Reflection

The women's struggle for equality during South Africa's transition to democracy

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Fifteen years ago, I published the above article in *Transformation* 30 (1996) in a context where some of the optimism about the prospects for change in South Africa's transition to democracy had already waned – at least among left wing feminist activists. The question I now ask when I read that article, is what was absent from the thinking that informed it. What and how was I thinking? I recall in the 1970s and 1980s, hot debates within the internal South African left about the relationship between nationalism and socialism. Among feminists, there was a deeper criticism that showed that neither approach would address the critical questions of women's subordination and women's oppression. I wondered in reading the piece I wrote, whether through my own enthusiastic and committed involvement in the transition to democracy, in the Women's National Coalition, whether I had forgotten about the left criticism of nationalist movements and their commitment not to revolutionary transformation so much as to the promotion of a nationalist bourgeoisie. If not forgotten, then placed carefully on the back-burner to simmer away and mature! What did this mean for working class and feminist politics and in particular, for the outcome in terms of fulfilling women's needs and interests? Left intellectuals had been critical of the idea of the two stage theory of revolution anyway, so why was there such euphoria when the ANC came to power in 1994? Was I naïve enough to think that the ANC would be any different in 1992 than it had been in 1982 or earlier, when it attacked any deviation from its 'line' and forbad any internal criticism? As a left-leaning feminist intellectual, I had thought much about what it meant to support the struggle for liberation, and I and others on the left, had joined women's organisations during the 1980s to argue for what we conceived to be a

transformative agenda.

A transformative agenda invoked demands that were in some senses revolutionary – for women's autonomy in a society that was highly patriarchal, for a participatory model of politics that included the transformation of intimate family relationships in ways that domestic decision-making and roles would involve sharing housework, parenting and working life. A further aspect of this somewhat utopian view was that collective ownership of the economy was also something to strive for. It was a perspective that did not argue for a mere extension of membership of the existing class system, which is the more common meaning behind the term 'transformation' in use in South Africa today and behind the idea of Black Economic Empowerment which argues that more blacks (including women) ought to become owners of capital and share in the financial benefits of the existing economic system.

Instead, the utopianism dreamed of a collective political activism that would pierce the public/private divide and along with the other foundational principles of the struggle against apartheid, would lead to the development of a non-racial, non-sexist and more just and equitable society. This perspective was one that criticised the potentially reactionary practices in the national liberation movement, and argued for significant redistributive policies. At the same time that the role of the state was seen as important, it was social transformation that was seen to be the answer to the depredations apartheid had wrought on society. Thus participatory democracy was the driver of any state initiated processes of transformation. Organs of People's Power from grass-roots upwards was the vision. Within the underground, however, critical debate was not easily tolerated, and the evidence of abuse of power and intolerance of debate and disagreement in exile is found in various reports and accounts of reactions to discontent in exile camps and to life in exile. Thus a lack of tolerance for different points of view was not something that had simply come with Mbeki, they were germane to the ANC in exile and can even be seen in the way in which the UDF operated during the 1980s. Among the women's organisations, for instance, there was not much tolerance of either a feminist agenda or even of the use of the term 'feminism'. This was seen as a 'foreign' and imported ideology by more conservative elements in the ANC Women's Section and in the UDF, who suggested that 'womanism' was the African way. This did not mean that there were no struggles for a democratic or feminist agenda, and both in the UDF and the ANC there were perspectives that pushed for participatory democracy and women's emancipation that would lead to transformed

gender relations.

But by the early 1990s, the utopianism was being undermined by stronger forces as a global reaction to the failures of the communist regimes of Eastern Europe took hold. It was no longer fashionable to speak about utopian visions of a grassroots socialism. Rather the version that predominated in South Africa was that of the SACP, that professed the traditional ideas of scientific socialism, of centralism, vanguardism and statism. This view intersected remarkably easily with those of African nationalists, and even of erstwhile Afrikaner nationalists who also saw the state as the driving force of change in society. The tripartite alliance of the Mass Democratic Movement testified to fundamental agreement on these issues. And when the National Party morphed into the Democratic Alliance, some of its members joined the ANC. Perhaps it was naïve for socialists to think that this nationalist movement would be any different from the statist, androcentric nationalists in the rest of Africa or any others in world history for that matter. What at first seemed virtuous in the policies engineered by the new democratic regime, the so-called transformation of the state in a short period of five years had effectively become nothing more than Africanisation. The first five years had seen a kind of Kindergarten of very bright minds established in contract posts in government Departments, but by the beginning of the Mbeki era, a gradual attrition of these people had taken place and it was basically ANC cadres many of whom were former Black Consciousness activists, who headed up the civil service. With regard to the promotion of gender equality within the state, government had established an Office of the Status of Women first in Mbeki's office, first when he was Deputy President, and in the Presidency after the second elections. This was accompanied by a somewhat technicist approach to issues of gender mainstreaming, which in 1995 had become government policy after signing the UN Beijing Plan of Action. Effectively, there was very little change in the hierarchical processes of decision-making that had preceded the democratic regime and the new constitution.

Even the six new constitutional institutions that were established to oversee the promotion of its various foundational principles – human rights, gender equality, public protection, free elections, transparent financial systems in government, and protection of linguistic, cultural and linguistic communities – had became characterised by the deployment of party cadres whose loyalty and commitment proved to be first to the party rather than to the principles of democracy, the constitution or to the public interest.

Indeed, a narrow conception of 'the nation' and 'the people' as party members came to dominate public discourse, especially after Mbeki became president. Any opposition to the views of the party or the government were defined as the language of counter-revolutionaries and those who disagreed, including the legitimate parliamentary opposition were defined as 'enemies of the people'.

Notwithstanding any reservations that left-wing activists had about nationalism, with the shift in the political terrain in the early 1990s, the agenda of feminists, who by no means made up a coherent organisational entity, but rather influential voices calling from various locations in civil society and even Parliament, was to push for greater participatory democracy in engaging the state. Thus many feminists strove to join the ANCWL and other civil society organisations in order to provide input into debates.

The Women's National Coalition (WNC), launched in early 1992 in order to ensure that gender equality was integrated into the constitution, had made some impact, as the article points out, in putting a women's agenda into both the public debate on democracy and the Constitutional discussions. After the breakdown of the first round of constitutional negotiations (CODESA), the WNC intervened to ensure that by the time the Multi-party talks resumed, each negotiating team had one-third women's representation. Following this success, the WNC had in the course of the Multi-party talks, challenged the attempts by the ANC and the chiefs in the Congress of Traditional Leaders of South Africa (CONTRALESA) to accept customary law as an integral part of the Constitution. Doing so would have limited the autonomy of women subject to customary law and thus their right to equal citizenship. The very public debate shamed the ANC into renouncing its support of CONTRALESA's demand and effectively trounced their efforts to have Customary Law remain as the custodian of ethnic custom, identity and in particular of women's status and thus outside the purview of the Constitution. This contretemps, in which the WNC played a critical role, ensured that the constitution that followed included a Bill of Rights that embedded gender equality in the Equality clause. The clause went somewhat beyond a formal recognition of gender equality to include some of the complexity of gender identity, sexual identity and sexual orientation. These rights were specifically named. Although not elaborated, each of the 16 specific rights mentioned were complex and reflected some of the more difficult areas of equality that would provide conundra that the Constitutional Court would in later years have to deal with. The article I wrote in 1996,

suggested that women's equality was a pre-requisite for the achievement of a democratic society, but that the contention around gender equality that I discussed in the paper showed how hard this would be to meet. Violence against women had become the critical issue in 1996 that challenged democracy – and that the WNC failed women in not leading the struggle against this manifestation of gender inequality. Gender violence, I argued, needed to be confronted and would remain both to plague social relations and to be contentious unless the state and society tackled issues of gender equality and until women were treated with respect, dignity and were seen to be equal to men in society.

Looking back, I think the conclusion may have been correct, but the descriptive analysis lacked a strong theoretical basis. Now, I would use more nuanced conceptual tools derived from post-modernism, where democracy itself is not seen as a destination so much as an open-ended and continuing struggle. The idea that gender equality and gender justice can be engineered through policies and programmes belies the cultural resistance to gender transformation in society itself. How this resistance occurred is instructive, as it shows the deep resistance and nature of the backlash against gender equality. While ANC President Oliver Tambo in the 1980s and Nelson Mandela in the 1990s had both mouthed the truth that unless the struggle against women's subordination was won, democracy would never be won, the very idea that democracy could 'be won' through the constitutional mechanisms that were institutionalised was itself a myth.

The consequence of the institutionalisation of gender instruments – the Office on the Status of Women, the Parliamentary Joint Monitoring Committee on the Quality of Life and Status of Women and the Commission of Gender Equality (a Constitutional statutory body set up under Chapter Nine of the constitution to promote and protect Gender Equality) – was indeed to instrumentalise the very issues they were set up to promote. These institutions saw themselves as the conduit through which the transformation of social relations could and would take place. In this sense, these bodies became the gatekeepers of gender policy – with the collaboration and collusion of civil society. The 1990s saw the collapse of the women's organisations that had mobilised women politically, when their demands had politicised women in communities, and made some of their private needs and interests a matter of political and public concern.

The establishment of institutions to promote those needs and interests, paradoxically depoliticised the issues, removing them from the domain of

political activism into that of policy and elite-pacting. Grassroots participation became distanced from the highly professionalised processes of policy and law-making that made up public policy. In this process movement politics segued, on the one hand, into one of NGO-isation and, because of the nature of engagement with the state, into a kind of unintended professionalisation and elitism. The consequence was a gradual demobilisation of the activism of a broad women's movement, particularly with the achievement of the objective of ensuring that the principle of gender equality was embedded in the Constitution. On the other hand, the state institutions that were established, though often staffed by members of the ANC and the ANCWL, were focussed on ideas of empowerment of women rather than on a politics of transformation. Moreover, the leadership of these bodies came to be used as a means of rewarding stalwarts of the struggle against apartheid. So women appointed to these bodies turned out often to have little understanding of the subtleties and sustained programmatic needs of gender transformation. So instead of institutionalisation being a strength, it turned out to be a weakness, in that the 'womanist' focus tended to undermine the overall objective of gender transformation.

Institutionalisation came to be driven by what turned out to be a conservative agenda and the silencing of feminist voices both within the ANC and in the new institutions that were established. The idea and objective of empowerment took the form of a technicist approach to consciousness raising among both women and men. It also has a distinct bias towards empowerment of women rather than to a more nuanced shift in relations of androcentric gender power. Indeed the focus on institutional change was to allow for increasing the numbers of women in decision-making in government. In my experience as a Commissioner in the CGE, although I developed a model of gender mainstreaming for the organisation to use in its work that in theory should have led to significant change in the inequitable distribution of power and authority between men and women, its focus was in fact on the integration of women at different levels in organisations, the reality was that the formula did not lead to the expected shift in consciousness or in practice. Part of the reason was its focus on bringing women in, rather than on changing both women and men's thinking about gender. Another was that the courses were nothing but a short interlude that interrupted the 'real work' of the civil servants I came into contact with. The real issue is that processes of social change are hard to engineer, require deep and sustained engagement, and in particular needed

the buy-in and commitment of a range of 'change agents', including leading political figures such as the President, the cabinet, MPs, local authorities and above all perhaps, the leadership of local communities, including religious institutions. None of these people or institutions were either targeted for gender training, or if they were, they seldom presented themselves for such training.

Instead, what we experienced under Mbeki, was both a numbers game without the necessary commitment to providing resources for research and programmes to understand the multiple blockages to gender transformation. Instead a plethora of campaigns and discourses that purported to challenge male power and women's subordination often had the opposite effect. A few examples will suffice to back up this argument. Once a year, the 16 Days of No Violence Against Women became the sop that the state saw as its major contribution to a project for gender transformation. It was usually led by a woman Deputy Minister, starting with Manto Tshabalala-Msimang when she was Deputy Minister of Justice, cascading to other Deputy Ministers such as Cherryl Gilwald when she was Deputy Minister of Correctional Services. Gender Violence, as my original paper suggested, had become the prime block to women enjoying personal and civic autonomy, so clearly focusing on it was very important and significant. While legislation was introduced to provide a framework to support people who endured intimate forms of violence, the policies never addressed the causative aspects of the gender violence, and its link to broader social violence. Instead, the discourse on gender violence conflated the experience of violence by women and children, with a prime focus on the idea of protection and care. The effect of this was in fact to infantilise women, conflating their experience of violence with that of children. Had a deeper engagement with the origins and causes of violence been addressed, we may have seen a more sustained programmatic approach that dealt with the nature of gender power, of masculinism, militarism and patriarchalism as well as the forms of predatory sexuality that were germane to the various cultural communities. This kind of behaviour was encouraged by the sexual behaviour of leaders like Jacob Zuma. Indeed, the sense of masculine entitlement to sexual subservience and legitimation of a predatory sexual politics was one outcome of the Zuma's acquittal in his rape trial. The second example is that of the government's approach to HIV/AIDS. We saw during the post democratic period, the most reactionary response to the HIV/AIDS pandemic of any country on the Continent – a denialism in the Mbeki era that put a brake on meeting the health and social

needs of infected and affected people and communities. The consequences of the lack of a coherent response, especially in the health sector, but also more broadly, was that it was women who bore the brunt of the effects of the pandemic, in particular the burden of care. In the realm of understanding the causation of HIV/AIDS, the fact that sources of information about incidence and prevalence were largely derived from ante-natal clinics, meant that women came to be seen as the vectors of the virus. In the context of the denialism, this made women in particular more vulnerable to violence. Even when programmes kicked in, the result of the denialism was a lack of openness that we have seen elsewhere about the need for testing and treatment. Secrecy remains a block to dealing with the virus. This is compounded by the state being very reluctant to fund the efforts of a range of activities that would have made possible a different outcome for society.[1]

Blockages to gender equality, gender equity and gender justice are complex and intersecting and it is difficult to suggest solutions with any confidence. But some of the insights gained from the last fifteen years have suggested that while gender mainstreaming has its limitations, it has brought women into the public realm in greater numbers and this critical mass has also meant that more women are in decision-making positions. But this has not led to any significant shift in gender norms and values. South Africa's 'patchwork quilt of patriarchies' while not 'intact', reflects complex class, ethnic and religious differences that locate women in relation to men very differently. But a common aspect shared by women across these divides is a deeply embedded androcentric normative framework that presupposes that 'women have and know their place' within a hierarchy of sexual and gender inequality and gender inequity. The discourse around the solution and prescription to these issues, has been one of gender mainstreaming that focuses on women's empowerment without addressing the deeper constitutive elements of culture that performatively and persistently recreate the norms that see women as angels of the house, as angels of mercy and care, see women as heroines who have special capacities and capabilities that locate them in nature and nurture rather than in history as active political agents. The demobilisation of a women's movement which went hand in hand with institutionalisation and depoliticisation of women's issues needs to be reversed. This begs the question of whether this is still possible in the context of the global crisis in 2011?

Note

1. These would have included funding the activities of TAC, Soul City and other organisations that promoted treatment and prevention, as well as focussing on building the health system to meet the demands of the pandemic, including basic research on the virus and the production of active Active Pharmaceutical Ingredients (APIs) to develop an indigenous anti-viral pharmaceutical industry.

Reference

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