

**Probing the experiences of women within the practice of ‘Gonyalelwa lapa’ among  
‘BaSotho ba Lebowa’ Ga-Masemola Area Sekhukhune District, Makhuduthamaga  
Municipality, Limpopo Province South Africa**

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## DECLARATION

I **Mmoledi Kabekwa**, declare that this dissertation submitted for Masters in Gender Studies Degree at University of Venda has never been submitted in any other institution. This is my own working design and in execution, and that all materials contained therein has been duly acknowledged.

Signed (student).....Date.....

## **DEDICATION**

This study is dedicated to my late father, Mr. Butana Jan Kabekwa and my mother Mrs. Madibe Flora Kabekwa. I say, thank you for your effort for encouraging and inspiring me to study. I love you and I will always love you, you are the best parents in the world. God bless you!

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## ABSTRACT

'*Gonyalelwa lapa*' is a form of a marriage whereby a family marries a woman to a deceased son who passed on without having biological children, for the purpose of restoring or reviving the deceased's name. The woman is married with her existing children, or to bear children who will take the surname of the deceased man. Women find it difficult to leave such marriages for the fear of losing their children whom they signed off by accepting to be married under this type of marriage. This study employs the feminist standpoint methodological approach in order to explore experiences of women who are married for '*lapa*'. The study purposefully selected a sample of 8 women who are married under '*Gonyalelwa lapa*' as well as 4 key informants. Findings demonstrate that women marry for '*lapa*' mainly for economic reasons, to escape stigmatization, for the acquisition of the marital surname, which is tied to being acknowledged, respected and recognized by the community. Nevertheless, these women face multi-dimensional challenges within their in-laws' households: they receive no support from the in-laws; their girl-children suffer discrimination based on 'sex-preference', boys are given more value on the basis that a boy will be able to perpetuate a deceased man's name. Most women married under this type of marriage suffer from emotional and economic abuse at the hands of their in-laws. The study reveals that these challenges are attributed to lack of physical presence of the husband in the family. The study recommends that a large scale study be conducted on this or related topic, to build knowledge and create an awareness of such a marriage as to facilitate its inclusion in Customary Marriage Act.

**Key words:** Marriage practice, modernization, standpoint theory, feminism, patriarchy, convergence theory, persistence theory

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#### **LIST OF ACRONYMS**

CMA	Customary Marriage Act
RCMA	Recognition of Customary Marriages Act
CMP	Customary Marriage Practice
IAW	International Alliance of Women's

## CHAPTER 1: INTRODUCTION AND BACKGROUND

### 1.1 INTRODUCTION

Marriage among Africans constitutes a complex mix, whereby traditional or customary and civil (Christian) marriages co-exist. Civil marriage has been imported into African culture by British settlers and has been imposed on Africans as the only recognized marriage (Louise, 2009). In South Africa, under the Customary Marriage Act No, 120 of 1998, customary marriage is defined as “a marriage concluded in accordance with customary law, while customary law means the customs and usages traditionally observed among the indigenous African peoples of South Africa and which form part of the culture of those peoples” (Louise, 2009:2).

This study is about the experiences and challenges faced by women who are married through ‘*Gonyalelwa lapa*’ marriage among the ‘*BaSotho ba Lebowa*’ (Northern Sotho) at Ga-Masemola Area. ‘*Gonyalelwa lapa*’ is “one of the various forms of customary marital associations and finds expression in the day-to-day cultural practices, rituals and traditions of African Black people” (Mokotong & Monnye, 2013:78). Among the ‘*BaSotho ba Lebowa*’ (Northern Sotho) cultural group, there are various types of customary marriages practiced by different clans within this group and one clan practices different types of customary marriages. Amongst others are ‘*seyantlo*’, ‘*Gonyalelwa lapa*’, and polygamy. ‘*Seyantlo*’ is a marriage which entails widow inheritance. Polygamy is a marriage which allows a man to marry more than one wife. The focus of this study is on ‘*Gonyalelwa lapa*’. ‘*Gonyalelwa lapa*’ is when a paternal family marries a woman who would bear children for their deceased son. The purpose of this marriage is to ‘*Gotsoša leina la mohu*’ (revive and continue the deceased man’s name). The family buys or provides a home and other basic needs for their deceased son’s family (Mokotong & Monnye, 2013:78). This study seeks to explore the experiences and challenges faced by women who are married through ‘*Gonyalelwa lapa*’ among ‘*BaSotho ba Lebowa*’ (Northern Sotho) at Ga-Masemola. This chapter covers the introduction and background of the study, statement of the problem, purpose of the study, the objectives of the study, and research questions. The motivation of the study is also discussed in order to indicate what motivated the researcher to undertake this study. The definitions of major concepts are also included in this chapter.

## **1.2 BACKGROUND TO THE PROBLEM**

South Africa “is characterized by legal and cultural pluralism”, where people, especially black Africans mix ‘traditional’ and ‘modern’ (Western) norms in their marital practices. (Himonga and Moore, 2015: 17). Moreover, many of the African cultures around the African continent practice a diversity of customary marriages, which are unique to a particular culture which marks the identity of that ethnic group (Chambers, 2000:103). However, there are some commonalities among marriages of some ethnic groups. This section outlines the background to the traditional marriage practices beginning at regional, national and local levels.

### ***1.2.1 Customary marriage in Nigeria: Widow Inheritance amongst the Yoruba in Nigeria***

The section starts by describing the marriage practice of the Yoruba people in Nigeria. One of the customary marriages in Nigeria is widow inheritance. In Yoruba parlance, inheritance is considered as property left behind for the heirs (Ezejiofor, 2011:148). However, as Olanisebe and Oladosu (2014: 4) assert, a wife and agnatic relatives of the family inheritance should not be seen only as the entrance of living persons into the possessions of dead persons, nor should it be seen as a succession to all rights of the deceased. Rather, it is to be considered as the transference of the status from the dead to the living with respect to specific property objects. This formula for sharing inheritance can be linked to the tradition of people that puts the legal provisions for the widows at the discretion of men and makes men to be the determinants of who shares what from his inheritance. Those who have the advantage of sharing from the inheritance are the extended male members and children of the deceased, in some cases. Olanisebe and Oladosu (2014: 4) argue that widows are shared like the property of the dead. Widows are regarded as chattel being inherited like other amoral acts and they should not have been having illicit affairs before the death of their husband (Ezejiofor, 2011:152).

Men who are to inherit widows have to meet the criteria set by the cultural group (Ezejiofor, 2011:152). Olanisebe and Oladosu (2014: 4) state that the brother that is to marry the widow must be of the same family with the dead person; he must be younger than the dead husband; the relationship with the dead husband must have been cordial whilst the latter was alive. There must not have been any reported case of an illicit affair with the widow before her husband’s death and he must not have been found to have any connection with the death of his brother. Before the day agreed upon for the choice of the new husband by the widow, the man from the

deceased's family who qualifies will be making their intentions known to the widow. On the agreed day, place and time, various items belonging to all the contestants will be brought. The widow will be allowed to choose or point to only one of the many items that are presented on behalf of many contestants amongst the men in the family. If she points any of the items it would imply that she knows the person very well (Ezejiolor, 2011:153). This is also done to avoid enmity amongst the contestants in the family. Materials or items that are usually used to determine the widow's choice include chewing sticks, head caps and shoes of different contestants. Any of these materials can be used to determine the prospective husband. According to Olinisebe & Oladosu (2014:4) the decision on a widow's inheritance or remarriage is solely dependent on the woman. The woman may decide to accept or reject the position of taking another husband. Old women are not allowed to take another husband even if they are yet to give birth to children for their deceased husbands, but preparations are made for their care (Ezejiolor, 2011:153).

It should be noted that a widow cannot undergo these processes twice. Where there are several women, the heir who succeeds to the headship of the house usually inherits the majority of the women. The woman is expected to decline an offer once or twice, but if rejected the third time, the refusal is taken as final. It must be stressed that the purpose of a widow's inheritance amongst the Yoruba is primarily to ensure the welfare of the widow within the family because the woman is regarded as an inheritance of the deceased and must be taken good care of in the absence of the deceased. According to Olanisebe & Oladosu (2014:5) the aim is not necessarily to raise children for the deceased.

### **1.2.2 South African Black Traditional Marriages**

The population composition in South Africa is diversified. Blacks comprise 87% of which 78% are Africans and the rest Indians and coloureds. Almost 50% of the Africans reside in rural areas which are led by hereditary kings, chiefs' sub-chiefs and headmen who are custodians of African cultural tradition (Chambers, 2000). Among the rural areas are Zulus, Xhosas, Southern Sothos, Tswanas, Ndebeles and in the Northern part of South Africa (Limpopo Province) are Batsonga, VhaVenda and BaSotho ba Lebowa. Each of these cultural groups has its own cultural traditions among others, cultural rites, rituals and practices at birth, at the coming of age, at marriage and at death (Chambers, 2000). Furthermore, each cultural group may be further divided into clans, each of which practices its own culture. The same applies with

traditional marriages whereby each group practices a traditional marriage peculiar to its own cultural group (Chambers, 2000). Traditional leaders are not involved in the negotiation of 'magadi' but they are only informed after the negotiations and the date of the marriage but are "potential sources of evidence in matters concerning the proof of existence of the marriage in the event of validity of a marriage that they were informed about or witnessed is disputed" (Chambers, 2000; Rautenbach and Du Plessis, 2012; Himonga and Moore, 2015: 101). It is important to note that up until 1994, in South Africa's legal system considered customary law of marriage as uncivilized and inferior, therefore it was not recognized, enforced civil or Christian marriage (Chambers, 2000, Rautenbach, and Du Plessis, 2012). However, most African groups retained their traditional marriages which they practiced alongside the Christian or civil marriage. With the inception of the democratic government in 1994, the customary marriage was enacted (Chambers, 2000; Rautenbach and Du Plessis, 2012; Himonga and Moore, 2015). Currently most African cultural groups in South Africa marry under a hybrid of civil and customary law or marry under civil law while they also observe customary marriage rituals (Chambers, 2000 and Rautenbach, 2012). This study focuses on a particular marriage practice among the "*BaSotho ba Lebowa*".

#### **1.2.2.1 *BaSotho ba Lebowa* traditional marriages**

The section describes the marriage practice within the '*BaSotho ba Lebowa*' culture. There is dearth of research that focuses on traditional marriages among *BaSotho ba Lebowa*.

Like most African cultural groups, for '*BaSotho ba Lebowa*', a marriage comprises a series of both customary rituals and ceremonies and legal arrangements entered into between the two relatives of the bride and of the groom (Chambers, 2000; Mvududu et al 2011; Rautenbach, and Du Plessis). Moreover, for this particular group and a few cultural groups in South Africa, there are various types of customary marriages that are practiced by different clans among *BaSotho ba Lebowa*. Moreover one cultural clan practices different types of customary marriages. For instance, one may find that each smaller family within an extended family has practices a different type of a traditional marriage. Amongst others are '*seyantlo*', '*Gonyalelwa lapa*', and polygamy. Some of these are elaborated on briefly in this section and in the literature review.

Like other African cultural groups, a traditional marriage among '*BaSotho ba Lebowa*' is affected by the enactment of certain ceremonies and rituals (Chambers, 2000; Rautenbach, and Du

Plessis, 2012), Mankga (2013) and Monning (1983) emphasizes that the delivery of marriage goods is not been regarded as payment. However, the ritual, social and economic value of cattle to the *'BaSotho ba Lebowa'* makes it quite clear that the transfer of cattle or their equivalent is an act of great significance. Mankga (2013) and Monning (1983) also states that the cattle, or their equivalent, collected as marriage goods ', entitle the groom's family the power and privileges resulting from the marriage.

*'BaSotho ba Lebowa'* naturally has certain regulations regarding the choice of a partner in marriage (Mankga, 2013 and Monning, 1983). A man may not marry or have sexual intercourse with his mother, his sister nor his daughter. Marriage is also prohibited between a man and his aunt, niece and his half- brother and half-sister. A man may not marry his step-daughter, or his step-sister or their daughter, or his aunt's or of his mother's step-sister. His aunt is a potentially preferred spouse of his father and their daughters thus his potential sisters. In addition to these prohibitions, it is also expected that a man should not marry the divorced wives of his father, or of his uncle, or of his brother, or of his sons or of his father-in law. It is pointed out that these prohibitions do not include the classificatory relatives. It is perhaps significant of *'BaSotho ba Lebowa'*'s conception that, although some of the principles of preferential marriages are reflected in the kinship terminology, this is not so of the prohibited marriages. However, a man may marry his cousin (*'motswala'*). Mankga (2013) and Monning (1983) describe "this prohibition as based on social conception and not fundamentally biological". The main reason the *'BaSotho ba Lebowa'* allow a man to marry within his "home" is that the mother of the groom is ensured of being taken care of in her old age by a relative. If her daughter in-law is also related to her in some other way, she will be less inclined to quarrel with her but instead, look after her well. Probably for this reason, the marriage to a cousin is preferred above all others (Mankga, 2013 and Monning, 1983).

Mankga (2013:22) and Monning (1983:204) says that some of the customary unions such as *'hlatswa-dirope'* (substitute to the barren wife) and *'tsošaleina la mohu'* (*revival of the deceased marriage*) can be classified as sororate and levirate. Under sororate, as Mankga, (2013:22) and Monning (1983:203) three of the following are usually understood: "the right of a man to marry his wife's sister, the right of man to claim his deceased wife's sister as a substitute and the right of a man to claim his barren wife's sister as an ancillary". All three of these are practiced by the *'BaSotho ba Lebowa'*. On the other hand, they do not distinguish between the right of a man to claim his deceased wife's sister as a substitute and the secondary union normally typified as

levirate. The action of a man raising children by the widow of a deceased relative is called '*go tsenela ntlong*' (Mankga, 2013 and Monning, 1983:203). A woman married as a substitute for her deceased sister is called '*seyantlo*' (Mankga, 2013 and Monning, 1983:203). Mankga (2013) and Monning (1983:203) mentioned that "the principle underlying these two unions is seen to be completely similar. In the first union the younger brother of the deceased and, in the second, the younger sister of the deceased, enter the hut to perpetuate the marriage for which it was built".

According to Mankga (2013) and Monning (1983:203), if it happens that some years elapse after marriage, and a wife does not give birth, she is expected to approach her parents and request that they give her a younger sister to help her. If a younger sister is available they will comply with the request, as they are, through the '*magadi*' they received under obligation to their son-in-law. In the case where there is no other daughter available, they may approach their relatives with such a request. If no suitable girl is available then the matter is abandoned (Mankga, 2013 and Monning, 1983). However, if a sister or other close relative is available she will be married as an ancillary wife. There is no question of a man merely claiming such a sister. He has to marry her, although the '*magadi*' offered need not be as much as that for the primary marriage. Such an ancillary wife is called '*hlatswa-diropo*' (Mankga, 2013, and Monning, 1983: 203) since she comes as substitute for the barren wife who is her sister, to bear children for her. In the same vein if a married woman dies before having had any children, or if she has had only daughters, the widower may approach her parents with the request that they provide him with '*seyantlo*' (Mankga, 2013 and Monning, 1983: 203), a substitute wife. Such a woman should preferably be a younger sister, or some other younger female relative of the deceased. This substitute wife also has to be married, but as in the case with an ancillary wife, a full '*magadi*' needs to be given to the family. If as sometimes happens, a woman dies leaving young children, among whom there is a son who still need maternal care, the husband can then marry a sister of the deceased to take care of the children. Such relationship will only last until the children of the latter are old enough to take care of themselves. Ideally the levir who enters or '*tsenela*' (Mankga, 2013 and Monning, 1983: 205) the hut of the widow should be the younger brother of the deceased. The elder brothers cannot perform this function as this may lead to status problems (Mankga, 2013: 22).

***'Gonyalelwa lapa': Gotsoša leina la mohu (Marriage for the revival of the name of the deceased)***

One of the traditional marriages, practiced by the social organization of *'BaSotho ba Lebowa'* is *'Gonyalelwa lapa'* often referred to as 'deceased marriages' by Western authors (Monning, 1983). However, the usage of this concept has been contested by BaSotho authors on the basis that the translation thereof completely distorts its meaning, if it is directly translated (Mokotong and Monnye, 2013). This takes place in different ways. First, it happens when a woman after a number of years in marriage realizes that she is not going to have any sons, and there are no suitable unmarried sisters or other close female relatives available to be married as an ancillary wife. In this case she may wait until a suitable girl of the next generation reaches an appropriate age, whereby she will arrange with her relatives to have such a girl seconded to her household (Mankga, 2013 and Monning, 1983). Monning (1983:206) says "this occurs particularly with women who have no sons, but whose families have received *'magadi'* for their daughters". It is then considered that such a woman marries a wife in the name of her own unborn son (Mankga, 2013, and Monning, 1983). Secondly, women may also marry, in this manner, a daughter-in law for sons who died young, (Mokotong and Monnye, 2013) or who left the tribe (Monning, 1983). It is always argued that such women are left without their essential right to have a relative to take care of them in their old age and to perpetuate their household. Thirdly, it also happens frequently, particularly among nobility, that a marriage is contracted by the relatives of a man who died. This type of union is called *'gotsoša leina la mohu'* (Mankga, 2013, and Monning, 1983:206) literally meaning to revive the deceased's name (otherwise referred to as deceased Marriage'). It is within this type of marriage that this study is grounded. This type of marriage is contracted in the name of a man who had died before having male offsprings to 'carry on his name' (Burton, 1978: 402) especially after having been initiated, Monning adds (1983). In other words, for those who happen to be recognized as men and whose names have become important among their relatives and a younger brother of the deceased will be assigned to act for the group in its power over the bride in the name of the deceased kinsman (Chambers, 2000, Rautenbach, and Du Plessis, 2012). Cattle are exchanged between the family of the deceased and the paternal kin of the bride. Those individuals who would have been expected to contribute livestock for the marriage of the deceased bear the responsibility of arranging a marriage in his name (Mankga, 2013). The selection of a suitor to actually cohabit with the bride is largely a matter for her own discretion (Mankga, 2013), made in accordance with the

proscriptive norms of incest. The children born of his union are known as 'the children of the deceased' (Mankga, 2013). According to Burton (1978:402) and Mankga (2013) explains the practice by saying "it is done so a man's name will be heard tomorrow".

More traditional marriages are discussed in chapter 2.

#### **1.2.4 Customary marriage Legislation in South Africa**

During the Apartheid era the legal system was characterized by dualism in the laws governing the institution of marriage (Himonga and Moore, 2015:17). The customary law which was regarded as inferior than common law developed by the apartheid regime embodied oppressive rules and regulations. . As Himonga and Moore (2015) argue, this was discriminatory towards black South Africans. Even after democracy South African marriage among African continues to be comprised due to a complex mix, where traditional or customary and civil (Christian) marriages co-exist. The civil marriage has been imported into African culture by British settlers and has been imposed on Africans as the only recognized marriage (Louise, 2009:02). The Customary Marriage Act No, 120 of 1998 defines customary marriage as "a marriage concluded in accordance with customary law, while customary law means the customs and usages traditionally observed among the black African people of South Africa, and which forms part of the culture of those peoples" (Louise, 2009:02). Black Africans, particularly those based in rural areas in South Africa are mainly the ones who observe customary marriage, which must be negotiated and entered into in accordance with customary law. However, customary marriages are practiced differently from one cultural group to another, according to the custom of that community. Within customary marriages are some types of marriages which fall under levirate and sororate unions which the *RCMA* is silent about. This, according to Maluleke (2012) may be attributed to the perception that many such customary marriages are dying off. However, it is important to note that a significant number of communities still practice such types of marriages (Maluleke, 2012).

At the International Alliance of Women's 35th Congress held in South Africa in December 2010, women from Kwa-Zulu Natal and the Eastern Cape reported that widows were being forced to marry the brother or any male relative of the deceased husband. According to Maluleke (2012:12), among the Zulu ethnic group, once a man passes on, the widow is required to choose a husband without knowing who she is choosing because she is given a few sticks to

choose from, and the stick she chooses will determine who the husband is. If she refuses to marry one of the men selected, she is banished from her home, and she loses custody and all her inheritance. The consent might therefore be coerced or unduly influenced by family members or the community. If the woman agrees to marry the male relative due to fear of violence, then the marriage is not valid (Maluleke, 2012: 13).

Louise (2009) observes that polygamy marriage is afforded legal recognition but not polyandry. While the South African constitution accommodates cultural parity and multiculturalism and advocates non-discrimination it is not an open door to the creation of culture. Louise (2009) notes that the civil union Act extends its legal protection equally to all South Africans; the RCMA is discriminatory on grounds both of culture and sex. It affords men the legal rights to an unlimited number of spouses while women are not afforded the same right. Louise (2009) indicated that not all men have rights but solely those who can demonstrate that they are members of an 'indigenous culture' or people (Louise, 2009). This treats both the notion of indigenous and cultural members as if they are untroubled by contestation, power relations and reinvention in the light of the contemporary political reality. Louise (2009) further stated that this is a different criticism from the one usually made by gender activists who argue that the Act is a step back for gender equality because of an irresolvable tension between the quality provision in the constitution and cultural practice such as polygamy (Louise, 2009).

### **1.3 STATEMENT OF THE PROBLEM**

This study explores a particular type of '*Gonyalelwa lapa*' customary marriage which is practiced by the '*BaSotho ba Lebowa*' ethnic group whereby a woman is married 'for' a deceased man to revive and/or carry on his name. In this case a woman is married by the relatives or family of a deceased man for the purpose of giving birth to children who will perpetuate his name. Here, a woman is given a home either within or outside the family compound within which she can reside with her children, who are regarded as the children of the deceased. However, this implies that the woman is kept under surveillance the supervision of her in-laws '*bommatswale*' in the sense that she constantly has to seek or obtain their approval in anything she does, including in relation to her private or intimate affairs. The interference in her private affair compromises her right to privacy. A woman who marries under such a marriage is either allocated a man to sleep with from the family of the deceased, a brother, cousin or his uncle so that she can bear the biological child of that family, or she is allowed to have an sexual affair

with a man of her choice outside the family (Mankga, 2013). However, a child born in this arrangement belongs to the deceased, and is given the deceased name. Against this backdrop, it is clear that marrying under '*Gonyalelwa lapa*' implies that a woman lives under the authority of the deceased family, in the sense that upon her marriage, a woman relinquishes her autonomy, privacy and her reproductive rights which are ceased and arbitrated to control her body, as her body is taken over to be used to bear children for the deceased in order to perpetuate the deceased man's name. Against this backdrop, women find it difficult to leave such marriages for the fear of losing their children whom they signed off by accepting to be married under this type of marriage.

#### **1.4 AIM AND OBJECTIVES OF THE STUDY**

The aim of this study is to explore the challenges as well as the experiences faced by women who are married through '*Gonyalelwa lapa*'.

##### **1.4.1 Objectives of the study**

- To investigate the conceptualization of '*Gonyalelwa lapa*' in order to have a clear understanding of what this customary marriage entails.
- To explore the challenges faced by women who are married under '*Gonyalelwa lapa*'.
- To determine the benefits of '*Gonyalelwa lapa*' customary marriage.

##### **1.4.2 Research questions**

- What does marriage under the '*Gonyalelwa lapa*' practice entail?
- What are the challenges faced by women who are married under '*Gonyalelwa lapa*'?
- What are the benefits of this customary marriage practice '*Gonyalelwa lapa to families and to women*'?

#### **1.5. SIGNIFICANCE OF THE STUDY**

This study is significant in the sense that there is dearth of literature on the topic and will give young women who are married under '*Gonyalelwa lapa*' an opportunity to express their feelings and the challenges they face with their '*bommatswale*' (parents in-law). This study will benefit the South African policy on gender equality and Customary Marriage Act. Furthermore the study

will serve to educate the community, including the '*dikgoši*' (chiefs), '*ntona*' (headmen), and the community elders, but also younger people around the area to become aware of the challenges as well as the benefits of '*Gonyalelwa lapa*' marriage practice. The study findings will assist in developing and/ or reviewing existing policies on the Recognition of Customary Marriage Act.

## **1.6 DEFINITION OF TERMS**

### ***Practice***

A way of doing something that is the usual or expected way in a particular organization or situation.

### ***Levirate (Seyantlo)***

Levirate is a custom whereby a widow is expected to marry the brother (or some close male relative) of her dead husband (Ferraro and Gary, 2006:216).

### ***Sororate***

Sororate refers to practice whereby a woman marries the husband of her deceased sister (Ferraro and Gary, 2006:217).

### ***Hlatswadirope***

If, after some years of marriage, a woman has no children she will, of her own volition approach her parents and ask them to give her husband her sister to help her. If a sister or other close relative is available, she will be married as an ancillary wife and bear children for her sister (Mankga, 2013).

### ***African families***

The concept of family is used in both a wide and narrow sense. In the wide sense it includes all people who have become related through adoption or marriage as well as the family unit which is created by people who have entered into a marriage like relationship (Cronje and Heaton, 2004:7).

### ***Modern society***

Refers to a society in which the people live in the country or region, their organizations, and their way of life.

### ***A nuclear family***

This is a family consisting of parents and their offspring only.

### ***Extended family***

An extended family comprises family people that are relatives living together.

### ***Standpoint theory***

Feminist standpoint theory is a broad categorization that includes somewhat diverse theories ranging from feminist historical materialism perspective analysis of situated knowledge, black feminist thought explication of third world feminists' differential oppositional consciousness, and everyday world sociology for women (Hesse-Biber, 2013 and Maqubela, 2013). The researcher will discuss feminist standpoint methodology which proposes unique principles such as 'Positionality', 'Epistemic privilege', and 'Power Relations' under research methodology.

## **CHAPTER 2: LITERATURE REVIEW**

### **2.1 INTRODUCTION**

The objective of this chapter is to collate, review and analyse literature including theorizations pertaining to the experiences and challenges of women who are married through '*Gonyalelwa lapa*' among the '*BaSotho ba Lebowa*' ethnic group. This chapter will address theoretical background, characteristics of marriage, types of African families, types of traditional marriages in South Africa, economic aspects of marriage, and the rights of women and men in relation to marriages.

### **2.2 THEORETICAL BACKGROUND**

#### **2.2.1 Patriarchy and Intersectionality**

This section discusses the theoretical background which underpins the study. The study uses the theory of patriarchy to make sense of the gender within the act of marriage. The concept of patriarchy is central to our theoretical analysis and mostly concerned with showing how women are subordinated under the authority of patriarchs within the marital institution located within the private domestic realm. Family and the institution of marriage are considered to be central in societies, a pillar of stability and fundamental social order (Patil, 2013). However, feminist theorists, especially from the second-wave feminist era, see the private domestic realm as the main site of women's oppression and male privilege, where men are given roles of power and dominance as heads, decision-makers, breadwinners in their relationships with women (Patil, 2013), while women are relegated to the position of perpetual minors (Patil, 2013). Patriarchy is a system that endorses denial of autonomy of women, especially within a marriage institution (Patil, 2013). Reproduction under this site is their main source of oppression. Women are seen as dependent and vulnerable to men on the basis of their reproductive role such as pregnancy, childbirth, breast-feeding.

However, as stated in Maqubela (2013), "Black-feminism (by African Americans) and African-Feminism has challenged some of the issues raised during the second-wave feminist era by pointing out that black American women suffered oppression different from white women. The main issues that were brought forth were that black and white families were constituted differently. Family formations between Black African and white groups vary in terms of race, class, gender and other variables".

## **2.3 NATURE OF AFRICAN MARRIAGES**

In this section the researcher looks at the nature of some cultural African marriages in South Africa. Ferraro and Gray (2006) mentioned that a marriage cross-culturally is a relationship between two groups, rather than just individuals. They further emphasize that in many societies the “contact established by marriage does not necessarily end with the death or withdrawal, for example through divorce of either partner”. The levirate and Sororate marriages demonstrate evidence of this fact. Marriage is not only for sexual purposes, but it includes a complex exchange of symbolic gifts, as well as a transfer of women’s reproductive rights to her in-laws (Ferraro and Gray, 2006 and Maqubela, 2013). Marriage also “establishes an economic cooperative unit, with each partner contributing a political mechanism by which groups exchange spouses and thereby setting up an alliance”. According to Ferraro and Gray (2006:10) “an alliance is a system whereby descent groups or other kin groups are linked by a prescriptive rule or are recurrent, so that the group remains in an affinal relationship to one another across generations”. Furthermore, most groups have their own cultural prescriptions of what constitutes incest, as well as a category or categories one may not marry into (Ferraro and Gray, 2006: 11). (Ferraro and Gray (2006:11) said “marriage therefore functions to control sexual activity within the society, following the rules by which the group is organized”. Marriage creates families through procreative abilities (Ferraro and Gray (2006:11). A family therefore, functions as a primary group the most important influence is in the socialization of the young. A family defines the channels through which membership in a kinship group is transferred descent and material and non-material possessions are passed from one generation to the next (inheritance). Marriage controls the relations of a conjoined pair to each other, their kinsmen, their offspring and society at large, within the complexity of the group’s social norms at all times (Ferraro and Gray, 2006:11).

## **2.4 TYPES OF AFRICAN FAMILIES**

Below the researcher discusses eight types of African families. Family is one of the oldest common institutions and an important organization in a society. Every person is a member of some family. Ferraro and Gray (2006:160) stated that there are various definitions of the family, including special biological, psychosocial and social linkages. Biologically everyone has a father and a mother. Psychologically, most of the people identify with someone they define as a parent, grandparent, brother or sister, uncle or cousin. Socially, most people are members of a

group they perceive as family, one in which relationships operate in an atmosphere of acceptance, intimacy, support and trust. To most sociologists and anthropologists, the term family refers to a person related by blood, marriage or adoption, and who may or may not share a common residence.

#### **2.4.1 The nuclear or conjugal family**

The nuclear or conjugal family is a family unit composed of a married couple and their unmarried offspring. It consists of husband, wife and their biological and adopted children. As husband and wife, the couples hope to share companionship, love and a sexual relationship. As parents, they are required by law to feed, clothe, shelter and educate their children. Parents have in modern trends an equalitarian relationship, whereby they make family decisions together, whilst they consider their children's freedom of expression, their desires and opinions (Ferraro and Gray, 2006:160).

#### **2.4.2 The extended family**

This is a family arrangement consisting of the oldest male and his wife, the married sons and their wives, all the unmarried sons and daughters and the young dependent children of all the married pairs. The addition of any consanguine and or affine beyond the nuclear unit living and working together makes the family extended (Ferraro and Gray, 2006:161).

#### **2.4.3 The compound family**

This is a family composed of married couples with their children, as well as children of either or both of the spouses from previous marriages, i.e. children of a widower or widow, or of a divorcee (Ferraro and Gray, 2006:161).

#### **2.4.4 Family for orientation**

It is the family group into which one is born (a natal family) in which most basic early childhood experience and learning occur (Ferraro and Gray, 2006:161).

#### **2.4.5 Family of procreation**

It is the family one establishes in marriage. A major principle of society, known as the principles of legitimacy, is that every child has a legitimate father to act as a protector, guardian and representative in society. Reproduction within a family and marital context legitimizes the child. It is the family that fulfills the function of giving a legitimate legal status and social approval for parenthood and reproduction (Ferraro and Gray, 2006:162).

#### **2.4.6 Living together family**

Ferraro and Gray (2006:162) describe that a family living together as a none-marital heterosexual cohabitation family without marrying. The partners want the companionship of one another but for this or that reason, prefer not to marry. Some couples do have children; some do not.

#### **2.4.7 Single-parent family**

Some divorced or widowed parents choose not to re-marry. Instead they and their children live together as a single parent family. Some parents, mostly female, besides being widowed or divorced decide not to marry but procreate or adopt children, and thus establish a single-parent family (Ferraro and Gray, 2006:163).

### **2.5 TYPES OF TRADITIONAL MARRIAGES IN SOUTH AFRICA**

There are different types of traditional marriages in South Africa but the researcher will only focus on traditional marriages of AmaZulu, *BaSotho ba Lebowa*, *Vatsonga* and *Vhavenda*

#### **2.5.1 'Ukuthwala' marriage among the Zulu ethnic group in KwaZulu-Natal**

This section describes one of the Zulu people's traditional marriage practices. According to Woods (2005:17) '*ukuthwala*' is a form of marriage practiced by the Zulu people, which manifests in three different forms described below. Firstly, is when a group of friends or one person waits for the girl on the way to her home, often during the night, and she is forcibly taken to the boy's home. It is well-planned and executed with precision. Sometimes it is undertaken with prior arrangement and the knowledge of the girl. In most cases, there is resistance from the girl suggesting to the onlookers that it is against her will. However, the girl may scream as a

form of 'ritual resistance'. This is done to show her parents and family her unhappiness in leaving them. Screaming is part of the social expectation with traditional elopement (Woods, 2005:17).

Woods (2005:17) states that "for the girl to appear unwilling and to preserve her maidenly dignity, she will usually put up a strenuous, but feigned resistance, for more often than not, she is a willing party".

The element of 'force' used in the act of abduction is for the sake of appearance only to the onlookers. Arguably, in this form, there is consent from the girl. Woods (2005:17) defines "consent in this article as a form of agreement to, or giving permission to another person to do something". It means agreeing to an action based on the knowledge of what that action involves, the likely consequences and having the option of saying no. The issue of consent is paramount. Consent provides some sort of validity throughout the negotiation process. Secondly, '*ukuthwala*' occurs where the concerned families will agree on the union, but the girl is unaware of such an agreement. This form of '*ukuthwala*' happens in cases where the woman might otherwise not agree to her parents' choice. After the woman has been forcibly taken by the man, both families meet and reach consent on the marriage. The girl is closely watched until she becomes used to the idea of marriage. There is no consent between the bride and bridegroom. The process involves having sex with the girl, and if she resists force is used. This form of sexual encounter marks the girl's union with the man and traditionally, the act is not regarded as rape (Woods 2005: 17).

Thirdly, '*ukuthwala*' occurs where the custom goes against the will of the girl. There is no consent from the girl, her parents or guardians. A girl is forcibly taken to the family home of the man without her consent. The following day messengers are sent to her family to discuss marriage negotiations. If the '*lobola*' negotiations between the two families are not successful, the girl will return to her parental home. The man's family is liable for the damages in the form of a fine. The girl is exposed to rape and continued violence by the man in order to keep her in the relationship (Woods 2005: 313).

### **2.5.2 BaSotho ba Lebowa traditional marriages**

This section outlines the types of *BaSotho ba Lebowa* marriages practice. *BaSotho ba Lebowa* has different types of marriages and among them are '*Mohlatswa-dirope*' ancillary wife,

'*seyantlo*' and deceased marriage (Mankga, 2013 and Monning, 1983) declares that if after some years of marriage a wife does not give birth she will approach her parents and ask them to give her a sister to help her as an ancillary wife. If a younger sister is available they will comply with the request, as they are through the '*magadi*' they received, under obligation to their son-in-law and the '*magadi*' offered need not be as much as that for the primary marriage. If they have no other daughter available, they will approach their relatives. If no suitable girl can be found the matter will be abandoned (Mankga, 2013 and Monning, 1983). Such an ancillary wife is called '*hlatswa-dirope*' (literally meaning the people who cleanse the thighs). The contextual meaning to bear children for her sister. If a married woman dies before having had any children, or if she has had only daughters, the widower may approach her parents with the request that they provide him with a '*seyantlo*', a substitute wife. Such a woman should preferably also be a younger sister, but otherwise some other younger female relative of the deceased. This substitute wife also has to be married but, as in the case with an ancillary wife, full '*magadi*' need to be given. If, as it sometimes happens, a woman dies leaving young children, among whom there is a son, who still need maternal care, the husband can also marry the sister of his deceased wife to take care of the children. Such a woman will only last until the children of the latter are old enough to take care of themselves. Ideally the levir who enters '*tsenela*' (the hut) of the widow should be the younger brother of the deceased. The elder brothers cannot perform this function as this may lead to status problems (Mankga, 2013, Monning, 1983).

Mankga (2013) and Monning (1983) further stated that the social organization of '*BaSotho ba Lebowa*' also allows for "deceased marriages". As frequently happens, when a woman after a number of married years realizes that she does not have any sons, and there are no suitable unmarried sisters or other close relative available to be married as an ancillary wife for her, she may wait until a suitable girl of the next generation reaches an appropriate age. She will arrange with her relatives to have such a girl married in to her household. Mankga (2013) and Monning (1983) say "this occurs particularly with women who have no sons, but whose household receive '*magadi*' for their daughters. It is then considered that such a woman married a wife in the name of her own unborn son. Women may also marry, in this manner, daughter-in law for sons who died young, or who deserted from the tribe. It is always argued that such women are left without their essential right to have a relative to take care of them in their old age and to perpetuate their household and they rectify this social wrong by contracting ghost marriages. It

also happens frequently, particularly among nobility, that a marriage is contracted, by his relatives, for a man who has died. This type of union is called '*gotsoša leina la mohu*' that is to revive the name of the deceased. This type of marriage which is contracted only for men who die after having been initiated, in other words for those who happen to be recognized as men and whose names have become important among their relatives. These marriages are concluded in the same manner as normal marriages, and a younger brother of the deceased will be assigned to act for the group in its power over the bride in the name of the deceased kinsman (Mankga and 2013, Monning, 1983).

### **2.5.3 The *VaTsonga* traditional marriage practice**

The section starts by describing marriage practices within the *Va Tsonga* culture. *VaTsonga* ethnic group is spread in many places, but mainly around the North East of Limpopo Province. Khosa (2009) states that marriage is one of the practices which bind the *VaTsonga* people together. It follows a series of ceremonies, ritual performances which have symbolic meanings attached to them. *VaTsonga* discourage marry from other tribes to avoid dilution of their culture. Marriages were arranged by adults who will choose a wife for their son who they think will be suitable to meet the needs of her husband and the family at large. However, it is important to point out that this is no longer the case in most areas among *VaTsonga*. However, there is still a significant number among the group, especially those located in remote areas, which still practice strict traditional marriage. The following describes the marriage process among *VaTsonga* customary practice,

(i) *The Xitsonga marriage proposal*

Amongst the *VaTsonga* people, traditionally, it is not permitted for a man to find or propose to a woman himself. According to Khosa (2009) when a man has collected enough money to marry a wife he has to inform the elders of his family that he is ready to have a wife, and they in turn choose a wife for him, and visit her home on his behalf. One of the significant criteria for choice is a girl who has recently been initiated.

However, Khosa (2009) states the delegation approaches the family of the woman who has been identified and and tell them that they are looking for a girl for marriage. The family immediately summons all the girls of the neighbourhood to converge, and upon their arrival, they are approached starting with the preferred one. If she agrees a string breads or '*vuhlalu*'

called '*xizambhani*' will be given to the future husband's delegates by the girl. The delegates, in return give her a '*musomi or sinda*' for what is called '*ku qoma*'.

After this, the man sends another delegation to initiate the '*lovola*' process. According to Khosa (2009) before their departure, the potential husband has to invite his aunt who has to perform '*mphahlo*' (ancestral ceremony) at the 'family shrine', where the impending marriage is communicated to the ancestors and the '*lovola*' money will be presented to them for the purpose of blessing the marriage. This money will then be left at the family shrine for a night before it is taken to the prospective in-laws. The following day, the delegation of young girls is sent to the prospective bride's family for the purpose of alerting the bride's family of the eminent visit of the groom's family. Upon arrival, which will be late in the afternoon, they wait at the gate until it is dark (Khosa, 2009).

When darkness befalls they alert the bride's family of their presence who in turn sends a girl to fetch them. However, the young visitors as per the instructions of the groom's family refuse to go enter the gate until some money is produced to them as a pleading present for them to enter. The same applies as they reach the centre of the homestead, where they sit on the floor until the money is produced again to buy them into entering one of the houses within the homestead. Having entered the room, the money has to be paid for them to sit on the mat again. As they are given food, they will not eat until money is given to them. They have to be bought for any activity they have to perform. This will mark the end of the activities to be done during the first day of the marriage ceremony (Khosa, 2009).

(ii) *The 'Lovola' ritual.*

As Khosa, (2009) outlines, in the morning, the girls who came the previous night will be given water to bath then food will be served. Upon arrival of the delegation from the prospective husband's family the prospective's family gathers, and send a messenger to inform the visitors that, '*Timbyana hi chuchile, vonakani*', meaning they welcome them into their homestead and are now ready for the negotiation to begin. Khosa (2009) states the groom's delegates in turn send their own messenger with a cloth or a mat or money to lay the foundation referred to as '*mandlalelo*', accompanied by two snuff containers and some money for the in-laws. This time it will be the bride's family's turn to demand some money from the groom's family. To this effect, a certain amount is demanded by the bride's family for '*ku landza mhani masin'wini and mbava*

*timbalelweni* (to fetch the mother-in-law in the fields and the father-in-law from the woods, respectively). Interestingly the in-laws are not part of the *'lovola'* team; however, money has to be paid in order to carry the negotiations forward. Again some money is paid for *'vhula xifuva'*, which literally means the money which will open the chest to indicate how much the *'lovola'* is. This actually means to start the negotiations. Some money referred to as *'matlhomanyangweni'* is also presented and represents the *'knobkerrie'* which is used by the father to protect the house (Khosha 2009). This money for the knobkerrie plays an important role of safeguarding the actual *'lovola'* money from thieves and any evil doings (Khosha 2009).

When the *'lovola'* amount has been mentioned by the brides' family, an additional amount is also requested for a wallet for the mother to keep the *'lovola'* money. Furthermore, a blanket for the mother and a jacket for the father are requested. When all the requested money has been paid the *'lovola'* ceremony has been successfully completed. Upon completion of negotiations lunch of specially slaughtered goats and drinks are served. Later, the *'lovola'* money has to be shown to the ancestors through the worship ritual and is left in the ancestral shrine for the night, and the *'mphahlo'* ceremony has to be held to update the ancestors on new developments. This completes the *'lovola'* ritual (Khosha, 2009).

(iii) *The marriage ceremony*

After the payment of *'lovola'*, the bride's family has to brew some beer to accompany their child to her husband. A delegation is sent to accompany the bride to-be to her in-laws. This is referred to as *'Ku rhwala mthimbhu'*. On arrival, the bride is expected to do *'ku korhoka'*, which means to do house-chores such as cleaning, cooking, preparing or grinding maize, fetching firewood and decorating the floors and hut with cow dung. On this day, a goat will be slaughtered for the pilgrimage (Khosha, 2009). The beer which will be drunk during this ceremony is referred to as *'byalwa bya mati'* from the saying that *'Hi vuyisa mati'*, where a bride is referred to as water as she will be responsible for fetching water for the whole family and be the one to prepare them warm water for bathing (Khosha, 2009). This spells out and endorses the fact that she will be responsible for chores to be performed by the bride.

From the slaughtered goat, a hind-leg, the head and the skin, are put aside and given to the bride's family home as *'Msumu'*. After this ceremony all the other members of the bride's family

members go back home leaving only one girl who is known as '*Xangwani*' who should stay behind to help the bride with household chores and to settle in (Khosa 2009).

Khosa (2009) indicates that young woman will be presented with a cloth called '*nceka*' and money after a month or so. The bride would have all this time hidden herself by wearing a cloth called '*nturhu*', over her head. This will only be removed when members of her new family, including her husband would have presented with her some money to reveal herself, what is called '*ku lula*'. After a month, the husband must take his wife to visit her parents. Upon arrival at his in-laws he gives them an amount of money. This symbolizes the fact that he is now giving her permission to visit her parents whenever necessary and the whole chicken is brought and the family may eat all the meat except the legs, wings, gizzard, and the head which are reserved for the head of the bride's family and cannot not be eaten by any person but him (Khosa, 2009).

#### **2.5.4 Traditional marriage practices among Vhavenda ethnic group**

In this section the marriage practices among the Vhavenda ethnic group are discussed. The Vhavenda ethnic group lives in the Northern most part of the Limpopo Province and is rural-based. Although tradition is gradually eroding, it is still practiced by many Vhavenda people. Traditionally, according to Raphalalani and Musehane (2013), in the Tshivenda culture, only a girl that has been through the '*domba*' ceremony is eligible for marriage. In similar vein, only a boy who has been through the '*thondo*' is eligible for marriage. '*Domba*' is a pubertal rite meant for young girls who have come of age. A girl who has not undergone '*domba*' is considered not marriageable since she is regarded as "immature". Like among the *BaSotho baLebowa*, the following are the different types of traditional marriages among Vhavenda:

##### **Arranged Marriages among Vhavenda**

Raphalalani and Musehane declares that (2013: 20) most of Vhavenda clans practice arranged marriages. However, it is important to note that this kind of marriage practice is to a large extent eroding, as a few groups, especially from remote areas of Venda still practice the tradition of arranged marriages. Raphalalani and Musehane (2013: 20) further declares that most families get into arranged marriages for different reasons, among others, girl children are mainly married off for economic reason such as to settle an age old debt and for wealth purposes. The other reason for practicing arranged marriage is for cultural continuity, which will be elaborated on

later in this section (Raphalalani and Musehane, 2013: 20). In many cases, girls are regarded as objects of financial exchange to settle debts as well as for acquisition or sustenance of wealth (Raphalalani and Musehane 2013: 20). Worth noting is the influence of class in marital choices among the Vhavenda group. According to Raphalalani and Musehane (2013: 20) a woman or man from a rich family may avoid marrying from a poor family for financial reasons. Hence, in many cases the rich and marry the rich and it seems there a stigma attached to being poor in the sense that it is believed that both the husband and wife are afraid to inherit problems that emanate from a poor family (Raphalalani and Musehane, 2013).

Furthermore, royal families among Vhavenda are expected to marry from other royal families. They believe that “the rulers are born out of persons from a royal family” and if one is born outside of such a family, he may not inherit chieftainship (Raphalalani and Musehane, 2013: 20). These are the requirements for one to inherit chieftainship. To ensure this, the royal families arrange marriage for their children in order to protect and boost their family status. That is why a *‘khosi’*, according to Tshivenda culture, is a person born for a woman married in royal families (Raphalalani and Musehane, 2013).

A daughter may also be married off to accumulate wealth. This kind of exchange, it can be argued, is tantamount to selling a human being, which is against human and children’s rights. Raphalalani and Musehane (2013) note that sometimes, parents arrange a marriage because they need cattle for the family. They arrange a marriage for their daughter to a man in exchange for cattle that are needed for agricultural purposes. A family would then arrange for an exchange of their daughter for eight cows, as *‘lumalo’ (ilobolo)* (Raphalalani and Musehane, 2013).

Raphalalani and Musehane (2013) says in some cases, two families or even two men make an arrangement when the child has just been conceived, has just been born or still very young. According to Raphalalani and Musehane (2013) in such cases the marriage is pre-planned. Where a marriage is planned before the child is born, it is often referred to as *‘U mala tshikunwe’* (Raphalalani and Musehane, 2013). In this case a family pays *‘lumalo’ (ilobolo)* whilst the mother is pregnant and this occurs irrespective of whether the sex of the baby is known or not, in which case if the child born is male, the mother continues to try for a girl until she is successful. According to Raphalalani and Musehane (2013) the young girl grows up knowing that she will become the wife of the person with whom marriage has already been arranged and cannot refuse (2013), and in most cases it would be to a much older man. In

some cases the young girl grows up unknowingly married off by the father or family to settle an old debt. Raphalalane and Musehane (2013: 21) note that some parents marry off their daughters to a traditional healer to pay for a debt of medical services which were offered to a family or a member of the family which they could not afford to pay for at the time of the services rendered. In the case where a woman is too young, the traditional healer waits until she is old enough to assume her marital responsibilities and obligations. In all these cases, the girl's feelings are never taken into consideration this is in conflict with human and children rights (Raphalalane and Musehane, 2013).

Parents sometimes arrange a marriage for their children within the cultural group in order to avoid cultural dilution, and to ensure cultural continuity. For instance, the Vhalemba cultural group was encouraged to marry within the group in order to sustain the Tshilemba tradition (Raphalalane and Musehane, 2013). The parents arrange marriage for their children to their cousins to avoid infiltration by outsiders. This kind of marriage was specifically organized to prevent a man from marrying a woman whose mother, they believed, practiced witchcraft (Raphalalane and Musehane, 2013: 21).

Some marriages involve '*U khurumedzwa*' (forcefully cover her face), which is forced marriage. In this case, a man stalks and kidnaps a girl for the purpose of marrying her, which is again a human rights issue (Raphalalane and Musehane, 2013: 21). This entails trailing a young girl or woman until such time that a man gets an opportunity to forcibly grab the woman and take her to his home (Raphalalane and Musehane, 2013: 21). The family of the bridegroom will send a message with a fine to the women's family; that she is now with the newly acquired in-laws. Upon receiving the news, the 'in-laws' will accept it as an official marriage (Raphalalane and Musehane, 2013).

#### ***Arranged marriage for a person who is away from home***

This type of arrangement marriage occurs when a young migrant worker reaches marriageable age. In this case the young man's parents look for a suitable wife on their son's behalf. Upon his return home, the son has to accept his new wife. It is important to note that love is not a necessary requirement when it comes to such a marriage among Vhavenda. It is believed that parents may choose a girl based on the beauty, whereas a man does not have to be handsome (Raphalalane and Musehane, 2013: 21). If the son comes home and does not accept the woman

as his wife, the parents take care of her as their wife (Raphalalani and Musehane, 2013: 22). Moreover, in the Tshivenda culture, the wife belongs to the mother in-law. This is why the husband does not have any jurisdiction over the wife as the wife belongs to the family (Raphalalani and Musehane, 2013: 22).

### ***Elopement as a form of marriage***

The last type of marriage that I look at among Vhavenda is eloping. In this regard an arrangement is made between a man and a woman, who are lovers to secretly run away together with the intention of getting married (Raphalalani and Musehane, 2013: 22). This is usually done without parental approval. Thereafter, the man contacts his parents, informing them that he has taken the woman without the permission of her parents (Raphalalani and Musehane, 2013: 22). His parents will then send an intermediary with money and information to report that she is with his family. (Raphalalani and Musehane, 2013: 22) indicated that the money will be used as a fine called '*luṭoḍela ngeno*' (you will find our daughter with us). When they receive the information, they will accept this arranged marriage (Raphalalani and Musehane, 2013:22).

## **2.6. EXPLAINING CHANGING MARRIAGE PRACTICES**

Modernization theory is used to explain the process of societal change as well as change in societal institutions, including the marital institution. Early proponents of societal change have used modernization to explain such change. However, many authors have problematized this theory on the basis that it offers a one-size fits all explanation to all societies globally. According to Inglehart & Baker (2000:20) modernization refers to "a model of progressive transition from a pre-modern or traditional to a modern society". The modernization theory maintains that traditional societies will develop as they adopt more modern practices. Proponents of modernization theory maintain that modern states are wealthier and more powerful, and that their citizens are freer to enjoy a higher standard of living than the traditional societies. It is argued that developments such as modern culture need to update traditional methods of marriage in society; and make modernization necessary or at least preferably to the status quo (Inglehart & Baker, 2000:20).

Various bodies of literature show that marriage changes over time. However, there are significant dissimilarities in such change within as well as across countries and cultures

(Maqubela, 2013). These changes vary from one country to another based on educational, employment and economic levels, generational differences and other factors, as will be seen in what follows (Maqubela, 2013).

Inglehart & Baker (2000) have used the concepts '*convergence*' and '*persistence*' to explain societal change. The former is said to be based on socio-economic development where one school emphasizes '*convergence*' of values as a result of modernization (Inglehart and Baker 2000:20). Here, authors explain "that economic and political forces drive cultural change predicts cultural decline with economic development and their replacement with values" (Inglehart and Baker 2000:20). On the other hand, the '*persistence*' theory is explained as "the '*persistence*' of traditional values despite economic and political changes" (Inglehart & Baker, 2000:20). Inglehart & Baker (2000:20) refers to the coexistence of modern traditional rather than '*convergence*' because there is '*persistence*' of certain traditional values. They further explain that certain cultural values are preserved for ethnic purposes. The '*convergence*' theory is refuted because modernization and economic development tend to "push societies in common direction, but rather than converging, they seem to move on parallel routes shaped by their cultural heritages" (Inglehart & Baker, 2000:20). There are traditional values and beliefs that persist through '*convergence*' within the societies. It is further stated that societies have certain requirements that must be met if they are to survive and also to operate effectively.

## CHAPTER 3: RESEARCH METHODOLOGY

### 3.1. NATURE OF THE STUDY

This chapter outlines the framework within which the researcher conducted the research process in order to solve the research problem. The study used the feminist standpoint methodological approach which proposes unique principles among others 'positionality', 'epistemic privilege', and equal 'power relations' between the researcher and the researched to guide the research process (Hesse-Biber, 2013 and Maqubela, 2013). These will be discussed as the chapter unfolds. The feminist standpoint research is based on qualitative research approach. This study is qualitative in nature because the researcher sought to acquire in-depth information in order to gain a better understanding, the experiences and challenges faced by women who are married through '*Gonyalelwa lapa*' among '*BaSotho ba Lebowa*'. A qualitative study is defined as the non-numerical examination of phenomenon focusing on the underlying meaning and patterns of relationships (Marlow & Boone, 2005:119). This chapter also discusses the population, sampling, data collection, data analysis, ethical considerations and summary of the study.

### 3.2 LOCATION OF THE STUDY

Kumar (2011:400) defines a study location or area as practice field in which the researcher conducts their study. The study was conducted at Ga-Masemola village, Makhuduthamaga Municipality in the Sekhukhune District, in Limpopo Province, an area which is located about 80 kilometers from Polokwane city (see map on page 29). The researcher chose this area because it is where this type of customary marriage is practiced.



### 3.3 POPULATION OF THE STUDY

Punch (2005:292) defines population as the target group, usually larger, about whom we want to develop knowledge, but which we cannot study directly, therefore, we sample from that population. The target population of this study is all women who are married through '*Gonyalelwa lapa*' in Ga-Masemola village, Makhuduthamaga Municipality under Sekhukhune District, in Limpopo Province. In addition, the key informants were selected from the local traditional community and religious leadership of the research context.

### 3.4 SAMPLING AND SAMPLING PROCEDURE

Merrigan and Huston (2004:328) defined sampling as selecting a relatively smaller number of cases in order to represent a large group of cases or instances. For the purpose of this study, a total of 12 participants were selected, a fusion of 4 key informants '*Moruti*' (pastor/reverent) and 2 community elders (1 man and a woman), and a headman from '*mošhate*' (royal house), and 8 women who have been married to revive a deceased man's family name.

#### 3.4.1 Sampling method

For the purpose of the study, non-probability sampling was used based on the fact that not everyone qualified is selected in the sample. The researcher selected participants who have

characteristics required by the study. Marlow and Boone (2005:337) define non-probability sampling as the process of selecting a sample where each element in the population has an unknown chance of being included in the sample. For the purpose of the study, a combination of purposive and convenience sampling was used because the data collection was dependent upon the will and availability of the participants, given the sensitivity of the topic of the study. Purposive sampling refers to the primary consideration whereby a researcher's judgment is used as to who can provide the best information to achieve the objectives of the study (Kumar (2011:389). On the other hand, convenience sampling relies on the availability of subjects (Babbie and Mouton, 2011:166). The researcher gained access to participants through Social Development (an organization of which the researcher is an employee) and 'herdmen' in 'Moshate' (royal kraal), who contributed a lot towards the identification of initial contacts, some of whom suggested the names of other families that have married 'mosadi' for 'lapa' The researcher used the opportunity as Social Development employee to gain access to information. However, strict ethical rules were observed accordingly in order to gain access into the field and for the selection of participants. The researcher identified, selected and interviewed a total of 12 participants, a fusion of key informants and participants, who voluntarily participated in this study. Four key informants: 'Moruti' (pastor/reverend), two community elders (a man and a woman) one headman from 'mošhate' (royal house), and 8 women who have been married to revive a deceased man's family name.

### **3.5. DATA COLLECTION METHODS**

According to Terre-Blanche, Durkheim and Painter (2006:558) data collection method is a way of gathering information, often in the form of numerical measures of a group of people. Sometimes the term is used to refer to other kinds of raw materials used in research, such as collection of texts. Data collection techniques are strategies that are used to gather information from subjects or participants of the study.

#### **3.5.1 Self-report Interview**

For the purpose of this study, the researcher used face to face self-report interviews. Bless, Higson-Smith and Kagee (2006:121) define self-report as those interviews that involve the research participant reporting their own experiences. The assumption is that the report is honest and accurate, and reflects the true state of affairs.

### **3.5.2 Interview Schedule**

Monette, Sullivan and De Jong (2008:494) define an interview schedule as a document used in interviewing that is similar to a questionnaire that contains instructions for the interviewer, specific questions in a fixed order, and transition phrases for interviewer. An interview schedule was used as the researcher needed to get in-depth information to gain understanding as well as to get closer to the participants. Most of the questions in the interview scheduled required explanation as they are open-ended questions. There were instruments for data collection. The first instrument was for the key informants and the second instrument was for the participants. The interviews were conducted in a private place preferred by the participants because of the sensitivity of the topic. The interview process was drawn from the following feminist standpoint principles: Firstly, the researcher strived to maintain equal 'power relations' between him and the participants, whereby the researcher and the researched are recognized as being of equal status in the production of knowledge (Hesse-Biber, 2013 and Maqubela, 2013). Secondly, in feminist research, researchers are also expected to declare their 'positionality' in relation to the topic as well as their participants (Hesse-Biber, 2013 and Maqubela, 2013). Here three categories of 'positionalities' have been identified namely, researching from the outside, meaning that one is researching as 'outsider', 'insider' or between insider-outsider continuum, in relation to the context and topic under study (Maqubela, 2013). My position as researcher in this study was that of an 'outsider' since I did not share the same characteristics with the participants. I came to know about this kind of traditional marriage through my employment. As a social worker I came across women who complained about abuse by their in-laws. The plight of these women was of great concern and triggered my interest in this topic. This also serves as way of knowing more about this marriage and searching for solutions. As a researcher and an outsider, I understood that the participants know better about their problems, experiences and that I had to respect that in the process of conducting the study (Hesse-Biber, 2013 and Maqubela, 2013).

### **3.6 DATA ANALYSIS**

Boetje (2010:76) defines data analysis as the process of systematically searching and arranging the interview transcripts, field notes and other materials that the researcher accumulates to increase his/her own understanding of them, and to enable him/her to present what he/she has discovered to others.

For the purpose of this study the researcher used narrative to analyse data. Maree (2007: 102) states that narrative is generally associated with terms such as “tales”, or “story”, especially a story told in the first person. Here, the researcher analysed the data in search of narrative threads (major emerging themes) and temporal/spatial themes (past, present and future contexts). The narrative technique has almost no predetermined contents except that the researcher seeks to hear the personal experiences of a person with an incidences or happenings in his/her life (Kumar, 2011:390).

### **3.7 ETHICAL CONSIDERATIONS**

Ethical considerations is taking care to avoid harming people by having due regard for their privacy, respecting them as individuals, and not subjecting them to unnecessary research (Goddard and Melville, 2001:49).

The study obtained ethical clearance from the University of Venda’s Research Ethics Committee. The research ethics was guided by the feminist research principle, “Power Relations”, which ensures that there is power balance between the researcher and participants. The researcher adhered to the following ethics: informed consent, voluntary participation, anonymity, confidentiality and avoidance of harm.

#### **3.7.1 Informed Consent**

According to Zikmund (2003:577) informed consent implies that respondents are made adequately aware of the type of information you want from them, why the information is being sought, what purpose it will be put to, how they are expected to participate in the study, and how it will directly or indirectly affect them.

The researcher thoroughly informed the participants about what the study involved and what he wants to find out (aims and objectives). The participants were informed that it is their choice to participate and that they could withdraw from the study at any time if they so wished.

#### **3.7.2 Voluntary Participation**

Babbie and Mounton (2001:49) define voluntary participants as those that are not forced to participate in the study.

For the purpose of this study, the researcher informed participants of their rights to volunteer to participate in the study. Participants were informed about the risks of participation in the study so that they could make their own choices on whether to participate or not.

### **3.7.3 Anonymity**

Gray (2009:574) defines anonymity as an assurance that data will not be traceable to participants in the research project. The researcher avoided revealing the names and contacts of the participants to ensure a high degree of anonymity by using pseudonyms.

### **3.7.4 Confidentiality**

Merrigan and Huston (2004:319) define confidentiality as protecting research participants' privacy by withholding their identities, information from the transcripts, field notes or written research reports.

Knowing the sensitivity of the topic under study as a researcher and in my line of profession, I have ensured that all the information from participants is handled with confidentiality and dealt with it accordingly. I made sure that the identities of particular participants were not obtained by filing the information in a private place and also zipped the document with passwords.

### **3.7.5 Avoidance of harm**

Social research should bring no harm to the participants (Bless,et al., 2006:142). Participants can be harmed in a physical or emotional manner. One may accept that harm to respondents in the social sciences will be mainly of an emotional nature (Bless,et al., 2006:142).

The researchers must not injure or put the lives of the participants in jeopardy by revealing the information given. For the purpose of the study the researcher ensured that the participants were free from harm.

## **3.9 SUMMARY**

The purpose of this chapter was to give a detailed view of the methodology used by the researcher. This chapter discussed the research design, population and location of the study, sampling procedures, data collection methods, data analysis, ethical considerations, and the limitation of the study.

## CHAPTER 4: PRESENTATION OF FINDINGS AND DATA ANALYSIS

### 4.1 INTRODUCTION

This chapter presents research findings and discussion. It starts by presenting biographical data, followed by the presentation and discussion of the research findings. The presentation of data will be guided by research objectives, which include the understanding of the marriage practice ‘*Gonyalelwa lapa*’, the challenges, the benefits, and the consequences of being married under ‘*Gonyalelwa lapa*’ as outlined in Chapter 1. Furthermore, the study used the narrative data analysis approach as described in Chapter 3 where the data will be organized categorically according to the research objectives.

### 4.2 PRESENTATION AND DISCUSSION OF THE FINDINGS

#### 4.2.1 Biographical data

This study had a total of 12 participants, 3 males and 1 female as key informants and 8 females who are married for ‘*lapa*’ in the Ga-Masemola Area. As can be seen in the table below, the key informants ages range between 50 and 75, while the participants, ages range between 35 and 56 years. All key informants and participants are married.

**Table 1** key informants and participants

	<b>Pseudonym</b>	<b>Gender</b>	<b>Age</b>	<b>Role</b>	<b>Marital status</b>
1	John	Male	74	Moruti (Pastor)	Married
2	Makau	Male	65	Ntona (head man)	Married
3	Mahlase	Female	64	Community elder	Married
4	Moses	Male	66	Community elder	Married
5	Mokgadi	Female	37	Participants	Married
6	Mahlodi	Female	40	Participants	Married
7	Meladi	Female	43	Participants	Married
8	Maledimo	Female	53	Participants	Married
9	Maphuthi	Female	56	Participants	Married
10	Mahlako	Female	41	Participants	Married
11	Pheladi	Female	38	Participants	Married
12	Mmakwena	Female	40	Participants	Married

#### 4.2.2 Knowledge on ‘Gonyalelwa lapa’

In this section the researcher sought to capture a full description of the ‘Gonyalelwa lapa’ marriage practice. ‘Gonyalelwa lapa’ is a form of marriage whereby a woman is married into a family to bear children for a deceased son, who would have died before producing an offspring, who could perpetuate his name. The researcher approached key informants (pastor, chiefs and two community elders) to describe and to explain the purpose of the practice. The data below demonstrates that 100% of the key informants are conversant with the concept of ‘Gonyalelwa lapa’, as they all described the practice in similar ways, but some explanations are more detailed than others. The process of ‘Gonyalelwa lapa’ is described in the details here under.

##### *a. Identification of the bride*

The first step is identification of the potential bride. Generally, the descriptions provided by the key informants show that, firstly, a woman with specific qualities and attributes is identified by the family. It is important to note that the woman must be willing to be ‘ngwetši ya lapa’. Once this is determined, some representatives of the family are sent to the potential bride’s family to indicate their intention as can be seen below.

*The parents propose the girl for their deceased son by visiting her family, ‘go kgopela sego sa meetse’ (literally referring to ask for a calabash, which traditionally refers to pay a certain some of money to the bride’s family as a way forward to marry later) and the woman will be asked by her parents if she agrees to be ‘ngwetši ya lapa’, then if she agrees the groom’s family will go back and tell his brothers and uncles that he is interested in marrying a woman for the deceased son (community elder, male, 66).*

*I requested someone (either a family elder or trusted friend) whom I trusted and told her I needed ‘ngwetši ya lapa’ and asked them to find her. After she had identified her I then went to that family and proposed her, it was just the two of us, and then she agreed, she said would tell her parents that woman who was here want to marry me for ‘lapa’ and I agreed. The second visit I told the bride’s family that I have ten thousand rands, after that, I went back home and spoke to my uncles that I need ‘ngwetši ya lapa’ (community elder, female, 64).*

All the key informants mentioned the criteria used for identifying a suitable woman to be married for 'lapa' as one who is single, a fertile woman or one who has children, preferably a boy, who is well mannered, as can be seen below:

*An unmarried woman who has children, especially a boy (community elder, female, 64)*

*We need a woman who has children and be able to give birth more children in the family more especially boys and she must be single [kgošhi (the chief), male, 65].*

*We look at a woman who has children and who behaves well in the community. We speak to the woman first and ask if she has a man to avoid losing her after the marriage [pastor (moruti), male, 74].*

*We need a woman who has two boys and at least one girl or even more and if we marry a woman who has only female children the ancestor will tell us that a boy is needed in the family because there is darkness and the boy must come and switch on the light for the family as a way of reviving the deceased son's name (community elder, male, 66).*

The responses above indicate that a woman who is most likely to qualify to be 'ngwetši ya lapa', is a single parent who, preferably has boy children, so that they can carry on the deceased's name.

*b. Presentation of 'magadi' (bride price)*

The second step is whereby 'bommaditsela' (literally referring to delegates) who are most likely to be 'bomalome' (uncles) within the deceased 'kgoro' (relatives) are sent to negotiate and pay 'magadi' (bride price) to the potential bride's family. The first description was given by a male community elder and 'kgošhi' as can be seen below.

*The deceased son's parents send 'bommaditsela' who consist of the groom's brother and uncles to go for the negotiation and pay 'magadi' (a cow and four goats or money) and set a date for the wedding. On Friday before the wedding, the groom's family went to 'mošhate' to collect 'sefoka' trophy (referring to an approximately two meters in length traditional royal stick covered with feather) as a way of tradition. But this happens only if the woman had undergone initiation. The uncles are responsible to collect 'sefoka' and*

*sing 'mogobo' (the song which is sung by the 'kgoro' groom's family) at the gate when they arrive at the bride's home. But if the woman did not undergo initiation school, the uncles could not sing 'mogobo' and held 'sefoka' (community elder, male, 66).*

*The potential bride family and the paternal of the deceased family who consist of 'bomalome' uncles meet together at the potential bride's home to discuss the negotiation of 'magadi'. The deceased man's family pay 'magadi' at the woman's family, similar to a white wedding marriage. On their way to collect the woman, they sing 'mogobo', which is the song they sing when they arrive at the bride's family. But if the potential bride did not undergo initiation they would not sing 'mogobo,' but arrive and collect the bride [kgošhi (the chief), male, 65].*

As can be seen above, the practice and process of negotiation and payment of 'magadi' for a woman who has attended 'koma' (initiation) cultural practice differ from the process of negotiation and payment of a woman who did not undergo initiation. The woman who has undergone the cultural practice 'koma' is more valued and treated with respect on the basis that she has been taught how to behave and to handle marital matters. It is important to note that the practice and process of 'magadi' negotiation and payment in this type of marriage practice 'Gonyalelwa lapa' does not differ much from the marriage whereby the man is physically present.

c. *'Monyanya' (Wedding ceremony)*

The third step is 'monyanya' which starts on Saturday at the bride's home. The ceremony is conducted formally by a pastor/reverend and is almost similar to the modern civil marriage, popularly known as 'white wedding'. This embodies a combination of 'tradition' and 'modernity' within the practice of 'Gonyalelwa lapa' Ga-Masemola.

However, it is important to note that there is no husband to respond during the marriage process. All key informants gave the description of the wedding ceremony almost the same way but here a pastor gave a much more detailed description of the wedding ceremony in this type of marriage practice. The wedding encompasses a series of rituals as seen on the quote below.

*During the wedding ceremony, on Friday 'bakgonyana' (the groom and his relatives) 'ba alalwa legoga' (to put a traditional mat on the floor) on which they sleep the entire*

*evening of Friday until the following day where they released by the groom, and this symbolizes that 'Ngwetši etlo alela monna wa yona legoga' (literally meaning to make up the bed ready for her partner which simply refers to have sex with her partner) at the bride's home (the purpose of sleeping on the 'legoga' symbolizes that the bride will be able to sleep together with her husband on the same bed and perform her duties as a married woman). Women from 'kgoro' will send two young girls from the bride's family to welcome the groom's uncle at the gate who brought 'sefoka' and they give 'bakgonyana' to put it on the roof of the room they are sleeping in. After the wedding ceremony the groom's uncles will return 'sefoka' to 'mošhate' (the chief's kraal). 'Sefoka' (literally meaning a trophy and the real context refers to a traditional royal stick covered with feathers on top of the stick) will return to 'mošhate' and on arrival back at home, we present 'Lehlakore', a traditional portion of red meat serves to notify the Chief about the white wedding ceremony. On Saturday morning, when they wake up, the bride's family scatter them with 'mabele' (sorghum) and thereafter 'bakgonyana' kneel down in front of 'kgoro' (bride's relatives) and explain the purpose of the visit. On the other hand, the same Saturday morning the bride would wear a shirt, 'ntepa' (a traditional piece of animal skin to cover the back part of a woman) and 'thetho/mose' which is a traditional piece of animal skin to cover the front part of the woman and she danced. In the afternoon she would wear a white wedding dress and 'kgaetšedi' (bride's brother) would come out of the house with her, she meet 'bakgonyana' and they dance together going in the decorated white tent during the wedding day [pastor (moruti), male, 74].*

It is important to note that the marriage proceedings involve 'a wedding ring'. However, it is only the bride that is given a ring, since there is no physical presence of the husband. There were different responses from the key informants on the question **"who puts the ring on 'Ngwetši'"**. Below are the key informants' responses:

*A person who put a ring on the bride's finger is her son, but if she does not have a son, a member of the groom's family will assist. Only men can do that but those who are not yet married (community elder, female, 64).*

*The groom's family choose a deceased man's brother to put a ring on the women's finger [kgošhi (the chief), male, 65].*

*A pastor is the one who put a ring on the bride's finger not a man (community elder, male, 66)*

'Moruti' gave a much more detailed description of the church wedding ceremony, as shown below:

*During the wedding ceremony, inside the tent as a pastor I read the bible for the bride and the groom who represents the deceased man. The scriptures that I read talks about bride and groom from Jeremia 49:11, and Diema 31:10. Then the brother of the deceased man put a ring on the bride's finger and he only say the vows with the woman if he is married, but if he is not married he cannot do that. However, the woman cannot put a ring on the groom's finger since her man is deceased [moruti, (pastor) male, 74].*

Upon completion of the church marriage session, the photo session follows, like in the usual civil marriage.

*When this session ends, they go out for photo-taking [moruti, (pastor) male, 74].*

After photo-shoots the traditional wedding rituals continue as follows:

*When they came back she would change from the wedding dress in to an evening dress. Late in the evening she would sit on 'legoga' (traditional mat) 'ba mofa melao' (she was taught about how to behave as 'ngwetši ya lapa' or wife) 'by the uncles and 'kgoro' (Relatives) [moruti, (pastor) male, 74].*

Later Saturday after 'monyanya'

*Later on Saturday, the bride went to 'bogadi' (in-law's home) accompanied by two young girls 'diphelesi' (two escort ladies) and having 'mohlobolo' (which is a portion of the red meat traditionally utilised for offering the bride a new surname from the husband side) they sleep at the groom's home. The purpose of 'mohlobolo' is to make sure the bride gets the groom's surname. On Sunday morning the bride dresses in traditional attire and goes to a river with the two escort ladies, known as 'diphelesi' to fetch water and after that she will go to the bush to cut 'bana' (referring to two sticks) and wrap them with white clothes, they take those 'bana' and put them at 'mafate' ('Mafate' traditionally*

*referring to sticks utilised to make a gate and the gate is supported by two big sticks that serves as an entrance). Rakgadi (father's sister) will come to the gate and collect 'bana' and give those two sticks names of the deceased son's family, a boy and a girl. Sunday afternoon the wedding celebration takes place at the groom's home just to dance and eat the wedding cake. During the night the bride goes back to her parent's home. Then at 'bogadi' (in-law's home) they slaughter a cow and cut the head and an arm (called 'leseka'). They take that 'leseka' and two women accompany the bride and child/children to a groom's family as a way of accepting a marriage and the meat will be eaten by 'banna ba kgoro' (men of the relatives). The wedding process ends. After marriage the woman will be allowed to visit her family but is expected to come back [moruti, (pastor) male, 74].*

The description of the process of 'Gonyalelwa lapa' shows that there are many steps to be followed before the conclusion of the marriage, starting from identification of a bride until the end of the wedding ceremony. This type of marriage does not differ much from the marriage between a husband and wife, because the bride also wears a wedding gown and dances with the person who stands in for the groom.

This is in line with Monning (1983:207) who stated that these marriages are conducted in the same manner as other BaSotho ba Lebowa marriages, where a younger brother of the deceased is assigned to act for the group in its relationship over the bride in the name of the deceased kinsman.

#### **4.2.3 The purpose of marriage practice 'Gonyalelwa lapa'**

Furthermore, the research sought to determine the purpose and the importance of this marriage practice. The question asked in this regard was, "**what is the purpose of practicing 'Gonyalelwa lapa'?**" Half of the participants who are key informants explained that the significance of the practice is to continue or revive the deceased son's name, as will be seen below:

*A woman will be able give birth to children for a deceased man. The children, especially boys will revive the deceased man's name, as they will be using his surname [pastor (moruti), male, 74].*

*To revive their deceased son's name and family name (community elder, female, 66).*

On the other hand, the other half implied that the purpose of this practice is to elevate the woman's status, but also as avoidance and as a way of saving a woman from ostracism banishment from home, which means that women are expected to marry and leave home, otherwise they would find themselves homeless (see below).

*It's for women to get surnames and to have a marital status of Masemola residence. If you are unmarried old woman, you are forced to leave home by the last male child [kgošhi (the chief), male, 65].*

In the same vein, a community leader echoes the above attributes the acquisition of a deceased husbands' surname by the woman as high status. In addition, marriage is seen as a way to save a woman from being given derogatory labels such as 'lefetwa' (old maid or unmarried woman), as seen below.

*It's for the woman to get the groom's surname and to avoid being labelled as 'lefetwa'. Avoid conflict with the family members, by having many children and fail to maintain them [community elder, male, 66].*

The above data demonstrates that the majority of male key informants believe that the marriage rescues women from the stigma associated with being 'lefetwa' (old maid or unmarried woman) and having illegitimate children. Furthermore, unmarried women in this context are further chased away from their homes to give way for the 'rightful owner', who is the male last-born child of the family.

This statement is supported by the patriarchal theory which argues that patriarchy is a system that endorses the denial of women's autonomy, especially within a marriage institution. Reproduction under this system is their main source of oppression (Walby, 1990).

In this section the researcher also wanted to find out whether the rights of women who are married under 'Gonyalelwa lapa' are being protected by the Customary Marriage Act. The question which was asked to the key informants was, "**Does Customary marriage Act protect rights of women who are married for 'lapa'?**" The majority of key informants were of the opinion that the Customary Marriage Act protects women who are married for 'lapa'. This

contradicts Maluleke (2012) who found that this type of traditional marriage has not been covered within customary marriages like some types of marriages which fall under levirate and sororate unions of which the Recognition of Customary Marriage Act (RCMA) is silent about. However, a male key informant indicated that the Customary Marriage Act does not protect a woman who is married under '*Gonyalelwa lapa*'.

All participants suggested that women need protection of their rights from the Customary Marriage Act as can be seen in the below:

*So that women can have dignity in the community through marriage [the chief (kgošhi), male, 65]*

*So that women can be shown respect [pastor (moruti), male, 74].*

The data above illustrates that half of the key informants (chief and pastor) share the view that the Customary Marriage Act should protect women who are married for '*lapa*' so that they can be treated with dignity and respect by '*bommatswale*' (the in-laws) and community members after marriage. The other half, male and female (*community elders*) added that the Customary Marriage Act should also protect women from abuse by their '*bommatswale*' (the in-laws).

Maluleke (2012) supports this view that this type of marriage is not recognized. In terms of the *Recognition of Customary Marriages Act 120 of 1998 (RCMA)*, a customary marriage must be negotiated and entered into in accordance with customary law. However, customary marriages are practiced differently from one cultural group to another, depending on the custom of that community. Among customary marriages are some types of marriages which fall under levirate and sororate unions which the *RCMA* is silent about.

The next aspect examines the challenges and experiences of women married under the '*gonyalelwa lapa*' custom based on interviews with married women ('*dingwetši tša lapa*').

#### **4.2.4 The importance of marriage practice '*Gonyalelwa lapa*'**

The researcher interviewed '*dingwetši tša lapa*' in order to get a clearer understanding of their experiences and challenges of being married under the '*Gonyalelwa lapa*' marriage practice. The researcher sought to solicit data about the concept, the purpose as well as the process of

'Gonyalelwa lapa' from those who are married for 'lapa'. The data demonstrates that 100% are familiar with the term 'Gonyalelwa lapa'. Participants explained that 'Gonyalelwa lapa' is a marriage in which a woman is being married by a family for a son who passed on without having procreated. The purpose of this marriage is to revive and perpetuate his name. The criteria include having children or potential to give birth, as it explained below.

*'Gonyalelwa lapa' is when the family had a son who passed away before he get married and the family decides to marry a woman for him (Maledimo, female, 55).*

*'Gonyalelwa lapa' is when the family marries a woman to continue the deceased son's name (Pheladi, female, 38).*

*'Gonyalelwa lapa' is when a family does not have children and decided to marry a woman with children in order to take care of them (Meladi, female, 4).*

The explanations above resonate with definition given by the key informants. The researcher sought to solicit the purpose of the marital practice in question from *dingwetši tša lapa*'. Here the purpose was articulated by the key informants. The key informants stated that the main purpose of this marriage was for family continuity. However, for *'dingwetši tša lapa'* the main purpose was to acquire the marital surname. Data demonstrates that marriage bestows a status and certain privileges to women as will be seen in the following discussion. Women marry to gain recognition, acknowledgement and respect from society. The majority (80%) of *dingwetši tša lapa*' cited that they are married for the acquisition of the marital surname. They said that they marry so that they and their children acquire the surname of their in-laws, so as to get recognition in the community.

*The main purpose is to have the surname of Masemola (the family name in which the woman is married to)... because if you're staying at Ga-Masemola and not having a marital surname you won't be able to get help or 'goya basading' (do what married women do) such as attending women society (Maledimo, female, 55).*

*The main purpose is to acquire a surname (Mahlodi, female, 40).*

*The main purpose is to obtain the groom's surname for myself and my children. I want my children to grow up at their home (Pheladi female, 38).*

*The main purpose is to change the surname of Moswane to Moloko (Meladi, female 43).*

The responses above show that unmarried women are ostracised by society and are denied certain privileges enjoyed by married women.

In addition above, one participant mentioned that they marry to gain identity from this marital practice. Data also demonstrates that participants gain recognition and acknowledgement, as can be seen in the responses below.

*The main purpose is to obtain the groom's surname for myself and children, and also to obtain status and identity so that I can be recognised as a married woman by the community members (Mmakwena, female, 40).*

The minority indicated that the purpose for this marriage is for family continuity (see below)

*The main purpose is to make sure that the 'Kgoro' family name does not disappear (Maphuthi, female, 56).*

Unlike the key informants who mentioned that the main purpose of this marriage practice is to revive and carry the deceased son's name, 'dingwetši tša lapa' (married women) cited the need to acquire the marital surname, respect, recognition, and identity in the community as the main reason why the 'Gonyalelwa lapa' marriage is practiced.

The minority indicated that the purpose of this marriage is for women to leave their parents' home to go start their own, as highlighted below.

*The main purpose is to have my own family and leave my parents' home (Mokgadi, female, 37).*

In summing up, there seems to be differences in the responses of key informants and those of 'dingwetši tša lapa' about the purpose of this type of marriage. The key informants cited that the main purpose is to revive and carry the deceased son's name, and on the other hand 'dingwetši tša lapa' mentioned that their purpose is to acquire the marital surname, respect, recognition, and identity in the community.

#### 4.2.5 The process of 'Gonyalelwa lapa'

This section discusses the process of 'Gonyalelwa lapa'. It seeks to outline the entire process of the marriage practice 'Gonyalelwa lapa'. Participants were asked the following question **"outline how you got married for 'lapa'?"**. To this effect the participants described the process followed of how they got married for 'lapa'. They all described the practice almost the same way. This section takes us through a series of phases, each of which comprises of steps followed up to its completion, as described by 'dingwetši tša lapa', as they described how they themselves got married (see below).

(i) *Phase 1: Marriage Proposal by the deceased son's family*

The first phase comprises the marriage proposal by the deceased family to the potential bride. The deceased man's family visits to make initial contacts with the family of the potential bride where they state their intention to marry 'ngwetši ya lapa'. The number of initial visits seem to vary from one family to another. The first step can take one or a series of activities or traditional rites as outlined below:

*About a year after my husband passed away due to car accident, the deceased man's parents came to my home and proposed to me, they also explain to my parents that they need 'ngwetši ya lapa'. I agreed to be ngwetši ya lapa because I wanted to have my own family (Meladi, female 43).*

*A woman (deceased man sister) came to my home and she said she needed to marry me as 'ngwetši ya lapa' for his deceased brother, and I agreed. On the second visit she sent her father to come for 'sego sa meetse' (to ask for a water calabash), and my parents agreed. He came back for the third time 'go thiba sefero' (literally meaning to close entry, contextually meaning to pay a minimum amount of money for a woman who is due for a marriage) with R300 (three hundred rands) (Mahlodi, female, 40).*

The second explanation above, demonstrates more than one visit and the series of steps taken in the initial step. The first visit, as indicated in the second explanation, was an informal visit by the deceased sister to the actual potential bride ('ngwetši') as a way of finding out if she is agreeable to the proposal. If she agreed to the proposal, the process proceeds to the next step. The second visit is more formal, where the father of the deceased man visits the family to

request for '*sego sa meetse*' (which in direct translation mean's requesting for water calabash). This, in the real sense means requesting for a hand in marriage. The request at this stage is directed to the parents of the bride. If the family agrees to the request, what then follows is a visit from the deceased groom's family '*go thiba sefero*' (which in direct translation means to close down the entry). This, in the real sense means to discourage any other interested suitor from marrying the woman.

Having completed this phase, the groom's family prepares for the next phase, which is the payment of '*magadi*'.

(ii) *Phase 2: Payment of 'magadi' (bride price)*

The second phase entails '*magadi*' negotiations and payment. The family of the deceased pays another visit to a bride's family for negotiations and payment of '*magadi*'. There seems to be a standard amount in place, which is ten thousand rand for this type of marriage. In addition to the payment, a cow and a goat are given to the family day before the marriage ceremony (Friday), as a final step of the payment of '*magadi*'. Therefore, unlike other marriages, where '*magadi*' negotiations take a lengthy period and a series of visits to reach its conclusion, especially with regards to the amount to be paid, the negotiation for this marriage seems to be shorter as can be seen below.

*The deceased son's parents send 'bommaditsela' (delegates) who include the groom's brother and uncles came to my home to negotiate and pay 'magadi' of R 10 000 (ten thousand rands) and a cow. The date for a wedding was announced (Meladi, female, 43).*

*I was in Gauteng looking for a job then I received a call from my parents ...they said that some people had come to ask 'gothiba sefero' (to close the entry contextually meaning to pay a minimum amount of money for a woman who is due for marriage) and they had come to pay 'magadi', which comprised of money, cow and goat. Both parties reached the agreement and a date for the wedding was set in my absence. The groom's family requested that my children were to go and stay at the deceased groom's home since there was no one there. When I came back from Gauteng I went straight to deceased groom's family to stay with my children (Mahlodi, female, 40).*

(iii) Phase 3: 'Monyanya' (Wedding ceremony)

The third phase comprises the preparation of 'monyanya'. 'Monyanya' follows its own series of steps. It is important to note that the ceremony is divided into two sessions, in the sense that it takes place in either of the two families. It starts at the bride's home and then proceeds to the groom's home on a Sunday. The wedding ceremony takes a total of three days. It does not start with the wedding celebration, but as already explained earlier, there is a series of rituals performed starting from the night before the celebration at the bride's home. Thus, the wedding ceremony takes two days, on Friday and Saturday at the bride's place and the third day, which is Sunday it takes place at the groom's home. On the bride's side, the Friday night encompasses a series of rituals as seen in the first explanation below. The rituals differ on the basis of whether or not the bride has undergone initiation. Below are the traditional rites for the bride who has undergone initiation.

*On Friday night (a day before 'monyanya'), 'bakgonyana' (sons-in-laws) brought a cow and a goat to finalize the payment of 'magadi' and to prepare for 'monyanya'. They slept on the 'legoga' (traditional mat) at my home. The women from 'Kgoro' (relatives), two escort ladies from my family known as 'diphelesi' who went through initiation welcomed the groom's uncles who came with 'sefoka' trophy (an approximately two meters traditional royal stick covered with feathers) from mošhate. They gave it to 'bakgonyana' (in-laws) to place it on top of the roof in which they will be sleeping after the finalization of 'magadi'. 'Sefoka' is taken out after the wedding and returned to mošhate accompanied by certain amount of money called sebego' (tribute) to kgošhi and a hip from a cow called 'lehlakori' as a way of informing moshate about 'monyanya' the wedding ceremony. 'Sefoka' is only collected from 'moshate' if a bride has gone through the initiation process (Meladi, female, 43).*

*On Friday, before 'monyanya' the groom's family performed 'dikapolo' (a cleansing ritual for someone who has passed away) for the father in-law who passed away before the marriage arrangement. On Friday evening 'bomaditsela' (delegates) they came and sleep on the 'legoga' (traditional mat) at my home (Mokgadi, female, 40).*

As indicated in the responses above, this particular marriage allows 'magadi' process, especially the delivery of the animals, to be concluded a day before the wedding. This is the

only time the animals are released to the bride's parents. Another noteworthy point is that if the bride has undergone initiation, like the participant above, it is imperative that the groom's family goes to collect 'sefoka', as a way of acknowledging that the bride has attended female initiation.

Young women attend initiation to be trained how to handle and to bring about sexual pleasure in the relationship and for this a woman is honoured (Monning, 1983).

As can be seen in the response above, the uncles of the groom family have to sleep on the 'legoga' (traditional mat) of their in-laws, which as the 'Moruti' has explained in the first section symbolizes that the bride will be able to sleep together with her husband on the same bed and perform her duties as a married woman. 'Sefoka' elevates the status and give prestige to the wedding. Upon the completion of the wedding at the bride's home, 'sefoka' is taken back to 'mošhate', chief's home together with 'sebegeo'. The wedding session on the bride's side is completed. Upon the completion of the wedding, the bride is taken to her in-laws by her family. The second response from the participant indicated that if the woman did not undergo 'koma' initiation, the groom's family will not collect 'sefoka' from 'moshate' but the wedding will continue in the same way as the one which has 'sefoka'. However the bride's status is not given the value equal to that of a woman who has undergone 'koma'.

On Saturday morning the wedding celebration begins. A cow is slaughtered to prepare for the feast.

*On Saturday morning 'bakgonyana' slaughter a cow for monyanya and I dressed in traditional clothes (hempe, ntepa and theto) which I had been given by the groom's family, which is a traditional requirement and I danced. In the afternoon, I was dressed in a white wedding gown and 'kgaetšedi (bride's brother) came out of the house, and I danced with men from 'Kgoro' moving towards the decorated white tent. Then, inside the tent the pastor read the Bible scriptures for me and a man who represented the deceased's son. The pastor blessed the marriage by reading wedding scriptures and I was not given a ring and there were no wedding vows because the man I was dancing with was not yet married so he could not make the marriage vows. After the blessing by the pastor we went out for a photo-shoot. When we come back from photo-shot I changed in to evening dress and late I sat on 'legoga' (traditional mat) 'ba mpha melao'*

*(I was taught rules of the wedding) of being 'ngwetši ya lapa' by the uncles and kgoro (family) (Meladi, female 43).*

Later Saturday after 'monyanya'

In the evening of the wedding ceremony, the bride leaves her family home and sleeps at the groom's family, awaiting another wedding celebration on Sunday. The bride is usually accompanied by two ladies known as 'diphelesi' who escorted her from her family as explained below.

*Late on Saturday after 'monyanya' I went to the groom's family accompanied by two ladies known as 'diphelesi'. We had 'mohlobolo' (which is a portion of the red meat traditionally utilised for offering the bride a new surname from the husband side). I slept there. The purpose of 'mohlobolo' is for me to get the groom's surname" (Meladi, female 43).*

*Late on Saturday after the wedding ceremony I went to the groom's home accompanied by 'diphelesi' (twelve ladies) consisting of aunt and relatives, we had 'mohlobolo' (which is a portion of the red meat traditionally utilised for offering the bride a new surname from the husband side). The purpose of mohlobolo is for me to get the "groom's surname" and 'slept there alone in the room allocated to me (Mokgadi, female, 37).*

*Second day for 'monyanya' (Sunday) at groom's s place*

This is the final stage of the wedding. On Sunday the bride learns the important activities of becoming a good 'makoti' (daughter in-law), by fetching water from the river for the groom's family. Furthermore, there are several activities and rites which are conducted for the preparation of the woman married for 'lapa' and every married woman is expected to go through this final stage of the wedding.

*On Sunday morning I wore the traditional attire ('shirt, ntepa and thetho') and went to the river accompanied by two girls to fetch water with the purpose of teaching me how and where to fetch water at 'bogadi' (in-law's family) and after that I went to a place in the bush, known as 'baneng' to cut two sticks called 'bana' with an axe and wrap them with white clothes, They took those sticks and an axe and placed them in a big dish,*

*traditionally known as 'sekotlelo'. I sat on the floor and 'rakgadi' (father's sister) came to collect the sticks and the sticks resembling a girl and a boy were named after the deceased man. Sunday afternoon, I wore a white wedding dress and danced again at the groom's place as the wedding continued and the pastor came again, gave a sermon and read the Bible scriptures and blessed our marriage. Later, people shared the wedding cake, and before sunset 'diphelesi' (two ladies) took my suitcase (which had my clothes) and put it at the gate because 'bare ngwetši a dikelelwe ke letsatsi' (a daughter in-law is not expected to come home at night) I went back home accompanied by basadi ba kgoro (my female relatives) and 'diphelesi' (two ladies), singing the song titled 'Ngwana wa rena waya'. A week after the wedding ceremony the groom family sent 'kgoro' (relatives) to come to my home and cook 'bjala bja Sesotho' (traditional alcohol) for me. Kgadi (most senior aunt) said to me 'bogadi boa kgotlelelwa' (contextually meaning that one should have patience at her in law's place)'. Then after that, I went to 'bogadi' (groom's place) accompanied by my uncle's wife. This is how I ended up being ngwetši ya lapa. About the marriage certificate, I don't have but I just went to the Department of Home Affairs with my paternal and maternal uncles as witnesses to change my and my children's surname to the groom's surname, but I do not have a marriage certificate (Meladi, female 43).*

*On Sunday afternoon the wedding celebration took place at the groom's home and the pastor came again and blessed our marriage. After that we danced and ate cake. In the evening before sunset 'diphelesi' (two ladies who are my relatives) took my suitcase (which had my clothes) and put it at the gate because 'bare ngwetši a dikelelwe ke letsatsi' (the bride is not expected to come home late) I therefore went back home accompanied by basadi ba kgoro (my female relatives) singing the song titled 'Ngwana wa rena waya'. Rakgadi said to me 'bogadi bja kgotlelelwa' as she prepared me for being a real 'ngwetši (daughter in-law)'. On Monday, the in-laws came to my home to take me to 'bogadi' groom's home. I went to the Department of Home Affairs with my in-laws, paternal and maternal uncles as witnesses to change my surname. I don't have a marriage certificate but my children also changed their surname (Maphuthi, female, 56).*

As noted above marriage proceedings start from proposals by the deceased's family to the potential bride until the end of the wedding. This shows that that the process of 'Gonyalelwa

*lapa*' has many steps and rituals to be followed before the conclusion of the wedding. However '*dingwetši tša lapa*' outlined the whole process and details of the marriage much better compared to the key informants, as they are participants in the marriage. This type of marriage does not differ much from the marriage between husband and wife, because the bride also dresses in a wedding gown and dances with the man who stands in for the groom.

#### **4.2.6 Reasons for '*dingwetši tša lapa*' engaging in '*Gonyalelwa lapa*'**

This section seeks to address the reasons for '*dingwetši tša lapa*' to marry into '*lapa*'. To address this issue, the question "***Why did you marry under 'Gonyalelwa lapa'?***" was asked. The women stated age, and the stigma of being labelled as '*lefetwa*' (old maid or unmarried woman) by some community members, and the fear of poverty, if it happens that they don't find marriage, being single, mothers and being forced to leave home as the reasons which made them marry for '*lapa*' (See below).

*Since I have children I accepted to be married for 'lapa' to leave 'kgaetšedi' (youngest brother) at home with his wife (Maphuthi, female, 56).*

*Because I had many children before I get married and sharing space with my brothers at home. I was afraid of being labelled as 'lefetwa' (Mahlako, female, 41).*

The above responses from the participants show that the majority (four) of women who are married for '*lapa*' were compelled by the fear of being homeless and poverty, especially after being dismissed from home as they had to give way to their brothers, the designated heirs of the family home, the fear of the struggles of being a single mother as well as the fear of the stigma of being labelled as '*lefetwa*' (old maid or unmarried woman) by their family and community members.

Another participant stated she was influenced by the fact that she was no longer interested in having children anymore, since men usually demand biological children of their own, when they enter into a marriage. With '*Gonyalelwa lapa*', the family is interested in children one already has, so one does not have to start bearing children fresh.

*I'm influenced by the fact that I'm no longer interested in having a husband because a man will demand children from me (Meladi, female, 43).*

*I just decided to be married for 'lapa' (Mmakwena, female, 40).*

The data above highlights factors that contribute to women engaging in 'Gonyalelwa lapa', namely, age, single motherhood, and having lot of children was the reasons for 'dingwetši tša lapa' to agree to engage in this marriage. Secondly, the stigma associated with being labelled as 'lefetwa' (old maid or unmarried woman) and having illegitimate children also influenced the decisions of the participants.

#### **4.2.7 The challenges faced by 'Dingwetši tša lapa'**

Findings show that (50%) of the participants agreed that the in-laws are supportive while another (50%) disagreed and indicated that there was no support which they received from their in-laws although the deceased man's family promised to be supportive before they got married. These are the views of the participants who receive economic and moral support from their in-laws, see below:

*My in-laws had already passed away when the wedding ceremony took place but the siblings of the deceased were the ones who organised the marriage for me (Mahlako, female, 41).*

*I was getting full support from my in-laws, it is unfortunate that they passed away, but I can still support my family because I'm employed as principal at a crèche (Mokgadi, female, 37).*

On the other hand, some participants said that the deceased man's family promised to do everything for them, but after the wedding there was no financial or moral support which they received from them (see the below).

*I got support from 'mmatswale' (mother in-law) before she passed away, but currently I don't get any support and even from 'ratswale' (father in-law) is unable to buy me groceries (Maphuthi, female, 56).*

*The in-laws were taking care of me but after the wedding there is no support which I receive from them, I'm struggling together with my children (Meladi, female, 43).*

The data provided above shows that most of 'dingwetši tša lapa' got married after the proposal of the in-laws as they had promised to provide them financial and moral support such as financial resources to acquire basic needs, among others, food and proper shelter. However, after wedding the in-laws were unable to fulfill their promises and this brings some challenges for 'dingwetši tsa lapa' in their family.

Furthermore, this is the reason most of 'dingwetši tša lapa' suffer after getting married because they intend to benefit materially from the deceased man's family.

The other question “**Do you experience challenges as 'ngwetši ya lapa'?**” was asked to the participants. The majority of them revealed that they experience challenges in their marriage, contrary to the minority of the participants who reported that there were no challenges in their marriages. 'Dingwetši tša lapa' stated that the deceased man's family promised to be supportive to them, but after the wedding they reneged on their promise after the marriage. This is highlighted below:

*I have a problem with 'ratswale' father in-law who doesn't want to give me money to buy food but he promised to do everything for me, when they married me (Maphuthi, female, 56).*

*I have a problem with 'bommatswale', they did not build a house for me, and they do not give me anything and I'm not employed, but they promised to take care of me before the marriage (Maledimo, female, 53).*

Another participant said that the deceased man's family was not supportive to her as she was employed (see the explanation below).

*I did not get any support from my in-laws 'bommatswale' because I was employed (Mahlodi, female, 40).*

In addition, one participant who is also married for 'lapa' said that her in-laws chased her parents and family members from home. Furthermore, the deceased man's family forbade the woman's parents from visiting her and the woman considered to leave the family (See below).

*My in-laws do not contribute anything to me and my children; I have to pay the burial society on my own. They do not allow my parents, sibling, as well as friends to visit me in this home, and if they come they chase them away (Meladi, female, 43).*

Below is an explanation by a participant who said that a disability grant was the main source of income for her family. The money is not enough to cover the family needs, since there is no financial support from her in-laws.

*I worked so hard to raise my children, but I'm sick now and getting a temporary disability grant to support my family, since there is no source of income from my in-laws (Pheladi, female, 38).*

Another participant revealed that although she was married for 'lapa' the marriage does not have any marriage certificate as evidence of its existence. She said that:

*My challenge is that the Department of Home Affairs do not want to give me a marriage certificate (Mahlako, female, 41).*

Lastly, a minority (two) of the participants stated that they faced no challenges in their families. Furthermore, they have a good relationship with their in-laws, as can be seen below.

*My in-laws are very supportive, they provide me with everything I want and I don't have any challenges (mmakwena, female, 40).*

*There were no challenges or problem because my in-laws were supporting me prior to their death (Mokgadi, female, 37).*

The above findings illustrate that most of 'dingwetši tša lapa' experience some challenges in their families which were caused by their in-laws. The challenges which are faced by 'dingwetši tša lapa' only occur after the wedding. This means that before marriage the in-laws persuade the women to marry for 'lapa' so that they can get the children who will perpetuate deceased man's name. The absence of a husband contributed to the challenges faced by 'dingwetši tša

*lapa*'. Data also shows that '*dingwetši tša lapa*' agree to be married for '*lapa*' with the expectation of having a good and comfortable life as promised by the in-laws.

#### 4.2.8 Perceptions on who benefits from the '*Gonyalelwa lapa*' marital practice

The researcher interviewed key informants, as well as '*dingwetši tša lapa*' to find out their views on who benefits in this type of marriage. This section starts with an analysis of the key informants' responses. The first question "***Who do you think benefits from this type of marriage?***" was asked. A table was provided, so that the key informants could tick who they think benefits from this type of marriage. The table consisted of the bride's family and groom's family, as well as the women and children involved.

The majority (two) male key informants and a female key informant suggested that all parties involved (children, woman, man, and the two families) benefit from '*Gonyalelwa lapa*' marriage practice. In addition, one female key informant mentioned that 'the entire community' also benefits from this marriage practice.

The second question which was asked is "***How do they benefit?***" The data below shows that according to a pastor, the chief and one male community elder demonstrated that the woman and children who form part of this marriage benefit as they acquire the marital status as well as a shelter see below:

*Being proud of having her own family, getting a surname and healthy living [pastor (moruti) male, 74].*

Furthermore, all key informants had almost a similar explanation on how men and the family benefit from marriage practice '*Gonyalelwa lapa*'. The data illustrate that the family benefits by having a woman and children who will revive their deceased son's name. The deceased man benefits as his family marries a woman for him and her children use the deceased man's name.

The data above demonstrates that an older woman who is not married should obtain the deceased man's surname to be regarded as '*ngwetši ya lapa*' to form part of the community, and also get involved in activities such as attending women society and so on. According to pastor '*moruti*', a woman should marry under '*Gonyalelwa lapa*' to acquire higher status which

includes identity, dignity, recognition, respect, security and so on. They also marry for economic reasons, which include financial security, shelter and food

The researcher also interviewed *'dingwetši tša lapa'* to find out their benefits under *'Gonyalelwa lapa'*.

The researcher sought to solicit the opinions of the two categories of participants on who they think benefits from *'Gonyalelwa lapa'* practice. The participants in this section were given a table with the following option/categories to select and tick, or put a cross on one or more: In-laws, children, *'dingwetši tša lapa'*, young women and deceased men, to tick those whom they think benefits from *'Gonyalelwa lapa'* marriage practice. The majority of *'dingwetši tša lapa'* selected all the options. While the minority selected one of the following: *'dingwetši tša lapa'* or the in-laws.

To address the issues at hand, the following question was asked: ***"What are the benefits of being married through 'lapa'?"*** In response to this question, most participants pointed out the benefits of *'dingwetši tša lapa'* as to 'acquire a marital surname', as the main benefit from this marriage. However, a few of the participants indicated that the benefit which they get from *'Gonyalelwa lapa'* is that the married woman and children will have their own shelter.

The participants expressed their views as follows.

*I benefit by avoiding problems, to have my new family and getting a surname and home for my children (Mahlako, female, 41).*

*I benefit by getting a surname around the Masemola area (Maledimo, female, 55).*

These findings demonstrate that *'dingwetši tša lapa'* benefit from *'Gonyalelwa lapa'* by acquiring higher status which includes identity, dignity, recognition, respect, security and so on. They also marry for economic reasons, which include financial security, shelter and food. On the other hand, the in-laws benefit by perpetuate the deceased family name. This data shows that both the in-laws and women benefit from this marriage practice *'Gonyalelwa lapa'*.

The last question ***"Do you enjoy being 'Ngwetši ya lapa'?"*** was asked to the participants. 80% of them do not enjoy being *'digwetši tša lapa'* because there is no support as promised by

their in-laws. However, 20% of the participants stated that they enjoyed being '*dingwetši tša lapa*' because they have their own family, and no longer depend on their parents. Data shows that a majority of participants do not have a good relationship with their in-laws (see below).

*I do not enjoy being 'Ngwetši ya lapa' because my in-laws do not take care of me, and they have not built a house for me (Maledimo, female, 53).*

Another participant said that that '*dingwetši tša lapa*' enjoy having their own home and they avoid being chased away by the last born male sibling from their family home as the response highlighted below:

*I'm happy to be 'Ngwetši ya lapa' because I have my own house and family. My in-laws do not bother me (Mokgadi, female, 37).*

Lastly, the findings above show that the majority of '*dingwetši tša lapa*' do not enjoy being part of this marriage because there is no support as promised by their in-laws. However, some of '*dingwetši tša lapa*' enjoy having their own family as they avoid to be chased out of their parents' home by youngest male sibling.

## CHAPTER 5: CONCLUSION AND RECOMMENDATIONS

### 5.1 OVERVIEW OF THE STUDY

The study was conducted in order to establish the challenges and experiences of women who are married through '*Gonyalelwa lapa*'.

The study sought to accomplish the following objectives:

- To investigate the conceptualization of '*Gonyalelwa lapa*' in order to have a clear understanding of what this customary marriage entails.
- To explore the challenges faced by women who are married under '*Gonyalelwa lapa*'.
- To determine the benefits of '*Gonyalelwa lapa*' customary marriage.

This chapter comprises of the overview of the findings, a discussion on how the findings have answered the questions, and conclusion of the study and recommendations.

### 5.2 SUMMARY OF THE FINDINGS

Findings demonstrate that women marry for '*lapa*' mainly for economic reasons; to escape stigmatization, for the acquisition of the marital surname, which is tied to being acknowledged, respected, and recognized by the community. Nevertheless, these women face multi-dimensional challenges within their in-laws households: they do not receive any support from the in-laws; their girl-children suffer discrimination based on 'sex-preference', boys are given more value on the basis that a boy will be able to perpetuate a deceased man's name. Most women married under this type of marriage suffer mainly emotional and economic abuse at the hands of their in-laws. The study revealed that these challenges are attributed to the lack of physical presence of the husband in the family.

### 5.3. UNDERSTANDING OF MARRIAGE PRACTICE AS '*GONYALELWA LAPA*'

The researcher sought to establish an understanding as well as to detail the meaning and process of '*Gonyalelwa lapa*' customary marriage. Findings revealed the complex process of this marital practice. The marriage process involves a complex interplay of tradition and religion. The study clearly demonstrates that although all participants of this study understood the process of the practice, key informants such as the local chief and the pastor, as knowledge holders and custodians of culture and religion, respectively were more knowledgeable about the practice of '*Gonyalelwa lapa*' than other participants such as '*dingwetši tša lapa*'. '*Gonyalelwa*

*lapa*' comprises of a complex set of rituals that take two to three days. In Chapter 4 we were taken through the lengthy process of this traditional wedding, as well as the meanings behind each ritual is explained. As the findings have shown, the marriage involves marrying of a woman by a family for a deceased son who died without an offspring in order to perpetuate his name.

It is clearly evident that this marriage is initiated by the deceased man's family to revive their son's name. Paradoxically, this marriage is perceived by some participants, including key informants, as rescuing women from poverty and ostracism by their own families. Even '*dingwetši tša lapa*' themselves see the marriage as saving them from the eventuality of being 'homeless' and 'destitute'. The findings have shown that unmarried women eventually expected to vacate their family homes in order to allow their youngest brothers to settle with their families. This means that unmarried female children have to, at some point, leave the household, whether they are employed or not. For some, especially those who are unemployed, this would then mean becoming homeless.

Secondly, for '*dingwetši tša lapa*' finding marriage signifies acquisition of status, identity, dignity and recognition by their own families, the in-laws as well as their communities. This way, the acquisition of the in-laws surname provides fulfillment for '*dingwetši tša lapa*'. The findings demonstrate the stigma associated with being labelled as '*lefetwa*' (old maid or unmarried woman) and having illegitimate children within the community, as in most African societies, which influenced the thinking of participants. However, it is not as rosy as '*dingwetši tša lapa*' would like to think within the in-laws. Within their in-laws, they are confronted with multi-faceted challenges as will be seen in the next section.

#### **5.4 THE CHALLENGES FACED BY WOMEN WHO ARE MARRIED IN 'GONYALELWA LAPA'**

This objective was to determine the challenges faced by women who are married for '*lapa*'. The findings revealed that the majority of participants who are '*dingwetši tša lapa*' experience multifaceted challenges within their in-laws. The findings established a significant number of participants receive inadequate, or no support at all from their in-laws. In fact they experience economic abuse in the sense that they are not provided with financial resources to acquire basic needs, among them, food and proper shelter. This is ironical in that many of them indicated that they marry in to '*lapa*' in order to escape from impending poverty and leave their homes to give

way to the youngest male sibling, who are said to be the rightful heirs to these homes, to start his family. The irony lies in the fact that they are still exposed to similar impoverished conditions in their in-laws homesteads.

Furthermore, the study demonstrated that some '*dingwetši tša lapa*' suffer from emotional abuse from their in-laws ('*bommatswale*') because they are deprived of relations outside their in-laws, including their own close relatives and friends. In other words, they are forbidden from engaging in any sort of relationship.

Another noteworthy point revealed in this study is that '*dingwetši tša lapa*' find it difficult to walk away from this marriage because of the several reasons. Firstly, they may not be able to go back to their families because they may no longer have accommodation for them in the family. Secondly, they may not be able to pay back the '*magadi*'. Hence, they stay and endure abusive relationships with their in-laws. Thirdly, women are tied in this marital setup because of the fear of leaving their children with their in-laws. Thus, women feel trapped within these marriages for the rest of their lives for the sake of their children, but also stigmatization of being called by names such as '*lefetwa*'. Fourthly, they may not be able to walk away from the marriage because of the number and ages of children they will be having.

Lastly, the findings also show that '*dingwetši tša lapa*' cannot obtain a marriage certificate after getting married because of the fact that such marriages are not recognized by the law. Marriage is understood to be a legally or formally recognized union of two people as partners in a personal relationship. The traditional marriage of this sort is contrary to the above; hence it is neither acknowledged nor recognized by law, as there is no evidence of marriage in this regard. However, women who experience challenges with their in-laws in the family say they also have benefits after marriage as can be seen in the next section.

## **5.5 THE BENEFITS OF 'GONYALELWA LAPA' CUSTOMARY MARRIAGE**

This objective sought to establish 'who benefits from the customary marriage practice '*Gonyalelwa lapa*'. Data shows that the key informants '*moruti*' and '*kgoši*' shared the view that most of women marry into '*lapa*' in order to acquire a higher status which includes identity, dignity, recognition, respect and security. They also marry for economic reasons, which include financial security, shelter and food. On the other hand, '*dingwetši tša lapa*' are of the view that it

is the in-laws who benefit from this type of marriage, in the sense that the in-laws perpetuate the deceased and family name.

Few of *'dingwetši tša lapa'* say they enjoy having their own family to avoid being chased out of their parental home by their youngest male siblings who according to custom is said to be the one to inherit the family home. The last born male sibling in the family as has been mentioned in the previous section. However, the both key informants and *'dingwetši tša lapa'* said they are having enjoying their own household.

Lastly, in this section, the researcher sought to determine whether *'dingwetši tša lapa'* are protected in their marriage by the law. According to Maluleke (2012) *'Gonyalelwa lapa'* traditional marriage is not covered by the law. This has been echoed by the study findings. Firstly, the findings demonstrate that *'dingwetši tša lapa'*s rights within the marriage are not recognized, since the marriage itself is not acknowledged by customary law. The findings have shown that the marriage is not accorded any marriage certificate as evidence of marriage. Firstly, the lack of spousal physical presence and protection makes them feel vulnerable to the in-laws. Secondly, lack of support and protection by the in-laws as demonstrated in chapter four leads the feelings of despondence about the marriage.

It is most frustrating for *'dingwetši tša lapa'* not to have marital rights and a marriage certificate as proof of marriage. The fact that this kind of marriage is not recognised and as well as not having a marriage certificate as proof that they are married is a cause for anxiety for women since they cannot divorce in a court of law. They seem to be of the view that none recognition of their marriage poses a difficulty in walking away from the marriage. It is also important to note that this marriage gives more value and recognition to children than the woman herself. A woman comes only as helper to bring up the children. This marriage also does not protect women because when the in-laws marry a woman they focus more on her children and not herself. The purpose of the marriage is acquiring children for perpetuation of the deceased man's name. This means that the children are more valued than the woman. The inheritance, if any, goes to children while the mother is excluded. The rights of the men who are the biological fathers of those children are not protected also, because they only serve as sperm donors in the sense that they have no rights towards their biological children. Lastly, the findings demonstrate that *'dingwetši tša lapa'* and their children's rights are at risk. The rights of children are

compromised in this type of marriage. Children have the right to receive parental care from both the mother and father as addressed in the children's Act.

## 5.6 LIMITATIONS OF THE STUDY

The study explored the experiences and challenges faced by women who are married for '*lapa*' and the fact that the researcher speaks the same language as the participants can be considered to have been an influence to the study findings. One of the limitations of the study is that the researcher had little time to conduct his research, constrained by the time-frame allocated to the Masters programme. However, due to the interest the researcher had in the topic and through dedication the researcher was able to work within the limited timeframe. The researcher also experienced challenges in finding appropriate literature since he is the first person to research on this topic. Another limitation was that the size of the sample and access to the field, which implied that the researcher experienced challenges in finding an adequate number of women who were willing to participate in the study. Some of the women identified were not available on the days of appointments. During the analysis of the generated data, the researcher made an effort to limit the influence of personal opinions and beliefs which could have influenced the quality of the data.

## 5.7 CONCLUSIONS

All participants in this study, including the key informants and the women married under '*Gonyalelwa lapa*', gave similar descriptions of the marriage practice and process. Women choose to be married under '*Gonyalelwa lapa*' as a result of age, the stigma of being labelled as '*lefetwa*' (old maid or unmarried woman) by some community members, and the fear of living in poverty. Although there are perceived benefits which come with this type of marriage '*Gonyalelwa Lapa*', the study has also exposed multiple challenges faced by '*dingwetši tša lapa*' with their in-laws. The perceived benefits of '*Gonyalelwa lapa*' are pertaining to the acquisition of status, identity, dignity, recognition and acknowledgement by the families, the in-laws, as well as their communities. These perceived benefits are noted mainly by the key informants. On the other hand, women see this marriage mainly as benefitting their in-laws since they are in need of the continuation of their son's marriage. Both the key informants and participants concurred that this was the purpose of this marriage. However, the study revealed the challenges that '*dingwetši*' encounter in the hands of '*bommatswale*'. These may be partly attributed to the absence or non-existence of the husband since the participants feel that some challenges cannot be resolved by the '*bommatswale*' as they require attention from a husband. This may

be partly the reason for the suffering of *'dingwetši tša lapa'*. Furthermore, most women leave home as a way of escaping poverty, however, some find themselves in a worse of situation than they might have been in at their parental homes. Some find themselves abused emotionally, deprived of social life and without the economic support promised to them at the onset of the marriage. The study also demonstrates sex preference and discrimination of girl-children born out of *'Gonyalelwa lapa'*. Boys are given more value on the basis that a boy will be able to perpetuate a deceased man's name. Lastly, the Customary Marriage Act does not protect women married through *'Gonyalelwa lapa'* which may be attributed to the absence of a husband in this marriage. A woman only gets married to bear children in order to sustain the surname of a deceased man and family. This means a woman relinquishes her autonomy, privacy and her reproductive rights which are ceased and arbitrated to control her body, as her body is taken over to be used to bear children for the deceased in order to perpetuate the deceased man's name. The Customary Marriage Act in South Africa only recognises a marriage between two people which is a husband and wife as they are accorded a marriage certificate as evidence of marriage. This means the rights of these women are compromised. Lastly, some women feel entrapped in these marriages, since their children would have been signed off as the responsibility of the in-laws. Therefore, walking out for them might mean losing the custody of their children, who now belong to the in-laws.

## 5.8 RECOMMENDATIONS

South Africa is a signatory to the United Nation's Convention on the Elimination of All Forms of Discrimination Against Women, which is commonly referred to as CEDAW, the SADC Protocol on Gender and Development and the Optional Protocol to the African Charter on the Rights of Women in Africa (Mokotong & Monnye, 2013). All these instruments call upon government to eliminate discrimination against women, and marriage is one of the areas where discrimination is pervasive. The non-recognition of *'Gonyalelwa lapa'* discriminates against women married under this marital practice. By signing these instruments, South Africa made a commitment to improve the lives of women, including those married in terms of *'Gonyalelwa lapa'*. By reforming marriage laws to specifically recognize *Gonyalelwa lapa'* and providing a framework for registration of these marriages, South Africa would have taken the right direction in fulfilling some of the commitments made on promotion and protection of women's rights (Mokotong & Monnye, 2013).

The study recommendation in this regard is the setting up of a consultative forum with the various stake-holders, be they traditional leaders, magistrates, the Human Rights Commission and others to chart the way forward. 'Gonyalelwa lapa' marriage plays a role in the community by bringing families together and extending family growth. However, the perception demonstrated by the participants shows that the marriage is not accorded any marriage certificate as evidence of marriage. The marriage practice 'Gonyalelwa lapa' should be well known everywhere, not only Ga-Masemola so that the policy makers and legislation can legalize this customary marriage. However, it should be taken into consideration that no one should be forced to be married under 'Gonyalelwa lapa', but should do so out of their own volition as in a marriage whereby there are husband and wife.

### **5.9 FUTURE RESEARCH**

Since the study was conducted in the Ga-Masemola area where only a few community elders and married women were interviewed, future researchers should go beyond this Municipality area to include many community elders and women who have undergone this type of marriage in order to draw good generalizations. This will enable them to identify gaps that were left by this study. Lastly, the study contributes to existing knowledge by exposing cultures which are still oppressive to women, particularly women who are traditionally married.

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**APPENDIX I**

**INFORMED CONSENT FORM**



**University of Venda**

**Institute for Youth & Gender Studies**

**Human & Social Sciences**

**TITLE OF RESEARCH PROJECT**

**Probing the experiences of women within the practice of ‘Gonyalelwa lapa’ among ‘BaSotho ba Lebowa’ Ga-Masemola Area**

**By**

**Kabekwa Mmoledi**

**Researcher:**

I am a postgraduate student at University of Venda studying for a Masters in Gender Studies. I would like to request for your participation in this research project. In this study as a participant you have a right to choose whether you want to participate or not and also have a right to withdraw your participation as and when you want if you feel you cannot continue with the interview.

Information collected from you is strictly for educational purposes and it won't be used against you in the future.

Research' signature .....Date.....

Participant's signature.....Date.....

**APPENDIX II: INTERVIEW SCHEDULE (KEY INFORMANTS)**

**SECTION A: BIOGRAPHICAL DATA**

- 1. Age 

--
- 2. Gender 

--
- 3. Marital status? 

--

**SECTION B: QUALITATIVE DATA**

**The meaning of customary marriage practice ‘Gonyalelwa lapa’**

4. Have you ever heard about the concept ‘Gonyalelwa lapa’?

Yes	No

5. What is ‘Gonyalelwa lapa’?

.....

.....

.....

.....

.....

6. What is ‘Gotsoša leina la mohu’?

.....

.....

.....

.....

7. Where have you heard about it? Tick where appropriate (one boxes)

Society	<input type="checkbox"/>
Family members	<input type="checkbox"/>
Elderly	<input type="checkbox"/>
Community leaders	<input type="checkbox"/>

Other, specify	
----------------	--

8. Who do you marry for *'lapa'*? Tick where appropriate

Children	
Woman	
Children and woman	
Other, specify	

9. Who do you marry *'lapa'* for?

Man	
In-laws	
Elderly	
Other, specify	

10. Are there any negotiations of *'magadi'* in *'Gonyalelwa lapa'*?

Yes	No

11. Who is involved in the negotiations of *'magadi'*? Tick where appropriate

Granny	
Chief ( <i>moshate</i> )	
Woman	
Uncles	
Other, specify	

12. Outline how you got married for *'lapa'*?

.....

.....

.....

.....

.....

13. Is there any different between traditional marriage and modern marriage?

<b>Yes</b>	<b>No</b>

14. During wedding ceremony do the bride and groom exchange wedding rings?

<b>Yes</b>	<b>No</b>

If yes who put a ring on bride or groom's finger?

.....

.....

.....

.....

15. What is the purpose of practicing 'Gonyalelwa lapa'?

.....

.....

.....

.....

.....

16. Do you think 'Gonyalelwa lapa' should be accepted within the following areas? Tick where appropriate and give reason

<b>Areas</b>	<b>Y</b>	<b>N</b>	<b>Give reasons for each area</b>
Society ( <i>Ga-Masemola</i> )			
Family			
Magistrate court			
Church			

17. Do you think is the dying of this practice 'Gonyalelwa lapa'?

<b>Yes</b>	<b>No</b>

18. Do you think it should still be practice?

<b>Yes</b>	<b>No</b>

**The benefits of being married under ‘Gonyalelwa lapa’**

19. Who do you think is benefiting from this type of marriage? Tick where appropriate

<b>Areas</b>	<b>X</b>	<b>How do they benefit?</b>
Children		
Woman		
Man		
Family		
Entire community		

20. To marry a woman for ‘lapa’ is said to be buying her productive rights

What do you think of this statement? Please elaborate

.....

.....

.....

.....

21. Do you think women are obliged (forced) to be married for ‘lapa’?

<b>Yes</b>	<b>No</b>

If yes, what if the women have rights to refuse?

.....

.....

.....

.....

.....

**Lack of protection by the Customary Act on women married through ‘lapa’**

22. Is there any divorce in this type of marriage?

Yes	No

If No, explain why

.....

.....

.....

.....

23. Do Customary Act protect rights of women who are married for ‘lapa’?

Yes	No

24. Do women need protection of their rights from Customary Act?

Yes	No

Elaborate your response

.....

.....

.....

25. Do women have choice to be married in ‘Gonyalelwa lapa’?

Yes	No

Elaborate your response

.....

.....

.....

.....  
.....

26. Do you think they (women) should have a choice in the marriage?

Yes	No

Elaborate your response

.....  
.....  
.....  
.....

27. Do man have a role in this type of marriage?

Yes	No

Elaborate your response

.....  
.....  
.....  
.....  
.....

**APPENDIX III: INTERVIEW SCHEDULE (PARTICIPANTS)**

**SECTION A: BIOGRAPHICAL DATA**

- 1. Age 

--
- 2. Gender 

--
- 3. Marital status? 

--

**SECTION B: QUALITATIVE DATA**

**The meaning of customary marriage practice ‘Gonyalelwa lapa’**

4. Have you ever heard about the concept ‘Gonyalelwa lapa’?

Yes	No

If yes, what does it mean?

.....

.....

.....

.....

.....

5. Where have you heard about it? Tick where appropriate

Society	<input type="checkbox"/>
Family members	<input type="checkbox"/>
Elderly	<input type="checkbox"/>
Community leaders	<input type="checkbox"/>
Other, specify	<input type="checkbox"/>

6. Are you married for ‘lapa’?

Yes	No

7. Is there any force in this type of marriage?

Yes	No

8. What is the purpose of practicing 'Gonyalelwa lapa'?

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9. Outline how you got married for 'lapa'?

Please elaborate

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10. Why did u marry under 'Gonyalelwa lapa'?

Elaborate your response

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11. Is there any different between 'Gonyalelwa lapa' and 'Gotsoša leina la mohu'?

Yes	No

Elaborate your response

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### Challenges of 'Gonyalelwa lapa' marriage

12. Do you get a full support from the in-laws after being married?

Yes	No

Elaborate your response

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13. Are you allowed to divorce in this type of marriage?

Yes	No

Elaborate your response

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14. Are you allowed to have a partner in this type of marriage?

Yes	No

15. Do you experience challenges as a woman?

Yes	No

Elaborate your response

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**The benefits of ‘Gonyalelwa lapa’**

16. Who benefit from this type of marriage ‘Gonyalelwa lapa’? Tick where appropriate

Granny	
Children	
Woman	
Men	

17. What are the benefits of being married through ‘lapa’?

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18. Do you think man is important in this type of marriage?

<b>Yes</b>	<b>No</b>

Elaborate your response

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19. Do you think children are important in this type of relationship?

<b>Yes</b>	<b>No</b>

Elaborate your response

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20. Do you enjoy being 'Ngwetši ya Lapa'?

Yes	No

Elaborate your response

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