceal the perception that women are often viewed as assets within the marriage institutes. Lastly, the discourse of a 'runaway wife' was used to reveal situations where the dominant discourse that legitimises the power of *umuthi* in the practice of *ukuthwala* was resisted.

Stage 3 of Theme 1: the complexity of culture and poverty

In this section, we take a closer look at the links between the socio-cultural context of the Bergville Zulu community and the various ways in which the cultural practice of *ukuthwala* was constructed. The commodification of women occurring in the practice of *ukuthwala* was ascribed to the custom of *lobola*, where a man would send cattle or money as per the request of the bride's family. The commodification could be broken down into three stages. Firstly, the families pinned a price on a woman. The pricing of women is one of the examples showing how women are perceived as objects to be traded. It can happen before or after the incidence of *ukuthwala*. As seen in the quote below, the parents actively persuade their daughter to consider marrying a man from a family perceived to be wealthy. The underlying goal is the

potential for earning money or receiving cattle from marrying off their daughter. In the extract below, a woman is perceived as an object for sale.

589	P8:	(fiddling with a paper) I would like to say that money is not everything. There are things that money cannot buy, ehhh… love itself and happiness cannot be bought. You cannot just marry someone because ehhh… he has money. I think you need to get into marriage because you like it, it must come from the heart, he must love you and you must love him. Money should not be the reason for you to agree.
590	Int:	Mhhh
591	P8:	Some parents do that; they convince their daughters to marry into a particular family because there is wealth. To those parents what matters most is the riches they are going to get and they do not concern themselves with the wellbeing of their daughter once she is in that marriage
592	Int:	Mhhh

The *lobola* negotiations are normal family-building processes aimed at uniting families. Under the practice of *ukuthwala*, these proceedings contradict the widely sanctioned procedures as the immediate goals are to hasten the processes to reach a consensus that the groom's family will keep the bride and outstanding payment will be paid later. These processes masquerade as a 'family-uniting discussion' but are actually about the bride's wealth, not the woman in question. Also, these discussions give rise to situations that depict a shift away from the essence of *lobola* negotiations to mere price discussions narrowly aimed at exchanging women for money or cows.

177:	P3:	Well number 1, I think if a family wants to practice ukuthwala in the traditional way those families must understand the rules, is it no perhaps the question of the rules have become blurred maybe that would be part of your research here that people say that they going to practice ukuthwala but they don't understand the rules. I mean if you going to allow me, let me give another example:
178:	Int:	Yes
179:	P3:	If you are going to practice *lobola* then you must comply with the rules of *lobola*, you must know what it is about and you must comply. You cannot now just do what you want to do if the is going to be a *lobola* practice it must be done the way it should done. There must be an agreement between the families how many cows; how are they going to be delivered; how is the bride going to conduct herself; when is she going to the family of the boy…there must be rules.

180:	Int:	The must be…
181:	P3:	and I think that's why this thing has gotten out of hands the ukuthwala and *lobola* as well because people don't know the rules and they don't agree on how they are going to comply with the personal and apply the rules. So, I think that is the solution if people are going to do ukuthwala they must comply and understand the rules

Lastly, the finalisation of the requested payment signals that the woman belongs to the groom's family. Unlike normal marriage processes where the actual ceremony is a symbolic culmination of marriage, in the practice of *ukuthwala*, the women are considered *uganile,* which in isiZulu means 'married'. It may also mean one is married, but some aspects of marriage have not been completed. The critical points in these cases are that the negotiations are finalised in *ukuthwala* and show that women are put under immense pressure to enter into a marriage that may never culminate in an actual wedding ceremony. Also, there is no evidence from these participants of women's participation in these negotiations, suggesting a further underestimation of women's autonomy.

145	P7:	They first go to start with the negotiations, asking for the woman's hand in marriage from her parents and then after they pay *lobola*. However, some think that once they have asked for your hand from your parents and your parents have agreed you are now able to go live with your husband to be or in his house and you are said to be married.
146	Int:	Mmmh
147	P7:	And in that way, of which I do not think it is the right way to start a marriage life,
148	Int:	Mmmh
149	P7:	Because it can take years…
150	Int:	Mmmh
151	P7:	And sometimes you might end up not getting married at all, and there are consequences
152	Int:	Mmmh

This section aimed to present the purposes behind the participants' constructions and examine the clues from the context. In essence, the participants' shared constructions show that

women's physical existence in the context of Bergville implies the availability of a commodity that may be exchanged for something, manipulated, controlled, and all is in keeping the procedure of marriage by the practice of *ukuthwala*.

Stage 4 of Theme 1: Ukuthwala from the perspective of the disempowered [women]

This section presents the participants' subject positions as they construct the practice of ukuthwala. The character of the practice of *ukuthwala* produces subjects and makes available different vantage points from which people can think and express themselves. A discourse of *lobola* discourse where the families gather to negotiate payments consists of the subject positions of the families in negotiations. The discourse of a 'submissive wife' operates in *ukuthwala* and opens up two contrasting positions of a wife, one who identifies with *ukuthwala* or a wife who does not identify with *ukuthwala*.

The central issue within the discourse of *lobola* is the subject position of economic power to justify and account for *ukuthwala*. Economic power is available for both families. Firstly P5 offered an example where the groom's family used their economic power to access women by utilising the practice of *ukuthwala*. In constructing this case, P5 stated that the man was a taxi owner who targeted a specific woman. The man abducted a woman without her consent and knowing her and his social and economic position as a taxi owner allowed him to justify using *ukuthwala*. Furthermore, his economic power afforded him the power to initiate lobola negotiations e and pay as requested by the woman's family. P8 presented another example to account for an incidence of *ukuthwala* that happened to her family. In this case, her brother abducted a woman and put forward his economic power to use during *lobola* negotiations to account for the use of *ukuthwala*. With the discourse of *lobola*, P8 constructed it as a waste because, despite all the payments, *ukuthwala* did not result in marriage as intended.

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Also, the perception of women as income-generating assets was a crucial discursive location to construct *ukuthwala* within the discourse of *lobola*. As constructed by P2, women are not supported to develop themselves through higher education because they must bring *lobola* into their family. For P9, the long-lasting transactional relationship between families positions women's families as beneficiaries for women's material bodies. Lastly, for P8, the *lobola* discourse means that the bride's family takes pleasure in receiving cows for women. The shared meaning from this discursive position is that families may match-make women with potential men from wealthy families and take everything offered in exchange for their women.

The discourse of the 'submissive wife' carries a position of someone who either identifies with ukuthwala in the sense that they can commit to that type of marriage or does not identify with ukuthwala and elect to leave that marriage. Effective *muthi* was the only explanatory tool available for women who stayed and were committed to marriage by *ukuthwala*. Within this position, women are vulnerable victims available for men to control and manipulate into marriage. As constructed by P2, *umuthi* can bring about a sudden change of mind where abducted women hastily accept the marriage. On the other side of the coin, the failure of the marriage by *ukuthwala* is attributed to the ineffectiveness of *umuthi.* As constructed by P8, a lot was done to keep the marriage, but she singled out *umuthi* as the factor responsible for the woman leaving her brother.

Stage 5 of Theme 1: Lobola as economic relief

This section focuses on the possibilities for action concerning the discourses used to construct *ukuthwala*. On the first hand, the cultural practice of *ukuthwala* is bound up by the families, which are the centres of power responsible for endorsing marriages. On the other hand, the use of *umuthi* produces an outcome of compliance, and ukuthwala has the outcome of submission to and in marriage.

The payment of *lobola* is a gesture of acknowledging and thanking the bride's family, and it serves the purpose of uniting the families. In the practice of *ukuthwala*, the payment of *lobola* shows that *lobola* was constructed as a custom justifying the transference of women and girls from one family to the other family. Furthermore, the families' negotiations seem to be driven toward reaching a financial agreement for payments, often without contemplating the woman's well-being. Also, the social approval of *ukuthwala* allows the families to ignore the critical circumstances preceding the *lobola* negotiations, which creates conditions for the exploitation of women. In this way, family dialogues are promotive of *ukuthwala*, and the mistreatment of women is normalised as part of *ukuthwala*.

Being in a situation where one is manipulated to take *umuthi* to marry by *ukuthwala* and accept the abuse that accompanies the process produces a sense of victimhood that warrants action. The normalisation of *ukuthwala* means that all dissenting voices against the victimisation of women are silenced because *ukuthwala* is a normalised cultural practice. For example, incidences where women are forced to eat, drink, and inhale umuthi, are some of the things that must instigate the residents to condemn or ask for change and end of ukuthwala. Furthermore, the construction of marriage and the esteem it brings to the family and the women produce a sense of subjugated and silenced victimhood. This raises questions about the beliefs manifesting in conditions where women are compelled to enter unwanted marriages to uphold the honour of their families. Lastly, the contextual pressure from the local community to marry also plays a key in silencing voices against *ukuthwala*. This is possibly because women and young girls are constructed to eventually agree and find solace in marriage through the practice of *ukuthwala* despite their initial resistance.

The social approval of *ukuthwala* as an acceptable practice brings limitations in terms of what the family can say or do to hold accountable its members for the suffering of abducted women. The exercise of power pertaining to the aspects of the practice of *ukuthwala* appear to

be male-centred in the sense that it is exercised to fulfil men's interest at the expense of women and young girls. As a result, attempts to speak out or challenge marriage processes could possibly disrupt the patterns of family relations, cultural norms and the fibre of male power. Concerning the use of umuthi, suggest the approval of dominance of men who can access women and further use umuthi to rubberstamp their authority.

Stage 6 of theme 1: Ukuthwala and powerlessness

In this section, we focus on what we think are the participants' personal experiences arising from the subject positions they occupy and the construction of the cultural practice of *ukuthwala.* It must be noted that the researcher is not making connections between language and the participants' mental state. However, this section aims to unpack and analyse the researcher's thoughts and personal experiences with the participants' construction of *ukuthwala* and their positionality.

There is a deep sense of shame that being married is a contextual yardstick to gauge the social status of men and women, whereas those who are not married are overlooked. The existence of the cultural practice of *ukuthwala* as an invisible and intangible cultural artefact that operates within a context where unmarried adults are overlooked produces conditions where the harmful practice of *ukuthwala* is enacted in some instances to acquire a better social status as a married person. As constructed by the participants, the enactment of *ukuthwala* is also used by families as a means to disempower women and girls for the economic gains of the family. Thus, the construction of *ukuthwala* is a cultural practice that disempowers women and positions family negotiations as a symbolic form of oppression disguised as *lobola* discussion. It could be argued that the participants shared meanings are imbued with feelings of disappointment, shame, and anger in how the families collide to trade women and girls as objects for economic gain.

There is a sense of disgust and sadness that the enactment of *ukuthwala* creates conditions for women who are forced to take umuthi to undermine their autonomy. As constructed by the participant, umuthi is a golden tool to solidify an act of *ukuthwala* because of its power to manipulate women and girls. As a result, the construction of *ukuthwala* as a practice that disempowerment of women and girls and, through imposed compliance, positioned subjects as vulnerable to control and manipulation. The participants sympathised with women committing to marriage by *ukuthwala*, while those who end the marriage are perceived as strong women for taking back their power to decide for themselves.

Theme 1: Conclusion

The overarching discursive constructions are that families have detached from the positions of *Ubuntu* when they engage in matters relating to the cultural practice of *ukuthwala*. This manifests in degrading ways by which contextual perceptions and enactment of what is constructed as the culture of *ukuthwala* is socially engineered by men and families to disempower women. The families are at the centre of disempowering young girls and women. The overarching theme was that *ukuthwala* was constructed as the practice that allows families to disempower women and the most dominant constructions were that it created possibilities for the commodification of women and the use of *umuthi* to impose compliance. These constructions of *ukuthwala* produced three discourses, a discourse of *lobola*, the discourse of a submissive wife, and the discourse of a runaway wife. The discourse of *lobola* was used to construct the marriage discussions between the families; however, in the practice of *ukuthwala*, these discussions are not about building families but take the form of exchanging women for livestock or money. A submissive wife discourse was deployed to construct *ukuthwala* as a practice by which abducted women are subjected to taking *umuthi* to manipulate them into committing to the marriage. The discourse of a submissive wife has a counter-discourse of a runaway wife accounting for events where women leave marriages by *ukuthwala* even after

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taking *umuthi*. The essential components of these discourses are that the context and the belief systems play a crucial role in how *ukuthwala* is constructed and the behaviours expected of abducted women. Considering the act itself, *lobola* negotiations and the use of *umuthi* as constructed by the participants, none of these elements are about building healthy families. Furthermore, the women's aspirations, dignity, the nature of the relationship, and the couple's future life are not discussed during the *lobola* negotiations. The families oversee the situations where the practice of *ukuthwala* is utilised to disempower women and to inflict lasting psychological trauma.

5.2.2 Theme 2: Patriarchal masculinity in the practice of ukuthwala

One of the overarching discursive themes emerging in the practice of *ukuthwala* is the expression of patriarchal masculinity that it enables. This theme presents the participants shared meanings about the aspects of masculinity that are constructed as superior and dominant over women in the practice of *ukuthwala*. Patriarchal masculinity in the practice of *ukuthwala* was constructed as something that occurs in two different ways. Firstly, *ukuthwala* was constructed as a practice that allows for the deployment of male dominance. Secondly, *ukuthwala* was constructed as the practice makes possible the expression of patriarchal masculinity that fails to accept the rejection of love advances. The following section focuses on the implicit and explicit references used to construct *ukuthwala* as a cultural practice that creates conditions for the expression of patriarchal masculinity.

Stage 1 of theme 2: "I didn't know that he had planned to thwala me that day"

According to P9 (lines 205-217), a now-qualified teacher had a traumatic personal experience with the cultural practice of *ukuthwala* while she was a student-teacher. Consequently, she constructed the practice of *ukuthwala* as an alternative for men who cannot

accept rejection after a prolonged courtship. As she reflected on her experiences, she did not have a problem meeting her suiter even though she was not keen on dating him. It was during one of those courtship meetings that she was abducted. She also constructs her unwillingness to date her abductor as a time-wasting technique for a man who wants to take a wife, not as her own decision to a man proposing love to her.

205	P9:	So in 2011, while I was in Durban studying, there was this guy who had been proposing love to me, and it had been quite a while, but I would not agree.
206	Int:	Mhhh
207	P9:	One day, he asked to come to see me while I was at home during the holidays
208	Int:	Mhhh
209	P9:	I agreed to meet him, but still, I wouldn't agree to his proposal
210	Int:	Mhhh
211	P9:	I didn't know that he had planned to thwala me that day
212	Int:	Mhhh
213	P9:	Apparently, he could see that I was wasting his time since he wanted a wife and there I was telling him that I don't want to do that
214	Int:	Mhhh
215	P9:	Some men thwala women like that
216	Int:	Oh, so did he thwala you?
217	P9:	Yes, he did but I managed to escape before we got to his home

In constructing *ukuthwala*, P6 draws on what he knows and what he has observed as a social worker in Bergville. In both accounts, patriarchal masculinity elements are characterised by coercion and failure to accept rejection. However, these elements are more pronounced in the latter. In constructing *ukuthwala*, P6, the role of patriarchal masculinity was expressed as a powerful man having to punish the parents if they reject him as a suitable husband for their daughter or to navigate their way against any obstacle blocking him from marrying his partner. More emphasis is placed here on the authority of men over women on social issues, such as marriage. P6, furthermore, constructed *ukuthwala* as a practice highly saturated with patriarchal masculinity because the act of *ukuthwala* was employed to show power over women

that women cannot reject a man and get away with it. Also, when *ukuthwala* is employed, the social status of being a man allows them to waive consent from women and to be in a relationship with that particular woman.

184	P6:	That's how I understand it. That it's between people that are already in love and then it's either because of the differences within their families or another obstacle. So, the guy will decide that your parents don't want me to get married to you so I would rather just thwala you
185	Int:	Mhhh
186	P6:	So, traditionally, if I have already taken you in I am bound to make you my wife. I will take you home then send *lobola* to your family. Just because the girl doesn't want to get married but they are already in love and maybe the guy wants to start a family and then he decides to thwala her. But, what happens in this community is the total opposite. What happens is you will get a guy who loves a particular girl that he has been proposing love to for a long time and the girl is just not coming to the party and then he says ok the only way is to just take her. Let me just thwala her and just ehh… keep her for a number of days after that I will just send representatives to her house as an indication that I have intentions to marry their girl and as she had disappeared for so many days she is with me
187	Int:	Mhhh
188	P6:	But is there a consensual agreement between the two parties?
189	Int:	Mhhh
200	P6:	There is none in that case. You are not in love, you are not even dating you are just making advances and she was not even budging and so I decide for my benefit to have her. But does she love me?
201	Int:	Are you saying this is what's happening here?
202	P6:	This is what's happening here, yes

Despite the inability to accept rejection as a justification for *ukuthwala*, P8, construct *ukuthwala* as an alternative for men considered to be cowards and less confident in having a constructive conversation with women. On the other hand, P8 placed more emphasis on men's charisma to charm and convince women to love them as a way to prevent *ukuthwala* from happening. Her focus was on the ability of men to convince women and ascribed power and strength to men to convince vulnerable women. This also reveals how patriarchal masculinity operates.

541	P8:	As I said I think the first reason is, maybe a man had been trying for a long time to get her to agree
542	Int:	Mhhh
543	P8:	But without luck
544	Int:	Mhhh
545	P8:	And then that is where he gets to a point where he decides to thwala her
546	Int:	Mhhh
547	P8:	Some people think that ukuthwala is for cowards, men who have no self-confidence to make their moves on girls and be able to actually convince girls to be with them
548	Int:	Mhhh
549	P8:	Moreover, in other cases, it is not always the decision of the guy who wants a girl
550	Int:	Mhhh

According to P5, *ukuthwala* is an expression of patriarchal masculinity preying on young girls while masquerading as the cultural practice of *ukuthwala*. For P5, she drew on her work as a Social Worker to construct *ukuthwala*. Emerging from her construction of *ukuthwala* is that patriarchal masculinity is abrasive, forceful, and violent on the basis that an orphaned schoolgirl was compelled to drop out of school after being abducted by a man who also left her with his family as a domestic wife. The other element is that patriarchal masculinity has gatekeepers because her aunt did not save her from being abducted even though she was assigned as a legal guardian; instead, she was complicit in the abduction of her daughter.

388	P5:	I think my first case, as I am working with children under the government's foster care, orphaned children who are assisted by the government to receive some sort of living allowance, I think my case arose through the review of the foster care, maybe the child's grant has lapsed, so in such cases as a social worker assigned you need to go and look for the child at home, now you do not find the child at home. According to the law, the child who is receiving foster care support is under the age of 18 years, so I went to the child's home and the child was not home. The child was not at school either. When you get the family they will tell you that she is now married.
389	Int:	Mmmh
400	P5:	Mmmh, so you must follow up because you do not just close the case. You then go look for the child wherever they say she is, then you get there and you find the child, but when I first got there I did not find her she was out to

fetch wood, so she is out to fetch wood for this house, since she left at 5 am and went to the forest, then I had to come back at another time, and so I decided to wait until she comes back, and yes she came although it was a bit late so we had to arrange another day, my point is, I did find the child in that household and when I asked her why is she here and not home, she told me that I am now married to this family. I asked her who is she married to and she gave me her husband's name. When I continued asking her; so where is the husband, she told me that he is in Johannesburg, so who is living with her? She said she is living with her mother-in-law and her husband's older brothers with their kids. She is still a child who is supposed to be at school.

401	Int:	What age?
402	P5:	She was 17
403	Int:	Mmmh
404	P5:	Uhmm, when you ask her if she is still going to school and how did it come to this, how did it happen? "He would usually stop me" and then what did you do? "I would tell my aunt at home" she was living with her aunt, and she was the one who was receiving the foster care grant. So she said "I would tell my aunt what the guy was saying" because it means that the guy was telling her that he is going thwala on her because he wanted her.
455	Int:	Mmmh
406	P5:	And apparently, the aunt did not take the matter seriously, and she was thwalad at the end.

Echoing P5's version of *ukuthwala*, P2, who is a police officer, also expressed concerns about the vulnerability of young girls whom men target for abduction in the name of *ukuthwala*. Patriarchal masculinity is embedded in the practice of *ukuthwala* as a cultural tool to sexually exploit young girls while profiting off from giving them to men as brides. The other element emerging from his construction of *ukuthwala* is that the lack of employment opportunities and poverty are social issues driving the continuation of the practice of *ukuthwala*. As P2 commented:

18	P2:	They push them to marry older men, when a girl did not sleep at home, the father or the uncle will chase her away so that she returns with a cattle that will be paid as damages or *lobola*. In fact these girls are unwanted they just want them gone in exchange for cattle. They want them to marry early so they can have cattle
267	P6:	They have no way out. I am married to this man; I can't leave him; I want to go work for my kids; I can take them back to my mother; mother-in-law doesn't want me to work. It really becomes a dead end, and you ask but you do want to work; you do want to feed your children. Or even, you are married to someone who is not working, where do you begin, because I think it

should be the question of if you get married you should be self-sustaining, we are not going to dependant on child support grant or anything. But you do get people who depend on child social grant and just remain unemployed

268 Int: Mhhh

269 P6: And economic times are tough, employment opportunities are not there, we are standing at 27%. But why do we continue? They have been deprived the right to think or to make logical sense of social realities, I don't know

2703 Int: Mhhh

271 P6: I just don't, I cannot answer

The participants' construction of *ukuthwala* revealed how patriarchal masculinity had desensitised both men and women from engaging the outcomes *ukuthwala* has on women and societies. It can be concluded from the participants' constructions that men cannot accept that women can make independent decisions in relationships. The acts of dominance observed in the culture of *ukuthwala* suggest that pervasive patriarchal masculinity has influenced men to believe that their authority is beyond reproach and cannot be questioned by women. Lastly, the participants' construction of *ukuthwala* suggests that men may suffer from mental health issues like low self-esteem because they target young schoolgirls to compensate for their issues. In the following section, the focus is on analysing the discourse arising from the participants' constructions.

Stage 2 of theme 2: "He knows that even if he can approach her, she will never agree."

The practice of *ukuthwala* was constructed as a cultural practice that opened possibilities for expressing different forms of patriarchal masculinities. In this section, we look at the differences in how patriarchal masculinities were constructed in the practice of *ukuthwala* and locate these discourses within broader discourses.

According to P8 (lines 569-471), patriarchal masculinity is characterised by men not accepting rejection in a courtship that was constructed as abusive and loveless. P8 elaborates:

469	P8:	He is making her do whatever he wants her to without her consent and she has no control over what is happening, and he forces her
470	INT:	Okay
471	P8:	It may not involve physical violence, but forcing her to love you is still abuse, even worse, he does not even know you

She contends that without the women's consent, *ukuthwala* is an act of abuse against those who cannot defend their choices. Furthermore, the act of *ukuthwala* is not about love, given that women may not know the man to love them and make an informed decision about whether or not they can consider him as a future husband. For P9 (lines 169-172), patriarchal masculinity arises from the socialisation that men receive that justifies the practice of *ukuthwala* when rejected by a woman, which they consider a reasonable proposition because they may genuinely love the woman.

169	P9:	He knows that even if he can approach her, she will never agree
170	Int:	Mhhh
171	P9:	In most such cases, the guy is seriously in love with the woman, and he - usually means well. He intends to make her a wife not just to abuse her and somehow in his own way he wants to protect her from guys who may take advantage of her and waste her life, and he thwala her, because she knew that, she will not agree to his proposal
172	Int:	Mhhh

Hence, P9 constructed men's failure to accept rejection as an expression of love and that a man may be trying to protect the woman from people who do not have good intentions. P9 herself was abducted after her suiter did not respect her choice not to date him; though she escaped, her views suggest that there are conditions where she approved of men who do not accept rejection and abducted women.

To make sense of the practice of *ukuthwala*, P3, a legal representative, constructed the abuse of *ukuthwala* as something arising from the lack of rules guiding the procedure of when

and how to perform the practice of *ukuthwala*. The unavailability of regulations has allowed

everyone to practice *ukuthwala* in whichever way they want. The reality is that vulnerable

young girls have become the target of abduction, as stated by P2.

177:   P3:   Well number 1, I think if a family wants to practice ukuthwala in the
             traditional way those families must understand the rules, is it no
             perhaps the question of the rules have become blurred maybe that
             would be part of your research here that people say that they going to
             practice ukuthwala but they don't understand the rules. I mean if you
             going to allow me, let me give another example:

178:   Int: Yes

179:   P3:   If you are going to practice *lobola* then you must comply with the rules
             of *lobola*, you must know what it is about and you must comply. You
             cannot now just do what you want to do if the is going to be a *lobola*
             practice it must be done the way it should done. There must be an
             agreement between the families how many cows; how are they going
             to be delivered; how is the bride going to conduct herself; when is she
             going to the family of the boy…there must be rules.

Furthermore, the lack of rules for practicing *ukuthwala* guarantees the freedom to act

with impunity as this is a normalised cultural practice in a context where marriage is an

expected outcome for all women. We now locate the two constructions (in the ability to take

rejection) and (dominance) within broader discourses concerning patriarchal masculinity in the

practice of *ukuthwala*. The acts of patriarchal masculinity in the practice of *ukuthwala*

associated with the inability of men to accept rejection by women in courtship and resort to the

practice of *ukuthwala* resonate with the 'discourse of entitlement'. As constructed by the

participant, men believe they are entitled to women's bodies, time and acceptance. The

externalisation of these beliefs gives rise to *ukuthwala*. Firstly, the practice of *ukuthwala* offers

men access to women's bodies and the freedom to engage in sexual intercourse. As evident in

P4, who is a priest, he constructed *ukuthwala* as an act of gross entitlement to women.

53   P4:   You see men of these days, they have a problem with one issue, they do not
           love and see the value of a woman as someone they can build a family with,
           they only want sex from women and that happens worldwide not just here in
           Bergville

Furthermore, the instances where women and young girls are abducted for sex and to be permanently stationed at the men's home where they are assigned domestic responsibilities is another example of entitlement exposing women to higher risks of contractive sexually transmitted disease as stated by P2.

142. P2: As I said they abduct young girls for sex and then left those in their homes go to Johannesburg, Durban leaving them slaving behind. It is not right, it is child abuse taking a minor child and she must leave school after that you go to big cities, she is also risking diseases as you will find another woman in cities, it is not right.

Secondly, a discourse of entitlement was employed to account for conditions where *ukuthwala* is performed to take away the independence of women. As constructed by P5:

432 P5: She was old, she even had children and some of them were in secondary school. So when she got to our offices she mentions that she got her husband through *ukuthwala*. Because it gets to a point where you ask where do certain actions arise from, why is there so much ill-treatment. That's where she tells how she got married to the man in the first place. So in her case the man was from another village and had relatives and friends in the woman's village, that's how he got to notice her and to eventually thwala her. For her the husband was living with her at home…So there would always be disputes and she mentions that life has never been easy for her

435 Int: Mmmh

436 P5: He thwalad me, so he "wanted whatever he wanted and it is either he got it the way he wanted it or not."

Therefore, men believe women ought to accept and be ready for marriage by *ukuthwala* as when men are peach the idea. The possibility or actual rejection threatens men, instigating them to resort to *ukuthwala*. The discourse of toxic masculinity resonates well with the acts of *ukuthwala*, where older men usually prey on young schoolgirls and abduct them. The shared realities of P9 and P2 show that *ukuthwala* is not constructed as a marriage-building practice but as the expression of patriarchal masculinity. The discourse of toxic masculinity encapsulated the reality of *ukuthwala* as a culture of the dominance of women by men. As

constructed by P9 and P2, susceptible young schoolgirls are the prime targets by men who exercise power and *ukuthwala* to offer these girls a form of marriage they cannot refuse.

| 401 | P9: | In other cases, the girl agrees but for certain reasons she can't be with him at the time, for instance, she may be still young and still in school. When she asks him to wait until she finishes school, he objects, saying there are a lot of other guys eying her too. He says 'you will go to school even when you are a wife'. |
| 30 | P2: | Here we are not talking about old girls, we talking about very young girls that are abducted on their way back from school or during weekends. That is what is happening here |

Furthering this, the discourse of toxic masculinity as constructed by P6 reveals that men are socialised into a cultural practice that compromises the lives of young girls. As can be seen below, the practice of *ukuthwala* is such that the men can abduct a school-going girl to leave her at his home, have kids and keep her there with little money for survival, as P6 narrates.

460	P6:	(Humming) yes it happens, we have heard about it. I think its people serving their interests. 'I don't care what you think I want what I want'
46	Int:	You think he is being selfish?
462	P6:	Yes, he is being selfish. I want what I want and I am going to get it out you nowhere else. What you think about it, what you feel about it, I don't care
463	Int:	Ehh…what makes you think of it that way?
464	P6:	I think when someone has expressed his or her view about a particular matter and tried to reason, but you do not want to understand, you do not want to reason and to try and find alternative approaches to the matter. You just wanted your way. I think that is just being disrespectful, or you are being selfish because you want things to be done your way, you don't care about how the I feel
469	Int:	Mhhh, about the other person?
470	P6:	Yes, or futuristically you only care about the now, the here and now, you just creating an unnecessarily crisis
47	Int:	Mhhh
472	P6:	Then, tomorrow when we are together or in the next 3 months a year maybe, 10 years even, what's going to happen then? You may have loved her then but she was something else in the time and now she is not the same. Obviously she is going to change and become something else as she became a wife because she was forcefully married to you. So, whatever that may have been a spark at the time

The analysis of the participants' constructions of *ukuthwala* showed the use of entitlement and toxic masculinity discourses. Underpinning the participants' discourses is the issue of the socialisation of men to believe they hold more power over women. The practice of *ukuthwala* creates possibilities for men to express patriarchal masculinity by reacting authoritatively to rejection, expressing limited emotions and not being willing to understand the world from the women and girls. In the following section, results concerning the nexus between the context of Bergville and the two constructions of the cultural practice of *ukuthwala* are presented.

Stage 3 of theme 2: The link between context and culture

As mentioned above, in this section, we present results that show the links between the context of Bergville and the constructions used to make sense of the practice of *ukuthwala*. The main goals are to unpack what was achieved by constructing *ukuthwala* as a cultural practice that makes possible employment of patriarchal masculinity in the form of the inability to accept rejection in courtship and domination of women. The sample comprised of diverse individuals from different backgrounds and in other occupations; all nine participants had their experience with the practice of *ukuthwala*. The conversation with the participant was such that it allowed the participants to talk about what they knew about *ukuthwala*. As observed in this discursive theme, the dominant versions centred around the expression of patriarchal masculinity.

The first dominant versions that construct *ukuthwala* as an expression of patriarchal masculinity, like the inability to accept rejection, came from the participants' real-life experiences of the practice. The underlying meaning embedded in participants' accounts suggests that men are socialised to externalise beliefs that are detrimental mainly to women. As evident in P9 (lines 205-217), in her construction of the incidence where she was abducted but escaped, she says that she did not have to be subjected to that situation when she had

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expressed herself clearly. Furthermore, her suitor's failure to accept rejection and orchestrate a plan to abduct her shows that men are socialised to disrespect women. As for P8 (lines 541, 548), her construction of *ukuthwala* shows that the decision to resort to *ukuthwala* is not about love and facilitating marriage processes as that would be a justification for ukuthwala. However, it is an indictment of the socialisation of this community that men cannot be rejected, and if they are, they believe that they are entitled to initiate *ukuthwala*. The socio-economic context of Bergville plays a crucial role in socialising men into considering *ukuthwala* as a viable option when they are not succeeding in courtships.

Also, P2 and P4, and P5 constructions of *ukuthwala* were more focused on the abduction of young girls. These participants' concerns suggest that men are socialised to believe they are more powerful than women. With *ukuthwala* available as a legitimate cultural practice, men believe that they can abduct whomever they want, and their power assures them impunity. P5 (lines 388-406) captures how the practice of *ukuthwala* has deteriorated into something that can be conceived of as abduction for sex.

Also, it is not only the practice of *ukuthwala* that is in the spotlight but the behaviour of men and other collaborators behind the abduction of young girls. The participants' constructions demonstrate the danger of patriarchal masculinity deeply exercised in the practice of ukuthwla. The participation of other collaborators shows that patriarchal masculinity is supported to the detriment of women and young girls.

In conclusion, the two discursive construction of *ukuthwala* is actually about men's behaviour and the practice of *ukuthwala*. The takeaway message from the participants' concerns is that the socialisation of men toward women is evident in how the practice of *ukuthwala* is enacted. Lastly, as long as the socialisation of men is not changed and the socio-

cultural context remains intact, then other forms of patriarchal masculinity will still be observed in the lives of women and young girls.

Stage 4 of theme 2: 'Why didn't he speak to me rather than take me by force?

Discourse offers subject positions for the participants to occupy and see the world from a vantage point. Here the overarching discursive theme in the practice of *ukuthwala* was patriarchal masculinity which was constructed as the inability to accept rejection and dominance. These two constructions were located within a discourse of entitlement and discourse of toxic masculinity. Now the positions of the participants contained in these discourses are unpacked to understand the participants' world views.

A discourse of entitlement contains the subject position of being available to men. The participants' constructions of *ukuthwala* as a personal, health and opportunities threat to women's lives are some of the discursive components embedded within this position. As stated by P6, who is a social worker, his intern was involuntarily abducted for marriage. As evident below, this intern's livelihood and career aspirations were threatened by the men using *ukuthwala*. By virtue of being a woman in Bergville, she was perceived as available for abduction and eventually abducted forcefully. Moreover, her career goals were under threat as she had no power to negotiate with the man or negotiate her life goals beyond abduction. P6 said:

254	P6:	Not so long ago, I had another intern that was thwalad by a prison warden. A person within the…
255	Int:	Law
256	P6:	Exactly, within the security cluster
266	Int:	Mhhh
267	P6:	He thwalad her, and she said that the guy's mother was happy and telling her that she should not worry, she will be well taken care of because her son has a good job. He was also in the taxi business and so she didn't have to worry herself about working, all she needed to do was to learn to love him and appreciate all that he had to offer. Her

question was 'why didn't he speak to me rather than taking me by force?'. She said that while she was held captive, he went on and sent representative to her house to negotiate for the marriage on his behalf. Fortunately for her she managed to escape. However, on her arrival back home, her granny cursed her for resisting a great opportunity. Girls her age were already married and had children.

268	Int:	Mhhh

269	P6:	Her augment was that she wanted to study. By the way she is now working in Pietermaritzburg, no child and no marriage yet, she is still focused on her career. If she had decided to go on with the marriage, chances are she wouldn't have achieved what she had wanted for her life

270	Int:	Mhhh

271	P6:	Self-independence, self-realisation, self-actualisation, economic freedom. She wouldn't have had the opportunity to wake up and do things in her own pace and to see the world in a different view. She would have been stuck and locked in this patriarchal community

The discourse of toxic masculinity contains the subject's position of being vulnerable. From this position, it seems like more concerns were centred around young girls; not only that they are at risk of abduction, but they are sexually enslaved and exposed to sexually transmitted diseases like HIV, which are prevalent. P2 explained that all this is done by men in disguise of the culture of *ukuthwala*. Furthermore, *ukuthwala* thrives on a state of vulnerability because the young girls are easy to manipulate and do not have the power to negotiate against older men.

144	P2:	If he had sex with a young girl because in Johannesburg he is sleeping with someone else, so this girl who is still a virgin is compromised and her future is dead. In fact, since I came here their defence was that it is a culture but that culture is non-existent, older women are no longer abducted, because now they target young girls who are under age, it does not happen that an older woman was abducted, because that is non-existent. It used to happen in the past, when there were *amaqhikiza* and maidens, you see.

The position created by the subject positions allowed the participants to speak from the vantage point of women and girls and express the ramifications *ukuthwala* has on women in

general. The message conveyed by the participants is that *ukuthwala* has no societal and individual tangible benefits for everyone.

Stage 5 of Theme 2: The context of Bergville and toxic patriarchal masculinity

In this stage of discourse analysis, the focus is on the relationship between the constructions of *ukuthwala* and the subject positions. The main goals were to identify the possibilities for action.

The construction of *ukuthwala* as a discourse of patriarchal masculinity is characterised by the inability of men to accept rejection and the subject's position of being available for abduction. The community of Berville appears to dictate the behaviour expected of men and women around the practice of *ukuthwala*. So, the men who identify with forms of patriarchal masculinity, such as not accepting rejection from women as the defining features of what it means to be men, position men to exercise force whenever they experience rejection. Likewise, women have a role to make themselves available for abduction if they are to avoid forceful abduction. As a result, the acts of *ukuthwala* cannot be isolated from the social construction of both masculine and feminine identities. The continued practice of *ukuthwala* despite public outcry arises from the fact that *ukuthwala* is a socially sanctioned, legitimised cultural practice invoking what the society believed is owed to men and for which women cannot resist.

Constructing *ukuthwala* as a discourse of dominance and the subject position of vulnerability has implications for both men and women. The social construction of males as dominating allows them to utilise *ukuthwala* to externalise and defend their dominance. The acts of dominance find expression through *ukuthwala* in two ways. Firstly, it may start with stalking young girls' activities, culminating in situations where they are abducted on their way home to or from school, in places such as towns, during Easter or December holidays and in any other places where they are known to be vulnerable. So a man who wants to abduct a young

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girl has to know who she is when she can be abducted, and the extern of her vulnerability as far as having someone who may stand for her. For example, P5 reflected on her conversation with the orphaned girls being abducted. She asked if she had told anyone about the possibility of her being abducted. She told her aunt, who was her legal guardian, but she did not stand up for her and eventually, she was abducted and had to drop out of school.

Secondly, male dominance is expressed further through the attempts to negotiate marriage with young girls' families. The negotiation for *lobola* and marriage allows men to escape the scrutiny of their abusive behaviour and thereby reinforces male dominance. Lastly, there is a subtle expectation that the act of *ukuthwala* ought to be viewed from the realm of the culture against the background acts that undermine the unity of the community. Within this section of discourse analysis, the practice of *ukuthwala* raises the social constructions of the expression of masculine and feminine characters. Essentially, men are not conscious of the detrimental effects *ukuthwala* has on women and society because it is a legitimate and fastest way to access women. Lastly, women are in vulnerable positions to resist and defend themselves against patriarchal masculinity in the name of *ukuthwala*.

Stage 6 of Theme 2: The state of powerlessness from the socialisation of men

As constructed by P9 (lines 205-2017), she felt humiliated and powerless because her suitor tried to abduct her after she had expressed no interest in the two of them dating. Eventually, her expression of powerlessness was evident when she had to relocate to avoid the second abduction. P6 (lines 184-202) was disappointed that the culture of *ukuthwala* has deteriorated from a practice used to facilitate marriage when there are obstacles to a tool used to access women who are not interested in their suitors.

P8 (lines 388-406) was primarily concerned about the safety of vulnerable girls in Bergville. She told a story of a young orphaned school girl abducted after informing her aunt

about the man courting her. The fact that this girl was eventually abducted and her aunt did not do anything to assist her gave rise to her concerns about the girls' safety. The same concerns were expressed by P2, who expressed disgust at the men for kidnapping young girls while attributing their acts to the practice of *ukuthwala*. In addition, it can be argued that P2 was hurt that being a girl in Bergville means that they are objects of interest to men as they abduct them for sex and for domestic purposes, threatening the girls' future and health.

Another component arising from the participants' personal accounts was the lack of rules guiding the process P3. This lack of Rule of Law produces feelings of shame that *ukuthwala* is now available to everyone to use as a shield from their real motives. The idealisation of behaviours by men is characteristic of patriarchal masculinity. To articulate subjective experiences, P8 (lines 469-471) stated that men believe that forcefully abducting a woman without their consent for marriage is one of the alternatives to marrying. She contends that abducting a woman by force without knowing her does not guarantee that she will ever love that man and commit to marriage.

Theme 2: Conclusion

In this theme, the practice of *ukuthwala* was constructed as the culture that allows for the expression of patriarchal masculinity. The dominant construction of patriarchal masculinity was that men were not accepting rejection from women and that *ukuthwala* was the act of dominance. The production of these constructions arises from the personal and contextual experiences of *ukuthwala*. On the one hand, *ukuthwala* becomes an alternative to overruling the rejection of men by women. On the other hand, preying on vulnerable girls was bound up with a gender-dominance mentality. The analysis of the participants' constructions showed that they used the discourse of entitlement and the discourse of toxic masculinity to construct the practice of *ukuthwala*. The discourses of entitlement speak primarily to the context and the socialisation of men who used *ukuthwala* as a means to access women. The discourse of toxic

masculinity was used to construct *ukuthwala* as a shield to hide the sexualisation of young girls. These discourses created and opened up the subject positions of availability and vulnerability. Within the position of availability, the participants articulated that women and girls are powerless in relation to their male counterparts, and as a result, with or without their consent, they are available to men who identify with the practice of *ukuthwala*. From the position of vulnerability, the participants' construction raises more concerns about the safety of young girls, who are now the primary targets of *ukuthwala*. The relationships between discourses used to construct *ukuthwala* and subject positions mapped out the behaviours expected of men and women, and that is, men are required to exercise force in their engagement with women, and women have required to subordinate themselves to men. Lastly, the participants' subjective experiences on how they constructed *ukuthwala* have produced feelings of shame, safety, and humiliation.

5.2.3 Theme 3: The cultural practice of ukuthwala: A legal perspective

The social character of the cultural practice of *ukuthwala* has opened up possibilities for certain aspects of it to be seen from a legal point of view. The traditional perspective of *ukuthwala* allows the justification of the act as a cultural practice and a traditional way of life. However, some of the incidences may end up in the Traditional Court. In this theme, the participants' shared discursive constructions of the cultural practice of *ukuthwala* from the lenses of the law are presented. The actual words used by the participants' *construct* are presented in this section.

Stage 1 of theme 3: Constructing ukuthwala from a legal point of view

In this section, the focus is solely on how the *ukuthwala* was constructed from a legal perspective. P7 used the words "*nothing traditional about it*" to refer to *ukuthwala* as a practice that does not amount to traditional practices. P7 also construct *ukuthwala* as a "*bad practice,*" "*human trafficking,*" and "*criminal offence*." Furthermore, P7 also refers to *ukuthwala* as a practice that abuses, violate rights, and degrades women's dignity:

252	P7:	There is assault (laughs), you see?
253	Int:	Mmmh
254	P7:	emotional abuse, I mean there is no form of abuse that is not there
255	Int:	Mmmh
256	P7:	A person is taken by force; her rights are violated; her dignity is dragged into the mud. She is given to someone she does not love for the rest of her life
257	Int:	Mmmh

According to P8, the practice of *ukuthwala* is constructed as a form of woman abuse that allows for the abduction of women and girls to be taken by men for marriage without their consent and where they may be at risk of being sexually abused. She used the words "without her consent," "it is a woman abuse in a way," "to me it is rape."

243	P8:	Firstly, a woman is forced to go away from the people she loves, her family
244	Int:	Mhhh
245	P8:	And that is done without her concern or permission
246	Int:	Mhhh
247	P8:	Secondly, you force her to love you, to do things she
248	Int:	Mhhh
249	P8:	Things she does not want to do, like forcing yourself into her sexually
250	Int:	Mhhh

P9 constructed *ukuthwala* as a cultural practice that creates possibilities for violating children's rights where older men abduct young girls at a school-going age. In this way, she constructs *ukuthwala* as a cruel practice that negatively impacts girls' educational aspirations and makes them vulnerable to being infected with STD diseases. These constructions are surfacing *ukuthwala* as a cultural practice that thrives on the vulnerability of young girls who may not have someone to stand up for them, as P9 explains.

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726	P9:	A very young child who may be 13 years of age.
727	Int:	Mhhh
728	P9:	You here stories like 'a young girl who is in the eighth grade has been twalad by a thirty or thirty-five years old man. That is a brutal act
729	Int:	Mhhh
730	P9:	They even take twelve years old young girls
731	Int:	Mhhh
732	P9:	The child is not even aware of what is happening, she needs to be a kid that's all she knows
733	Int:	Mhhh
734	P9:	It happens that old people suggest a young girl to be thwalad. That child is no longer going to continue with her studies, her life just ends there
735	Int:	Mhhh
736	P9:	It is so sad, this guy is experienced in life. He may even have contracted diseases
737	Int:	Mhhh
738	P9:	Then the girl as young as she is will be infected and have a child. All of that she has no say on
739	Int:	Mhhh
740	P9:	And there is no turning back for her
741	Int:	Mhhh
742	P9:	She will just have to live with that for the rest of her life
743	Int:	Mhhh

P9 used the words "very young child", "a young girl", "twelve-year-old young girl", "no longer going to continue with her studies", "she will be infected" "she has not to say." According to P9, ukuthwala is a criminal offence that compromises the children's right to education enshrined in the Constitution. As a member of law enforcement, P2 used words, In summary, p2 used words like "it is a crime," "forcing her to marry you violate that right," "who break the law," "we will arrest them," "they must do it at the risk of being arrested," "kidnapping," in-law it is called the kidnapping," "if she is a minor it is statutory rape." These constructions show how the cultural practice of ukuthwala has legal implications.

118.	P2:	It is crime because a child's right is to go to school and if you force her to marriage you're violating her rights.
119.	Int:	Mmmh.
120.	P2:	I am explaining her constitutional rights it is that a child must be at school, by forcing her to marriage you violate that right just because you want cattle.

156.	P2:	Let me say you meet up a girl and you know nothing her, we call that kidnapping, in law it is called kidnapping.
157.	Int:	Mmmh.

Link P3 constructed *ukuthwala* as a case of abduction of women without their consent. In these situations, P3 emphasised that while *ukuthwala* constitutes a case of abduction, *ukuthwala* only becomes abduction if the incident is reported to the police. Like other participants, she constructed *ukuthwala* as a practice that may also involve rape.

129	P3:	The usual abduction case is when the girl is under 18 and she is abducted by the boy, it doesn't matter whether he is under age or overage and she is taken away without her consent but perhaps with the family consent and be moved to the house. In those circumstances, there would be enough you can open an abduction charge.
130	Int:	The family?
131	P3:	Yes
139	P3:	If this girl does not give consent to sexual intercourse its rape.
140	Int:	Yes, it's rape
141	P3:	Her parents cannot give consent for sexual intercourse, her parents cannot, she can only consent with the person who is having sexual intercourse with her, it doesn't matter how much consent the parent's gives if she doesn't consent its rape as simple as that.
142	Int:	ehhh in literature there are so many things…
143	P3:	and sorry, let me interrupt you there, if the girl is under 16 years old, she cannot even consent its rape even if she says you can have sex with me if younger than 16 years old is rape.

P3 constructions emphasise that from the legal point of view, ukuthwala would be considered an abduction, and if the victim was sexually abused, a case of rape might be investigated. Furthermore, suppose the victim is below the age of 16 years old. In that case, a case of statutory rape must be investigated because she cannot legally give consent; even if she says you can have sex with me, if she is younger than 16 years old, it is viewed as statutory rape.

The constructions of ukuthwala from the legal perspective were also echoed by the Priest (P4), who stated that *ukuthwala* is an abusive practice that quickly opens up the possibility for incidences of rape. The priest further stated that *ukuthwala* is unimportant because whoever practices it is more likely to be arrested.

41.	P4:	If she does not want you that is where she the practice is abusive because that is like rape.

<div style="margin-left: 2em;">
49.   P4:   It is no longer practiced now because by the time you abduct the girl her parents do not follow the abductors, they call the police and the police will fetch the girl. Even if the girl agreed and was willing to be your wife but once the police and her parents arrive you will be arrested and charged for rape.
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The implied meaning of the P4 account is that men often have sexual intercourse with women they have abducted. In the light of the practice of *ukuthwala*, abductees are usually young schoolgirls below the age of consent abducted by older men. When men have sexual intercourse with young girls, the cases could be investigated to ascertain if statutory rape was committed.

According to P1, ukuthwala is constructed as a practice that frustrates women and girls' education and prospects. In his construction, he stressed that girls or women may want to study further and fulfil their future plans. P1 further constructed ukuthwala as an act which violates women's and girls' rights and may require formal legal steps to be taken. He also constructs *ukuthwala* as an abuse of tradition. This implies that the contemporary practice of *ukuthwala* is against the old traditional practice of *ukuthwala*. He also emphasises the issue of marital age and the position of the law concerning the practice of *ukuthwala*. Therefore he articulated the importance of prioritisation of education over imposed marriages.

<div style="margin-left: 2em;">
210   P1:   You find that nowadays a woman will have other aspirations. Back then you would be in love with a woman in standard eight, grade ten, in high school before even finishing her matric. Maybe she wants to study further to be a teacher or something to that end, and she will only agree to this at the age of about thirty, because that is when she would like to consider marriage. At around twenty-five she can get married. She may be looking at fulfilling her own future plans, her career aspirations. I think that is what makes people see *ukuthwala* as a violation, it is the times we live in, they are changing.

211   Int: If a woman does not agree, what should happen?

212   P1:   Eh, nowadays they simply do not agree and that is that.

213   Int: Ey, according to you

243   P1:   As I have said, in the case of *ukuthwala* without consent, more formal legal steps can be taken nowadays. Now we are in a different stage where even if there is agreement [between families], the legal system can dismantle whatever if the woman does not agree. Being forcefully taken should stop. If a man does that, he will be arrested.

244   Int: In your opinion, is this justified?
</div>

245	P1:	It is very justified because, you have not done good, you do not know this woman, you have never even spoken to her.
238	P1:	Yeah, I think that the tradition is not being done properly?
239	Int:	Yes.
240	P1:	I think perhaps when the women being taken are very young and are still children.

Lastly, P6, the construction of *ukuthwala* revealed tension between the Traditional Court and the Judiciary Court over the handling of the cases of *ukuthwala*. The interpretation and handling of cases by these two courts are different. For example, the participants use the words, "*maybe you damaged the girl" and " why don't you just bring a cow and goat to the family of the victim"* to apologise and pay a fine for a rape case. This construction contrasts sharply with judicial law, as P6 use the words, "*going to go through the justice system where you would be prosecuted and convicted," and "rape where the justice system says anyone cannot receive remuneration as part of the compensation for."*

In summary, eight constructions of *ukuthwala* from a legal perspective were identified, and the phrases where these words were extracted are provided — these constructions of *ukuthwala* created conditions for various forms of violence and oppression of women and girls. The participants' constructions are consolidated to understand further the two discourses used by the residents of Bergville to construct *ukuthwala*.

Stage 2 of Theme 3: There is no form of abuse that is not there

Based on the participants' constructions, *ukuthwala* was constructed in two ways. Firstly, *ukuthwala* is constructed as a practice that creates conditions for committing criminal offences against women and girls, such as emotional and physical abuse, kidnapping and marrying underage girls. Secondly, the participants' construction of rape and statutory rape incidences in the practice of *ukuthwala* produces a discourse of rape culture. Thirdly, *ukuthwala* is constructed as a practice that interferes with the education of young girls and that produces a legal discourse. These discourses are discussed in detail below to understand the

similarities and differences in participants' constructions of *ukuthwala* and to locate the participants' constructions into a broader network of discourses.

The participants used the word "abuse" to describe how the acts associated with the practice of *ukuthwala* constitutes criminal offences. The resounding similarity in the participants' use of the word "abuse" to construct *ukuthwala* is indicative of the violent nature in how women and girls are swiftly abducted (P7, line 254). This act is enacted without negotiating consent with the women (P7, line 268; P8, line 239; P3, line 129; P9, line 748). On the other hand, the word "abuse" was also used to refer to acts that tarnish the cultural practice of *ukuthwala* (P1, line 246; P4, line 41), while in some instances, the word was used broadly to refer to the mistreatment of women and girls (P8, lines 239, 243-245).

Rape is one of the most occurring criminal offences enveloped in the practice of *ukuthwala*. In this study, rape was constructed as a crime where men have sexual intercourse with women without their consent (P8, line 259; P2, line 162; P4, line 41). Rape was also constructed as a crime where older men have sexual intercourse with girls below the age of consent. In this case, the shared meanings are that the law prescribes the age at which a girl can give consent or engage in sexual relations (P3, line 143, P2, line 128; P9, lines 726-738). In both these types of rape, the cultural practice of *ukuthwala* is constructed as an enabler because sexual relations are standard practices between married, cohabiting couples or people in a relationship. However, in the practice of *ukuthwala*, women and girls are simply objectified as sexual objects. As a result, *ukuthwala* as a form of marriage creates conditions for the objectification of women and girls where it becomes easy for men to waive consent in their quest to consolidate a newly-formed relationship.

In keeping the discussion about *ukuthwala* as a practice that creates conditions for criminal offences against women and girls, the participants used the words: "*abduction and*

kidnapping" to construct *ukuthwala*. *Ukuthwala* is a Zulu word for a cultural practice where women are taken for marriage, usually against their will. In English, *ukuthwala* is conceived as abduction or kidnapping. As a result, this practice is constructed as a crime that could result in arrest even though it is a widely-known Zulu cultural practice (P2, line, 168; P3, P4, line, 49). On the other hand, *ukuthwala* allows other crimes against women and girls to occur. The shared meanings are that abduction, kidnapping, and rape are the main criminal offences intricately associated with the cultural practice of *ukuthwala* and opened against the perpetrators. (P2, line, 162; P3, line, 81; 91).

In the section, we look at the similarities and differences in how the practice of *Ukuthwala* was constructed. As a cultural practice, *ukuthwala* was constructed as a culture that oppresses women and girls. The practice of *ukuthwala* is constructed as a practice that allows women to be denied a right to education. When a woman or girl of school age is abducted, she is compelled to drop out of school and begin living and doing the contextual and traditional wife chores. In this way, the right to practice the culture of *ukuthwala*, appears to interfere with girls' right to education grossly. According to P3 and P1 they vehemently stated how the practice of *ukuthwala* oppressed women by taking away their right to education. While *ukuthwala* may frustrate young girls' right to education, P3, (line 242) offers a legal recourse for young girls forced to marry in that they can seek legal advice to protect their rights. Another issue emerging as an oppression of women and, more specifically, girls is the age of marriage. It appears that *ukuthwala* acts as a shield to mask the abuse of girls married at a younger age as a culture. P9 (line 738) took a step further and revealed the consequences of the oppressive cultural practice of *ukuthwala*, which sanctions child marriages as a practice that opens up opportunities for contracting STDs. *Ukuthwala* also offers protection to men who objectify young girls as sexual objects to do so in the name of culture. The participants accentuate the

age gap and the vulnerability of young girls abducted by older men in constructing *ukuthwala* as a practice that oppresses women P9 (lines 726-730), P2 (line 136) and P3 (line 129).

These types of sexual violence against women and girls could be understood further by locating them within the abuse and discourses of rape culture. The constructions of the cultural practice of *ukuthwala* with words such as: *"emotional and physical abuse, rape and statutory rape and kidnapping"* resonate with the concepts of gender-based violence GBV against women and children (P8 line 239) which is primarily concerned with various forms of violence, most of which are part of the culture of *ukuthwala*. Also, during *ukuthwala*, women and girls are subjected to physical abuse resulting from the aggressive nature of how they are abducted (P3, line 129; P2. Line 156). Another critical issue related to GBV is the sexual abuse of women and children. In many ways, the participants' constructions of *ukuthwala* are such that it paves the way for the sexual abuse of women and young girls (P2, line 162; P4, line 41). Lastly, in the practice of *ukuthwala*, women's and girls' autonomy is disregarded, which opens up the possibilities for emotional abuse expressed through coercion (P8, line 234-249). When any form of abuse is deployed within the practice of *ukuthwala*, women have no say (P6, line 68) but are forced to listen and comply with their abductors.

The discursive constructions deployed to construct ukuthwala resonate with a discourse of criminal offences. Firstly, *Ukuthwala* is a form of marriage that make possible the violation of the marital act as many young girls are forced into marriages in the name of *ukuthwala* even though they are below the age of marriage enshrined in the constitution. As constructed by the participants, girls as young as 13 to 18 years are abducted by older men. Through the Marriage Act 25 of 1961, the South African law regulates the solemnisation of marriages and stipulates acceptable and prohibited marriage ages (P9, line 726-730, P1, line 244). Secondly, abductions and kidnapping, which are familiar and sanctioned in the practice of *ukuthwala*, which further constitutes criminal offences. These crimes are usually carried out on young girls still in

primary schools (P1, line 242-245). Thirdly, women and girls suffer emotional and physical abuse during *ukuthwala* when they are forcefully abducted (P7, line 250-254), taken away from their families and kept in places where they are forced to eat and do certain things (P8, line 243-250) and are manipulated to stay in that marriage against their will (P8 lines 259-273).

The participants' construction of rape, which is a normalised practice in *ukuthwala,* resonates with the discourse of rape culture. Based on the participants' constructions, rape is prevalent in the practice of ukuthwala, but women and young girls are objectified as sexual objects. Furthermore, there is a sense that reported rape accusations occurring within the realm of *ukuthwala* are trivialised because a perpetrator may only be ordered to pay a fine to be exonerated, and in which a criminal case may be closed. With these constructions, it is clear that rape is excused using culture and trivialised by the fine paid to the victims' families. Lastly, the participants' constructions reveal a sense of men's normalised and idolised sexual aggression, thriving on women and girls' vulnerability and expecting submissiveness produced by the intricate links between *ukuthwala* and rape.

The participants' constructions of *ukuthwala* reproduce a legal discourse. *Ukuthwala* is constructed as a practice that interferes with women's right to education, which the South African constitution makes provision for in the Bill of Rights. In the cultural practice of *ukuthwala*, young girls are forced out of school, where they are seen as wives. In this way, their husbands denied them the right to continue their studies because they were now wives (P2, line 18; P9, line 734). Therefore, the participants' constructions revealed how *ukuthwala* as a cultural practice oppresses women and interferes with girls' right to education.

Stage 3 of Theme 3: The claims of cultural practice used to deny women social justice

The multi-shared discursive constructions of the cultural practice of *ukuthwala* are that it involves emotional abuse and physical abuse, is associated with rape, degrades women's

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dignity, denies many girls the right to education and is associated with criminal offences such as abduction and kidnapping. The context of Bergville is, amongst other aspects, described as patriarchal. The practice of *ukuthwala* is sanctioned, although not as prevalent as before. Education at both basic of higher levels is not an appealing path to pursue.

Firstly, the discourse on criminal offences appears to suggest that a culture such as *ukuthwala* can embody normalised forms of abuses like emotional and physical, which are perpetrated on women in the enactment of *ukuthwala*. These forms of abuse, while masquerading as part of a culture, have legal implications (P7, line 250-256; P8, line 243-250). Thirdly, the actual practice of *ukuthwala* constitutes an offence of abduction or kidnapping. However, because this offence is perceived as a culture of *ukuthwala*, it is usually normalised by the residents of Bergville and is never challenged enough. However, it is considered abduction or kidnapping (P3, line 132, 81; P2, line 156-162). Lastly, in the practice of *ukuthwala*, women and girls are coerced to accept unwanted marriage by *ukuthwala*; the participants' construction of *ukuthwala* uses a legal discourse function to reveal the sense of powerlessness of young girls and women in general who have no voice (P9, line 748).

Secondly, the discourse of rape culture was used to emphasise the prevalence of rape cases in the practice of *ukuthwala* and to raise awareness about possible legal actions. First, the discourse of rape culture is employed to stress the exploitation of women in the name of *ukuthwala*. Secondly, it is used to reveal the power imbalance between men and women. For example, in the practice of *ukuthwala*, men do not negotiate consent but use their power to force women and girls into unwanted sexual intercourse (P3, line 91; P4, line 41). In exercising their power, it is common practice that men waive both consent for sexual intercourse and age (P3, line 139; P2, line 168, 138). The construction of *ukuthwala* using a discourse of rape culture serves to raise awareness about the importance of reconfiguring the meaning of the

culture of *ukuthwala* and women's autonomy in the practices of cultures. According to P2 (line 168-174), there is an emphasis on legal intervention to enter the relationship and arrest perpetrators of rape. Again, P4 (line 49) also submit that the rape cases occurring in the practice of *ukuthwala* result in a case being opened. This suggests that the law overrules cultural practice and offers hope for the victims that they can get justice.

Here, the participants used the legal discourse to emphasise how the practice of *ukuthwala* clashed with the legal rights of women and girls. The legal discourse was invoked to lift the lid on how *ukuthwala* has crippled the careers of many girls when men compel them to drop out of school (P9, line 724-738). It seems like *ukuthwala* can be used as a tool by men to decide on the future trajectory of women and girls in educational matters**.** The legal discourse also serves to draw attention to men hiding behind the culture of *ukuthwala* as perpetrators of criminal acts that culminate in child marriages and the gross violation of the girls' fundamental human rights to education (P1, line 244, P9, line 726-730, P3 line 129). The participants' used the legal discourse also to raise awareness about the plight of young girls who are married while underage, which is not allowed in the Constitution. In furthering the discussion, marriage earns women respect and social admiration. As stated by the participants, most women want to get married while they are still young, but not too young. For men, marriage is seen as a consolidation of manhood. Therefore, these existing perspectives on the one hand, allow men to disclaim and ignore their violent and unlawful acts occurring in the practice of *ukuthwala*. On the other hand, these perspectives conceal the violent actions of *ukuthwala* by both women and men as acceptable practices (P2, line 122-124).

Stage 4 of Theme 3: What are the subject positions created by constructing ukuthwala from a legal perspective

The main goals of this section are to broaden understanding of the positions offered by constructing *ukuthwala* using three discourses: a discourse of criminal offences, a discourse of rape culture, and a legal discourse. Emphases will be placed on locating the participants' discourses with the structure of rights and duties and how the subject positions constrain what individuals can say, do, and feel.

A discourse of criminal offences positions women and girl children abducted in the name of *ukuthwala* as the victims of gender-based violence (GBV). The GBV concept encapsulates offences such as emotional and physical abuse, child marriages, and abduction. The construction of *ukuthwala* as a criminal offence and a culture that abuses women and children by P7 (line 254) and P8, (lines 237-239) offers the participants a legal worldview to perceive *ukuthwala* as units of actions that subject women and children to various forms of GBV. P7 (line 254) stated that no form of abuse is not meted out on women in the culture of *ukuthwala* and constructs the entire cultural practice as a crime. Lastly, the age at which some girls are abducted in the name of *ukuthwala* allows the participants (P9, lines 726-730) and (P3, line 129) to occupy a position where they speak about *ukuthwala* as a form of forced child marriage. Furthermore, P2 (lines 156-162) and P3 (lines 129-143) constructed *ukuthwala* as a criminal offence, namely, kidnapping or abduction, creating a subject position of GBV that allows the participants to perceive and speak about *ukuthwala* not only as a criminal offence but as a specific form of violence against women and children.

The discourse of rape culture offers a position to view *ukuthwala* from the position of misogyny. A misogynist is an internalised hatred for women. Within the practice of *ukuthwala*, misogynist behaviour manifests in men's failure to see worth in women and girls, sexually objectifying women and girls, and using the available system to trivialise rape charges. It

appears that the practice of *ukuthwala* embodies the misogyny of women as P2 constructs *ukuthwala* as a gateway for rape to happen when men forcefully abduct women and girls they are raped too. The abduction of women and girls translates into ownership of them, which creates conditions for the externalisation of misogynistic behaviours. In this study, P6 (lines 78-92) extended the discussion from the misogynist position against women and girls when he expressed that rape charges are trivialised. The trivialisation of rape occurs when the case is reported to the chief and heard in the Traditional Court. The typical sentence imposed is a fine of a number of cows or money. This is constructed as a travesty of justice that does not help reduce the prevalence of rape cases. He further constructs this as an injustice because women are left out and the ordered fines do not benefit the victims who will have to live with the psychological pain of being violated for the rest of their lives.

The third discourse is the legal discourse relating to the incidences of *ukuthwala* where young girls are forced out of school after being abducted produced a human rights discourse. Human rights are a set of fundamental rights enshrined in the constitution and are essential to everyone. The legal discourse opened a position that allowed the participants to talk about *ukuthwala* as a culture that violates constitutional rights. According to P2 (lines 118-120), the girls' right to education is violated as they are abducted for marriage while at school. The subsequent step is to force the girls to discontinue school to assume the traditional wife chores: cooking, cleaning the house, and taking care of the in-laws, amongst other things. Again, P3 (line 143) talks about the legal importance of having the interdict of a Protection Order as an alternative for girls at risk of having their right to education compromised when forced into unwanted marriages. Lastly, P9 (line 738) used the human rights position to describe the conditions of young girls abducted by older men at the age of primary school.

Stage 5 of Theme 3: How do the participants' constructions of the role umuthi in the practice of ukuthwala create or obstruct possibilities for actions?

The discursive constructions and the positions taken by the participants created possibilities for what can be said or done. Firstly, the constructions of *ukuthwala* as a cultural practice that embodies emotional and physical abuse, kidnapping and marrying underage girls and the subject position of GBV against women and children were examined to understand the opportunities for or against actions. The construction of *ukuthwala* as a criminal offence creates a strong sense of agency to speak up against the culture (P2, line, 130; P4, line, 49) and recommends possible legal actions for the women and young girls (P3, line, 129). While taking a stance against *ukuthwala*, the participants stressed the need to obtain Restraining Orders for the protection of women and girls subjected to the culture of abuse (P3). The participants also demonstrated concerns for women and girls who are subjected to various forms of abuse in the name of the culture of *ukuthwala* and emphasised the state powerlessness of women, which creates possibilities for further abuse (P7, lines 254-269; P8, lines 237-239).

The participants' discursive construction of *ukuthwala* using words such as rape, sexual intercourse without consent, and statutory rape and the subject position of misogynist intersect to permit or prohibit what can or cannot be said or done about *ukuthwala*. The most salient issue emerging from the participants' construction is that *ukuthwala* does not only create conditions for the incidences of rape; it merely takes away the woman's opportunity to negotiate consent, albeit being forcefully abducted. For example, P2 (line 162) emphasised that kidnapping and rape are the two possible charges linked with the cultural practice of *ukuthwala*. Again, P3 (lines 139-143) articulated that in the practice of *ukuthwala* young girls below the age of consent are abducted and raped. This construction surfaces deeper levels of sexual objectification of women and girls' bodies, and that *ukuthwala* serves to create opportunities for the manifestation of misogyny. While some men elect to wait and negotiate consent with

abducted women (P1, line 242; P9, lines 748-750), the construction of *ukuthwala* as a practice that legitimises the abduction of young girls suggests that men may be negotiating consent to engage in sexual intercourse with girls below the age of consent (P3, line, 129).

The last part of this section analysis focuses on the participant constructions of *ukuthwala* as a cultural practice where women and girls are forced to do certain things, degraded, and denied the right to education. These discursive constructions were examined against the subject's position on human rights. The participants' construction of *ukuthwala* indicated that it has negative implications for young girls regarding their education and career goals. The unique point of departure concerning the link between discursive constructions and subject positions is that *ukuthwala* is not about building unity between families. As constructed by the participants, young girls abducted by older men are often forced to drop out of school (P2, lines 118-120). Furthermore, schooling is affected, and there are higher risks of exposure to incurable STD diseases (P8, lines 726-742) given that young girls are not able to negotiate the use of condoms with their abductors. Lastly, what can be teased out from the practice of *ukuthwala* is the brutality in the way it reverses the progress of women and girls, especially in the context of Bergville is that there are higher levels of unemployment and poverty which also play a role in fuelling the practice of ukuthwala as stated by (P2)

Stage 6 of Theme 3: The implications for the participants' discursive constructions of the practice of ukuthwala and the positions they occupied.

This section looked at the participants' discursive construction of *ukuthwala* and the implications for the participant's position. The goal was to delineate the participants' subjective experiences regarding the discursive constructions of *ukuthwala* and the subject positions.

Firstly, the constructions of *ukuthwala* and the participant's position of GBV induced experiences of empathy for the women and girls subjected to various forms of abuse in the

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name of this cultural practice. While the participant's construction demonstrated compassion, there is an agency to hold those responsible for enacting *ukuthwala* accountable for their actions. Furthermore, there are experiences of pain as some of the participants' have either witnessed or encountered women or children who have been abused in the name of the culture of *ukuthwala*. These experiences increased the urge to call for an end of *ukuthwala*.

Secondly, the participant's construction of *ukuthwala* within a rape culture discourse and the participant's position on misogynists have implications for *ukuthwala* as a cultural practice and the image of women and girls. The former suggests that there is an inherent sexual objectification of women and girls as sexual objects that are realised through the practice of *ukuthwala*. *Ukuthwala* operates as a separate entity, and its performance produces anger towards men and all those participating in it. The latter induces feelings of disgust and complete disregard for women to need to negotiate consent and to be respected.

Thirdly, the legal discourse and the participant's position of human rights discourse induced feelings of disappointment at the lack of will to change this brutal practice. The participants were disappointed that the future of young girls is at risk because of the culture of *ukuthwala*, as many girls live in fear of the possibility of abduction and dropping out of drop out of school. This creates the need for change and for the law to take its course when the fundamental rights of young girls to education are compromised.

Theme 3: Conclusion

In this theme, the participants' constructions of the cultural practice of *ukuthwala* from the legal perspective were presented. The participants' constructions of *ukuthwala* suggested that the act is seen as a criminal offence. Amongst the aspects mentioned as offences were that women are subjected to emotional and physical abuse, some are abducted to be raped, and they are denied the right to education. Another component suggesting that *ukuthwala* is a criminal

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offence is that in the eyes of the law, *ukuthwala* is kidnapping and warrants arrest if reported. The analysis of participants' constructions showed that they used three discourses: a discourse on criminal offences, a rape culture discourse, and a legal discourse. The discourse of criminal offence was deployed to account for the incidences of abduction and emotional abuse. Likewise, the discourse of rape culture was deployed to express the realities of contextually sanctioned sexual violations against women and girls. The legal discourse was used to account for the use of *ukuthwala* as a tool to deny young girls the right to education. The critical aspect of the participant's construction of *ukuthwala* was that the legal orientation towards *ukuthwala* clashes with the traditional perspective. In unpacking the subject positions embedded in the participants' discourses, it was evident that the discourse of criminal offences created a position of GBV where the participants expressed myriad ways of abuse meted against them in the name of *ukuthwala*. The discourse of rape culture carries a position of misogynist understanding that, manifests itself in sexual violence against women, using the culture of *ukuthwala* as a shield. Within the legal discourse where participants expressed education-related issues, a human rights position was opened to account for *ukuthwala* as a cultural practice used to violate young girls' fundamental human rights. In the light of these issues, it became evident that the practice of *ukuthwala* poses a serious threat to the lives of both men and women regarding education, sexually transmitted diseases and building healthy relationships.

Chapter 6: Discussion of the results

6.1 Discussion

The overarching purpose of his study was to explore and understand the discourses used by the residents of Bergville to construct the practice of *ukuthwala*. A diverse sample of Bergville residents were purposively recruited through snowball sampling and interviewed over the period of eight months. Three discursive themes were identified: disempowering women in the practice of *ukuthwala*: how families participate, negotiate, and facilitate the process of *ukuthwala*, patriarchal masculinity in the practice of *ukuthwala* and the legal perspective on the cultural practice of *ukuthwala*. The discussion of the three discursive themes was approached from the position of integrating methodological framework and the broader literature on the cultural practice of *ukuthwala* while taking into cognisance the research questions. The researcher's reflexivity was also an essential element insofar as engaging with the participants and the context of Bergville was an entry point into rethinking and reconstructing *ukuthwala*.

6.1.1 Ukuthwala and the practice of lobola. A call for change

The participants' constructions raised pressing issues concerning the complex marriage processes followed in marriages by *ukuthwala*. These issues highlighted gross deficiencies of *ubuntu* and warranted constructive dialogue concerning family formation. The first issue concerns the meaning and payments of *lobola*. It is important to note that the payment of *lobola* is still an integral part of most African countries (Khomari et al., 2012), paid through cash or cattle by the man's family before the marriage (SALRC, 2014), and it is a respected cultural practice serving the purpose of uniting families in marriage (Posel & Rudwick, 2011). The

modern construction of *ukuthwala* and the practice of *lobola* reflect on the changes that are detrimental to women and the family-building process (Posel & Rudwick, 2011; Sennott et al., 2021). This study found that the tradition of *lobola* payment is now commercialised in ways that became manifest through the objectification of women and girls. Sending representatives to the bride's family to begin *lobola* negotiation is an immediate responsibility of the abductor (Monyane, 2013; Nkosi, 2014); what is concerning is that the exchange of money or cattle between the families supersedes the essence of building a family and may produce family tension (Khomari et al., 2012). In the context where *ukuthwala* is a socially-approved practice, *lobola* negotiations are merely a damage-control tactic used to silence the bride's family and to obtain the family's approval to access the women or girls.

Taking the *lobola* discussion further, the payment of *lobola* is an expression of masculinity and the capacity of the man to provide for his wife and the family (Khomari et al., 2012; Rudwick & Posel, 2015), and it is a symbol of respect and capital for women (Shope, 2006). This social construction of *lobola* has been added to the abuse of *ukuthwala* to commodify women. In the practice of *ukuthwala*, women's participation in price negotiation is limited, and men have more power than women (Ansell, 2001). The participants emphasise that the families utilise the power to disown abducted women even after receiving the lobola payments. This study found that families often turn a blind eye to the suffering of abducted women and girls, and they cannot accept them back because the *lobola* payments were made for them to marry (Jokani, 2017; Kaschula et al., 2013; Rice, 2014). According to Nkosi (2014), a mother who arranged the abduction of her daughter and accepted a *lobola* payment for her did not avail herself to help her daughter when she escaped and needed her assistance. Similar to the findings of this study, poverty and prospects of receiving *lobola* payments suppressed accountability, and the family members do not consider the future life of abducted women as the topic of discussion during *lobola* engagements (Kheswa & Hoho, 2014; Mtshali, 2014;

Nkosi, 2014). This shows that both *ukuthwala* and the practice of *lobola* create conditions for the abuse of women and girls. Furthermore, the social construction of *lobola* payment prohibits both men and women from ending the marriage out of fear of upsetting their parents and families (Rice, 2014; Sennott et al., 2021; Shope, 2006). This may also be one of the reasons why abducted women find it hard to end relationships when the *lobola* has been paid.

The other dimension worth noting regarding the discursive constructions of *ukuthwala* was the nexus with the use of traditional medicine to undermine the autonomy of abducted women and girls. The use of umuthi, in general, and in courtships, is common practice amongst the Zulu people; however, the people of Bergville are infamous for their beliefs and use of *umuthi* to overpower abducted women (Nkosi, 2011). The question concerning these constructions is whether marriage can be sustained by using *umuthi* and for how long? According to Nkosi (2011), one of her participants, married by abduction, was cheating on her husband as revenge for forceful abduction and using umuthi to manipulate her. In another case, an abducted woman was forced to swallow her abductor's vomit, and an incision was performed on her as a way to obtain her consent (Nkosi, 2009). This is a common indicator of the scale of mistreatment of women occurring during the practice of *ukuthwala*. While most of the participants concurred with the use of *muthi* on abducted women, it is rare to ascertain the ingredients of umuthi served on food, water and incisions. Hence, knowing what is used may also reveal another layer of inhumanity, as stated by Nkosi (2009), where an abducted woman was forced to drink his husband's vomits. Rice (2014) stated that most abducted women are aware of their legal recourse, however, the fear of community shaming and reporting their parents to the police far outweighed the experience of an unwanted marriage.

The participants' constructions of *ukuthwala* produced a discourse of *lobola* which was used to account to for the abuse of *ukuthwala* and *lobola* to commodify women and girls. Words such as "selling their daughter" (P7), "sending her off" (P6) and "family will be happy to see you getting married, they will get cows, yet you are unhappy" (P9) were some of the examples clarifying how *ukuthwala* and the *lobola* practice are connected and abused in the practice of ukuthwala. The literature on *ukuthwala* is saturated with cases where young girls are abducted, and the *lobola* paid for them to their parents or legal guardians in exchange for them ((Jaco) Smit & Notermans, 2015; van der Watt & Ovens, 2012). The discourse of *lobola* functions to explain the gender power imbalances, the devastation that poverty brings, and how it desensitises families from having fruitful dialogues around the practice of *ukuthwala*. However, poverty alone should not be accepted as a sufficient motive for *ukuthwala,* and the families should not be exonerated from using poverty as an excuse to hold essential dialogues about the impact of *ukuthwala* on women and young girls. Also, the greed for payment of lobola should be investigated as another layer fuelling the practice of *ukuthwala*.

This study also found that the lack of rules guiding both *ukuthwala* and *lobola* creates opportunities for various situations to be labelled as *ukuthwala* or *lobola*. The discourse of *lobola* contained a subject position of economic power through which the participants justify and account for the incidence of ukuthwala. This sense of entitlement was confirmed by (van der Watt & Ovens, 2012), who stated that a man who abducted a young girl told her he paid her father R10 000 for her to live with him. A similar finding was confirmed by Rice (2018), who stated that despite the father outright objecting to her daughter's abduction, he changed his mind after the promise of *lobola* payment. Within this position, the participants constructions shows that the abductors' social and economic status are important in constructing *ukuthwala* as they help protect those men who can afford lobola payments from scrutiny. The analysis of the discourse of *lobola* shows that *ukuthwala* is enacted within a broad sphere of a culture

where various categories such as money, and belief systems, intersects to position women as victims.

A discourse of runaway wife was deployed to explain women's behaviour after the incidence of *ukuthwala*. The function of this discourse was to shame women for refusing marriage and for the possibility of forfeiting the *lobola* payment. This study found that some women who returned to their families were not happy in their marriage and may have never reconciled with the abduction experience.

460	P9:	Yes, even when you were thwalad, if you escaped and you came back home
461	INT:	Mhhh
462	P9:	Your brothers and sisters will still show respect to that guy
463	INT:	Mhhh
464	P9:	As their brother-in-law

193	P8:	It made me realise that *ukuthwala* is not right
194	Int:	Mhhh
195	P8:	Because at some point it is a waste since he wasted so much money buying cows, blankets and clothing to send to her family (as it is done traditionally), only to find that she does not love him; never had, never will because of what he did to her
196	Int:	Which was?
197	P8:	The muthi he used to make her stay, even for that while. As time went by, apparently she realised that she never felt anything for my brother and so she decided to leave

According to a study reporting a woman abducted from Eastern Cape and placed in Rustenburg, the woman was unhappy with her new family, and she endured physical abuse until neighbours raised funds for her to escape (Rice, 2018). Parental objection to marriage is one reason why some women return to their families (Rice, 2014). Another element worth mentioning is that the end of a marriage by *ukuthwala*, characterised by the women leaving the

husband, is understood to result from *umuthi* expiring or its ineffectiveness (Nkosi, 2011). This scenario applied to one of the participants who stated that her sister-in-law left her brother after abduction as a results of ineffectiveness of *umuthi* used on her, and the woman rediscovered that she was never in love with that man. Hence, this discourse also functions to explain the behaviour of women who stay in marriage by *ukuthwala* in the sense that despite the myriad of abuses and mistreatment (Monyane, 2013), the families admire women who honour and commit to marriage by *ukuthwala* (Kheswa & Hoho, 2014; Rice, 2014).

The family's determination to see women committing to unwanted marriages appears to have risen from the construction of masculine and feminine identities in which men occupy the positions of power while women's roles are to serve and respect the authority of men (Leclerc-Madlala, 1997). However, in some instances, women arrange their daughters' abductions in exchange for *lobola* payment, which suggests that anyone, irrespective of gender, may use family power. From the family formation perspective, the families are the micro-level genesis where the oppression of women is engineered, reinforced, and reproduced (Herz & Johansson, 2015; Juan et al., 2016). The participants stressed that the families hold and utilise their power to force women to comply with *ukuthwala* if the family approves of the practice. They utilised the power to arrange the abduction of women, accept brides' wealth, and compel or disown women who do not respect the family position on *ukuthwala*. The most notable aspect of the deployment of the family power is that it does not serve the interests of women in general. For example, this study finds that abducted girls had to discontinue school and were pushed into conditions of enslavement where they assumed domestic family chores while their husbands were working or looking for employment in the cities.

Another vital element worth discussing is the social construction of *ukuthwala* and *lobola*'s discourse, which functions to limit interventions to aid women in difficult conditions. The findings of this study revealed that the lack of accountability might arise from the family's

financial position, as most abducted girls are from disadvantaged family backgrounds (Geldenhuys, 2021). The prospects of receiving *lobola* payments may silence the family because it may offer some form of financial relief. However, *lobola* payments may not always meet family expectations, as in Gloria's case, whose family receives a single goat for her (Geldenhuys, 2021). In this study, *ukuthwala* was constructed as a socially-endorsed practice by community members, including chiefs or traditional leaders. These results have been confirmed by several researchers who stated that chiefs are not only staunch proponents of *ukuthwala*, but they tend to ignore the seriousness of criminal cases embedded in the practice (Claassens & Smythe, 2013; (Jaco) Smit, 2017; Karimakwenda, 2013; van der Watt & Ovens, 2012; Venganai, 2015) — as a result, having people in people in positions of power endorsing *ukuthwala* functions to silence ordinary people who may be against the *ukuthwala* as practice or particularities of *ukuthwala*.

Using *umuthi* to enhance compliance in *ukuthwala* shows the levels of desperation and emptiness on the part of families when viewed through the lens of *ubuntu* which places more emphasis on the positive values of humanity (Mnyandu, 1997). As a researcher, I knew that Bergville was one of the areas in KZN where the practice of *ukuthwala* was prevalent. Upon arriving in Bergville to recruit participants, I was also convinced by the residents' reception and acceptance that everyone is treated with respect. My engagements with general members of the community left a sense of humility and *ubuntu* in me. However, the participants' construction of *ukuthwala* and the glorification of umuthi as a tool of compliance painted a contradictory picture in me and showed that women's dignity, roles, and autonomy were being disrespected in the enactment of the practice of *ukuthwala* as Nkosi (2009) found. The results of this study revealed a lack of tolerance and respect for women and girls' autonomy and a depreciating sense of *ubuntu* in building families and in handling *lobola* negotiations (Mabovula, 2011; Mnyaka & Motlhabi, 2005). There is a sense that the perception of women as income-

generating assets negatively subverts the values of *ubuntu* as was evident in the cases where women are pushed in unwanted marriages for the economic benefits of their families. This suggests that the fundament value of *ubuntu* which states that *umuntu ngumuntu ngabantu* is openly disregarded by the families, especially when, among other things, they disowned their girl children because they have received lobola payments.

Following the intersectionality of the feminist perspective (Cho et al., 2013; Moolman, 2013), the discourses used to construct *ukuthwala* could be constructed as an intersection of culture, economic power, gender and belief systems. As was evident in the results of this study and the body of the literature, men are in positions of power, be it social or economic, and they may exercise that power within the cultural practice of *ukuthwala* to abduct women of their choice (Geldenhuys, 2021; (Jaco) Smit & Notermans, 2015; van der Watt & Ovens, 2012). Also, vulnerable girls like orphans or from poor backgrounds are at the risk of abduction by men who perceive them as easy targets (Jokani, 2017; Karimakwenda, 2020; Nkosi & Buthelezi, 2013; SALRC, 2014). Also, the social construction of gender, especially in the context where *ukuthwala* is perceived as a traditional way of life, indicates that men and women are boxed in a context where gender power inequalities manifest in oppressive ideas and practices such as the practice of *ukuthwala*. Also, the use of *umuthi* in the practice of *ukuthwala* is another component, affording men a power advantage to exploit women under the guise of the culture of *ukuthwala*. Lastly, *ukuthwala* embodies these structural aspects and is the tool through which their intersection produced the brutal incidences which have detrimental results for women and young girls.

Child marriages have been identified as common in countries such as Ivory Coast, Nepal and Benin and are considered serious challengs, although they have been recently banned (Male & Wodon, 2016; Spotlight Iniative, 2021). The poor economic conditions are critical factors underpinning child marriages. The commodification of women and girls largely

arising from perspectives that the family can earn something off from marrying women has escalated to situations where young girls are targeted in exchange for *lobola* payment. There is a need for a mind-set shift regarding the *lobola* which should, among other things be appreciated for its true cultural meaning of uniting and building relations between the two families (Mtshali, 2014; Posel & Rudwick, 2011; Shope, 2006; Sibisi, 2019) not just a mere payment for a human being. This notion of lobola as a payment undermines the culture and positions, women, as objects available for trading. Also, the families' orientation should be geared towards establishing points of contact and support for the new couples as marriage in centred around two families (Ngidi, 2012; Nkosi & Van Niekerk, 2018; Ntshangase, 2021).

Several pathways need to be recognised before a woman is of marital age, notwithstanding the age of marriage and the fact that not all Zulu people identify with those cultural paths. In this section, I would also like to discuss the practice of *umhlonyane* against young girls' abduction in Bergville. Given that *umhlonyane* is a developmental stage ritual post the first menstrual cycle, which marks the transition to adulthood (Hammond-Tooke, 1958; Lumbwe, 2014; Mlangeni, 2010; Nkumane, 2001; Turner, 2018). It is unacceptable that the families condone the abduction of girls as young as twelve years old who are not grown up to understand the adult life of marriage. From the view of umhlonyane discussed in section 2.3.1, these girls are not only too young for marriage; they are not mature enough to understand the challenges of married life because they have just entered adulthood (Mudaly, 2012; Ngubane, 2018). As found in this study, an orphaned primary school girl was abducted, and her legal guardian approved her abduction for marriage; this is another example showing how families as institutions participate in the disempowerment of young girls. The discourses used to construct *ukuthwala* show the extent to which this practice is abused, but the gross insensitivity displayed by the families involved is profoundly concerning.

6.1.2 Challenging patriarchal masculinity in the practice of ukuthwala

Patriarchal masculinity was identified as a critical element underpinning gender-power inequalities that culminated in continuing of expression of male power over women in the practice of *ukuthwala*. This section offers a critical review of patriarchal masculinity within the practice of *ukuthwala* and explores possible ways masculinity could be reconstructed and expressed in a positive ways. While masculinity was constructed in a harmful and detrimental way, a distinction between patriarchal masculinity and masculinity is necessary to avoid the danger of a single narrative of presenting masculinity as a unitary concept of toxic traits while bypassing the strengths to point out masculinity deficits (Englar-Carlson & Kiselica, 2013; Kiselica & Englar-Carlson, 2010; Lomas, 2013; Makama et al., 2019; Maricourt & Burrell, 2021).

One of the most significant aspects of patriarchal masculinity that occurs within the practice of *ukuthwala* is domination of women (Jokani, 2017). The domination of women was constructed as widespread perceptions culminating in the abduction of young girls. The root of these perceptions arises from the socialisation of men that dominating women is a form of manliness and masculinity (Buntu, 2012; Jokani, 2017) and appears to be rooted in the idea that being a man means being powerful. Furthermore, the aggression and domination of women in the practice of *ukuthwala* need to be viewed within the context where men are socialised from birth to internalise attitudes and behaviours that degrade women (Buntu, 2012). The concept of patriarchal masculinity encapsulates many harmful aspects of masculinity (Maricourt & Burrell, 2021). This study found that male authority is beyond reproach, and men do not respect or negotiate consent during *ukuthwala*. These constructions reveal power imbalances between men and women within the realm of *ukuthwala* and suggest the presence of masculine and feminine complementarity producing expectations that men cannot be refused their right, which, amongst other things, is the abduction of women (Gqola, 2007).

The findings of this study revealed the links between *ukuthwala* and the lack of confidence amongst the men tend to drive men who are afraid of women to target vulnerable girls for abduction. Men are socialised to internalise and express autonomy, stoicism, and toughness and to feel ashamed when they fail at something (Hartman, 2017; Way, 2011). In constructing *ukuthwala*, the participants pointed out that the men who abduct women and young girls have no self-confidence, are cowards and lack gentlemanly habits of conduct.

192	P2:	They lack confidence, they are not confident.
193	INT:	Where's that lack of confidence come from?
194.	PE:	It is from a person because they avoid the old girls because they are demanding so it is easy with the young girls you just take them home to stay with you. Yes! it is low self-esteem.
195	INT:	Oh, it is also an act of avoiding responsibility.
196	PE:	They avoid taking responsibility, that avoid woman older than 21 years old because they are wiser, they need to have their hair done, whereas a minor girl you can just put home and leave to Jo'burg.
197	INT:	Oh a pre-matured one?
198	PE:	Yeah, she is at a pre-matured stage because once she is matured she cannot tolerate that at 21, she can take good decisions. They fear that she can leave, so they avoid those ones, they want young girls who would be wise when they already have two or three children

547	P8:	Some people think that ukuthwala *ukuthwala* is for cowards, men who have no self-confidence to make their moves on girls and be able to actually convince girls to be with them
548	Int:	Mhhh
549	P8:	Moreover, in other cases, it is not always the decision of the guy who wants a girl
550	Int:	Mhhh

The combination of these deficits makes it difficult for them to initiate and build stable romantic relationships. As a result, they resort to abducting vulnerable women to conceal deficiencies in themselves. A study of men with stuttering conditions shows that they drew on

hegemonic masculinity by occupying the positions of power and control in their interactions with romantic partners to redeem their masculinity (Isaacs & Swartz, 2020).

One of the justifications for *ukuthwala* was constructed by the participants as the inability of men to accept rejection by women because he means good and loves the woman. This can be constructed as masculinity's chameleonisation, rooted mainly in heteronormative gender relations (Thacker, 2019; Ward, 2015). As constructed by participants, it appears that the longer the courtship takes, the more difficult it becomes for men to consider rejection as a possibility, and the more vulnerable it is for women to be abducted. With that being said, there is also a need to distinguish *ukuthwala* and its abusive form and where *ukuthwala* is consensual with the aim of opening up marriage processes (Monyane, 2013; Nkosi & Buthelezi, 2013). The abuse of *ukuthwala* arises from the failure of men to respect women's choice of romantic partners (Nkosi & Buthelezi, 2013). Thacker (2019), analysed 40 cases where men resorted to violence when rejected by women, stated that deployment violence was one of the patterns in which toxic masculinity reasserts and sustains itself in relation to women. Another complex component of *ukuthwala* is that in cases where there is consent between the parties, the act of *ukuthwala* itself is characterised by a woman making a pretence of resistance (Koyana & Bekker, 2007; Mubangizi, 2012) while she is physically carried away, making it harder to understand whether it is by consent or the abuse of *ukuthwala*.

Central to the role of patriarchal masculinity is the discourse of entitlement. The discourse of entitlement was used to explain how male power is deployed on women's bodies, time, and selection of romantic partners. Firstly, the discourse of entitlement allows men to use the cultural practice of *ukuthwala* to involuntary access women's bodies for sexual fantasies (Gqola, 2007; (Jaco) Smit & Notermans, 2015). As stated by Nkosi, (2009) a young school girl was physically abducted, physically assaulted and ordered to lie on her back, and her abductor raped her in front of his peers (Nkosi, 2009). This emotionally revoking expression of

masculinity is a critical element of masculinity and it shows that ukuthwala is always not initiated for marriages but it may be used to sexually enslave women. In another case, an abductor submitted that breaking a woman's virginity is a way to take away her dignity and self-esteem, which makes it easy for her to submit to him (Kheswa & Hoho, 2014). Again, by reflecting on these constructions, it raises questions why a victimised woman is a good wife.

Secondly, the discourse of entitlement legitimises and allows men to abruptly use *ukuthwala* to disrespect women's life plans because they believe *ukuthwala* is the culture they have a right to practice, and women ought to respect men who abduct them (Nkosi & Wassermann, 2014). Despite the power inequality, what can be deduced from the discourse of entitlement used to construct *ukuthwala* is that it highlights the hollowness of patriarchal masculinity because it is brutal, abusive, and linked with failed loveless marriages.

South Africa has a history of violence dating back to pre-colonialism, then colonialism, apartheid and post-apartheid (Vetten & Ratele, 2013). Violence has contributed to shaping social relations (Vetten & Ratele, 2013), and some of that has contributed to numerous cases of GBV, which are discussed in the literature of *Ukuthwala* (Nkosi, 2009). Patriarchal masculinity has significantly desensitised men into turning a blind eye to the abuse of others, has more detrimental effects on men and their relationships, and prevents them from reflecting on its consequences (Bareket et al., 2018; Vetten & Ratele, 2013). To clarify this, the widely circulated beliefs about *ukuthwala* as a way of life limit men to take stock and reflect on the pros and cons of *ukuthwala*. A discourse of toxic masculinity was also used to construct *ukuthwala*, mainly to cast the net on those who identify and practice *ukuthwala* irrespective of gender. As constructed by the participants, *ukuthwala* is a collaborative process often initiated by men who physically abduct and torture women (Nkosi & Wassermann, 2014). During these processes, men exhibit toxic masculinity traits, such as sheer selfishness and insensitivity towards women and are less concerned about the aspirations and autonomy of the women.

There is a no single incidence where men pursue a collective goal to hold abductors accountable, return abducted girls back to their families and ensure that they went back to schools. While man men turn a blind eye, the criminal acts of toxic masculinity enveloped in the practice of *ukuthwala* continue to occur because they take the form part of *ukuthwala* in a context where *ukuthwala* is approved by chiefs and the majority of the community ((Jaco) Smit, 2017; Karimakwenda, 2013; Maluleke, 2012). The results of marriage by *ukuthwala* are that men continue to abuse women which spill over to affect the whole family.

A discourse of entitlement created a position of being available. Within this worldview, the participants perceived women's mere existence as an indication of availability for abduction by men. Furthermore, this position allowed the participants to construct *ukuthwala* as a personal, health and opportunity threat for women and young girls (Nkosi & Buthelezi, 2013; Ziyanda & Oscar, 2020). When this position was viewed from the objectification theory (Fredrickson & Roberts, 1997), women in Bergville are living in states of fear and peaked motivational states arising from fear of being the victim of *ukuthwala* at any given moment. Moreover, perceiving oneself as a possible victim of *ukuthwala* suggests that they are constantly vigilant and distrustful of men, especially those who make romantic advances towards them (Ziyanda & Oscar, 2020). Also, there are possibilities for internalised shame which may arise from living in a context where women are viewed as objects for *ukuthwala*. Furthermore, there are possibilities for shame arising from family pressure to obey patriarchal masculinity or risk being disowned.

The essentialist construction of patriarchal masculinity marked by the inability of men to accept rejection silences community resistance because, during the abduction, women are believed to be pretending as if they are resisting and are not interested (Koyana & Bekker, 2007). This complex aspect also serves to limit community intervention because people often believe resistance is pretentious, especially when the women knew and planned the abduction.

As stated by one of the participants, she was abducted because her suitor did not accept her rejection. Still, most importantly, the community did not assist her because people believed she had consented and was pretending to resist. The connections between pretentious resistance on the part of women and the use of male power by men in the practice of *ukuthwala* shows that *ukuthwala* limits what can be done to assist abducted women because the actual performance is the real picture of what happened when a women is abducted.

At the same time, researchers have distinguished between *Ukuthwala intombi,* where there is consent between parties and is in accordance with the culture of *ukuthwala* and *ukuthwala ngenkani*, where violence, coercion, and other contemporary harmful elements associated with *ukuthwala* ((Jaco) Smit, 2017; Nkosi & Wassermann, 2014), the results of this study suggest that this distinction does not exist and women and girls are often abducted without consent. According to (Nkosi, 2011), *ukuthwala* could be an alternative for women stuck in fruitless relationships when there are new promising suitors. In such cases, *ukuthwala* is consensual in that all parties are involved in its planning. However, the participants' constructions appeared to contradict these sentiments as there was a deep sense of helplessness and humiliation of women in the ways they constructed *ukuthwala*. P8 was deeply concerned about young girls robbed of their childhood by men using *ukuthwala*. Similarly, Choma (2011) shared the same concerns about young girls abducted by older men for sex. The apparent distinction between Nkosi's (2011) results and the results of this study lies in the age differences and consent. In Nkosi's (2011) study, the woman was in her late thirties and negotiated her abduction with her new partner, whereas, in this study, young school girls were abducted.

6.1.3 The importance of educational law to mitigate the cases of ukuthwala

Generally, cultures are not static; they evolve over time, and the cultural practice of *ukuthwala* is no exception. However, *ukuthwala* has primarily remained the same in its definition, but it has evolved detrimentally and appears to add no value in the communities where it is practiced. This section discusses the cultural practice of *ukuthwala* from the legal perspective and draws from the literature and theoretical framework to understand further how *ukuthwala* was constructed.

The shared discursive constructions were that the practice of *ukuthwala* encapsulated and enabled various forms of abuse. This is in keeping with the body of literature where several researchers have expressed concerns about the rate of abuse occurring in the practice of *ukuthwala* (Choma, 2011; (Jaco) Smit, 2017; Jokani et al., 2018; Karimakwenda, 2013; SALRC, 2014). The literature reviewed concurs with this study's findings to show that the abusive nature of *ukuthwala* is linked with the age of abducted girls who are then forced into marriages (Choma, 2011; Gqola, 2007; Maluleke, 2012). This study finds that the abduction of young girls for marriage was constructed as abusive and degrading and amounts to child marriage. These elements of *ukuthwala* require urgent community based interventions and solutions. The children forced into marriage suffer psychological and social challenges as they must take over domestic duties and relinquish their childhood life and education (Jokani, 2017; Kheswa & Hoho, 2014).

Furthermore, this study found that parents and legal guardians participate in the abduction of young girls, which violates the Children's Act 38 of 2005, initiated, amongst other things, to prohibit various forms of exploitation of children like forced marriages. The abduction of a child for marriage and sexual liaison constitutes a crime of abduction (Jokani et al., 2018). Many of these cases are not reported to the police, which lead to incorrect statistics

and perceptions. This study recommends more activism in schools, homes, and social gatherings where people are informed about the links between *ukuthwala* and children's rights.

By its nature, *Ukuthwala* involves the abduction of women for marriage, which may constitute kidnapping from a legal point of view (Choma, 2011; Maluleke, 2012). In constructing *ukuthwala*, the study participants recounted events where women were kidnapped and forced into unknown cars under the guise of *ukuthwala*. From the perspective of objectification theory, *ukuthwala* allows men the opportunity to kidnap women with impunity. As stated by Gqola, (2007), women do not feel safe as their bodies are perceived as available for touching, kidnapping and grabbing. From the legal perspective, kidnapping women for marriage under the guise of *ukuthwala* constitutes common-law offences like rape and trafficking in person (Jokani, 2017). Also, the perspective of *ubuntu* states that *umuntu ngumuntu ngabantu*, suggesting that, amongst other things, people need to take care of one another. This study submits that this principle holds the community responsible for holding accountable the people responsible for kidnapping women and young girls.

This study recommends that the community and families must explore legal recourse to challenge the kidnapping and other practices occurring behind the veil of *ukuthwala*. The abuse, kidnapping, human trafficking, GBV, age of marriage, rape and sexual assaults were some of the discursive constructions used to construct *ukuthwala*. The literature is unanimous about these constructions of *ukuthwala*, especially the abhorrent contemporary forms of *ukuthwala* (Choma, 2011; Mwambene & Mgidlana, 2021; SALRC, 2014).

138   P6:   So, you become disappointed if both parents would see nothing wrong in something so sensitive and it's so wildly spoken about such things as abuse, domestic violence and so on. There were so many witnesses to the case, family members involved in the case and so the traditional forum decided that no it's not going to take place here let's just take it straight to the local chiefs (whispering, phone ringing)

148	P5:	There are cases of child abuse, and that includes sexual abuse.
149	INT:	Okay
150	P5:	Here you still find women who still believe that a female is a machine meant to bear children or who is used for sexual pleasures. You would be called by a school to report a case of a child's sexual abuse.
151	INT:	Mmmh
152	P5:	When you get to where the child lives, you find that they live with their grandmother. That is most often the case here in Bergville, that children live with their grandmothers.
153	INT:	Mmmh
154	P5:	Children stay with their grandmothers. After they have completed their secondary studies most people go to Johannesburg.
155	INT:	Mmmh
168	P5:	Mmmh… maybe it is based on their experiences. You get to question yourself and try to explain it to the elderly person. Sometimes some do not understand what rape is, they would tell themselves that maybe the child agreed to it. And you will have to explain that the child is under age, because you would get cases in which the victim is only seven years old. So then you will have to dissect the action of rape, tell the elderly person how the whole thing comes to be called rape, when an adult use force on the child to sexually assault them, until they see when and why it is called rape.
169	INT:	Mmmh
170	P5:	So you go back and tell the grandmother that it is inappropriate for man to touch a child like that.
171	INT:	Mmmh
172	PE:	Even when the grandmother will not tell you, but you get the sense that she too has been through this at some stage in her own life. Maybe she, herself, was forced to keep quiet about it and so maybe that is why she keeps quiet even when it happens to her grandchild.
173	INT:	Mmmh

These constructions from the participants produced a discourse of criminal offence, suggesting that *ukuthwala* is a criminal act. This discourse concurs with the SALRC (2014) and other researchers that recommend criminalising all forms of ukuthwala, preventing violence, and protecting survivors (Mwambene & Mgidlana, 2021). Although one of the participants of this study has dealt with the cases of kidnapping and *ukuthwala* as a prosecutor,

the case of Mvumeleni Jezile is a landmark case of *ukuthwala* that should pave the way for more prosecution of people who use *ukuthwala* to abuse others (SALRC, 2014). In this case, the social construction of the culture of *ukuthwala* did not help defend Jezile as his conduct was found not fitting the culture of *ukuthwala* (Claassens & Smythe, 2013; Jokani et al., 2018). Furthermore, the case highlighted the tension between criminal and customary law, where the former focuses on the state as the prosecuting organ and the individual while the latter deals with unwritten and written laws of indigenous communities (Jokani et al., 2018). On this basis, Jokana (2017) disagreed with blanket criminalisation and prohibition of *ukuthwala* and recommended for a better mechanism to address the incidences of abhorrent forms of *ukuthwala*.

Drawing from the results and the literature, this study advocate respect for cultural diversity. However, given the fluidity of the way the culture of *ukuthwala* has evolved, the study recommends the need for dialogue and education about the consequences of *ukuthwala* and the way its continued enactment may constitute criminal offences. This may create conditions where the communities produce their own ways of addressing the issues giving rise to the practice of *ukuthwala* and where they can situate the law as the governing body in their everyday lives over the Traditional Court.

The South African Constitution defines a child as a person below eighteen (Children's Act 38 of 2005, n.d.). This study finds that young girls are the primary targets of *ukuthwala*, given their vulnerability. Also, most abducted girls are quickly assigned domestic responsibilities to stop them from going to school. In making meaning out of age and education aspects of abducted girls, a human rights discourse was produced to construct further the practice of *ukuthwala* as a culture that has no place in society because it violates the fundamental rights of abducted girls (Currie & De Wall, 2013). In the literature, denial of education is constructed as a future threat because it limits employment opportunities and

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creates conditions for women to accept anything because they do not have the capacity to provide for themselves (Kheswa & Hoho, 2014; Male & Wodon, 2016; Maluleke, 2012; Matthee, 2014). Also, some girls prefer to drop out of school rather than disappoint their families by exercising their right to continue school (Ziyanda & Oscar, 2020). This study finds that abducted girls are dressed in *isidwaba* and told to start taking over domestic chores like fetching wood, cooking, and serving the family. These findings are similar to Nkosi (2009), who reported the story of Zola, a schoolgirl abducted in Estcourt who was given *isidwaba* to solemnise her abduction. The abduction of young girls below the age of marriage could be constructed as an attempt to use *ukuthwala* to access girls who are easy to convince. The literature constructs child marriage as protection from sexual attack and violence (Mtshali, 2014). The issue of older men preying on young women also surfaced within the discourse of human rights as an intersection of patriarchal attitudes and young girls' subservient positions to men, which gives rise to involuntary transactional relationships arising from abduction (Kheswa & Hoho, 2014). From my observations as a researcher and the study results, there is convincing evidence that the area of Bergville is in serious need of community rebuilding through dialogue where the issues of abduction of minors and the importance of education are discussed.

The discourse of criminal offences created a position of men as misogynists where the participants constructed *ukuthwala* in terms of GBV abuse endured by women and young girls. In the light of abuse occurring in the cultural practice of *ukuthwala*, the participants constructed *ukuthwala* as a cultural practice that allows the expression of men's hatred towards women. One of the participants stated that all forms of abuse are evident in the practice of *ukuthwala*. Although sexual intercourse is considered inappropriate for an abducted woman until she has agreed to marry by *ukuthwala* (Nkosi & Buthelezi, 2013), the literature shows that *ukuthwala* opens the possibilities for rape to occur (Nkosi, 2009). When the subject position of

misogynists is viewed from the objectification theory, *ukuthwala* is seen as an avenue through which men who identify with patriarchal ideals realise the sexualisation of women (Fredrickson & Roberts, 1997). This study found that rape cases that happened under the veil of *ukuthwala* were trivialised when reported to the traditional courts, where the men are asked to pay the fine in cows or money as compensation for the crime committed. This assertion concurs with the literature in that unsuccessful abduction attempts result in fine payment to the girl's family (Choma, 2011; Matthee, 2014; Mwambene & Sloth-Nielsen, 2011). Furthermore, the rape cases occurring under the guise of *ukuthwala* are likely to be defended on girls' or women's attractiveness and that she is the wife of the man who abducted her. As a result, she cannot refuse him his conjugal rights (Maeder et al., 2015). The perspective of *ubuntu* has important value in the practice of *ukuthwala* to help change the mind set of men to learn to respect women's bodily integrity and denounce the traditional view of women as sexual objects available to men (Mnyaka & Motlhabi, 2005). Even though a woman is abducted using *ukuthwala*, she still needs to be respected and treated with dignity. The acts of forcing her to swallow vomit and engage in sexual acts in front of everyone contradict the principle of social justice embodied by the philosophy of *Ubuntu* (Matolino & Kwindingwi, 2013).

The human rights discourse carries a positionality where the participants construct *ukuthwala* as a culture that violates the constitutional rights of young girls and women. More concerns were centred on the constitutional rights to education and marital age, exposing young girls to inter-partner violence (Mwambene & Mgidlana, 2021). From the *Ubuntu* perspective, people count on families, communities, and leaders (Mnyaka & Motlhabi, 2005). The confusion about these aspects of *ubuntu* is that they are often visible when there is death or a problem within communities; however, in the practice of *ukuthwala*, *ubuntu* is ignored, and the more abrasive quest for control of women emerges. Furthermore, *ukuthwala* superseded the discourses around the spirit of collectivism shared by the community that enjoys and mourn

together by singling out women and condoning the most repulsive act against them. It is essential to stress here that *ukuthwala* does not serve the people, but abolishing it through activism and law does not necessarily translate into a mental shift. There is a continuity of ukuthwala, which unfortunately is kept secret amid legal activism and media condemnation. For these reasons, the researcher argues that the community must be made aware of the ramifications of ukuthwala and be assisted in coming up with its own solutions.

Ukuthwala passes itself out as a cultural practice that is beyond reproach. Despite the possibilities of criminal cases being investigated, there are protective factors that frustrate legal intervention. Firstly, the culture of *ukuthwala* still enjoys the community's support, which makes it difficult for women to take legal action and for the police to intervene. This is in keeping with the construction of one of the participants who stated that abducted women or girls need the support of their families to open cases against their abductors. Also, unsuccessful abductions are often resolved after the fine has been paid. According to Nkosi (2014), *inkomo yokuthwala* is the fine paid when the abducted woman does not agree to marry, and *ingquthu kanina* is the fine paid when a man has had sexual intercourse with an abducted woman. These fines prevent legal intervention against cases like rape, kidnapping, and physical assaults and silence essential community conversation about the relevance of *ukuthwala* and the subsequent consequences. This study submits that the negotiated fines are indirect pillars sustaining *ukuthwala* as a culture and these fines are difficul to scrutinise because the chiefs usually order them. In addition, the fine limits legal intervention and critical discussion around the importance of the cultural practice of *ukuthwala* in their communities is needed.

6.2 Contributions of the study

Each research project has a unique contribution to the literature, and this study is no exception. The overarching aim of this study was to interrogate the discourses modalities used

by the participants (residents of specific areas in Bergville) to construct the cultural practice of *ukuthwala*. As discussed in Section 5.2 of Chapter 5, three discursive themes were identified as the discourses used to construct *ukuthwala*, and these themes were further discussed according to Willig's (2013) guidelines.

This study has shown that the intervention to curb the practice of *ukuthwala* should target the families as they are the primary institutions responsible for the exploitation of women in the name of *ukuthwala*. The study also used a diverse sample which contributed to obtaining various versions of *ukuthwala* and highlighted the importance of engaging people in different positions of power when researching social issues. The literature on the culture of *ukuthwala* has inadequately been discussed in the context of Kwa-Zulu Natal, especially in the Bergville area, as the most popular context associated with the practice of *ukuthwala* is the Eastern Cape province. This study has revealed that *ukuthwala* is a serious issue in the Bergville area, and there is a need for both micro and macro-level interventions. On a micro level, the community needs to initiate conversations about *ukuthwala* and come up with solutions to mitigate the continuation of *ukuthwala* and improve the lives of everyone. On a macro level, this study has revealed the need for professional interventions like counselling, legal and education to help the survivors.

6.3 Limitations

The practice of *ukuthwala* is a very sensitive social issue, and more research is required to assist the victims and the community. Some critical topics fell out of the scope of this study, and this section discusses the limitations and the implications for future studies. One of nine participants survived abduction, and the other did not have personal experience of *ukuthwala*. The researcher identifies this as a limitation and recommends that other future studies recruit married or divorced participants through *ukuthwala* to understand how they feel, think, and

talk about it. Through this lens, the African feminist scholarly could be used to understand the practice of ukuthwala further and map out the scaffolding units that continue exposing women to harmful cultural practices. Many legal issues arose. The researcher believes that numerous victims of GBV, rape and statutory rape may never see justice or come forward to seek psycho-social support.

Secondly, the families were identified as institutions of interest in the practice of *ukuthwala*. It was also beyond the scope of this study to unpack the roles and participation of individual members of the families in the practice of *ukuthwala*. The social construction of gender and the power relations between men and women is an issue of attention in the practice of *ukuthwala*. It appears that both men and women are locked in a setting where the pressure to be seen as married shapes individual and social decisions about identities. It will be interesting to understand how both young men and women construct marriage, gender, and those decisions' implications. That is an issue of importance for future studies. Thirdly, serious issues concern the people who hold power, like Chiefs, traditional healers and others who were not part of the study. It will be good to consider them for future study to understand how they are helping to improve the situation of their communities around the practice of ukuthwala.

6.4 Conclusion

Marriage is a necessity through which one attains a dignified social status in most areas of Bergville. The construction of marriage and the availability of *ukuthwala* has produced situations where the culture of *ukuthwala* is used to access women and not for marriage as traditionally expected. At this stage, it is essential to state from an observer's perspective that nothing positive could be associated with the cultural practice of *ukuthwala*. There is also no evidence to suggest that *ukuthwala* benefits the people of Bergville. With that being said, the

residents need to discuss other avenues of getting married without using *ukuthwala*. Furthermore, aspects like the age of marriage and consent should be discussed so that everyone is aware and has internalised the position of the Law.

Also, the stigma attached to unmarried people must be challenged because it is one of the aspects leading to the culture of *ukuthwala* and marrying young to attain a dignified social status. While building families, the residents need to reflect on the links between their economic situations and perception of women as income-generating assets to understand how that pushes them to facilitate marriage by *ukuthwala* and forces them to cast a veil on serious legal matters. Openness about the misuse of *lobola* is vital to help understand the importance of *lobola* in uniting new families.

The second important aspect of addressing the practice of *ukuthwala* is the need for collaboration informed by a collective vision to. Of course, community structures are available to deal with the incidences of *ukuthwala*. However, there is still a lack of collaborative unity amongst these structures; for example, as constructed by the participants, a large portion of the community still approved of *ukuthwala*, including the chiefs. These disparities in addressing and preventing *ukuthwala* create hindrances that are detrimental to the community and indirectly reinforce the recurrence of *ukuthwala*. Therefore, the residents need to take a firm stance that all perpetrators of *ukuthwala* will be reported to the police and negotiate the importance of fines for cases before the courts of Law. This could pave the way for these structures to speak with a unified voice against *ukuthwala* to prevent future incidences by allowing the law to take its course.

Cultural diversity is a distinctive feature of the South African population. Unfortunately, not all cultural practices serve the people well, and these need to be reviewed

and scrutinised. This study submits that there is no confidence in the practice of *ukuthwala* as one of the alternatives to facilitate the marriage process.

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Appendix

Informed consent form
<div align="center">Informed consent form to be interviewed and tape-recorded</div>

I …………………………………………….hereby consent to participate, being interviewed and tape recorded by Sfiso Mabizela for his research study on the discourses used by the residents of Bergville to construct the cultural practice of *ukuthwala*.

I the undersigned, give my consent to participate in the study by ticking in the boxes (X) below.

1	I have read and fully understand the information about the research project in the cover letter	
2	My participation in this interview is voluntary.	
3	I have been given the opportunity to ask questions about the project and my participation.	
4	I can withdraw from the research project at any time without giving reasons and that I will not be penalised for withdrawing nor will I be questioned on why I have elected to withdraw.	
5	The information that may identify me will not be included in the research report, and my responses will remain confidential throughout the research project.	
6	Anonymised quotes may be used in publications in accredited journals.	
7	There are no direct risks or benefits involved in my participation.	
8	I can elect not to answer the questions that I prefer not to.	
9	The audio recordings and transcripts produced will only be used and accessible to the researcher and his supervisor.	
10	The audio recordings will be destroyed after the research is complete.	
11	The transcriptions will be kept in a safe place throughout the research process.	
12	I, along with the Researcher, agree to sign and date this informed consent form.	

Participant   **Researcher**

_____   _____
Name   **Name**

_____   _____
Signature   **Signature**

_____   _____
Date   **Date**

Interview schedules

General participants

1. What do you understand about *ukuthwala*?

2. How did you know what you know about the *ukuthwala*?

3. If you look back, at what you know and understand about *ukuthwala*, where is your knowledge and understanding of *ukuthwala* coming from?

Addressing forms of ukuthwala

4. Who holds power over the culture of *ukuthwala*?

5. What is your understanding of *ukuthwala* in cases where the couple knew each other and they plan the whole process of *ukuthwala*?
    a. Where is your understanding coming from?
    b. In your view, how is this type of *ukuthwala* perceived by the community?

6. What is your opinion of *ukuthwala* in cases where the woman is unaware and does not know her prospective husband?
    a. Where is your understanding coming from?
    b. In your view, how does the community perceive this type of *ukuthwala*

7. What is your opinion of *ukuthwala* in cases where the woman is aware but has expressed outright disagreement?
    a. Where is your understanding coming from?
    b. In your view, how is this type of *ukuthwala* perceived by the community?

8. What is your opinion of *ukuthwala* in cases where the men plan the whole process with the woman's family without the woman's consent and knowledge?
    a. Where is your understanding coming from?
    b. In your view, how is this type of *ukuthwala* perceived by the community?

9. What is your opinion of *ukuthwala* in cases where the man plan the whole process with the family of the woman with her knowledge but not her consent

10. Please describe the circumstance that would convince a man to consider taking a wife through *ukuthwala*?

11. Why do some women refuse to marry through *ukuthwala?*

12. What is the role of the families of the man and the woman involved in the practice of *ukuthwala*?

13. What is your view of men who exercise their economic power to thwala women?

14. What is your view of families who are willing to take money to give away their daughter even if she does not want to?

15. What is your opinion on women whose views are not considered throughout the process?

Abuse

1. How do you make sense of incidences where the practice is being abused
   a. Under what circumstances *ukuthwala* is abused?
   b. How is the abuse enacted?
   c. Who is responsible for the abuse of the practice
   d. What is the role of men and women when the practice is abused?
   e. What needs to change and how?

2. On the role of *ukuthwala*
   a. Please describe why the practice is important?
   b. For whom is *ukuthwala* this important?
   c. Under what circumstances is it appropriate to resort to *ukuthwala*

Participants' interview schedule (legal representative)

Community role

16. Where were you born

17. How long have you been a legal representative in Bergville

18. As a legal representative, what is your view of your position in the community you serve?

Ukuthwala

1. How did you know what you know about the practice of *ukuthwala*?

2. As a legal representative, how many cases of *ukuthwala* have you presided on?

   a. Please describe in much detail as you would remember the intricate details of those cases

3. What do you understand and know about *ukuthwala*?

   a. If you review what you know and understand about *ukuthwala*, what has shaped your understanding of *ukuthwala*?

Addressing forms of ukuthwala

4. Please discuss in detail who holds power over the practice of *ukuthwala* in terms of who should practice it, when it should be done and how?

5. Building on your knowledge of *ukuthwala*, what is your understanding of cases where the couple knew each other and they plan to elope in the name of *ukuthwala*?

   a. Have you presided on such a case, if yes, why was that case reported to the police?

   b. Where is your understanding coming from?

   c. In your view, what is your perception of *ukuthwala* from a legal perspective?

6. What is your opinion of *ukuthwala* in cases where the woman is unaware and does not know her prospective husband?

    a. Have you presided on such a case, if yes, why was that case reported to the police?

7.

    a. Where is your understanding coming from?

    b. In your view, what is your perception of *ukuthwala* from a legal perspective?

8. What is your opinion of *ukuthwala* in cases where the women is aware but has expressed outright disagreement?

    a. Have you presided on such a case, if yes, why was that case reported to the police?

    b. Where is your understanding coming from?

    c. In your view, what is your perception of *ukuthwala* from a legal perspective?

9. What is your opinion of *ukuthwala* in cases where the men plan the whole process with the woman's family without the woman's consent and knowledge?

    a. Have you presided on such a case, if yes, why was that case reported to the police?

    b. Where is your understanding coming from?

    c. In your view, what is your perception of *ukuthwala* from a legal perspective?

10. In evidence given by men, what are the reason men resort to *ukuthwala* to get married?

11. In your view, what are the differences between women who accept and those who object to marrying through the practice of *ukuthwala*?

12. Can women initiate *ukuthwala*? Please explain?

13. What is the role of the families of the man and the woman involved in the practice of any form of *ukuthwala*?

    a. why

14. What is your view of men who exercise their economic power to thwala women

    a. why

15. What is your view of women/families who collide with men to thwala their daughter for financial gain? If such happens, what should be done?

16. What is your view of families who are willing to take money to give away their daughters even if she does not want to?

    a. Why

17. What is your opinion on women who feel victimised because of *ukuthwala*?

18. How do women view men in this area?

19. How do men view women in these areas?

Abuse

3. How do you make sense of incidences where the practice is being abused

    a. Under what circumstances *ukuthwala* is abused?

    b. How is the abuse enacted

        i. Who decide what is abuse?

    c. Who is responsible for the abused of the *ukuthwala*

    d. What is the role of men and women when the practice is abused?

    e. What needs to change and how?

4. On the role of *ukuthwala*

        i. Do you think *ukuthwala* is still important, why?

    b. Under what circumstances is it appropriate to resort to *ukuthwala*

Participants' interview schedule (police officer)

Community role

19. Where were you born

20. How long have you been living in Bergville

21. As a police officer, what is your view of your position in the community you serve?

Ukuthwala

20. How did you know what you know about the practice of *ukuthwala*?

21. As a police officer, how many cases of *ukuthwala* have been reported to you?

    a. Why were they reported to you?

    b. What was the reaction of the police after such cases were reported?

    c. Please describe in much detail as you would remember the details of those cases

22. What do you now understand and know about *ukuthwala*?

    a. If you review what you know and understand about *ukuthwala*, what has shaped your understanding of *ukuthwala*?

Addressing forms of ukuthwala

23. Please discuss in detail who holds power over the practice of *ukuthwal* in terms of who should practice it, when it should be enacted and how?

24. Building on your knowledge of *ukuthwala*, what is your understanding of cases where the couple knew each other and they plan to marry through *ukuthwala*?

    a. Have you come across such cases, if yes, why were those cases reported to the police?

    b. Where is your understanding coming from?

    c. In your view, how is this type of *ukuthwala* perceived by the member of the SAPS?

25. What is your opinion of *ukuthwala* in cases where the woman is unaware and does not know her prospective husband?

    a. Have you come across such cases, if yes, why were such cases reported to the police?

    b. Why you say that?

    c. In your view, how is this type of *ukuthwala* perceived by the member of the SAPS?

26. What is your opinion of *ukuthwala* in cases where the woman is aware but has expressed outright disagreement?

    a. In such a case of *ukuthwala*, how do you perceive that form of *ukuthwala* as a police officer?

    b. Why do you perceive it that way?

    c. In your view, how is this type of *ukuthwala* perceived by the member of the SAPS?

27. What is your opinion of *ukuthwala* in cases where the men plan the whole process with the woman's family without the woman's consent and knowledge?

    a. Have you come across such cases, if yes, why were those case reported to the police?

    b. What came of that case

    c. Where is your understanding of your role coming from?

    d. In your view, how is this type of *ukuthwala* perceived by the member of the SAPS?

28. In your opinion, why do men resort to *ukuthwala* to get married?

29. In your view, what are the differences between women who accept and those who object to marrying through the practice of *ukuthwala*?

30. Can women initiate *ukuthwala*? Please explain?

31. What is the role of the families of the man and the woman involved in the practice of any form of *ukuthwala*?

    a. why

32. What is your view of men who exercise their economic power to thwala women

    a. why

33. What is your view of women/families who collide with men to thwala their daughter for financial gain? If such happens, what should be done?

34. What is your view of families who are willing to take money to give away their daughters even if she does not want to?

    a. Why

35. What is your opinion on women who feel victimised because of *ukuthwala*?

36. How do women view men in this area?

37. How do men view women in these areas?

Abuse

5. How do you make sense of incidences where the practice is being abused
   a. Under what circumstances *ukuthwala* is abused?
   b. How is the abuse enacted
      i. Who decides what is abuse?
   c. Who is responsible for the abuse of the *ukuthwala* What is the role of men and women when the practice is abused?
   d. What needs to change and how?
6. On the role of *ukuthwala*
      i. Do you think *ukuthwala* is still important, why?
   b. Under what circumstances is it appropriate to resort to *ukuthwala*

Participants' interview schedule (Priest)

Community role

22. Where were you born
23. How long have you been living and/or working in Bergville

24. How would you describe the community of Bergville? (Probe on interesting points)

25. How do you think the role of men is seen in the community?

26. How do you think the role of women is seen in the community?

27. How would you describe the status of traditional marriage in the community?

28. As a priest, what is your view of the position you hold in the community?
29. What values do you draw from when performing your role in the community?

Ukuthwala

38. How did you learn about the practice of *ukuthwala*?

39. What is your opinion on the practice?

40. As a priest, have you heard of cases of *ukuthwala*?
    a. Why were they reported to you?
    b. Please describe in much detail as you would remember the details of those cases
    c. What was your reaction to such cases?

41. What do you now understand and know about *ukuthwala*?
    a. If you review what you know and understand about *ukuthwala*, what has shaped your understanding of *ukuthwala*?

Addressing forms of ukuthwala

42. Please discuss in detail who holds power over the practice of *ukuthwala* in terms of who should practice it, when it should be enacted and how?
43. Building on your knowledge of *ukuthwala*, what is your understanding of cases where the couple knew each other and they plan to marry through *ukuthwala*?
    a. Have you come across such cases, if yes, was that case reported to the police?
    b. Where is your understanding coming from?
    c. In your view, how is this type of *ukuthwala* perceived by you as priest?
44. What is your opinion of *ukuthwala* in cases where the woman is unaware and does not know her prospective husband?
    a. Have you come across such cases, if yes, why were such cases reported to you?
    b. What informs your opinion?

c. In your view, how does your community perceive this type of *ukuthwala*

45. What is your opinion of *ukuthwala* in cases where the woman is aware but has expressed outright disagreement?
    a. In such a case of *ukuthwala*, what is your role as a priest in the community?
    b. What informs your positions?
    c. In your view, how is this type of *ukuthwala* perceived by your community?

46. What is your opinion of *ukuthwala* in cases where the men plan the whole process with the woman's family without the woman's consent and knowledge?
    a. Have you come across such cases, if yes, why were those cases reported to you?
    b. What came of that case
    c. Where is your understanding of your role coming from?
    d. In your view, how is this type of *ukuthwala* perceived by the community?

47. In your opinion, why do men resort to *ukuthwala* to get married?

48. In your view, what are the differences between women who accept and those who object to marrying through the practice of *ukuthwala*?

49. Can women initiate *ukuthwala*? Please explain?

50. What is the role of the families of the man and the woman involved in the practice of *ukuthwala*?
    a. why

51. What is your view of men who exercise their economic power to thwala women?
    a. why

52. What is your view of women/families who collude with men to thwala their daughter for financial gain? If such happens, what should be done?
    a. Why

53. What is your opinion on women who feel victimised because of *ukuthwala*?

54. How do women view men in this area?

55. How do men view women in these areas?

Abuse

7. How do you make sense of incidences where the practice is being abused
    a. Under what circumstances *ukuthwala* is abused?
    b. How is the abuse enacted?
    c. Who is responsible for the abused of the *ukuthwala*
    d. What is the role of men and women when the practice is abused?
    e. What needs to change and how?

8. On the role of *ukuthwala*
    i. Do you think *ukuthwala* is still important, why?

        ii. For who??

b. Under what circumstances is it appropriate to resort to *ukuthwala*

Participants' interview schedule (social workers)

Community role

30. How long have you been living and/or working in Bergville

31. How would you describe the community of Bergville? (Probe on interesting points)

32. How do you think the role of men is seen in the community?

33. How do you think the role of women is seen in the community?

34. How would you describe the status of traditional marriage in the community?

35. As a social worker, what is your view of your position in the community you serve?

36. What values do you draw from when performing your role in the community?

Ukuthwala

56. How did you learn about the practice of *ukuthwala*?

57. What is your opinion on the practice?

58. Have any cases of *ukuthwala* have been reported to you as a social worker?

    a. Why were they reported to you?

    b. Please describe the details of those cases. Please describe a typical case that is reported to you. Before you answer, please know that I do not want any personally identifiable information about the people involved.

    c. Please describe your reaction to such cases in much detail as you would remember?

59. What do you now understand and know about *ukuthwala*?

    a. If you view of what you know and understand about *ukuthwala*, what has shaped your understanding of *ukuthwala*?

Addressing forms of *ukuthwala*

60. Please discuss in detail who holds power over the practice of *ukuthwala* in terms of who should practice it, when it should be enacted and how?

61. Building on your knowledge of *ukuthwala*, what is your understanding of cases where the couple knew each other and they plan to marry through *ukuthwala*?

    a. Have you come across such cases, if yes, why were those cases reported to you?

    b. Why are you saying that?

    c. In your view, how do you perceive this type of *ukuthwala* as a professional social worker?

62. What is your opinion of *ukuthwala* in cases where the woman is unaware and does not know her prospective husband or that she will be thwalad?

    a. Have you come across such cases, if yes, why were such cases reported to you?

    b. What inform your opinion?

    c. In your view, how is this type of *ukuthwala* perceived by you as a social worker?

63. What is your opinion of *ukuthwala* in cases where the women is aware but has expressed outright disagreement?

    a. In the case of *ukuthwala*, what is your role as a social worker serving the community?

    b. What informs your positions?

    c. In your view, how is this type of *ukuthwala* perceived by you as a social worker?

64. What is your opinion of *ukuthwala* in cases where the men plan the whole process with the woman's family without the woman's consent and knowledge?

    a. Have you come across such cases, if yes, why were those cases reported to you?

    b. What came of those cases?

    c. What is your reaction as a social worker and why?

    d. In your view, how do you make sense of this type of *ukuthwala*?

65. In your opinion, why do men resort to *ukuthwala* to get married?

66. In your view, what are the differences between women who accept and those who object to marrying through the practice of *ukuthwala*?

67. Can women initiate *ukuthwala*, please explain?

68. What is the role of the families of the man and the woman involved in the practice of any form of *ukuthwala*?

    a. why

69. What is your view of men who exercise their economic power to thwala women

    a. why

70. What is your view of women/families who collude with men to thwala their daughter for financial gain? If such happens, what should be done?

71. What is your view of families who are willing to take money to give away their daughters even if she does not want to?

    a. Why

72. What is your opinion on women who feel victimised because of *ukuthwala*?

73. How do women view men in this area?

74. How do men view women in these areas?

Abuse of the practice?

9. How do you make sense of incidences where the practice is being abused

    a. Under what circumstances *ukuthwala* is abused?

    b. How is the abuse enacted

        i. Who decides what abuse is?

c. Who is responsible for the abuse of the *ukuthwala*

d. What is the role of men and women when the practice is abused?

e. What needs to change and how?

10. On the role of *ukuthwala*

  i. Do you think *ukuthwala* is still important, why?

b. Under what circumstances is it appropriate to resort to *ukuthwala*

Ethical clearance

UNISA | university of south africa

Department of Psychology

Ethical Clearance for M/D students: Research on human participants

The Ethics Committee of the Department of Psychology at Unisa has evaluated this research proposal for a Higher Degree in Psychology in light of appropriate ethical requirements, with special reference to the requirements of the Code of Conduct for Psychologists of the HPCSA and the Unisa Policy on Research Ethics.

Student Name: Sfiso Emmanuel Mabizela   **Student no.**   3737-556-3

Supervisor: Dr Angelo Fynn   **Affiliation:** Dept. of Psychology, Unisa

Title of project:

Bergville resident's constructions of ukuthwala cultural practice: A discourse analysis

The proposal was evaluated for adherence to appropriate ethical standards as required by the Psychology Department of Unisa. The application was approved by the Ethics Committee of the Department of Psychology on the understanding that –

- All ethical requirements regarding informed consent, the right to withdraw from the study, the protection of participants' privacy and the confidentiality of the information will be met to the satisfaction of the supervisor;
- If further counseling is required in some cases, the participants will be referred to appropriate counseling services.

Signed:

Prof. M Papaikonomou   Date: 2016-10-27
[For the Ethics Committee   ]
[Department of Psychology, Unisa

Referral letter

health
Department: Health
PROVINCE OF KWAZULU-NATAL

DIRECTORATE:

Postal Address: Private bag x16, Winterton, 3340
Tel: 036 488 1570 Fax:036 488 1330 Email: khanyisile.mlotshwa@kznhealth.gov.za
www.kznhealth.gov.za

Emmaus District Hospital

To	Sfiso Mabizela Wits University Associate Researcher
From	NM Gumede Social Worker Dr ME Kekana Manager: Medical Services
Subject	Referral Letter – Social Work Services
Date	11.10.2016

Sir/Madam

To the aforesaid I hereby refer. Please be informed the abovementioned hospital through the social services component renders the following services to in-patients and client from the community.

SOCIAL WORK SERVICES:-
Render counseling services to clients and their families - Narrative Therapy - Psychotherapy - Crisis and tasked centred counseling - Cognitive Behavioural Therapy
Conducting Pycho - Social Assessment of clients and their families - Family relations - Directing social work clinical services - Supportive Group Work - Social Work Methods (individual, groupwork & community)

- Assist in multi-disciplinary assessment of mental, emotional, cognitive or substance abuse and diagnosis
Conducting Pre-discharge planning - Pre-admission general assessment for mental health - Treatment planning and Evaluation
Foster inter-sectorial collaboration and after-care. - Medico-Legal Services - Link with SAPS and Statutory Services - Child welfare case management - Provision lifestyle training to communities

Wishing you all the best with your research and looking forward to assist referred clients.

N.M Gumede
Social Worker

Dr ME Kekana
Manager: Medical Services