

**CRITICAL ANALYSIS OF ISSUES THAT DEPICT  
GENDER INEQUALITY AND CONFLICT BETWEEN  
HUMAN RIGHTS AND CULTURE IN *ISIKO  
NELUNGELO AND INTANDO KAMUFI***

**SIYABONGA MUZIWANDILE GIFT MATHE**

DISSERTATION

submitted in partial fulfilment of the requirements for the degree

**MASTERS DEGREE  
MASTER OF ARTS (AFRICAN LANGUAGES)  
IN THE  
FACULTY OF HUMANITIES**

DEPARTMENT OF AFRICAN LANGUAGES

SUPERVISOR: DR B.N. BOKABA

**UNIVERSITY OF PRETORIA**

**PRETORIA**

**AUGUST 2022**

**DECLARATION OF ORIGINALITY (PLEASE DO NOT SHADE THESE TOPICS)**

I declare that this dissertation, titled **Critical analysis of issues that depict gender inequality and conflict between human rights and culture in *Isiko Nelungelo* and *Intando KaMufi*** is my original work, that I am the sole author thereof, that reproduction and publication thereof by the University of Pretoria will not trespass any third-party rights and that I have not previously in its entirety or in part submitted it for obtaining any qualification. I further declare that sources that I have used or quoted have been indicated and acknowledged by means of complete references.

**DEDICATION**

I dedicate this dissertation to my mother, Zodwa Kunene, and my late father, Nkosinathi Mathe, who gave birth to me. I further dedicate this research to my aunt, Nozipho Dlamini, who always motivates me to further my studies and obtain more qualifications. Furthermore, I dedicate this dissertation to my sister, Sibahle Sgwane, since she is the one who introduced me to the University of Pretoria and provided me with mentoring support throughout my university life. Lastly, to my cousin, Jabulani Mkhonza, who has been supportive throughout my journey of obtaining my qualifications at the University of Pretoria.

## **ACKNOWLEDGEMENTS**

I am openly thankful to all the people who have been with me from the beginning to the end of this long journey. However, I would like to mention a few, as follows:

- My supervisor, Dr B.N. Bokaba, for always being there for me since my second year at the University of Pretoria. Dr Bokaba has believed in me since I was an undergraduate, and she has been motivating and encouraging me to further my studies. This study would not have been possible without her guidance, effort, sleepless nights and support. *Ngiyabonga Kakhulu Dokotela Bokaba. Inkosi ikwandisele.*
- Professor Mpumi Zondi, the Head of the Department of African Languages, for encouraging me to further my studies. You have played a significant role in ensuring that I submit my work on time and spend more hours engaging in African Languages literature.
- Miss Penelope Mdhuli, the administrator in the Department of African Languages, for your endless efforts in ensuring that all communication from the department was sent to me timelessly, and for connecting me with relevant structures.
- Thobani Mthokozisi Mthethwa, for the support you have consistently given on this master's degree. You have played a very fundamental role in guiding me throughout the research process more especial with uploading for ethics committee. I am profusely grateful Nyambose, may God bless you abundantly.
- Christelle van der Colff, for playing a very instrumental role in editing my research proposal and my dissertation.
- The University of Pretoria, for giving me the opportunity to study by providing funding in this regard and exposing me to the academic world.
- Sphamandla Mathaba and Nelisiwe Zulu, the authors who wrote the two Zulu books that gave rise to my study, for providing me with scenes that portray related issues.

**ABSTRACT**

South Africa has a diverse range of languages, races, religions, and ethnic communities. It has faced significant challenges – political, cultural, and socio-economic – since the arrival of democracy in 1994. Nevertheless, South Africa is still entrenched in its cultural beliefs even though the Constitution of the Republic of South Africa, 1998, was introduced to neutralise some of the oppressing cultural beliefs. With special reference to the Zulu tribe, this research discusses the nature of human beings (men and women) as a democratic one even beyond cultural expectations. It argues against some cultural practices on women, especially widows, which claim supremacy and bind the widows to its ritual processes among the Zulu people. It stresses the importance of human individual that overtakes everything from God's creation, including cultural rituals that have been created by human beings. It claims that the existence of culture depends solely on the existence or presence of human beings and their communities. Therefore, culture cannot use humans to shape itself and transform the community; humans use culture to identify themselves and ultimately change their communities. Although the paper is cultural in its approach, it argues for individual human rights to be respected and weighed above all cultural practices. It further concludes that such cultural practices are not stationary and that they can be removed from the rest of culture. Lastly, this research however exposes all the Zulu cultural practices that oppresses women and forcing them to involve themselves in rituals while compromising their human rights. It also seeks to provide solutions to conflict that exist between culture, human rights, and gender inequality. This paper concludes thus, cultural deconstruction is possible through re-visiting the cultural practices and look at what is still relevant to the society and to the people and only adopt what will not oppress women while involving themselves to the cultural practices.

**Keywords:** Culture; Constitution; Feminism; Forced marriage, Gender inequality; Human rights; Mourning; Patriarchy

---

**TABLE OF CONTENTS**

DECLARATION OF ORIGINALITY (Please do not shade these topics) .....	ii
Dedication .....	iii
Acknowledgements .....	iv
Abstract .....	v
CHAPTER 1: INTRODUCTION .....	1
1.1 Introduction .....	1
1.2 Concept clarification .....	2
1.2.1 Constitution .....	2
1.2.2 Human rights .....	2
1.2.3 Culture .....	2
1.2.4 Patriarchy .....	3
1.2.5 Feminism .....	3
1.2.6 Gender inequality .....	3
1.2.7 Ukungenwa (Custom of a widow marrying a male relative of her late husband) .....	3
1.2.8 Mourning .....	4
1.3 Background of the study .....	4
1.4 Motivation and contribution of the study .....	5
1.5 Problem statement .....	6
1.6 Research aim and objectives .....	9
1.7 Research questions .....	10
1.8 Research methodology .....	10
1.9 Outline of the chapters of the study .....	12
1.10 Conclusion .....	13
CHAPTER 2: LITERATURE REVIEW .....	14

2.1	Introduction .....	14
2.2	Cultural arguments in Africa .....	14
2.3	Gender inequality and harmful cultural practices that violate human rights .....	16
2.3.1	Bride pay (ukulobola) in the Zulu culture .....	17
2.3.2	Mourning (ukuzila) in the Zulu culture .....	18
2.3.3	The custom of ukungenwa .....	20
2.4	International ideologies .....	21
2.4.1	Protocol on human rights.....	21
2.4.2	Protocol on the rights of women and children.....	23
2.4.3	Intervention made against the violation of people’s rights .....	27
2.4.4	Solving conflict between culture, human rights, and gender inequality in African societies .....	34
2.5	Conclusion .....	37
CHAPTER 3: THEORETICAL FRAMEWORK.....		39
3.1	Introduction .....	39
3.2	Patriarchy Theory .....	39
3.3	Feminist Theory .....	41
3.4	Cultural Feminism Theory .....	42
3.5	Literary Feminism Theory.....	42
3.6	Conflict Theory .....	44
3.7	Cultural Theory.....	45
3.8	Human Rights Theory .....	46
3.9	Conclusion .....	47
CHAPTER 4: BOOK ANALYSES (Primary source analysis).....		49
4.1	Introduction .....	49
4.2	Summary of case studies .....	49

4.2.1	Summary of Case study 1: Isiko Nelungelo by Nelisiwe Zulu.....	49
4.2.2	Summary of Case Study 2: Intando KaMufi by Siphamandla Mathaba .....	51
4.3	Analysis of the book and findings ( <i>Isiko Nelungelo</i> ).....	53
4.4	Analysis of the book and findings ( <i>Intando KaMufi</i> ).....	71
4.5	Conclusion .....	79
CHAPTER 5: FINDINGS, RECOMMENDATIONS AND FUTURE RESEARCH ..		81
5.1	Introduction .....	81
5.2	Summary of the findings.....	81
5.3	Recommendations and areas of future research .....	85
5.4	Conclusion .....	86
List of References .....		87



## CHAPTER 1: INTRODUCTION

### 1.1 Introduction

Addressing inequality has been on the South African agenda since the inception of democracy. Special efforts have been made to address these inequalities, which continue to manifest through culture. The vision of transformation has been to provide the people of South Africa with equal rights. However, there are still indicators of conflict that exist between cultures. In South Africa, there is a prevailing cultural demand that women must be regarded less than men. This is informed by patriarchal oppressive assertions that women lack the progressive will to achieve socio-economic growth. This further infers that women are regarded as beings that have less to achieve in comparison to their male counterparts (Rudman et al., 2012:15).

However, these regressive cultural assumptions and gross human rights violations are not centered around South Africa alone, but they are inherent in many societies globally. Therefore, any form of women success is considered negative, which is informed by the patriarchal nature of society. From the foregoing argument, several engagements and constitutions have made strides towards the advancement of women's struggles from the dominance of cultural conflict and gender inequality. However, the cultural challenges continue to be detrimental to women success. International and domestic actors have responded promptly to the challenges that affect many women around the world (ibid).

Nonetheless, the process of building inclusivity and affirming women rights has proven to be challenging and complex. Judged by the background to South Africa, numerous parties and societies have failed to adhere to constitutions and agreements towards building inclusive countries. South Africa is a young democratic country that still encounters serious issues with regard to balancing gender inequality, culture, and human rights. Representing, at least from a constitutional perspective and on paper, this country assures human rights and gender equality, which results in conflict with culture. Many people still fail to practise gender equality due to a misunderstanding of what it entails. Some do not believe in gender equality as they are influenced by their various cultures.

They believe that women are less important than men and that women must always be submissive to men. Therefore, human rights are being violated, which leads to serious clashes between human rights and culture (Forester & Weldon, 2022:93). However, this research is primarily interested in the conflict that exists between culture, human rights, and gender inequality using a drama book and a novel in isiZulu.

## **1.2 Concept clarification**

### *1.2.1 Constitution*

According to McLeod & Hanks (1982:2), a constitution is defined as a body of fundamental principles or established precedents according to which a state or organisation is governed. The Collins Dictionary defines constitution as the fundamental principles on which a State is governed, especially when considered as embodying the rights of subjects, (McLeod & Hanks: 2). A constitution sets out how all the elements of government are organised and how power is carved up among different political units. It also contains rules about what power is wielded, who wielded it and over whom it is wielded in the governance of a country.

### *1.2.2 Human rights*

Human rights are defined as a set of principles concerned with equality and fairness. They recognise our freedom to make choices about our lives and to develop our potential as human beings (An-Na'im & Hammond, 2002:15). They are about living a life free from fear, harassment, and discrimination (An-Na'im & Hammond:15). However, according to Okin (1999:22), human rights can broadly be defined as several basic rights that people from around the world have agreed are essential. These include the right to life, the right to a fair trial, freedom of religion, and the rights to health, education, and an adequate standard of living.

### *1.2.3 Culture*

Culture is defined as the behaviour, beliefs and unique way different people live, as well as a set of institutions that are inherent and passed from one generation to the next (Jary & Jary, 1995:76). According to Stephen (1999), culture consist of complexities, and it assumes that there is a certain direction of development that ought to be followed by people for their living.

#### 1.2.4 *Patriarchy*

Patriarchy is defined as the presence of male-dominated power structures that significantly exclude and subjugate women according to gender relations (Chowdhury, 2015). This further asserts that males play a significant role in influencing individuals and the structures that govern society, which means that women are placed at a disadvantage and, therefore, men are privileged over women, resulting in unequal outcomes.

#### 1.2.5 *Feminism*

Feminism is defined as a theory that emphasises that traditional approaches and research have systematically excluded women and the issues of concern to them from public consciousness. Often feminist scholars have argued that the State represents the male point of view and for that reason, it acts as an agent of oppression by tolerating (if not promoting) men who abuse their power over women (Akgul, 2016:20).

#### 1.2.6 *Gender inequality*

Gender inequality is defined as a social process by which people are treated differently and disadvantageously, under similar circumstances, based on gender. Gender inequality refers to both women and men having unequal access to economic, legal, and political equality (Lorber, 2001:15). Therefore, gender inequality means that there is no equal consideration for the diversity of others, and aspirations, as well as valuation, mainly for women.

#### 1.2.7 *Ukungenwa (Custom of a widow marrying a male relative of her late husband)*

This is a cultural practice that specifies that after a loss of a husband through death, a widow is expected to marry the brother or male relative of the deceased husband and continue to serve as a wife of the family. This culture is predominant in African societies where people are still deep rooted in their cultural beliefs, for example, in the Zulu culture, a woman is expected to comply with the culture of *ukungenwa* (Magudu, 2004:6).

### 1.2.8 Mourning

In simple terms, mourning means the expression of sorrow for someone's death. In South Africa, it is mostly dominant for women to show the expression of sorrow, especially after having lost a husband. In the process of mourning, women are expected to wear black clothes, cut off their hair, not shout when speaking, not allowed to leave the house during the day, and not allowed to beat a child whenever they find the need to discipline them (Zondi & Kuzwayo, 2015:5).

## 1.3 Background of the study

Gender has been construed as a broader concept and has become difficult to understand. Diamond (2020:30) voices gender as a social construct referring to how mortal beings are associated with being male or female. According to UNESCO (2003:76), gender must be understood as socially constructed roles, attributed behaviour, and prescribed norms that are considered appropriate for men and women. Therefore, gender seeks to categorise the former and latter either as masculine or feminine. This results in the unequal treatment of another group. This tends to manifest in what scholars have defined as gender inequality, which is regarded as the inherent discrimination and harassment between individuals or groups and tends to produce unfair outcomes for the oppressed group, which in this case is women.

According to the United Nations (UN) (2011:56), gender plays a significant role in determining what ought to be done by women and men in certain contexts. Therefore, in most societies, there is deep manifestation of inequalities between women and men with respect to how resources must be allocated, and how activities must be undertaken, as well as how decision-making is conducted within given societies.

On the other hand, gender inequality refers to women and men having unequal access to economic, legal, and political equality. Therefore, gender inequality means that there is no equal consideration for the diversity of others, aspirations, as well as valuation mainly for women. Another premise of this study is that gender inequality remains a greater challenge in South Africa as it tends to promote male superiority and creates an enabling environment for women subjugation, as well as victimisation. This is achieved through the allocation of resources and power to men over women. Culture is a unique concept, and it is, therefore, very important to have a clear understanding

of what it entails. Taking various aspects of culture into consideration, it is very important to acknowledge that people have been created differently and that they live their lives differently guided by their respective cultures. Culture can be defined as the complex and broad set of relationships, values, attitudes and behaviors that bind a specific community, consciously and unconsciously (Lorber, 2001:15).

It is, therefore, important to note that we are born into specific cultures with prevailing values and opportunities (Williams, 2011:1). Culture is similar to history in that it is dynamic and admits change. People shape and modify culture from one generation to the next and makes it best practice for that period. However, it is not as broad as can be imagined, but it exists at a localised level, meaning that a culture that is being practised in a certain tribe may be practised in another tribe too (Baharvand, 2016:245).

#### **1.4 Motivation and contribution of the study**

Many societal and cultural prejudices have developed in South Africa, which hinders the capacity and development of many women. This asserts that many people are still unwilling to unlearn about historical injustices and how they reinforce themselves in the modern era. This research becomes significant in that it focuses on gender inequality, cultural beliefs, and conflict, as well as gross human rights violations that persist in African women's lives. This study is important as it unpacks how gender inequality and culture, bound together, play a significant role in shaping our society, thereby influencing how women must respond to challenges that affect them.

Furthermore, this study reflects the idea that gender inequality mainly informed by cultural beliefs is a cause of poor development. This study is a contribution to a pool of knowledge on the role and approaches that have been adopted by women towards achieving their emancipation.

The researcher of this study was motivated by the fact that a few books have been analysed and a few studies conducted in respect of gender inequality from an African languages' perspective. Therefore, this research contributes to the knowledge of gender inequality, cultural conflict, and human rights violations in South Africa. The study also has an interest in giving insight into how women have been victimised by a

cultural system of beliefs and how this affects the development process of South Africa. Therefore, by applying a literature-based intervention, this study rationalises what gender equality means in South Africa and the literature indicates how women have risen, identifying new ways to remove barriers that have affected women's success in South Africa.

In this study, issues that portray conflict between culture and human rights, as well as gender inequality, are presented. More arguments have been portrayed about issues of conflict between culture and human rights, which emanate from people's strong beliefs in rights and different cultures. Therefore, this study brings forward the factors that contribute to serious conflict and attempts to find possible solutions to resolve all these matters.

Most African women are still subjected to mourning after they have lost their husbands, which is as a result of culture, while some of those women are not in favour of it. As a result, it contributes to conflict between culture and their rights. In this study, such issues are addressed and possible solutions to such factors are suggested.

### **1.5 Problem statement**

This section deals with the research problem of this study, namely conflict between culture, human rights, and gender inequality, as it remains in the control of male oppressors who oppress women, which is a serious challenge facing the world at large and South Africa to be specific. Gender crisis remains a complicated problem in South Africa due to it being socially constructed and underpinned by cultural norms that stigmatise women (Gillham, 2000:13).

Steady (2009:47) depicts culture and tradition as structural components that ascribe gender roles to people. They can, therefore, limit and prohibit the participation of women in societal matters, for example, being an induna or the chief of a village. The purpose of this research is to explore the meaning of gender and propose recommendations that address gender inequality in the African language discourse. The common problem that remains a factor in society is gender. Gender inequality has not yet ended in South Africa, specifically in the rural areas. Conflict exists between culture, human rights, and gender inequality, and it is still a burning issue affecting the

people of South Africa. People are still attached to their cultural norms and, consequently, tend to ignore human rights. Furthermore, people's cultural practices tend to oppress others, especially women, simply because most cultural practices embrace patriarchy (Forester & Weldon, 2022:93).

In terms of the Constitution of the Republic of South Africa, 1996 (Act No. 106 of 1996), everyone is equal before the law and has the right to equal protection and benefit of the law, as follows:

It further indicates that laws may not unfairly discriminate against anyone and that everyone is entitled to equal rights and freedom; hence, the full and equal enjoyment of all rights and freedom. However, government must also take affirmative action, which simply means taking active steps to change the inequalities of the past by passing laws that promote the achievement of equality. Moreover, as an influence of cultural practices, people are unable to have access to their rights as some people deny them that opportunity. Most men and old people strongly believe in culture and consequently, women's rights are violated (Gillham, 2000:12).

In most villages in South Africa, as an example, in the rural villages of KwaZulu-Natal and other provinces, polygamy and patriarchy are still being used forcefully, which has a negative impact on the lives of the women staying in these villages. Polygamy and patriarchy are defined differently. Polygamy is defined as the practice or custom of having more than one wife or husband at the same time, whereas patriarchy means the act or belief that male-dominated power structures are significant, and they exclude and subjugate women according to gender relations. It further oppresses women and creates a sense that men are superior to women (Chowdhury, 2015:98). Therefore, these two factors oppress women as some decisions are made by men on behalf of their wives due to the cultural beliefs that men are more unique and powerful than women. As a result, it has a negative impact on women as it perpetuates gender inequality and leads to the violation of human rights (Madlala, 2005:3). Therefore, the persistent marginalisation of women signifies that society remains socially unjust, which affects the adequate development of countries negatively.

Most cultural beliefs practised by men tend to lead to conflict between culture and human rights. As an example, in the Zulu culture, women are forced to mourn and wear mourning clothes for a year, which are chosen by the in-laws after the man has passed away. These clothes must only be washed at night and not during the day. As

an example, the widow (MaDube) in the isiZulu novel titled *Intando KaMufi* tries to respect her husband's wishes, while her in-laws expect her to do otherwise. The widow wanted the will of the deceased, who is her husband, to be respected and for his body to be cremated, as per his wish, but her in-laws were against it and wanted her to mourn and follow all the rules of mourning, while the in-laws took care of the funeral arrangements (Zondi & Khuzwayo, 2015:3).

Furthermore, apart from wearing mourning clothes, a wife is also expected to lower her voice when talking to someone and she must always bow her head when addressing someone. She is also not allowed to beat a child during this process of mourning and she is not allowed to eat while standing. She must always sit down. All these actions symbolise mourning and should be practised by women while they are mourning (Zondi & Khuzwayo, 2015:4). As an example, in the isiZulu novel titled *Isiko Nelungelo*, a widow by the name of Thenjiwe is being forced to mourn and practise all the mourning rules, while the family is planning the culture of *ukungenwa*, which forces her to marry her brother-in-law, which she is against.

In South Africa, the fight for social equality has always been the crux of the struggle for a democratic South Africa. However, society and institutions are continuously shaped by certain beliefs that are entrenched by those who benefit from them. Therefore, the ongoing challenges in South Africa are a result of a culture that is impregnated with patriarchy significantly manifests, evolves, and persists in society. Subsequently, this cultural practice violates human rights as it does not give women a chance to choose whether or not they want to mourn.

Furthermore, some men practise polygamy, meaning that they marry more than one wife without consulting the first wife as to whether she wants to be in a polygamous marriage. Therefore, this action by men breaks the rule that must be followed when wanting to practice polygamy. According to the rule, if a man wants to practise polygamy, permission must first be obtained from the first wife before marrying the second one. If she agrees, then the husband is allowed to marry a second wife, but if she disagrees, it means that the husband must respect her decision and not marry the second wife. However, most men do not observe that rule of asking for permission from the first wife. As a result, this practice contributes to gender inequality and conflict



between culture and human rights. Therefore, the lack of interrogation and understanding around culture, human rights, and gender inequality breeds and feeds that narrative; that these states are failing to implement transformative policies that will address the challenges that continuously affect women (Madlala, 1997:3).

Numerous people in society, including certain men and women, tend to justify the oppression and victimisation of women. Cultural expectations in many South African societies limit the potential of women from excelling in what they seek to achieve and they are expected to conform to cultural demands. Furthermore, human discrimination based on gender is perpetuated and patriarchal norms are reinforced. As a result, many women lose their inner confidence and their entire beings. In addition, women who disagree with cultural expectations are faced with punitive treatments on how they conduct themselves. This study is, therefore, inclined towards conducting an analysis of the problems that emanate as a result of gender inequality, unfair cultural practices, and human rights violations (Luvuno, Ncama & Mchunu, 2019:1-9).

## **1.6 Research aim and objectives**

The aim of this research study is to investigate issues that depict gender inequality and conflict between culture and human rights. The isiZulu drama book titled *Isiko Nelungelo* and the isiZulu novel titled *Intando KaMufi* have been used to elicit information that relates to sources of other scholars who have researched and wrote on this same topic of literature concerning the concept of gender inequality, culture, and human rights.

The objectives of this study are as follows

- To examine the factors that contribute to gender inequality in general and how it leads to conflict between culture and human rights;
- To investigate the impacts of gender inequality, culture, and the violation of human rights on women, specifically in South Africa; and
- To give solutions to how mechanisms should be explored to balance gender inequality, while resolving any conflict found between culture and human rights through education and awareness programmes.

Many people in South Africa are still affected by issues related to culture, gender inequality, and human rights, and most people are being silenced in this regard. Therefore, the aim of this research study is to provide possible solutions in terms of awareness programmes and providing education on such issues in writing. Therefore, in this study, it is argued that gender inequality is a way of living that is constructed to create an unequal hierarchy between males and females.

### **1.7 Research questions**

When writing a research document, it is very important to formulate research questions that seek to address the most crucial issues related to the research topic. Therefore, this research study has three research questions to answer. The researcher set out to investigate the following main research question and two secondary questions, which read as follows

Question 1

- What is culture and how does it influence gender inequality?

Question 2

- What causes conflict between culture, human rights, and gender inequality?

Question 3

- How can conflict between culture, human rights, and gender inequality be resolved?

### **1.8 Research methodology**

According to Silverman (2013:99), methodology refers –

to the choices methods of gathering data, and approaches adopted in planning and executing the study. When a researcher conducts research, it is important to understand the difference between quantitative and qualitative research methods.

The quantitative research method refers to the collection of data using statistics, numbers and questionnaires. Therefore, the quantitative research method is driven using numerical and statistical data (Flick, 2015:20). On the other hand, the qualitative research method refers to the collection of data through the analysis of written documents and case studies. In qualitative research methods, social and natural realities are investigated in different contexts by allowing a researcher to explore

motivations and underlying reasons for the social phenomenon being investigated (Creswell & Garrett, 2008:13-18).

There is no universal definition for qualitative research as it has been defined differently by many scholars. It can be understood as an interpretative form of research that focuses on providing descriptions, and understanding how a social phenomenon is experienced and interpreted by different people (Babbie & Mouton, 2001:270). The qualitative research method involves a process of ensuring that a detailed understanding of a social phenomenon is understood. In the qualitative research approach, a social phenomenon is studied in its natural setting (Manson, 2002:2). In essence, qualitative research shapes the context and way a study is conducted by providing a detailed understanding of the phenomena.

The researcher found that the study is in line with the qualities of qualitative research as it provides an extended understanding of the research topic from the domestic variables it employs (ibid). The qualitative research method that will be employed in this study is a case study as John Creswell (2008) contends that it provides an in-depth examination of the “purpose samples” to better understand a social phenomenon being studied.

A case study refers to a situation in which a researcher uses documents that have been written by other scholars to gather information relevant to his or her study. The phenomenon this study examines is the conflict between culture, human rights, and gender inequality. It further investigates how culture influences gender inequality in general (Creswell, 2014:187).

The researcher found that documents are more suitable for carrying out the purposes of the study. The documents that will be used in this study include published and unpublished journal articles, dissertations, relevant legislative documents, news articles and online work. The document method ensures that a researcher can extract useful data that can provide a fundamental understanding of the phenomenon under study (Creswell, 2003:188). The researcher found that documents possess written texts and verified information within which a phenomenon has been studied. These documents and texts may potentially provide an in-depth account of gender inequality,

cultural conflict, and human rights violations in South Africa. This, in turn, provides a meaningful understanding of how gender inequality manifests and how it hinders human rights.

The primary data or internal material employed in this study are Zulu novels, while other novels that may possibly be mentioned in the study serve the purpose of supporting the evidence of the primary data. The novels were used as they are central to the study and are published materials that are easily accessible and available in the public domain. The primary references to be used are the novel titled *Intando KaMufi* by Mathaba (2012) and the drama book titled *Isiko Nelungelo* by Nelisiwe Zulu (2011). The advantage of using these novels is that it provides a better understanding of what the authors narrate.

The use of these novels is imperative as it portrays the story of women in conflict with culture in the Zulu society. Furthermore, the novels outline that there are many cultural barriers that limit women. Data analysis is considered as the examination, categorisation, and testing of data from evidence that have been collected from various sources to ensure that the research questions of the study are addressed accordingly (Yin, 2003:109).

### **1.9 Outline of the chapters of the study**

**The first chapter** served as the introductory chapter to this study. It provides the meanings of the different concepts and the elementary overview background. This was followed by the problem statement and subsequently, the research objectives and questions. The motivation and significance of the study in respect of the discipline of African Languages were presented. The research method that placed the study in the qualitative research approach and the data collection techniques were also included.

**Chapter 2**, is aimed at presenting the literature review and evaluating what other scholars have mentioned in relation to the topic.

In **Chapter 3** the theoretical framework that guides the analysis of the study is detailed. The Theory of Patriarchy, Cultural Theory, and Conflict Theory, as well as Feminist Theory are outlined. Furthermore, the Human Rights-Based Approach Theory is discussed as all of these offer an attractive wholesome approach in explaining how the subordination of women and persistent inequalities have been created by the cultural system and beliefs held by those who conform to it. In this chapter, the literature of gender inequality as manifested by culture in South Africa, the current prevalence of gender inequality, and understanding how the latter affects the effectiveness of human rights are explored.

In **Chapter 4**, the summaries of the novels and analyses of the books are presented, with a specific reference to scenes that portray conflict between culture, human rights, and gender inequality.

**Chapter 5** is aimed at providing a summary of the findings, recommendations, and future research, as set out in the study.

### **1.10 Conclusion**

The aim of this chapter was to give a detailed introduction to the study, as well as a brief insight into the research process. Gender inequality, culture, and human rights are in conflict. Despite the challenges of them being influential and discussed at a global scale, there has been little transformation and reform in many countries, particularly in South Africa. Furthermore, in this chapter, it has been indicated that patriarchy and normative beliefs in society undermine the role and rights given to women in modern day society. Moreover, it has also been highlighted that numerous women have expressed resistance towards this treatment, with some having reported their challenges to institutions of justice, while others are skeptical to discuss the matters that affect them. Finally, it was illustrated that the study would unpack issues of gender inequalities and the factors that lead to conflict between culture and human rights. By conducting a book analysis of *Intando ka Mufi* (2012) and *Isiko Nelungelo* (2011), this study will portray some of the forms of gender inequality, cultural issues, and human rights violations. The following chapter provides views of other scholars in relation to the topic of this research as far as the literature review is concerned.

## CHAPTER 2: LITERATURE REVIEW

### 2.1 Introduction

A literature review is defined as a “comprehensive study and interpretation of literature that addresses a specific topic” (Aveyard, 2010:340). Literature reviews are generally conducted in two ways. First, it can act as the preliminary review before a larger study to conduct a critical evaluation of the current literature and justify why further research is required. Secondly, it can act as a project that provides a comprehensive survey of the works published in a particular discipline or area of research over a specified period (ibid). Therefore, in this research study, both ways of conducting a literature review were considered.

Literature reviews play a critical role in guiding a researcher in which theoretical approach to adopt during a study. In addition, consulting the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) with regard to human rights and by using Cultural Theory and Conflict Theory in this chapter, provides a conceptual clarification of the concepts used in this study in line with the literature review. Furthermore, the purpose of a literature review is to educate oneself on the topic and to understand the literature before shaping an argument or justification. A literature review is “an important chapter in the thesis, where its purpose is to provide the background to and justification for the research undertaken” (O’Garman, 2015:21).

Therefore, the literature review that relates to this study and plays a primary role in guiding this study is presented in this section. The different arguments presented by other scholars or theorists in relation to the thematic context of culture, human rights, as well as gender inequality, are taken into consideration in this section.

### 2.2 Cultural arguments in Africa

Culture is an important part of African people’s lives. However, embracing culture has resulted in conflict between itself and human rights as traditions, as well as cultural norms. Undermining the rights of women and children has resulted in gender inequalities. Therefore, the theoretical framework of this study will comprise Cultural

Theory, Conflict Theory and other theories that best describe how and why conflict occurs between culture, human rights, and gender inequality (Weston, 1984:4).

Okin (1999:12-14) argues that “cultures are suffused with practices and ideologies concerning gender”, which confirms the interconnection between gender and culture. On the other hand, Greenbaum (1999:97) states that African cultures tend to socialise the gender roles men and women are meant to perform in the public and private spheres, for example, men should be the breadwinners and women should take care of the home. It, therefore, emphasises conflict between culture and human rights as most women suffer due to cultural norms that tend to favour men over women; hence, it contributes to gender inequality.

Furthermore, Okin (ibid) argues against multiculturalism, but advocates that the differences between cultures and inequalities between genders should be addressed and that harmful practices should be outlawed. This is because in one way or the other, multiculturalism always leads to conflict between culture and human rights (Rajawat, 2001:67). As an example, multiculturalism allows more people to practise their own culture and, as a result, some cultures clash as some want to dominate others.

However, more arguments have been made against Okin (1999:12) with regard to multiculturalism and human rights. In these arguments, it is stated that it is a biased statement and the views that are provided are in favour of the Western culture over others, and that feminists should consider that differences in how women understand justice and equality can vary, and that it is accepted. Therefore, the researcher subscribes to Okin’s (1999:14) ideas when stating that multiculturalism leads to conflict between culture and human rights.

In this dissertation, the main focus is on South African cultures, specifically an isiZulu cultural novel and drama book as case studies. In this study, an attempt is made to analyse conflict between culture, human rights, and gender inequality by analysing the perceptions that men and women have on these three concepts, namely culture, human rights, and gender inequality, and how they perceive practices that are deemed harmful, either by those outside their culture or those in the culture group. According to Song (2005:473-475), efforts have been made to address the issue of harmful

cultural practices on the African continent. Furthermore, Song (ibid) also pays special attention to gender inequality and has sought to rectify and redress the issue of gender inequality on the African continent.

### **2.3 Gender inequality and harmful cultural practices that violate human rights**

Several cultural practices are harmful in the Zulu culture, with more reports being published by local and national newspapers about the harmful practices affecting children and have reported early marriage as the most prevalent harmful practice in the Zulu culture affecting the girl child and women. In this report, it is recognised that the most common harmful practices are the most dominant in the rural areas of KwaZulu-Natal. Furthermore, the two books that are used as case studies also portray gender inequality-related issues that affect mostly women and young girls, which supports this finding that arranged marriages are a prevalent problem in the Zulu culture.

However, it is also very important to note that several gender inequality and cultural practices are harmful to people. As a result, the Forum on Gender, as well as the Women's Action Group, wrote a report, focusing on the best practices to overcome the challenges in gender dynamics in a cultural context and reported controversial practices (Venganai, 2015). However, in this research, *ukungenwa* (forced marriage) and *ukuzila* (mourning), as portrayed in the two Zulu novels, are discussed. Hence, when referring to *ukuzila*, in this situation, the widow, after the death of her husband, is forced to wear mourning clothes and is suspended from other activities such as washing clothes during the day and not being allowed to shout. On the other hand, *ukungenwa* is a tradition in which, after a widow has lost her husband, a member of the family will be advised to engage in sexual intercourse with her to formalize her becoming the wife of that man.

Therefore, the detrimental cultural practices that have been stated above give a broad overview of what harmful practices have been and are still being observed in the Zulu culture. However, in this research, in-depth analyses on the cultures of *ukulobola* (bride pay), *ukuzila* (mourning) and *ukungenwa* (forced marriage after the death of the husband) are done with specific reference to the Zulu culture by referring to the two



Zulu case books, namely *Isiko Nelungelo* and *Intando KaMufi*. The three harmful cultural practices mentioned above have been chosen and regarded as the most relevant to the study.

### 2.3.1 *Bride pay (ukulobola) in the Zulu culture*

Lobola (bride price) is a cultural practice that has been practised for a long time. It has gained a lot of people's respect in the Zulu culture. In simple terms, lobola is understood as the transfer of property, usually in the form of livestock, by the husband or the guardian to the wife's family as part of the marriage process (Ncube, 2018:178).

This is a custom that has had a positive impact on the Zulu culture. First, it has helped bring together the two families of the woman and man who are to be married. Secondly, this cultural practice acts as a way of transferring the legal custody of the children born into the marriage to the father or his family. However, this excludes the mother's family. Thirdly, the custom is said to be a sign of respect and gratitude to the bride's parents (ibid).

Despite the positive results that come from the practice, research has found that lobola brings about the manifestation of gender inequality and the control of a woman's sexuality within a marital context. Furthermore, lobola indicates a certain gap between women who are paid lobola and those who are not paid lobola. At most, those who are not paid lobola are regarded by society as people who are illegitimate and most unfortunate. Therefore, some women are subjected to mistreatment, such as gender-based violence (ibid).

Ncube (2018) further emphasises the impact of lobola on humans and that there is gender inequality and conflict between culture and human rights as it involves the violation of people's culture. Ncube (2018) is quoted as follows:

Throughout the year's lobola has transformed and become a custom that has led to the abuse and oppression of women in marriage (Chabata, 2012:23-45). The commercialisation of the custom has been one of the main misuses of the culture which has led to negative effects on marriage and compromise to human culture (ibid).

Therefore, it means that the issue of commercialisation of lobola has been wrongly practised in the sense that it is a system where the payment of lobola has changed from being a cultural practice to a business venture where a woman has a monetary value attached to her (ibid). The commercialisation of lobola also refers to the process of negotiations leading to the payment of high fees as though the woman is a commodity to be sold (ibid).

Traditional Zulu society have perceived marriage as the most important element of the continuation of a man's lineage, so that he could reach the status of 'ancestor' and be valued and evoked by his progeny for several generations to come. In this regard, a woman was 'brought in' as a kind of 'borrowing' to 'do the job' of giving birth to children for the man and his clan (*ukukhulisa isibongo*); hence, the institution of *ilobolo* (bride price) and *ukulobola* is the process of obtaining a wife through the exchange of property (Zondi & Canonici, 2015:1-3).

Zondi and Canonici (ibid) further argue that, in African cultures, the custom of *ukulobola* is a practice related to gender construction. Within the established patriarchal system, this custom is sometimes a source of distress for women as men tend to consider them 'paid for' or 'bought commodities' to be treated as they please. In the selected novel, the main character tries to extend his authority beyond acceptable boundaries with debilitating consequences, even for himself.

In this process, he verbally abuses the female protagonist, who represents women as one of the categories of oppressed persons. He even tries to have her killed. The novel examined in this article is relevant as it was published at a time when burial sites were becoming scarce, thereby encouraging people to seriously consider alternative ways of disposing of the dead, such as cremation. Historically, cremation has had no place in the Zulu tradition.

### 2.3.2 Mourning (*ukuzila*) in the Zulu culture

It is still an existing belief for the Zulu people, most particularly in the rural areas, that they should still adhere to traditional customs that are essentially predicated on patriarchal ideology, and they consider these customs as the 'backbone of the nation'. Therefore, the consequences contribute to patriarchal ideologies that continue to

dominate unconstrained. In this regard, women are always expected to be submissive and not question these cultural practices as though they are an unchallengeable natural legacy as opposed to them having been socially constructed and, therefore, prone to mutability. Mourning in the Zulu culture is regarded as the most effective culture every married woman should follow, most importantly after the loss of her husband through death (Ndlovu, 2013:10).

On the other hand, Magudu (2004:4) argues that, after the death of their husbands, women are forced to practise the culture of mourning (*ukuzila*). It is portrayed in the Zulu novel titled *Intando KaMufi*, in which a woman by the name of MaDube is being forced to mourn despite the fact that she made an agreement with her husband while she was still alive. Furthermore, her human rights and religious beliefs are also compromised in the process of mourning. First, Mangena's wife does not receive her father-in-law warmly. He makes matters worse by immediately starting to implore his daughter-in-law to go to the village for (*ukuzila*) mourning the death of her husband while the funeral arrangements are in progress. The tradition of *ukuzila* is defined as 'showing respect ... by avoidance' (ibid).

In most African societies, the cultural rites of mourning and cleansing are gendered, discriminatory and life-threatening for women (Daber, 2003:145). Perhaps that is why MaDube tells her father-in-law that she and her husband had discussed the issue of mourning and that he had expressed the desire that his wife should not follow the tradition. According to this custom, the bereaved woman is expected to wear a particular kind of garment and sit at a particular place in the ancestral hut from the time of the news of the loss right up to the day of the burial. During this time, she also has to cover her entire body with a blanket, and she is expected to maintain silence and to whisper if she really has to say something.

Furthermore, the elders of the family become her spokespersons to those who come to comfort the bereaved family. Even after the funeral, she is still expected to continue mourning for a period dictated by her family. Moreover, mourning women are suspended from many household chores, even when doing laundry. She is expected to do it later at night when everyone is asleep. It, therefore, contributes to gender inequality and conflict between culture and human rights. To make going against the

tradition even worse, Mangena's wife insists on cremation, according to the will of the deceased (Magudu, 2004:5).

Nevertheless, one can conclude that death causes trauma and, therefore, affects the people concerned emotionally, spiritually, and economically. In simple terms, it affects all aspects of life. In the Zulu society, it is even worse as after the trauma that has been experienced by the family members, widows are expected to walk the extra mile by mourning for a period of time after the death of their husbands. As already highlighted, widows are expected to show respect and mourn by wearing a mourning dress spanning for at least one year. This dress may be black, navy, blue, green or white, depending on the religious denomination with which the individuals concerned are affiliated. Therefore, the above-mentioned results in gender inequality and conflict between culture and human rights (Ndlovu, 2013:11).

From a feminist point of view, this cultural rite is conceived as gender differentiation and is, therefore, characteristically an oppressive cultural practice. Daber (2003:152) argues that "widows' lives are governed by cultural and traditional rules which are sometimes not only discriminatory, but also involve degrading and life-threatening mourning rites". On the other hand, Hlongwa (2019:3) points out that "mourning rituals among the Zulu people are patriarchal and have men's interest at heart." However, Sedumedi (2009:8) is of the view that "only those aspects of culture that uphold the subordination of women are considered as culture" and that "culture and traditions are employed as excuses in explaining the gross violation of human rights that women suffer." This begs the question of whether or not issues surrounding mourning are still relevant in contemporary societies.

### 2.3.3 The custom of *ukungenwa*

According to Mvelo and Mtambo (2019:1), *ukungenwa* is a custom practised by Nguni and Sesotho-speaking groups, according to which a widow marries a brother or any male relative of the deceased husband. According to this custom, death of one of the spouses in a customary marriage does not dissolve the marriage as marriage is between two family groups. Therefore, after the husband has passed away, the wife is then expected to marry with one of the males who are related to the deceased

husband. This is a harmful practice as a result of gender inequality, which subsequently results in conflict between culture and human rights.

However, *ukungena* is still a recognised culture in South Africa and it brings a lot of oppression on South African woman. According to CEDAW, the culture of *ukungena* has been classified as a harmful traditional practice and is recommended for its suspension as it promotes the feeling of inferiority and the issue of discrimination against the women of South Africa (Mvelo, 2009:2).

On the other hand, Gwarinda (2013:125) further argues that the culture of *ukungena* has resulted in polygamy in the African culture, particularly in the Zulu culture. Some people refer to *ukungena* as wife or widow inheritance. This means that if a male is already married and then practises the custom of *ukungena*, automatically that person would be a polygamist. However, it is very important to note that the culture of *ukungena* is not treated as marriage in the true sense of the word. This is worsened by the fact that the rights of the first wife are compromised and not taken into consideration as it usually happens on the regulation of polygamy. This harmful practice abuses the rights of women in South Africa. It affects the current wife of the existing man and the rights of the widow as they are not given an opportunity to reflect whether or not they want to commit themselves to that cultural practice of *ukungena* (Gwarinda, 2013:229). Therefore, in this study, the researcher argues for an urgent need for law reform that will align the custom with the Constitution of the Republic of South Africa, 1996, and advocates for human rights.

## **2.4 International ideologies**

### *2.4.1 Protocol on human rights*

According to Klasen (2002:4), in developing countries, there has been a dramatic departure from the old system aimed at promoting female education in the mission, to reducing the high birth rate and high infant mortality, as well as increasing children's education. However, it is also argued that culture has contributed to the above-mentioned statement as cultural norms have been in favour of men more than women. Women have been denied many opportunities in life, which includes the right to basic education.

In the past, only men were given a chance to go to school compared to women who were left at home to do household chores, give birth, and raise children (Symonides, 2002:347). The researcher of this study agrees with Symonides (2002) as conflict between culture and human rights has been dominant in developing countries compared to underdeveloped ones as developing countries are still rooted to their cultural beliefs, which compromise other people's rights and consequently, oppresses other people.

According to Zondi and Canonici (2005:6), there is a great need to address the harshness desolation experienced by black South Africans in a white-controlled country due to urbanisation and race discrimination. Through literary works, they explored the social and political dilemmas of South Africa in great depth, detail and with great passion. Therefore, the above statement portrays conflict which has existed in the past between people's culture and their human rights.

O'Byrne (2005:3) states that the world is dominated by many examples that portray the violation of basic human rights, such as censorship, human discrimination, political imprisonment, human torture, human slavery, disappearance, genocide, extrajudicial killings, arbitrary arrests, as well as killings, which result in poverty that affect others in the process. Research shows that the above-mentioned factors occur due to the conflict between culture and human rights, and consequently, it contributes to gender-based violence. Klasen (2002:11-13) further argues that societies have deeply embedded roots in patriarchy, which contributes immensely to the discrimination that women still suffer, especially in patriarchal societies. The researcher of this study, therefore, agrees with Klasen (2002) as most societies still practise patriarchy, which consequently contributes to conflict between culture and human rights, resulting in gender inequality.

On the other hand, O'Byrne (2005:3-28) opines that human rights are essential in human nature and, therefore, guaranteed and protected by the State without discrepancy of any sort. Consequently, when such rights are denied to an individual, whether by State or non-State actors, it constitutes human rights violations (Mishra, 2002:4). When large-scale violations of such rights occur, it constitutes human rights abuse. The researcher of this study supports this statement and the fact that human

rights are essential and that they will be protected without discrepancy of some sort as conflict between culture, human rights, and gender inequality can be avoided.

#### *2.4.2 Protocol on the rights of women and children*

O'Byrne (2005:3) further argues that the rights of women and children are still ignored in many ways, which has resulted in many countries still experiencing issues relating to gender-based violence, as well as children being abused at home. Furthermore, Nelson and England (2002:22) emphasise that gender inequality displays the disparities and hierarchies of patriarchy, which benefit men more than women and other groups in society. This is portrayed in terms of economy, labour, and household duties, which leads to conflict between cultures, human rights, and gender inequality as culture supports men being superior to women as opposed to human rights, which promote equality between men and women.

Therefore, in this regard, the researcher agrees with Nelson and England (ibid) in the sense that gender inequality is the manner in which a way of living is constructed by the belief that men and women are unequal beings, and, in that regard, patriarchy dominates and benefits only men more than women, which then contributes to conflict between men and women; hence, it embraces gender inequality practices.

According to Marie (2003:25), it is very important to observe that human rights are the rights that everyone has equally by virtue of their humanity, and that it is grounded in an appeal to our human nature. Therefore, culture should not be allowed to have dominance over the rights of people. On the other hand, Williams and Sweetman (2001:1) emphasise that there are serious violations of people's rights and consequently, some people are unable to practise their rights due to patriarchal practices as an influence of culture, which leads to gender inequality and violence against women and children.

Culture has been shaped without considering that in contemporary times, people focus more on their human rights compared to cultural practices and, as a result, it contributes to conflict and gender inequality as cultural practices give more power to men than women. The following quote by Pujar, Chanda and Morab (2017:229)

emphasises the point that the concepts of culture and gender inequality clash. They state that –

[b]ecause culture is where society is both mirrored and shaped, with or without gender inequalities, it is the perfect playground to question gender-related norms, to experiment, suggest and impose, to potentially large audiences, new visions of what things, reality could ideally - or should not - look like. How?

This quote emphasises the fact that cultural norms contribute the most to gender inequality and that, as a result, it oppresses other human beings, especially women. It also poses a challenge to us as humans to question gender-related norms.

Furthermore, the UNESCO report (2016:11), emphasises the issues of culture and gender inequality by stating that the distribution of power among individuals is not equal and consequently, powerless individuals, as well as incapable groups of people within a society, are not participating to the same extent as others. In the report, it is further stated that gender inequality is portrayed in situations where women are in inferior positions compared to men who are given more important positions. According to this report by Pujar (2016:35), the above-mentioned issue of gender inequality is not wrong when considering cultural practices; however, it also alters human rights as more preference is given to men than women.

Moreover, UNESCO (2016:12) also states that women's contribution to the creation of heritage as (culture) is undervalued and that they are often deprived of the possibility of participating in its identification. Conflict between culture and human rights due to gender inequality is further emphasised by the fact that the exclusion of women's contributions to the creation of heritage is partial as in all societies, women's activities have traditionally been identified with and relegated to the private or domestic sphere, while the public sphere, seen as more relevant, important, and prestigious, has historically been men's monopoly (Rushing & Frenztz, 1978:2).

Pujar (2016:20) refers to the issues of gender inequality as one of the prerequisites leading to women being denied opportunities to participate in some cultural activities, as follows:

Over the past 60 years, gender equality and access and participation to culture have come from being seen respectively as a prerequisite for the



realization of human rights and one of the fundamental human rights, to being internationally recognized as tools to achieve global sustainable development.

In 2000, gender equality was one of the eight Millennium Development Goals (MDGs) identified by the United Nations. It is stated that the aim was to “[p]romote gender equality and empower women” so that at least by 2015, the level of extreme poverty will be alleviated. Therefore, the above-mentioned statement portrays that gender inequality has been a serious issue affecting women to the extent that some actions, such as the implementation of the MDGs, were taken to fight against it. Furthermore, it is also noted that gender inequality practices have and still contribute the most to conflict between culture and human rights (ibid).

Prohibition of discrimination is one of the measures that is put in place as a human right to resolve conflict between culture, human rights, and gender inequality. In simple terms, discrimination means treating people differently from others only because of a particular characteristic, which can either be race, gender, or sexual orientation, among many other characteristics. In this case, discrimination focuses more on gender. Discrimination creates a serious disadvantage for people with a particular characteristic, compared to people who do not share the same characteristic, which is known as indirect discrimination (Sills, 1968:2). Therefore, patriarchy is still a serious problem that affects people in societies in South Africa.

As already highlighted in the Human Rights Theory in the previous chapter, discrimination of women in many activities of the country has contributed more to conflict between culture, human rights, and gender inequality. Therefore, article 14 of the European Convention on Human Rights gives people the right to protection against both forms of discrimination in relation to all the other rights guaranteed under the Convention. It means that everyone is entitled to equal access to those rights (EHRC, 2014:15).

Furthermore, the implementation of the above-mentioned rights by the European Convention has also been adopted by African countries with the aim of protecting and maintaining a balance between culture and human rights. Therefore, the researcher supports the Equality and Human Rights Commission in the fact that everyone is

entitled to equal access to human rights and, to that extent, it protects the violation of people's rights in the process of practising other people's culture, which then also contributes to gender inequality (ibid).

On the other hand, it is very important to note that the Cultural Theory is conflicting before it can cause conflict with human rights and gender inequality (Michelle, 2003:78). Culture is regarded as an essential part of conflict and conflict resolution, which simply means that culture is powerful, often unconscious, influences conflict and attempts to resolve conflict in imperceptible ways. Furthermore, it is also noted that culture is forever changing, which is where the problem starts as some of the previous cultural practices end up causing conflict among cultures and ends up escalating to conflict between culture, human rights, and gender inequality.

However, according to Bruce (1993:220), it is important to see the world through the lenses of harmony, rather than conflict between culture, human rights, and gender inequality. Furthermore, in as much as there is conflict between culture itself, as well as between culture, human rights, and gender inequality, on the other hand, we should seek solutions and look at the world through the lenses of peace and harmony. However, in this study, the researcher departs from what the scholar above is raising with regard to viewing the world through the lenses of harmony. This is because conflict between culture, human rights, and gender inequality always exists, following the fact that our social practices are not the same and, therefore, reaching a certain agreement will mean compromising other people's way of living.

According to Osler and Starkey (1996:89), human rights provide us with a set of principles that can be applied to any professional or human working context. Nevertheless, they cannot be entirely effective unless they are seen as having universal relevance to everyday life. For instance, human rights principles can inform schools' behaviour policies, but any implementation used through the medium of rules can only ever be fundamentally secondary and a protection against future infringement. Therefore, the researcher of this study agrees with the scholar above as adopting the Human Rights Theory would mean being willing to work around some cultural practices that violate human rights and lead to conflict between culture and human rights.

However, rights are much more than simply a judicial concern. If only viewed as such, they may be disregarded as irrelevant by individuals who have no immediate criticism. Human rights can provide a real primary guarantee of pluralism and equality for all. On the other hand, equality for all is not possible as culture provides practices that are against human rights and that is an issue. In the drama book *“Isiko Nelungelo”*, a widow is forced culturally to mourn and practise the culture of *“ukungenwa”*. However, the widow believes in her human right to either choose to or not to practise culture. Therefore, the above portrays a serious conflict between the Cultural Theory, as well as the Human Rights Theory, subsequently leading to gender inequality.

#### *2.4.3 Intervention made against the violation of people’s rights*

Preventing wars and massive human rights violations, and rebuilding societies in their aftermath, requires an approach that incorporates the perspectives of human rights advocates and conflict resolution practitioners. This is easier to assert than achieve. These two groups make different assumptions, apply different methodologies, and have different goals, values, and institutional constraints. As a result, they tend to be wary of one another (Frey, 2001:10-11). Frey (ibid) further advocates for human rights, as follows:

In general, human rights people and conflict resolution people don’t speak the same language. They come from different backgrounds and there is a lot of suspicion between them. Human rights people are judgmental and tend to come from a legal background, whereas conflict resolution people are more interested in stopping hot conflict and are willing to rub hands with bad actors.

The above quote supports this study with relevant arguments that other scholars have shared in relation to this topic of conflict between culture, human rights, and gender inequality. Furthermore, in this chapter, a platform is created for the researcher to analyse the work of other scholars and identify which ones are in support of the topic under the study. Lastly, the following chapter outlines the analyses of the books and presents the findings through a summary and reflection on the books.

Many scholars have deliberated on and resolved some of the existing problems with regard to conflict between culture, human rights, and gender inequality as a burning issue. Therefore, an implicit set of principles frames their practice.

According to Loomis and Rhein (2001:20), the first principle is *participation*. In terms of resolving the issue of conflict between culture and human rights, one needs to participate in the most effective negotiation and decision-making processes. This means those in which the parties who have direct stakes in the outcome are actively engaged. The most basic goal of conflict resolution is to bring stakeholders into an *ad hoc* or institutionalised forum and assure them of an opportunity for meaningful input. In this regard, the scholars emphasise that by adopting feminism and the Human Rights Theory, the solution between culture and human rights, as well as gender inequality, can be reached. Therefore, the researcher can adopt this principle as the most relevant one that can provide a solution to conflict between culture, human rights, and gender inequality.

Furthermore, Loomis and Rhein (2001:21) argue that the second principle is *inclusion*. This differs from participation in that it addresses not the manner of participating, but who participates. In the conflict resolution field, the preferred approach is to include as many stakeholders as possible, even those who might be potentially disruptive, on the grounds that those left on the sidelines will have a greater incentive to undermine any agreement that is reached. The scholars emphasise that in terms of problem solving, many people are left out and, as a result, a decision is then taken on behalf of the people. As an example, in the Zulu culture, in most cases, women are not included in some participations. Only men are regarded as relevant to the extent that some of the decisions are taken on behalf of the women. Therefore, there is a great need for the inclusion of people when addressing issues. The Liberalism Theory seeks to explain the unified principle of liberty and equality. Therefore, by adopting this theory, one is ready to provide a solution to conflict between culture, human rights, and gender inequality as liberty and equality for people will always be observed (ibid).

Furthermore, the third principle is *empowerment*. In this regard, the effectiveness of multiparty dialogue can be compromised by one or more parties' lack of experience, lack of resources, or both. To help balance the sides, conflict resolvers may incorporate teaching, training and coaching into the process to maximise the effectiveness of all the parties and provide a stronger basis on which genuine negotiations can proceed (Loomis & Rhein, 2001:23). Therefore, the scholars pose a challenge on empowerment as an approach when dealing with conflict between culture

and human rights, as well as gender. In many instances, especially in the Zulu culture, most women are neglected and sidelined from many activities and, as a result, they are not empowered. Therefore, the empowerment approach is seen as a theory that is still far from being achieved as a solution.

However, according to Cuddon (1991:338), literacy feminism is understood as a textual analysis that outlines sexist assumptions that persist in society, and places greater focus on how certain sexist ideologies persist in society. Therefore, the researcher concludes by emphasising that by observing literacy feminism means that empowerment as an approach can be achieved and that the resolution between culture and human rights, as well as gender inequality, can be stretched.

Lastly, there are two principles by Loomis and Rhein (2001:21), namely *cultural sensitivity* and *equity*. These approaches are also suggested as principles that can be used as solutions to conflict between culture and human rights. Most cultures still have existing methods for handling conflict. The scholars further argue that, culturally, familiar and appropriate practices and solutions will be sustainable long after an outside intervener has departed. Therefore, it is very important to know what those practices are and, insofar as possible, to build upon and enhance indigenous methods. On the other hand, equity, as opposed to equality, is the notion that a mediator should treat all parties at the table with equal respect, giving each equal time and attention, even though there are differences in power.

Therefore, this respect and acknowledgment contribute to making the forum more suitable to constructive discussion and problem-solving. However, the researcher of this study only finds one principle significant, namely equity, whereas culturally sensitive is perceived to be having less value on conflict resolution. Equity is the most accurate as there is conflict between culture, human rights, and gender inequality, and it states that all parties at the table must be given equal time and attention. On the other hand, cultural sensitivity as a principle lacks clarity and relevance in our current century. Cultural sensitivity emphasises the enhancing of indigenous methods, which then creates a challenge to solve as most people are still rooted in their cultural beliefs.

Furthermore, according to Alcoff (2006:10), cultural feminism is an ideology that attempts to revalidate what cultural feminists consider as undervalued female attributes. It is also a theory that commends the differences between women and men. Therefore, the researcher of this study disagrees with Alcoff (2006) by suggesting that the Cultural Sensitivity Theory is the most appropriate principle in providing a solution between culture, human rights, and gender inequality. However, equity remains the adopted approach by Alcoff (2006) to resolve conflict between culture, human rights, and gender inequality.

Further conflict resolutions between culture, human rights, and gender inequality are portrayed as conflict resolvers operate on multiple levels, namely Track 1, Track 1½, and Track 2, which are regarded as levels that can be applied to deal with conflict between culture, human rights, and gender inequality effectively. At the Track 1 level, official interveners representing a government or intergovernmental body, such as the United Nations, work with designated representatives or decision-makers of the parties to a conflict to assist them in reaching a resolution. At times these interveners are neutral facilitators, but often they use the influence or power vested in them by the government or organisation they represent to encourage the parties to reach an agreement (Babbitt & Hampson, 2011:16).

At this phase, the researcher adopts the Human Rights Theory to concur with Babbitt and Hampson (2011) in supporting that Track 1 can be implemented when solving the issue of conflict between culture, human rights, and gender inequality. The Human Rights Theory suggests that the Universal Declaration of Human Rights was recognised in numerous treaties and constitutions across different countries globally and has been implemented by many countries with the judiciary and other organs of state tasked with the role of supervision and ensuring its full implementation (An-Na'im & Hammond, 2002:13-37). Therefore, the researcher supports the Track 1 problem-solving level by Babbitt and Hampson (2011:17) as it involves the designated representatives or decision-makers that use the Constitution of the Republic of South Africa, 1996, to solve conflict and assisting people in reaching a resolution.

On the other hand, it is argued that on the Track 1½ level, non-official interveners such as NGOs, religious leaders, scholars or internationally respected political figures meet

with or shuttle between official representatives of parties to a conflict to find a solution. While Track 1½ interveners may have little to offer in the way of incentives or sanctions to compel the parties to reach an agreement, their personal qualities, mediation skills, or reputations for neutrality and high ethical standards may be enough to move the parties towards a peaceful resolution (Babbitt, 2003:17). Track 2 is, therefore, another level that is also argued to be relevant to conflict resolution.

Babbitt (ibid) states that, on the Track 2 level, non-official interveners facilitate dialogue among non-official, but influential members of each of the communities that are in conflict. The theory behind Track 2 processes is that influential individuals, operating in an unofficial capacity, have fewer constraints than their official counterparts to engage in dialogue with their opponents and explore creative ideas for conflict resolution or transformation. At the same time, because Track 2 participants are influential, they have the ear of decision-makers or may themselves someday serve in official decision-making positions.

In this regard, the researcher disagrees with Babbitt (2003) who suggests Track 2 as a resolution to conflict. With specific reference to the topic that deals with conflict between culture, human rights, and gender inequality, it makes it difficult, especially in the Zulu society, to use non-official interveners to provide a solution to existing conflict between culture and human rights. One side needs to be superior for the reinforcement of the law to take place and to make sure that people are treating one another with respect. In Track 2, it is further stated that people are on the same level and only explore creative ideas for conflict resolution or transformation, thereby making it difficult for solutions to be reached. Therefore, Track 1 ½ is more valuable as it uses leaders, as well as high ethical standards, which may be enough to move the parties towards a peaceful resolution (ibid).

Furthermore, Alcott (2006:17) states that international conflict resolution NGOs have emerged over the past two decades to complement the work of Track 1 governmental or intergovernmental interveners. These groups have developed a well-stocked toolbox of techniques that they adapt to the phase of conflict, the cultural and political context, and the role the conflict resolver is invited to play. International conflict resolution NGOs are involved in many traditional conflict resolution activities such as

shuttle diplomacy, back-channel negotiations between disputing parties, and Track 2-type dialogue activities among key actors. Most African societies still believe in traditional conflict resolutions when dealing with their problems. Therefore, it provides a solution to conflict between culture and human rights, as well as gender inequality.

According to Susskind and Cruickshank (1996:10), there are short-term and long-term goals in problem solving in human rights violations. Human rights advocates and conflict resolvers have short-term and long-term goals. In the short term, human rights advocates aim to pressure governments and other responsible parties to end human rights violations and ensure that those individuals responsible for abuse are held accountable. In the long term, human rights NGOs seek to generate a worldwide culture of human rights protection. They do so by working to expand international human rights law and enforcement procedures, while simultaneously pressing states to ensure that their domestic law, law enforcement mechanisms, and judiciary are sufficiently robust to prevent rights abuse, as well as providing adequate redress to victims.

Therefore, Susskind and Cruickshank (1996) state an approach that is relevant to the Human Rights Theory, which seeks to provide a solution to conflict existing between culture, human rights, and gender inequality. Therefore, the researcher of this study subscribes to the scholars' idea that people who participate in human rights violations must be held accountable and to the fact that human rights violations must always be protected.

On the other hand, Susskind and Cruickshank (1996:12) further argue that, in the short term, conflict resolvers try to help parties to a conflict move towards or reach a settlement that satisfies their interests, while also attempting to decrease the overall level of violence. In essence, this involves helping the parties to re-evaluate their strategies and adopt more constructive negotiating behaviours. Over the long term, conflict resolvers facilitate improved relations between parties to achieve greater interpersonal and institutional capacity to resolve or de-escalate future conflict, and preventing it from becoming violent. This involves assisting the parties in examining, and possibly changing their underlying assumptions and attitudes toward their adversaries.



Moreover, to be in a better position to accomplish these goals, professionals in each field adhere to core values that enhance their credibility and professionalism. Though many values are shared by both human rights advocates and conflict resolvers, their respective rationales for holding those values may be quite different. Conflict resolvers understand that conflict is normal and often healthy, yet they abhor the violence, loss of life, and misery associated with it. They believe that there are constructive and destructive ways of dealing with conflict, and they promote constructive approaches over destructive ones (Susskind & Cruickshank, 1996:14).

Susskind and Cruickshank (ibid) further state that when mediating a conflict, especially in a Track 1½ or Track 2 process, they are careful not to assign blame for the conflict to any one party on the assumption that all parties are engaging in conflict-perpetuating rhetoric or behaviour. Conflict resolvers believe that by being even handed rather than accusatory, there is a better possibility for parties to engage in constructive, reciprocal problem-solving (ibid). Therefore, in the above approach by Susskind and Cruickshank (1996), the scholar clearly advocates what exactly needs to transpire when effectively eradicating conflict between culture, human rights, and gender inequality.

Lastly, human rights advocates are adamant that human rights violations must stop. People are still rooted in their cultural beliefs and, as a result, they violate people's rights in favour of their beliefs. Therefore, it results in conflict and creating a space for gender inequality to dominate. As international law obligates states to prevent human rights abuse, this traditionally has meant mobilising shame against states in which rights violations are occurring (ibid).

In recent years, international human rights NGOs have expanded their willingness to criticise rights violations by all parties to armed conflicts, and, in some cases, to condemn private actors, such as terrorist groups, criminal enterprises, and transnational corporations for their complicity in rights abuse (ibid). Hence, the aforementioned statement outlines deliberations that have been executed by many stakeholders to bring a solution to conflict existing between culture, human rights, and gender inequality, as portrayed in the two literature books under study.

According to Ejidike (1999:4), one needs to question and evaluate the possible factors that contribute to conflict between culture, human rights, and gender inequality. There are two distinct possibilities to such an inquiry. First, the inquiry may study a particular culture and ask what difference that culture makes to its carriers regarding the promotion of human rights. Secondly, the inquiry may focus on the doctrinal components or manifestations of cultures to elicit their roles and potential, whether as resources or barriers, in the fulfilment of human rights. This latter task is an inquiry into the factual support and normative validity of national and universal human rights standards in Africa. Reflecting the object of this paper, each standard's validity is examined within the context of the dominant cultural traditions inherent in each society that end up violating other people's rights, especially those of women.

#### *2.4.4 Solving conflict between culture, human rights, and gender inequality in African societies*

African societies tend to present cultural notions, institutions and practices as static and unchanging. However, cultural change can result from individuals being exposed to and adopting new ideas. Individuals are actors who can influence their own fate, even if their range of choice is circumscribed by a prevalent social structure or culture. In doing so, those who choose to adopt new ideas, though influenced by their own interest, initiate a process of change which may influence dominant cultural traditions. Therefore, culture is inherently responsive to conflict between individuals and social groups. It is a network of perspectives in which different groups hold different values and world views, and in which some groups have more power to present their versions as the true culture. Therefore, having people who acknowledge that culture can change for the benefit of other people's human rights and the promotion of equality can help to reach the resolution of conflict between culture, human rights, and gender inequality (Fukuda-Parr, 2006:16).

Furthermore, the significance of this study is that proceeding from the assumption that certain cultural traditions inherently appearing in conflict with national and universal human rights standards may in fact have the potential of being influenced through a process of change and adaptation to meet new human rights standards. We also proceed from the assumption that as culture is not monolithic, perceptions of cultural validity and legitimacy may differ significantly among different groups within a given

society. In doing so, awareness can be created that one needs to accommodate human rights more than culture for the sake of resolving conflict between culture, human rights, and gender inequality (Lindholm, 2008:4).

Furthermore, Lindholm (ibid) further argues that one goal of the national constitutions and applicable human rights laws in many African countries has been the establishment of a regime of minimal universal human rights standards founded on the diverse cultural and religious orientations of the people. Questions remain, however, as to how best to strike the delicate balance between individual human rights.

However, in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979:11), it is argued that implicit in this is the tension and, sometimes, contradictions between the national human rights standards of State law and policies, on one hand, and the objective sociocultural orientations of people, on the other. One instance of this is the tension and conflict between the constitutional guarantees of gender equality in national constitutions and the traditional status of women in many African cultures. Another is the conflict between the constitutional guarantees of children's rights and pervasive cultural attitudes that encourage early marriages, forced marriages, and child labour. Yet, a complementarity, if not an absolute congruence, of State laws and cultural norms is required if national human rights regimes are to gain grassroots acceptance.

On the other hand, CEDAW (1979) further emphasises that in addressing the conflicts between national human rights standards and dominant cultural orientations, it is useful to bear in mind that national constitutional human rights provisions are not meant to regulate every aspect of human action in society. They do not mandate specific social attitudes. Rather, they represent broad standards, ideally arrived at by consensus on which rights are considered fundamental in the State (ibid). Therefore, the researcher concurs with CEDAW (1979) that the law and policies can bring a solution to conflict existing between culture, human rights, and gender inequality.

Furthermore, Cook (2012:15) argues that the national human rights provisions should still give room for cultural expression. In some cases, cultural communities in the State should still retain some latitude over how to implement these rights. As an example,

the constitutional right to freedom from discrimination on the grounds of gender may be fundamental, but there remains a margin of cultural interpretation of what constitutes gender discrimination. As an example, the tradition in many African societies that stipulates that woman may not hold certain traditional titles and offices or chieftaincy positions is no more an expression of gender discrimination than the rule among Catholic Christians, which bars women from becoming priests.

On the other hand, Donnelly (2013:16) contends that there might be some means of conflict between culture and human rights, and that culture need not be compromised. Cultural practices still need to be valued and respected. To be effective, national human rights guarantees must allow for some form of cultural expression and initiative. Indeed, the same analogy can be made between national human rights provisions and international agreements. International human rights agreements are neither meant to resolve controversial clashes over rights within individual societies, nor do they mandate specific policies. They are merely widespread agreements about what rights are fundamental and countries retain great latitude over how to put these rights into practice. Consequently, the researcher concludes by accepting the idea by Donnelly (2013) that even though the balance between culture and human rights is provided, cultural practices should not be compromised for the sake of accommodating those who believe in them.

Similarly, rather than seeking to prescribe new rules for social relations within cultural communities, national human rights laws should aim at successfully promoting human rights within prevailing cultural attitudes and institutions. The challenge is to seek ways in which culture through change, adaptation and modification can be made to serve as a complement rather than a constraint to specific national human rights aspirations. In doing this, it is not enough to identify the cultural barriers and limitations to modern domestic and international human rights standards, and to reject them wholesale. It is also not enough to attempt to uphold national human rights standards over these cultural traditions merely by legislative or executive fiat. It is more important to adopt a holistic and sensitive approach that seeks to understand the social basis of these cultural traditions and how cultural attitudes may be changed and adapted to complement human rights (Mahmud, 1993:17-22).

Mahmud (ibid) further contends that such change and integration must be done with local initiative and involvement in a way that does not compromise the cultural integrity of the people. Local people and cultural communities must feel a sense of ownership of the process of change and adaptation. Unfortunately, such processes of cultural change through local initiatives have not been common. In many African nations, human rights have merely been decreed from above through constitutional and other legal provisions, while cultural orientations and attitudes have been expected to conform by legislative fiat with these new human rights standards. Culture evolves, however, rather than transforms and the process of evolution is thoroughly gradual and complex.

Therefore, the promotion of national human rights standards against the background of the dominant cultural and social traditions in the states should be done with due respect to the meritorious cultural values and traditions of local communities. The interplay between national human rights standards, on one hand, and local cultural orientations, on the other, should be a dynamic process of give and take, ideally through persuasion and dialogue, with legislation serving only to complement this process. Therefore, what is advocated here is a two-way system of cross-fertilisation in which cultural systems continually fertilise and are fertilised by national and universal social and legal standards. In this way, the gap between national human rights provisions and cultural orientations can be narrowed and constitutional rights can derive their legitimacy not only from State authority, but also from the force of cultural traditions (Cook, 2012:24). Hence, the researcher of this study is in line with Cook (2012) in the sense that balance between culture and human rights is necessary and that cultural practices should not be compromised.

## **2.5 Conclusion**

It is evident that South Africa still has practices among the Zulu culture (respectively) that discriminate against women and the girl child, and that are harmful towards them. The evolution of culture and its practices is also evident, showing that cultures change over time. However, in some cases, the change may be more harmful than beneficial, as seen in the custom of lobola. Lobola was a custom that had many benefits, but with the commercialisation of the custom, abuse has arisen, with women in abusive marriages struggling to leave. Additionally, in the literature, it is shown that some

customs can be phased about and be reintroduced. It is also evident from the literature that South Africa recognises that work needs to be done to address gender inequalities, discrimination against women and harmful practices within their borders. Furthermore, ratifying international conventions shows a commitment to amend laws and to create and change policies to advocate for women and children's rights. The following chapter gives the theoretical frameworks that were used to guide this study as it deals with conflict between culture, human rights, and gender inequality.

## CHAPTER 3: THEORETICAL FRAMEWORK

### 3.1 Introduction

In this chapter, an overview is given of a theoretical framework. The different approaches employed in the analysis of the literacy in this study are examined and discussed, namely patriarchy, Cultural Theory, and Conflict Theory, as well as Feminist Theory. Furthermore, the Human Rights-Based Approach Theory, as well as the Literacy Theory, is presented.

As noted earlier, the framework has been applied in different studies, albeit to a limited extent. Therefore, these theories were specifically chosen as they address many aspects of the literature in the novels titled *Intando KaMufi* and *Isiko Nelungelo*, which are analysed in this study. Therefore, Conflict Theory, together with its types, is also used in this study. In addition, these theories play a fundamental role in giving different dimensions and perspectives around the literature.

According to Grant (2014:44-51), a theory plays the role of ensuring that a researcher makes predictions about a study phenomenon. A framework informs a researcher of which important aspects to focus on, and which data must be analysed and interpreted. Therefore, a theoretical framework is the blueprint or guide for a research study and is based on an existing theory in a field of inquiry which is related and reflects the hypothesis of a study. A theoretical framework guides and should resonate with every aspect of the research process, from the definition of the problem, literature survey, methodology, presentation, and discussion of the findings, as well as the conclusions that are drawn (ibid). Furthermore, a theoretical framework comprises different concepts and definitions that are employed to conduct the study. Hence, the following theories are discussed as to what they mean and how they will be useful to this study.

### 3.2 Patriarchy Theory

Patriarchy is theorised as the presence of male-dominated power structures that significantly excludes and subjugates women according to gender relations (Chowdhury, 2015:100). This further asserts that males play a significant role in influencing individuals and the structures that govern society, which means that

women are placed at a disadvantage and, therefore, men are privileged more than women, resulting in unequal outcomes. Furthermore, society is severely marked by the ideological dominance and presence of men as a group.

This dominance also emanates from social spaces, socio-economic, and race and identities that were created historically (Hunnicut, 2009:67). Therefore, patriarchy reinforces battles and struggles for recognition in society as men employ power and knowledge to inform societal practices and discourses in a social system. In addition, men become actors who have authority, autonomy and domination, as well as influence on sanctioning women who do not conform to their social beliefs and prescripts. Patriarchy reinforces that one group in society can cause another group to act in a way that one would not do. Moreover, patriarchy does not consider the relations and complexities that it creates in society. Patriarchy reinforces the antiquated idea that women are inferior and must submit to men in society.

Furthermore, research on patriarchy not only needs to address relationships, which involves oppressive practices among two agents or subjects, but also needs to address patterns of behavior among similar subjects that represent the ruler–subject binary. Moreover, research on patriarchy is needed to analyse patriarchy as a system of oppression that restricts and suppresses people in public and private spheres. In other words, patriarchy is a system that must be analysed and research is much needed to understand multiple levels of analysis that define different, yet similar agents (Akgul, 2016:8).

Therefore, in this research, it is argued that women are also human beings. They need to be treated as equal as men and no man must show some form of oppression over women being influenced by the myth that men are superior to women. For this reason, the researcher has chosen patriarchy, which takes place in the Zulu novel titled *Intando KaMufi* and the drama book titled *Isiko Nelungelo*, in which men are mistreating women and forcing them to participate in cultural activities that compromise their human rights and contribute to gender inequality.



### 3.3 Feminist Theory

The theoretical framework of feminism is used in this research study. This theory explains the origin of conflict. Hence, feminism emphasises that traditional approaches and research have systematically excluded women and the issues of concern to them from public consciousness. Often feminist scholars have argued that the State represents the male point of view and for that reason, it acts as an agent of oppression by tolerating (if not promoting) men who abuse their power over women (Akgul, 2016:20).

Feminism has been largely considered and defined as a social and political movement which focuses on the struggles of women's experiences in their day-to-day activities, and they subjected to these kinds of experiences by the heteronormative patriarchal society (Lumumba, 2017:36).

Therefore, Feminist Theory seems to suggest that women must be able to remove barriers that make them feel pain and affects their social, political and economic opportunities. Lumumba (2017:37) further emphasises that traditional approaches in society persistently exclude women and their needs. Feminist theorists further define that woman are entitled to enjoy certain privileges of and rights as men in society. Hence, feminists tend to bring changes to end discriminatory practices and ensure that equal rights for women are progressively realised (Steans, 1998:15). On the other hand, feminists do not state that men must be treated unequally, but infer that all people in society must be treated accordingly.

In this study, there is more focus on the fact that societies need to understand the role of women and that it must reduce the presence of patriarchy as it perpetuates the exploitation of women. Moreover, this theory brings out that gender inequality is much more complex and does not take forms of the differences people share in society (Lorber, 2005:60). Therefore, feminism serves as a dynamic and fluid theory that advocates for the rights of women and liberate the latter from different forms of oppression. Feminism further speaks to gender differences, social injustice, and rights. Feminists all over the world share one goal, which is to liberate women from all forms of oppression and discrimination. Therefore, in this research, the cultural feminism and literary feminism theories are discussed as they form part of Feminism Theory, which is an umbrella term that includes a wide range of ideologies and political perspectives.

### 3.4 Cultural Feminism Theory

Cultural feminism is developed from radical feminism. It is an ideology that attempts to revalidate what cultural feminists consider undervalued female attributes. It is also a theory that commends the differences between women and men (Alcoff, 2006:76). Brooke Williams is credited with introducing the term ‘cultural feminism’ in 1975 to describe the depoliticisation of radical feminism. Furthermore, Ritzer and Ryan (2007:120) argue that cultural feminism is a theory that praises the positive aspects of women and in governing the state, cooperation, caring and nonviolence in the settlement of conflicts in society seem to be what was needed from women’s virtues.

In Africa, cultural feminism asserts that the attributes of women are undermined. This approach to feminism reinforces that the differences between women and men are not biological, but psychological. Therefore, cultural feminism suggests that women must be uplifted from the material roles, and society must recognise their contribution and afford them the value they deserve. Marxist feminism is of the view that gender inequality is caused by capitalism, and class relations perpetuate gender stratification. Therefore, women become subject to men due to the uneven economic exploitation that exists between men and women.

However, critics of cultural feminism, particularly those belonging to men’s rights groups, assert that cultural feminism is hating man in nature and claim that there is no evidence to support that a woman’s way is any better than a man’s way. This is because cultural feminism is based on an essentialist view of the difference between women and men, and advocates independence and institution building. It has, says its critics, led feminists to retreat from politics to “lifestyles” (Taylor, Rupp & Shapiro, 2010:40). Therefore, this research has adopted Cultural Theory to analyse the scenes that are portrayed in the Zulu novel titled *Intando KaMufi* and the drama book titled *Isiko Nelungelo* by Nelisiwe Zulu.

### 3.5 Literary Feminism Theory

It is imperative to point out that literacy feminism is employed in this study as it analyses literature from a feminist theoretical perspective. Literacy feminism is understood as a textual analysis that outlines sexists’ assumptions that persist in

society, and places greater focus on how certain sexist ideologies persist in society (Cuddon, 1991:338).

Literacy feminism plays a fundamental role in describing, interpreting and re-interpreting women's struggles, as highlighted in different literature, specifically in novels. This does not ultimately deal with feminists or seek to provide societal reform mechanism, but it rather comments on what fiction has to offer and how the author seeks to deliver a certain message. On many occasions, the fiction potentially contains women's experiences and experiences within certain human conflict and entangled relations.

Literacy feminism reflects the idea that there is little significance or none between written texts of women and women as the former and latter tend to assess the fiction based on the political, as well as social findings (Brown & Olson, 1992:287). Therefore, literacy feminism does not focus on a narrator's sex and gender, which truly reflects in texts written by women and men. As a result, this form of feminism takes a departure from general stereotypes and gives more attention to women's experiences.

This approach suggests that literature with characteristics of feminism tends to have one or more females who shape the theme. However, in the presence of a male protagonist, women rarely emerge as individuals with their own characters and rights. Therefore, women who are seen as dominant are regarded as unpleasant as they are unwilling to be subordinate to men. Furthermore, these women are seen as vicious although they are victims of a society that favours men. As a result, women tend to endure more intolerable subjugation and they are further punished for trying to be heroines.

Furthermore, culture and the patriarchal society do not tolerate any women who disturb norms and customs that have been set. The assertion and belief that women must be subordinate to men creates a situation in which the latter is subjected to different forms of tribulations. Once a woman has been regarded as someone who disregards cultural expectations, she is in conflict with society. Therefore, in literacy works, once a woman disregards societal norms, she is usually vilified as a witch and punished in certain way

as the women take the initiative to dislodge prevailing cultural expectations and status quo (Brown & Olson, 1992:289).

### 3.6 Conflict Theory

As already outlined in Feminist Theory, Conflict Theory is used in this study to provide more analysis in this research. Conflict Theory focuses on the social class. Karl Marx states that there is inequality in society and, as a result, it leads to two social classes, namely the ruling class and the subject class. The ruling class exploits and oppresses the subject class. As a result, there is a basic conflict of interest between the two classes (Lumumba, 2017:33). As an example, in the two isiZulu books that are used in this research, it shows that there is conflict of interest between two parties where some are showing their strong belief in culture, whereas others are supporting their human rights. As a result, some are remaining as victims of others due to gender inequality.

Furthermore, many factors contribute to conflict, which include the unequal distribution of material resources, national power struggle, struggles between the haves and have-nots, gender and social inequality, and the struggle over communal values and orientation between the older and younger generations. Therefore, in this study, some of the above-mentioned factors have been found to be relevant and the most contributing factors to conflict. In some studies, it is shown that there are seven major theories that explain how and why conflicts occur. However, only the following three theories have been found to be relevant under conflict in this research, as follows:

- Liberalism/Neoliberalism;
- Marxism/Neo-Marxism; and
- Postcolonialism.

Moreover, within each of these theories, there are varieties of interpretations or approaches used by social scientists depending on their disciplines. In this research, the researcher also uses the Liberalism Theory, which seeks to explain the unified principle of liberty and equality. On the other hand, Marxism Theory is also used as it is one of the leading theories in relation to conflict. Karl Marx's Marxism Theory as

Social Conflict Theory seeks to deal with the contradictions of the capitalist system and capitalist conditions, and how to change society (Lumumba, 2017:36-44).

Lastly, the Postcolonialism Theory is also used as one of the theories that further explains how and why conflict occurs. Moreover, this theory is found to be relevant to this study and is defined as a set of theories or an umbrella theory that seeks to explain the conditions and structures of external domination, and its local or national impact mostly on anthropology, education, literature, religion, history, politics, economics, gender studies, sociology, and human rights studies (ibid).

### **3.7 Cultural Theory**

As indicated in the previous chapter, the concept of culture is a broad social construct and it is difficult to measure as it exists at pervasive and unconscious levels. Culture must then be understood as the behaviour, beliefs and unique way different people live, as well as a set of institutions that are inherent and passed from one generation to the next (Jary & Jary, 1995:80).

The Cultural Theory seems to suggest that each culture is marked by a form of complexities, and it assumes that there is a certain direction of development that ought to be followed by people. By implication, this theory suggests that there are ways in which people must conduct themselves, which includes manner, tone and language, religious beliefs, rituals, and norms that are mainly dictated by laws and morals. Moreover, culture affects the individual and society at large as it tends to place focus on what individuals tend to do and what society views as important and significant (Stephens & Levine, 1999:146).

Furthermore, culture has proven to be a difficult variable to change as it is constructed from one relationship or generation to the next. It is further integrated in institutions and, therefore, culture sets the norms and institutions that play the role of reinforcing them (Parsons, 1999:76).

This theory suggests that all human beings experience culture in the same way and it tends to classify the experiences. Therefore, this theory further suggests that culture tends to become a process that determines our past, present and future. However,

critics around this theory suggests that it maintains the general stereotypes that exist in modern society and many people are exposed to gender bias experiences that impact their attitudes and beliefs, which negatively affects their relationships. The Cultural Theory further invokes that different culture groups in society may potentially understand the same social phenomena differently as cultures differ across the globe (Smith, 2001:64).

In essence, our cultural background plays a significant role in how we give, perceive and accept, as well as provide information to others, which ensures that each society has a different perception of their social settings. Finally, culture also plays a vital role in influencing and informing conflict as it informs human relations and identities, legitimacy of being and independence. Therefore, this research uses the Cultural Theory to analyse the issues that are portrayed in the Zulu novel titled *Intando KaMufi* and the drama book titled *Isiko Nelungelo* (ibid).

### **3.8 Human Rights Theory**

The concept and need for human rights were expressed in the United Nations Charter of 1945 and was further developed into a singular Declaration of Human Rights of 1948. Subsequently, the Universal Declaration of Human Rights was recognised in numerous treaties and constitutions across different countries globally and has been implemented by many countries with the judiciary and other organs of the states tasked with the role of supervision and ensuring its full implementation (An-Na'im & Hammond, 2002:15).

Article (1) of the Universal Declaration of Human Rights expresses that “[a]ll human beings are born free and equal in dignity and rights” and in Article (2), it is stated that everyone is entitled to all the rights and freedoms, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion” (UN General Assembly, 1948:34). Therefore, it is evident that gender equality has been one of the important principles in ensuring that the process between men and women is consistently fair.

Furthermore, the United Nations Convention on the Elimination of All Forms of Discrimination against All Women (CEDAW) was later endorsed by the United Nations

General Assembly in 1979, and the provisions set out served as the final treaty and it played a significant role in advocating for the empowerment of women's rights, as well as ensuring that the latter is focused on (UN Women, 2009:93). Koch (2009:45) further aimed to ensure that there is a fundamental understanding of human rights and how culture also poses limitations on women's rights. The Convention further asserts that there must be change in the role of traditional men and women in society to ensure that societies are able to achieve full equality for the different genders.

Progress has been made over the years in ensuring that women rights are prioritised in different parts of the world. Despite the UN and other country's ostensible role in resolving gender inequality, seemingly there is still conflict between human rights and culture. From the foregoing argument, the recognition of culture, gender inequality has manifested as countries still believe that human rights are embedded in liberal norms and, therefore, there is still a wider gap between cultural prescriptions and human rights. As a result, many countries and ethnic groups still enable traditional cultural norms and go against the provision made towards the progressive realisation of women's rights. This is because many leaders still practise culture as it defines their African identities.

This further ensures that society views women as a primary unit that must conform, and it does not view the individual woman as someone with agency. Therefore, human rights and culture tend to clash, and the dominant patriarchal views tend to supersede the Universal Declaration agreements. Furthermore, many countries have codified customs through customary law, with patriarchal norms becoming institutionalised, which makes it difficult for women to thrive and leads to the acceptance of harmful practices that affect women negatively (Okin, 1999:167). Therefore, change in Africa becomes difficult and gender inequality persists, as well as discrimination.

### **3.9 Conclusion**

The aim of this chapter was to give an overview of the theoretical frameworks to consider when conducting this research. In this chapter, it was indicated that conflict between culture and human rights exists due to the reasons mentioned. Therefore, the aim of this study is to provide solutions to conflict while using the above discussed theories to analyse the issues that contribute to conflict between culture and human

rights. In the following chapter, the books are analysed and the findings are presented through summaries of and reflections on the books.



## CHAPTER 4: BOOK ANALYSES (PRIMARY SOURCE ANALYSIS)

### 4.1 Introduction

In this chapter, the analyses of the books are outlined and the findings presented through summaries and reflections on the books. The analyses are specifically focused on two different isiZulu books, namely *Isiko Nelungelo* and *Intando KaMufi*. These Zulu books contain scenes that portray conflict between culture, human rights, and gender inequality. Furthermore, findings are presented through summaries and reflections on the books.

### 4.2 Summary of case studies

#### 4.2.1 Summary of Case study 1: *Isiko Nelungelo* by Nelisiwe Zulu

This book is a written drama that comprises five chapters, with four to six subchapters in each chapter. In this book, 12 female characters are found, with every character having a unique role to play.

Thenjiwe, who is a wife at kwaZungu, is introduced at the beginning of this drama. She is speaking to herself in the kitchen while she is missing her husband known as Skhumbuzo. She says that her husband had left her when she was young and that she is not willing to listen to the family regarding any form of culture known as *ukungenwa*. While she is talking to herself, a young girl named Thabi walks into the kitchen and finds Thenjiwe talking to herself. They start talking and Thenjiwe indicates that she is thinking of asking for permission to return home as she has no husband anymore. This statement does not sit well with Thabi and she tells Thenjiwe that it is not a good idea. She suggests that Thenjiwe should rather fall in love, marry Dumsani and continue staying at kwaZungu. Thenjiwe becomes angry after hearing that as she does not want to be a part of the *ukungenwa* culture and would rather use her right to make her own decisions.

Thenjiwe's initial small problem became bigger when she asked her parents-in-law to release her for her to return home as she no longer had a husband. Her parents-in-law disagreed with her and said that she must perform the culture of *ukungenwa*. They said that she must be married to Dumsani. Thenjiwe became angry and highlighted

that she knows her rights and that she has the right to make her own decisions. Consequently, conflict arose between her and her parents-in-law. Thenjiwe eventually visited her sister, Nondumiso, without the permission of her parents-in-law.

Thenjiwe reported this matter to Nondumiso who was in favour of her decision. She advised her not to agree to perform the culture of *ukungenwa*. Nondumiso even suggested that she accompany Thenjiwe back to kwaZungu to speak to the Zungu family about the issue, which they then did. This caused serious conflict and the same conclusion not being reached as Thenjiwe and her sister were in favour of human rights, while the Zungu family were in favour of culture. Conflict escalated as Thenjiwe did not want to consider the culture of *ukungenwa*.

Thenjiwe decided to return home, following which her parents did not want to stay with her. They told her that she was paid lobola and, therefore, according to the Zulu culture, she does not deserve to return home and has to stay at kwaZungu and practise the culture of *ukungenwa*. They decided to take her back to kwaZungu and on their arrival, they were disappointed to hear that Thenjiwe had brought Nondumiso to speak on behalf of the Mondise family. Mondise, who is Thenjiwe's father, became so angry and did not want to listen to Thenjiwe anymore. He said that Thenjiwe had to agree to marry Dumsani and to stop thinking about her rights. Thenjiwe disagreed. The final solution was to convince her to agree to the culture.

While Thenjiwe was being convinced by her parents at kwaMondise, Dumsani was also being convinced by his parents to marry Thenjiwe. Dumsani feared this culture as he was in favour of Thenjiwe's decision to return home. However, they convinced him to marry Thenjiwe. One day, while Thenjiwe was still at home at kwaMondise, she decided to ask her friend, Siphso, to accompany her to the shop, which is when she came across Dumsani who wanted to talk to her while she was walking with Siphso. Dumsani called Thenjiwe and she refused to go to him. Dumsani forced Thenjiwe to stop and they ended up arguing. Siphso decided to stop them from arguing, which ended in Dumsani and Siphso fighting until Siphso stabbed him with a knife and Dumsani ran away. Dumsani's goal was to convince Thenjiwe to agree to the culture of *ukungenwa*, whereas Thenjiwe was emphasising her right to make her own decisions.

More problems arose after Thenjiwe and Dumsani argued. Siphso was arrested and sentenced for a long time on condition of being released if Thenjiwe married Dumsani. Thenjiwe became stressed as she did not want to follow the culture of *ukungenwa*. On the other hand, her friend, Gugu, and her Nondumiso were convincing her to disagree and to make her own decisions. They took Thenjiwe back to kwaZungu for a final discussion about the issue of culture and her rights. Thenjiwe continued to be rebellious and disagreed with everyone about culture. Her parents left her at kwaZungu to stay with the Zungu family as they were both in favour of the culture of *ukungenwa*, which was opposed by Thenjiwe, Nondumiso and Gugu.

One day, Thenjiwe was in the kitchen busy thinking about the problems she was going through. She was thinking about her friend Siphso who had been arrested because of her. She was thinking about Dumsani who had brought this problem into her life. She decided to kill Dumsani using *umuthi* that she put in the tea she had prepared for him. Her plan did not turn out well as Thabi saw Thenjiwe putting *umuthi* in Dumsani's tea and she warned him before he drank it. This led to a great problem as Thenjiwe had to choose between being arrested or marrying Dumsani. She finally chose to marry Dumsani even though she did not want to.

#### 4.2.2 Summary of Case Study 2: *Intando KaMufi* by Siphamandla Mathaba

This book is a written novel comprising 15 chapters. Each chapter comprises four to six pages. This book also contains many characters who play a unique role in supporting the theme of this novel. In this book, issues that take place in most families that lead to conflict between culture and human rights are exposed.

In this novel, titled *Intando KaMufi*, there is conflict in the family between MaDube and her father-in-law, Mnguni. This novel first introduces the death of Mangena, who is Mnguni's son and a husband to MaDube. Mnguni is busy talking to MaDube on the phone about the funeral arrangements. MaDube wants to practise Mangena's human rights, which leads to conflict. She wants his body to be cremated, while Mnguni wants a normal burial to take place. Their call does not end well as they do not reach the same agreement about Mangena's funeral arrangements.

On a good day, Mnguni decides to go to Mangena's home in Richards Bay to talk to MaDube about this issue pertaining to the funeral arrangements. Again, they do not reach the same conclusion as MaDube continues to emphasise the point that Mangena had indicated that he wanted to be cremated as opposed to the normal culture of burying that Mnguni wants.

More problems arose to such an extent that one day when a memorial service was being held in the hall, Mnguni decides to challenge the lawyer who was reading the book pertaining to what Mangena had said about his burial. The lawyer, called Xaba, emphasised that nothing would change about Mangena's burial as the documents had been signed while Mangena was still alive. Xaba kept on saying that he was there to make sure that Mangena's right to his will of being buried takes place, while Mnguni was opposing that as he wanted the body to be buried according to the normal culture.

Afterwards, this led to many problems to the extent that Mnguni eventually reported this issue to the local king for it to be resolved. The local village tried to help Mnguni, but it did not work as MaDube, on the other hand, was busy with her lawyers pertaining to this issue. There was serious conflict between Mnguni and MaDube as both were fighting the battle differently. MaDube was in favour of human rights, while Mnguni was in favour of human culture.

Reporting to the local king did not work for Mnguni and the date of the funeral drew nearer. Mnguni was very stressed as he was losing the battle due to making poor decisions as a result of not being able to control his emotions. He tried to steal the corpse to no avail and ended up fighting with Nzimanze who was working as a security officer at the morgue. At the end of the novel, Mnguni is arrested for trying to steal the corpse and for fighting with Nzimanze.

In conclusion, there is serious conflict between culture and human rights. Both books open the readers' eyes that times have changed and that things are done differently now compared to how they were done in the past. For a long time, human rights were not practised as they were unknown to communities. People were only focused on their culture without questioning it as it was their only way of living. However, in contemporary society, more human rights have been introduced and consequently,

people are interested in them, and opposing culture. They tend to focus on what favours them pertaining to culture and ignore what they feel is abusing them culturally.

### 4.3 Analysis of the book and findings (*Isiko Nelungelo*)

The following scenes portray the issues that are contributing to conflict between culture, human rights, and gender inequality. The scenes are portrayed in the book called "*Isiko Nelungelo*". In English, "*Isiko Nelungelo*" means culture and human rights. The author of this book portrays scenes that contribute to conflict between culture and human rights, as well as gender inequality. Therefore, in this study, an analysis is conducted of scenes portraying conflict between culture and human rights. Findings from the book that portray cultural issues and its conflict with human rights and gender inequality are presented.

At the beginning of the novel, a scene portrays conflict between culture, human rights, and gender inequality as quoted in this case study of *Isiko Nelungelo*: "BANGISIZE-KE NKOSI YAMI BANGANGITSHALI INDABA YOKUNGENA. NGEKE NGIYINGENE. NGINGAMANE NGIFE NGIYIMPOHLO". (This statement means: Can they please not practise the culture of "*ukungenwa*" on me? I will not entertain it and I would rather die single.). The above statement portrays conflict between culture and human rights as, in the above-mentioned statement, the female who is speaking is denying the culture of "*ukungenwa*" and she is exercising her human right of choosing to disagree with the culture of "*ukungenwa*". As a result, there is conflict between culture and human rights as the male might propose the culture to be practised, whereas the female would prefer her rights to take priority (Zulu, 2011:1).

Moreover, in this case study of *Isiko Nelungelo*, "BENGICABANGA UKUTHI UKUBA KUYENZEKA; BESIZOVELE SITHI SHADA NOBHUTI UDUMSANI. INTO KODWA SENGATHI USEMNCANE FUTHI-KE ANGAZI YENA LE NDABA ANGAYITHATHA KANJANI" means: (If things allowed it, we were going to suggest that you get married to my brother, Dumsani. He is still young and we do not know if he will agree with that.). Another character responds to the above-mentioned statement: "UYAZIHLANYELA NJE NGALEYO NDABA THABI. BATHI LIKHONA LONA ISIKO ELINJALO ELALISEBENZA KUQALA; NOKHO- KE SELAPHELWA YISIKHATHI", which means: (You are crazy about that statement of "*ukungenwa*", Thabi. I once heard that such a

culture worked long ago, but it has now lost its value.). Therefore, the above-mentioned statement portrays conflict concerning culture and human rights as these two characters have different views on their beliefs and end up arguing about culture and human rights (Zulu, 2011:3). Hence, each part is concerned with its theory, whether it be Cultural Theory or Human Rights Theory, which leads to conflict.

Furthermore, the Cultural Theory remains dominant in the arguments as opposed to human rights between the two family members. The following statement quoted in the case study, “*NOMA SELAPHELEWA YISIKHATHI, KODWA PHELA NGOBA SIYALIDINGA LAPHA EKHAYA, BESIZOLIVUSA.*”, means: (Even though the culture of “*ukungenwa*” has lost its value, we can still revisit it as we need it here at home.). On the other hand, the other character responds: “*SIZOXABANA UMA ULOKHU UBELESELE NGALE NGALE NDABA THABI*”. (The above statement means: We will end up not getting along if you keep on emphasising this thing relating to the culture of “*ukungenwa*”, Thabi.). Hence, the statements depict conflict between culture and human rights as the characters are arguing on two different issues. The male character is advocating for the culture of “*ukungenwa*”, whereas the female character is solving her issue according to a feminist perspective, while advocating for her human rights. Therefore, this conflict between them has resulted in gender inequality (Zulu, 2011:3).

Moreover, in this case study, it is quoted: “*LE NGANE BENGITHI IZONGIDUDUZA KANTI IZONGISANGANELA. IBONA UKUTHI MINA NGISEWUMUNTU WAMASOKA OKUNGENA NOKUNGENWA*”, which means: (This child is crazy. She thinks that I am still someone who can entertain this culture of *ukungenwa*.). Therefore, the statement above is portraying conflict between culture and human rights as the characters have different beliefs about what one should do after one’s husband has passed on. One character believes that the culture of “*ukungenwa*” should take place when a wife loses a husband, while the other character believes that her right must be prioritised and that she must not be forced to practise a culture with which she is not comfortable (Zulu, 2011:4).

Another statement portrays conflict between culture and human rights, as follows; “*PHELA UMALOKAZANE WALAPHA EKHAYA LO. UHLANGANISWE NAMADLOZI AKONYAMAKAYISHI. BANGATHINI-KE BONA ESEHAMBAMBA KALULA NJE?*” This

statement means: (Our daughter-in-law belongs here at home as she is now related to our ancestors, so what will our ancestors say if we release her to go back home just like that.).

Hence, the above statement portrays a strong cultural belief, which results in conflict between culture and human rights as they advocate for the culture of *ukungenwa*, while one character is against it, believing in her human rights (Zulu, 2011:5).

More quotes that portray conflict between culture, human rights, and gender inequality are quoted in this case study, as follows: “*QAPHELA IMPELA MANZINI. SENGATHI UZOSILANDELA ULAKA LWABAPHANSI. MINA NGIBONA UKUTHI LE NGANE KUFANELE IBE UMUNTU WALAPHA EKHAYA UNOMPHELA*”, which means: (You must be careful, Manzini. It seems like you are provoking our ancestors when you want our daughter-in-law to go back home. She must stay here forever as she now belongs to our family.).

Furthermore, the conversation between Mr Zungu and MaMbatha continues to a level whereby Mr Zungu asks how possible it could be for a young daughter-in-law to stay with them when her husband has passed on. Therefore, the above statements portray that there is little recognition of human rights as opposed to culture, which is prioritised and results in conflict between culture and human rights.

MaMbatha’s strong point of view on culture is intensified as she responds: “*KUZOBONISWANA PHELA. AKHONA NAMASIKO AYESIZA UMA UMUNTU ESHONELWE YINDODA ESEMNCANE*”, which means: (We will have a look into it and arrive at a solution. However, there is a certain culture that takes place when someone has lost her husband at a very young age.). On the other hand, when we take a closer look at MaMbatha’s response, it shows that she is referring to the culture of “*ukungenwa*”. Therefore, the above conversation has revealed a strong belief in culture, while ignoring other characters’ human rights, thereby resulting in conflict between culture and human rights (Zulu, 2011:5).

On the other hand, a culture of mourning is practised by wearing mourning clothes called *inzilo*. Thenjiwe responds to a question as follows: “*NGICABANGE NJE UKUTHI KOKUNYE EMVA KOKUKHUMULA INZILO SELUNGAKHULUNYWA-KE LOLO DABA*”, which means: (I thought that after removing *inzilo*, we can discuss the way forward on what is going to happen afterwards.).

The above statement portrays a culture that oppresses black women and violates their human right in this regard as they are not given a choice as to whether or not they want to wear *inzilo*. Instead they are being subjected to the culture and forced to wear *inzilo*. As a result, it contributes to the conflict between culture and human rights (Zulu, 2011:7). Furthermore, this culture of wearing *inzilo* results in gender inequality as only women are expected to wear *inzilo* after having lost a husband compared to men who do not wear it after having lost a wife.

Another statement that portrays conflict between culture and human rights is when MaMbatha is quoted saying: “*USHO UKUTHI PHELA USUNGOWALAPHA EKHAYA UNOMPHELA. UMA UFUNA UKUBUYE UGANE KUSHO UKUTHI USUNGAGANA KHONA LAPHA EKHAYA*”, which means (You belong here at home for the rest of your life and if you want to get married again, you can only do that to someone who belongs to this family.).

Thenjiwe responds: “*NGITHANDA UKUNGEZWA KAHLE BABA*”, which means: (I do not understand you well.). Therefore, the above conversation reveals conflict between culture and human rights as the family is forcing Thenjiwe to accept the culture of “*ukungenwa*”, whereas Thenjiwe does not understand it and does not want to follow it. Therefore, there is conflict between the culture of “*ukungenwa*” and human rights (Zulu, 2011:7).

Further discussions among the family members are quoted as follows: “*SIZAMA UKUCHAZA UKUTHI UMA IZINTO ZINJENGOBA ZINJENA NJE, ZIXAZULULWA NGESIKO LOKUNGNWA. NGETHEMBA UKUTHI UYALAZI LELO SIKO MAKOTI*”, which means: (We are trying to explain that if things are like this, we can only solve them with the culture of “*ukungenwa*” and I hope you know about it.). Thenjiwe responds that she does not know about it; however, she asks for an opportunity to



think about it. MaMbatha responds: “*AKUFUNEKI NASIKHATHI SOKUYOCABANGA WENA MALOKAZANA. ISIKO ELIDALA NJE LELI ALIHLUPHI NGALUTHO*”, which means (There is no need for you to think about it. This culture of “*ukungenwa*” has been operating and it has no complications.).

Hence, the above conversation reveals conflict between culture and human rights as MaMbatha is compelling her daughter-in-law to accept the culture of “*ukungenwa*”, Thenjiwe does not want that culture, but is advocating for her human rights (Zulu, 2011:7-8).

Further conversations from the case study are quoted as follows: “*KULUKHUNI UKUSHO NJENGAMANJE MNGANI. ANGITHI UYABONA NGISAGQOKE EZIMNYAMA, AKULULA UKUTHATHA ISINQUMO MANJE. ISIFISO SAMI NOKHO BEKUWUKUBA NGIBUYELE EKHAYA. INTO ENGINGAYAZI-KE UKUTHI ABASEMZINI BAZOVUMA YINI*”, which means: (It is very difficult to say something now as I am still wearing “*inzilo*”. Taking a decision is not easy; however, my wish is to go back home even though I am not sure if my parents-in-law will allow me.).

The above statement portrays conflict between culture and human rights as the daughter-in-law wants to return home after she has lost her husband, but the family is making it difficult for it to happen due to cultural reasons. The family is advocating for cultural practices, whereas the daughter-in-law is advocating for her human rights (Zulu, 2011:9).

Another statement that portrays conflict between culture and human rights is when Gugu and Thenjiwe are having a conversation about the issues of culture. They express their feelings through a slogan: “*PHANSI NAMASIKO PHANSI!*”, which means: (Down with culture, down.). It portrays conflict between culture and human rights as it shows that Thenjiwe and her friend believe more in human rights compared to the family that supports culture and its practices (Zulu, 2011:11).

The issue of conflict between culture and human rights is still a big problem and one statement that portrays that in the novel of “*Isiko Nelungelo*” is the conversation between Thabi and Thenjiwe and it read as follows: “*NGIYAKUBINGELELA NJE SISI.*

*NGIBEZWILE MINA BETHI KUFANELE UNGAHAMBI. BAZE BAGCIZELELA IMPELA UKUTHI UMA UTHI UCELA UKUYA EKHAYA ANGEKE BAVUME*”, meaning: (I am greeting you, my sister. I heard them saying that you must not go. They even emphasised that if you want to go, they will not allow you to go.).

Therefore, the above statement portrays conflict between culture and human rights as the family is showing a strong support of culture over Thenjiwe, while compromising her right to choose whether she want to stay and marry another member of the family or return home (Zulu, 2011:13).

Further discussions between Thenjiwe and her friend intensify to the extent that Thenjiwe emphasises the importance of human rights by saying: *“KULEZI ZINSUKU THABI KUKHULUNYWA INDABA YAMALUNGELO. NAMI-KE NGIBONA UKUTHI YILUNGELO LAMI UKUBE NGIBUYELE EKHAYA UMA ENGASEKHO ENGANGIZE NGAYE LAPHA*”, which means: (These days, Thabi, the importance of human rights is emphasised. Therefore, I find it my right to return home after I have lost the person who was the reason why I came to stay here). Therefore, the above statement portrays conflict between culture and human rights as Thenjiwe is showing her strong belief in her human rights, while ignoring the cultural practices imposed on her by the family.

Further conversations from the case study are as follows: *“BENGINALAZ- KE LELO LUNGELO. INTO ENGIXAKAYO UKUTHI LAPHA KWA DLUDLA AYENZEKANGA LE NTO OYISHOYO SISI. UMAKOTI WAKHONA WAHLALA NGISHO ESESHONELWE UMKHWENYANA WAKHE*”, which means: (I was not aware of that human right. One thing that worries me is that at kwaDludla, they did not allow the widow to go back home and she stayed even after she had lost her husband.). In the above statement, Thabi, who is a sister-in-law to Thenjiwe, is advocating for culture and that it should be forced on Thenjiwe. Hence, the statement above accentuates conflict between culture and human rights (Zulu, 2011:13).

Furthermore, the issues that portray conflict between culture and human rights are dominating in between the family, as indicate in the following statements: *“YEHLISA UMOYA NJE THABI. ANGISOZE NGAGANA UDUMSANI MINA. NGIZOCELA NJE KUMAMA NOBABA NGIBUYELE EKHAYA*”, which means: (Just make peace with it,

Thabi. I will never get married to Dumsani. I am going to ask my parents-in-law for permission to return home.). Moreover, the following quote: “ANGIXOSHWANGA PHELA EKHAYA THABI. NABO FUTHI BAYASAZI ISIMO ESINGEHLELE. KUSOBALA UKUTHI NABO BALINDE UKUBA KUKHUNYULWE INZILO LUXOXWE-KE LOLU DABA” means: (I was not fired at home, Thabi. My parents-in-law are aware of my situation and they are waiting for the day I remove my mourning clothes “*inzilo*”, then we will talk about the issue of continuing to stay or not.) (Zulu, 2011:14).

MaMbatha’s response without listening to her daughter-in-law is as follows:

“(ASHAYE IZANDLA) NANSI INDABA BO! WAWUKUZWAPHI UKUTHI UMAKOTI USHIYA LAPHO ENDELE KHONA ABUYELE KUBO? AWUYI LAPHO! (AHWAQE) SIKUCHAZELE UKUTHI NANGU UDUMSANI UZOBAMBA ISIKHUNDLA SIKA MFOWABO”, which means: (Who told you that a wife can leave her family that she got married to and return home. You are not going back home! We told you that Dumsani will marry you on behalf of his late older brother.).

Thenjiwe responds: “NAZI KANJANI UKUTHI UZONGITHANDA?”, meaning: (How do you know if she will love me?). A further response from MaMbatha is as follows: “AKUKHULUNYWA INDABA KAMATHANDANA NOKUNGATHANDANI LAPHA. NGIKHULUMA NGESIKO ELAZIWA KINI NALAPHA EKHAYA”, which means: (We are not talking about loving each other, but that culture is well known by everyone here and at your home.).

Thenjiwe responds: “NGIZOHAMBA MINA ANGIMFUNI UDUMSANI”, meaning: (It means that I do not want to marry Dumsani and, therefore, I will return home.). Furthermore, she says: “UMUNTU UNELUNGELO LOKUZIKHETHELA INQUBO YAKHE KULEZI ZINSUKU. ANGIFUNI- KE NAMI UKUPHOQELELWA NGAMASIKO ABHEDAYO”, which means: (These days, everyone has a right to choose anything that he/she wants. Therefore, I do not want to be forced to practise a culture that does not make sense to me.) (Zulu, 2011:15-19).

The above conversation portrays conflict between culture and human rights as two members provide strong facts based on their opinions and beliefs. MaMbatha is forcing

Thenjiwe to accept the culture of *ukungenwa*, while Thenjiwe is emphasising her strong beliefs in her human rights.

Conflict between culture and human rights as an issue is further depicted as follows: *“EQINISWENI NJE BANINGI ABATHI ANGINGAHAMBI LAPHA EKHAYA. INTO ENGINGAYITHANDI NOKHO UKUVIMBA NGESIKO UMA NGILIBHEKA LELI SIKO, SENGATHI ALIZWANI NAMI. CISHE YILOKHO-KE OKUNGIXABANISA NOMAMEZALA KAKHULU”*, meaning: (Honestly, many people are saying that I must not return home. Something that I do not like about this whole thing is that they are stopping me in terms of culture and when I look at this culture, it does not favour me, which causes my mother-in-law and I to fight).

The following quotation: *“LELO SIKO NGILENYANYA KABI. YILO KANYE ELIYOKWENZA UKUBA NGIHAMBE NGINGABUYI NGILUBHADE LAPHA EKHAYA”* means: (I hate this culture and that is the same culture that will make me return home and never return here.). The above statement depicts conflict between culture and human rights as Thenjiwe wants to practise her human right and return home, while the family she married into is forcing her to practise culture (Zulu, 2011:21-22).

The dialogue below conveys each party's claim to their beliefs. Subsequent dialogues show that both sides stand firm in their opinions and that nothing will sway them from their lines of thought, meaning that an amicable consensus or compromise cannot be reached. Thenjiwe's parents-in-law, MaMbatha and Zungu, are convincing their son Dumsani to marry Thenjiwe, as follows:

*“WENA AWUBONI UKUTHI YIHLAZO UKUHAMBA KUKAMAKOTI? KWALANI UKUBA UTHATHE ISIKHUNDLA SIKA SIKHUMBUZO? ISIKO LETHU LIYAKUVUMA LOKHO, FUTHI YILO KUPHELA ELINGENZA UKUBA UMAKOTI ANGAHAMBI. UKHULILE UMA UNGAKA. IZINKINGA ZOMUZI KUHLE SIZIHLANGANYELE NAWÉ”*, meaning: (So you do not see any problem when the wife is leaving? Why don't you take your brother's position and marry her? Our culture is allowing that and that is the only thing that can stop her from not returning home. You are old enough now. It is always best to solve our issues together as a family).

The father states: *“ISIKO LESIZULU LELI NDODANA. CISHE WENA UBUNGALAZI. LIYASEBENZA LIYASIZA FUTHI LIYAZIWA. LIFUNA ISIBINDI LELI SIKO NDODANA. INKINGA AYIKHO DUMSANI, UMA UNOVALO THINA SIZOKUSHWELEZELA KUMFOWENU KANYE NASEMADLOZINI AKITHI”*, meaning: (This is the Zulu culture, my son. I am sure you were not aware of it. It is working and it is well known. This culture needs you to be strong and believe in yourself. If you are skeptical about that, then we will have to ask for forgiveness from your late brother and our ancestors for not practising this culture.) (Zulu, 2011:24). The above statement is emphasising that Dumsani must marry Thenjiwe and make her stay. Therefore, the above statement depicts conflict between culture and human rights.

Additionally, the issue of conflict between culture and human rights is portrayed in the situation in which Thenjiwe has been forced to mourn and wear black clothes, whereas she is someone who believes in human rights as opposed to culture. The following statement shows Thenjiwe’s emotions against the issue of mourning: *“PHELA MINA ANGIHLELI EKHAYA NGOBA NGITHANDA NGIZILILE. WENA UFUNA UKUNGIHLANGANYELA NALOLU SIZI”*, which means: (I am not staying here because I like it, but it is because I am still mourning. So, you are contributing to all the problems that I have.). She is referring to the culture of *ukungenwa* and *ukuzila* as being serious issues as she is against cultural practices, but has a strong belief in her human rights (Zulu, 2011:26).

Further issues that depict conflict between culture and human rights are as follows: *“YENA AKALAZI LELI SIKO?”*, meaning: (So does he not know this culture?), and *“NOMA ELAZI PHELA NGIZOMTSHELA UKUTHI ANGIFUNI UKUNGENWA MINA”*, which means: (Even if he knows the culture, I will tell him that I do not want to practise the culture of *ukungenwa*). In the above statement, Thenjiwe and her friend are debating the culture of *ukungenwa*. She is emphasising that she will not agree to any form of culture to take place in her life as she believes in her human rights (Zulu, 2011:28).

Zulu culture emphasises that once you are married, as a woman, you, therefore, belong to that family you have married into and that you no longer have a place to stay at your biological home. This is because when you are getting married, rituals are

practised and, as a result, you are being introduced to a new family for ancestors to welcome and recognise you. Thenjiwe's father-in-law accentuates that Thenjiwe should not return home, as follows: "*NDODAKAZI EKHAYA AWUSANANDAWO*", which means: (My daughter-in-law, you no longer have a place to stay at your home.).

The above statement depicts conflict between culture and human rights as it is everyone's right to choose where to stay, especially when you no longer feel comfortable about a place. However, culturally, you do not choose whether or not you still want to stay, instead you are forced to stay with the family you married into as certain cultural practices were carried out, for example, being introduced to ancestors (Zulu, 2011:31).

The dialogue below conveys each party's claim to their beliefs in relation to culture and human rights. Both sides stand strong in their opinions and nothing will persuade them from their lines of thought and beliefs, as indicated in the following quotation: "*WENA KHOHLWA YIMI. UYAZI NGANGITHI UYANGICABANGELA USUNGIJIKOLE. NGEKE SIZE SITHANDANE. UYANGIZWA? ANGISIYO INTO YOKUNGENWA MINA SENGIYAHAMBA. SENGIBONE KAHLE UKUTHI NIDLALA NGAMI LAPHA EKHAYA NGOBA NGAFELWA YINDODA. LELI SIKO LOKUNGENWA NIHAMBA NILINAMEKA NJE. SALANI KAHLE SENGIYA KITHI*" (Zulu, 2011:32). The above statement means: (You must forget about me. I thought you were sympathising with me, but now you are against me. I will never be in love with you. Do you hear me? I am not someone who will be subjected to the culture of *ukungenwa* and, therefore, I am returning home. I have noticed that you are manipulating me here at home as I lost my husband. You always practise this culture of *ukungenwa* on everyone. Therefore, I am leaving you here. I am returning home.) (Zulu, 2011:32).

Her parents-in-law respond to Thenjiwe after she has emphasised that she is not ready to practise the culture of *ukungenwa*, as follows: "*PHELA LAPHO NGABE UMVUNDLA ZIYAWUNQANDA PHAMBILI. YONA YINI INGASILALELI UMA SIYITSEHELA NGESIKO LESINTU. NAMASIKO LAWASAFAUNA UKUBHEKISISWA. SENGATHI AKHONA ASEPHELELWE YISIKHATHI MANJE. AMANYE KUFUNEKA ACHAZWE KAHLE AZIWE YIBO BONKE ABANTU*" (Zulu, 2011:32). The above statements mean: (She can go, but she will have problems where she is going. Why

is she not listening to us when we are telling her about the traditional culture?) A further statement by MaMbatha's husband contradicts her when he says: (This culture needs to be revisited now. It is like some of the cultural practices are no longer relevant. Some cultural practices must be explained to people properly, so that it can be known by people very well.) (Zulu, 2011:32).

Further dialogue continues between the family members pertaining to the culture of *ukungenwa*, as follows: "*UBONA SENGATHI UMAKOTI AKALAZI LELI SIKO, ULAZI KAHLE UYAZIHLANYISA*", meaning: (Do you think that our daughter-in-law does not know about this culture? She knows it well. She is merely pretending that she does not know it. She is crazy.) (Zulu, 2011:33). Furthermore, MaMbatha talks to Thenjiwe about the culture of *ukungenwa*, as follows: "*LALELA-KE NGANE. MINA NGIBONA LEZI ZINDABA ZIFANELE UKUKHULUNYWA USUKHUMULE NENZILO. NGIYALAZI ISIKO LOKUNGENWA. LIYA NGABANTU ABANYE LIYABAVUMA ABANYE NJALO LIBAPHIKE, KODWA BAKUCHAZELE KAHLE HLE NGALO?*", which means: (Listen here, my child. I just feel like these conversations should be discussed after the mourning period. I know this culture of *ukungenwa*. It depends on people. For some people, it works very well, while for others, it does not, so people need to explain it better so that they can understand it clearly.) (Zulu, 2011:33-34).

Therefore, conflict between culture and human rights is heavily portrayed in the above statements as each person is portraying their strong belief and are not willing to change to accommodate the others. The elders of the family are trying to convince Thenjiwe to accept the culture of *ukungenwa* by explaining it to her, but Thenjiwe is showing no sign of accepting it. Furthermore, the family is even willing to wait for the mourning duration to end so that they can talk about the culture of *ukungenwa* and convince Thenjiwe to accept it. However, Thenjiwe is showing her strong belief in human rights and is not willing to accept the culture of *ukungenwa*.

On the other hand, Thenjiwe responds to the demands that are made by her parents-in-law, as follows: "*ANGIYIFUNI IMPELA LE NDABA YOKUNGENWA MINA. ANGIYIFUNI NHLOBO*", which means: (I do not want this culture of *ukungenwa*. I do not want it at all.). In response to that, a member of the family tries to convince her with the following statement: "*UMA UTHOLA ITHUBA UBOFIKA KWAMI NDODAKAZI*

*NGIFUNA UKUKUCHAZELA KAHLE NGALELI SIKO*”, meaning: (If you have time, please come to my place so that I can explain this culture to you.) (Zulu, 2011:35).

More issues portraying conflict between culture, human rights, and gender inequality escalate, as follows: *“KULULA UKUXAZULULA LEYO NKINGA THENJIWE. UMA UNGAMFUNI LOWO MFANA KUNGASIZA NGANI UKUKUNGENA KWAKHE. KOKUNYE ABAYICABANGANGA LEYO NKINGA EMZINI. MINA NAKULO LELI SIKO NGIBONA SENGATHI UTHANDO KUHLE LUBE YISISEKELO. CISHE NABO BAFUNA UKUCHAZELWA NJE KUPHELA*”, which means: (It is easy to solve this issue, Thenjiwe. If you do not want this man, how will it help him to force you into the culture of *ukungenwa*. It seems as if they did not think about this whole thing. In this whole situation, I feel like love should be the motivation for everything.).

The above conversation emphasises conflict between culture and human rights as Thenjiwe and her friend are stating that they are against this culture of *ukungenwa*. According to the culture, it is a norm for everyone who has lost a husband to be subjected to the culture. Most people are always keen to practise it, but unfortunately in this situation, Thenjiwe is not happy about it and she is advocating for her human rights more than anything else (Zulu, 2011:37).

In favour of human rights and against culture, the following statements are quoted as follows: *“ANGIFUNI NAKUYIZWA KODWA INDABA YOKUNGENWA SISI. ANGIYIFUNI NHLOBO*”, meaning: (I do not want to hear anything that has to do with this culture of *ukungenwa*. I do not want to hear about it at all.). In addition, the following response is quoted: *“YIKHO LOKHO OKWENZA UKUBA NGIFUNE UKUYOBACHAZELA ABASEMZINI UKUTHI AKULUNGI. UKUPHOQELELA UMUNTU ENTWENI ANGAYIFUNI. ISIKO LINGABA LIHLE KODWA UMA UNGEZWANI NALO ALIYEKWE. ZIKHATHI ZAMALUNGELO-KE FUTHI MANJE*”, meaning: (That is the reason why I want to go and explain to them and say that it is not good to practise this culture of *ukungenwa*. Furthermore, it is not good to force a person into something. This culture can be good; however, if you are against it, then it must not be forced on you. These are times of human rights, not culture.).



The above statements stress conflict between culture and human rights as they are forcing Thenjiwe to practise the culture of *ukungenwa* and, as a result, it is leading to conflict as Thenjiwe and her friends believe in their human rights compared to cultural beliefs that are strongly imposed on her by her parents-in-law and other family members (Zulu, 2011:38).

Thenjiwe continued to emphasise that she does not want to associate herself with the culture of *ukungenwa*, while expressing her strong feelings against culture, as follows: “*CHA BABA INKINGA YAMI YILELI SIKO ENGINGEZWANI NALO. ANGIZIMISELE MINA UKUBUYE NGINGANE UDUMSANI. UYEDWA UMUNTU ENGANGIMTHANDA EMHLABENI USIKHUMBUZO*”, meaning: (The problem that I have, my father, is that I do not love this culture. I am not planning to fall in love with Dumsani. There is only one person that I loved in my life and that was Sikhumbuzo.). Therefore, the above statement depicts conflict between culture and human rights as Thenjiwe does not agree with her father-in-law who is imposing the culture of *ukungenwa* on her. Thenjiwe has a strong belief in her human rights and not culture (Zulu, 2011:39).

Further points that reveal conflict between culture and human rights are quoted as follows: “*ABUSHO LUTHO UBUNCANE BUKA DUMSANI. INTO ENKULU UKUTHI ANGIMFUNI. NGICABANGA NOKUTHI NALO LELI SIKO NGEKE LISEBENZE UTHANDO LUNGEKHO*”, which means: (The age difference between me and Dumsani does not matter. The only thing that matters is that I do not want him. I also think that even this culture will not work if there is no love between us.). In the above statement, Thenjiwe is strongly revealing her feeling against this culture of *ukungenwa* as she is only interested in her human rights.

On the other hand, Nondumiso is also in favour of her sister’s opinion against the culture of *ukungenwa* by saying: “*NGISUSWE YILOKHO PHANSI MINA MANZINI. NGICABANGA UKUTHI ISIKO LISEBENZA KAHLE UMA KUKHONA UKUZWANA. ANGIBONI UKUTHI LINGAPHOQELELWA NGENKANI*”, meaning: (The only reason why I came, Mr Manzini, is that I think that this culture of *ukungenwa* works very well if there is love involved between two people, unlike forcing people to practise the culture when they do not love each other).

Furthermore, Thenjiwe shows some guilt after she disrespects her mother-in-law; however, she still emphasises that she is not ready to practise the culture of *ukungenwa*. She is quoted as follows: “*NGIYAXOLISA MAMA NGESENZO SAMI. INKINGA YAMI UKUTHI ANGIZIMISELE UKULANDELA LELI SIKO ENILISHOYO, NGICELA UKUYA EKHAYA*” (Zulu, 2011:40). It means: (I am sorry, my mother-in-law, for what I have done. My problem is that I am not willing to practise this culture of *ukungenwa*. Can I please return home?).

With the above statements, Thenjiwe and Nondumiso are emphasising the point that it is very important for a person to practise their human rights other than culture. Therefore, these are some of the issues that portray conflict between culture and human rights. Moreover, Nondumiso’s emphasis is indicated as follows: “*ENGIQONDE UKUKUSHO UKUTHI KUHLE ISIKO LILANDELE EMUVA KOKUTHANDANA KWALABA ABABILI*”, meaning: (What I am trying to say is that it is always best that the culture of *ukungenwa* should come after two people are in love first) (Zulu, 2011:41).

Conflict between culture and human rights goes beyond our expectations these days, especially after considering the fact that human rights are trying to overtake cultural practices. The following dialogue between Nondumiso and MaMbatha conveys each party’s claim to their beliefs in relation to culture and human rights. The dialogues show that both sides stand strong in their opinions and that nothing will persuade them from their lines of thought and beliefs, as follows: “*QAPHELANI UKUTHI IZIKHATHI ZAMALUNGELO LEZI, UTHENJI UNELUNGELO LOKUZIKHETHELA ANGASE AKWENZE NJENGOBA ASENGUMFELOKAZI NJE*”, which means: (You must take note that these are times of human rights, therefore, Thenji has the right to choose what she wants to do as a widow now.).

The above statement by Nondumiso portrays human rights preference and a strong belief in rights, whereas MaMbatha is against it and responds: “*ASIKHULUMI THINA NGAMALUNGELO. SIKHULUMA NGESIKO ELAZIWA YISIZWE SONKE. WENA UZOGCINELA KU DUMSANI UYANGIZWA?*”, meaning: (We are not talking about human rights here. We are only talking about culture that is known by everyone. Thenjiwe, you will end up being married to Dumsani. Do you hear me?).

The above statements portray conflict between culture and human rights as both MaMbatha and Thenjiwe do not agree with each other with regard to the culture of *ukungenwa* (Zulu, 2011:42).

Thenjiwe emphasises the fact that contemporary times do not allow people to be subject to cultural practices by force, but instead a person can choose whether or not to practise it. On the other hand, MaMbatha portrays her strong character in her cultural belief to the extent that she does not even listen to what Thenjiwe believes in. Therefore, it results in conflict between culture and human rights.

Moreover, forcing Thenjiwe to agree to the culture of *ukungenwa* became a serious issue, which led to many factors depicting conflict between culture and human rights. In this case study, the following argument shows everyone's view and belief in relation to culture, as follows: "*NGICELA WAZI KAHLE BABA UKUTHI ANGIZIMISELE NHLOBO UKUNGENWA UDUMSANI MINA. NOMA NIKHULUMA NITHINI NIKWAZI UKUTHI ANGISOZE NGAZIGAXA KULELO SIKO MINA*". It means: (Please know that I am not ready to marry Dumsani. Even if you can convince me in any way, I am not ready to associate myself with the culture of *ukungenwa*.).

A further response is quoted as follows: "*USESEHLULE UMAKOTI MONDISE UTHI ISIKO LELI AKALAZI. ANGAZI-KE UKUTHI NANIFUNDISE KANJANI KANTI*", meaning: (She has defeated us and seemingly she does not know this culture of *ukungenwa*. Therefore, we do not know how you taught her about culture in general while you were still raising her.) (Zulu, 2011:45).

The level of convincing Thenjiwe to accept the culture of *ukungenwa* escalated to another level to the extent that the two families were involved to solve this issue by trying to teach her about the culture of *ukungenwa*. As someone who believes in her human rights, Thenjiwe found it very difficult to accept the culture. The following dialogue takes place between the two families about the culture of *ukungenwa*: "*AKUNJALO MONDISE, LELI SIKO SIYALAZI UKUTHI LIFUNA LABO ABAQALAYO BASEKELWE ABADALA*", which means: (It is not like that, Mondise. This culture of *ukungenwa* is well known and those who are new to it must be supported by the old people who understand it better.).

The following quotation: “*MINA BENGIZOTHI AKE UHAMBE NAYE IZINSUKWANA MONDISE UMCHAZELE KAHLE ISIKO LELI*”. “*UMA ESEBUYILE NATHI SIYOMCHAZELA. UMFANA AKANANKINGA WAZI KAHLE UKUTHI KWENZEKANI*” means: (I was going to suggest that you go with her so that you can teach her by explaining this culture of *ukungenwa* to her. When she returns, we will explain it to her again. The boy does not have a problem and he knows what to do pertaining to this culture.) (Zulu, 2011:48-49). Therefore, the above statements portray conflict between culture and human rights.

Conflict between culture and human rights kept on existing between Thenjiwe and her parents-in-law. In explaining the process, she was expected to follow after she had lost her husband, Thenjiwe indicates: “*IZINKINGA ZAMASIKO SIPHO. EMVA KOKUSHONA KUKA SIKHUMBUZO PHELA, EMZINI KWATHIWA ANGIGANE UMFOWABO OMNCANE*”, which means: (They are cultural problems, Siphoh. After Sikhumbuzo’s death, I was convinced to marry his younger brother, Dumsani.) (Zulu, 2011:50). In the above statement, the culture of *ukungenwa* is proven. It worries Thenjiwe and it even creates conflict in her thoughts as she is someone who believes in her human rights, yet she is expected to practise the culture of *ukungenwa*.

Further discussions about the culture of *ukungenwa* escalate to an extent that as Thenjiwe refused to practise the culture of *ukungenwa*, she involved her male friend, Siphoh, who ended up fighting with Dumsani, leaving him injured, as indicated in the following quotation: “*AKULANYULWA NGOMMESE. YONAKELE INDABA YAKHO THENJI. ZILUNGISELE UKUGANA UDUMSANI KUPHELA. AYIKHO YOKUPHUMA KULE NGXAKI NGAPHANDLE KOKUBA UVUMELE ISIKO MNGANI*”. It means: (There is no way in which you can solve challenges through fighting with a knife. This thing is a serious problem now. You must be ready to marry Dumsani. There is nothing else that you can do apart from allowing yourself to this culture and that is the only way to solve this problem and help yourself to avoid problems.). The above statements are forcing Thenjiwe to accept the culture of *ukungenwa*, which is causing conflict with her human rights. Hence, forcing Thenjiwe to accept this culture of *ukungenwa* creates conflict between culture and her human rights (Zulu, 2011:54-55).

Another issue that depicts conflict between culture and human rights, as well as gender inequality, is when Mondise forces Thenjiwe to accept the culture of *ukungenwa* and compromise her human rights. After finding out that Thenjiwe had contributed to Dumsani's injury, she was forced to agree to the culture of *ukungenwa* so that they can forgive her and not open a case against her. In this case study, it is quoted as follows: *"ISIKHATHI SENTANDO YAKHO SIPHELILE THENJIWE. BENGINGAZI UKUTHI USUNGAZE UHLANGANE NEZIGEBENGU UBULALE INGANE YABANTU. LELI SIKO OBULIBALEKELA LIZOKUNAMATHELA"*, which means: (Your time to choose whether or not you want this culture of *ukungenwa* has now elapsed, Thenjiwe. I did not know that you would end up associating yourself with criminals to kill someone's son. As from now, this culture you were trying to avoid will live with you and you must accept it by force so that you avoid problems against yourself.) (Zulu, 2011:58).

More conversations pertaining to convincing Thenjiwe to accept the culture of *ukungenwa* are as follows: *"AKUKHO NGOZI ANGAYENZA. UKUCHAZELWA NJE NGOBUHLE BALELI SIKO KUPHELA"*, meaning: (There is no harm that he will cause. It is only the advantages of this culture that need to be explained to you properly.). The above statements portray gender inequality as Mondise, as a man, is forcing Thenjiwe to accept the culture of *ukungenwa*. There is conflict between culture and human rights as they are forcing Thenjiwe to accept the culture of *ukungenwa*, but she is against the cultural practice and has a strong belief in her human rights (Zulu, 2011:58).

Moreover, Thenjiwe's family explains the culture of *ukungenwa* to her, as follows: *"IMPELA. UNYOKO NAMI SESIKUCHAZELE KABANZI NGESIKO LOKUNGENWA. AKUSEKHO ESINGABUYE SIKUSHO OKUDLULA LOKHU"*, which means: (Your mother and I have explained everything to you about the culture of *ukungenwa*. There is no other way of explaining it.). Thenjiwe's parents are convincing her to accept the culture of *ukungenwa*, which is compromising her human right. Therefore, it results in conflict between culture and human rights (Zulu, 2011:61).

Moreover, conflict between culture and human rights continues as they force Thenjiwe to accept the culture of *ukungenwa*. Nondumiso is found defending Thenjiwe by emphasising that her sister is using her human right to not accept the culture of

*ukungenwa* as she is not happy about it, as follows: “*CHA USEBENZISA ILUNGELO LAKHE, KWAPHELA NJE*”, meaning: (She is using her human right, nothing much.). Nondumiso is supporting her sister in the notion that culture is not good for her, but that she must rather focus on her human rights, by saying the following: “*CHA ABANTU ABAVELA NAMASIKO BASIBULALA*”, which means: (People who came with human rights did not do a very bad thing at all). The above conversation emphasises that there is serious conflict between culture and human rights as the family is forcing Thenjiwe to accept the culture of *ukungenwa*. Furthermore, Thenjiwe and Nondumiso have their strong view against culture and they support the fact that human rights should be a priority.

Forcing Thenjiwe to accept the culture of *ukungenwa* escalated to another level to the extent that some people even died in the story, for example, Siphos committed suicide after he was arrested for fighting with Dumsani while helping Thenjiwe to defend the culture of *ukungenwa* and promoting her human rights. Thenjiwe even tried to poison Dumsani, but her plan did not succeed. She was subjected to terms and conditions after she was found guilty of trying to poison Dumsani with an aim of skipping this phase of practising the culture of *ukungenwa*, as follows: “*UKUBA LE NGANE YAYIVELE YASILALELA KWASEKUQALENI NGABE AYIKHO YONKE LE NKingA. MINA NGABE NGITHI AYIVUME UKUNGENWA UDUMSANI. YIKHO LOKHO- KE OBEKUZOSIKHOMBISA UKUTHI IFUNA UKUXOLELWA*”, meaning: (Only if she listened to us from the beginning, these problems would have not happened. What I can suggest is that she must accept this culture of *ukungenwa* and agree to marry Dumsani. That is the only way that will show us that she is serious about being forgiven.) (Zulu, 2011:74). Consequently, the above statement shows conflict between culture and human rights as they are stipulating terms and conditions that will force Thenjiwe to accept the culture of *ukungenwa*.

Thenjiwe’s grandmother is also against human rights, but in favour of culture, specifically the culture of *ukungenwa*, and with the following statement, Thenjiwe is being convinced to accept the culture of *ukungenwa*: “*SIKHULULE THENJIWE. AMAHLAZO AKHO AZOSHABALALISWA UKUVUMA KWAKHO ISIKO. UGOGO WAKHO UYafa LE KHAYA UTHI INDLELA IVINJWE UWENA. UTHI UMA UVUME UDUMSANI UYOBA YIDLOZI ELIHLE KINI NOBABILI*”, which means: (All the

embarrassment you have put us through as a family while trying to avoid the culture will go and you will be forgiven once you accept this culture of *ukungenwa*. Our grandmother is about to die and she is saying that she can only die if you can accept the culture of *ukungenwa* and marry Dumsani. She says that if you can get married to Dumsani, then she can be a good ancestor to the both of you.)

The above statement is a contributing factor to conflict between culture and human rights as they are all influencing Thenjiwe to accept the culture of *ukungenwa*, while compromising her human rights. Furthermore, the influence of men in this conversation contributes to gender inequality issues as all the men in this novel are in favour of the culture of *ukungenwa* compared to Thenjiwe who is showing a strong belief in her human rights. Those men want to make their statements final without negotiations (Zulu, 2011:74).

#### 4.4 Analysis of the book and findings (*Intando KaMufi*)

In this isiZulu book titled "*Isiko Nelungelo*", MaDube has lost her husband, Mangena. The following conversation is between MaDube and Mnguni, who is the father of the late Mangena. In this conversation, there is conflict between culture and human rights, as well as gender inequality. MaDube emphasises Mangena's right, while Mnguni is opposing it by showing his strong belief in culture. It results in gender inequality, as well as patriarchy, as Mangena, as a man, is forcing MaDube to practise culture.

The following statements portray conflict between culture and human rights, as well as gender inequality: "*MINA NJENGO NKOSIKAZI KAMANGENA NGIMILE KULOKHU ENGIKUSHOYO*", which means: (I, as Mangena's wife, am still emphasising what I have been saying and I will not change it.). Furthermore, Mnguni responds: "*UTHI UYAZIZWA MADUBE UKUTHI UTHINI KIMI?*", which means: (Can you hear what you are saying to me, MaDube?). Mnguni kept on pressurising MaDube by emphasising cultural practices over human rights.

Therefore, the above conversation emphasises conflict between culture, human rights, as well as gender inequality, as Mnguni, as a father-in-law to MaDube, is forcing her to practise culture. Moreover, MaDube, as a wife to Mangena, has the right to decide on Mangena's body and protect his rights.

On the other hand, Mnguni says: “*KOWAMI UMUZI KUZOKWENZIWA INTANDO YAMI UZALWA YIMI UMANGENA*”, which means: (In my home, things will happen my way as I am Mangena’s father. MaDube kept on emphasising her human right.). In this case study, “*MNGUNI, UMA UNAMANDLA NGAPHEZU KOMTHETHO KUZOKWENZEKA INTANDO YAKHO*” means: (If you have power above the law, your will can happen and things will go your way.) (Mathaba, 2012:01). Hence, the above statements reveal conflict between culture and human rights. Mnguni believes that culturally, as a man, your word is final, and things must go your way, while MaDube believes that she has rights and if the need arises, she will consult the law.

Furthermore, in this case study, Mnguni continues to emphasise his cultural belief by saying: “*UTHI ISIDUMBU SIKA MANGENA SIZOLOTHISWA*”. “*ANGEKE KWENZEKE LOKHO. HHAYI LAPHA EMZINI KABABA! OKABABA LOMUZI! ZINGATHINI ZONA IZINYANYA ZALAPHA EKHAYA? ANGEKE EYAMI INGANE ILOTHISWE*”, which means: (You are saying that Mangena’s dead body will not be cremated. That will never happen here in my father’s home. This is my father’s home. What will the ancestors say if we do that cremation? I will never allow that cremation to happen on my son’s body).

Mnguni adds to his statement by saying: “*WAKE WEZWA KUPHI UKUTHI UMAKOTI UFIKE NGOKUZOGANA EMZINI BESE AFIKE ASHAYE AMAPHIKO APHENDUKE ISICHITHAMUZI?*”, which means: (Where have you heard that a wife can be married into a family and then become the head of the family and taking control of everything?). The above argument between Mnguni and MaDube portrays conflict between culture, human rights, and gender inequality (Mathaba, 2012:2). On the other hand, Mnguni asks a rhetorical question, of which the aim was not to get an answer from MaDube, but to emphasise the point that he will not allow her to practise her right and say what is in favour of her and her late husband.

Conflict between culture, human rights, and gender inequality is a burning issue and, as a result, it contributes to serious challenges among members of the Mnguni family. Therefore, the following conversation between Mnguni and his wife portrays their strong belief in culture more than human rights. In this case study, Mnguni reports to his wife after having a conversation with his daughter-in-law: “*UMADUBE UTHI,*



*ANGEKE SINGCWATSHWE ISIDUMBU SIKAMANGENA KODWA SIZOLOTHISWA*”, which means: (MaDube says that Mangena’s dead body will not be buried, but cremated). Mnguni’s wife responds: “*EBE ENGUBANI YENA LOWO MADUBE OSENGAPHENDUKA IQHUDE LAPHA EKHAYA?*” “*UYAGCWANEKA PHELA MANJE*”, which means: (Who is she such that she can take control of everything here at home?) (Mathaba, 2012:6). Hence, the conversation above between Mnguni and his wife is showing conflict between culture and human rights. They are both supporting one another with an aim to suppress MaDube’s human right, while embracing their culture.

Moreover, Mnguni continues to emphasise his cultural belief that, as a man, he must take control of everything no matter what, as follows: “*EYAMI INGANE IZONGCWATSHWA LAPHA EKHAYA*” “*KUYOBE ANGINDDODA YALUTHO UMA NGIZOVUMELA UMADUBE UKUBA ENZE INTANDO YAKHE*”. “*YIMINA INDUNA YAKULO MUZI*”, which means: (My child will be buried here at home and if I allow them to cremate Mangena’s body, it will show that I am not man enough. I am the head of the family, therefore, things will happen my way.) (Mathaba, 2012:8).

The above statement is quoted as follows: “*KUYOBE ANGINDDODA YALUTHO UMA NGIZOVUMELA UMADUBE UKUBA ENZE INTANDO YAKHE*” and portrays gender inequality as Mnguni is emphasising that, as a man, he will not allow MaDube to do things her way as a woman. Another statement that depicts gender inequality is as follows: “*YIMINA INDUNA YAKULO MUZI*”. Again, this statement emphasises gender inequality as Mnguni is stressing the fact that he is the head of the family and, therefore, no one has the right to be against him as a man who is the head of the family. As a result, the above-mentioned statements of gender inequality contribute to conflict between culture and human rights as Mnguni is showing his strong belief in culture and wanting to embrace it, while MaDube is more focused on her human rights. She is showing no sign of compromise.

Additionally, Mnguni emphasises that he last contributed to Mangena when he was paying lobola, following which he never heard of any wedding taking place, but that they were married in court. The statement is quoted as follows: “*NGAGCINA NGOKUKHIPHA IZINKOMO ZAMI ESIBAYENI*”. “*EMVA KWALOKHO NGEZWA*

*SEKUTHIWA UMANGENA USESHADELWE BASHADELE ENKANTOLO*". It means: (I used my cows from my kraal to fund Mangena's lobola ceremony. After that, I never heard anything about a wedding, but I was informed that they were married in court.). Mnguni further emphasises: "*WENZA INTO EMBI UMANGENA UKUBA AYOSHADELA ENKANTOLO NGAPHANDLE KOKUBA ASAZISE SINGABAZALI BAKHE*", which means: (Mangena did a very bad thing by getting married in court without inviting us as his parents).

The above statement portrays a strong belief in culture compared to human rights, which creates conflict between culture, human rights, and gender inequality, as he is not recognising modern weddings that take place in the court, but traditional cultural weddings that happen in the presence of family and everyone invited in the family to perform dance moves and to participate in rituals (Mathaba, 2012:8-9).

The argument between Mnguni and MaDube intensified to the extent that MaDube was pushed to her limits and ended up losing respect for her father-in-law. In this case study, the following statement by MaDube shows her strong belief in her human rights as opposed to cultural beliefs, which creates conflict: "*BABA ANGEKE NGIDEDE KOKWASHIWO UMANGENA. OKUNYE NAKHU ANGISTSHELA KHONA UMANGENA, WATHI AKAFUNI UKUNGCWATSHA KEPHA UFUNA UKUBA ISIDUMBU SAKHE SILOTHISWE BESE SITHATHA UMLOTHA WASO SIWUFAKE EBHODLELENI UKUZE UBONWE IZINGANE ZAKHE UMA ZIMKHUMBULILE NOMA ZIFUNA UKUMBONA*". It means: (My father-in-law, I will never turn against what was said by Mangena. A part of what he told me was that he does not want to be buried, but instead wants to be cremated and for his ashes to be put in a bottle so that his children can always look at his ashes when they miss him.).

Mnguni responds: "*INI! ANGEKE KWENZEKE LOKHO! AKUKHO SIDUMBU SASHISWA LAPHA*", which means: (What! That will never happen! His body will not be cremated!) (Mathaba, 2012:19). The above conversation portrays conflict between culture, human rights, and gender inequality. This is because each part in this conversation emphasises a strong belief and not being willing to compromise for the sake of peace and stability. Furthermore, Mnguni, as a man, portrays gender inequality.

The argument between Mnguni and MaDube continues as Mnguni is showing his strong belief in culture, while MaDube emphasises her human rights, as follows: *“WENA NJE MAKOTI KUSASA LOKHU OKUSAYO KUZOMELE UNYUKE UYE LENA EKHAYA ELIKHULU UYOLINDELA KHONA. NJENGOBA UHLEZI LAPHA UBANI OHLEZI EMAKHANDLELENI?”*, which means: (As my daughter-in-law, you must go home tomorrow for mourning. As you are staying here, who is mourning there at home?).

After Mnguni’s demanding statement and his question, MaDube responds: *“ANGISIBONI ISIDINGO SOKUBA NGIYE EKHAYA ELIKHULU NGOBA BESE NGIKUCHAZELE BABA NGATHI UMANGENA WATHI UMA EDLULA EMHLABENI KONKE KUZOKWENZIWA LAPHA EKHAYA”*. *“ANGEKE NGIPHAMBANE NEZIFISO ZAKHE”*, which means: (My father-in-law, I do not see the need of going to mourn there at home, because Mangena made it clear while he was still alive that he wants his body to be cremated. Therefore, I will not go against his will.) (Mathaba, 2012:20).

Therefore, the above conversation reveals conflict between culture, human rights, and gender inequality as Mnguni is forcing MaDube to mourn, while MaDube is emphasising that there is no need to do that as all that is suggested by Mnguni is against what was said by Mangena while he was still alive and, therefore, MaDube is advocating for her rights, as well as those of Mangena.

The day that was planned for Mangena’s burial/cremation grew closer, resulting in more pressure as Mnguni was preparing for the burial of the body, while MaDube was preparing for the cremation. Therefore, it resulted in conflict between culture, human rights, and gender inequality.

Mnguni says: *“NOMA AKUHLELA KONKE UMANGENA, KEPHA LOKHU KOKULOTHISWA KWESIDUMBU SAKHE ANGIHAMBISANI NHLOBO NAKHO”*. *“WENA MAKOTI UZOKWENZA INTANDO YAMI NENTANDO YOMNDENI WAKITHI KWA MNGUNI”*. *“WENA NYUKA KUSASA UYOHLALA EMAKHANDLELENI”*. *“AKUKHO MAKHANDLELA AZOLAYITHWA LAPHA EJALIDINI”*. *“AKUKHO DLOZI LAHLALA LAPHA”*, which means: (Even though Mangena had arranged everything while he was still alive, I still do not support the issue of his body cremation.).

Furthermore, you, as my daughter-in-law, must do as I say it must happen and obey the will of the family. Therefore, that means that tomorrow you are going home to mourn as no mourning can take place in the suburbs and you should bear in mind that there are no ancestors here.) (Mathaba, 2012:20). Mnguni kept on enforcing cultural practices on MaDube. MaDube was interested on it but instead she was focusing more on her rights as women and to the rights of her late husband.

As the argument continued between MaDube and Mnguni, it was clear that no solution would be reached, but instead more conflict arose as everyone was showing his or her strong belief. MaDube contends, as follows: “*MINA BABA ANGEKE NGIHLALE EMAKHANDLELENI*”. “*INKOLO YAMI AYIKUVUMI LOKHO. ANGIZILI MINA, NASEKHAYA KWADUBE LAPHA ENGIZALWA KHONA ABAZILI*”, which means: (I will not mourn as my religion also does not allow that. I do not practise the culture of mourning and at home where I was raised, we do not practise that mourning culture.).

Moreover, Mnguni replies as follows: “*LALELA LAPHA MADUBE NGIKUTSHELE, ENGATHI KUKHONA ONGAKWAZI KAHLE. KUYAZILWA KWAMNGUNI UMA KUVELE ISIFO. UMA KUNGAZILWA KINI KULUNGILE KODWA LAPHA KWAMNGUNI KUYAZILWA*”, which means: (One thing I should tell you is that here at the Mnguni family, mourning is a priority and, therefore, if you were not raised with mourning, it is okay, but here, you must do it as it is the culture of our family.) (Mathaba, 2012:21).

Therefore, the above conversation shows each part’s strong belief and no intention to change to accommodate one another. As a result of two different views, Mnguni ends up portraying signs of gender inequality, by saying: “*UMA KUNGAZILWA KINI KULUNGILE KODWA LAPHA KWAMNGUNI KUYAZILWA*”. This statement ascertains that Mnguni is not willing to listen to MaDube and he is, therefore, using his powers as a man to force MaDube, which portrays gender inequality, as well as conflict between culture and human rights.

Mnguni further emphasises his strong belief in culture by saying: “*UMAKOTI WAKWAMNGUNI UMA EFELWE INDODA INZILO UYISHAYA IPHELELE KUSUKA PHANSI KUBHOZO KUZE KUYOPHUMA EKHANDA*”. *NGAKHO KE UZOKWENZA*

*INTANDO YAKWA MNGUNI. UKUTHI ANIZILI KINI MINA ANGINGENI NHLOBO LAPHO. WENA WALOTSHOLWA LAPHA EKHAYA NGAKHIPHA IZINKOMO ZAMI EZIHAMBA NGAMASONDO. INKOLO LENA ONGITSHELA NGAYO AYIKHO NGAPHEZU KOMNDENI NANGAPHEZU KWESIKO. ANGINANDABA NALE MBUNDANE ONGITSHELA YONA*”, which means: (A wife here at the Mnguni must mourn and wear mourning clothes (*inzilo*) from head to toes. Therefore, you are going to support that and the culture of the family. Telling me that you were not raised with the culture of mourning at your family is something that I do not care about. We paid you lobola, so this religion you are telling us about is not above the culture of our family. Therefore, I am not going to support anything that you are telling me.) (Mathaba, 2012:21). The above statement by Mnguni reveals conflict between culture and human rights. It also portrays gender inequality as Mnguni, as a man, is forcing MaDube to accept the burial culture regardless of her belief in human rights.

Further statements that portray conflict between culture and human rights, as well as gender inequality, are revealed when Mnguni argues: *“NGITHI MANGICACISE KHONA MANJE KUSASHISA NJE UKUTHI ESENDODANA YAMI ISIDUMBU NGEKE SISHISWE*”, which means: (I just want to clarify as early as now that my son’s body will not be cremated.).

Mnguni further says: *“KUZOKWENZIWA INTANDO YAMI NENTANDO YOKUTHI YAKWAMNGUNI. UMANGENA UZALWA YIMI LO. UZALWA NGAPHANSI KOMTHETHO NANGAPHANSI KWESIKO LAKWA MNGUNI. THINA KWA MNGUNI UMA SIFELWE SIYANGCWABA ASILOTHISI*”, which means: (My will and the will of the family shall be done. I am Mangena’s father. Mangena was born under my law and under the culture of kwaMnguni. As the Mnguni family, we bury a lost family member. We do not cremate the body.).

Moreover, Mnguni further asks a rhetorical question to put more emphasis on his statement: *“YENA LO MANGENA UMA EZOSHISWA UZOBUYA ABE IDLOZI ELINJANI EMNDENINI?”*, which means: (So, if Mangena is cremated what kind of an ancestor will he be in the family?) (Mathaba, 2012:40). Hence, this rhetorical question reveals conflict between culture and human rights as Mnguni is against MaDube’s human rights and he is advocating for culture to dominate.

Follow-up questions continued to arise in support of culture, as emphasised by Mnguni. In this case study, one family member asks Mnguni a question in strong support of culture, as follows: “*UYILE ENKANTOLO YENKOSI UYOFUNA IMVUME YOKULANDA ISIDUMBU SIKA MANGENA UKUBA UZOSITHUNA LAPHA EKHAYA?*”, which means: (Did you go to the local king’s court to ask for a permission letter that guarantees you the right to collect Mangena’s body so that it can be buried here at home?) (Mathaba, 2012:43). According to the Zulu culture, when you have lost a family member, you must first report the loss to the King and request for a letter that will grant you permission to collect the deceased body. Therefore, the above question provides insight to Mnguni so that he can follow the right procedure culturally when preparing for his son’s burial.

Furthermore, the above statements portray conflict between culture and human rights as Mnguni shows his strong belief in culture compared to MaDube who believes in her human rights. It results in gender inequality as, in every argument, Mnguni emphasises that “*as a man*”, he will do things his way and according to the culture of the family, therefore, people must respect that.

In this case study, Mnguni continues to show his strong argument in favour of culture, as follows: “*NAMI NJENGOYISE NGINAWO AMANDLA OKUBA KWENZIWE INTANDO YAMI EMZINI WAMI!*” It means: (So, as his father, I have the power to do things my way in my home). MaDube responds as follows: “*LOLU DABA SENGATHI SELUDINGA INKANTOLO MANJE, SEKUZOBA YIYO EZOXAZULULA UKUTHI UBANI OKUMELE KWENZIWE INTANDO YAKHE PHAKATHI KWENTANDO YAKHO NENTANDO YENDODANA YAKHO*”, which means: (This case needs a court. Only the court can decide on which option must be followed; either Mangena’s will or way of being cremated, or your cultural will or way, as his father, of burial).

Further arguments pertaining to whether Mangena’s body will be cremated or not kept on rising. As a result, due to disagreement between Mnguni and MaDube, Mnguni demanded the body of Mangena from the mortuary. Therefore, in this case study, the following response is given to Mnguni after demanding Mangena’s body from the mortuary: “*MINA ANGEKE NGIKUNIKE ISIDUMBU NGAPHANDLE KWEMVUME*

YENKANTOLO”, which means: (I will not give you the dead body without the permission of the court.).

Mnguni responds: “MINA ENGIKWENZAYO NGIKWENZA NGILAWULWA UMTHEHO WAKITHI KWAMNGUNI. KWAMNGUNI UMA SIFELWE SIYANGCWALA ASILOTHISI”, which means: (Everything I do, I do guided by the law of kwaMnguni. At the Mnguni family, we bury. We do not cremate the body after losing a family member.) (Mathaba, 2012:78-79). Therefore, the above statement portrays conflict between culture and human rights, as well as gender inequality, as two parties are representing their beliefs, namely culture and human rights, and they are not willing to compromise to accommodate each other. Hence, in this conversation, conflict between culture and human rights results in gender inequality.

In conclusion, the issues of culture and human rights are portrayed in these two Zulu books, namely “*Isiko Nelungelo*” and “*Intando kaMufi*”. More scenes in these novels create an uncomfortable situation that brings conflict between people with different views on their beliefs. Furthermore, due to overwhelming scenes in these two novels, gender inequality issues arise due to a misunderstanding between the two parties that are not willing to compromise to accommodate each other. In the following chapter, the research findings that sought to answer the research questions are discussed, as well as the reasons for conflict between culture, human rights, and gender inequality. Recommendations are provided, as well as future research topics and a conclusion to the study.

#### 4.5 Conclusion

In this chapter, scenes that portray conflict between culture, human rights, and gender inequality were presented by using excerpts from the two isiZulu books titled *Isiko Nelungelo* and *Intando KaMufi*. Moreover, in these scenes, it is revealed that there is serious mistreatment of women either by their parents-in-law or other family members in support of culture compared to human rights that seek to protect people and give them a choice to choose what and what not to practice. Patriarchy was another dominating factor in this chapter, according to which men are overwhelmed by the belief that, as men, they are the superior humans and, therefore, they have the power to control and influence decisions as long as they are in their favour. Lastly, the

following chapter presents the findings, recommendations, future research to be undertaken and the conclusion to the study.



## CHAPTER 5: FINDINGS, RECOMMENDATIONS AND FUTURE RESEARCH

### 5.1 Introduction

In this chapter, the study is concluded by integrating the literature and data from the previous chapters. The aim of this research study was to investigate issues that depict gender inequality and conflict between culture and human rights. The isiZulu drama book titled *Isiko Nelungelo* and the isiZulu novel titled *Intando kaMufi* were used to elicit information relating to sources of other scholars who have researched the concept of gender inequality, culture, and human rights. In this study, data from written sources concerning people's positive and negative responses were used. It was established that interviews and questionnaires were not feasible to collate data, therefore, an analysis was conducted of people's perceptions through written text.

Furthermore, African cultures have regarded gender through different lenses, which have given a rise to patriarchy. In most cases, cultures are patriarchal, thereby benefiting the men, rather than the women in its customs and traditions, and creating inequality between the genders. Therefore, in this chapter, clarification is sought based on more findings as to why and how conflict exists between culture, human rights, and gender inequality. A summary is provided of the main analytical findings in respect of the IsiZulu drama book titled *Isiko Nelungelo* and the IsiZulu novel titled *Intando kaMufi*. Drawing from the theoretical frameworks in explaining culture, gender inequality, and human rights, it was found that human rights and culture are considered important, which has resulted in the acceptance, as well as the rejection, of harmful cultural practices.

### 5.2 Summary of the findings

In this study, it was established that human rights and culture are important, yet always in conflict. This was exemplified by the IsiZulu cultural books, which revealed that *ukuzila* (mourning) is widely accepted and that it has been endorsed as a positive cultural practice. However, *ukungenwa* (forced marriage) is being rejected by many people as it is a harmful cultural practice which impedes the development of women and young girls. In addition, the practice of *ukungenwa* does not create an enabling environment for young girls and women to choose a partner based on their feelings.

Moreover, it was established that the practice of *ukungenwa* has become questionable given the fact that most women who are aware of their rights, are activists of feminism and are no longer vulnerable to *ukungenwa* have challenged this cultural practice. Therefore, this has led to conflict between cultural practices and new human rights (Ndlovu, 2013:34).

Furthermore, this study argued that *ukungenwa* and arranged marriages pose serious emotional and physiological harm to women. In addition, this cultural practice does not only affect older women, but in most South African rural areas, young girls too. The harmful practice of arranged marriages and *ukungenwa* result in young girls deserting education and becoming household leaders as their parents have benefitted from bridal payments. However, this cultural practice violates the provisions of the Constitution of the Republic of South Africa, 1996, which states that all children have the right to a basic education (Magudu, 2004:12). Furthermore, the literature employed in this study argued that the culture of lobola (bride price) remains a good practice despite the abuse that is validated through it.

In addition, it was found that child marriage is prohibited and rejected given the fact that it undermines children and human rights as young children tend to be subjected to household chores that must be conducted by adults (Mwambene & Sloth-Nielsen, 2011:5). It was established that African cultures recognise patriarchy, which offers a man more stature. In the literature, it was found that harmful cultural practices do not only lead to gender inequality but have also played a role in contributing towards the rise of HIV/AIDS infections, particularly in rural areas. This further suggests that patriarchy is deeply embedded in society, which has led to situations in which women cannot refuse unprotected sex and are forced to cohabit. In addition, it was argued that lobola (bride paying) also serves as a form of women marginalisation. In this study, it was argued that most men assume authority and control over women post the lobola practice. As such, it was proven that the lobola cultural practice contributes towards gender inequality (Okoror & Shisana, 2009:407).

In this study, it was further established that morals are imposed by men on women after the lobola has been paid, which means that women must abide by the husband's family traditions and laws. It was highlighted that women in South Africa are expected

to develop households, whereas, in previous years, there was a dominant belief that women should render household services as opposed to working towards having careers. This belief further gave men the privilege to access education and serve as economic providers. It was also established that in most rural areas, some women still hold the view that they must get married and take care of their children, as well as their husbands. As a result, the perception that men must be given more power and dominance still persists in South Africa (Rubenstein, 2017:24).

In the South African context, it was argued that the introduction of the Constitution of the Republic of South Africa in 1996 influenced how people should live together. However, the Constitution of the Republic of South Africa, 1996, has not been fully effective given the fact that cultural stereotypes remain dominant and a gender imbalance is still created. Moreover, culture in South Africa remains protected by sections 30 and 31 of the Constitution of the Republic of South Africa, 1996, with this document still underpinning the importance of collectiveness and awarding cultural practices the responsibility of controlling and guiding groups (Devenish, 1998:422). Hence, the protection of cultural rights is further guaranteed by section 185 of the Constitution of the Republic of South Africa, 1996. The latter further provides that South Africa must have a Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. Furthermore, the protection of cultural rights is recognised by section 211(3) of the Constitution of the Republic of South Africa, 1996, which provides for the application of customary law by the courts, “subject to the Constitution and any legislation that specifically deals with customary law”.

In this study, it was also argued that in the South African context, cultural practices and beliefs are still maintained as people do not have the will to compromise their beliefs in order to accommodate human rights and the needs of other people. In addition, this study outlined that different government departments and non-governmental organisations (NGOs) have been instrumental in creating educational and awareness programmes to ensure that people are aware of their rights, and that they understand the challenges imposed by human rights violations. It was found that many countries in the world are faced with the challenges of resolving conflict caused between culture, human rights, and gender inequality. Furthermore, it was established

that educational programmes also face severe financial and funding constraints. In addition, most NGOs that are involved in awareness programmes concerning human rights violations find it difficult to mitigate human rights violations and gender inequality (Grant, 2006:16-22).

In the findings of this study, it was also argued that at least 16 African countries, including South Africa, have introduced measures banning the harmful cultural practices that are violating the rights of women. Furthermore, at the meeting of the African Union in Maputo (Mozambique) in July 2003, a protocol was added to the African Charter on people's human rights. The findings have shown that this protocol came into force and became effective in November 2005 with an aim to protect the rights of women (Mubangizi, 2012:42). Therefore, the abovementioned resolves conflict between culture, human rights, and gender inequality. In addition, by implementing educational lessons, communities are becoming engaged to reach a consensus about how to deal with issues relating to patriarchy, human rights violations, and gender inequality.

It was pointed out that there are several women's organisations in different academic institutions. These organisations include the Centre for Women's Studies (University of South Africa), the Centre for Gender Studies (University of Venda), the Centre for Gender Studies (University of KwaZulu-Natal), and the Community Law Centre (University of the Western Cape). These bodies could play an important advocacy role in addressing the violation of women's rights, which, as discussed in this report, takes place under the guise of culture and tradition (Bekker, 2007:137). Therefore, the findings have proven that by making use of these organisations in fighting against the violation of women's rights will bring a solution to the trending conflict between culture and human rights (ibid). In this study, it was illustrated that resolving the challenges between cultural practices, human rights, as well as gender inequality, has proven to be complex, although different states have passed different laws and further reformed existing laws to balance the needs of all citizens. In this study, it was argued that cultural sensitivity exists in most countries. This means that human rights activists have always recognised that people are sensitive to their cultures, and they see the need and the importance of preserving many of their cultural customs.

Finally, through the analysis of each IsiZulu book, it was illustrated that women are discriminated against and oppressed. This further provides that most women have lost the ability to run their own lives or decide on what to do with their own lives. In this study, it was illustrated that power-structured relations and arrangements have been established through cultural practices. In most societies, social status is predominantly determined by men, and women are regarded as sex objects and slaves. In this study, it was proven that patriarchy and cultural practices have had a negative impact on the lives of women, that cultural practices are the root cause of women's insubordination and the manifestation of gender inequality. In households where women are neither employed, nor have economic independence, they are regarded as possessions. The postulation is that the behaviour of men is consistent with the way in which they have been socialised in heteronormative patriarchal societies. In conclusion, in this study, it has been argued that cultural practices have created negative stereotypes towards women, and a society in which everyone is tolerant, while human rights have been introduced to bring societal change and foster development (Baloyi, 2015:248).

### **5.3 Recommendations and areas of future research**

It is recommended that a fieldwork study be conducted to establish attitudes towards how women are treated in various societies through an interdisciplinary lens to understand patriarchy and its impact on men and women in society. It is further recommended that future research should be conducted in this regard in order to discover new approaches that could be used to address patriarchy in society. Findings in this regard could ensure that people become aware of the limitations that they pose towards the emancipation of women. This will also ensure that society is able to balance human rights and cultural practices. In addition, it is recommended that governments and other institutions conduct a comparative study on how African and Western states deal with multiculturalism.

Finally, it is recommended that the South African Government implement laws and policies that will address harmful cultural practices in order for positive relationships to be developed with different people from society. The benefit of having a relationship with stakeholders is that they can all contribute to the debate on the feasibility of changing certain cultural practices. This means that change and women emancipation

can be effective when different women and men express their views, and that government and institutions will be able to draft policy documents that will contradict each other. Government must work towards ensuring that South Africa becomes an inclusive, participatory society that allows everyone to express themselves. It is an important function of a modern democratic state to allow participation and inclusion as it is a constitutional right.

#### **5.4 Conclusion**

In this study, it was argued that South Africa has a diverse range of languages, races, religions, and ethnic communities, and that it has faced significant challenges – political, cultural, and socio-economic – since the arrival of a democratic government in 1994. Nevertheless, South Africa is still entrenched in its cultural beliefs even though a constitution was introduced to neutralise some of the oppressing beliefs. With special reference to the Zulu tribe, in this study, the nature of human beings (men and women) was discussed as being democratic even beyond cultural expectations. It argues against some cultural practices on women, especially widows, which claim supremacy and bind the widows to the ritual processes among the Zulu people. Therefore, culture cannot use humans to shape itself and to transform a community. It is humans themselves who use culture to identify themselves and ultimately change their communities. From this study, it can be concluded that there is a lack of will to explore the impact that gender inequality and cultural practices have had on women. Consequently, women remain treated as symbols, rather than individuals who have the agency to make their own decisions.

**LIST OF REFERENCES**

- Akgul, F. 2016. *Patriarchal Theory reconsidered: Torture and gender-based violence in Turkey*. London: University of Westminster.
- Alcoff, L. 2006. *Cultural Feminism versus Post-Structuralism: The identity crisis in Feminist Theory*. Chicago: University of Chicago.
- An-Na'im, A. & Hammond, J. 2002. *Cultural transformation and human rights in African societies*. In A. An-Na'im (ed.). 2002. *Cultural transformation and human rights in Africa*. London: Zed Books.
- Assembly, U.G. 1948. Universal declaration of human rights. *UN General Assembly*, 302(2):14-36.
- Assembly, U.G. 1979. Convention on the Elimination of all Forms of Discrimination Against Women. [online] Available at: <https://www.ohchr.org/en/instruments/-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> [Accessed: 20 April 2022].
- Aveyard, P. 2010. Influence of smoking cessation after diagnosis of early-stage lung cancer on prognosis: Systematic review of observational studies with meta-analysis. *BMJ*, 340.
- Babbie, E. & Mouton, J. 2001. *The practice of social research*. Southern Africa: Oxford University Press.
- Babbitt, E. & Hampson, F.O. 2011. Conflict resolution as a field of inquiry: Practice informing theory. *International Studies Review*, 13(1):46-57.
- Baharvand, P.A. 2016. The role of British missionaries in the rejection of Igbo religion and culture in Chimamanda Ngozi's Adichie's Purple Hibiscus. *Journal of Novel Applied Sciences*, 5(2):43-51.
- Baloyi, E. 2015. Women on women oppression: Pastoral investigation into how African women oppress widows in time of grief. In: F.H. Chimhanda, V.M.S. Molobi & I.D. Mothoagae. (eds). *African theological reflections: Critical voices on liberation, leadership, gender and eco-justice*, (Unisa: Research Institute for Theology and Religion), pp. 247-273.
- Bekker, J.C. 2007. The indomitable *ukuthwala* custom. *De Jure*, 40:137-139.
- Brown, C.L. & Olson, K. 1992. *Feminist criticism: Essays on theory, poetry and prose*. New York: Scarecrow Press.

- Bruce, G. 1993. *Conflict and culture: Research in five communities in British Columbia, Canada*. Victoria, British Columbia: University of Victoria Institute for Dispute Resolution.
- Chabata, T. 2012. The commercialisation of lobola in contemporary Zimbabwe. *A Journal on African Women's Experiences*, 2(1):23-45.
- Chowdhury, E.H. 2015. Rethinking patriarchy, culture, and masculinity: Transnational narratives of gender violence and human rights advocacy. *Journal of International Women's Studies*, 16(2):15, 98-114.
- Cook, R.J. (ed.) 2012. *Human rights of women: National and international perspectives*. Pennsylvania: University of Pennsylvania Press.
- Creswell, J. 2003. *Research design: Qualitative, quantitative, and mixed methods approaches*. London: Sage Publications.
- Creswell, J.W. & Garrett, A.L. 2008. The "movement" of mixed methods research and the role of educators. *South African Journal of Education*, 28(3):13-18.
- Creswell, J.W. 2014. Qualitative, quantitative, and mixed methods approaches, pp.187.
- Cuddon, J.A. 1991. *A dictionary of literary terms and literary theory*. 3<sup>rd</sup> ed. Cambridge: Basil Blackwell Ltd.
- Daber, B.N. 2003. *The gendered construction of mourning and cleansing rites of widowhood amongst the Zulu speaking people of Ndwedwe community, KwaZulu-Natal*. Master's dissertation. KwaZulu-Natal: University of KwaZulu-Natal.
- Devenish, G.E. 1998. *A commentary on the South African Constitution*. Durban: Butterworth-Heinemann.
- Diamond, L.M. 2020. Gender fluidity and nonbinary gender identities among children and adolescents. *Society for Research in Child Development*.  
<https://doi.org/10.1111/cdep.12366>
- Donnelly, J. 2013. *Universal human rights in theory and practice*. New York: Cornell University Press.
- Ejidike, O.M. 1999. Human rights in the cultural traditions and social practice of the Igbo of South-Eastern Nigeria. *Journal of African Law*, 43(1):71-98.
- Equality and Human Rights Commission (EHRC). Available at:  
<<<http://www.equalityadvisoryservice.com>>>. Updated in May 2014.



- Flick, U. 2015. *Introducing research methodology: A beginner's guide to doing a research project*. London: Sage.
- Forester, S. & Weldon, S.L. 2022. New dimensions of global feminist influence: Tracking feminist mobilisation worldwide, 1975-2015. *International Studies Quarterly*, 66(1):93.
- Frey, B.A. 2001. The legal and ethical responsibilities of transnational corporations in the protection of international human rights. *Minn. J. Global Trade*, 6:153.
- Fukuda-Parr, S. 2006. Millennium Development Goal 8: Indicators for international human rights obligations? *Human Rights Quarterly*, pp. 966-997.
- Gillham, B. 2000. *Case study research methods*. New York: Continuum.
- Grant, E. 2006. Human rights, cultural diversity and customary law in South Africa. *Journal of African Law*, 50(1):2-23.
- Grant, N.E. 2014. The Antiracism app: Methodological reflections for theory and practice. *Critical Literacy: Theories & Practices*, 8(1).
- Greenbaum, V. 1999. Seeing through the lenses of gender: Beyond male/female polarization. *English Journal*, 88(3):96-99.
- Gwarinda, T.A. 2013. *The impact of the common law and legislation on African indigenous laws of marriage in Zimbabwe and South Africa*. Doctoral thesis. University of Fort Hare.
- Hlongwa, N.F.E. 2019. *A criminological exploration of media ethics in South African Broadcasting Corporation: Case studies of KwaZulu-Natal Province*. Doctoral thesis. University of KwaZulu-Natal.
- Hunnicut, G. 2009. *Varieties of patriarchy and violence against women resurrecting "patriarchy" as a theoretical tool*. London: Sage Publications.
- Jary, D. & Jary, J. 1995. The transformations of Anthony Giddens: The continuing story of Structuration Theory. *The Journal of Theory, Culture, and Society*, 12(2):76-160.
- Koch, I.E. 2009. *Human rights as indivisible rights: The protection of socio-economic demands under the European Convention on Human Rights*. Boston: Martinus Nijhoff Publishers.
- Lammana, S. 2002. *The impact of gender inequality in education and employment. Economic growth in development countries: Updates and extensions*.

- Lindholm, T. 2008. 2 The cross-cultural legitimacy of universal human rights: Plural justification across normative divides. In: F. Francioni & M. Scheinen. (eds.) 2009. *Cultural Human Rights*, Boston: Martinus Nijhoff Publishers, pp. 17-39.
- Loomis, K. & Rhein, W. 2001. Business and human rights in the year 2000. *Journal of Human Development*, 2(1):20-23.
- Lorber, J. 2001. *Gender inequality*. Los Angeles, CA: Roxbury.
- Lorber, J. 2005. *Gender inequality: Feminist theories and politics*. 3<sup>rd</sup> ed. Los Angeles: Roxbury.
- Lumumba, P. 2017. Africa Arise. Africa Day Celebrations Speech. University of Vienna. Afrikanistik Department. Vienna, pp. 33-44.
- Luvuno, Z.P., Ncama, B. & Mchunu, G. 2019. Transgender population's experiences with regard to accessing reproductive health care in KwaZulu-Natal, South Africa: A qualitative study. *African Journal of Primary Health Care & Family Medicine*, 11(1):1-9.
- Madlala, S. 1997. Infect one, infect all: Zulu youth response to the AIDS epidemic in South Africa, *Medical Anthropology*, 17(4):363-380.  
<https://doi.org/10.1080/01459740.1997.9966146>
- Madlala, S. 2005. Popular responses to HIV/AIDS and policy. *Journal of Southern African Studies*, 31(4):3.
- Magudu, B. 2004. AmaHlubi women's experience and perceptions of "ukuzila". *Agenda*, 18(61):4.
- Mahmud, S.S. 1993. The state and human rights in Africa in the 1990s: Perspectives and prospects. *Hum. Rts. Q.*, 15:485.
- Manson, J. 2002. *Qualitative researching*. London: Sage Publications.
- Marie, A. 2003. *The globalization of human rights*. New York: United Nations University Press.
- Mathaba, S. 2012. *Intando KaMufi*. Cape Town: Oxford University Press South Africa.
- McLeod, W.T. & Hanks, P. 1982. *The New Collins Concise Dictionary of the English Language*. London: Collins.
- Michelle, L. 2003. Culture and conflict: *Beyond intractability*. In: G. Burgess & H. Burgess. (eds.). *Conflict Information Consortium*. University of Colorado: Boulder.
- Mishra, P. 2002. *Human rights: Global issues*. Delhi: Kalpaz Publications.

- Mubangizi, J.C. 2012. A South African perspective on the clash between culture and human rights, with particular reference to gender-related cultural practices and traditions. *Journal of International Women's Studies*, 13(3):33-48.
- Mvelo, A. & Mtambo, B.F. 2019. *Imithelela emihle nengemihle ngesithembu njengoba ikhonjiswa ngokombhalo wobuciko besiZulu*. Doctoral thesis. University of South Africa.
- Mwambene, L. & Sloth-Nielsen, J. 2011. Benign accommodation? Ukuthwala, 'forced marriage' and the South African Children's Act. *African Human Rights Law Journal*, 11(1):1-22.
- Ncube, N.A. 2018. *The clash between human rights and culture: Case studies of South Africa and Zimbabwe*. Doctoral thesis. Stellenbosch University.
- Ndlovu, C.D. 2013. *The mourning cultural practices amongst the Zulu-speaking widows of the KwaNyuswa community: A feminist perspective*. Doctoral thesis. KwaZulu-Natal: University of KwaZulu-Natal.
- Nelson, E.F. & England, Z.P. 2002. Gender rights. *Issues caused by Men in Families*, 2:15, 68.
- O'Byrne, D.J. 2005. *Human rights: An introduction*. Singapore: Pearson Education.
- O'Garman, K. 2015. *A guide to writing your dissertation: Research method for business and management*.
- Okin, S.M. 1999. *Is multiculturalism bad for women?* Princeton & New Jersey: Princeton University Press.
- Okoror, T. & Shisana, O. 2009. Stigma, culture, and HIV and AIDS in the Western Cape, South Africa: An application of the PEN-3 cultural model for community-based research. *Journal of Black Psychology*, 35(4):407-432.
- Osler, A. & Starkey, H. 1996. Children's rights and citizenship: Some implications for the management of schools. *Int'l J. Child. Rts.*, 6:313.
- Parsons, J.R. 1999. Archaeological settlement patterns. *Annual Review of Anthropology*, pp. 127-150.
- Pujar, L., Chanda, K. & Morab, A. 2017. Knowledge on reproductive health of rural farm women. *International Journal of Home Science*, 3(1):229-233.
- Pujar, S. 2016. Gender inequalities in the cultural sector. Culture Action Europe.
- Rajawat, M. 2001. *Burning issues of human rights*. Delhi: Kalpaz Publications.
- Republic of South Africa. 1996. Constitution of the Republic of South Africa 108 of 1996. Pretoria: Government Printers.

- Ritzer, G. & Ryan, J.M. 2007. Postmodern Social Theory and Sociology: On Symbolic Exchange With a “Dead” Theory. *Reconstructing Postmodernism: Critical Debates*, pp. 41-57.
- Rubenstein, R.E. 2017. *Resolving structural conflicts: How violent systems can be transformed*. New York: Routledge.
- Rudman, L.A., Moss-Racusin, C.A., Phelan, J.E. & Nauts, S. 2012. Status incongruity and backlash effects: Defending the gender hierarchy motivates prejudice against female leaders. *J. Exp. Soc. Psychol.*, 48:165-179.
- Rushing, J.H. & Frenzt, T.S. 1978. *Culture’s myths: Culture as context for communication*. Sage Publications. Thousand Oaks.
- Sedumedi, P. 2009. *A qualitative study exploring black women’s perceptions of the impact of women’s changing socio-economic status on intimate heterosexual relationships*. Doctoral thesis. KwaZulu-Natal: University of KwaZulu-Natal.
- Sills, D.L. 1968. *International Encyclopedia of Social Sciences*. New York: The Macmillan Company and the Free Press.
- Silverman, D. 2013. *Doing qualitative research: A practical handbook*. London: Sage.
- Simpson, J.A. & Weiner, E.S.C. 1989. *The Oxford English Dictionary*. 2<sup>nd</sup> ed. New York: Oxford University Press.
- Smith, P. 2001. *Cultural Theory: An introduction*. *Social Forces*, 79(4):76.
- Song, S. 2005. Majority norms, multiculturalism, and gender equality: American Political Science Review, Agenda 82, pp. 473-475.
- Steady, F. 2009. *Environmental justice in the new millennium: Global perspectives on race, ethnicity, and human rights*. Springer.
- Steans, J. 1998. *Gender and international relations theory, practice, policy*. Cambridge: Polity Press.
- Stenson, M.W. 2009. Feature problems before patterns: A different look at Christopher Alexander and pattern languages. *Interactions*, 16(2):20-23.
- Stephen, J.F. 1999. *The culture of time and space: With a new preface*. Harvard
- Stephens, N.M. & Levine, C.S. 1999. Opting out or denying discrimination? How the framework of free choice in American society influences perceptions of gender inequality. *Psychological Science*, 22(10):146.
- Susskind, L.E. & Cruickshank, E.M. 1991. Implementing a mutual gains approach to collective bargaining. *Negot. J.*, 7:5.

- Symonides, J. 2002. Human rights: Concepts and standards. New Delhi: Rewat Publications.
- Taylor, V., Rupp, L.J. & Shapiro, E.I. 2010. Drag queens and drag kings: The difference gender makes, *Sexualities*, 13(3):275-294.
- UN Women. 2009. Convention on the elimination of all forms of discrimination against women (CEDAW). *UN Women*.
- UNESCO. 2016. *Gender equality: Heritage and creativity*. Paris: UNESCO/CLD.
- United Nations Educational, Scientific and Cultural Organization (UNESCO). 2003. UNESCO's Gender Mainstreaming Implementation Framework (GMIF) for 2002-2007. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000131854>. University Press.
- Venganai, H. 2015. (Re)constructing positive cultures to protect girls and women against sexual violence. *Agenda*, 29(3):145-154.
- Weston, B.H. 1984. Human Rights Quarterly. University of Iowa Center for Human Rights.
- Williams, R. 2011. Culture is ordinary. *Cultural Theory: An anthology*, 5 359.
- Williams, S. & Sweetman, C. 2001. *Ending violence against women: A challenge for development and humanitarian work*. Oxfam.
- Yin, R. 2003. *Case study research: Design and methods*. London: Sage Publishers.
- Zondi, N.B. & Canonici, N. 2005. *Protest against social inequalities in B.W. Vilakazi's poem "Ngoba .... sewuthi" ("Because.... you now say")*: School of isiZulu University of KwaZulu-Natal Durban, pp. 5-7.
- Zondi, N.B. & Khuzwayo, B.C. 2015. Tradition and the culture of rights at the crossroads: A literary perspective. *Literator. Journal of Comparative linguistics and literacy studies*, 36(1).
- Zulu, N. 2011. *Isiko Nelungelo*. Arcadia, South Africa: Eulitz Productions.