

# **PUTTING FEMINISM ON THE AGENDA**

## **Summary of Transcripts**

**Centre for Applied Legal Studies,  
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# PUTTING FEMINISM ON THE AGENDA

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## 1. CONTEXT

Cathi Albertyn said the seminar was a space for women to reflect on what it is to be a feminist and how to move forward as feminists. She said while women are on the agenda to some extent, feminists are not. Quoting Shamin Meer, Cathi said, "The women's movement in South Africa is stuck and searching."

Many women have been outraged about where women seem to be, 12 years into democracy, after the series of blows suffered by the women's movement in the past year. Cathi said for the past 16 years since the last 'putting women on the agenda', the focus had been on inclusion in the Constitution and recognition of women. She said now we need to question how this leads to transformation. Are our existing strategies transformational? How do we make them transformational? Is it possible to make them transformational or do they need to be dumped?

The focus has been on public norms. What do we do with the private? How do we disrupt the divide between the two? We have institutions and structures but have they worked for us? Can they work for us? Do we need them? Should they change?

On the issue of equality, the focus has been on women as victims but what about women with choice, agency and autonomy?

Susan Bazilli said a conference was held in Canada in February to mark 25 years since women fought for constitutional rights. The conference was attended by women from South Africa, Rwanda and Afghanistan. The strength of the immigrant and Aboriginal women's movement in Canada was also evident. This was a big change from 25 years ago when of the 1 500 women who came to Ottawa to talk about women's equality rights, 95 per cent were white. These changes in the movement were encouraging, even though there have been many losses for women at the state level.

## 2. CANADIAN CONVERSATION - CRITICAL LESSONS FROM THE BACKLASH

**Susan Bazilli**

**Professor Liz Sheehy**

**Chair: Cathi Albertyn**

### **Susan Bazilli**

Although Canada introduced structures and policies for women's equality that have been used as a model around the world, the gains that were won in Canada have been lost since the appointment of a new rightwing government. Susan said it was difficult to calculate how much women in Canada had lost. A list of programmes, including the 'status of women' programme have been cut and so has funding for advocacy. The situation for women in Canada is one of increasing poverty and violence. Women in Canada are back to the grassroots level of organising around kitchen tables. Susan said solidarity is not just north/south anymore. Canadian women also need solidarity.

### **Liz Sheehy**

In 1989 the highest court in Canada promised a new equality regime dedicated to substantive equality but according to Liz, there has been a steady and furtive retreat

from judicial endorsement and actualisation of substantive equality back to formal equality rulings and outcomes in charter/constitutional litigation. Claims that involved major shifts in state resources, particularly in the realm of social welfare, have been most negatively received in Canadian courts.

In the past 16 years, women's rights have either been nullified by men's litigation or rejected by Canadian courts. Liz listed the legal losses suffered by Canadian women:

- The statutory ban on the use of women's sexual history by men in rape trials was lost, resulting in a reversion to the misogynistic realm of judicial discretion.
- The claim that childcare expense (a necessary expense for working women) must be treated as a business expense for purposes of revenue and tax law was lost.
- The common law rule that barred drunkenness as a defense to crimes was lost, allowing men who rape and kill women to be acquitted entirely.
- The claim that women as the majority of the poor and as custodial parents of children should not be forced to bear tax burden of child support was lost. Instead the court said it should be left to the 'post divorce family' to look after the best interests of everyone.
- The Aboriginal women's claim to equal funding and a place at the table with male-dominated and male-led groups in constitutional negotiations was lost.
- The right to privacy and security of counselling and health records and to equality and dignity in trial processes was lost through a new ruling that gave men accused of rape sweeping access to women's diaries, medical records and counselling records, to enhance men's rights to fair trials.
- A claim on behalf of young women excluded from the labour market, that radical welfare reductions targeted at those under the age of 30 violated the equality guarantee, was lost.
- The right of unmarried women to name their children unilaterally, without interference from absconding, abusive, or controlling men, was lost.
- The claim that common law wives are entitled to an equal share of the property acquired during the relationship was lost.
- The claim that the state is obliged to create particular social welfare programmes (specifically educational programmes designed for autistic children) to meet the unique needs of disadvantaged groups was lost.
- The claim that police who fail to follow their own policies/guidelines when arresting and charging violent men can be forced to compensate the victims of retaliatory male violence was lost.

One case that was a triumph for women, the section 15 claim for the women of New Brunswick, ended in disappointment. The New Brunswick government first negotiated for time to pay back the huge pay equality claim that the women had negotiated, and then passed a law relieving the government of any obligation to pay out back pay.

Liz said at the same time that the courts have 'slipped women the knife', the state has rendered women invisible. It has done this by:

- Conditioning funding on the eradication of radical practices. For example rape crisis centres that resist the disclosure of women's rape/counselling records are penalised;
- absorbing and de-politicising/medicalising feminist support for women victimised by male violence. For example, 'victims services' in courts and 'rape crisis services' in hospitals;
- de-gendering who does what to whom. For example, 'gender analysis', 'gender rights', 'family violence', and 'victims services'.

Significantly the institutions of the Canadian state most implicated in increasing and solidifying patriarchal control over women - the police, the correctional/prison services and social welfare agencies - have neither weakened or shifted, even when women in Canada have won major legal/constitutional victories. Under the glare of the public eye these institutions may have apologised but over and over again they have absolutely refused and resisted structural or substantive change.

Currently the situation is dire for Canadian women. The Supreme Court has cut down equality jurisprudence; half a million more households are in poverty (the poverty rate is now 37 percent for women); the homeless rate for women and children has doubled since 1989; and the national childcare programme has never materialised.

Liz said in the current context she feels driven to promote laws that lay bare the state's contempt for women and children in Canada and to focus on defining women and enlarging women's rights to self-preservation, survival strategies and self-defense.

### **3. VIOLENCE AGAINST WOMEN**

**Anu Pillay**

**Discussant: Sheila Meintjes**

**Facilitator: Alison Lazarus**

#### **Anu Pillay**

Anu said the levels of violence against women in any country are a powerful indicator of our progress as human beings. She said the Canadian system showed where we will go in South Africa. Despite legislation to protect women, the daily reality for many women in South Africa has not changed.

I was at a dinner last night and I heard screaming outside. My son went to see what was happening and witnessed a man beating up a woman. We all went out. We separated the couple and brought the woman into the house. We called the police. The police came after some time and they had no clue what to do. The only advice they could give was to say she needs a protection order and if she had one they would arrest the man

They didn't have a list of places she could go to. They did not know any more than that she needed a protection order and they couldn't tell her how she could get one. It was a shock to realise that I was that woman many years ago, and here it is happening again. I have been working on violence against women for years, working on putting legal remedies in place - and here it is. We put her up in a hotel for the night.

We have been enraged, we have worked from anger and resentment, but how far have we come by constructing men as the problem? How far will we go with that construction? Is it a useful perspective for us?

Anu asked whether we are living the changes we want to see in society. She said each of us needs to look at what transformation means for us personally and to interrogate how we interact with one another.

## **Sheila Meintjes**

Sheila said Anu raised important issues about moving from the private to the public space.

As feminists we put a lot of effort into engaging the state in stopping violence. There are institutional mechanisms that in theory take us somewhere along the way, but we have not challenged patriarchal normative values and although we have talked about this as feminists, we are talking to ourselves.

We need to be looking at the relationships that are troublesome, that are killing us, that are hitting us. We need new models of relationships. We are culturally caught in this model of what men should be in South Africa and we are caught in a model of masculinity that is driven by the idea that men have to 'have it'. In the Jacob Zuma trial this came out strongly.

We have developed strategic relationships with politicians and those have led us along a progressive path, but it is not good enough. We need to implement commitments in South Africa and we need to work with the politicians. We have to engage where we can but we have to go a lot further. We have to move into transformation and to think about transforming roles in the private realm.

Equality not formal, it is substantive. We have to engage with a new politics of love. This needs to become one of the ways we can begin to challenge culture.

## **Discussion**

### **Some questions/ points raised in discussion**

#### **Women's agency**

- By reinforcing the sense of women as vulnerable and as victims needing protection we have created a discourse that has the appearance of a feminist discourse but it invokes other norms.
- We don't talk about women having agency and autonomy in any significant way. We don't talk about women having sexual desire and wanting to exercise it in ways outside of the norm.

#### **Personal vs. collective transformation**

- We are engaged in a social war in which women's bodies are violated in the private and in the public spheres, and globally as well. The concept of personal transformation is problematic. We need something that is about bringing us together, not individuating the problem.
- I agree we need collective action but even that requires individual commitment and self-reflection. We need to know what we bring. Spirituality is very political, individual. I agree we talk too much. We need to translate our spirituality into collective action. As a lesbian activist, the issue of equality is important to me because I find lesbians are not treated equally by other women.

#### **Include men**

- Older women are saying they are here to defend us as women but when we go home to our fathers and uncles we will get bashed and be in more trouble. While we

are busy this side, they are busy that side. Let us come from different sexes, ages, provinces, tackling one problem.

- There is no way we can resolve the problem as women alone. We have to transform our society. We cannot transform the judiciary and the police without transforming the society itself. Those people are in our communities. What they do at home and work cannot be separated. Most of the killings, the femicide comes from police themselves. The judges have refused training. They say they have been judges for 30 years and they have nothing to learn. There are lots of challenges. We cannot rely on the state alone. We need a strong women's movement.

### **What has happened to feminist discourse?**

The radical feminist discourse is about women's bodies in the midst of violence. What has happened to radical feminism in South Africa? It is a de-legitimised discourse because violence is part of the fabric of society. We are dealing with the basic level of socialisation.

### **Final comments by the panel**

#### **Anu Pillay**

Anu said her paper was about the continuum from the personal to the political and what that means. She stressed that she was not suggesting that we should move from the collective to the individual but that we should not forget where the collective starts.

South Africa worked well as a collective. We are streets ahead of other countries in terms of our Constitution and framework, but what happened to the people? Have they moved at the same pace? Have we at an individual level caught up with the Constitution? When we are working collectively, where is the self? It is critical to look at self, and ask if we are transforming. Gandhi said, 'Be the change'. Do we act out of resentment and anger or are we willing to reflect on and talk about love. Can we fight a war from love?

#### **Liz Sheehy**

Liz said here seemed to be little hope of changing the police, especially the policing of rape and male battery of women. She said perhaps it is a given that police will never enforce laws against rape and battery and if this is so, where do we go from here? She said that perhaps her work was to defend women's right to steal to survive, prostitute themselves to survive, to kill their husbands to survive, and to kill in defense of rape.

#### **Susan Bazilli**

Susan said that whilst she agreed that we need to be in schools, educating and talking to people, she did not believe that people would be outraged if they knew how bad violence against women is in South Africa. She said there is the political will to manage VAW but not to dismantle it.

## **5. HIV/AIDS**

### **Sisonke Msimang**

**Discussant: Suzanne Leclerc-Madlala**

**Facilitator: Shamilla Wilson**

Sisonke looked at women's rights and the rapidly increasing HIV/AIDS statistics in the context of the government's denial about the extent of the HIV/AIDS crisis, apparently

because the President dislikes the association between sexuality and race that have been linked to crisis.

She said people in the AIDS field ask what is going on with African people that they are so infected. Perhaps there is a useful debate to be had about how sexual relationships work and how African people seem to have more multiple, concurrent relationships, whilst people in the rest of the world have sequential sexual relationships. However, the perspective that this is how HIV has spread on the African continent comes from a moralistic agenda about having more than one partner and it is coded in the language of culture.

The idea is that African men have many partners and their failure to change is killing women. Sisonke said it is a dangerous argument to make because it casts things in an anthropological frame and makes it a naturalised debate - they cannot do otherwise.

On the issue of women's sexual agency, Sisonke said we often talk about HIV outside the context of sexuality, partly because we only focus on safety but we cannot only talk about safety.

Women who have been infected by HIV will say they were raped or that they fell in love with a man who infected them. It is difficult for us as women to support a woman who says she had a lot of boyfriends and one of them infected her. It is as if having a lot of sexual relationships makes a woman a bad person.

Sisonke said the strategies we have chosen to move our agendas forward involve making public what happens to us in private because that is what transforms society. However she said we are reaching the limits of that strategy. We have not tried a politics of love. How do we support people to push the bounds of a relationship so that it is both private and public?

### **Suzanne Leclerc-Madlala**

Suzanne said Sisonke's point about the association between sexuality and race playing such a big part in making our President take a stand against HIV sounded too simple. She said the pre-colonial structures about African sexuality as excessive and diseased haunt us to this day.

Suzanne responded to Sisonke's point that the social struggle and the HIV/AIDS struggle in a new democratic state have both been played out in the AIDS arena. She said it is interesting to look at the implications in terms of where we are going as a democracy - the struggle between civil society and government, and the gender struggle and AIDS.

In the 1990s we were looking for a quick fix situation for HIV/AIDS. We are still looking. Suzanne questioned Sisonke's claim that our minister of health was once a 'feisty feminist'. She said the Minister of Health's support for the misguided curiosities of our President could be partly ascribed to fuelling the sway to the nationalist discourse about finding African solutions to African problems. She said we should look at the feminist implications of this. Women may want to show allegiance to a kind of African renaissance rather than a women's movement to address women's issues - a politics of alliance vs. a politics of autonomy that a feminist movement needs to have.



Responding to the question of concurrency, Suzanne said the focus should rather be on the need to have respect for relationships between men and women. How do you do that? Do you start with the premise that women cannot negotiate the terms of relationship? Suzanne agreed with Sisonke's point about women's agency but said it is time we started talking about the fact that women do have agency and that they do not just become 'positive' as a result of being faithful to unfaithful partners. Suzanne said Sisonke brought out interesting points about pre-colonial culture, which allowed women to have relationships. What if it leads to women's oppression rather than empowering them?

The question of integrating gender-based violence with sexual and reproductive health is critical but it needs to be integrated with other issues such as housing and service delivery.

Feminist strategies for home based care (HBC) are virtually non-existent. How do we do this when HBC offers many women practically the only opportunity for social status, etc., and many women put up barriers from getting men involved?

And then, the big challenge of making the personal public. Where is love? How to breathe life into our legislation? Suzanne said her concerns about Sisonke's recommendation that we should latch onto existing programmes as a way forward related to whether or not there had been an evaluation of the effectiveness and the credibility of existing programmes.

## **Discussion**

### **Some questions/ points raised in discussion**

#### **Conditions for funding are unsustainable**

- Funding hinges on preaching abstinence, which is not sustainable. We need to make it clear that money for HIV/ AIDS is not about condomising and preaching abstinence.

#### **Who speaks for whom?**

- Who has the legitimacy to speak on the notion of identity politics? I could not get up and challenge that it is not okay to support a traditional healers' march in support of the minister for a whole lot of reasons that have nothing to do with the fact that I am a white South African. The issue of legitimacy stops the formation of a vibrant women's movement.
- The National Strategic Plan on HIV/AIDS for the next five years is in its 8th draft. Many sectors were consulted - children, human rights, labour, etc. - and there is nothing on the women's sector. Practically, if we don't pull ourselves together and work out who the women's sector is and who can represent us, we are going to lose important battles.

#### **Africanism and sexuality**

- What do we mean by empowerment? Even in this forum, I don't think that three quarters of us can negotiate for safe sex in an institutionalised place like a marriage. There are so many taboos within the Africanism we are talking about. In my work on the ground it is not easy to undo the taboos. There are so many don'ts around sexuality. A woman does not refuse a husband sex. In my home state, instead of

being counselled and given support, women are directed to go back to that man (who abused her). The men we have sex with are the men who have approached us. And then there is the taboo that if a woman says 'no', she means 'yes'. When we support the empowerment of women, we need to know about these taboos.

- In Namibia we began to investigate witchcraft because rural women said if they go to the maintenance court to get maintenance, others will take their children and kill them. Then we had discussions with an urban group and found that every member was affected by her own or another person in the family's feeling about witchcraft.

### **Women's agency**

- I am struck by the extent to which I have internalised the discourse about women infected by men and unable to negotiate safe sex. By framing the discourse in this way we are silencing women who have exercised sexual agency and we are buying into a particular moralistic worldview.
- What about the politics of pleasure - its private and personal nature, and its public nature? We don't have enough messages out there for young people that tell them about the power of sexual pleasure.

### **Final comments by the panel**

#### **Suzanne Leclerc-Madlala**

On the fear of witchcraft, Suzanne said supernatural retribution is a big social sanction of transgressions of all kinds and we often underestimate its power. In 1999 there was an article that said there is nothing we can do about it except pray to God. Women felt powerless. Fifteen years later, women still feel this way.

Women are the only oppressed group in the entire world that is supposed to love their oppressor. Women are also expected to uphold culture.

#### **Sisonke Msimang**

Sisonke said some of us are in relationships with men and we all have fathers and uncles. Some of us are taking men along and some are not. It is a political choice and has nothing to do with a hatred of men.

She said HBC in South Africa is state-centric and at one level we are contesting that strategy. In the classic sense, HBC is women care. However, there is a generation of children who don't have parents and don't have ideas about relationships. This is troubling in itself, but also raises issues such as, what about a boy bringing up baby sister? We need to engage with this kind of issue as well when thinking about support and care.

Sisonke said we have not acknowledged women's right to have children even if they are HIV positive. She said women who make choices we would not like them to make should not be stigmatised.

## **6. CUSTOMARY LAW, CULTURE, RELIGION**

### **Sibongile Ndashe and Gertrude Fester**

**Discussant: Pumla Gqola**  
**Chair: Sisonke Msimang**

**Sibongile Ndashe**

Sibongile said there is a continental story and also a global story about the manner in which rights for women were secured during the constitution making process in South Africa and the way in which this differed from other societies emerging from colonialism. It is important in the South African context to be able to say that equality is a central rather than a competing right. In terms of the transformation of society, she said we have been able to a large extent to get people to parrot the rights-based rhetoric about equality, dignity, etc. She questioned whether the backlash we experience around rights is because of the content of the right or because people are questioning the rhetoric itself.

Sisonke said the way in which customary law was dealt with in the Constitution came out of an understanding that the colonial legal system distorted what customary law was, but she queried the extent to which the constitution-making process was a process of investigating what true customary law is. Does protection of customary law mean that we have to embark on the 'mythical return' - to go back to what we came from? Is the Constitution envisaging a plural legal system or are we talking about a new constitutional culture where we go forward and say customary law needs to be developed in line with the Constitution.

Sisonke said the Constitution has a disintegrating effect on customary law in many instances. Sisonke argued that the process of testing customary law to make it consistent with the Constitution has not happened and cannot happen without all sectors of society being involved. She asked what the implications were for women with multiple and valid identities. What does it mean for women who want to exercise their individual rights when they live in communal settings? Do women have to choose whether to associate with the group or go the secular route? Although there is supposed to be one system of law, the way that law operates suggests that people can go to traditional courts to resolve disputes without taking account of constitutional rights.

Sisonke asked whether we are accepting that it is okay for women to privatise themselves to constitutionally insensitive practices. She said we may set the trajectory for change but there is still a disconnect between the two systems and we have not invested enough to ensure that we have a society that we all aspire towards.

**Gertrude Fester**

Gertrude said religion determines the dos and dont's for women and gave several examples:

- A woman called Barbara Rass was told she would be excommunicated if she divorced her abusive husband and did not remarry again, so she remarried and the beatings continued. Eventually she left and started a women's shelter.
- A woman in India tried to get maintenance and in order to do so she had to compromise her identity as a Muslim women. She chose to give up her right to maintenance.
- In another incident, the first lady of the Eastern Cape had to get the permission of her husband's family to use her husband's name. She spoke about being honoured by getting a doctorate in the form of a blanket, being allowed into the kraal, and

being allowed to use her husband's name. This was the way the elders showed that she was a 'pillar of strength' in the family.

There has been an escalation of the warehouse churches, all financed by the United States. Gertrude said women need to question how our cultures and our religions have been internalised. She said whilst conducting research she she had begun to question whether constitutional rights for women work.

She said feminists should infiltrate religious and other structures where similar attitudes towards women are found such as the ANC Youth League and political parties. In religious institutions, the issue of dignity would be the focus rather than rights. Gertrude said the use of the word 'feminism' alienated some women and the challenge is to build a transnational women's movement that is for all of us.

### **Pumla Gqola**

Pumla said institutions that regulate our behaviour, that are difficult to penetrate by their very nature, are ingrained in our systems. They look as though they are diametrically placed against one another but they are part of the whole system.

She said she liked Sibongile's call for a new approach to customary law that says it is not necessarily a bad thing in itself, but she questioned what we are protecting when we protect customary law stock and barrel.

Responding to Gertrude, Pumla said she was interested in the notion that the word 'feminist' may alienate other women. She said it was a powerful word and she believed that reclamation of words like 'feminism' is a way of reclaiming the power behind words.

Pumla said when the Constitution was written, we articulated ourselves as our best selves. She said for her feminism has always been that penchant to close gaps; the gap between what we articulated ourselves as 12 years ago and what really is.

On the issue of infiltrating spaces, raised by Gertrude, Pumla asked how we can do this in ways that are visible, and how can we infiltrate and bridge the gaps in something that looks like something but is not what we aspired to? She asked how we can breathe life back into the Constitution.

### **Discussion**

#### **Some questions/ points raised in discussion**

##### **On infiltration**

- Who has got time, energy and courage to infiltrate when we hear about the rhetoric from the National Youth League ?
- We cannot rely on infiltration. We need our own bases from which to challenge. If we had a movement now, we could counter what the NYL are saying.
- Are there any spaces that we as feminists can declare that we will not engage in, not even try to infiltrate? I know that within the women's movement there have been times where we have said that there are certain structures that are not worth engaging in because they are structures of violence.
- How do we create spaces for women in institutions of religion and culture? Do we colonise dignity from a feminist perspective? Is there common ground around issues

like harm and choice?

### **Strategies for challenging culture and religion**

- In Namibia we are trying to work through pastors' wives - most religious leaders are males. We are trying to conscientise them.
- How do we organise as women when dealing with religious and cultural groups? We are dealing with institutions where people have a spiritual package. They fill a gap.
- Why is it possible for me to be able to escape the judgement of an Imam, but not for an African woman to escape judgement from religious and cultural leaders? Why don't we have the same standard for all women?
- We are talking about the politics of identity. I have a sister who prioritises the laws of Islam over the laws of the Constitution despite the fact that the laws of the Constitution will afford her with more protection.
- If we look at the Civil Unions Bill, there is a separate law for gay and lesbian couples and for heterosexual marriages. You have a separate law for traditional marriages and separate law for Muslim marriage. Should we not have a single law within which you can choose cultural preferences, etc., but with non-negotiables that are fundamental to women's rights? Either we improve all the different kinds of laws or we say we are going for one law.
- Culture and religion are anti-women. They are set up to perpetuate patriarchy.
- It is difficult for me as an African women whose culture has been denigrated to completely reject African culture and tradition.
- There seems to be some kind of impulse towards religion and culture and spirituality. People want a sense of rootedness to the past, etc. It gives people something. If you take it away, what will you give instead?
- I, as a feminist, have raised my children in church. It is about respect, human dignity, humanness and sisterly/brotherly love. If we say religion gives us something, we need to interrogate why there is so much violence. This is a very religious country. I think it is very important for us to question this as feminists.
- Do we need religion to bring up our children with compassion, and love and respect and dignity and to fit into society? Is a system of beliefs the only way? We need to rigorously unpack these issues as women. Are we wanting to create our own spaces? Are we going to have the courage to step on that sacred ground and interrogate it? Is it sacred for us?

### **The tensions between feminist cultural values, customary law and civil law?**

- Customary law has turned out to be extraordinarily resilient. I am struggling with the question, should or should we not have it? The fact is we have it and it governs many women's lives where other laws don't touch. Countries and empires have tried to stamp it out and have not succeeded. Women have to engage it because that is the reality all around them every day, especially given the limited reach of statutory law.
- The issue of why customary law is necessary, is the wrong question to be asking, because what makes civil law better? It also has its origins in patriarchy. There are many elements that impact on women.
- We are not acknowledging that the Constitution itself is a cultural document, that all our choices are cultural choices. In our argument and advocacy around a rights based approach, it is a set of cultural choices that we are advocating. We all come from different cultures. There is this notion that only black African women speak from a cultural position.
- I am not convinced by the responses. I am not saying people should not have identities that are different, I am saying, why is it that we think that it is legitimate for

- a legal system to be imposed? Surely we have feminist cultural values?
- Don't you think it is possible to have customary law and select the parts you want? Each generation is eradicating some practices.

### **Final comments by the panel**

#### **Sibongile Ndashe**

Sibongile said the Constitution recognises the national house of traditional leaders, CONTRALESA, which is quite organised and has secured gains that we never thought were possible under the Constitution. She said it is not about us infiltrating, but we thought it was necessary to engage with them. They have made gains which have reversed gains made by the women's movement. What we are seeing with CONTRALESA is that it does not even articulate a single position as far as women's rights are concerned. Holomisa on the one hand is moderate and talks about rights, and then on the other hand Nonkonyana goes from one forum to another rejecting the Constitution and saying it has no validity.

The Department of Justice undertakes a study with traditional leaders in the Eastern Cape to see how the traditional marriages act has been received and traditional leaders say they disregard it and they have the right in their communities to dissolve marriages. Sibongile said we have been patronising by saying that they don't understand the Constitution. She said there is a movement out there that is preaching resistance. It is worse than rights not being realised, they are saying they know about our rights and they don't recognise them.

#### **Gertrude Fester**

Gertrude said religion is an untapped area, especially the Christian religion. Culture and religion are not going to fade away and we need to actively intervene as feminists. She said if we are talking about political solutions, we should look at all political parties, not just the ANC.

#### **Pumla Gqola**

Closing the session, Pumlal said we live within systems that define what we are and perhaps questioning their legitimacy is not as useful as looking at strategies to diminish them as oppressive structures.

## **7. LAND**

### **Aninka Claasens**

#### **Discussant: Pumla Gqola**

Aninka said there has been a move throughout Africa to secure peoples' rights to land through titling. Often when titles are conferred they are conferred to the household head, to men, and many women have lost land. The introduction of joint titling to address the problem of a woman being evicted when a man dies and the property going to other men in the family has not worked. Men capture the process of titling and in any event the whole idea that joint titling is a sufficient solution for women to get land has reinforced issues like titling is only for wives and other women are excluded. It also tends to reinforce notions that women have secondary rights to land.

Various authors argue that this derives from a distorted notion of women's land rights coming from colonialism, that fails to recognise women's rights in families and the rights

of women within polygamous households.

An influential article by Ann Whitehead Dzodzi Sotsi Tsikata warns that the discourse about the customary is used by men to entrench their power over women.

Aninka said in practice the customary is the terrain where women have to operate and they are using strategies that combine notions of human rights and notions of birthright and tradition to challenge decisions by traditional leaders.

In many provinces, especially in KZN, there have been serious problems of traditional leaders refusing to allocate land to women, but in other provinces like the Northern Cape, far-reaching changes have taken place and women have been allocated land on the basis of needing land to support their children.

A number of women are having children outside marriage and quite a lot of women are expressing the notion that women who go it alone are being perceived as women who are strong and independent rather than not having made it because they are not married. Aninka said this indicates a new form of agency.

She said the fallout that happens as a result of the increased power of women as mothers and providers, is the increased marginalisation of boys and men. Referring to Sisonke's point about women's rebellion leading to women's destruction, Aninka said it is about societal relations and what happens to boys who grow up without fathers.

Aninka said laws cannot bring into existence new property relations and they can't bring into existence new social relations between people, but they can deeply influence the terrain in which women change those things themselves.

She said we should be working more closely with rural women at the level of meetings in villages in order to support the extraordinary agency that is taking place.

### **Likhapha Mbatha**

Likhapha said reading Aninka's paper had made her realise that customary law can also be a problem with regard to land allocations. She said she saw problems around land as problems of implementation, like the problems in other areas. With regard to the Communal Land Act, she thought it would have been important for the drafters to locate the Act in the areas of reform, restitution and redistribution.

Likhapha agreed that there are going to be challenges with implementation but she did not think that customary experiences - since land has been removed completely from being a customary law issue - will help in any way. She said the experiences of women as presented by Aninka may be helpful, but she was uncertain what they would be helpful for.

## **Discussion**

### **Some questions/ points raised in discussion**

### **Different ways of accessing land**

- We are saying that there is a problem, for example if a traditional leader refuses to allocate land, but what I see is that women are entitled to claim land, not because of a right but because of a need. So once again women have to prove something extra. It is not an entitlement, not a right.
- Does it really matter on what basis women can claim tenure to land? If women have security of land they are less likely to be in a violent relationship. I wonder whether the important issue is not to ensure that women have security of tenure, regardless of whether urban or rural.
- The feminist content of this issue is that regardless of what kind of land and in which area, there needs to be individual and equal entitlement with men to land.
- It matters how we make our argument. If we get to the outcome strategically today in a way that does not protect us in the long term, that is a problem. We need to look at the outcome and effect and how to strategically move in the present.
- The difficulty is that there is such a disjuncture between law and practice. Women find themselves in spaces where they try and negotiate in whatever way they can. If they do that on the basis of being mothers, whatever we might think is not going to change that. We are talking about people who aren't able to give effect to laws that are in place. Housing and land are prime examples. Even though laws are supposed to provide women with equal protection, it is not working that way.

### **Interpreting culture**

- Feminists need to say there are many ways and forms of understanding culture. Different families in the same community have different ways of inheriting land, etc. We need to debunk the notion that there ever was a single way of doing things.
- I have noticed working with women in informal economy, that women have used the spaces available to them. I have seen them use custom very opportunistically.

### **New forms of families and property relations**

- You say unequal property relations are impacting on family forms. Women are not getting married, they are deciding to live on their own. I am thinking about this in relation to the Child Support Grant (CSG). There is a debate about whether the grant has a social impact. I feel the issue of the form that families are taking is more complex than property relations.

### **Strategies for transformation**

- This trend of a decrease in marriage and of seeing marriage as not protective makes women vulnerable to HIV, homelessness and all kinds of things. Can we as feminists use this to our advantage and not play into the stereotype that feminists are home wreckers?

### **Final comments by the panel**

#### **Aninka Claasens**

Aninka said the comment that women's need is somehow opening up some extra loop because in a way that is a socio-economic claim was puzzling for her. She said it seemed to imply that equality is first generation and need is second generation. Women are saying there is an entitlement to land in order to support a family. That is an African lot. Up until now it has been said that a man upon marriage gets it, but these women are saying that now they are in an equal position to that man. They are saying they are entitled on the basis of equality as a woman. Aninka said she understood this as an



integration of different values.

### **Likhapha Mbatha**

Likhapha said her problem with the approach is that the customary law we are focusing on is not the living customary practices of women who have land problems. Women should be talking problems of being discriminated against because they have a right like men to access land. She said it not our responsibility to try and empower women but to tell them about the land policies in place and tell them that they have a right to access land.

## **7. UPDATE ON THE PROGRESSIVE WOMEN'S MOVEMENT**

A number of resentments and concerns were raised about the recently launched Progressive Women's Movement. Issues raised included:

- Composition, representation and mandates;
- Regional/national character of the movement;
- Political affiliation and the relationship between the movement and the state (there are perceptions that because of the way the movement was formed there is a tension between a bottom up approach and a top down approach, which can be read as the state mobilising women);
- The fate of the Women's National Coalition;
- The meaning of the term 'progressive';
- The way in which the terms of discussion and engagement are negotiated (the way in which tensions around engagement with men are managed, the definition and practice of feminism and the issue of culture and race were highlighted);
- How the movement plans to manage the reality that many of our sisters are in the state.

In a strong reaction to gripes about the way in which the movement was launched, one representative commented on the way we talk about each other and organise. She said every time there is a new initiative, we stand on the sidelines and bitch about who has been included and who has been excluded. She said although she may not agree with the political perspective of a new movement, or choose to put her time into it, she is willing to acknowledge that we have different perspectives and sites of struggle and to welcome any new initiatives and spaces of dialogue and discussion.

Another participant said we have been talking about a women's movement since 1990 but it is always difficult to take the plunge because we know there will be a barrage of attack and it is hard to get it right. She said she had not been to a national meeting of the Progressive Women's Movement yet but attended a KZN meeting and there saw a whole lot of women who were comrades before they went into government, women of different races. She said the 'progressive' part is a bit less broad because there are more political organisations, which gives the movement a bit of a different in emphasis. It appears to be more political than the coalition was.

Mavivi Manzini from the ANCWL responded to the concerns raised and explained how and why the Progressive Women's Movement was formed.

### **Background**

The idea for the Progressive Women's Movement first came up in 1990 at the

Malibongwe conference held in Amsterdam, which was attended by about 100 South African women from different sectors. After the unbanning of the ANC and other organisations in 1990 the ANCWL initiated a process of consultation resulted in the formation of the Women's National Coalition. The Coalition's only mandate was to come up with a charter for women's rights. After the charter had been written, there was a debate about what to do with the Coalition.

A conference was held in the former Potgietersrus with the aim of agreeing on a way forward for the Coalition. Only a few people were participating at that stage. A document proposing to take the Coalition into SMMEs, etc. was presented to the meeting. Most organisations at the meeting had never seen the document before and had not discussed it with their organisations, so another meeting was requested.

The now depleted steering committee was reinforced and although a number of women agreed to be part of the steering committee, it couldn't take off. It was decided to try and save the Coalition but to allow those who wanted to continue with SMMes, etc. to continue as they wished. The constitution for the Coalition has a dissolution clause. A problem arose with deciding who should convene the next meeting. It was clear that to rely on people who had already decided to take the Coalition in an entirely new direction would lead to difficulties. The meeting has never been held.

### **The Progressive Women's Movement**

There was a debate on what kind of women's movement was needed and there was pressure to launch the movement by August this year, the 10<sup>th</sup> anniversary of the Constitution and the anniversary of the women's march on parliament.

Through a process of consultation, which may not have been broad enough because of the time constraints, it was agreed that the movement should be described as 'progressive' because it deals with the fundamental transformation of the country and of women. It is non-party political but political. It is a movement to bring women together on a platform of agreed upon action. It is not an organisation, even in its operation. There are no elections. People come in and work on the basis of campaigns.

The first meeting was convened in Bloemfontein. It was decided that some form of coordinating structure was needed so a steering committee was set up. The new steering committee is in place, chaired by **Baleka Kgositsile**. A declaration and memorandum outlining some of the outcomes of the conference, and some of the issues and campaigns that the women's movement would like to take up emerged from the Bloemfontein meeting. This was submitted to the presidency on August 9. The movement will deal with issues of transformation of the lives of women, including socio-economic issues and also issues of patriarchy.

The steering committee has already begun to work. It was expected that a platform of action would emerge from a strategic meeting due to take place within the next few days, and that women throughout the country would be rallied around various campaigns.

Following a decision that the movement should develop from the grassroots up, a process was initiated to establish interim steering committees in the provinces. They are in the process of launching now.

The national steering committee consists of about 20 individuals who represent different sectors including political parties or organisations or liberation movements, workers, business, young women, professional women, rural women, children's rights, churches and religious institutions (various strands, from the SACC to Hindu, Jewish, etc.). In each province the steering committee consists of these sectors.

Those consulted said the term 'progressive' should be part of the name of the movement so that it is not like the coalition where everybody is included and you are prevented from tackling contentious issues, such as abortion.

In terms of the relationship with the state, women consulted felt there are issues where there is agreement and issues where there is disagreement with government. On some issues women may march to the union buildings or the premier's office and on other issues the movement may work with government.

There are NGOs in the movement; the same NGOs that attended the Malibongwe conference. Some were in the Women's National Coalition.

Some groups have excluded themselves on the basis of the definition. For example, the DA looked at the objectives and said they cannot be part of it. The IFP in Gauteng participated but the IFP in KZN is still debating whether to participate. The same thing has happened with the PAC. At the last meeting, AZAPO was there. It is not clear if they will continue to participate. All were invited.

Mavivi said the Progressive Women's Movement has to be shaped by us. If the vehicle we are using is not the right vehicle, we must make sure it is the right one. Mavivi emphasised that nothing is cast in stone.

**Baleka Mbetha, the Speaker of Parliament is the convenor of the movement and Nolitando** from COSATU (NEHAWU) is the co-convenor. The website is <http://www.sawomensmovement.org.za>. Access is also available by email: [ANCWL@anc.org.za](mailto:ANCWL@anc.org.za) or [info@pwmsa.org.za](mailto:info@pwmsa.org.za).

**9. SOCIAL/ECONOMIC POLICY**  
**Shireen Hassim**  
**Discussant: Amanda Gouws**  
**Chair: Beth Goldblatt**

**Shireen Hassim**

Shireen said we need to put back on the agenda that women have economic interests and needs that are not necessarily the same as men's and not necessarily addressed by the government's macro economic framework. The right to work is a women's right. Job creation is a women's demand and it needs to be made strongly. Strategic alliances must be built with women in trade unions.

Women have a cultural right to be paid for the work they do. There are still enormous cultural constraints on many women in our society that prevent them from leaving the home and seeking jobs, even when jobs are available. It is not just cultural constraints like Muslim woman in seclusion; it is informal cultural constraints regarding responsibilities that women bear in families.

The caveat is that not all jobs are good jobs. Women are entering the labour market in fragile ways, with poor remuneration, without organisation and without benefits. Women continue to bear the burden of care in the home. There is a global double standard. Women in richer countries have entered into the labour market and used their entry to deal with issues such as social security and benefits such as paid childcare, etc., which are provided by the state.

In the rest of the world, women enter the labour market without any claims being validated. Entering the labour market itself will not lead to women's liberation but without entering into paid labour the ability to leverage independence and autonomy is limited.

One of the challenges is women's unpaid labour. The discourse of maternalism has left a legacy in our social policy framework. Care work is always women's work and the burden has increased enormously because of HIV/AIDS. The state should use public resources to provide adequate facilities and a health care system that works for poor people, and the state should take responsibility to provide sufficient levels of benefits for unemployed people.

Women are the shock absorbers of macro economic failures. As long as there is no broader framework that results in public resources being used to provide for the basic needs of our society, women have to pick up those basic needs. As long as they are not adequately provided for by the state, housing, safe streets, electricity and water, etc. are issues for the women's movement.

In political organising in the last 50 years or so, women have used their maternal roles as a basis for rebellions and resistance and for getting involved in national liberation politics, so there has been a positive association between maternalism and women's agency. The negative legacy is that women's identity is still constructed around their care-giving roles. If you look at social policy, often in our policy framework it is assumed that women are present to do those roles, want to do those roles, and it is natural for them to do those roles. Somehow the elevation of social policy in community is tied to this. On the face of it, it sounds progressive, but it means the state won't take responsibility.

There has never been a discussion on the dignity of women and on women's right to make choices that don't conform to what is expected of them, or women's right to provide for themselves in their own right. Child support grants are given but there is no recognition that mothering is work and women are criticised for taking the grants.

Shireen argued for a politics of solidarity rather than a politics of love. She said we are tied together in society. Individuals have different needs and we need to consider that we ourselves may have those needs at some time in our lives and so we should collectively use our resources to provide for those needs.

If we are thinking of people living to their fullest potential then even the notion of substantive equality is relatively limited. Even if there are more women in the labour force earning better wages and there are benefits that compensate society as a whole, there is still a range of issues not dealt with by focusing on the economy. We need to imagine women's needs not only as material needs and ask what is needed for women to express their fullest potential? All kinds of freedoms need to be considered.

## **Amanda Gouws**

Amanda said welfare policy is associated with the gender effects of the division of labour, power relations, and support for specific types of households. We need to look at the issue of care and the division of labour within families and how that plays out in caring roles. That also determines choice.

Welfare regimes depend on the extent to which states make interventions and whether welfare is seen as a right or an entitlement. In some countries, abortion is seen as a medical entitlement and in other countries it is anybody's right. What is interesting in South Africa is that we have it as a body right but it is very politicised and linked to all kinds of resistance. Where abortion is a medical entitlement, there is less resistance.

Amanda said the basis of claims for welfare provisioning is linked to views of citizenship. The image of citizenship is of an independent, wage earning person, mostly men. Women who get benefits because of their relationships with men are viewed as the 'deserving poor'. Those women who get grants like the Child Support Grant are not seen as the 'deserving poor', they are seen as undeserving. Then there is the issue that women are accused of taking the Child Support Grant so that they don't have to work.

If claims are based on citizenship, so many more people can be included in social provisioning. That is why the Basic Income Grant (BIG) is important. Many women fall through the welfare net because they are unemployed, too young to get the old age pension, don't have children so they don't qualify for the child support, and don't qualify for a disability grant. If women get a grant it is always on behalf of somebody else.

On the issue of the division of labour and care, most women who are unemployed and need social welfare are in caring roles. The division of labour in the household will have to change to create gender equality. In the White Paper on Social Welfare, women's care is viewed as free, unpaid for, elastic, and not valued as a basis for citizenship. The White Paper sees the family unit as a basic unit of care. The family is described in gender neutral terms and does not say anything about the division of labour in the household. By positioning the family as the locus of care, the White Paper links the male model of an independent, white, self-reliant citizen as the model of justice.

Women need to enter the labour market but the White Paper says that care for children should take place in communities and families - also care for the aged and for the disabled. It does not say who is going to do the care. Of course we know that women will take up the care burden and the deficit.

There is nothing about men in the White paper. There is a chapter on women, youth and disabled but nothing on men. The implicit assumption is that men's roles are clearly understood. It also does not address issues of race, class and the intersections.

Middle class women who enter the labour market employ other women to do the care work if it is not provided by the state and then that woman neglects her caring duties. There is silence on the different kinds of families in South Africa. There is nothing about households where there are three generations and the only income is an old age pension.

The Deputy President said welfare grants not sustainable for next five or ten years and

we need other options for the youth. If we take the assumptions of BIG, it is not that unaffordable, the calculations have been made. The basis of claims is citizenship - universal entitlement. The care responsibilities of women and the diverse roles of women are recognised by BIG. It relieves the dependence of women on males as the breadwinner. It also takes us to the post- familial society and provides a gender-neutral concept of social justice because it is not connected to the market.

## **Discussion**

### **Some questions/ points raised in discussion**

#### **Women in the informal economy and women's economic liberation**

- What I would like to see us developing is a more nuanced understanding of the labour market, women in informal work, seasonal work, family labour. Apart from the official forms of discrimination of women we have always had, we now have a new type of discrimination, which is discrimination between the economy itself - the formal and the informal economy. People who are part of the informal economy are said to be unemployed and are not recognised as part of the labour market. That is often at the heart of where women's economic exploitation is happening. Women are not recognised as citizens or workers.

The left is trying to argue that we have a very high unemployment rate and the problem for us is that in doing that, the thinking left is telling these women they are unemployed and not really working because it is such bad work anyway. We cannot go along that road as feminists, but it is complicated because we don't want government to opportunistically say that there are all these jobs.

I would like us to develop a stronger analysis about women and work, something whereby we can disaggregate those people in the unemployment statistics and what they are doing. At the moment we have polarised arguments. I think that is probably the answer to starting to look at women's economic position and how we get to economic liberation for women.

#### **Different models for caregiving**

- I am interested in Nancy Fraser's model. She talks about the universal caregiver and proposes that everyone should do some care. She says there should be shorter wage labour hours and care work should be seen as part of work.

#### **The politics of solidarity**

- On the politics of solidarity, to me it does not mean that we acknowledge our different needs but that we make our priority the needs of the majority of women - disadvantaged and excluded women. I am delighted that you said water should be seen as a women's issue. Women have a constitutional right to water but water meters means that people lack that. It is a massive area of hardship. The difficulty of seeing water as a women's issue though is it can be a way of subscribing to perceptions of the role of women in the household.

## **BIG**

- I think we have a huge dilemma because work as we know it is over, even in the informal sector. If we look at the statistics from 1998 - 2000, even the informal sector

is starting to shrink. So when we pose the question about the right to work, what kind of work are we thinking of? Seventy-three percent of youth - the majority women - who turn 30, have never worked. What does that mean for women? We need to reflect on the notion of what work is and when we demand work, what are we asking for? I agree with the spirit of the BIG and we need to push on that. Where is the safety net for women?

- We should be taking BIG forward as a women's issues. On the issue of water, it is clear that this is becoming an important site of contestation in the household. Perhaps one way would be to add more money to BIG to cover services as well.
- The surveys that have been done have indicated for a long time the gender disparity of what is done with money. Men spend money on themselves; women spend money on families. If you want to take an evidence based view to shrinking resources and BIG, give the grant to women only, not to men.
- In Costa Rica domestic labour is heavily regulated by the state. It is seen as formal employment and there are minimum wages, maximum hours, holiday leave, and insurance that must be paid. Why can't that be a demand we ask for here also? Then on the BIG, I think it is crucial to address economic power relations, which are at the root of VAW. Should women not receive a larger grant? Why should they receive the same grant?

### **Citizenship**

- I agree that citizenship should not be the basis of rights entitlement but there is a lot that has become problematic around citizenship, linked to religious and fundamentalist thinking, moral regeneration on a global level. In South Africa and globally citizenship is being redefined by this climate.

### **Policy overlooks women's concerns**

- Economic and trade policies have been formulated without taking women into consideration. In the clothing industry, which largely employs women, there is massive unemployment. The impact on women is not considered when policies are formulated.

### **Final comments by the panel**

#### **Shireen Hassim**

Shireen said it is important to look at what is counted as work and what kinds of jobs are created. In terms of welfare, she said the way in which our Department of Social Development thinks about what it needs to do with poor women and the kinds of projects that they consider to be empowering of women. They assume we are all natural entrepreneurs and all you need to do is start your own business. This is the kind of empowerment associated with grants. The structure of the economy and barriers to women's participation in the work force are not recognised.

Shireen said the fact that Public Works now recognises care workers and there is pay for it, is an imperfect solution. The state should carry those responsibilities. Paid care work in the home is not necessarily the answer. As long as we continue to pay for it in families, women will continue to pay for it, even if we say men can do it. The universal caregiver model sounds attractive but it is not enough. We need to socialise care, not privatise it in the family.

On the BIG, she said she believed that politically this was the strategy we should go for.

There are assumptions about how this will be used in households in terms of decision-making and we don't have enough evidence about benefits, especially for women. The grant is not going to shift patterns in itself.

On citizenship, Shireen pointed out that if grants can only be got through citizenship, the problem is that migrants and refugees who work in the economy will be left out of safety net.

On the development aspect of grants, Shireen said when you see the research you see that people buy all those things that should be provided by the state with grants - school fees, travelling long distances to find jobs because the transport system does not work, etc. Grants in that sense are developmental. On the whole grants are not used for creating entrepreneurial opportunities at pension pay points, they are used for services the state should provide. So discussion on the social security system cannot be disentangled, it cannot be separate from the set of common goods to be provided by the state.

People have a right to grants, regardless of how they spend the money. That is why solidarity is important.

### **Amanda Gouws**

Amanda said we need to see citizenship as a status and a practice. It is a status in terms of living in a country but it is also a practice in terms of how we participate in politics. If we use citizenship as a basis for welfare, it does not mean that what we have now is not based on certain assumptions about citizenship, but those assumptions are linked to perceptions of citizens - usually male, linked to market benefits. Since 1994, women have been included in citizenship. We still use citizenship but take away gendered assumptions, like we do with BIG. A certain amount of money is conferred on every person from cradle to grave. If we say, don't use citizenship, then what does it do to the tax base? The dilemma for every state is the more you draw from social welfare, either grants shrink or you have to say only certain people can have welfare. This is a dilemma for a developmental state like South Africa.

On post-familial society, Amanda pointed out that it does not mean we won't have families but it means we won't - in terms of welfare grants - take into consideration what a family looks like. It can take any form.

## **10. REPRODUCTIVE RIGHTS**

**Michelle O'Sullivan**

**Helen Rees**

**Discussant: Khosi Xaba**

**Chair: Shireen Mills**

### **Michelle O'Sullivan**

Michelle said reproductive rights have been narrowed into a focus on abortion and the debates around HIV positive pregnant women's right to nevirapine. There is not enough focus on creating the conditions in women's lives to give them real choices concerning their reproductive health.

Among the many factors that have contributed to this narrowing, perhaps the biggest



one is the question of sustainability. The closure of vibrant and vital organisations should require us to question whether the way in which we work is sustainable.

Recently there was a flurry of activity (and in particular legal activity) to respond to the SABC screening of an edition of Special Assignment that focussed on teenage abortion. Many of the feminist women who had been working in women's health in the 1990s were involved. As exciting as it was to be working effectively with a group of pro-choice women, Michelle said she was concerned about where the next generation and the generation after that of pro-choice feminists are in society. To what extent are our conversations closed conversations?

She said part of the answer is in the way in which many feminists are struggling in their own contexts, in organisations or in academia. But perhaps the most important issue is the issue of race and how race divides us, and how we perpetuate this division by silencing discussions on race.

Another concern is that crisis management is not a sustainable strategy. We can't always be picking up the pieces, reacting defensively, and not working towards creating the whole.

We need to develop more sustainable ways of working in the area of women's reproductive health. More energy needs to be directed to creating rather than defending.

Michelle ended her presentation with two questions:

- How are we going to look after ourselves so that our efforts are sustainable?
- How are we going to broaden this conversation?

### **Helen Rees**

Helen said maternal health was doing a turn around but has now reversed again as a result of by HIV on the African continent. She said in some parts of Africa, the risk of dying associated with pregnancy is one in 16.

One in four young women aged between 15-24 is infected with HIV, compared to one in 14 young men.

Referring to Michelle's input, Helen said that on the issue of choice of termination of pregnancy, there is now a level of discomfort, even amongst activists. She said it has silenced us. The other issue that has been silenced is the women 'at the bottom of the heap', sex workers. She said the issue appears to be too political to handle and so people won't address it, but it is about women's health and women's reproductive rights.

Helen referred to a global debate in the vaccine area. There is a new vaccine for women to treat cancer of the cervix, which is one of the biggest killers of women in the region. If women use this vaccine over a period of years, it could reduce cancer of cervix. However, in the global economic environment, there is now a diametric polarisation between issues relating to children or people with meningitis. Now suddenly we have polarised rights - women or children, women or poor people who get meningitis in certain parts of Africa.

Helen said we have made strides in some ways but we have taken an eye off the ball

and there are many issues around women's health that are not being addressed. We have a discomfort around some issues and the global arena makes it more difficult to fight and challenge and argue about some of these issues.

### **Khosi Xaba**

Khosi asked how we can talk about health if we don't understand our bodies. She said she was struck by the degree to which women are alienated from parts of their bodies that relate to sex, reproductive health and rights.

Khosi referred to earlier debates around the world around health and definitions of health. She said the starting point should be that health is not only the absence of disease but a state of wellbeing. Saying that our bodies need to be healthy is a better starting point than starting with a disease, like HIV. Feminists should insist that we first understand our bodies and know that sexuality is part of health before even talking about whether we want to have children or not.

### **Discussion**

#### **Some questions/ points raised in discussion**

##### **Lesbian women's health issues neglected**

- In our organisation we are dealing with lesbian health issues. We feel that health issues are not addressed within the broader context of health issues for women. We need to work on this together as women. Then the issue of race comes up again. The way we see it is that black women in particular don't take care of themselves. I am not sure why. Maybe it is because of access to health and responses from the public health system and clinics. There is not much information for our constituency about health issues such as cervical cancer, etc. We need to create space to talk about health issues as activists.
- On the issue of disconnect for lesbians with regard to health issues, one of the issues is that a lot of these health issues are framed in relationships between men and women. Then on the issue of reproductive rights, how do lesbians relate? People don't realise that many lesbians want to have children through their own bodies but using artificial dissemination. There is no medical support for this. How do we enjoy reproductive rights as lesbians?

##### **Young women having children to access the grant**

- Most of the time as a young woman we don't know our bodies or sexual rights. Because of poverty and HIV/AIDS most people get pregnant to get grants. Young mothers have five children. Most of the young people who get the grants misuse the money. Young women don't open up about their sexuality because we don't get support. If a young girl goes to hospital and wants an abortion, she is judged.
- The child grant issue is the same as racism and AIDS because we don't talk about it. We don't leave these young people with other options, like giving them baby clothes and baby milk. Instead we criticise them for buying lipstick.

##### **Sex workers**

- I am from an organisation called SWEAT. We are working with reproductive rights and sex workers. It is about linking up and how we as feminists take up issues like the way the health department is addressing the issue of sex workers around HIV/AIDS, etc.

### **Fundamentalism filling a gap**

- There is a fracture between legal and policy reform and social attitudes. Same sex marriage legislation can be used as an example of the gap. Because we haven't managed to articulate or fill the gap, new social movements are forming - African traditional movements and fundamentalism - in response to the gap. We need to provide an alternative social movement to bridge the gap.

### **Young women and the politics of love**

- As Helen pointed out, there has been a reversal in terms of women's health and at the same time a deepening of women's poverty that plays into women's health. This is something that has happened in the last 16 years. Young women are at the interface and there is a gap for young women in terms of information about sexuality and bodies, etc. There are also young women with small levels of privilege who are able to make slightly different choices and are not understanding the choices that their peers are making. This is to do with the point of the politics of love, it is about how much love young women put into relationships with men, especially young women who grow up in contexts where nobody shows you love. This has implications for young women's relationship to their bodies.

### **Final comments by the panel**

#### **Michelle O'Sullivan**

Michelle said there is a lot of anecdotal information about women having children to get a grant and then misusing it but she wondered if it is the case. If it is, what does it say about our society that a young girl has a child for R135 per month.?

#### **Helen Rees**

Helen said other threads are the rise of fundamentalism being globally linked to new forms of regulation and the issue of restrictions placed by funders. The US government puts large amounts of money into ARVs and programmes but with lots of conditions. The result of this is the way that the Republicans have withdrawn money from family planning programmes in many countries where there are no options. On the other hand, things are being proposed that have no basis or evidence, such as abstinence programmes, for example. There is no evidence anywhere in the world that they work. They do not work in America.

Moral messages are pushing into control measures in terms of funders. If you want to do research and you apply for a government grant from America, you cannot use the word 'sex workers', you have to say 'women at risk' or something else. Helen said RHRU has recently been having an argument with the Yeoville police because of services it is providing for women in hotels. RHRU has been told to stop doing it because we are 'encouraging them'.

#### **Khosi Xaba**

Khosi said when she asked my mother why she had five children when there was so little money, she said there was no contraception at the time. Khosi said the issues raised are discussions we have had before in this country, but some things slipped through. The challenge is what to do with intergenerational passing on of knowledge or experience. On the issue of connectedness, Khosi said when people were arguing about the need to see health as not only absence of disease, it was to get into the

integratedness of our lives. She said as feminists we need to work with that so that things don't fall through the cracks.

## **11. GLOBALISATION AND TRADE**

**Mohau Pheko**

**Chair: Sheila Meintjes**

### **Mohau Pheko**

Mohau said when she addressed a meeting of rural women in Tzaneen about globalisation, privatisation, and international trade, one old woman said globalisation is like a wonderful train that stops at different stations but the problem was it had not stopped in her village.

Mohau said globalisation has been glamourised and linked to civilisation and being modernised. If you are not on the train, you are not **it** apparently. But nobody says to get on the train you have to be wealthy, to suffer exploitation, to make sure your labour is expendable, flexible and transportable, etc. When we talk about globalisation diminishing people's right and taking away their dignity, people say it is because they are on the wrong side of globalisation.

Mohau said globalisation is not about economics, it is about politics - international trade is politics. Corporates have tremendous power in deciding how globalisation is managed while we those on the periphery are trying to beg for a few rights like no water meters. Globalisation is about the manner in which women suffer in the workplace in terms of terms of engagement, less secure work, casualised work.

There is tremendous wealth flowing into South Africa against a background of deep inequality and poverty, which is mainly affecting women. Women experience globalisation every day when they are trying to get ARVs, when they are told their water will be cut off, and when they are evicted because cannot pay the electricity bill.

Mohau said when you look at the ideology behind globalisation you see that it is economic terrorism. It is an extremely potent weapon against women that privatises and commodifies everything. If you don't pay for it, you don't get it. It pits corporates against women.

The racialised manner of wealth is also being entrenched by globalisation. The picture of wealth is a white male. Power is concentrated here and these are the people who influence the state to a large extent.

Mohau said when we look at the new liberalism, which plays a critical role in ensuring that market forces are seen as more efficient and rational than the state, we see a helpless state which can't do anything to protect women. But the same state is powerful in protecting the interests of capital. There is a contradiction here. Where do we fit in to fight this alliance?

If we look at the manner in which countries from the south, even in southern Africa, are participating in the WTO, we see the bullying of governments. If governments are bullied, how can we stand up to bullying?

Mohau spoke about the manner in which the discourse is discussed. Indigenous knowledge is not seen as innovation, it is not seen as valuable. She said if you look at the way in which women's knowledge is treated around seeds, around traditional medicines, huge pharmaceutical industries are pitting against women, because somehow we have to protect the interests of public capital against private interests.

### **Sheila Meintjes**

Opening the meeting for questions and comments, Sheila emphasised Mohau's point about economic terrorism. She said a war was being waged on women's lives and asked how we should fight this power alliance of the state and corporates, and global bulldogs like the WTO?

## **Discussion**

### **Some questions/ points raised in discussion**

#### **Strategies for mobilisation**

- There are all kinds of work that women are doing - recognised and unrecognised - that has come to them because of globalisation. I think there are opportunities to organise against that. The first thing is to organise women workers in the informal economy. Then another way is to start making an alliance with other interest groups that are suffering as result of globalisation, and develop a membership based social movement. Something like the World Social Forum creates a potential space for organisations to try and build common ground.
- The challenge for women's work is that the kinds of strategies that have been employed to challenge WTO organisations are highly politicised. Women have to reclaim their space. We need to make alliances and also make our stamp on the methodology of our struggle.
- I have worked with retail workers, including women casual workers, and the point I want to make is about the compacting of scale. Globalisation moves in and these retail workers are organising constantly but it is invisible, and they still are unable to get real inclusion.

#### **Can liberalisation work for women?**

- In working with people involved in trade in the informal economy I have noticed that liberalisation usually means liberalisation for the middle classes and increased control at the bottom. Trade tariffs are liberalised so that corporates can trade with one another at ground level. The work women are doing of trading in the streets (and this is throughout the SADC region) is constantly being closed down.
- The problem is that when we look at the news, we get one picture. Trevor Manuel is saying he is going to make the IMF work for poor people and for Africa but then we know that globalisation is economic terrorism. How can we make it work for us as women?

#### **Feminists on negotiating teams**

- To what extent is there a strategy to get feminist economists and lawyers into WTO negotiating teams, regionally or globally? Would it make a difference?

#### **A culture of consumerism**

- It is a sad reality that most poor people in South Africa will buy cheap imports. Ethical consumption politics is available to us as middle class consumers. I want to

link this to another issue, it seems to me that what globalisation has done is bring in massive amounts of wealth and legitimised a lifestyle of consumption. There is no benchmarking of the quality of life of poor people against those high global standards.

### **Biotechnology and women**

- I want to raise the issue of globalisation and seeds. We don't understand green and red biotechnology but it has major implications for women.

### **The role of global institutions**

- In terms of WTO trade laws, a country's sovereignty is so undermined that, for example, if one country wants to establish a toxic waste site in another country that country has to prove unequivocally, scientifically, and to the approval of the WTO, that it represents a fair barrier to trade. Then we have public institutions like the WHO, but nobody calls them to account.

### **Final comments by the panel**

#### **Mohau Pheko**

Mohau said we need to come to terms with our definition of work. She said somebody who is earning R100 per month cannot be said to be participating in the economy.

She said liberalisation is accompanied by a lot of talking 'left' and acting 'right'. After the WTO talks collapsed in Cancun, the president said anti-globalisation activists are good for the country but at the same time neo liberal policies were being implemented at home.

Mohau said she was on the committee for Cancun but was kicked off when Alec Irwin found out. She asked how it is possible to mainstream into neo liberalism. It is an ideology that is there to disempower and dispossess, so how do you mainstream into that? She said feminist economists don't talk about mainstreaming; they are not interested, but we do need a feminist analysis.

It is very difficult for workers to come out and organise in a committed and dedicated way because so much is threatening their security of tenure at work. She said the fragmentation of struggles is dissipating our energies and we need one struggle.

Mohau said the WTO is supposed to work on a rules-based system. When there is no consensus, it is supposed to be one country and one vote. However, consensus has meant that it is linked to the WB and IMF, so if a country is given a loan and is not friendly and compliant at the WTO, it may be excluded. The three institutions need to be looked at together.

On the issue of the biotech industry, Mohau said the biotech industry has engineered what is known as a 'terminator' seed. You plant it in one season and if you try to save it and plant it the next season, it dies and does not grow. This is creating dependency. We need to take this up as women. The refusal to label these foods also takes away women's rights.

## **12. THE WAY FORWARD**

### **Proposed actions**

- Ongoing intergenerational meetings and discussions
- Consolidating networks present at the seminar, new and old
- Contributing to the feminist dialogue at the World Social Forum
- Women's Net to provide a space for online discussions before the World Social Forum and for continuing dialogue
- Wits collective to continue feminist discussion and dialogue and engage the Progressive Women's Movement
- Take the meetings off the campus in our organisations and communities/ intersectionalities
- A media release announcing the conference on the eve of 16 Days of Activism Against Violence Against Women
- A statement of solidarity to Canadian feminists
- The women inputting into the government's National Aids Plan will post a draft on Women's Net so that women who are interested can engage with the process. Information on a women's summit will also be made available
- The conference will inform a project that Susan Bazilli is engaged with in partnership with Girl's Net. The aim is to develop a curriculum for schools or a book exploring how to make women's constitutional rights, lived rights. Funding has yet to be secured.

### **Proposed themes for future discussions**

- Deepen discussion on intergenerational issues
- Sex workers
- Race
- Lesbian women's health
- Developing a politics of solidarity (issues and principles)
- Intersectionality (class, culture, religion and gender)
- Inter-sectoral issues: Lesbian health and VAW; sex workers and women's health; rights and broader social issues
- Sexuality, agency and choice
- Definitions of feminism
- Interrogate internal contradictions in our own conception and practice of feminism
- More complex discussions on Africanism and sexuality
- Patriarchal control and taboos on women's sexuality
- How to include women who have sex with other women in the HIV/AIDS conversations? Should they be included?
- How to combine women and work and women and trade synergies
- Feminist engagement with the Progressive Women's Movement
- Feminist dialogue that connects and intersects to the global feminist movement
- A dedicated discussion on practice. Who dialogues with whom? How can we be called upon?

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