

GENDER VOICELESSNESS AND VIOLENCE IN SOUTH AFRICA: THE INNER HYPOCRISY OF MORAL AMBIGUITY

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Abstract

This article sets out to grapple with gender equality, a principle that is enshrined in the South African constitution, but one that has become riddled with self-deception and that now calls into question the integrity of this very human right. It appears that the provision of gender equality had become a source of distorted reasoning, deliberate violence and self-directed immorality; the concept is thus engulfed with abhorrent evils in the form of domestic violence, the 'corrective rape' of lesbians, sexual abuse, and women and girl trafficking. This article proposes to examine why gender equality in reality threatens women's human rights, and renders women voiceless in many areas of their lives. It sets out to ascertain what underlying cultural and social moral forces undergird the violent behaviour that still renders women inferior and insignificant and whether the actual provision of gender equality had become an incentive for gender-based violence. It intends to show that, despite South Africa's sophisticated constitution, the 'A Luta Continua' for women is still a disturbing reality since it is entangled with the inner hypocrisy of cultural and religious moral ambiguities.

Key Words: Discrimination; Hypocrisy; Moral Ambiguity; Self-deception; Theological Justification; Voicelessness

Introduction

Gender voicelessness and violence in South Africa remain serious ethical concerns, along with the struggle for gender equality. Despite the enshrinement of gender equality in the national Constitution,¹ this issue continues to be a distressing case in process. While violence is one of the most researched social ills in South Africa, it also continues to be an intractable problem that renders women mute concerning their living conditions of imbalances and disparities. South Africa, in both regional terms and international terms, is a country that has one of the highest levels of gender violence, with women and girl children as the major casualties and men as the major perpetrators. Gender violence cuts across race, class, ethnicity, religion and geographical location (Shadow report on Beijing 2010:7).² This article is of the opinion that the principle of gender equality, which is safeguarded by

¹ Section 9 of the South African Constitution no 3 states: "The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth".

² POWA. 2010. *Criminal injustice: violence against women in South Africa*. Shadow Report on Beijing +15.

the Constitution, achieves very little as an incentive to reduce violent behaviour, and nor does the elimination of gender discrimination through the socioeconomic empowerment of women. The promulgation of the Domestic Violence Act, 116 of 1998, which recognises domestic violence as a serious social evil has, to date, provided little if any effective relief to victims of gender violence, and this despite the regrettably high incidence of gender violence in South Africa.

While gender violence was always an integral part of South African society and still remains a disturbing part of the social fabric of post-apartheid South African society, this article explores whether the constitutional provision of gender equity has become an additional incentive for gender-based violence. It questions whether the gender violence that lurks incessantly in the private and public domain is indicative of inner hypocrisy and moral ambiguity. Given the fact that gender violence remains the most pressing and life-threatening danger that women and girl children still face in South Africa, this article queries whether the South African public is deceiving itself by theoretically parading a very sound Constitution, but in practice lacks the moral honesty and resoluteness necessary for the implementation of gender equality. Since the country's women and girls continue to live with insecurity despite efforts to curb violence against women, and the criminal justice system fails to examine and punish sexual violence which has resulted in a culture of impunity for gender sexual violence, this article endeavours to elucidate the concepts of hypocrisy and moral ambiguity as they correlate to the distressing South African situation of gender voicelessness and violence.

The Ambiguity of Gender Rights

The provision of human rights, and in particular women and girl children's rights, has resulted in the creation of opposing dualistic environments in South Africa. The theoretical constitutional environment, on the one hand, and the practical socio-economic, religious and cultural environment on the other, each embrace divergent views and opinions concerning gender equality. These opposing situations are, in truth, counterproductive to the implementation of women's rights, since traditional cultural, religious and societal belief-systems and practices have as yet not fully adopted and internalized the intrinsic value of gender equality. This means that, instead of levelling the playing fields, the provision of human-women rights has the opposite effect and serves as a *reverse-subtle* incentive for gender violence. The article asks whether the provision of gender equality rights poses a threat to the long-established cultural and social persuasion that the male is and remains the dominant and more powerful figure both in the public and private domain. This article thus questions whether the actual legal provision of gender equality has, in reality, raised the level of inner hypocrisy and moral ambiguity simply because, in the public domain of education and employment, it appears that gender equality is upheld, while on the domestic front the cultural and social inner disposition of male dominance has hardly made provision for this principle. This article argues that the political acknowledgement and the implementation of gender equality are, in fact, fostering and sustaining life environments that are satiated with hypocritical practices and moral ambiguity.

Hypocrisy and Moral Ambiguity

The hypothesis that steers this article proposes that gender equality is a hypocritical window-dressing tactic that displays itself pretentiously in the public domain while behind this duplicitous disposition lurks the ever present socio-economic, cultural and religious temperament of gender prejudice and domination, abuse and violence. This deceptive situation of public credence versus the private violation of gender equality is underwritten by cultural, religious and social beliefs and practices that are deceitful and render gender victims voiceless and vulnerable. Szabados and Soifer³ claim that 'hypocrisy' is "one of the most important terms in our moral vocabulary, yet one of the least understood". The reason they give is that perhaps people assume that they 'know it when they see it', or feel uncomfortably uncertain when faced with the effort of trying to distinguish hypocrisy from related concepts such as *weakness of will*, *self-deception* and *irony*. Be that as it may, the term *hypocrisy* causes great moral uneasiness: to be labelled a hypocrite is morally objectionable since deception of this kind serves only to the hypocrite's personal interests and fosters dishonest interaction with others. To label the South African 'human rights environment' hypocritical, in relation to gender equity, is morally an uncomfortable thought, simply because of the undesirable associations the term evokes.

The term 'hypocrisy' has Greek origins, *hypokrisis*, and was a term used to criticize moral behaviour and this is evident in many sacred writings. In the Koran it appears thirty-five times, in the Hebrew Bible eighteen times and in the New Testament twenty-seven times. According to the Talmudic literature the term 'hypocrisy' was known among the Hebrews and according to the Babylonian Talmud, *Sotah*, 22b, under the '*Plague of the Pharisees*' the Rabbis denounced six types of hypocritical Pharisees. "King Jannai said to his wife: 'Fear not the Pharisees and the non-Pharisees, but the hypocrites who ape the Pharisees: because their deeds are the deeds of Zimri'" (referring to Num. XXV,14).⁴ The Talmudic literature shows that while the Pharisee tradition did not sanction pretence and hypocrisy, some of their members, both women and men Pharisees, would have been guilty thereof, and in this sense they would have been in agreement with Jesus who slammed hypocritical behaviour of any kind. Jesus called the Pharisees hypocrites and condemned their hypocritical behaviour, though it is important to note that not all Pharisees were like those described in Matthew 23, as Nicodemus, also a Pharisee, was regarded as an admirable man in search of genuine truth. In the same vein one could not condemn all males today just because some of them violate women and their rights. In ancient Greek, the term was an elusive concept since hypocrites were likened to actors: people pretending to be what they were not, saying things that they did not mean – in short, people who were simply acting the part.⁵

The Old Testament has strong views regarding hypocritical behaviour as is expressed by the prophet Isaiah (9:17) when speaking on behalf of God, he states: "Therefore the Lord shall have no joy in their young people; neither have mercy on their fathers and widows: for everyone is a hypocrite (chaneph) and an evildoer, and every mouth speaks folly. For all this his anger is not turned away, but his hand is stretched out still". Job 13:16 reads: "...for a hypocrite shall not come before me". If he were a hypocrite you would tremble before God, but if you are honest and true, you will not be afraid. In Proverbs 11:9:

³ Szabados, B and Soifer, E. *Hypocrisy: ethical investigations*. (Toronto, Broadview Press, 2004:11.)

⁴ Babylonian Talmud: Tractate Sotah 22b.

⁵ Szabados, B and Soifer, E. *Hypocrisy: ethical investigations*. (Toronto, Broadview Press, 2004:9).

“the hypocrite with his mouth destroys...” The hypocrite is equated with evil and destruction.

In the New Testament Jesus spoke particularly harsh words against hypocrisy, predominantly against learned and legal scholars. In the Gospel of Matthew 23:26 he addressed the Pharisees saying that outwardly they appear righteous, but inwardly they were full of hypocrisy and lawlessness. “Woe to you Scribes and Pharisees, you frauds, you present a holy exterior while hypocrisy and evil fill you within” (Matthew 23:27). This may have been a result of moral weakness or an application of double standards, but by imposing strict laws on others and demanding moral rigour, which they themselves did not follow, or did so only selectively, would indeed have been termed hypocritical as it would be today. Jesus spoke out against those who sought to gain a good reputation by doing good deeds that were conspicuous and easy while avoiding the more onerous duties. So outwardly they appeared righteous, but in fact they were full of pretence and iniquity. Even in current terms a hypocrite would be regarded as someone who seeks religious status, moral respect or political or social power without putting in the moral effort required to achieve such goals. It appeared that Jesus found this attitude, whereby some Pharisees failed to apply to themselves the morally demanding structures concerning the written Law of Moses, which implied doing justice, practising mercy and acting in good faith, unacceptable. It is for this reason that Jesus addressed them in such harsh terms and with seven woes.

The modern-day understanding of hypocrisy is similar to the way in which the term was used of the Pharisees in Old and New Testament times. Current understanding of the term *hypocrite* is also understood according to the Oxford Dictionary definition as someone “assuming a false appearance of virtue or goodness, with dissimulation of real character or inclinations”. It is someone whose inner self, inner essence, does not match the external behaviour. “The hypocrite is therefore one who falsely professes to be virtuous or religious; one who pretends to have feelings or beliefs of a higher order than his/her real ones; hence generally, a dissembler or pretender”.⁶ Because gender equality is a concept that people in South Africa are not entirely comfortable with, often the true feelings, thoughts and intentions are hypocritically concealed by means of pretence or ridicule (i.e. they act the part). Gender equality still has to be morally internalised in South African culture and society, but until then women’s dignity will be denied, violated or harshly dealt with by male-controlled attitudes. The patriarchal superiority which is displayed domestically in the form of gender violence and publicly in an impressive image of gender impartiality, is also evident in criminal cases brought against some policemen, the so-called custodians of law and order, but instead are also among those found guilty of raping women while on duty: ‘*Cops in uniform ‘gang raped me’*⁷ was the caption of an article that refers to a mother-of-three who was allegedly ‘repeatedly’ raped by two uniformed policemen in Kempton Park

This attitude of duplicity holds true for government, social and religious officials who also advocate gender equality just because it is written in the statute books, but violate the same human rights in their private capacity. This attitude of hypocritical deception, frequently displayed in a public mask and a private face, makes it very difficult for the victims of gender violence to bring the truth to light and such victims therefore suffer in silence. This can also be related to customary laws and practices that promote the violation

⁶ Martin, MW. *Self-deception and morality*. (Kansas: University Press of Kansas, 1986:44.)

⁷ Magdel Fourie: “*Cops in uniform gang raped me.*” (*Newsweek* 2009-10-27.)

of women's rights such as ukuthwala, ukungena and virginity testing.⁸ *Ukuthwala*, the practice of abducting girls and forcing them into marriage, often without the consent of their parents, and *Ukungena* when a widowed woman becomes her brother-in-law's wife, are other practices that reduce women to forceful and voiceless submission.

Morality, Hypocrisy and Violence

According to Lorenza Magnani there is currently an intense interest in the intertwining between morality and violence concerning human behaviour.⁹ Hypocrisy, in the words of Szabados and Soifer,¹⁰ has always threatened the very possibility of the institution of morality. It calls into question, not only the important elements of social wellbeing, but also the very ability to make moral judgements about other people. Szabados and Soifer¹¹ claim that, despite the importance of hypocrisy in moral discourse, moral philosophers have largely ignored it and a possible reason for this could be that it is regarded as a simple and uninteresting matter. Magnani is in agreement stating that philosophy displayed a tendency to 'dishonour violence' by disregarding it.¹² Moral philosophers therefore assign it a straightforward moral 'value' as evil, or as being indicative of a corrupt character in all its forms. Magnani is of the opinion that structural violence which included patriarchal violence is seen as morally legitimate. Human beings are prisoners of what he calls 'moral bubbles' which systematically disguise their violence to themselves and this explains why so many kinds of violence today are treated as if they are something else.¹³ It is in this regard that the concept of hypocrisy has of late received renewed attention because, on closer examination, it emerges that hypocrisy is directly related to a number of other concepts that do not share its moral status (e.g. weakness of will, protection of privacy, tolerance and self-deception). Apparently this is reason enough for philosophy to examine the concept again, particularly since certain forms of hypocrisy facilitate human interaction or enable the vulnerable to protect themselves against the powerful, or perhaps just to remain morally neutral.

It can be argued that hypocrisy, as an inner disposition, has become particularly relevant to contemporary South Africa since there appears to be an unprecedented use of the concept of hypocrisy in contemporary discourse, thus pointing to the widespread gap between personal profession and action; between political rhetoric and action; between what people 'pass' to be and what they genuinely are. It seems, however, that in the absence of genuine and sincere morality, people believe that no legitimate demands are placed upon them since morality is regarded as relative. Where there appears to be a lack of genuine morality, people come to believe that it is right to pursue their own self-interest and simply use the terminology of morality to cover up their personal self-concerns or simply use it as a device for blaming or abusing others.¹⁴ Moreover, where there seems to be no agreement about

⁸ Angie Motshekga: "Abolish cultural practices that promote violation of women's rights – ANCWL". *City Press* 17 October 2013.

⁹ Magnani, L. *Understanding Violence: The Intertwining of Morality, Religion and Violence: A Philosophical Stance* (Berlin Heidelberg, Springer-Verlag, 2011:8.)

¹⁰ Szabados, B and Soifer, E. *Hypocrisy: ethical investigations*. (Toronto, Broadview Press, 2004:11.)

¹¹ Szabados, B and Soifer, E. *Hypocrisy: ethical investigations*. (Toronto, Broadview Press, 2004:12.)

¹² Magnani, L. *Understanding Violence*. (Berlin Heidelberg, Springer-Verlag, 2011:8.)

¹³ Magnani, L. *Understanding Violence*. (Berlin Heidelberg, Springer-Verlag, 2011:8.)

¹⁴ Szabados, B and Soifer, E. *Hypocrisy: ethical investigations*. (Toronto, Broadview Press, 2004:12.)

moral objectives, hypocrisy remains as the only moral criticism that still has any 'bite', that is, the indictment that others are not living up to their moral commitment. However, as Szabados and Soifer¹⁵ point out, accusations of hypocrisy may themselves be hypocritical and provide occasions for accusers to promote their own agendas by assuming the moral high ground, which may well include hurling abusive epithets at their perceived opponents.

Self-deceptive Hypocrisy

Self-deceptive hypocrisy is what renders gender-abused victims voiceless. This is evident in the patriarchal attitudes displayed towards women, attitudes that are based on the unwritten code of cultures or customary laws which have, as yet, not given recognition to the fact that the Constitution of the country has accorded women equal status before the law.¹⁶ In the face of violent behaviour, be it in the form of domestic aggression or deliberate public violence expressed in the form of rape, sexual abuse, women and girl trafficking, the demeanour of self-deceptive hypocrisy is at work. Unless human beings, as stated by Augustine of Hippo, derive their ethics from a higher moral source, the practice of morality will remain hypocritical and deceptive. Augustine suggested (as quoted in Forell) that, for an action to be morally correct, it should be determined by love.¹⁷ If mutual gender respect is informed by love, regardless of dominant cultural norms, the violation of women and children's rights could be averted.

In reality hypocrisy takes many forms, such as class discrimination, gender discrimination and abuse, institutional discrimination and gender violence. However, it is precisely the deceptive nature of inner hypocrisy that renders women voiceless and it is this type of hypocrisy that is considered by Szabados and Soifer¹⁸ to be intrinsically vicious and immoral. According to Feinberg¹⁹ some accounts of hypocrisy would be formulated as conflict between word, belief and deed. If a person is concerned with the opinion of another and cannot face up to certain personal failings, the insincerity and pretence about the self could be considered a form of hypocrisy since, in fact, the person is actually in thrall to the opinions of others.²⁰

This self-deceptive hypocrisy enables the human person to do evil in a self-righteous way.²¹ Indeed, because of its evil intent, this form of hypocrisy will carry a person to almost any length of wickedness, in the way of oppression, deliberate abuse of others and even plain injustice, without his or her having any real sense of the implications and consequences of such behaviour. To this end Magnani says that violence and violent attitudes are dissimulated or seen as "good violence, in the sense that it is ineluctable, obvious, and thus acceptable".²² Self-deceptive hypocrisy, according to Szabados and Soifer,²³ undercuts reason and corrupts conscience, erodes the very basis of morality and ethics, undermines the whole principle of the good, darkens the light of the Divine within, and corrupts

¹⁵ Szabados, B and Soifer, E. *Hypocrisy: ethical investigations*. (Toronto, Broadview Press, 2004:12.)

¹⁶ Constitution of South Africa : Bill of Rights, Government Documents, 1996 s 9.

¹⁷ Forell, GW. *History of Christian ethics*, Volume 1. (Minneapolis, Augsburg, 1979:168.)

¹⁸ Szabados, B and Soifer, E. *Hypocrisy: ethical investigations*. (Toronto, Broadview Press, 2004:31.)

¹⁹ Forell, GW. *History of Christian ethics*, Volume 1. (Minneapolis, Augsburg, 1979:168.)

²⁰ Feinberg, L. *Hypocrisy: Don't leave home without it*. (Boulder, Pilgrims Process, 2002:72.)

²¹ Szabados, B and Soifer, E. *Hypocrisy: ethical investigations*. (Toronto, Broadview Press, 2004:31.)

²² Magnani, L. *Understanding Violence*. (Berlin Heidelberg, Springer-Verlag, 2011:4.)

²³ Szabados, B and Soifer, E. *Hypocrisy: ethical investigations*. (Toronto, Broadview Press, 2004:31.)

conscience itself, which is one's guide through life. In short, inner hypocrisy dominates one's moral stage and directs one's behaviour patterns.

The opposite of self-deception is to embrace the positive values of honesty, congruity, sincerity, intellectual integrity and authenticity.²⁴ In the *inner hypocrisy tradition*, which is pre-occupied with self-deception and immorality, self-deceivers are perceived as culpable cheats who corrupt their own moral understanding and thereby harm others.²⁵ The *moral ambiguity tradition* views self-deceivers as being characterised by a moral ambiguity that precludes them from being held fully responsible for their actions. Such people lack self-awareness and are compelled by unconscious forces or are determined by social or genetic forces beyond their control.²⁶ Personal, social, cultural and religious hypocrisy is very pervasive in South African society in the sense that someone will say that violence of one group/person against another is heinous, but will then go on to practise violence in his neighbourhood, home or some other place. Self-deception is the practice of concealing immoral acts and character faults from the public domain while flaunting an exterior disposition of sincerity and truthfulness. Gender-based violence (GBV), which renders women voiceless, occurs in communities where gender roles and cultural norms and beliefs are sanctioned as a way of life and often legitimated by religion and culture. This is precisely the situation in South Africa: since the reality of gender rights has not yet infiltrated the domestic scene and, since men and women's collective state of mind is not imbued with the ethos of human rights, physical violence in all its forms remains pervasive. This self-deceptive violence is covered up by an inner hypocrisy which, in many instances, permanently destroys the capacity of women to empower themselves. It is precisely this feeling of powerlessness that renders them voiceless, helpless and hopeless in the male-dominated world. The instantiation of hypocrisy is clear when the rights of women are proclaimed and yet they remain sufferers of violent monopolisers and truthless pursuers of so-called justice. The violence may not necessarily be where blood is shed as declared by Magnani: harassing, bullying and mobbing are typical forms of violent behaviour that usually involve only language, but the injury still occurs.²⁷

Inner Hypocrisy Imbedded in Cultural and Religious Moral Ambiguities

This article puts forward the argument that gender violence is imbedded in the inner hypocrisy of ambivalent social and cultural environments. In this sense violence is not only at work in the obvious, the violence in the home; in the culture it often amounts to systemic violence which according to Zizek is "something like the notorious 'dark matter' of physics, the counterpart to an all-too-visible subjective violence."²⁸ The knowledge that human rights also belong to women because they are human beings is evaded by traditional social and cultural myths that render and accept male superiority and dominance as living truths. While it is necessary that this outmoded pattern of social organisation, which is reinforced by ingrained cultural myths, be dispensed with if gender violence is to be eradicated, attention has to be given to the elimination of controversial cultural norms.

²⁴ Martin, MW. *Self-deception and morality*. (Kansas: University Press of Kansas, 1986:2.)

²⁵ Martin, MW. *Self-deception and morality*. (Kansas: University Press of Kansas, 1986:3.)

²⁶ Martin, MW. *Self-deception and morality*. (Kansas: University Press of Kansas, 1986:3.)

²⁷ Magnani, L. *Understanding Violence*. (Berlin Heidelberg, Springer-Verlag, 2011:5.)

²⁸ Zizek, S. *Violence*. (London: Exmouth House 2009:2.)

The ambivalent moral environments prevalent in South Africa came into being when the granting of human rights, in this case gender rights, found itself directly at variance with cultural, religious and social norms. The understanding is that all ethical values related to the implementation of human rights are supposed to be respected, whether these values relate to race, culture, gender, sexual orientation and/or people's socio-economic status. While these sentiments are all noble in themselves, when it comes to human rights that seem to be in direct disagreement with people's cultural and religious norms, these rights become contentious feeders for the creation of ambivalent social, cultural, moral and religious environments. Many of these environments appear to be litigious simply because they are predominantly influenced and controlled by religious, social and cultural norms and practices. Some of the most broadminded human rights that are in conflict with cultural and religious norms are connected to gender equality, which includes the entire proliferation of genders; homosexual rights, termination of pregnancy rights and women's reproductive rights. These human rights carry much constitutional and legal weight, but because they are situated in direct opposition to some traditional African, religious, ethical, cultural mores and beliefs based on sacred writings, they appear to be sources of hostility that incite violent behaviour. As a result, many people in the South African society find themselves living in a state of ideological, ethical, religious and cultural confusion as their sentiments vacillate from loyalties to the Constitution, from conservatism to respectful adherence to traditional cultural and religious norms and the requirements of gender equity. It is precisely here that gender equality threatens the old status quo and thus adds to the two-faced practices that characterise inner hypocrisy.

Towards Combating Moral Ambiguity and Gender Violence

To delineate violent actions and to bring about change is not easy, says Magnani, because of the variegated perceptions concerning violence and morality.²⁹ In his recent work Zizek reveals the hypocrisy of those who, while combating subjective violence in fact commit systemic violence that generates the very phenomenon they abhor.³⁰ The structural systemic violence inherent in patriarchy, racism, sexism, cultural and capitalism formed part of the historical pathology and is still palpable today in workplace-violence, domestic violence, and violence against foreigners, xenophobia and violence against gay and lesbian persons, homophobia in South Africa. Conflicting moralities also exacerbate the situation as various cultures determine and perceive violence in different ways. For example, in some cultures incest is perceived as morally bad and it is consequently regarded as a violent sexual act. In other cultures patriarchal life is understood as good, and if a woman, in such a context, rebels against a patriarchal mentality, she would be labelled as violent and bad. On the other hand if a woman adopts a different morality such as feminism, she would most likely view the patriarchal male as violent and bad.³¹ These variegated perceptions concerning morality and violence can either morally endorse an act of violence by denouncing or rejecting it.

Magnani³² expounds the view of Sommers³³ who claims that conflicting moralities can be traced back to when a distinction was made between 'honour cultures' and 'institutional

²⁹ Magnani, L. *Understanding Violence*. (Berlin Heidelberg, Spriner-Verlag, 2011:12)

³⁰ Zizek, S. *Violence*. (London: Exmouth House 2009:174).

³¹ Magnani, L. *Understanding Violence*. (Berlin Heidelberg, Spriner-Verlag, 2011:12.)

³² Magnani, L. *Understanding Violence*. (Berlin Heidelberg, Spriner-Verlag, 2011:13.)

cultures'. These cultures present various conflicting ideas about moral responsibilities and behaviour. Sommers states that 'honour cultures' privilege the morality of retaliation while institutional cultures stress moral responsibility and desert. For example, an honour culture would perceive a woman who had lost her virginity and become pregnant before marriage as a stain on the honour of the family. She would be killed so as to restore the honour of the family, even if she had been raped and it had not been her fault that she lost her virginity. In an institutional culture the offender will have to be punished for the crime that had been committed, a human right had been violated or a law had been broken. Magnani³⁴ claims that the conflict that often exists between the honour subculture (that exists inside a dominant institutional culture) can constitute a 'subculture morality' that individuals can occasionally adopt, thus performing acts that appear 'moral' in the light of that subculture and 'violent' in the light of the dominant culture. This state of moral ambiguity is a result of moral incongruence concerning violence and voicelessness.

The ambiguous link between human rights, religious and cultural beliefs in a country such as South Africa is clearly illustrated in the conflict between human rights and the iniquitous nature and use of some biblical, religious, ethical and cultural values. While the provision of human rights is a good thing, the provision of so-called 'contentious human rights' has created a situation in South African society that has enabled perpetrators to extend violence against women, as well as against children, foreigners and homosexual persons. An additional disturbing phenomenon is that gender violence particularly against black homosexual women has intensified significantly. As Nadar³⁵ states, when religion and culture form a combination it can be perilous, as was the case in apartheid years. However, when another construction is added, it can prove to be fatal to a woman's well-being. This is the distressing situation as far as gender violence in South Africa is concerned: it is even more lethal when the woman is *black and homosexual*.

While recognition can be given to the new South African leadership in trying to establish a theoretical justification for women's rights and equality, South African citizens, says Nadar,³⁶ need to interrogate their own cultural and religious belief systems that undermine women's rights. Violence against women still requires serious deliberation in an effort to transform the gender injustices that still exist in South Africa. The deconstruction of 'life-denying gender ideologies,'³⁷ which are contained in both biblical texts and in religious, cultural and social teachings and practices generally, needs to be undertaken seriously in the light of the South African Bill of Rights. As Nadar³⁸ suggests, a genuine 'wrestling' is needed with theological justifications of gender violence and she suggests that we need to start with sacred scripture itself. For this Nadar proposes that a 'feminist cultural hermeneutic' be applied. She claims that, while African theologies as a branch of feminist theology have attempted to engage with the issue of culture as a central concern of

³³ Sommers 2009 (42-43) within Magnani, L. (*Understanding Violence*, 2011:13.)

³⁴ Magnani, L. *Understanding Violence*. (Berlin Heidelberg, Springer-Verlag, 2011:15.)

³⁵ Nadar, S. "Towards a feminist missiological agenda: a case study of Jacob Zuma's rape trial". *Missionalia: Southern African Journal of Missiology*. Vol 37 No 1 (April 2009:85-102.)

³⁶ Nadar, S. "Towards a feminist missiological agenda: a case study of Jacob Zuma's rape trial". *Missionalia: Southern African Journal of Missiology*. Vol 37 No 1 (April 2009:85-102.)

³⁷ Nadar, S. "Towards a feminist missiological agenda: a case study of Jacob Zuma's rape trial". *Missionalia: Southern African Journal of Missiology*. Vol 37 No 1 (April 2009:85-102.)

³⁸ Nadar, S. "Towards a feminist missiological agenda: a case study of Jacob Zuma's rape trial". *Missionalia: Southern African Journal of Missiology*. Vol 37 No 1 (April 2009:87.)

their work, they have unfortunately met with the challenge of mindsets that claim that feminism is a Western import³⁹ as such – these theologies are regarded as invasive and rendered impotent. Modern feminists have to allow ‘feminist cultural hermeneutics’ to enhance that which is good in local culture and to address those issues that undermine and belittle women’s lives. It appears that some Christian denominations capitalise on cultural beliefs that deny women their rightful place in the church and society simply because, culturally, leadership in the Christian church was never a woman’s domain. To realise lasting social transformation, scholars of theology, ethics and interpreters of sacred writings ought to be bold enough to confront South Africa’s enduring legacy of inequality, discrimination and prejudice. Ethicists need to build a collective morality that affirms human dignity and non-discrimination in a manner that is experienced in the lived reality of all those discriminated against and to speak on behalf of the voiceless.

A Luta Continua for Women

Rebecca Davies, journalist for the *Daily Maverick*, writes on 22 Aug 2013: “Violence against women is certainly the most pressing, life-threatening and shocking danger women face in South Africa, and it has come to the fore of our national conversation in a much-needed way this year, due largely to the murders of Booysen⁴⁰ and Steenkamp.⁴¹ But it’s also one of the most difficult social ills to tackle without looking at deep structural roots and causes, which is an understandably complex and nebulous element often missing in discussions that, for instance, focus on condemning horrifying sexual violence statistics”.⁴² In the same vein the leader of the newly formed political party Agang, Mamphela Ramphele, called for an end to gender violence on 9 August 2013. She stated that “All cultures have one thing in common – male domination”. She says that men need to understand their role as protectors of the family, but women were entitled to freedom and equality, as provided for in the constitution and for this: We need to find a balance between democracy and traditional values. Customary practices contribute to women being objectified.⁴³

The culture of silence that surrounds gender-based violence which forms part of cultural prejudice makes the struggle for the equality of women very difficult, but work has to continue at all levels: emotional, physical and the sexual level. Inequality, ignorance, and the unhealthy mix of cultural and societal norms and customs together, of course, with fear itself, are issues that conspire against women to articulate the consistent harm done against them. The eradication of violence against women depends largely on the quality of social transformation and the establishment of a society that is faithful to the values of humanity dignity, equality and freedom. The patriarchal power relations and cultural prejudices that subordinate women and keep them in shackles prevent them from enjoying their human rights on an equal basis with their male counterparts. Women’s vulnerability,

³⁹ Nadar, S. “Towards a feminist missiological agenda: a case study of Jacob Zuma’s rape trial”. *Missionalia: Southern African Journal of Missiology*. Vol 37 No 1 (April 2009:88.)

⁴⁰ Anene Booysen, a 17-year-old girl who was gang-raped and mutilated at a construction site at Bredasdorp in the Western Cape on 2 February 2013; she was still alive, but died later in the day.

⁴¹ Reeve Steenkamp was shot by her boyfriend Oscar Pretorius on Valentine’s Day 2013.

⁴² Davis, R. “*Analysis: Gender-based violence and the SA women’s other problems*”. *Daily Maverick*, 22 August 2013.

⁴³ Lancaster, K. “*Put an end to gender violence in SA – Ramphela*”. *Cape Times*, 9 August 2013

discrimination and marginalisation, coupled with hostile legal, political, socio-cultural and religious environments, seriously restrict efforts to redress what has been called the 'situation of unutterable silences'.

The author of this article is of the opinion that the only comprehensive solution can come from women themselves by means of better education, insistence on stricter law enforcement and, most importantly, via the cultural and social awakening of women who are determined to take control of their lives and their bodies. At present, therefore, the situation remains one of *A Luta Continua* for women.

Conclusion

Violence against women remains a moral and social obstacle to the achievement of equality, development and peace.⁴⁴ State, religious and cultural agents have routinely failed to condemn violence against women and often use custom and tradition to justify and facilitate conditions that exacerbate the violations of women's rights.⁴⁵ Unless the state speaks out forcefully on the need to end violence against women, the struggle of women against all forms of violence will continue. Unfortunately, however, if state actors remain among the ones that commit such acts of violence against women, it is difficult to see who will redress the situation. If custom and tradition are consistently invoked to justify and facilitate the violation of women's rights, if violence continues to render women voiceless, and if legislation and policies aimed at protecting women against violence are ignored, what else and who else will protect women from violence and exploitation? Voicelessness is no longer an option in the face of gender violence and women need to challenge the moral ambiguity that is particularly fostered by individual and cultural hypocrisy.

This article expresses the opinion that distinctive ethical values and choices should still be able to influence public order and policy precisely because the people of South Africa still claim to be extremely religious in both sentiment and outlook. However, there exists a suspicious sentiment among South Africans that traditional cultural and religious, and in particular Christian values and norms, are under severe threat and do not have a chance of survival in the face of an overwhelmingly secular Constitution. The so-called 'contentious human rights' which are protected by law and at the same time denied by religious, cultural and social systems, have confused many and have shifted the cultural, religious and social securities of South Africans. In addition the implementation of the Constitution has, in many respects, weakened and exposed the sometimes ignominious power of church and culture. While this Constitutional legislation is not a bad feature in itself, it has forced government, church and traditional leaders to reassess the essentials of their social and cultural teaching and belief systems. Despite the fact that non-racism and non-sexism form the cornerstone of the Constitution, religion, society and culture are still seriously culpable of using and abusing women and children and hereby perpetuating their inequality, their disadvantage, oppression and suffering.

⁴⁴ POWA. *Criminal injustice: violence against women in South Africa*. (Shadow Report on Beijing +15, 2010:5.)

⁴⁵ POWA. *Criminal injustice: violence against women in South Africa*. (Shadow Report on Beijing +15,2010:20.)

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