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**“My husband has to stop beating me  
and I shouldn’t go to the police”:  
Woman Abuse, Family Meetings and  
Relations of Authority**

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# **“My husband has to stop beating me and I shouldn’t go to the police”: Woman Abuse, Family Meetings and Relations of Authority**

## **Abstract**

*In this article, I examine how family meetings, which are traditional systems of arbitration, act as a site for challenging male authority and patrilineal power in South Africa. By drawing on dyadic interviews with wives, husbands and wider kin members, the article shows how women resist definitions and practices of abuse and resist domination, even when male authority of the domestic system continues and is secured through support from female kin members. I describe three ways in which wives threaten domination: reporting abuse to the state and using the state as the authority which legitimately determines the rules of social order; challenging the patriarchal norms of marital conduct and the definition of abuse put forward by the abuser; rejecting norms that husbands have authority over household income. These challenges to men’s right to authority are occurring at a time of legal change and a growing acknowledgement of social crises, including high levels of woman abuse. They are rooted in broader contestations of the patriarchal norms and conventions that assert male authority in a postcolonial context. By analysing the challenges to patrilineal power and men’s authority, I go beyond claims that women engage in individual acts of resistance, and I argue that women, through both private and public challenges are refusing to comply with patriarchal norms and breach the normative order of domination.*

## **Introduction**

A family meeting can be understood as “a traditional (extra-judicial) system of arbitration which often takes place when violations of accepted norms have occurred which may invite some sort of sanction” (Green, 1999: 165). The family meeting is the most significant attempt at redefining and recreating spousal relations – not only is it considered a necessary and appropriate step in resolving marital and family disputes (Button *et al.*, 2015; Green, 1999; Higgins *et al.*, 2011; Himonga & Moore, 2015; Van der Waal, 2004) but it is also a site where relations

of authority are displayed, contested and legitimated. Woman abuse is the main marital complaint at the centre of the paper and the reason for calling a family meeting.<sup>i</sup> This paper focuses on the ways in which customary wives express dissatisfaction with woman abuse and extend their power in domestic struggles by negotiating for a better relationship.<sup>ii</sup> By drawing on dyadic interviews with wives, husbands and wider kin members, the article shows how women resist definitions and practices of abuse put forward by the abusers and resist domination in domestic struggles.

Post-apartheid South Africa provides an intriguing case study for looking at men's right to authority within the patrilineal family. Following the colonial and apartheid era, scholars argue that social and political changes in post-apartheid South Africa have sharpened the tensions that characterise gender relations and gender politics (Du Toit, 2014; Sideris, 2004; Posel, 2005). A recurring quandary, often posed as a paradox, examines how South Africa, in being a progressive state committed to poverty alleviation and gender equality, continues to have very high levels of poverty and gender inequality (Morrell & Jewkes, 2015) including intimate partner violence (Vetten, 2014). Sideris (2004) outlined how "women's equal right to the entitlements of citizenship, legislation that defends the integrity of women, and the human rights discourse pose challenges to the legitimacy of men's privileged status over women". The social power that men used to command, as breadwinners, has been undermined by high levels of unemployment (Hunter, 2010; Mosoetsa, 2012) and widespread receipt of social grants which are believed to be disrupting social reproduction and fracturing households (Dubbeld, 2013). In this context, some scholars argue that men's control over women, in private relations, is the last site of power for men (Mosoetsa, 2012; Bhana *et al.*, 2009). This point was raised by Ramphela (1989: 394) over twenty years ago when she wrote that "black women present the only cushion against their (working class black men) complete powerlessness, and any suggestion of equality between the sexes is a real threat to their egos".

In this changing socio-economic context, scholars highlight how popular ideas about gender, specifically the views that associate manhood with domination over women in the family, permit the use of violence to maintain male authority (Abrahams *et al.*, 1999; Bhana *et al.*, 2009: 50) The tension between change in gender relations in South Africa is expressed as a debate between rights and culture (Sideris, 2004). In fact, at the heart of examining male authority within families, lies the debates about the conflicts that arise between the rights to practice local customs (which may discriminate women) and the move towards human rights which focuses on the removal of sex and gender-based discrimination (Banda, 2003; Chanock, 2000; Ndashe, 2004; Nhlapo, 2000; 2008; Ramphela, 1993). Scholars have described how 'culture' is an effective tool for maintaining male authority and has been used as a way of explaining ongoing

violence (Ramphela & Boonzaier, 1988). This paper ironically explores how the customary practice of family meetings acts as a site for challenging men's right to authority and contests the patriarchal norm of husbands' use of abuse to control wives.

This is a difficult question to pose for customary wives as Ramphela (1989, p.401) pointed out, "the very fact of marrying into a family is at the basis of bringing the woman into a system of control that ensures the perpetuation of patriarchal family relations". The past three decades of research has highlighted the ways in which women resisted abuse and humiliations meted out to them during the colonial period (Arnfred, 1988; Hassim, 1999; Motsemme, 2004) and post-apartheid period (Boonzaier, 2009; van Schalkwyk *et al.*, 2015). We have moved away from an earlier focus on women as 'battered women' (Walker, 1979; Dobash & Dobash, 1979), and reached a point where postmodern feminists agree and recognise that these forms gender relations are not static and women display agency and resist male power whilst possessing positions of subordination (Boonzaier, 2008; Kandiyoti, 1988; Moore, 2015; Profitt, 1994; van Schalkwyk *et al.*, 2015). The research generally focuses on private, individual forms of resistance, against men (male partners), as women move between their powerless/pathological "abused woman" self and their "powerful moral agent" self (van Schalkwyk *et al.*, 2015: 327).

The usual conclusion of the above-mentioned studies on *individual* acts of resistances against men is that these acts, albeit powerful, seldom transform structures of subordination. In contrast, I argue that the narratives shared by customary wives for this research demonstrate an implicit threat to the relation of domination itself. By drawing on Scott's (1990) concept of power that is both performative and relational, the paper focuses on "the frontier between the hidden and the public transcripts" and argues that the rarer occasions of open confrontation allow customary wives to challenge patriarchal norms and male authority and is the way in which customary wives' engage with contemporary patriarchy and patrilineal power.

As I highlighted in a previous paper (Moore, 2015), much of the literature on relations of authority and power fails to show the co-existence of power and subordination by examining the involvement of multiple players within a kin group. Studies continue to prioritise gender above other forms of power, such as generation or lineage.<sup>iii</sup> This article approaches gender, seniority, and lineage as interconnected. This is particularly pertinent given the South African context, where the colonial state colluded with African elders in shaping gender and generational relations for black families (Carton, 2000; Eales, 1989). This theoretical position has been extensively formulated by several scholars (e.g., Bakare-Yusuf, 2004; Oyewùmí, 2004; Olúfunké Okome, 2003). Before

presenting the study and findings, the paper provides an outline of how power and relations of authority within customary marriages have deep historical roots, recognising and highlighting the pernicious continuities between colonial and postcolonial systems. The author does not claim for this overview to be comprehensive but it presents a brief insight into the relations of authority in customary marriage during the colonial and apartheid period.

## **Relations of Authority in Customary Marriages**

Most scholars agree that attempts to control the behaviour of women in contemporary society are not without historical precursors (Mohanty *et al.*, 1991). They are inextricably bound to colonial rule. Many scholars have attempted to understand contemporary gendered based violence by focussing on the ways in which it is connected to colonial and apartheid violence in South Africa (Carton, 2000; Mager, 1999; McClintock, 1995; Moffett, 2006; Ramphele, 1993) and sub-Saharan Africa (Green, 1999; Schmidt, 1991; Mama Amina, 2002). Scholars have mapped out how colonial rule eroded the socio-political and economic power of women in different parts of the continent furthering their dependence on males (Amadiume, 1987; Oyewùmí, 1997). Ramphele stated that,

‘African women pass through the control of different men throughout their lifetime. It is a control that stretches from the cradle to the grave. This system, which has been further reinforced by the legal provisions of successive white governments, confers the status of perpetual minor upon African women’ (1989: 400).

As Ramphele highlighted, the colonial state required the support from African men to exercise the control over African women and customary wives in particular (Carton, 2000; Schmidt, 1993). Through a desire to control African women, the colonial state created a range of systems to bolster the control of African women which had significant impact on gender, and generational relations.

There are many ways in which the colonial and apartheid state used their power to bolster some support with African males and legitimate the perpetuation of certain behavioural patterns favourable to men. The colonial period reinforced the authority of African elders and men through the prioritisation of marriage. Customary wives were brought under the control of their husbands as their very existence to be somewhere or live somewhere, to access a job, or house was dependent on their marital relationship (Lee, 2009; Posel, 1995; Ramphele, 1989). Therefore, women were severely compromised in making choices about their marriage due to their dependence on it for their livelihood. Lee (2009: 51)

explained how “preserving their ability to live and work in the urban area sometimes involved an assessment of the lesser of two evils, endure the burden of a difficult or violent marriage rather than constrain their livelihoods”. Furthermore, Kathy Eales (1952) mapped out how the restriction of mobility through the curfew system could benefit ‘sectional interests’, such as those of husbands anxious to bolster a crumbling control over their wives. In addition, Posel (1995) argued that the long-standing failure of the state to intervene in registering or regulating customary marriages was a deliberate abuse as it was a way of granting African elders full control over their women and respecting their traditional powers of chiefs and headmen, as a way securing their trust and cooperation to keep their daughters in line.

Within the migrant labour system and hostels Ramphele (1993) presented how gender politics were shaped through racial exploitation and the manipulation of tradition to legitimate male control. She outlined the way in which the context and design of labour hostels enhanced men’s authority over women. Women were treated as dependents within the migrant labour system and their place in the hostel was dependent on an attachment to a male, as Ramphele (1989) state ‘women enter on male terms.’ Moreover, she outlined how the physical conditions and lack of privacy restricted the ways in which women, as wives, could negotiate with their husbands. Such conditions created and fostered ways of interacting between men and women. More specifically she described the ongoing co-option of senior women by the patriarchal family structure as senior women were given a stake in the control of other women. Senior women derived economic benefits and recognition from this position. Ramphele (1989: 88) warned us about the long-term consequences of the distortion of gender relations and traditions by stating: “Hostels as living spaces are a type of environment which not only represent an assault on human dignity, but have created a legacy that South Africans have yet to come to terms with”.

A further distortion of the relations of authority was developed through mission education for African women. This form of education supported the good Christian woman, where obedience to the authority of husbands, fathers, piety and service to others was revered (Carton, 2006). Christianity and education which stressed women’s reproductive and nurturing roles above their autonomy and productivity pushed African women away from agricultural work and marked a significant shift for Christian women, away from their former productive role to one approximating more closely to the settler ideal of restricted female domesticity (Schmidt, 1993). Ramphele (1989) argued that traditionally Africans relied on kinship and ‘purity’ ideologies to maintain the subordination of women. However now African patriarchs have both Christianity and tradition to legitimate the perpetuation of the existing patriarchal system.

In the earlier colonial period, the system of law acted as a way in which authority over black African women was established and practiced. Customary laws were invented and gender relations were distorted by the native commissioners.<sup>iv</sup> Women were considered legal minors and could only be represented in court by a male member of the family. Interestingly the introduction of divorce, through the colonial courts, is argued to have strengthened the power and authority of African men, both as husbands and fathers. Schmidt (1997: 792) argued that prior to the colonial period, if a husband had been brutal, a woman's family was unlikely to force her to return, relying instead on time to heal the wounds and resolve the conflict. According to Carton (2000), once divorce was prescribed and the return of bride-wealth as a remedy for women's desertion or adultery was introduced, families began pressuring their daughters to remain in potentially life-threatening situation. Furthermore, Carton (2000) mapped out how up until 1890s many courts refused to grant decrees of divorce. Through the illustration of one specific case in the Native Commissioner Court of a central Natal district (*Ngubane v Langa*), Carton (2000) described the relations of authority under which women were controlled including husbands as physical abusers, fathers by not always providing support and protection for their daughters who were in abusive marriages, the 'official witnesses and police' for failure to believe the allegations of marital abuse and the colonial courts from not recognising or punishing abuse and awarding in the husband's favour. Schmidt (1991) also outlined how, in Southern Rhodesia, through the rigid application of the father-right principle, native commissioners' courts frequently coerced women into remaining with abusive or disinterested husbands, under threat of losing their children. Schmidt argued that such actions "instilled in women obedience and respect for their husbands' authority" (1991: 751).

Power relations between customary wives, husbands and elders is fuelled by conflicted interests and levels of dependency which have changed over time. The colonial state played a key role in influencing such relations and dependency. Taking a longer historical view, and the degree of domination imposed on customary wives, one sees that the luxury of safe, open opposition and resistance was impossible as subjects. While in the past the colonial state colluded with African elders to bolster control over women, in the recent years the state has influenced these relations through women's increasing (political) autonomy and the circulation of new rights discourses (Sideris, 2004). In the post-apartheid period the continued pattern of economic and educational exploitation and disadvantage built into the racialized social structure shapes the context for black South African women in customary marriages.<sup>v</sup> However, as citizens, customary wives enter a new political terrain that lies positions them differently in their families, communities and the state. It is in this regard that I examine the social site of family meetings where I argue subordination is rejected.

## Methods

The research outlined in this paper is part of a broader investigation into customary marriage and divorce in South Africa. During the larger research project (Himonga & Moore, 2015), we identified how family meetings acted as the normative dispute resolution forum for settling marital disputes (see Button *et al.*, 2015) but we found in that study that the meetings were often unable to find an agreeable resolution (Moore, 2015a). Given the fact that the larger study was focussed on divorce, we were unable to say much about how family meetings assisted married spouses with a dispute. Therefore, the voices of spouses who participated in a family meeting and remained in the marriage needed to be heard. This article is based on the follow up study which focussed specifically on marital disputes and family meetings.

The study was conducted in urban and rural communities within the Eastern Cape Province, South Africa, specifically Stutterheim and East London. Stutterheim is a small town with a population of 46,730 in South Africa. East London has a population of about 267 000 of which 70% is Black Africans with 69% using Xhosa as the mother tongue. In-depth interviews with 30 participants (15 family dyads) were conducted in 2014 and 2015. All interviews were conducted in the home language of the participant, (isiXhosa) and took place in the participant's home.

I have outlined elsewhere the challenges involved in doing research on personal relationships in Xhosa families (Moore, 2015b). This study was no different and many challenges were encountered in trying to recruit participants. Various methods were adopted to gain access to participants including recruiting through a community organisation and sampling through social networks. The research team were seeking to hear from at least two members of the wider family who participated in the family meeting. Specifically, the research wanted to hear from wives and another related person. While we were hoping to hear men's voices, this was not possible in all cases as husbands or male elders were often away or unwilling to participate, in which case the husband's mother played a key role in the meeting and was included in the study.

We interviewed 15 wives, 6 husbands, 4 paternal grandmothers, 5 maternal kin members (including social mothers, aunts, cousins and sister) from 15 family sets with ages ranging from 35-65 although most wives and husbands were in their 30s and 40s. Most of the people who participated in the family meeting had been involved in the lobola negotiations too. The vast majority of marriages had lasted over 10 years while there was only one marriage of short duration. In most cases the couples had set up separate households although three couples had adult kin members living with them. The participants who participated in the study as a

whole were from low socio-economic backgrounds as defined by education and employment status. Elsewhere I have outlined the socio-economic status of men and women in customary marriages in South Africa (Moore, 2015a: 812). The sample of participants were similar in this regard and most participants did not complete secondary school, were unemployed or were involved in low-skilled, low-paid precarious work. Only three of the wives were involved in part-time, low-paid employment, while only five of the husbands were economically active. All of the participants relied (partially or fully) on state grants and/or financial support from family members.

## Findings

I will present three cases that speak to the ways in which women come to understand meanings of abuse at the time of a marital dispute and family meeting. These cases depict the common patterns that were identified across the 15 family dyads. I create ‘case narratives’, plotting the development of the matter and analysing the process of seeking help with a marital dispute by focussing on the issues that are raised in the family meeting. Moreover, I organise the data around three main themes: namely, reporting abuse, defining abuse and contesting abuse. The details of the participants have been anonymised and minor details have been changed where relevant.

## Reporting Abuse and Threatening Authority

The practice of being criticized for taking a matter of domestic violence to the police or Courts was a common theme in the study. The literature tells us that many people prefer traditional systems to the modern legal system when it comes to domestic violence which is considered a private matter (Bassadien & Hochfeld, 2005; Green, 1999; Himonga & Moore, 2015; Mogstad, *et al.*, 2016). Evidence emerges of how many women were afraid to report domestic violence and that they often dropped criminal charges, because of economic dependence (Shefer, *et al.*, 2008: 165). Women’s experience of the process of seeking help with domestic violence draws our attention to the powerful disciplinary influence of social norms and beliefs in regulating responses to abuse. Involving the police was considered unacceptable and disloyal – police interference was seen to violate culturally correct procedures. Some of the female participants in a qualitative study conducted in Khayelitsha argued that “families were involved not to end the abuse but to broker the peace and ‘keep the family together’” (Mogstad *et al.*, 2016). The authors in that study found that female participants however found that in-laws generally took the husband’s side in a dispute, neglected women’s opinions

and suffering and left women with “little control over the situation” (*Mogstad et al., 2016*). Our findings, based on dyadic accounts of the experience show a different and more nuanced picture. The case of Meko and Sandiswa will be used to highlight how reporting the abuser is an act that threatens the authority of the abuser. Withdrawing a charge at a later point can be seen as a way of maintaining family relations after the threat to their authority has been experienced. Family relations need to be restored to ensure loyalty to a family and husband who has financially supported the customary wife and wider family for several years.

Meko and Sandiswa, both in their late 40’s, have been married for more than fifteen years. They both live together with one of Sandi’s children who is 20 years old. Meko, the husband, has two other children. The problem affecting their marriage is that Meko finds himself violent and very controlling of his wife every time he gets drunk. Sandiswa explains how she has dealt with violent outbursts over the last two years. Initially Sandiswa sought help at the police station and then the magistrate: “One time he became violent with me and I took him to court and he almost got arrested”. Sandiswa’s narrative of power shifts as the case is taken out of her hands and becomes a criminal matter. She described how the magistrate ‘pushed’ her to follow through with the protection order: “but the magistrate refused to drop the case and said I should get a protection order and that my husband must know that he is bound to not do any harm”. Sandiswa eventually dropped the charge after her husband’s sister intervened and pleaded with her to drop the charges. *Mogstad et al. (1997)* outline the social costs of reporting abuse to the police which includes feelings of being disloyal to their partner and family (*Bassadien & Hochfeld, 2005; Mogstad et al., 1997*). However, the refusal to pursue a legal case against a customary husband can also be read as a way of demonstrating your rejection of male authority within the marriage. The wife demonstrated her power by turning to the police and Courts and undermining the authority of her husband – it is in this context that the wife ends up discussing the merits of involving the police. The husband’s sister called a family meeting following this threat of public sanction.

During the family meeting Sandiswa accepted that her husband will be worse-off if he ends up in jail, particularly as he suffers from a heart condition and she is responsible for taking care of him. Whilst one could argue that women are spoken about and are defined primarily in terms of their relationship to others, most notably their husbands. Sandiswa’s choice can also be interpreted as a form of security. Her approach to solving her marital dispute can be interpreted as a legitimate strategy to protect oneself from a variety of economic and social costs, including stigma, humiliation and shame which go with reporting abuse but also making a public statement that she does not tolerate abuse in her marriage.

The interview with the husband gives us more insight into other contextual issues. Meko describes the family meeting as a democratic space where “everyone had a chance to raise an opinion or have a say”. In the same breath, he opens up and explains how he needs “serious help” and how he is “tired of being this person that I am [heavy drinking] and at work too, I am not working well, I really need help”. The husband explains the financial pressures he experiences in being the provider for wider family members as one of the only persons in his wider family that is engaged in paid work. He details the level of interdependency in a wider context of poverty:

‘We support each other through our work and other ways that we manage to help here and there, and I am the one who is working so sometimes I provide things for the family and other people in my family. And one time there was going to be a funeral and I had to provide everything for my mother’s funeral since I am the only one who is working. But my aunt also tries to provide and my wife too. My wife receives child grant money but she doesn’t have anything else but me as her own source of income’.

The interview with the husband illustrates his vulnerability both financial and personal. What may look from the outside as woman abuse and a display of patriarchal power and control is also located within a wider system of domination amongst working class black South Africans. It is in this regard that the husband requires support from his family to deal with his matter, including the support from his wife.

## **Defining Abuse and Challenging Authority**

The following case involves a wife, Thando, and her husband’s mother, Ngweru. As I outlined elsewhere, customary wives’ relationships with other female kin members can highlight inequalities in their social position (Moore, 2015a). The case of Thando and Ngweru is a case where generational and gender differences on ‘acceptable marital conduct’, and parental responsibility are contested. In this case, the couple have been married for 15 years and there are three children in the marriage. The husband, Thulani, is a farmworker. Thando explained how Thulani regularly “beats her and throws her and the children out of the house”. She explained how the day she called a meeting he had “hit me on my head and really injured me”. Thando lives close to Ngweru and she reports everything to her. Like the first case, Thando first laid a charge at the police station but she didn’t follow through with this: “the family suggested that I must not go to the police rather we discuss the problem as a family”. Thando described how she had gained the upper hand as she challenged their authority and rejected the abuse.

Ngweru also explained how she played a key role in stopping Thando from calling the police, as she stated:

‘She was swollen, and I begged her not to go to the police and I asked her that we discuss this as a family and finish with it. All I said to them is when you have a fight there should be no police involvement, you should solve your problem without involving people from outside’.

Whilst it may appear as if Thando complies with the husband’s mother’s wishes, Thando does not accept the will of her husband’s mother as legitimate or right, as she reveals to us a further hidden transcript whereby she used the occasion as a turning point in how she was positioned herself in the marriage and stated: “Although I decided not to leave him on that occasion I made a decision to myself that I will leave anytime he leaves a hand on me again”. She described how she had gained the upper hand as she challenged their authority and did not consider her decision to be a sign of compliance or deference.

During the meeting the form of violence was discussed and we hear from the husband’s mother, how she reflected on ‘marital abuse’:

‘I called them during the meeting and said to the husband “never beat your wife” and to your wife if your husband is asking you to do something do it...you must respect your husband and to the husband, I said do not quickly lift up your hand’.

Through the elaboration, we see there are conditions on ‘lifting a hand to a wife’. Whilst it appears that physical abuse is not tolerated, the second clause appears to set out the conditions when forms of physical abuse might be more acceptable. The research found that senior women, as those who often mediated a family meeting, expressed ways of talking about abuse which suggested an acceptance of forms of violence: “The matter was resolved as the husband couldn’t come up with a reason of why he beat up this child like this”. These narratives suggest that there are moments when abuse may be ‘acceptable’ especially when a wife has disrespected her husband. Such evidence can be found in other writings and Sideris (2004: 38) provides an example of the ways in which a local headman deals with conflicts that arise when women transgress their expected submission:

‘The community does not accept the violence. What is acceptable is that a woman must submit. Nowadays there are laws. Before there were indunas and they put him at the *ibandla* (court). If he is wrong, they penalise him. You cannot beat your wife for anything. After you have undergone certain stages of disciplining and they don’t work, then you can beat her’.

Several scholars outline how relations between genders and generations is characterised by deference and respect (Carton, 2000; Mager, 1996; Carton & Morrell, 2012). Mager (1996: 17) outlined how *uklonipha* was a system of language and behaviour avoidance forbidding a married woman from uttering certain syllables pertaining to her father-in-law's name and from entering designated spaces – this occupied a powerful space in power relations within marriage. Thus, the restraint inscribed in the practice of *intlonipho* may be seen as one means of developing female forbearance, necessary for a wife's subordination to her husband and mother-in-law. *Intlonipho* was thus a means of regulating the interface between male domination and female subordination. What essentially is regarded as 'disrespectful' behaviour or 'disciplining' is not well researched or understood particularly in the contemporary context. But Thando's actions of a public challenge of acceptable marital conduct poses a threat to the legitimacy of the husband or elders definition of appropriate marital behaviour. The open and public refusal to comply with such ways of interacting demonstrates a breaking of a silence of deference and respect in the public transcript.

Furthermore, Thando and her husband had been fighting about the parenting of their children. According to Thando, her husband blames her for the children's misbehaviour:

'Even when we have arguments like when he is drunk, it makes life difficult for everyone at home and blaming me when a child does something. My children also know and I always tell them when they do something that they must remember they were causing trouble for me as their dad would point the finger on me and I would always wonder who he thinks he is to these children'.

The family meeting gave Thando a chance to tackle parenting issues. The family meeting provided the only opportunity for Thando to express how she felt about parenting alone and how she felt about being blamed for 'bad' parenting: "I was also given a platform to speak at the meeting. I used this platform to vent about anything which had bothered me throughout the marriage. I told him I don't want to be the only parent." The family meeting was centred around the physical abuse but Thando also used the family meeting as a way of contesting what was 'acceptable' behaviour in the context of marital relations. Thando got an opportunity to have her voice heard and to vent' about these issues which she regarded as key issues of control. Thando's use of publicly questioning male violence and fathering is testimony to how she is exercising power that defines cultural prescriptions of patriarchal norms within families.

## Contesting Abuse whilst Recognising Authority

The case of Thembi and Lutho highlight the ways in which customary wives may come to understand woman abuse by their spouses as part of wider systems of racialised and economic oppression. Thembi and Lutho have been married for 10 years. Thembi's family has never approved of Lutho. Thembi is a matriculant and Lutho isn't. He had to leave school when he was 15 years old as the family required support following the death of his father and as the eldest child he went out to find work. He now moves between piece jobs:

'We depend on piece jobs when I get one and the child support grants for the children. I work part time at a wood factory. My wife is also still looking for a job. I must say her family is very supportive. They assist when we have a financial problem'.

The also receive money for groceries from Lutho's mother, who is a pensioner. The couple's marital disputes centre on money and the spending of grant money. Thembi explained that, "if he has money he will spend all the money on booze". This is a regular source of conflict however on one occasion Thembi refused to "give him the grant money, he got violent and I was forced to go ask for help". As Dubbeld (2011) demonstrated, and the findings here show, women were contesting how men were spending money given the limited means and men were trying to hold on to notions of successful masculinity to be in control of income, even when they were not economic providers, which was often the case. Many men described feeling powerless in this economic context and feelings of powerless may have resulted in justifications of violence.

In response to the violent incident, Thembi arranged a family meeting secretly. Whereas in the past she would return to her family after a period of violence, this time Lutho just received a call to attend the meeting but she hadn't returned to her natal kin. Lutho, who was unexpectedly called to the meeting, was caught off guard and he described the experience as follows:

'It was embarrassing...it was difficult as I knew the sisters didn't like me. I was not aware my wife had reported me to her family since she did not go to her family that time as she used to do before that incident'.

The calling of the meeting, particularly in the way in which it was arranged, boosted Thembi's marital power. Thembi belittled and embarrassed her husband in front of the parents "he respected". Humiliating her husband, in front of his family and her family, was a practice which challenged his authority. During the meeting both spouses explained what happened and Thembi was urged, by her family, to leave him. However, Thembi rejected this position and was keen to

remain in the marriage as she stated: “My sister wanted me to leave him but I made it clear to my mother and sister that I am not going to leave him...and my mother in law explained to them that she is here to support me”. Returning to the marriage, contrary to her mother’s advice, was her choice and was undertaken in a context of options. Thembi, who accepted her husband’s apology, also had the social support of her husband’s mother and the financial support of the child grant.

Lutho explained the impact the meeting had on his sense of self and his behaviour: “I am aware when I am drunk I wouldn’t like to be in the same meeting”.. Since the meeting the husband has changed and when we spoke to Thembi six months after the initial interview she stated that: “he started to bring money home from work”. Thembi noted that “he did want to fight the other day but ended up not beating me when I mentioned that I would report to his family”.

Thembi has demonstrated her power through the resistance of coercion and control through rejecting abuse, calling a meeting, and challenging ‘acceptable forms of marital behaviour.’ She may also have brought about some degree of compliance with regards to what is considered legitimate forms of behaviour between spouses as a follow up interview indicated that such abuse had stopped. While she has challenged the husband’s authority in front of her parents and sisters (who he respects), she accepts the decision of the husband’s mother, following an apology from the husband. In this example, relations of authority, have been seriously threatened as Thembi has challenged the legitimacy of her husband and husband’s family’s authority by bringing it to the attention of her natal kin when it is known that her kin do not approve of the marriage. Although the authority remains in the hands of the patrilineal family, their power is severally limited and is dependent on the support of the customary wife.

## **Women Abuse, Family Meetings and Relations of Authority**

Marital disputes have an underlying complexity and family meetings act as a way of understanding abuse, power and authority in families. I have demonstrated how patriarchal norms and male authority are challenged publicly and privately in South Africa. Public challenges are part of the ways in which women draw on others as a form of power (such as the legislation, the police, the Courts) and undermine patriarchal norms and male authority and allow for discussions and negotiation within the private setting. As part of this process customary wives are contesting how we understand the experience of abuse. It is the interaction between state and non-state forms of intervention and dispute resolution, such as

family meetings, where displays of resistance and challenges to authority can be understood.

Women present a challenge to the men's right to authority by going to the police and Courts following a period of abuse. How the public challenge is construed however is also part of local politics. In this research the wives did not pursue the legal option "fully" and the importance of the locality in negotiating state and customary law is key – new legislation on domestic violence and new rights in the new Constitutional dispensation – are useful pieces of power which do not automatically apply but they are reformulated in the context of local power relations. Naturally, those in power, like husbands and husbands' families benefit most from shielding 'their families' from the new laws but the experiences discovered in this study also reveal how they are threatened by such. A customary wife who takes a case to court has burned her bridges. Whilst taking the matter to the police and pursuing it in the Courts but later withdrawing the charge, is revocable. The threat alone and public challenge decries that relations of subordination are legitimate. The cases show how state law can act on the side of customary wives as they draw on it as a resource in relations and negotiations, and in doing so they create leverage in discussions at family meetings over how one can respond to abuse. It seems as if state law, rather than taking over, acts as a resource to draw upon, tipping the balance of power and threatening men's right to authority.

Moreover, access to reliable state grants has shifted the power and economic dependency on husbands and women can now contest authority from a more secure financial base. The hidden transcripts of withholding money and controlling expenditure demonstrated the ways in which customary wives were not only powerful but also contested rules that men have control and authority over household finances. Dubbeld (2013: 208) outlined how grants have shaped security in rural villages in South Africa, "with their lines of allocation points to lines of gender and generational fracturing". These matters were publicly aired within the wider family context. Unfortunately, grants are not always sufficient and customary wives may have to rely on financial support from husbands' mothers, who are recipients of a larger pension grant. This shifts the power back onto the patrilineal family.

As I have stated, wives are drawing on new rules and norms, as a result of different resources that are now more readily available such as new legislation, changing economic conditions, presence of state cash transfers. While respect for authority is valued, the content of the rules which should be followed are being contested as people are drawing on different sources of social order (custom and the state) which are both seen as legitimate and women are now often in a stronger financial position to contest such authority. The availability of new rules, norms and values

make it possible for wives to draw on wider resources to get their position accepted and still legitimate it at family meetings. The open interaction between a customary wife, police, husband and husband's family members is a demonstration of the wives' will to change the practices of the powerful/abuser. The threat to domination is real not only because it undermines the authority of the husband and/or his family, but it also carries serious sanctions that would not be in the best interests of the husband or husband's family. The public interaction and engagement with the state does not tell the whole story about power relations. The way in which customary wives use the public script to shape their power during family meetings tells us something about the link between the hidden and public transcript and its impact on domination. I see the cautionary use of public scripts as a progression from individual and private contestation to a more public expression of defiance.

The husband's female kin is another key social actor in upholding patriarchal norms and male authority. Within the cases presented, there are often female kin members who have scope to influence the actions of wives and thus, these women are thus in a position of power and support male authority as members of the same lineage. Their justifications and acceptance of abuse needs further research. It appears that husbands rely on senior female kin to secure their authority, while wives sometimes require the support of older female kin for their livelihood. These elders helped to reframe rules of engagement that aimed ultimately to safeguard traditional values whilst sticking to more traditional ways of understanding proper gender relations and abuse within marriage. The findings point to ways of understanding power within customary marriages which are not exclusively focused on husband-wife interactions but include the actions and practices of related others. If one accepts that male authority is not fixed but rather sites where there is a constant debate over which rules to apply and that both rules themselves and the authority to apply them is shifting and the inclusion of the role of senior women is an important factor in understanding the changing nature of male authority.

In this paper, I do not ask whether family meetings minimise violence or collude with the perpetrator but I want to explore the ways in which family meetings shape the meaning of woman abuse and how this shapes relations of power and authority for the different family members. Women are using the material, institutional and traditional resources available to challenge domination in their lives. Through the participation in family meetings they challenge patriarchal norms. The invisible spheres of resistance need more attention. Whilst some scholars argue that women adhering to oppressive customary rules of behaviour by not reporting abuse or by condoning abuse, the paper unpacks the ways in which they are resisting attempts to dehumanise them. They do not always work with the state as they have been marginalised and abused by the state for so long. Strategies of turning to family

meetings and the private resolution of woman abuse are not a withdrawal from the dominant reference of the judicial system and public world but are another means of approaching it. Because of the invisible nature of such resistance women are often mistaken for victims but this preferences resolution located in the public sphere and overlooks the work within domestic spaces available to women which they use to take command of their own lives – these strategies are dependent on the possibilities open to them, possibilities which are changing given the changing socio-economic world in which women live as Bozzoli (1991) amongst others have argued.

The courage to publicly challenge domination can be based on individual agency, however I argue that the contemporary context and historical circumstances have shifted systemic subordination. The author recognises that the open declaration of resistance and power has always been present but the contemporary context is creating improved conditions whereby many more women today occupy very different legal and financial social positions within complex local contexts. I would argue that the findings from this research tell us more about a collective experience of customary wives rather than individual acts of resistance in challenging patriarchal norms and patrilineal power.

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<sup>i</sup> The researchers did not actively seek participants who had experienced domestic violence but this was the finding that emerged from the data.

<sup>iii</sup> In an earlier article, I explained how a customary marriage is defined and how customary law and marriage in South Africa is organised (see Moore, 2015). For the purposes of space, such definitions and explanations will not be explained in the paper.

<sup>iii</sup> There are a few exceptions and some studies examine how gender and generation shapes positions of power within families (Moesetsa, 2012; Moore, 2015) and in a postcolonial context (Carton, 2002; McClendon, 2002).

<sup>iv</sup> In a previous article, I detailed how customary unions, were excluded from the protection afforded to civil marriages whilst customary wives were further excluded and subordinated under the Black Administration Act which regulated customary marriages until the end of apartheid (Moore, 2015).

<sup>v</sup> For more on the educational and employment status of customary wives, please see Moore, E. 2015a. Forms of Femininity at the End of a Customary Marriage. *Gender & Society*, 29(6): 817-840.