

# Public Debate and the Limits of Customary Law Reform in South Africa<sup>•</sup>

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<sup>•</sup> This paper is drawn from the author's dissertation, "Just Debate: Culture and Women's Rights in the New South Africa."

“Democracy is not enough. We want gender justice.”  
Slogan at the Beijing Plus Five United Nations Conference

## Introduction

A number of critical theorists<sup>1</sup> have claimed that democratic deliberation promotes social justice.<sup>2</sup> This suggests that support for women’s civil, political, material and cultural equality will rise as the inclusiveness of collective problem solving expands. However, during the 1990s in countries as disparate as Poland, Morocco and South Africa, the emergence of a civil society, independent media and open parliamentary elections occurred amidst cultural resistance to women’s rights. Given this obstacle to gender reform, did democratization establish open and inclusive participation in public debate and enhance the legitimacy of gender equality? This paper empirically investigates the first part of the question by evaluating the justness of deliberation in South Africa from 1997-2000, during the early period of democratic consolidation.<sup>3</sup>

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<sup>1</sup> Critical theorists drawn upon in the following analysis include Jurgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, (Cambridge, Massachusetts: The MIT Press, 1996); Nancy Fraser, “Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy,” in Craig Calhoun, ed., *Habermas and the Public Sphere*, (Cambridge, Massachusetts: The MIT Press, 1996), p. 109-142; and Iris Marion Young, *Inclusion and Democracy*, (Oxford: Oxford University Press, 2000). Historical analyses of the public sphere include Jeff Ely, “Nations, Publics, and Political Cultures: Placing Habermas in the Nineteenth Century,” in Calhoun, p. 289- 339 and Mary Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: Johns Hopkins University Press, 1990). For a definition of critical theory, see Iris Marion Young, *Justice and the Politics of Difference*, (Princeton: Princeton University Press, 1990), p. 5-7.

<sup>2</sup> Although critical theorists vary in the specifics of their visions of justice, most emphasize social and economic rights and the right to cultural recognition. For example, Fraser describes the two contemporary axes of justice as redistribution and recognition. Redistribution calls for a more equitable allocation of material goods, while recognition demands respect for difference and the end of assimilation to hegemonic norms. “From Redistribution to Recognition? Dilemmas of Justice in a ‘Post-Socialist’ Age,” in Nancy Fraser, *Justice Interruptus: Critical Reflections on the “Postsocialist” Condition*, (New York: Routledge, 1997), p. 11-39.

<sup>3</sup> Democratic consolidation refers to the process by which democratic procedures become uncontested and routine in institutions, society, among political competitors and in civic culture. For discussions and applications of the concept see Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, (Baltimore: Johns Hopkins University Press, 1996) and Richard Gunther, Hans-Jurgen Puhle, and P. Nikiforos Diamandouros, eds., *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective*, (Baltimore: Johns Hopkins University Press, 1995).

Few countries have so avidly endorsed public participation, experienced such vigorous discussion about women's rights and legislated such ambitious gender reform during the past decade as South Africa. The repressive history of the apartheid years and the civic organizations that emerged in the 1980s inspired a public commitment to participatory democracy. Building on this commitment, women's groups mounted a campaign that successfully challenged female exclusion from the transition negotiations and then repeatedly clashed with chiefs intent on promoting discriminatory customary laws. During the drafting of the Final Constitution, the Constitutional Assembly sponsored a public participation campaign facilitating debate over the founding principles of the new polity, including gender equality. Once the Supreme Court approved the Constitution and confirmed the subjection of customary law to the equality clause, public hearings, open committee meetings and the South African Legal Commission (SALC) investigated women's status under customary law. As a result, Parliament proposed a series of policies challenging traditional practices and began reforming customary law over the protests of the Inkatha Freedom Party (IFP) and the chiefs. Democratization, a strong commitment to public participation, avid debate, dramatic legal reform and conservative resistance thus make South Africa an ideal context for exploring the justness of democratic deliberation.

One of the avowed motivations for the state's program of transformation, explicit in the phrase "a non-racist, non-sexist South Africa", was to improve women's rights. This paper evaluates the justness of public debate during the early period of democratic consolidation as customary law was reformed and all women were formally recognized as rights-bearing citizens. The first section of the paper draws upon analyses of the public sphere and deliberative democracy to construct a theory of just debate. I then present a model for empirically assessing the openness and inclusiveness of South African deliberation. To highlight the boundaries of the public sphere, part two of the paper empirically evaluates women's access, voice and publicity in four key arenas of civic performance, action and argument: policy decision-making bodies, civil and political society, political culture, and the media.

I find that overall women's participation in public deliberation during the early consolidation period was static or shrinking. Despite reform that extended citizenship to women in customary marriages, all women in South Africa were prevented from fully participating in public debate. Constraining factors included a lack of time, skills and resources, a weak women's movement, as well as sexism and an extraordinarily high rate of violence against women. Although these barriers existed throughout the decade, women's access, voice and publicity had expanded in earlier periods. However, as the ANC moved to control the arenas of public debate during early consolidation women's participation stagnated or declined.

## **I. Just Debate**

Jurgen Habermas's seminal analysis of the bourgeois public sphere provides a useful lens for theorizing about democratization and participation. According to Habermas, the public sphere is the most democratic location for generating social laws and norms because a consensus about the common good is produced through communication, not domination. While finding the conception of a public sphere valuable for analyzing participation, a number of critical theorists have argued Habermas's depiction of the classic bourgeois public realm is idealized.<sup>4</sup> As an improvement on Habermas's initial formulation, feminists, in particular, have insisted that more than a liberal public sphere is necessary for securing open and inclusive dialogue.

Building on their work, I propose a *just debate* approach to the public sphere that accounts for how power affects talk. Just debate demands an analysis of how the vulnerable might equitably participate and exchange views with others about "problems, conflicts and claims of need or interest".<sup>5</sup> To secure equitable conditions, truly just debate addresses social, cultural

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<sup>4</sup> Joan Landes argues that the public sphere was constructed as a distinctly masculine arena. Mary Ryan notes that the historically fractured and conflicted nature of multiple public spheres undermines Habermas' depiction of the classic bourgeois sphere as a unitary body of public consensus. For additional feminist commentary, see Johanna Meehan, ed., *Feminists Read Habermas: Gendering the Subject of Discourse*, (New York and London: Routledge, 1995).

<sup>5</sup> Young, *Inclusion and Democracy*, p. 22

and economic inequalities. It requires the inclusion of a multiplicity of groups and various forms of communication in multiple public arenas and endorses discussion that goes beyond hegemonic notions of the common good.

Just debate thus requires more than formal access to the public sphere. Permission for all citizens to participate in dialogue is insufficient in stratified societies<sup>6</sup> because informal exclusions sustain the dominant group's control over dialogue. Thus, I propose that just debate procedures also require informal inclusion, such as: 1.) access to information and actual presence of the subordinate, 2.) incentives for the dominated to speak, such as a demonstrated capacity by the powerful to seriously consider claims of injustice; the ability of the subordinate to determine how they will participate<sup>7</sup>; public support for subaltern participation, and 3.) publicity for the subaltern so that they might organize and direct their speech to be effectively heard.<sup>8</sup>

By fully including the subordinate, just debate procedures facilitate a broad range of participation and a wide-ranging agenda. Anyone affected by an issue, who is willing to listen to others, to revise her opinion and to enter into agreements, should be included in discussions. Just debate procedures thus not only include marginalized and repressed participants, but also marginalized and repressed ideas, permitting disagreement. As a result, "assumptions that were previously exempt from contestation will have to be publicly argued out."<sup>9</sup> Just debate procedures thus ought to promote greater participation in a public dialogue that includes discussions about gender equality.

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<sup>6</sup> Fraser uses this term to indicate "societies whose basic institutional framework generates unequal social groups in structural relations of dominance and subordination," p. 122. Formal means of inclusion range from the legal right to vote to "campaign finance regulation, lobbying regulation, corruption investigation, mandates for hearings, procedures for public comment, commission membership voting procedures, and so on," designed to protect voters preferences. Young, p. 55.

<sup>7</sup> Various forms of communication must be heeded, from articulate speechmaking, to passionate disruption and dissent, to storytelling, ceremony and public acknowledgement. Young, chapter 2.

<sup>8</sup> Publicity is not embraced as an "unambiguous" direct means of attaining justice, but as a necessary condition for problematizing hegemonic ideas and for communicating new interpretations. See Nancy Fraser, "Sex, Lies and the Public Sphere," *Critical Inquiry*, 18 (Spring 1992), p. 610-11 for a discussion of the limits of publicity.

<sup>9</sup> Fraser, "Rethinking the Public Sphere," p. 124.

To empirically evaluate public debate, a public sphere must first be identified. According to Habermas, the presence of a functioning public sphere requires basic legal rights, specifically: 1.) rights that provide for rational-critical debate (*e.g.*, freedom of the press) and that protect the political activities of individuals (*e.g.*, the right to vote), 2.) rights that secure individual freedom (*e.g.*, security of persons in their homes) and 3.) rights that protect “transactions” of property owners and individuals in civil society (*e.g.*, the doctrine of private property).<sup>10</sup> Thus a society that secures basic rights provides the necessary conditions for citizens to engage in public debate.

In South Africa during the first half of the 1990s basic rights were secured and a functioning public sphere was established. The transition period (1990-1994) ended apartheid, permitted freedom of political association, began reform of the mass media and culminated with the first non-racial elections in the country’s history. Under the Government of National Unity (1994-1996) the Constitution and Bill of Rights were completed and basic rights were endorsed. The early period of democratic consolidation then ushered in a new era of legislative activism as basic rights were formally extended to all women through customary marriage reform.

Once the minimal conditions for deliberation are in place, the key sites where it occurs can be located. Deliberative theorists emphasize the significance of social, cultural and political institutions as well as communication networks in constituting the public sphere.<sup>11</sup> Hence this paper focuses on the following four arenas of civic performance, action and argument where public debate took place from 1997 to 2000 in South Africa<sup>12</sup>: 1.) policy decision-making bodies; 2.) civil and political society (civic associations, movements and political parties)<sup>13</sup>; 3.) political culture (public events, protest and ceremonies); and 4.) the media. These four arenas provided the

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<sup>10</sup> Habermas, p. 83.

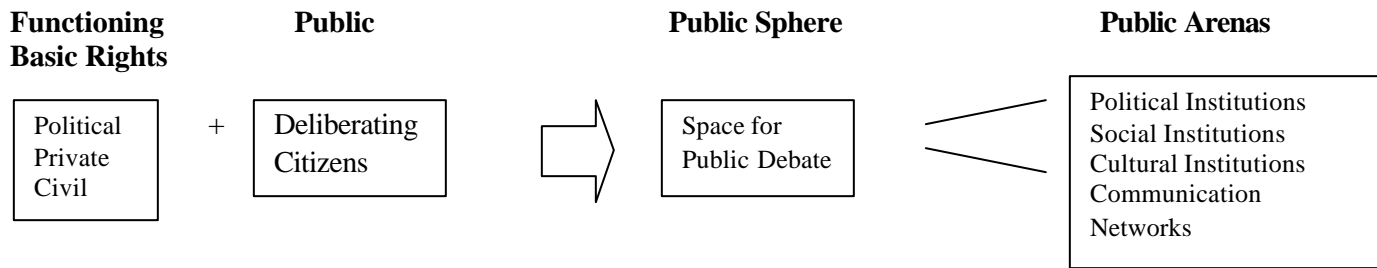
<sup>11</sup> Few have undertaken a historical analysis of the public sphere. Those who have include Habermas, Ryan and Landes. I am particularly indebted to Ryan for inspiring an analysis of the political culture arena and for providing a blue print of how to do it.

<sup>12</sup> These arenas are ideal-types and function as heuristic guidelines. In actuality there is much overlap and interaction among them.

<sup>13</sup> During this decade South African civic associations and political movements and parties were not separate domains. See Janet Cherry, Kris Jones and Jeremy Seekings, “Democratization and Politics in South African Townships,” *International Journal of Urban & Regional Research*, 24 no. 4 (December 2000): 889-906.

South African public with locations to formulate and debate normative positions. Examining debate procedures at these sites makes it possible to assess who participated and under what conditions in which locations.

**Diagram 1. Identifying and Locating the Public Sphere.**



In this paper the four South African public arenas are geographically disaggregated. According to the 1996 census, 55 percent of the population lived in urban areas.<sup>14</sup> Because of male migratory labor in the gold and diamond mines, women formed the majority of the daily population in rural areas. The differences between the rural and urban populations were dramatic. Black and colored populations in rural areas had median incomes of approximately half that of the corresponding urban population.<sup>15</sup> Access to health care, transportation, education, water and the media reflected similar disparities. Thus I analyze each public arena at a national, urban and rural level. The first level of analysis includes institutions, events and media coverage that had a national governing structure or occurred across the country; the urban level focuses on institutions and events that were centered in cities. The rural category is difficult to define as it does not always refer to the countryside but typically includes impoverished black African

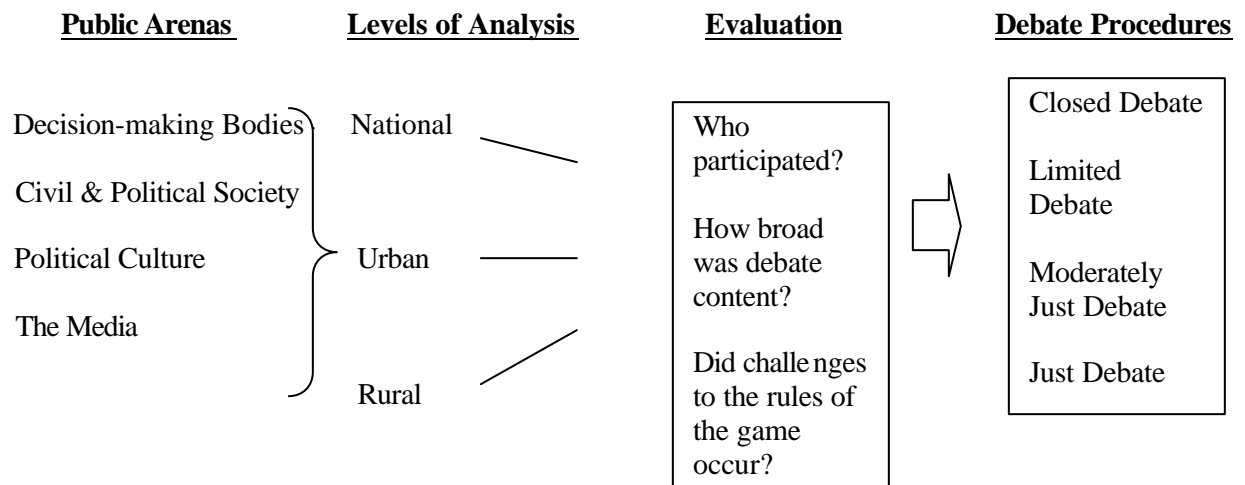
<sup>14</sup>Annual Report 1997/98, *South African Institute of Race Relations Johannesburg, South Africa: The Institute*, 1998, p. 105.

<sup>15</sup> Black, “coloured” and white racial categories inherited from the apartheid era continue to be used in South Africa. The income figures are cited in Susan de Villiers, “A People’s Government The People’s Voice: A Review of Public Participation in the Law and Policy-Making Process in South Africa,” Cape Town: The Parliamentary Support Program, 2001. Available at: <http://www.parliament.gov.za/pubs/participation/index.html>, Section One, Part Four.

populations living in close proximity to urban centers as a result of apartheid policies.<sup>16</sup>

Furthermore, as a large proportion of the male population engaged in migratory labor, it is extremely difficult to categorize them as rural or urban. Nevertheless, public debate not only occurred in specific geographical locations but also was strongly shaped by distinctive national, urban and rural norms, necessitating three different levels of analysis.

**Diagram 1. Analyzing Debate Procedures in South Africa, 1997-2000**



I then evaluate the level of just debate by analyzing who participated, whether a plurality of groups and opinions flourished in the public arena and whether contenders challenged and broadened established debate procedures. Thus, beginning at the left side of the diagram, evaluating public debate procedures in South Africa involves: 1.) locating the key sites of deliberation,<sup>17</sup> 2.) disaggregating the locations geographically; 3.) analyzing who is formally included and who is formally or informally excluded; 4.) assessing whether groups voiced their disagreement with dominant norms,<sup>18</sup> expanding debate procedures.

The specificities of South Africa shape not only where public debate was located but also who participated and how. To evaluate the openness and inclusiveness the South African public

<sup>16</sup> This is why the Central Statistical Service frequently uses the categories urban, semi-urban and non-urban. Budlender, p. 11, n.1.

<sup>17</sup> Mary Ryan, "Gender and Public Access: Women's Politics in Nineteenth-Century America," in Calhoun, p. 264.

<sup>18</sup> Fraser, p. 123-6.

sphere, it is not necessary to evaluate the participation of the entire population. On the contrary, an initial overview of debate procedures during the 1990s suggests that the country's largest marginalized group were women, and that by focusing on their participation the boundaries of public debate in South Africa can best be illuminated.<sup>19</sup>

Of course South African women have some clout under the new government. Non-sexism and non-racism are founding principles of the South African constitution, gender equality is guaranteed in the Bill of Rights and gender structures were established under the new Constitution.<sup>20</sup> After the 1994 elections, the representation of women in the National Assembly increased to nearly 25 percent and to 54 percent in Deputy Ministries. Furthermore, non-governmental organizations were active in promoting women's advancement and in 1994 the major parties in the country endorsed non-sexism.<sup>21</sup> In the national media, a black woman was appointed Chairperson of the Board of the South African Broadcasting Corporation (SABC) and a Women's Forum was established.<sup>22</sup> The Recognition of Customary Marriages Act of 1998 legalized customary marriages and regarded women as equal marriage partners with the right to own property, thus securing their basic rights.<sup>23</sup>

However, an overview of the public sphere suggests that women's access, voice and publicity were circumscribed. Unlike the traditional leaders, for example, no designated female

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<sup>19</sup> Although women in South Africa are deeply divided, most notably by race, class, geographic region and language, they are frequently discriminated against as a group. Hence, the analysis that follows examines *women's* access, voice and publicity in the public sphere, disaggregating class, geographic and racial differences where relevant.

<sup>20</sup> Institutional mechanisms within the state to advance gender equality include the Commission on Gender Equality, the Office on the Status of Women and the Joint Committee on the Improvement of the Quality of Life and Status of Women, discussed below.

<sup>21</sup> For a discussion of party support for gender equality prior to the 1994 elections see Gay W. Seidman, "Gendered Citizenship: South Africa's Democratic Transition and the Construction of a Gendered State." *Gender and Society* 13 (1999): 287-307

<sup>22</sup> See Sally Baden, Shireen Hassim and Sheila Meintjies, *Country Gender Profile: South Africa*, (Pretoria: Sida and Bridge, IDS, July 1998), p. 24 and the Media Monitoring Project, "A Snapshot Survey of Women's Representation in the South African Media at the End of the Millennium," December 1999. Available at: <http://www.sn.apc.org/mmp/documents/snapsurvey.html>

<sup>23</sup> "Recognition of Customary Marriages Act, No. 120 of 1998," Section 6.

constitutional decision-making bodies existed and no women's party had seats in Parliament.<sup>24</sup>

Although for a time it appeared that the Women's National Coalition (WNC) would spearhead a vibrant women's movement, after the transition leaders of women's wings within the trade unions and other political organizations moved into Parliament and the WNC lost its political clout. Furthermore, women's participation in public life was a new phenomenon and not widely addressed in the media. Finally, despite the passage of the Customary Marriages Act, implementation was marginal, particularly in rural areas. Thus, examining women's participation can illuminate the limits of the public sphere.

To categorize the justness of public debate procedures, I propose a spectrum ranging from completely closed to fully open. Closed debate procedures exclude all women, preventing any access or voice in the arena and few if any challenges to male hegemony occur. Limited status indicates that at least some women are present, but the majority are audience, not participant, to the proceedings. Under limited debate procedures women's presence is symbolic, not self-initiated, and their physical presence as well as voice conform to ritualized responses. With limited debate procedures women are frequently physically segregated to control and minimize their impact. Women's aspirations for enhanced participation will be expressed indirectly, discreetly.<sup>25</sup> In a moderately open and inclusive arena, in contrast, women are not only present but have an active, unscripted role. They are becoming integrated as equals across time and space, participate in debate on a number of issues and are no longer merely present. Indeed, many will be protagonists, shape decision-making and demand more power. Finally, a fully open

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<sup>24</sup> The phrase "traditional leader" usually refers to kings, chiefs and headmen who have been appointed by the state or who achieved their position by inheritance, and whose primary functions are adjudicating disputes within a community and serving as trustees of the land. Occasionally women may be chiefs on behalf of their sons or, on rare occasions, appointed as "councillors" to the chiefs. During the late 1990s these women reported extensive problems in exercising authority. "Joint Submission of the Gender Project, Centre for Applied Legal Studies, The National Land Committee and the Commission on Traditional Courts," (hereafter referred to as "the Joint Submission".) Available at: <http://www.cge.org.za/publication.htm> n.d. [2001?], p. 15.

<sup>25</sup> Ryan's description of women in the public sphere in the United States during the first half of the 19<sup>th</sup> century falls into this category on the spectrum.

and inclusive arena will include a diversity of women who speak with a variety of communicative styles and who deliberate freely about and can shape all issues.

The just debate model focuses on how inequalities in power affect the capacity of citizens to participate in public deliberation. Critical theorists suggest that the less open and inclusive the debate, the more deliberation becomes a tool for the powerful to promote policies that serve elites better than the subordinated. This suggests that if women are not meaningfully included, democracy is not enough: women need just debate.

## **II. Assessing the Justness of South African Public Debate**

By 1997 the exhilaration of the liberal moment had passed and democratic consolidation had begun. The Government of National Unity that brought the ANC into the national government collapsed in 1996,<sup>26</sup> the Constitution marking the birth of the new South Africa was being tested, and Nelson Mandela, the revered leader of the anti-apartheid struggle, left the presidency in 1999 to his successor, Thabo Mbeki. Corruption, nepotism, severe financial difficulties in the provincial governments and a judiciary resistant to the goals of transformation plagued the ANC during this period.<sup>27</sup> Earlier, during the transition and after the elections of 1994, the state had been an active presence in establishing, securing and extending the South African public sphere.<sup>28</sup> However, as the party moved to consolidate its position during the later period, public participation in and popular support for democratic politics did not increase.<sup>29</sup> As democratic consolidation stalled, the ANC pursued state consolidation. Researchers for the Community Agency for Social Enquiry (CASE) argued that in practice the ANC regarded

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<sup>26</sup> Mandated by the interim constitution, the Government of National Unity (GNU) was a multi-party government consisting of seven political parties that were voted into power in South Africa's first non-racial elections of 1994.

<sup>27</sup> *South African Institute of Race Relations*, 1997-2000.

<sup>28</sup> Chapter two and three of the author's dissertation analyzes the public sphere during the transition and under the GNU.

<sup>29</sup> In a survey of Southern Africa, it was found that South Africans were relatively uninterested in political affairs, had comparatively minimal contact with government and community leaders and low levels of support for democracy. Robert Mattes, Yul Derek Davids, Cherrel Africa, "Views of Democracy in South Africa and the Region: Trends and Comparisons," *The Afrobarometer Series 2* (October 2000), p. v – vi.

popular participation “as a way of bolstering the role of the state under ANC leadership, rather than as (potentially) contradicting, challenging, or forcing it to re-think its policies.”<sup>30</sup> In conflating democratic consolidation with strengthening party control, the ANC inadvertently hindered women’s participation in public debate. As a result, women’s newly won entry onto the public stage was endangered not only by sexism, a lack of resources and skills, a weak women’s movement and dramatically rising violence against women, but also by ANC state building.

### *Decision-making Bodies*

Although the National Party was no longer a governing partner and quickly dissipated as an effective opposition party, the ANC intensified party control. By emphasizing discipline and hierarchy, ANC control of the state was enhanced, and legislation was pushed through Parliament.<sup>31</sup> Opposition parties lambasted the ANC for the erosion of debate in the National Assembly, citing the failure of MPs to attend plenary sessions, the lack of ministerial response to parliamentary questions and the dominance of the ANC party in committee meetings.<sup>32</sup> At the same time the executive branch increased its control over the provincial and local governments, further limiting the terrain of public debate.<sup>33</sup>

It became increasingly evident that public participation via hearings, submissions, committee meetings and information campaigns was not sufficient. Certainly, powerful

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<sup>30</sup> CASE, “The state of civil society in South Africa,” p. 14.

<sup>31</sup> *South African Institute of Race Relations*, 1997-2000. Also see Christina Murray and Lia Nizjink, *Building Representative Democracy, South Africa’s Legislatures and the Constitution*, (The Parliamentary Support Programme, 2001), ch. 2, “Representing the People.” Available at: [http://www.eupsp.org.za/newsletters/building\\_democracy/](http://www.eupsp.org.za/newsletters/building_democracy/); Tom Lodge, *South African Politics Since 1994*, (Cape Town & Johannesburg: David Philip Publishers, 1999), p. 72-74. The South African electoral system is based on proportional representation. Members who cross the floor and change parties lose their seats.

<sup>32</sup>“Leon Accuses ANC of ‘Binge and Vomit’ Politics,” *Dispatch*, Saturday, August 21, 1999. Academics also analyzed the ineffectiveness of the legislative plenary, for example, see Murray and Nizjink, p. 60-61

<sup>33</sup> For example, the Municipal Structures Act of 1998 created centralized ‘megacity’ administrations. *South African Institute of Race Relations*, 1997/8, p. 499 and 1999/2000, p. 384.

organized interest groups actively participated in the legislative process.<sup>34</sup> However, few South Africans understood the functions of government or were aware of the opportunities for public participation.<sup>35</sup> Compared to other Southern African citizens, South Africans had an “extremely low” rate of interaction with government leaders.<sup>36</sup> As a result, a “corporatist model of political interaction” evolved, not the vibrant participatory democracy promised by the ANC.<sup>37</sup> Thus formal decision-making arenas were confronted with a capacity limitation from below as well as closure from above. Within this framework of party control and a *dis*-abled population, feminists in Parliament worked to integrate women into government decision-making bodies.

By the consolidation period, women’s participation in government was becoming routine even if it was not “embraced.”<sup>38</sup> After the national and local non-racial elections, 25 percent of all legislators at the national and provincial level were women as well as 18 percent of local councillors.<sup>39</sup> During this period, South Africa was the sole nation that had both a female speaker and female deputy speaker. Although feminists anticipated a decline in women MPs after the 1999 elections because of the “unfriendly and alienating” legislative atmosphere and lack of party support, this did not occur.<sup>40</sup> In fact, women’s presence increased in the national and regional parliaments, in part because of the ANC’s continued use of a one-third quota for women on its

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<sup>34</sup> For example, the Congress of South African Trade Unions (COSATU), the Commission for Gender Equality, Idasa and the South African Chamber of Business. See *PSP Newsletter*, ed. 9, June-August 2000. Available at: <http://www.eupsp.org.za/newsletters/index99.html>.

<sup>35</sup> *A People’s Government: The People’s Voice – A Review of Public Participation in the Law and Policy-Making*, Section 2 “Public Participation in the Current Political Environment”. Available at: <http://www.parliament.gov.za/pubs/participation/index.html>. The article cites an HSRC poll from September 1999 in which only 15 percent of South Africans confirmed they understood the legislative process.

<sup>36</sup> Robert Mattes, Yul Derek Davids, Cherrel Africa, “Views of Democracy In South Africa and the Region: Trends and Comparisons,” *The Afrobarometer Series*, 2 (October 2000), p. vi.

<sup>37</sup> *A People’s Government*, Section 3 “Public Participation Theory and Practice”.

<sup>38</sup> Colleen Lowe Morna, “Link between women’s plight and vote,” *The Sunday Independent*, December 20, 1998, p. 6. Morna reports nearly a million more women than men were registered for the 1998 elections. On women’s presence being “tolerated” rather than “embraced”, see Karen Ross, “Women and Parliamentary Politics: Women in the Boyzone: Gender and Parliamentary Politics,” Paper for the 51<sup>st</sup> Political Studies Association Conference, 10-12 April 2001, Manchester, United Kingdom, p. 8.

<sup>39</sup> Colleen Lowe-Morna, “Discrimination wears familiar faces,” *The Cape Times*, August 13, 1998, p. 1.

<sup>40</sup> Speaker of the National Assembly, Dr. Frene Ginwala as quoted in *The Citizen*, “It’s a Women’s World,” July 16, 1998, p. 6; Charity Bhengu, “Fewer women in politics,” *Sowetan*, June 30, 1998, p. 2 and Louise van der Walt, “Gender group seeks more women MPs,” *The Citizen*, June 30, 1998, p. 8.

party lists.<sup>41</sup> The second Parliament also promised an increase in women's effectiveness. IFP MP Suzanne Vos explained, "I didn't come into politics naturally...the first time was daunting...But we did get used to it and those of us who have come back are confident. Many of us have specialized, and this time we are not groping our way."<sup>42</sup> Thus the question for the period of early consolidation was, as ANC deputy secretary general Thenjiwe Mtintso described it, whether women would be able to move "beyond the politics of presence, to the politics of participation and transformation."<sup>43</sup>

Female MPs certainly helped pass legislation aimed at transforming South African women's lives, including the Maintenance Act of 1998, the Domestic Violence Act of 1998 and the Promotion of Equity and Prevention of Unfair Discrimination Act. The Recognition of Customary Marriages Act of 1998 also dramatically improved the legal status of women in customary unions. However, women's increasing presence in the National Assembly did not open formal decision making bodies as dramatically as female MPs would have liked. Efforts to make women full participants were hindered by sexism, a lack of skills and formal education, and a lack of male commitment to women's equal participation. In 1999, five years after the dramatic increase in female MPs, Parliament restrooms still bore handwritten "ladies" signs, underscoring their recent and still tentative presence.<sup>44</sup> In 1997 an eagerly anticipated parliamentary debate on gender equality fizzled when male MPs appeared completely uninterested in the issue.<sup>45</sup> Women MPs continued to report difficulties managing family responsibilities. ANC MP Pregs Govender explained, "each woman MP in the institution that I work in works hectically from meeting to meeting. Each of us might require support in different ways at different times, whether it's for a

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<sup>41</sup> Thus, after the national elections in 1999, women MPs numbered 124; out of 25 Cabinet Ministers four were women; seven out of thirteen Deputy Ministers were women and nine women were chairs of committees. Debbie Budlender, Tanya Goldman, Tanya Samuels, Piers Pigou, Nahla Valji, "Participation of women in the legislative process," South Africa: The European Union Parliamentary Support Programme, May 1999, p. 30.

<sup>42</sup> Leanine Dickerson, "Women MPs get out of grey suits," *The Sunday Independent*, August 8, 1999, p. 1.

<sup>43</sup> Colleen Lowe Morna, "Link between women's plight and vote," *The Sunday Independent*, December 20, 1998, p. 6.

<sup>44</sup> Ross, p. 8 and 10.

<sup>45</sup> "Women wasted an opportunity," *The Cape Times*, August 21, 1997, p. 10.

sick child, whether it's for a family crisis, whatever. But we don't have that built into our institutions at all."<sup>46</sup> Few committee chairpersons were female, women were more often placed on 'soft' issue committees, and male MPs still were visibly surprised when women requested a turn to speak.<sup>47</sup> Thus, although women were dramatically present in Parliament, they were frequently marginalized as legislators.

Female rural MPs and women from minority parties felt particularly demoralized. The WDF reported that rural women MPs "found that their age, gender and marital status" were used to undermine their effectiveness in Parliament.<sup>48</sup> Pregs Govender explained how parliamentary procedures contributed to the problem: "The institutions themselves need further transformation in order to ensure that those who are newly in power, for example rural women, are not disempowered by the pomp, ceremony, legalese or patronage of the hierarchical Westminster system, which was previously also repressive and secretive."<sup>49</sup> Speaker Frene Ginwala noted legislatures remained foreign and exclusionary institutions, particularly to rural South Africans.<sup>50</sup> Generally, women entered Parliament with far fewer legal skills, education and formal political experience than men.<sup>51</sup> Women in minority parties not only received less support than ANC women, they faced a daunting number of committee memberships both as representatives of numerically small parties and as female MPs.<sup>52</sup>

Given these difficulties, a number of institutions were initiated to enhance women's participation in government. In 1997 a Women's Empowerment Unit (WEU) was established to

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<sup>46</sup> As quoted in Budlender, *et al*, p. 50.

<sup>47</sup> Budlender, p. 84-85; Segar, p. 8; Andile Noganta and Vusi Mona, "Loading the dice in this man's game," *City Press*, April 25, 1999, p. 17. Women numerically dominated in some committees, such as the Welfare, Health and Communications committees. They were "underrepresented" in Public Accounts, Land Affairs, Mineral and Energy, Transport, Foreign Affairs and Labour. Shireen Hassim, "The dual politics of representation: women and electoral politics in South Africa," *Politikon* (1999) 26 n. 2 (1999): 207.

<sup>48</sup> Martina Della Torgia, "South African women at political crossroads," *The Sunday Independent*, November 1, 1998, p. 2.

<sup>49</sup> "Women's voices are being heard in the process of SA law-making for first time," *Cape Argus*, August, 8, 1997, p. 20.

<sup>50</sup> *PSP Newsletter*, ed. 8, April-May 2000.

<sup>51</sup> Budlender *et al*, p. 84-5.

<sup>52</sup> *Ibid.* p. 49.

make legislation more gender-sensitive, to provide women MPs in the national and provincial legislatures with knowledge and skills, and to improve the effectiveness of the women's caucuses in the parliaments. The Parliamentary Women's Group (PWG), a multi-party women's caucus, was charged with making Parliament more gender-sensitive and to assist the WEU with skills training.<sup>53</sup> To ensure the integration of women in all areas of government and to oversee governmental gender-sensitivity, the Office on the Status of Women (OSW) in the President's Office was launched.<sup>54</sup> To monitor the government's adherence to the Beijing Platform for Action and the Convention for Elimination of all forms of Discrimination Against Women (CEDAW) and to analyze the government's budget for gender equality an Ad-hoc Joint Standing Committee on the Quality of Life and the Status of Women (JSC) was also founded.<sup>55</sup>

However, most women's institutions were under-funded, lacked the full support of the government and were assigned broad mandates that extended far beyond their capacities. The Swedish government funded the WEU, which narrowed its agenda to skills assessment in 2000 and emphasized continued capacity building as a key problem area.<sup>56</sup> The PWG was confronted with legislative marginalization because it lacked funding and did not have a formal meeting venue. Further, membership and attendance were not considered part of an MP's official duties.<sup>57</sup> Ultimately, as power shifted to the committees in Parliament, the caucus lost most of its leverage.<sup>58</sup> The Office on the Status of Women received more than half of its budget from the Danish government in 1999.<sup>59</sup> This did help the OSW set up gender desks and draft a national gender policy.<sup>60</sup> But that same year feminists publicly criticized the inaccessibility of the OSW and its ability to produce a feasible governmental gender policy given its lack of "consultation

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<sup>53</sup> On the WEU and PWG see "Gender structures in Parliament," *Agenda*, no. 35 (1999), p. 94.

<sup>54</sup> The OSW is informally known as the Gender Desk.

<sup>55</sup> Murray, p. 126.

<sup>56</sup> *PSP Newsletter*, ed. 10, September-December, 2000.

<sup>57</sup> "Gender structures in Parliament," p. 94.

<sup>58</sup> Budlender *et al*, p. 40.

<sup>59</sup> Ian Clayton, "Key challenges lie ahead for women," *Mail & Guardian*, April 30-May 6, 1999, p. 45.

<sup>60</sup> *Ibid.*, p. 45.

and discussion”, slim and inexperienced staff, lack of direction and low ranking in the government hierarchy.<sup>61</sup>

Despite similar obstacles, the Joint Standing Committee on the Quality and Life of Women (JSC) and the Commission on Gender Equality (CGE) were more successful. When the JSC was recognized as a full-fledged committee in mid-1998, it had no budget, no official recognition in Parliament and no administrative staff despite its sweeping mandate.<sup>62</sup> As a result, it had trouble scheduling meetings and often was unable to achieve a quorum. Nevertheless, the Ad-hoc Committee promoted legislation for women, initiated a Women’s Budget and created additional avenues for women’s participation in government decision-making.<sup>63</sup> Composed and led by female MPs, the JSC enhanced women’s participation in Parliament. In 1997 the Commission on Gender Equality was established with a budget three-quarters less than comparable institutions. Yet, the Commission not only managed to maintain its independence, it audited discrimination in government legislation, held numerous workshops across the country, produced a gender plan of action, lobbied national parties to address sexism, made submissions to Parliament and the South African Law Commission and worked with non-governmental organizations.<sup>64</sup> Although the Commission was proud of its achievements given its constraints, the staff was realistic about their inability to reach poor and rural women, their lack of support by political parties other than the ANC, and their relatively low public profile.<sup>65</sup> Thus, the CGE and the JSC inserted women’s voices into legislative debate.

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<sup>61</sup> Caroline Hooper-Box, “Gender machinery grinds silently and slowly,” *The Sunday Independent*, August 8, 1999, p. 3. Baden *et al*, p. 16.

<sup>62</sup> Estelle Randall, “Women who won’t take a back seat,” *The Independent on Saturday*, July 18, 1998, p. 5.

<sup>63</sup> The Women’s Budget analyzed the national budget and publicized information about how it would impact women. See Debbie Budlender, “The Women’s Budget,” *Agenda*, 33 (1997), p. 41. As Chair of the Committee, Pregs Govender was particularly determined to get rural women’s input on the customary law reform bill “so that people can’t say it’s a foreign, urban thing that’s been imposed on rural women.” Kerry Cullinan, “Corridors of power echo with feminine footsteps,” *The Daily News*, August 7, 1998, p. 11.

<sup>64</sup> Thabisile Radebe, “Empowering women,” *Sowetan*, December 28, 2000, p. 8; Claire Keeton, “Document puts gender back on the Agenda,” *Sowetan*, August 17, 2000, p. 11; Masege, p. 7; Seroke and Ntombela-Nzimande, “Hard climb to equality,” *Sowetan*, April 13, 1999, p. 8, p. 8.

<sup>65</sup> Hooper-Box, p. 3 and Seroke, p. 8.

The Gender Advocacy Programme was certainly correct in stating that those women most successful at pushing back the boundaries of participatory exclusion were strong and inspired feminist leaders like Frene Ginwala and Pregs Govender. Their initiatives and the emergence of structures like the JSC and CGE made it clear that women would not only speak but could prompt and occasionally exploit fundamental institutional changes by questioning basic assumptions about patriarchal “business as usual”. Although the national decision-making arena was neither “friendly” nor “welcoming”, the growing numbers and experience of women in Parliament gradually shifted their participation from “presence” to “increasing participation”, challenging the culture and structure of the legislative process. Thus by the end of the twentieth century, women in Parliament were operating in a national decision-making arena that was moderately open and inclusive.

At the urban level, where provincial parliaments and large municipal governments were located, women’s participation was more circumscribed. Unfortunately, until 1999 the provincial governments were having difficulty functioning and experienced such severe financial constraints that several “were on the verge of collapse”.<sup>66</sup> Although quite a few provincial legislatures held a successful public education workshop or mock parliament, budgetary constraints limited their public participation programs.<sup>67</sup> It was thus hardly surprising that women’s integration into provincial and local urban government was not a priority.

Women’s numerical presence in provincial government was only slightly lower than that of the National Parliament.<sup>68</sup> Similar to their national counterparts, female MPPs reported persistent sexism that limited individual participation and institutional reform. Most women were

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<sup>66</sup> *South African Institute of Race Relations*, 1997/8, p. 484.

<sup>67</sup> Murray and Nijzink, p. 115-116, and 95.

<sup>68</sup> They occupied an average 25 percent of seats in provincial legislatures and held 25 percent of local councillor positions in urban centers. Asha Moodley and Anne Marrian, “Women equal, on paper anyway,” *The Daily News*, August 10, 1998, p. 6.

relegated to “soft” committees, while a small number held token, upper level positions.<sup>69</sup> Female deputy speakers in the provinces reported being called “Madam deputy speaker, Sir”.<sup>70</sup> As gender sensitivity workshops were seldom held for provincial and local government officials, female Members of the Provincial Parliaments (MPPs) occasionally took the initiative to promote their participation and attack sexism in government. During this period, women’s caucuses in the legislatures were established to provide a platform for networking, advance skills and foster unity on gender issues.<sup>71</sup> Unfortunately, problems with financial support, confusion about the role of the caucuses, a lack of guidelines and male animosity toward the groups were commonplace.<sup>72</sup> Thus, as late as 1999, provincial MPs were still debating the potential role of a Committee on the Quality of Life and Status of Women.<sup>73</sup> Although OSW offices were established in all nine provinces by April 2000, OSW gender desks were not effectively linked to civil society and were marginalized within the state.<sup>74</sup>

Occasionally, female MPPs were able to pierce the rhetoric of gender equality to illuminate the barriers to women’s participation in provincial government. In KwaZulu-Natal, one of the most conservative and poorest provinces in the country, the women’s caucus called a special legislative sitting for several days to focus on women in government as well as gender equality. Ministers were required to answer questions prepared by women MPPs. As a result Ministers were forced to publicly admit that, “a provincial gender action plan has been slow because of a lack of personnel and budgets”.<sup>75</sup> Peggy Nkonyeni, KwaZulu Natal’s PSW

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<sup>69</sup> Budlender *et al*, p. 31 and see “Males dominate Eastern Cape legislature,” *Eastern Province Herald*, June 12, 1999, p. 2. In 1998 the cabinet of the Western Cape consisted of four white and three “coloured” males and one white woman. Karin Schimke, “Shuffled cabinet on cards,” *The Cape Times*, August 21, 1998, p.

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<sup>70</sup> Susan Segar, “Still largely a male domain,” *The Natal Witness*, July 15, 1998, p. 8.

<sup>71</sup> Tsholofelo Songo, “Women’s caucus,” *Diverse Publikasies*, August 11, 1997, p. 4.

<sup>72</sup> Budlender *et al*, p. 38-9; Tsholofelo Songo, “Women’s caucus,” *Diverse Publikasies*, August 11, 1997, p.

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<sup>73</sup> Tsholofelo Mokotedi, “Provinces debate gender structures,” *Diverse Publikasies*, November 11, 1999, p.

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<sup>74</sup> Tsholofelo Mokotedi, “Promoting gender equality through structures,” *Diverse Publikasies*, April 14, 2000, p. 7. Baden *et al*, p. 14-16.

<sup>75</sup> Philippa Cameron, “Gender action plan faces obstacles,” *Natal Witness*, September 12, 2000, p. 5.

chairperson and ANC MPP delightedly reported, “You can imagine a minister having to admit to not having even a single female director in his department, or a spelt-out gender policy.”<sup>76</sup>

Although women’s presence was highly circumscribed in provincial government, the session made it clear that female MPPs could publicly challenge male dominance and promote women’s participation in provincial government.

At the local municipal level, women’s presence and participation was more restricted.<sup>77</sup> Local government officials were elected in 1995 and 1996, and again in 2000. Women won, on average, 19 percent of local councillor positions after the first elections.<sup>78</sup> The small number of women in local councils prompted the national government to propose “quotas in municipalities and reserved council seats for women” prior to the next local elections in 2000.<sup>79</sup> NGOs, feminist organizations and politicians lobbied the legislature to set aside more seats for women at the local level. The closed-list system of proportional representation that followed, however, did not require party quotas. As a result, the 2000 election produced similar results: women won 19 percent of councillor seats.<sup>80</sup>

Given women’s lower numerical presence at the municipal level, leadership and decision-making positions were dominated by men. Female councillors reported that sexism and poor skills hindered women’s effectiveness in local government.<sup>81</sup> Gawa Samuels, a councillor in the

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<sup>76</sup> Skhumbuzo Nondaba, “KwaZulu-Natal legislature brought up to speed on gender issues,” *The Sunday Independent*, September 24, 2000, p. 1.

<sup>77</sup> This was true despite the responsibility of municipal councillors to enhance the participation of oppressed groups. *White Paper on Local Government 1998 March*. Available at: [http://www.polity.org.za/govdocs/white\\_papers/](http://www.polity.org.za/govdocs/white_papers/). For an analysis of public participation in local government, see Heather Deegan, “A Critical Examination of the democratic Transition in South Africa: The Question of Public Participation,” *Commonwealth & Comparative Politics*, 40 no. 1 (March 2002), p. 52-54.

<sup>78</sup> Moodley and Marrian, p. 6.

<sup>79</sup> Andrea Weiss, “Women set to play bigger role in local councils,” *Cape Argus*, April 23, 1997, p. 3.

<sup>80</sup> The Municipal Structures Act of 1998 encouraged and permitted party lists to promote women candidates but did not mandate quotas. For a discussion of the Municipal Structures Act and its impact on women, see Fick, p. 33-35.

<sup>81</sup> For lists of barriers to women’s participation in local government culled from female officials’ discussions, see “From the Margins to the Centre: Women in Local Government as Change Agents,” Proceedings of a seminary hosted by the Gender Advocacy Programme (GAP), June 24-25, 1999, p. 13 and 41-43.

Oostenberg Municipality in the Western Cape explained how women contributed to their own marginalization: “Despite the fact that women are better negotiators and better ‘grassroots’ people, men vote for men and more often than not, women vote for men in council meetings.”<sup>82</sup> In addition to sexism, women in municipal government lacked the necessary capacity and institutional support to help them advance in the political hierarchy. One reason for women’s low profile, according to Pheko-Mothupi, was, “Most women have a problem with understanding how local government works. Many do not understand the English language or the ‘jargon’ of local government.”<sup>83</sup> As a result, women councillors were poorly informed.

Worse, programs intended to advance women’s participation in government were rarely implemented. A survey of twelve municipalities revealed that few officials had “an *awareness* of gender issues” within their own institutions or how it affected community participation in government, and none had any gender institutions established or a women’s budget.<sup>84</sup> Clearly, national challenges to the electoral rules of the game, affirmative action strategies and institutional structures to advance women’s participation did not have a significant impact on municipal government. Although women’s access to municipal and provincial government was comparable to the national level, their ability to participate in and successfully challenge the rules of the game was constrained. Thus the openness and inclusiveness of debate at the urban level was only barely moderately just.

Women’s participation in rural government in traditional areas, however, was restricted. Although more women than men registered to vote for the 2000 elections, researchers found that many rural women were intimidated into not voting and had limited access to voting materials

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<sup>82</sup> As quoted by Rosalee Telela, “Advancing women in power,” *Agenda* 45 (2000): 41.

<sup>83</sup> *Ibid.*, p. 43.

<sup>84</sup> *Local Government & Gender: A Reality Check: Survey of Selected Municipalities in the Western Cape*, (Cape Town: Gender Advocacy Programme, 1998), p. 58 and 39. Emphasis in original.

and voting stations.<sup>85</sup> Throughout this period local officials were “struggling with developing rural local government, the role of traditional leaders and commitments to gender equality.”<sup>86</sup> Thus the relationship between elected government and traditional leaders continued to be a source of tension and debate as the two factions vied for political control.<sup>87</sup> Efforts to insert women representatives into this volatile mix were limited at best, as women won only 10-15 percent of local council positions.<sup>88</sup>

Decision-making bodies in rural areas included the District Council, local councillors, chiefs, headmen and senior males in the village. The struggle for power between traditional authorities and local councillors did not improve rural black women’s ability to participate in government, but instead diffused their representation. In a workshop sponsored by the feminist publication *Agenda*, many rural women reported not knowing their local government representatives, explaining that officials owed their positions to the party and were not from the community.<sup>89</sup> Those who did know their representatives “described women councillors as submissive or afraid to disagree with or question men”.<sup>90</sup> This applied to rural women’s behavior in decision-making bodies more generally. Male domination persisted, as deliberative bodies did not challenge women’s internalized censorship. As one researcher who did a study of water committees in a rural community reported, “Women said they didn’t feel they had the right to speak. They said they were shy. Many women seemed to be frightened that if they spoke up

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<sup>85</sup> P. Camay and A. Gordon, “The Role of Women,” in *There will be Elections: An Evaluation of the Local Government Elections – A Gender Perspective*, Public Opinion on National Priority Issues, conducted by the HSRC, 1999.

<sup>86</sup> Pregs Govender as quoted in “Women’s voices are being heard,” p. 20. At the end of the decade, the relationship between the government councils and the traditional leaders was still highly contentious and unresolved.

<sup>87</sup> *South African Institute of Race Relations*, 1997/8, p. 492-3; Glenda Fick, “The importance of equality to the sphere of local government,” *Agenda*, 45 (2000): 27-39. For a detailed examination of the political intrigues in one South African town, see Barbara Oomen, “Letter from a South African Village.” Available at: <http://ruljis.leidenuniv.nl/group/jfvvi/www/Barbara/letter.htm>.

<sup>88</sup> Moodley and Marrian, p. 6.

<sup>89</sup> Shirin Motala, “Rural women demand meaningful representation in local government,” *Agenda*, 45 (2000), p. 19.

<sup>90</sup> *Ibid.*, p. 19.

other women would complain that they were trying to attract male attention or were being bossy.”<sup>91</sup>

Ultimately, rural women found both local government and traditional authorities unresponsive and exclusionary. The rural women in the workshop disapproved of all councillors who appeared “to be more concerned with what they could get for the communities they came from rather than on ensuring development for all who live in the area and for those who needed it most”.<sup>92</sup> Women in the *Agenda* workshop also complained that the “traditional status and respect commanded by *amakhosi* [chiefs] makes it difficult for women to work with them,” noting that traditional practices further hindered women’s ability to participate fully in community life.<sup>93</sup> Unfortunately, rural black women had little influence in any decision-making bodies. Workshop participants explained that, “Councillors, *amakhosi*, *indunas* [headmen] and the men of the family always made...decisions without consulting them.”<sup>94</sup> Ultimately, rural women expressed the greatest alienation from local councillors who came and went with each election, and reported a stronger bond to the familiar chiefs.<sup>95</sup> The discussion made it clear, however, that in rural communities all decision-making bodies, whether affiliated with the new democratic state or traditional authorities, were nearly closed to black women.

An examination of the debate procedures of government legislatures and gender institutions at three geographic levels in South Africa from 1997-2000 highlights the key obstacles to women’s effective participation: sexism, lack of information, time and resources combined with exclusionary, male decision-making bodies and women’s internalized oppression. The persistence of these barriers, combined with the narrowing of public participation resulting from party consolidation, frequently stymied women’s inclusion in public decision-making bodies. As the forum for public debate narrowed in Parliament, an increasing female presence

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<sup>91</sup> Clare Hansmann as quoted by Kate Skinner, “Making sure water works,” *Sowetan*, July 30, 1998, p. 2.

<sup>92</sup> Motala, p. 20.

<sup>93</sup> *Ibid.*, p.19.

<sup>94</sup> *Ibid.*, p. 20.

<sup>95</sup> *Ibid.*, p. 20.

and experience did not provide women with enough power to establish well-integrated, properly funded, powerful gender structures, although it did provide them with sufficient leverage to continue challenging the boundaries of debate procedures. While the National Parliament was thus moderately open and inclusive, at the provincial and urban levels, barriers to women's participation and a lack of governmental resources that hindered the functioning of decision-making bodies were acute, but women's numerical access and occasional challenges to the status quo meant they operated in a barely moderately just arena. The rural arena, however, remained limited at best, as traditional and state forums for political decision-making -- and rural women themselves -- perpetuated gender stereotypes by assuming male dominance.

### *Civil and Political Society*

After the transition, the new democratic government, local elections and the creation of national gender machinery shifted political action in civil society from protest to constructive state engagement. Suffering a 'brain drain' and a shift of donor funding to the state, civil society increasingly appeared "demobilized".<sup>96</sup> Indeed, despite a history of active political protest, South Africans had the lowest rate of participation in civic organizations of all of Southern Africa during this period. Only nine percent of South Africans reported occasionally attending a union.<sup>97</sup> Moreover, after local elections in 1995 and 1996, the civics went into steep decline.<sup>98</sup> Thus the most popular type of association in the country during the period of early consolidation were church groups, followed by local "self-help" organizations.

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<sup>96</sup> For an analysis and contestation of the demobilization thesis see Cherry *et al.* For a discussion of the women's movement and demobilization see Shireen Hassim and Amanda Gouws, "Redefining the Public Space: Women's Organisations, Gender Consciousness and Civil Society in South Africa," *Politikon* 25 no. 2 (1998): 53-76.

<sup>97</sup> Mattes, *et al.*, p. v. Cherry *et al.*, report that participation in civics is higher in coloured and black townships than in predominantly white, middle-class neighborhoods, p. 4 and 6. Civics are neighborhood groups organized around economic and political interests. They played a significant role in politics during the 1980s and established an umbrella organization, the South African National Civic Organisation (SANCO) in 1992.

<sup>98</sup> Daryl Glaser, "South Africa and the Limits of Civil Society," *Journal of Southern African Studies*, 23 no. 1 (March 1997), p. 23 and Cherry, *et al.*, p. 4-7.

Although citizens were not avid participants in civil society, associations were nevertheless geographically distributed across the country, indicating a potential for women in all regions to participate.<sup>99</sup> Even more promising, during the early consolidation phase civil associations deepened their relationship with international institutions and initiated new partnerships with the CGE and JSC to promote women's skills and provide information about basic rights. Although the relationship between NGOs was highly contested, and civil society was divided by race, gender, geographic location and competition for dwindling funding, new issue-based women's organizations successfully inserted themselves into public debate at the urban and national levels.<sup>100</sup> Unfortunately, rural women were not yet effectively drawn into the expanding women's NGO sector, and women's participation in non-feminist organizations, unions and political parties continued to be limited.

Although President Nelson Mandela criticized the activism of civil society as a threat to the leadership of the party and state, during this period productive relationships between gender institutions and NGOs emerged that challenged male dominance and promoted women's participation at the national level.<sup>101</sup> The JSC in partnership with the Institute for Democracy in South Africa (Idasa) and the Community Agency for Social Enquiry (CASE) successfully promoted the women's budget. Women's organizations formed partnerships with the CGE and held workshops, conferences and formulated action plans to increase women's participation in

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<sup>99</sup> One study found that most civil society organizations had a presence of "40 % in metropolitan areas, 44% in small urban areas, 34% in informal settlements in urban areas, 27% in informal settlements in rural areas and 52% in rural areas". "Results of survey on civil society in SA," January 11, 2001, p. 1. Available at: <http://www.idasa.org.za>. The majority of organizations surveyed belonged to the South African National Non-Governmental Organisation Coalition and almost all reported working with local or provincial governments.

<sup>100</sup> For the government's policy on the relationship between state and civil society, see the ANC discussion document, "The State and Social Transformation" 1996, drafted by then Deputy President Thabo Mbeki. Available at: <http://www.anc.org.za/ancdocs/discussion>. The absence of a strong women's movement in the country was in part a result of racial and class divisions. For a discussion of "womanism" as a black women's ideology, see Chichi Aniagolu, "The first African Womanist Workshop," *Agenda*, 37 (1998): 96-100.

<sup>101</sup> For an analysis of the relationship between state and civil society in South Africa, see CASE, "The state of civil society in South Africa".

public life.<sup>102</sup> The partnership with the CGE yielded funding for an initiative in KwaZulu-Natal to facilitate a regional women's movement, supported a range of organizations to protest the changes in child support benefits and in 1998 led to the formation of the Southern African NGO Network (SANGONeT) and an internet site linking feminist organizations.<sup>103</sup>

International organizations also supported women's groups in South African civil society. The UN and European countries funded gender specific programs like capacity building.<sup>104</sup> International agreements and organizations also provided South African civil society with standards and occasions for promoting women's participation. Women's NGOs frequently measured South African society against the recently ratified Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).<sup>105</sup> South African women's organizations participated in the regional UN conference in Addis Ababa, the Anti-War Coalition Conference in Johannesburg, and the Beijing +5 Review in New York. In addition to using a variety of Beijing forums to network with other African women's NGOs,<sup>106</sup> preparation for the +5 Review prompted a number of provincial workshops, conferences, reports and strategies for future action.<sup>107</sup> International development organizations, like the Development Alternatives with

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<sup>102</sup> For example, see, Charity Bhengu, "Women look to equal say in polls," *Sowetan*, November 18, 1998, p. 2; Pamela Dube, "SA women 'not treated equally,'" *Sowetan*, October 23, 1998, p. 3; Mirjam Van Donk and Maletsatsi Maceba, "Women at the crossroads: women in governance," *Agenda*, 40 (1999): 18-22. On providing information to women with limited education, see Marie-Therese Naidoo, "Making the law accessible to women," *Agenda*, 44 (2000): 109-111 and "CGE to lobby for land reform for women," *Agenda* 44 (2000), p. 104.

<sup>103</sup> Tsepiso Matela, "'Gender equality is a universal right for all,'" *City Press*, March 8, 1998, p. 4 and Janine Hicks, "Long, hard road for women in KZN," *The Independent on Saturday*, December 12, 1998, p. 10.

<sup>104</sup> Baden *et al.*, p. 70.

<sup>105</sup> Gumisai Mufume, "Progress on women's issues charted," *The Citizen*, September 4, 1997, p. 6 and "Die man is die dak, die vrou is die vloer' –lobbying for women farmworkers' rights," *Agenda* 42 (1999): 33-38.

<sup>106</sup> For one example, see Kamogelo Lekubu-Wilderson, "The Women's Convention change in social practice crucial," *Agenda*, 36 (1997): 68-71 and "Provincial workshops to assess implementation of Beijing +5," *Agenda*, 42 (1999), p. 110 and "Beijing +5 Update: *African Beijing Website*," *Agenda*, 42 (1999), p. 110.

<sup>107</sup> Ntokozo Madlala and Janine Moolman, "Beijing +5: reports identify constraints [sic] to implementation of gender equality," *Agenda* 43 (2000): 76-78 and Ruby Marks, "Organisational change," *Agenda* 38 (1998): 93-95.

Women for a New Era (DAWN), also provided regional activists with venues for evaluating, strategizing and promoting women's advances in South African society.<sup>108</sup>

A wide variety of groups in civil society were active on their own, frequently promoting women's participation in public debate. From female "peacemakers" to groups researching sexual harassment and AIDs, to marches protesting rape and rural poverty; women were a visible presence in civil organizations.<sup>109</sup> More significantly, many issue-specific feminist groups emerged to enhance women's participation in government and civil society.<sup>110</sup> The Gender Advocacy Programme, a feminist NGO, dedicated much of its energies to promoting women in local government through support for quotas, research and workshops, seminars and media exposure.<sup>111</sup> Women's organizations in KwaZulu-Natal advocated skills training for women, The Women's Lobby (TWL) encouraged young women to vote, Agisanang Domestic Abuse Prevention and Training (Adapt) educated women from the hostels in leadership and governance, and the Associations for Rural Advancement (AFRA) with the National Land Committee held a workshop on the traditional courts and discrimination against women.<sup>112</sup>

In pursuing their objectives, feminist organizations inserted women into public debate and created room for female activism, challenging male domination. In 1996 women in Cape Town established the New Women's Movement (NWM) with the objective of fostering camaraderie and women's political activism. Women held community meetings and were responsible for bringing together a number of civil and political organizations to establish an

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<sup>108</sup> Caroline Skinner, "South-feminist perspectives on gender justice and governance in Africa," *Agenda* 43 (2000): 79-83.

<sup>109</sup> See the back pages of *Agenda* from 1996-2000 for a sampling of organizations and activities.

<sup>110</sup> Women's organizations were one of the few groups in civil society to increase their membership over this period. Human Science Research Council, Pretoria, March 2000 as illustrated in Table 10, Deegan, p. 55.

<sup>111</sup> In addition to the GAP sources cited elsewhere in this paper, see "Local Government and Gender White Paper," *Agenda* 35 (1997) for a brief outline of several GAP projects.

<sup>112</sup> Hanna Mhlongo, "KZN women's organisations make proposals to gender policy," *The Natal Witness*, August 14, 1997, p. 7; Doris Ravenhil, "Her votes count," *Sowetan*, March 8, 1999, p. 14; Saint P. Molakeng, "Women musn't mimic men," *Sowetan*, August 3, 1998, p. 6; "Women demand a say in Traditional Courts," *Agenda*, 43 (2000), p. 73.

ongoing campaign on cost of living issues.<sup>113</sup> Promoting women's public access and voice, the NWM gathered six hundred black and coloured women together to stage a protest against cuts in the maintenance grant. The group also wrote an open letter to President Mandela, presented a memorandum to provincial leaders and attended a Parliamentary hearing. Rita Edwards, a member of the movement, recalls: "Later, a great number of the women entered Parliament, many for the first time, to participate in a public hearing. Here grassroots women directed questions to the Minister and the Welfare portfolio committee, turning the hearings into what was more like an open dialogue."<sup>114</sup> The NWM thus succeeded in inserting black women's presence onto the civic and political stage, as members took leadership roles in the community.

The Victoria Mxenge Housing Development Association (VMHDA) in Cape Town proved women squatters from rural areas could become local leaders in civil society. The Women of VMHDA physically created the public spaces in their town through a community-based housing organization. One of the foremost "people-based" housing groups in South Africa, the VMHDA built and named streets after women, lined them with homes and added a community and day care center.<sup>115</sup> The women of VMHDA thus learned building skills and constructed and dominated the town's public spaces. An intensively participatory organization, the VMHDA also emphasized members' responsibilities to take part in "workshops, role-play, concerts, songs and poetry...When they want to increase their visibility at civic and non-governmental organisation (NGO) meetings they usually go in traditional dress with their children on their backs, address the meeting in Xhosa and ululate if they are unhappy about the procedure or decisions taken."<sup>116</sup> Like many other civil associations, the VMHDA not only encouraged members to be active at the civic level, it also empowered them to participate in

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<sup>113</sup> Rita Edwards, "New Women's Movement: pap and bread are not enough," *Agenda*, 33 (1997): p. 35.

<sup>114</sup> Edwards, p. 36.

<sup>115</sup> Salma Ismail, "When women take control – building houses, people and communities!" *Agenda*, 38 (1998), p. 51.

<sup>116</sup> *Ibid.*, p. 57.

policy decision-making. The organization thus developed its own unique, indigenous tactics to catapult black women into civil and political arenas.

The NWM and the housing organization in Cape Town successfully pierced the white, middle class milieu of South African civil society. Too frequently, divisions in civil society between racial and gender groups, struggles between national and provincial offices, rural and urban affiliates and competition over “needs and resources” limited the power and effectiveness of civil associations.<sup>117</sup> The limits were readily apparent in the urban-rural divide. Although urban women were becoming increasingly aware of their rights and were advancing into decision-making positions, few organizations promoting women’s participation in public life had as yet penetrated rural locations, and rural women remained uniquely alienated from modern communications.<sup>118</sup> CGE commissioner Vivienne Taylor noted, “Women in rural areas don’t know what is available to them – the laws, policies and processes that could help them...There isn’t enough cross-fertilisation of women across the urban-rural divide, and unless there is, we will not go forward to a democracy.”<sup>119</sup> Workshops with rural women confirmed their lack of knowledge about women’s rights and their inability to “speak-out”.<sup>120</sup> When rural women did participate in workshops or conferences, they were often bused to the urban site, so they remained isolated from the majority of women’s organizations.<sup>121</sup> Women in rural areas thus were not only generally unaware of their basic rights; they also were not integrated by women’s organizations into civil society.

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<sup>117</sup>On tensions within organizations, see for example, see Mmabatho Ramagoshi, “National network bridging the gap,” *Agenda* 36 (1997): 40-44. For an example of tensions between state and society, see Van Donk and Maceba.

<sup>118</sup>Peta Krost, “We are the women,” *Saturday Star*, August 7, 1999, p. 11 and Tebogo Mokone, “Baphiring women poll the subsidy,” *Agenda*, 42 (1999), p.40. Heather Schreiner describes how rural women’s illiteracy, their preference for face-to-face communication and their immediate economic needs limit their interest in accessing a telecommunications center in rural Kwazulu-Natal. Heather Schreiner, “Rural women, development, and telecommunications: A pilot programme in South Africa,” *Gender and Development*, 7, no. 2 (July 1999): 64-70.

<sup>119</sup>Krost, p. 11.

<sup>120</sup>Phiwase Dlamini, “Land and housing: women speak-out,” *Agenda*, 43 (2000), p. 85 and 87.

<sup>121</sup>For example, see Venilla Yoganathan, “New national women’s movement formed,” *The Daily News*, December 4, 1997, p. 5.

Furthermore, non-women based NGOs frequently failed to consider how gender inequalities would limit rural women's participation in their programs. Despite "years of concerted lobbying on the centrality of gender relations to land reform" the Rural Development Initiative (RDI) and the Land and Agrarian Reform Conference (LARC) both failed to consider women's subordination in rural communities and how that might affect their participation in community discussions about rural land reform.<sup>122</sup> Similar problems with women's participation were reported in studies of NGO water projects.<sup>123</sup> One researcher noted, "Project workers will talk to the men on the water committees because they want to get things done quickly and they know that men will be able to take decisions."<sup>124</sup> Rural women reported being marginalized by project consultants who spoke English, used jargon and "called meetings at short notice and wanted the women to deal with many 'complicated questions' in a short space of time".<sup>125</sup> Surface efforts at inclusion thus worsened rural women's marginalization by producing alienated bystanders.

Clearly, despite challenges to the autonomy of civil society from Mandela himself, women's civil organizations from 1997-2000 were making progress enhancing women's participation at the national and urban levels. New organizations emerged, international events like the Beijing +5 Review, regional conferences and dynamic women's organizations like the NWM and the VMHDA not only gave women access to civil society but promoted them into leadership roles in their communities and on the regional African stage. These women were not merely present; they built public spaces, challenged national leaders and formulated action plans for the continent. At the rural level, however, women remained relatively peripheral in civil society. Linkages between national/urban-based NGOs remained weak, communication poor. Although an awareness of gender issues among associations in civil society was evident, rural

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<sup>122</sup> Samantha Hargreaves, "Land reform: putting gender in the centre," *Agenda*, 42 (1999), p. 44.

<sup>123</sup> David Hemson, "Accelerated delivery: rural women and water," *Agenda*, 45 (2000), p. 62-3.

<sup>124</sup> Clare Hansmann as quoted in Kate Skinner, "Making sure water works," *Sowetan*, July 30, 1998, p. 2.

<sup>125</sup> Motala, p. 20-21.

women reported that efforts to include them were ritualistic and at times demeaning, creating yet another barrier to their effective integration into public debate. As CGE commissioner Vivienne Taylor put it, “instead of empowerment, we have a sophisticated process of disempowerment”.<sup>126</sup> Women in civil associations at the national and urban levels thus acted in a moderately open and inclusive arena, while debate procedures for rural women were limited.

While non-governmental organizations at the national and urban levels provided improved access, voice and publicity for women in civil society, the barriers to women’s participation in South Africa’s labor movement and political parties remained high. Although COSATU, the largest and best organized South African union, had joined the African National Congress and the South African Communist Party in a tripartite ruling alliance in 1994, by the end of the decade activists agreed the labor movement was in disarray and women’s access, voice and publicity in COSATU and its affiliates remained limited.<sup>127</sup>

Formal commitment to women’s inclusion in trade unions had not produced many changes by the late 1990s. Organized workers continued to be overwhelmingly male.<sup>128</sup> At the end of the decade, women working in trade unions were the lowest paid employees and were excluded from most management positions. Few women were shop stewards or union representatives.<sup>129</sup> As a result, women’s presence and voice were limited in most labor events and in large union organizations. For example, the Presidential Job Summit in 1998 was dominated by men who prevented the CGE from presenting its submission because they viewed women as part of the community constituency.<sup>130</sup> Pat Horn of the Women’s National Coalition confirmed

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<sup>126</sup> As quoted in Krost, p. 11

<sup>127</sup> *South African Institute of Race Relations* 1999/2000 reports 46 percent of union members belonged to COSATU, p. 32.

<sup>128</sup> Allison Drew, “Interview with Leonard Gentle, Manchester, April 1999,” *Comparative Studies of South Asia, Africa and the Middle East*, 19 no. 1 (1999), p. 96-97.

<sup>129</sup> William Saunderson-Meyer, “Workers get a Gucci-clad kick up the backside by union bosses,” *Independent on Saturday*, December 4, 1999, p. 8 and Hopewell Radere, “Mboweni urges unions to empower women,” *The Star*, May 2, 1997, p. 2. For an occupational breakdown of positions by gender in COSATU see Malehoko Tshoaedi, “Occupational mobility for female union officials: do union bosses practise what they preach?” *Agenda* 40 (1999), p. 82.

<sup>130</sup> “At the jobs summit, they felt sidelined,” *The Star*, November 12, 1998, p. 13.

that a similar logic in the National Economic, Development and Labour Council (NEDLAC) also sidelined women.<sup>131</sup>

Worse, female COSATU staff in 1997 indicated that unions entrusted to advance women's rights in the workplace disregarded women's effective participation within the unions themselves. Sexism, sexual harassment, lack of career mobility and an absence of support from other women created a disabling environment for female employees.<sup>132</sup> One regional organizer's comment illustrated how women's position in the union was deteriorating: "The union used to employ women organisers. But now they are saying that they will no longer employ women organisers because soon we get pregnant and have to go for maternity leave, thus leaving the companies that we are servicing, vacant."<sup>133</sup> In discussing barriers to their effective presence and voice within the labor union, female employees noted that they were not avidly contesting male patriarchy within the organization. One interviewee admitted, "We are saying that we are not given opportunities whilst we do not force ways to get these opportunities."<sup>134</sup>

Although women were present in COSATU in an administrative capacity, their efforts to contest patriarchal barriers in the union were easily defeated. In 1997 the organization's only female national officer, Connie September, concluded an 18-month investigation and recommended a gender quota of 50 percent by the year 2000 to increase women's presence in union leadership positions.<sup>135</sup> The report noted that women "remain out in the cold with regard to leadership", in part because of sexual harassment and the demanding nature of shop steward position, and that the union's support for affirmative action "applies to everyone except

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<sup>131</sup> Ibid., p. 13. NEDLAC is "South Africa's primary institution for social dialogue – dialogue between organized business, government, labour and community, on issues of social and economic policy." As billed at: <http://www.nedlac.org.za/>.

<sup>132</sup> Ibid., p. 84.

<sup>133</sup> Ibid., p. 85.

<sup>134</sup> Ibid., p. 88.

<sup>135</sup> Frank Nxumalo, "Cosatu in line for shake-up," *The Star*, August 25, 1997, p. 7.

Cosatu”.<sup>136</sup> Although 37 percent of COSATU’s membership was female, women held only 8 percent of national leadership positions and 15 percent of regional positions.<sup>137</sup> Further, the September Commission found that women’s lower level positions were *not* correlated with lower education levels.<sup>138</sup> At its sixth congress, COSATU was thus expected to approve a gender without opposition.<sup>139</sup>

Yet, despite approval of the quota by the African National Congress Women’s League, the South African Communist party and the COSATU General Secretary, the unions within COSATU rejected the quota, supporting only a gender training program and a declaration of support for gender equality.<sup>140</sup> As a result, COSATU’s gender imbalance persisted through the end of the decade. Although the September Commission challenged male hegemony, women’s access, voice and publicity in the union sector remained limited, channeled into non-activist administrative work.

Although political parties might have provided an alternative venue for women to access the public stage, once again, women’s participation was restricted. During the early consolidation period membership in South African political parties continued to decline.<sup>141</sup> Nevertheless, several new parties were formed, raising the total number to thirteen in the National Assembly. The relationship between the political parties was in flux during this period: at different moments, the conservative Democratic Party, the ethnic Inkatha Freedom Party and the black-nationalist Pan-Africanist Congress considered allying with the ANC. None of the parties, however, officially joined the tripartite alliance. On the other hand, the ANC’s deteriorating relationship

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<sup>136</sup> As quoted from the report by Reneé Grawitzky, “Men’s club is alive and well in Cosatu,” *Business Day*, August 25, 1997, p. 1.

<sup>137</sup> *Ibid.*, p. 1 and Tshoedi, p. 83.

<sup>138</sup> S. Buhlungu, “Full-time officials in COSATU and its affiliates,” *Report to the September Commission*, Johannesburg, 1997.

<sup>139</sup> Sekola Sello, “No more lip service for women in Cosatu,” *City Press*, September 14, 1997, p. 6.

<sup>140</sup> Jeremy Daphne and Claire Horton, “COSATU Congress: did women reject the quota?” *Agenda*, 35 (1997), p. 25 and 26.

<sup>141</sup> Human Science Research Council, as cited in Deegan, p. 55.

with its partners, the SACP and COSATU, prompted speculation that one or both would quit the government.<sup>142</sup>

The dynamic relationship between parties and the creation of new ones indicated a fluid situation that women might have exploited. However, once again, women were unable to successfully challenge male domination. Female politicians were divided and, “Differences in party ideologies could not be overcome by broad commitments to gender equality.”<sup>143</sup> Conservative white parties endorsed formal gender equality but rejected quotas as tokenism and emphasized merit, while the IFP and the African Christian Democratic Party (ACDP) underlined women’s role as mothers. The PAC intermittently stressed women’s equal representation in government. The ANC, on the other hand, took the lead in advancing women’s participation by being the only party to endorse and implement a quota.<sup>144</sup> Through the ANC Women’s League the party also promoted women’s political activism through voter-education programs, public debates, conferences and campaigns advancing women’s economic development and endorsed a 50 percent quota for women in government.<sup>145</sup> Despite the leadership of the ANC, however, women’s position on party lists improved only slightly from 1994 to 1999, and few parties expressed an active interest in promoting women’s participation.<sup>146</sup> Moreover, voters cast their

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<sup>142</sup> *South African Institute for Race Relations*, 1997/9, p. 516.

<sup>143</sup> Shireen Hassim, “The dual politics of representation,” p.208.

<sup>144</sup> On the conservative right, see Irene Louw, “Women fight for a place in the corridors of power,” *Sunday World*, October 24, 1999, p. 8. For a discussion of various party positions on women’s participation and gender equality, see Lene Overland, “On the spot: women councillors on women friendly spaces,” *Agenda* 46 (2000): 94-97. For an overview of all political parties on “gender and decision making” see the CGE, “Review of the 1999 Election,” p. 83-86. Party positions were consistent across national, provincial and municipal levels. For a discussion of quotas and party positions at the local level, see The Gender Advocacy Programme, “Challenging Gender Politics at Local Level.”

<sup>145</sup> Dennis Cruywagen, “ANC women to discuss equality with Mandela,” *The Argus*, August 19, 1993, p. 6, Kensane Makhubela, “The Women return with a fighting spirit,” *Mayibuye*, July 31, 1997, p. 10, Khangale Makhado, “ANCWL out to empower women,” *Sowetan*, April 29, 1997, p. 4. However, the League, like other women’s sections, never put pressure on the party to advance women’s participation. Anne Marie Goeta and Shireen Hassim, “In and Against the Party: Women’s Representation and Constituency-Building in Uganda and South Africa,” Conference paper for UNRISD, *Gender Justice, Development and Rights: Substantiating Rights in a Disabling Environment*, June 2000, p. 16. Available at: <http://www.unrisd.org/>

<sup>146</sup> “Moving slowly up the gender ladder,” *The Star*, May 14, 1999, p. 11. At the time of the 1999 elections, ANC women held approximately 30 percent of the party’s seats in Parliament, and women in the ACDP

ballots for parties and could not register their support directly for female candidates. Thus the proportional representation system that put women into office turned voters into “a captive audience and parties do not have to do a whole lot to canvass their votes.”<sup>147</sup> As a result, the parties had little incentive to promote female candidates.

Despite the progressive stance of the ANC and the strong presence of women in the PAC and ACDP, women did not secure a prominent voice or publicity in any of the political parties. The elections in 1999 exemplified women’s subordinate role in party politics. Initially, a space for women’s action developed. More women than men registered to vote and studies indicated that women supported female candidates.<sup>148</sup> By 1999, a gender gap had emerged in election issues, with more women supporting gender quotas in political parties and participation in decision-making than men.<sup>149</sup> Thus a segment of the electorate supportive of women candidates and interested in political decision-making appeared to be emerging. Yet a research report and survey conducted by the CGE in 1999 found that candidates were not targeting women as an interest group, that the campaigns were male dominated and that women running for office were not promoted by the parties, leading to their “virtual invisibility as political leaders or candidates”.<sup>150</sup> Women rarely served as party spokespersons and no party demanded better media representation for their female candidates.<sup>151</sup> A CGE meeting for political parties to explain their policies supporting women candidates was poorly attended and was interpreted as a lack of

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and PAC held 33 percent. Women’s presence in the DP, IFP and UDM ranged from 15 to 20 percent. CGE, “Review of the 1999 Election,” p. 61-2.

<sup>147</sup> *Local Government Elections*, p. 21.

<sup>148</sup> Research indicated black working-class women believed female candidates would be effective political leaders and that black working-class women would support political parties that promoted women candidates. *The Local Government Elections: Challenging Gender Politics at Local Level*, (Cape Town: The Gender Advocacy Programme (GAP), 2000), p. 15.

<sup>149</sup> *Ibid.*, p. 21. In 1994, 76 percent of rural women registered to vote. In 1999, 93 percent reported they were likely to vote in the next election. Shireen Motara, “Women hold the voting power,” *Sowetan*, May 10, 1999, p. 11.

<sup>150</sup> The Commission on Gender Equality, “Review of the 1999 Gender Elections – a gender perspective,” 1999. Available at: [http://faramir.wn.apc.org/pub/web/cge/Elect\\_report.pdf](http://faramir.wn.apc.org/pub/web/cge/Elect_report.pdf); Claire Keeton, “Women get a raw deal in party politics,” *Sowetan*, October 21, 1999, p. 11. Dr. Ruth Rabinowitz noted, “not a single [campaign] poster displays a woman’s face.” Dr. Ruth Rabinowitz, “Women as partners, not victims,” *The Star*, June 2, 1999, p. 12.

<sup>151</sup> The Gender Advocacy Programme, “Challenging Gender Politics,” p. 21.

commitment to gender equality.<sup>152</sup> Not surprisingly, South African gender analysts concluded that “women have not received the recognition they deserve” by party leaders.<sup>153</sup> Despite the gender quota of the ANC and relatively high levels of women representatives in national and provincial legislatures, party limits on women’s presence, voice and publicity went largely unchallenged.

Although women in civil society were slowly advancing, increasing their participation at the national and urban levels through issue-based grassroots organizations and linkages to state and international institutions, the patriarchal leadership of labor unions and political parties limited women’s public activism and successfully thwarted feminist challenges. The dominant public presence of rural women in their self-built urban village contrasts markedly with the failure of union women to secure a voice in the labor movement and the invisibility of female candidates in the 1999 election. Without a significant numerical presence and united agenda in South African unions and most political parties, women rarely contested male domination. Thus while the evidence indicates that women in national and urban level civil associations were beginning to work in a moderately open and inclusive environment, overall women’s access, voice and publicity in civil and political society at all geographic levels remained limited.

### *Political Culture*

Women’s presence, access and voice in the political culture arena during the period of early consolidation were strongly shaped by and directed towards the state. Often, the state was the focus of ceremonies, marches and protests, or else state institutions coordinated public events like National Women’s Day and promoted national unity through The Truth and Reconciliation Commission and “African Renaissance”. As a result, the vibrant civic public that emerged earlier

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<sup>152</sup> See Lowe Morna, p. 6 and Itumeleng Masege, “Rule by men, for men, is not democracy,” *The Sunday Independent*, August 2, 1998, p. 7.

<sup>153</sup> Venilla Yoganathan citing a discussion with Shireen Hassim, Sheila Meintjes, Julie Ballington, Rebecca Holmes and Shireen Motara in “‘Invisible’ but in the majority,” *The Daily News*, May 27, 1999, p. 23.

in the decade began retreating under an increasing institutionalization of political culture that dampened female presence, access and publicity.

Women's festivals, gatherings, and conferences shifted from an earlier focus on the study of gender to issue-specific events demanding state remediation, such as programs supporting women in peace, rural women's day and conferences on violence against women.<sup>154</sup> Campaigns, marches and processions were held to protest violence against women and demand equal pay for equal work.<sup>155</sup> While women directed their demands toward the state, the array of topics indicated wide-ranging activism and a female presence on the public stage. Ceremonies recognizing the achievements of black women also provided the nation with new role models and showcased the country's progress toward non-racism and non-sexism. Even the Miss South Africa pageant prompted public debate by and about women.<sup>156</sup>

Cultural events also brought women onto the public stage. In the visual arts, a women's film festival in Cape Town attracted over 2,000 people and included films about South African women as well as a discussion forum about the barriers to black women filmmakers.<sup>157</sup> More typical, however, was the Women's Arts Festival in Durban that was criticized by feminists as being too white, too privileged, too English, too western and guilty of ghettoizing marginalized identities while providing a platform for "essentialist male participation".<sup>158</sup> Similarly, the Mayibuye Centre at the University of the Western Cape exhibited a portable poster show intended to generate public discussion on gender. Titled "You have struck a Rock", the theme from the women's protest against the pass laws in 1956, one inspired reviewer praised the show's "inflammatory content" (presumably the resistance of women to the apartheid regime) that

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<sup>154</sup> One notable exception was a workshop promoting the new women's movement in Kwazulu-Natal. For an example of the change in focus, see *Agenda*, 36 (1997), p. 100-101 and *Agenda*, 42 (1999), p. 108-109.

<sup>155</sup> For example, see "Marchers demand action from State," *Cape Argus*, August 10, 1999, p. 2 and "Marchers demand women's rights," *Natal Witness*, April 6, 2000, p. 2

<sup>156</sup> One exchange appeared in the *Saturday Star*. See Peta Krost and Karen Kim, "Beauty contests: Two women speak their mind on the arguments for and against them," August 2, 1997, p. 11.

<sup>157</sup> "The First South African Women's Film Festival," *Agenda* 45 (2000), p. 107. Only three South African women have made feature films and none of them is black.

<sup>158</sup> Priya Reddy and Clare Wyllie, "The South African Women's arts Festival – in need of new life," *Agenda* 45 (2000): 98-100.

presented black women as caretakers, farm workers, cooks, and Christians while showcasing their “handiwork”.<sup>159</sup> If it was radical to view black women as mothers against apartheid, perhaps it was not surprising that their voices from the past were silenced. In sponsoring a Wall of Remembrance in Parktown, the editor of *The Star*, Peter Sullivan, explained that no quotes from women were included as nothing appropriate could be found. One writer for the paper responded, “So, you might wonder, did women have nothing to say? Or, was nobody listening; nobody recording for history?”<sup>160</sup>

Despite these gaffes and absences, some progress was made. Interestingly, a focus on improving black women’s participation in writing emerged. The African Gender Institute and the South African Women’s Press Initiative hosted a writing program for women activists and, “Women’s cafés, poetry readings, informal and social gatherings, where women shared experiences and sometimes writing, rose and fell.”<sup>161</sup> A black woman’s writing collective in Cape Town was started where black women writers analyzed their marginalization and formulated strategies to get their work published.<sup>162</sup> An anthology collecting black Southern African women’s writing and stories was announced, and in Harare women writers were showcased at the *Indaba99* under the theme “Women’s voices: gender, books and development”.<sup>163</sup> During this same period, four rural black women activists decided to write a book about their lives.<sup>164</sup> One of the authors, Nothemba Ngcwecwe, explained “...everybody can learn from our stories because you know what ...has happened to us, has happened to many women...We have started [telling our history]: maybe from our doing they will also try to start

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<sup>159</sup> Fabrizio Von Grebner, “Designer posters incite passion,” *The Cape Times*, March 17, 1999, p. 13.

<sup>160</sup> Paula Fray, “Turn up sound of their voices,” *The Star*, August 6, 1997, p. 12.

<sup>161</sup> “African Gender Institute Associates,” *Agenda*, 32 (1997), p. 95; “Giving new exposure to women’s early writings: South African Women’s Press Initiative (SAWPI),” *Agenda*, 46 (2000), p. 109, and Gail Smith, “From Suffering in Silence, to Drawing Strength from the Margins,” *Agenda*, 46 (2000), p. 38.

<sup>162</sup> Gertrude Fester, “Women writing for their rights,” *Agenda*, 46 (2000), p. 42-3.

<sup>163</sup> “Feminist Press,” *Agenda*, 46 (2000), p. 38-9, and Jane Bennett, “The Politics of Writing,” *Agenda* 46 (2000), p. 7

<sup>164</sup> Bennett, p. 6.

their own stories because there are many stories [that] are buried, and they are never heard.”<sup>165</sup>

Although the stories were published, distribution was poor and feminists had to save the books from being pulped.<sup>166</sup>

Theater afforded women a more readily accessible opportunity to participate in political culture. New plays produced in community theaters displayed, sometimes effectively, the physical abuse rampant in women’s homes and communities, at other times sexualizing the harassment or transforming the violence into spectacle.<sup>167</sup> AIDS theater pieces performed across the country also offered women the chance to publicly discuss and portray sexual violence, to affirm their increasing independence and to challenge patriarchy. Audience members frequently participated in the proceedings, offering advice while comparing the character’s stories with those of their friends and neighbors.<sup>168</sup> On-site professional counselors and workshops that challenged male domination and abuse sometimes accompanied the plays and storytelling.<sup>169</sup> Theater could also be overtly political. One poster advertising the play *Vote for Me* ridiculed Afrikaner candidates by featuring a trio’s white male faces superimposed on the bodies of three bare-breasted black women, prompting an angry candidate to tear them down and a black female media analyst to write a satirizing riposte.<sup>170</sup> From protest to celebration, South African women engaged in political culture as active audience and participants in an array of locations, from community theaters and local schools to marches in the streets. Black women, in particular, worked to expand their limited access, voice and publicity by challenging male violence, writing themselves into history and speaking on the public stage.

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<sup>165</sup> Nothemba Ngcwece as quoted in Vanessa Farr, “To write a story can change a life: women’s life history in the new South Africa,” *Agenda*, 41 (1999), p. 102-3.

<sup>166</sup> *Ibid.*, p. 103.

<sup>167</sup> Loren Kruger, *The Drama of South Africa: Plays, Pageants and Publics Since 1910*, (London and New York: Routledge, 1999), p. 200. Domestic abuse was the subject of *Weemen* (Mtshali 1999) while *Zombie* (Bailey, 1999) dealt with public violence in the form of a witch-hunt.

<sup>168</sup> Kruger, p. 202.

<sup>169</sup> *Ibid.*, p. 207, 209-210. Kruger reports male participants dominated the early workshops in 1991, p. 212.

<sup>170</sup> Interview with the playwright, Jani Van der Westhuizen, Johannesburg, January 17, 2001. Phumla Mthala, “Presidential hopefuls target rural black women,” *City Press*, April 2, 2000.

Holidays afforded women an annual occasion to speak and act in public. International Women's Day prompted editorials and stories about barriers to women's participation in public life. Columnists deplored rural women's illiteracy, poverty, lack of skills and knowledge about their rights; argued women were "marginalized from the centre of power"; and insisted on the necessity of women's days as "symbols of the need to constantly chip away at the face of male domination and the upliftment of women with no power or voice to stand up for themselves."<sup>171</sup> While the international holiday provided a platform for South African women to thrust gender discrimination temporarily onto the public agenda, National Women's Day afforded greater opportunities for public action.

Declared a national holiday in 1994, by 1998 National Women's day was extended to a weeklong series of celebrations, public ceremonies, workshops and speeches by and for women held in every province, and some rural areas. It included gatherings of thousands in Johannesburg, marches, speeches, discussion groups, festivals and seminars.<sup>172</sup> National and local female politicians commemorated the day by urging women to participate in politics, demanding parties increase the number of female representatives and endorsing a monument to the women of South Africa. The CGE initiated a series of "gender dialogues" with political parties, and even the Departments of Water Affairs and Agriculture hosted seminars.<sup>173</sup> However, as NGOs and the Commission on Gender Equality attempted to orchestrate the enthusiasm and the holiday became institutionalized, spontaneity declined and events became routine, even pedestrian. Capitalizing on the holiday and dissipating its emancipatory content,

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<sup>171</sup> Jennie Ridyard, "The rights stuff," *The Citizen*, March 8, 1999, p. 22 and Kaizer Nyatsumba and Tom Roy, "Equal in laws, unequal in reality," *The Daily News*, March 8, 2000, p. 8.

<sup>172</sup> Commission on Gender Equality, "Women's Week: Thinking Locally, Acting Globally," CGE Communications Office, August 16, 1998. Available at: <http://www.cge.org.za/press/1998/16.7.98.0.htm> Colleen Lowe Morna, "Next week...and every week," *Soewtan*, July 30, 1998, p. 1; Christina Stucky, "A jam-packed celebration of SA's women," *The Sunday Independent*, August 2, 1998, p. 1.

<sup>173</sup> Gershwin Chuenyane, "Thousands of women gather in Pretoria," *Sowetan*, August 10, 1998, p. 2; "Metro council," p. 4; Christina Stucky, "Women's Day becomes a full week of celebration," *The Sunday Independent*, June 28, 1998, p. 2; Khanyisile Nkosi, "Women to make their presence felt 'everywhere' for a week," *The Star*, July 17, 1998, p. 3.

officials praised women's family role, the Johannesburg zoo offered a cultural day, and the Reserve Bank celebrated with "women in colourful attire, eating continental dishes".<sup>174</sup>

Although the mainstreaming of the holiday left it devoid of its original content, women publicly applauded the expanding schedule. The tone of their appreciation was bittersweet, however, as they affirmed the nation's accomplishments but emphasized the pervasiveness of barriers to their inclusion. While the revered Albertina Sisulu reminded women that, "We need to pat ourselves on the back on Women's Day", the majority of commentators challenged men to change their ways, urged women to reach out to their downtrodden rural sisters and goaded the nation to do more.<sup>175</sup> Noting the high levels of violence against women, one feminist admonished, "In this context, what can National Women's Day mean for our society? I would like this day to be something more than a platform for politicians to recommit to everything they have already committed themselves to."<sup>176</sup> In an even more cynical vein, Janis Fraser argued, "Maybe, in a truly enlightened and liberated future, Women's Day will have honest significance for us all...Meanwhile, why not rename it Fight for Women's Equality Day – that would have some real relevance."<sup>177</sup> In 1997 and 1998 Women's Day thus provided a platform for female activists, politicians and journalists to not only highlight the nation's accomplishments but to highlight and attack sexism.

In response to the epidemic levels of violence against women in 1999, Women's Day was declared a "time for mourning".<sup>178</sup> The holiday became a vehicle for public discussion about

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<sup>174</sup> "Women celebrate their victories," *Sowetan*, August 8, 1997, p. 3 and "Metro council to highlight gender issues for Women's Day," *Pretoria News*, August 3, 1998, p. 4; Shireen Motara, "Congratulations on issue, but..." *Sowetan*, August 29, 1997, p. 16; "Reserve Bank vows to further gender equality," *Pretoria News*, August 14, 1998, p. 8.

<sup>175</sup> Sisulu as quoted in Zubeida Jaffer, "Women's Day is a time to congratulate ourselves and rejoice in how far we've come," *The Sunday Independent*, August 9, 1998, p. 4; Moeti Kgamanyane, "Time to reverse gender inequality," *Sowetan*, August 10, 1998, p. 10 and Peta Krost, "We are the women," *Saturday Star*, August 7, 1998, p. 11 and Stucky, p. 1; Paul Sefsetse, "National Women's Day has important role," *Sowetan*, August 4, 1999, p. 9.

<sup>176</sup> Joanne Fedler, "It's time to end state neglect of women," *Mail & Guardian*, August 8-14, 1997, p. 26.

<sup>177</sup> Janis Fraser, "Is Women's Day really relevant?" *The Daily News*, August 7, 1998, p. 10.

<sup>178</sup> The most frequently mentioned police statistic indicated that every 35 seconds a woman in South Africa was raped. For example, see "No cause to celebrate while women suffer," *The Star*, August 9, 1999, p. 1.

rape, the limitations of gender reform and an inspiration for action. Official statements by politicians pointedly condemned violence and patriarchy. A campaign called Women Demand Dignity, Women Down Tools was launched asking women across the country to stop work for one hour on International Women's Day against Violence. Indeed, hundreds of events dedicated to ending domestic violence were planned throughout the month, and the tone of editorials, ceremonies and celebrations was "sombre" in light of the "national emergency".<sup>179</sup> South African women thus challenged the silence surrounding rape and domestic violence by shifting the purpose of National Women's Day from celebration to sorrow, using the holiday as a springboard for action, remembrance and public remorse. The following year, statistics on violence against women continued to rise, but by then much of the vitality of National Women's Day had drained away.<sup>180</sup>

Women also occupied the public stage, if only momentarily, at the Truth and Reconciliation Commission (TRC) hearings, held from 1996 through July 1998. Established by the Promotion of National Unity Act of 1995 and chaired by the Most Reverend Desmond Tutu, the TRC investigated, verified, recorded and publicized individual stories of human rights violations and was charged with granting amnesty and restitution.<sup>181</sup> Initially, women attended the hearings to report abuses against their missing male loved ones, but women's organizations successfully pressured the TRC to hold three special hearings for female victims, two in 1996 and a final hearing in Johannesburg in 1997.<sup>182</sup>

Unfortunately, the all-women's hearings received minimal public attention, the Commission did not offer protection to women encouraging them to speak, and few women were

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<sup>179</sup> Joyce Piliso-Seroke, "Imagine what we could achieve with a united will," *Saturday Star*, August 7, 1999, p. 10 and "Women celebrate liberation?" *Agenda* 41 (1999), p. 108.

<sup>180</sup> The historical records increase a substantial decrease in public discussion and celebrations.

<sup>181</sup> The final report of the TRC was submitted in 1998. Approximately 12 percent of the requested amnesties were granted. Transcripts of the hearings and details about the commission are available at: <http://www.truth.org.za>.

<sup>182</sup> Beth Goldblatt and Sheila Meintjes, "Dealing with the aftermath – sexual violence and the Truth and Reconciliation Commission," *Agenda*, 36 (1998): 7-17. See the gender submission by Beth Goldblatt and Sheila Meintjes, "Gender and the Truth and Reconciliation Commission," May 1996. Available at: <http://www.doj.gov.za/trc/submission/gender.htm>.

willing to reveal their sexual abuse. Although in 1997 the TRC held a number of special hearings for groups like political parties, doctors, and businesses, the hearings for women were largely ignored.<sup>183</sup> As neither the Commission nor the government initially recognized women's human rights abuses, once the all-women hearings were established, minimal publicity meant victims were unlikely to be aware of the new, women-friendly venue.<sup>184</sup> Cultural norms that shamed and blamed the victims were likely to further restrict women's participation. As the clinical psychologist Numfundo Walaza noted, "If you knew that a particular Minister had been raped—what would go through your mind when you saw her on television?"<sup>185</sup> Admitting the sexual crime not only potentially harmed the victim's image, but also could be perceived as "discrediting the movement" and a woman's career if now-powerful ANC comrades were implicated.<sup>186</sup> One woman who reported sexual abuse was threatened by the premier of Mpumalanga and retracted her statement. In 1997, out of 9,000 female victims, only nine reported they had been raped, and less than half of the women who testified before the TRC admitted they were victims of human rights abuses.<sup>187</sup>

If Bishop Tutu was charged with reconciling the past, in 1997 Thabo Mbeki envisioned the future, calling for an "African Renaissance".<sup>188</sup> Mbeki's inspiration for an African rebirth and emphasis on racial identity sparked a vibrant public discussion about how to revalue African culture and catapult the continent into the next century. The term entered popular culture, was featured in advertising campaigns and radio talk shows, was debated at an annual festival and

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<sup>183</sup> *South African Institute of Race Relations*, 1997/8, p. 518-524 makes no mention of the hearings for women, and I have not located any media discussion of the women's hearings.

<sup>184</sup> Goldblatt and Meintjes, "Dealing with the Aftermath," p. 10.

<sup>185</sup> As quoted by Antjie Krog, *Country of My Skull*, (Johannesburg: Random House, 1998), p. 182.

<sup>186</sup> Lyn Graybill, "The contribution of the truth and reconciliation commission toward the promotion of women's rights in South Africa," *Women's Studies International Forum*, 24 n. 1 (January-February 2001), p. 7. Thenjiwe Mtintso, the first chair of the CGE admitted at the hearing that she could not discuss her sexual abuse in public, as quoted in Goldblatt and Meintjes, p. 1, and Krog, p. 235-6.

<sup>187</sup> Graybill, p. 7 and p. 9. The details of Nita Nombango Mazibuko's story can be found in the transcript of the Johannesburg Women's hearing and in Krog, p. 240-242.

<sup>188</sup> Address by executive deputy president Thabo Mbeki to corporate council on Africa's 'Attracting Capital to Africa' summit, April 19-22, 1997: Chantilly, Virginia, USA.

became a key theme of the ANC's party platform.<sup>189</sup> Further, the government founded an African Renaissance Institute in 1999 and the South African Chapter of the African Renaissance (SACAR) to "spearhead a social movement for the 'reawakening' of the African continent".<sup>190</sup> Conservative interpretations of the African Renaissance endorsed group solidarity through *ubuntu*, a humanist philosophy of collective solidarity, compassion, dignity and protection of group members. Mbeki's anti-imperialist vision, on the other hand, stressed modernity, democracy, free markets and technology as the engines of an African revival.<sup>191</sup>

Both visions of the African Renaissance had race at their core, and women's voices and roles were markedly absent from the discourse. In castigating colonialism, the African Renaissance idealized the past, including patriarchal traditions. Yet it received little public rebuttal from feminists and few South African women participated in the discussion on African renewal. *African Renaissance*, a collaborative book drawn from presentations at the first African Renaissance conference organized and supported by the government in September 1998, contained only a few articles by female academics and was silent on the issue of how women fit into the new nationalist ideology.<sup>192</sup> A speech given by MP Mavivi Myakayaka-Manzini about women and the African Renaissance mentioned women's role only briefly near the conclusion, although it did emphasize the importance of women's emancipation for an African rebirth.<sup>193</sup>

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<sup>189</sup> Eddy T. Maloka, "The South African 'African Renaissance' Debate: A Critique," *Africa Institute of South Africa*, p. 1. Available at: [www.africaavenir.org](http://www.africaavenir.org); ANC "Statement of the National Executive Committee of the African National Congress, Delivered by President Thabo Mbeki, on the occasion of the 88<sup>th</sup> Anniversary of the ANC," January 8, 2000. Available at: <http://www.anc.org.za/ancdocs/history/jan8-2000.html>.

<sup>190</sup> Maloka, p. 1.

<sup>191</sup> Dirk J. Louw, "An African Assessment of the Religious Other," presented at the Twentieth World Congress of Philosophy, in Boston, Massachusetts from August 10-15, 1998. Available at: <http://www.bu.edu/wcp/MainAfri.htm>; Lodge, p. 100; Christoph Marx, "Ubu and Ubuntu: on the dialectics of apartheid and nation building," *Politikon*, 29 1(2002): 49-69.

<sup>192</sup> M. W. Makgoba, *African Renaissance: The New Struggle*, (Mafube, Johannesburg, 1999). Sisonke Msimang, "African Renaissance: where are the women?" *Agenda* 44 (2000), especially pages 78-81.

<sup>193</sup> Mavivi Myakayaka-Manzini, "The African Renaissance: Women in the Forefront of Social Transformation," extract from ANC Strategy and Tactics (page 26-28), as amended at Mafikeng, 1997 on the African Renaissance. Available at: <http://www.anc.org.za/ancdocs/pubs/umrabulo/articles/renaissance.html>

Belatedly, in 2000, South African women publicly entered the debate. The feminist publication *Agenda* interviewed female activists, politicians and consultants about the Renaissance, and a conference on women and the African Renaissance sponsored by the African Gender Institute was held that same year in Cape Town. Women's marginalization in the debate was pointedly addressed by one of the conference participants, who questioned, "whether there actually is a silence of women on the issue of the African Renaissance. She suggested that perhaps the issue was one of '*statements being judged as having meaning if they are made by men and by Presidents.*'"<sup>194</sup> That a major initiative on South African identity and government policy passionately endorsed by the President neither addressed nor publicly included South African women indicated the limited openness and inclusiveness of debate procedures in the political cultural arena when dominated by the state.

At the end of the decade, women in South Africa faced a political cultural arena that was not moderately just. Although feminist organizations and groups encouraged women's participation in the political cultural arena through ceremonies, conferences, marches and festivals in the arts, the institutionalization of National Women's Day, the inability to effectively integrate women into the TRC, and the male-dominated debate over the African Renaissance simultaneously created obstacles to female action. As a result, the access, voice and publicity of rural women were marginally improving as traveling theater groups, NGOs and the CGE made forays into the countryside. At the same time traditional venues for urban and national women's action, like National Women's Day, were losing their capacity to capture the nation's imagination as new, male-dominated forums like the TRC and National Renaissance further marginalized women's participation. The trajectory of participation for rural women was thus moving in a slightly positive direction while women in the urban and national sectors found themselves fighting to sustain the moderately open debate procedures they had achieved after the transition.

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<sup>194</sup> "Report on a panel discussion – the Role of Women in the African Renaissance," August 8, 2000. Italics in original. Available at: <http://www.uct.ac.za/org/agi/events/renaiss.htm>.

As a result, women in the countryside inched forward while in the national/urban locales the modest openness began to contract, becoming barely moderately just.

### *The Media*

The ANC advocated extensive media reform throughout the 1990s with the stated objective of creating a national, democratic arena of free speech that fostered liberal pluralistic values.<sup>195</sup> However, similar to its role in the three public arenas analyzed above, the state also challenged the independent “watchdog” role of the media, arguing that a critical voice was no longer necessary in a non-racial democracy where the government shared the same liberal democratic goals as the press.<sup>196</sup> Furthermore, while media ownership diversified as black empowerment groups, foreign investors, and the licensing of new community and commercial stations made inroads into the previously apartheid-controlled South African Broadcasting Corporation (SABC), the economic imperatives of the communications industry were not transformed to reach the lower end of the market and serve the aims of diversity and pluralism.<sup>197</sup>

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<sup>195</sup> See Guy Berger, “Towards an Analysis of the South African Media and Transformation, 1994-1999,” *Transformation* 38 (1999), p. 86; Raymond Louw, “1997 World Press Freedom Review,” p.1. Available at <http://www.freemediaat/wpfr/southafr.htm>, and Arnold de Beer, “The Role of the Media in Shaping Future South African Perceptions,” in Henni Kotze, ed., *A Future South Africa: Prospects for 1999 and Beyond*, Konrad Adenauer Stiftung, pp. 109-135. For an overview of media legislation since the transition, see Berger.

<sup>196</sup> Berger, p. 86.

<sup>197</sup> Clive Barnett, “The limits of media democratization in South Africa: politics, privatization and regulation,” *Media, Culture & Society*, 1999, p. 659-660. The telecommunications industry was not comparably liberalized. Barnett, p. 662-665. Black companies owned controlling interests in *Business Day*, *Sowetan* and *The Sunday Times*, but *Independent Newspapers*, the largest newspaper conglomerate, remained white owned, along with the *Citizen* and the *Weekly Mail & Guardian*. Rachel L. Swarns, “In South Africa, It’s Press vs. the President, Black Executives Say,” *The New York Times*, Sunday, May 20, 2001, p. 16. Approximately 76 percent of media managers in 2000 were still white. Ashley Dawson, “Documenting Democratization: New Media Practices in post-Apartheid South Africa,” paper presented at Transition Conference, Massachusetts Institute of Technology, October 8, 1999, p. 1. Available at: <http://web.mit.edu/m-i-t/articles/dawson.html>.

Thus, despite an influx of black owners and editors at the turn of the century, both audience and industry remained racially, linguistically and geographically divided.

Not surprisingly, the rural black population, with a partial knowledge of English and high illiteracy rate, had the most limited access to the media.<sup>198</sup> An HSRC survey reported that only half of its respondents in the former rural homelands owned a television, but three quarters of the urban population in informal settlements had television access. While television was a predominantly urban medium, phone usage was divided racially as well as geographically. Only 14 percent of black households had phone access compared to 85 percent of white households, and only 1 percent of rural households had a telephone compared to 32 percent of urban households.<sup>199</sup> Less than 5 percent of all South Africans read daily newspapers. Radio was far more popular, reaching just over half the population with 25 million listeners.<sup>200</sup> While 89.5 percent of South Africans owned a radio, most programs catered to an urban audience that attracted advertisers. Radio access in rural areas was spotty, although at least one women's community radio station broadcast daily.<sup>201</sup> More commonly, rural black women reported a reliance and preference for alternative media sources like face-to-face contact, often accessed at the market place.<sup>202</sup> As a result, in comparison to other developing countries where radio and TV reach close to 100 percent of the population, South Africans in rural areas remained uninformed and disconnected from the media.<sup>203</sup>

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<sup>198</sup>South Africa's eleven official languages were not all adequately represented in the media. English dominated while the others were relegated to niche markets. Raymond Louw, "Shaping the Perceptions of the Future Role of the Media," in Henni Kotze, ed., p. 140.

<sup>199</sup> Figures cited in de Villiers, "A Review of Public Participation in the Law and Policy Making". Home internet access was approximately one million. Murray, "On the Record: Legislatures and the Media", p. 116.

<sup>200</sup> Murray, p. 116.

<sup>201</sup> Barnett, p. 649 and "Radio boss typifies face of change," *City Press*, May 28, 2000, p. 18. Mita Mokwana, "Women of Moutse capture the airwaves," *Agenda*, 38 (1998): 48-50. For a discussion of the Moutse community radio-station, see Tracey Naughton, "Community Radio: A Voice for the Voiceless," *Agenda* 31 (1996): 12-18.

<sup>202</sup> Schreiner, p. 69.

<sup>203</sup> R. Louw, p. 139.

At the urban and national levels, women not only had better access to the mass media, opportunities existed for actively participating in the formulation and dissemination of program content. South Africa's oldest feminist publication, *Agenda*, successfully inserted women's voices into the public sphere. The key task of the publication during the early democratic consolidation was to add "women's voices to the crucial debate to shape South Africa's transition to democracy by creating a dialogue between feminist academic research and debates within women's organisations."<sup>204</sup> *Agenda* strove to include as many black women writers as possible, hosted numerable workshops and conferences, provided women with discursive space and publicized the proceedings. During the late 1990s, however, the journal became increasingly academic and middle-class, reflecting contemporary debates more than "stimulating organization and activism".<sup>205</sup>

In broadcasting, a few women became radio executives and, more frequently, worked on news desks. A small number managed to capture slots on the airwaves, moving beyond the stereotypical women's programming to broadcasting the news.<sup>206</sup> Sexual harassment, the perception that men's voices sell better than women's, and a lack of female station managers were cited by women in the industry as the leading reasons for their slow progress.<sup>207</sup> In 1997 neither The Independent nor The Times Media Limited, two leading newspaper groups in the country, had female newspaper editors.<sup>208</sup> In 1999 female journalists only generated 15 percent of SABC's news stories and e-tv fared little better at 18 percent.<sup>209</sup> Only 3 to 5 percent of the media's news sources were women. Overall, in the media industry between 1994 and 1999, black women's employment in junior management increased by 9 percent and in skilled labor positions

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<sup>204</sup> Anne Marian, editor of *Agenda*, as quoted by Percy Makhara-medza, "Marian's *Agenda* uses the might of the pen," *City Press*, July 12, 1998, p. 13.

<sup>205</sup> Shamim Meer, "Feminist AGENDAS in Activism and Academia," *Agenda* 34 (1997), p. 14.

<sup>206</sup> "Radio boss," and Charl Blignaut, "Women are turning up the volume...slowly," *Mail & Guardian*, June 11-17, 1999, p. 2. Approximately one in every seven voices on the commercial airwaves was female. The community radio statistics were only marginally better with one-quarter of the voices female.

<sup>207</sup> Blignaut, p. 2.

<sup>208</sup> Carolyn McGibbon, "Still skirting the issue," *The Saturday Paper*, August 19, 1997, p. 9.

<sup>209</sup> Phumla Mthala, "Women: the 'missing story' on news pages and in bulletins," *City Press*, May 23, 1999, p. 16.

by 11 percent. However, little change occurred at upper management levels. Further, white men continued to be paid more than their peers and racial discrimination was prioritized, leaving women at the bottom of the job and salary hierarchy.<sup>210</sup>

In a survey that illustrated the media's neglect of women, in 1998, the Media Monitoring Project (MMP) compared media coverage of women during National Women's Day with standard daily reporting. Finding that the amount of discussion about women more than tripled during the national holiday, the researchers argued that, "women's issues are not established as news worthy, they only become news when selected for inclusion for news report around a particular event...[this] isolates women's issues from the mainstream news."<sup>211</sup> Coverage on women outside the holiday period tended to converge around community issues, events and crime reports. Another report by the MMP in 1999 found that 82 percent of those quoted in the media were men, that rural women and the poor were markedly absent, and only 21 percent of the women represented in the media were black.<sup>212</sup> One of the researchers, Phumla Mthala underscored the findings of the report when she observed, "The media entrenches the marginalization of women."<sup>213</sup>

The CGE initiated a number of projects that challenged this marginalization. In 1997 the Commission created a directory of women in the industry to facilitate networking and it also issued a report and held a symposium on "Gender and Media" that highlighted the male-dominance of the industry.<sup>214</sup> Despite the depth of sexism revealed, "no columns of outrage, no calling for a national commission of inquiry into the media, nor a spotlight on the role of the editors or owners of the paper whose columns are so overwhelmingly devoted to male opinions

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<sup>210</sup> Statistics as reported by Farhana Goga, "Case study: Race and gender in media organisations," *Indicator* 18 n.3 (Sept 2001). Available at: [http://www.nu.ac.za/indicator/Vol18No3/18.3\\_political.htm#gender](http://www.nu.ac.za/indicator/Vol18No3/18.3_political.htm#gender).

<sup>211</sup> Media Monitoring Project, p. 16-17.

<sup>212</sup> Morna, p. 14 and Media Monitoring Project, "A Snapshot Survey of Women's Representation in the South African Media at the end of the Millennium," Commissioned for Women's Media Watch, South Africa, 1999, p. 13 and 24.

<sup>213</sup> Saint P. Molakeng, "Don't fence us in," *Sowetan*, December 3, 1998, p. 26.

<sup>214</sup> Anso Thom, "Gender directory to nudge media," *The Star*, September 2, 1999, p. 10 and Paula Fray, "Media must be gender-sensitive," *The Star*, October 1, 1997, p. 16.

and experiences” emerged.<sup>215</sup> The CGE nevertheless persisted, and in 1998 sponsored a conference on “Gender and Communication Policy” that produced guidelines for lobbying the legislature.<sup>216</sup> A year later the Commission released a “Gender, Advertising and Broadcasting” report criticizing the representation of women in the media. Unfortunately, the report did not generate much interest from media regulatory bodies, advertisers or media companies.<sup>217</sup> Furthermore, despite a series of recommendations by the CGE for a Code of Conduct on gender issues, the Independent Broadcasting Authority (IBA) agreed only to discourage broadcasters from depicting women as victims of violence.<sup>218</sup> Clearly, revealing women’s marginalization was insufficient as policy makers and the media industry largely ignored challenges to male domination.

An analysis of women’s access, voice and publicity in the South African media from 1997-2000 indicates that the ANC’s uncoupling of the SABC from the state and ownership diversification only minimally improved women’s participation. One of the new state institutions designed to promote women’s participation, the CGE, challenged the media industry, advertisers and the government to improve women’s access, voice and publicity, but was ignored. Women’s presence in the media thus remained a special event centered around national holidays, while men dominated daily coverage and the industry itself. Most seriously, the majority of the rural population operated in a limited, if not closed, media arena.

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<sup>215</sup> Fray, P. 16. Fray was *The Star’s* news editor in 1997.

<sup>216</sup> Lindsay Barnes, “African media give women a raw deal,” *Cape Argus*, June 11, 1998, p. 7.

<sup>217</sup> Mlungisi Zondi, “Broadcasters and advertising agencies ‘promote gender inequality,’” *The Sunday Independent*, September 24, 2000, p. 3.

<sup>218</sup>The Commission on Gender Equality, “Violence Against Women and the Media,” [2000?], p. 9. For the original submission by the CGE see “Submission to the Independent Broadcasting Authority on the Code of Conduct for Broadcasters by the Commission on Gender Equality.” Available at: <http://www.cge.org.za/subs/conduct.htm>.

### *Evaluating the Justness of South African Public Debate*

Although the ANC-dominated government strongly advocated a non-sexist South Africa, as the state began to consolidate its power in the public arena women did not benefit. While the number of female MPs increased with the support of the ANC's quota, in all other arenas and at almost all geographic levels, women's progress was either stymied or declined. As the state shifted its focus from increasing public participation to consolidation, women were rarely able to wring concessions from the state, NGOs, unions, political parties, cultural institutions and the media industry. Although some compromises were made, as the TRC hearings illustrate, in the end the efforts were minor adjustments, not transformational changes. Certainly, South African women from all racial groups actively challenged the status quo in all arenas, demanding quotas in local elections and unions, marching on Parliament to interrogate ministers, discussing safe sex and violence in the theater, testifying at the TRC, writing themselves into history and denouncing the media. However, sexism, scarce resources and skills, violence, and a lack of commitment to women's participation by both sexes, combined with state activism to control the public sphere, hindered female access and prevented women's effective participation. Thus South African women contested the boundaries of public debate that limited their access voice and publicity, but to little effect.

The two exceptions to this pattern were the increasing presence and skills of female MPs and the rise of issue-based women's organizations. In the first location, ANC party quotas and the PR system facilitated a dramatic numerical rise of women that appears likely to be maintained in the immediate future. The real legislative impact of women in the political decision-making arena as well as the symbolic power of their presence should not be underestimated. However, the danger lies in presuming that because women had a significant presence in Parliament and acquired an institutional presence through the CGE, OSW, JSC and other bodies, that they operated in a just public sphere. The empirical evidence strongly indicates otherwise.

**Table 1. Empirical Findings: Justness of South African Public Debate, 1997-2000**

|                 | <i>Decision-Making Bodies</i> | <i>Civil and Political Society</i> | <i>Political Culture</i> | <i>The Media</i> | <i>Overall Rating</i>  |
|-----------------|-------------------------------|------------------------------------|--------------------------|------------------|------------------------|
| <b>National</b> | Moderately Just               | Limited                            | Barely Moderately Just   | Limited          | Barely Moderately Just |
| <b>Urban</b>    | Barely Moderately Just        | Limited                            | Barely Moderately Just   | Limited          | Barely Moderately Just |
| <b>Rural</b>    | Limited                       | Limited                            | Limited                  | Limited          | Limited                |

The limited access for all women in the civil and political arena is disturbing, but hides an important development, the growth of issue-based women’s organizations. Much less celebrated than women’s numerical presence in Parliament, this growth suggests that a grass-roots women’s movement may yet emerge in South Africa. At the end of the transition, the state’s acquisition of female leaders from civil society weakened the nascent women’s movement, depriving it of leadership. Although new national leaders did not emerge during the period of consolidation, growth at the local level, forays into rural areas, and fruitful partnerships with the CGE and JSC indicated a deepening of female activism and the early development of linkages between issue-based organizations and state gender institutions. While the findings presented here underscore the task ahead, they thus also reveal the promise of future action.

Significantly, the arena most commonly associated with public debate, the media, remained resistant to women’s participation. Given the customary weight of the media in deliberative theory and its central role for the exercise of free speech, women’s limited access during this time is a warning sign that democratization “was not enough”.

The chart above also highlights the extreme marginalization of rural women and verifies the significance of racial geographical divisions in South African political life. The data suggest that while the institutional and historical power of traditional leaders contributed to rural women's limited access across all arenas, poverty and isolation dramatically heightened women's domestic burdens, circumscribed their access to education and skills, and left them dependent on migrant male wage labor. Patriarchal African culture thus appears as only one among several variables confining rural women's public participation.

More surprisingly, a focus on public debate from 1997-2000 indicates a correlation between the consolidation of the democratizing South African state and the contraction of space for women's public action. The finding is unexpected because of the ANC's avowed determination to create a non-sexist South Africa and because of its central role in enhancing women's participation earlier, despite the barriers of sexism, limited resources, and violence.<sup>219</sup> However, considering the ANC's conflation of democratic consolidation with state building, the results may not be so startling. In challenging and attempting to direct public debate, the ANC limited the scope of some public arenas and threatened the independence of others. Given women's relatively new and tenuous presence in public life, and their dependence on state initiatives and the willingness of targeted institutions to implement reform, female participation failed to expand as the party challenged independent public action, and in some cases was even undermined. Women's losses were a byproduct, certainly not a deliberate outcome, of the ANC's quest to consolidate its power. Of course, whether state consolidation in democratizing states necessarily or even frequently contracts the openness and inclusiveness of public debate cannot be determined by this study, but it does lend further credence to feminists' claim that "democracy is not enough".

This paper analyzes the level of women's inclusion in public debate in South Africa from 1997-2000, during early democratic consolidation. At the end of the 1990s, the ANC-dominated

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<sup>219</sup>See Chapter three of the author's dissertation.

state began to fortify its power in part by directing public debate. Inadvertently, despite customary law reform that formally extended basic rights to the vast majority of South African women, the effect of consolidation was to constrain the space for women's public access, voice and publicity. Thus, despite efforts to increase women's presence in the public sphere, few advances were achieved. Although women continued to secure a substantial number of seats and challenged their marginalization in the National Assembly, positions and effective participation in local government was more circumscribed, and in rural areas was quite limited. Indeed, rural women's participation was limited throughout the public sphere. Furthermore, regardless of geographic region, women's participation in the media and political and civil society were also limited. Thus, although democratization established a South African public sphere, the findings presented here suggest that the period of state consolidation limited progress toward just debate.