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“I Love You”: Coercion and Consent in Sexual Relations in Postapartheid South Africa

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## ABSTRACT

“I Love You”: Coercion and consent in sexual relations in postapartheid South Africa

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This dissertation is an ethnographic study which explores and documents several discourses and practices surrounding sexual coercion and consent in the black South African township of Mpophomeni. I trace and examine discourses and practices related to gender relations, sexuality, sexual violence and law through space and time starting from the colonial to the postapartheid eras. In writing about sexual violence in South Africa, I historicize and contextualize some of the origins of sexual violence in an attempt to destabilize the state's conception of the problem.

In December 2007 South Africa passed a new Sexual Offenses Bill which included new legal definitions of rape and consent. In lieu of South Africa's new legal definitions, I examine the sexual experiences of young black South African women and men who live in the Zulu township of Mpophomeni and their understandings of sexual coercion and consent. Proponents of South Africa's new democracy often ignore poor, young women's and men's local understandings of rape, the violence they encounter on a daily basis and the economic transactions embedded within sexual relationships.

This study provides historic and ethnographic insight about gender relations, sexuality and sexual violence in South Africa. It offers new findings about AIDS and the impact of the virus on sexual relations. The dissertation explores how AIDS has affected sexual behavior and

addresses race, gender and economic inequality over space and time in the South African township of Mpophomeni in the postapartheid era.

Overall, I situate the problem of sexual coercion in South Africa within a historical, political, economic, social and theoretical context. I conclude that discourses about rape historically shaped public policy, societal beliefs and practices and continue to have an effect on South African society today. This study also illustrates the wide disparity between discourses produced by the state through laws about rape and consent versus local beliefs about the meanings of these terms. Contested definitions of rape and consent in South Africa exemplify tensions between universalism and cultural relativism concerning sexuality, sexual violence and the law. Unequal social and economic relations between women and men also add to the tensions between black South African women and men regarding rape and sexual consent.

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**ABBREVIATIONS AND ACRONYMS**

ANC	African National Congress
AZAPO	Azanian People's Organization
BTR	British Tyre and Rubber
COSATU	Congress of South African Trade Unions
IFP	Inkatha Freedom Party
LIC	Low Intensity Conflict
MAWU	Metal and Allied Workers Union
RDP	Reconstruction and Development Program
SACTU	South African Congress of Trade Unions
SAWCP	Sarmcol Workers Cooperative
UDF	United Democratic Front
UWUSA	United Workers for a United South Africa

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## Chapter One: Introduction

### *RAPE, SEXUAL VIOLENCE, COERCION AND CONSENT*

On the morning of February 13, 2006, the former deputy president of South Africa, Jacob Zuma, pleaded “not guilty” to the charge of rape in the Johannesburg High Court. Mr. Zuma claimed that he and “Khwezi,”<sup>1</sup> his female accuser, participated in consensual sexual intercourse at his home on the evening of November 2, 2005 (*Mail and Guardian*: February 13, 2006). In a written statement to the High Court, Zuma outlined his version of the events that occurred that evening. Jacob Zuma asserted that the female complainant visited his home that evening on her own volition and the two of them engaged in consensual sexual intercourse for a prolonged period of time. Since Khwezi owned a cell phone, Mr. Zuma stated that he believed she was capable of leaving the premises at any time (*BBC News Online*: March 6, 2006). The implication of this belief is that she had the capability of calling for help on her cell phone.

Outside the courtroom thousands of women and men demonstrated their support for Jacob Zuma and Khwezi. Approximately two thousand female supporters from the organization Friends of Jacob Zuma sang songs from the days of the antiapartheid struggle, including Zuma’s favorite, “Lethu Mshini Wami,” which in English translates as “Give Me My Machine Gun” (*IRIN*: February 13, 2006). Some supporters claimed that the charges against Mr. Zuma represented a conspiracy campaign launched by the African National Congress (ANC) to ruin the former deputy president’s bid to become South Africa’s next elected president<sup>2</sup> (Timberg:

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<sup>1</sup>“Khwezi” was the pseudonym given to the female accuser in media accounts to protect her identity.

<sup>2</sup>South Africa will hold presidential elections in April 2009.

February 14, 2006; *BBC News Global*: February 14, 2006). Other carried signs demonizing and vilifying the female accuser.

On the initial day of the trial one woman held a sign that read: “How much did they pay you, *nondindwa* (a term for “bitch”)?” (*Mail and Guardian*: March 6, 2006, March 21, 2006).

On the day of Khwezi’s testimony, a group of female supporters for Zuma burned pictures of the accuser outside the courthouse while shouting, “Burn the bitch” (*Mail and Guardian*: March 7, 2006, March 21, 2006).

Representatives from women’s organizations supported Khwezi outside the courthouse. They too sang songs urging the former deputy president to abide by the law. Some women held posters proclaiming, “Silence does not equal consent” and “Rape is always a crime” (IRIN: February 13, 2006). Meanwhile inside the courtroom the young woman told her story, recalling the events of the evening of November 2, 2005.

On the witness stand, Khwezi, a thirty-one year old HIV-positive woman and AIDS activist, testified that Mr. Zuma raped her while she attempted to sleep in the guest room in his home in a Johannesburg suburb. Speaking in English, Khwezi explained to the court that she never verbally or physically resisted Mr. Zuma’s sexual advances because of shock and disbelief at the occurrence of the incident. The young woman stated: “I couldn’t walk, I couldn’t move, I couldn’t do anything, I was shit scared” (*New York Times*: March 8, 2006). She also claimed that Mr. Zuma did not wear a condom while they engaged in sexual intercourse (*Mail and Guardian*: March 6, 2006, March 8, 2006).

Jacob Zuma, who was sixty-four years old at the time of the trial, spoke in Zulu during his entire testimony. His statements included assertions of Khwezi’s desire for sex, his

willingness to satisfy her sexual yearning and payment of *lobolo*,<sup>3</sup> the Zulu term for bridewealth. Mr. Zuma claimed that on November 2, 2005, Khwezi wore a knee-length skirt to his home. He believed that since she never visited him at home, dressed in this way, wearing a skirt to her knee signaled her desire to have sex with him. Mr. Zuma also explained that Khwezi sat with her legs crossed, revealing her thighs (*City Press*: April 9, 2006; *New York Times*: April 10, 2006). Because of the length of her skirt and the manner in which she sat, Mr. Zuma believed his accuser was aroused and that he had an obligation to engage in sexual intercourse with her. In Zulu culture, the most sexualized parts of a woman's body are the thighs. Mr. Zuma claimed that since Khwezi wore a knee-length skirt and sat in a position that revealed her thighs, it suggested her desire for sex. Speaking in Zulu, Mr. Zuma stated on the witness stand: "In Zulu culture, you cannot just leave a woman if she is ready" (*City Press*: April 9, 2006; *New York Times*: April 10, 2006).

Jacob Zuma claimed that on the evening of November 2, 2005, Khwezi willingly entered his bedroom where sexual intercourse occurred. He also stated that he believed he had little risk of contracting HIV/AIDS from his accuser because he showered after engaging in sexual intercourse with her (*New York Times*: April 9, 2006; *Mail and Guardian*: April 7-12, 2006). His comment drew criticism from various organizations. For example, the Soul City Institute for Health in South Africa described Zuma's reasoning as the "height of irresponsibility." Other government officials privately confirmed that they were worried about the negative effects of Zuma's comments on public campaigns and education about avoiding HIV infection. One South African doctor and AIDS activist stated that Zuma's statement pushed South Africa's campaign

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<sup>3</sup>According to the *Scholar's Zulu Dictionary*, *lobolo* (*ilobolo*) is a noun referring to cattle and other things given for a bride. *Lobola* is a verb meaning to give cattle for a bride.

to increase awareness and risks of HIV/AIDS “back twenty steps” (Strumpf: April 7 to 12, 2006). Furthermore, Zuma’s statement sent shock waves throughout the courtroom and the media. One reason was that while serving as deputy president Zuma was the leader of the South African National AIDS Council (SANA), a body that advocated abstinence and the use of condoms in its campaign to fight the pandemic (Independent Online News: May 9, 2006). SANA also advised the department of health on issues relating to fighting AIDS (Safara: April 9, 2006). Later, Zuma publicly apologized for having unprotected sex with the HIV-positive woman (Independent Online News: May 9, 2006).

Finally, in reference to bridewealth, Mr. Zuma testified that he would have been most happy “to pay *lobolo*” in the traditional form of cattle “if his accuser had suggested it” (*City Press*: April 9, 2006). According to journalist Makhudu Sefara, Zuma’s comment suggests that he would marry “Khwezi” not because he loved her, but because that is what she would have wanted (April 9, 2006). Sefara’s comment reflects a Western assumption that marriage always occurs because of love. In this dissertation, I illustrate that throughout South Africa’s history, black South African women and men may have lived together not necessarily because of affection but rather due to pressures related to the political economy and the changing social structure.

After listening to two months of testimony from various witnesses, Judge Willem Van der Merwe acquitted Jacob Zuma of all rape charges in May 2006. The judge’s statement, which consisted of a six-hour soliloquy broadcast in its entirety on South African television, explained his reasoning for the acquittal. Judge Van der Merwe condemned Mr. Zuma for his “totally unacceptable” behavior in engaging in unprotected sex with the thirty-one-year-old woman outside of marriage (*New York Times*: May 9, 2006; *Chicago Tribune*: May 9, 2006).

Judge Van der Merwe's willingness to acquit Mr. Zuma reflects issues and questions addressed in this dissertation. This study investigates and examines contested definitions, meanings and representations of rape in South Africa's postapartheid era. In other words, this dissertation traces and investigates the practices and discourses surrounding rape. At the core, the underlying questions of the trial and this dissertation concern the meanings of rape and how poor black South African township women and men define it. In this dissertation I use the term *rape* as a legal definition and as an illegal violation. I show that rape has many different meanings among South Africans. Distinctions in the meaning of the term are due partially to complicated issues surrounding race, class, gender, ethnicity and nation in South Africa. The structure of South African society starting with the coming of European settlers to the end of the apartheid system reinforced divisions surrounding these issues. Since the transition to democracy in South Africa in 1994, these societal divisions continue to linger and plague the nation, and the unresolved issues have contributed to South Africa's problem of sexual violence.

Throughout this dissertation I use the terms "sexual violence" or "sexual coercion" when speaking about some women's violent sexual experiences. During the course of my field research I found that many poor black South African township women expressed different conceptions of sexual coercion than the ways in which it is defined in South African law. As a woman from the West, I define rape as any sexual act committed by a person(s) A without the consent of person(s) B; in short, I consider rape an act that consists of nonconsensual sex. I will add that if person B requests or tells person A to stop through either physical or verbal communication and Person A does not stop, that act constitutes rape. Some statutes in many states in the U.S. require the element of "force" as proof that rape occurred. Many Americans

agree that “force” is essential in determining if a sexual act was coercive or consensual. A recent decision in the state of California held that consent can be withdrawn *during* a sex act.

The Sexual Offenses Act adopted by South Africa’s Parliament in December 2007 defines rape with a definition similar to my own. But it fails to provide an explicit definition of consent. South Africa’s new law defines rape as an act by any person (“A”) who unlawfully and intentionally commits an act of sexual penetration with a complainant (“B”) without consent of “B” (Criminal Law (Sexual Offenses and Related Matters) Amendment Act 2007: Chapter 2, No. 32).

The second question this dissertation addresses concerns how black South African women and men define consent. Jacob Zuma’s testimony demonstrated that there are cultural differences in definitions of rape and consent that differ from the new law of rape in South Africa. Zuma’s statements also exhibited contradictions and tensions between local customs and practices and the law. While presenting a cultural argument on the stand as part of his testimony, Jacob Zuma, I believe, was fully cognizant of its controversial nature. Judge Van der Merwe responded by acknowledging Mr. Zuma’s testimony, yet failed to question the former deputy president’s motives. The judge’s unwillingness to question Mr. Zuma’s testimony perhaps reflects his reluctance to address larger issues involving complicated racial issues. Discussions on race in South Africa must include attentiveness to culture, class and gender differences.

This dissertation focuses on four themes that were an integral part of Jacob Zuma’s rape trial. These themes are directly related to contemporary discourses and practices surrounding sexual violence in South Africa. The first concerns discourses about sexual coercion and violence in intimate relations between poor black South African township women and men. The second pertains to legal and language discourses about sexual coercion. The third theme



revolves around the influence of language and sexual practices in the domestic and the public sphere. The final theme treats practices of the social, political, legal and economic spheres of everyday life. The apartheid system adopted many practices that regulated every sector of life for most black South Africans. I specifically examine legal regulations of labor, housing and sexuality during the apartheid era and observe their effects on sexual practices and the lives of poor black South Africans.

Sexual violence is common practice in the township of Mpophomeni in KwaZulu Natal where I conducted my field research. My observations suggest that the proposed law on rape cannot adequately address the experiences of poor women unless long-held Zulu beliefs about the status of women in society and the issues concerning unemployment, poverty and the economic disparity between women and men are addressed. The overall argument of the dissertation is that the changing social, legal and economic dynamics are altering meanings of sexual coercion and consent. I also argue that many young men experiencing diminishing power due to rising unemployment in the postapartheid era in South Africa use sexual violence to demonstrate and assert their masculinity. Because of unemployment, many young men are unable to assume the role of provider in independent households.

### ***The problem and its context***

Since its democratic transition in 1994, South Africa has earned the tragic distinction of having the highest incidence of rape in the world according to national and international media reports and statistical data (Reproductive Freedom News 2001: 3). Recent statistical studies reveal increasing numbers of reported sexual violence by acts of rape (Orkin 2000; George 2001).

Other organizations contend that police statistics fail to reveal the whole picture because of underreporting. Between 2004 and March 2005 more than fifty thousand cases of rape were reported to the police in this country about the size of the state of Texas with a population of approximately forty-five million. POWA (People Opposing Women Abuse), a nongovernmental organization based in Johannesburg, disclosed that a woman is raped every twenty-six seconds in South Africa, and only one out nine women report the rape to legal authorities. More than 40 percent of those victims who reported it knew the perpetrators (*New York Times*: March 7, 2006).

Nonconsensual sex in marriage and dating relationships is believed to be common, but usually not well reported in surveys. Almost one-third of adolescent girls in South Africa, including those in schools and workplaces, reported coerced sexual initiation (Jewkes and Abrahams 2002). A 2005 South Africa survey of nearly two thousand respondents conducted by the Commission of Gender Equality sheds light on why women are so silent. Close to 50 percent of male participants believed that no man should beat a woman without “just cause.” Forty percent of female respondents believed that if a woman is raped after a few drinks, she has only herself to blame (Gouws 2005). In spite of these attitudes, only one significant government effort was launched to directly address the problem of rape in South Africa.

The topic of my dissertation responds to a very special moment in South Africa’s legislative history. In 1996 the South African Law Commission decided that it was necessary to change the legal definitions of rape and consent in South Africa to coincide with the democratic transition and the new constitution. Right after the adoption of South Africa’s new constitution in 1996, the South African Legal Commission appointed a committee to initiate a long process of consultation around the country with experts in the criminal justice field and nongovernmental organizations working in the area of sexual offenses against women and children. The Draft

Sexual Offenses Bill of 1999 was the result of the Sexual Offenses Project Committee. In August 2003, the South African Parliament began the process of lobbying and debating the revised Sexual Offenses Bill, which proposed new legal definitions of rape and consent. The proposed bill was particularly salient at this moment because South Africa is considered to have not only the highest incidence of rape in the world, but also an extraordinarily high prevalence of HIV/AIDS. In December 2007, Parliament passed the bill, and it is now the Sexual Offenses Act.

While the new law established new legal definitions of rape and consent, several important questions related to this issue must be answered if South Africa is to have a successful democracy. The country's 1996 constitution entails freedom of movement and protection from bodily harm for all its citizens (South African Constitution 1996). But sexual violence, specifically the rape of women by men, curtails women's autonomy and freedom of movement. Questions that arise in relation to violence against women and South Africa's democracy include: What is the role of the law in protecting women's autonomy, including sexual autonomy, while reducing their vulnerability to HIV/AIDS? Is rape law now in accord with prevailing attitudes about sexual violence and the expression of sexual consent in sexual contact? What are those attitudes and are they the same for women as for men? Are prevailing attitudes still unfair to women and if so, should the criminal law move beyond them? Is the issue a flaw in the legal definition of rape or in the effectiveness of the law's implementation? These are some of the questions addressed in the body of this dissertation.

## *CONTEMPORARY DISCURSIVE REPRESENTATIONS*

Drawing on qualitative methods, my dissertation is an ethnographic study that explores and documents several discourses and practices surrounding sexual coercion and consent. I trace and examine discourses and practices related to gender relations and sexuality through space and time from the colonial to the postapartheid eras. In writing about sexual violence in South Africa, I historicize and contextualize some of the origins of sexual violence in an attempt to destabilize the state's conception of the problem. By tracing gender relations through time and providing a theoretical and ethnographic analysis of the conditions on the ground experienced by people in their everyday lives, I provide a broad analysis of sexual coercion focusing on the historical, political, economic, social and theoretical contexts.

The goal of my dissertation is to illustrate the wide disjuncture between discourses produced by the state, including new legal definitions of rape and consent, versus local discourses defining these terms. This dissertation addresses two major questions. First, does the law on rape address the everyday experiences of poor township women? And second, will a rape law that changes legal definitions of rape and consent be sufficient in creating the kind of democracy that all South Africans envision, one that would include sexual equality? To facilitate this discussion, I begin by examining several discourses, including law, language and sexuality theory.

While there are many definitions of discourse, I prefer one proposed by Adam Jaworski and Nikolas Coupland. They define discourse as not only language reflecting social order, but also language that shapes social order and individuals' interaction with society (Jaworski and Coupland 2006: 3). While the authors provide a meaningful general definition of discourse, I

will add two additional points. First, discourses are mechanisms of power used by the state not only to shape individuals' interaction within society but also to shape and control the ways in which people interpret their daily experiences and interactions. Second, we see evidence of the state regulating behavior through discourse in laws. Discourse affects the ways in which people relate to each other. In the South African case, discourse influences and shapes relations between women and men. Legal discourse is one of the mechanisms used in attempts to regulate behavior, including sexual behavior. But it is important to keep in mind that just because discourses exist in the wider social world does not mean that people are aware of them or that people agree with them. My dissertation explores two sets of discourses that are present in South Africa: those produced by the state and legal institutions. I argue that these discourses are influenced by both the global world and the local sphere. Many people who have daily contact with discourses in the local sphere may have little contact with some of the discourses of the state and the law. There is always struggle and conflict between knowledge that comes from the state and the law and local knowledge (Foucault 1980: 82).

I turn next to three relevant bodies of discourse that have contributed and influenced conceptions and definitions of rape in South Africa. These bodies of scholarship include law, language and sexuality theory. I discuss the strengths and weaknesses of each and describe how my ethnography contributes to the growing body of work focusing on rape in South Africa.

### ***Sexual coercion and the law in South Africa***

Legal scholars writing in the postapartheid era on law concerning sexual violence acknowledge the problem of rape and its complicated history. Most of these writings reflect back on the lives of black South Africans and the unjust conditions which most of them were

forced to endure during the many years of apartheid. These scholars emphasize the historical legacy of the law within the apartheid system. More importantly, they highlight the lack of legal protection and access to the law experienced by most black South Africans during the apartheid era. These scholars present implicit human rights arguments and question the legitimacy of apartheid ideology and practices, and advocate for change in laws regarding sexual violence against women.

Michelle Anderson (2000), Penelope Andrews (1999), and Suzanne Kim (2001) focus on the relationship between sexual violence and the position of the law. They place emphasis on South Africa's current rape crisis while historicizing violence and rape during the height of the antiapartheid struggle in the 1980s. Michelle Anderson (2000) argues that the policies of the apartheid system created conditions that contributed to South Africa's high frequency of rape and acknowledges sexual violence between black women and black men. For example, she compares the isolated, segregated poverty stricken social conditions in black townships, which were created by the apartheid state, to detention facilities. Residents who lived in black townships, particularly during the struggle for liberation, suffered from the cruelty of the police, while black South African females were constantly victims of sexual violence at the hands of black men. These impoverished regions designated for non-whites became sites of massive sexual violence without mechanisms for legitimate law enforcement (Anderson 2000: 816).

Michelle Anderson also argues that there is continuity between police repression under apartheid and the country's inability to discover "new democratic means of social control" (2000: 792). One of the central challenges for South Africa is to transform its police force from a political tool of the apartheid state into a nonpolitical security force that solves crimes and provides protections for all citizens of the country (792). While Anderson outlines broad

solutions to reform South Africa's culture of rape, she offers few specific proposals for the funding of her ideas.

Contextualizing the broader problem of sexual violence against women in South Africa, Penelope Andrews (1999) examines the role of culture and the limitations of South African law. Placing emphasis on the importance of using intersectionality (analysis of race, class and gender) in her analysis, Andrews captures a complicated picture of the widespread problem and includes the area of domestic violence in her analysis. She argues that the widespread brutality associated with sexual violence makes South African women unable to enjoy the benefits of the new democratic order after apartheid (Andrews 2000: 428). While culture is a particular focus of her work, Anderson's analysis is weakened by lack of ethnic specificity. Instead, Anderson uses only broad racial categories of white, coloured, and black in her examination of the status of women during apartheid and the postapartheid era. Andrews ends up grouping all South African women into these three racial categories which were constructs of the apartheid state. She ignores the diversity of cultures that exists in South Africa and how different traditions and practices within these societies shaped patriarchal attitudes and beliefs.

Also arguing that violence against women in South Africa is an obstacle to building a democratic nation, Suzanne Kim (2001) focuses on legal reform as a solution to this problem. She advocates changes in the law, specifically addressing the legal definitions of rape and consent (Kim 2001: 5). Like Andrews, Kim focuses not only on rape and the law, but on all forms of violence against women including domestic violence. While Kim acknowledges the new South African government's formal commitment to equality for women, she criticizes its lack of commitment to fight against the practical obstacles to women's political participation and to guarantee achievement of actual social and economic equality for all women (Kim 2001: 11).

My study differs from this scholarship by using ethnographic data to examine the disparity of law and actual sexual relations between women and men in South Africa. I address the gap between “written law” and “living law.” The rape trial of Jacob Zuma provides a dramatic illustration of the wide disparity between the statutory law and local sexual practices. Drawing on ethnographic evidence, I examine how changing social, legal, political and economic dynamics in the postapartheid era in South Africa are influential in altering the meanings of sexual coercion and consent. The challenge is to create legislation that narrows the wide disparity between written law, culture and actual sexual practices.

***Language as a tool of power and practice: nation building and sexuality***

Language is crucial in understanding discourse regarding social relations and ideology of the nation in the postapartheid era. In South Africa, language expresses particular ideologies of the past and of the present. Distinct notions of culture were the defining feature of the apartheid regime, while universalism defines the postapartheid era.

Language is a means of articulating the legitimization of nation building. This is evident in the adoption of a Western human rights framework as a basis for South Africa’s new bill of rights and constitution. Evoking ideas from Jürgen Habermas, Richard Wilson reminds us that “Human rights talk does not completely part company with nationalist understandings of community. To the contrary, human rights talk has become a dominant form of ideological legitimization for new nation building projects in the context of constitutionalism and procedural liberalism” (Wilson 2001: 4). Western human rights discourse became an integral part of South Africa’s new legal definitions of sexual coercion and consent. By using this language framework, South Africa’s new law on sexual offenses legitimizes distinct forms of sexuality



and behavior at the same time as it criminalizes others. As a result of implementing Western human rights discourses, notions of acts of sexual coercion and consent become universal, challenging local conceptions and practices.

Language plays a crucial role in shaping human sexuality and in negotiating its experiences. When examining gender relations and power, language becomes significant. Talking about sex is a means for giving energies, specific direction, shape and form to social relations and power (Cameron and Kulick 2006: 1). Displays of gender and power are inherent in everyday language practices. Women and men as speakers use resources of linguistic variation to signal identification with one social group (Cameron and Kulick 2006: 3). In this work, I examine how language is used as a marker of gender subjectivity, including who has power in sexual encounters. In addition, I analyze language and its meanings in courtship practices.

Through an analysis of courtship and language I demonstrate the fine line between sexual coercion and consent. Women I interviewed discussed the link between HIV/AIDS and the phrase “I love you” as a statement that suggests interest in sexual relations to convince women of men’s sincere commitment. In reality, this phrase obscures the real danger of sexual relations in the AIDS era. Some women admitted they were afraid and were psychologically coerced into having sex. They would not have consented to sex had they known their partner’s HIV status. This admission illustrates the fine line between sexual coercion and consent, demonstrating that rape is a display of power that may be expressed through the intentional spreading of HIV/AIDS.

Language also plays a significant role in establishing certain acts, relationships and situations as either sexual or violent (Cameron and Kulick 2006: 5). Here distinctions lie between specific identities and specific acts. What distinguishes an act as sexual or violent?

Answers to these questions change culturally and historically depending on the context. These differences become prominent when defining notions of sexual coercion and consent. Scholars have often applied Western constructions of sexuality to other societies, universalizing legal definitions of rape, coercion and consent. Deborah Elliston points out that “the use of this Western construction of sexuality in societies organized around very different ideologies and constructs of power is inappropriate at best and grossly distorting at worst” (1995: 861).

The concept of universalism in the South African context refers to adopting laws and ideologies from the West. This pertains particularly to definitions about laws regarding rape, consent, sexuality and sexual identity. The notion of “acquaintance” rape for sexual violence between intimate partners is one example of a concept and an act that has become part of the discourse of the postapartheid era. For some women living in South African townships, the concept of “acquaintance rape” is either completely unfamiliar or has become familiar only since South Africa’s transition to democracy.

### ***EXPLANATORY FRAMEWORKS FOR SEXUAL VIOLENCE***

While there are several theoretical frameworks from which to draw models for analyzing violence against women, feminist theory and theories concerning masculinity seem to be most appropriate as they address different aspects and causes of rape and sexual violence. The models that inform my theoretical framework fall into four categories: explanatory frameworks concerned with the causes of rape, those that examine the historical, social and legal conditions, those that consider an analysis of rape as a strategy for unequal sexual exchange and those that offer an analysis of rape within the historical context of capitalist society. The common theme in

all these studies is the search for an explanatory framework that places violence against women within the overall context of a sociocultural system. Such studies help us to understand the nature of violence and to develop strategies to address it as a problem. These theories suggest that we should take a broad comprehensive approach. Various aspects of sociocultural relations that form part of the overall sociocultural system influence violence against women: sex, race, class, gender, war, the economy (such as global capitalism), kinship relations, marriage and notions of power and domination. It is crucial to remember that rape does not have a single transhistorical definition, but is produced and defined within specific historical contexts (Weismantel 2002: 169). To understand rape and other acts of violence against women, it is important to understand how all of these factors are integrated.

### *Some explanations for the causes of rape*

Some scholars have noted that Western and non-Western societies share many explanations for the causes of rape. These constructed paradigms draw on race, class and gender relations throughout history. One of the models that many studies have drawn on is the white male colonizer exploiting and raping indigenous women. Even before the formalization of slavery, white colonizers often seized indigenous women as concubines throughout the world (Hansen 1989; Stoler 1991; Povinelli 1997). Other studies examined the relationship between white men and indigenous women after colonization in various parts of the world (Weismantel 2002; Povinelli 1997; Stoler 1991; Harris 1990). Even then, the most common paradigm for examining gender, sexual relations and sexual violence, one that provides a longstanding explanation of a particular context of rape, has been the relationship between the white man and brown or black women.

Some scholars of southern Africa have observed and examined these Western influences on their own society while others have pointed out differences that resulted in creating additional distinctive theoretical frameworks. One of the most common explanations of the cause of rape globally, including in South Africa, is the paradigm of the anonymous “oversexed” black man raping the middle class “delicate” white woman. In South Africa during the apartheid years, antiapartheid activists concerned with gender issues noted that no white man had ever been executed for rape. The majority of men hanged in South Africa for the crime were black men accused of rape white women (Armstrong 1994: 35).

Ann Stoler (1991), Charles van Onselen (1982), Karen Tranberg Hansen (1989), Anne McClintock (1995), and Jennifer Wriggins (1983) offer insightful commentaries on this paradigm. Hypersexualization is a product of European colonization because imperial authority constructed racial distinctions and gendered categories. In the colonies, sexual control was regulated through concubinage and later through the arrival of European women. White women lived in shielded spaces as protection from colonized black men. With the emergence of racist images, belief in the heightened sexuality of colonized men emerged as a guiding principle of European colonies (Stoler 1991: 67). These discourses promoted essentialist ideas that colonized men had “primitive sex urges and uncontrollable lust” that were easily aroused by the sight of white women. White communities in southern Africa insulated themselves from what was labeled as “the Black Peril” (Hansen 1989: 98; Stoler 1991: 67). “Black Peril” is a term that refers to the sexual threat that white European women faced because of beliefs of uncontrollable sex urges of colonized men (68). While rape did occur between white European women and colonized men, that accusations of sexual assault by black men on white women were often followed by exacerbated political tensions within European communities. “Black Peril”

connoted the fear of an uprising or some perceived resistance to colonial control (van Onselen 1982; Schmidt 1987; Hansen 1989; Stoler 1991). Allusions to political and sexual subversion were connected (Stoler 1991: 68). For example, between 1890 and 1914 rape accusations in South Africa coincided with a rash of strikes by African and white miners (van Onselen 1982).

In South Africa, hypersexualization was legally regulated through laws that restricted sexual contact between black men and white women. In the Cape, the passage of the Morality Act in 1902 controlled sexual intercourse between black men and white prostitutes by making it a crime (van Onselen 1982: 136). In Natal, settlers from Europe along with most white South African men believed that sex across racial lines permanently corrupted African men and that these erotic experiences subsequently triggered “black peril” assaults on European women. As a result, Natal introduced its own Immorality Act in mid-1903 (137). Later in the apartheid era, the National Party enacted legislation of the Immorality Act and influx control laws as policies to confine and separate black South African women and men from whites, preventing them from sexual intimacy with whites and from entering spaces inhabited by white South Africans (Simons 1968; Unterhalter 1987). Housing policy statutes such as the Group Areas Act were another means for enforcing the segregation agenda. In practice, these laws accentuated racial and sexual anxieties between white and black South Africans.

The hypersexualization explanation informs this study as it continues to shape sexual stereotypes in postapartheid South Africa. In the postapartheid era black masculinity and black male heterosexuality once again are politicized and scrutinized in the way that harken back to the days of colonizations. Images of black men as perpetrators of rape continue to circulate within South African society. The rape trial of Jacob Zuma exposed longstanding discourses and

practices about black men's heterosexuality that emphasized stereotypes about their uncontrollable sexual urges.

Deborah Posel (2005) has suggested that the increased reports of rape in South Africa are an indication of the explosion and circulation of discourses about sex that has taken place since political liberation. Sexual violence is now at the forefront of public debate and in the postapartheid era has changed into a moral panic from the previous silence of the apartheid era (Posel 2005: 239). This moral panic has brought out questions regarding South Africa's regard for morality. Some politicians, for example, Jacob Zuma, claimed that South Africa experienced a moral crisis. But Posel views this moral crisis as a crisis of manhood that fails to include distinctions of race as part of masculine identity in South Africa. While I agree that this constructed moral crisis represents a crisis of manhood, I suggest that it represents fear and anxiety over black South African heterosexual men's new mobility. With the removal of pass laws, black men are no longer legally confined to certain spaces. As we see in the Zuma case, they also hold positions of power in South Africa's democratic government.

Discourses about sexual violence in South Africa changed at the end of apartheid and continue to change in the postapartheid era. According to Deborah Posel (2005), during the apartheid era rape was politically related to the struggle for liberation. Rape was used as a tool by both sides. Immediately before and after the democratic transition, the concern in the discourse had changed from the rape of children to the rape of adult women. By 1997, discussions about rape in South Africa once again shifted to the issue of child rape followed by concern of the virgin myth (Posel 2005: 245–46).<sup>4</sup> Adding to Posel's argument, I suggest that

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<sup>4</sup>The virgin myth is discourse and a questionable belief that black South African men are engaging in the practice of sex with babies as a method to cure themselves of AIDS.

with the rising frequency of HIV/AIDS, images of the black South African man, who is commonly positioned not only as HIV-positive, but as a rapist, were perceived and placed more firmly within the social mainstream of South African society (246). More importantly, since the ending of apartheid in 1994 the discursive focus once again pointed to black South African men as perpetrators of rape.

### *Historical, social and legal conditions of rape*

In the United States, scholars have examined historical relations between black women and white men beginning with slavery. Here sexual abuse of black women by white men was common. Rape for black women in this context involved the white employer in the kitchen or bedroom as much as the strange black man in the bushes (Davis 1983; Harris 1990; hooks 1981; Kennedy 2003; Omolade 1989; Roberts 1991). Sexual coercion in this context was an integral part of the master's right to use the black woman's body. Silence surrounded these acts of violence because a black woman was powerless in legally charging her white master with rape (Omolade 1989: 13). Furthermore, as a legal matter, a black woman could not bring charges of rape against a white man. During slavery, the rape of a black woman by any man white or black was simply not considered to be a crime in legal terms (Harris 1990: 56).

Even after the Civil War, rape laws were seldom used to protect black women against either white or black men (Harris 1990: 56). After emancipation in the United States, the rape of black women by white men persisted. Many black women worked as domestic servants for white families, a job which made them uniquely vulnerable to sexual harassment and rape (Omolade 1989; Harris 1990). Once again this reality spawned another level of silence by black women.

In the United States a third layer of silence grew around black women during the early and mid-twentieth century as the sexual violence in the form of rape of black women by white men continued. These rapes were not often publicized, especially not within the public discourse, debate and protest against lynching. The black community focused on combating the lynching and attacks on them by white males. Hardly any discourse was directed at the rape of black women by white men, even though rape was part of white males' attacks on the black community (Omolade 1989: 14).

Violence initiated by the Ku Klux Klan often included the rape of black women. One common practice of the Klan during an attack on the black community was to rape the women and burn homes and churches. Rape, like lynching, was another method used to terrorize entire communities. By not making rape a central issue of black political protest, the black community reinforced black women's silence (14).

In the contexts of the United States and South Africa, sexual coercion as an act of violence against black women speaks not only to women's subordination but to intersecting oppressions of race, class and gender. These acts of violence are visible symbols of a more generalized, normalized system of oppression. The experience of sexual violence for black women includes not only a vulnerability to rape but a lack of legal protection radically different from that experienced by white women. But there has also been a unique ambivalence. Black women simultaneously acknowledged the victimization of black men while also recognized their own oppressive experiences. Violence against black women has long been legitimized and condoned by the state and the wider society (Collins 2000: 146).

But in the South African context silence surrounding acts of sexual violence is common, particularly between black South African men and black South African women. This form of



sexual violence represents the primary focus of this dissertation. Khwezi, Jacob Zuma's accuser, demonstrated that the silence of black South African victims of sexual coercion does not at all mean consent to the act. The Zuma trial initiated public exposure of and conversations about black South African women's silence about their personal experiences of sexual violence done by black men. Many black South African women and some I conversed with expressed fear for their lives, abandonment, and condemnation by their relatives and communities if they publicly admitted they were raped by their boyfriends, especially if they lived in the same area. These women often suffer in silence, living with the constant pain of their secret. Many black South African women feared the perception of being considered a traitor to their race by reporting the rape to the police and exposing it in the public sphere within the legal institution.

The Jacob Zuma trial also illustrates that black South African women who discuss their personal rape experiences may be subjected to suspicion and doubt by their communities and the larger society. The notion of a black woman being raped has always been considered an unbelievable claim by white society (Omolade 1989: 16). Historically and to some degree today in the postapartheid era in South Africa, to be a black woman signified that one is sexually "loose," immoral and "available" (16). During my visits to South Africa I have found that much attention both nationally and within black South African townships is focused on the rape of children. While this continues to be a very serious problem, sexual violence involving adult women is virtually ignored. When a woman, particularly a black South African woman, claims that she was raped, people in the community immediately ask questions such as: "What was she wearing?" or "What did she do to deserve it?" or "Is she lying?" Questions immediately arise about the honesty and integrity of the accuser. Numerous doubts and suspicions were expressed

about Khwezi, Jacob Zuma's female accuser. But few questions confronted the pain and fear that she experienced.

With South Africa's new democratic constitution, black and white South Africans have equal protection under the law. The rape trial of Jacob Zuma tested notions of equal treatment and prompted public discussions about rape and sexual violence of black South African women by black South African men. In a country where historically the rape of black women was seriously condoned by the state and larger society, this trial offered an opportunity to test whether the state acknowledged the rape of a black South African woman in a civil court of law. Historically in South Africa, only whites had access to the civil legal system, including the police and its courts, while blacks relied on customary law that was enforced by the chiefs who acted under the auspices of the British colonizers.

The political context in which legislative decisions to prosecute or to ignore are made is very important in promoting shifts in the sexual regime (Weeks 1981:14). Within the South African context, since the end of apartheid new laws regulating sexuality have come to the fore. Embedded in apartheid legislation regarding sexual matters was the idea of the separation between public and private spheres (Posel 2004: 55). South Africa's new constitution adopted in 1996 subverted the idea of sex as a private matter, initiating a different agenda of sexual regulation (55). The new Bill of Rights established rights to freedom of expression, paving the way for radical changes to the country's censorship laws, including the legalization of adult pornography. Sexual preference became a right along with the right to gender equality and the right to freedom and security (Posel 2004: 55). These annunciations formed part of a written constitution that redefined sexual violence as a public matter. Issues of sexual practice, sexual identity, recognition of sexual violence and varieties of desire have been incorporated into the

wider discourse of democratic rights in the postapartheid era. This incorporation contributes to the normalization of sex as a subject for public conversation and political debate. Sex becomes an important topic which intersects with matters of public policy, governance and “service delivery,” with increased attention paid to the police and allied institutions (Posel 2004: 55).

But the acknowledgment of sexual rights does not in and of itself change sexual practices and traditional attitudes about sexuality. It certainly does not resolve problems about sexual violence. In some instances the granting of sexual rights, particularly to women, may produce a conservative backlash (Posel 2004: 55) as black South African masculinity is perceived as experiencing a crisis. Black youth, particularly women, believe that by asserting the right to move freely, sexual freedom and autonomy may trigger sexual violence as a way to oppress women and hold on to the past.

### *Capitalism and unequal exchange*

Notions of individualism, violence and male dominance are included in other explanations offered by theorists to explain causes of rape. The social consequences of sexual practices within the system of capitalism are believed by some scholars to result in unequal exchange in sexual relations. In the postapartheid era and in the age of global capitalism, some consider violent behavior an individual act (Breines and Gordon 1983: 530). Since rape is considered by many to be a personal act carried out by a particular person, it is often viewed as an expression of male dominance. Breines and Gordon advise caution in arriving at this conclusion. Rape as an expression of male dominance implies that all heterosexual relationships are violent. A more constructive analysis takes into account the ways in which male supremacy, class, racial domination and acute social stress inform society about specific acts of violence.

How sexual violence occurs and how to eliminate it requires close analysis of daily life processes (Breines and Gordon 1983: 530). They argue: “Consumer capitalism, militarism, television and other media sexism and violence, for example, implicate aggressions, passivity and masochism in individual sexual behavior; understanding how this happens and how to eliminate it requires close attention to daily life processes” (Breines and Gordon 1983: 530). In the case of South Africa, in changing the very processes that are part of daily life, capitalism also changed social relations between women and men.

The linkage of rape to capitalist processes is useful in analyzing causes of sexual violence in postapartheid South Africa. Notions of individual property rights and exchange confront universal concepts of patriarchy. Appropriating use value and exchange value from women as commodities is quite common in the current age of global capitalism. Gayle Rubin’s essay “The Traffic of Women: Notes on the ‘Political Economy’ of Sex” (1975) based on Marcel Mauss’s theory of the gift, proposed a model to examine unequal sexual exchange between women and men (Weismantel 2001: 160). Adopting Gayle Rubin’s notion of a “sex/gender system,” I describe and examine “the set of arrangements by which a society transforms biological sexuality into products of human activity in which these transformed sexual needs are satisfied” (Rubin 1975: 159). Her conception of the sex/gender system goes beyond biological sexuality and extends into political economy. Focusing on social interaction and economic arrangements, Rubin’s approach to the sex/gender system enables us to investigate sexuality in a broad cultural, economic and social context. The sex/gender system, according to Mary Weismantel, suggests that “each particular form of sexual exchange operates within a totality of social relations.” Thus, “the logic of sexual intercourse operating within a particular sex/gender system must be found both inside sexual exchange itself and in other forms of economic and social exchange that

surround it” (Weismantel 2001: 161). But one difficulty of examining sexuality through the notion of a sex/gender system is that people within societies interpret the various discourses and sexual practices differently. There is no single understanding of sexuality, but instead, multiple accounts, understandings and explanations for practices within the sex/gender system.

Like Gayle Rubin, other scholars invite us to examine sexual violence from the micro-perspective of the domestic space and how it is influenced by the wider social world. Susan Schechter suggests that sexual violence should be analyzed as a “historical expression of male domination that is manifested within the family and reinforced by institutions, economic arrangements and sexist division of labor within capitalist society” (Schechter 1982: 209). In short, understanding violence within the household can lead to insights into violent behavior in the wider social world. In turn, this entails situating historical expression within particular social organizations and political economies. In the Zulu context, for example, Catherine Campbell (1994) argues that it is within the family that men learn to be violent. An understanding of violence in the home lends itself to a broader comprehension of violence in the wider social context. Behavior that exudes male dominance in the home exacerbates male power, which can result in violent behavior both inside and outside households (Campbell 1992: 4).

Models concerning power and domination between women and men provide insight into the social and political tensions within a society. My study examines several daily life processes and practices within the sex/gender system in the black township of Mpophomeni. Labor migration, housing practices, language, speech and the circulation of discourses and media images are some of the daily life processes I examine within the wider social world of South Africa and the micro-perspective of Mpophomeni. This system encompasses the ways in which

young women and men interpret sexual practices, discourses surrounding gender and power, discourses and practices of language and power and finally, meanings of rape and consent.

### *Gender, power and sexuality*

Other explanations for the causes of sexual violence focus on gender, power and sexuality. Robert Connell argues that power is an important dimension of gender. He suggests that in Western constructs of gender, individual men enjoy what he calls the “patriarchal dividend,” namely, “the advantage men in general gain from the overall subordination of women” (Connell 1995: 79). Being a man confers power, although not all men share this power equally and not all men are individually exploitive (Connell 2001). In later scholarship Connell suggests that masculinities are dependent on changes in social and political power (Connell 2001: 7). He shows that while men oppressed women, some men dominated and subordinated other men in a way that creates or supports masculinity that is hegemonic. Connell defined hegemonic masculinity as dominating other masculinities and succeeding in creating prescriptions and models of masculinity within a society. These masculinities are binding and create cultural images of what it means to be a “real man” among men (Connell 2001: 7). According to Connell: “It is the successful claim to authority more than direct violence that marks hegemony” (1995: 77).

Connell also proposes the category of non-hegemonic masculinity, referring to those masculinities that develop outside the corridors of power. He posits three types of non-hegemonic masculinity: subordinate, complicit and marginalized. “Subordinate” refers to masculinities that are inferior in relation to hegemonic. The dominance of heterosexual men and

the subordination of homosexual men is a prime example of subordinate masculinity. Gay men are subordinated to straight men in a number of practices (Connell 1995: 78).

“Complicit masculinity” refers to the fact that most men do not completely or always meet the normative standards of masculinity. However, the majority of men gain from hegemony, since they benefit from the patriarchal dividend (Connell 1995: 79). Complicit masculinities realize the patriarchal dividend without the “tensions or risks of being on the frontline of the troops of patriarchy” (79). Connell refers to complicit masculinity as a “slacker” version of hegemonic masculinity. Examples include the difference between men who cheer at football games on television versus those who participate by running in the mud and tackling. Marriage and fatherhood involve widespread compromises with women. These institutions challenge naked domination or uncontested displays of authority (Connell 1995: 79-80). Many men who draw on the patriarchal dividend respect their wives and mothers and are never physically or verbally violent towards women. They do their share of housework and contribute to the support of their families. But while many men participate in these activities, they may also convince themselves that feminists are man-hating extremists (Connell 1995: 80).

In Connell’s analysis, “marginalization” refers to the relations between masculinities in dominant and subordinated classes or ethnic groups (1995:80–81). Connell suggests that race relations are an integral part of the dynamic between masculinities. Minorities, defined in terms of race, class and ethnicity, have all characteristically construed their manhood differently from members of the ruling class or elite. In a white supremacist context, black masculinities play symbolic roles for white gender construction. Black athletic stars become examples of masculine toughness, while the fantasy figure of the black rapist plays an important role in sexual politics among whites (Connell 1995: 80). Right wing politicians and activists have

exploited these discourses of black masculinity not only in the United States, but throughout the world. According to Connell, hegemonic masculinity among whites sustains institutional oppression and physical terror that have framed the making of masculinities in black communities (1995: 80). Marginalization is always relative to the authorization of the hegemonic masculinity of the dominant group (Connell 1995: 81). For example, black athletes in the United States may exemplify hegemonic masculinity, yet the fame and wealth of individual stars has no trickle-down effect. Generally, it does not have an impact on the social authority of black men in society (Connell 1995: 81).

Inspired by Robert Connell's approaches to masculinity and power, South African scholar Thokozani Xaba examined "struggle masculinity" and "street masculinity," which became dominant among young urban Africans during the days of the antiapartheid struggle in the 1980s to the early 1990s. A socially constructed, gendered identity, struggle masculinity's characteristics included opposition to the apartheid system, specifically Bantu education, the exploitation of workers and communities, high rents, suppression of protest and political militancy (Xaba 2001: 109). Struggle masculinity existed alongside street masculinity, which was disparaging towards women. According to Xaba, struggle masculinity was also tainted with these negative attitudes. "Modeling,"<sup>5</sup> the murder of women and sexual violence, including rape, demonstrates the merging of street and struggle masculinity. Struggle masculinity considered women fair game in the violence that was associated with it (Xaba 2001: 116).

Hegemony, domination/subordination and complicity on one hand and marginalization/authorization on the other hand provide a framework for examining specific

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<sup>5</sup>"Modeling" was a common practice used against women in townships suspected of cooperating with or being aligned with the apartheid system during the antiapartheid struggle. Women were stripped of their clothing and forced to walk naked through the streets as a form of humiliation and to signify that they were a "traitor" and supported the apartheid system.



masculinities (Connell 1995: 81). Connell emphasizes that these masculinities are not static but instead are configurations of practices generated in particular contexts in changing structures of social relations (1995: 81). Yet, one factor remains fairly constant: women's subordinate status.

Sexuality is shaped by complex, changing social relations (Ross and Rapp 1997: 155). Community practices of sexuality represent more than local conditions and relate to a wider social, political, economic and cultural realm that reflect a larger social world (1997: 157). Ellen Ross and Rayna Rapp suggest that large-scale social institutions such as religion and law have the power to shape sexuality because they set the context in which sexuality occurs (1997: 160). Using western Europe as a model, they suggest that "the intimate experience of sexuality is intertwined with the most global of social forces. The complex transformations that accompanied the development of industrial capitalism increased wage-labor dependency and massive urban migration" (Ross and Rapp 1997: 162). These factors all contributed to changing sexual patterns.

Jeffrey Weeks (1981) also illustrated that the history of sexuality is a complex force that cannot be reduced to the effects of a single set of relations related to industrial capitalism. Rather, within the wider social framework we need to study both the formal and informal modes of the regulation of sexuality in South Africa (Weeks 1981: 13). At the formal level this involves the operations of the church and the changing role of the state. The emergence and the decline of the welfare state in South Africa has had a profound impact on patterns of sexual behavior (13). Informal methods of control, including peer-group regulation of adolescent courtship or "traditional" rituals, represent regulation of socially undesired behavior (13-14).

## ***STUDIES ABOUT VIOLENCE AGAINST WOMEN IN SOUTH AFRICA***

### ***Violence against women in the apartheid era***

Scholarship about rape during the antiapartheid struggle in South Africa focuses on rape as a symbol of dominance during a time of war. The political, social, legal and linguistic consciousness of violence against women perpetrated by husbands or boyfriends was not recognized as “acquaintance rape” at that time. Most studies say little if anything about this particular problem. Most scholarly studies focused on the apartheid era either focus on “stranger rape” or sexual violence within the context of the struggle for liberation.

Lloyd Vogelmann’s work *The Sexual Face of Violence: Rapists on Rape* (1990) represents the first qualitative comprehensive study of rape and the rapist in South Africa (9). Previous academic studies about rape were conducted primarily in the West and tended to exclude the perspective of the rapist (Vogelmann 1990: 9, 143). Vogelmann’s study was distinct at the time of its publication mainly due to its central goal, which was to provide an understanding of the overall psychological motivations of rapists within the context of an unequal society. Although Vogelmann’s study was groundbreaking, it was also problematic on several accounts. First, the definition of rape that Vogelmann used as the overall framework was confined to South Africa’s 1957 legal definition. In 1990, four years before the end of apartheid and the year of the publication of *The Sexual Face of Violence*, South Africa continued to define rape according to the law legislated in 1957. Rape was defined as an act “committed by a man having intentional, unlawful sexual intercourse with a woman without her consent” (Vogelmann 1990: 3; South African Law Commission 1999: 69). Employing this definition, Vogelmann’s study focused on

rape committed by strangers and excluded acquaintance rape and intimate relations between women and men.

The second problem with Vogelmann's study is that all the participants were convicted rapists who lived in one specific location. He focused on twenty-seven convicted rapists who lived in the coloured township of Riverlea, on the southwestern border of Johannesburg (1990: 12–15).<sup>6</sup> Vogelmann excluded black South African men from his study because of language difficulties and differences (12). White men were also omitted because of problems in locating them. Vogelmann found few of the white men who were convicted rapists because many no longer resided at the address listed in the court records (12).

Focusing as it does on narratives of convicted rapists who lived in a coloured township during the height of the antiapartheid struggle, Vogelmann's study lacks historical analysis and contextualization of the problem of rape within the context of the massive political, economic and social upheaval that South Africa was experiencing during the 1980s. He examined the social, political and economic situation in Riverlea but took little notice of the overall situation in South Africa. Vogelmann's study did not focus on the violence offset by the liberation struggle and it overlooked the movement in South Africa that called for the dismantling of the apartheid system. Because of the apartheid system's divide-and-rule philosophy, the coloured and black South African communities endured different historical experiences. Placed at the bottom of the hierarchical ladder of apartheid, black South Africans, for the most part, experienced all of the suffering that conditions of poverty bring. Coloureds were placed above black South Africans in the racial hierarchy. Social relations between the coloured and black South African communities

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<sup>6</sup>“Coloured” is a term that British officials gave to the Khoikhoi and the former slaves in the Cape Colony in the nineteenth century. In the twentieth century the racial category “Coloured” became one of the four main racial categories recognized by the South African government. These categories included White, African, Coloured and Asian (Thompson 1990: 66).

became increasingly tense between the groups during the struggle for liberation. Many coloureds sided with the apartheid government, while others participated with black South Africans in the cause for freedom and independence.

Finally and more importantly, Vogelmann's study did not examine sexual violence in intimate relations between women and men but instead analyzed men's participation in gang rape and overall stranger rape. It was, however, the first to analyze issues of masculinity and the effects of patriarchy in South Africa. Other scholars have examined the effects of the struggle for liberation on households in black townships. Tracing the effects of political violence in townships in KwaZulu Natal in the 1980s during the antiapartheid struggle, Debbie Bonnin (2000) describes how the contestation over spatial boundaries between the African National Congress (ANC) and the Zulu nationalist organization Inkatha spilled from the streets into the household. Areas such as black townships aligned themselves with one of the two groups. It was necessary for households to signal their loyalty by acknowledging their political identity with one of the two factions for protection and survival. Bonnin suggests that women usually carried the responsibility of the political identity of the household. Interviewing township residents in the township of Mpumalanga, she documents the shifts in social organization during this time and examines its effects on the household and gender relations. These kinds of responsibility demonstrate that there were shifts in traditional gender roles within households.

Generational differences between elders and youth emerged from the political conflict in townships. At times, fictive kin relations formed because of a changing political landscape. In some areas, specifically where people were politically aligned with the ANC, male youths took control of neighborhoods, protecting residents against attacks by Inkatha. In turn, women extended their role of "mother" to the boys who were "protectors." "Mothering," within this

context, often included feeding and caring for youth. Debbie Bonnin noted that younger women often assisted their mothers in the care of male youth. As I illustrate in chapter 2, these “comrades” at times used violence against residents of the community (Human Rights Watch 1995).

This particular period in South Africa was one where women lived in constant fear of physical attacks by gangs, according to Penelope Andrews (1999). She attributed this behavior to the masculine dominance which provided “unemployed and disempowered youth with the opportunity to confront the government’s security and political apparatus” (Andrews 1999: 438). This confrontation and its accompanying brutality led to a lionizing of the urban “comrade,” who was almost always male, as the representation of black manhood confronting the beast of apartheid (438).

But sexual violence was also perpetrated by the state against women political activists during the struggle to destroy the apartheid state. As I indicated at the beginning of this section, scholarship about rape during the antiapartheid struggle in South Africa focuses on rape as a symbol of dominance during a time of war. Since the rape of women by husbands or boyfriends—acquaintance rape—was not publicly recognized at this time, most studies say little if anything about it.

The issue of war and rape is central to the work of Susan Brownmiller. According to her, rape of women is an act of victory and a statement of ownership by the winning side. Her idea is highly relevant here. She says that rape in war is unquestionably acceptable by the enemy and is a by-product of the game of war. It represents an act usually carried out by the winning side as an act of victory and a statement of ownership (Brownmiller 1975: 37, 40). War provides the perfect backdrop for men to vent their contempt for women. The maleness of the military with

the brute power of weaponry, the spiritual bonding of men and the manly discipline of orders, and the hierarchical command makes women peripheral and irrelevant to the world that counts (1975: 32). Brownmiller concludes her analysis by stating: “Women are simply passive spectators to the action in the ring” (1975: 32). Rape of women has been used in recent and contemporary wars in Europe and Africa. Acts of rape in civil wars such as those in countries like Bosnia and most recently in the Democratic Republic of Congo (DRC) symbolize male dominance and ownership as Brownmiller suggests.

In South Africa, sexual violence was an integral part of the liberation struggle. The political violence in the 1980s in KwaZulu Natal created numerous conditions for the perpetration of violence against women by young men. The military was not the only guilty party using rape as a means to demonstrate contempt for women. As this study illustrates, in the townships some young African males used sexual coercion of women to display masculinity and power during that period. Michelle Anderson (2000) argued that a fundamental structural relationship existed between apartheid’s legacy of violence and the sexual abuse women suffer today in the postapartheid era. The enforcers of apartheid utilized the threat of sexual violence as a tool of political control. Guards and interrogators used the threat of rape and sexual abuse to terrorize women held in political detention. Police and military staff also participated in sexual violence against women outside prison (Anderson 2000: 791). Overall, the apartheid state employed many techniques and devices to destroy political resistance and to uphold white supremacy.

The tool most commonly used to exert male supremacy was rape combined with the State of Emergency Act in the name of state security (Anderson 2000: 795). First imposed in 1984, the State of Emergency Act permitted the South African government to legally detain individuals

at will, without trial for indefinite periods of time. At the height of the State of Emergency in the late 1980s, approximately 12,000 individuals were held in prison under Section 29 of the Internal Security Act. This law allowed the state to detain prisoners for the purpose of interrogation without access to lawyers, friends or anyone except state officials (Anderson 2000; McKendrick and Hoffman 1990; Omar 1990). Women comprised 10–12 percent of those detained for political crimes (Anderson 2000: 795). According to several sources, the fear of rape inside prison was one of the biggest concerns of women in political detention.<sup>7</sup> Jailors exploited this fear to extract information and confessions. This is a standard example of rape, state power and politics (Nixon 2000).

### *Violence against women in the postapartheid era*

Much of the academic scholarship on rape in the postapartheid era focuses on the notion of sexual coercion by acquaintances rather than on rape by strangers. The focus on acquaintance rape raises complicated questions concerning sexual coercion and consent that are not addressed in the scholarship. Contemporary anthropological scholarship in this area of study deals with the sexual behavior of the youth population and HIV/AIDS. These studies examine some of the social and cultural aspects of rape within South African society focusing on very specific aspects of life. There are very few studies that examine several other relevant practices and their changes over space and time. Adam Ashforth (1999), for example, examined changes related to the practice of paying *lobola*, or bridewealth. Defined as a premarital tradition in which a transfer of wealth (usually cattle and other gifts) took place between the families of the bride and

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<sup>7</sup>The Federation of South African Women and the Truth and Reconciliation Commission Report has documented narratives from female antiapartheid activists detained in South African jails during the time of the antiapartheid struggle.

groom, the British, after assuming control, interpreted *lobola* to mean dowry or cash payment (Krige 1936; Vilakazi 1962). In the postapartheid era, massive unemployment affects the ability of young men to pay *lobola*. In many communities it is difficult to make the full payment (Ashforth 1999: 53).

In some cases the practice of *lobola* in the “new” South Africa has little to do with marriage. In the age of global capitalism, the process of commodification has become widespread. Men buy gifts for women as a means of exchange and as a way of securing sexual access to their bodies. Many young women realize that accepting a man’s gifts while denying him access to their bodies may lead to rape (Ashforth 1999: 52). A young woman who does not want to participate in sexual activity declines men’s gifts.

A marked difference between older men and younger women plays a significant role in sexuality in the postapartheid era. The “sugar daddy” phenomenon that combines gift-giving and sexual activity plays a large role in the high rate of the HIV infection rate among young women. For some of the women involved in these relationships, the risk of HIV/AIDS is not a priority concern, but rather it is the accumulation of material wealth that takes precedence (Integrated Regional Information Network: July 24, 2003).

With the rising incidence of HIV/AIDS in the country, some academic scholarship focuses on violence against women and HIV/AIDS as a strategy to pressure the South African government to take management and responsibility of a problem effecting the lives of its citizens in crisis proportions (Motsemme 2007; Schleifer 2004; Booysen, Gumedi and Zondo 2000; Geisler 2000; Vetton and Bhana 2001; Leclerc-Madlala 1996; 2001, Kendall 1998). Other works concentrate on the multiple forms of sexual violence and how it influences notions of masculinity as well as the sexual and reproductive health of township youth (Hunter 2002, 2005,



2006, 2007; Wood and Jewkes 2001). Mark Hunter (2005) examines the notion of the *isoka*, the Don Juan or Casanova figure who has several girlfriends, and explores changes in the perception of this figure and its practices in an era of HIV/AIDS. Other studies are largely quantitative in nature, tracing the high frequency of rape and the difficulties of researching rape in South Africa (Orkin 2000; Jewkes and Abrahams 2002).

Some qualitative studies focus on young women's and men's definitions of rape. Kate Wood's collection of narratives from young women and men in the Eastern Cape examines the distinctions between "forced sex" and rape. Forced sex occurs within relationships, even if penetration is imposed by violent means. The justification for this is that the individuals involved are "in love." The definition of rape was an act committed by men who are complete strangers or casual acquaintances without previous sexual relations (Wood 2001). Informants in Wood's study stated that "rape" was an act that took place in empty streets, open fields or deserted buildings, whereas "forced sex" occurred in bedrooms (Wood 2001). While Wood makes it clear that the Western construct of "acquaintance rape" is unfamiliar to many women living in South African townships, she does not examine why women make distinctions between forced sex and rape.

## ***METHODOLOGY, POSITIONALITY AND ORIENTATION OF STUDY***

### ***Methodology***

This dissertation is based on field research I conducted for eighteen months, from February 2004 to September 2005, in the township of Mpophomeni. Mpophomeni is situated thirty-seven kilometers west of Pietermaritzburg and approximately eighty kilometers or sixty-

five miles west from the city of Durban in the KwaZulu Natal province (See appendix). Because the study is ethnographic and aimed at examining forms of sexual coercion, I became deeply involved with the community, conducting in-depth interviews—often in Zulu—and did extensive participant observation in community workshops and meetings. During the first phase of the research, for example, I facilitated a support group for HIV-positive women and taught an English reading and writing class for young adults at the township’s community center. I spent hundreds of hours working in the community center and walking throughout the township familiarizing myself with many who lived there.

In phase two, I carried out a survey that asked general questions about young people’s employment status and the type of housing in which they resided. I selected twenty young women and men between the ages of eighteen and thirty-five to interview. In this dissertation, the terms “young” women and “young” men refer to persons in that age range. I chose to focus on this particular age cohort because I was aware that it spanned differing life experiences. For example, some men between eighteen and twenty-one recalled very little about the struggle for liberation in Mpophomeni, particularly in the mid-1980s and early 1990s during its most violent phase. Their life experiences were centered in the postapartheid era. But women and men between twenty-five and thirty had vivid memories of the violence in the township during the liberation struggle. Women and men between the ages of thirty and thirty-five remembered life in Mpophomeni right after its construction and before the days of political violence. Each age group’s accounts illustrate how personal experiences are shaped by the social structures under which they lived.

Omitted from this research are accounts from older people. From my experiences working in Mpophomeni and South Africa in general, many older black South Africans seem

less trustworthy of “outsiders.” Foreigners are particularly looked upon with suspicion and as spies or agents of the state. Shortly after my arrival in Mpophomeni, I realized that a person who walks around with paper and a pen is often mistaken for someone who is working for the government, searching for information. I attribute older people’s suspicions to their memories of the dark days of the apartheid system when overall the notion of trust was hardly existent.

In the third phase of my research, I conducted private and individual face-to-face interviews in Zulu to learn about young people’s lives and sexual experiences. On average, I interviewed each participant three times for at least two to three hours at a time and regularly interacted with them on a daily basis.

During my field research, I discovered that many of the women I interviewed and befriended and with whom I interacted found our meetings and sessions to be therapeutic. These were opportunities for many of them not only to privately express and articulate traumatic experiences from their past or in their present daily lives, but more importantly, to be listened to and have their thoughts and opinions taken seriously. I quickly realized that women were not often listened to. Hearing their stories, I was struck by how frequently rape occurred. Five out of seven women with whom I regularly interacted had been raped by boyfriends or close relatives.

I readily and openly admit that there were difficult days conducting this research. At times it was overwhelming listening to women’s stories of vivid descriptions of rape experiences and overall suffering prompted by their male partners. Recalling a gruesome rape by a boyfriend during her teenage years, one thirty-two-year-old woman wept uncontrollably while recounting this nightmare. Although I was usually able to contain myself during such detailed descriptions from women, I found it impossible to hide my tears. After I turned off the tape recorder I held

the young woman's hand and explained that she had no reason to feel ashamed or to blame herself for what had happened to her when she was a teenager. I comforted her and told her how unbelievably courageous it was for her to talk about and relive this experience.

In spite of the suffering that women in Mpophomeni experienced, at times on a daily basis, I was struck by their overwhelming kindness towards me. Some told me that it was their first time articulating these specific experiences to anyone because they feared that no one would listen and believe them. Since I was an outsider, an American perceived throughout the community as a person with knowledge and authority, I was trusted with women's and men's accounts about their lives, their rapes and sexual experiences. I sensed that many of the women telling me their stories wanted their suffering to be known outside of South Africa. They looked to me as an outsider who genuinely cared and who was able to make their voices heard and to reach people outside of South Africa. Each person had his or her own opinions and expressed their own set of truths about their daily lives during the apartheid and postapartheid eras.

Much of my communication with township residents took place in the Zulu language. I began learning Zulu in 1999 while I was an M.A. student in the Department of International Relations at Yale University. I studied Zulu for two years and participated in the first Group Project Abroad (GPA) in Zulu sponsored by Fulbright-Hays in the summer of 1999. Based at the University of KwaZulu Natal in Pietermaritzburg, the program enrolled ten students (undergraduate and graduate) from various universities throughout the United States. We immersed ourselves in the Zulu language and culture for at least eight hours a day for eight weeks in the classroom. Outside the classroom, at the university and on the streets of Pietermaritzburg, we heard black South Africans speaking Zulu. When some of them discovered that we were Americans studying at the university learning intermediate and advanced Zulu, they

often said with genuine surprise, “You can learn Zulu in America? You can do everything in America!” In KwaZulu Natal and in other provinces in South Africa, deep divisions of race continue to persist because of language differences. Power relations are a factor in language differences. Many white South Africans I know can use a few Zulu phrases, enough to give orders to their domestic workers. They usually speak what is known as pidgin Zulu or Fanakalo, a hybrid language that is used commonly by white farmers to speak to their black workers.

Deep racial divisions with language continue to exist in South Africa even though the formal apartheid system no longer exists. I had noticed this already in the GPA Program. One afternoon as I walked to class with two of my fellow students, Dawne and Clarissa, a white middle-aged South African woman heard our accents while we chatted. She asked us where we were from. When we told her we were from the United States, she asked us what we were doing in Pietermaritzburg. I told her that we were studying Zulu at the university. She immediately shriveled her face and said in disgust, “Eeewww, why would anyone want to learn Zulu?” “Why not?” I defiantly asked her, as the three of us turned and walked away.

When I first arrived in Mpophomeni in 2004, it had been two years since I spoke Zulu. Few opportunities existed for me to practice in the United States, and I was very self-conscious of my Zulu proficiency. I would only say the standard greetings which included the usual “Sawubna” (“hello” in the singular) or “Sanibona” (plural version for “hello”), or, to someone who was leaving, “Hamba kahle” (“goodbye”) or “Sala kahle,” which means “stay well.” As time went on, I listened with increasing understanding to conversations of people speaking in Zulu, and gradually I became more confident to speak in Zulu more often. Sipiwe Mandela, the chairman of the board of the Zenzeleni Community Center in Mpophomeni, often joked with me by speaking to me in rapid Zulu. Usually, Sipiwe would greet me with “Sawubona, Judi,” to

which I replied “Sawubona Sipiwe, unjani?” (“Hello, how are you?”). “Ngiyaphila” (I am well), Sipiwe replied, and began to speak rapidly in Zulu. Then he would give a huge grin. I would reply to him in English by saying, “Sipiwe, slow down. You know I can’t understand you when you speak Zulu so fast!” He would always laugh and we both realized it was a way of joking with me and confirming our good relationship.

Later on as I became a familiar figure to more people in the township and felt more confident with my Zulu speaking skills, I began conversing with everyone in Zulu. Sometimes people would answer in English and I would continue to speak in Zulu. I started conducting interviews completely in Zulu. One day, my male research assistant Themba and I interviewed a friend of his who lived in a house of his own in the township. I was intent on showing off my proficiency in Zulu, so I asked Themba’s friend Siphso a question. I noticed that Siphso did not answer but smiled with a confused expression on his face. This was usually a sign that the person I was speaking to had no idea what I was talking about. Suddenly Themba turned to me and, with a bright grin on his face, yelled, “Judi, speak English!” The three of us laughed and I proceeded to ask my question in English. For me, this interchange represented a moment that broke barriers and established a level of comfort.

People in Mpophomeni were always willing to speak and assist me in reading Zulu. More often than not, they complimented me and told me that I spoke beautiful Zulu. They were impressed that an American would have an interest in studying and learning their language. For many, it signaled that they mattered after years of living in the apartheid system, which made them believe they were invisible and unimportant.

Overall, I believe that I established trust with residents in Mpophomeni in many different ways. My first visit to the township was in the summer of 2002. At that time, Bonginkosi, a

young community leader, who was a former youth leader affiliated with the ANC during the antiapartheid struggle, showed me around the township and introduced me to young women and men. He was well respected by most people in Mpophomeni. During the height of the antiapartheid struggle in the mid-1980s, Bonginkosi was sent to one of the ANC camps in Uganda for protection since the South African police were planning to arrest him for his “terrorist” activities. At this time the ANC was banned by the apartheid state because it was perceived as a radical communist organization. After South Africa’s liberation, Bonginkosi returned to Mpophomeni and was like many young women and men who had fought in the struggle were not acknowledged for their sacrifices and contributions. Some, like Bonginkosi, had difficulty in finding gainful employment.

Meeting with a group of young women and men in a small house one afternoon in 2002, Bonginkosi and I asked the group how I could contribute to the community when I returned to Mpophomeni for a longer stay. Everyone agreed that they wanted to improve their reading and writing skills in English, which they viewed as a necessity for finding employment. When I returned in 2004, many people in the township remembered my prior visit. Some commented that they were surprised I returned because many outsiders promise to come back but seldom do.

When I decided to teach English in Mpophomeni, I told the leaders at the community center that I did not want to charge students for enrolling in the course. Fees for computer courses at Zenzeleni amount to what is a relatively large sum of money to residents who are for the most part unemployed and poor. I believe that the fact that I kept my promise to teach an English class when I returned and offered it at no charge to young women and men in the community increased my level of trust with them.

My daily presence in Mpophomeni demonstrated my genuine interest in the lives of residents. When I was asked to facilitate a support group for HIV-positive women, I accepted on the condition that the discussion and activities would be run by the participants. It represented an opportunity for women to learn from each other and for me to learn from them. During one of the sessions, Thandazile, a thirty-eight-year-old HIV-positive woman asked, “Judi, is it okay if my boyfriend sucks on me?” The five other female participants snickered and commented to each other in Zulu, laughing, thinking that I would reprimand Thandaile for asking the question. I responded by suggesting that it was not a good idea, since the virus is passed on through bodily fluids. Then Thandazile asked, “Can I suck on him?” I suggested that her boyfriend should wear a condom during this activity. Through this conversation, I learned that when people visit Mpophomeni to facilitate workshops on AIDS education there is little discussion and dialogue about sex. Women are afraid to ask these types of questions for fear that they will be judged negatively by AIDS educators. Women who participated in the support group and who were students in the English class often told me they enjoyed the openness of the discussions I facilitated. For the first time, many of them believed they were not judged for their comments and opinions and felt comfortable expressing and sharing their pain. I visited Mpophomeni and interacted closely with young women and men for six months before I began conducting interviews for the study.

### ***Positionality***

Tourism is a major industry in the township where residents meet people from all over the world. But rarely do they come in contact with African-Americans for a long period of time.



I believe that part of my acceptance in Mpophomeni was because I am an African-American woman.

In wider South Africa as well as in Mpophomeni, I am often mistaken as coloured because of my skin tone. Because of the racial tensions that grew between the South African black and coloured communities, particularly during the antiapartheid struggle,<sup>8</sup> I have often had to make it clear that I am not coloured, but African-American. Once I make this statement to black South Africans, they usually become more relaxed.

Rather than exoticizing and “othering” black South Africans as many Americans have a tendency to do, my task was to find some commonalities between everyday practices in Mpophomeni and the African-American experience. While some white South African scholars visit black townships for their research, I find that many write about black South Africans as “other” with great distance as people without any past. Some fail to provide names or pseudonyms for the participants in their studies and fail to contextualize their lives. My study attempts to give agency to the young women and men I came to know in Mpophomeni. They are like most people in the world, in that they are trying to survive day to day with limited resources. The participants in my study, for whose real names I have substituted pseudonyms, exercised their ability in making daily decisions to control their lives.

### *Orientation of Study*

This dissertation is an ethnographic study of various forms of sexual coercion experienced by South African women in the Zulu township of Mpophomeni. Sexual violence in

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<sup>8</sup>The position of the Coloured community was mixed during the antiapartheid struggle. Some, particularly young people, advocated Steven Biko’s belief that apartheid hurts everyone, particularly all people of color. Many in the Coloured community joined in the struggle to end the apartheid system. However, there were others who sided with the apartheid regime. The legacy of these divisions remain today in postapartheid South Africa.

adult heterosexual relationships is the focus of this study. It is the most frequent and under-reported form of violence in South Africa. My study differs from other academic studies conducted on rape in South Africa in that it is qualitative and situates the problem of rape and sexual violence in South Africa within a historical, social, economic and theoretical context. While the study is centrally anthropological, I also use ethnography to illustrate how people's lives, particularly women, are governed by competing legal systems.

My study also diverges from previous scholarship about women in South Africa. Many studies examining women's experiences during the antiapartheid struggle focus on them as activists or as mothers with children (Beall, Hassim, Todes 1989; Sitas 1992; Bonnin 2000). By contrast, I specifically pay attention to women who were in their late teens and unmarried during the liberation war. Interviews I conducted with women who were in secondary school or were at least eighteen years old during the antiapartheid struggle in Mpophomeni suggest that gender relations during the antiapartheid struggle experienced dramatic changes due to political conflict and changing economic conditions. Young women were not always in support of young male "comrades" in the township who challenged the apartheid system but preferred instead young men who were employed by the apartheid regime. My observations also suggest that acquaintance rape, although not a concept or term used during the apartheid era, was indeed an integral part of women's sexual experiences.

The dissertation is divided into two parts. Part one provides a historical analysis and overview of South Africa in the colonial and apartheid periods and part two focuses on the postapartheid era. Chapter 2 describes the events and circumstances that led to the democratic transition in South Africa and the proposed Bill on Sexual Offenses, which proposed new legal definitions of rape and consent. I explore the legal transition from apartheid to democracy and

examine the constitutional negotiations that began before the 1994 transition. I also analyze increasing levels of rape and sexual violence in South Africa's townships at that time and the alternate forms of justice that existed because of the apartheid legal system. Finally, I discuss the past and present legal definitions of rape and consent that were adopted in 2007 as part of the Sexual Offenses Act.

Chapter 3 provides a brief historical analysis of gender relations and sexual practices in the sex/gender system in Zulu society in the contexts of the pre-colonial, colonial and apartheid periods. To understand sexual coercion and consent it is necessary to examine changing gender relations and sexual practices between women and men in Zulu society. Using discourses from historical studies, I examine how economic shifts and cultural beliefs about womanhood and manhood shaped sexual relations and practices.

Chapter 4 examines the economy and the politics in the township of Mpophomeni during the apartheid era. I analyze how the political economy affected local gender relations during this time. The South African township of Mpophomeni was constructed in 1969, but most people moved there in the early 1970s (Bonnin 1987). The 1970s and 1980s were a time of economic decline and political instability in South Africa. As the apartheid state and its institutions declined in legitimacy, violence imposed by the state on its civilians increased. But some of its citizens fought to dismantle the apartheid system and advocated decolonization and liberation. South Africa was the last country in Africa to put an end to white majority rule and domination and make the transition to democracy. The chapter ends with the transition in 1994 and residents' descriptions of their experiences of participating in the democratic elections.

Chapter 5 focuses on the creation and construction of Mpophomeni and the housing politics during the apartheid era and the postapartheid era. During the apartheid era the domestic

space was an area of government intervention. The apartheid government, through policies of influx control and forced removals and segregated residential spaces, controlled where black South Africans lived. While segregation continues in the postapartheid era, many young women and men in townships like Mpophomeni live in their own houses as a result of recent government housing policies. Housing plays a significant role in domestic fluidity between “house” and “home” and in shaping sexual practices of young women and men.

Part two of the dissertation is set within the context of the postapartheid era. Drawing on my field research and observations in Mpophomeni, chapter 6 examines young women’s and men’s sexual experiences, including young women’s discourses about rape, sexual coercion and HIV/AIDS. I also examine sexual practices and the changes occurring due primarily to high rates of unemployment. My conversations with young women and men demonstrate increasing tensions between “traditional” practices of the past and those that are considered “modern.” I also explore how the high rates of HIV/AIDS in Mpophomeni plays a significant role in young women’s and men’s sexual behavior. Power in the form of hegemonic masculinity, as illustrated in the rape trial of Jacob Zuma, continues to shape gender relations in the postapartheid era.

Chapters 7 and 8 examine the role of the state and nonstate actors in combating and educating the public about legal definitions of rape and HIV/AIDS. Examining the police in Mpophomeni as state actors and the role of nongovernmental organizations as nonstate actors in chapter 7, I draw on ethnographic data to examine human rights ideology and its effects on attitudes about rape in the postapartheid era. This chapter illustrates the tensions between two forms of state power, namely hegemony and ideology, and how they affect public discourse about rape within South Africa. Chapter 8 focuses on the media in South Africa and how human rights ideology is used in discussions about rape, sexual violence and AIDS within the country.

The media play a significant role in educating the public by constructing messages about these issues.

I conclude by providing an overview of the findings and relate them to the legal issue that is central to my study. In effect, it is a discussion about law and social change. I discuss how the present and proposed legal definitions of rape and consent in South Africa fail to capture the actual situation on the ground for women in Mpophomeni and black townships in general. My study sets out not only to investigate specific questions about sexual violence in South Africa but also to propose solutions for how South African society and its laws can improve the way in which it confronts issues of violence against women.

The purpose of this study is not to suggest that rape is a problem only in the black South African community. On the contrary, rape and sexual violence in South Africa extends across race and class boundaries. During the eighteen months I lived in South Africa while conducting field research, I met many white women who were survivors of sexual violence with male partners within and outside of marriage. Sexual violence may be more prevalent in communities with social and economic deprivation. The apartheid system's success was that many South African communities were left with these dreadful conditions. I suggest in this dissertation that sexual violence is not just a problem belonging to specific segments of South African society but rather a problem for everyone living there.

## **Chapter Two: The proposed Bill on Sexual Offenses and changing legal definitions of rape and consent**

In August of 1999, the South African Law Commission released a report of a new bill for sexual offenses. Written and submitted to the Law Commission by the Sexual Offenses Project Committee, the report was titled *Sexual Offenses: The Substantive Law*. It represented the results of a three-year study. It consisted of a description and findings of a detailed investigation regarding sexual offenses against adults and children in South Africa. The Commission not only recommended a completely new law on sexual offenses, but also proposed a new statutory provision to change South Africa's legal definitions of rape and consent. Substantial changes to the legal definitions of rape and consent had not been implemented since 1957. But in the thirty-five years between 1957 and 1994, South Africa experienced an enormous transition that affected its people and institutions. The complete rejection and dismantling of the apartheid system and South Africa's transformation to democracy required a total overhaul of the country's social, political and economic institutions. This transition, according to journalist Anthony Lewis (1995), was accompanied by an equally dramatic legal revolution.

This chapter describes and examines South Africa's legal transition from an apartheid system to a democratic government. I analyze how this transformation influenced the government's decision to change its legal definitions of rape and consent. I argue that the creation of South Africa's new legal foundation was influenced by Western principles of human rights imposed by "outsiders" from the Western world and that South Africa encountered few

opportunities to develop its own constitutional principles that were based on its history. This particularly pertains to notions of gender equality.

To describe and examine the legal transformation and its influence on new laws on rape and consent, this chapter is divided into ten sections. The first six sections describe and examine five sources of law and their limitations. I argue that a second set of sources of law existed from the 1980s to 1996—the period between the struggle for liberation and immediately after South Africa’s transition to democracy. These legal sources included: Western constitutionalism, based on Western principles of human rights; international feminism, based on Western principles of human rights and Western definitions of feminism; the national civil law of South Africa; customary or traditional law, which had been constructed and codified by the colonizers specifically for the indigenous population (Chanock 1985); and community law, which gained in strength in black South African communities during the liberation struggle.

While these systems operate within their individual spaces, they also interact and compete for legitimacy. As a result these various legal systems even today continue to operate not as bounded categories but rather as a hybrid overlapping with each other. As I demonstrate, it was during the constitutional negotiations that conflicts between global legal discourse and national and traditional laws came to the fore against the backdrop of everyday practices. This chapter examines these debates during South Africa’s constitutional negotiations and illustrates how these debates relate to the specific changing legal definitions of rape and consent. Black South Africans established courts in their own communities to provide “justice” at a time when many South African citizens believed that the apartheid structure needed dismantling. Community courts and forms of vigilantism are common even today in many black South African townships

and rural areas. They operate alongside conventional traditional law and at times compete for recognition by the state.

The final two sections of the chapter discuss legal policy statements and the former and present legal definitions of rape and consent that were initially proposed by the South African Law Commission in 1999. I describe and examine the limitations of each set of laws. While illustrating that the proposed legal definitions of rape and consent were transplanted from the United States, I argue that South Africa, a non-Western society with its own historical, cultural, social, economic and political specificity, cannot simply transplant and adopt laws from the West on its legal landscape and believe that it represents a sufficient legal transformation. I believe this is a form of cultural and ideological imperialism that many recent democratic nations throughout the world have experienced.

### *The legal transition from apartheid to democracy*

Following the period of decolonization in Africa and the fall of the Soviet Union, many lawyers and legal scholars from the West became deeply involved in the legal transformation of newly democratic states. In addition to supporting the goals of liberation, these legal activists pledged a commitment to assist national lawmakers in implementing “modern” laws supporting democratic principles (Andrews 1998: 317). They believed that legal systems influenced by Western constitutions represented opportunities for establishing laws that guaranteed equal rights for people living in the developing world. Many of these legal scholars pursued their optimistic visions, ignoring the possibility that they were imposing their own beliefs on non-Western societies. They also failed to examine the social and cultural effects of their actions.



One particular group of Western lawyers became known as law and development scholars. They viewed the infusion of Western law into the developing world as assisting and modernizing countries to provide overall benefits. Jean Zorn commented that these scholars:

Viewed the introduction of Western law into the Third World as a modernizing and beneficent act. To these American lawyers, impelled by a terrible innocence not only of the Third World, but of their own society as well, ... Western law ... would promote individual freedom, expand citizens' participation in government and in the shaping of their own lives, and enhance social equality (Zorn in Andrews 1998: 318).

Other scholars viewed this period as a new age in legal discourse. David Beatty, a Canadian scholar of comparative constitutionalism, described it as an "age of constitutionalism" (Klug 2000). Bruce Ackerman (1997) pushed the notion of constitutionalism further, claiming that the period immediately following decolonization represented a time for "The Rise of World Constitutionalism."<sup>9</sup> Heinz Klug (2000) asserted it was a time of "globalizing constitutionalism" and Richard Wilson, connecting ideas of "globalizing constitutionalism" to principles of human rights and applying them to the South African context, argued that the quest to build a "culture of human rights" needed to be understood in the context of the enormous change in global politics. The widespread use of human rights discourse was represented by the prototypical language of democratic transitions (2001:1).

Bruce Ackerman argued that with the fall of the Soviet Union in 1989 and nations in transition, written constitutions became symbols of "new beginnings," representing a significant transition in the political life of a nation (Ackerman 1997: 779). Furthermore, the "new beginnings" scenario Ackerman described symbolized a contrasting alternative to the political rhetoric of undemocratic regimes such as the apartheid system. These political transitions,

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<sup>9</sup>Bruce Ackerman published an article in 1997 with the same title.

accompanied by written legal texts, offered a new social reality for its citizens (Ackerman 1997: 795).

Heinz Klug reacted with caution to Ackerman's view. He believed that although more nations adopted written constitutions with bills of rights and adhered to principles upholding a rule of law, little evidence existed to demonstrate that the outcome or the generated meaning of these newly established institutions was the same in all of the societies experiencing democratic transitions (2000: 3). After all, these democracies were societies that had experienced different histories and, more important, different liberation struggles. Because of these diverse experiences, these nations might interpret the meaning of democracy according to their specific context. Even though constitutions and bills of rights existed, the situation on the ground for each nation proved very different.

Other legal scholars critiqued the motives and consequences of transplanting Western law, specifically American law, into new contexts. They raised concerns about the goals and outcomes of such actions. Some argued that local legal cultures were resilient when they applied the American legal model. The effects of these "legal transfer mechanisms," precipitated by the law and development movement, proved largely ineffective (Klug 2000: 3). Others condemned the law and development movement as implementing "cultural imperialism" and the fulfillment of a desire to extend the cultural and economic domination enjoyed by the United States. This domination was accomplished through foreign aid and development assistance programs (3).

There were also reservations about the importance of constitutionalism. Richard Wilson stressed that since 1990, with the demise of the former Soviet Union and the rise of ethnic national conflict in the Balkans, nearly all transitions from authoritarian rule have adopted the language of human rights and the political model of constitutionalism (2001: 1). Like Klug, his

concerns with constitutionalism derived from context. According to Wilson, within constitutionalism lies a sociological blindness to the pressures forcing transitional regimes to pursue a program of bureaucratic legitimization. Constitutionalists usually assume that national manifestations of human rights will remain true to their international accepted beliefs. Instead, human rights are dramatically redefined to suit national political constraints (Wilson 2001: 3). But one factor that remained excluded in discussions conducted by law and development scholars was the unequal status of women throughout the world. In effect, the law and development scholars movement often ignored women's desire for equal status with men according to the beliefs of many feminists. The lack of acknowledgement or recognition of the oppression and struggles of women throughout the world was a major limitation of the law and development scholars. This was a major factor in contributing to the rise of the international feminist movement. These female activists fought for the idea that women's rights were a form of human rights.

### ***The rise of the international feminist movement***

The international feminist movement influenced the shift in and around the issue of women's unequal status throughout the world, moving it from the political margins to the center of political agendas. Several processes initiated and contributed to this change in priorities. First, the United Nations recognized and sponsored conferences to discuss women's unequal status, starting with the United Nations Decade for Women, which began in 1980. Second was the 1993 Vienna Conference and finally, the Fourth World Conference on Women that commenced in Beijing, China, in 1995 (Andrews 1998: 310). These meetings brought international attention to

women's struggles throughout the world. Women's rights were now political and economic issues that encompassed the human rights agenda.

The United Nations Decade for Women represented efforts to intensify the achievement of equality, development, peace, employment, health and education (Andrews 1998: 310). At the 1993 Vienna Conference, feminists lobbied extensively in favor of recognizing violence against women as a violation of human rights. Vienna delegates unanimously agreed on a political consensus that various forms of violence against women should be examined within the context of human rights standards and in conjunction with notions of gender discrimination. The conference concluded with the creation of the Declaration on the Elimination of Violence Against Women (Andrews 1998: 310). Two years later, the most significant United Nations Conference for women occurred.

The 1995 Beijing conference drew delegates from all over the world, including South Africa. They produced the Beijing Declaration and Program of Action, which strengthened the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It provided a program of action for governments to address and mandate progress on the status of women within nations (Andrews 1998: 312).

Overall, the international feminist movement supplied Western feminists with more information about women in the global context. As a result, women in developing countries formed strategic political coalitions with Western feminists around issues concerning women's unequal status (Andrews 1998: 312). These relationships influenced South African women's activists during the national struggle for liberation and provided support for successfully negotiating for the recognition of the equality of women, the goal of a non-sexist society. But the international feminist movement acknowledged only the essentialist category of "woman" in

its discourse about gender equality. It ignored the complexity of class and racial differences and how they affect life experiences. As a result, while the focus of gender equality was the focal point of the movement, distinctions like class and race were ignored in countries like South Africa that had recently experienced liberation struggles.

### ***The struggle for national liberation and the emancipation of women in South Africa***

Although women have been active in national liberation struggles against colonialism, racism and fascism, the struggle for their emancipation has proved to be one of the longest ever waged (Mabandla 1991: 75). Insightful works about women's subordination and its relation to South Africa's struggle for national liberation have recently appeared (Mabandla 1991; Kim 2001; Cock 1991; Albertyn 1994; Andrews 1998) offering different perspectives on the place of gender, race and class in the liberation agenda.

Brigitte Mabandla (1991:75) argues that women's emancipation is one of the longest struggles throughout time in part because of the frequent absorption of women's issues under the umbrella of the whole struggle for national liberation. Activists in national struggles believed that women should not argue strongly for attention to issues concerning them because "the time was not appropriate." Rather, they believed that efforts should focus on national liberation. According to this approach, once the achievement of national liberation was gained, women's emancipation would result by default (Mabandla 1991: 75). The historical record from countries in southern Africa, such as Mozambique and Zimbabwe, tells a different story.

The liberation struggles in Mozambique and Zimbabwe represent a different rather than the usual configuration for women's emancipation. These liberation movements and their leaders publicly acknowledged the necessity for the emancipation of women as part of national

liberation. In Mozambique, Samora Machel, leader of the country's liberation struggle and the first president after independence, publicly stated at the founding conference of the Organization of Mozambican Women (OMM) in 1973 that the "liberation of women is the fundamental necessity for the revolution, a guarantee of its continuity and a precondition for victory" (Urdang 1989:22). Machel's provocative statement became one of the country's many national slogans inscribed on the walls of buildings (22). Similarly, by the end of the liberation struggle in Zimbabwe in 1979, ZANU (Zimbabwean African Nationalist Union) publicly advocated "women's liberation" as part of a broader goal of building socialism (Ranchod-Nilsson 2000:173). At the first ZANU Women's Seminar in May 1979, Robert Mugabe, ZANU's leader and current president, praised women for their participation in the armed struggle, stating that the war had become "as much of a process towards the liberation of the nation as towards the emancipation of women" (2000: 173). To accomplish Mugabe's stated goal, during Zimbabwe's struggle for national liberation large numbers of women participated as army combatants and members of the general staff. Some women were promoted to positions with authority within the hierarchy of the military structure (2000: 171-72). With a strong presence within the military, married women were able to generate guerilla support against wife beating. For a time, guerillas who found a woman being beaten by her husband would publicly beat the man in retaliation (Kriger 1992: 195). Over time, however, men's appeals for control over their "private" lives prevailed and gender issues were pushed to the back of the national agenda (Jacobs 1995: 257).

Despite these countries' efforts to improve women's status, national liberation in Mozambique, Zimbabwe and South Africa did not result in women's political and economic emancipation. Instead, these regimes returned to deep-rooted and long-standing systems of patriarchy and gerontocracy. South Africa represents a sad case. Suzanne Kim (2001: 7) argued

that women's issues in South Africa were historically subordinated before and during the antiapartheid national liberation agenda. Even though women were granted full membership and voting rights in the ANC in 1943, they never gained full recognition in the liberation struggle. Female activists criticized the ANC for its hypocrisy in using the rhetoric of inclusiveness while preserving its internal hierarchical and patriarchal structure (Kim 2001: 7). Women's concerns remained subordinated because it was assumed that the root of all of South Africa's problems was racial apartheid rather than other forces such as patriarchy and capitalism. Jacklyn Cock (1991: 28) criticized this view as an "outcome of a kind of reductionism, a tendency to reduce all our problems to apartheid. The implication is that with the dismantling of apartheid, women's oppression will disappear."

Suzanne Kim (2001: 7) also noted that both female and male antiapartheid leaders relegated women's issues to a lower place on the list of political priorities. The Federation of South African Women (FSAW), established in 1954, drafted a Women's Charter that listed pragmatic demands to improve the lives of women, particularly black women. But the demands addressed women's roles only as wives and mothers within the nationalist struggle. By promoting national liberation as the most crucial concern in the fight against apartheid, the charter downgraded gender equality as a priority (Kim 2001: 8). In addition, during the antiapartheid struggle, the ANC male leadership denied women opportunities to place their concerns on the political agenda. For example, the FSAW attempted to introduce a provision to significantly improve the lives of rural women through several social amenities on the reserves in the rural areas. This proposal was excluded from the Freedom Charter because it proposed improvements to the imposed apartheid reserve system, which the ANC sought to eradicate entirely (8).

During the antiapartheid struggle in the 1980s and 1990s, women continued to subordinate their concerns to the general liberation agenda. In a report from the 1985 Nairobi Conference on Women, one ANC female delegate claimed: “It would be suicidal for us to adopt feminist ideas. Our enemy is the system and we cannot exhaust our energies on women’s issues” (Kim 2001: 8). Even during early attempts at constitutional reform, the ANC did not acknowledge gender equality as a serious issue.

The perception that gender equality was less important than racial equality was evident in the ANC’s failure to acknowledge women’s oppression when writing its Constitutional Guidelines in 1988 (Albertyn 1994). The guidelines included a bar on gender discrimination in the same provision that made it a constitutional duty to eliminate racial discrimination. After some debate, a separate clause addressing gender inequality appeared later in the document. It read: “Women shall have equal rights in all spheres of public and private life and shall take affirmative action to eliminate inequities and discrimination between the sexes” (Kim 2001: 8). Critics immediately attacked the provision for its weak and non-committal language. They argued that the provision to eliminate gender discrimination was put on the shoulders of women (8).

Black South African women, however, became increasingly skeptical about the terms of women’s emancipation outside of the national liberation movement. They were understandably wary of the middle-class feminism that became a part of life at white universities and in the suburbs, and justifiably wary of international feminism, which purported and articulated a platform of universal sisterhood to combat the suffering and oppression of women. At the same time, women’s position within South Africa’s liberation movement was precarious, and they



could not afford to antagonize and alienate men who were reluctant to surrender the patriarchal power they enjoyed (McClintock 1993: 76).

As a result of their wariness, black South African women demanded the right to create the terms of national feminism to meet their specific needs and situations (McClintock 1993: 76). On May 2, 1990, the National Executive of the ANC issued a historic Statement on the Emancipation of Women: “The experience of other societies has shown that the emancipation of women is not a by-product of a struggle for democracy, national liberation or socialism. It has to be addressed within our own organization, the mass democratic movement and in the society as a whole” (76). This document was unprecedented in placing South African women’s resistance in an international context by granting feminism independent historic agency and declaring that all “laws, customs, traditions and practices which discriminate against women shall be held to be unconstitutional.” If the ANC had remained faithful to this statement, virtually all existing practices in South Africa’s legal, political and social life would have been considered unconstitutional (McClintock 1993: 76).

One month later, in June 1990, the leadership of the ANC Women’s Section returned to South Africa from exile. They insisted on an explanation of the term “feminism.” According to them, the word feminism had been misinterpreted in most Third World countries. While there was nothing wrong with feminist ideology, it needed to be tailored to meet the needs and concerns of local areas and society. The concerns of these black South African women were ignored, and the constitutional negotiations to include the rights of women continued.

During the long and difficult process of constitutional negotiations at the end of apartheid, white South African women activists organized into a lobby and, through creative advocacy, succeeded in enlarging the concept of “democracy.” Penelope Andrews noted that these women

“confronted the constitutional delegates with a largely ignored reality: the legal and economic edifice of apartheid had, both in the public and private realms, generated and reinforced the dispossession, discrimination and subjugation of women” (1998: 309). After many years of seeing their concerns subordinated, these white women fought, lobbied and won protection for the rights of women in South Africa’s new constitution.

### *The struggle for inclusion in the South African constitution*

At a seminar in Lusaka in 1989 organized by the Legal and Constitutional Committees of the ANC Women’s League (ANCWL), the discussion regarding the protection of the rights of women continued (Mabandla 1991: 76). This meeting was one of many organized inside and outside South Africa with the purpose of discussing the constitutional guidelines of the ANC. This particular meeting focused on gender equality in a democratic society—a timely topic because the prevalence of gender oppression among all races and classes within South Africa was a pressing issue. The material, cultural and ideological paradigms of gender oppression within South African society also were included as a major topic for debate (Mabandla 1991:76–7). Sexual violence was included as a form of gender oppression. Women activists who attended the Lusaka seminar demanded that the constitution protect women against non-democratic, cultural and religious practices, domestic violence, sexual harassment and rape (Mabandla 1991: 77). These meetings not only brought South African women activists together, but also served to advocate and remind male members of the Constitutional Committee to include women’s issues on the agenda of the new democracy. Women activists developed savvy skills to lobby for issues pertaining to women in the discussions on South Africa’s new constitution.

By 1990, women activists continued to advocate for the equal rights of women under the law at meetings of the Constitutional Committee. They produced massive evidence supporting the importance of the inclusion of gender equality in laws. These activists directed attention to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as a means of introducing “gender equality” as a human rights principle in the new South African constitution (Mabandla 1991: 75). After the first constitutional guidelines were released in July 1990, Frene Ginwala, a leading Indian activist, feminist scholar and participant in the negotiations, stated that the ANC had finally acknowledged that women’s liberation was not going to simply be a by-product of the liberation struggle. Instead, the new ANC constitutional guidelines would repair current attitudes about women within South African society and confront the material base of gender oppression (Driver 1991: 82). However, women activists soon learned that gender equality was a contentious issue to those who acknowledged and upheld the law of custom.

By 1993, on the eve of independence, fierce debates had erupted between traditional leaders and women activists over the concept of gender equality. These discussions evolved originally because of questions concerning the inclusion of customary law in the new constitution. What was perceived as a cultural argument was in essence a debate about economic rights. On the one hand, chiefs welcomed the idea of democracy, but on the other hand, they feared losing the economic privileges afforded to them through customary law. For example, Chief Mwelo Nonkonyana, chief of the Amabhala clan in the Transkei and head of the Cape Traditional Leaders delegation of the constitutional forum, expressed concern about his rights to inheritance and to maintain polygamous relationships. He also questioned women’s participation in several traditional ceremonies deemed for men only. “I’ve no doubt that if there is gender

equality, my sisters will challenge my inheritance,” Chief Nonkonyana worriedly stated (Sly 1993). In reference to polygamy, the chief asked: “It is already common in South Africa for men to have several wives. Will women now demand the right to several husbands? Will they insist on attending male circumcision ceremonies, or traditional burials, which are off-limits to women” (Sly 1993)? These kinds of highly misogynous discussions regarding gender equality and power were very common among traditional leaders. The delegation of tribal leaders demanded removal of clauses in the constitution regarding gender equality. Women activists insisted the clauses remain and lobbied extensively for a constitutional commitment to gender equality (Andrews 1998: 322). This example represents one more layer of the complicated legal pluralism within South African society. It also illustrates the enormous contradictions that confronted the ANC in constitutional negotiations. Notions of citizenship and equal rights for women, as contained in the draft bill of rights, ran in opposition to the perceptions of women by the powerful traditional leaders (Unterhalter 1995: 235–36). Agreement that customary law should be subject to the equality clause of the bill of rights was reached only twenty-four hours before the establishment of the Transitional Executive Council (TEC) in November 1993.

These intense debates between South African women activists and South African male traditional leaders represent an important historical moment. It was at this time that black South African women became subjects of social, political, cultural, economic and ideological processes. It was a historical moment, one that defined race, class and gender differences and that culminated and clashed with the reality of the vision of a democratic South Africa after almost fifty years of apartheid oppression. The African National Congress attempted to foster a highly enlightened democracy that represented “One Law for One Nation” at the same time it tried to free its legacy of Eurocentric domination and make space for cultural diversity and customary

authority (Comaroff and Comaroff 2004: 189). The contradiction was that the new constitution was highly Euromodern (189).

The ANC at this time employed Marxist ideology to overturn and destroy the apartheid state. The focus of the struggle was to end racial oppression and establish majority rule. The ANCWL focused on the oppression of all women. They ignored the complexities of culture, race and class differences, particularly among black South African women as a group, and the issue of the oppression of women by women. Black South African women maneuvered and negotiated between the law of custom within their own communities and the law of the apartheid state. But at this particular historical moment, a constitution was in the process of being created that not only symbolized a complete ideological transformation, but an articulation and documentation of rights for all South Africans, including women. The two models of “tradition” and “modern” were brought to the forefront for compromise. It was assumed by the participants that the gaps and divisions based on race, class and gender would suddenly disappear with the transition to democracy.

But democracy and democratic processes alone have not erased these complicated divisions among women. While attending a conference on women’s political participation at South Africa’s parliament in Cape Town in August 2001, I was struck by the deep race and class divisions that continue in South Africa. Attended mostly by black South African women involved in the ANC at various levels and capacities, the conference was dominated by speeches and papers delivered by elite women involved in politics and the academy. The large audience cordially applauded at the end of most of the presentations; there were limited questions and discussion. It was not until Likhapha Mbatha, a researcher at the Center for Applied Legal Studies at the University of Witwatersrand and a black South African woman, presented a paper

advocating a change of inheritance rights in customary law that most of the women in the audience responded strongly. Ms. Mbatha's courageous delivery and subject matter provoked intense discussion and interest from the majority of women in the audience. The reaction was as if someone had finally struck a chord with the experiences of many of the women in the spacious chambers of Parliament. While she delivered her paper, Ms. Mbatha's points were met with enormous enthusiasm and applause. In the question and discussion section afterwards, some women detailed their own personal stories or stories about women they knew whose husbands were deceased. They described how relatives of deceased husbands came to their homes and seized their property and possessions, leaving the widows with nothing. This was allowed in customary law, in which women have no rights to inheritance. Rights are left to the oldest son in the family and the relatives of the husband.

Constitutional negotiations between white South African feminists and traditional chiefs also produced new meanings of identity and personhood for black South African women. For example, new concepts of "tradition" and "modern" became emblematic of the postapartheid state, causing more conflict. The notion of women's equality became part of the constructed sex/gender dichotomy, with an additional layer of ethnic distinctions to define meanings of a traditional and a modern woman. Subsequently these categories were used to construct class differences, particularly among black South African women and the distinctions were further cemented by the international feminist movement.

Today the struggle for women in the postapartheid era in South Africa no longer focuses on one central issue but rather various struggles. The category of "woman" is no longer perceived as one that is homogeneous, but is recognized as a heterogeneous category representing several diverse concerns of women of different races, class statuses and generations

(Pithouse 2004; Nair 2004; Keenen 2004; Moola 2004; Richter 2004; Martabano and O'Sullivan 2004; Chala, Sengupta and Ngugi 2004; Hlatshwayo 2004; Dladla 2004; Matiwana 2004).

These factors play a significant role in life experiences. Rather than remaining one single local movement it has become fragmented within the international movement for women's betterment. It encompasses a number of struggles around issues that include AIDS activism, sexual violence, the environment and peace (Agenda 2004). Focusing on these issues provides opportunities for women from various backgrounds to participate in and contribute to movements that matter personally and to have personal experiences recognized.

### ***International conventions on violence against women and human rights law***

The period between 1993 and 1995 marked the influence of the international feminist movement on South Africa's legal transition. Of the three international conventions<sup>10</sup> that South Africa ratified in 1994 and 1995, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) represents the most important and influential agreement that the country signed on to as a party. CEDAW had a powerful impact on the South African constitution and the bill on sexual offenses as well as on the overall status of women.

The South African Parliament ratified the CEDAW on December 15, 1995. Signing on to the convention was significant for two reasons. First, it publicly obligated the government to abide by the articles in the body of the convention. Articles one, two and nineteen specifically addressed the definition of gender discrimination and violence against women. These articles

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<sup>10</sup>The three international conventions that South Africa ratified pertaining to violence against women were: The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women in 1994; CEDAW in 1995; and the United Nations Beijing Declaration and Platform for Action in 1995.

also mandated that states condemn discrimination against women in all forms, including gender violence.

Second, ratifying the convention symbolized a new era in the struggle for women's empowerment. Addressing the symbolism of women's empowerment that the international convention provided, Deputy Welfare Minister Mrs. Geraldine Fraser-Moleketi commented that the ratification of CEDAW by Parliament "should propel the creation of national legislation to address areas of concern regarding women's issues. We do have an interim constitution that demands much of what is outlined in CEDAW, but CEDAW will help us speed things up" (Spratt 1996).

Writing specifically about human rights law and its link to CEDAW, Sally Engle Merry (2006) noted some of the problems that result from applying universal principles to all local situations. She argues that human rights law ignores local context in order to establish global principles. It fails to tailor and frame interventions to specific political and social contexts (103). Awareness of context may require different approaches to social justice (103). Gaps between global and local visions of justice due to differing historical, political and social circumstances create a fundamental dilemma for human rights practice. Negotiating to close this dichotomy between local and global visions is a key challenge in promoting human rights. Finally, Merry argues that the international system provides little space for recognition and acknowledgement of other rights based on understandings of social justice (2006: 103).

Merry's argument is taken further by Africanist scholars and non-Western academics and anthropologists who reflect on and offer insightful commentaries about the disjuncture and tensions between culture and universal human rights ideology (Gilley 2006; Reddy 2005; Ibhawoh 2004; Massad 2002; Sen 1999; Tibi 1990). These scholars critique the production of



knowledge in texts about the effectiveness of the imposition of Western humanistic values on local cultural settings. Their criticisms are relevant to issues concerning women's equality and meanings of rape, sexual coercion and consent.

Amartya Sen (1999) challenges the notion of human rights as a Western invention. Pointing to specific texts from Asia, such as interpretations of Confucianism in China, the writing of Emperor Ashoka and Kautilya in India, and Islamic teachings, Sen emphasizes the variety of perspectives about freedom, tolerance and equality within these ancient manuscripts (1999: 234–240).

African scholars contributed their opinions to the debate about human rights and cultural relativism by focusing on the ways in which Western scholars narrowly define human rights. Some contend that many Western scholars confuse human rights with human dignity (Tibi 1990). There is no doubt that fully developed notions of human dignity exist in many non-Western societies (Ibhawoh 2004: 23). In addition, other African scholars argue that there is a tendency to conceptualize human rights within the narrow sense of modern legal language, emphasizing the strict legal definition of human rights rather than the underlying concepts and ideas (Ibhawoh 2004: 24). This approach is problematic because it emphasizes change and ignores underlying historical continuities. A more historical approach tracing the evolution of the contemporary concept of human rights while linking traditional notions of human dignity and the modern idea of human rights would be beneficial in reinterpreting and defining notions of human worth and value (24).

It is important to understand and appreciate the distinct historical contexts from which these ideas originate. But the modern concept of human rights stems from contemporary articulation of legal entitlement, which individuals hold in relation to the state (23). Focusing on

the ways in which academics represent Islamic culture in scholarly texts, Joseph Massad (2002) emphasizes how U.S. human rights discourse through international movements prevails to promote itself on an international scale. While Massad specifically examines his claims through the lens of the Gay International Movement in the Muslim world, he acknowledges that the approach followed in the footsteps of the white Western women's movement. It sought to universalize women's oppression by imposing its own colonial feminism on the women's movement in the non-Western world. Massad argues that it is discourse that produces "homosexuals," as well as "gays" and "lesbians" (2002: 363). His argument can be applied to this discussion, in that legal discourse within the constitution and national laws produces modern women and men as well as traditional women and men. Massad argues further that discourse written by Western academics about the Muslim world— and, I would add, the non-Western world—guide branches of the human rights community such as nongovernmental organizations to uphold universal principles. These white Western academics impose Eurocentric meanings of rights, freedom, liberty and equality, while the central goal is to reproduce a world in its own image and likeness (Massad 2002: 385). In undertaking this universalizing project, the international women's movement makes itself feel better about a world it forces to share its identifications (385).

Other scholars present a less radical approach than Massad in the debate about whether there is a "gay hegemony." Focusing on contemporary Two-Spirit societies (homosexual men) in Native American communities in the United States, Brian Joseph Gilley (2006) provides a detailed account of the ways in which these men place greater emphasis on the indigenous gay experience than on the dominant white national gay movement in the United States. Identifying as a Two-Spirit man (or woman) involves being at the intersection of racial politics in America

while inevitably engaging in issues of individual racial identity (Gilley 2006: 29). “Two-Spirit” has become a social identity that emphasizes cultural heritage, a particular kind of personhood. As this movement grew, the transition marked a separation of the Native American group from the national gay rights movement. Many Two-Spirit persons view this as necessary for the political and social maturity of indigenous gay communities (29).

Bringing together the coexistence of discourse and practice, local and modern, Gayatri Reddy (2005) articulates a more complicated view of the project of universalism. Writing about sexuality and the “third sex” (gender identity neither male nor female) in Hyderabad, India, Reddy argues that embedded within the existence and interaction of tradition/modern or local/global discourse and practices lies a universal narrative of superior and subordinate (2005: 212). The perception of the universal, global/modern paradigm as related to sexuality is that it is superior to the local or traditional. This relationship of superior/inferior also coincides with one that existed within colonial legal systems. The colonizers established civil law for the European citizens, while traditional or customary law was an invention for the indigenous people (Chanock 1985). Reddy also argues against a coherent, universal, global female notion of sexual identity and personhood with a separate, explicit local particularity. Rather, she emphasizes the complexity of cultural production with interactions of the West and non-West, local cultural systems, and global political and economic forces (Reddy 2005: 212) such as Western capitalist expansion and cultural imperialism. Reddy believes that different models, such as global, national and local, cohabit a single social field and overlap with contradictory and conflicting definitional forces. These constructions are fluid, but contain gaps. Referring to it as a “paradoxical unity of disunity,” she says that the boundaries that define global, national and customary discourses and practices blur within these competing paradigms. Since this is the case,

there is room for negotiation in this case, specifically regarding contemporary sexual practices and sexual identity in the non-Western world. Unlike Massad, Reddy suggests there are other processes at work besides the circulation of discourse, the politics of representation and epistemologies of “othering.” These underlying forces consist of global capitalism and political dynamics.

Joseph Massad, Brian Joseph Gilley and Gayatri Reddy all provide valid arguments in the debate regarding universalism and cultural relativism. Their contributions share many of the concerns of African scholars. While universalism is problematic, particularly concerning sexuality, I agree with Reddy that this issue cannot be confronted as if paradigms of universalism and cultural relativism operate in separate, binding spaces. On the contrary, the processes are more complicated. Many people incorporate and combine local and modern practices in their daily lives. In relation to sexual practices, they are constantly negotiating between those considered contemporary or modern and those that are local. Factors such as racial and cultural identity, for example, serve to reinforce the ways in which people navigate spaces of global and local. This is particularly relevant to the case of South Africa where global constructions of “woman,” legal definitions of “rape” and sexual practices became conflicted with the rise of the international feminist movement. Constructions of race, class and gender played significant roles in reinforcing differences during the time when South Africa was transitioning to a democratic society.

*The South African constitution, the bill of rights and national laws addressing violence against women*

Principles regarding South Africa's commitment to a non-sexist society appear throughout South Africa's new constitution. Passed in 1996, after lengthy negotiations, provisions regarding gender equality are very prominent in its Bill of Rights. In reference to sexual violence, Section 16 (1) guarantees that "everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either public or private sources" (South African Constitution 1996). In addition to providing for protection from violence in the Bill of Rights, the constitution provided another innovative provision to support the protection of women by establishing the Commission for Gender Equality. The purpose of the Commission for Gender Equality was to empower, promote, educate, monitor and lobby for gender equality (Section 187 South African Constitution 1996; Andrews 1998: 330). The Commission was responsible for hearing and providing judgment for cases involving bias based on sexism. It had full authority to punish guilty offenders of gender discrimination. In addition, the constitution also provided for the establishment for the Human Rights Commission.

The constitutional provision creating separate structures for these two commissions sparked vigorous debate in South Africa (Andrews 1998: 330). Supporters of the Commission for Gender Equality believed that only a separate body had the potential to comprehensively accommodate women's issues and develop the capacity to build and enhance a culture committed to eradicating sexism. They feared that by incorporating women's issues under the general rubric of human rights, it would once again marginalize and trivialize women's issues. They also feared that racism would become the sole priority of the national agenda (Andrews 1998: 330).

Opponents of the separate structure approach expressed their misgivings about the creation of a commission devoted solely to issues concerning women. They argued that the commission would serve only to “ghettoize” women’s issues. Opponents emphasized that it was important for the Human Rights Commission to be perceived as a regulatory body committed to fighting discrimination throughout society. Their goal was to create an effective strategy to end all types of human rights violations within South Africa.

South African feminists believed that the constitutional provisions promoting gender equality represented a major victory for women. Fraser Moleketi expressed hope in the success of the Commission for Gender Equality: “By the first half of 1996, we hope to have most of the national machinery up and running” (*The Sowetan*: January 2, 1996). South Africa was one of the first nations to have a national constitution that provided a governmental body dedicated to protecting the rights of women. This effort proved to be the first in a long, difficult struggle. Although the country emerged from the transition from apartheid to democracy with one of the most progressive constitutions in the world, the media in South Africa continued to release reports of the country’s increasing levels of crime, including sexual violence and “rape.”

During this time, South Africa passed its first national law on violence against women and signed on as a party to four international conventions whose purpose was to protect women from violence. The combination of the national legislation and the acknowledgement of the international conventions foreshadowed the basis of the principles expressed in South Africa’s new constitution and the proposed Bill on Sexual Offenses.

The South African Parliament passed the Prevention of the Family Violence Act in 1993 (Felder 1994; Human Rights Watch 1995). This new law was the first to acknowledge acquaintance rape and it openly addressed violence against women and rape in the household in

South Africa. Section Five of the Prevention of the Family Violence Act specifically recognized marital rape as a form of sexual violence that was prosecutable as a crime in South Africa's courts (*Sowetan*: December 3, 1993; Fedler 1994; Human Rights Watch 1995).

### ***Reports of increasing levels of crime and sexual violence in South Africa***

Although South Africa ratified international conventions and passed new laws, violent crime continued to escalate immediately following the democratic transition in 1994. Because of apartheid and its legacies of the lack of police protection in black townships and distrust of the legal system by black South Africans, a perception developed that crime suddenly increased after the end of the apartheid era. Increased reporting of violent crimes in South Africa took place after the transition, largely due to the opening of and accessibility to other institutions in society. For example, the apartheid state no longer controlled the media. By 1995, South African newspapers focused on the problem of the country's escalating crime levels. Most of the media perceived this problem as new rather than one that had been hidden by the apartheid government. The actual level of crime during the apartheid era, as opposed to the postapartheid era, continues to be an unresolved issue. This uncertainty of statistics documenting crimes also applies to the rate of sexual violence.

After mounting public pressure, the Mandela government allocated 3.1 billion rand<sup>11</sup> to a national anticrime campaign (*Josias*: December 15, 1995). The Reconstruction and Development Program (RDP) provided funds for community policing programs, human resource development programs for police officers and support services for rape survivors. Yet reports of sexual violence continued to increase. Between 1985 and 1995, the number of reported rapes in

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<sup>11</sup>R3.1 billion in 1995 was equal to approximately US\$837 million.

South Africa rose dramatically. In 1980, the South African Police Service (SAPS) revealed that 9,365 cases of rape were reported. The South African documentary *Every Eighty-Three Seconds*, released in 1992, explicitly stated that a woman was raped every eighty-three seconds. Rape occurred most commonly in the home of the victim. At this time, only 5 percent of rape survivors reported the crime to police authorities. By 1993, police reports indicated there were 27,056 reported rape and attempted rape cases throughout the country (Human Rights Watch 1995: 50). In 1994, 32,107 cases of rape were reported. This represented an increase of 16 percent from the previous year. By 1994, South Africa had acquired the reputation of being the country with the highest incidence of rape in the world. Two million women had been raped since 1984, and one of every two women was expected to be raped in her lifetime (Stedman 1994: 56). Some feminists, however, argued that rape statistics, particularly from the 1980s, required careful scrutiny, since this particular period represented the height of the antiapartheid struggle.

Sue Armstrong, South African feminist and scholar, has claimed that South Africa's rape statistics are unreliable and inadequate. She found that because of lack of trust in the police and the judicial system in the black community, many crimes, including rape, were unreported. While conducting research on the frequency of rape in the township of Soweto, one woman commented: "No black woman would go to a police station. In those days, to be seen near a police station signified you were an informant to the apartheid government. If one was perceived as cooperating with authorities, they risked their home being burnt down or losing their lives (Armstrong 1994: 36)." In addition to fear, many women were embarrassed to publicly admit their rape experiences to medical personnel.

Most medical practitioners in South Africa were men who were unsympathetic to women's rape experiences. Because of these attitudes, many women feared visiting clinics for



gynecological injuries. Heather Reganass, Director of South Africa's National Institute for Crime Prevention and Rehabilitation of Offenders at the time of the democratic transition, stated: "You interview women who have been raped and hear how they're treated by district surgeons (police doctors). Sometimes they're kept waiting for days, and then the surgeons can be very rough" (Armstrong 1994: 36). Mrs. Reganass found that by 1994 in Soweto, one in four women admitted to experiencing rape. Since distrust of the legal system by black South Africans remained so prevalent, vigilantism became a common method of allocating justice. Many rape cases were brought to justice by citizens in the community enforcing the law.

Table one illustrates that by 1998, in the postapartheid era, the percentage of women who publicly acknowledged and admitted to experiencing rape had increased. The highest percentage of women who admitted to experiencing coercive sex against their will were adolescent women between the ages of fifteen and nineteen. A total of fourteen point 6 percent of women in this age category admitted that they had been either psychologically coerced or persuaded to have sex against their will, or they had been physically forced to have sex. Out of this percentage, 13.2 percent admitted to having experienced physical force and having sought help from the police (Table 1).

### *Alternative forms of justice in the postapartheid era*

On the ground and in practice, black South African townships constructed other means of law because of the inadequacy and legitimacy of apartheid legal institutions. "People's courts" and community courts have existed for some time in black areas of South Africa. Historically, these locales for distributing justice took on different functions depending on the social context. For example, during the antiapartheid struggle such courts served as institutions whose primary

function was to discipline and teach local residents about notions of justice as preparation for life in a democratic society. In some communities there were highly organized community courts; in other areas crime was controlled by ordinary citizens or youth gangs often referred to as “comrades” (Sharf 1989; Burman 1989; Human Rights Watch 1995). Such youth groups often targeted rapists.

Vigilantism became frequent in townships and rural areas as one method of punishing rapists. Newspapers frequently featured articles illustrating this type of community violence. Khathu Mamaila (1994) wrote an article in one of South Africa’s newspapers in which he described how an enraged crowd apprehended three alleged rapists outside a village in the Northern Transvaal. Five men between the ages of nineteen and twenty-one allegedly entered a house where they abducted an eighteen-year-old woman after an argument with her family members. The young men allegedly kidnapped the woman, dragged her to a nearby mountain and gang-raped her for several hours. While this occurred, the victim’s mother alerted residents in the community to the incident. Approximately one hundred and fifty people from the area searched for the perpetrators and the young victim. The next morning the alleged perpetrators were spotted molesting the woman. Three of them were captured while the other two escaped. The residents who located them returned with the young men to the village. There they were met by an angry mob who surrounded them and stoned the accused, killing one of the young men. In addition, members of the crowd chopped off the alleged perpetrators’ fingers with an ax (*The Sowetan*: December 9, 1994). In other communities there were other alternative forms of policing and punishing.

“Comrades” (youth gangs) took charge of monitoring levels of crime, including rape, in some South African townships. In Alexandra, a township outside of Johannesburg, rape posed a

serious threat to the community. Between August and December 1994, the Alexandra Health Clinic reported that sixty-three cases of serious injuries related to rape were treated (Human Rights Watch 1995: 111). Comrades in Alexandra estimated that more than 50 percent of cases they monitored involved rape. In many of these cases the police were ineffective or completely apathetic in protecting women in the community.

Methods most commonly used by comrades to “discipline” rapists included payment of money to the rape survivor, parading the accused naked through the township or beating the perpetrator(s). Group members determined the forms of punishment and were often influenced by varying factors such as how they felt on any given day or familiarity with the rape victim. One member stated: “If we feel moody and we are sympathetic to the girl’s family, then we can do more” (Human Rights Watch 1995: 111–12). Comrades were perceived by many community members as protectors of young women. One young dissatisfied rape survivor recalled her experience with a group of comrades in Alexandra:

I finally went to the “comrades” because the police had not done anything and the man who raped me was still walking around the township, while I had to be hospitalized for two months. The “comrades” caught the man and brought him to a public meeting. They made me talk about the rape before the whole room full of men. I described everything, because I thought that finally I would get some justice. Before this, I had been telling people that I was in the hospital because of a car accident. I didn’t want to talk about my rape because of the way people treat you—like you have a disease. The man admitted that he had raped me. He signed a note agreeing to pay me R15,000 (US\$4,300). But since that time nothing has been done. I don’t even want him to be arrested anymore. What will that do? I want him to pay me the money which I had to spend on medical bills (Human Rights Watch 1995: 112).

Other township residents admitted to a team of researchers from Human Rights Watch that comrades often killed perpetrators as part of their “disciplining” techniques. For example, in January 1995 police arrested the perpetrator who allegedly raped a fourteen-year-old girl who

lived in Alexandra. While in custody, the police forced the accused to scrub floors in the police station and later released him. Family members of the young girl contacted comrades, seeking justice. The comrades beat the alleged perpetrator to death (Human Rights Watch 1995: 112).

Some community residents believed vigilante measures caused more problems than solutions. Township women from Alexandra accused comrades of committing rape (Human Rights Watch 1995: 112). According to them, the likelihood of justice in these situations was very remote. Comrades rarely disciplined one of their own and often used forms of intimidation to discourage the survivor or the family to report these incidents to the police (Human Rights Watch 1995: 112). Overall, comrades used violence as a tool for justice as they perceived it.

Mmathshilo Motsei, leader of the Agisanang Domestic Abuse Prevention and Training Program (ADAPT), linked the violent behavior by comrades to violence caused by the apartheid era. “It’s difficult to grow up in these townships as a black man,” he said. “It’s dehumanizing and has resulted in a lack of respect for life. So not surprisingly, while some of these comrades are youth leaders, many of them are just thugs” (Human Rights Watch 1995: 113). Others blamed the lack of justice on the judicial system. One police officer based in Alexandra remarked that the problem was not the police but the court system. There were many instances in which the courts did not have the time or the labor required to investigate cases, so they were dropped. The officer noted that the police and the courts were severely overloaded with cases (Human Rights Watch 1995: 113). The Mandela administration began to conduct more investigations regarding the treatment of women by the criminal justice system and explored the effectiveness of existing laws on rape.

### *The gender policy statement*

Considered the clearest demonstration of the government's commitment to implementing changes regarding rape legislation, the Gender Policy Statement, released in 1999, claimed that the criminal justice system in South Africa had failed and was failing women. The report traced and highlighted the existence of systematic inequalities based on centuries of legalized injustice to women. It exposed the failure of the existing legal system to acknowledge the differences in social experiences between women and men. The Gender Policy Statement recognized that the criminal justice system was a "male centric" institution bounded by rules based on male life experiences. The document condemned the legal institution's claim that it operated on "neutral" principles of law and failed to respond meaningfully to specific needs of women (Moult 2000: 14). Finally, the Gender Policy Statement addressed sexual violence. It emphasized that many survivors of gender violence in South Africa were illiterate and had little knowledge, even of the language used in the justice system. It also claimed that court facilities excluded women's needs and circumstances, in particular as victims of sexual violence (Moult 2000: 14).

To confront these issues, the Gender Policy Statement made three recommendations: First, substantive laws regarding sexual violence were due for review, including the definition of rape. It was noted that definitions of rape and other sexual offenses presented obstacles for ensuring justice. The restrictive meaning of rape excluded many forms of sexual abuses against women, and the cautionary rule treated women as unreliable witnesses. Second, the government required evaluation of judicial procedures for sexual violence cases. Third, the government, through this policy statement, recommended that structures within the judicial system change to ensure justice for victims and a fair trial for the accused. The publication of the Gender Policy

Statement influenced the South African Law Commission (SALC) to conduct an extensive study about rape and to propose new legal definitions of rape and consent.

Until the passing of the new Sexual Offenses Act, the legal definition of rape in South Africa had not undergone any substantial revisions since 1957. It defined rape as an act “committed by a man having intentional unlawful sexual intercourse with a woman without her consent” (South African Law Commission 1999: 69). The South African Law Commission, in its proposal released in 1999, viewed this definition as problematic for three reasons: First, the law was gender specific. For a prosecution to take place, rape had to occur only between a woman and a man. With this definition, it was not possible for men to be victims of rape, and a woman can never be accused of being a perpetrator. These factors limited the number of potential cases prosecuted.

Second, for a woman to charge a man with the crime of rape, sexual intercourse had to occur with penetration of the vagina by the male penis. Acts including insertion of the penis into other orifices of the female body, or placing objects into the vagina, did not constitute rape (South African Law Commission 1999: 72), and such circumstances did not lead to prosecution.

The third problem the Commission noted was the definition related to consent. Intent and awareness were two important elements that the prosecution must prove to guarantee a rape conviction. A man had to “intend” to have sexual intercourse with the woman with the awareness of the possibility that she would not consent (South African Law Commission 1999: 73). This factor caused many problems especially in cases of marital rape (Posel 2005: 24).

While “consent” was not explicitly defined, “absence of consent” was described as physical resistance on the part of the female. The essence of “rape” lies in the fact that sexual intercourse occurred without consent—whether due to “fear, force or fraud” or the mental

inability to express consent (South African Law Commission 1999: 69–74). While consent was recognized as a ground for the legal justification for sexual intercourse with a woman that excluded unlawfulness and therefore criminal liability, absence of consent was not one of the essential elements that the prosecution had to prove beyond a reasonable doubt (South African Law Commission 1999: 74).

Since the apartheid era, and during the democratic transition, several South African feminist scholars extensively criticized South Africa's law on rape (Colleen Hall 1988; Desirée Hansson 1991; Kathryn Ross 1993; Managay Reddi 1994). Focusing on the politics surrounding the definition of rape, Colleen Hall argued that the most important factor is coercion. Gaining sexual access through coercion is the fundamental principle of rape (Hall 1988: 69). Once this is recognized, "rape" can occur between two people (or more) of the same sex and can include other acts besides sexual intercourse. If coercion is the fundamental principle of rape, then it is possible that a husband can rape his wife. Building on Colleen Hall's analysis of coercion, Desirée Hansson concurred that coercion is the fundamental benchmark to determine if rape occurred. According to Hansson:

Truly consensual sexual activity requires independent, equal parties and a context in which neither can coerce the other. Given the economic dependence of many women on men (or at least their relative economic weakness), and men's stronger social, organizational and physical power, the sexes can rarely meet on a footing of complete equality (1991: 85).

The concept of coercion accentuates violence rather than mutual agreement to sexual activity. Kathryn Ross (1993) argued that limiting the definition of rape to sexual intercourse reduces the offense to an act of sex rather than violence. Ross claimed that the current definition also exhibits and assumes male dominance in heterosexual relations. This overall dominance

was further illustrated by the creation of the cautionary rule that allows the prosecution to introduce testimony in the courtroom about a woman's past sexual behavior.

Proving consent and the cautionary rule left women at a disadvantage in the courtroom, according to Managay Reddi (1994: 173). She argued that the perception of rape in the present law assumes that an act of "normal" sex is heterosexual sex with vaginal penetration by the penis. To overcome these problems, Reddi proposed that the law of rape should expand to include all forms of sexual attack and other acts of sexual penetration. She also proposed gender neutrality regarding the rape survivor and the perpetrator. Finally, she proposed that the element of consent be removed from the definition (Reddi 1994: 173). All of these factors were present in the proposed new legal definition of rape and consent.

### *New proposed legal definitions of rape and consent*

In 1999, the South African Law Commission recommended the creation of a statutory provision to replace the common law of rape. The purpose was to address the extensive criticism of the current definition. Before the Sexual Offenses Project Committee drafted the proposed definitions, they examined the development of rape law reform movements in foreign jurisdictions, mainly in the West. The Committee analyzed rape statutes that included definitions of rape and consent in the United States, Canada, Australia, New Zealand and Namibia (South Africa Law Commission 1999: 89–112). They noticed that the recent laws adopted in these jurisdictions shared a general trend to broaden the definition of rape (South African Law Commission 1999: 88). These changes in the jurisdictions of other nations, including the United States, were characterized by three factors. First, there was a shift away from the perception of rape as a crime against "public morals" and toward a perception of rape as



an offense against the personal dignity and sexual autonomy of an individual complainant. Second, rather than view rape as a sexual crime, the new law saw it as a crime of violence. Third, instead of questioning whether the complainant consented to the sexual act, the new law focused on whether the accused used force to have sex with the complainant (South African Law Commission 1999: 89).

An example illustrates the 1970s rape reform movement in the United States: Michigan and Illinois proposed and adopted new comprehensive statutes that introduced new models for consent. In 1974 Michigan adopted a law on rape that focused on the circumstances in which sexual penetration took place (South African Law Commission 1999: 95). Under this approach, the prosecution has to prove only that there was sexual penetration or some other form of sexual contact in “coercive circumstances.” The prosecution does not have to prove that there was also a lack of consent on the part of the complainant (95–96). The justification offered for this reform was that it would lead to less of a focus on the consent issue, particularly when a weapon was involved or significant violence was used (South African Law Commission 1999: 96; IL Statute ch38, paras 12-12 to 12-18, 1984).

In 1984, Illinois adopted a statute similar to Michigan’s, but offered a definition of consent. According to this definition, consent means free agreement to the act of sexual penetration or sexual conduct. Lack of verbal or physical resistance by the victim upon the use of force or threat by the accused shall not constitute consent (IL Statute ch38, paras 12-12 to 12-18, 1984). In addition, the burden of proof of consent is placed on the accused instead of the complainant (IL Statute ch38, paras 12-12 to 12-18, 1984). Such concepts, reflecting the notion of “coercive circumstances” and the idea that rape is a crime against an individual’s personal

dignity, were part of the proposed legal definitions of rape and consent written by the South African Law Commission.

South Africa's proposed statutory provision eliminated and replaced the distinction of the act of rape as being only one committed by a male against a female, placing the emphasis instead on gender neutrality. It stated: "Rape is committed by *any* person who intentionally and unlawfully commits an act of sexual penetration with another person" (South African Law Commission 1999: 118). The proposal also broadened the range of types of acts that fit into the rape category by substituting the term "sexual penetration" for the term "sexual intercourse." Sexual penetration of the vagina was no longer the only act that could constitute rape: the definition would now include penetration of any orifice of the body (South African Law Commission 1999: 115). In a separate provision, the Commission recommended that the burden of proof of consent shift from the victim to the defendant if it were established that an unlawful sexual act occurred and took place in "coercive circumstances" (South African Law Commission 1999: 125–6).

### ***From consent to "coercive circumstances"***

Consent is an important factor to consider when examining the law of rape. In 1999, to establish a court of law in South Africa that rape had taken place, the prosecution had to prove beyond a reasonable doubt that the victim did not willingly consent to sexual intercourse with the accused (South African Law Commission 1999: 95). Critics of this restriction raised two arguments. One argument was that such a requirement leads to excessive focus on the victim's behavior rather than the alleged conduct of the accused during the rape trial.

The second argument was that the courts in general find it difficult to interpret the meaning of consent. Courts often rely on stereotypical notions about women and their past sexual behavior to decide if an accused is guilty of rape. This factor demonstrates the persistence of the old rape myths that assume that a woman motivated by revenge, blackmail, jealousy, guilt or embarrassment often falsely claims rape after having consented to sexual relations. Consequently, a woman cannot be believed in a court of law. As a result, prosecutors ignore many cases in which consent is ambiguous. Cases involving acquaintance rape are usually subject to scrutiny and often are not prosecuted because of questions related to consent (South African Law Commission 1999: 115).

In order to acknowledge these criticisms, in 1999 the South African Law Commission proposed “coercive circumstances” as an approach to remedying the problem of defining consent. Once it is established that a person acted unlawfully and that a sexual act occurred, the burden of proof is placed on the accused to prove that the victim consented. The accused must prove that his or her actions were justified. This approach requires the prosecution to prove that sexual intercourse took place in “coercive circumstances” rather than “without consent” (South African Law Commission 1999: 117).

The Commission’s choice of the term “coercive circumstances” implies that physical force or threats are only two of the forms coercion can take. Other forms of exercising power over another person are emotional, psychological, economic, social or organizational domination. The notion of coercive circumstances also protects individuals to the extent that a person, male or female, is unable to recognize the nature of an act of sexual penetration or is unable to resist the perpetration of such an act. It also protects those who are unable to indicate their unwillingness to participate in such an act (South African Law Commission 1999: 120).

While the removal of “absence of consent” from the definition of rape may have symbolic importance, it is important to acknowledge that evidence constituting coercion may continue to focus on the conduct of the victim (Artz and Combrink 2007: 317). Even when the state proves the existence of coercive circumstances, the accused may raise the defense of consent on the part of the victim. It is difficult to think of situations in rape cases where the victims’ conduct would not be under scrutiny.

Although the inclusion of coercive circumstances in the proposed bills in 1999 and 2003 reflected a universal and international trend in finding a solution to confront questions of sexual consent, that provision was removed in the 2006 bill. It was inserted again right before the adoption of the 2007 Sexual Offenses Act, but in the end, it was not included. “Rape” as now defined in the new Sexual Offenses Act is “an act committed by any person (“A”) who unlawfully and intentionally commits an act of sexual penetration with a complainant (“B”) without the consent of (“B”) (Criminal Law (Sexual Offenses and Related Matters) Amendment Act, No. 32, 2007). “Consent” was not explicitly defined.

The use of specific Western linguistic concepts and definitions influences and shapes the construction of sexual violence and sexual identity. Notions of gender neutrality, coercion and consent are two ideas transplanted from the West into South African society. This use represents attempts to universalize sexual practices and identity. Language and discourse concerning Western definitions of gender neutrality, rape and coercion in non-Western contexts represent a Western construction of sexuality in societies organized around very different cultural ideologies and constructs of the person (Elliston 1995: 861). These constructions are inappropriate at best and grossly distorted at their worst (861). In the case of South Africa’s new definitions of rape and consent, the law created language that articulates acceptable and unacceptable practices.

South Africa's proposed law on rape is based on Western practices rather than those that predominate in the local setting. The use of the term "gender neutrality" also represents the influence of the international gay movement and its efforts to universalize and impose the meaning of gay on non-Western societies (Massad 2002: 361). This movement followed in the footsteps of the international feminist movement with its proselytizing approach to universalize "feminism" and gender equality.

### *Changes in the proposed sexual offenses bill*

After the South African Law Commission released the recommended proposals for legal definitions of rape and consent, the draft bill underwent several revisions and additions. The Bill on Sexual Offenses experienced several revisions and additions after the original draft in 1999. These included giving rape victims access to treatment to prevent HIV infection, providing counseling to rape survivors, formulating a new definition of consent and criminalizing the non-disclosure of HIV/AIDS status. Although the South African government publicly endorsed the recommendations for providing access to HIV infection prevention treatment and counseling services, it failed to implement programs executing these two proposals.

In 2001, the South African Law Commission recommended free access to Post Exposure Prophylaxis Treatment (PEP) to survivors of sexual violence. Post Exposure Prophylaxis is a type of preventative antiviral therapy for human immunodeficiency virus (HIV). It is designed to reduce, but cannot eliminate, the possibility of infection by the virus after exposure. It is best administered as soon as possible after rape, but to be effective, it must be administered no later than seventy-two hours afterward (IRIN News: May 1, 2007; South African Law Commission 2001: 113). The 2001 version of the bill recommended that all rape survivors have access to

PEP treatment within seventy-two hours after exposure. The Commission also suggested that rape survivors receive treatment for the prevention of pregnancy and other sexually transmitted diseases and counseling for psychological distress resulting from the rape experience (South African Law Commission 2001).

The South African government pledged in 2002 to provide PEP to rape survivors (Schleifer 2004: 1), but the government did little to provide information to professionals, the public and rape victims about the availability of treatment. Even professional service providers in the health and legal sectors did not have adequate knowledge and training about PEP. As a result, agencies charged with providing services to rape survivors were unaware of treatment availability (Schleifer 2004:1; Kim, Martin Denny 2003). After extensive discussions with and pressure from organizations and activists that focused on counseling rape survivors, the South African Cabinet approved a plan in late 2003 to provide antiretroviral drugs (ARVs) as part of its national AIDS campaign (Schleifer 2004: 2).

In May 2007, the National Working Group on Sexual Offenses issued a report of its recommendations to the South African Human Rights Commission (SAHRC). The report included data collected from a recent survey investigating rape survivors' access to PEP treatment. This report confirmed that South African rape survivors were neither accessing nor receiving antiretroviral treatment, primarily because health personnel at government health facilities lacked knowledge about PEP. More important, the data illustrated that basic PEP treatment procedures were not available at most government health facilities (IRIN News: May 1, 2007).

The National Working Group on Sexual Offenses found that medical personnel failed to acknowledge the importance of medical attention after a woman experienced rape. Almost one-

third of government health practitioners working at thirty-one rape centers throughout South Africa stated that they did not consider rape a serious medical condition. If the rape had not been reported to the police, health personnel at these centers refused to administer medical treatment in the form of post-exposure prophylaxis (IRIN News: May 1, 2007). Lisa Vetton, Tshwaranang Legal Advocacy's Center's senior researcher and policy manager, said, "Given the seventy-two - hour time frame in which PEP must be administered for effectiveness, this reluctance by healthcare workers usually has far-reaching consequences for survivors" (IRIN News: May 1, 2007). Overall, government medical facilities in South Africa were very unwelcoming toward rape survivors.

Many services for rape victims are located in the casualty (emergency) sections of hospitals (IRIN: May 1, 2007). Fewer than half of the facilities surveyed (which represented 47.4 percent) had private rooms available for examining rape survivors. Lisa Vetton described these hospital wards as "very noisy, busy, bloody and frightening. They are precisely the departments most unsuited to deal with rape patients. This is hardly an ideal environment for someone in the state of shock" (IRIN: May 1, 2007). Needless to say, the government's lack of support for PEP demonstrates the need for better protection for rape survivors.

By 2003, the proposed Bill on Sexual Offenses was finally included on Parliament's agenda. With the legislation already on the Parliamentary agenda, in 2004 the South African Law Commission adjusted the definition of consent and added a criminal non-disclosure clause for HIV status. Consent was now defined as "free agreement" (South African Law Commission: 2004) and excluded the notion of coercive circumstances. The clause declared that "a person (A) who engages in intimate contact with another person (B) and intentionally does not disclose to B that he or she has HIV or AIDS is guilty of the offense of criminal nondisclosure (South African

Law Commission: 2004). After the national elections in 2004, Parliament postponed discussions and debate regarding the proposed bill. It was not until 2007, one year after Jacob Zuma's trial and acquittal, that the Bill on Sexual Offenses was finally debated in Parliament.

On Thursday, December 13, 2007, President Thabo Mbeki of South Africa signed the Sexual Offenses Act into law (Rondanger: December 17, 2007). The law broadens the legal definition of rape adopted in 1957 by acknowledging that rape can occur not only between a man and a woman, but also between two people of the same sex. The law also recognizes that rape can include other penetrative acts besides sexual intercourse. Advocacy groups reacted to the adoption of the act with some hesitancy, causing heated debates and controversy. Some argued that the new law was a watered-down version of the original bill presented and recommended by the South African Law Commission in 1996 (Rondanger: December 17, 2007).

Those who opposed the law had three main objections. The first involved the prosecution of sexual offenses against children. Some nongovernmental organizations believe that the legislation failed to protect children who were victims of sexual offenses. Joan van Niekerk, national coordinator of Childline South Africa, and Samantha Waterhouse, advocacy manager of Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN), stated that the requirement that children testify in a court of law in the presence of defendants accused of their sexual abuse fails to shield the children from harm (Rondanger: December 17, 2007; Baily: December 18, 2007).

The second objection aimed harsh criticism at an addition to the law concerning adolescent sex. The new law forbids consensual kissing or "light" sexual behavior between teenagers under the age of sixteen. Oral sex between consenting teens fifteen years of age and under is also illegal, even if it is consensual (Rondanger: December 17, 2007). Some activists



believe this new law is unreasonable because it turns many teenagers into criminals. Others expressed concern about how the new law regulating the sexual behavior of teenagers would be enforced (IOL Reporter: December 17, 2007; Rondganger: December 17, 2007).

Representatives from the Justice Department in South Africa argued that the purpose of the new law was to protect children from sexual exploitation (Nicholson: January 12, 2008). Prosecution is more likely to occur if the age difference between the two offenders is more than two years. Zolile Nqayi, a Justice Department spokesman, stated: “With an age difference of more than two years, both offenders would face prosecution, even if their sexual acts, including kissing, were consensual” (Nicholson: January 12, 2008).

Some adolescents organized online groups to express their opposition to the legislation. The largest organized group, Everyone Against the New Kissing Law, made its debut on Facebook on December 18, five days after the law became effective. Leaders of the organization boasted that it had attracted seventeen thousand members—approximately one thousand joining every day (Nicholson: January 12, 2008). On January 5 and 6, 2008, the organization staged a “kissathon” at a shopping mall in the Gauteng province<sup>12</sup> to protest the new ordinance. Police did not make any arrests (Nicholson: January 12, 2008). Critics’ last objection was that Parliament had held no public hearings before voting on the final version of the Sexual Offenses Bill (personal email communication with Joan van Niekerk: January 20, 2008). Rape survivors and organizations that work with victims had had no opportunity to testify about their experiences even though public hearings had become an integral part of the legislation process in South Africa since the country’s democratic transition.

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<sup>12</sup>Gauteng province is north of KwaZulu Natal and encompasses the city of Johannesburg.

Other opponents griped that the most recent version of the bill failed to address the issue of HIV/AIDS for rape survivors. Some activists question whether the Sexual Offenses Bill was an act of populism or protection for rape victims (Rohrs: June 6, 2007). Steffir Rohrs, a lawyer and researcher at the Gender, Health and Justice Research Unit at the University of Cape Town (UCT), writes about the bill's failure to mention access to post-exposure treatment. He argues that the latest version of the bill, which is now law, is not effective in reducing secondary victimization of rape complainants. Instead, the legislation speaks to compulsory HIV testing for alleged sexual offenders, but not for victims.

The bill says rape victims may submit a request to have an alleged sex offender undergo compulsory HIV testing within ninety days from the date of the alleged offense. The victim gives the application to the investigating officer, who submits it to a magistrate. The magistrate must order an HIV test if he or she believes that a sex offense was committed and that the victim may have been exposed to the bodily fluids of the alleged offender. The results of the test will be communicated to the alleged offender and the applicant (Rohrs: June 6, 2007).

During the draft process of this particular version of the Sexual Offenses Bill, experts debated the necessity and implications of compulsory HIV testing for alleged sex offenders. Some emphasized the emotional relief that this test provides for victims. Others argued that these tests empower victims. Still others brought up the fact that rape victims have a right to know the HIV status of the alleged rapist. The majority was opposed to compulsory HIV testing for several reasons.

The first objection was that victims would not necessarily benefit from compulsory HIV testing of alleged sex offenders. Most of the experts believe the test does not enable victims to make "informed medical, lifestyle and personal decisions," as the bill proposed. Decisions that

are medical or personal cannot wait until the results of the test. As I noted earlier, PEP needs to be started within seventy-two hours after the assault. To guarantee the maximum possibility of effectiveness, medical doctors recommend that treatment should be administered within six hours of the rape (Rohrs: June 6, 2007).

Concerns regarding the reliability of the mandatory HIV test also were expressed during a closed session legislative debate. Some participants said HIV testing was not a reliable tool for learning the alleged sex offender's HIV status because the accused might be in the "window" period and test negative for HIV. The window period also explains why there is little comfort for a rape survivor if the results of HIV testing are negative. Victims may learn at a later time that they are HIV-positive. Experts also pointed out that victims' vulnerability might increase. There is no requirement that the alleged offender be arrested or that a warrant for an arrest be issued when the victim submits an application for compulsory testing of the accused rapist. Another problem is that it is unclear whose responsibility it is to locate the alleged offender, leaving the personal safety of the victim at risk of harassment, intimidation or further harm by the that person as a result of initiating the compulsory testing process (Rohrs: June 6, 2007).

Finally, the bill states that a person who, with malicious intent, lays a charge in respect of a sex offense, or requests an HIV test of the accused, is guilty of a criminal offense and is liable to a fine or imprisonment if the accused is found not guilty or obtains negative results from HIV testing. The number of reported rape cases that end in conviction in South Africa is between 5 percent and 9 percent. Most alleged offenders go free after criminal proceedings. Under these circumstances, those who are acquitted and who were forced to undergo compulsory HIV testing have the right to sue the victim for damages or to have him or her prosecuted for requesting an HIV test with malicious intent. These provisions may not only deter victims from applying for

compulsory HIV testing, but may prevent them from reporting the rape. These provisions seem to shift the blame to the victim, thereby criminalizing their conduct (Rohrs: June 6, 2007).

Unfortunately, no one listened when these concerns were presented to the Justice Portfolio Committee. Rohrs believes these debates about provisions in the Sexual Offenses Bill demonstrate how populist ideas outweigh common sense in politics (June 6, 2007). It also seems that populist ideas override the everyday experiences of women and men and reduce the importance of the law by focusing on trivial matters such as adolescent kissing.

### *Conclusion*

This chapter outlined and described three stages of ideological and cultural imperialism that were embedded in South Africa's democratic transition. The first stage consisted of strong influence by the Western constitutionalists in pressuring participants during the constitutional negotiations to adopt Western principles of human rights as the foundation of the creation of South Africa's new constitution. The second stage involved the influence of the international feminist movement on South Africa's national women's movement in shaping local definitions of human rights and feminism. The third stage of ideological and cultural imperialism consisted of the transplantation of laws from the West, including laws on rape, sexual coercion and consent and sexual identity.

From its initiation in the early 1990s to 1996, conflict and tension dominated South Africa's legal transformation. Beginning with the Western constitutionalists who brought their principles of human rights to the international feminists, the goal of each movement was to produce a country in the image and likeness of the West. Each movement ignored the differences in South African society—its history and its political, economic and liberation

struggles. Both movements ignored South Africa's cultural and language differences and the country's enormously complicated racial and class politics. The Western constitutionalists universalized definitions of freedom and equality, while the international feminists universalized the meaning of feminism. These Westerners ignored the fact that there were local meanings of these terms. South Africa adopted definitions of rape, sexual coercion, consent and sexual identity based on laws in the United States, but ignored cultural, historical and political specificity. Ignorance of cultural, social and sexual practices when creating laws has severe consequences for those who are its subjects.

### **Chapter Three: Changing Gender Relations in Zulu Society**

The previous chapter provided the background for various legal systems in South Africa and their relation to women's equality and the law regarding rape before and immediately following the country's transition to democracy. This chapter provides historical background on some practices within the sex/gender system in Zulu society. I examine the social and economic significance of these practices within the particular historical context. John Comaroff and Simon Roberts (1981) remind us that practices change over time due to the actions of their adherents. I argue two points in this chapter. First, many discursive interpretations of local practices related to gender and sexuality within Zulu society fostered unequal relations between women and men during South Africa's colonial era. And second, the structure of the apartheid economy was designed later to keep black South Africans in abject poverty as low-wage laborers. These policies, maintained through structural violence, became an integral part of a system that exacerbated unequal relations between women and men. As a result, many black South African women and men changed their everyday practices in and out of the household to secure their own survival and their children's survival. Legal discourse and the adoption of national policies played an important role in regulating their behavior for survival.

One of the first discursive interpretations of local practices was the codification of Zulu customary law. The construction of ethnicity by colonial and indigenous rulers led to subordinating women further by using what was termed "traditional law" (Unterhalter 1995). In Natal, and later Zululand, a document called the Shepstone Code claimed to be a codification of traditional Zulu law. It defined the relationship of unmarried, non-Christian women to private-

property owners as perpetual minors. This proclamation prevented many women from owning land or entering into any contract in their own right (Unterhalter 1995: 221). It was policies like these that influenced society's views of women's status and the changing social relations between women and men in Zulu society. It is important to remember that sexual violence against black women by white or black men was not considered illegal in civil law at this time.

South Africa's history is complex in that it consists of several political and economic shifts from the late nineteenth century to the end of the twentieth century. Beginning in 1814, British sovereignty in South Africa dominated the early nineteenth century. By the end of the nineteenth century, particularly after 1870, British imperialism expanded with exploration and the discovery of minerals, diamonds and gold deposits in the Southern African interior (Thompson 1990: 52, 110). By 1889, Cecil Rhodes' British South Africa Company (BSAC) had been approved by the British government as a charter company. With support from the British government, the company was empowered to exercise political and administrative rights under the Crown (Gailey 1958: 24; Thompson 1990: 138). The objectives of the BSAC were to promote trade and commerce while also developing and managing mineral and other concessions (Gailey 1958: 22). South Africa became an important contributor to the world economy at this time. Mineral discoveries stimulated the growth of industries and of populations in cities such as Kimberly, the city of diamonds, and Johannesburg, the city of gold (Thompson 1990: 110–11).

At the same time as mineral discoveries were becoming known in the areas where the cities of Johannesburg, Pretoria and Bloemfontein are located, also known as the Transvaal and the Orange River Colony (now known as the Orange Free State), those areas were experiencing an influx of Afrikaner immigrants from the Dutch-settled Cape Colony. In a migration known as the Afrikaner Great Trek (1836–54), many Afrikaners relocated to those areas after the

promulgation of a British policy that deprived Afrikaners of control over black slave labor in the Cape Colony. Other Afrikaners were forced to leave the Colony because they had lost land in the frontier wars between the Khoi and the Xhosa that ended in 1835 (Keegan 1996: 120). The new inhabitants sought to establish an independent state free from British control and domination (Keegan 1996; Thompson 1990). They were able to have the Transvaal (in 1852) and the Orange Free State (in 1854) recognized as republics. But the ongoing political conflict gradually intensified after the discovery of minerals as British prospectors flocked in and some members of the Afrikaner population persisted in their efforts to maintain cultural and political independence (Thompson 1990: 88, 138). One result of this ongoing struggle was the creation of a pan-Afrikaner nationalist ideology that ultimately became the basis of the formalization of the apartheid system in South Africa in 1948 (135).

Before 1896, the affairs of southern Africa had never held the attention of the British public and the British government for more than brief intermittent episodes (Thompson 1990: 132). At the time, a British cabinet dominated by the Liberals was preoccupied with domestic problems, the Irish question and the intricacies of European diplomacy (132). But by the end of 1895, British politicians had become increasingly alarmed about the political dynamics in southern Africa. British industrial power relative to other Western nations was in decline. Germany's aggressive diplomacy and a rise in the popularity of excessive British patriotism were additional factors that contributed to Britain's realization that the recent mineral discoveries included the greatest known source of gold in the world (138). Alone, the asset of gold had the potential to boost Britain's economic power and the perception of Britain as a dominant force in the world. After the Conservatives replaced the Liberals in a general election in June 1895, the



“problem” of the Transvaal Republic became a priority on the British government’s political agenda (138).

By the late nineteenth century, essentialist ideas about race and ethnicity had fully shaped and influenced political ideology in Western nations. Political officials in Britain such as Sir Alfred Milner, who was appointed by the Lord Chamberlain as high commissioner in South Africa, believed that the “British race” had a moral right to rule other people, including Africans and Afrikaners (Thompson 1990: 140). Milner was keenly aware of Britain’s overall global decline and the global significance of the Transvaal gold mining industry (140).

Afrikaner reformers were eager to maintain peace with the British through diplomacy. The Transvaal government attempted to settle the dispute through direct negotiations with leaders of the mining industry. By this time the Transvaal and Orange Free State governments were convinced of Britain’s determination to destroy the independence of the Transvaal region and bring these rich lands back under British dominion (Thompson 1990: 140). For months, the Cape colonial government tried to ward off violent conflict, but the British persisted. In the end the British went to war to reestablish its hegemony throughout southern Africa. The republics responded in their own interest to preserve their independence (141).

When the South African War (or the Boer War, as it is often referred to) began in 1899, the British expected an easy victory (Thompson 1990: 141). Even though the Transvaal government had imported substantial stocks of artillery and rifles from Europe, once the fighting began they could not access shipments to replenish their arms because the Royal Navy controlled the seas (141). There was also great numerical disparity between the large number of organized British troops and the inadequate size of the military of the Transvaal republics. At the outset, there were about twenty thousand British troops, but by the end of the war approximately four

hundred and fifty thousand men had served. In comparison, the republics mustered no more than eighty-eight thousand fighting men during the war, including twelve thousand Cape colonists (141–42). In spite of this disadvantage, the republics held the British at bay for two and a half years (141).

By 1900, the Boer War was marked by British victories. They occupied Bloemfontein, Johannesburg and Pretoria. They had also captured approximately four thousand men. In December, the British proclaimed rule over the two republics, the Transvaal and the Orange Free State. The British were confident that the war was virtually over (Thompson 1990: 142). But the British had miscalculated.

The republics resorted to guerilla warfare, and the British massively retaliated. Living off the land and organizing in small, mobile commando groups, the Afrikaners seized British supplies, cut railroad tracks, and overwhelmed small British units (142). The British responded with a scorched earth policy. They burned Afrikaner crops and destroyed thousands of hectares of farmland (Thompson 1990: 142–3). Much of the civilian population was imprisoned in camps, where thousands died. It is estimated that as many as twenty-eight thousand civilians, mostly children, died of diseases that included dysentery and measles. All of these methods gradually undermined the capability of the republics (143). By 1902, because of deaths, captures and desertions, the fighting power of the republics declined to about twenty-two thousand men who were undernourished, exhausted and dispirited (143).

On May 3, 1902, the Peace of Vereeniging was signed in Pretoria, officially ending the war (Thompson 1990: 143). Lord Milner played a key role in drafting the terms of the treaty. The agreement established that the British ruled the former colonies autocratically without popular participation. The former republics would join the Cape Colony and Natal in a self-

governing dominion that would serve as a source of economic and political strength to Britain (143). More importantly, Lord Milner included in the treaty of the Peace of Vereeniging one major concession. It concerned the question of granting the franchise to natives. This decision would not be made until after the introduction of self government. The white inhabitants of the Transvaal and the Orange River Colony were themselves to decide whether to enfranchise their fellow black subjects. In the end, the white inhabitants of the Transvaal and the Orange Free State chose to exclude blacks. The republics never allowed blacks to vote. The prescription recommended by Lord Milner was to encourage internal self rule by a self-governing white community supported by “well treated and justly governed black labor” (Thompson 1990: 144). By 1908 British rule had ended and the Transvaal and Orange Free State had gained independence. But the treaty of the Peace of Vereeniging had long term effects on relations between Afrikaners and black inhabitants of South Africa.

By the early twentieth century, several South African colonies came together to initiate internal self rule. On May 31, 1910, representatives from the Cape Colony, Natal, the Transvaal and the Orange Free State joined and agreed to form the Union of South Africa (Thompson 1990: xix, 152). The period of internal self rule from 1910 to 1947 resulted in the enactment of government policies that embraced and foreshadowed the initiation and culmination of the apartheid system. The system of apartheid was formalized into law in 1948 (Thompson 1990).

From 1948 to the late twentieth century, the effects of apartheid policies in the economy adversely shaped social relations between black South African women and men. The policies that were implemented forced many black South Africans off the land and into urban areas to work in industries as low-wage laborers, but kept them in conditions of abject poverty. The structural violence that was an integral part of these policies exacerbated unequal relations

between women and men. Local sexual practices in the public sphere and within homes changed because of the changing economic structure and its associated policies. These changes at times triggered conditions that made sexual violence a common occurrence.

A thorough examination of the causes of sexual coercion requires an analysis of gender relations and sexuality from a micro-perspective within the domain of the household and from a macro-perspective that focuses on practices in the public sphere of the wider social world. Weaving together anthropological and historical scholarship with social theory on kinship practices, the household and family structure in South Africa, I will briefly turn to some of the classical anthropological works on this region to examine relations between women and men. I will examine the effects of the changing political economy on gender relations during the pre-apartheid and apartheid eras. By examining ethnographies from this period, I will focus on interpretations and academic discourses of traditional Zulu practices in reference to gender relations in the household, including premarital and marital relations. Written and compiled by Europeans, and Africans educated by Europeans, these ethnographies of the early- and mid-twentieth century represent some of the initial documentation of Zulu society, particularly with regard to everyday practices. Therefore, we must read between the lines to comprehend the “on the ground” gender/sexuality relationships.

Once again, the position of these scholars influenced how various situations were interpreted. Many white South African anthropologists wrote ethnographies during internal self-rule and after the formalization of apartheid to illustrate how apartheid policies destroyed African communities (Krige 1936; Murray 1987, 1981; Spiegel 1985, 1991). Others working for the Department of Native Affairs pushed a different agenda of maintaining the white-dominated rule of African people, who were characterized as “other” (Kohler 1933). But some black South

African anthropologists (Vilakazi 1962; Rampele 1993) became acquainted with the communities they were studying and gained access to information that white South African anthropologists would have been able to obtain only with difficulty. These black South African scholars provide a different perspective on the lives of black South Africans during apartheid.

*Discourses and practices: changes in “traditional” Zulu practices and gender relations in the pre-apartheid and apartheid eras*

Capitalism sparked complicated changes in Zulu family structure. Eileen Jensen Krige’s study, *The Social System of the Zulus* (1936), sought to document Zulu traditions during a time of colonial domination. Krige’s ultimate goals were, on the one hand, to advocate for the preservation of traditional Zulu society, and on the other hand to call attention to the potential destruction of these traditions by the pre-apartheid economic and political system. Along with examining anthropological observations during this period, I discuss scholarship by historians on the effects of the [Great] Depression on sexual behavior in South Africa.

Krige’s observations address the period of time after the British government relinquished control of South Africa in 1910 and before the culmination of apartheid legislation in 1948. During those years, the South African economy weathered the Great Depression (Thompson 1990: 154), which had its hardest impact on the lives of black South Africans. Overall, the transition in South Africa from an agricultural economy to an industrial economy incorporated black Africans, but on asymmetrical terms compared to whites. The economic shift resulted in a demand for low-wage workers on mines and in the cities. Forced to leave their homes in rural areas for meager employment and earnings, black African men experienced long periods of separation from their families (Thompson 1990: 110–11).

Absolom Vilakazi (1962), a Zulu anthropologist and a student of Krige's, wrote about the conditions of blacks in the Nyuswa Reserve in KwaZulu Natal at the beginning of apartheid in the 1950s. He notes how economic structures external to the household influenced gender and sexual relations between women and men. In particular, two processes played a prominent role: Christianity and labor migration. I examine the influences that these two processes had on premarital practices, family structures and sexual practices in premarital and marital relations.

Writing in a voice of romantic primitivism in, Krige focuses on kin practices and relations between women and men as well as sexual behavior in the household. Distinctions between the physical structure of the house (*indlu*) and the internal space of the home (*umuzi*) can be traced historically throughout Zulu society. It was the man's responsibility to provide a "house," but it was the wife who transformed this space into a "home," a place that offered warmth to children, relatives and visitors (Gwagwa 1998: 45).

Kinship relations within the household in Zulu society were shaped by distinctions based on gender and age. Because the father usually held the power and authority, the *baba*, or father, was respected and feared, whereas the mother, *mame*, possessed less authority. She was shown less respect, particularly by her sons. Age and sex created differentiation between siblings, and these distinctions were evident in kinship terminology. A man, for example, called his elder brother *umne* and his younger brother *umnawe* or *umfo*; but he called his sister, whether younger or older, *udade*. Respect was mandatory for an elder brother, and the terminology distinction between younger and older brothers illustrates this point (Krige 1936: 24).

Women displayed the actions of *hlonipha*, or "giving respect," by their choice of clothing and displays of bashfulness. Women were much more restrained by "respect" than men. A married woman displayed *hlonipha* to her husband, her father-in-law and all his brothers, her

brother in-law and all other wives of her father-in-law. In their presence, she covered her upper body entirely and studiously avoided eye contact. Girls and women practiced *hlonipha* through speech by avoiding using standard kinship terms when speaking to their senior male relatives, substituting other terms. According to Krige, some older women were released from practicing *hlonipha* of speech and permitted to engage in some of the same privileges enjoyed by men (1936: 30).

Absolom Vilakazi's work in the 1950s further developed Krige's analysis. His work focuses on changes in Zulu society resulting from the introduction of Christianity and economic shifts that resulted from the formalization of apartheid. Vilakazi's analysis of many Zulu practices offers a different perspective than that of his white Western teacher, Eileen Jensen Krige. He defends *hlonipha* by arguing that it did not represent subordination, as popularly believed, but rather that it was a practice that built up the status of a young woman in the family. *Hlonipha* demonstrated that a woman was well behaved and capable of displaying her ability as a socialized person in normative cultural forms (Vilakazi 1962: 26). He concurs with Krige that only women past childbearing, who had achieved prestige and respect because of their *hlonipha* behavior, were permitted release from these customs (Vilakazi 1962: 27).

In reference to sexual relations, Krige notes that it was not unusual for children under the age of puberty to engage in full sexual intercourse (1936: 106). Vilakazi, writing later about Zulu social organization, also acknowledged the existence of premarital sexual "play," known as *soma*, between boys and girls during their early stages of puberty. *Soma* was the Zulu customary practice of "intercrural" (between the thighs) intercourse, not full coitus (Vilakazi 1962: 53). Krige (1968: 174) describes *soma* as a custom requiring considerable self-control and muscular effort on the part of the girl. Writing decades later, Suzanne Leclerc Madlala, a white

anthropologist born in the United States but now living in South Africa, emphasized that there was never any mention in early ethnographic works of the sexual release or pleasure that *soma* activity may have provided for young women. In these early works, it is clear that *soma* was about pleasing men. It was a woman's responsibility to maintain the balance between giving men pleasure through her body and guarding her virginity until marriage (Madlala 2001: 544).

Krige also suggests that young men often requested external forms of sexual intercourse with their female "sweethearts." According to her analysis, girls did not often refuse, and their parents often encouraged the act. The promise of marriage ensured parents' acceptance of boys' external intercourse with their daughters ( Krige 1936: 105).

Within the public sphere, the custom of *shela*, or "courting" speech, was used to control young women's behavior. According to Krige, the practice of courting began after a girl's first menstruation, which usually occurred around the age of fourteen (1936: 104). Young men took notice of young girls, but girls were not permitted to respond to them until the older girls of the village, who already had sweethearts, granted permission. To demonstrate how strict the speech code was for young girls, Krige cited an example of a young man twisting a girl's arm to make her speak. The young girl would not even say, "Leave me alone"; she simply kept quiet (Krige 1936: 104).

Another example that Krige cites to give context to the strict codes of verbal communication for young women during courtship is a story told to her by a herd boy who witnessed a young man emptying a pot full of water carried by a young woman. The young man's purpose for doing this act was to prevent the young woman from leaving in order to keep her at the river longer to speak to her. Even after the boy's insulting behavior, the girl remained quiet. "The young girl was old enough to have a sweetheart, but had not been given permission



to speak to her wooers,” Krige writes (1936: 104). The anthropologist ends this story by stating that the same girl accepted the man later, and they became husband and wife (Krige 1936: 104). In this case, the man demonstrated power over the young woman, while her behavior displayed discipline and self-control.

When permission was granted to young girls to speak publicly to young men, the girls spoke in an adversarial tone. They might say, “Leave me alone, I do not like you,” pretending to be angry. When young girls spoke in this way, it meant they had permission to speak to the boys courting them (Krige 1936: 104). The young women would choose sweethearts after initial courting, which usually lasted six months to one year. When a young woman accepted a young man as her sweetheart, the young woman might simply say, “You may now leave me alone,” or “Leave me alone; what more do you want me to say?” (Krige 1936: 105). Sometimes younger girls of eight or nine years of age accompanied the courted girl to the river to give the wooer a thrashing as a signal of the young woman’s acceptance. The young man accepted the beating with a smile and tried to defend himself (Krige 1936: 105).

Vilakazi examines and critiques the custom of *shela* as practiced by traditionalists (non-Christians). Courting behavior among traditional young men, according to Vilakzai, was part of their education. It was important for a young man to earn the reputation of being an *isoka*—a Don Juan or Casanova. A young man learned these techniques from his elder brothers as he was involved in the *shela* process as an ally of his brother or a friend. Sometimes the younger brother was sent with messages to the girls when they walked to the river to collect water or firewood. Advice on courting was offered to young men when they were gathered together, particularly on how to treat “difficult” or “unmanageable” girls (Vilakazi 1962: 47).

Young Zulu women's timid behavior with men was also encouraged in the public sphere. A young woman's outward appearance of coyness usually signaled acceptance of a young man. Her avoidance of eye contact and desistance of making fun of the boy implied acceptance. When a young girl acquiesced, according to Vilakazi, she suggested that the boy speak to her senior sisters for approval (1962: 48). Once the young man gained approval from the young woman's family, he was given red beads signifying that he could publicly announce the conquest (Vilakazi 1962: 48). His announcement involved displaying a red flag in the cattle *kraal* (enclosure). The act served as a general announcement that the process of *shela* was completed and that the young woman had selected a suitor (Vilakazi 1962: 48). Vilakazi's descriptions focus not only on the courting practices conducted in the public sphere, but also on the outward symbols used to signify selection and acknowledgement that a young girl was being wooed and accepted by a young man.

Both Krige's and Leclerc-Madlala's discussions of *soma* suggest that from early childhood boys were taught notions of entitlement to sexual activity to fulfill their needs. *Soma* allowed young boys sexual satisfaction, while girls functioned as objects. Thus inequality was evident in social relations between young women and men. Scrutinizing young women's sexual behavior, mothers exerted more control over their daughters than their sons to prevent premarital pregnancy. Responsibility for pregnancy was the young girls', while boys were exempt from blame. Demonstrating the lines of power, the custom of *soma* reinforced male entitlement to sexual activity as well as sexual pleasure, and the subordinate status of women in the family was evident in the custom.

*Hlonipha* (showing respect through speech and body language) accentuated the widespread submission of women during courtship practices. The custom was also practiced by

young married women for the purpose of displaying respect to husbands and relatives, included substituting other terms for the names of relatives and avoiding eye contact. The practice and the duration of time women were required to adhere to it encouraged and further exacerbated the dominance and power of men and older women and the lower social status of younger women. As South African anthropologist Catherine Campbell (1992) suggests, behavior in the home that accentuates male dominance provides an environment for potential violence in the household.

### *Virginity testing and premarital sexual relations*

Virginity testing, or “inspections,” served as one means of preventing premarital pregnancy in KwaZulu Natal. Evidence of “inspections” of young girls appears to have occurred as early as the 1930s in the midst of economic upheaval and tension in Zulu society. With changes in family structure due to labor migration, Christian values and capitalism, adult women sought to assert more control, particularly over young women. The responsibility of pregnancy fell on the shoulders of young women, while men were free from liability. The characterization of a young, moral, Christian Zulu woman was one who was “pure,” chaste and a virgin.

The ritual of virginity testing represented older women’s control of young girls, reinforcing generational power between elders and youth. Inspections are described as occurring once a month, or after certain occasions: specifically, weddings and celebrations at the chief’s kraal. Overall, any event in which young people were in attendance included some type of inspection of young women (Kohler 1933: 38).

A number of historians have examined discourses surrounding beliefs in the increase of premarital pregnancy in the 1920s. They noted that because it was viewed as a social problem, efforts were initiated to address the stigma of premarital pregnancy. For example, Sibusisiwe

Violet Makhanya, the first Zulu woman to train as a social worker in the United States, established the Bantu Purity League (Deborah Gaitskell 1982; Shula Marks 1989; Nicholas Cope 1993). League members advised young women and men on bodily purity, abstinence from alcohol and tobacco and anything else that elevated the conduct of youth to make them “respectable” (Gaitskell 1982: 345). Young people of the American Board Mission (ABM) founded an organization that placed emphasis on conduct during courtship, betrothal and marriage (345). The organization condemned all-night wedding feasts. Concern about the moral standards of African girls became more widespread in the 1930s. Organizations such as the Bantu Purity League, which was run by women, represented the strong influence of ideologies that encouraged “improvement” for indigenous women who aspired to an ideal embodied by white settler women who longed to live in metropolitan Europe (Unterhalter 1995: 220). These ideologies about women and sexuality before marriage were deeply inscribed with ideas about racial differences and notions of body pollution. While the intent of these organizations was to bring indigenous women into the orbit of the Empire, it is clear that the position of indigenous women was subordinate to that of settler women (220).

As part of the economic changes in Christian and non-Christian communities in KwaZulu Natal and the social transformations brought on by altering patterns of family structure, extended families were no longer living together. The burden of sex education now rested with mothers rather than grandmothers, who had educated children on sexual behavior in the past. Because of the shift from an agricultural economy to an industrial economy, young women were forced to seek employment in the cities. They left rural areas due to famine caused by severe draughts, land congestion, population growth and the Great Depression of the 1930s (Marks 1989: 228). The Native Affairs Department declared the Zululand inland reserves famine areas and instituted

the distribution of emergency maize rations (Cope 1993: 261). Along with this migration from country to town came an increased rate of premarital pregnancy and a desire by adult men and women to exert control over their young adult children (Cope 1993; Marks 1989; Gaitskell 1982). This perceived rebellion by youth against elders was a significant factor contributing to concerns about premarital pregnancy, and it evoked concerns about moral standards of “purity” and “virginity.”

Anthropologists and ethnologists working for the Native Affairs Department documented descriptions of female “inspections” as early as the 1930s. Reporting on marriage practices in Southern Natal, M. Kohler, a medical doctor, with the assistance of a government ethnologist as editor, documented the inspection of girls and its purposes in the year 1933. The following is an excerpt of his findings:

Amongst the heathens, as well as to a certain extent amongst the Christian Converts, it is the custom to inspect the marriageable girls (*izintombi*) as to their physical virginity. This inspection is carried out once a month, or otherwise merely after certain occasions, especially after all feasts at which gatherings of young folk are the rule, such as *ukwemula*, weddings (*umgcagco*) and celebrations at the chief’s kraal. The old women of a kraal inspect these girls “as to whether the eye is still there”. By the “eye” they mean the hymeneal ring or reflex of the hymen. When they have satisfied themselves by inspection that the “eye” is still intact, they conclude from there that a cohabitation per vaginam had not yet taken place and that therefore the girl is still “whole” or “full” (1933: 38–9).

Kohler includes a description of the consequences of premarital pregnancy, providing further evidence of the violence used against young women:

It is worthwhile noticing what effect these inspections have on the mind of the young girls. A girl has reason to fear being “found out,” in which case she gets a bad reputation, she is called names and is beaten with sticks until she reveals the identity of the guilty young man (1933: 40).

As a side note, Kohler emphasizes the number of rape cases of girls he had treated, who ranged from age three to thirteen years. The parents brought in the girls for treatment of wounds and said they were aware of rape occurrences. But they wanted to avoid all contact with “European courts” because “the European magistrate was bound to overestimate the criminal importance of the matter” (Kohler 1933: 40).

Shifts in attitudes about premarital sexual behavior before and after South African industrialization’s process set into motion changes in the relations between young women and men in South Africa. The change from acceptance of some types of premarital sexual behavior to Victorian notions of sexual morality and inhibitions dramatically altered on-the-ground practices between women and men after industrialization, particularly in the 1930s.

Absolom Vilakazi’s analyses suggest that Christianity and the teaching of the “immorality” of premarital sexual relations contributed to the increase in teenage pregnancy. Christian teachings that encouraged clandestine sexual behavior contributed to premarital sex and pregnancy among adolescents.<sup>13</sup> Vilakazi concluded from his research that young Christian women and men had very little knowledge about sexual matters. Knowledge of sex was acquired from young people talking among themselves. For example, while conducting research, Vilakazi learned that many young people believed that the best way to prevent pregnancy in intercourse was for the man to penetrate the girl and remain very close to her during orgasm. The assumption was that pregnancy occurred only if the boy’s penis was not sufficiently inside at the time of orgasm (1962: 55). These beliefs and practices made adolescent sexual behavior

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<sup>13</sup>Isaac Schapera, also, discusses “The Revolt of Modern Youth” in *Married Life in an African Tribe*. Although not focused on Zulu society but Kgatla society northwest of the Transvaal, Schapera provides observations of school children engaging in sexual activity during the Depression. Parents expressed concern with their behavior. Young peoples’ engagement in sexual activity was an overall concern during this time in South Africa.

inhibited and clandestine. Sex was not a topic discussed openly with parents, who provided little information about sexual behavior to their children.

### *Virginity testing today*

One of the results of economic and political change confronting some areas of South Africa today is a return to virginity testing as part of female identity. Gender and generational tensions and meanings of “modern” versus “tradition” are infused into these debates. Virginity testing in South Africa resurged in the postapartheid era as a method of combating the country’s high rate of HIV/AIDS infection (Kendall 1998; Geisler 2000; Leclerc-Madlala 2001; Scorgie 2002). Between 1990 and 2005, HIV prevalence rates in South Africa soared to approximately 29 percent from less than one percent, with the highest rates of infection in young women and men between the ages of twenty and thirty years (Marais 2005: 9). One observes a correlation with data in the chart in chapter 2 (table 1). The demographic group of women who reported experiencing rape or coerced sex is highest among those between the ages of fifteen and thirty-four. This age group is relatively the same as the demographic with the highest rates of HIV prevalence. Many defenders of virginity testing claim that this particular local practice is the appropriate response for controlling HIV/AIDS in the Zulu community.

Supporters of virginity testing justify it by emphasizing President Thabo Mbeki’s public appeal for the need to find “African solutions” to Africa’s AIDS problem (Leclerc-Madlala 2001: 534). They interpret the president’s message as a clear indication that leaders in the highest positions in government would support virginity testing and its widespread practice. But opponents claim that the public declaration of a young girl’s virginity actually contributes to the targeting of a rape victim (Geisler 2000: 82; Leclerc-Madlala 2001).

Virginity testing changed substantially between the apartheid era and the postapartheid era. Usually occurring in the privacy of homes in the past, the practice is now conducted in public venues such as sports grounds or community halls (Scorgie 2002). These rituals may involve thousands of young girls at a time (Kendall 1998; Scorgie 2002). Ceremonies may last for two to three days, concluding with a ritual marking young female participants as “virgins” that males are permitted to observe.<sup>14</sup> While interviewing young men who watched virginity testing ceremonies in KwaZulu Natal, Kathryn Kendall discovered that the presence of some young men at these events may contribute to “rape.” For example, a twenty-year old male suggested that seeing girls at virginity festivals made him “feel like committing rape.” He regarded these festivals as events to “shop or cruise for girls” (Kendall 1998: 104). Young men in Mpophomeni told me that virginity testing ceremonies were ideal places to find a wife (May 2005).

In July 2005, the South African government proposed a law to ban virginity testing (Mthethwa and Khumalo: July 10, 2005). Opponents and supporters of the proposed policy expressed strong reaction. Zulu King Goodwill Zwelithini claimed that the purpose of virginity testing was to “restore dignity among the youth.” According to Zwelithini, virginity testing is a “dignified practice aimed at encouraging youth to regain pride in themselves” (Mthethwa and Khumalo 2005). The chairman of the National House of Traditional Leaders, Inkosi Mpiyezintombi Mzimela, argued that banning virginity testing was “an attempt to prevent people from practicing cultural traditions. Other leaders, such as Zolile Burns-Ncamashe, spokesman

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<sup>14</sup>In 1999, I attended the final day of a virginity testing ceremony in the rural area of Bulwer, located in the KwaZulu Natal province. At the time, the *abaholi*, the older women who inspected the young girls, publicly painted a symbol on the forehead of each young female participant, symbolizing that she had passed the virginity test. Passing the test was celebrated with a parade of dancing and singing by the young girls. Young men were permitted to attend and watch the festivities.



for the Rharhabe Royal House of Xhosa and King Maxhoba Sandile, took a more radical approach. They claimed that the king would resist and defy a law that threatened to undermine culture and heritage (Mthethwa and Khumalo 2005).

Human rights activists defended the ban, supporting the rights of women. Kubi Rama, deputy director of the nongovernmental organization Gender Links, stated that “any move to ban virginity testing was welcomed,” because the practice violates human rights (Mthethwa and Khumalo July 10, 2005). She claimed that virginity testing is an unacceptable practice because it stigmatizes the young women who do not pass the examinations. More importantly, the practice placed the burden of sexuality on young women. Ms. Rama elaborated, stating: “Clearly, being sexually responsible is an important priority for *both* young men and women in the face of high levels of HIV/AIDS” (Mthethwa and Khumalo 2005). King Zwelithini responded to Ms. Rama’s comments by pledging to initiate plans for young men to undergo virginity testing (Mthethwa and Khumalo 2005).

But mothers like NoSipho, one of the women I interviewed, who raised daughters in Mpophomeni, disagreed with the state’s ban of the practice. NoSipho believed that virginity testing was an effective method of preventing HIV infection, particularly in young girls. At the time of our conversation, NoSipho cared for her sixteen-year-old niece, Ncamasile, due to the death of her sister (Ncamasile’s mother). She expressed concern about the high rate of HIV infection and rape.

I think virginity testing is very good. When I grew up in the township there were no diseases—nothing. Now, I’m raising a sixteen-year-old girl. Do you think it’s right for her to have sex now? She’s beautiful. Once she’s had sex she won’t be as she is now. And worst of all she will get AIDS because these boys they won’t tell her if they’ve got it. As women, we don’t have the full right to say “no,” I won’t have a lover if I say “no!” That is how we are raped. As women, we don’t

know the meaning of rape. Rape must be clearly explained. Even if he is your lover, your partner has no right to force you and you must be strong that you can say no, you must not be afraid to say “no!” You must not be afraid you are going to be alone. It’s loneliness that makes people say “yes” even if they don’t like it. She’s afraid that this boy will tell another girl that she said “no.” But there is no need to be afraid of that (July 15, 2005).

During our conversation, I learned that Ncamasile had participated in virginity testing ceremonies. NoSipho viewed the practice as a method of instilling fear to discourage sexual activity with boys. She emphasized that virginity testing was a way to prevent peer pressure from other girls to participate in sexual relations. The difficulty, she said, is that young men believe they are entitled to sexual relations with women.

Several scholars offer insightful commentary on tradition and practices concerning virginity testing that emanate from these structures (Chanock 2000; Mamdani 2000; Geisler 2000; Leclerc-Madlala 2001; Scorgie 2002). They agree that these practices stem from an agenda to maintain gender and generational power. In addition, each of these scholars also offers his or her own critiques of the struggle in postcolonial societies, including South Africa’s conflict between universalism and maintaining cultural identity.

Martin Chanock stresses that much of the international debate surrounding rights and culture concerns gender, an area where mutual occidentalizing and orientalizing has been long established (2000:20). It is only in the last few decades that a wide gap opened between West and non-West on the issue of gender equality (20). Gender inequality is as much a part of the culture of the West as it is in other societies (20). In addition, much essentialism contained within notions of culture also includes generational confrontations (Chanock 2000: 20). Chanock argues that tensions arise as a result of rapid social and economic changes (2000: 20).

But discussion of culture, particularly in the postcolonial context, is associated with power as a reaction to these shifts.

Mahmood Mamdani provides important observations about the influence of culture on the market. He observes that culture talk had some legitimacy in the colonial context, but this is no longer the case. Today, culture is the language of rulers, particularly in the former colonial world (Mamdani 2000: 2). Part of the intellectual history of empire and decolonization is the shift from using race to using culture to describe difference (2). Martin Chanock, according to Mamdani, believes that culture became the primary way of describing difference through two processes: political decolonization and economic change. Of the two, economic change is crucial to explaining the shift (2000: 2). The authority of national elites in the postapartheid era is being challenged and eroded by changes in the global market. Market-based changes have caused volatility and insecurity in gender and generational relations (2000: 2). Because of globalization, national elites are under increasing pressure to conform to the terms of structural adjustment programs. While the international market universalizes consumption, national elites continue to emphasize difference. One of the main differences expounded by national leaders is gender, but at the crux is economic survival.

Near the end of the twentieth century, Gisela Geisler (2000) observed virginity testing ceremonies in KwaZulu Natal. She argues that older women were inflicting violence on younger women for purposes of power and subordination (Geisler 2000: 27). This suggests that older women were granted certain privileges shared by men, as these women also inflicted and practiced the same notions of power and subordination over younger women that men did. Kohler's example, discussed in the previous section, emphasizes Geisler's point that the older

women who performed the rituals and controlled virginity testing ceremonies furthered gender inequality (2000: 25).

For example, virginity testing has become economically lucrative, once again furthering gender inequality. As a social response to the HIV/AIDS epidemic, virginity testing is intensely gendered in meaning. Suzanne Leclerc-Madlala argued that virginity testing “provides a new site for further dividing women and entrenching gender inequality” (2001: 546). This practice is now a lucrative profession for older women organizing and promoting it and acting as testers at these events. Virginity testing gives some women an economic means for survival at the same time that it exploits gender inequality. Leclerc-Madlala also believes that virginity testing is “an attempt to exert greater control over women and their sexuality” (2001: 533). “Virginity testing of girls,” she adds, “helps to draw attention away from the role of men in the maturing epidemic, consideration of which has been conspicuously absent in the popular discourse on AIDS at all levels of South African society” (2001: 533).

Examining the role of *abahloli*, the older women who perform virginity tests, and *izintombi*, the young girls who participate, Fiona Scorgie focuses on the economic factors of this practice. Scorgie finds that both *abaholi* and *izintombi* tend to come from households that are female headed and multi-generational (2002: 63). Within such households, usually several young, unmarried girls with children reside and are dependent on the older woman’s pension as the main source of income (63). On one level, the importance that older women place on premarital virginity has to do with the practical concern of economic survival (63). Virginity testing is one method of controlling the fertility and household reproduction of younger women while simultaneously protecting and enhancing marriage opportunities for daughters and granddaughters (63).

By December 2005, South Africa's National Assembly for provinces had voted to ban virginity testing for girls under the age of sixteen (Gallagher December 24, 2005). Parliament voted on, passed and adopted the legislation in September 2007. Several spokespersons representing African communities stated in public hearings that they did not appreciate outsiders dictating how "rituals should be practiced" (Naidoo September 19, 2007). Virginity testing remains a prominent issue in which tensions between culture and universalism continue to be unresolved.

***Labor migration and changing social organization in the apartheid era: lobolo and marriage***

The practice of *lobolo*, or brideprice, took center stage in much anthropological writing on changing practices during the rise of capitalism and labor migration in the first years after colonization. Transitions in the practice of *lobolo* persisted as the demand for cash by Africans increased. *Lobolo* constituted a series of transfers of wealth in which the family of the male provided gifts of value to the bride's family. Gifts consisted of cattle, meat, various kinds of beads and household utensils (Krige 1936: 121).

Under the new economic structure that accompanied colonization, the meaning of *lobolo* was misinterpreted and was understood as meaning "dowry," in that the family of the groom made cash payments in exchange for the woman before marriage. *Lobolo*, or "buying a wife," now involved agreeing on a price (Vilakazi 1962: 63) in exchange for services and duties within the household, including sexual access to the woman's body.

As labor migration proliferated, the meaning of *lobolo* changed from a dowry to a more complex form of investment. Migrant laborers often pooled money designated for *lobolo* into a

fund. The investment of bridewealth became a way for a man to secure access to other financial opportunities, including returning to his community to support his family and the elders of his clan. This was the case, for example, among the Pedi of northern Lesotho. With the creation of *stockfels*—rotating credit associations—migrant laborers from the same area combined their earnings and created savings accounts that earned interest. The name *stockfel* originated from the English term “stockfair,” an institution transplanted to the Eastern Cape by English settlers in the early nineteenth century (Ashforth 2003; Schultze 1997). While men worked in the cities, it was common to appoint a proxy to replace the groom in a wedding ceremony back in the country. The families accepted the groom’s absence as a demonstration of ambition and financial wisdom. Writing about his observations during the 1970s, Basil Samson comments that with the money in a *stockfel*, a man could not only pay the bridewealth, but also return to his home in the country, buy a plow and pay for a team to pull it, and work as a “stay-at-home.” As a plow master, the stay-at-home supervised the plowing of fields, took charge of agricultural production and supplied food to a hungry population dominated by women (Samson 1981: 97–110).

Not all men had the opportunity to be stay-at-homes. In fact, the majority of men lived in migrant hostels away from their families and communities. Labor migration strained relationships between spouses and their family at home. *Stockfels*, stay-at-homes and proxies eased the financial strain of migrant laborers living in hostels. Marriage functioned primarily as the disposition of paternal rights over children. By analyzing the temporality in the transfer of payments from the male to the female household, Colin Murray demonstrates the uncertainty in the position of the rights of children in the 1970s. Because of the transition to a cash economy and the poverty of most African households, the practice of *bohali*, the process of installment payments in the form of cattle, was established. This practice, which completed the *lobola*

process, took many years for most Africans to accomplish. Marriage was considered incomplete until full *lobola* was paid (Murray 1981: 116). This situation had serious consequences for women and children, particularly regarding inheritance, because it made for a tenuous marriage.

By the 1970s, scholars were writing about the adverse effects of labor migration on family structure. Critiquing earlier studies conducted by anthropologists on households in rural areas, Murray and Andrew Spiegel both argue that it makes little sense to use the nuclear family model to examine family structure because labor migration took men out of the picture. Focusing on the duality of the family structure in Lesotho, Murray argues that as a result of the changing economy, kinship relations were “dissolved” from the extended family and re-formed in the nuclear family. At the same time, the structure of the family was conserved. On the one hand, processes such as conservation and change illustrate a relatively stable agnatic (patrilineal descent) structure. This structure persisted through several generations, along with evidence of high rates of individual mobility, conjugal instability, illegitimacy and break-up of families (Murray 1981: 108–18). On the other hand, Spiegel also introduces the notion of domestic fluidity when referring to members of a household that included women and children leaving for cities to secure employment and cash income for the household. A change in the reliability of cash income in the household was a crucial factor affecting its size and composition (Spiegel 1985: 17). Because of labor migration, families and households were not static: there was a consistent number of family members, but they came and went (Spiegel 1985: 17). Traveling between city and town, constructions of the meanings of “house” and “home” were initiated. “House” referred to where one stayed while working in the city, whereas “home” indicated the place where one lived with relatives and maintained social and cultural identity.

When marriage no longer provided black South African women with security in the country, many migrated to the cities (Preston-Whyte 1981: 161–2). These women became migrant workers in three major waves. The first wave began during the expansion of industry in the 1940s and early 1950s, before women were required to carry passes. The second wave of women migrants was as illegal migrants starting in the 1960s, when many women risked fines and imprisonment as consequences for not carrying passes rather than confront the alternative—low wages and starvation. The third wave came with a response to the shortages of labor in certain areas. For example, with new housing areas designated and built for whites in Johannesburg, black women were recruited from the rural areas to work as domestic servants in these areas to meet the sudden demand for domestic servants (Unterhalter 1987: 49).

Pass laws were created as a form of population control. An integral part of South African society, the system of policies and practices was constructed to control the movement, settlement and employment of the entire African population (Unterhalter 1987: 27). Since the beginning of the twentieth century, it was estimated that as many as 17,250,000 Africans were arrested or prosecuted in violation of the pass laws, which represented one part of the oppressive structure of the apartheid regime. The pass system divided families and forced workers to accept intolerable working and living conditions (Unterhalter 1987: 27). It also created relations between women and men that were based on economic survival rather than affection.

Influx control, the system that prevented Africans from living and working in urban areas except under highly restrictive conditions, functioned as a form of surveillance. To enforce this policy, the state mandated the involvement of the police, the courts and a massive administrative machine (27). Despite the efforts of all these institutional forces, the system did not succeed (27).



Hundreds of thousands of people defied the law and lived and worked illegally in urban areas. Their only alternative was starvation (27).

Before 1986, every African over sixteen years of age had to carry a reference book that contained an identity card, information on employment, population group, family details and Section Ten guidelines (Unterhalter 1987: 47)<sup>15</sup> Failure or refusal to produce a reference book when demanded by police or Administration Board officials would result in a fine or imprisonment for up to three months.

### *From rural areas to cities*

“Country wives” whose husbands worked and lived in the city often established associations with powerful men or families in the rural areas for the social, political and economic resources they provided. Sometimes this was done not only for themselves, but also for their migrant husbands. Both women and men had extramarital affairs. *Bonyatsi* refers to a long-term relationship between two person married who are married to others. Migrant laborers often returned to their country homes hearing about their wives’ unfaithfulness. Migrant husbands frequently assaulted adulterous wives and destroyed property the intruders had given their wives. Although it is difficult to estimate how often pregnancy occurred from extra-marital relations, Wallman (in Spiegel 1991: 152) suggests that it was not uncommon, and that it sometimes resulted in an amicable resolution between the parties involved.

As young people left rural areas and migrated to the cities for employment, sexual practices once again transformed. For the Xhosa living in the Eastern Cape and migrating to the

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<sup>15</sup>Section Ten of the Urban Areas Act designated categories of Africans allowed to remain more than seventy-two hours in areas considered non-African or non-Bantustan towns.

city of East London, *soma* or *metsha* (Zulu: *ukumetsha*) was no longer practiced in early stages of puberty. Rather, young women and men living in the city practiced full sexual intercourse and looked upon *soma* as old fashioned, making that kind of sex play obsolete (Mayer 1971: 253).

As in *soma*, sexual satisfaction was most important to young men engaging in full intercourse. An eighteen-year-old male told Phillip Mayer: “Since I was thirteen, I have felt the need for sexual satisfaction, and not merely ‘playing’ with girls. If a girl is in love with you, she knows she must give you what you want” (Mayer 1971: 254–5). A seventeen-year-old girl corroborates this view: “We do not refuse full intercourse,” she said, “for we know that if you refuse your boyfriend he will beat you till you agree” (Mayer 1971: 255). According to the many young women and men whom Mayer interviewed, the practice of premarital full sexual intercourse represented the greatest difference between town and country sexual behavior (256).

Writing about Xhosa female migrants, Phillip Mayer examines the effects of the practice of unmarried couples staying together in the same domestic unit in cities, otherwise known as *shweshwa*. Pass laws represented one reason why unmarried couples lived together in the same urban dwelling. A man who made evening visits to his girlfriend who lived in a white district and working as a domestic servant ran the risk of arrest by the police if he were found without a night pass. A woman ran a similar risk if she were found sleeping in a man’s room without a lodger’s permit (Mayer 1971: 258). From a practical point of view, some women liked the presence of a male protector and the financial assistance, while men liked having a woman preparing their meals and washing their clothes (258).

Writing about migrant laborers’ sexual practices in hostels, Mamphela Ramphela (1991) describes the bed as an object that became a social, political and economic unit. Every aspect of life revolved around the bed (Ramphela 1991: 20). Migrant men were expected to live as

bachelors in hostels until returning to their families and children. Labor and pass-law regulations specified that “any Bantu male over eighteen years of age in bona fide employment and legally permitted in the urban area” (Segar 1988) qualified for a bed in a hostel.

But housing practices differed from housing policies. People from the country often arrived in urban areas without job contracts. Furthermore, labor policies did not provide spaces to accommodate women who left rural areas to work in the cities. As a result, since only men (bedholders) were guaranteed accommodation, women migrants commonly shared the bed of the bedholder with other women and children in exchange for providing domestic services.

Relationships between the bedholder and members of the bedhold were one of patronage with ill-defined reciprocity. At times, these relations came about because the two parties came from the same rural area (Rampele 1991: 20). In some cases, the bedholder was synonymous with the landlord, and its “members”—women and children—were tenants (20).

Male bedholders’ relationships with single women were particularly fluid. Relations and obligations of reciprocity in this context were often based on expectations that women would perform the domestic chores, such as cooking, laundry and cleaning. Attending to the man’s sexual needs was also expected in return for accommodation (Rampele 1993: 21).

Overall, these relationships were based on women’s dependence on material assets. Many women took boyfriends out of need for accommodations or financial support. Rampele learned that most people she interviewed hated the system of *hlalisana* (living together) but had no choice because of the lack of housing for the many black South African women who migrated to the cities for employment (1993: 78).

However, many of these relationships between women and men were abusive as the relationships were based on power, dominance and authority. As a result, sexual violence within

the hostels was common. Male bedholders benefited from having domestic slaves who also attended to their sexual needs while they lived away from home. Women were often reminded of their dispensability. Single women were the most disadvantaged because of competition for supportive men, who were a scarce resource (Ramphela 1993: 78). Other women strategically planned whose bed they would share, often moving from bed to bed to maximize their benefits.

These examples show male entitlement, dominance and violence. They also point to women's fear of violence by men. It is interesting to note the shifts from the sex-play practices *soma* and *ukumetsha* of the rural environment to full sexual intercourse in cities. What remained unchanged was women's subordinated social status.<sup>16</sup>

### ***Conclusion***

It is important to consider the sex/gender system and the impact of the economy on daily life. South Africa's economic transformation from an agricultural economy to a capitalist economy involved labor migration and Christianity, which affected social relations, including family structures and conjugal relationships. Taken together, family separation, the agriculture to industry transition, the poverty that resulted from this change and attitudes that encouraged secrecy around sexual activity contributed to the transformation of sexual relations between women and men.

In this chapter, I traced premarital and marital practices in the sex/gender system in public and private domains within Zulu society during internal self-rule, apartheid and the postapartheid eras to examine how they shaped gender inequality. Long-held cultural practices

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<sup>16</sup>These processes were not exclusive to only Zulu society. Phillip Mayer in this example wrote about his observations of these processes in Xhosa society. Notions of *soma* were present in some form throughout the southern African region.

encouraging women's lower social status cultivated conditions favorable to sexual violence. In addition, the law of the state acknowledged the rape of white women only, and ignored the rape of black women. Customary laws left little recourse for women who were victims of sexual violence. I began by focusing on behavior in Zulu households and examined premarital and marital relations. These practices supported male dominance and entitlement to sexual activity.

The introduction of Christianity and labor migration brought on by capitalism, and the shift to an industrial economy, changed gender and sexual relations and the overall family structure. Christian values changed how women and men perceived their bodies and influenced sexual practices. Just as traditional practices encouraged the domination and oppression of women, so did the introduction of Christianity.

Labor migration and pass laws adversely affected conjugal relations for many black South African women and men, as men left their rural homes to work in the cities, leaving wives and children even more economically dependent. I traced the effects and practices such as *soma* and *shela* that resulted from labor migration throughout the 1970s and 1980s.

I also examined premarital relations in Zulu society. Virginity testing represents one premarital practice that changed with the shift of the economy. In the colonial era, during the Depression, virginity testing was practiced privately to discourage premarital pregnancy of young women, particularly those who were Christian. In the postapartheid era, tensions surrounding this practice continue to exist as older women attempt to teach their daughters and granddaughters abstinence and to protect them from HIV/AIDS. Virginity testing is still practiced in the public domain and remains widely controversial. It constitutes one issue that has caused heated debate in ongoing battles between those who believe in the preservation of local African culture and tradition and activists who believe in universalism. The South African state

continues to compete for control over local communities and practices. Virginity testing exemplifies the state's attempt to regulate local practices, but many local elites and those who reside in local communities resist national interference. Many poor township women are desperate to protect their daughters and granddaughters from HIV infection. As I pointed out, this situation places enormous economic burdens on older women.

#### **Chapter Four: The Economy and Politics in Mpophomeni**

This chapter concerns the labor struggle in the black township of Mpophomeni and the political violence that was a part of the wider struggle for liberation in South Africa. I focus on South Africa's political economy during the 1970s and 1980s and examine the effects on this township. As the struggle for political and economic liberation persisted, the violence escalated in black South African townships. This chapter focuses on activities in the public spaces of the streets and the violence that transpired as the pressure intensified.

It was during the 1970s and 1980s that tensions heightened within South Africa and internationally for decolonization, with mounting public disputation of the legitimacy of the apartheid state and calling for its destruction. Franz Fanon defined the process of decolonization as "the meeting of two forces opposed to each other by their very nature, which resulted from colonialism" (1963: 36). He believed violence was a necessary component for the process of decolonization (Fanon 1963: 35). In essence, decolonization, which sets out to change the world order, is a program for complete disorder (36). Fanon suggests that the colonized man finds his freedom through violence. Violence constitutes the work of colonized people and contributes positive and creative qualities to their character. It also serves as a unifying force for the colonized against the domination of settlers and the racist notions which are propagated by colonizers to control human beings. It was necessary to destroy racist ideology, which was the basis of colonialism, according to Fanon, for violence was at the core of bringing down the colonial paradigm. Violence, as a result, was part of the "struggle" experience (Fanon 1963: 94).

The armed struggle mobilized people and brought the colonized and settler together to acknowledge the existence of each other and the future direction of the nation (Fanon 1963:93).

Other scholars expand on Fanon's framework on violence but take an opposing position. Hannah Arendt (1970) believes that violence in the context of decolonization and interracial struggle was a logical element of the process. Elaborating on Fanon's ideas, Arendt believes that violence in the context of interracial struggle "is the logical and rational consequence of racism, which is an explicit ideological system." Violence in interracial struggle is always murderous but not "irrational" (1970: 76). Ideological racism was at the foundation of the apartheid state. The goal of the liberation struggle was to destroy it and replace it with a non-racist democratic regime.

Recent academic scholarship portrays the liberation struggle in South Africa in two ways. The first describes the war that the apartheid state waged in other countries in southern Africa and the second focuses on the violence in the black townships during this time. While I provide background to the overall struggle in South Africa, I focus on the effects of the battle in the township of Mpopomeni. In this chapter I examine some of the academic scholarship and descriptions of some of the events that instigated the violence that were provided by young women and men I came to know there while conducting field research. There is a dearth of academic scholarship focusing on violence in the black townships during the liberation struggle. The intent of this chapter is to contribute more knowledge about these difficult times in South Africa.

Juxtaposing historical academic scholarship with oral history from young Mpopomeni residents, I analyze some of the discourses and practices that surrounded the labor and political struggles and how they shaped and influenced the lives of many of these young people.

Academic scholarship about women at this time focuses, for the most part, on married women. I



examine relations between women and men at this time as they related to the processes of the liberation struggle, focusing on the sexual experiences of women who were in their late teens and unmarried during this time. The characterization of women in such accounts has begun to change. According to Henrietta Moore (1988: 171):

The view of women as passive and non-political has been strongly questioned as the social sciences move away from a predominant concern with forms of women's oppression towards a consideration of the forms of women's resistance.

Overall this chapter describes and examines the battle over physical space, but also the fight for political power. The three major players in this conflict for domination were the African National Congress (ANC); Inkatha, the Zulu nationalist movement; and the apartheid state. Included in this discussion is an analysis of the breakdown of social relations and gender relations. I argue that the violence caused from the low intensity war for liberation contributed to the increased frequency of sexual violence against women.

At this time the notion of acquaintance rape was not recognized in South Africa. A woman could not legally charge her husband or boyfriend with sexual coercion. Changes did not occur until the legislation of the Family Violence Act in 1993 (chapter 2). Although society, including South Africa's legal institutions, failed to publicly acknowledge the behavior of acquaintance rape, it does not mean that women did not experience sexual coercion by husbands or boyfriends. As I discuss in chapter 5, due to complete government intervention in the lives of most black South Africans, there was little difference between the public sphere and the private domain of the house and home. But the apartheid state perpetrated a myth concerning matters of sexual violence, casting them as private. It was not until the breakdown of the apartheid state

and the antiapartheid struggle for decolonization that violence was practiced by citizens in open resistance to the state.

To describe activities of the labor and political struggle in the 1980s in Mpophomeni, I first trace the history of the British Tyre and Rubber/Sarmcol (BTR/Sarmcol) factory in Howick, a town in the Natal/Midlands area. Most of its black labor force resided in the neighboring township of Mpophomeni, located next to Howick. Mpophomeni is an example of how the apartheid state accommodated the needs of foreign investors, supplying them with labor and building a separate township to house workers (chapter 5). I examine the impact of this company on the lives of the residents in Mpophomeni.

Next, I describe the labor struggle that began at the Sarmcol factory in 1985 when factory workers staged a wildcat strike that lasted for nine years. It ended with the democratic transition in 1994. Several scholars have referred to this massive walkout as the longest running strike in South African labor history (Aitchison 2003; Bonnin 1987; Bonnin and Sitas 1988). The strike soon turned into political violence and changed the economy in Mpophomeni.

South Africa's trade union movement experienced significant changes as political unrest throughout the country escalated. Union activists increased pressure on company management, insisting that workers have the right to organize. This struggle influenced many workers in the Sarmcol factory to fight for better wages and the right to organize. What began as a labor dispute at Sarmcol soon became a battle for political control to overthrow the oppressive apartheid system. Supporting the workers at the Sarmcol factory, The largest union, the Congress of South African Trade Unions (COSATU), which was linked to and supported by the African National Congress (ANC), became involved in this labor struggle. Shortly afterwards, the strike became a part of and an integral symbol of the larger political struggle within the

country. The strike at Sarmcol initiated political violence and civil war that erupted into the streets of Mpophomeni, causing tensions and divisions within the community.

Inkatha, which was formed in 1975, created its own labor union and had its own presence in the Sarmcol factory. I examine Inkatha and its politics of Zulu identity, particularly for working men and younger men. Inkatha and the ANC played significant roles in the labor struggle and the wider antiapartheid struggle. Many young women and men I spoke with in Mpophomeni viewed Inkatha (now known as the Inkatha Freedom Party (IFP)) as the main enemy of the township during the struggle for liberation. Most of them made little or no reference to the apartheid government's collaboration with Inkatha to carry out an agenda of violence in the black townships.<sup>17</sup>

Linking the political economy to the violence in the township, I illustrate how these factors generated changes in social organization, gender relations and sexual relations. Challenging Catherine Campbell's argument that men learn to be violent in the home, I argue that men learned violence in the streets during the liberation struggle and brought this behavior into the domestic space. The kind of violence practiced in the home was usually sexual violence against women. It is at this time that "struggle" and "street" masculinity identities were constructed and practiced by many black South African men: for so long, the apartheid state had damaged and destroyed black South African masculine identity.

Social organization within households and social relations between the elderly and youth transformed dramatically during this period. Young men often acted as "comrades" or protectors to the elderly as the battle between the ANC and Inkatha for the control of areas in KwaZulu

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<sup>17</sup>Testimonies from the Truth and Reconciliation hearings acknowledge Inkatha's alignment with the apartheid government to repress the movement for change. I was not convinced that many young women and men I interviewed were unaware of this fact. But no one articulated this knowledge.

Natal continued. In Mpophomeni, the long strike caused women to seek employment outside of the domestic space. In some cases women became the breadwinners, often undermining male authority within the household.

Finally, sexual violence during the height of the liberation struggle became more common. The apartheid state used sexual violence on female activists who demanded the end of the repressive regime. Sexual violence was used as a tool of control and fear by state actors. But other forms of sexual violence against women were also percolating in the townships. I examine the accounts of these forms of violence and the wider social context.

### ***British Tyre and Rubber/Sarmcol***

Foreign investment in South Africa increased in the early 1970s. Along with seizing economic control, many of these corporations introduced automated production that decreased the amount of labor required. Sarmcol was a small industrial operation that had been established in Howick in 1919. British Tyre and Rubber, one of the largest multinational corporations in Great Britain and among the ten largest multinationals in Europe, bought a controlling interest in the operation in 1972. After taking over Sarmcol, BTR initiated an intense program of product expansion and changed the manufacturing process to increase automation practices in order to improve its product line (Bonnin 1987: 108). Sarmcol produced rubber products such as hoses, belts, rubber tires, asbestos, packing and trimming. Adhering to the policy of its new owner, the work process at BTR/Sarmcol became progressively easier but with a fluctuating labor force that became more dependent on the demand for goods. The company hired workers for a few months and fired them once orders were completed. Workers were rehired with increased production and layoffs occurred when there was less demand for products (Bonnin and Sitas 1988: 45;

Bonnin 1987: 108). Management claimed that retrenchment was the result of the economic recession, a claim that was partially true (Bonnin 1987: 116–17).

South Africa's economy boomed after World War II and continued to grow throughout the 1960s. Manufacturing was the most dynamic sector of the economy in the 1960s and early 1970s, contributing to the successful growth of the country's economy. In spite of this impressive increase, several factors contributed to the economy's vulnerability. One was the reliance on the importation of capital goods and sophisticated technologies abroad. Another factor concerned chronic overproduction relative to the size of the local market (Southall 1995: 55; Bond 2000: 21).

Economic growth continued in South Africa throughout the 1960s and into the early 1970s. But the second half of the decade through the 1980s displayed all the signs that pointed to a crisis in the apartheid economy. The Sarmcol factory showed indications of an economic decline. From the early 1970s to 1985 the labor force decreased from approximately 4,500 to approximately 1,300 workers (Bonnin and Sitas 1988: 45). The fluctuating labor force had long-term consequences for the company and its workers.

First, the management of BTR/Sarmcol decided to cut the workforce in half. Second, because of an arbitrary policy in layoffs, the remaining workers grew angry, alienated and frustrated. As a result, dissatisfaction increased. Many former employees like Moses Madlala commented on management's impulsive decisions regarding layoffs. According to Moses, nobody knew who would lose their job from one day to the next (Bonnin and Sitas 1988: 47). He explained:

[It was] the time before the union come in, just come with a list, the manager, and just point to ten or twenty people. "All out!" he shouted. Everyone was afraid

of that, doesn't know what will happen to him. Some of the workers, scabs now, we were fighting for them because they not supposed to be retrenched—they got thirty, thirty-five years of service” (Bonnin and Sitas 1988: 47).

The general state of recession in the South African economy and the lack of employment opportunities in the Howick region resulted in increasing unemployment in Mpophomeni (Bonnin and Sitas 1988). Moses' account reflects the power of corporations in hiring and laying off workers. Job security for many black South African men was nonexistent. South Africa's independent labor union movement became a critical force fighting for the rights of black workers to keep their jobs against the whims orchestrated by white management. Furthermore, the labor union movement recognized the importance of the political changes taking place, particularly with the creation of the Black Consciousness movement and its demands for the demise of the apartheid state.

COSATU and the United Workers for a United South Africa (UWUSA) dominated organizing efforts at the Sarmcol factory. COSATU later aligned with the ANC, and UWUSA supported Inkatha members. COSATU spoke a language of class, race and universal democratic reforms and supported the ANC position. Inkatha, with a narrow ethnic appeal, spoke to men whose affiliations to organized labor were weak and whose interests as a marginalized, migrant class were not represented by the trade union politics of COSATU (Waetjien and Maré 2001: 200). These were men whose home life was firmly placed in the rural areas of KwaZulu Natal and who straddled a dual existence between urban and rural spaces, with different principles of authority and citizenship (200).

Structuring itself as a national cultural liberation movement, Inkatha was formed in 1975. Its base was the Bantustan of the KwaZulu Natal province, which was made up of numerous scattered and fragmented pieces of territory that according to apartheid policy were to be the political and

spatial home of the Zulu “nation.” In the 1980s Inkatha came to be viewed more and more as aligned with the political machinery of apartheid (Waetjen and Maré 2001: 196–7). It was considered particularly counterrevolutionary by urban-based liberation organizations like the ANC and COSATU (Waetjen and Maré 2001: 196). COSATU and UWUSA played significant roles in organizing workers at the Sarmcol factory in an environment of tense relations with white management.

Sarmcol workers had many reasons to organize. First, there were massive layoffs, automation and an economic recession resulting in drastic unemployment in Mpophomeni (Bonnin and Sitas 1988: 50). What was once a township where the black working class resided suddenly became a location plagued by massive unemployment. The strike at Sarmcol also signified the beginning of political violence in Mpophomeni, which exacerbated the community’s economic crisis. Shortly before the strike, BTR/Sarmcol and the tire-producing firm Dunlop, South Africa merged, forming an international corporation that wielded enormous economic power (Bonnin 1987: 213).

### *The Sarmcol strike*

On April 30, 1985, the workers at the Sarmcol factory initiated a wildcat strike. The main grievances of the striking workers were massive layoffs and the lack of job security. Many employees also complained about management’s unwillingness to recognize the Metal and Allied Workers Union (MAWU) while acknowledging UWUSA, which had recently formed at the factory in 1986. Three days later on May 3, the Sarmcol management fired all the striking workers, which represented the entire black African labor force at the company (Aitchison 2003: 55). Sarmcol management refused to reinstate the workers and employed scab labor provided by Inkatha. This decision led to violent conflict.

Thandazile, a woman in the community, recalled the events leading to the strike and mentioned Sarmcol management's policy of hiring scab workers:

Those people stayed in Haza and in other places around Mpophomeni. In Haza people were Inkatha. At other places there were a lot of Inkatha. They attack this side. They fight ANC (July 2005).

Immediately following the firings at Sarmcol, the workers called meetings in the community to explain the recent decision by management. They asked the people in Mpophomeni not to scab on them by applying for the jobs at the factory. In the meeting, it was decided that the first measure of resistance was to boycott white-owned shops in nearby Howick. This was an attempt to urge white business owners to approach Sarmcol management to negotiate with the strikers. The boycott of white shops had an immediate effect. Some owners complained that the strike had caused them to lose as much as 50 percent of their business earnings (Bonnin 1987: 212–13). But Sarmcol management refused to negotiate with the striking workers (213).

Mto's grandfather was a shop steward at the Sarmcol factory, and Mto lived with him. Although he was only six years old at the time of the strike, Mto recalled some of the conversations he heard during the organizing meetings with his grandfather and colleagues from the factory. The group usually held meetings at his grandfather's home and discussed strategies as to how they were going to obtain better salaries, while acknowledging that scabs were being hired to replace them (June 10, 2005). They referred to the scabs as *izimpimpi*, the Zulu word for "traitors." These workers chose to ignore the labor and political struggle against the exploitive white management.



Thandazile and Mto remember the drawing of spatial and political boundaries after the strike began. Conflict erupted immediately between supporters of the striking workers and scab replacement employees. Mto highlights the disagreements by describing the new workers as traitors who provoked the violence that accompanied the strike. Many residents in Mpophomeni referred to these traitors as “rats” (in Zulu: *amagundane*) and the striking workers as “cats.” While most of the “cats” resided in Mpophomeni, most of the “rats” lived outside of the township. This situation created divisions not only spatially, but also in political ideology and identity. The labor struggle intensified with the involvement of leaders and residents in the community. On June 20, 1985, a busload of striking workers attended the annual general meeting of the Metal and Allied Workers Union (MAWU) in Johannesburg (Bonnin 1987: 215). Upon their return to Mpophomeni the following Sunday, the workers attended a mass rally that was planned for that day in the township. Over two thousand community residents attended the rally. Speeches were made by various union and community leaders urging the workers to be strong during this struggle while at the same time encouraging residents not to scab on the workers (Bonnin 1987: 216). At the end of the event residents marched home. They were confronted by the police, who had arrived in the township that Sunday morning and had observed all the proceedings. The police attempted to arrest one of the youth demonstrators. Township residents who attended the rally responded by throwing stones. The police fired tear gas (216).

During the same weekend the homes of scabs in Mpophomeni were burned. On Monday, a large group of residents—mainly women and youths—stopped a bus entering the township, demanding to know if any scabs were aboard. Afterwards they set the bus on fire, killing two men, one of whom they believed was a scab. Strikers also alleged that the scabs made weapons

inside the Sarmcol factory and used them to attack striking workers. As a result of the violence, the Commissioner of the Vulindlela District banned all meetings in Mpophomeni for twenty-one days (Bonnin 1987: 216–17).

Nyoni recalled her version of the events that initiated violence in the township. Nyoni's uncle, who lived in Mpophomeni, was perceived as a rat, and reportedly was killed by cats (ANC supporters). Nyoni recalled that it was at this time that COSATU aligned with the United Democratic Front (UDF), another liberation movement within South Africa that later joined forces with the ANC. The merging of these two groups signified the solidarity between labor and a political movement to dismantle the apartheid system.

Later the ANC through COSATU provided support by distributing food to the striking workers and assisting them in organizing. The workers also obtained widespread support from the community. The Community Council allowed the striking workers to use the community hall in Mpophomeni for daily meetings. These meetings were important in that they provided solidarity and support from the community.

By the end of 1985 union officials and shop stewards formed the Sarmcol Workers Cooperative (SAWCO). It consisted of five cooperatives: T-shirt making, bulk buying, agriculture, health and culture. Bulk buying was the first cooperative initiated in order to distribute weekly food parcels to the strikers and their families (Bonnin and Sitas 1988: 54). They created a plan to organize food parcel distribution. The weekly delivery of food eventually became a social event (54).

The plight of the striking Sarmcol workers soon became a cause that united the residents of Mpophomeni with the local labor movement and the national liberation struggle. Some in the community formed a culture project that used the arts to express the cause of the workers. The

project, for instance, wrote a play, *The Long March*, that narrated the strike. It was used to gain financial and moral support. Later, the culture project formed a dance group and a choir (Bonnin and Sitas 1988: 54). SAWCO also provided health care to the dismissed strikers and their families (54). Doctors and health committee members ran clinics for the strikers' children and provided supplementary food parcels for the malnourished. The T-shirt and agricultural co-operatives were the most visible of SAWCO's ventures. Strikers produced three hundred T-shirts per day after training in silk-screening and printing. The shirts were made for other unions in the COSATU federation as well as SAWCO. Eight hectares of arable land and forty hectares of grazing land were leased from the Catholic church for the agricultural co-operative. Crops such as cabbage, spinach and carrots were harvested and sold to workers at very low prices. Sarmcol workers, who had been previously evicted from the land when they were labor tenants, were farming for their own subsistence.

### ***Low Intensity Conflict (LIC) and the liberation struggle in Mpophomeni***

In the 1970s and 1980s the apartheid government adopted a Low Intensity Conflict (LIC) Strategy. It differed from other strategies in that it used covert action and nonconventional methods of warfare. The purpose of LIC was to spread fear, insecurity and internal divisions among target populations (Dugard 2003: 1). The strategy was relatively low cost and had low visibility compared to conventional warfare.

LIC strategy in South Africa was concurrently implemented externally and internally. Externally, the apartheid government employed LIC strategy in Angola, Mozambique and Namibia. Internally, the strategy was specifically targeted against the liberation struggle. LIC strategy was first initiated in the townships of KwaZulu-Natal in the mid and late 1980s,

according to historian John Aitchison (2003). In Mpophomeni, the conflict began as a result of the Sarmcol strike and escalated into a battle between Inkatha and ANC.

With time, the war intensified. Residents who identified with the ANC were forced to leave areas that suddenly became Inkatha strongholds. Mpumelelo, a twenty-eight-year-old woman, recalled how her family moved from the outskirts of Howick to Mpophomeni in 1988. With her mother, five sisters and three brothers, Mpumelelo lived in a squatter camp in Mpophomeni. This location was set up for people who supported the ANC and sought protection against political violence in other areas. Mpumelelo's account demonstrates the plight of those who moved from Inkatha controlled areas to live in designated UDF or ANC territories in the late 1980s. Again, physical boundaries and locations became identified with the controlling political party in those areas. Mpophomeni was a designated UDF or ANC area by this time. Mpumelelo described life in the township in 1988:

Mpophomeni was terrible. It was violent, the IFP [still Inkatha at this time] and ANC were fighting. It was very scary. People were dying like flies. My family was ANC because here we were ruled by ANC and that's why they believed in ANC. My mother protected us from the violence. People died in front of us. One day someone was "necklaced" [putting a rubber tire around a person's neck and setting it on fire] in front of my eyes. They called him "*amagundane*"—the rats. It means that they believed in Inkatha. He was an old man and he worked. One day he rode the wrong bus. He was lost, he lost his way. They know him that he was Inkatha and they killed him. We were young and we liked to watch. Everybody watched. Old men killed him. They shoot him and they put the tire around his neck and poured petrol over him and burned him. But the women watched and they cried (February 2005).

The performance of group solidarity Mpumelelo described demonstrates collective discord between ANC and Inkatha. Mpumelelo's account also illustrates the contestation over geographical and spatial boundaries. Violence was a consequence of crossing these contested

geographical spaces. Mpumelelo's remark that the "old man was on the wrong bus" captures how political violence in Mpophomeni was embedded in government institutions, such as transportation.

Sboniso, a young man of twenty-eight years, eloquently explained the difficulty of traveling from one end of the township to the other:

If we were passing sometimes we would meet these guys and they ask you, "where are you staying?" If you tell them you stay on the other side, you would not pass. If you tell them you stay on the other side there would be a problem. One side was ANC and the other was Inkatha (July 2005).

Sboniso's description illustrates the enforcement of boundaries. Limits on freedom of movement were based on belonging to a particular political community. Institutions with close social interaction were affected by these political divisions.

Mpumelelo's comments describe organized acts of brutality occurring in public spaces between opposing groups. Bus transportation in the townships represented an institution in which there was intimate contact between persons living in ANC dominated spaces and those living in Inkatha areas. The act of brutality was probably spontaneous and without any specific purpose. It was an opportunity to exert random but symbolic violence within an institution against individuals.

Because of the excessive, random violence, soldiers from the South African Defense Force were placed in Mpophomeni to maintain control. Many young women in the township were attracted to and had sexual relations with the soldiers because, unlike many of the young men who lived in the township, these men had steady income. Some young men in the township believed that young women who were associated with the soldiers were traitors to the

antiapartheid struggle. NoSipho's account illustrates notions of street and struggle masculinity, as young township men often threatened young women with violence because of their involvement with soldiers who represented the apartheid system. NoSipho discussed relations between the soldiers and young women living in Mpophomeni, admitting her own relationship with one of the soldiers stationed in the township.

Most of the girls were in love with the army men. We left the boys in the township. We didn't care about them, we wanted the soldiers. The soldiers would buy things for us. I believe the men living in this township started hating women during that time. The girls would say to the township boys "we don't want you, we want soldiers. The soldiers have money and you don't. You are not working." Sometimes when we were with our girlfriends we would meet the township guys, they would say to us: "You are looking at us, you bitch of the soldiers. You are nothing. We won't ask love from you because you are nothing, you are sluts" (July 10, 2005).

NoSipho's comments demonstrate that not all black township women in Mpophomeni openly supported young black South African men and the liberation struggle. Many young men at this time were unemployed, and their fathers as well, if they worked at the Sarmcol factory.

NoSipho speculated that the apartheid government injected the soldiers with AIDS. She stated, "Yes they know that the soldiers will go into the township and will have girlfriends. They were given lots of money to have sex with girls" (July 2005). She recalled witnessing her best friend die of AIDS in 1992. At that time, residents did not believe that it was HIV that was causing the death of many young women and men. Rather it was theorized that these young people had been "muthilated"<sup>18</sup> (July 2005). "*Muthi*" is a term for indigenous medicine. Used in this context it means witchcraft. NoSipho said that people in the township would say that a person who died of AIDS was bewitched (July 2005).

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<sup>18</sup>*Muthi* is pronounced "muti."

NoSipho's comments revealed some of the local discourse within Mpophomeni about HIV/AIDS. Her statements disclosed another dimension of state sponsored terror in the townships. NoSipho proclaimed her beliefs about the evil intent of the apartheid state in its mission to kill Black South African soldiers and women through AIDS. These comments also revealed the high level of distrust that many black South African women and men expressed toward their government after many years of oppression.

NoSipho's and other stories from young people illustrated how some black South African men supported the apartheid state. Black soldiers sent to Mpophomeni for example, represent one group of black men who aligned with the apartheid state and black policemen who worked in the township represented another group that represented the state and its interests. Several young men I interviewed recalled how some of the police in Mpophomeni sided with Inkatha. At times some of the police dressed in women's clothes, disguising themselves as women to search for and kill ANC youth leaders in the community who were educating residents in the township about the ANC and the meaning of democracy. Today, some of these men who were youth leaders in the community at the time of the liberation struggle are working for the ANC. For example, Bonginkosi and Sipho Zuma both have high ranking positions within the party. Bonginkosi now works as a body guard for Winnie Mandela. Sipho Zuma, who is chairman of the board at the Zenzeleni Community Center, is also a ward councillor in the political district, a position comparable to a member of a county board in American politics.

But it is also interesting to note that Inkatha and the state used cross-dressing as a technique to find and murder those whom they considered agitators and terrorists. It also demonstrates that in some of the black townships like Mpophomeni a full-scale war was waged in order to uphold the apartheid system.

*Changing social organization and gender relations during the antiapartheid struggle*

As the low-intensity conflict continued in the mid and late 1980s, anthropologists in South Africa examined and wrote about the effects of labor migration on family structure (Murray 1981; Spiegel 1985, 1991; Samson 1981; Bozzoli 1985, 1991). The war, too, affected social relations such as family structure and gender relations within the household and in the wider social world. However, it was not until fifteen to twenty years later that scholars began to examine the effects of war on these relationships.

Debbie Bonnin (2000) focuses on changing practices of *hlonipha* during the antiapartheid struggle. She argues that *hlonipha* shifted respect of elders to respect of young people, particularly young men. Young males became the primary decision makers of the family, usually deciding the political identity of the household. Traditionally, young men did not possess a large amount of power within the household (Bonnin 2000: 308). Traditional roles for women also underwent a transition.

The notion of “mother” changed to include a social care-taking role rather than a biologically defined one only. Older women, according to Bonnin, became “mothers” to young males organized to protect areas against Inkatha. Women extended their role of mother to the young male comrades who acted as protectors against violence. By 1987 unemployment was continuing to rise in Mpophomeni as the strike at the Sarmcol factory continued and young males were not employed. The Sarmcol workforce consisted of an older labor pool that supported large families with their earnings. Approximately 60 percent of the strikers were over forty years old. Sixty-seven percent of the strikers had an apartheid-education level of standard



four or less.<sup>19</sup> Twenty-three percent of the workers had no formal education (Bonnin 1987: 210). Seventy-nine percent of the strikers were married with large families. Most supported families of between six and fifteen people. Approximately 84 percent of the strikers were the sole breadwinners in their households (1987: 210).

As the strike continued, female members of the household sought to contribute to the family income. Wives provided income assistance in 26 percent of the households in Mpophomeni, and daughters contributed income in 42 percent of the households. Women usually found employment in domestic service (Bonnin 1987: 210). Economic shifts, as Spiegel and Murray observed, changed household composition and families. Men's unemployment forced women to work outside the home, which contributed to the undermining of male authority in the home and changed gender relations within households (Sharp 1994: 84).

### ***Women and politics during the antiapartheid struggle***

Most scholarship concerning women's experiences and their participation in township politics during the antiapartheid struggle has tended to exclude younger women from the analysis. Attention has focused on women as "mothers" whose concerns centered on the safety of their children or on younger men as "comrades" of the struggle (Beall, Hassim, Todes 1989; Sitas 1992; Bonnin 2000).

Younger women's presence and their participation in antiapartheid activities are less clear than those of mothers and young men (Jo Beall, Shireen Hassim and Alison Todes 1989). Ari Sitas and Debbie Bonnin describe young women's roles during this time as one of supporting

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<sup>19</sup>Apartheid education, or Bantu education, as it was referred to in Black areas, was unequal in quality to White areas. Standard four is equal to fourth grade in U.S. education.

young male comrades. Sitas' description of the "new sisterhood" that arose during this time was as "a new supportive role of caring, nursing, risking and feeling" (1992: 636). Bonnin portrays young women or daughters of the household participating in the care of young male comrades. Yet, she fails to include discussions of young women contributing income to the households or young childless women challenging the young male comrades in the streets of the township (2000: 310).

Many young women in Mpophomeni were not passive or completely supportive of the antiapartheid struggle. NoSipho's account provides descriptions of young women challenging young township men, pointing to young women questioning the power of these men. Young men often intimidated and at times killed young women who were looked upon as traitors to the struggle. NoSipho explained the death of one of her friends.

They [township boys] killed one of my friends. They used to say to her you have to model without clothes on, take all your clothes off even your panties then you'll have to "model" in the streets without your clothes (July 2005).

"Modeling" was a strategy used to intimidate women who had sexual relations with soldiers and replacement workers at Sarmcol. Young men would strip a young woman, making her walk the streets of the township without clothes. Some of these women were beaten, sexually abused and raped. Modeling also represents a concrete example of attitudes and behaviors associated with the concept of struggle masculinity identity.

### ***Freedom day and the democratic transition***

By 1989 the South African political terrain was polarized between the South African Government (SAG) and the African National Congress (ANC) (Dugard 2003: 164). In the

course of the negotiation process, Inkatha became the Inkatha Freedom Party in 1991 and emerged as an important third party (Dugard 2003: 164).

There are several causes for the South African Government's eventual decision to negotiate a democratic transition. These include the ANC's success in exposing the escalation of the apartheid government's repressive apparatus, further threats of economic sanctions, pressure from Western nations for economic reforms and the demise of the Soviet Union (Dugard 2003: 164–65), which supported the ANC during the struggle for liberation. Towards the end of the 1980s, the international resolve against the apartheid government had stiffened. The United States, Britain, France, West Germany, Japan and the Soviet Union all participated in furthering rigid sanctions against the apartheid regime (Dugard 2003: 165). Economic pressure for reform within South Africa was also mounting. A United States congressional delegation visited South Africa in January 1990 and warned that unless the government acted decisively to meet the conditions to negotiate, economic sanctions would escalate. Sanctions had already taken a heavy toll on the South African economy (165).

International pressure for a negotiated settlement was also mounting due to changes in the Soviet Union. By 1989 Gorbachev's reforms had fundamentally altered East-West relations. With the decline of the Cold War ideology and practice, a new world emerged: "The fall of the Berlin Wall in 1989 was the culmination of widening cracks in the Soviet empire and gave rise to Soviet disengagement in Southern Africa" (Dugard 2003: 165). The changes in the Soviet Union had effects on the ANC, since the Soviet Union was their chief source of arms and an ideological support base (168).

Shifts in United States and British foreign policy also contributed to the pressure for a negotiated settlement. U.S. Secretary of State James Baker emphasized a coordinated approach

with Congress and the Senate toward South Africa. South Africa also relied on its close ties with the Soviet Union. Having accepted most of the points of the negotiated settlement, Prime Minister Margaret Thatcher used her power to give authority to the idea of negotiation (Dugard 2003: 165).

On February 2, 1990, President F. W. de Klerk announced the unbanning of many political organizations, including the African National Congress (ANC), and the release of Nelson Mandela from prison. Mandela spoke to a large crowd of approximately 100,000 supporters in Durban on February 25. He made appealing remarks towards Inkatha and Chief Buthelezi and urged an end to the violence. He admonished those with weapons to throw them into the sea. There was much press acclaim for his remarks. Mandela's appeal for peace prompted some communities near Durban to hold peace gatherings, while in others there was more violence, anger and shows of resentment towards a call for peace with Inkatha (Aitchison 2003: 73).

In Mpophomeni and other areas in KwaZulu Natal, the political violence escalated. One month after Mandela's speech calling for peace, fierce attacks by Inkatha on non-Inkatha areas began and continued for the next seven days. This stage of the low-intensity conflict has been named the Seven Days War (Aitchison 2003: 73). On Thursday, March 29, the fifth day of the war, Mpophomeni came under attack by a 500-member force of Inkatha. The attackers were driven away but the police opened fire on the Mpophomeni counterattackers and allowed the Inkatha fighters to regroup at the home of a local chief. That evening Inkatha attacked the local Catholic church and damaged it slightly (Aitchison 2003: 82)

Mpophomeni again came under attack by an Inkatha force of two hundred on the seventh day of the war, Saturday, March 31. When the police acted to drive the force away, three people were killed and thirty-five were wounded.

Mto recalled Nelson Mandela's visit to Mpophomeni shortly after his prison release. Mandela visited the township to plead for an end to the violence and for peace. Mto commented on the violence and Mandela's visit (Interview: June 2005):

In some places the violence got worse. It got worse here when Nelson Mandela was released in 1990. It cooled off here when Mandela visited Mpophomeni in 1990. The people even the grannies, the children and many people were here at the stadium to see our President Mandela. We were singing freedom songs. There was dancing—our “freedom” dance, *toi-toing*, everybody was *toi-toing*.<sup>20</sup>

Inyoni recalled that there was no fighting the day Nelson Mandela was released. “Everybody was happy when he was released from prison. We were dancing, running around. There was no fighting that day” (May 2005).

The historic general elections took place in South Africa on April 27, 1994, marking the official end of the apartheid regime and the beginning of a democratic dispensation. The elections were not free of violence. In KwaZulu Natal the violence was the worst. Almost all the incidents were related to clashes between ANC and IFP. The worst incident was the killing of fifteen ANC supporters gathered for a voter education workshop. IFP officials were arrested in connection with the massacre (Dugard 2003: 177). Sipho, a twenty-five-year-old unemployed man, told me that the municipal office in Mpophomeni was burned during the elections. “Yes, the municipal office was burned. They say it was Inkatha, but I don't know. I just woke up and

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<sup>20</sup>“*Toi-toing*” is a practice of dancing and singing. It was used as a method of protest, particularly during the antiapartheid struggle.

the office was burned and we couldn't do anything" (July 2005). Inyoni, who was eighteen years old in 1994, described her first voting experience in Mpophomeni:

I didn't have an ID at that time, the ID book. It was 1994. It was in April. I went for my ID and they were telling people that if you don't have the ID, you'll have to come to the hall and they did it for you and it was free. They didn't charge you like now. The photos were free. So I went to the hall then I went to vote. Everyone was excited about voting. I remember when it was announced that the ANC won the election. It was very nice in Mpophomeni. We were very happy. Mandela won, we toi-toied again, running around all the streets in the township. All of us were happy. We were free (July 2005).

### *Conclusion*

The combination of the effects of South Africa's economic recession and the war for liberation spilled over into the township of Mpophomeni. These events influenced changing social organization and social relations, particularly between women and men. The accounts of that time by young women and men in Mpophomeni reflect the struggles they witnessed in the workplace, in the streets and in the household. Struggles over political identity and meanings of manhood are evident. The definition of what it meant to be involved in the fight for liberation as a radical, a militant, a soldier or a comrade, and conversely, what it meant to be a collaborator, traitor or a rat was significantly linked to what it meant to be a man (Waetjen and Maré 2001: 198). Thembisa Waetjen and Gerhard Maré emphasize that "the use of violence, the display of weapons, the wearing of uniforms, the defense of ideals as well as various notions of what constituted loyalty, betrayal, wisdom, and foolhardiness, opportunity and defeat were contested in gendered grammar and practices" (198). In Mpophomeni, the workplace, the street and the household constituted forums in which gender identities were either tested, established or subverted (198). The days of the liberation struggle allowed young, black South African men to form a new identity. The rise of Zulu nationalism during this time also contributed to the

development of these identities. Forms of street and struggle masculinity contributed to black men's self-esteem while adding to other forms of violence, including sexual violence.

While acknowledgement or recognition of the linguistic term signifying behavior of acquaintance rape was nonexistent during the span of the apartheid era, sexual coercion was part of many women's lives, particularly during the period of liberation struggle. The apartheid state justified the use of sexual violence as a tool to control women who worked for the dismantling of the regime. In the black townships such as Mpophomeni, high levels of violence in the streets served to perpetuate violence against women. In this chapter I argued against Catherine Campbell's belief that men learn to be violent in the home and illustrated numerous accounts of men learning violence in the streets and transferring it into the household.

Within the private space of the household the liberation struggle influenced relations between young and old, women and men. As the Sarmcol strike continued in Mpophomeni many women were forced to seek employment in the public sphere. In some cases black women became the breadwinners and as a result their husbands or male partners believed their masculine identity was challenged. In Mpophomeni many mature women and daughters worked in domestic service, at times traveling long distances to cities. In some cases it was men's unemployment that undermined their authority in the household. Domestic fluidity once again played a very important role as a strategy for survival as women traveled back and forth between home and work. These conditions may have also contributed to the increase of sexual violence within households.

## **Chapter Five: Mpophomeni: Housing, Labor and Unemployment**

This chapter focuses on the creation and enforcement of state housing policies during the apartheid and postapartheid eras in South Africa. I specifically focus on the effects of the Group Areas Act and forced removal policies through a discussion of the establishment of the township of Mpophomeni. Mpophomeni is an example of an area that was established because of these policies. Some scholars blame policies of group areas and forced removals for having caused the demise of the black South African community and the household structure (Lemon 1991; Unterhalter 1987).

As I discussed in chapter 3, labor migration contributed to changes in the social organization of the household. After the apartheid state was legitimized in 1948, group areas policies reinforced racial segregation by establishing housing locations using the apartheid racial classification. I argue that after policies of forced removal were put into place, the house itself and its interior was the focal point of state terror. The violent execution of forced removal policies resulted in the displacement of many households in the black South African community. Women's accounts of relocation and displacement illustrate that physical and psychological violence were common occurrences in their lives.

Apartheid state policies that included designated areas for people of color through forced removals invites questions concerning state intervention and the right to privacy. A progressive understanding of privacy must acknowledge government's obligation to guarantee the rights of personhood and must acknowledge the connection between the right of privacy and racial equality (Roberts 1991: 1428). Feminist critiques of privacy assume that in the economic system



of capitalism, women as a universal category have been confined to the drudgery of work in the household. They acknowledge that women's labor has been undervalued in the home compared to men's work outside the home. In their analyses, feminist scholars focus on critiquing the state and its institutions, thereby corroborating the belief that women's work in the private sphere is not as economically valuable as wage labor outside the home. For women, according to white feminist scholars, the home is an extension of the oppression that existed outside the home.

But white feminist scholars largely ignore the fact that historically black women in the United States have worked outside the home. As slaves working on plantations, or in the house of the slave owner, black women were exposed to and vulnerable to violence outside their homes. Black feminist scholars (Davis 1983; hooks 1981; Roberts 1991) emphasize that the home for many African-American women represented a haven and solace from the violence they experienced in workplaces and other public areas.

I argue, however, that with the adoption of forced removals in South Africa, there government controlled the workplace and what happened in people's homes. Black South African women who were exposed to violence in public were also denied safety, solace and protection in their homes. The state controlled all aspects of a family's home, including the building itself. Forced removal policies uprooted many households to unfamiliar areas such as Mpophomeni, giving residents few resources. These policies represent another form of state violence toward black women and men under apartheid. Psychological and physical violence has been a constant in the lives of black South Africans.

The establishment of Mpophomeni in 1969 exemplifies the apartheid state's willingness to accommodate the workforce needs of foreign investors such as British Tire and Rubber/Sarmcol. Since the factory was located in Howick, the township of Mpophomeni was

constructed nearby to house the workers of the company. As described in the previous chapter, at the height of the antiapartheid struggle, BTR downsized its operations dramatically, replacing many workers with technology. In the 1990s, BTR/Sarmcol sold its operations to Dunlop, and in the year 2001, Dunlop Africa sold its operation to form a new company—Dunlop Industrial Products (Pty), Ltd.—causing more layoffs. Many of the company's manufacturing jobs were outsourced to other countries. Currently the Dunlop operation in Howick consists of administration and management operations and only a few manufacturing positions.

The construction of Mpophomeni was the product of group areas policies, in which areas that were designated for white South Africans had to be vacated by blacks already living there. Many black South Africans who were relocated to Mpophomeni had lived on small farms away from industrial areas. Group areas and forced removal policies took black South Africans from semirural areas to townships, usually located outside small or large industrialized cities.

During the struggle for liberation, violence spread from the streets to the black South African home, blurring divisions between public and private. These private-public dichotomies used so often by feminist scholars seem to be of little use in the South African context. Women were never free from violence.

With the lack of government intervention in labor and housing in the postapartheid era, policies concerning housing that were developed by the new democratic government have done little to dismantle the apartheid structure. During the apartheid era Mpophomeni was a working class community, and it is now a place where structural unemployment and poverty are common, especially for young women and men. Many young men I spoke to while conducting field research believed at one time that they would inherit the jobs of their grandfathers and fathers at the Sarmcol factory. Now they realize that they will not take over these jobs, for many of the

manufacturing jobs at the Sarmcol plant have left South Africa and are now done by workers in Asia. The educational skills of many young men in Mpophomeni have prepared them to assume only low-wage work. Most of the unemployed young people I talked to had given up searching for work in the formal economy. They also realized that some jobs once part of the informal economy are now part of the formal sector. In 2005, the South African state initiated attempts to regulate outdoor markets. Mpophomeni's nearby municipalities such as Durban and Howick require vendors to obtain licenses to sell goods in this activity. Because of the relatively large fee required to obtain a license, most people in Mpophomeni are too poor to participate in the open market. With overwhelming unemployment in Mpophomeni, young women and men find it difficult to establish their own independent households. In a general survey I conducted with young women and men between the ages of eighteen and thirty-five, 99 percent were unemployed. Of twenty-six females who participated, twenty-five were unemployed, and all fifteen men were unemployed.

Even though unemployment plagues this township, Mpophomeni has all the visible signs of infrastructural transformations, including new housing. The new South African constitution guarantees the right to housing for all its citizens, but while it guarantees the right to shelter, few local policies are in place to reduce racial segregation and gender inequality. Since the democratic transition in 1994, the government has constructed new houses in Mpophomeni as part of the Reconstruction and Development Program (RDP). As a result, new meanings of "house" and "home" were established with a new form of domestic fluidity influencing sexual behavior.

Due to a dearth of academic scholarship documenting the creation of the township, I juxtapose existing historical documentation with conversations I had with young women and

men I met while conducting field research. Their accounts describe the effects of apartheid labor and housing policies on blacks in Mpophomeni.

### *The establishment of Mpophomeni and the Group Areas Act*

Mpophomeni is an urban township located approximately sixty miles west of Durban and twenty-three miles (37.5 kilometers) west of Pietermaritzburg in the KwaZulu Natal province. The township is five miles, or fifteen kilometers, outside of the town of Howick. According to the 2002 South African census, Mpophomeni has approximately thirty-five-thousand residents (South African Census 2002).

Mpophomeni's creation in 1969 represented two shifts in the apartheid government's strategy of influx control, that is, the surveillance of the movement of black South Africans. First, the establishment of Mpophomeni illustrated a plan to move Africans away from the land and force them into the labor sector of the industrial economy. It also marked a change from the apartheid government's policy of labor migration to cities and towns to one of placing industries in close proximity to black African rural residential areas.

The apartheid government had enacted two laws facilitating this transition. The Group Areas Acts of 1950 and 1966 shaped racial segregation more than any previous legislation. The Group Areas Act of 1950 stipulated that certain tracts be proclaimed "Group Areas," in which only members of particular group could live, own property and conduct business (Unterhalter 1987: 61). This act was facilitated by and was the corollary to two earlier laws that had institutionalized the division and classification of the population into separate groups on the basis of language, ethnicity, and skin color. These were the Population Registration Act of 1950, which provided for the issuing of identity cards that indicated the group to which a person had been assigned, and the Prohibition of Mixed Marriages of 1949, which made intermarriage

between groups illegal. The Group Areas Act meant that Indian and coloured residents, who had been long settled in city centers close to and intermingled with whites, began to be removed to outlying townships. African families living in an area proclaimed as a coloured, white or Indian Group Area had to move. The act gave the government control over property transactions between two different groups as well as over the occupation of land. No less than ten different kinds of areas were defined, with the goal of establishing areas for the exclusive occupation of each group.<sup>21</sup> Subsequently, the government could decide where the different groups could live. Local authorities were obliged to plan group areas and to suggest their location to a group areas board (Unterhalter 1987: 61–2).

The legislation adopted in 1966 assisted the long-drawn-out process of implementing the 1950 Group Areas Act. It froze all Indian and coloured rights of land ownership and occupation in areas that had not yet been proclaimed group areas (Unterhalter 1987: 62).

Overall, group areas legislation was a means to enforce a system of residential segregation in urban areas, which supported the population classification system refined by apartheid policy (Surplus People Project 1983: 4). It was one method of splitting up and keeping the black urban population in separate areas to facilitate control (Innes 1975: 7). But the ultimate goal was the establishment of areas for the exclusive occupation of each group (Lemon 1991: 9).

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<sup>21</sup>Group areas might be proclaimed in respect to either ownership (with controlled occupation) or occupation (with controlled ownership), but the proclamation applied to both ownership and occupation in final form. “Border strips” might be designated to act as barriers between different group areas to ensure that no undesirable contiguity occurred. “Frozen zones” might be proclaimed if an area were considered suitable for proclamation, but not immediately required. Control would then be exercised over the use and development of the area, including the freezing of property transactions to facilitate its eventual proclamation as a group area. “Future border strips” likewise might be set aside with future needs in mind. Control over occupation could be temporarily withdrawn at any time by special proclamation. The possibility of establishing such “open” areas, as they came to be known, caused much controversy between local authorities and the Group Areas Board, especially when it was decided to retain a black (usually Indian) commercial district in what had been proclaimed a white group area (Lemon 1987).

Implementation of the Group Areas Acts was the responsibility of the Group Areas Board and, subsequently, the Community Development Board. Widespread white acceptance of these laws solidified their passage and execution. White South Africans were the sole representatives on the local town councils, defending their interests over other groups' (Lemon 1991:10). The reality and the impact of the group areas policies on South African society were not fully realized until the 1960s and 1970s (Lemon 1991: 11). For example, Laurine Platzky and Cheryl Walker (1985) claim that between 1960 and 1983, after Group Areas policies were implemented, approximately 730,000 Africans in urban areas were resettled. The total figure between 1950 and 1990 exceeded one million (11).

In some cases, people were removed to better housing, but in other cases race zoning exacerbated overcrowding and squalor (Lemon 1991: 10). This was evident in the town of Zenzele, a farming community outside Howick. Zenzele was designated as a "black spot" and was one of the zones most affected by the housing policies ratified by the apartheid government. "Black spot" was an official term referring to African freehold land acquired before the 1913 Land Areas Act. Tenants who lived on land categorized as a black spot were threatened with removal because it was located within white designated areas (Platzky and Walker 1985: xi; Thompson 1990: 193). The town of Zenzele became a place of temporary housing to ease the "housing shortage" for blacks in Howick. By 1964, approximately four thousand black Africans lived in Zenzele (Bonnin 1987: 98). At the time, 48 percent of those employed at the Sarmcol factory lived in Zenzele. The apartheid government in the 1960s designated several areas in the KwaZulu Natal province, such as Zenzele, as spaces for urban relocation. It involved the removal of residents to newly created townships. To accommodate the residents of Zenzele, the township of Mpophomeni was built (Bonnin 1987: 100).

In 1960, the Group Areas Board visited Howick to initiate the zoning process. In the same year, the Pietermaritzburg Town Council approved a plan to begin construction of the Midmar Dam. The proposed site of the dam overlapped with a portion of Zenzele's formal boundaries. Building the dam required using land occupied by Africans in Zenzele (Bonnin 1987: 101). The state gave residents three months to relocate and agreed to compensate them. However, compensation was payable only to owners living in buildings. This meant that tenants who did not live in their own houses, or lived in dwellings not considered "buildings," were not eligible for compensation (101). The latter such living arrangements were more common than home ownership.

In November 1964, the Group Areas Board proclaimed Howick an "Indian" group area (Bonnin 1987: 97). Two years later, in 1966, the Board changed its decision and declared Howick a "white" group area (97). This policy, along with the construction of the Midmar Dam in Zenzele, intensified the need for housing for the workers at the Sarmcol factory. This was also a basis for the establishment of Mpophomeni.

Before the construction of Mpophomeni, Sarmcol's labor market was drawn from surrounding areas of the Lions River such as Zenele, Honabe and George. Seventy-three percent of Sarmcol workers in the 1980s were born into the families of labor tenants—a system whereby blacks were given housing and access to land for plowing and grazing in exchange for the head of the household working for the farmer for six months and for Sarmcol the other six (Bonnin and Sitas 1988: 44). Due to the increasing demand from industrial capital and the agricultural sector for a permanent labor force, the state tightened control over labor tenancy until it was eventually abolished in the late 1960s. As a result, former labor tenants became full-time industrial laborers at Sarmcol (44).

Although Mpophomeni was constructed in 1969, most residents of Zenzele relocated to the township after 1978 (Bonnin 1987: 101–3). By the 1980s, approximately 40 percent of those employed at BTR/ Sarmcol had relocated there (Bonin 1987). Some of the young women and men recounted why their families moved to Mpophomeni. Dudu, 32, a married woman with two children at the time of our conversation, said her family moved from Zenzele to Mpophomeni in 1979 because of apartheid. Since the area was close to water, it was designated an area for whites. “So they said it is not ‘good’ for blacks to stay in Zenzele,” she said (Interview: May 2005). The family’s shopping routine changed after being removed.

When you thought about buying things in Zenzele, you just walked to the shop. In Mpophomeni there aren’t many shops, so you have to take a taxi or car to go to Howick (May 2005).

Buses to Howick were available for residents during the week, since they were used to transport workers to Howick and Pietermaritzburg. But on the weekend, workers had to find other means to travel to Howick.

Nyoni, a twenty-eight-year-old mother who worked as a firefighter, also spoke of the differences between her previous and current housing.

The house we lived in Zenzele was not like the brick house we live in now. It was mud. We were forced to move. They said they wanted to build Midmar Dam in that place. If you wanted to move or not, they forced you to move to Mpophomeni (Interview: May 2005).

Nyoni’s account describes the psychological violence imposed in the early 1970s by the state through forced removals. Whole areas were often displaced, and all the residents were moved to the same location. Nyoni’s new home was like most of the four-room brick buildings that comprised Mpophomeni. Approximately 73 percent of the houses in the township consisted of



four rooms, while an estimated 20 percent of residents lived in two-room structures (Bonnin 1987: 193).

The government controlled the size of housing for black South Africans. Overcrowding was common in Mpophomeni houses, making the township a densely populated place.

Thandazile, a mother of two who became my research assistant, recalls how crowded her house was after moving from a nearby area to Mpophomeni in 1972. “There were five of us—three brothers and two sisters—in a four-room house. We got two bedrooms: one for the boys and one for the girls” (June 2005). The apartheid state’s unwillingness to allow privacy and space to black South Africans was another method of perpetuating black subordination. Black South African women were further denied the opportunity to develop a sense of self and a personal identity. They were denied the dignity of their full humanity and identity (Roberts 1991: 1468).

Group areas policies not only regulated movement and residence, but also controlled access to utilities inside the home. Historically, electricity was a rare energy resource for most urban Africans during apartheid (Lee 2006: 55). In Mpophomeni, candles were the predominant source of electricity for 80 percent of the homes; only 20 percent of residents had indoor power (Bonnin 1987: 194). Rebekah Lee (2006) points out the complexities and difficulties of obtaining electricity in South African townships. Since securing rights to housing during apartheid required having a working male in the household, women were dependent on men for access to utility services (Lee 2006: 59). Only the registered housing tenant, who was the working male in the household, possessed the right to request installation of electricity (Lee 2006: 59). The apartheid state’s decision to only recognize men as household heads was an extension of the power of the state into the home. These policies affected relations between partners in the household. Women had to rely on men, who represented the power of the state. In this sense,

the apartheid state, through coercion and authority, reshaped the social order in the interest of men (Mackinnon 1985: 162). Indoor plumbing was also nonexistent in the houses of Mpophomeni. Most residents obtained water from a communal tap. Eighty-four percent of houses had access only to the bucket system (Bonnin 1987: 193–4) in which residents of households had to use a portable container for defecation.

The streets, the schools and the few businesses in the township were also controlled by the state. But unlike surrounding black South African areas, Mpophomeni was formally constructed with designated roads. The main roads were gravel; the side roads were sand. Sparse and weak street lights lit the main thoroughfare. The government also built schools, a community hall, a clinic, a beer hall and a few shops. There were few public telephones and no post office (Bonnin 1987: 194).

The mass relocation of residents, particularly from Zenzele, caused the population to boom to approximately fifteen thousand by 1981 (Bonnin and Sitas 1988: 50). Even though Mpophomeni's population increased because of the Group Areas policy, few schools were built to accommodate the additional children. By 1987, there were only five schools: two junior primary schools, two senior primary schools and one high school (Bonnin 1987: 194).

Some of the young adults I spoke with who were primary-school age in the 1980s remembered the early days of Mpophomeni before political violence became common in the township. Mto, twenty-six, said of life in Mpophomeni before political violence: "The place was cool. Yes, it was cool and nonviolent. It was such a nice place to live. Everybody wanted to move to Mpophomeni, particularly those who lived on the farms" (June 2005). According to Mto, Mpophomeni began to change in the middle 1980s because of the strike at the Sarmcol factory. Nyoni also recalled that she enjoyed living in the area and depicted it as "a nice quiet

place” (July 2005). Changes in the township, residents say, began with the factory strike and the resulting political violence.

### *Violence in Mpophomeni*

As the liberation struggle and the strike at Sarmcol continued, the lack of privacy in the home further denigrated black South Africans. Nyoni recalled that laid off workers and their relatives moved from house to house, vandalizing them and committing other acts of violence in the homes of Sarmcol’s replacement workers. Nyoni’s narrative illustrates the intrusion of strangers into the home. At this time, private and public spaces collapsed into one. Nyoni remembered:

My uncle, who was my granny’s first son, worked [at Sarmcol], and it was believed he took somebody’s job. The people wanted to kill him. He ran away and went to stay in Mgwagwa. His son went with him. There was fighting one night in there. The ANC and the Inkatha were fighting because of the *amagundane* (rats). The *amagundane* were with the Inkatha and the cats were with the ANC. One night, my uncle’s son was sleeping in his house and people came into the house and attacked him and then he died. They poked him with a knife or a spear. Luckily, they never burned the house. They were killing people that day (April 2005).

Most of the workers who replaced the striking Sarmcol workers lived in areas close to Mpophomeni and were members of UWUSA, the trade union that supported Inkatha. Nyoni refers to the “house.” Most of the replacement workers lived in hostels, referred to as “houses,” on the grounds of the Sarmcol factory. Nyoni’s uncle moved to a house in another town to be safe from the violence-prone residents in Mpophomeni. By this time, Inkatha, which was supported by the apartheid state, and the ANC, an outlawed political party, were competing for power and authority in black areas. Inkatha was an extension of the apartheid state, while the

ANC battled for the demise of the apartheid system and control of the government. Nyoni's description of the murder of her uncle and his son illustrates how the state and its marginal forces entered homes to conduct violence. In Mpophomeni, those perceived as cats, the "domesticated" or "civilized" ones, chased "rats" like Nyoni's uncle and his son from the township. Again, this illustrates how political entities vying for control of the state influenced and dominated areas. Later, I will show how the meaning of "rat" changed as the violence continued. These examples illustrate how social and political identities were formed shortly after the onset of the Sarmcol strike.

The violence in the township became organized and more visible by 1986. On the evening of December 5, 1986, two hundred Inkatha members were bused to Mpophomeni. The mob abducted four COSATU officials from Sarmcol who were residents of Mpophomeni. Four people were taken to a deserted place by the river and executed by the Inkatha vigilantes. They were Phineas Sibiya, chairman of the Sarmcol shop stewards, a regional MAWU worker leader and leader of the local cooperative movement; Simon Ngubane, shop steward and soul of the cooperatives' cultural workers; Alpheus Nakbinde, a youth activist; and Florence Mnikathi, a young Health Committee activist and the daughter of a Sarmcol worker (Bonnin and Sitas: 1988: 42). In the early hours of the morning, in another attack on the township, another youth was killed (42).

NoSipho, a thirty-seven-year-old woman whose father was a COSATU leader at the Sarmcol factory, recalled the killing of the four COSATU members:

The mistake was when the Inkatha members killed the Sarmcol workers. That's when the violence started. It was nine o'clock at night. They knew the workers were COSATU members. They had someone getting information from these Sarmcol members. These IFP [Inkatha] people knew where the COSATU

members were meeting. They came to the community hall in Mpophomeni and didn't say anything; they just fired guns and told them to go inside the car. They took them out of the township and started beating them up. There were four of them. One was my neighbor. Then the Inkatha members took them to the dam and poured petrol (gasoline) on their bodies and burned them. No one liked Inkatha from that day (July 2005).

The next morning, the Inkatha group remained in control of the community hall in Mpophomeni. They attacked the township, moving from house to house demanding that strikers denounce MAWU and pledge their allegiance to Inkatha. Many residents were beaten and stabbed. Later on in the day, the police escorted the violent group out of the township. Local police arrested three of the perpetrators after Howick police initiated an investigation. The police released all of the others in the group and never prosecuted them for the four murders (Aitchison 2003: 55).<sup>22</sup>

Many believe these attacks in Mpophomeni precipitated and exacerbated the political violence in the township. NoSipho's description highlights violence in the streets and in homes. The violent public attack on the residents of Mpophomeni added a new dimension to the conflict. The violence in Mpophomeni represented a transition in the purpose and scale of the conflict. What was once a labor disagreement was now undisputedly a conflict related to the political, economic and social oppression of black South Africans by the apartheid state.

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<sup>22</sup>According to John Aitchison, at an inquest conducted in March 1988 nine members of Inkatha were held responsible for the murders. One of the accused, Vela Mchunu, subsequently participated in the South African Defense Force's (SADF) Special Forces training camp in the Caprivi Strip (of Namibia). Mchunu was arrested in the early 1990s and tried under another name for a taxi-related double murder but was acquitted. The Attorney General of KwaZulu Natal at the time, Tim McNally, refused to file charges for the Mpophomeni killings (2003: 55-6).

*Sexual violence in Mpophomeni during the apartheid era and the struggle for liberation*

During apartheid and the struggle for liberation South Africa's civil laws continued to provide little protection for black South African women from sexual violence by black and white South African males. Instead, the law regulated sexual intimacy between whites and blacks. The Immorality Act of 1957 declared sexual intimacy between persons of different races to be criminal behavior. It was a crime for black and white males and females to engage in sexual relations with persons not of the same color. The purpose of the law was to "protect" white males and females (Poinsette 1985: 104).

Unlike scholarly and fictional descriptions of rape as a tool of war, sexual violence between black South African female and male acquaintances occurred in the midst of the antiapartheid struggle. Dudu, who was thirty-five years old at the time of our conversation, told me about her experience with sexual violence in Mpophomeni during the height of the violence of the liberation war. Now, eighteen years later, Dudu describes her first experience with her first boyfriend in 1987 as "rape." At the time of our conversation in 2005, Dudu had two children. Her first child was conceived through that violent experience.

Dudu had participated in virginity testing ceremonies since the age of twelve. In Mpophomeni, according to her, the testing was started by Sara Sihakhane, a woman who lived in the township in 1985. Mrs. Sihakhane taught young women about their bodies and how to care for them. Dudu recalled some of the lessons she learned from Mrs. Sihakhane.

She told us when a girl reaches menstruation stage how she should behave. She also told us about how a woman's body and womb is shaped and how the menstrual cycle works. Mrs. Sihakhane told us that we have three underarms (pointing to her armpits) and this third (pointing downward to her vagina). It

should be cared for in the best possible way. When a girl is on her period, she should wash three times a day and she must stay home and do house chores. And that when we reached the age of twelve, she said we should go to virginity testing. I remember when I arrived at virginity testing an old granny would check us (May 13, 2005).

Dudu recalled informing her boyfriend of her virginity status when he expressed interest in sex. One day, according to Dudu, he forced her to come to his home after school. During our conversation she stated: “He wanted to see if I was a virgin and he wanted to see what would happen if I was not a virgin anymore. He told me that he had never seen a virgin before, you know” (May 13, 2005). Dudu later told me that her boyfriend’s expression of curiosity about her virginity status implied that he believed he was entitled to “take” something away from her. She believed that he wanted to “steal” something that was a part of her identity (May 13, 2005). Dudu described how she met her boyfriend at school and about the fact that “he spoke about having love for me.”

I kept saying to him “No, *angithandi*” (I don’t like you). I kept repeating that. After the middle of the year I think I then said “I love you.” I saw my friends talking about love. I was not interested but my first boyfriend took me to his mother’s house. He took me to his mother’s house and he forced me to sleep with him. I went to his mother’s house to talk about the school work I had. I didn’t know he had thought about all that—you know, sex and everything. I didn’t think he had thought about having sex with me. He grabbed me and stole me one day after school. He said “please visit me now.” I said “no.” He forced me to have sex with him and then I got pregnant at seventeen (May 13, 2005).

Dudu later explained that when she told her boyfriend she was not interested in sleeping with him, he responded by saying, “You told me that you love me. Don’t tell a boy that you love him, because if you tell him then he takes you to his mother’s house to sleep with you” (May 13, 2005).

Recalling this experience, Dudu stated she was raped. At the time, she admitted that she did not think of it as rape. Dudu explained why she had never divulged this experience to anyone before our conversation. “Who was I going to tell?” she asked. She admitted, “Everyone in the township would see us together.” Dudu’s statement implies that there was no linguistic system in place to articulate this particular experience of sexual coercion. At this time the notion of acquaintance rape was nonexistent. Discussing rape publicly and the notion of acquaintance rape is now part of the discourse brought by democratization in South Africa. I asked Dudu about the young man who she says raped her. She told me that he was later killed during the political violence in Mpophomeni. Dudu also admitted that she is constantly reminded of the rape with her firstborn child.

I protect her so that the same thing that happened to me does not happen to her. Once you say to a boy that you love him, the boy thinks he must take you to his home and sleep with you. That is all he thinks. He just ruins your life and your future and you get pregnant. When you have a baby he ignores you and goes on to other girls without babies who are still virgins and he has sex with them too.

### *Informal settlements*

The combination of political violence and lack of access to employment in urban areas spurred many black South Africans to relocate from rural areas to urban townships. Space for housing in the township became scarce, and overcrowding in houses reached unimaginable proportions in many areas. Densities of fifteen or more people per four-roomed house became widespread; the figures were even higher in some areas (Lemon 1991: 20). Because of the immense shortage of housing, many black South Africans from rural areas squatted in urban townships. By the late 1980s as people migrated from rural to urban areas, an informal settlement formed in Mpophomeni.



By the end of the 1980s, there were an estimated seven million informal settlers in and around urban areas (Lemon 1991: 20). The rise of informal settlements in the late 1980s and early 1990s illustrates the breakdown of the apartheid state's housing policies and its failure to provide shelter for poor black South Africans. Doug Hindson and Jeff McCarthy (1994) define informal settlements as "dense settlements comprising communities housed in self constructed shelters under conditions of informal or traditional land tenure" (1994: 1).

By 1992 in KwaZulu Natal, the growth of informal settlements outpaced formal housing. The largest number of settlers lived in the Durban Functional Region (DFR) and Greater Pietermaritzburg Area (GPA) (1994: 2–3). Mpophomeni became a safe location for squatters who supported the ANC to flee the political violence in nearby rural areas. At this time, divisions between rural and urban township residents coalesced around political affiliation (1996: 61). Inkatha controlled rural areas in KwaZulu Natal, while the ANC dominated urban townships (Crenshaw 1996: 62). By the late 1980s, displaced residents from surrounding areas established an informal settlement in Mpophomeni. By early 1994, 1,280 people squatted on state-owned land in Mpophomeni. (1994: 219).

Even though both informal and formal residents were victims of the massive failing of the housing and labor policies of the apartheid state, the two groups clashed over their differences in housing structures marking class distinctions. These disparities affected social relations among residents. Mpumelelo, who lived in an informal settlement with her mother and sisters, described her experiences moving to Mpophomeni and interacting with classmates:

My mother, four sisters and I moved to the informal settlement in Mpophomeni around 1986 or 1987. I was about ten or eleven doing only standard three in school. We built the house out of mud. We had no electricity, no water. We had a "pick" toilet (a hole in the ground). When it rained, the walls would break and

the water would come through the house. At that time the situation was hard because my mom lost her job. We used a paraffin stove, and we would have to walk far to fetch the water. The students at school would laugh at me because they said I smelled of paraffin. Yes, life was hard, very hard. One day they were burning houses and shooting here in Mpophomeni. These boys meant to burn someone else's house, but they burned our house instead. Everything was in it. We had to rebuild our house (July 7, 2005).

Mpumelelo's account attests to the level of poverty experienced by black South African families headed by women. Second, her experience describes the material conditions at home. Third, and more importantly, Mpumelelo's experience illustrates how vulnerable informal settlements were to the violence in the streets of Mpophomeni. To avoid having their houses burned, families had to make their political identity visible.

Finally, Mpumelelo's interactions with her classmates at school demonstrate their awareness of class and status. Longtime residents of Mpophomeni were treated as insiders, while those who lived in settlements were perceived as outsiders. Children laughing at Mpumelelo because she smelled of paraffin, which are used only by the lower class, also reflects these class distinctions. Some longer-term residents of Mpophomeni accepted the cruelty, subordination and gross inequality that the apartheid state imposed on black South African women and children. Some black South Africans, it seems, complied with the system of the apartheid state.

### *Housing in the postapartheid era in Mpophomeni*

Concerns about housing in South Africa emerged from rising unemployment, political violence and worsening neglect during the apartheid years. Overcrowding in townships prompted the creation of new housing policies well before the democratic transition in 1994. The National Housing Forum, officially launched in 1992, established a mandate to negotiate a

future housing policy and framework (Khan 2003: 11). The Bill of Rights in South Africa's new Constitution declared that all citizens had the right to adequate housing (South African Constitution 1996). This declaration articulated goals to dismantle racial and gender inequality.

The *Housing White Paper* of 1994, written as part of the Reconstruction and Development Program (RDP), explicitly guaranteed "permanent residential structures" that provided security, privacy and adequate sanitary facilities for all South Africans (Khan 2003: 16). The purpose of housing, according to this document, was to provide not only shelter, but also spaces for people to create "homes" (Parnell 1996: 122). To meet its goal of providing housing, the African National Congress promised to deliver one million houses in five years to the poor and previously disadvantaged groups (Bond and Tait 1997; Bond 2000; Khan and Thring 2003: iv). More important, the new housing policy represented a fundamental shift in how it treated women. It ensured them housing in their own right instead of having to obtain housing through men (fathers, brothers, spouses) (Parnell 1995: 121). Even then, established practices on the ground and within institutions remained deeply embedded: unequal gender relations are still present, causing an ongoing struggle over housing between women and men.

Since the democratic transition in 1994, South Africa's economic policies, driven by the ANC, have shifted twice: from a Marxist orientation to a neo-Keynesian approach to neoliberal policies. These changes were most evident in the country's housing and development framework as articulated through the Reconstruction and Development Program (RDP). Implemented in January 1994, the RDP became official ANC policy for economic growth and development (Bond 2000: 89). Viewed by the ANC as one method of stimulating and securing growth of the entire economy, the housing market had the potential to jump-start sectors like construction and material production (Khan and Thring 2003: iv). The ANC believed the construction of low-cost

housing would give government an opportunity to intervene in the housing market and dismantle apartheid's spatial structure (Hassen 2003: 118).

According to political economist Patrick Bond, the RDP policy became a mythical and lofty ideal immediately following the democratic elections in April 1994 (2000: 89). This tone reportedly was first expressed by President Nelson Mandela. But after assuming power, the ANC disbanded the substantive elements of the RDP policy such as government housing and free education for the poor. By 1996 the RDP framework had been largely replaced by neoliberal policies that encouraged privatization and advocated the deregulation of the South African housing market, particularly low-cost housing (Bond 2000: 90).. Housing development was allocated to private companies that had little interest in serving the poor. For them, profit was the main motivation.

Critics who disagreed with the ANC's shift to a neoliberal approach argued that the new government had miscalculated the dramatic increase in the number of people who needed shelter (Hempson and O'Donovan 2005). Statistical data on household income and housing in South Africa offers a glimpse at the changes since the democratic transition.

Economic polarization and disparity between the rich and poor in South Africa is now worse than during the apartheid era. Statistics released in October 2002 paint a picture of deepening class and race disparity. For example, the average black household income declined 19 percent from 1995 to 2000, while white household income increased 15 percent (Bond 2003). The average black household earned one-sixth as much as the average white household in 2000, down from one-fourth in 1995. Households with less than a 670-rand monthly income (approximately US\$96)—which was most black and coloured South Africans and those of

Indian/Asian descent—increased from 20 percent of the population in 1995 to 28 percent by 2000 (Bond 2003: 40).

Other statistics demonstrate shifts in national income disparity. In 2000, the poorest half of all South Africans earned 9.7 percent of the national income, which represents a decrease from 11.4 percent in 1995. The richest 20 percent earn 65 percent of all income. Unemployment rose from 15 percent in 1995 to 30 percent in 2000. Adding the structurally unemployed—those who are frustrated and have given up on seeking employment—the percentage of those who were jobless had increased to 43 percent (Bond 2003: 40).

Further details about income disparity are evident in figures for South African youth. In a national survey conducted in 2000 with approximately two thousand South African youth between the ages of twelve and seventeen, about one-third lived in households with an income of less than R1,000 (US\$166) per month. Approximately one-third of black South African respondents reported hunger, and 65 percent said they did not have a bedroom of their own (Lovelife 2000: 3). One-third also stated they lived in homes that lacked basic amenities such as electricity and sewerage (3).

During this period poverty worsened, household size decreased and the numbers of single-headed households continued to rise. From 1995 to 2002, the average household size dropped from 4.3 to 3.8 persons. The share of single households increased from 12.6 percent to 21 percent of all households (Pirouz 2004 in Hunter 2007). These particular demographic trends are evidence of the rise in smaller households formed outside of marriage.

### *“House” and “Home”*

Keeping its promise to provide housing to all South African citizens, the ANC, under a remnant of the Reconstruction and Development Program, initiated a project in Mpophomeni in 1999. The project had two objectives: to remove the informal settlements set up during the antiapartheid struggle and to alleviate overcrowding in established households. To qualify for a free house, a person had to be at least eighteen years of age. Some residents claimed that to qualify for a free house, they needed an ANC membership card to demonstrate party loyalty (Lodge 2000: 12).

In townships such as Mpophomeni, where the ANC built new housing structures, the result has been a series of square houses that are little better than the matchboxes built by the apartheid state. Many residents criticized the poor quality of the dwellings and their lack of space. Several academics and urban and housing practitioners also believe that the state approach to low-income housing resulted in “RDP boxes.” They argue that this form of housing “entrenched historical patterns of racial segregation and economic injustice” (Khan and Thring 2003: v). In addition, the RDP housing structures changed patterns of social organization, breaking up long historical patterns of households that included extended families. The new housing policy and the structures that were built in Mpophomeni reflected beliefs in Western notions of the nuclear family. It was an example of the imposition of Western values and beliefs on a society that had historically experienced different patterns of social organization.

The young people I spoke with expressed their disappointment in the ANC’s promise of free housing. Some said the party had led them to believe that “free housing” meant they would either live in the homes of white South Africans or reside in comparable sprawling houses with

gardens. In addition to perpetuating racial segregation and economic inequality, RDP houses in Mpophomeni also affect gender and sexual relations. They impact family structure, too.

Postapartheid Mpophomeni has approximately thirty-five thousand people and various types of housing that speak to class differences and social divisions in the township. Many among the middle class who are longtime residents in Mpophomeni do not associate with those who once lived in the informal settlement and now live in RDP houses. Some long-time middle class residents have added on to their homes; others have invested in high fences and antitheft equipment. Similar structures can be found in white residential areas where homes are invisible behind high security gates. But as one walks or drives through Mpophomeni, accessible only from Nelson Mandela Road (the main thoroughfare), one notices the RDP two-room, shack-like structures built right next to each other.

Young residents of Mpophomeni distinguish between “house” and “home.” My research assistant, Thandazile, made me aware of the differences. “Houses” refers to the newly constructed RDP structures for young women and men whereas “homes” refers to family residences. According to Thandazile, some young people go back and forth from living in their own houses and living at home with their families because of existing economic conditions. Some young people rent their houses to others in exchange for cash. Still others, mostly the unemployed, see houses merely as shelter, and depend on their families for food and survival. They usually go to their family’s home each day for meals and other resources. For young women who are single and marriageable, homes are places of generational tension, hindering autonomy and independence. Thandazile, who is an unmarried, unemployed woman in her early

thirties, explained how she uses her house as a commodity. She lives in her parents' home and rents her house for fifty rand per month<sup>23</sup> to an employed person.

Some women keep their houses after they marry. Dudu and her children, for example, returned to live in her house in 2005 until her husband promised to stop drinking. She complained that her husband never came home directly after work but instead preferred to drink in the township's *shebeens*<sup>24</sup> after working at Mpophomeni's community center, and usually came home intoxicated. He often hit her while inebriated.

Mpumelelo, who lived in the informal settlement in Mpophomeni during the antiapartheid struggle in the late 1980s, is now twenty-five and unmarried and lives in her own RDP house. She travels between her house and her family's home to eat meals with her mother and sisters. As we talked in her house, Mpumelelo explained the reactions of relatives when she decided to move from their home:

Some of my family members were angry with me, especially because I am the youngest and I was leaving home. They said maybe I want to live with a man in my house, that's why I wanted to move out. They don't trust me (March 22, 2005).

Mpumelelo's relatives' reaction to her living in her own house reflects the resistance by elders to the values and policies of the modern, democratic state. Now that young, unmarried women are able to obtain housing without depending on male relatives, family relations, particularly those with elder relatives, have changed. Since privacy is a guaranteed constitutional right in South Africa and the state no longer controls what happens in people's homes, black South African women for the first time have the opportunity to experience a sense of independent personhood.

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<sup>23</sup>In 2005, R50 equaled approximately US\$7.

<sup>24</sup>*Shebeens* are public establishments that serve liquor and sometimes food. In the Western context they are referred to as bars or taverns. During apartheid *shebeens* were defined as the illegal drinking establishments in black African areas (Wojciki 2002:268).



Women's right to privacy leads to awareness of individuality, a sense of personhood that may result in autonomy. Freedom of movement is one of the fundamental principles of democracy.

In South Africa, relatives, elders and men have replaced the former role of the apartheid state in monitoring the lives of young unmarried women. These three groups expect unmarried women to live at home, where they are perceived to be protected from rape and sexual violence by young men. Women who exercise independence, such as living in their own house, are seen as pursuing sexual freedom. Although young unmarried women such as Mpumelelo have access to free birth control from the local clinic, many families continue to try to control their daughters' sexual behavior by making them live at home.

Single men of marriageable age, however, experience little resistance to independent living from family members. Living in his own house since 2003, Jabulani, twenty-five, an unmarried, unemployed male, refused to say why he no longer lives with his family. Mto, his older employed brother, answered for Jabulani. Mto explained that an unmarried man cannot bring his girlfriend to his home unless he plans to introduce her to the family and announce marital intentions. Mto spoke of some of the benefits of living in one's own house.

If I have my own house, I can do anything. I can come and go as I please. When I want to see my girlfriend, I can call her on my cell phone to come to my house (June 1, 2005).

Mto's response signals the entitlement that comes with patriarchy. Acceptance of male independence and autonomy mirrors the long historical patriarchal structure of the apartheid and the postapartheid state. His account also reveals the workings of the double standard found in the sex/gender system of postapartheid South Africa. Articulating these distinctions, Mto demonstrates the customary requirement of respect, or *hlonipha*, for family members in the home.

Mpumelelo and Jabulani's situations illustrate the double standard that still exists between women and men in Zulu society.

Using the South African case, perhaps we can begin to understand the consequences of social reforms and wage policies on household structure. Anthropologists writing about family structure in the 1980s observed practices of domestic fluidity which included practices of traveling between "house" and "home." Meanings of "house" and "home" change as the larger social, political and economic spheres shift through time.

Anthropologists Colin Murray (1981) and Andrew Spiegel (1985) challenge widely held static notions of household and family. Recognizing the effects of apartheid housing and labor migration policies on household relations, Murray and Spiegel emphasize processual and structural changes through focusing on notions of domestic fluidity. "Fluidity" as coined by Spiegel refers to one of the results of the process of labor migration. Fluidity is a result of the changing composition of the household due to individuals moving between urban and rural areas for employment. Urban and rural domestic units find their composition changing quite frequently if not erratically (Spiegel 1994: 10). Examining fluidity provides insight into gender dynamics within the household and the changes resulting from labor migration (Murray 1981; Spiegel 1985).

In the early 1980s, Belinda Bozzoli used a Marxist perspective to analyze gender relations within the family. Pointing out that conflicts and contradictory forces were located within the domestic sphere involving men and women, Bozzoli suggests that an analysis of domestic struggles could provide insights into a wider context of human relations ranging from labor relations to the relations between individuals and the state (1983: 147). This approach

places emphasis on social relations and the conflict within those relations rather than on structure and process.

Eleanor Preston-Whyte acknowledges the importance of the female perspective by writing about unmarried Zulu women migrant laborers. While conducting field research, Preston-Whyte discovered that her study was not of “typical of female-headed households” (1981). She realized that the category of women who moved continually between town and country was a product of South African political and administrative policies. Other women cared for the children of these women, and mothers saw their children only once or twice a year. Mothers supported their children financially but had little influence on their socialization and education (Krige and Comaroff 1981: 170). Frustrated with the inability to describe these phenomena, Preston-Whyte settled for the terms “female-linked” or “woman-linked” to describe these households. She found “female headed,” “family” and “matrifocal” unfitting, since they all imply static structures. “Female-linked” or “woman-linked” invoke flexibility in organizational structure. The flexibility of the structure of these households, Preston-Whyte, explains, “is vital for the care of children in the insecure and changing circumstances experienced by most migrants” (1981: 170). In conclusion, she states: “If the type of family which is developing is new both to Western and traditional standards, it is nevertheless one adapted to meeting modern conditions imposed by white domination” (Preston-Whyte 1981: 172).

Colin Murray, writing once more in the late 1980s, includes an analysis of class and gender in his examination of family structure and the developmental cycle of domestic groups in the rural periphery of southern Africa. “Periphery” refers to the areas dependent upon the export

of migrant workers to the “industrial core” areas of South Africa (Murray 1987: 235).

Examining households in Lesotho, Botswana and the township areas of South Africa, Murray concludes that the concept of the household developmental cycle must be applied “subordinate to and not alternative to a class analysis” (1987: 247). He realizes that an analysis using the “developmental cycle” concept must encompass understanding of the changing structural determinants of rural households, such as structural unemployment, the tightening of controls by the apartheid state and the movement of the black South African population as well as the continuance of forced removals (Murray 1987: 247). The interpretation of the quantitative data collected in the survey, Murray concludes, is valuable when explained in relation to the temporal processes affecting the daily lives of women and men. “Only then,” states Murray, “will members of the households surveyed be constituted as ‘historical individuals’ whose experiences ‘make sense’ in both macro and micro levels” (1987: 247).

The account by Preston-Whyte places women at the focal point of households, while Murray’s study attempts to explain the effects of apartheid policies on the daily lives of women and men. Both accounts explain the effects of the changing economy on social organization. The changing economy that was a result of industrial capitalism and the infusion of migrant labor transformed social organization and relations between women and men and the generations in South Africa. These changes in social structure and gender relations were exacerbated during apartheid, particularly during the time of the liberation war. All of these processes played significant roles in the impact of violence against women, particularly with sexual coercion.

But other young women and men of marriageable age in Mpophomeni who live in a structure attached to the home are able to at least maintain some independence. Mto says it is common for unmarried women to live in separate quarters connected to the home. This area is

called an *intanga* in Xhosa. The *intanga* gives a young person of marriageable age privacy while allowing them to remain a member of the household (Ross 2005: 646). In Zulu society, *intanga* refers to age. Puberty is the dividing line (Krige 1936: 75). Mto believes that more young women of marriageable age still live with their families rather than in their own houses. He spoke about young single women and the different uses of the house.

Girls' families still think that they are young and cannot live in the houses because they will do as they please. There are no rules in their houses. She will do whatever she wants in her house (June 1, 2005).

Here, Mto describes differences between policies of the modern state (living in your place) and local practices (living in a separate structure of the home). Relatives' distrust of young unmarried women leads them to discourage female independence. In customary law, unmarried women are minors dependent on relatives, namely men and elders. It is not until they marry and establish independent households with male partners that women are recognized as having adult status.

Although some young men struggle to establish independent households, others assume more responsibilities at home, gradually acquiring adult status. Some young men who live in RDP houses with their relatives take on responsibilities usually designated for women. Bongani, a twenty-five-year-old unemployed man, lives at home with his two younger brothers, while his mother, a domestic worker, lives in Durban. Since his mother returns to Mpophomeni only once a month, the daily household duties are Bongani's responsibility. When I spoke to him one afternoon in his home, Bongani explained that he has full responsibility for the care of his brothers, ages sixteen and eight, and for maintaining the household. He has to prepare all meals, clean the house, do laundry and take care of activities related to his brothers' education. His

story exemplifies changing gender roles in the household. While performing duties usually assigned to women, Bongani also acts as a father figure exercising authority equivalent to his mother's. As more women become breadwinners and heads of households they hold more power and authority in the household. While young men remain jobless, as in the case of Bongani, they experience a decline in the power and status they possess in the household. Overall, gender roles and gender relations will continue to change as economic opportunities remain uneven.

In the postapartheid economy, heightened tensions exist between youth and elders because of high rates of unemployment in Mpophomeni. Unemployment exacerbates generational tensions as they affect relations in the family and the household (Cole and Durham 2007: 2). Because many young people in Mpophomeni are jobless, relatives continue to provide financial support. Many young women and men are unable to marry and establish independent households. This causes financial strain on the older generation. For example, many grandmothers support young black women and men with money from their meager monthly pensions. While the pension is considered income for one person, the *gogo* (grandmother) may support four or five more people on a single allowance.

Even some young black South African professionals may be financially supporting everyone in their household. For example, my friend Philile was a social worker in Pietermaritzburg and the only person in her household earning income. At twenty-six, she supported herself and seven relatives in her household on her modest monthly salary. In 2005, Philile supported her ailing mother, two younger sisters, their three small children and her grandmother, who also collected a pension. Philile complained to me at times about the amount of financial stress she was under. She was particularly bitter about her two younger sisters

having babies and expecting Philile to provide for all of them. In addition, Philile was also repaying debts from student loans that she obtained to attend college. She dreamed of having a life in which she was only responsible for herself. But because of her personal responsibility to members of her family, Philile realized her dream was not possible, at least not for some time.

### ***Conclusion***

In this chapter I examined apartheid housing, labor policies and the establishment of the township of Mpophomeni in 1969 to house workers of the British Tire and Rubber/Sarmcol factory in nearby Howick. Before the construction, workers and their families lived in areas surrounding Howick. Because of the apartheid system's housing policy, workers and their families were forcibly removed from semi-rural communities to urban townships. The construction of Mpophomeni illustrates this removal policy. Through women's accounts, I illustrated the physical and psychological violence the removals policy inflicted on black South African communities. Group areas policies and government intervention in people's homes changed relations between the apartheid state and black South Africans. Apartheid housing policies allowed residents of Mpophomeni access to few resources such as indoor plumbing and shopping.

I argued that forced removal policies against black African communities represent state terror and psychological violence. Forms of state terror and violence have been a consistent part of many people's lives in South Africa. Women have been particularly vulnerable, and I illustrated this condition in the context of women who lived in Mpophomeni during the apartheid era.

By the late 1980s, state violence devolved from forced removals to political violence in the streets of Mpophomeni. As the violence continued, it soon spilled over into people's homes. Those who engaged in street violence often invaded—and sometimes burned—the homes of residents, claiming that the occupants were traitors, collaborators or defectors from the cause of political liberation.

As political violence continued and unemployment increased in Mpophomeni and surrounding areas, many people relocated to an informal settlement in the township. The informal settlement, with its overcrowding and poverty, also was a place where frequent violence was the norm.

In the postapartheid era, domestic fluidity continues, but in a new form. The unemployment of young women and men in Mpophomeni has resulted in their alternating between their own free government houses and their families' home as a means of survival. Distinctions between “house” and “home” affect sexual behavior and the occurrence of sexual violence. Some young men believe they are and should be able to assert their sexual independence. Even if they enjoy a certain amount of independence, many young men lack the resources to marry and establish independent households. On the other hand, women who live in their own houses, may experience their sexual autonomy curtailed by relatives and the community.

Unemployment and poverty in the postapartheid era in Mpophomeni exacerbates generational tensions at home and relations between young women and men. As more mothers and grandmothers support unemployed young adults, tensions will continue to rise between generations. Unemployment delays marriage for many young women and men. HIV/AIDS also



contributes to economic hardship as young women and men die, leaving their children to be raised by mothers and grandmothers.

## Chapter Six: Gender, Sexuality and Violence in Postapartheid South Africa

One warm winter July afternoon, NoSipho and I talked in the sitting room of her home in Mpophomeni. She lived with her two children and her older brother, who is a teacher. NoSipho was happy to have me as a visitor, especially while they were all away. At this time of day, NoSipho has usually completed her household chores, which end with cooking dinner for everyone. But today she sat chatting with me, an American graduate student who was very interested in learning about her life. While we talked, NoSipho spoke candidly about her painful experiences with sexual violence as a young woman in her late twenties. Now, almost ten years later, she spoke about her ex-boyfriend, who perpetrated the seemingly endless violence and terror.

On one occasion, NoSipho recalled, her ex-boyfriend beat her so badly that she fainted. “He left me on top of the grave,” she said metaphorically, “but he would leave me so that I would not go inside the grave” (July 7, 2005). Continuing, she said:

I was staying with him permanently, like *kipiting* (cohabiting). In our custom, I’m not supposed to stay with a man permanently without him paying anything. He’s supposed to pay *lobola* to my parents, then I can stay with him. If I go and stay with him and he’s paid nothing, he’ll take me as a slut and he will do anything to me because I’m nothing to him. He would say to me, “You have to pack your bags and go because you don’t want me to have sex with you. Who are you going to have sex with, because you don’t want to have sex with me?” I would say to him, “I don’t want to have sex today.” But he would just grab me and put me on top of the bed. I would say no, but he grabbed me anyway! Sometimes I think he wouldn’t take me seriously because the expression on my face was not serious. Boys don’t take girls seriously. So they rape them (Interview: July 7, 2005).

Using the concept of the sex/gender system, in this chapter I examine local sexual practices in the postapartheid era in Mpophomeni. I focus on the tensions between local discourse and knowledge in conjunction with the new legal definitions of rape and consent. The sex/gender system, as defined by Gayle Rubin (1975, chapter 1), is the set of arrangements by which a particular society transforms biological sexuality into human practices in which sexual needs are satisfied (Rubin 1975: 159). But unlike other feminist analyses of sexuality and human practices in societies, Rubin's (1975) analysis examines the relationship of the political economy and sexual practices in society. Rubin believes that compulsory heterosexuality in the context of gender inequality forces sexual intercourse to become an unequal exchange and as a result, undermines its potential to be a mutually enhancing experience (Weismantel 2001: 161). As I mentioned in the introduction, one problem with Rubin's framework of the sex/gender system is that in actual societies, there is no commonly shared understanding of the system. Participants in the sex/gender system in any society express different interpretations of it.

NoSipho's dramatic description sheds light on several practices and discourses that are part of the sex/gender system in this particular context. Adding to Rubin's analytic framework, I have two objectives in presenting this chapter: First I examine the local sex/gender system, paying special attention to the interaction between discourse and practice. My analysis includes a discussion regarding the difference between giving consent through body language as opposed to verbal articulation. Using scholarship from linguist Deborah Cameron and linguistic anthropologist Don Kulick, I also draw from legal scholars to tease out meanings of sexual consent. My research demonstrates that women in my study were more likely to consent to sex through verbal articulation than through body language. Men, however, believed that women usually consent through actions rather than words. I also use examples that illustrate male-

initiated “manufactured crises”; that is, when male partners accuse their female partners of having sexual relations with other men. As a result, women must defend themselves against threats of physical violence from male partners. The second objective of this chapter is to illustrate and analyze the wide disjuncture between women and men and the ways in which they interpret sexual practices and their sexual experiences. Each group expressed completely different understandings of the sex/gender system. I illustrate how they also articulated different conceptions of rape. Reiterating Mary Weismantel’s definition of rape (chapter 1), South African scholars Rachel Jewkes and Naeema Abrahams suggest that whether a set of actions constitute “rape” depends on context: who is discussing the incident with whom, where, when and in what circumstances (2002: 1232). As I suggest in the introductory chapter, there are many contested definitions and meanings of rape in South Africa. This chapter concentrates on local discourses of definitions and distinctions of rape and consent by young women and men in the township of Mpophomeni.

Several questions must be addressed to examine women’s sexual experiences. First, what are some of the sexual practices that young women and men experience on a daily basis? In addition to presenting and analyzing these specific practices, I discuss how each group interprets discourses about sexual behavior differently. In this discussion I analyze how women interpret consent differently from men. I examine the conditions under which women give consent to men in sexual relations and question whether a woman’s right to sexual autonomy is respected in South Africa’s era of democracy. I also question whether HIV/AIDS influences both women and men’s sexual behavior and examine the ways in which it has changed sexual practices.

The second question I address is what are some of the discourses that surround sexual practices? During the course of my field research, I discovered that one of the main discourses

in Mpophomeni linked women's sexual practices with young township men and HIV/AIDS. Some township women believed that some young township men purposely infect women with the virus. Women expressed their opinions about this discourse. Finally, how do young women and men in Mpophomeni in the postapartheid era define rape? To answer these questions, the first part of this chapter is an analysis of practices that surround sex and exchange. I examine how young women express different understandings from men of practices of sexual exchange that encompass the sex/gender system. I analyze courtship practices (*shela*), as exchange is an important element in premarital relations, and examine how they have changed over time. High rates of unemployment among young men play a crucial role in exchange and courtship practices, making it difficult for young men to attract girlfriends. During my conversations with young women and men, I quickly learned that embedded within their accounts were personal insights and beliefs about their understandings of the workings of these social arrangements. Young women and men interpret various local practices differently.

I also engage in a discussion of consent and language. I present ethnographic examples and analyze three theoretical models that scholars have developed on women's linguistic expressions of consent and nonconsent. I specifically examine verbal and nonverbal expressions of consent, including the meaning of "yes" and "no" and the notion of partners negotiating sex.

The second part of this chapter examines several local discourses about sexuality, violence and HIV/AIDS. I focus on the relationship between discourse, speech acts and violence. In this section I address women and men's conceptions of rape and consent. I also examine how these discourses have changed sexual behavior and practices among young women and men in Mpophomeni. Sex, according to some young women, has become more dangerous and deadly than ever before.

***SEXUAL PRACTICES OF THE SEX/GENDER SYSTEM IN MPOPHOMENI***

***Sex, consumption, exchange and consent***

The ethnographic cases I describe illustrate sexual practices that conflict with those found in the scholarly literature. Recent scholarship focuses on young black South African men buying commodities such as alcoholic drinks in *shebeens* for black South African women in exchange for sex. Changes in practices of gift exchange and *lobola* have become associated with coercive sex and HIV/AIDS (Ashforth 1999; Kaufman and Stavrou 2004; Hunter 2002, 2005). Scholars often portray women as humans without agency. I challenge these representations of poor black South African poor women by presenting cases in which women are engaged in informed decision-making. The depiction of black South African women as passive “things,” or commodities for sale or barter by men, is not an accurate portrayal of the situation. Black South African women, like black South African men, are also often portrayed as hypersexual beings. Discourse about black South African women’s uncontrollable sexual urges was most recently illustrated by public reaction to Khwezi’s testimony during the Jacob Zuma trial. In Mpopphomeni, beliefs about women’s hypersexuality is also exhibited through language practices. In reality, black South African women often act as agents who attempt to control their lives as much as possible.

While examining sexual practices of young men of marriageable age in Soweto, Adam Ashforth notes that to attract girlfriends, a young man must demonstrate an ability to purchase gifts in exchange for sex, for example, drinks in a *shebeen* presents for Valentine’s Day. Accepting a man’s gifts implies sexual consent and that the woman now “belongs” to the man. It

is assumed that if a woman obtains gifts from a man, it guarantees sexual access to her body (Leclerc-Madlala 2003; Wood and Jewkes 2001; Ashforth 1999). Women who accept gifts from men while denying them sex risk the possibility of experiencing sexual coercion (Wojciki 2000; Ashforth 1999).

Black South African women present a different interpretation and viewpoint regarding the exchange of gifts. From the woman's perspective, the risk of sexual violence from denying a man sex once she has accepted his gifts constitutes a form of theft because the woman did not verbally consent to sex. From the point of view of the male, the *action* of accepting gifts implies consent. From his perspective, engaging in sex without verbal consent in this context is not rape. For the male, sex with a woman in this context represents taking property, or the commodity that was paid for, because it is rightfully yours. Mark Hunter argues that transactional sex among young women and men in townships is more likely linked to consumption than subsistence (2002: 101). He attributes this factor to the difference between rural, informal settlements and urban environments. Hunter believes that young women and men who live in urban townships are more likely to secure subsistence help from parents and guardians. They may depend on others outside of the household for luxury goods such as alcohol, while those who live in rural areas are more dependent on others outside of the household for subsistence products (2002: 101).

While some of my conversations with young women and men in Mpophomeni confirmed the observations of scholars, they also revealed other factors. My discussions disclosed that women who drank in *shebeens* employed agency. They made individual decisions as to whether they would engage in sex with a man who purchased drinks for them. My talks with Phuzowakhe, Sibongile and NoSipho illustrated some of the different personal experiences and observations about sex and exchange in *shebeens*.

Historically, the making of beer or *utshwala*, as it was known, was the task of women in the household. Later as colonial policies controlled the wage labor of black South Africans, the production and selling of *utshwala* became a major source of income for many black South African women. Women were often in charge of the daily operations in *shebeens* as they began to flourish and proliferate across cities and rural areas. But by 1908, laws were adopted by the state to control the production, sale and consumption of beer. In 1908, the Natal Legislative Assembly passed legislation that provided for the establishment of municipal beer monopolies (la Hausse 1992: 78). The Durban Town Council implemented provisions of the Native Beer Act in 1909. This law ensured that the legal consumption of *utshwala* was permitted only within the confines of municipal beer halls (109–10). Unlike *shebeens*, beer halls admitted only adult African men (Bradford 1992: 210).

By 1915, the state monopoly system had spread to most of Natal's larger towns. In Durban, the institution of a municipal beer monopoly provided the basis of the "Durban system." This "system" refers to a particular form of Urban Native Administration that became a model for the control and exploitation of Africans living and working in South African towns (la Hausse 1992: 79). An example of the system is the fact that municipal beer halls generally charged four to five times more than the cost of brewing beer in the household, which allowed Natal municipalities to channel profits from the sale of *utshwala* into the building of bleak barracks for migrant workers—one-room houses in segregated locations—or into the inflated salaries of bureaucrats (la Hausse 1992: 79).

By the late 1920s, national laws were enacted to control the production of beer as leaders of the South African state discovered that profits could be made from its consumption. The Liquor Act of 1928 extended control of the production of *utshwala* to the countryside. By early



1929, the brewing and drinking of *utshwala* by residents in rural area was prohibited (Bradford 1992: 211). On private property, Africans had to obtain consent to drink beer from the white landowner (211).

Now that the state controlled the beer industry, the economic domain that black women had depended on suddenly disappeared. Municipal beer halls drained women's desperately needed funds. The earnings of male migrant workers in the cities failed to cover the subsistence needs of families (Bradford 1992: 214). Men purchasing and consuming government-produced beer caused household budgets to collapse. Men spent approximately 25 percent to 50 percent of their daily wage on a six-penny quart of *utshwala*, which women could brew for six pence a gallon at home (214). As husbands spent their earnings on state-produced beer, money available for rent to secure housing for their families in rural areas was less available. For example, in Weenan, a rural area outside of Durban, women under the threat of eviction called for the closing of beer halls (216). While beer halls represented state oppression, with black male African workers paying for their own destruction, beer halls for women symbolized a state institution created to destroy one of the few economic resources available to guarantee survival for themselves and their children.

Like *shebeens*, *chicherías*—drinking establishments for the working class in Andean society—have had a long, fractured history marked by race, class and gender divisions. Historically, these businesses were also operated by women brewers, who made thick Andean corn beer known as *chicha* (Weismantel 2002: 29). While *chicha* represented an important symbol for Andean indigenismo, it later became an emblem of nationalist and anti-imperialist appeal. It was a beverage that, like *utshwala*, held social, cultural and ceremonial significance in Indian communities. Located in cities, *shebeens* and *chicherías* were places where laborers

could visit and consume a drink that represented working class solidarity and a connection to the areas from which they came (32). But once the South African state asserted control over *shebeens* and turned them into commercial spaces for profit in the form of beer halls, they became symbols of the oppression of black South African women and men by the apartheid state.

While historically women controlled the *shebeens*, in South Africa today, *shebeens* are places dominated and controlled by men (Ambler and Crush 1992; Bradford 1992; la Hausse 1992). Most drinking that occurs on a daily basis takes place in *shebeens* (Ashforth 2003: 62). During my field research in Mpophomeni, I was told there were more than sixty of these drinking establishments in the township. *Shebeens* exist in a variety of forms. Some continue to be home-based enterprises in which women brew beer and members of the household sell liquor. Others are in large facilities, like the original municipal beer halls, where residents—mostly men—from the township congregate to drink. The high rate of unemployment in places like Mpophomeni means that most people have little to do on a daily basis. Boredom becomes an integral part of daily life (Ashforth 2003: 67), and drinking with friends or by oneself in the *shebeen* is one way to pass the time.

*Shebeens* also are places where violence easily occurs. One morning around eleven o'clock, I was walking in the township with three friends. We passed by a *shebeen* that was already open for business. I noticed a young soldier sitting slumped over on a chair in the bar, already intoxicated. He was holding a beer in one hand and clenching his rifle with the other, and I could not help but think what would happen if his gun went off accidentally.

While *shebeens* continued to be spaces where men congregated, after the introduction of beer halls there developed an implicit understanding in Zulu culture that women who visit *shebeens* are less respectable than those who do not. Phuzowakhe brought a young black South

African male perspective, while Sibongile's account reflected the view from a young black South African woman. NoSipho, who has lived in the township for many years, brought the view of an older generation.

While discussing his experiences with women in *shebeens*, Phuzowakhe, a twenty-one-year-old unemployed man, explained how the system of exchange works in the context of *shebeens*, along with his understanding of consent. He referred to women who visit *shebeens* as "bitches," which symbolizes a high degree of contempt. When I asked Phuzowakhe how he perceived the ways in which sexual exchange works in *shebeens* he answered:

They [women] don't know how to behave. Maybe I've got one-hundred rand<sup>25</sup> in my pocket. So I'll go to the *shebeen* and buy three quarts of Black Label.<sup>26</sup> I can call one girl and say, "Come, let's drink here." Then I can say to her, "Let's go home," and then we can sleep, you see. Tomorrow they will go to another man. I'm not gonna take her because I love her. I'm gonna take her because I want to use her on that day only. And tomorrow, I'm gonna take another one. That's why I'm saying there are many bitches in Mpophomeni (Interview: July 5, 2005).

Phuzowakhe's description illustrated an implicit agreement between women and men in *shebeens*. If a woman accepted a drink from a man, it signaled an implicit consent to have sex. But within his narrative, there was an underlying understanding that there were two forms of female identity. "Bad girls," or "bitches," consumed alcohol in *shebeens*. They were perceived as commodities, like alcohol, that were bought, sold, used and discarded. The term "bitches" also implied that black women were oversexed objects whose bodies and personhood deserved to be devalued. The devaluation and hatred of black women has been used for a long time as a political strategy in white supremacist patriarchy (hooks 2001: 103). By portraying women as

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<sup>25</sup>One hundred South African Rand was equal to approximately US\$17 in 2005.

<sup>26</sup>Black Label is a brand of bottled beer sold in South Africa.

sluts and bitches, Phuzowakhe revealed his hatred and fear of black women as compared to the stereotypical images of pure white women.

Phuzowake's use of the verb "take" also represented desire. In the Zulu language, the notion of desire is expressed indirectly. During my first visit to Mpophomeni in 2002, I was often corrected by my host Bonginkosi for using the verb *funa*, which in English means "want." On numerous occasions I was humorously reminded by Phulani not to say "*Ngifuna*," meaning "I want." Rather, it was customary in Zulu to say "*Ngicela*"—"I request." Phuzowakhe's saying "I'm gonna take her," rather than "I will request" or "ask her," reflected his belief that women who he believed were "bitches" did not deserve a request.

But Sibongile, a twenty-five-year-old HIV-positive woman, presented a perspective different from Phuzowakhe's. As we talked one morning in Thandazile's house while watching *Dr. Phil* on television, Sibongile corroborated Phuzowake's assumptions of male entitlement. But she also took a view that illustrated conscious decision making and refusal to comply with the rules of a system:

If I drink, my friend tells me, "this man wants you." Why should he want me, just because he bought a beer, or anything I like? If you want to go home, he'll say, "You're going now, you don't want to sleep with me? That was my money that I bought you beers with!" Then he'll say, "There's nothing for *mahala* (free)." Boys think if they buy you beer, you must sleep with them. They expect pussy! [*laughing with embarrassment*] (November 2, 2004).

Sibongile's narrative reflected her awareness of the rules and expectations of the system. She denied any experiences of sexual violence while visiting *shebeens*. But the important question is, "What is the definition of consent in this context?" As I stated earlier, I argue that perhaps women and men have different understandings of consent in these situations. Phuzowakhe understood consent as an action. If he bought drinks for women in *shebeens*, the

*act* of acceptance was the equivalent of verbally saying “yes” to sex. In reality, men were more likely to perceive consent through body language or specific actions than with words like “yes” and “no.”

Phuzowakhe and Sibongile’s accounts made it clear that the home was a common place for sexual activity. According to some women in Mpophomeni, however, the public space of the *shebeen* was the place where women and men engaged in sex. For many of them, it was not unusual on a Friday night to see women and men having sex inside and outside these gathering places. NoSipho described a grimmer activity—violence—in *shebeens*. Because of the amount of coercive, and consensual sex that takes place inside and outside *shebeens*, they are places, she believes, where HIV and AIDS are transmitted and spread quite frequently:

I don’t go to taverns, because that’s where people rape us. In this place called “Hell,”<sup>27</sup> there was a rape the other day. I see young girls between the ages of sixteen and twenty not going to school, sitting outside of the *shebeens* getting drunk and being raped while they’re drunk. Even married men go there. You see a man with a girl, and she doesn’t ask if he’s sick or not. It’s so easy to spread AIDS here in Mpophomeni (July 10, 2005).

NoSipho’s remarks seem to suggest that *shebeens* are places where it is common for older and married men to have coercive sex with underage girls. She suggested that rape is sexual activity with a young girl under the age of consent. NoSipho also suggested that men exploit young girls by purposely buying them drinks, waiting until they are intoxicated and then raping them. Her remarks implied that men engage in sex with young girls while they are in a different state of consciousness, so that they lack the capacity to resist. Rape, as she defined it, is no longer limited to private places, but now occurs in public places. She also stressed the dangers of engaging in sex and the relationship with HIV/AIDS. Widely held sociocultural attitudes toward

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<sup>27</sup>Hell is a *shebeen* located in Mpophomeni.

sex implicitly condone sexual violence in the context of *shebeens* (Wojicki 2002: 268). While men revealed practices of consent through action in *shebeens*, women articulated and challenged men's understandings. Women at times confronted male challenging hegemonic masculine identity. Perhaps the purchasing of drinks by men in Mpophomeni for women symbolized men's decreasing masculine status, a devaluation of their masculinity and sexuality. At the same time the act of buying beers for women also reminded men of the short-term effects of their dwindling power. The acts of consumption of alcohol may have served as a constant reminder of their inability to fully assume the role of the provider, the male figure who is able to achieve in raising the social and economic status of women. Some men in Mpophomeni may believe that the patriarchal dividend, which Robert Connell (chapter 1) defines as "the advantage men in general gain from the overall subordination of women," has diminished in the postapartheid era due to unemployment and poor men's increasing inability to participate in the formal economy.

Women's general tendency was to express consent verbally to men's interest in sex. But other forms of sexual exchange exhibited additional understandings of consent by young women and men in Mpophomeni. When I met with Bongani one afternoon in his mother's house, he recalled borrowing one of his male friend's girlfriends:

I had no girlfriend in Mpophomeni, but my friend, Themba, had two. He stayed with one girl. The other had her own house. He would fetch the one he lived with from work, so I had a chance to ask out Thandi, the other one. She said yes. I went to my friend and asked him if I could ask out his girlfriend and he said yes. Then I told him she already said yes. And he was a bit angry. I went to live with that girl at her place and only went home to wash and eat. She was working and I wasn't at the time. But this relationship didn't last as long as I thought it would. It was only for two or three months. Themba and I did not remain friends. But after a while, things between us got better. Then I found a job in Everton, a town near the Eastern Cape (June 28, 2005).

Bongani's case raised questions about the commodification of women and sexual consent. Even though Thandi consented to sex with Bongani, Themba was angry with Bongani for not respecting his rights as an "owner." Furthermore, Themba may have also been angry because Thandi acted as a decision maker instead of allowing a man to choose and speak for her. She demonstrated that Themba did not exert much power in their relationship. Bongani's experience also suggested that "ownership" of the commodity, in this context, was at times communal rather than private. Women were often shared between young men for purposes of sex (Niehaus 2005: 75).

NoSipho's narrative about violence in the beginning of the chapter also illustrated issues of property rights and sexual consent, and demonstrated the frequency of sexual violence and terror that women continue to experience inside the home. As I suggested in chapter 5, the apartheid state supported state violence and terror against black South Africans in their homes. In the postapartheid era, gender equality is a guaranteed constitutional right. The South African Constitution ensures protection for equal rights and equal authority in the home (Suk 2009: 13). These rights are in direct conflict with the law of custom, which adheres to patriarchal authority. Women's unequal status in the home allows it to be used to commit violence. (Suk 2009: 18). Under customary law, women in the household are viewed as minors instead of equal partners. Conflict between these two systems, particularly in the ways they perceive women, causes tension in some black South African households. At the same time, the violence and terror that accompanied direct intervention in homes through forced removals by the apartheid state in the past has, in the postapartheid era, been replaced by males in the household who perpetuate violence and terror in the domestic space.

Because discourse associated with customary law rejects practices of cohabitation before marriage, NoSipho rationalized the violence inflicted on her by her boyfriend. Justifying her boyfriend's behavior, NoSipho stated that since she lived with this man before he paid *lobola* to her family, she was not respected in the eyes of her male partner. Instead, she was a slut, deserving violent treatment. Like Phuzowakhe, NoSipho also distinguished between being respectable and a virgin, and being a slut or bitch without the right to protest violence.

The practice of *lobola* has played an important role in women's sexual relationships with men. Furthermore, a woman's right to autonomy and personhood have been continually violated due to her resistance to engaging in sex with her boyfriend and his lack of respect for her unwillingness to consent.

### ***Courtship (Ukushela)***

Transactional sex takes various forms in the postapartheid era. As I described earlier, many men view women as commodities and possessions to be bought, traded and bartered in exchange for sexual activity. This attitude, along with HIV/AIDS, complicates sexual relations and courtship practices. Likewise, some women "buy" men to engage in sexual relations.

Courtship practices, or *ukushela*, have undergone significant changes since they were first described in early anthropological works about Zulu society (Krige 1936; Vilakazi 1962). Once a process that lasted weeks to years, *ukushela* in the postapartheid era revolves around quick consumption. Young, poor, unemployed men have a hard time attracting young women because of their inability to provide consumer goods. Out of desperation, young men use coercion to get sex, according to some women.



A national survey of South African youth found that four of ten young female participants admitted to being forced by young men to have sex (Lovelife 2001: 18). In Mpopophomeni, five of seven women with whom I regularly spoke told me they had been raped by boyfriends or close relatives. Young men viewed courtship differently from women. Most young men talked about material wealth, trust and autonomy, no doubt because the crisis in male identity affects men's self-esteem. Historical scholarship on Zulu society emphasized that male identity was partially based on the ability to attract women (Vilakazi 1962). Today the identity of the *isoka* (a man with multiple sex partners; see chapter 3) remains relevant to the perception of young men's ability to court women.

Some young men expressed genuine frustration with their inability to appeal to women. Hlebe, a twenty-year-old unemployed man, talked about his failure to find a girlfriend. He describes an experience with courtship:

**J:** So, how long of a period of time have you ever shela'ed a woman?

**H:** About three years.

**J:** Why did you keep trying for that long?

**H:** I was trying to show her that I love her.

**J:** What did you do to show your love for her?

**H:** The way I talked. I would say good, lovely words to show that I was interested in her, so that even when I'm away from her she would miss me. I bought her gifts when I had the money to try to prove to her that I love her. I don't know why she said no; I can't tell you. It's difficult being a man. It's not the same as when my father was young. It's worse now. I don't like to shela now, because women look at what you wear. They want to know more about your style.

Saying no was often thought of as a way of testing a young man's perseverance, making him prove his feelings in a context where love is competed for (Wood, Lambert and Jewkes 2007: 288). Hlebe's narrative revealed that income, or the lack of it, partially defined a man's identity,

personhood and his ability to attract women. A man's clothing conveyed his economic and social status. Masculinity in the postapartheid era requires a sense of style.

Henrietta Moore (1994) argues that fantasy—people's sense of how they are versus how they are perceived to be—plays a crucial role in self-identity. Moore suggests that some acts, such as a wife or girlfriend engaging in sexual relations with other men, may threaten a man's self-representation and jeopardize his reputation with other males. A man losing his reputation risks loss of status with his peers. Expanding on Henrietta Moore's argument, one might suggest that some women's boyfriends displayed a manufactured crisis, by accusing women of engaging in sexual activity with other men, when in reality it was not the case (Wood and Jewkes 2001: 328). The manufactured crisis produces thwarting, a sense of frustration, which impels a man to use violence against his partner as a strategy to maintain his fantasies of how he comes across (Wood and Jewkes 2001: 328; Moore 1994: 66). Moore (1994) broadens her perspective to acknowledge the links between violence, a sense of powerlessness, poverty and ethnicity, which produce varying forms of vulnerability outside the immediate arena of gender.

NoSipho, Sibongile, and Mpumelelo's represent some of the women who complained that relationships with men were often stressful and sex was at times physically painful. Their boyfriends' behavior provides examples of manufactured crises. These men accused the women of engaging in sexual activity with other men and used physical violence against their girlfriends. Sibongile, a twenty-four-year-old single mother who was HIV-positive and had tuberculosis, recalled the experience with her last boyfriend:

He would come to my home to look for me. If I went to town, he would ask, "Why didn't you tell me?" After he looked for me and didn't find me, he accused me of having a lot of men. I told him, "I haven't got a lot of men." One time he

told me that he looked for me in cars passing by, he looked for me in my house. You must tell these men everything! (Interview: November 2, 2004).

Mpumelelo's account of her relationship with her last boyfriend illustrated his insecurity as a man:

I told him that he was too rough, that he was hurting me and it was painful. He implied I had another boyfriend. He looked at me and said, "I am rough? You mean you have another boyfriend who touches you nicer than me?" I told him I didn't mean that. I decided to just keep my mouth shut and be quiet about it (Interview: March 22, 2005).

Connecting the relationship between identity, subjectivity, power and violence, Moore also suggests that violence by men is often the result of an inability to control women's sexual behavior (1994: 67). As Robert Connell (2001) suggests, controlling the behavior of women is an essential part of "successful masculinity," as defined by dominant (male) peer culture. Just as life in apartheid's urban and rural locations contributed to a deep sense of thwarted masculinity (Mager 1998), so too has life in the postapartheid era. Hegemonic masculinity, I argue, was constructed around a desire to assert control not only over male rivals, but also over young females. Sibongile and Mpumelelo's accounts demonstrated their boyfriends' desire to assert control over their lives, including their right to sexual autonomy. Moore's suggestions may explain causes of violence not only between women and men, but between mothers and daughters as well as between men themselves. What is crucial to understand is the way in which the behavior of others threatens self-representations and social assessments of oneself (1994: 67). It is important to remember that perpetrators of violence often feel threatened and frustrated (67).

Women's sexuality is feared by some men and is threatening to them. Women are biologically empowered to reproduce, yet in many cases they do not control the social, political and economic aspects of reproduction. Historically, the degrading mythology of black women in South Africa portrayed them as incapable of exercising self control, particularly of their sexual

urges. So their sexuality needed to be controlled by men. Controlling women's sexuality is another method of limiting women's freedom and autonomy. Some men understand power only in terms of controlling others, particularly those who are viewed in society as vulnerable beings. These men are often threatened by women's sexuality and their ability to be autonomous beings. Men who believe that it is important to control women's sexuality seek power and control in their lives. For them it is one more area in which they can demonstrate their maleness, which again links fantasies of identity to fantasies of power.

Reactions to violence require careful examination. Mpumelelo's decision to be quiet and not challenge her boyfriend's accusation signified her strategic use of silence. Silence is often used as a "weapon of the weak" as one of few tactics available to the powerless against the powerful. Susan Gal (1991), Fiona Ross (2001) and Mary Weismantel (2002) observe that silence is a way of expressing powerlessness and lack of voice, both of which mark low social status.

Gal argues that women and men do not interact freely in institutional places, because these institutions are structured using gender distinctions. These institutions lend power and authority to the way men speak (Gal 1991: 197). Examining women's testimonies during hearings of South Africa's Truth and Reconciliation Commission, Ross attributes women's tacit behavior to their experiences of violation (2001: 253). She suggests that women's silence conveys great meaning, and she advocates institutional restructuring to acknowledge the meanings of women's silence (2001: 253). She recognizes that most institutions in South Africa are patriarchal. Women's lack of speech is usually ignored and interpreted as noncommunication, much in the way that Mpumelelo's boyfriend interpreted her silence. Weismantel (2001), illustrating power dynamics in dialogues in various contexts such as the

produce market and controlled dialogues between women domestic workers and their employers, argues that suppressed speech is an act that displays inequality, because speech may be punished by the powerful (Weismantel 2002: 118).

### *Isoka, “bitches” and “virgins”*

Language practices through the use of terminology in relation to sexual behavior played a significant role in defining individual perceptions about young women and men in Mpophomeni. The meanings of terms such as *isoka*, a Don Juan Casanova figure (chapter 3), “bitches” and virgins have undergone changes throughout time. Mark Hunter (2005) examines the changing cultural meanings and practices associated with *isoka* and the recent implications in the period of HIV/AIDS. In the past, the *isoka* represented discourse and practices in which men flaunted their heterosexual masculinity. In an era of AIDS, the symbol of the *isoka* for Western scholars has changed to one who engages in self-destructive practices. Adam Ashforth (1999) observed and maintains that men with many girlfriends continue to hold prestige and status within the community.

My observations in Mpophomeni about *isoka* confirmed Ashforth’s beliefs but also revealed other changes about this practice. Mto, for instance, admitted that while the accumulation of girlfriends led to prestige and status, he pursued women who had the economic ability to purchase gifts for him, as he was unemployed. While describing his position as if he has the upper hand, in reality, Mto’s unemployment status makes him economically dependent on his many girlfriends. Instead of performing the masculine role of the provider, Mto is in the female position as the consumer. Describing himself as a “player” and a “playboy,” he told me his strategy for attracting employed women:

If I knew women bought material goods for other boyfriends, I would go after them. Women would buy me clothes, give me money, buy me *ganja*<sup>28</sup>, drinks and take me out on dates. There are so many “fishes,” so I would just go from one to the other and let them do for me (June 1, 2005).

Mto’s simultaneous roles as consumer and commodity reflected a stark change in the structure of the sex/gender system examined by Ashforth, Hunter and earlier anthropologists. While Mto bragged that he maintained the upper hand in relationships, in fact the women he associated with asserted economic power. Women’s employment often threatened men who were unemployed and had few prospects. Women’s employment also changed the dynamics within sexual relations.

Young women and men often referred to women who engage in sexual relations with many partners as “bitches.” Juxtaposing this concept with the male counterpart, *isoka*, one can trace the historical roots of each term. In nineteenth-century Natal and Zululand, having multiple partners was not solely the prerogative of men. Some unmarried women also enjoyed sexual relations with more than one boyfriend (Hunter 2005: 141). Using evidence from oral testimonies he collected, Mark Hunter found that according to many of the accounts, by the 1940s and 1950s the law of custom allowed only men to have multiple sexual partners. By this time, the Zulu word *isifebe*, a pejorative term that describes “loose” women engaging in sexual relations with many men, entered the language lexicon. From talking with young women and men in Mpophomeni, I found that the English word “bitch” was used commonly to describe such women. Through my investigations, I also learned that some young men used the term “bitch” to describe women whom they believed participated in Western practices, such as wearing skirts

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<sup>28</sup>The South African term for marijuana

above the knee and drinking in public, while they rejected behavior associated with South African norms for women.

For example, Hlebe described several differences between women who followed Rastafarian beliefs and “bitches.” “Rasta women, he said, “do not drink in *shebeens* and wear short skirts or trousers. They wear long dresses” (July 5, 2005). In essence, Hlebe believed they respected Zulu culture. Explaining the admiration that young men displayed to Rasta women, he stated, “You don’t talk rubbish to one wearing the long skirt. One must pay respect and dignity to them. I know her background. She’s not like the bitches who wear short skirts” (Interview: July 5, 2005).

Hlebe’s statement shows tension between tradition and different black African forms of modernity and globalization in the construction of gender. Mixing Rasta beliefs with tradition, Hlebe’s views illustrate the merging of various African cultures such as Zulu with Rastafarian culture from Ethiopia. His comments show that in the postapartheid era, ideas such as Zulu nationalism may be mixed with cultural influences from different parts of the continent.

Hlebe’s comments also reveal deep-rooted anxiety and a disparity between lived and constructed masculine identity in the age of democracy in South Africa (Moore 1994: 50). Like Susan Schechter (1982), Moore (1994) argues that it is impossible to analyze discourses on gender without recognizing the effects of economic and political change in the world (1994: 63).

### ***Expressing consent: theoretical models of “no”***

Scholars have examined and debated language practices in relation to sexuality and the law for some time (Anderson 2005; Cameron and Kulick 2003 2006; Kulick 2003; Estrich 1994; Schulhoffer 1995, 1998; Muehlenhard and Hollabaugh 1988; Leo 1991; Westen 2004). Deborah

Cameron and Don Kulick emphasize the political importance of understanding language. They write: “How people express their desires to one another—what they do and do not (or can and cannot) say—are crucially important matters in struggles around not only sexual identity and preference but also coercion and sexual assault, reproductive rights and HIV/AIDS” (2003: 154).

A significant problem in discussions about acquaintance rape centers on consent and the meaning of “no.” Scholars have examined and debated the meaning of legal consent, particularly the significance of “no” to sexual intercourse as a verbal act of acquiescence. Others argue that consent consists of a certain mental state (Muehlenhard and Hollabaugh 1988; Leo 1991; Estrich 1994; Kulick 2003; Westen 2004). In some communities, saying no to sexual intercourse has little legal significance (Westen 2004: 80). John Leo (1991) takes the view that “no” does not necessarily have one inherent meaning, but rather draws various meanings from the settings in which it is enunciated. As Leo explains, “Men are aware that depending on the context and nonverbal signals, ‘no’ can mean ‘maybe,’ ‘convince me,’ ‘back off awhile’ or ‘get lost’.” In other words, Leo believes that a woman who says no to sexual intercourse could be performing any one of several illocutionary acts, including an assertive illocutionary act or a directive illocutionary act. J. L. Austin defines illocutionary acts or utterances as those that contain a certain conventional force (1975: 109). Words that inform, order or warn are examples.

In contrast to John Leo’s perspective on the implications of the enunciation of “no” in sexual contexts, Susan Estrich argues that “no” always means “no.” However, Estrich’s position is one that implicitly assumes that the woman is invariably performing a declaration. This difference is significant because, in contrast to assertive and directive illocutions, declarations change the person’s legal relationship to others (Westen 2004: 80–1).



Intervening in the debate about the ways in which sexual consent is expressed, Don Kulick examines women and men's utterances of "no" in heterosexual and homosexual contexts. While not erasing feminist concerns with power, he explicitly shows how masculine power over women and heterosexual power over homosexuals structures the meaning of "no." Kulick corroborates Rubin's argument that power relations in the larger society structure intimate sexual interactions.

Kulick analyzes "no" as a response in three different sexual contexts and its relation to power and gender identity. First, he examines cases between women and men involving sexual harassment and rape in the Western context. Analyzing these cases, he emphasizes how the enunciation "no" produces particular female and male subject positions. Saying "no" in heterosexual relations produces a feminine subject, whereas initiating a sexual encounter produces a male subject. While not explicitly defining "rape," he argues that within heterosexual sexual encounters, "no" is an enunciation structured by certain absences and other elocutions that cannot or must not be verbally expressed. In a patriarchal culture that objectifies and sexualizes women, the credibility of a woman saying no is constantly thwarted and distorted to mean "keep trying," or the inversion "yes" (Kulick 2003: 141). Therefore, men can claim they've misunderstood women's refusal, and women who are raped are blamed for not convincingly conveying their refusal (141). This is particularly evident in rape cases where no evidence of physical harm exists in retaliation for refusing a man's advances.

The second and third contexts that Kulick examines are the uses of no in the Homosexual Panic Defense (HPD) and in sadomasochism. The Homosexual Panic Defense is a type of legal plea invoked by men who have murdered other men who they claim made sexual advances toward them (Kulick 2003: 143). It argues that a sexual advance is in itself an act of aggression,

and that the defendant was justified in responding to it with violence (143). It is interesting to note that in the first and second contexts, Kulick emphasizes that the heterosexual man is in the dominant position and perpetuates violence. In the third context of sadomasochism, “no” can mean “yes,” but only with a highly structured play context. Kulick demonstrates that in some contexts there is a way to say no that will always be immediately respected. But in heterosexual relations, men may not believe that a woman means no, therefore not respecting her autonomy in decision-making.

Other studies (Muehlenhard and Hollabaugh 1988) investigate the frequency of women saying no to men’s sexual advances and the meaning of their no’s. Charlene L. Muehlenhard and Lisa C. Hollabaugh examine the question How often do women say no to men when they mean yes? They conducted a questionnaire study that asked 610 female undergraduate students if they had ever said no even though they had every intention of and were willing to engage in sexual intercourse. Sixty-eight percent of these women who reported saying no when they meant maybe, and 39 percent reported saying no when they meant yes. When asked why they said no, when they meant yes, women answered either that they were afraid of appearing promiscuous, they felt inhibited about sex, or they wanted to manipulate the male by making him more aroused or more physically aggressive (Muehlenhard and Hollabaugh 1988). Some women and men in Mpophomeni expressed similar beliefs and participated in similar practices during courtship.

### ***The “Yes” and negotiation models of consent***

Under the Yes Model of consent, a man must obtain affirmative permission from his partner before engaging in sexual intercourse (Schulhoffer 1995). If the woman does not express “yes” to sexual penetration through body language or verbally, then the law presumes the woman

does not consent and sexual penetration is rape (Schulhoffer 1998). Defenders of the Yes Model argue two important points. First, they emphasize that a woman's silence cannot mean yes (Schulhoffer 1995) and second, a woman can express "yes" through nonverbal behavior. Stephen Schulhoffer (1995, 1998), the designer of this model, argues that engaging in "sexual petting" for example, can express a "yes" to sexual penetration. If she does not say no, and if her silence is combined with passionate kissing, hugging and sexual touching, it is usually sensible to infer actual willingness (Schulhoffer 1995).

Critiquing Schulhoffer's argument, Michelle Anderson (2005) contends that "when things heat up, then the Yes Model melts into the No Model, in which silence constitutes consent" (1405). At its core, the Yes Model relies on a man's ability to infer women's willingness to have sex solely through body language. This is the case in the example of the Jacob Zuma trial, where he claimed to correctly interpret her body language, although Khwezi claimed he completely misread it.

The fundamental problem of both the No and Yes models is how they define rape and consent. Sexual consent is usually interpreted as a woman's passive acquiescence to male advances (Anderson 2005: 1406). Men's claim of understanding women's body language is a common defense used in legal cases involving sexual coercion. But more often than not, men wrongly interpret women's nonverbal communication. This is the most apparent fault of the Yes Model of sexual consent.

Anderson (2005) proposes another model of consent that consists of negotiation. She argues that the law should define rape as "engaging in an act of sexual penetration with another person when the actor fails to negotiate the penetration with the partner before it occurs" (1407). "Negotiation" in the law should be defined as "an open discussion in which partners come to a

free and autonomous agreement about the act of penetration” (Anderson 2005: 1407).

Discussions would be verbal unless the partners established a context in which they could read one another’s nonverbal behavior to indicate free and autonomous agreement. Force or coercion by the actor would represent evidence of failure to negotiate (1407). Anderson believes the Negotiation Model would protect values that rape laws are designed to protect. It would also maximize autonomy and equality, and minimize coercion and subordination. This model requires that people treat their sexual partners with respect and humanity (1407).

Most of the scholarship that proposes and examines alternative models of consent are based in the Western context, where social movements have been somewhat successful in influencing notions of equality and autonomy for women. While some of the themes are useful in thinking about rights to autonomy, in the South African context all three models fall short. In a society that was historically and continues to be patriarchal, and did not encourage respect for other human beings because of racial differences, one cannot easily transplant and apply these models. For the most part, the notion of respect for young women is a concept that has only recently been introduced into South African society. As I illustrate later, men living in Mphohmeni were afraid that women’s equal status means fewer economic opportunities for men. Men also believed they had the power in society and in relationships with women. They believed they should keep it, making it impossible to negotiate any form of sexual negotiation.

### *Consent as a mental state*

While some South African feminist scholars argued just before the democratic transition that the law on rape should focus on coercion (chapter 2), I argue that the law should focus on consent with the goal of achieving sexual autonomy for women. Sexual autonomy involves the

guarantee of privacy, personhood and freedom (Schulhoffer 1992: 35). This concept implies acceptance of and respect for choice rather than legal constructs of consent and coercion (Schulhoffer 1992: 84).

Some legal scholars argue that consent is not only language enunciation, but a state of mind, that is, a subjective attitude or feeling, or a willingness that a person experiences (Kadish, Schulhoffer & Steiker 2007; Westen 2004; Wertheimer 2003). These scholars believe that defining consent as a verbal act is insufficient. Peter Westen (2004) argues that the core concept of consent consists of a state of mind of acquiescence.

Some jurisdictions use the state of mind argument in definitions of consent. For example, Canada defines rape as “an act of nonconsent” and “consent” as “a mental state on a putative victim’s part” (Criminal Code, Revised Statutes of Canada 1985.c.c-46 S265 (1) (a); South African Law Commission 1999: 93–4). Yet Canada protects an actor against strict liability by means of supplemental *mens rea* (“with intent”) rules, which say that an actor is guilty of rape only if he intends, knows, is recklessly unaware of or willfully blind to the fact that his putative victim is not voluntarily acquiescing to sexual intercourse in her mind (Westen 2004:144–5). I agree with Peter Westen that the practice of defining consent in rape cases as a mental state on a subject’s part while requiring *mens rea* on an actor’s part is a more precise measure of an actor’s guilt than simply using verbal communication as an assessment of consent.

Once again the Jacob Zuma case is applicable. If this definition of consent had been used, perhaps there would have been a different result. During his testimony, Zuma testified that because Khwezi wore a knee-length skirt and sat with her legs crossed, revealing her thigh, these acts signaled that Khwezi was in a mental state of sexual arousal and desired to have sexual

intercourse with Zuma. In his view, it was his obligation to satisfy her mental state of sexual desire. According to Zuma, to not have engaged in sex with Khwezi at this point would have been equivalent to rape (chapter 1). But Khwezi's descriptions of fear indicate that Zuma was unaware that his accuser's unresponsiveness and lack of verbal communication was due to shock and fear. Her state of mind and silence were by no means consensual. In this case, Zuma acted recklessly and was willfully blind to the fact that Khwezi was not voluntarily acquiescing to sexual intercourse. This directly relates to my original argument at the beginning of the chapter about the ways in which men interpret consent through action, while women believe consent is a verbal expression.

***The language of consent and coercion: "I love you"***

Women in Mpophomeni explained some of the language and connotations used in heterosexual relations. The locutionary and illocutionary utterance "I love you" is one that marks men's position and subjectivity as initiators, and at the same time marks the woman position as the responder (Austin 1975: 98–9). Enunciated as a declarative statement by men to women, "I love you," also proposes a question: "Do you want to have sex with me?" I contend that the phrase is perlocutionary (speech that produces an effect, intended or not, in the person addressed by the speaker), in that it is trying to persuade women to have sex. Some men enunciate this performative declaration and receive responses from women that have racial and gender implications.

For example, Nomusa, a nineteen-year-old unemployed black woman who lived in Mpophomeni, described how she met the man who later became the father of her child. "The first time he saw me," she recalled, "he said to me, 'I love you, I love you'." She responded by

saying, “I do not love you.” “Why?” the young man asked. “Because you black man,” she told me as she laughed. “Please love me?” he asked (August 12, 2005). Nomusa’s telling the father of her child that she couldn’t love him because he was a black man reflected the hidden scripts of race left over from the legacy of apartheid. Like Phuzowahke calling black women in Mpophomeni “bitches,” Nomusa demonstrated a similar contempt for the black man. Her statement implied that she could not love a black man because of the negative implications and hatred of blackness.

NoSipho also described how she met her last boyfriend, who died of AIDS. She believed she contracted the disease from him.

He asked me to show him the Falls in Howick. When we were going out, he told me he loved me and I said, “No, I will just see.” (July 3, 2005).

But Zakhele, a twenty-five-year-old security guard, told me that when a man is interested in courting a woman and says “I love you,” the longer she puts off his advances, the more it signals a woman’s self-respect, including respect for her body. He explained:

If a woman responds by saying “Yes” or “Yes, come tomorrow,” it signifies that she thinks she loves you and you (the man) are supposed to come tomorrow and get love. If she is saying this, she is probably saying it to other boys and she is acting like a prostitute (July 10, 2005).

Zakhele’s explanation provides a probable understanding of why Nomusa and NoSipho said no the first time they were asked to have sex by men who later became their sexual partners. If a woman immediately says yes after a man says “I love you,” it signifies to many men that she is a “bitch.” This illustrates the double standard that has continued in the local sex/gender system. Young men are expected to have many girlfriends, while it carries a stigma for women

to “consume” many boyfriends. These kinds of values, expressed through language, have limited women’s sexual autonomy and their freedom in making decisions about their lives.

Within these sexual encounters, the subject position “woman” is produced in part by the utterance “no,” while “male” is positioned as the initiator. This is part of the cultural grammar that produces heterosexual subjectivity and sexuality (Kulick 2003: 141–2). NoSipho’s account of sexual violence illustrated Kulick’s argument. Her responses—“I don’t want to have sex today,” or “No”—ascribed her subject position as “woman.” She blamed herself for not conveying “no” strongly enough, and using “weak” facial expressions, responses that could be thwarted and ignored. In NoSipho’s case “no” meant “yes.” However, I am not so sure her response would make a difference in her boyfriend’s violent behavior. What is most disturbing is that during the course of our conversation, NoSipho never blamed her ex-boyfriend for his violent behavior, but instead blamed herself for not making him take her responses seriously.

Women’s enunciation of “no” had the potential of prolonging a sexual encounter. For the man, it had the potential to produce his own subjectivity, to continue to try to “conquer” and transform the response of “no” to “yes.” Sibongile’s refusal to sleep with men who bought her drinks in the *shebeen* illustrates this point. In this context, male subjectivity was positioned by who purchases, and female subjectivity was marked by the person who consumes. But Sibongile changed the script by refusing to sleep with men in exchange for drinks. As she said in her account, men often reminded her of their expectations.

The phrase “I love you” that men commonly utter to women also had different meanings depending on the context. During my conversations, I also learned of changes occurring with the ascription of gender subjectivity with the declaration “I love you.” When I asked Zakhele how he responded to women saying “I love you” to him, he said he was surprised and laughed at the



woman who said it. He also said a friend in Mpophomeni waiting for a taxi<sup>29</sup> to Pietermaritzburg invited him to accompany him to a party. While Zakhele emphasized his heterosexual identity to me, and his curiosity about the party, he found out on arriving that it was a party for “Gayle”<sup>30</sup> men, the South African term for homosexual males. He told me he heard men saying “I love you” to other men there (July 10, 2005). When asked if such gatherings occurred in Mpophomeni, Zakhele said he wasn’t aware of them in the township and thought they were more common in cities like Pietermaritzburg and Durban (July 10, 2005). Zakhele’s story reveals that young women and men are aware of same-sex relations and, naturally, curious about them.

One day at the community center in Mpophomeni, Gugu, a young female volunteer, said to me in front of the other women volunteers, “Judi, I want to go on a date with you.” I was taken by surprise, but sensed that she asked me out of curiosity about what a same-sex date would be like, having recently learned of same-sex relations between women. I responded with a smile, “Gugu, I don’t go on dates with women, I go on dates with men.” The women in the room seemed surprised at how quickly and calmly I responded. I am not sure Gugu had ever expressed this wish to date women. But knowing I was an American, and therefore someone with knowledge and openness, Gugu knew she would not be shunned or reprimanded for asking me. Same-sex relations continue to be highly stigmatized in many black South African townships and often result in violent hate crimes. In June of this year, a young woman who lived outside of Johannesburg and was believed to be a lesbian was gang-raped and murdered by young men who lived in her township (Seale: May 6, 2008).

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<sup>29</sup>Taxis are a common form of public transportation for travel between the townships and the cities in South Africa.

<sup>30</sup>“Gayle” refers to a language used by gay men in South Africa. Other slang terms include *isiGqumo* (Zulu), which is related to another argot used by gays, and “muffy.”

In heterosexual relations, language practices may yield an unexpected response. One example is when a man expects a woman to say “no,” but she says “yes” without persuasion (Kulick 2003: 142). While “yes” may be the response men seek, it is not one that is expected or respected (142). Two of the cases I discussed earlier illustrate this point. Phuzowakhe’s description of women who accepted drinks from men in *shebeens* as “bitches” illustrates how some men disapprove of this behavior from women.

But as John Leo suggests, the meaning of the enunciations “yes” and “no” must be examined in context. Taken by surprise, Thandi, Bongani’s friend’s girlfriend, immediately responded with “yes” to his request to go out on a date with him. Knowing that Thandi was his friend’s girlfriend, Bongani decided to pursue her for sex, justifying it as a way for his friend to share property rights. In Mpophomeni, saying “yes” too soon to men changed the subject position from “virgin” to “bitch” or “slut.”

While Don Kulick’s examination of “no” is useful, it is also problematic for three reasons. First, his study and many others, including Muehlenhard and Hollabaugh’s examination, are centered within the context of Western societies. All three cases of sexual exchange that I present illustrate practices and beliefs different from those of Western societies. Although the United States, where Kulick and Muehlenhard and Hollabaugh’s studies are based, is patriarchal like South Africa, these countries are dissimilar in certain practices, including language.

Second, these studies examine women’s responses only as speech acts rather than states of mind. Some women told me they feared harassment, violence and sexual coercion if they continued to say “no” to men after the men said “I love you.” Women in Mpophomeni told me they were psychologically coerced into saying yes because they feared violence and sexual coercion from the man. From their experiences, it seems that many men have difficulty

accepting and respecting women's negative responses. It is common for women to experience intimidation by men until they agree to sex. This example demonstrates that while women may have said yes to sex, it did not mean they consented. It is important to examine and understand the conditions under which women consent to sex to protect their legal rights to bodily integrity and autonomy. Once again, as Kulick suggests the position of the heterosexual man dominates.

Kulick's assessment of the Homosexual Panic Defense, and the situation of women in the United States as well as in Mpophomeni is compelling. With homosexual men, initiating the question "Do you want to have sex?" risks violence and, in extreme cases, murder. But when men ask women, "Do you want to have sex?" or when they say "I love you," women rarely respond with violence. If men feared that women would murder them, I do not believe it would be tolerated, and there would be a lot less sexual harassment of women by men.

Finally, from my own experiences, I believe that Leo's argument about the meaning of "no" and the context in which it is stated, and Estrich's argument that a woman's "no" means "no" have credence. As a heterosexual woman who dates men, and has friends who do the same, I know that women do not always explicitly articulate "yes" or "no" to show interest or indifference. Rather, there are other ways of expressing sentiments that are part of the cultural grammar of heterosexuality in the United States. Refusing a date and expressing lack of interest can be done by not returning telephone calls or uttering the most common excuse, "I'm so busy," or "Don't call me, I'll call you." I readily admit there have been times when I lied, telling men "I don't have a telephone." There are other instances, as Estrich suggests, in which a woman's "no" means "no."

Scholarly studies analyzing women's responses of no to sexual relations bear further analysis. The overall problem of the No Model is that it cannot account for the numerous ways in which many victims react to sexual trauma (Anderson 2005: 1405). I return to the rape trial of Jacob Zuma to illustrate this point. According to Khwezi's testimony on the witness stand, she was silent and never enunciated the word "no" during her encounter. She stated that her body froze because of fear, shock and disbelief. Zuma's testimony confirms that he assumed that since Khwezi wore a knee-length skirt to his home and was silent during sex, she was signaling that she consented to sex. Zuma underscored his point by implying that his accuser was "ready" for sex. Khwezi's silence meant "no," but because of the trauma she experienced, it was interpreted by Zuma as "yes." Zuma also claimed that women's signals and verbal responses to men's sexual advances in Zulu society are radically different than responses in wider South African society. Other models proposed by scholars seek to remedy linguistic misunderstandings of consent.

### ***DISCOURSES AND PRACTICES IN THE SEX/GENDER SYSTEM***

#### ***Serial killers***

During my field research, I heard stories about young men who expressed their frustration, anger and resentment by engaging in acts of violence associated with HIV/AIDS. AIDS is the single largest cause of death in South Africa (Marais 2005: 42). Between 1990 and 2005, HIV prevalence rates increased from less than one percent to approximately 29 percent (Hunter 2005: 689). In a country with approximately forty-five million people, it is believed that up to 2005, AIDS had killed at least 1.8 million South Africans and possibly as many as 2.5

million since the epidemic began in the late 1980s (Marais 2005: 42). In Mpophomeni, approximately 60 percent to 70 percent of the people who visited the free clinic in 2004 were HIV-positive (Interview: May 6, 2004). In an interview with the manager of the Mpophomeni Clinic, I learned that women constituted the majority of clients who came in for HIV testing. (Interview: May 6, 2004). Since young men are less likely to visit clinics for regular testing, the percentage of HIV-positive residents in the township is probably significantly higher.

Young men continue to have sex with women even though they may suspect the women are HIV-positive. Several women I interviewed believe that some men purposely infect women with HIV/AIDS and that young men infect girlfriends with the HIV/AIDS virus during courtship. They referred to such men as “serial killers.” Nyoni spoke about one young man who she believed had spread the virus to several girlfriends:

There’s this guy I know who was in the process of paying *lobolo* for his girlfriend. She was pregnant and then she had the baby. When the baby was just a few months old, it got sick and died. Then the mother also became ill and died. After that I saw him with some strange things on his face. He’s also sick and is now taking treatment for TB [tuberculosis]. He’s gotten better, but it’s possible that he’s infected. It always seems to happen that if a girl has a baby, the baby dies, then the mother dies. It could be AIDS.

But the strange thing about this guy is that he loves women so much; he does not let any girl pass him. He asks a lot of girls out and some go out with him. Not too long ago, a girl had another baby with him, just imagine! She’s not well either. Why wouldn’t he visit the doctor and see what’s making him sick? Doesn’t he ask himself, “Why were my girlfriend and child sick? Why did they die?” But he continues on loving women. How could he not be suspicious? To me, it means that he is doing this purposely (July 15, 2005).

Extending the notion of *isoka*, serial killers are figures who represent subjects of discourse about sexual practices between young South African black women and black men. Discourses surrounding stories and practices of other serial killers include the most famous of the

late Victorian era, Jack the Ripper, and the *pishtaco* of Andean folklore, who preyed on children and young women. Stories that circulate throughout society about such figures represent commentaries about heterosexuality, sexual appetite, and race and class differences.

There are similarities and differences among the discourses regarding these legendary serial killers. First, all of these discourses include stories about seduction and death. Second, all three characters choose women as their victims for sexual violence and murder. Third, the serial killers Jack the Ripper and the *pishtaco* demonstrate actions of unequal exchange by taking away the right of bodily integrity and autonomy from women. In addition, all three violate women's right to freedom.

The similarities end here. Images of the serial killer in Mpophomeni speak to race, class and gender *among* black South Africans. Unlike stories about the *pishtaco*, which focus on interracial relations between Indian women and white men, the South African serial killer stories emphasize intraracial relations, focusing on black-on-black sexual violence. Women who tell stories about serial killers speak of them as part of sexual practices that women confront on a daily basis. Most importantly, stories about serial killers serve as commentaries to teach young black South African women about HIV/AIDS.

On the surface, discourses about serial killers point to two themes. First, they highlight the dangers for women of having unprotected sex with black township men, and also place the burden of abstinence on women. Second, these discourses accentuate divisions between the township and the city. Abstaining from sexual relations with township men reflects some of the discourse from the international AIDS movement to combat the disease. The "ABC" strategy, as it is called—"abstinence, be faithful and wear a condom"—is one of the main messages of the global AIDS movement. This strategy represent another example of discourse that was

constructed by Western elites in the global health community and it serves as another illustration of how these elites failed to understand cultural practices of sexuality in the non-Western world.

Divisions between township and city are equivalent to constructed cleavages of the past, such as rural/urban dichotomies. While I was conducting field research in Mpophomeni, young women told me they had boyfriends who lived and worked in the city. Using the word “date” to describe outings with their boyfriends, these young women said they prefer dating men who live outside the township, preferably in the city. One young woman, Fikile, told me about spending weekend evenings with her boyfriend, who lives in Pietermaritzburg. When her boyfriend was paid, once a month, he would drive to Mpophomeni to pick her up, and they would travel to McDonald’s in Pietermaritzburg.<sup>31</sup> For Fikile, this was an opportunity worth the wait. A man traveling from the city to the township in his own car and buying food for his girlfriend in the city at a restaurant is a symbol of status and of embracing middle-class sensibilities.

The idea of women preferring men who are employed and who live in the city rather than township men is in line with NoSipho talking about how young township women preferred soldiers during the antiapartheid struggle. In the postapartheid era, the soldiers who represented the apartheid state in the township have been replaced by other “outsiders,” men who live and work in the city. Young women looking to improve their social and economic status see young township men as second-rate and as carriers of the AIDS infection. Serial killer discourses perpetuate divisions between poor township men and employed men who live in the city.

Some township women, ironically, are not held in high esteem by some township men. Some men in the township reinforce the myth of the hypersexuality of black South African

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<sup>31</sup>McDonalds and KFC franchises have been present throughout South Africa postapartheid. These businesses are perceived as places frequented by those of higher status.

women. Other township men use religion as a way to attract girlfriends. Mandla, for example, a twenty-eight-year-old unemployed man who aspired to become a preacher, believed that black South Africans liked to engage in too much sex and liked sex too much. Admitting to once having five girlfriends at the same time, he said he had joined the Faith Mission denomination in 1998 and claimed that it had changed his behavior (June 15, 2005).

Denominations such as Faith Mission, a part of Christian Zionism, required that its unmarried members practice abstinence. According to Mandla, if a young man tried to practice abstinence with his township girlfriend, she probably would leave him for another man. He had a girlfriend from Mpophomeni just before joining the Faith Mission Church and claimed that she enjoyed “too much sex.” Mandla defined “too much sex” as once a week, as opposed to twice a month, which was the frequency he claimed to have sex with his other girlfriends. He believed premarital sexual relations to be destructive. He also told me that he thought township women drank too much. At the time of our conversation in 2005, Mandla said he had a girlfriend he met in 2003 while attending church. Their relationship remains a secret to other members, because the Faith Mission denomination does not permit premarital sexual relations (June 15, 2005).

Returning to images of black South African men, serial killer depictions speak to several myths regarding sexuality and black South Africans. First, they highlight fantasies of sexual deviance, as in Nyoni’s portrayal of the “serial killer who not only impregnated his girlfriend, but infected her with HIV/AIDS, which killed her and their child. By repeating his actions, he contributes to the illness of other women while satisfying his never-ending sexual appetite.

These serial killer narratives also functioned as warnings to black South African women of the dangers of sex and the cruelty of black South African men. Mpumelelo talked about this kind of male behavior:



Men don't like us [women] very much. They kill us because he could be with Mpumelelo, but once she becomes sick, he'll leave her before dying. Then he'll go with Thandazile and leave her when she gets sick. Once she dies he will be long gone. He'll be with Nyoni by then (Interview: July 20, 2005).

NoSipho and Mapumelelo's depictions of young men who purposely spread the AIDS infection conjures the terror of the past: NoSipho talked earlier of how she believed the apartheid government injected black soldiers with the AIDS virus during the antiapartheid struggle. Talk of serial killers created moral panic in society about black male heterosexuality. Moral panics usually are projections of the past into current anxiety over what some see as moral and sexual depravity (Walkowitz 1992: 4). In the South African context, moral panic represents nostalgia for the apartheid past and a desire to escape the current challenges of the postapartheid era. In addition, the panic reflects a desire to return to past values that stressed the importance of family and monogamy perpetuated by the apartheid state. The apartheid state championed these values, but in reality these principles and moral codes were full of contradictions, such as repressive notions of sexuality between races and the disruption of the stability of the family structure through labor migration.

The serial killer narrative exhibits male dominance by giving men the power to inflict pain and death on women. Suzanne Leclerc-Madlala (1997), referring to the serial killer notion as the "infect one, infect all" phenomenon, offers an alternative explanation for this development. She argues that the "infect one, infect all" phenomenon, defined as the desire by youth living in townships in KwaZulu Natal to share the burden of HIV/AIDS by spreading the virus to others, remains prevalent. Leclerc-Madlala equates the spread of the infection with the social and political representations of solidarity of the 1980s during the antiapartheid struggle, and

characterizes the “infect one, infect all” phenomenon as the new form of solidarity among South African male youth.

When young men learn their HIV-positive status, they often react by accepting infection and death as inevitable and then are struck with a desire for revenge, which they satisfy by raping women (Leclerc-Madlala 1997: 369). I heard similar sentiments from young men in Mpophomeni. Hlebe said, “I came into this world because of sex and I will die because of sex. I will not die alone. There will be others who will follow” (Interview: July 5, 2005). Some informants argued that AIDS education fueled the rape crisis, because it tells people how the virus is spread (Leclerc-Madlala 1996: 372).

Many black South Africans disagreed with Leclerc-Madlala’s “infect one, infect all” argument. On the other hand, “Baba” Hlengwa,<sup>32</sup> my former Zulu professor, said to me in 2002 that he considered that Leclerc-Madlala’s article and theory had had little positive contribution to effect on the black South African community. Our conversation took place at a time when Thabo Mbeki and his administration were in denial about HIV resulting in AIDS without proper treatment. I found some young men who articulated Hlebe’s views, but I cannot not characterize their sentiments as reflecting a desire to return to the solidarity of the antiapartheid struggle. Hlebe, who is twenty-one, was a child during the struggle for political liberation. He and others his age hardly remember the violence. Hlebe was ten at the time of the transition to democracy. As my research assistant, Siphon, reminded me after one of my interviews with Hlebe and Phuzowahke, “Judi, they only know democracy.”

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<sup>32</sup>Students affectionately called Professor Hlengwa “Baba,” which means “father.” It is a term of endearment used to show respect for older men.

During one of our conversations, NoSipho reflected on her HIV status and the high prevalence of AIDS in Mpophomeni. She suggested that men in Mpophomeni use sexual activity as a weapon to purposely infect women with AIDS to kill them:

Men are very cruel. Why do you think they ask for sex when they see that we women are sick? If he is infected, he wants to kill me and infect me. Men hate us because they believe that women brought AIDS to them. They think that we [women] don't like them now. You know, men can say "I love you" [to women], but he doesn't love you—he only wants to infect you (July 10, 2005).

NoSipho also believed that young men in the township resented young women during the antiapartheid struggle because of women's interest in the soldiers who were sent by the apartheid government to maintain order in the township. Women were interested in these soldiers because of their stable economic status. Soldiers were employed, while many young men in the township were jobless. In the postapartheid era, the economic status of many young men in the township remains bleak.

Many women in Mpophomeni maintained relationships with employed men who lived in the city rather than unemployed men in the township. According to NoSipho, many young township men—called "serial killers" by some women—sought revenge against women and purposely infect women with AIDS:

AIDS came to this township because we [the women] fell in love with the soldiers. Now the men in the township are getting revenge on us by infecting us with AIDS (July 10, 2005).

Revenge is now part of the breakdown of gender relations. The acts of serial killers represented another display of male domination. NoSipho's account represented one of the ways in which the war to attain political liberation from apartheid has resurfaced in the postapartheid

era as a war between women and men. Finally, discourses about serial killers echo some of the themes in the Jacob Zuma rape trial. One is the issue of having unprotected sex. During his testimony, the former deputy president admitted to engaging in unprotected sex with his accuser. Zuma, who was the chairman of the AIDS Council in South Africa while serving as deputy president, said on the witness stand that he believed if he took a shower immediately after sex, he would not have to worry about contracting HIV/AIDS.

Embedded within serial killer discourses are the continuations of myths concerning the hypersexuality of black South African men in the postapartheid era. As Deborah Posel (2005) argues, discourses about sex in South Africa have increased and exploded since political liberation (chapter 1). Serial killers represent one more example of Posel's claim. They are portrayed as creatures that travel from woman to woman, having sex to satisfy their insatiable needs.

Zuma's testimony during his rape trial also reflected this form of hypersexuality. His account on the witness stand suggested his enormous and never-ending sexual appetite. His comment that "In Zulu culture, you cannot just leave a woman if she is ready [for sex]" expressed not only his uncontrollable sexual urges but also his female accuser's, and plays into stereotypes about black South African men and women.

Finally, the Zuma trial is an example of the widespread sexual violence among black South African women and men in a society where the prevalence of hegemonic masculinity prevails. "Street" and "struggle" masculinity were forms of masculine identity that dominated the days of the antiapartheid struggle. Now that the liberation struggle has ended, hegemonic masculinity, one of the forms of masculinity described by Robert Connell (chapter 1) has reemerged to prominence in many areas of the black South African community. Entrenched

within serial killer narratives is the power men possess to seduce women. Two of the characteristics of hegemonic masculinity are dominance and the subordination of women. Serial killer narratives highlight the continued unequal relations between black South African women and men while accentuating the power that men continue to enjoy in sexual relations.

### *Young women and men's definitions of rape*

Young women and men in Mpophomeni expressed different definitions of the concept of rape. There were also differences in the ways in which young women and men conceived of rape. Because of discourse and the educational programs sponsored and disseminated by the government and nongovernmental organizations, young women acknowledged the existence and reality of acquaintance rape. They communicated distinctions between “forced sex” and rape. The economic factor of *lobola* influences the differences between the two concepts. Dudu explained differences between “rape” and “forced sex” by saying: “Rape is demand. Forced sex is demand of sex from my husband. I would never say ‘My husband raped me,’ because my husband paid *lobola* for me. My boyfriend paid nothing for me, so that is rape” (March 10, 2005). Some women believed that once *lobola* is paid to the family of the woman, the man was entitled to unlimited sexual access to his wife. This idea was expressed by Jacob Zuma in his testimony. But other women interpreted distinctions between “rape” and “forced sex” in other ways. NoSipho defined rape as “having sex with my boyfriend when I do not love him anymore” (July 10, 2002).

Most young men I spoke to in Mpophomeni rejected the idea of acquaintance rape and did not acknowledge the idea that boyfriends and husbands rape their girlfriends and wives. Like women, young men believed that once *lobola* was paid, they were entitled to sex. Many young

men defined rape as a premeditated act committed only by strangers in the streets. They also recognized that children were often raped by family members.

These young men spoke of rapists as prowlers, lurking on dark streets at night. They also believed that women should take preventive measures to avoid being raped in the streets of Mpophomeni. For example, Musa, a twenty-five-year-old unemployed man, said: “Women must know where to walk or stay during the night times, because rapists usually rape in dark areas. They must not accept rides from strangers because it is very dangerous” (April 28, 2005). Vusi, another young man, suggested that women should run, scream or carry a whistle as safety precautions to avoid being raped.

Other young men talked about the link between alcohol consumption and rape. They described how rapists in Mpophomeni often offered women alcohol as a strategy to intoxicate them and diminish women’s mental and physical control. Themba and Mandla stated that this behavior was common in *shebeens*, where men bought drinks for women in order to have sex with them and rape them.

Some young men told me that women forced men to have sex with them. According to Thandanani, a twenty-five-year-old man, women forced men to have sex so they became pregnant and had children to gain access to social welfare grants that have been instituted by the democratic government. But instead of using the money for the children once they received the grant, women would “buy cell phones and get credit” (April 5, 2005). Other men believed some women used rape as a threat or as blackmail to attain money from them. Thandanani told how after an argument, he and his now-former girlfriend “made up” by having sex. The next day, Thandanani said, the young woman told the police that he had raped her. “If the policeman is interested in the woman for himself,” Thandanani exclaimed, “he will defend her!”

More importantly, some young men strongly disagreed with South Africa's new law on rape. They believed the country's law on rape, its constitutional advocacy for gender equality and the protection of women had diminished the legal system's ability to protect men. Simply, these young men believed the law protected women more than men. Because of women's ability to coerce men into sex, Siphso said, men also needed the support of the law (March 29, 2005). Musa said the new government had allowed women to acquire power while it disempowered men (April 28, 2005). While Siphso personally believed "the government is on the side of women when it comes to the issue of rape," publicly he expressed acceptance of the new ideology of government. Siphso was someone who volunteered to work for several nongovernmental organizations located in Mpophomeni. Because of his involvement, he enjoyed a certain amount of status with young people in the community. So Siphso realized that publicly he must express some political correctness. He explained by saying, "You have to keep up with the changes of the new government. So no, women and men are equal" (March 29, 2005).

Regarding sexual consent, many young men I spoke to believed that women did not have the right to say "no" to sex. They believed that men were entitled to sex with women, particularly if *lobola* payments were initiated. Once a woman and man are married, Zakhele argued, men should maintain power in the home. He believed a woman's responsibility was to stay at home and produce a large family (April 28, 2005). This meant that neither consent nor nonconsent applied to women. Siphso and Zakhele expressed frustration with the idea of women consenting or not to sex. They believed husbands had the right to have sex with their wives without their permission (April 28 and 30, 2005).

More importantly, men and women's ideas about sexual consent reflected the various and conflicting legal systems that persist in South Africa (chapter 2). Both sexes believed in the law of custom, as opposed to national law. Local discursive structures of law collide, particularly in regard to women's relation to the state. Reflecting on the situation of women in Africa in the context of postconflict transformation, Meredith Turshen states that "Most African women live under more than one "state" in the sense that they live under more than one set of laws: the statutory regime and the customary regime. Men's interests dominate both statutory and customary systems because they are patriarchal" (2002: 78). Turshen's assessment is relevant to the situation of women in Mpophomeni concerning sexual practices in the postapartheid era in South Africa. As Gayatri Reddy suggested (chapter 2), global, national and local forces overlap in one sphere and become part of people's lives. This is especially true for women living in postconflict regimes under transformation. At times women I interviewed demonstrated awareness of the law of the state and in other instances their beliefs reverted to the law of custom. As reported in the introduction to this chapter, Nosipho's comments demonstrated that when she lived with her former boyfriend she respected customary beliefs about the position of in the household. But her ideas expressed in accounts of other situations, particularly outside of the household, suggest that NoSipho also held belief in the law of the state.

### ***Conclusion***

This chapter examined some of the local practices and local discourses in which young women and men participate as part of the sex/gender system in the township of Mpophomeni in postapartheid South Africa. I focused on sexual practices that are part of consumption and exchange, courtship and language.



In the context of consumption and exchange, young women and men in Mpopophomeni had vastly different interpretations of the meanings of consent to sex. Women also demonstrated that they exercised agency in sexual relations with men. Some men believed that women consented to sex through action, while women demonstrated that they consented to sex through verbal language. I illustrated examples through discussions of men buying drinks for women in *shebeens* and of women's responses to the statement "I love you."

Young women also spoke of the difficulties and the demands in maintaining intimate relations with men during courtship. For these women, issues of consent and autonomy played significant roles in their associations with men. Here, discourses concerning feminine identity and language practices are important. Young men either spoke of women as virgins or used the pejorative term "bitch" to describe women's sexual identity. Expectations were such that it was necessary for women to follow the double standard and remain monogamous or virgins. While men were permitted to have sex with many girlfriends, young women who were perceived to have many boyfriends were referred to as "bitches."

Language practices that expressed consent and nonconsent were important when examining sexual practices and discourses. I analyzed several models of consent presented by legal scholars, particularly those concerning verbal and nonverbal expressions. Some argue that sexual consent is a linguistic act, while others consider it is a state of mind. It is important to investigate this issue because many legal statutes on rape revolve around questions of consent. I argued that many of these models are based on sexuality and sexual relations in Western societies; nevertheless, they are useful when thinking about concepts in the South African context. Women and men articulated drastic differences in their conceptions of rape and consent to sex. Meanings of consent are significant in examining sexual behavior. Language practices

on sexual consent also reflect how women perceive their relationship to the state. I suggested that some women's circumstances in Mpophomeni reflected that they live by rules embedded in three sets of legal systems: customary, national and global regimes. Men's interests dominated all three systems, so men are less likely to believe they live under the rules of various statutory regimes.

I briefly discussed how the political economy in Mpophomeni continues to influence heterosexual relations. Because of the high rate of unemployment among young men, some men of marriageable age allow women to buy material goods for them in exchange for sex. Unemployment among young men in Mpophomeni also influences courtship practices. Young men with few employment prospects face increasing difficulty in finding and maintaining sexual relationships with women. To add to those woes, their financial status, identity as providers and confidence as men are uncertain. This joblessness spurs some young women of marriageable age to have boyfriends who live and work in nearby cities, thereby creating divisions between township men and city men.

Discourses that link sexual practices, race, class and gender with HIV/AIDS and sexual violence in Mpophomeni in the postapartheid era include accounts of serial killers. These narratives invoke the dangers of black male heterosexuality and construct images of township men as carriers of the AIDS virus. The notion of serial killers holds that these men seduce women into having sex with them, so they infect the women with AIDS. Discourses about serial killers expose the deep divisions of class and gender in the black South African community. The discourses also highlight the frequency of sexual violence by black men against black women. In addition, serial killers represent the uncontrollable sexual urges of black South African men

toward black South African women. Overall, discourses and practices about serial killers draw attention to the “moral panic” that pervades South African society.

In the introduction to this chapter, I stated that the apartheid state had imposed violence on women in their homes. In the postapartheid era, men have replaced the state in bringing terror and violence to women. Discourses about sexual violence and HIV/AIDS underscore this point as black-on-black violence continues in contemporary black South African townships.

## **Chapter Seven: State and Nonstate Actors Confront Rape and HIV/AIDS**

This chapter focuses on how national discourses about rape are perpetuated by state and nonstate actors. I specifically examine how the police in Mpophomeni respond to women's claims of sexual coercion and rape. I also analyze the role of nongovernmental organizations as nonstate actors and how they produce discourses about rape in South Africa. I pose four questions to facilitate this discussion. First, what is the reaction of police in Mpophomeni to women's claims of rape? Second, what is the role and response of NGOs in Mpophomeni to the problem of sexual coercion in the postapartheid era? Third, how are NGOs influencing and shaping definitions of rape in Mpophomeni? Finally, how do these actors draw on human rights ideology in their constructions of rape and HIV/AIDS? I focus on the national discourses about rape that have been constructed in the "new" South Africa and illustrate how they collide with local understandings of sexual coercion and consent.

South Africa's current nation-building efforts encourage a national discourse that focuses on acts of confession and disclosure through speech to reveal the truth of the ugly past. Some activists believe the country needs to undergo a national healing process that includes forgiveness. This framework encompassed the Truth and Reconciliation Commission's hearings.<sup>33</sup> Moving forward, these discourses encourage a human rights approach using a human

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<sup>33</sup>The Truth and Reconciliation Commission (TRC) was one of several innovative and imaginative social interventions designed to redress some of the effects of colonialism and apartheid. Its origin was the agreement on amnesty reached between representatives of the South African state, political parties and some liberation organizations in 1993 during negotiations to end apartheid and institute democratic governance in South Africa. For more see: Ross 2003, Hayner 2001, 1996).

rights vocabulary. This method is now a part of educational initiatives and discussions concerning rape and HIV/AIDS.

Violence against women, including rape and HIV/AIDS, are perceived as epidemics that threaten the lives of millions of South Africans (Peacock and Levack 2004: 174). As a result, the national discourse revolves around eliminating the stigma of being a victim of sexual violence, rape and HIV/AIDS. During my field research, I observed that women's accounts about their attempts to report claims of sexual coercion to the police were an integral part of their lives. Verbal reactions from the police discourage women from speaking out and prosecuting perpetrators. In sharp contrast to this message, nongovernmental organizations conduct public workshops in Mpophomeni to educate young women and men about the meanings of rape and consent.

Line of Life, an NGO based in Pietermaritzburg that focuses on issues concerning rape and HIV/AIDS, recently established free rape counseling services for women who live in Mpophomeni. Another NGO, Pietermaritzburg Agency for Christian Social Awareness (PACSA) focuses its workshops on educating men. The goal is to create safe places for women and men to come together to discuss their lives and fears as well as their hopes and dreams. Unlike the police, NGOs encourage communication through speech rather than silence. One particular kind of speech ideology dominates—the language of Western-based human rights.

Through their use of language, facilitators in workshops sponsored by NGOs influence the meanings of rape and consent. Educating the masses through the spoken word is preferred because of South Africa's high illiteracy rate. While teaching an English class in Mpophomeni, I found that most young people's oral fluency in English is much higher than their reading and writing skills. Basic education of young township women and men in their twenties and thirties

has been limited, due to the poor quality of township schools and Bantu education coupled with the violence that made its way into the schools during the antiapartheid struggle during the 1980s and early 1990s.

In the postapartheid era, facilitators often use English, the language of power and the elite, in workshops on rape and gender violence in local communities. I believe that the use of English in this context signifies power and domination. Language continues to be a source of tension between traditional and modern practices in the new democratic South Africa. Tensions between those who espouse modern/Western definitions of rape and consent and those who subscribe to local, traditional perspectives became evident in workshops I attended and observed in Mpophomeni.

Linguistic practices of human rights discourse within the context of NGO-sponsored workshops represent a particular ideology and legitimacy of the democratic state. Language acts as a master narrative and performance of a particular ideology. As used by NGOs, human rights discourse and the vocabulary associated with it becomes a mechanism through which South Africa spreads the ideology of democracy. Language or discourses bring truth to the particular context. Harri Englund asserts that “aspects of human rights discourse as promoted by activists and their foreign benefactors find their way into popular vocabularies, although the interests they are made to serve can be incompatible” (2006: 33). Richard Wilson also argues that human rights talk performs a vital hegemonic role of domination in democratizing countries in Africa and Latin America (2001: 129).

Focusing on the tension between transnational principles and the importance of local context, Sally Engle Merry suggests that such a conflict is inevitable. National and local NGOs navigate the divide between the local and the global, translating global approaches into local

terms and seeking to give local groups voice in global settings (Merry 2006: 104). Merry argues that NGOs that work within this framework usually recognize the contested and shifting nature of culture and rarely describe it as an obstacle (104). She also argues that the notion of human rights grew out of a modernist understanding of the self and its capacity to act autonomously, while emphasizing equality and security from bodily harm. The power of the human rights discourse to change the way people think and act is its capacity to change existing cultural practices (Merry 2006: 137).

Human rights agendas have become an integral part of the formation of recent democracies. William Robinson (1996) argues that democracy in South Africa's postapartheid era acquired new meaning and practices. During the antiapartheid struggle, democracy as a goal was defined as a political and economic system based on equal social relations. In practice in the postapartheid era, democracy has been reduced to a new phenomenon often referred to as "democracy promotion" (Robinson 1996: 4). According to Robinson, liberal democracy in the new South Africa is synonymous with polyarchy. Observing this as a growing global phenomenon, Robinson defines polyarchy as: "elite minority rule and socioeconomic inequalities alongside formal political freedoms and elections involving universal suffrage" (1996: 356). Under polyarchy, democracy is limited to the political sphere. Julie Hearn (2000) observes that in an environment of formal procedural democracy, polyarchy can exist alongside massive inequality, because it is outside its definition to address the economic sphere (2000: 818).

Motivated by these observations, in this chapter I approach human rights discourse as a means of the postapartheid state to engage in democracy promotion. I suggest that educational workshops facilitated by NGOs about rape and HIV/AIDS in poor communities such as

Mpophomeni are used to promote democracy while ignoring the dismal economic and social conditions. Human rights discourse, particularly in discussions about rape, is one method by which the government promotes cultural universalism. As I demonstrate, tensions between culture and rights continue to exist in community debates. Rape as a form of sexual violence is now discussed in educational workshops facilitated by NGOS within a human rights framework that ignores economic factors.

### *Rape and the police*

Many women in Mpophomeni described the police as apathetic, complacent and unsupportive of their claims of rape, and told me how local law enforcement personnel ignored their statements and descriptions of their rape experiences. Some said the police in Mpophomeni laughed at them when they reported rape incidents. Nyoni told me of one police officer's reaction when she reported that she was raped. Laughing, the policeman asked, "What kind of dress were you wearing?" (March 8, 2005). Thandazile said if a woman claimed she was raped by a man with whom she had a sexual relationship, the police usually responded by saying, "You are lovers; go and make up with your boyfriend" (March 15, 2008).

Women told me the police believed women's claims of rape only if they presented written statements from medical doctors. Thandazile said the clinic in Mpophomeni closes at four o'clock in the afternoon, so "What is a woman to do if she was raped after that time"? If a woman is raped after the clinic closes for the day, she can go to a government hospital that offers free medical care to patients. The closest government hospital, however, is located in Pietermaritzburg, approximately twenty-two miles from the township. Public transportation to the city stops by late afternoon. As a result, many rape survivors must wait until the next



morning for medical attention. But Thandazile asked, “What if you don’t have the money to visit a doctor?”(March 15, 2005). The general failure of police to acknowledge acquaintance rape discourages women from getting involved with the legal system.

The police, in this context, represent the apartheid past, in that they encourage women to keep their secrets. As female victims of rape attempt to report and articulate what they experience, they also are attempting to enact a different “self” that is encouraged by the discourse of the postapartheid era. These performances reshape the way women think about themselves and the relationship between their personal life and the law, or, as Merry says, “disembedding the individual from the structure of kin, neighbors, friends and churches in favor of a new relationship to the state” (2006: 187). Police who refuse to listen to these accounts act to deny the relationship between self and the law as an institution that protects its citizens. Police reaction reinforces the belief that the home is off-limits to state supervision because the husband is the figure who holds patriarchal authority. Because men still have authority in the home, the potential for rape cases to enter the court system is limited. In this way, the family or home as a private domain continues to be secluded from legal scrutiny (Merry 2006: 187).

At a local forum I attended at the Zenzeleni Community Center, residents from Mpophomeni openly discussed their dismay about the recent increase of rapes. Seven people attended: four women and three men. Bhengu, a young female organizer at Zenzeleni, mentioned that many male residents failed to understand the definition of rape. “Men perceive rape to be with a ‘stranger’ rather than with an ‘acquaintance’,” she said (January 27, 2005). Female participants also complained about the police’s lack of attention to rape in the community. Participants brainstormed to come up with solutions, including organizing meetings with the area police commissioner and the Community Police Forum. They also proposed a

strategy to show their dissatisfaction with the police. The participants decided to have the street committees organize a protest march through the streets of Mpophomeni that would end at the police station.

Some of those who attended the community meeting expressed their frustration with the police. Thulani, an employed male and a community activist, spoke of the lack of police professionalism and said he was frustrated at the lack of investigations of rape accusations. He also said the police were unavailable at night and on the weekends, when most rapes occur. "If someone calls the police with a problem, it takes three, sometimes four, hours for them to arrive," Thulani complained. Mrs. Zuma, an older resident, talked about a rape survivor she knew who became so frustrated with the police in Mpophomeni that she filed her claim with the police in Howick, the next town over. Other women at the meeting said they also knew women who traveled to Howick to report their rape experiences rather than confront the Mpophomeni police's lack of concern (January 27, 2005).

NoSipho said the police in Howick are more responsive to investigating rape cases than in Mpophomeni (Interview: July 7, 2005). Not a single case of adult rape has been investigated or prosecuted in Mpophomeni's court, she said, since the police station opened there during the antiapartheid struggle (Interview: July 7, 2005). She also mentioned that some women feared that their male partners would retaliate if the women were to press legal charges. Acts of revenge were common and included death threats. Because the police fail to protect rape victims, and women fear retaliation by husbands and boyfriends, one NGO has begun to offer free assistance to rape survivors in Mpophomeni.

### *NGOs and services in South Africa*

South Africa has experienced a long and complex history of NGO activism and development work. During the antiapartheid struggle, particularly in the late 1970s and 1980s, NGOs identified themselves as service organizations with accountability to the liberation movements and other organizations such as trade unions, community organizations, youth and student movements, and associations for women, business, lawyers and religions (Hearn 2000: 817). The NGOs believed their purpose was drawn from these movements. In the broader struggle, the goal was to dismantle the apartheid regime, which linked NGOs with the “opposition” (Pieterse 1997).

During the democratic transition, NGOs confronted different challenges. There was a broad consensus by organizations involved in the struggle for liberation that the NGO sector was sufficiently vigorous and autonomous to play a pivotal role in the postapartheid era during the period leading to the first democratic elections in 1994 (Pieterse 1997: 157). Yet after the first elections, government elites expressed reservations as to whether NGOs were capable of rapidly adapting to the new context. With the end of apartheid, NGOs found themselves in a situation in which they were required to transform themselves by shedding their opposition to the government (157).

Women’s organizations faced additional challenges. Coinciding with the transition to democracy, women’s organizations faced a crisis of leadership as the top tier of their leadership was elected into national or provincial office, leaving the groups to find new leaders (Britton 2004: 150). Like other NGOs, women’s organizations found they needed to work in collaboration with the government rather than in opposition to it. These factors paved the way

for grassroots organizations, coalitions and civil society initiatives to join in the campaign to end violence against women. Such groups provide many services, including training sessions, counseling services and empowerment programs.

Many NGOs that had been active during the apartheid era underwent ideological shifts in the purpose of their organizations in the postapartheid era. Some South African nongovernmental organizations decided to broaden the ways in which they framed the problem of gender-based violence (Britton 2004). These organizations, Hannah Britton argues, were successful because they focused on a single issue and thus were able to survive the unstable transition period. By 2003, how women's organizations defined themselves began to shift. Organizations gave up their single-focus approach to issues and instead linked gender-based violence to housing, land rights, HIV/AIDS, economic self-sufficiency, education and poverty (Britton 2004: 160). NGOs' opening offices in townships represents a shift in their approach to serving female victims of violence. Service delivery has to occur where people live and can easily and inexpensively gain access to resources. Britton says this is the biggest single indication that organizations have started to put into practice what they have preached in theory. In fact, it's important for NGOs to move out of the city into the townships and rural areas to help eradicate the practices of gender-based violence (Britton 2004: 161).

### ***Rape counseling in Mpophomeni***

In 2005, the Pietermaritzburg-based NGO Line of Life received funding to start offering counseling to rape victims in Mpophomeni. Line of Life's director, Diane Spellman, told me the organization was very much aware of the attitudes of the police toward rape survivors and of Mpophomeni's high frequency of rape. She said the police usually dismissed women's claims of

rape. Diane said there had never been a rape investigation in Mpophomeni that resulted in prosecution (Personal conversation: February 1, 2005). Because the police fail to investigate and prosecute, counseling services for rape survivors are especially important, she said. She suggested that I meet with the director of counseling services in Mpophomeni to discuss how and when services would be initiated there.

I met with Busi, the young woman in charge of initiating and managing Line of Life's rape counseling services in Mpophomeni. She greeted me with a bright smile and talked about her recent promotion at Line of Life. Before taking on this position, Busi, a small, slightly built woman in her late twenties, had been giving presentations and talks on rape and HIV/AIDS in several communities in the greater Pietermaritzburg region.

Busi said that as a representative of Line of Life, it was not her duty to impose ideas, particularly about sexual violence, on the people of Mpophomeni. "Line of Life does not believe in using a 'top-down' approach, but rather a 'bottom-up' approach. We are very happy to train people on how to become rape counselors" (February 22, 2005). Some women in the community were interested in working as rape counselors, but few completed the training process.

Mandisa was one person who did complete the training and went on to work as a rape counselor for Line of Life in Mpophomeni. In addition to meeting and consulting with rape survivors, Madisa visited primary and secondary schools and educated students about rape and HIV/AIDS. In primary schools, her presentations focused on rape only, because many young children had experienced sexual abuse by close relatives. In secondary schools, the talks focused on date rape and HIV/AIDS.

Mandisa said in the short time she worked as a rape counselor, not a single person came to the center seeking services. She attributed the lack of clients to little or no publicity in the township about the center and its services (August 23, 2005). Although located next to the community hall, the center didn't have a sign giving its name. Mandisa was a resident of Mpophomeni, and she believed that women might not trust another resident with details of their brutal experiences with sexual violence (August 23, 2005). She also believed women in Mpophomeni were not used to talking about rape with someone outside their home.

The purpose of rape counseling services is to encourage women to “confess” their rape experiences to a professional in the community. Confessing through oral testimony is perceived as the first step in breaking the silence about rape and starting the psychological and physical healing process.

### *Workshops in Mpophomeni*

While attending a workshop on gender violence at the Zenzeleni Community Center, I was struck by the leader's forceful presentation and the mixed reactions of the small group in attendance. Thembelishe, the workshop leader, was a university-educated black South African woman in her late twenties who worked for Line of Life. Dressed in a dark business suit, she spoke eloquently in Zulu and English to the group of four young women and nine young men about gender-based violence and South Africa's current legal definition of rape. Thembelishe began her presentation by explaining the meaning of gender-based violence and emphasized that it encompasses child abuse, domestic violence and rape. She spent a great amount of time on the meaning of consent. “According to South African law,” Thembelishe said, “the most important element of rape is consent.” She emphasized that a woman has the right to say no to sexual

intercourse. Thembelische also said South Africa is trying to restore order in society through its laws (March 23, 2005).

Bongani strongly disagreed with Thembelische and expressed conservative views about sexual relations based on the practice of *lobola*. He stood up and in Zulu shouted angrily:

A young woman does not have the right to say no to sex, because I paid for her either through *lobola* or because she is a prostitute! I deserve to have sex at any time. A woman is here on earth to bear my children! (March 23, 2005).

Other young men challenged Thembelische's presentation, saying it was unfair and that Line of Life's services were useless for men. Some of them complained that the organization was "on the side of women" (March 23, 2005).

While some women openly challenged Bongani's opinion, Thembelische waited patiently until the group became quiet. Then in English she said emphatically, "You know, we have a name for men like you. You are worse than a sexist; you are a cave man. The reason why men like you exist is because we allow them to" (March 23, 2005). Thembelische then continued to explain the proposed legal definitions of rape in the Sexual Offenses Bill. She never mentioned any social or cultural aspect of rape, such as *lobola*.

Observing civic educational projects initiated by a nongovernmental organization in Malawi, Harri Englund argues that they often marginalize people's own insights into their life situations (2006: 71). Such human rights projects offer little to assist the poor and the disadvantaged in improving their lives (Englund 2006: 71). In the case of South Africa, I suggest that civic education, despite its promise of dialogue and empowerment, makes distinctions between those at the grassroots level and the privileged, who spread the messages. Englund observes:

The distinction would be irrelevant if civic education were to bring together people with diverse backgrounds to discuss human rights on equal terms. Nobody, however, occupies a social space where discussions proceed as if everybody there were equal (2006: 70).

As Thembelishe's response to Bongani illustrates, condescension plays a significant role in how the privileged treat the disadvantaged. Human rights activists working for NGOs have often forged a style that asserted their status in subtle ways. This example illustrates that the English language captures and resonates expressions of power in this part of postcolonial Africa (Englund 2006: 71; Mbembe 2001). Thembelishe's linguistic reaction to Bongani also represents deep divisions between the "educated" and "uneducated" classes of black South Africans. Englund remarks that workshops such as this one further distinguish between those who are dominant and those who are dominated (2006: 91).

Perhaps as a result of his workshop experience, Bongani may create an alternative identity, particularly when he attends workshops on gender relations. Thembelishe's scolding remarks may encourage Bongani to use the language of human rights ideology in workshops while maintaining his patriarchal persona elsewhere. Young men like Bongani find it difficult to accept the human rights ideology that encourages women's equality. Yet, while dismissing some of the ideas proposed in NGO workshops, young people continue to attend and participate in these activities for other reasons. For example, hot meals are often served, guaranteeing food for the day. Workshops also help fill the day with activity, reducing the mindless boredom of unemployment.

Some NGOs focus their educational efforts on men. I had the opportunity to attend one such workshop sponsored by PACSA (Pietermaritzburg Agency for Christian Social Awareness) had been created for twenty men between the ages of nineteen and forty to talk about their



experiences in the new democratic South Africa. This weekend seminar, which only men were allowed to attend and participate in, brought together black men from several areas. I, as the only woman, had received special permission from the male participants to observe. It took place in a lodge surrounded by acres of open land with trees where one could hear the running of a quiet stream.

Five of the participants lived in Mpophomeni. Others traveled from areas surrounding Pietermaritzburg, such as Edendale and Imbali. The men shared rooms in chalets. The workshop took place in a large room into which sunlight streamed through large windows that overlooked the chalets and trees. This was quite a different environment from the urban townships where most of the participants lived.

Sibusiso, a college-educated man in his late twenties or early thirties, facilitated the seminar. An employee of PACSA, Sibusiso was the director of the organization's Gender Desk. With an undergraduate and honors<sup>34</sup> degree in theater and performance, Sibusiso used exercises that incorporated performative concepts. One purpose of the two-day workshop was to bring men to an unfamiliar, relaxed setting, away from the stress of township life, to discuss their lives, their futures and their fears.

The day began with a prayer led by one of the young men. Other volunteers read passages from the Bible. One young man said at the end of one reading, "I love you, Lord God, with all my strength." Sibusiso led the group through several exercises to promote camaraderie and trust. First, everyone in the room introduced themselves in Zulu while maintaining a musical rhythm initiated by Sibusiso. Next, in silence, the young men formed a line in the

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<sup>34</sup>Higher education in South Africa is composed of three years of undergraduate training. Students may elect to continue for a fourth year to obtain an honors degree—usually in the discipline in which they trained for the past three years.

middle of the room and arranged themselves chronologically by their birth date. The young men used hand signals to communicate the month and date in which they were born and to find their place in the line. Afterwards, they faced each other and spoke, familiarizing themselves with one another. They formed small groups to discuss their expectations of the workshop, while music played softly on Sibusiso's CD player. The young men became more at ease with each other as they quietly spoke and laughed in Zulu.

One representative from each group reported his group's expectations to the whole group. One participant said he wanted to learn how to accept the fact that women have rights. Other men sought answers to questions such as, Why must men and women be equal, when men are stronger? and Do men cause gender inequality all the time? One man said he was attending the workshop to discuss gender and tradition.

Gender equality in South Africa's democratic, postapartheid society was the dominating theme. Sibusiso posed this question:

In the last ten years of democracy, have men lost their dignity and power as a result of legislation that promotes and protects the rights of women?

Most participants agreed that men have lost power in society since the creation of laws designed to protect women. Some young men believed they were not acknowledged, respected or appreciated by their female partners. They found it difficult to express their feelings with relatives and their partners. Others said women and men are unequal because of biological differences. Some cited the Bible to justify what they said was the subordinate status of women. Most of these young men believed discussions about gender caused conflict in the family and in society. Participants overwhelmingly believed that "gender talk" was for the benefit of women. Some participants said they felt powerful when committing acts of violence (Workshop: June

18–19, 2005). Others articulated their difficulty with talking about their HIV status. “Why are there fewer support groups for men with HIV?” one participant asked. “Because of the belief that tigers don’t cry,” another man answered. The term “tigers” comes from the expression “young lions,” which refers to the comrades during the antiapartheid struggle. “Young lions” captured the notion of black male identity and “struggle masculinity.” Young lions, or tigers, were taught never to display their vulnerability. But young men realize they are at risk as they witness the effects of AIDS on their communities, families and friends.

The methods used in these workshops were taken from the Men As Partners (MAP) program in South Africa, which seeks to end gender-based violence and promotes sexual and reproductive health (Peacock and Levack 2004). Initiated in 1998 by Engender Health and the Planned Parenthood Association of South Africa (PPASA), the Men As Partners program had two goals. The first was to challenge the attitudes, values and behaviors of men that compromise their own health and safety as well as the health and safety of women and children. The second goal was to encourage men to become involved in preventing gender-based violence and HIV/AIDS-related prevention, care and support activities (Peacock and Levack 2004: 174).

More recently, the program has expanded its activities to promote gender equality and reduce the spread and impact of HIV/AIDS (Dean Peacock and Andrew Levack 2004: 175). MAP works to effect change using strategies that include changing knowledge, attitudes and behavior to mobilize men to take action in their own communities. It also collaborates closely with NGOs and grassroots community-based organizations (CBOs) to implement MAP programs and advocate for increased governmental commitment to promote positive male involvement (175–6).

MAP workshops usually incorporate a human rights framework so men can recognize how contemporary gender roles mirror the oppressive relations of power characteristic of apartheid (Peacock and Levack 2004: 176). The program draws connections between sexism and racism and other forms of oppression, and strives to get men to see the ways in which gender equality is a fundamental human right comparable to those fought for during the antiapartheid era (176). This approach connects gender equality to South Africa's rich history of social justice activism and situates it within the human rights framework and discourse embraced by most South African men (Peacock and Levack 2004: 176).

MAP workshops typically last for three to five days and provide transportation subsidies and meals for participants. Approaches used in these gatherings are built on principles of adult learning that explore the participants values about gender, "traditional" gender roles, power dynamics that exist based on gender, gender stereotypes and male and female perspectives on gender (Peacock and Levack 2004: 178). All of the activities strive to increase men's awareness of the inequalities that exist between women and men.

These kinds of programs encourage men to change their outlook by attempting to create new images of egalitarian gender relations. The new male subjectivity is largely based on negotiation and responsibility for naming and becoming sensitized to emotions and feelings (Merry 2006: 191). Men often comply with these attempts in the workshop setting only to reject these ideas and notions of "collaborative masculinity" once they return to their areas of residence, usually in the black townships. But for change to be more effective it must address multiple problems wherever they arise: in the family, the community, the health care and school systems (Peacock and Levack 2004: 180). Masculine identity in the communal setting is one that is non-

negotiable rather than collaborative and one that succumbs to maintaining power in the home and in sexual relations.

Responses and ideas from some of the young men clearly reflected a human rights gender vocabulary and script that had been learned and embodied within human rights-focused workshops they had attended previously. For example, Thulani, one of the participants, requested that the group engage in a discussion on the topic of gender processes. Unable to explain the meaning of this term in his own words, Thulani waited for a reaction from the facilitator and his peers.

Workshop facilitators too, engage in performances on topics that are not very clear to participants. While attending another PACSA-facilitated seminar in Mpophomeni, Sibusiso presented the concept and meaning of gender. He introduced the nature/nurture argument and its relation to socialization in order to engage in a discussion with those in attendance (July 14, 2004). I conclude that these kinds of presentations and performances in workshops function as spaces where facilitators and participants perform an ideology of cultural universalism. Human rights discourse is the dominant tool used to colonize the consciousness of subjects in postapartheid South Africa and to legitimize the ideology of cultural universalism of the postapartheid state.

### ***Conclusion***

This chapter has examined some of the ways in which South Africa spreads its agenda of democracy eleven years after its transition. Through education programs developed by nongovernmental organizations (NGOs), South Africa promotes human rights and cultural

universalism. I described the use of human rights talk to discuss topics such as rape and gender equality in workshops facilitated by NGOs.

I also examined the tensions that exist between sexual practices such as the link between *lobola* and sexual consent. Many young women and men like Bongani believe that payment of *lobola* ensures the right to sex. The current and proposed laws ignore these issues and disregard definitions of rape and consent used by many poor young women and men who live in townships. Workshops for men deal with the rights of women and gender equality. Some men expressed difficulty in accepting equality for women in their daily lives. It seems that in the postapartheid era, emphasis is placed on notions of equality rather than on the oppression of women and other groups in society. Oppression was the foremost issue in the struggle against apartheid. Equality is a term that was introduced into South African society after the democratic transition. Some young men are torn because culture perceives women as subordinate to men, yet the new South Africa preaches equality of women. Once again this illustrates the tensions between culture and the language of human rights that preaches notions of universalism.

Shifts in attitudes about the speech and silence surrounding rape and sexual violence distinguish the national discourse in the postapartheid era from that of the apartheid era. On one hand, in the postapartheid era women and children are strongly encouraged to break the silence and confess their rape experiences. As Deborah Posel points out, confession is perceived as a form of healing. On the other hand, police in Mpophomeni mirror the attitudes of the apartheid past. Their beliefs reflect the notion that sexual violence is a private matter.

## **Chapter Eight: Media Construction of Rape and HIV/AIDS in South Africa**

In this chapter I examine the role of mass media as an agent in society and how it constructs and confronts the issues of rape and HIV/AIDS. Through talk shows on radio and television, and the story lines of two of South Africa's most popular soap operas, I examine how messages of gender, sexuality and class are defined. I also examine a newspaper article about living with AIDS and explore how some South African media romanticize the AIDS virus. I argue that media in South Africa minimize government responsibility for the high incidence of rape and HIV/AIDS. The role of media in postapartheid South Africa is to support formal democracy rather than to challenge how government policies and positions fail to alleviate social and economic inequality.

The media play a significant role in spreading the ideology of cultural universalism through radio and television talk shows and dramas that deal with sexual violence and rape. Public discourse about rape in South Africa's media encourages women and children to break the silence that usually accompanies this form of social violence. Two questions this chapter tries to examine are 1) how are rape and HIV/AIDS constructed in society, particularly in the context of the South African media? and 2) how do various media draw on human rights ideology in constructions of rape and HIV/AIDS? News programs and soap operas, or *soapies*, serve as forums for discussion and representations of South Africa's widespread problem of rape. The focus is commonly on child rape and acquaintance rape. Public service programs on radio and television include experts from nongovernmental organizations to talk about rape and gender-based violence. As I demonstrate later, representations of black South African men and women

in the media, particularly on radio talk shows and television dramas, perpetuate the hegemonic system of patriarchy (Smith 2003: 261). Images of black African life are informed by historical constructions that perpetuate and legitimize myths and stereotypes of black people, particularly the hypersexuality of black males (hooks 1992; Smith 1992; Boyd 1997). While some of these programs may expose the magnitude and scope of violence against women and challenge the dominance of patriarchy, they tend to accept existing gender relations and the myths that perpetuate this violence (Smith 2003: 261). The media's construction of rape is often different from many women's experiences. In regard to challenging gender stereotypes in South Africa's media, Colleen Lowe Morna (2005) says women tend to be portrayed as either fashion models or victims of violence. Some of these media accounts suggest that women survivors of sexual violence invited sexual violence and that their rapists were entitled to behave in brutal and aggressive ways.

The removal of the apartheid state's media censorship regime created new public arenas to represent and grapple with the realities of sexual violence (Posel 2005: 32). By the year 2000, worsening sexual violence, particularly the sexual victimization of children, was high on the media's agenda and increasingly became the subject of political engagement (Posel 2005: 34). By 2001, media coverage of rapes had dramatically increased. In October 2001, six men between the ages of twenty-four and sixty-six were arrested and charged with the rape of a nine-month-old girl in a small, impoverished community in the Northern Cape. Saturated with press coverage, this case stimulated and provoked a moral panic throughout the country (34). Ideas of "breaking the silence," accompanied by the politics of confession, also are illustrated in television dramas.



The narrative of “breaking the silence” runs strongly through the story lines of South African soap operas. Speaking publicly about rape experiences coincides with the politics of confession (Posel 2005: 23). The idea of publicly speaking out contradicts South Africa’s long history of silence regarding sexuality and sexual violence.

*Asikhulume*, which means *Let’s Talk* in Zulu, is a weekly show on the television station SABC1 devoted to the discussion of national news and problems within the black South African population. It is one of several talk shows on television and radio to include audience participation. These types of programs depend on the public’s exposure to the democratic process and a receptive approach to it by the public.

A January 2005 episode of this public affairs program was devoted to a discussion of the escalating problem of rape in South Africa. Participating were experts from state organizations and NGOs such as People Opposing Women Abuse (POWA), South African Christian Coalition (SACC) and the South African Police Services (SAPS). The host introduced the topic by reading a quote from the national press that week on the crisis proportions of rape in South Africa. “Rape is so rife in South Africa,” a judge said, “that it has become a way of life. Raping girls has become a national sport in South Africa” (*Asikhulume*, January 23, 2005). When the question “Do you believe rape has become a national sport in South Africa?” was posed to the national audience, 73 percent of those who called said yes.

The representative from POWA said, “Rape is an extension of violence against women,” and suggested that when a man rapes a one-month-old baby, the perpetrator may be seeking revenge against his mother (*Asikhulume*, January 23, 2005). The discussion of rape on *Asikhulume* was not unlike the dialogue on other broadcasts in South Africa. Radio talk shows also portray most victims of rape as children and the perpetrators as black men. Demonizing

black men is a common narrative theme in public discussions of rape in South African society. In August 2005, The *Vuy Mbuli Radio Show* featured a discussion on rape and the prolonged legislation process of the Sexual Offenses Bill. The focus of the discussion was the rape of a three-year-old girl in Cape Town. Joan van Niekerk, national coordinator of Childline-South Africa, a nongovernmental organization, lent her expert knowledge and answered questions from callers who joined the discussion with the expert guest and the host.

Many participants called for stiffer penalties and advocated the reinstatement of the death penalty for rapists. One woman caller suggested chemical castration for rapists (*Vuy Mbuli Show*, SABC-FM, August 11, 2005). Some audience members mentioned societal factors they believed contributed to the cause of the perceived increasing incidence of rape in South Africa. Some callers said media had contributed to the problem. Marianna, a white South African woman, blamed the television media for broadcasting excessive amounts of pornography and “smut.” Pornography, she said, was the major cause of the moral degradation of South African society (*Vuy Mbuli Radio Show*, SABC-FM, August 11, 2005).

Other participants blamed the racialization of sexual violence on the media. Bomvu, a black South African man from KwaZulu Natal, noted that publicity and attention to rape in South African society zeroed in on “black rapes”—black men raping black children. He claimed that this type of exposure dominated the discussion of rape in daily South African newspapers. “There are many white pedophiles,” Bomvu said, “but who owns and controls the media, particularly the newspapers?” “Daily newspapers are controlled by whites. We must strike a balance in the media by reporting rapes by black and white perpetrators. The power is in the media” (*Vuy Mbuli Radio Show*, SABC-FM, August 11, 2005).

Disclosure of one's HIV status also is encouraged by the state to help combat the AIDS epidemic, but in local communities it remains a stigma. South African newspapers encourage people to publicly disclose their HIV status in stories that romanticize the daily lives of young women and men living with the disease. These stories also send mixed messages about AIDS by showing that it is easy to live with AIDS. I argue that the media's deception only deceives readers about what it's like to live with AIDS. Most young women and men I met in Mpopomeni believe HIV and AIDS represent a death sentence.

Media messages pacify the masses by demanding access to antiretroviral treatment. *The Sowetan*, a large daily South African newspaper read by black South Africans, published an article in July 2005 titled "Give Me AIDS, My Love." The journalist, Sonia Molema, describes a loving relationship between twenty-four-year-old Sesi Mahlangu and Solly Mathekga, her thirty-five-year-old HIV-positive fiancé, a taxi driver. In the article, Mahlangu says she was "so deeply in love with him (Matheka)" that she allowed herself to become infected with AIDS by having sex with him. Her situation doesn't bother her at all, she says, "because I want to die in his arms" (*The Sowetan*, July 16, 2005).

When Mathekga proposed "love" to her through courtship, or *shela*, Mahlangu immediately said yes because she wanted to be part of his life. "I knew that I was putting my life in danger, but I did not care," she says. "If I am infected by someone I love, then it is okay, because my love for him will keep me going." Mahlangu also says she and her fiancé used condoms in the first six months of their relationship, but decided afterwards not to use protection (*The Sowetan*, July 16, 2005).

The article says that in 2004 Mathekga suggested Mahlangu take an HIV test. He said he did not want to be perceived as someone who had deliberately infected his girlfriend with the virus. Mahlangu tested positive, and soon afterwards, the couple started medical treatment.

Molema writes that the couple received antiretroviral treatment, but provided little detail about the hardships of publicly admitting one's HIV status. Rather, the journalist quotes relatives' cheerful responses to the couple's public disclosure of their HIV status and decision to marry. For example, Julia Setumo, Mahlangu's aunt, says, "I am happy for them and whatever choice they have taken. My wish is that they live and grow old together" (*The Sowetan*, July 16, 2005).

### ***Generations and Isidingo***

*Generations*, a soap opera on SABC1, featured a story line about acquaintance rape that puts the blame on the woman. With an all-black cast of South African actors, the show centered on the rape of the daughter of the owner of one of the two rival advertising agencies in Johannesburg. Lunga, the twenty-year-old daughter of advertising mogul Sibusiso Hlomo, was raped by well-known rival businessman and mobster Jack Mbaso. Although Mbaso, someone with whom Sibusiso had conducted business, had a long history of committing murder and other unscrupulous acts, Lunga was portrayed as a "bad girl," someone for whom the audience had little sympathy.

Lunga was portrayed as a young, smart, independent, wealthy female. Her father often described her as "difficult, demanding and uncompromising" (*Generations*, March 5, 2005). Fully aware of Lunga's rape, but never suspecting that he knew the perpetrator, Sibusiso asked Ntmobi, his marketing director love interest and a friend of Lunga's, to speak to his daughter

about the rape. In the next scene, Lunga says to Ntombi, “Every time a man looks at me, he rapes me. I feel raped every day of my life, every time a man ‘comes on’ to me. My body was raped, but not my mind” (*Generations*, March 22, 2005).

Regarding the shift in the conceptualization of victimhood and trauma from the apartheid area to the postapartheid era, Deborah Posel notes:

The reconceptualization of the rapist and the manner of his violation has similarly reoriented the representation of victimhood, in more psychological terms. Being violated by a man whom the victim knows and has perhaps trusted in the past, and with whom she has lived and interacted on a regular basis, casts the impact of rape in a very different light. It cannot be viewed any longer as a primarily bodily violation; rather, it is the psychic trauma, causing much deeper and persistent harm, which looms largest. “Trauma” replaces ‘damage’ as the principle modality of victimhood (2005: 45).

Lunga’s speech about her rape reflects her need to confess this traumatizing experience. Speaking becomes a form of confession, assuming that breaking the silence about rape and sexual violence is an act of healing (Posel 2005: 45). Lunga’s expression of the woman as victim coincides with the normalization of sexual violence in South Africa. This scene suggests that rape is simply another occurrence in the lives of women in South Africa. Amanda Gouws (2005) says, “The more the media and the judicial system normalize violence, the less we as a society will be able to stem its tide.”

*Isidingo*, South Africa’s most popular *soapie*, also featured a story line about rape. Broadcast on SABC3, the program offered a different context. SABC3 is the mainstream and most commercially successful station in the South African Broadcasting Corp. Offering American programs such as *The Oprah Winfrey Show* and the situation comedy *Will and Grace*, SABC3 is viewed as modern, while SABC 1 and 2 are perceived as more traditional, broadcasting programs that appeal to specific ethnic communities. Through its narratives and

the racial diversity of its characters, *Isidingo* symbolizes the “new” South Africa, portraying the country in the postapartheid era as “The Rainbow Nation,” home to various ethnic groups living together in harmony despite racial differences.

*Isidingo*, translated as “*The Need*,” is based in the newsroom, offices and studios of the fictional television network “ON-TV,” located in Johannesburg. Agnes Matabane, an older black woman character, is the mother-in-law of ON-TV’s news anchorwoman, Nandipha Matabane, who publicly discloses her HIV-positive status to family, friends and coworkers.

Agnes, or MaAgnes, as she is endearingly called, is the matriarch of her family and an entrepreneur. She owns a restaurant near the television station that is frequented mostly by the employees at ON-TV. Her husband, Letti, works as a manager in the nearby goldmines. This particular story line dealt with Agnes’ past as a young married woman.

The audience learns that Agnes was raped twenty years ago by a teacher named Phili. While visiting Johannesburg, Phili, for no explicit reason, locates Agnes. Seeing him brings back painful memories for Agnes. She decides that in the “new” South Africa, she is finally able to disclose the secret she has carried for years. She decides to tell her family about the rape and press charges against the perpetrator. But Letti pressures his wife to not publicly discuss the rape. He tells Agnes, “You have not talked about this for twenty years. Why do you want to talk about it now?” (*Isidingo*, April 15, 2005).

Letti believes having his wife publicly acknowledge the rape would cause embarrassment to the family. During a family meeting, Letti tells Agnes, their son, Parsons, and his wife, Nandipha, that he will not allow Agnes to press charges against the man who raped her twenty years ago. “It would ruin the family name if you testified!” he exclaims (*Isidingo*. April 15, 2005).

Later, Parsons tells Letti he will support his mother if she chooses to prosecute the alleged rapist. Letti then admits he is ridden with guilt over his inability to protect his wife from harm twenty years ago. At that time, Letti was working in the mines away from his family. After reflecting on his actions, Letti apologizes to Agnes, who says she feels as if she had “asked for it” and deserved to be raped. Letti says he feels guilty for not protecting his wife and thinks of killing the alleged perpetrator (*Isidingo*, April 21, 2005).

In the next scene, Phili visits Agnes at the restaurant right before closing. He orders food, but Agnes refuses to serve him and demands that he leave the establishment. She immediately phones her husband. Phili refuses to leave the premises, saying, “I’m just here to say nothing happened that night. You must remember how we prayed that night?” Agnes angrily replies, “I asked you to stop.” At that point, Letti enters the restaurant after overhearing the conversation, grabs Phili by the collar and orders him to leave, saying, “If I ever see you near Agnes, I will kill you!” Phili immediately leaves the restaurant. Letti grabs Agnes and hugs her. The scene ends. (*Isidingo*, April 22, 2005)

Although narratives about rape in *Generations* and *Isidingo* draw on acquaintance rape and not rape by a stranger, they clearly do not represent the rape experiences of many black women in South Africa. The construction of rape in these soap operas touches on several themes that originate in the apartheid era and carry over into the postapartheid era. Two such themes are the perpetuation of historical ideologies, such as the role of the nuclear family in achieving success, and the hypersexuality of black men. Notions of public and private, the perpetrator as an antisocial deviant, and what it means to be “good” woman versus a “bad” woman are also highlighted in these story lines. Both story lines emphasize changes in attitudes from apartheid times to the postapartheid era.

*Generations* and *Isidingo* portray rape as bodily harm and psychological trauma, differences in social class, generational divisions between elders and youth, changing notions of black masculinity, and male dominance and power. I argue that both programs continue to construct rape and sexual violence as a relatively superficial social problem. Both narratives also suggest that rape is a topic that is best discussed in private.

Secrecy was a distinguishing feature of the apartheid era. Along with the cognitive, performative and normative dimensions of a secret, patterns of secrecy are produced and sustained by regimes of surveillance (Posel 2005: 42). The secrecy of sexual violence during the apartheid era was structured by invoking an implicit distinction between “public” and “private,” which was defined in gender terms. (Posel 2005: 42). The home was a place ruled by men, a space sanctioned by law and custom (42). Patriarchal authority conferred men with entitlements. Men were perceived as protectors of women and children, which would make the home a safe space. Provided that family members were safe, their concerns were private matters, with little need for intervention from the police or courts (42). Posel suggests that one of the contradictions of the apartheid state was that it promoted the idea that the home was a safe place. She argues that to admit the home was an unsafe place would be to undermine the ideology of privacy endorsed by the apartheid state and the idea that the male head of the household was the protector of those in the domestic space. Posel contends that the impulse to protect the sanctity of the home resulted in practices of denial, which led to keeping secrets about sexual violence. If there was an admission of danger at home, this protected space was now subverted (42). Within this conceptualization, therefore, sexual violence was the least likely and yet simultaneously the most threatening in the domain of the “home” (42).



Narratives in both *Generations* and *Isidingo* reflect tension between public and private in the postapartheid era. Agnes, who represents the woman of the apartheid era, conceals her rape from her family for twenty years. Lunga, a young woman of the the postapartheid era, divulges her secret only to a female friend. In *Isidingo*, Agnes' husband's failure to protect his family is one of the factors that contributed to his wife's vulnerability, which resulted in rape.

*Generations* portray Lunga's vulnerability to rape because she is unmarried, independent and sexually liberated. Both programs portray the rapist as a social deviant, a characterization common in the ideology of the postapartheid era.

Speech and silence are dominant sources of tension and fierce contention in these story lines. Agnes' desire to confess her rape illustrates her longing to heal. She believes in the "logic" of the contemporary politics of sexual violence in the new South Africa. To rid herself of the stigma and shame of sexual violation, MaAgnes' desire to prosecute the person who violated her supports the therapeutic power of confession. Confession becomes an antidote to the stigma of exposure (Posel 2005: 45). In this context, telling the truth has the power to trump shame (2005: 45).

Letti, Agnes' husband, represents attitudes of the past, when speech was highly regulated and under enormous surveillance. Talk of "rape" was confined to the home. A woman who publicly disclosed her rape experience often faced scrutiny and her family's disapproval. Therefore, Agnes chooses to be satisfied with her husband's threats of vigilance. In the end, it is more about Letti's inability to protect his family and Agnes' need for protection.

Phili, the alleged rapist, is portrayed as a deviant who is unable to attract women and is therefore forced to prey on young women like Agnes. He represents a predator with uncontrollable lust, while Jack Mbaso, the man who raped Lunga, is a gangster who also

possesses an uncontrollable sexual appetite. While upholding the apartheid myth of the rapist as a lonely social deviant, the soap opera dispels the myth of the deviant as a stranger. Agnes and Lunga knew their rapists and interacted with them on a daily basis. The message in the postapartheid era is that rape is usually committed by an acquaintance.

Both story lines present rape as causing bodily harm and psychological trauma. Agnes' rape led to her twenty-year silence. Confessing her rape cleanses her. Lunga's acknowledgement of her rape highlights the psychological trauma that some women experience daily. "The unmaking of secrets of sexual violence," says Deborah Posel, has been fueled by the wider politics of confession, informed and animated by a common underlying notion of the subject, victimhood and violation" (2005: 55). She argues that the epistemology of agency and violence has produced discourses and speech, which challenges some longstanding habits of silence and denial (Posel 2005: 55).

South Africa now posits itself as having a global political culture and a national juridical-legal system which seeks to reward as well as support disclosure as a trope for nation-building (Posel 2005: 55). National discourse mirrors this idea regarding issues of sexual violence and rape. Lunga and Agnes represent women of different socioeconomic backgrounds in South Africa. Lunga, the young, spoiled "rich" girl, is also portrayed as a "bad girl," living the life of a young single woman in the city of Johannesburg with little need for a man as a protector. Other characters, particularly women, disapprove of her lifestyle.

Agnes is the matriarch and the designated caretaker of the family. Having grown up in poverty during the apartheid era, she takes advantage of the opportunities offered to black South Africans in the postapartheid regime. Agnes owns a successful business. She and her husband, Letti, have done well financially and enjoy a position of status in South Africa's small black

middle class. This theme of social class encompasses the notion of generational differences between women. Although Agnes and Lunga are identified, respectively, with the middle class and the wealthier class, the story lines suggest that each personality is different due to their relationships with their families. Agnes is strong and “good” because of her strong identity with her family, while Lunga, a child of divorced parents, is sexually promiscuous and perhaps is more likely to be the victim of rape. Agnes is portrayed as a “Madonna figure,” a woman who is pure, good and maternal, in contrast to Lunga who is “deviant,” diverting from the “traditional” roles of motherhood and matriarch (Smith 2003).

These story lines also portray differences between men. Parson, Letti and Agnes’ son, openly disagrees with his father’s position regarding his mother’s decision to press charges against her alleged rapist. This scene illustrates the difference in attitudes of men raised in different social structures. Letti, a product of apartheid, fails to support his wife’s decision, while Parsons, who was born into the middle class and is educated, believes black men should support black females not only as wives and mothers, but as decision-makers of the household. This scene also reflects black South Africans’ apartheid-area custom of not questioning the authority of elder black males, to show respect. Even though Parsons and his wife, Nandipha, live in the same household as the elders, Parsons feels comfortable disagreeing with his father but still maintaining respect for him. Disagreement can be healthy and beneficial if done in a loving way.

This narrative also speaks to the power and dominance of black men over women. Letti’s resistance to supporting Agnes’ decision exhibits his power and dominance in his family, while Parsons demonstrates security and a sense of manhood by showing compassion and sensitivity

toward his mother. Compassion and sensitivity are now viewed components of black masculinity in South Africa.

Jack Mbaso, the mobster in *Generations*, possesses qualities of a demon, such as having little respect for black women and having a long sexual relationship with the female villain, Ann, the only white character in the soap opera. Unlike *Isidingo*, which promotes the national discourse of “The Rainbow Nation,” *Generations* does not endorse interracial relationships. Instead, the show vilifies interracial relations. Raping Lunga symbolizes Jack Mbaso’s power and dominance over this financially and sexually independent black woman. Jack seeks to keep her in her place, by raping her—a hypersexual act that has the effect of turning women into property. Jack Mbaso claims his right to sexual access of his enemy’s daughter. Both he and Phili seek to prove their masculinity through sexual violence. Each, unable to control his sexual desires, stakes out his property rights to a woman.

Discourse and efforts of television programs to lessen the notion of secrecy and break the silence surrounding sexual violence are superficial rather than substantive. Neither Agnes nor Lunga reports her rape to the police. Neither one legally prosecutes her rapist. Instead, they choose to remain publicly silent about their rapes. Overall, the rape narratives in these soap operas bear little relation to that of women’s on the ground experiences with sexual violence and rape. Rather, these narratives differ from those of the state and nongovernmental organizations. Like these narratives, the Jacob Zuma rape trial illustrates this difference. Even though his accuser publicly claimed the former deputy president raped her, she was demonized by women and men, and left the country at the conclusion of the trial.

Programs such as *Isidingo* and *Generations* reinforce stereotypes of women and perpetuate patriarchal ideology (Smith 2003: 261). By neglecting to challenge the existing order

and oppose beliefs about violence against women, they contribute to perpetuating existing gender relations and perceptions of sexual violence and rape (261). Although the national discourse encourages the ideology of speaking, in reality, women who publicly discuss their rape, like Jacob Zuma's accuser, are silenced by society.

### ***Conclusion***

This chapter examined the ways in which rape and having HIV/AIDS are described in the South African media. By encouraging women to break the silence about rape and sexual violence, the media use human rights ideology, like that promoted by nongovernmental organizations, to send messages about rape and HIV/AIDS.

The postapartheid government believes that it promotes and supports the new national discourse that encourages going public with matters of rape and HIV. Public discourses about breaking the silence versus reality present a wide disparity in confronting issues concerning sexual violence and HIV/AIDS.

Although South African television programs address and challenge important topics, such as the pressure high school students get from peers to join gangs and have sex, these programs do not address other relevant topics such as sexuality. The media also play it safe by failing to confront, contest and oppose racial stereotypes about black South African women and men.

What is needed is for radio and television programs to challenge the ways in which different forms of power influence the perpetuation of divisions within the Black South African community, including violence against women. One example is the division between young and older black South African women. But more important are the deep historical divisions between black South African women and men. This is a subject that would directly address sexual

relations. Watching a program about violent relations between black South African women and men would be painful, but it is a topic that desperately needs attention.

The strained tensions that continue between Black South African women and men was amply illustrated in the Jacob Zuma rape trial. This trial also demonstrated how injustice and unequal power continue to perpetuate asymmetrical relations between Black South African women and men. Khwezi, the woman who accused Jacob Zuma of rape, chose to publicly confess her rape experience and to identify and press charges against the alleged rapist. During the trial in 2006, Khwezi was met by angry crowds who at times threatened her with violence (*Mail and Guardian*, March 24–30, 2006). Because of this reaction, Khwezi joined the witness protection program and was escorted by bodyguards through a back entrance of the courthouse for the duration of the trial (*Mail and Guardian*, March 7, 2006). Khwezi's choice to "confess" her rape experience publicly caused many to demonize her, claiming that the charges against the former deputy president were false. Many women had difficulty believing her claims against Mr. Zuma. Accusing Khwezi of spreading lies, some women cited money as the primary motivating factor (*Mail and Guardian*, March 24–30, 2006). Others claimed that Zuma was framed by the Mbeki government (*Mail and Guardian*: March 24–30, 2006).

Jacob Zuma was acquitted of all charges of rape in May 2006 (Wines May 9, 2006; *BBC News*: May 8, 2006; *The Star*, May 8, 2006; *Mail and Guardian*, May 9, 2006). In December 2007 he was elected as the new president of the ANC during its conference in Polokwane<sup>35</sup> (Wines, December 19, 2007; *The Mail and Guardian*, *Independent Online News*, December 18, 2007). While celebrating his election victory, Zuma was indicted on charges of corruption and extortion in business dealings (*Cape Argus*, December 28, 2007; Wines, December 29, 2007). In

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<sup>35</sup>Polokwane is the new name for the city of Pretoria.

September 2008 a High Court judge ruled that the prosecution did not have enough evidence to try Mr. Zuma on corruption and threw out all the charges. South Africa will hold national elections sometime in April 2009, and Mr. Zuma stands a good chance of being elected the next president of South Africa.

Five days after the former deputy president's acquittal, Khwezi quietly left South Africa on a late-night flight to London (Gordon, Smillie, Banjo and Webb, May 11, 2006; Bliksem, May 14, 2006). While Khwezi believed she needed to leave the country so she wouldn't be killed, her alleged rapist runs for president, illustrating the gross inequality and injustice that exists for women in South Africa. This situation is also a sad commentary on how the public treats women who publicly acknowledge that they have been raped. The trial itself serves to caution women that prosecuting acquaintance rape may put their lives at risk. State and nonstate actors need to acknowledge this reality and take measures to protect women who choose to prosecute their alleged rapists.

### **Conclusion: Law and Social Change**

South Africa has endured many social, political and economic changes since the days of European settlers, the formalization of the apartheid system and finally the postapartheid era. With the onset of British colonialism, social relations, including sexuality, became heavily influenced by the political and economic structures. As Ellen Ross and Rayna Rapp suggested (chapter 1), the complex transformation accompanied by the development of industrial capitalism contributed to changing sexual practices. With the rise of global capitalism during the postapartheid era, in the time of HIV/AIDS, sexual relations between women and men yet continue to change. Although industrial and global capitalism have spurred many changes in South Africa, violence and sexual violence have persisted. The trial of Jacob Zuma in which he was alleged to have committed rape illustrates this point.

The purpose of this dissertation was not only to investigate young South African women's and men's sexual experiences, but to examine the meanings of sexual coercion and consent in their daily lives in the postapartheid era. I traced and examined how discourses about rape historically influenced and shaped public policy, societal beliefs and practices and continue to have an effect in South African society today. Laws defining rape in South Africa reflect some of these discourses, particularly those regarding black South African male heterosexuality. Discourses that highlight hypersexual behavior of black South African women and men remain common. Even since the transition to majority rule in 1994, discourses about hypersexuality have continued to shape black South African sexuality and the country's concerns about the problem of rape.



The first section of the dissertation described the influence of discourses produced by the international feminist movement on the constitutional negotiations in South Africa. These discussions represented a hard fought struggle for the inclusion of the rights of women in South Africa's new democratic constitution. International feminism was heavily influenced by Western values and beliefs. Many South African feminists adopted these values and looked to the West for guidance on creating new legal definitions of rape and consent.

One of the chief objectives of this study was to illustrate the wide disparity between discourses produced by the state through laws about rape and consent versus local beliefs about the meanings of these terms. My observations demonstrate that local definitions of rape and consent among young women and men in the township of Mpophomeni differed from the legal definitions of the state. Many young women and men in the township linked rape to the local practice of *lobola*. Some young women suggested that rape only occurs when a boyfriend who has not paid *lobola* engages in sex without consent; so a boyfriend who has initiated *lobola* payments cannot "rape" his girlfriend. With this in mind, many young women expressed beliefs that husbands cannot be said to rape their wives, because it is assumed that *lobola* has been exchanged. *Lobola* appears to represent a critical element in determining the difference between rape and "forced sex." It illuminates the importance of economics and exchange in local definitions of rape. Women I interviewed believed that once a man has paid *lobola* to a woman's family and married her, he then has full entitlement to sexual access to her body. Many young adult women in Mpophomeni believed that rape occurs only with boyfriends (who have not paid *lobola*) and strangers. They did not recognize acquaintance rape as a form of sexual violence.

Young women and men in my study also contested definitions of sexual consent not only with the state but among each other. As discussed in chapter 6, some young men perceived

consent as expressed through bodily action while women held that it was expressed verbally. These beliefs were also expressed during the Jacob Zuma rape trial. On the witness stand, Mr. Zuma claimed that Khwezi signaled a desire for sex because she wore a short skirt exposing her thighs, the most sexualized part of a woman's body (chapter 1). Khwezi testified that her silence due to the shock and fear of Mr. Zuma's behavior signaled nonconsent. Definitions of consent are more complicated than the ways in which they are articulated in the law of the state and on the ground.

Contested definitions of rape and consent in South Africa exemplify tensions between universalism and cultural relativism concerning sexuality, sexual violence and the law. Local definitions of rape and sexual violence have been shaped by historical changes in the social, political, legal and economic structures and dynamics of South Africa. Historicizing sexual violence, I examined discourses about gender relations and the sex/gender system between women and men beginning before the formalization of the apartheid system and through to the present.

Local beliefs about gender relations within the household and in the public sphere are part of the sex/gender system. These beliefs were influenced by the political and economic shifts during the colonial and the apartheid eras. Local premarital and marital practices within the sex/gender system promoted women's subordination within the household and shaped gender inequality in South Africa. Practices within the household supported male dominance and patriarchy, and customary law reinforced them. Labor migration, a political and economic policy brought on by industrial capitalism, changed relations between women and men by separating families. Legislation such as pass laws, the Group Areas Act and forced removals

regulated the movement of black South African women and men, influencing sexual relations and sexual violence.

As South Africa's political and economic system began to deteriorate and face problems of crisis proportions—particularly during the struggle for liberation—marked shifts occurred in gender relations in both the public and private spheres. The antiapartheid struggle influenced the changing social organization, social relations and gender relations inside and outside the household. The workplace, the street and the home were all sites of struggle, not only for politics, but for gender identity. A new masculine identity was forged and became an important element of this political struggle. Many black South African men, particularly the young, discovered self-esteem while they called for the end of the apartheid system. This new-found black South African identity, “struggle masculinity,” added to the other forms of violence, including sexual violence, during the time of the antiapartheid struggle. Sexual coercion was part of many women's lives both inside and outside the household. As the political violence in the streets continued, it spread into the homes of many residents, particularly in townships like Mphohmeni. The lines between the public and private sphere blurred. The rape of women inside and outside the home denied them any rights of safety. In short, I argued that during the apartheid era the state regulated all forms of life of black South Africans—even inside the domestic space.

In the postapartheid period the rights and the authority of women in the domestic space are being contested. While the South African constitution ensures the protection of rights and authority in the home, local discourses continue to adhere to patriarchal authority. A woman's continued unequal status in the home only encourages sexual violence. Overall, rape in the

postapartheid era is used as one more method to control women's autonomy and sexual independence. Controlling women's sexuality is another way to deny them freedom.

### *Law and social change in relation to sexual violence*

It is important to engage in a discussion about the relationship between law and social change in regard to rape and sexual violence. My observations presented in this dissertation suggest two other problems that South Africa must address regarding sexual coercion. The first is the legal definition of rape, and the second is the effectiveness of the implementation of the new law. I argued that the new Sexual Offenses Act will be difficult to enforce because of the wide disparity between the law and local practices and the experiences of poor township women. The law alone cannot change behavior without changing the social context that influences sexual coercion.

So what would an effective law in South Africa on sexual coercion look like? First, the thrust of the new legal definitions of rape and consent must encourage sexual freedom, autonomy and privacy for *both* women and men. To achieve this goal, society, including the South African government, must encourage improvement in poor women's and men's social and economic status. Opportunities for women to improve their status must be the same as men's. I believe that the law alone cannot change behavior without first changing the social and economic contexts that influences sexual coercion. My observations indicate that, for the most part, women in the township of Mpophomeni find it difficult to say no to sex. Women's decisions must be respected and they must be regarded as equal partners in intimate relationships. They must also be respected and protected inside the home. As I demonstrated, while rape occurs in the public sphere, the home is the most common place where women experience rape. An effective law must take this matter into account.

A new law on rape in South Africa must be accompanied by effective enforcement. In a country and society like South Africa that has experienced so much economic and social violence for decades, new laws only represent an initial step. South African society needs to address the widely entrenched beliefs that women and men are not equal before it begins to introduce equal economic opportunities for poor women and men. These new policies would alleviate social tensions that continue to dominate gender relations particularly among poor black South African women and men. Above all, little change will result as long as patriarchy dominates in this society.

The imposition of laws can serve as benchmarks or goals to achieve change. I equate the creation and enforcement of laws regulating sexual violence to the civil rights laws adopted in the United States in 1965. Without these laws, particularly in the South where the enforcement of the Jim Crow laws ruled, rights for African-Americans would have never been obtained. These laws served as a way to start the process of changing the social, political and legal opportunities for African-Americans. Besides the civil rights laws that Congress adopted and President Lyndon Johnson signed, social and educational programs were initiated with the goal of achieving racial equality. If South Africa as a nation and as a society is truly committed to achieving racial and gender equality, it needs to implement community programs to educate and to provide better opportunities for poor young women and men.

Just as the antiapartheid struggle served to dismantle the inequality of the apartheid system, the rape trial of Jacob Zuma was important for initiating public discussions among black South African women and men about gender relations and sexual violence. Resentment between many women and men exist not only in Mpophomeni but in the wider social world of South African society. The bitterness was unleashed in April 2006 when Judge Van der Merwe

acquitted Jacob Zuma of all rape charges. On September 7, 2008, the South African newspaper *The Sunday Times* published a drawing created by cartoonist Jonathan Shapiro, who is famously known as Zapiro (see appendix for illustration). In relation to the dismissal of corruption charges against Mr. Zuma, who is president of the ANC, the drawing showed a blindfolded woman wearing a label that says “justice system” while Zuma’s political allies—namely, the ANC Youth League (ANCYL), the ANC, the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU)—held her down. Zuma was depicted in the cartoon with his pants unzipped, while Gwede Mantashe, the ANC secretary general, urged himon by saying, “Go for it boss!” Since Zuma’s trial Zapiro has drawn Mr. Zuma with a shower sprouting from his head. This image serves as a reference to the party leader’s testimony that he showered after having unprotected sex with Khwezi, who is HIV-positive, to avoid infection.

Speaking to a reporter from the *Los Angeles Times*, Shapiro admitted that the central message of the drawing was that Jacob Zuma had violated and raped the justice system with the help of his political allies (Dixon, September 12, 2008). On a second level, many women interpreted the controversial drawing as not only a commentary on the justice system and constitutional principles, but as a criticism on the issue of violence against women in a very patriarchal society (Dixon, September 12, 2008).

Critics reacted strongly to the controversial drawing. Professor Pierre de Vos, a constitutional law scholar at the University of the Western Cape, agreed with Zapiro that while some of the leaders who had championed Jacob Zuma’s cause had acted despicably, nevertheless, Zuma’s silence had abetted them. But de Vos objected to the illustration, saying that he believed that Zapiro had gone too far and that he found the image “immoral and ethically deeply

problematic” (SAPA 2008). ANC Secretary General Gwede Mantashe, who is depicted in the cartoon, labeled the drawing as racist. Organizations such as the ANC, ANCYL, COSATU and the SACP condemned the cartoon as disgusting and issued a joint statement claiming that the cartoon was “distasteful and bordered on defamation of character.” (Dixon, September 12, 2008; SAPA 2008).

Jonathan Shapiro spoke out and strongly refuted the charge of racism, noting that his involvement in the antiapartheid struggle was proof of his commitment to racial equality (September 8, 2008). He is known to be a liberal pro-Palestinian Jew who was detained under apartheid for drawing the security police of the minority white regime as gun-toting pigs (Dixon, September 12, 2008). Mr. Shapiro commented on the charges of racism by saying: “I feel that it’s the current crop of ANC leaders who are violating the spirit of the struggle. There is a very, very pronounced tendency in this country towards exceptionalism, as if our politicians are more sacrosanct than politicians worldwide.” “That I take issue with,” he said (Dixon, September 12, 2008). “I really feel strongly that they have to take a hard look at what they are doing and not use the red herring of racism” (SAPA 2008). Shapiro also noted that he was not surprised that the drawing had provoked strong reactions and controversy (Dixon, September 12, 2008).

South Africa is certainly not the only country in the world where sexual violence occurs. Unequal social and economic relations between women and men contribute to violence against women virtually everywhere. The World Health Organization (WHO) has noted that of the many forms of violence in our contemporary world, none is as invisible as sexual violence. WHO describes sexual violence as “the most pervasive yet under recognized human rights violation in the world” (2006: 1).

The United States is attempting to address this global problem by focusing on sexual violence as a component of international relations and diplomacy. On October 31, 2007, two members of the United States Senate and the Senate Foreign Relations Committee proposed a bill to combat violence against women throughout the world. Senator Joseph E. Biden, Democratic vice presidential nominee and chairman of the Senate Foreign Relations Committee (D-DE), and Senator Richard Lugar (R-IN), the ranking Republican member of the committee, introduced the International Violence Against Women Act. The purpose of this proposed legislation is to advocate for the United States to use its resources, including diplomatic power, to combat violence against women throughout the world. The bill was referred to the Senate Foreign Relations Committee for debate. Passage of this bill may be a first step in promoting awareness of ongoing sexual violence throughout the world. But this is only the first step. Societies must confront all the other issues that accompany sexual violence in order to seriously combat it.

Society and institutions must work together to end gender inequality, since that is the main cause of violence against women. Government and civil society must create opportunities for women and men to improve their lives. Education and economic opportunities for all constitutes the beginning of this process. It is an ongoing struggle, and it can become a reality only if governments and the people have the political will.

Finally, I want to address the reason why this topic is important and what it contributes to the discipline of anthropology. Sexual violence is a subject that has not been frequently written about or addressed in anthropology. Ethnographic work conducted about sexual violence remains scarce. Without doubt, it has been difficult and dangerous to examine ethnographically, but if we are to learn more about it and its causes, I believe that as researchers we must attempt



to put ourselves close to it in efforts to reveal its complicated experiences for those who are its victims and perpetrators.

This dissertation addresses the various discourses and definitions surrounding sexual coercion and consent. I would like to inspire and challenge other scholars to expand on the work I have presented here. In South Africa, more ethnographic research is needed to address same-sex relations and sadly, child rape. I mentioned briefly that child rape is an issue that is being discussed and debated in South Africa; we need to learn more details about this serious issue to address its complexity.

Anthropology has the potential to contribute enormously to explanations of the problem of sexual violence. It is a discipline that not only includes observations of social relations and behavior in everyday life, but adds insight to historical, political, social and economic changes. We must fully understand all these dimensions to formulate effective and meaningful policies and laws to curb the most invisible form of violence in the world.

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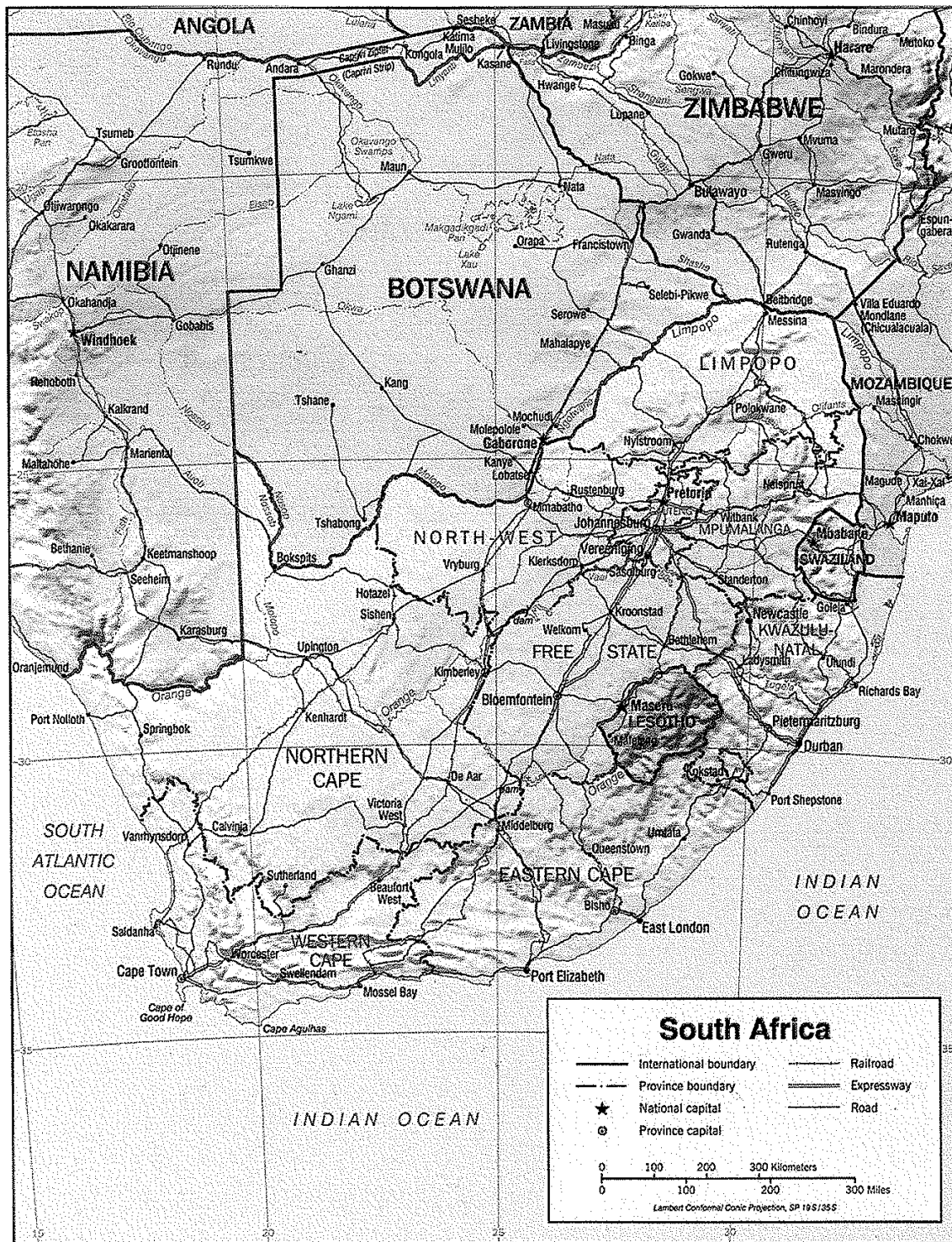
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Appendix



**Table 1**

Percentage of women reporting having ever experience rape or coerced sex and proportion who reported this to the police according to background characteristics, South Africa 1998<sup>a</sup>

Background characteristics	Ever forced or persuaded to have sex against will <sup>b</sup>	Ever physically forced to have sex	Ever physically forced <sup>c</sup> and sought help from the police	Total number of women
<i>Age</i>				
15-19	9.7	4.9	13.2	2249
20-24	8.1	4.9	18.8	2075
25-29	7.4	5.1	17.2	1857
30-34	7.8	5.3	12.4	1654
35-39	5.4	3.6	16.4	1636
40-44	5.3	2.8	15.2	1294
45-49	5.2	3.2	9.6	970
<i>Residence</i>				
Urban	8.2	5.0	14.5	7095
Non-urban	5.4	3.6	16.8	4640
<i>Province</i>				
Western cape	12.4	6.5	13.3	1193
Eastern cape	4.4	2.9	14.3	1566
Northern cape	4.7	3.8	17.2	253
Free state	4.1	2.6	12.1	763
Kwazulu natal	6.4	3.3	12.5	2364
North west	2.8	2.3	13.7	909
Gauteng	9.6	6.5	15.7	2552
Mpumalanga	10.5	7.1	25.2	819
Northern	3.9	3.3	10.9	1316
<i>Education</i>				
No education	3.8	2.6	3.1	804
Sub A-Std 3	6.1	3.8	11.5	1291
Std 4-Std 5	6.8	4.0	15.5	1625
Std 6-Std 9	7.5	4.9	15.5	5181
Std 10	7.0	4.1	14.4	1922
11+	9.6	5.5	23.3	912
<i>Ethnicity</i>				
African	6.0	3.8	14.6	9147
African urban	6.9	4.4	14.5	4873
African non-urban	4.9	3.2	14.3	4274
Coloured	12.0	6.5	15.5	1201
White	13.0	8.7	18.9	916
Asian	3.8	2.3	10.1	406
<b>Total</b>	<b>7</b>	<b>4.4</b>	<b>15.2</b>	<b>11735</b>

<sup>a</sup>Source: Department of Health, forthcoming.

<sup>b</sup>Based on an affirmative response to one of the two rape questions.

<sup>c</sup>Based on an affirmative response to the question inquiring about "force" only.

**Table 2: Circumstances of rape in the *Victims of crime survey* (all figures are weighted)**

	N		
<b>Relationship of offender to victim</b>			
Acquaintance of the victim	47 900		17,3
Relative or intimate	95 894		34,6
Other known person	24 605		8,9
Refused to say	3 969		1,4
Did not know the offender	67 595		24,4
Known by sight only	37 050		13,4
<b>Total</b>	<b>*277 013</b>		<b>100,0</b>
<b>Place of incident</b>			
Own residence	131 039		47,3
Near own residence	46 318		16,7
Public place	15 069		5,4
Open space/Alley	46 397		16,7
School/College/University	5 410		2,0
Car/Taxi/Train	22 828		8,2
Other	9 952		3,6
<b>Total</b>	<b>*277 013</b>		<b>100,0</b>
<b>Number of offenders</b>			
One	244 112		88,1
Two	17 504		6,3
Three or more	15 396		5,6
<b>Total</b>	<b>277 012</b>		<b>100,0</b>

\*Due to rounding as a result of weighting to the population, totals may differ slightly from each other.  
Source: Statistics South Africa (1998), *Victims of crime survey*

**Table 3: Whether or not a weapon was used in the rape episode (all figures are weighted)**

	Use of weapon					
	Yes		No		Total	
	N	%	N	%	N	%
<b>Number of offenders</b>						
One	136 853	56,1	107 259	43,9	244 112	100,0
Two or more	28 690	87,2	4 210	12,8	32 900	100,0
<b>Total</b>	<b>*165 543</b>	<b>59,8</b>	<b>111 469</b>	<b>40,2</b>	<b>277 012</b>	<b>100,0</b>
<b>Type of weapon, in those rapes where a weapon was used</b>						
Gun	27 325	16,5				
Knife or other sharp object	112 565	68,0				
Other	9 762	5,9				
Unspecified	15 892	9,6				
<b>Total</b>	<b>*165 544</b>	<b>100,0</b>				

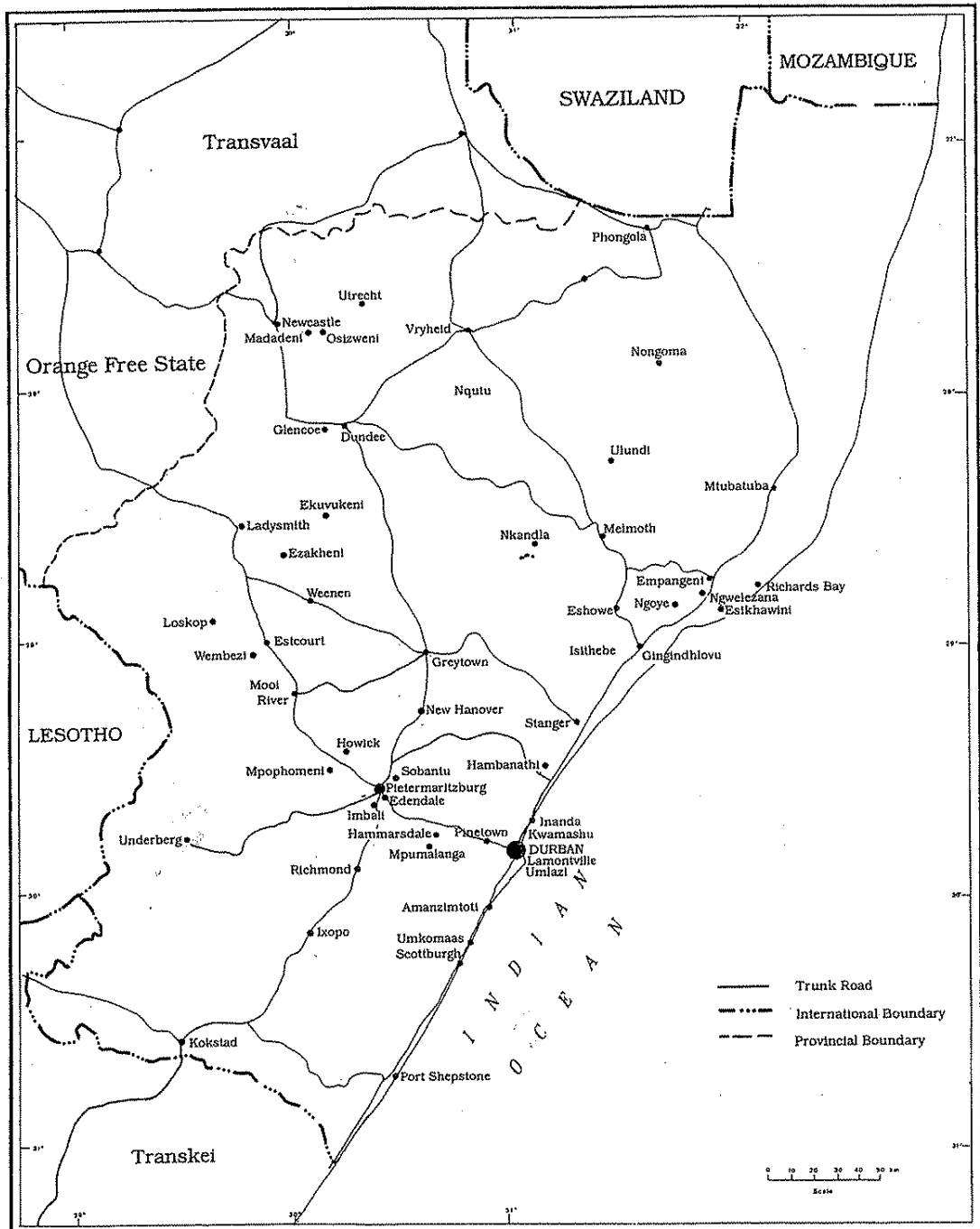
\* Due to rounding as a result of weighting to the population, totals may differ slightly from each other.  
Source: Statistics South Africa (1998), *Victims of crime survey 1998*

Table 4: Rape statistics from selected countries

Country	Cases of rape reported to the police	Volume of reported rape per 100 000 population
SouthAfrica	50 481	119,5
Gabon	1 744	105,1
Botswana	1 101	68,5
Swaziland	573	59,4
Namibia	830	50,5
United States	95 769	36,1
New Zealand	1287	35,0
Zimbabwe	2 792	23,3
Argentina	7 150	21,7
Sweden	1 608	18,2
Venezuela	3 460	16,2
France	7 191	12,4
Norway	514	11,7
Chile	1 571	10,8
Bulgaria	767	9,1
England and Wales	4 594	8,8
Korea	1 811	4,0
Colombia	1 259	3,2
Spain	1 139	2,9
Uganda	247	1,2

Source: International Criminal Police Organisation ICPO-Interpol (1996), *International Crime Statistics*

## Map 2 Twentieth Century KwaZulu-Natal





## IMAGES OF MPOPHOMENI



Figure 1 Memorial Wall of IFP murders



Figure 2 RDP houses in Mpopphomeni



Figure 3 and Figure 4 Homes in Mpophomeni with security gates





Figure 5 Zenzeleni Community Center



Figure 6 Taxi Rank in Mpophomeni. An assortment of vehicles provide transportation to town



**Figure 7** Landscape surrounding Mpophomeni

Figure 8: Zapiro cartoon regarding Jacob Zuma

