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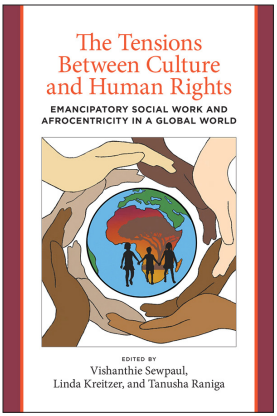

THE TENSIONS BETWEEN CULTURE AND HUMAN RIGHTS: Emancipatory Social Work and Afrocentricity in a Global World

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The Implications of a Patriarchal Culture for Women's Access to "Formal" Human Rights in South Africa: A Case Study of Domestic Violence Survivors

Shahana Rasool

This chapter shows how patriarchy violates women's human rights and creates an environment of fear that impedes their help seeking. Patriarchy in this study refers to the hegemonic belief in male rights, ownership, and control over women (Pendergast & McGregor, 2007). The narratives of all 17 women interviewed in the study support the feminist argument that the use of power and control in abusive relationships, largely by men against women, has a direct bearing on women's help-seeking behaviour after women are abused. While there are other factors that contribute to abused women's reluctance to seek help, those are discussed elsewhere (Rasool, 2012, 2015). Woman abuse / domestic violence, in this chapter, refers to the physical and/or emotional violence by an intimate male partner (i.e., husband, partner, or boyfriend) as reported by the women.

Pendergast and McGregor (2007) define patriarchy as "any . . . system that grants privileged status to males and permits or encourages their domination of women" (p. 3). Patriarchy has historically been associated with an aggressive, "macho" masculinity. Some theorists contest a static notion of patriarchy and argue that masculinities and patriarchy are not

fixed or homogenous and that they often differ across history and cultures (Salisbury & Jackson, 1996). Walker (2005) contends that in South Africa, "contemporary expressions of masculinity are embryonic, ambivalent and characterized by the struggle between traditional or conventional male practices and the desire to be a modern, respectable, responsible man" (p. 225). Although it is acknowledged that notions of masculinity and patriarchy are historically and socially located and are fluid, the narratives of the women in this study about their experiences of abuse largely conform to historical descriptions of patriarchal masculinities that are "steeped in violence and authoritarianism" (Walker, 2005, p. 227).

Abuse of women, as illustrated in this study, is an extreme consequence of the enactment of patriarchal attitudes that affirms notions of male ownership over women, which creates a major stumbling block to the attainment of women's rights. Women's accounts of abuse show how the violation of their human rights in the private sphere impedes help seeking in the public domain. Lister (2003) confirms that

> male violence inside and outside the home, together with the fear it creates, serves to undermine women's position as citizens. If women cannot move and act freely in the public sphere and/or are intimidated in the private sphere because of the threat of violence, then their ability to act as citizens is curtailed. (p. 113)

Women's rights, namely the rights to human dignity, equality, freedom of movement, and freedom of expression and association, as well as their right to be protected against all forms of violence, have been violated in domestic violence situations. Domestic violence prevails even though all the human rights referred to above are enshrined in South Africa's Constitution and the Bill of Rights (Government of South Africa, 1996) and undergird social policy and legislation to protect women against abuse. The Constitution provides for the "protection and security of the person which includes the right of everyone to be free from all forms of violence from either public or private sources" (Government of South Africa, 1996, Section 12[1][C]). The Constitution acknowledges that violence occurs in both the public and private domains and requires state

action. Nevertheless, violence in intimate partner relationships curtails the rights of women and prevents them from accessing help.

Abused women's narratives illustrate their lived experiences of patriarchy, and how these manifest themselves in domestic violence in the private sphere, which serves to impair their human rights. While the threat posed by patriarchy in the public sphere in South Africa may be weakening for some women, due to the promotion of gender equality in legislation and policy as well as increased access to opportunities in post-apartheid South Africa, the narratives of abused women in this study demonstrate that for other women, patriarchy is rife in the private sphere. Women's encounters of violence illustrate the limits of formal rights, policies, and legislation that are premised on the assumption that women will readily disclose abuse and seek help in situations of domestic violence. Despite these limitations, I argue that rights provide an important stepping-stone in advancing gender equality and in protecting women from violence. However, public policies and legislation need to take account of the lived experiences of abused women, in order to devise appropriate and effective measures to protect them and to assist them in claiming their rights.

Methodology

This chapter is based on a qualitative study conducted with abused women. The purpose of the study was to understand help-seeking patterns; hence women who had disclosed abuse and sought help on numerous occasions for abuse were accessed through shelters in Johannesburg and Cape Town. Non-probability, purposive sampling was used to access 17 survivors of woman abuse who volunteered to participate. Shelter workers referred adult women living in shelters, and who had experienced abuse in a heterosexual, intimate partner relationship, to the researcher. All ethical requirements of research were adhered to. Pseudonyms are used to protect the anonymity of participants.

Analysis of the data was based on an approach outlined by Mandelbaum (1973) in conjunction with guidelines provided by Rubin and Rubin (2005). The data was entered into ATLAS.ti for coding and organizing. Trustworthiness is assured by providing thick descriptions (Geertz, 1973) of the narratives.

The women interviewed came from all over South Africa even though interviews were conducted in shelters based in Johannesburg and Cape Town. The age of the women ranged from 19 to 46. Most of the women in the study were married at the time of the interview and the majority had a high school education. All the women had children. Almost an equal number of women were employed (8) and unemployed (9). In many respects the women interviewed were quite diverse, but most came from middle- to lower-income communities. The following sections highlight how intimate partners curtailed the rights of the women.

Curtailment of Women's Rights

The power and control strategies utilized by abusive men violate the rights of abused women and fundamentally limit their possibilities for seeking help. Women's ability to seek help is seriously hampered by the varying strategies employed by men to prevent them from having contact with people, including constantly watching them, not allowing them to speak freely or go anywhere by themselves, incarcerating them, physically and sexually violating them, or sabotaging their relationships with others. Isolating women from social networks such as family and friends is one of the most powerful control tactics that impedes help seeking. The central premise of seeking help rests on a person having contact with people outside of the household or private sphere. If women are constantly being watched and their contact with other people is limited, the space for disclosing abuse or violence or obtaining help in the public domain is significantly reduced. In the following sections, women speak of the curtailment of their rights to freedom of expression, association, and movement that affected their capacity to seek help and hence their right to human dignity. The South African Constitution (Government of South Africa, 1996) accords a central place to the value of human dignity in South Africa's rights-based approach to gender-based violence (Section 10). The narratives of women show how their physical integrity and basic freedoms have been violated by domestic violence.

Curtailing Freedom of Expression and Association—"I must sit and just be serious, not laugh, not talk to [anybody]."

Controlling abused women's speech is tantamount to limiting their right of expression. Section 16.2 of the Constitution (Government of South Africa, 1996) guarantees the right of individuals to free expression, which in principle includes "every act by which a person attempts to express some emotion, belief, idea or grievance" (Currie & De Waal, 2005, p. 362), including conduct that seeks to communicate something. Currie and De Waal (2005) take a broad reading of the purpose of this provision in the Constitution, rather than a narrower focus on the freedom of the press, for instance. They argue that state intervention is permissible in intimate partner and/or family associations, if this provision is read in the context of the protection of families, children, and the elderly against abuse and if it is read together with the right to dignity and equality (Currie & De Waal, 2005, p. 432).

The narratives reflect how women's rights to free expression and association are curtailed in abusive relationships. If women are not allowed to "speak" and disclose abuse, seeking help is challenging and requires ingenuity on the part of women to find strategies to escape. A participant, Bongi, related that when she was dating the abuser, he did not want her to greet or look at anyone. It later reached the stage where she was "banned" from speaking to her male friends, and two weeks after that she was told by the abuser that she was "not even allowed to speak to girls." In some situations, the abusers allowed women to talk to others but wanted to know about the content of their conversations. Catherine said the following in this regard: "Every time I talk to . . . friends . . . he asks me: 'What are you talking about? You must tell me now.' I'm scared [so] . . . I tell him [what we talked about]." This scenario, where communication is possible, seems less extreme than when women are not allowed to talk at all. This was confirmed in a South African study that found that one of the principal ways in which men curtailed women's freedom of expression and association was by controlling "who their girlfriends were with [which] extended to attempting to dictate which friends they associated with" (Wood & Jewkes, 1998, p. 24). Controlling women's contact with others restricts their opportunities for disclosing abuse and seeking help.

Although male partners tried to restrict women's speech, some of the women displayed extreme resourcefulness in dealing with their partners' power and control. Fatima explained how her ability to communicate with others was limited by her partner, because she was not allowed to speak to customers, although she was expected to work in her partner's shop. Fatima resisted this by making an agreement with regular visitors about how she would interact with them when the abuser was present. She told of how a man who ran the butcher shop next door to their business would visit their store and speak to her, but the abuser did not want her to speak to him. So she told this man, "Nathan do me one favour, don't come in here when Faheem is here, or just excuse me [if] . . . I don't talk to you or I don't greet you." In this way Fatima was trying to maintain her relationships with the neighbour, while still placating the abuser. She was not disclosing the abuse per se or directly challenging the status quo of the abuser, but she was keeping the door for communication open in the absence of the abuser. Fatima used "weapons of the weak" (as explained below) (Säävälä, 2001) that allowed her to maintain some of her relationships with others. As Säävälä (2001, p. 201) points out, "The use of 'weapons of the weak'—gossiping, pouting, denying proper food or sex, slowing down actions, not passing on information, quarrelling, etc—[is] not geared to building up a dissident mentality among women . . . but simply [to] maximize their space to manoeuvre in a situation where gender relations *per se* are unchallenged" (p. 201). Several women in this study displayed acts of agency and resistance, within the confines of the authority asserted by men and to the extent that this was possible within their circumstances, which conforms with what Säävälä (2001) describes as "weapons of the weak." This is highlighted when women leave. Leaving and going to a shelter represented an enormous act of courage on the part of all the women in this study

Isolation

Intimate partners also used isolation to restrict the contact women had with other people, including family members, and this compounded the difficulties women had in reaching out for help and disclosing abuse. Annella described how the abuser kept her away from her family: "I seldom went to see my mum. He never took me to my parents. [We] always rode past my mother's house. Since I got married I never spoke to my

mother. [I was] very isolated from them." Similarly, Fatima related how her partner kept her away from family and potential systems of support when she said, "He didn't take me to my family. He kept me away from them. I had no friends." I have illustrated elsewhere the importance of family and friends as potential helpful resources in help seeking and escaping abuse (Rasool, 2012, 2015).

In cases where women are not isolated from their families, some abusers make sure that they are constantly present when there are other people around or when women go out, particularly after an abusive incident. In some cases, the men dictated what the women were permitted to say. In Catherine's case, the abuser stopped her from going to church, which could have been an important source of succour and help. When members of the congregation came to inquire about her absence from church, her partner made sure he was present. She related the following:

> There was a pressure . . . because my husband is sitting there. I must say to them [I'm sick]. I can't tell them [the truth]. It's all . . . an excuse. . . . It's horrible; it's horrible to lie to . . . good people. . . . Yes, that's my life.

Similarly, Shamima had "a black eye" as a result of the abuse, but she was forced to lie to people at work. The abuser made sure he was present the first time she had contact with her work colleagues after the incident to control what she said. She revealed the following:

> He actually told me . . . to tell my boss that "on my way home the previous day I was robbed, people took . . . my cell phone and, and they beat me like that." [He did not allow me to go inside the office], he said that, "I must sit in the car and he's going to call my boss, my boss must come to the car." I don't know, maybe to see that I am going to tell him this story that he thought up. And that was just after we came from the hospital [where] they took scans and stuff.

Abusers manipulated and controlled where women could and could not go, and they ensured that they were present when opportunities for

disclosing abuse and seeking help emerged. Women were also forced to lie about what was happening. Within this context, help seeking becomes extremely difficult, as Fatima states: "I couldn't reach out for help because he was there, taking control of me."

Abusers use a combination of tactics to prevent women from disclosing abuse and seeking help, including isolation and preventing them from speaking to others by limiting contact with people through controlling their movements, which is discussed below.

Curtailing Freedom of Movement—"My house was . . . a prison."

One of the most egregious ways in which abusers violate the rights of women is by limiting their freedom of movement. Many women interviewed described how abusers restricted their movements and controlled their interaction with others, which was a serious hindrance to participation in public life. Some women were not allowed to leave the house or have visitors, which limited their possibilities for accessing social rights, such as social services and social benefits.

Five of the women interviewed indicated that they were not allowed to go out, especially without the abuser. As Annella stated, "I never went out of the house. I was always indoors." For another participant, the extent of the isolation was so intense that she was locked in the house and not allowed to open the windows or curtains. She was not even allowed to look out of the window. Controlling the movements of women in these ways and keeping them away from people substantially reduces their chances of being able to build relationships with others in order to disclose something as private and sensitive as domestic violence. Jemina, a woman originally from Cape Town but living in Johannesburg at the time of the interview, described how her partner was constantly watching her to the extent that she was not allowed to do anything independent of him. She stated:

> [He] locked me up [and he] always fetched me at work. He'd drop me at home and [he would] not let me go anywhere. When we [got] home he [would] start hitting me. He was always [there]. When I open my eyes, he was standing in front of me. [I] could never go anywhere without him. If you lock

> someone up in the house what [can you do] if something happens in the house? [He would] always leave money but [there was] no way to get out to buy something.

The control the abuser exerted over every aspect of Jemina's life was so intense that she felt as though she was being permanently watched; for her it was almost like the "Big Brother" effect. Disclosing abuse and seeking help under these conditions is extremely difficult. Attribution theorists (Metalsky & Abramson, 1981; Weiner, 2000) argue that the locus of control is one dimension that people consider when seeking help. In these situations, women seem to perceive the locus of control as external to them, situated in the abuser, which hinders help seeking. Nevertheless, despite the overwhelming control exerted by the abuser over her life, Jemina did manage, at some points, to subvert the abuser's control and reclaim her agency in little ways, by for example sending "the child through the burglar guards to play outside," or finding means to get out of the house when he locked her up for the weekend, and returning before he could suspect that she had left. These acts of agency and challenging the abuser's power supports Gondolf and Fisher's (1988) survivorship theory, expanded on below, which suggests that abused women employ a range of strategies to resist within the limits of the abusive relationship.

Catherine, another participant, was also literally locked up in the house, which impeded her access to services. It took her a month from the time she was given information about the shelter until she was able to develop a strategy to escape from her partner. When I asked her why it took her so long to leave she said, "Because I couldn't get out of the house. He locked the doors. I . . . [couldn't] go out." When I probed as to how she finally escaped, she said, "When he went to another friend, then I ran with my two children, the other one is big . . . the eldest one helped me pack." She explained that she was unable to pack all her belongings and left most of her possessions behind. Catherine's situation provides a clear example of how help seeking for domestic violence in the public domain is deterred by abusers isolating women and controlling their movements.

The process of getting out of an abusive relationship, when one's movements are constantly being monitored, is extremely complex. Women used their knowledge of what would help to convince the abuser to let them out

of the house to escape. Catherine said that initially she lied to the abuser about where she was going, to get out of the house to obtain professional help. To get help she cleverly told her partner that she would bring him money to support his drug habits, as she knew he would not let her out otherwise, as she related:

> I found a way to lie to him. [I told him,] I want to go there [to] bring something for you. I'm going to bring money for you. . . . I could only go out if I bring him something. You see if I don't bring him something he [will] hit me. He beats me up and he rapes me.

Catherine's narrative illustrates how women's real fear, associated with their previous experiences of physical and sexual violation, inhibits help seeking. However, it also shows how desperate they are to get out and, when they are ready to leave, that they will find inventive ways to escape. She knew that the only way she would be allowed to escape the abuser's "gaze" was if she gave him money to support his drug habits. She utilized the "weapons of the weak" to acquire freedom for herself. Catherine's situation epitomized the struggle women encounter between challenging patriarchy while at the same time remaining compliant. Feminists argue that challenging existing power relations is critical to the reconstruction of gender ideologies and notions of masculinity (Addis & Mahalik, 2003). However, such challenges are severely constrained in a patriarchal context like South Africa, where despite constitutional and legal sanctions against domestic abuse and violence, social and cultural ideas that perpetuate violence against women remain embedded in the practices of society (Rasool, 2012, 2015; Rasool & Suleman, 2016), even in institutions that should be protecting women.

Three women from Cape Town described how the control of their movements profoundly limited their ability to seek help. These women reflected on how they were expected to be at the "beck and call" of the abusers 24 hours a day:

> *Nita*: If he want[s] that, he want[s] that, if he want[s] me to sit there while he's asleep I must sit there. If he wake[s] up I must still be there.
>
> *Rehana*: [I must] sit and just be serious, not laugh, not talk to [anybody]. . . . I must sit there [where] he wants [me to sit]. When he comes home he must . . . [see] my face, when he goes out he must see me there. . . . I must just be there like an ornament all the time. [I'm not allowed to move]. If he puts me there I must be there.
>
> *Fatima*: I used to hate sitting [there with a sour face] and when people [used to] come in I can't even smile. [I had to] sit like this with this sour face. Oh! I couldn't take it . . . I haven't been myself. . . . since I'm with this man. I really haven't been myself.

These women expressed frustration about the level of control exerted by the abuser and the way the abuser treated them like objects rather than autonomous human beings. Abusers expect women to be completely compliant with their wishes, thereby thwarting their identity and sense of self, which is indicative of the way in which women's dignity was compromised by their partners. Women expressed frustration and anger about having to be unnatural and unfriendly to everyone. South African research confirms the connections between violent masculinities and domestic violence with the end result of intimate femicide (Mathews et al., 2015). Researchers in Britain found that over half of their male respondents indicated that they saw women as sexual objects that exist "merely" as recipients of men's sexual attention. "Women were not viewed as autonomous beings with preferences and interests of their own" (Beech et al., 2006, p. 1641). Abusers became so controlling that women had to limit their self-expression to prevent abuse. Not being free to speak has a profound effect on abused women's sense of self and their ability to be who they are, thereby compromising their right to human dignity.

To deal with the abuse, women seem to have changed their behaviour such that they presented themselves as unfriendly and non-talkative,

in order to placate the abuser in the hope that this would prevent abuse. However, this strategy increased their isolation and thus their vulnerability to abuse because their relationships with people in their environment were negatively affected by their behaviour and their opportunities for disclosing abuse and receiving help were curtailed.

Abused women found the control over their speech and movements extremely frustrating, since it not only infringed on their sense of self but essentially objectified them. Paulina's situation illustrates clearly the extent to which abusers see women as objects or animals to be dominated. Paulina lived in a shared house in one of the townships of Johannesburg. The abuser's control was so absolute that he even dictated when she could go to the toilet. She recounted the horrendous treatment received from her partner:

> My life was very bad. He was treating me like a dog. I couldn't even go to the toilet. I couldn't even go to the kitchen when there [are] people [there]. I couldn't even sit with the people. I was always sitting in the room, because as soon as I go out and talk to the people . . . he is swearing [at] me. I must make sure [that] when he comes from work, I am finished with the toilet . . . because if I go, he is gonna tell me "ya, you never went to the toilet, I know who was screwing you in the toilet." This was said in front of my kids.

Paulina's movements were extremely limited at a micro level. The abuser's inhumane treatment of her extended to the abuser urinating on her or deliberately urinating around the house and expecting her to clean it up. This type of behaviour is cruel, inhumane, and degrading, and it violated Paulina's dignity. These extreme levels of control and display of male power were aimed at regulating abused women's contact with other people. Ultimately, having limited contact with other people reduced the possibilities of developing relationships of trust with others, which made disclosing abuse and seeking help in the public domain difficult.

Male partners also used accusations of infidelity to control women's movements and prevent them from talking to others. Jealousy is often an expression of the male belief that they own the women in their lives

(Serran & Firestone, 2004). South African research by Mathews et al. (2011) has indicated that jealousy and mistrust were contributors to men killing women in intimate partner relationships. Research in Britain also confirmed that sexual jealousy was an important predictor of male violence against women (Russell & Wells, 2000). As in Paulina's case, other women also experienced unfounded accusations of affairs. Joslyn explained that when she went to have a bath, the abuser would suggest she was cleaning herself because she was seeing another man. Similarly, Catherine described how she hardly ever left the house because when she did, the abuser would "check" her vagina to establish whether she had cheated on him. She related the following incident:

> I don't like . . . to talk about that, but I'm going to tell you. He . . . is a man who . . . rapes me. All the time he rapes me forward and back. Then . . . he take[s] his finger and he feel[s] if there was not another man by me. You see that's why I don't go out. I was so scared he [would] do these things to me.

In Catherine's situation, the abuser controlled her movements through fear, constant accusations of affairs if she left the home, and through checking her vagina.

Further, accusations of infidelity appear to intensify when women assert themselves, suggesting that abusers use them as a control mechanism in domestic violence situations. Shamima indicated that when she challenged her partner, the abuse intensified, and he suggested that the only reason she was standing up to him was because she was having an affair. She stated:

> When I put my foot down, when I said to him, I'm not going to allow him to do it to me any longer, he used to say that, "I can see that you don't love me anymore and I can see that you've got someone else, that's why you don't want me." That's when the abuse started to get worse. It used to happen so frequently . . . on a daily basis. Every night when he used to come home from work then I used to think and

> wonder what is this guy going to do. When he first walks in the door, is he first going to scream at me, then he's going to hit me . . . or what's going to happen. . . . I had that fear in me.

When Shamima reported her partner's abusive behaviour to the police he accused her of doing so because she wanted to continue with her affair. The abuser apparently told her, "I want to put him away so that my lover can come to me, he even used to tell my daughter, 'Your mummy got another daddy for you.'"

Serran and Firestone (2004) confirm that accusations of infidelity are likely when partners make a "unilateral decision to terminate the relationship" (p. 7) and when abusers feel they are unable to control their women; in some instances, this leads to femicide. The issue of male insecurity and jealousy is a serious one because research indicates that "spousal homicides have evidently been precipitated by the husband accusing the wife of sexual infidelity and/or by her decision to terminate the marriage" (Serran & Firestone, 2002, p. 3). The abusers' accusations of infidelity, often linked to jealousy, insecurity, and/or manipulation, led women to reduce their contact with others, to prevent the recurrence of accusations or vaginal testing, thereby limiting the possibilities of them seeking help.

In summary, women's lived experiences of abuse, described so vividly above, illustrate how abuse is an attack on the dignity of women and curtails human rights in fundamental ways. All the women experienced physical, sexual, emotional, and psychological abuse in their intimate partner relationships. The Domestic Violence Act (DVA) (Government of South Africa, 1998) makes provision for people, regardless of gender, to seek protection orders preventing their partners from abusing them. However, the freedom of movement of women in this situation is restricted, and their capacity to reach out for help and to take the extra step toward claiming their right to protection under the DVA, in intimate partner relationships, is limited.

Conclusions

The accounts of women in this study underscore the link between the private domain (home) and public domain (community, state). Despite the enormous challenges to patriarchy that have occurred over the last few decades and the strides women's movements have made at the public level in advancing gender equality in South Africa (Vetten & Ratele, 2013), little has changed in the lives of many survivors of abuse in the private domain. These patriarchal attitudes continue to support a historically "macho" masculinity that encourages abuse, as highlighted in the narratives of the women interviewed.

Women's narratives of abuse indicate clearly why they do not readily claim these rights to protect themselves from violence in the home. The way in which men exert power and control over women in abusive relationships threatens the constitutional rights of women, including their right to dignity, equality, bodily integrity, and freedom of expression, association, and movement, as well as the right to be free from all forms of violence from either public or private sources (Government of South Africa, 1996). Until patriarchy is challenged at the root, that is, within the private sphere, public policy and political gains will have a limited impact on the lives of abused women.

These women's stories lead to a questioning of the utility of rights in situations of domestic violence where these are perceived to be "paper rights." A major gap exists between rights discourses as embedded in the Constitution and the lived experiences of abused women in the private domain. With abused women being restricted and oppressed in the private realm, the possibilities of them exercising the constitutional rights afforded to them in the public domain, through policy and legislation, is severely compromised. However, while rights in and of themselves are not adequate to change the culture that perpetuates woman abuse, they provide the basis for change. Rights serve to give women a voice in the face of the denial of their humanity and provide some way of supporting those who can find creative ways to claim these rights, in conjunction with women's rights organizations that support them. The question must be posed in the South African context as to whether there is adequate commitment to giving effect to these rights, since funding of human and

women's rights organizations is dwindling; policy bureaus that were set up to monitor and evaluate women's rights have become less effective, and the strength and role of the women's movement is in question.

More work needs to be done to encourage family, friends, and neighbours who find out about woman abuse to help survivors navigate their way out of the abusive relationships. Family and friends are located in the private domain, and instead of privatizing abuse, they need to act in ways that condemn the abuse and assist women with accessing appropriate services. Further, legislative frameworks require better implementation mechanisms that account for the real danger and challenges women face when trying to leave, which contributes to their ambivalence and reluctance to report abuse. In addition, spreading knowledge of the role of shelters and how they can assist abused women practically is required, so that abused women think about social workers and shelters as viable options for help seeking.

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