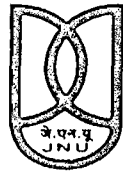


**POLITICAL STATUS OF WOMEN
IN SOUTH AFRICA 1945-1994**

*Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirement for
the award of the degree of*

MASTER OF PHILOSOPHY

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CERTIFICATE

This is to certify that the Dissertation entitled "**Political Status of Women in South Africa 1945-1994**" submitted by **Gurmeet Kaur** in the partial fulfillment of the requirements for the award of the degree of **Master of Philosophy** of this University is her original work and has not been submitted in parts or full for any other degree or diploma in any other University.

We recommend that it may be placed before the examiners for evaluation.

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Dedicated
to

**MY PARENTS FOR THEIR LOVE AND SUPPORT
AND MY BROTHER AND SISTER FOR ALL OUR
CHILDHOOD MEMORIES**

ACKNOWLEDGEMENT

My sincere gratitude to **Dr. Ajay Kumar Dubey**, my Research Supervisor for his guidance and ideas and giving me liberty to express my views.

I would also like to thanks,

Nida, for being a good friend and helping me throughout my research work.

Archna, for proof reading and for her moral support

Manisha & Rishikesh for being good friends all the times.

Rupa Rai & Babal for their technical help.

I would also take the opportunity to thank the library staff of Jawaharlal Nehru University & Teen Murthy Museum & Library.

Gurmeet Kaur

CONTENTS

	<i>Page. No</i>
<i>Abbreviations</i>	i-ii
1. CHAPTER - 1	1-27
Introduction	
Historical and Conceptual Framework of Women's Movement in South Africa	
CHAPTER - 2	28-49
Legal Status of Women in South Africa	
CHAPTER - 3	50-79
Socio-economic Status of Women in South Africa	
CHAPTER - 4	80-114
Status, Role and Participation of Women in South African Politics	
CHAPTER -5	115-121
Conclusion	
Bibliography	122-133

ABBREVIATIONS

ANC	- African National Congress
ANCWL	- African National Congress Women League
BPC	- Black People Convention
CONTRALESA	- Congress of Traditional Leaders of Africa
DWA	- Domestic Workers Association
DWEP	- Domestic Workers Employment Project
ECC	- End Conspiracy Campaign
FEDTRAW	- Federation of Transvaal Women
FSAW	- Federation of South African Women
NAFCO	-National African Federation & Chamber of Commerce
NCW	- National Council for Women
NEC	- National Executive Committee
NUCW	- National Union & Clothing Workers
PAA	- Pan Africanist of Azawa
PAC	- Pan Africanist Congress
RDP	- Reconstruction and Development Programme
SACP	- South African Communist Party

- SAIC** - South African Coloured Peoples Organization
- SASO** - South African Student Organization
- TRAC** - Transvaal Action Committee
- UDF** - United Democratic Front
- UWO** - United Women's Organization
- WCTU** - Women Christian Trade Union
- WNC** - Women's National Committee
- YWCA** - Young Women's Christian Association

CHAPTER 1
INTRODUCTION
HISTORICAL AND CONCEPTUAL FRAMEWORK OF WOMEN'S
MOVEMENT IN SOUTH AFRICA

From the beginning of the history women were always treated as subordinate and to man. Starting from the ancient Greek Philosophers like Aristotle who believed that "women have a deliberate faculty but it is without authority"¹ till the modern liberal philosophers like Hume, Rousseau, Kant and Hegel who clearly stated that women were different from men as plants are different from animals, although women have reason but it is not of practical nature. Women are made to submit to men and to endure every injustice at his hand.²

The history of political, social, economic subordination of women goes far beyond modern history, however this oppressive status came into notice more forcefully with the spread of manufacturing industries and bigger cities which started separation of work: men's work from women and created for the first time the idea of the male "breadwinner" and women as economically dependent "housewife".

¹ Aristotle, quoted in Diana H. Coole, *Women in Political Theory from Ancient Misagyny to contemporary Feminism*, (Great Britian, Lynne Riennor Publication, 1998), p. 25.

² Diana H. Coole, *ibid.*

By the mid 18th Century an international group of enlightened thinkers began to challenge the tyranny of feudal societies based on the inherited privileges of kings, Church and nobles. Against the "Divine Right" of kings, these enlightened critics opposed the "Right of man". In the midst of this ferment, women also began to raise the question of their inequality and to challenge the domestic tyranny of men. And the first milestone in this whole process was the Mary Wollstonecraft's "*A Vindication of the Right of women*" (1792)³ which was the first feminist appeal or a first sustained argument in English for women's right. In this book – Wollstonecraft combines natural right argument inherited by Locke with Utilitarian claims concerning the social benefits of sexual equality.⁴ Wollstonecraft was fully aware of the radical implications of natural right theories that if all individuals are born free and equal bearers of such rights then it is both inconsistent and unjust to exclude women from their enjoyment. She insisted that female half of the species should be treated first as human rather than as sexual beings. She draws it on a well-established series of dualism: reason-passion, mind-body, freedom-slavery, civilization-barbarism.⁵ While these oppositions had been used to associate women with the lower, appetitive and thus

³ In '*A Vindication of the Right of Women* (1792)' first time enlightenment ideas were applied to the situation of women. It was an instant best seller and the foundation stone of modern feminism.

⁴ Mike Gana, "1792: Mary Wollstonecraft Social theory in '*A Vindication of Right of Women*'. *Economy and Society*, vol. (1992), pp. 12.

⁵ Diana H, Coole, *ibid*.

subordinate half of the equation, she evokes them precisely to eliminate their sexual connotations. For her, it is essential that every individual subordinates his or her passion to rational control. It stressed the cultural and psychological foundation of women oppression and sought to overcome these via an equality of education and right predicated on a single model of super sexual humanity.

This call of Mary Wollstonecraft in '*A Vindication of the Right of Women*' has rung down the centuries. Her demands for an end of double standards of male and female behaviour in both Civil and political light, still forms the basis of feminism today.

Feminism was seen in two waves with long inactive gap in between. The first wave during the 1st two decades of the last century, saw the suffragists win the vote for white women in most western countries. The appearance of feminism in the 1910 singled a new phase in the debate and agitation about women's rights and freedom that had continued from hundreds of years. People in the 19 century did not use the term feminism. They spoke of the advancement of women or women's rights and women suffrage. Most inclusively they spoke of women's movement, to denote it in many ways that women moved out of the house to initiate measures of charitable benevolence, temperance and social welfare and struggle of civic rights, social

freedom, higher education, remunerative occupation and the ballot. But by the 20-century women movement became archaic.

The word feminism came into frequent use. The meaning of feminism also differed from 'women's movement'. It was both broader and narrower, broader in intent, proclaiming revolution in all the relations of the sexes and narrower in the range of its willing adherents. As an 'ism' (an ideology) it presupposed a set of principles not necessarily belonging to every woman nor limited to women.

Earlier feminists used the language of "right" and "equality" but in the late 19th "oppression" and "liberation" became the key words.

Liberal feminists demanded that liberal ideas should also be applied to women. In the 18th century women as well as men had natural rights, 19th century employed utilitarians' argument in favour of equal rights for women and in the late 20th century, feminists demanded that state should actively pursue a variety of social returns in order to ensure equal opportunities for women, as well as opposed laws that establish different rights for women and for men. Liberal feminists have also promoted legislation that actually prohibits various kinds of discrimination against women. Such legislation requires that women are equally eligible with men for what they consider equality in

employment opportunities, basic education⁶. In addition, contemporary liberal feminist demand pregnancy benefits for female workers, maternity leaves and the establishment of childcare. They have often been drawn towards the more radical end of the liberal spectrum in demanding the welfare provisions – that would allow more genuine equality of opportunity. Their commitment to ideals of personal responsibility and radical autonomy has also drawn them into political support for legal abortion, in order that women control their own fertility and hence life choices. Liberal exponents goal has essentially been for a competitive society.

On the other hand is Marxist feminism. Leporte has given the theory of the oppressed status of women⁷. According to him, women have not always been second-class citizen, they were not always considered inferior to men and excluded from any central production role in society. Prior to dawn of the recorded history, men and women functioned as social equals. Women were the main producers and developed or invented the basic skill that took humanity on the road to civilization. Women were relegated to an interior social position only with the rise of the class society – society in which means of production – land, cattle, boats passed from communal ownership

⁶ Kumari Jayawardener, "Liberal and Socialist Strategies 1789-1919 Liberalism and women's movement, ed. Kumar Jayawardener, *Feminist Challenges in 18th Century* (Netherland, The Hague Institution of Social Studies, 1983).

⁷ Leporte cited in Barbara Arneil, *Politics and Feminism*, (U.K., Blackwell Publishers, 1999).

and control into the hands of individual men – the patriarchal family also came into existence as a basic social unit, women were relegated to domestic servitudes and second class status in society not because it served the needs of men in general, but because it served the need of those men who owned the property. The sexual restriction on women was designed to assure the paternity of the heirs of private property and uphold the patriarchal family as main mechanism for the transmission of property.

But the problem with traditional Marxism as Mitchell saw it, was that it had simply deduced the sexual oppression from its analysis of capitalism.⁸ It was necessary to recognize that women were in fact oppressed on a number of levels. It was therefore impossible to offer a revolutionary account of their history as a single narrative; instead a complex analysis must be undertaken to discuss how structures articulate with one another during different periods. The key structures, which Mitchell identified as responsible for women situation, were those of production, reproduction, sexuality and socialization of children. The latter three had been traditionally conflated within a single unit, the family. Mitchell calls for the

⁸ Valerie Bryson, *Feminist Debate Issue of Theory and Practice*, (United Kingdom, Macmillan Press, 1990).

deconstruction of this unit into its constituent part, to see how each sustains women's oppression as well as its potential for change.

By arguing that each structure within the family has certain autonomy in its capacity to subject women, these structures themselves rebound on the economy. Mitchell says that women entry into the work forces would be insufficient to emancipate them since gains are compensated by losses elsewhere. Production work, for example, could not itself bring equality, because it was suffused with a familial ideology. Both sexes she found tend to perceive women labor as an exclusion of their family; as dispensable, as seriously raised to think themselves first wives and mother, women thus find themselves as Simon De Beauvoir⁹ had noted circumscribed by a familial ideology even at work, their exploitation is invisible behind an ideology that makes the fact that they want and work appear inessential. It is no accident that their labour is accordingly poorly paid, insecure and unrewarding.

Mitchell gives solution for this that it is crucial that women should enter into production and struggle for equality there. But at the same time, change must be brought within the family since it is here that the psychology of men and women is founded. The family

⁹ Simon DE Beauvior (1908-86) was the lone feminist voice in the 50s. She broke with her upper-middle class background in the 1930s to become a radical intellectual and novelist and to live independent life in Paris.

will not then be abolished, but relegated to one choice among others, which includes couples, singles and group of varying sexual orientation, all with and without children.

The strength of Mitchell's approach was that she refused to reduce the family to super structural institution merely reflecting capital needs. She argues that both determine the lives, so struggle is needed at the both fronts, since the demise of capitalism would promise no automatic termination of patriarchy. A cultural revolution was also required.

Where for Marx women were perceived as exploited then oppressed, which is due to class and gender,¹⁰ radical feminists contended that patriarchy is the most fundamental and universal force of oppression. Patriarchy which was first used in seventeenth century, denoted the power of the father over his household and it was also used to legitimize monarchical claims to all absolute rule grounded in nature. Revived by feminist in early 1970's the term has been substantially amended. Patriarchy today frequently denotes simply men's power over women.¹¹

¹⁰ Most of Marx ideas in regard to women are written in Engels. *The Origin of the Family, Private Property and the State* (1884), using the ethnographic and historical evidence to show that women's social position had not always been inferior.

¹¹ Sykcua Walby, *Theorising Patriarchy* (U.K., Blackwell Publication, 1990), p.6.

On the one hand where Aristotle, Aquinas, Rousseau and Hegel all asserted that biological difference yield the sexes fixed and differential role and that the female mind is endowed with the appropriate innate trait: intuition, passivity, love and so on. Radicals on the other hand, have argued that natural differences become significant only where they are socially reinforced. In particular they have seen in the feminine personality a social construction, superimposed upon a psychology, which is in essence unguarded. Radicals have demanded changed arrangements in order to permit greater flexibility of function and an opportunity for women to develop their rational potential. They have been highly critical of the western political tradition because it treats the public world as a male concern while offering legitimacy to women's exclusion from it in practice. Radical feminism is most theoretically innovative, respecting traditional definition of both politics and theory while condemning all previous theories as patriarchal. Unlike the Marxist approach it has not struggled to incorporate women into a pre-existing political framework, but instead attempts to shift the whole perception of society, to restructure it in terms of a radically new set of women-centered meanings. Its aim has been to recast personal identities; to reclaim language and culture from their masculine forms to relocate

significant political power: to reassume human nature and to challenge traditional value.¹²

But from the past few decades postmodernism has been at the center of debate about philosophy, history, culture and politics including feminist theory and practice.

The development of western feminism since 1968 has been marked by a critical engagement with postmodern theory, attempting to go beyond the liberal feminist goal of extending right to women. Postmodern feminist have sought to theorize these areas of women's experiences and oppression that elude liberal theory and politics. In doing so they have mobilized the postmodern critique of the authority and status of science, theater, history, power, knowledge and subjectivity, bringing a transformation in gender dimension to postmodern theory and developing new conception of sexual difference. It challenges the status of both reason and the reasoning subject in the western philosophical tradition. In postmodern theory subjectivity is not seen as unified, sovereign and rational consciousness but as discursively produced and as a process. Moreover subjectivity encompasses unconscious as well as conscious dimensions.

¹² Radical feminism stressed only campaigns and demonstrations building a women's space and women's culture. They concentrated on the sharp end of male/female relations, campaign especially against violence against women, rape and pornography.

Postmodern feminist has taken up both Derridean deconstruction and Derrida's critique of western philosophy. Braidotti points to the need "to analyse philosophy" marketing of the order as well as its 'becoming women' in terms of their relation to the theoretical, political and affective transformation brought about in and by the women movement. Postmodern feminist philosopher argues that "Patriarchy is the practice, Phalocentrism the theory: both coincide, however in producing an economy, material as well as individual, where the law is upheld by a phallic symbol that operates by constructing difference and organising them hierarchically."¹³

AFRICAN FEMINISM

The first group of western writers who characterized African thoughts and worldview was made up of travellers, missionaries and colonialists.. Most of these earliest writers described Africa as people with little or no rational thought, people given to mythical and magical beliefs about nature, reality and savages.

The first black Africans who defended African culture and worldview against the racial biases were the poets, essayist and nationalists during the beginning of 20th century. They include Edward Willnof Blyben, Aime Cesair and Leopold Sengher. Their

¹³ Weedon Chris, "Postmodernism" ed. Jaggar M. Alison A Young Marian Iris, *A Comparison to Feminist Philosophy* (USA., Blackwell Publishers, 1998).

aggressive reaction marked the beginning of the intellectual opposition between African and western thought. Later on they were joined by the African feminist. Feminist discussion among most of African scholars belonged mainly to African women's studies, that attempted to document various forms of female oppression both in modern and traditional African societies.

Many generation of western writers described African women as timid, passive and family oriented and they are characterised as victims of worst type of male chauvinism, from which western women have supposedly to come out, by winning for themselves the social, economic and political liberation.

One of the fundamental problems of the development of African feminism as a coherent philosophy today is the lack of cultural text in which the existence of specific African view on women can be identified, apart from the merely drawn inferences from anthropological studies of the socio-economic and political roles of women in different traditional African societies.

But there are many African societies today where several verbal arts are still practised and where great collection of songs, proverbs, stories and aphorisms are still present which express specific belief and worldview. These traditional view has become a major concern of research of many African feminist philosophers as well as female

writers. They have started to identify and expose them to critical analysis and synthesis them for possible future. The oral tradition of many societies on the continent of Africa characterise many women as initiators and practitioners of verbal arts, as successful professionals and inventors. It has now been established through history, archaeology and other forms of research that women dominated the economic, social and political spheres in many traditional African societies. One of the prominent example which is available is the Empress Taytu, She was the wife of the Emperor of Ethiopia, Menilek (1844-1913). Historical account acknowledge her pivotal role in influencing the outcome of the 1895-1896 Ethiopian-Italian crises.¹⁴ By all accounts she distinguished herself as an influential woman during the Ethiopian-Italian conflict, which arose from the European scramble for Africa in the late 1880's. Another recent example is the Harry Thuku incident and Kikuyu women. Kikuyu women collective action against the British colonial establishment during the 1922 in defense of Harry Thuku shows the militancy of the Kikuyu women which did not help in Thuku's liberation, but mass protest alarmed the settlers and the colonial administration, and urgent colonial reforms were made. Even the Southern Nigerian women also have a

¹⁴ Steward Kerstey, "A New Perspective on African Feminism and History of African Women", *Women Studies International Forum*, vol. 22(2) (1999), p. 75.

tradition of independent organisation and collective action that dates long before the advent of the Europeans.¹⁵

Africa being a tribal society also shows that stratified chiefdoms had varying degree of matriarchy. There was usually a hierarchy of women in ruling positions paralleling those of men. The mother, wife and sister of the chief and a council of matrons, usually played an important role in each society. The tribal organisation has such kind of system that offered women to administer the affairs of women including economic affairs. They also offered general input into the overall tribal business. One such example is Ashanti.

But this picture is a one sided picture of the African culture, it would be wrong to say that African women were not oppressed. In fact the African women were not only facing the oppression from the patriarchal society "bound them to home and heart" but also to the external features like colonialism and slave trade.¹⁶

It is interesting to note that whether it is a Third world country like Africa or a first world country this pervasive image of women as culturally conditioned to behave in deference to men seems to be found world wide. The saying is true that "All the daughters of eve are the same in all latitudes". African women still need liberation and

¹⁵ Steward Kearstey, *ibid*, p. 77.

¹⁶ For more detail see, Robertson C. Claire, "Women Importance in African Slave System" ed. Robertson C. Claire Klein A. Martin, *Women and Slavery in Africa* (England, The University of Wisconsin, 1983).

empowerment program if they want to keep pace with women's development in other parts of world.

BLACK FEMINISM

One thing which came into notice during the whole feminist struggle is that it has never emerged from the women who are most victimized; women who are daily beaten down, mentally physically and spiritually – women who are powerless to change their condition in life. They are the silent majority. A mark of their victimization is that they accept their lot in life without question, without any organised protest and without any anger or rage.

Specific problems and dilemma of leisure-class white housewives were not the pressing political concern for the majority of women. Masses of women were concerned about economic survival, ethnic and racial discrimination etc.¹⁷

Throughout the history of feminism, many white women writers and activists have therefore simply failed to see women other races. As a result they are left to generalise from their own experience, to make universal claims on behalf of their sex, which for many women are irrelevant, inappropriate or false.

¹⁷ Elise Boulding, *The Underside of History - a View of Women through Time*, (USA, Saga Publication, 1992), pp.78.

A key initial demand for black feminist has been the insistence that their experience are not simply added to feminist analysis as an optional extra, but that they should be included on an equal basis, and must be the central starting point. Angela Davis argues that a feminist movement which begins with white middle class women only changes their position at the top of the social pyramid, leaving the lives of other women untouched and if the aim is kept to improve the situation of those at the bottom that is especially working class black women, then the entire oppressive structure of society will have to be transformed.

White feminists are highly criticized by the women of color. When white feminist talk of women; they assume that they are discussing the position of experience of all women, but they mean only white women. Colored¹⁸ and black women are mostly excluded from the discussion.

The main cause of invisibility of black or women of color is the dominant culture, in which they are always oppressed, in which white women have also participated. The black feminist and the Third world feminist however, consider all western feminists bourgeois, middle class, white and even imperialist and found themselves out of tone with the latter's total anti-male thinking and attitude. In the struggle

¹⁸ 'Coloured' in South African context refers to people of mixed white and non-white descent speaking Africans or English as their mother tongue but in this section "Coloured" is used as a generic term to refer to people of Non-White Descent.

against racism, colonialism and neo-colonialism and class domination the black feminist felt unity with their male counterparts and did not see man as confirmed necrophiliates, murderers and a destructive lot. They agree with the western feminist that, at one level, there did exist a gender struggle, gender power play and gender politics to determine that the solution lay in the 'empowerment of women' in all sphere¹⁹.

The racist state rather than the patriarchal state is seen as a prime mover in the oppression of black people as a whole for example in the discussion of the 'myth of the black rapist'²⁰. The stereotyping of the black woman as a sexed being and the white women as a pure moral being placed the white woman above the black woman, beyond reach on her pedestal. Andre' Larve argues that white women have refused to recognize their difference with women of color as potentially creative. They find it hard, after defining themselves as the oppressed group, to suddenly becomes the oppressor 'she cannot see her heelprint upon another women's face' or as a song has it "sister, your foot must be small but its still on my neck".²¹

In terms of other factors, often categorized as sexuality issues, such as rape, domestic violence, harassment because of lesbian

¹⁹ B. Glorial, Joseph and Hill Lewis, *Common Difference Black and White Feminist Perspective* (US, Southend Press, 1981).

²⁰ Patrica Hill Collins, *Black Feminist Thought: Consciousness and Politics of Empowerment*, (United Kingdom, the Cambridge University Press, 1990), p. 36.

²¹ Garner (1985), p. 84.

sexual preferences, stereotypical representation of women, both black women and white suffer these while very few men do. When black women choose a political alliance with men of color, they sometime assert the greater significance of class-based differences over gender-based difference in determining their political alliances. They argue, however that both class-based and gender based differences are overdetermined by race, that their class and gender relations are specific and peculiar to them because of their skin color. It is possibly in the area of cultural representation that division on the basis of color is most apparent.

Black women or women of color were more likely to accept their men folk than white women. Two explanations are offered for this – and they are perhaps interrelated. In the crass-classification of race and gender white men are the oppressor black women are oppressed. However black men experience the oppression of race and white women the oppression of gender. Frye and Hooks argue on this that white women should leave the side of the oppressor and join hands with oppressed groups. But Hook says that for white women sisterhood does not mean surrendering allegiance of race, class and sexual preference .She is suggesting that for black women to leave the

side of their men is to leave the side of oppressed, as well as oppressive group.²²

SOUTH AFRICAN'S FEMINISM

By explaining the philosophy of feminism and African feminism now it would be easy to analyse the South African feminism. But the condition, which differentiates South Africa from the other African countries, is the policy of apartheid. To understand the condition of South African women, to understand their status whether it is political, legal or socio-economic it is very important to understand the policy of apartheid.

The international image of South African system is more commonly summed up by the word apartheid than by any other single term. Professor Hounte stated in 1994 that segregation is most perfectly a multi-racial caste society.²³ Separation, which is falsely called as “segregation” is most perfectly realised when the different racial groups are sorted out into their own territorial distinct societies.

National Party soon after coming to power in 1948, began to give effect to these ideas. The population registration Act (1950) provided the machinery to designate the racial category of every person. Its application led to the breaking up of norms; for example,

²² Hook quoted in P.S. Joshi, *The Struggle for Equality*, (India, Hind Kitab Ltd., 1951), p. 52.

²³ T.R.H. Devenport, *South Africa Modern History* (US, MacMillan Press Ltd., 1977).

where one parent is classified as white and other is classified as colored should be separated. The prohibitions of mixed marriage Act (1949) and the immorality Act (1950) created legal boundaries between races by making sexual relation illegal across the color line. In 1953 after a court had ruled that segregation was not lawful if public facilities for different racial groups were not equal, Parliament passed the reservation of separate Amenities Act to legalise such inequality. The Nationalist party used its majority in Parliament to eliminate the voting right of colored and African people.

The impact of Apartheid created the separate nation for African population. These separate political, social and economic development of people increased the discrimination against the Africans. Homelands were created which were administrated under the white tutelage set by the Bantu Authority. In the urban areas Group Area Act (1950) was introduced in which several zones were made for specific race.²⁴

From 1948, “white only” notice appeared in every conceivable place, laws and regulations confirmed or imposed segregation for taxis, ambulances, buses, benches, parks, church halls, schools, universities etc.

²⁴ Ibid.

The catalogue of repressive legislation includes the Riotous Assembly Act (1956). The unlawful organising Act (1960), The Sabotage Act (1962). The general law Amendment Act (1966), the terrorism Act (1976) and internal security Act (1976). This gave the police vast power to arrest people without trial. The government can ban any organisation, prohibit the holding of meetings of any sort, and prevent organisation from receiving funds from abroad.

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Throughout the history of South Africa, the women have been able to sense her position, though the examples are very few, because the women of South Africa are oppressed not only in case of gender and class but also race. These three factors decide the life of women. Still there are few women who have broken this barricade. In precolonial period the name which comes up immediately in mind is Mmanthatsi, who led her people herself during one of the greatest crises in Southern African history. She found herself faced with a succession struggle after the death of her husband, when her elder son was only 13. Her brother-in-law Sehalahala wanted to inherit all the territory but she was determined to prevent this and persuaded the elder of the group to accept her as a Queen. In this she fought many battles and came up as a successful warrior.²⁵

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²⁵ Sweetman David, *Women Leadership in African History*, (London, Heinemann Equ Book Ltd., 1984), p. 63.

Another example is the African Nationalist Anglo-Boer war (1999-1902). African women support their men folk during the war and due to their proper coordination the battle was won by the Boer. But with the end of the battle, men ended up with the power and women were denied from the economic and political power, and they were assigned to motherhood, self-sacrifices and nationalism.²⁶

But from the beginning we can see that South African women supported their men folk in any kind of struggle. It was very clear to them, to fight the battle alone would not lead to any positive result, and major concern especially during the apartheid period was the race. It was very important for them to fight first against the external factors like race and then think about any other kind of oppression.

Basically the third world women fall into three camps on the basis of the relationship between the feminist and other political struggles. First there are the feminists who separate the particular issue of women's oppression from other political issue, secondly there are women who seek to combine the struggle for women the liberation with struggle for National Liberation, Finally there are women who argues that 'feminism is a luxury' a western plot of no relevance and indeed threatening to third world political struggle.²⁷

²⁶ In African Nationalism, concept of motherhood has always remained prominent when it comes to women like Winne Mandela is called "Mother of Nation", Mieciaen Mekeba as "Ma Africa".

²⁷ Saraswati Haider, "Empowerment of Women: A Mis-construct", *Mainstream*, (December, 1995), pp. 103-106.

In that, the first and third positions clearly separate the concerns of either national liberation or sexual liberation, a definite political choice between the two can be made. The second position attempts an amalgamation of two programmes. First, it is argued that it has an effect of imperialism, oppressed men and women and because of this women seek to educate and transform their men folk but not oppose them in an outright feminist struggle. Finally this means that these women often find themselves in hostile relations with western feminists who attack patriarchal parties regardless of race and creed, but who are sure to represent the imperialist exploiter of both third world women and their armed all political struggle.

This position fits into the case of South Africa where women have participated shoulder to shoulder with men in the whole struggle against apartheid. And in case of feminism where some women have totally denied, that they are even aware of a term like feminism, they are fighting for liberation. On the other hand some women have totally rejected the concept of feminism, which is according to them Euro-Centric and white. In fact in South Africa legal prohibition of apartheid made it almost impossible for black and white women to work together, and similarly impossible for black women to define themselves primarily by anything other than race.

Women in South Africa have always been involved in the struggle for National Liberation. The organised resistance of women in

the 20th century dates back to the 1908 protest of African women in East-London against high rents and threats of arrest. This short-lived local resistance was followed by a broader-based and more sophisticated campaign in 1912 and 1913 against the pass law that required African and colored women to carry passes and purchase permits to move outside designated black areas. While the women's anti-pass campaign used the tactics of the newly formed South African National Congress (SANNC) including petition to the Minister of Native Affairs, the campaign also ventured into mass action, such as refusal to carry passes and protest against attempts to arrest of its members. Black women eventually formed their own autonomous organisation, the native and colored women Association. The women anti-pass campaigns were suspended at the outbreak of 1st World War

A national antipass campaign was reactivated in the 1950's when the white state decided to implement influx control legislative fully by extending pass law to African women and to their children and other dependents. Despite the discouragement of male, the African National Congress Women's League (ANCWL) and the Federation of South African Women (FDSA) led this campaign, utilizing mass action techniques, including the historic march of 20,000 women to the union building in Pretoria to present their demand. Other mass campaigns, led by these organisations with help of other

small and big women organisations were the crossroad campaign, resistance against the high transportation cost, low wages and other employment benefits, against Land Act known as rural women's movement and black consciousness movement. Particularly, in South African power is not equally shared among men. The related notion of public and private sphere cannot, however be simply transformed to South Africa from European and North American discourse. In fact, black South African women have often felt compelled to confine their dispute with black men in the sphere knowable only to their specific communities.

Theorizing a single patriarchy without regard to multiplicity of experiences created by race, class privilege, and oppression has effectively caused feminist discourse to marginalise black women's resistance. It is not useful to characterize women who organize a bus boycott, rent strikes, or march against pass laws as lacking a feminist consciousness while at the same time considering the women who establish a group such as rape crisis, for example, to be sufficiently feminist. African and colored women have to assert themselves not only against the British colonial government but also against patriarchal assumptions and structures within their own communities. The key challenge for South African women throughout the last century has been to negotiate successfully how and when these contradictions are confronted.

In light of this background of Apartheid government and repression of women for being a woman, this research work tries to deal with the various problem which women face in the South African society, problems that not only existed because of apartheid government but also due to the traditional and cultural background of the South African Society. The study has tried to deal with the various policies and laws of apartheid government and traditional society due to which South African women inspite of their reluctancy to organise outside their cultural and kinship group, organised themselves in different trade unions, political parties and welfare organisations.

The first chapter deals with the historical and conceptual framework of women's movement in South Africa.

The second chapter deals with the legal status of South African women, which started taking shape from the colonial period, the different legal amendments which were made during the colonial period and used even by the apartheid government, and also the changes that were made during the period of nationalist government.

The third chapter tries to discuss the socio-economic conditions that were prevalent at the time of Apartheid government, and the situation that led to the formation of different trade unions and welfare organisations. This section also throws light on the various

resistance movements specifically by women against the oppressive socio-economic conditions that existed at that time.

The fourth chapter give a detailed account of different movements against the apartheid government which were led by the different political parties. The position of women in relation to the four major political parties that existed at that time i.e. The National Party, African National Congress, South African Communist Party and Inkhata Freedom Party is also discussed in this chapter.

The conclusion shows the change in the position of women with the change in the political situation. First during the apartheid government and second with the formation of the new government in 1994. In the conclusion the change in political status in regarding women's rights and their participation in the 'non-racist' and 'non-sexist' society which was formed after the end of apartheid government would also be analysed.

The study is based on the analytical framework using the secondary sources also gives brief account of different data's. The study traces the history of the South African women movement and in that sense is a descriptive work. An attempt has been made to analyse the main trends that political status of women in South Africa.

CHAPTER - 2

LEGAL STATUS OF WOMEN IN SOUTH AFRICA

Historical Background

The South African legal system is described as "Contemporary Roman Dutch Law".¹ It is known as a hybrid in which the main components are Roman law, Roman Dutch law and English law. It was brought to Cape in 1652 by Dutch East Indian Company and remained the common law of the Cape throughout the British hegemony. The Cape articles of capitulation of 1806 allowed the inhabitants to retain "all their rights and privileges which they have enjoyed hitherto".² Although Roman-Dutch law remained the common law of the Cape it easily merged up with the English legal influence, the English legal pattern of Jury system, laws of merchant shipping, English merchandise status and insurance and negotiable instruments. These laws which are basically Roman-Dutch laws with a little flavour and training of English law were applied to Natal and 1820 it was accepted as the common law of South Africa.

Inspite of being a developed and progressive legal system, women were given second citizen status. In the legal matter women were not as privileged as the men were. On the other hand, were tribal

¹ John Dugard, *Human Rights and South African Legal Order* (New Jersey, Princeton University Press, 1978), p.8.

² Dugard, *Ibid*, p.8.

laws of South Africa, which gave its own share to women, but were largely discriminatory in regard to their legal status.

The laws took their basic shape during the colonial period. So it is very important to discuss the amendments and changes which were done before the formation of the apartheid regime. During this whole period which brought the change in women's legal status, two opposite tendencies can be observed. First, it came into notice that whereas on one hand women suffered economically and socially in the apartheid government, on the other hand the laws, which were made during the period of union, and were still continued in the apartheid period were helpful in improving the legal status of the South African women. Especially in the case of family and marriage, it had a tremendous effect. But, it was highly criticised by the traditionalists. According to them, common law which talks about individualism, is alien in the South African context. South African women do not need it. The idea of a feminine soul, a women of independent status, cannot take place in a society where there is no class war or battle of the sexes. People belong to kinship and local groups and are not aware of themselves as individuals with rights, interest and claims detached from their group affiliation.³ To understand it in a better way this chapter is divided between marriage and family laws and property rights.

³ T Deen, *Women's Right and Gender Issue* (www.twinside.org.sg./women.htm, 2116, 1987).

To discuss marriage and family law it is important to know concepts like customary law and common law.

Customary Law:

With regard to marriage and customary law African women must have consent of her parents to enter into a customary union. '*lobolo*' is an important part of this kind of union, it validates a marriage. It is a transfer of cattle or money by husband's side to the father of the wife. In its earliest-form *lobolo* was not a bride price. But with time it has not only given claim on the wife but also on the children.

While an aspect of *lobolo* served as a useful function in providing protection for a married woman, it also has an essentially retrogressive aspect curtailing the independence and freedom of women.⁴

Before the abolition of the special court for Africans in 1986, they insisted that *lobolo* was the 'keystone' of customary marriage which remains in force as long as the wife's family retained all of the bride's wealth. If she deserted her husband and refused to go back to him, her people have to refund the equivalent of one head of cattle to dissolve the marriage. She cannot enter into a second marriage until this has been done. In case she has suffered the extreme neglect and

⁴ H.R. Holliot, *The Matrimonial Regimes of South Africa* (London, George Allen Unwin Ltd, 1968).

cruelty from her husband she might keep the amount of *lobolo*, but in nearly all cases it preferred to uphold the patriarchal power.⁵

The customary marriages restrict the wish of women to leave her husband, because due to *lobolo* it involves the right of the children. Men who had come into ownership of cattle or children were not inclined to part with them, in case women wanted to leave him. The only alternative, as already said, for the women in this situation, is to refund the cattle through her father and give up her children. Even today, an African man may repudiate his marriage unilaterally simply by fighting for his *lobolo* right, but an African woman has no equivalent right. *Lobolo* was thus one of the means whereby women were under the domain of man in traditional society.⁶

An African woman married by customary union is in most cases considered a minor who's the tutelage of her husband. She cannot own property in her own right, except for her clothing and a few personal possessions; and if she earns money or in any way acquires property, this becomes the property of her husband. She is unable to make a valid contract without her guardian's consent; to sue or be sued. Her husband must do this on her behalf. A woman sued her husband for cattle she had purchased in doctors fees [Nomtwebula V. Ndum V Nac 121 (1911)]. The assessors said that if the wife makes a

⁵ Holliot, *Ibid.*

⁶ Harold Jack Simon, *Struggle in Southern Africa for Survival and Equality*, (UK, Macmillan Press, 1997), p. 92.

mat or a blanket it belongs to her husband 'Even if she acquired a knowledge of medicine, the medicine belongs to her husbands Kraal'. She cannot claim cattle earned by her during the subsistence of the marriage. In this case court ruled that a wife had no proprietary capacity. Customary marriage did not create a partnership between husband and wife [Mondlane V. Maglaka (1929) NAC (20)80].⁷

Household goods and personal effects given to women as a wedding gift belong to her husband. He is entitled to keep them on the dissolution of the marriage. Her earnings and anything she buys comes under the husband's control [Mpantsha V. Nkolonkulu (1952) NAC 41].⁸

The traditionalist view, justifies this by arguing that it is the family unit, rather than the individual which has full legal capacity. Family is both a producing and consuming unit and undertakes a wide range of activities.

These laws vary somewhat according to the province. Under the Natal code, for example, custody of children can never be given to their divorced, separated or widowed mother even if she deemed to have become a major. But under the Natal code a divorced woman is a perpetual minor, once more subject to the control of father or guardian, and she lives his kraal. Her husband keeps the children,

⁷ Simon, *Ibid*, p.87.

⁸ Simon, *ibid*, p. 87.

though they must be allowed to stay with their mother until the age of about six.

Changes which were made in Natal code in 1982 and 1983, have somewhat improved the situation of women in area of Natal under the Kwazulu Bantustan Administration: women become major on turning 21 and they are eligible to enter into contract without the permission of a male relative. The old Natal code however continue to apply in the rest of Natal.⁹

Another implication in the customary union is that women may be confined to her kraal, a banning order issued by a commission if he finds that she lead an immoral life or has been absent from her Kraal¹⁰ and unable to give a good account of her absence.

Common Law:

Under the common law, married women's right especially over her children and property depends on the choice made by the marriage partner. A marriage can be legalised by what is called 'community of property' or by the exclusion of community of property through a legally drawn pre-nuptial contract; or by marriage by customary union.¹¹

⁹ Maria Mies, *Patriarchy and Accumulation on a World Scale*, (USA, Zed Books, 1986), p. 83.

¹⁰ Kraal is a African word used for hut.

¹¹ African Homelands, (wch.ucr.edu/web/schools, 1983).

To be married under common law of property means that the husband acquires guardianship of the wife, who is considered a minor. He holds marital power – which means that wife cannot enter into a binding contract or open a credit account without the prior permission of her husband. Until 1953 the husband could even take the earning of his wife, but matrimonial affair Act of 1953 alleviated this legal disability of married women. The wife's earnings are protected, although her husband may still take possession of anything she has bought with these earnings unless she obtains a court interdict against him.

An pre-nuptial contract excludes the husband's marital power and leaves his wife in full legal capacity in most matters.

Although it is of advantage to them, the majority of women do not enter into a marriage with an pre-nuptial contract, either through ignorance or because of the expenses involved in having such a contract drawn up by a lawyer.

Many Africans go through two or even three forms of marriages: customary union; a civil marriage and some go for a church marriage as well. African marriages by civil rites are assumed to be out of community of property, unless a special declaration is signed.

A new matrimonial property Act which came into force in 1989, was landed as a breakthrough for women. The new Act abolishes

marital power in marriage under common law, the process that makes the husband the sole administrator of family property, and gives joint administration to husband and wife.¹²

The drawback of this apparently progressive measure is that apart from the fact that it excludes all present community of property marriage from its reforms (unless the husband consents to the abolition of his marital power), it also excludes the majority of women – apart from a very few exception it does not apply to African married women whose legal status was made a subject of investigation by the santer African law.

Marriage:

English colonialist did face a rigid segregation but, only in form of an inequality of civil status between whites and blacks. They began with an assertion of new – interference in the affairs of self – contained chieftdom but failed to enforce the territorial separation. A large and persistent land-hunger, the low-paid manual worker never left the chieftdoms in isolation. The republican's constitution began by applying the Roman Dutch law to all inhabitants.

Orange free state volksraad never recognized the customary law as a valid system. The Raad hardly did more in this regard than to sanction the customary law of inheritance of monogamist who lived

¹² Glendon Schubert, *Political Culture and Judicial Behaviour* (US, University of America, 1985).

together as husband and wife and kept aloof from polygyny. Two proposals concerning African marriages came in front of Volkesraad in May 1876. One submitted by 102 members, urged the government to stop the evil arresting of customary marriages i.e., the slavery of women as wife and children and theft of cattle in the name of *lobolo*. It cropped up again when proposed by Dutch Reform minister that African marriages which are performed in an extravagant and expensive way should turn to English Church. The raad gave his approval on the proposal.¹³

Of all the South African states, only the Transvaal Volksraad actually outlawed African customary union. Law 3 of 1876, which provided for the appointment of chief and administrations, declared that the furtherance of morality the purchase of woman through polygyny among the colored race will not be recognized in this republic by the law of the land.

The annexation of the Transvaal Republic by British in 1877 enabled Theophilus Shepstone, the diplomatic agent of Natal's chiefdoms to introduce the Natal policy of recognizing African customary law and setting up separate court for Africans. There was much delay in giving statutory effect to his proposals. The enabling Act, ordinance was largely a reproduction of Natal law 26 of 1875,

¹³ African Society and Culture (www.africapolicy.org/action/women.htm)

which in turn had been derived from the Royal intervention of 1848. The Vollesraad repeated the legislature which was introduced during the British interregnum, but re-enacted the main provision of ordinance 11 of 1881 in law 4 of 1885.

The republic's first marriage law, no. 3 of 1871 provided for the marriage of whites only and promised that separate law would be made for the marriages of 'Klevrlings'.¹⁴ But due to the war of 1899-1902 this work got delayed. The Transvaal supreme court which was established after the war was less tolerant. It ignored the historical antecedents of law of 1885. Transvaal supreme court identified marriage with the institution of Christian monogamists, and closed the eyes to the social implications of the conflict between the customary law and common law. Court ruled in its later cases that a customary African marriage, whether actually or potentially polygamous was 'inconsistent with the general principles of civilization recognized in the civilized world and therefore fully outside the scope of the recognition contemplated in Sec-II of law 4 of 1885'.¹⁵

Customary marriage, both actually and potentially polygamous is valid throughout South Africa.. If non-Africans are involved in the and claim for damages, the common law court will formally refuse to

¹⁴ Volksraad used this term to refer the tribal African population.

¹⁵ Simon, *ibid*, p. 45.

confer legitimacy on such marriages.¹⁶ The appellate Division ruled in *Nkambula V. Linda* [(1951) (1) SA 337AD]¹⁷ that customary marriage was not lawful in terms of the common law and did not constitute a legal impediment or a civil marriage.

Customary marriages were considered as lower, and inferior and because of this difficulties persisted. Sometimes Africans married under the customary law used to shift to civil marriage.

In 1987 the Natal code of Zulu law confers the status of being a major on women at 21. It provided for the registration of customary marriage, the issue of marriage certificate and reading of lobolo agreement. Men were prohibited from entering into a customary marriage, during the subsistence of a civil marriage contracted in accordance with the marriage Act 25 of 1961.¹⁸

Status of Women in Customary Societies

The African family in South African customary societies are Patriarchal and Polygynous. The head of the family has wide power over the wives and children and dependants in his household. He administers any property they acquire, is responsible for civil wrong doings of his family and arranges marriages of his children.

¹⁶ A.R. Raddiff, Daryll Pardie & Brawn, *African System of Kinship and Marriage* (London, KPL Ltd., 1950).

¹⁷ Simon, *ibid*, p. 40.

¹⁸ Simon, *ibid*, p. 46.

As already discussed marriages are privately arranged without the intervention of a public authority. The negotiations are conducted on behalf of the family heads. If they reach an agreement, marriages are brought about by the observation of rituals and the transfer of cattle, or their equivalent to the guardian of the bride.

Divorce is also a private matter. Husband or wives, either of them can dissolve marriage without the interference of the court, which is called on to intervene only if the parties disagree about the custody of children or about the amount of the bride-wealth. If a man dies first, his widow is expected to remain with his family, to continue serving and bearing children in the name of her husband. If she refuses, or leaves his family with the intention of not returning. She can be held to have deserted them, thereby giving enough grounds for divorce.

Women neither own nor inherit any property. They are perpetual minors, subject to male tutelage. No matter what their age or marital condition might be they can never be the guardian of their children. Women have no part in public life. They can never be the chief, headman or one of the councillors and are not allowed to speak in assemblies and court of law:

This position of woman not only gave her a secondary status but was also the cause of domestic violence. Whether living in urban

area or rural area, married under common law or customary law, woman always suffered the violence and harshness of her male partner. In the customary law this was never taken as a important issue because of male supremacy and his authority and under the common law, apartheid government also never took this problem seriously. Only in 1993, under the prevention of family violence Act major step in this direction was taken, under the new legislation. It improved woman's access to protection from domestic violence by simplifying and expediting the procedure for obtaining interdicts (restraining orders) against abusive partners. Women organisations reported that magistrate courts in many areas have used the act effectively. But there were lots of shortcomings in the law and in the application of law, women often faced delay in getting the interdict either due to delay in the jurisdiction department or due to delay in the court fees.¹⁹

Women victim of domestic violence, regardless of race, also faced the unsympathetic behavior of judicial system and police. Frequently, it came into notice that police officers and clerks were unaware of the law and consequently misinformed or turned away woman complaints. In other cases, police was well-aware of the law, but choose not to respond promptly and decisively and merely warned the abusers. Prosecutions frequently discouraged women from

¹⁹ Vandana Shiva, *Gender Justice and Global Apartheid*, (www.twinside.org.sg/women.htm.2/5, 1990).

bringing charges. Such mistreatment appeared largely, due to the entrenched attitude among police and court officials who viewed domestic violence against women as a “private” matter which need not be taken up seriously by the state.

Absence of faith that the judicial system will handle their claim in an impartial, indiscriminately manner, many women do not believe that reporting their case is not worth the humiliation they will face in their community. A survey of 10,697 women (after 8.2 years of abuse) conducted by the advise desk for abused women and National Women’s coalition found that women reluctance of to impart knowledge about their abuse to the police and government legal and social services came directly from their negative experiences with police; the inadequacy of the legal system in dealing with domestic violence and fragmentation of social services.²⁰

Property Rights:

Modern capitalist society, under-pinned by materialism, defines rights in terms of accumulated property. The fact that women have poorer access to property than men places them at an immediate disadvantage. African women are at the bottom of the pile and this is

²⁰ Kaare Bwire, Sanders Todd, Moore L. Henrilt, *Those Who Play with Fire - Gender - Fertility and Transformation in East and Southern Africa*, (New Jersey, The Athione Press, 1999), p. 196.

further accompanied by the law which places their property right in the custody of men.

The position of women in relation to the right to property can be easily understood by discussing the rural women and urban women separately, because the property right of women especially married woman is related with their marital status and where they live.

Status of Women in Rural Society:

Rural society is more patriarchal in its concepts and as compared to other women, rural African women are particularly disadvantaged as a result. And to improve the status of women its not only that rural society needs to be changed, but also the polygyny 'tradition', customs which defines its politics and legal institutions also needs change.

In customary laws women are the one who are disadvantaged. As already said she is a perpetual minor especially in case of property. In the rural context, property specifically denotes land, and in this women have no place. One of the most cruel historical inequalities comes from colonialism and apartheid government in South Africa and that is the biased land policy. Black Africans (85%) were relegated to 13% of the land, much of it confined to 'Bantustan'

or 'homelands'²¹. Land laws and intensive migration resulted in virtually no functioning of peasantry, but higher levels of rural poverty, land degradation and landlessness among Africans living in rural area. The black rural areas were dependant on income earned in the urban centers, or on welfare remittance, such as state pension, and income strategies of most households revolved around these opportunities rather than farming.

Rural women were more disadvantaged compared to rural men with respect to access and control over the land and other resources. In this direction the major step was taken with the formation of the Transvaal rural African committee, which was affiliated to the national land committee. Lyndia Kompe was a major force in the project to bring the women together who all were suffering from the gross – human right policies of apartheid government. All were facing serious land crisis.

The history of the rural movement is involved in the resistance of black communities against the forced removals and loss of their South African citizenship through incorporation into the Bantustan.

Rural women were already facing difficult times in early 1980's due to the brutality and expressive tactics, including harsh

²¹ Anne V. Akeroyd, "Gender food production and property right: Constraints on women farmer in Southern Africa" Helen Afsher, ed. Women Development and Survival in the IIIrd World, (UK, Congman Publication, 1991).

interrogation and beating by police and vigilant groups hunting for husbands or 'activists' children. In desperation, rural communities sought for assistance of the Transvaal Rural Action Committee (TRAC), an NGO, that had evolved from the women's organisation blackshash. The rural women's movement grew out of the work initiated by TRAC.²²

Noting the exclusion of rural women from the traditional community division – making process (Pilsos) and forums (Kgotlas), TRAC appointed Lydia Kampe, who had spent a good deal of her life in the rural transvaal, to work with rural women. She helped them to speak and recognize the common experience they shared.

TRAC worked with the local communities, helping them in the problems that they faced like poor water supply and inadequate health services, education and child care. They addressed these concerns and challenged women to face boldly the traditions and cultural sanctions that continued to restrict their full participation in decisions affecting their lives.

NGOs and service organisations provide space for women in rural area. The Rural women's movement [RWM] helped to cast issues in a new light. The major break through for rural women was the

²² Aruna Rao, Ricky Stuwrt & David Kelleher, *Gender at Work Organisational Change for Equality* (USA, Kumarian Press, 1999).

participation and representation in Kgotlas. Women also began to engage in local income-generating activities.

Stronger links were formed between rural women and the more organised urban women's group and they discovered that – they both suffered from the limited response on the part of authorities on the issue of violence against women. While gaining political independence from apartheid government and establishing the legitimate government remained their first priority, women began to ask a new series of questions that lay within the domain of the relationship between African men and women: Why should I be treated as a minor in marriage? Why does equality built over the years with my husband flow to my son, then to me? What is the meaning of *lobolo*? After marriage – Am I my husband's property? Should a man have more than one wife?²³

These women felt the need to have a better understanding of the issues and the impact of change upon their lives. While sensitive to these concerns, the RWM believes that the best way to achieve change is through building the leadership skill of women and security. Women's full participation in the Kgotlas and as an informed voter and candidate in provincial and parliamentary elections.

²³ Zengie A. Mangalise, *Gender and Nation Building in South Africa*, (New York, Routledge Press, 1997), p. 157.

Traditional leaders attempted to get customary law as a entrenched constitutional law (Ch-4 of law charter deals with women's land right). Women organizations put forward the demand to abolish polygny and levirate (the obligation to marry a dead husband's brother). But it did not win a majority in the community land conference, but the conference did inhouse a number of far reaching demands for equal rights for men and women with regard to inheritance, ownership of land and housing, and representation in land and housing and local government demands which cut right – across the 'traditional order'. The main challenge for rural men in the conference was the threat to their personal status in household and empowerment of women at the level of property right and local government.

Customary law were given same degree of recognition within the interim constitution. The significant point of tension in the new constitution was no longer between the principle of gender equality and protection of the family, but between the gender equality and respect for 'tradition', cultural right and 'indigenous law'.

The constitution as a whole recognises both the institution of the chief kinship and customary law and makes some attempt to incorporate traditional leaders into government at an advisory and official level. The chapter of fundamental rights clause 14 provides

recognition for the 'the right to freedom of conscience, religion and thought, belief and opinion' and also for the legal protection of 'religion' 'personal and family law'. Clause 31 recognise the indigenous law, and like common law, it shall be recognised and applied by court, subject to the fundamental right contained in the constitution and to legislation dealing specifically therewith.²⁴

Overall Reconstruction and development prograam [RDP] is communally conscientious in drawing attention to the disabilities of women in key areas of the economic, social and political life in the nation. In relation to land reform specifically, the RDP it also quite implicit that women are envisaged as key beneficiaries.

Women face specific disabilities in obtaining land. The land distribution programme must therefore target women. Institutions, practicles and law that discriminate against women's access to land must be reviewed and brought in link with National Policy. They must be revised appropriately.

Another important step in this direction was taken in the useful proposal for specific reforms such as the requirement that a legal aid fund to be established specifically for women "to test their right in the court".

²⁴ Brigitte Mabandla, *Women in South Africa and the Contribution Making Process*, (London, Routledge Press, 1995), pp. 68-69.

Discrimination in Urban Areas:

In the urban areas women mostly preferred to marry under the common law which was less patriarchal in its approach.

The legal problems which women faced in urban areas were housing facilities and getting permit to stay in the towns. In case of housing, legally women were dependent on the male member. First of all houses were only for rent, which were not easily available and later on when the policy was made that Africans can also buy a house, women due to their married status were not allowed to buy a house. In case of getting the pass also women were dependent on the male members whether it is father or a husband.

Apartheid government also made all the effort to discourage women to be in a better position. Der Vereored, during his term as Minister of Native Affairs, argued that polygyny which is disappearing due to industrialisation and economic development should be encouraged. According to him Africans should make their own law on the bases of their customary and traditional laws. The minister of Bantu Administration and development De Wet Net, also expressed that women have suffered a great lot. (So it is time to restore the status which she has always enjoyed in the traditional society).²⁵ But this is not what South African women wanted at that stage. In urban

²⁵ De Wet Net cited in Miranda Davis, *Third World, Second Sex*, (London, Zed Books Ltd., 1987), p. 127.

areas 65% women economically active in different fields knew what their rights were. To get their rights legally and partially women organised themselves in different trade unions and women organisations which helped to bring consciousness in women not only in the political sense but also in legal area.²⁶

Customary laws are more forcefully applicable in the rural society. Women are always treated as a minor and always live under the oppressive shadow of her husband, father or other male member. While the struggle against the government on the one hand has taken them on path of independence from the racist society. On the other hand, women have realised their rights and started demanding for their rights in the new government.

²⁶ N. Mandela, *No easy walk to freedom* (London, Heinemann education books, 1980).

CHAPTER 3

SOCIO ECONOMIC STATUS OF WOMEN IN SOUTH AFRICA

In South Africa there is inequality even before birth, since women are treated by doctors of different races and given birth in separate places, and the children, as soon as they come into the world are 'Pigeon-holed' in different human groups. Right from the birth their destiny takes different path, first according to their skin colour, in second place by sex and then economic class. Child's whole education her possibility of achievement, jobs and status as well as everything affecting her personal relations is predetermined by these three factors. This applies to man as well as woman, but this applies more forcibly to African women. Sexual and Racial discrimination has left African women at the bottom. On their back rest the vast super structure of law customs of the socio-economic system, in which the habit institution of old, pastoral society are cemented into a modern industrial state.

THE IMPACT OF INDUSTRIALIZATION ON THE STATUS OF WOMEN

One of the major change in social and economic life of the people of South Africa came with the industrial revolution. The economic foundation of an industrial economy in South Africa was

laid down with the establishment of large scale gold and diamond mining in the nineteenth century. The economy of the region, until then predominantly dependent on agriculture, underwent rapid industrialization based on the supply of cheap labour largely because of control of the land by the white minority.¹ As extractive industries relying exclusively on male workers took center stage in the economy most women black and white were left outside the network of wage employment. Only with the development of industries producing consumer goods during the First world war and later expanded in the late 1920's drew a significant number of female workers into jobs like manufacturing clothing, food and textiles. Most of these women involved in industrial sector were coloured in other areas they primarily comprised of impoverished Afrikans speaking white families. 1947-1957 was the time of the great growth in industry the output grew by 738%, But the number of workers employed only increased by 151% and the main reason behind this was the employers were more interested in the technical use in work place rather than human labour.² Following the general shifts in the industrial labour force in the 1940's and 1950's black women came to occupy most female industrial position . As time went on many of the young

¹ Riva Shawn & Donaldson African Feminism: The Politics of Survival in Sub-Saharan Africa (Piiladelphia, University of Pennsylvania Press, 1989).

² Jane Baret, Andena Dawber, Barbara Klugman, et.al., *South African Women on Move*, (New York, Zed Books Ltd., 1955), p. 22.

white women started finding clerical jobs which were better paid. By 1953 only 28% of work place in clothing industry was white.

It became difficult for the employers to find enough of white workers because of their shift in the clerical and skilled jobs. This brought the Black African women into the industrial sector which resulted in the act of 1957, with this the first job reservation act was introduced. A government investigation recommended that black should be employed in industries but certain jobs should be reserved for white workers which included skilled jobs as mechanists , and African man rather than African women should be employed because until 1954 male workers were only defined as the pass- bearing natives. African men were not the concern of the industrial coalition Act. So they could be paid wages which were lower than the wages negotiated by the garments workers union in terms of the provision of the Act.

But by 1954 all African were defined as ' pass bearing native' and employers began to employ African women who were even much lower paid than the African men. From 1960 to 1980 African women were employed in greater numbers . here is an example of employment in clothing industry in Transvaal shows the tremendous increase in Black female workers.³

³ Barrett, *ibid*, p. 22.

Race sex	1960	1970	1980
White Male	212	200	124
White female	3745	1104	362
Coloured Male	395	493	334
Coloured female	6185	6134	2437
Black Male	3636	3116	2054
African Female	4207	13859	15368
	18380	24906	20679

The general pattern has been that African women find a foothold in jobs from which coloured and white women have moved, and for which African men are considered less suitable and more expensive. Because of this reason African women contributed 43% of the female labour force in manufacturing. But getting employment was not the only problem to reach this stage Africans women had to go through lots of trouble. Permission to live in urban area to African woman is granted only if their labour is needed in the industrial sector, Otherwise, by law, no African may enter in a city for more than 72 hours without a special permit. Since many women cannot support themselves and their dependents, they migrate to cities and as do women seeking to join husbands and children working as contract labours. A noted sociologist pointed out in 1968 to the stated fear of the regime that the residence of women in cities will lead to the setting up of stable Black urban population⁴ who will

⁴ The word Black was introduced by the Black Consciousness Movement in 1968 as a term that includes all Africans, coloured as Asians. However, the South African government lowercased the word and prevented its meaning to include only Africans. But here it is used to include all African coloured and Asians.

demand later on permanent residence and other rights which are not for them. Thus the laws for women in urban area were so pervasive and arbitrarily applied that only a small proportion of African women can be considered settled urban dwellers. There were around three million Africans expelled from urban area in 1970s and majority were the women.

The categories of African who qualify to live in urban areas were set out in sec 10 (1) of the Bantu (Urban area) consolidations act of 1945, as amended by Bantu laws amendment act of 1964. The conditions to be met for urban residence, however, involved numerous conditions, especially as they apply to women. Subdivision was included in section 10 (1) dictating the level of prominence of each category.

Section 10 (1)(a) covers those who have lived in urban areas continuously since birth. There are cases of children losing their residential status because they were sent to relatives in the reserve while their mother were working.

Section 10 (1)(b) covers those who have worked continuously for 10 years for the same employer or who have lawfully lived in same area for a continuous period of not less than 15years and who continue to live there and are not employed outside the area. A term of imprisonment exceeding six months will rescind their status.

Section 10 (1)(c) covers wives, unmarried daughters and son under 18 men who qualify under (a) or (b) and entered the area legally and ordinary reside with husband and father.

A women can retain her legality only so long as her husband does not divorce her, desert her or die and so long she does not loose her job and is not classified as 'idle'. Few women are able to qualify under 10 (1) (a) (b). Many women born in urban area may have had to spend disqualifying period away, particularly since job opportunities for women were much more limited than for men. On an occasion, a woman who is sole supporter of minor children is granted a "bread winner's concession" but for this she must leave her children in the reserve till they accumulate residence rights. The concession may be withdrawn any time.

Marriage to qualified African does not legalize her status regardless of number of years she has been married. Marriage can in fact have the adverse effect, women who qualify under their father's status lose her legal standing if she marries an unqualified man. Even if a women qualifies in her own right and wishes to marry a man who is also qualified can be denied from doing so if he is not from the same urban area and if she moves and goes there, she will lose her qualification she may have under sec 10 (1) (a) or (b) without necessarily gaining a new one under (c).⁵

⁵ United Nation Document, *Women Under Apartheid South Africa*, (London, 1981), p. 24.

The insecurity of African women in the town, whether living legally or illegally, is exacerbated by the chronic shortage of urban housing for Africans. Irony was this, that even if qualified they can not live because of less accommodation. And this results into the 'Cross Roads' which became an institutional symbol of defiance. The sprawling squatter camps just outside Cape Town sprang to prominence in 1979, and any government attempt to move in were strongly resisted by its population. In face of this the defiance government refused to provide sufficient housing for western cape African population. Living condition in these were bad, raids by the authority was an ever present threat. Despite this, places like Nyanga Busti and cross road continued to grew. The people residing in these places were the victim of shortage of housing facility still people came to work because they could not survive in Bantustan:⁶ The residents were the subject of continuous harassment.

By 1977 the back log in family housing reached an estimated 200,000 units. At the same time government stressed on building hostels for 'single' migrant workers. For many years most African were not permitted to buy houses, they were only allowed to rent these.

⁶ Bantustan, were desolate, improvised region where the majority of Africans were confined by a constellation of acts, passed between 1920 and 1980, that prevented Africans from owning land in an area demarcated as White South Africa.

Allocation of houses does not necessarily mean that family will be united. For instance if children were away at school at the time their parents had applied for the house, their names would not be included on the house permit. Once allotted a house , parents are often denied permission to have their children with them.

In Dec., 1978 government made a plan by which Africans who met the various condition would be eligible for a 99 year lease hold on a house or be able to build a house and retain it under the lease hold plan the law though self conducive for African women they did not do anything to ameliorate the conditions of African women in ultimate analysis. African women were excluded from the new scheme because married women under customary union have no contractual capacity and right to own property therefore they were banned from applying. For lease the new regulation prohibited women married within community of property rights from obtaining leasehold rights even if they were realistically available . Thus only women, married in accordance with the pre-nuptial contract were allowed. But it was reported that many building societies were reluctant to lend money to African women.

Women who did not qualify for family housing face the choice between living as registered lodgers in already over crowded houses or in single quarters for women, if they are available, but, here also they

cannot keep their children with them. Africans women who are in urban area legally, with their children, live in a constant fear of detection. Their children can go to school only with the requisite 'Pink card' which can be procured only if a child has been listed on a residential permit.⁷

Despite of all these difficulties, the government effort to keep women out of labour market failed, number of employed women increased. One out of the three workers were women. These figures do not imply in any way, that the conditions of African women was better as African women were limited to low paid, un-skilled and semi-skilled labour. Even if they did the same work as men do, women was discriminated. Average earning of African women was less than half of African men only 8% of the income of white male. In 1960's period of industrial expansion the number of female service in South Africa rose by 30% and in 1970 they totaled 724,020 of the 1,5,08,80 women workers.⁸

WOMEN AS DOMESTIC WORKERS

Industrial expansion brought about a major shift of domestic workers to better paid jobs in industries and thus a reduction in their number. Such a shift failed to occur in South Africa because color restriction still kept African women out of certain area of employment.

⁷ Plaatji, Solomon Tshekisho, *Native Life in South Africa* (UK, Longman group, 1987).

⁸ UN Document, *ibid*, p. 56.

Wages for domestic workers were among the lowest in the country, only agricultural worker were paid less than them. Wages were arbitrarily set-up by the employer and any attempt by domestic workers to negotiate them would mean the loss of an urgently needed job. Other disabilities were the neglect of their own house and children and marriage break downs because the husbands of women employed in a house could not stay even for a one night. If they stayed illegally risk of being caught in one of the regular raids by police in domestic servant quarters was always there.

WOMEN AS FARM WORKERS

From the beginning of industrialization, African women were relegated to a position which had ever spreading disadvantages. They used to fulfill their roles as bearer of children; work on land to supplement the low wages of the male migrants (they had to perform both their own tasks and those of the absent men) and they were denied general access to paid employment which would wants normally have provided them with a new status in a changing society.

For several decades the Bantustan were not been able to support their population, at subsistence levels. The policies of apartheid caused a further decline in the capacity of the Bantustan area to produce enough to feed the population there. Enforced

removals of people from the urban area into the Bantustan because of the Pass Law led to a massive rise in the population. In addition to this due to lack of investments and funds in agricultural sector, there was a migration from agricultural sector. These conditions were supplemented by enforced removal of people. Black agriculture was starved of investment funds. At the same time government policies in various ways further led to restricting black access to land for cultivation to an even smaller proportion of the population in the Bantustan. Two third of the population was landless.⁹

Women working in farms, together with domestic workers, are the most exploited in comparison to all South African workers. They had no right and almost no legal protection against the harsh conditions, straving wages and brutality of their bosses. Yet working for low wages on a white farm was the only option for them. Amongst them were the increasing numbers of women. Because they had little choice due to high rural unemployment and unreliable remittance of migrant men and no land for cultivation forced them into domestic work.

Many women farm workers were migrant, employed on daily basis or seasonal bases, other lived permanently on farms. They were employed as domestic or causal laborers especially during the picking

⁹ Jane Baret, Aneene Dawber, Barbara Klugman, Ingrid Obery, et al., *South African Women on Move*, (New York, 1981), p. 60.

and harvesting times. Due to male migration women started taking up the jobs which men use to do.

The state tried to channelize white farms but because of influx control they were not been able to create a stable labour force. The condition of most of the farms were very bad, that at the first available opportunity labourer left the work. But pass law had some effect on farm worker. Sometime it confined workers to farm work for rest of her life.

The real wage of both, men and women deteriorated with time (from 1960- 1980).¹⁰ Most workers were paid in cash or partly in kind.

Monthly wages –1980

	Cash wages	Value of kind
Eastern orange	26.50	31.98
Free state (orange free state)	33.60	34.26
Western transvaal	33.51	49.99
Narhtwest (orange free state)	26.42	50.87
High veld	53.42	76.35
Western cape I	79.08	67.24

But independent survey has revealed that wages were far lower than this, like for example in the Moikelsi area in Northern Transvaal

¹⁰ UN Document, *ibid*, p. 56.

women and children often work for tomatoes. In 1980 in Mathibisk real area in Lebava, women seasonal workers in the cotton estate earned between 30c to 80c a day and no income out of season.

Many farm worker were born and grew up on the white owned farms yet if their contract finishes they loose the jobs.

Only skilled job where the black and coloured women can apply was the teaching and nursing. Which again if not raceially discriminated was sexually discriminated because if women once got married she was not allowed to continue with the teaching job. Which left many women with the only option to remain unmarried.

WOMEN ORGANIZATION

Initially women organization existed mostly to represent White Women. Other welfare organizations which came into existence were the National Council for women, the House Wife League, The Business and professional women ,The Women Institution of Trust Mistress were white women organization and mostly affiliated to international organizations . Apart from the National Council for Woman, all other organizatons had excluded the Black women from membership for a very long period of time. Their interest was centered around improving the competence of membership in housewifery, gardening, crafts and public speaking. National Council for Women in

South Africa (1913) was affiliated to International Council of Women and worked against the apartheid. The 47th conference in 1981 affirmed that "South Africa is one country and one people"¹¹ it rejected the notion of racial discrimination as morally unsound and a dangerous obstacle to the peaceful development of South African Society .

However, a strong movement representing Black women emerged against in unequal development in Black township and the sorry state of affairs with regard to Black township administration. All these bad living conditions and exploitation gave rise to different women organizations which were mainly engaged in welfare and social work for better living condition for women. Welfare organisation in 1930's started demanding for improved conditions in the township which were often spear headed by middle class African women like Chartlot Maxeke, a social worker and the first president of the Bantu Women's League which was formed in 1919.

National council of African women was formed in 1936 and by 1953 it had four branches. It emulated white women and tended to view African problems as a result of ignorance and illiteracy and it is up to the African women and people to liberate themselves from tribalism.

¹¹ Marinda Davis, *Third World Second Sex*, (London, Zed Books Ltd., 1998), p. 57.

The Daughter of Africa and Zengele clubs also worked with the same approach.

The oldest Indian organization, Indian women association was operative since the time of Gandhi, it was founded in Durban and Johannesburg. Indian Women Association supported Gandhi during his passive resistance campaign. But the association was more interested in educational and welfare work.

The other factors, which dominated the women groupings, was the religion. Religion, particularly Christianity was an important factor that brought women together. The Christian Women Movement formed in 1982 under the auspicious of the South African council of Churches was overtly anti apartheid and faintly feminist in its outlook. It has stated that "our vision is the realization of a new community of women and men in the Churches and for the total liberation of all people in South Africa."¹² They were committed to work for eradication of apartheid and all structural inequalities in church and society, so according to them their struggle for inequality can not be separated from the political liberation of all people.

One of the most pacific church organization was the Manyano. The main task of Manyano was to bond the women in the urban area and draw from the vast diversity of the tribes, giving them an identity, manifested in distinctive uniform, self confidence and security.

¹² Davis, *ibid*, p. 59.

Manyano organized the stokuels and saving clubs, rotating among members the benefits of the capital accumulated each month to help with emergencies such as school and university fees, down payment and demand for creditors . Non-political on the face of it, Manyano had the potential for quick politicization inherent in a non-tribal, Christians but intrinsically was an African grouping. It funneled grievances which though unintellectualized was expressed 'intuitively' as rooted in racism, "White people do these things to black".¹³ "They happen because white make them happen"¹⁴ Manyano remained the most authentic African women organization and underpines women's activities in the overtly political organization. The African National Congress Women League (AWCWL) appeared as not only as the model for Manyano, but to considerable extent was supported by it.

Other Christian organizations which primarily worked for education and welfare services in towns were the Young Women's Christian Association (YWCA) whose members were mainly the educated and skilled women and Young Women Catholic Association, which took a political stand and worked with the help of other organization, in a well organized National body with regional and local committee throughout the country for education and welfare work.

¹³ *ibid*, p. 59.

¹⁴ *ibid*, p. 59.

Hinduism and Islam inspired other women: group, the first involved the Indian women, the second Indian and Malay women. They were in small group, purely ritualistic and theological - to educate and to do welfare. They used to organize lectures, publish best seller cook-book; raise funds for welfare services for all races and established educational foundation which were provided for the young black women.

In 1940's Madie Hall Yuma, American wife of Dr AB Xuma, President of ANC that year, organized a home improvement course through young women Christian Association which was some what elitist in approach and emphasized home duties, improving family life and western Refinement.

But at that time the major concern was the Apartheid government the policies which was implemented by the government that led to the development of these kinds of organization. The basic problem lay in the racial discrimination in jobs and other work due to which African Black, colored and Indian people were living in a worse situation that can be imagined. In course of this, with welfare organizations, many trade union and other organization come into existence which mostly dealt with the problem of women in industrial sector and doing farm work. Domestic workers were in the worst condition, one of the main reason was they were isolated from each-

other. So the collective negotiation and action between them was almost impossible. It was difficult for the domestic worker to act together and demand high wages and better working condition in the way that factory workers can. To deal with their problems number of organization were stepped - up throughout the country. They included the Domestic workers employment project (DWEP Johannesburg). The Domestic workers Association (DWA- cape town) DWEP tried to 'Make better maid' by upgrading the skills of domestic workers in areas to make them more valuable whereas DWA tried to model themselves on trades union.¹⁵

All these organization asked for the minimum wages, some of them demanded the establishment of standard contract of employment. But they faced major obstacle because of the isolation of one worker from another and the complete lack of legal protection.

Between the security of a regular job and a despair of total unemployment was the informal sector. People earned their living by sewing, buying and selling or running shebeen. These informal sectors became the permanent way of earning money. For this kind of jobs National African Federation of Chamber of Commerce (NAFCOC) attempted to fasten small business development. It got the recommendation of the commission that informal sector activities as

¹⁵ UN Document, *Plight of Black Women in South Africa*, (New York, 1981), p. 75.

one of the solution to the lack of jobs. But only few reached the top. Many of them were illegal and constant police harassment was the constant worry for many women.

The issue which affected the women worker was not the part of the Trade Union for a long time. To organize the African women worker in trade union was the difficult task. African women usually worked in most insecure jobs. Women workers had to fight not only against the state but also against the patriarchal structure to recognize their right to participate in any organization outside the home. In spite of all these difficulties few trade union which came were the worker in Knitmore who were also member of National Union of Clothing workers (NUCW) According to a closed agreement, the union had exclusively African membership and they were around 22000 in 1983. It was established as a parallel union to the garment workers union which has the white, colored and Indian membership at the time when Africans Trade Union was organized in legislative.

The National Union of Clothing Workers operated for many years as the sister organization of the garment Workers Union, since 1979 when the labour relation Act was amended, by which the system had become non racial. From that time all union irrespective of the race of their membership were recognized in law.¹⁶

¹⁶ UN Document, *Women Under Apartheid South Africa*, (London, 1981), p. 48.

National Union of Textile workers had the largest membership in 1985 with 18000 members and it was affiliated to the federation of South African Trade Union. Other independent Trade Union with large female membership was the food and canning workers union and sweet food and allied workers union.

The resistance movement against the government mostly came out from the Trade Union. From time to time they organized to fight against some particular issue which mostly included the low paid job, bad housing facilities, etc. The legalizing African Trade Union can be said as a changing point in the lives of the working class African. It helped substantially in the organization of labourers. Whereas there were no registered integrated black (African, coloured and Indian) or non-racial trade union up to 1972, in 1982 there were 40. Membership of registered union rose from 6,37,480 in 1972 to 12,26,45 in 1982. Total union membership registered and unregistered was 1500000 representing 15% of the economically active population. However, cultural and domestic workers, remained mainly outside the fold of registration. With the trade unions efforts industrial court had made judgement against unfair labour practices. These decision have been beneficial to workers. But the state clearly protects employer against workers, white against black, as police was

handling all the activities, even legal strikes demonstrations.¹⁷ But trade union continued their fight against the state.

One of the resistance movement organized by the worker was in January 1957, when Public utility transport increased one Penny in the Transport, which used to transport some 25,000 African each day¹⁸ from the black township of Alexander, Sophi-town and Lady Shelburn, the poorly paid Africans began 'Bus boycott', by walking up to a mile each day, some leaving at three in the morning. Within three weeks 20,000 other Africans had joined them in sympathy. The boycott was mainly organized by the women.

The state responded with mass raid in which 6,606 Africans were arrested and another 7860 subpoenaed. A rally of 5,000 people, in Lady shel burne was attacked by two police baton charges resulting in 17 Africans being hospitalized. The government announced legislation that would result in a permanent end of bus services of African towns. But Africans continued to resist and after five months the Native Transportation Amendment Act rolled back the bus fare increase.

¹⁷ Cynthia Kros (1985): "Current Events - Women's Issues", Gyel: Race relation about.com/cs/apartheid.

¹⁸ Beata Lipman, *We Make Freedom - Women in South Africa*, (UK Pandora Press, 1984), p. 105.

The organizing of women as already said began in the 1920s mainly in laundry, textile and baking industries. It was the Trade Union movement that produced women organization and served to politicize them. It was in the trade Union that they first achieved position of prominence. The decade of the 1940's was the high point of women effort to organize women in manufacturing industries, efforts in which black women became increasingly important. One prominent women of this era was Christina Okolo, one of 1,000 African Women employed by 1944 in the clothing industry in Transvaal. Representing sister workers who applied to, court for a declaratory order, she asked the court to rule that, she and all other African women were the employees under the industrial Conciliation act. In Dec. 1944, the court ruled in favour of women. The wages of the women worker were substantially increased their hours of work were reduced and other benefits of the agreement covering white, coloured and Asian worker were applied to African women worker. All the women clothing workers were united across racial lines and helped to achieve the singular victory. Shortly there after, African workmen in clothing became the members of the garment workers Union.

These hard won rights however were short lived. Nationalist government in 1948 introduced more discriminating laws. In 1953 the Bantu labour Act came into effect and African women worker could no longer be the member of a registered union. As it had happened in other industries, separate and "Parallel" Union was formed. In 1954, the industrial conciliation act excluded African worker from the definition of "employee" within the 3 years of passage of the suppressions of communism Act of 1952 the government banned 56 trade Union activist, many of them were women . The general effect of new laws was to cripple efforts to organize Africans.

Women nevertheless continued their struggle. Prominent among black trade unionist was Elizabeth Makakerg. Who led the 1950 strike of the African food and canning worker union . She became a highly respected leader continuing trade union workers with the struggle for the political rights and the elimination of apartheid through the federation of South African workers (FSAW) and ANC. After government declared the food and canning industry as essential industry in Sept 1959. She stopped the strike, But continued with her union activity. But later on she was served with a banishment order, she managed to flee to Lesotho. But the struggle went on and new women leaders arose. By the 1960's one half of the African union had

women as their Secretary-General¹⁹. According to Black Women Federation in 1974, inspite of the risk involved, there were 374 strikes involving some 57,656 African worker, 841, of which, including many women were arrested, according to Black womens federation. But women workers continued to play a leadership role in several organizations and more and more female factory worker were being exposed to the principles of unity of the work forces which was 'Free from color bar'.

The huge influx into the black township reached to the bursting point in 1944. Which gave rise to series of squatter movements. Women played an essential part in the long conflict with municipal and government authorities. Indian women were among the 600 Indians in Natal jail passive resistance against a new segregation Act which was called as Ghetto Act. The campaign was a step towards unity of action between the African National and Indian congress.

In 1949, there is return of nationalist government in general election. The ANC benefits from a new dynamism coming from its youth leaders and adopts a new programme of Action calling for "Strike, civil disobedience and non cooperation". As a first step, a one-day stoppage of work was called on 1st May. Police fired on the crowd

¹⁹ Lipman Beata, *We Make Freedom - Women in South Africa*, (UK, Pandara Press, 1984).

killing 18 and wounding 30, including children. Outbursts of sorrow and anger in ANC, Indian Congress, Communist party led to formulation of a committee which called for the National stoppage of work²⁰ as protest. On Jan 26th, 1950. Hundreds and thousands workers took part in it, in Port Elizabeth, the stoppage was amazing. All shipping was halted and business were closed. This was one of the major successful stoppage organized by these parties.

Another important campaign was the Defiance campaign. Women were active in the long campaign of Defiance against the unjust law. It marked peace march action together with discipline and good nature which was the part of the participants. 8500 people deliberately got themselves arrested. In the event the women were in black uniform and green blouses that symbolized support for ANC. The freedom songs were sung throughout the country.

Each new protest was counter lawed by new laws so that it can never be repeated. The Defiance campaign brought the public safety act, impressing upon improving the government to call a state of emergency and criminal Law amendment Act which meant that with prison and lashes given to anybody supporting the commission of an offence in protest against any law, and providing the collection of

²⁰ South African government banned any kind of strike, so instead of strike ANC and Communist Party used the term stoppage of work which was not considered illegal.

movies and such protest campaign. In June 1955, freedom Charter, in addition to new oppressive laws, brought the arrest of 156 men and women of all races on charge of treason. The four and half year long trial ended in the acquitted of all the accused, but together with the increased banning, security and Police action it led to slow down of the whole protest movement.

One of the most notable development arising out of ordinary women's courage and integrity in resisting apartheid was the squatter camps. The position of women and their family life were central to this development and women with their organisation, Crossroad women's played a very important role in organising and defending the camps. ²¹

Cross road, so called "Squatter Camp" was largely in the cape town area. In 1977, when the government announced that camp would be demolished and 20,000 resident would be sent to Transki, the women organised the cross road women movement. Contrary to the governments propaganda that crossroad is a transient camp, the average length of time that heads of household have lived there was 18.2 years. While for spouse duration was 11.7 year. Even so, because of the very complicated and restrictive legislation that keeps

²¹ Uprooting a Nation - The Study of 3 million in South Africa, Africa Publication Trust (London, 1974).

urban families apart, less than 10% of the spouses were legally in crossroad.²²

This increased their vulnerability to the police. It was the women who were at maximum risk, mostly through harassment and arrest by the police.²³

The rallying cry was from the women 'we are not moving'. In June 1978 more than 200 women demonstrators were at the Bantu Affairs Administration Board, where seven women expressed their grievances to the officials. They were all called by the police 10 days later. The police began sweeping raids, arresting women and children in their homes. In July, a multiracial crowd of between 4000 to 5000 people participated in a two-and-a-half hour service for preservation of the camp, in spite of police warning that this meeting was illegal. The police expanded their raids in September, 800 people were arrested and three were shot. When the first lot of bulldozers arrived, the women sat on the ground. In this three people were killed. The woman continued to protest. They sought and received international support.

Finally, in Dec 1978, the government, then under massive international pressure, announced that it would not force the residents to leave the Cape Town area.

²² Brewar D. John, *Black Protest in South African Crisis, African Affairs* (1989), p.25-29.

²³ UN Document, *Plight of Black Women in Apartheid South Africa*, (New York, 1981), p. 42.

WOMEN - HEALTH AND EDUCATION

Motherhood, often without adequate financial and emotional support is the a source of great pain for most South African mothers. The country as a whole has one of the largest infant mortality rates in the world, 90 per 1,000 live births.

In 1982 regulations against abortions was tightened. A total of 454 legal abortions were allowed, 324 for white women. As against this, social welfare workers estimated at least 75,000 illegal abortions performed on black (African, Indian and Coloured) women. The South African Medical Research Council reported 33,421 incomplete and spetic miscarriages in the same year. Cholera, hypertension and mental illness was on the rise, being particularly concentrated among the African people, and being highest in the homelands. It is estimated that two and four per cent of the population of Ciskei and the Transkei respectively had tuberculosis.

Medical personnel and services were particularly inadequate. There is one doctor for every 330 whites, 730 Indians, 1,200 Coloured and 12,000 Africans. Moreover, there is one nurse for every 14 whites, 549 coloured, 707 Africans and 745 Indians. Only 5 per cent of the

doctors were practising in rural areas where the incidence of diseases is ten times higher than in urban areas.²⁴

In case of education the educational structure was pointedly geared school within the first three years. In 1983, there were only 72,168 African matriculants (excluding Transkei region) and only 9.8 percent attained university entrance passes. White matriculants in the same year totalled 56,000 and well over half qualified for university entrance.²⁵

CONCLUSION

The political empowerment not only depends on political involvement but the socio-economic status also has a tremendous impact on the political status. The social and economic oppression of the women not only in house and family but also in economic sector like industries, farm and household work led them to stand to fight for their right. This exploitation, has not only given rise to the Trade Union which directly attack all the apartheid government but also the welfare organisation which from time to time has the trade union effort.

²⁴ Klugman Barbara, "Politics of Contraceptive in South Africa", *Women's Studies International Forum*, (1990), pp.25-29.

²⁵ Donald J. Treiman, "Racial Differences in Occupational Status and Income in South Africa", *Demography* (1996), pp.980-991.

South African women understood that they need to make strategic alliances, recognizing that these alliance may be temporary and limited to particular common interest rather than built on assumed ongoing sisterhood. Although the interests are fluid, still this strengthens their solidarity and position, which helps them to stand against the apartheid government and makes it hear their voices.

CHAPTER 4

STATUS, ROLE AND PARTICIPATION OF WOMEN IN SOUTH AFRICAN POLITICS

Looking at the feminist movement in South African context there is ongoing debate, Feminism within South Africa especially as it relates to experience of black women has largely been viewed with skepticism. Black women assert that they have always dealt with the issues of feminist movement without being aware of the existence of the term 'Feminism'. For black women in South Africa, issue of racial inequality is primarily and largely collective. In a theoretical context of feminism it is a struggle against patriarchy and is advanced mainly by well-educated white women and few black women, due to this elitism their analysis has led to alienate many women from mainstream feminist discourse. According to South African Feminist¹ the whole concept of feminism is Euro-centric and is basically struggle of the women from societies which have long been independent, whereas South Africa, the prime issue is Apartheid and National liberation, so the argument that women should concentrate on National Liberation, relegates the women issue to second place. Due to the inferiority which was imposed on Africa by colonialisms, the black women had their burden tripled. The first imposition on

¹ Lewis & Hendrick sited in Amanda Kemp, Madlala, Moodley & Salo Elaine, "The Challenges of local feminism - Women's movement in global perspective ed. Amrtia Basu, *Redefining South African Feminism* (UK, Westview Press, 1996), p.141.

both women and men was the ideology and 'Inferiority' ingrained and maintained by the colonist, along with the pre-colonial social structure. The second is imposition that arises from both the tradition of the old society and the doctrine of new that is, the inferior status imposed on women by relation between man and women. The third is that from the beginning of the development of industrialization, sexual discrimination was embedded in the overall system of exploitation, so the women have not directed their struggle against the various types of patriarchies which have had limited their action within traditional and customary laws. Rather women struggle have targeted the state. The context of notion of oppression has not easily embraced feminist objectives. But women organisations and struggle from at least the 1950s did pose a challenge to an aspect of patriarchal domination, even if they did not offer direct-feminist agenda.

Women resistance against the government started not only during the Apartheid period but long before that.

In 1912 by Indian women from two ashram of Natal and Transvaal defied the Anti-Asiatic law. They crossed the provincial borders from both ends and provoked the miners of 'new cartel' to strike. One hundred workers thereafter began the epic March, led by Gandhi, across the Natal borders into the Transvaal. The entire Indian labour force in Natal went into the strike. Bringing the

industries to a standstill. Arrest and imprisonment followed and government was forced to modify some of the hardship against the Indians. The great figures of that struggle was not Gandhi but the emancipated young Valiamma, who refused to surrender inspite of her fatal illness, that developed as a result of repeated imprisonment. She died in the struggle.²

But in the whole history of struggle against apartheid it came into notice that women have a lower propensity to organize themselves, because of subservience imposed and internalized. African women need permission, approval of father, husband or male guardian to step outside for practically any reason. Even women themselves feel it against their custom to organize outside the kinship grouping. While the women organisations are limited in number but the impact of some of them is considerable. They may be classified broadly as those securing recreational needs and developing the skills of members, those focused on welfare work, and those overtly or apparently political and engaged in the political activities. Middle class and white women organisation are usually of first two types, last are the African women organisations. Although black women are active in some degree in South African organisation dedicated to social justice, it was the trade union movement that produced women

² Reddy Latha, "Contribution of Indian women in Liberation struggle in South Africa", *Mainstream* (1996).

organizers and led to politicize them. It was in the trade union that they first achieved position of prominence.³

The establishment of women organisations especially organising in Trade Unions started soon after the union of South Africa came into existence in 1910. Women Enfranchisement Association of union came into existence in 1910 and it finally it resulted in franchise for white women in 1930.

BlackSash came into existence after the National Party took over the power in 1949, specifically to protest against the excerssers of system against Human Rights. A small but active group of liberal white women reacted against the government attempt to disenfranchise the African and colored voters in the cape. They founded the organisation called the Defence of the constitution league in 1955. The 'Black Sash' as it came to be called, remained small and middle class. Their protest comprised silent vigils outside parliament or other public places of prominent importance, holding placards and wearing the distinctive Blacksash symbol of mourning for the death of the constitutional government. In 1980's Blacksash also turned attention to assisting communities which were under threat of removal. That time it formed the Transvaal Action Committee[TRAC]. TRAC joined with other similar organisation from

³ Fatima Meer, "Organising under Apartheid", ed. Davis Marinda, *Third World Second Sex* (London, Zed Book, 1987), p.21,22.

the various regions to form the National Land Committee. Mam Lyndia Komps was the leading force in the land committee. During the late 1980s and early 1990s women issue became the prime issue of the organisation as a new generation of younger women informed by feminist concerns became active members. The Black Sash worked in Transvaal in particular.⁴

Since the founding of the African National Congress (ANC), and Bantu Women's League under Charlotte Maxeke in 1913, women joined together and founded other movements and organisations as specific needs arose. In spite of the organizational problems women faced by the rapid expansion of apartheid under National Party domination, women never diverted from their struggle. In 1954, they formed the Federation of South African Women (FSAW) - Its members said to represent some 230,000⁵ women, who were largely from the Congress alliance, but especially from the African National Congress Women's League (ANCWL). FSAW had two primary aims: First to work for majority rule and to end the policy of apartheid, secondly, to build a multi-racial women organisation that would also work for the promotion of women's rights. The creation of FSAW marked the beginning of a period of expansion of the political involvement of women especially Black women.

⁴ Henrick Sommer, 'From Apartheid to Democracy, Patterns of violent and nonviolent direct action in South Africa', *Africa Today* [1996], p.45-49.

⁵ United Nations Document, *Plight of Women in South Africa* (New York, 1981), p.23.

In 1952 women from National Indian Congress and ANC joined forces and established the Durban and District women league. In doing so they went ahead of parent bodies. The league concentrated most of its activities in Cato Manor. League representative were among the founding members of the Federation of south African women[FSAW].

The initiatives for the establishment of FSAW came from the white women of the Congress of democrats, it was also inspired by the women international democratic front established about the same time. The FSAW success was unquestionably due to the activities of ANCWL. If there were ideologically differences they never touched the rank and file. It had the support from the ANC as well as women from colored Indian and white congress and from The Food and Canning Women's Union.

Another two organisation which were inspired by the ANC were the United Women Organizations in Western Cape and Natal Organisation of Women in Natal. The United Women organization included the "Consumer Committee" "Workers Supportive Committee" and "9 August committee"

In Pan Africanist congress, the women Wing was formulated after the ban was lifted.

The Franchise department and Women Christian Trade Union (WCTU) formed in 1894 and it became more systematic with the formation of Women's Enfranchisement Association and Union (WEAU). They were all white organizations.

WOMEN'S CHARTER

FSAW brought together a broad front of women organisation including ANCWL, South African Colored people's organisation (SAIC) and COD. FSAW opening conference drafted a Women charter in 1954 which was the landmark in the history of women struggle in South Africa. The members of women Charter were the African National Congress (ANC), South Africa Indian Congress (SAK), South African Communist Party (SACPC) and congress of Democratic (COD). Preamble of women charter says

“We the women of South Africa, wives and mothers, working women, hereby declare our aim of striking for removal of all laws, regulations, conventions and customs that discriminated against us as women and deprive us in any way of our inherent right to advantages responsibilities and opportunities that society offers to any one section of the society”.⁶

In women charter FSWA clearly stated that women do not form a separate society, separate from men. There is only one society and that is made of men and women. Women also share the evils and

⁶ Jane Barrett, Aneene Dauber & Others, *South African women on move* (London, Zed Book, 1985), p.238.

problem of the society and will raise hand with men to remove obstacle of progress. The level of civilization of any society's measured by the freedom enjoyed in it and the status of women is the test of civilization, and measured by this South Africa must be counted low in the scale and civilized nations.

In Women's charter, women specified that, they are the one who not only bear the burden of poverty and its evils with men but also what it is being in family life in Pondokkie (small huts), bitterness of children taken by lawless ways, daughters becoming unmarried mothers, Girls and boys growing up without education and jobs. All these evils exist in society because it is divided between rich and poor, European and non-European. So women decide that they should stand shoulder to shoulder with menfolk in the common struggle against Race, poverty and class discrimination. Evils of colour bar was the main agenda of the women's charter.

It also touched the patriarchal aspect of equality for women in laws and customs that deny African women from right to own or inherit property and marriage. African, Malay and Indian women suffered legal subjugation for being wife, that gives all the rights and power to husband to dictate on them in all matters affecting them and their children, should be stopped.

With the growth of industries and loss of tribal law, the kinship and tribal society has been destroyed and there is a tremendous rise of a great body of wage earners on farms and in the urban areas. Thousand of African women likes Indian women employed in factories, homes, offices, shops, farms and in professions as nursing, teaching etc. As unmarried women, widows or divorcee they have to find themselves and children often without the assistance of the male relatives. Yet the law seek to enforce them as minor. The colored, Indian and Malay women were denied the same status as men in matters such as the right to enter into contracts, to own dispose property and to exercise the guardianship over their children. The law has lagged behind the development of society, it no longer corresponds to the actual social and economic position of women. It has become an obstacle to the progress of women and therefore a break on the whole society. So FSAW showed the intention to carry out a nation wide programme that will bring all women and men together, women charter appeals to the all organisations, to member of the great National liberatory movement, to the trade unions and working class organisation, to church, educational and welfare organisation and to all progressive men and women who have the interest , to join hand in this great endeavor.⁷

⁷ Beijing Conference, Gender Justice and Global Apartheid (www.twinside.org.sg/womens.htm)

This women charter initiated by FSAW became the foundation stone of the women struggle against the Apartheid government.

United Democratic Front[UDF] which was established in 1983 founded End conspiracy campaign (ECC) as well as civil and women organisations. Another organisation on non racial background was the United women's organisation in Western Cape. Its each branch became the area of empowerment of women: there they built confidence and learned about conducting meeting: taking minutes, engaging in discussions and established their own area programme. Thus each branch initiative was balanced with the issues raised in the executive, and regional programme which emerged from the council discussion and decision. UWO had built the Close knit, efficient and effective organisation by the time UDF had emerged. But it later on got weakened because of the departure of strong activists like Cheryl Carolulates.⁸

Women organisations in other province took somewhat longer to establish themselves and neither the Natel Women Organisation nor the Federation of Transvaal Women (FEDTRAW) were able to achieve the effective organisation strength of UWO.

⁸ International Defence and Aid Fund For Southern Africa, in cooperation with UN Center, *Women against Apartheid* (London, 1981), p.87.

Role of Women in Political Struggle

Both 1950's and 1980's witnessed the emergence of different resistance movement whose concern was mainly the end of women subordination. Their objectives were to mobilise women in general, struggle against apartheid and also to introduce the women perspective into the struggle.

Now you have tempered with the women
You have struck against rock
You have dislodged a boulder
Now you will be crushed.

(Women's Anti-Pass Campaign Song, 1956)⁹

In 1954, 20,000 women marched singing this against the pass law. South African women understood that they need to make strategic alliance, alliance that may be temporary and united to particular common interest rather than built on assumed sisterhood. In other words in National movement women organisation had taken the single-issue framework from time to time. The march of women within the battle for National liberation, which emphasized the struggle with patriarchy within their own organisation, has laid his base for intensified battle over and education about gender oppression that is being waged by the new South African feminist.

⁹ Susan Alice Watlans, Marisa Rueda and Mark Rodriguez, *Feminism for Beginners* (UK, Icon Book Ltd., 1992), p.125.

The courage and determination displayed by Black women in their refusal to accept the restrictive passes epitomizes their over-all participation in the struggle to eradicate apartheid. The government effort to get women to carry passes is as early as 1913 in Orange free state. Women who lived in urban locations were forced to buy a new permit each month that cost them shilling. When petition and deputation had failed against the permit, women threw off their shawls and took the law into their hands. In Bloemfontein, 600 women marched to Municipal office and demanded to see the Mayor. When they were told that he was out, they deposited a bag containing their passes at the feet of the Deputy Mayor and told him they would buy it no more.

The struggle continued for years and eventually women were successful. Peacefully women withdrew and the government never made any attempt again until the National party came into power in 1948. In 1955 Minister of native affairs stated that passes would be issued for women from Jan 1956.

The big protest launched by the women against the pass law took place in October 1955 organised by the Blackshash in which around 2,000 women participated in Pretoria. Passes were first issued in March 1956 in Orange free state in the town of Winburg, where many women were wounded when they buried their passes. At

that time it was not mandatory to carry a pass but if one has a pass it was illegal to destroy it. In the year that followed, anti pass demonstration by women took place throughout the country.

On 9 August 1956 in a protest organised by FSAW, more than 20,000 women came to Pretoria to see the Prime Minister. When he refused to see them they placed the petition with more than 100,000 signatures in his office. In Nov 1956, when government officials in Linhnensburg in Western Transvaal came to register women more than 1,000 women met them to protest, police made the baton charges, women started throwing stones in retaliation. The police opened a fire and two Africans were killed.¹⁰

The strategy of the government was to issue the passes first in villages. That time women in Johannesburg were asked to carry only 'permit of identification' which police began to ask. From 12 May 1957. Some 2000 Africans attended the anti-permit meeting at Sophi town, requested an interview with Mayor. On 16th May, they met the Mayor, who agreed to suspend the police action and issue certificate for women.¹¹

Among other few incident against the pass law includes , women attacking magistrate car in the Eastern Transvaal on the

¹⁰ Saul & Celb, *Crisis in South Africa*, (U.S.A, Zed Books Ltd., 1986)

¹¹ Brigala Bane, "Priorities for women in South Africa' ed. L. Dina, Jain Davali, *Speaking of faith cross cultural perspective on women, religion and social change* (India, Indraprastha Press, 1986).

announcement of distribution of passes, five women were arrested. The police also open fired on a demonstration demanding their release in which four people were hurt, and 8 women were wounded, Women were forced to accept the pass. In Saadertom in South Eastern Transvaal, 914 women went to protest .All of them were arrested. In another cases like in Gopan Village July 1957 some women burnt their passes, when 35 women were arrested. 233 more volunteered to be arrested. All of them were later released and in Motswedi and Braklaay when official arrived for registration the villages were desearted.

In Oct- 1957 official began to register women in Johannesburg. While some women accepted as it was impossible to avoid, many women protested during the week of 21-28 oct 1957in which, more than 2000 were arrested.¹²

In Dec 1957, the Pan Africanist of Azawa (PAA) which was formed in 1950 as a second liberation movement in South Africa announced, that it would launch “decisive and final political action” against the pass law under the slogan “No bail, No defence, No fire”. President of PAC announced that it would began on 21 March 1960, and members have to bring their passes and get arrested at nearest

¹²Elaine Windrich, "Johannesburg massacre: Media image of South Africa Transition", African toady (1996), p.135.

police stations. It all went in the atmosphere and spirit of non-violence.

The biggest protest against the pass law took place on of 21 March 1960 when thousands of Africans gathered in locations around the country. In Sharpeville around 20,000 people came to the police station in peaceful demonstration. Police opened fire in which 67 Africans were killed and 186 wounded including 40 women and children. More than 80% were shot in back while fleeing. This which later came to be known as 'Sharpeville Massacre' was the beginning of the new era. A state of emergency was proclaimed. ANC, PAC both were banned. Massive arrest were made under new restrictive legislation while women went on hunger strikes in protest in jail.

When it became virtually impossible to organize, 'A stay at home' demonstration was planned for the last 3 days of May 1961 which failed after police arrested more than 18,000 Africans in raids.

Proclamation 268 and government notice 1722 of 26 Oct. 1962 made it obligatory for African women to carry pass as from 1 Feb 1963.

Although the will to resist the passes was not changed, but the reality of government coercion forced more and more women to accept it. Resistance and Demonstration continued. But by March 1960 already 3,020.281 women or about 75% of women had accepted the

passes. Winne Mandala explained why women were forced to accept the passes because it was necessary to have houses, to work and to be endorsed out of town, birth cannot be registered without them. These were the reasons that women were not left with any other choice except accepting the passes. Although at last women were forced to carry the passes, but whole resistance against pass gave women a solidarity, consciousness of unity and new shape to the liberation struggle.¹³

The intense repression that followed Sharpeville Massacre and declaration of state of emergency as well as weakening attempt by government with the banning of ANC and PAC brought on a period of insecure political inactivity. On the surface women turned to different activities to erase the burden of deprivation created by the Apartheid. The African Self-help associations were formed in 1964 which established various day care centers and children feeding programme.

Nevertheless, during the period ANC and PAC were banned they started organising, themselves underground in South Africa. Many young Africans added the new-dimension to the liberation movement when Black consciousness movement developed. Steve Biko who died in the police custody was the leading spokesman of

¹³ Plaatji, Solomon Ishekisho, *Native Life in South Africa*, (U.K., Longman group, 1987)

the movement. Numerous others, including women members began to instill in africans a greater awareness of their heritage.¹⁴

In a sweep to destroy the movement the government banned the black consciousness commission on 19th Oct. 1977 including South African Student organisation (SASO), The Black people's convention (BPC) and the Black Community Programme.

The Black consciousness movement served to increase the awareness towards "Bantu Law" During the June 1976 uprising in Sweato, the protest was for the introduction of Afrikaans as a medium of language. In that at least 600 children were killed during protest in the street by South African Police which speeded up the movement throughout the country. This proved to be catalyst for wider opposition to emerge. Black parents organised themselves and linked up with civic organisation. It was during this period Winnie Mandela was banished to Brand fort a remote town in Orange free state, for her participation in new political organisation of 1970's.

In Other protest during this period was the campaign for the boycott of schools controlled by the government. The women organised, the campaign on house to house basis against the education system but when the state announced that all children will be out of school after certain date the boycott collapsed.

¹⁴ International aid and Defence fund, You have struck a rock - Women and political repression in Southern Africa (London, 1980).

In another resistance against the 'Bantu Authority' in 1959, Cato Manor municipality attempted to end all illegal liquor which was the main source of income of many African women, 2000 women marched to express their grievances, other entered the beer-hall and destroyed the beer. They organised 'The Beer Boycott' which led to the wide-scale uprising in whole Natal, during this protest – around 20,000 women were arrested and more than 1,000 were convicted in the court.¹⁵

During the 1980's, Youth and Civic movements grew in number, as women began to articulate specific needs. Non-racial regional organisation sprang up from 1981 onwards. The United Women organisation in the western cape was the first of a new generation organisation to practice a systematic non-racial and cross-class perspective. A number of its members were from the former FSAW and ANC members like Dorothy Nayambe, Mildredlesia. But the driving force in the organisation were the younger women, with the inspiration of past tradition of FSAW, but who were also very conscious of the different – political conditions pertaining in the 1980s. Membership was on individual basis which allowed progressive women to join, but members of other organisation were not allowed. The objectives of the united women organisation

¹⁵ Heild Bersleim, For their triumphs and for their tear (International defence and aid fund, Newgat street, 1975).

were to mobilise women in struggle against Apartheid and to bring interest to bear upon wider movement.

In the 1980's women played an important role in organising and struggling against suppression. Although many individual feminist joined the organisation but feminism was actively discouraged because it was seen both as European and a particular white middle class concern, which did not fit with Black working class women.

During this period the women resistance was very active due to which they had to face the brutalities not only during the strikes and protest demonstrations but also the prison and house arrest. The women political prisoners use to be kept in two jails - Poleheflroon and Kroonstad. The largest serving prisoner was Darothey Nyemebe who was the women organiser of ANC in early 1950's was sentenced to 15 year imprisonment in 1969.¹⁶ Other women political prisoners during 1980 were Josephina Fezive Bookholoane, Sylvia Koletra Foley, Thandiso Mangungo, Casesarines Makhere, Happy Jayce Marhamba, Esthu Maleka, Elizabeth Nklopa, Elizabeth Gumeda, Kata Serokolo, Silongila Susan Mthembe, Zodwa Eliza betho Ntumbi, Yoliswa Zeppe. All were from the women organisation like SACTU, Saweto Student - Representative council,

¹⁶ Walshs Peter, *The Rise of South African Nationalism -The African National Congress 1912-1952*, (U.S.A, University of California Press, 1971).

ANC etc and arrested for public violence during the protest demonstration and active participation in liberation struggle.

Few women activists were under banning order which means in South Africa that banned persons may not :

- Be in company of more than one person at a time.
- Leave the magisterial district to which they are confined.
- Communicate with other banned person
- Publish any writing or be quoted in print
- Enter any public building such as school or factories specified in banning order.
- Join in any social activity

Banned persons can be in House-arrest on weekend and can be removed to remote part of the country. Women of all races involved in political activities had faced the banning order. Few of them were- Mrs. Helen Jaseph. Albertina Sisulu, Dehas Mahale, Jacdueline Arenstve, Amina Desai Jaath Shulmith Favish, De harah Hof Mayer, Patricia Horn, Priscilla Jana, Sibongila Kobheku, Laura Lean Levelan, Namzamo Winne Mandela, Gladys Manzi, Nikime Dehorah, Matehoba,Zu beiva Mayet, Fatima Meer,. Nohle Haliary Mahapi, Nandisile Mpum-lwana, Asha lata, Raw bally, Alette

Maphele, Marry Simon, Tanya Simon. , Wilma Van Blerk and Shila Weinberg and many more.

INTERNATIONAL ACTION. The international community also developed greater concern for the problems faced by women oppressed by apartheid in South Africa as well as Namibia, which South Africa occupies illegally. The belief grew that the world conference of United Nations Decades for women (1975-1985) should consider this vital and urgent matter. The conference held in Copenhagen from 14 to 30 July 1980 reviewed the liberation of women under apartheid and called for various forms of assistance to them.

The Copenhagen conference resulted in the adoption of a world plan of action dealing with a wide range of matters of concern to women throughout the world. The plan included a series of measures intended to assist women suffering under apartheid, channeled through the Southern African liberation movement recognized by the Organisation of African Unity. Among the measures were :

- Legal, humanitarian moral and political assistance to women and their families inside South Africa and Namibia who were prosecuted under repressive legislation and policies, as well as women in refugee camps.
- Training and assistance to integrate women into leadership and support positions within the liberation movement.

- Training and assistance to enable women to play role in all sectors after liberation in the reconstruction of their countries.
- International support for and co-operation with the struggle of women in southern Africa.
- Dissemination of information about apartheid and its effects on women and
- Involvement of all women in effect to wipe out apartheid and racism.

To translate these recommendation into action, the conference addressed them to United Nation organisation, government and nongovernmental organisation together with women and intergovernmental organisations and anti-apartheid groups. In addition, all member states were called on to ratify the 1973 International convention on the suppression and punishment of the crime of Apartheid which establishes international criminal responsibility applying to individuals, members of organizations and institutions and representatives of state, whenever they commit or are involved in the commission of crime of apartheid. In another landmark provision, persons charged may be tried by any state party to the convention.

The conference, in a separate action, asked the women of the world to pressure their government to break all links with the apartheid government.

On 16 December 1980 by its resolution 35/206 N. the General Assembly endorsed the conference recommendation and urged all organisations of the United Nations system, Governments and intergovernmental organisations to give the highest priority to the assistance measures for the women of South Africa and Namibia during the second half of the decade for women. Among other decisions, the Assembly

- Appealed to governments and organisations to support the projects of National liberation movements and front line states designed to aid refugees, women and children from South Africa and Namibia.
- Requested the Commission on Human Rights to investigate crimes against women and children in South Africa.
- Encouraged women's and other organisations, in consultation with the Organisation of African Unity, to proclaim an international day of solidarity with the struggle of women of South Africa and Namibia and
- Invited women's organisations all over the world to intensify action in solidarity with the struggle for liberation in South Africa and to consider the co-ordination of their efforts in co-operation with the United Nations special committee against apartheid.¹⁷

THE PLACE OF WOMEN IN POLITICAL PARTIES IDEOLOGY

The women activists were from different political parties and organisations and used to work as per the party ideologies. During apartheid there were four main political parties and they had their own ideologies and on basis of that, programs for women.

¹⁷ United Nations, 1981, The Plight of Black Women in Apartheid South Africa, New York, p.33.

Nationalist party. Inkatha freedom party. PAC and ANC, dealt with issue of gender in their own way.

Nationalist party had taken the white interest structurally from the beginning. They had the functionalist perspective on Gender. This perspective had much to do with shaping the nature of gender relation in society according to the party ideology. Men and women are biologically different. Men have superior physical strength and women bear and rear children. These differences suits men as well as women “naturally” to different roles. In African community, men are the family head, and by extension, head in the public sphere and women in domestic, private sphere. Women symbolizes African male interest, aspiration and politics. Participation in National political scene by African women is only voting and giving support to men.

National party had the women action group. At regional and national level they used to meet at constituency to discuss issues of importance to male political leaders and coordinated to raise their funds. The agenda of the meeting was setted up by men of the party and the “Chairlady” usually used to be the wife of important political leader.

Women’s position in National party was captured in words of Mrs G. Malen that women should be sure that the best men would

come out to the Head of Affairs.¹⁸ National women must be organised. They should know whom to vote and Black women should be excluded. The 40 years of power was overwhelmingly male (103 male, no female). Only one woman was the member of parliament. Helen Suzman from British Jewish Heritage, representing the opposition progressive party.

In Inkatha Freedom party position on gender was very contradictory. It recognized that women also have suffered with men in apartheid and contributed to challenge it, yet remained patriarchal and hierarchical in its treatment of gender. Chief Mangosotho Buthelezi, in his various speeches around Natal, clearly stated that the women are the mothers of humanity¹⁹. Chief Buthelezi emphasised that all party members should be under the direct control and authority of its leader but women under her husband. One of the high officials of Inkhata Party said, "women is not equal to her husband. Women have a secondary position in society, Her role is of mother and wives while men in public issue".

On the other hand PAC in literature was silent on question of women. Patricia De Lilla, PAC Secretary of Foreign Affairs, argues that historically the PAC has been anxious not to marginalise women by

¹⁸ G Malen cited in Helda Bernslein, *Ibid*, p.37.

¹⁹ Mangosotho Buthelezi cited in Bernslein, *Ibid*, p.143.

focussing them sepertely from the overall population.²⁰ Issue of nationalism issues taken by PAC incorporated both men and women. According to PAC there is no need to address male and female separately on matter of equity. After lifting the ban in 1990 the women wing in PAC was formulated.

African national congress was the only party which took the women issue at the national level. Within ANC the issue of male and female equity was one of lively debate. Although racial equality was seen as priority, Gender issue lagged behind until it was brought in front by FSAW, women charter.

Of four major parties the ANC was the most progressive in regard to gender and was able to benefit all South African Women regardless of their racial background, ANC talked about equality in public and private sphere.

During the 1980's the debate about the relationship between national and gender oppression was not a part of the national discourse, where the issues were raised but the discussion did not go beyond that. In background of this kind of situation in January 1990, the Malibongure conference held in Amstradon brought international women activists and exiles together, along with women

²⁰ Patricia De Lilla cited in Mangaliso A. Zengie, "Gender and Nation building in South Africa", ed. Louis A. West, *Feminist Nationalism* (US Routledge Press, 1977), p.137.

from other countries to evaluate and debate the women question in a future South Africa. There was the 'Women United for a unitary, Non-racial democratic South Africa'. Programme of action which gave the notion of struggle for non sexism. Resolution brought out the problems faced by women in rural area in the workplace and 'Double Shift.'. Patriarchy in combination with Racial oppression and class exploitation were seen as principle cause of these problems. Conference emphasized that Women needs to organize themselves with trade union and civic and youth movements to wage a struggle for emancipation.

In May 1990, the ANC National Executive committee issued a statement 'Emancipation of women in South Africa. Within ANC a small but politically active group of feminist women in exile like France Ginwale, pushed the issue to be debated in wider movement. 1990 statement committed the ANC to include a women oppression as an integral part of struggle for liberation. It acknowledged that the affirmative action will rectify 'pattern of Discrimination'. For ANCWL, the major issue was to translate the commitment of the ANC to women emancipation into a reality, reflected in leadership position and treating women as equal.

ANC conference was held in July 1991, in which AWCWL brought the issue of women quota. Although the majority of 2,000

delegates refused the proposal for a quota the debate was conducted with intensity. Not a single women of NEC spoke in favor of quota. AWCWL realized that they under estimated the conservatism of the board membership of the ANC, including many women who voted against this proposal. This made them realize that women liberation was not an automatic thing but it has to be fought for and by the women.

During the 1990-91 talk of formal negotiation between ANC and government started in which women felt themselves side lined, women social needs were ignored and women in ANC felt that an independent voice is needed to ensure that justice should be done to women and this resulted in launch of WNC in 1992, after widespread consultation and preparations. It was the historical movement, women from different background rubbed shoulder with one another. They found much to agree upon in search for common experience but their commonality was based upon the recognition of the diversity of culture, race and class.

On 27 Sep. 1991, 30 women organizations discussed the aim of drawing up 'Women Charter of Equality'. Delegates found common interests in key areas. They agreed on the part of gender oppression and how in diverse way it affected all women in South Africa, it was decided that fundamental change were needed to eliminate not only

racism but sexism too. When WNC was launched in April 1992, it had 60 national organisation and 4 regional coalition affiliated to it. By Feb 1994 'Women Charter for Equality' was presented.²¹

The charter reflects the notions of equality in terms of women differentiated needs, claiming full and effective equality. It included point of general principle, such as, need for affirmative action, differential treatment for men & women, as well as suggesting specific policy perspective to reduce imbalances. It's 12 articles covered every point of women life, including the law and administration of justice and sphere of education and training, arguing for a view which accept life long training in its starting point. The article on development of infrastructure, the environment and social service point to the need for the integration and a gender perspective in all programmes. The charter also called for mechanism to enable women's participation in political and civic life, a change in narrow definitions of family life and partnership and end of subordination in general, but all women agreed that they should have right to control their own bodies which includes the right to make reproductive decision. Articles also focussed on health and violence against women which emerged as one of the most widespread and endemic aspect of the experience of the all South African women. The

²¹ Ramsey Back, "Women's right in New South Africa" (www.womensnet.org.za/election/cge/cge/thn, 1994).

final clause dealt with the decision of media representation. The Charter had dual functions to perform-first, it outlets the diversity of demand of south African women and thus be a political document around which women work in their over way. It was hoped that charter could become the focus for the mobilization and organisation of a strong and effective women movement in south Africa.

Second, the charter emphasized influencing the shape of the new constitutions, law and policy making. In this area, the charter and WNC played an important role. The acceptance of the notion of effective equality, which points to the area of women experience of civil society that prevents them from enjoyment of equal right with men was acknowledged by president Mandela when the completed charter presented to them in Aug. 1994.²²

During the constitution working process, women were not the only section, however, seeking to influence the outcome of the constitutions – making process on gender issue. A determined conservative lobby called for the constitutionalization of women subordination. The thrust of this conservative lobby varied with some arguing against abortion right and other mobilizing for retention of male authority at home. African transitionalist lobbied together for entrenchment of institution of chieftainship in post-apartheid

²² ANC Document, "Election 1994", (www.womenshet.Org/2a/election/ed3seantath.htm, 1994)

constitution and argued openly against the equality clause in the chapter on fundamental rights. This launched on yet another sensitive issue in the South African context i.e. the relationship between traditional rule and customary law. Congress of traditional leaders of Africa (CONTRALESA) also stated to include the promotion of non sexism and non-racialism while seeking to reclaim the dignity of the African people through the constitutional recognition of traditional institution. Women opposed this proposal and managed to force negotiation to recognize the constitutional right to equality of all South African women. Women insisted that traditional level conform to human standards and the standards encompasses women concern. This active participation by the women laid the foundation of the government of National Unity.²³

STATUS OF WOMEN IN POST APARTHEID ERA

The success of ANC was also the new hope for the South African women because ANC was the party which was most open and supportive to the women issue. The policy of non-racist and non-sexist society was the sign of relief for the women. It was the time for the South African Women to heal the old wounds and build a new South Africa.

²³ ANC Documents (1994): 'The means: An overarching policy in support of women. www.anc.2a/ancdos/history/women.

The overall majority of ANC was 104, showing that they had won the support of a massive percentage of the black vote. However, the National Party (NP), drew some votes from non-white voters though 15% of the electorate was white, yet NP gained 20% of the votes.

From the opening of South Africa's first democratic and representative parliament on 24 May 1994, President Mandela committed parliament to gender equality and women's emancipation.

The increase in women's participation is the result of two main features: first, it is due to the work of the women in the African National Congress (ANC) who have been actively involved for decades in the struggle for National Liberation and social emancipation, and second, it is the result of the policies and affirmative action mechanisms adopted by the ANC of 117 women in Parliament, 89 of them from the ANC.²⁴

Women played a remarkable role in the drafting of new South African laws. They worked hard to ensure that clauses affecting their rights and their lives were included in the constitution. This was not an easy task as they had to convince their constitutional assembly. The new laws projected many crucial rights for women, including the right to equality, the right to freedom and security of the person

²⁴ International Women IDEA Women in Politics (1997): "Women in Parliament beyond member" www.idea.int/women/parlia

(including the right to freedom from violence); the right to make decisions concerning reproduction, the right to security and control over one's own body. The new constitution also contains many rights that by benefiting all women will improve the quality of life of even the poorest women. These include the right to education; the right to property, the right to a clean environment; access to adequate housing; access to health care services; sufficient food and water; and social security, if people are not able to support themselves or their dependent. These were the some of the rights articulated by women national coalition campaign in 1994.²⁵

Since 1994 the government of national unity led by the ANC has sought to develop and refine an effective overarching policy on women to guide government departments in their work. It has increasingly tried to mainstream women's issues, to draw them out from the sidelines of policy discussion and plan them in the foreground. Women parliamentarians have played a major role in this process.

As part of its early efforts to bring gender issues to the forefront the Reconstruction and Development programs (RDP) office held consultation with women parliamentarians. It also created a women's empowerment programme and included a section for women in its white paper in 1994. Moreover, it produced a separate

²⁵ Rasnsay Beck (1994): "The Means: An Overarching Policy in Support of Women", www.idea.int/women/parliament.

constitute about 25% of the national public representative, placing, South Africa seventh in the world in terms of representation of women. ²⁸

The period from 1945 till 1994 has seen a transformation in the political status of a women, but this transformation is not that which comes through a stroke of pen, war or through a piece of policy. It was the united effort of the women which gave them a respectable representation in the political scenario. South African women, who had rejected the feminist concept as being European and western in nature has created their own feminist movement which played the two roles, first against the Apartheid government and another against the patriarchal rule.

Despite the fact that women in South Africa have a lower propensity to organize than men, a number of women organisations came up which had a considerable effect. They have not only struggled for national liberation but taken various issues which particularly effect the women like The Pass law, Beer boycott etc. while on the one hand where single issue framework against discrimination, marginalized women within every movement on the other hand it also made illusive goals and activities oriented towards the entire people.

²⁸ Amanda Govws (1999): From Mandela to Mbeki [U.S, St. Martine Press, 1990], p. 164.

CHAPTER 5

CONCLUSION

Apartheid was a unique system of South African Society without an equivalent anywhere else in the world where everyone by law stamped was from birth on the basis of skin colour. Blacks consisted 74% of the population in which almost 50% was women could not vote in the general election, could not join a white trade union or a political party, could not go to cinemas or restaurants frequented by whites. They could use only those facilities which were set aside for people of that colour.

Women were exploited under the Apartheid government not only because of the government policies and laws but also due to the social cultural and traditional background of the South African Society, and they realised that the only way to come out from the repression is to unite together and fight against the apartheid government. At that time apartheid was the bigger enemy than the traditional patriarchy oppression. In the whole struggle they joined hands with the men against the government.

It would be wrong to say that there was no feminist struggle in South Africa because all the feminist struggles have targeted patriarchy. Women who organize bus boycotts, mounted rent strikes

or march against the pass law cannot be said as lacking the feminist consciousness.

Women have not directed their struggles against various types of patriarchies which have had limited their actions. It was particularly against the government attempt to restrict their freedom of movement, but it cannot be denied that policy of race always interfered with the policies of gender. Under apartheid, attempts at fueling a women liberation movement was discharged by the major women's groups, because they were perceived as particularly divisive and detrimental to the anti apartheid movement. The struggle against apartheid has also caused many women to cling to archaic traditions in reaction to the attack on their culture.

In an effort to remedy this, fifty four African women's groups came together in May 1992 under national umbrella organization, the women national coalition (WNC) to ensure that gender equality is generated in the new constitutions.

A WNC conference of the same year explored possible mechanisms, including affirmative action in the form of a quota system, for ensuring that law on gender equality should be implemented. In April 1993, the WNC managed to obtain a concession that each of the twenty six parties in the negotiations should have one women representative. WNC embarked on campaign to educate

women voters and conducted a nation wide survey to identify the issues that are of the greatest concern to women. With this information the women charter was formed, which got positive response from Nelson Mandela and was the answer to the prayers of women of South Africa.

The election of 27 April 1994 marked the end of the Old South Africa and beginning of a new one. Not only was it the start of an era in which the majority of the population would determine the nature and the membership of the government, a new relationship between black and white, but it also opened a new dimension for women in South Africa.

The election was flawed in many respects, though many of the problems were a consequence of the sheer scale of the operation which brought into the electoral process over 16 million voters who were voting for the first time. The final report of the Independent Electoral Commission (IEC) in October 1994, admitted that there were problems but the result was one that was not unacceptable to any significant group. The national result was an overwhelming success for the ANC which finished 42% ahead of the next largest party, the national party.

New government and parliament have undertaken various measures to advance the position of women and to promote gender equality in all spheres.

But it is sad to notice that ANC is the only party which talks about gender equality, while during the apartheid period all the parties fighting for National Liberation showed satisfactory remark in the independent South Africa, the result was disappointing.

The gender dimension of election is the most neglected and under analysed aspect. In South Africa women comprise more than 50% of the electorate and as voters, have the power to sway an election. Yet as voters they are often overlooked in election campaign, not canvassed and not mentioned in issues that are singled out as important to political leaders. From the election of 1994 till the 1999 election there was not any significant change in the attitudes of the political parties in regard to the women's issues.

Woman as a citizen has had an exclusive quality divided between public and private sector. Because of women's nurturing role they are considered the inhabitants of the private sphere and excluded from the public or political sphere where power is located and decisions are taken, despite the fact that women were always politically active during the apartheid period through different trade unions and political and social organisations. Women participation in

resistance movement can never be underestimated. But it is a irony for the South African women that during the apartheid period as well as during the period of new government women remain outside the arena of political power where decisions are taken that directly influence their life.

While women in South Africa have the power to vote a party into power and keep it in power, parties pay very little attention to women as members of the electorate. Political parties manifestos makes small reference to gender issues. As Lowe-Morna has said that the parties have yet to a make link between the women's vote and the need for unequivocal policies if parties aim at achieving gender equality. This is because women have not articulated either their needs or their collective political muscle strongly enough to influence party position.

In the 1999 elections, Common issues in party manifesto were crime and violence, HIV/AIDS, abortion and job creation in which women were linked to issues of crime only as victims. The commitment of gender equality by parties was vague. Very little was said about the inequalities between men and women in the economic sphere or about special needs of women. Most parties want to roll back the progress made on legislation of abolition by scrapping the Termination of Abortion Act. The ANC has by far the most gender-sensitive party manifesto with clear position on gender equality.

Other reasons for the women's State of Affairs in the post Apartheid South Africa is the ignorance of women voters. Voters are motivated to vote on grounds of loyalty towards a specific party but they may also be swayed by campaign issues and candidate evaluations. It is common knowledge that many women, for example supported the ANC during the struggle year, without insisting gender to be made a priority. Loyalty towards AWC for liberation from apartheid has often outweighed gender concern and may still do so.

Another reason is the Quotas, the main drawback of the quota is that the grassroots women cannot possibly make use of it and this leads to a gap between the women representatives and the grassroots women.

But the whole political scenario shows that Women more than ever, cannot rely only on government to create the conditions that will improve their lives and create greater gender equality. They will have to be divided in civil society organization that articulate a women's agenda - one in which care becomes part of the subsistence of citizenship.

With this it was clear to women that they cannot rely purely on the political parties through which once they associated themselves and supported to and the apartheid regime, to create the conditions that will improve their lives and make greater gender equality. Women

themselves have to be involved in civil society organisation that articulate women's agenda and make strategies for empowering women specifically in rural and informal sector, policies that acknowledge issues of facing women in female headed household. In the non-racist and so-called non-sexist South Africa it is for women to make practical strategies for equal access to decision making position and political power and mechanism for ensuring equal representation within party strategies in political position.

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